

ANNOTATED MINUTES

*Tuesday, February 6, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:33 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present.

CONSENT CALENDAR

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-1 Amendment to Intergovernmental Agreement 302215 with City of Fairview to Develop Fairview's Seventh Street Extension Project, Providing Design Engineering Right-of-Way Acquisition and Contracting Engineering Services

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 ENVIRONMENTAL SERVICES

R-2 HV 23-95 Report on Hearings Officer Decision DENYING Approval of Two Lot Area Variances to Allow Two Adjacent Substandard and Developed Single Family Lots to be Considered as Two Separate Buildable Lots at 11411 and 11437 SW MILITARY ROAD; and Request to Schedule TUESDAY, MARCH 12, 1996 for a Hearing on an Appeal of that Decision

DECISION READ, APPEAL FILED. AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING BE SCHEDULED FOR 9:30 AM, TUESDAY, MARCH 12, 1996, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.

R-3 *ORDER Granting Public Walkway and Utility Easement to the City of Portland on a Portion of Lot 3, Independence Home Tracts on Capitol Hill Library Property*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-3. BOB OBERST EXPLANATION. ORDER 96-18 UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

R-4 *Budget Modification MCHD 3 to Correctly Place Positions within the Departmental Organization Structures and Transfer Homeless Grant Funds from Contract Services to Personnel*

COMMISSIONER HANSEN MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-4. ANN BREMER EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, TO CONTINUE THE MATTER IN ORDER TO OBTAIN ADDITIONAL INFORMATION REGARDING GRANT AND TO DISCUSS MATTER WITH DePAUL. MS. BREMER RESPONSE TO BOARD DISCUSSION. CHAIR STEIN DIRECTED THAT MS. BREMER INVITE THE APPROPRIATE INDIVIDUALS TO ATTEND THE BOARD MEETING TO DISCUSS AND IDENTIFY ISSUES RELATED TO DRUG AND ALCOHOL TREATMENT FOR HOMELESS YOUTH. BUDGET MODIFICATION UNANIMOUSLY CONTINUED TO THURSDAY, FEBRUARY 15, 1996.

There being no further business, the regular meeting was adjourned at 9:44 a.m. and the briefings convened at 9:45 a.m.

Tuesday, February 6, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

- B-1 *Progress of the Regional Children's Campus. Presented by David Fuks of Edgefield Children's Center, Elyse Clawson and Howard Klink.*

DAVID FUKS OF EDGEFIELD CHILDREN'S CENTER, JANICE GRATTON OF DCFS, JAY BLOOM OF MORRISON CENTER AND DENNIS MORROW OF THE JANUS PROGRAM PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

- B-2 *Discussion of and Multnomah County Response to Metro Request for Early Implementation of 2040 Plan. Presented by Mike Burton, Mark Turpel and John Fregonese of Metro, and Scott Pemble.*

MIKE BURTON AND SCOTT PEMBLE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. CHAIR STEIN DIRECTED MR. PEMBLE TO PREPARE DISCUSSION PAPER OUTLINING COUNTY OPTIONS, TIMELINE AND PLAN AND RETURN FOR BOARD BRIEFING PRIOR TO MARCH 22, 1996.

The briefing was adjourned at 11:03 a.m. and the executive session convened at 11:05 a.m.

Tuesday, February 6, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Possible Labor Negotiations. Presented by Darrell Murray.*

EXECUTIVE SESSION HELD.

The executive session was adjourned at 11:12 a.m. and the briefing convened at 11:15 a.m.

Tuesday, February 6, 1996 - 11:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

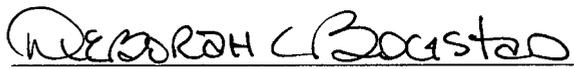
BOARD BRIEFING

B-3 *Reorganization of Multnomah County Sheriff's Office Law Enforcement Division and Request for Policy Direction. Presented by Sheriff Dan Noelle and Larry Aab.*

**DAN NOELLE AND MEL HEDGPETH
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION. BOARD BRIEFING
ON UPDATE OF RESOLUTION 94-113 TO BE
SCHEDULED PRIOR TO BUDGET
DELIBERATIONS.**

There being no further business, the meeting was adjourned at 11:54 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON



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

FEBRUARY 5, 1996 - FEBRUARY 9, 1996

Tuesday, February 6, 1996 - 9:30 AM - Regular MeetingPage 2

Tuesday, February 6, 1996 - 9:30 AM - Board Briefings.....Page 3

Tuesday, February 6, 1996 - 11:00 AM - Executive Session.....Page 3

Tuesday, February 6, 1996 - 11:30 AM - Board BriefingPage 3

THURSDAY, FEBRUARY 8, 1996 - 9:30 AM - MEETING CANCELED

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

Tuesday, February 6, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 *Amendment to Intergovernmental Agreement 302215 with City of Fairview to Develop Fairview's Seventh Street Extension Project, Providing Design Engineering Right-of-Way Acquisition and Contracting Engineering Services*

REGULAR AGENDA

PUBLIC COMMENT

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

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- R-3 *ORDER Granting Public Walkway and Utility Easement to the City of Portland on a Portion of Lot 3, Independence Home Tracts on Capitol Hill Library Property*

DEPARTMENT OF HEALTH

- R-4 *Budget Modification MCHD 3 to Correctly Place Positions within the Departmental Organization Structures and Transfer Homeless Grant Funds from Contract Services to Personnel*

Tuesday, February 6, 1996 - 9:30 AM
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- B-2 *Discussion of and Multnomah County Response to Metro Request for Early Implementation of 2040 Plan. Presented by Mike Burton, Mark Turpel and John Fregonese of Metro, and Scott Pemble. 1 HOUR REQUESTED.*
-

Tuesday, February 6, 1996 - 11:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Possible Labor Negotiations. Presented by Darrell Murray. 30 MINUTES REQUESTED.*
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Tuesday, February 6, 1996 - 11:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

- B-3 *Reorganization of Multnomah County Sheriff's Office Law Enforcement Division and Request for Policy Direction. Presented by Sheriff Dan Noelle and Larry Aab. 30 MINUTES REQUESTED.*

MEETING DATE: FEB 06 1996

AGENDA NO: C-1

ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Second Amendment to IGA No. 302215 between Multnomah County and Fairview to develop Fairview's Seventh Street Extension Project

BOARD BRIEFING *Date Requested:* _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: *Date Requested:* ASAP
Amount of Time Needed: Consent Calendar

DEPARTMENT: Environmental Services **DIVISION:** Transportation

CONTACT: Chuck Henley **TELEPHONE #:** 248-3191
BLDG/ROOM #: 425/Yeon

PERSON(S) MAKING PRESENTATION: Chuck Henley

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Second Amendment to Intergovernmental Agreement No. 302215 between Multnomah County and the city of Fairview to develop Fairview's Seventh Street Extension Project, providing design engineering, right of way acquisition, and contracting engineering services.

2/12/96 ORIGINALS TO CATHY KRAMER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Wesley E. Nicholas

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 JAN 30 AM 9:49

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

CITY
OF


FAIRVIEW

300 HARRISON ST., P.O. BOX 337
FAIRVIEW, OREGON 97024
(503)665-7929 FAX 666-0888

December 5, 1995

Larry Nicholas
Director of Environmental Services
Multnomah County
Department of Transportation
1620 SE 190TH Ave.
Portland, OR 97233

Dear Larry;

Chuck Henley, of your department has been helping us plan for undergrounding of utilities on Halsey Street. The cost estimate for this project is as follows:

Basic Project	\$ 81,000
Add: 7th Street - Trench Vault & Duct	\$ 15,000
Add: 15% Contingency	\$ 14,400
TOTAL COST	\$110,400
Less: Fairview Village Portion	\$23,800
Less: CMAQ Portion	\$15,000
NET - CITY PORTION	\$71,600

While this is a relatively expensive project for our City, it is a priority, and will cost less now by incorporating it with the County improvements than it would in the future.

