



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Diane Linn, Chair**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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

**Maria Rojo de Steffey, Commission Dist. 1**

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5220 FAX (503) 988-5440

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

**Serena Cruz, Commission Dist. 2**

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**Lisa Naito, Commission Dist. 3**

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**Lonnie Roberts, Commission Dist. 4**

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Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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**SEPTEMBER 14 & 16, 2004**

### **BOARD MEETINGS - REV**

### **FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	9:30 a.m. Tuesday Board Briefing: Update on Budget Priority Setting Process
Pg 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Thursday Second Reading and Possible Adoption of Ordinance Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways
Pg 3	9:35 a.m. Thursday Budget Modification FPM-01 Authorizing Reallocation of Facilities Capital Project Funds, FPM-01, Kelly Building Data Center Cooling Revisions Project
Pg 3	9:45 a.m. Thursday Executive Session

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Tuesday, September 14, 2004 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

- B-1 Board Briefing: Update on Budget Priority Setting Process. Presented by Dave Boyer, Karyne Dargan and Mark Campbell. 2.5 HOURS REQUESTED.
- 

Thursday, September 16, 2004 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **SHERIFF'S OFFICE**

- C-1 Amendment to Government Non-Expenditure Contract (190 Agreement) 800674-1 with the City of Fairview, to Administer Fairview's Alarm Ordinance
- C-2 Amendment to Government Non-Expenditure Contract (190 Agreement) 800784-1 with the City of Gresham, to Administer Gresham's Alarm Ordinance

### **REGULAR AGENDA - 9:30 AM** **PUBLIC COMMENT - 9:30 AM**

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

### **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:30 AM**

- R-1 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways

- R-2 Budget Modification FPM-01 Authorizing Reallocation of Facilities Capital Project Funds, FPM-01, Kelly Building Data Center Cooling Revisions Project

**DEPARTMENT OF COUNTY HUMAN SERVICES**

- UC-1 NOTICE OF INTENT to Submit a Grant Proposal for Early Childhood System Development Evidence –Based Practices: An Opportunity to Prevent Behavioral Health Disorders in Children ages 0-6 years – A Joint Project between the Multnomah County Department of County Human Services and the Native American Rehabilitation Association of the Northwest, Inc.
- 

Thursday, September 16, 2004 - 9:45 AM  
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

**EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 30 MINUTES REQUESTED.



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## **EXECUTIVE SESSION**

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## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date: September 16, 2004**

**Agenda Item #: C-1**

**Est. Start Time: 9:30 AM**

**Date Submitted: 09/09/04**

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**Requested Date: Sept. 16, 2004**

**Time Requested: N/A**

**Department: MCSO**

**Division: Executive**

**Contact/s: Lt. Bruce McCain**

**Phone: 503 988-4325**

**Ext.: 84325**

**I/O Address: 503/350**

**Presenters: Consent Calendar**

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**Agenda Title:** Amendment to Government Non-Expenditure Contract (190 Agreement) 800674-1 with the City of Fairview, to Administer Fairview's Alarm Ordinance

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

- 
- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Approval of revisions to Contract No. 800674 between MCSO and City of Fairview to administer Fairview's alarm ordinance.
  - 2. Please provide sufficient background information for the Board and the public to understand this issue.** Since 1994, MCSO has administered the City of Fairview's municipal ordinance relating to alarms. The city recently revised its ordinance to reflect changes agreed upon by the Alarm Task Force. This contract revision incorporates those changes.
  - 3. Explain the fiscal impact (current year and ongoing).** This contract revision maintains the provision(s) that the MCSO Alarms Unit will be funded in part by fees collected pursuant to enforcement of the city's alarm ordinance.

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

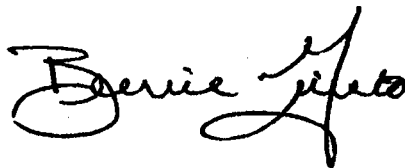
- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. There are no known legal issues.
5. Explain any citizen and/or other government participation that has or will take place. This contract revision is the result of recommendations from the Alarm Task Force, resulting in the city amending its alarm ordinance.