We would like to request that the County help us by providing financing on the City portion of \$71,600, over a three year period. We would request a loan at the Local Government Investment Pool Rate, currently 5.8%, with annual principal and interest payments.

Sincerely,



Marilyn Holstrom

City Administrator





CONTRACT APPROVAL FORM
(See Administrative Procedure #2106)

Contract # 302215

MULTNOMAH COUNTY OREGON

Amendment # 2

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-1</u> DATE <u>2/6/96</u> <u>DEB BOGSTAD</u></p> <p style="text-align: center;">BOARD CLERK</p>
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Department Environmental Services Division Transportation Date 9/25/95

Contract Originator Chuck Henley Phone 248-3191 Bldg/Room 425/Yeon

Administrative Contact Cathy Kramer Phone X2589 Bldg/Room 425/Yeon

Description of Contract Second Amendment to Intergovt. Agrmt. between County and Fairview to develop Fairview's Seventh Street Exten. Proj. providing design engineering, right of way acquisition, and contracting engineering svcs. Fairview to reimburse Mult. Co.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is MBE WBE ORF

Contractor Name City of Fairview

Mailing Address 635 Lincoln Street
Fairview, OR 97024

Phone (503) 665-7929

Employer ID# or SS# _____

Effective Date Upon execution

Termination Date Upon completion/termination

Original Contract Amount \$ 102,500.00 (estimated)

Total Amount of Previous Amendments \$ 54,800.00

Amount of Amendment \$ 71,600.00

Total Amount of Agreement \$ 228,900.00

Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

Lump Sum \$ _____ Due on receipt

Monthly \$ _____ Net 30

Other County will be reimbursed
\$actual cost Other _____

Requirements contract - Requisition required.

Purchase Order No. _____

Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager *Michael E. Nicholas*

Purchasing Director _____
(Class II Contracts Only)

County Counsel *John D. Bay*

County Chair / Sheriff *Timothy Stein*

Contract Administration _____
(Class I, Class II Contracts Only)

Encumber: Yes No

Date 1/22/96

Date _____

Date 1/25/96

Date February 6, 1996

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.	150	030	6101			2788					
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION CANARY - INITIATOR PINK - FINANCE

CONTRACT AMENDMENT NO. 2
to INTERGOVERNMENTAL AGREEMENT NO. 302215
between MULTNOMAH COUNTY, OREGON, and
the CITY OF FAIRVIEW

This is the second amendment to Contract No. 302215, dated June 5, 1995, between Multnomah County and the City of Fairview.

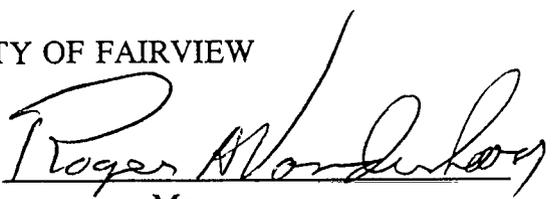
The amended contract amount of \$157,300.00 is amended by an additional \$71,600.00. The new total is \$228,900.00. The increased amount results from the city of Fairview electing to further enlarge the scope of the project by putting utilities and street lighting underground and to retain additional engineering, right of way, and construction services therefor. Attached is the city's letter of request and estimated cost figures for the changes requested.

The county will loan the city an amount equal to the actual costs of services the county provides to fully develop the city's Seventh Street and to construct it as a part of the county's project to reconstruct NE Halsey Street. The term of the loan shall be three (3) years from the date of final acceptance of the county's project to reconstruct NE Halsey Street. The annual interest rate shall be equal to the rate earned by the Local Government Investment Pool.

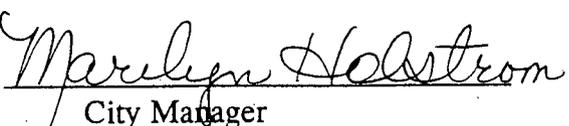
The city agrees to make payments to the county, not less than once a year, and not later than by the end of each year for three (3) years, in an amount not less than one third of the total amount of the actual cost of services that the county expends to develop and construct the city's Seventh Street and amended work plus an interest amount equal to the rate earned by the Local Government Investment Pool times the unpaid balance.

All other terms and conditions of the contract, except as amended herein, shall remain in full force and effect.

CITY OF FAIRVIEW

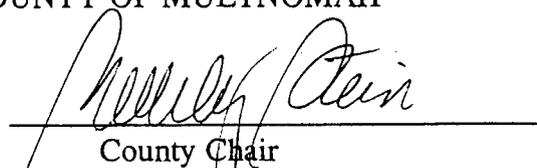
By 
Mayor

Dated: 1-18-96

By 
City Manager

Dated: 1-18-96

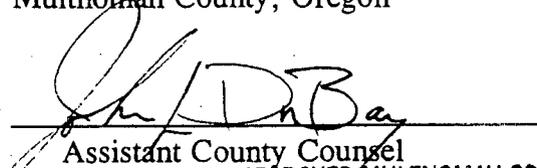
COUNTY OF MULTNOMAH

By 
County Chair

Dated: February 6, 1996

Reviewed:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By 
Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 2/6/96
DEB BOGSTAD
BOARD CLERK

Attachment

Meeting Date: February 6, 1996
Agenda No: R-2
Est. Starting Time: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reporting of a Hearings Officers decision in the matter of HV 23-95.

BOARD BRIEFING Date Requested:
 Amount of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: February 6, 1996
 Amount of Time Needed: 5 minutes

DEPARTMENT: DES
CONTACT: Gary Clifford

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

PERSON(S) MAKING PRESENTATION: Gary Clifford

ACTION REQUESTED

Informational Only Policy Direction Approval Other

SUGGESTED AGENDA TITLE

Reporting to the Board the Hearings Officer's decision in the Matter of HV 23-95 and requesting a DeNovo Hearing date of March 12, 1996 to hear an appeal.

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

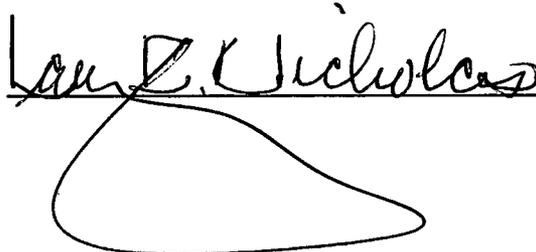
Reporting of Multnomah County Hearings Officer decision in the matter of HV 23-95. A request for approval of two lost area variances which would allow two adjacent substandard and developed single family lots to be considered as two seperate buildable lots located at 11411 and 11437 SW Military Rd.

SIGNATURES REQUIRED:

Elected Official: _____

OR

Department Manager: _____

Larry D. Nicholas


BOARD OF
COUNTY COMMISSIONERS
96 JAN 31 AM 10:23
MULTNOMAH COUNTY
OREGON



CASE NAME: Request for approval of two lot area variances which would allow two adjacent substandard and developed single family lots to be considered as two separate buildable lots. At 11411 and 11437 SW Military Rd. NUMBER: HV 23-95

1. **Applicant Name/Address:**
Frank and Kathryn Nance
11411 SW Military Lane
Portland, OR 97219

2. **Action Requested by applicant:**
"The Applicant owns two adjacent substandard properties in the R-30 zone. The property located at 11411 S.W. Military Road is developed with a single family dwelling and is approximately 27,000 square feet. The other property, located at 11437 S.W. Military Road and also developed with a single family dwelling, is approximately 21,000 square feet. The Applicant requests a major variance to the minimum lot size requirements of the R-30 zone for the two properties so that they will be treated as separately transferable and developable lots under the zoning code."

ACTION REQUESTED OF BOARD	
<input checked="" type="checkbox"/>	Affirm Hearings Officer Decision
<input type="checkbox"/>	Hearing/Rehearing
<input type="checkbox"/>	Scope of Review
<input type="checkbox"/>	On the record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New Information allowed

3. **Planning Staff Recommendation:**
Uphold the Hearings Officer Decision.

4. **Hearings Officer Decision:**
Variance was denied based upon the findings and conclusions in the decision.

5. **If recommendation and decision are different, why?**
They are not different.

ISSUES (*who raised them?*)

Neighbors appeared at the hearing and submitted correspondence in opposition to the variance. Most expressed the opinion that the two houses should stay in one ownership. The objectors did not want the lot with the smaller home to be sold and that home subsequently replaced by a larger one by a new owner.

The Hearings Officer made findings that the request failed on several principles regarding the permissible scope of variance requests in Oregon and with regard to the scope of Multnomah County's specific variance provisions. That permissible scope included the following principles: 1) A variance cannot be used as a substitute for a zoning amendment; 2) The reason for requesting a variance cannot be self imposed; 3) The need for the variance must arise from conditions inherent in the land; 4) Variance requests should relate to dimensional or quantitative zoning standards; "The condition complained of is not related to the land itself, but is a personal circumstance that is created by the acquisition of adjacent substandard parcels"; all properties in that zoning district are restricted to the same extent as the applicant's if any other substandard lots come into common ownership.

Do any of these issues have policy implications? Explain.

Denial of the variance means there is no zoning mechanism in the R-30 zone for an owner of two existing homes on substandard sized lots to sell the lots as separately developable lots. Staff is uncertain as to whether that was the intent of the Board in the passage of Ord. 786 on February 8, 1994 as there was no discussion of this situation. Relief for the applicant would require an amendment to the Lot of Record definition.

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

Regarding a request by Frank and Kathryn Nance for)
approval of a variance from provisions in MCC)
11.15.2848(A)(3) concerning the definition of a lot)
in the R-30 Zoning District to allow two adjacent)
substandard and developed single family lots to be)
considered as two separate buildable lots. The lots)
are located at 11411 and 11437 S.W. Military Road)
in unincorporated Multnomah County, Oregon.)
)

FINAL ORDER
HV 23-95
(Nance)

I. HEARING AND RECORD

A public hearing concerning this application was held on December 20, 1995. The written record was left open until December 27. A list of all exhibits received and made part of the record in this matter is set forth in Attachment "A".

II. APPLICABLE CRITERIA AND FINDINGS

A. R-30 Zoning District Standards

1. Minimum Lot Area, Lot Width and Lot Depth: MCC 11.15.2844
(Restrictions)

(A) Lot Size.

"The minimum lot size shall be 30,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 130 feet."

2. Contiguous Lots Under Same Ownership: MCC 11.15.2848 (Definition of
Lots)

"(A) For the purposes of this district the lot is: . . . (3) a group of contiguous parcels of land: (a) for which a deed or deeds or other instruments creating the parcels were recorded with the Recording Section of the public officer responsible for public records or was in recordable form, prior to March 10, 1994; (b) which satisfied all applicable laws when the parcels were created; (c) any one of which individually does not meet the minimum lot size requirements of MCC .2844, but, when

considered in combination, complies as nearly as possible, or exceeds, the minimum lot size requirements of MCC .2844, without creating any new lot line; and (d) which were, on March 10, 1994 or later, held under the same ownership."

B. Variance Standards

MCC 11.15.8504 contains the County's variance standards. These standards are set forth specifically in the following section and are discussed fully therein.

III. FINDINGS

A. Preliminary Issue

Generally, when reviewing a variance request, the Hearings Officer applies the relevant standards in MCC 11.15.8505 to the facts and reaches a decision on the merits. However, this case raises a preliminary legal issue concerning whether or not the standard that the applicant seeks a variance from can be processed lawfully as a variance. In other words, this case raises an issue concerning the lawful scope of variance requests in Oregon and with regard to the scope of Multnomah County's specific variance provisions.

The following principles reflect the Hearings Officer's legal conclusions regarding the permissible scope of a variance request.

1. A variance cannot be used as a substitute for a zoning amendment.

Variances serve a limited function. In Oregon, a variance has traditionally been considered to be an escape valve to allow property owners relief from the requirements of a zoning code standard when those standards make the land completely unusable or usable only with extraordinary effort. Erickson v. City of Portland, 9 Or. App. 256, 261, 496 P.2d 726 (1972). The traditional view is that variances should be approved only in extraordinary circumstances. A liberal policy of granting proper variances can undermine the goals of the comprehensive plan. Erickson v. City of Portland, *supra*, 9 Or. App. at 262 (quoting Ronald M. Shapiro, The Zoning Variance Power - Constructive in Theory, Destructive in Practice, 29 MD L Rev. 3,10 (1969)).

Under this approach, it has generally been held that a variance cannot be used as a substitute for a zoning text amendment or to alleviate an oversight in the ordinance. See Lovell v. Planning Commission of City of Independence, 37 Or. App. 3, 7, 586 P.2d 99 (1978). See also, Inn, Home for Boys v. City Council of Portland, 16 Or. App. 497, 519 P.2d 390 (1974), Hood River Valley Residence Committee, Inc. v. Hood River, 15 Or. LUBA 37, 40 (1986), and Smith v. Baker, 6 Or. LUBA 42 (1982). See generally, 3 E.C. Yokley, Zoning Law and Practice, § 21-9 at 342-351 (4th ed. 1978) and 3 Anderson, American Law of Zoning, § 20.72 and 20.04 (3rd ed. 1986).

In this case, the evidence indicates that the applicant is seeking relief from provisions of Multnomah County Ordinance 786 enacted in 1994, which generally requires a group of contiguous parcels held under the same ownership on March 10, 1994 or later to be aggregated for purposes of determining whether or not such a parcel or parcels meets the definition of a lot. In other words, the ordinance effects a merger of substandard lots for zoning purposes.

The Hearings Officer has reviewed the text of Ordinance 786 and finds that neither the ordinance nor its codified equivalent expressly exempts parcels with homes already existing on them from the merger provisions of the ordinance. The Hearings Officer also finds that unless such a specific exemption already exists, the Hearings Officer is not authorized to create such an exemption through the quasi-judicial variance process. Rather, if the applicant wishes to create an exemption for developed lots such as this one, the applicant should seek an amendment to Ordinance 786 to allow for such an exception. The quasi-judicial variance process cannot lawfully be used as a substitute for a zoning text amendment.

2. The reason for requesting a variance cannot be self imposed.

The evidence in this case shows that since 1983, the applicant has owned and lived in a house located on the 27,000 square foot parcel (Parcel 1). In 1994, the County adopted Ordinance No. 786 adding a new definition to the term "lot" as it applies in the R-30 zone. The legal effect of this ordinance is to merge two or more substandard parcels of land held in common ownership into one legal lot.

In February, 1995, the applicant purchased an adjacent 21,000 square foot parcel (Parcel 2) with a house on it. The house on Parcel 2 had been used as a primary residence prior to the sale of the lot to the applicant.

The evidence shows that the applicant had at least constructive knowledge of Ordinance 786, if not actual knowledge, prior to acquiring Parcel 2. Apparently, the applicant became more aware of the legal difficulties imposed by Ordinance 786 some time after the sale, as he began marketing Parcel 2 for resale. The legal problem with regard to Parcel 2 did not become problematic to the applicant until he purchased the property in February of 1995. At that time, since the applicant owned contiguous substandard property (Parcel 1), and because Parcel 2 was itself substandard, Ordinance 786 effected a merger of the lots for zoning purposes.

Given these facts, the Hearings Officer finds that the applicant is seeking a variance from a self imposed hardship, because the applicant either knew or should have known that under Ordinance 786 his acquisition of neighboring substandard lots would effect a merger of those lots.