**Required Signatures:**



Department/Agency Director: \_\_\_\_\_

Date: 09/09/04

Budget Analyst

By: \_\_\_\_\_

Date:

Dept/Countywide HR

By: \_\_\_\_\_

Date:



# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 800674  
Amendment #: 1

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue 
		<b>CLASS III B</b> <input type="checkbox"/> Government Contracts (Non-190 Agreement)  <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Sheriff's Office Division: Enforcement Date: 09/09/04  
 Originator: Bruce McCain Phone: 503-988-4325 Bldg/Rm: 503/350  
 Contact: Bruce McCain Phone: 503-988-4325 Bldg/Rm: 503/350  
 Description of Contract: Amendment to allow County to administer City of Fairview's alarm ordinance.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 Effective DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# \_\_\_\_\_ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	City of Fairview			Remittance address	_____
Address	1300 NE Village Street			(If different)	_____
City/State	Fairview, OR			Payment Schedule / Terms	_____
ZIP Code	97024			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503-665-7929			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	_____			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	03/10/94	Term Date	N/A	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	09/16/04	New Term	N/A	Original Requirements Amount	\$ _____
Original Contract Amount	\$ _____	Total Amt of Previous Amendments	\$ _____	Requirements Amount Amendment:	\$ _____
Amount of Amendment	\$ _____	Total Amount of Requirements	\$ _____		
Total Amount of Agreement	\$ _____				

## REQUIRED SIGNATURES:

Department Manager		DATE	9/9/04
Purchasing Manager		DATE	
County Attorney		DATE	9/9/04
County Chair		DATE	7.16.04
Sheriff		DATE	9/9/04
Contract Administration		DATE	

COMMENTS:

APPROVED: MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # C-1 DATE 09.16.04  
 DEBORAH L. BOGSTAD, BOARD CLERK

**CITY OF FAIRVIEW**  
**INTERGOVERNMENTAL AGREEMENT**

This agreement is made and entered into pursuant to the authority found in ORS 190.010 et seq. and ORS 206.345 by and between Multnomah County Sheriff's Office (MCSO), jointly with and on behalf of Multnomah County (County), and City of Fairview (City).

**RECITALS**

WHEREAS, both the City (Fairview Municipal Code Chapter 9.30, as amended by Ordinance 6-2004), Exhibit A, and County (Multnomah County Code Chapter 15.700) have in force provisions which regulate the installation and use of burglar and robbery alarm system; and

WHEREAS, the parties desire to enter into this agreement to govern the administration of FMC 9.30 in accordance with those mutual terms and conditions set forth hereafter, the parties agree as follows:

**I. TASK FORCE:**

1. MCSO shall facilitate a countywide Burglar Alarm Task Force consisting of representatives of MCSO, incorporated cities within Multnomah County, and the alarm industry to work on methods of reducing false alarms. The Task Force shall operate by consensus.
2. MCSO agrees to arrange for meetings of the Task Force. MCSO agrees to prepare the meeting facility and any information or items that the Task Force needs in order to conduct its business.
3. MCSO agrees to provide any secretarial support of the Task Force. Such secretarial support includes but is not limited to preparing the minutes of all meetings held by

the Task Force and distributing the minutes to all interested parties within fifteen (15) days following the meeting.

4. The county-wide Task Force duties shall include but are not limited to the following:
  - a. Review and approval of the MCSO's Alarm Ordinance Unit's final proposed budget and any revisions;
  - b. The review and approval of all MCSO Alarm Ordinance Unit policies that impact the services provided by the Alarm Ordinance Unit.
5. The Task Force shall review information and policy presented to the alarm industry; all information and policy shall be mutually agreed upon by all Task Force participants.