Although Multnomah County's Zoning Code does not expressly allow or prevent the County from approving variances where the hardship is of the applicant's own making, the

common law in Oregon indicates that self-created hardships are usually not considered to be grounds for obtaining a variance. See Moore v. Board of Com'rs of Clackamas County, 35 Or. App. 39, 45, 580 P.2d 583 (1978). Oregon's common law with regard to self-created hardships is in accord with the general law in other jurisdictions. See Anderson, American Law of Zoning, 3rd ed., § 20.58 and 20.59. In Anderson in § 20.56, it is worth noting that in other jurisdictions, denial of a variance was sustained where the applicant owns adjacent land which can be merged to create a legal building lot. See Rodee v. Lee, 14 N.J. Super. 188, 81 A.2d 517 (1951). Furthermore, the general rule is that a zoning hearing board may grant a variance to build on a substandard lot, notwithstanding that the owner also owns an adjoining lot which may be combined to meet the area requirements of the ordinance, unless an ordinance exists which requires merger. See Scott v. Fox, 36 Pa. Cmwlth. 88, 387 A.2d 965 (1978). In this case, Ordinance 786 expressly requires merger. Therefore, according to common law principles, it is generally not within the discretion of the County to grant a variance where the applicant owns adjacent land which can be merged to create a legal building lot. Such is the case here.

3. The need for the variance must arise from conditions inherent in the land.

In Oregon, the general rule is that the subject hardship must arise out of conditions inherent in the land that distinguish it from other land in the general vicinity. See Godfrey v. Marion County, 3 Or. LUBA 5 (1981), Erickson v. City of Portland, 9 Or. App. 256, 496 P.2d 726 (1972), Lovell v. Planning Commission of the City of Independence, 37 Or. App. 3, 7, 586 P.2d 99 (1978), Standard Supply Co. v. Portland, 1 Or. LUBA 259 (1980).

The Hearings Officer finds that this standard is implicitly included in MCC 11.15.8505(A)(1) and therefore will be applied within the context of that ordinance provision. As pointed out below, the Hearings Officer finds that this standard has not been met given the facts in this case.

4. Variance requests should relate to dimensional or quantitative zoning standards.

The Multnomah County Zoning Code does not expressly mention what sorts of zoning standards the Hearings Officer may grant a variance from. However, the Hearings Officer finds that it is clear from the manner in which the zoning code distinguishes between Major and Minor Variances, that both types of variances are aimed at "applicable dimensional requirements." Compare MCC 11.15.8515(A) and (B).

The planning staff, on page 1 of its staff report, has characterized the applicant's request as a variance from the 30,000 square foot minimum lot size requirements of the R-30 Zoning District. The Hearings Officer disagrees with staff's characterization.

The Hearings Officer specifically finds that, the applicant is seeking relief from the new definition of the term "lot", enacted by Ordinance 786, now codified at MCC 11.15.2848(A)(3)(a) - (d), which require parcels that do not individually meet minimum lot

size requirements and which are held under the same ownership on or after March 10, 1994 to be considered "in combination" for purposes of the definition of a "lot" as contained in MCC 11.15.2848. Accordingly, the Hearings Officer concludes that the applicant is seeking a variance from the code's definition of a "lot", rather than seeking a variation from any dimensional or qualitative zoning standard. The Hearings Officer's conclusion in this regard is supported by the fact that if the applicant were to seek a variance from the minimum lot size requirements in MCC 11.15.2844, he would be prevented in doing so because of the provisions in MCC 11.15.2848. Therefore, it is ultimately the definitions set forth in MCC 11.15.2848 which the applicant must seek a variance from. Since the provisions in this section are not dimensional or qualitative in nature, no variance is available.

It should be noted that on page 6 of the staff report, the planning staff has indicated that it is their understanding that the Board of Commissioners concern with regard to Ordinance 786 was the appropriateness of allowing "additional houses" on undersized lots. To the extent that staff's understanding of the purpose behind Ordinance 786 is correct, it does not change the Hearings Officer's determination in this regard. A variance procedure cannot be used to create an exception to a code mandated definition where such an exception has not already been legislatively created. In order to create an exception to Ordinance 786, a zoning code amendment should be undertaken. The Hearings Officer does not believe he is legally authorized, either under either the County code or under state common law, to fashion an exception for Ordinance 786. Therefore, for the reasons set forth above, the Hearings Officer concludes that the variance request must be denied because the applicant is seeking a variance from a standard that cannot be varied.

B. Variance

In the event that this decision is appealed to the Multnomah County Board of Commissioners, the Hearings Officer has elected to make findings on the merits of the applicant's variance request, even though as noted above, the variance cannot be approved because it does not involve a standard that is subject to a variance.

Pursuant to MCC 11.15.8505(A), the Hearings Officer may authorize a variance from the requirements of this chapter only when there are practical difficulties in the application of the chapter. A major variance shall be granted only when all of the following criteria are met:

1. **MCC 11.15.8505(A)(1)** "A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstances or condition may relate to the size, shape, natural features and topography of the property, or the location or size of physical improvements on the site, or the nature of the use compared to surrounding uses."

Findings: The applicant indicates that the circumstances that effect the applicant's property but do not effect other property in the same vicinity is that the applicant's two substandard lots each contain a primary residence. Specifically, Mr. DeCosta testified that

no other properties within the Riverdale School District are currently effected by this circumstance.

The Hearings Officer finds that the circumstance identified by the applicant, namely that the two substandard lots each contain a primary residence, is not relevant to the need for the variance. These lots have been substandard for a number of years and they did not become any more substandard when a primary residence was built on them. For purposes of Ordinance 786, this circumstance which has been identified by the applicant did not become problematic under Ordinance 786 until the applicant came to own the two adjacent substandard parcels. In other words, it is the merger of substandard parcels due to common ownership that creates the hardship. Such a hardship does not exist until the parcels are in common ownership.

The evidence indicates that within the Dunthorpe area, a number of substandard parcels exist with residences on them. Therefore, it follows that if side by side substandard parcels, with or without houses on them, are purchased by the same owner, the circumstance complained of by the applicant will arise.

Therefore, the Hearings Officer cannot find that this criteria is met because:

(1) The condition complained of is not related to the land itself, but is a personal circumstance that is created by the acquisition of adjacent substandard parcels.

(2) Evidence in the record indicates that even though the two properties in question may be the only two merged parcels within the Riverdale School District with two primary residences on them, there are other substandard parcels with houses on them that are adjacent to other similarly situated parcels, such that a merger could occur in the future. In fact, another individual, Mr. Brad Fletcher, testified at the hearing that he has a similarly situated set of lots and is waiting to see the outcome of this case before he determines how to proceed.

In conclusion, the Hearings Officer finds that the circumstance identified by the applicant does not relate to the size, shape, natural features and topography of the property, or to the location of size of physical improvements on the site or the nature of the use compared to surrounding uses. Instead, the circumstance that applies to this property is that it involves two substandard parcels, each of which contain a residence. Neither of these circumstances relate to the size, shape, natural features or topography of the property, or to the location or size of physical improvements on the site, or to the nature of the use compared to surrounding uses. The circumstances mentioned by the applicant involve the common ownership of substandard parcels.

2. **MCC 11.15.8505(A)(2)** "The zoning requirement may restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district."

Findings: The applicant and the planning staff have concluded that "the requirements that the parcels both be greater than 30,000 square feet to be defined as developable lots restricts the use of applicant and the property to a greater degree than it restricts other properties." The Hearings Officer disagrees with the conclusion of staff and the applicant.

The Hearings Officer finds that all properties in the county are restricted to the same extent as the applicant's property. It is irrelevant as to whether or not a merger of substandard lots has occurred on nearby properties or not, because if other substandard lots come into common ownership, they will be equally effected by the definition contained in Ordinance 786. Therefore, the Hearings Officer concludes that the zoning requirement, i.e., the definition contained in Ordinance 786, does not restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

3. **MCC 11.15.8505(A)(3)** "The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely effect the appropriate development of adjoining properties."

Findings: The Hearings Officer adopts and incorporates by reference the findings for this section contained on pages 8 and 9 of the staff report. In addition, the Hearings Officer finds that the impacts from the proposed variance must be considered in light of the existing development on the two parcels. Evidence was received at the hearing from neighboring property owners who were concerned about the possible future redevelopment of Parcel 2. Since no redevelopment plan is currently before the Hearings Officer, the impacts from potential redevelopment of Parcel 2 cannot be determined and therefore cannot be considered in the context of this variance request.

4. **MCC 11.15.8505(A)(4)** "The granting of a variance will not adversely effect the realization of the Comprehensive Plan, nor will it establish a use which is not listed in the underlying zone."

The Hearings Officer finds that granting of a variance would establish a use which is not listed in the underlying zone.

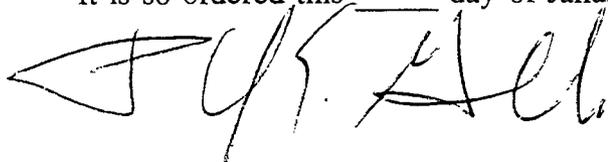
Pursuant to Ordinance 786, Parcel 1 and Parcel 2 must be merged for purposes of the requirements of the underlying zoning district if and when those parcels come into common ownership. Since they are now in common ownership, Parcels 1 and 2 are considered to be one buildable lot for purposes of the underlying zoning district.

By requesting the variance, the applicant is attempting to create an exception from Ordinance 786 to allow Parcel 1 and Parcel 2 to be considered separate buildable lots. Pursuant to MCC 11.15.8505(A)(4), the Hearings Officer is not authorized to grant such a variance in this situation because it would establish a use (i.e., two buildable lots), which is not listed in the zoning code and in fact is prohibited by the underlying zone.

IV. CONCLUSIONS AND DECISION

The Hearings Officer concludes that HV 23-95 (Nance) should be denied based upon the findings and conclusions set forth above. Accordingly, the Hearings Officer hereby denies HV 23-95 (Nance).

It is so ordered this 22 day of January, 1996.

A handwritten signature in black ink, appearing to read "P. E. Grillo", written over a horizontal line.

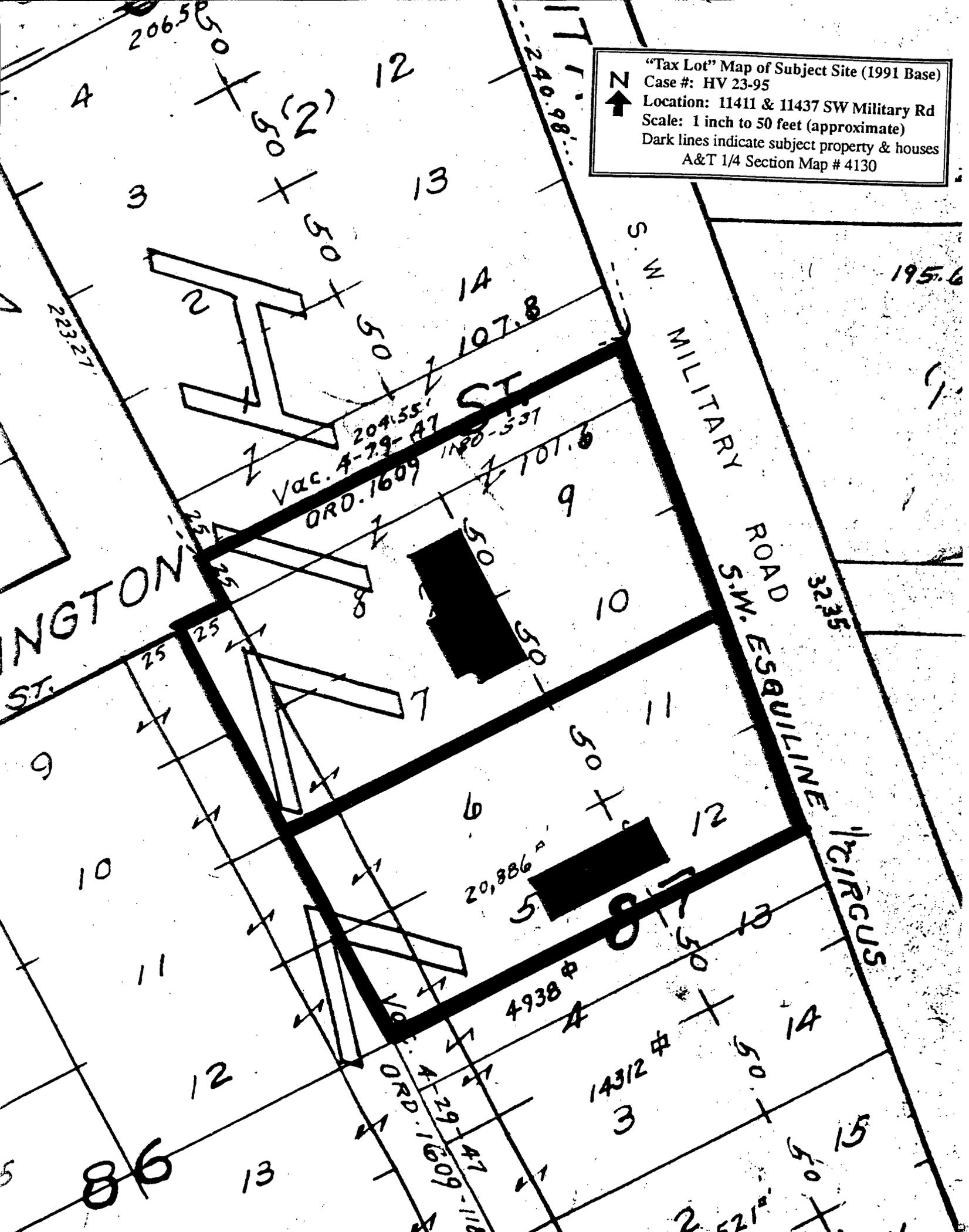
Phillip E. Grillo
Hearings Officer
Multnomah County

EXHIBITS LIST FOR HV 23-95
AN APPLICATION BEFORE THE HEARINGS OFFICER
(UPDATED TO 12/26/95)

- | <u>Exhibit #</u> | <u>Description</u> |
|------------------|---|
| 1. | Applicant's narrative addressing criteria of approval for variance, received after 9/28/95; |
| 2. | Letter from John DeCosta to Linly Ferris, dated 9/28/95, (referred to in text of Exhibit 1 as Exhibit A); |
| 3. | Topographic survey of 11437 SW Military Road submitted with General Application form on 9/22/95; |
| 4. | Property Owner Consent of Variance Request form submitted with General Application form on 9/22/95, with property owner information printouts - not required for variance before Hearing Authority; |
| 5. | Notice of Public Hearing on HV 23-95, Hearings Officer Hearing of December 20, mailed 11/28/95, (Exhibit 3 modified by staff and labeled as Site Plan); |
| 6. | Aerial photo and zoning map overlaid, aerial photo taken 10/77; |
| 7. | County topographic and culture map of vicinity from 1962, subject site outlined; |
| 8. | Assessment & Taxation property information printout for 11411 SW Military Road, dated 12/8/95; |
| 9. | Assessment & Taxation property information printout for 11437 SW Military Road, dated 12/8/95; |
| 10. | Assessment & Taxation property information printout for 11504 SW Military Road, (across the street from the subject property), dated 12/8/95; |
| 11. | Ordinance 786, adopted 2/8/94; |
| 12. | Staff Report prepared for 12/20/95 hearing; |
| 13. | Letter, from Molly Huffman to Gary Clifford, dated 12/11/95, in opposition to requested variance; |
| 14. | Letter, from Craig Ferris to Dept. of Environmental Services, dated 12/18/95, in opposition; |
| 15. | Slides taken by staff of site and surrounding properties; |
| 16. | Written testimony given during oral testimony by Molly Huffman, at 12/20/95 hearing; |