**II. THE PARTIES AGREE:**

1. The MCSO shall:
  - a. Administer FMC 9.30 according to its terms.
  - b. Use a computer based system to maintain industry and user files, send false alarm notices, send fee letters, track false alarms, renew permits, and provide statistical information.
  - c. Send notices of false alarms, fees, and suspension of service due to excessive alarms, within four (4) working days of receiving the information from the Bureau of Emergency Communications (BOEC). Notices of permit renewal shall be sent thirty days prior to permit holders' renewal date. At least one late renewal notice shall be sent within two weeks of a failure to renew a permit.
  - d. Provide the City with computer assisted statistical information about alarms within the City, to include but not be limited to:

- 1) Total number of new applications, renewal permits, and deleted permits processed.
- 2) Revenues received by type (permit fees, false alarm fees, etc.).
- 3) Alarm statistics shall be furnished monthly, no later than the 10<sup>th</sup> of each month.

**2. Finance:**

- a. MCSO will provide year-end financial reports of all Alarm Ordinance Unit expenditures, no later than September 30<sup>th</sup> of each calendar year.
- b. MCSO shall seek authorization from the Task Force to allot monies in excess of \$5,000 for any aggregate expenditure that is non-emergency in nature.  
  
Emergency expenditures in excess of \$5,000 may be made upon verbal notice to Task Force members.
- c. "Emergency" is any unforeseen occurrence between quarterly Task Force meetings requiring unbudgeted expenditure of over \$5,000 that is necessary to continue operation of the Alarm Ordinance Unit.
- d. The alarm permit fee collected under FMC 9.30 shall be allocated to Multnomah County for the administration of the alarm ordinance.
- e. All fees collected for false alarms will be transferred, in their entirety, to the City on a quarterly basis within 30 days of the end of each quarter. The revenue transfer will occur in the months of October, January, April, and July of each year. Fees collected and transferred to the City are to offset costs for alarm response.

- f. All fees and forfeitures of security deposits collected pursuant to FMC 9.30, and administered by Multnomah County officers or employees, will be revenue of Multnomah County; provided, however, that Multnomah County shall maintain records sufficient to identify the sources and amounts of that revenue.
- g. Multnomah County shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering FMC 9.30 by Multnomah County officers or employees, including salaries and wages (excluding the Sheriff individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.
- h. Not later than September 30<sup>th</sup> of each year, Multnomah County shall render an account to the City for administering FMC 9.30. The account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall allocate that excess revenue, if any, or deficit, if any, to the County and the City proportionately as the number of permits issued for alarm systems within the corporate limits of the city bears to the whole number of permits issued in Multnomah County; provided, that no allocation shall be made if the net excess revenue or deficit is less than \$2,500.00.
- i. Distribution by the county of any excess revenue or payment of allocated deficit amounts by the city shall be made not later than September 30<sup>th</sup> of each fiscal year.
- j. "Sound accounting principles" as used in this section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of FMC 9.30.

**III. EFFECTIVE AND TERMINATION DATES**

This agreement shall be effective on the date it is signed by last party signing the agreement, and shall remain in effect until there is no government law enforcement response to burglar and robbery alarms in the City, or until terminated by either party on sixty (60) days written notice of such termination to the other party.

**IV. CONTACT PERSON**

For information concerning services to be performed under this agreement, contact shall be made with:

If to the City:

Chief Ken Johnson  
Fairview Police Dept.  
1300 NE Village St.  
Fairview, Oregon 97024  
Telephone: (503) 665-7929

If to MCSO:

Mary Ann Inglesby  
MCSO  
12240 NE Glisan Street  
Portland, Oregon 97230  
Telephone: (503) 251.2411

**V. NOTICE**

Any notice provided for under this agreement shall be written and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the City:

Chief Ken Johnson  
Fairview Police Dept.  
1300 NE Village St.  
Fairview, Oregon 97024  
Telephone: (503) 665-7929

If to MCSO:

Kathy Walliker  
MCSO  
12240 NE Glisan Street  
Portland, Oregon 97230  
Telephone (503) 251.2489

**VI. AMENDMENTS**

The MCSO and the City may amend this agreement at any time only by written amendment, agreed to by both parties.