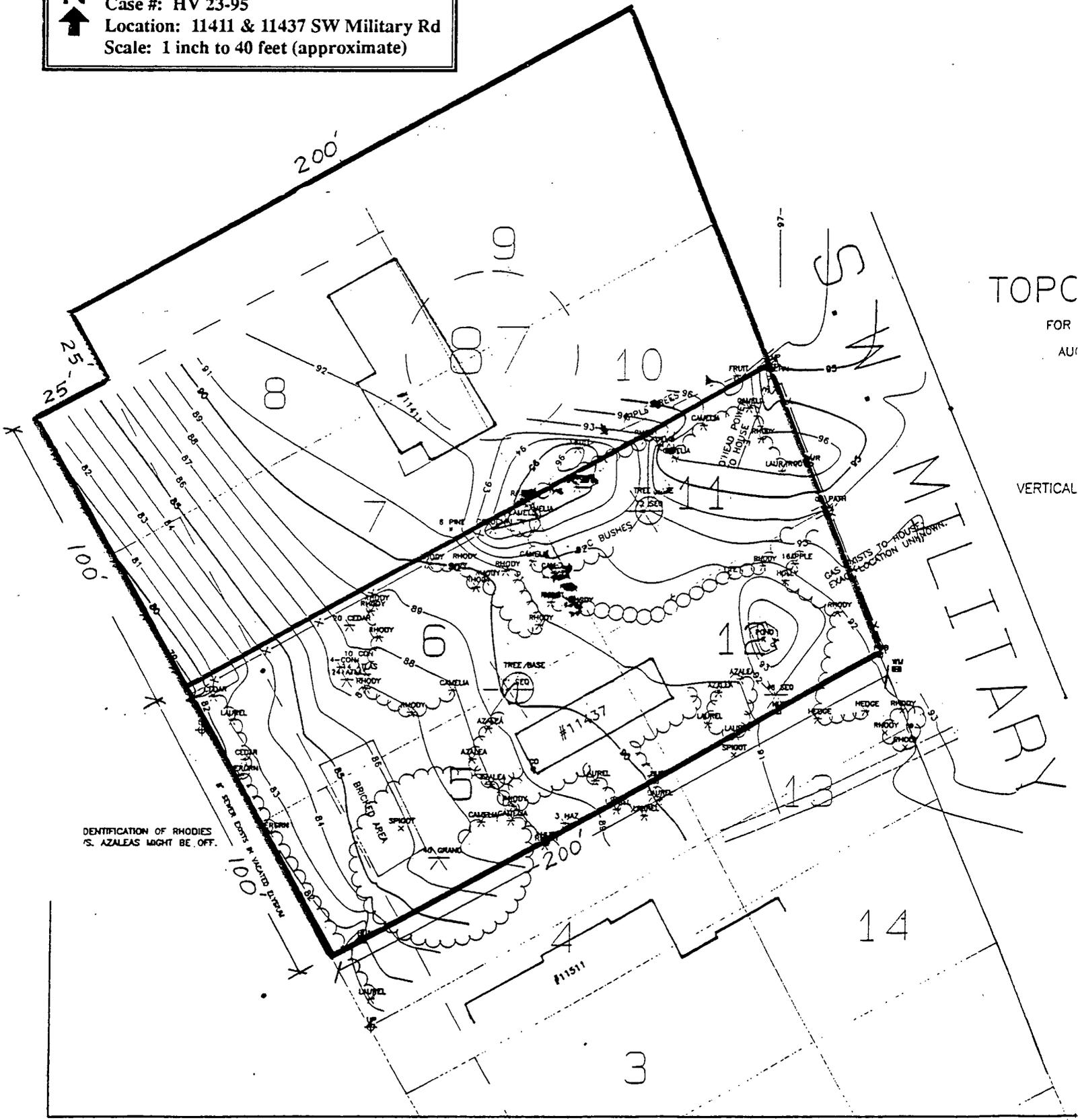
17. Cassette Tape Recording of Board of County Commissioner's Public Hearings of January 25, 1994 (1st Reading) and February 8, 1994 (2nd Reading) regarding the adoption of Ordinance 786 (Planning Case File # C 12-93);
18. Letter, from E.R. Z.____ (illegible), at 0932 SW Palatine Hill Rd. to Phil Grillo, dated 12/18/95, in opposition;
19. Letter, from Linley Ferris to Phillip Grillo, dated 12/22/95, applicant's respnse to questions raised at the 12/20/95 hearing;
20. Letter, from Molly Huffman to Philip Grillo, dated 12/20/95, received 12/26/95 at Planning Office, in opposition;

"Tax Lot" Map of Subject Site (1991 Base)
 Case #: HV 23-95
 Location: 11411 & 11437 SW Military Rd
 Scale: 1 inch to 50 feet (approximate)
 Dark lines indicate subject property & houses
 A&T 1/4 Section Map # 4130



N
↑

Site Plan
Case #: HV 23-95
Location: 11411 & 11437 SW Military Rd
Scale: 1 inch to 40 feet (approximate)



TOPC
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 VERTICAL

IDENTIFICATION OF RHODIES
 S. AZALEAS MIGHT BE OFF.

8' STRIP LOSS IN HEATED DUCT

MILITARY

MEETING DATE: FEB 06 1996

AGENDA #: R-3

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: City of Portland Sidewalk Easement at Capitol Hill Library.

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: February 8, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services

DIVISION: Facilities & Property Management

CONTACT: Bob Oberst

TELEPHONE #: 248-3851

BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Grant of Sidewalk Easement to City of Portland at Capitol Hill Library.

*2/12/96 ORIGINAL EASEMENT & COPIES OF
-ALL TO BOB OBERST*

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: Robert Oberst William E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Robert Oberst, Facilities & Property Management

TODAY'S DATE: January 19, 1996

REQUESTED PLACEMENT: February 8, 1996

RE: Grant of PUBLIC WALKWAY AND UTILITY EASEMENT to City of Portland on a portion of Lot 3, Independence Home Tracts, in the City of Portland, Multnomah County, Oregon on the Capitol Hill Library property.

I. Recommendation/Action Requested: Approval by Board of Commissioners of grant of easement to City of Portland for construction of sidewalk improvement at Capitol Hill Library.

II. Background/Analysis: The requested easement contains thirty square feet of land at the southeasterly corner of the Capitol Hill Library property. It is to be utilized in the construction of a wheelchair access ramp between the street and the sidewalk adjacent to the library. The sketch attached to the easement form shows the proposed easement.

The proposed ramp construction will improve access for wheelchair bound individuals to the library property.

III. Financial Impact: The consideration for the proposed easement is \$100.00. Multnomah County will have the same maintenance responsibility for the ramp as for the remainder of the sidewalk adjacent to the library; the cost of such maintenance is unknown but anticipated to be very slight. The consideration would be deposited in equal shares to the capital improvement and natural areas acquisition funds.

IV. Legal Issues: None, to Facilities & Property Management (FM) knowledge.

V. Controversial Issues: None, to FM knowledge.

VI. Link to Current County Policies: None, to FM knowledge.

VII. Citizen Participation: None involved or expected in this transaction.

VIII. Other Government Participation: Construction of the sidewalk access ramp will be done the City of Portland as a part of its Capitol Highway sidewalks project.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Grant of a PUBLIC WALKWAY)
AND UTILITY EASEMENT on County Land in a) O R D E R
Portion of Lot 3, Independence Home Tracts, in the) # 96-18
City of Portland, Multnomah County, Oregon)

Whereas the City of Portland has requested a PUBLIC WALKWAY AND UTILITY EASEMENT totaling thirty square feet upon said parcel upon which to construct a wheelchair sidewalk access ramp; and

Whereas the grant of easement upon the parcel which contains the Capitol Hill Library will improve access to the library and will have no adverse effect upon the use of the parcel; and

Whereas the consideration of \$100.00 offered by the City for the EASEMENT is sufficient and the Board being fully advised in the matter:

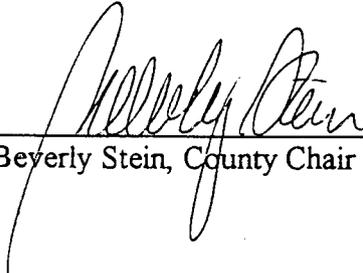
It is ORDERED that Multnomah County execute the PUBLIC WALKWAY AND UTILITY EASEMENT before the Board this date and that the County Chair be, and she is hereby, authorized and directed to execute the same on behalf of Multnomah County.

Dated this 6 day of February, 1996.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY OREGON

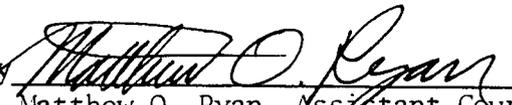
By


Beverly Stein, County Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel
For Multnomah county, Oregon

By


Matthew O. Ryan, Assistant Counsel

PUBLIC WALKWAY AND UTILITY EASEMENT

political subdivision

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, ~~a corporation duly organized and incorporated under the laws~~ of the State of Oregon, Grantor, in consideration of the sum of ONE HUNDRED AND NO/100 (\$100.00) DOLLARS, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, the receipt whereof is hereby acknowledged, does hereby grant unto said City of Portland, an easement for construction and perpetual use by the public of a public walkway and utilities over, under and across real property in the City of Portland, County of Multnomah and State of Oregon, more particularly described as follows, to wit:

A portion of Lot 3, Independence Home Tracts, in the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at the intersection of the westerly line of SW Capitol Highway (75 feet in width) with the north line of SW Dickinson (60 feet in width); thence westerly along said north line 9.05 feet; thence N 62°53'25" E, 13.57 feet to a point on the westerly line of SW Capitol Highway; thence southerly along said westerly line 7.24 feet to the Point of Beginning.

GRANTOR herein assumes responsibility for maintenance of the concrete walkway as though said walkway existed within a public street right-of-way.

TO HAVE AND TO HOLD, the above described and granted premises unto said City of Portland for the uses and purposes aforesaid forever.

IN WITNESS WHEREOF, Multnomah County, pursuant to a resolution of its Board of Commissioners duly and legally adopted, has caused these presents to be signed by its Chair this 6th day of February, 1996.

1S 1E 30DD 3700

After Recording Return to:
City of Portland
Attn: Kathryn Hall
1120 SW Fifth Avenue, Suite 802
Portland, OR 97204

Tax statement shall be sent to:
No Change

Multnomah County

By:

Beverly Stein
Name and Title
Beverly Stein, County Chair



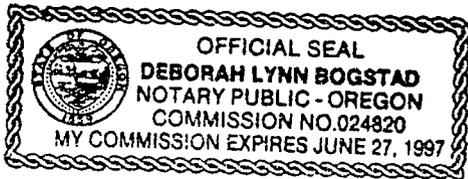
REVIEWED

By Matthew O. Ryan
MULTNOMAH COUNTY COUNSEL
Matthew O. Ryan

STATE OF OREGON

County of Multnomah

This instrument was acknowledged before me on February 6, 1996, by
Beverly Stein as Chair, Board of County
Commissioners of Multnomah County.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires 6/27/97

Approved as to form:

City Attorney

Approved:

City Engineer

5320-11

Multnomah County Library - Capitol Hill

10723

SW DICKINSON ST.

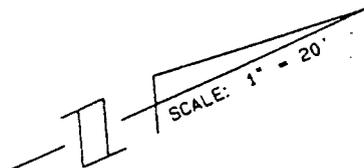
PUBLIC WALKWAY AND
UTILITY EASEMENT
30 SQ.FT.

S.W. CAPITOL HWY.

37+00 +

37+50

38+00



PERMIT OF ENTRY

City Project #: 5320
Owner Name/#: Multnomah.11
Index #: 95-580
RWA Project#: 95083

CITY ENGINEER
CITY OF PORTLAND
TRANSPORTATION ENGINEERING & DEVELOPMENT
1120 SW 5TH AVE, RM 802
PORTLAND OR 97204

SUBJECT: Capitol Highway Sidewalk from Portland Community College to SW Barbur
SITE ADDRESS: 10723 SW Capitol Highway, Portland, OR 97219

In order to permit the City of Portland, Bureau of Transportation Engineering & Development to proceed with the construction of public sidewalks along SW Capitol Highway/49th from Barbur to PCC, the undersigned hereby grants to the City of Portland, its employees, agents or contractor, the right to enter upon the real property at the location shown on the attached parcel map.

It is understood that all work on grantor's property shall be in accordance with the approved plans and in compliance with the applicable general and special specifications of the City's construction contract, specifically, that all restoration of affected private property shall be to a condition equal to or better than existed prior to construction.

Dated this 6th day of February, 1996.



Multnomah County

Beverly Stein

Name and Title
Beverly Stein, County Chair

REVIEWED
BY *Matthew O. Ryan*
MULTNOMAH COUNTY COUNSEL
Matthew O. Ryan

5320-11

Multnomah County Library - Capitol Hill

10723

SW DICKINSON ST.

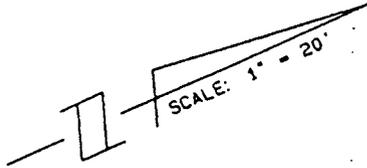
PUBLIC WALKWAY AND
UTILITY EASEMENT
30 SQ.FT.

S.W. CAPITOL HWY.

37+00 +

37+50

38+00



1. REQUEST FOR PLACEMENT ON THE AGENDA FOR February 1, 1996

DEPARTMENT Health DIVISION All
 CONTACT Suzanne Kahn TELEPHONE 248-3056 x6734

NAME OF PERSON MAKING PRESENTATION TO BOARD Tom Fronk or Billi Odegaard

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

Budget Modification MCHD 3 moves positions to correct organizations, and reflects changes in job classifications following personnel actions since budget submission in February, 1995.

(Estimated time needed on the Agenda: 5 minutes)

2. DESCRIPTION OF MODIFICATION

[X] PERSONNEL CHANGES ON ATTACHED PAGE

Changes are made to correctly place positions within the Departmental organization structure. Job classification changes are made to reflect reclassifications that have occurred since budget submission in February, 1995.

Within the Homeless grant, money is moved from contract services to personnel.

BOARD OF
 COUNTY COMMISSIONERS
 96 JAN 30 AM 9:49
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT Increase General Fund Indirect for F/S by \$2,360

4. CONTINGENCY STATUS None

Originated By <i>Joselyn Skalm</i>	Date <i>1/25/96</i>	Department Director <i>Billi Odegaard</i>	Date <i>1/25/96</i>
Finance/Budget <i>Wm Byers</i>	Date <i>1/25/96</i>	Employee Relations <i>S. Ayers</i>	Date <i>1/25/96</i>
Board Approval	Date		