**VII. COMPLIANCE WITH LAWS**

In connection with its activities under this agreement, MCSO and City shall comply with all applicable federal, state, and local laws and regulations.

**VIII. OREGON LAW AND FORUM**

1. This agreement shall be construed according to the laws of the State of Oregon.
2. Any litigation between the MCSO and City arising under this agreement or out of work performed under this agreement of issues not finally resolved by arbitration as provided in Section XI of 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.

**IX. INDEMNIFICATION**

1. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MCSO and the COUNTY shall indemnify, defend and hold harmless CITY, its officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of MCSO personnel acting pursuant to the terms of the Agreement.
2. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, CITY shall indemnify, defend and hold harmless COUNTY and MCSO, their officers, employees and agents from all claims, suits, actions or expenses of any

nature resulting from or arising out of the acts, errors or omissions of CITY personnel acting pursuant to the terms of this Agreement.

**X. ASSIGNMENT**

Neither the City nor MCSO shall assign this agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the other.

**XI. ARBITRATION**

Any dispute under this agreement which is not settled by mutual agreement of MCSO or City within sixty (60) days of notification in writing by either party shall be submitted to an arbitration panel. The panel shall be composed of three (3) persons, one of whom shall be appointed by MCSO, one of whom shall be appointed by the City, and one of whom shall be appointed by the two arbitrators appointed by MCSO and the City. In the event the two cannot agree on the third arbitrator, then the third shall be appointed by the Presiding Judge (Civil) of the Circuit Court of the State of Oregon for the County of Multnomah. The arbitrators shall be selected within thirty (30) days of the expiration of the sixty (60) day period. The arbitration shall be conducted in Portland, Oregon and shall be governed by the laws of the State of Oregon. The parties shall agree on the rules governing the arbitration (including the appropriation of costs). If the parties cannot agree on rules, the arbitrators shall adopt rules consistent with this section. The arbitrators shall render their decision within forty-five (45) days of their first meeting with MCSO and City. Insofar as MCSO and City legally may do so, they shall be bound by the decision of the panel.



IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

CITY OF FAIRVIEW, OREGON

\_\_\_\_\_  
Mike Weatherby, Mayor

DATE: \_\_\_\_\_

\_\_\_\_\_  
Fairview City Recorder

DATE: \_\_\_\_\_

APPROVED AS TO FORM:  
Fairview City Attorney

By: \_\_\_\_\_

DATE: \_\_\_\_\_

MULTNOMAH COUNTY, OREGON

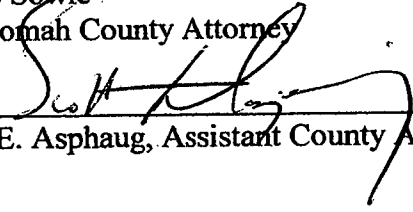
  
Diane Linn, Chair

DATE: 09.16.04

  
Bernie A. Giusto, Sheriff

DATE: 09.09.04

REVIEWED:  
Agnes Sowle  
Multnomah County Attorney

By:   
Scott E. Asphaug, Assistant County Attorney

DATE: 09.09.04

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-1 DATE 09.16.04  
DEBORAH L. BOGSTAD, BOARD CLERK

## AGENDA PLACEMENT REQUEST

BUD MOD #:

**Board Clerk Use Only:**

**Meeting Date:** September 16, 2004

**Agenda Item #:** C-2

**Est. Start Time:** 9:30 AM

**Date Submitted:** 09/09/04

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**Requested Date:** Sept. 16, 2004

**Time Requested:** N/A

**Department:** MCSO

**Division:** Executive

**Contact/s:** Lt. Bruce McCain

**Phone:** 503 988-4325

**Ext.:** 84325

**I/O Address:** 503/350

**Presenters:** Consent Calendar

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**Agenda Title:** Amendment to Government Non-Expenditure Contract (190 Agreement) 800784-1 with the City of Gresham, to Administer Gresham's Alarm Ordinance

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

---

1. **What action are you requesting from the Board? What is the department/agency recommendation?** Approval of revisions to Contract No. 800784 between MCSO and City of Gresham to administer Gresham's alarm ordinance.
2. **Please provide sufficient background information for the Board and the public to understand this issue.** Since 1994, MCSO has administered the City of Gresham's municipal ordinance relating to alarms. The city recently revised its ordinance to reflect changes agreed upon by the Alarm Task Force. This contract revision incorporates those changes.
3. **Explain the fiscal impact (current year and ongoing).** This contract revision maintains the provision(s) that the MCSO Alarms Unit will be funded in part by fees collected pursuant to enforcement of the city's alarm ordinance.

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

If a budget modification, explain:

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. There are no known legal issues.
5. Explain any citizen and/or other government participation that has or will take place. This contract revision is the result of recommendations from the Alarm Task Force, resulting in the city amending its alarm ordinance.

**Required Signatures:**



Department/Agency Director: \_\_\_\_\_

Date: 09/09/04

Budget Analyst

By: \_\_\_\_\_

Date:

Dept/Countywide HR

By: \_\_\_\_\_

Date:

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 800784  
Amendment #: 1

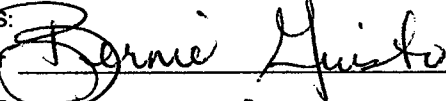
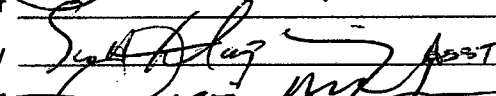
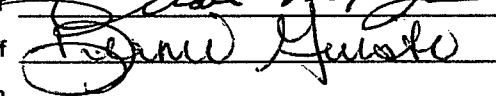
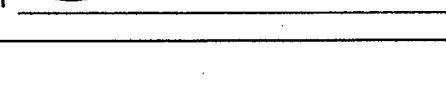
CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts  <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <b>CLASS III B</b> <input type="checkbox"/> Government Contracts (Non-190 Agreement)  <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Sheriff's Office Division: Enforcement Date: 09/09/04  
 Originator: Bruce McCain Phone: 503-988-4325 Bldg/Rm: 503/350  
 Contact: Bruce McCain Phone: 503-988-4325 Bldg/Rm: 503/350  
 Description of Contract: Amendment to allow County to administer City of Gresham's alarm ordinance.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 Effective DATE: \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# \_\_\_\_\_ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	City of Gresham			Remittance address	_____
Address	1333 NW Eastman Parkway			(If different)	_____
City/State	Gresham, OR			Payment Schedule / Terms	_____
ZIP Code	97030			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	503-661-3000			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	_____			<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	08/17/94	Term Date	N/A	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	09/16/04	New Term	N/A	Original Requirements Amount	\$ _____
Original Contract Amount	\$ _____			Total Amt of Previous Amendments	\$ _____
Total Amt of Previous Amendments	\$ _____			Requirements Amount Amendment:	\$ _____
Amount of Amendment	\$ _____			Total Amount of Requirements	\$ _____
Total Amount of Agreement \$	\$ _____				

REQUIRED SIGNATURES:

Department Manager		DATE	9/9/04
Purchasing Manager	_____	DATE	_____
County Attorney		DATE	9/9/04
County Chair		DATE	9.16.04
Sheriff		DATE	9/9/04
Contract Administration	_____	DATE	_____

COMMENTS:

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # C-2 DATE 09-16-04  
 DEBORAH L. BOGSTAD, BOARD CLERK

**INTERGOVERNMENTAL AGREEMENT**

**BURGLAR ALARM TASK FORCE**

This agreement is made and entered into pursuant to the authority found in ORS 190.010 et seq. and ORS 206.345 by and between Multnomah County Sheriff's Office (MCSO), jointly with and on behalf of Multnomah County (County), and City of Gresham (City).