PERSONNEL DETAIL FOR BUDGET MODIFICATION MCHD 3

5: ANNUALIZED PERSONNEL CHANGES = CURRENT YEAR PERSONNEL CHANGES							
FTE	JCN	CLASSIFICATION	FUND	BASE PAY	FRINGE	INSURANCE	TOTAL
2.80	6001	Office Assistant 2	100	69,421	12,196	17,750	99,367
(2.80)	6002	Office Assistant/Senior	100	(69,421)	(12,196)	(17,750)	(99,367)
1.00	6003	Clerical Unit Supervisor	100	26,361	4,631	4,705	35,697
(0.20)	6326	Comm Hlth Nurse	100	(8,466)	(1,487)	(1,154)	(11,107)
(1.00)	6356	Sanitarian	100	(38,865)	(6,828)	(3,190)	(48,883)
1.00	6358	Sanitarian/Lead	100	38,865	6,828	3,190	48,883
(0.70)	9692	Health Operations Supervisor	100	(26,361)	(4,631)	(4,705)	(35,697)
(0.70)	9694	Health Services Manager	100	(44,786)	(7,747)	(3,967)	(56,500)
0.70	9695	Health Services Manager/Senior	100	44,786	7,747	3,967	56,500
(1.80)	6001	Office Assistant 2	156	(45,240)	(7,949)	(9,245)	(62,435)
1.20	6002	Office Assistant/Senior	156	30,085	5,285	3,110	38,480
0.50	6005	Administrative Secretary	156	13,625	2,760	2,831	19,216
(1.50)	6006	County Counsel Office Asst	156	(45,033)	(8,278)	(8,493)	(61,804)
0.00	6018	Health Information Spec 2	156	2,403	501	257	3,161
0.90	6020	Program Dev Tech	156	22,977	4,037	6,661	33,675
(0.04)	6021	Program Dev Spec	156	(1,322)	(232)	197	(1,357)
1.00	6027	Fiscal Assistance/Senior	156	25,917	4,554	5,007	35,478
1.00	6106	Support Services Tech	156	31,408	5,518	5,662	42,588
(0.92)	6294	Health Assistant	156	(27,345)	(4,806)	(4,044)	(36,194)
(0.10)	6295	Social Worker	156	(4,104)	(721)	(707)	(5,532)
(0.42)	6303	LCPN	156	(20,485)	(3,567)	(1,738)	(25,790)
(0.11)	6314	Nurse Practitioner	156	9,037	1,299	(949)	9,387
1.16	6315	Comm Health Nurse	156	55,174	9,583	6,020	70,777
(0.10)	6316	Physician's Assistant	156	(11,579)	(2,034)	(637)	(14,250)
(0.20)	6318	Comm Health Nurse/Lead	156	(9,805)	(1,722)	(1,294)	(12,821)
0.20	6319	Nurse Practitioner/Lead	156	12,421	2,171	1,565	16,157
(0.20)	6321	Medical Records Tech	156	(5,890)	(1,034)	(651)	(7,575)
0.70	6347	Dental Asst/Recp	156	11,494	2,019	539	14,052
(0.50)	6348	Dental Hygenist	156	(11,494)	(2,019)	(539)	(14,052)
(1.00)	9320	Licensed Psychologist	156	(74,460)	(13,083)	(6,575)	(94,118)
(0.05)	9490	Physician	156	(4,893)	(790)	(354)	(6,037)
(1.00)	9694	Health Services Manager	156	(60,067)	(10,623)	(7,339)	(78,029)
1.00	9695	Health Services Manager/Senior	156	60,067	10,623	7,339	78,029
0.80	9696	Health Services Spec	156	30,576	5,351	4,816	40,743
1.00	9798	Principal Investigator	156	74,460	13,083	6,575	94,118
(1.00)	6001	Office Assistant 1	169	(23,828)	(4,186)	(6,540)	(34,554)
2.00	6002	Office Assistant 2	169	51,472	9,042	9,731	70,245
(0.50)	6326	Comm Health Nurse/Corr	169	(19,178)	(3,369)	(2,037)	(24,584)
(0.30)	9694	Health Services Manager	169	(19,194)	(3,320)	(1,700)	(24,214)
0.30	9695	Health Services Manager/Senior	169	19,194	3,320	1,700	24,214
2.12	TOTAL ANNUAL AND CURRENT YEAR CHANGES			57,927	9,926	8,014	75,867

EXPENDITURE DETAIL - MCHD 3

EXPENDITURE TRANSACTION EB [] GM []					TRANSACTION DATE _____	ACCOUNTING PERIOD _____	BUDGET FISCAL YEAR _____			
DOCUMENT NUMBER	ACTION	FUND	AGENCY	ORG	OBJECT CODE	CURRENT AMOUNT	REVISED AMOUNT	INCREASE (DECREASE)	SUBTOTAL	DESCRIPTION
100		100	015	0950	5100			(8,466)		Permanent
100		100	015	0950	5500			(1,487)		Fringe
100		100	015	0950	5550			(1,154)		Insurance
									(11,107)	TOTAL, FUND 100, PS
156		156	015	Various	5100			57,927		Permanent
156		156	015	Various	5200			(46,132)		Temporary
156		156	015	Various	5500			8,419		Fringe
156		156	015	Various	5550			6,986		Insurance
									27,200	SUBTOTAL, FUND 156, PS
156		156	015	0740	6060			(21,237)		Pass Thru
156		156	015	0735	6120			(132)		Printing
156		156	015	0720	6230			(4,810)		Supplies
156		156	015	0735	6230			(938)		Supplies
156		156	015	0735	6310			(57)		Travel & Training
156		156	015	0735	6330			(26)		Local Mileage
156		156	015	Various	7100			2,360		Indirect
									(24,840)	SUBTOTAL, FUND 156, MS
									2,360	TOTAL, FUND 156
169		169	015	0975	5100			8,466		Permanent
169		169	015	0975	5500			1,487		Fringe
169		169	015	0975	5550			1,154		Insurance
									11,107	SUBTOTAL, FUND 169, PS
169		169	015	0975	7100			1,312		Indirect
									1,312	SUBTOTAL, FUND 169, MS
									12,419	TOTAL, FUND 169, PS
									3,672	TOTAL, HEALTH DEPARTMENT
100		100	015	Various	7608			2,360	2,360	Cash Transfer to F/S
400		400	050	7531	6520			6,986	6,986	INSURANCE FUND INCREASE
100		100	015	0975	7613			12,419	12,419	Cash Transfer to INV
TOTAL EXPENDITURE CHANGE								25,437		

REVENUE DETAIL - MCHD 3

REVENUE TRANSACTION RB [] GM []					TRANSACTION DATE _____	ACCOUNTING PERIOD _____	BUDGET FISCAL YEAR _____			
DOCUMENT NUMBER	ACTION	FUND	AGENCY	ORG	REVENUE CODE	CURRENT AMOUNT	REVISED AMOUNT	INCREASE (DECREASE)	SUBTOTAL	DESCRIPTION
400		400	050	7040	6602			6,986		Insurance Svc Reim
169		169	015	0975	7601			12,419		General Fund
100		100	045	7410	6602			2,360		Serv. Reim from F/S
100		100	045	7410	6605			1,312		Serv. Reim from INV
156		156	015	Various	7601			2,360		GF Support
TOTAL REVENUE CHANGE								25,437		



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
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BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
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TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners
FROM: Billi Odegaard
REQUESTED PLACEMENT DATE: February 6, 1996
DATE: January 19, 1996
SUBJECT: Budget Modification MCHD 3

I. Recommendation/Action Requested:

The Board of County Commissioners is requested to approve budget modification MCHD 3, making housekeeping adjustments to the Departmental budget.

II. Background/Analysis:

The Health Department has shifted budget responsibility to the lowest appropriate level. As a result of that process, this budget modification shifts dollars between sites to cover cost shifts associated with classification changes and error corrections. In most cases, this involved working with Employee Services in reclassifying positions. Additionally, some positions were put in the adopted budget incorrectly, ie. county counsel office assistant, and the modification corrects those errors.

The Homeless grant provides federal Public Health Service funds for primary care services to the homeless population. The Health Department currently does direct service provision and contracts with some community agencies for additional health services. In consultation with the grantor, one contract was not renewed due to lack of appropriate health-related outcomes. Instead, contract funds are moved to personnel to provide enhanced monitoring of contract compliance with the multiple remaining contracts.

III. Financial Impact:

It increases the General Fund Support for Indirect to the Federal/State Fund by \$2,360.

IV. Legal Issues:

None

V. Controversial Issues:

None

VI. Link to Current County Policies:

Programmatic goals and objectives remain the same. In addition, it continues the Health Department CQI program by decentralizing budget responsibility and authority including accountability for outcomes based on budgetary decisions.

VII. Citizen Participation:

None

VIII. Other Government Participation:

None

AN EQUAL OPPORTUNITY EMPLOYER