**RECITALS**

WHEREAS, both the City (Gresham Revised Code Article 10.20), Exhibit A, and County (Multnomah County Code Chapter 15.700) have in force provisions which regulate the installation and use of burglar and robbery alarm system; and

WHEREAS, the parties desire to enter into this agreement to govern the administration of Gresham Revised Code Article 10.20 in accordance with those mutual terms and conditions set forth hereafter, the parties agree as follows:

**I. TASK FORCE:**

1. MCSO shall facilitate a countywide Burglar Alarm Task Force consisting of representatives of MCSO, incorporated cities within Multnomah County, and the alarm industry to work on methods of reducing false alarms. The Task Force shall operate by consensus.
2. MCSO agrees to arrange for meetings of the Task Force. MCSO agrees to prepare the meeting facility and any information or items that the Task Force needs in order to conduct its business.
3. MCSO agrees to provide any secretarial support of the Task Force. Such secretarial support includes but is not limited to preparing the minutes of all meetings held by

the Task Force and distributing the minutes to all interested parties within fifteen (15) days following the meeting.

4. The county-wide Task Force duties shall include but are not limited to the following:
  - a. Review and approval of the MCSO's Alarm Ordinance Unit's final proposed budget and any revisions;
  - b. The review and approval of all MCSO Alarm Ordinance Unit policies that impact the services provided by the Alarm Ordinance Unit.
5. The Task Force shall review information and policy presented to the alarm industry; all information and policy shall be mutually agreed upon by all Task Force participants.

**II. THE PARTIES AGREE:**

1. The MCSO shall:
  - a. Administer Gresham Revised Code Article 10.20 according to its terms.
  - b. Use a computer based system to maintain industry and user files, send false alarm notices, send fee letters, track false alarms, renew permits, and provide statistical information.
  - c. Send notices of false alarms, fees, and suspension of service due to excessive alarms, within four (4) working days of receiving the information from the Bureau of Emergency Communications (BOEC). Notices of permit renewal shall be sent thirty days prior to permit holders' renewal date. At least one late renewal notice shall be sent within two weeks of a failure to renew a permit.
  - d. Provide the City with computer assisted statistical information about alarms within the City, to include but not be limited to:

**Contract No. 800784-1**

- 1) Total number of new applications, renewal permits, and deleted permits processed.
- 2) Revenues received by type (permit fees, false alarm fees, etc.).
- 3) Alarm statistics shall be furnished monthly, no later than the 10<sup>th</sup> of each month.
- 4) Provide the City access to the MCSO alarm files by way of a computer interconnect; provided such access does not permit ability to enter or delete data.

**2. The City may:**

- a. Provide a City representative who will be responsible for liaison between the City and MCSO and the development of City programs targeted at reducing false alarms.
- b. Collaborate with the MCSO on the production of brochures, media products, and public information items, which will be produced under logo of all participating jurisdictions and will be mutually agreed upon.

**3. Finance:**

- a. MCSO will provide year-end financial reports of all Alarm Ordinance Unit expenditures, no later than September 30<sup>th</sup> of each calendar year.
- b. MCSO shall seek authorization from the Task Force to allot monies in excess of \$5,000 for any aggregate expenditure that is non-emergency in nature.

Emergency expenditures in excess of \$5,000 may be made upon verbal notice to Task Force members.

- c. "Emergency" is any unforeseen occurrence between quarterly Task Force meetings requiring unbudgeted expenditure of over \$5,000 that is necessary to continue operation of the Alarm Ordinance Unit.
- d. The alarm permit fee collected under GRC 10.20 shall be allocated to Multnomah County for the administration of the alarm ordinance.
- e. All fees collected for false alarms will be transferred, in their entirety, to the City on a quarterly basis within 30 days of the end of each quarter. The revenue transfer will occur in the months of October, January, April, and July of each year. Fees collected and transferred to the City are to offset costs for alarm response.
- f. All fees and forfeitures of security deposits collected pursuant to Article 10.20, and administered by Multnomah County officers or employees, will be revenue of Multnomah County; provided, however, that Multnomah County shall maintain records sufficient to identify the sources and amounts of that revenue.
- g. Multnomah County shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering Article 10.20 by Multnomah County officers or employees, including salaries and wages (excluding the Sheriff individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.
- h. Not later than September 30<sup>th</sup> of each year, Multnomah County shall render an account to the City for administering Article 10.20. The account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall



**Contract No. 800784-1**

allocate that excess revenue, if any, or deficit, if any, to the County and the City proportionately as the number of permits issued for alarm systems within the corporate limits of the city bears to the whole number of permits issued in Multnomah County; provided, that no allocation shall be made if the net excess revenue or deficit is less than \$2,500.00.

- i. Distribution by the county of any excess revenue or payment of allocated deficit amounts by the city shall be made not later than September 30<sup>th</sup> of each fiscal year.
- j. "Sound accounting principles" as used in this section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of Article 10.20.

**III. EFFECTIVE AND TERMINATION DATES**

This agreement shall be effective on the date it is signed by last party signing the agreement, and shall remain in effect until there is no government law enforcement response to burglar and robbery alarms in the City, or until terminated by either party on sixty (60) days written notice of such termination to the other party.

**IV. CONTACT PERSON**

For information concerning services to be performed under this agreement, contact shall be made with:

If to the City:

Connie L. Ryba  
Gresham Police Dept.  
1333 NW Eastman Parkway  
Gresham, Oregon 97030  
Telephone: (503) 618-2383

If to MCSO:

Mary Ann Inglesby  
MCSO  
12240 NE Glisan Street  
Portland, Oregon 97230  
Telephone: (503) 251.2411

**V. NOTICE**

Any notice provided for under this agreement shall be written and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the City:

Carla C. Piluso  
Gresham Police Dept.  
1333 NW Eastman Parkway  
Gresham, Oregon 97030  
Telephone: (503) 618-2313

If to MCSO:

Kathy Walliker  
MCSO  
12240 NE Glisan Street  
Portland, Oregon 97230  
Telephone (503) 251.2489

**VI. AMENDMENTS**

The MCSO and the City may amend this agreement at any time only by written amendment, agreed to by both parties.

**VII. COMPLIANCE WITH LAWS**

In connection with its activities under this agreement, MCSO and City shall comply with all applicable federal, state, and local laws and regulations.

**VIII. OREGON LAW AND FORUM**

1. This agreement shall be construed according to the laws of the State of Oregon.
2. Any litigation between the MCSO and City arising under this agreement or out of work performed under this agreement of issues not finally resolved by arbitration as provided in Section XI of 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.

**IX. INDEMNIFICATION**

1. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MCSO and the COUNTY shall indemnify, defend and hold harmless CITY, its officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of MCSO personnel acting pursuant to the terms of the Agreement.
2. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, CITY shall indemnify, defend and hold harmless COUNTY and MCSO, their officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of CITY personnel acting pursuant to the terms of this Agreement.

**X. ASSIGNMENT**

Neither the City nor MCSO shall assign this agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the other.

**XI. ARBITRATION**

Any dispute under this agreement which is not settled by mutual agreement of MCSO or City within sixty (60) days of notification in writing by either party shall be submitted to an arbitration panel. The panel shall be composed of three (3) persons, one of whom shall be appointed by MCSO, one of whom shall be appointed by the City, and one of whom shall be appointed by the two arbitrators appointed by MCSO and the City. In the event the two cannot agree on the third arbitrator, then the third shall be appointed by the Presiding Judge (Civil) of the Circuit Court of the State of Oregon for the County of Multnomah. The arbitrators shall be selected within thirty (30) days of the expiration of

the sixty (60) day period. The arbitration shall be conducted in Portland, Oregon and shall be governed by the laws of the State of Oregon. The parties shall agree on the rules governing the arbitration (including the appropriation of costs). If the parties cannot agree on rules, the arbitrators shall adopt rules consistent with this section. The arbitrators shall render their decision within forty-five (45) days of their first meeting with MCSO and City. Insofar as MCSO and City legally may do so, they shall be bound by the decision of the panel.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

CITY OF GRESHAM, OREGON

MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Charles Becker, Mayor

\_\_\_\_\_  
Diane Linn, Chair

DATE: \_\_\_\_\_

DATE: 9.16.07

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Bernie A. Giusto, Sheriff

DATE: \_\_\_\_\_

DATE: 09.09.04

APPROVED AS TO FORM:

REVIEWED:

Agnes Sowle  
Multnomah County Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_  
Scott E. Asphaug, Assistant County Attorney

DATE: \_\_\_\_\_

DATE: 09.09.04

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 09.16.04  
DEBORAH L. BOGSTAD, BOARD CLERK

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** September 16, 2004

**Agenda Item #:** R-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 08/02/04

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**Requested Date:** September 16, 2004

**Time Requested:** 5 minutes

**Department:** Business and Community Services    **Division:** Land Use and Transportation

**Contact/s:** Gary Clifford & Karen Schilling

**Phone:** 503-988-3043

**Ext.:** 26782

**I/O Address:** 455/116

**Presenters:** Gary Clifford

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**Agenda Title:** Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways

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

- 
1. **What action are you requesting from the Board? What is the department/agency recommendation?** The Land Use Planning and Transportation Program recommends approval of the proposed ordinance to amend the Building Code part of the County Code.
  2. **Please provide sufficient background information for the Board and the public to understand this issue.** This proposed ordinance would amend the adopted Building Code for the unincorporated areas of Multnomah County (outside of cities) by adding a minimum fire-flow requirement and minimum standards for private streets and driveways serving new homes to ensure that fire fighting apparatus can reach the homes.

“Fire-flow” is the amount (flow rate) of water that is available at a property for firefighting. That water can, in urban settings, be from fire hydrants, or in rural areas, most likely from fire trucks that carry their own water to the site.

Multnomah County Comprehensive Plan Policy 38 Facilities requires that "There is adequate water pressure and flow for fire fighting purposes" when reviewing new development proposals. Fire protection services in unincorporated Multnomah County are provided by a half dozen service districts, all with varying adopted standards for fire flow requirements. They range from those adopted by the Tualatin Valley Fire and Rescue which exceed those proposed in this ordinance to volunteer fire districts that have not adopted any fire-flow standards for use in the review of proposed new construction.

The County lacks a fire protection function as part of its governmental mission and is therefore prevented by state law from adopting fire-flow standards that are part of the State Fire Code. Presently, fire-flow standards must be adopted by ordinance by the local fire protection service provider. However, in 1997 an optional fire-flow standard was added to the State Building Code and then in 2001 the legislature in House Bill 2912 allowed, again as an option, the Building Permit Official to allow for alternative methods of fire protection in home construction (e.g. a fire sprinkling system) if fire apparatus are prevented from accessing a new home. A fire truck may be prevented from getting to a home because the private road or driveway is too steep, too narrow, the turns are too tight, or a bridge cannot support its weight.

In summary, the fire-flow and access requirements proposed in this ordinance are an option that cities and counties may choose to add to their adopted State Building Code. This ordinance proposes to adopt these standards in order to establish minimum standards where there are none, while allowing more stringent standards that may have been adopted by a fire district to be utilized. For example, Tualatin Valley Fire and Rescue (TVF&R) has adopted a driveway grade standard that requires a less steep grade. In the review of a proposed single family house, then the building plans reviewer from TVF&R would check for compliance with their adopted Fire Code and the home builder would be subject to TVF&R standards.

**3. Explain the fiscal impact (current year and ongoing).** No measurable fiscal impact on the County budget is anticipated.

There will be some additional staff time necessary in the additional coordination that will be required with fire district representatives and the building permit officials during the review of building permit site plans. However, it is anticipated that the additional effort will be manageable due to the relatively smaller number of building permits that are issued outside of the Urban Growth Boundary, (an average of only 34 new home permits issued in each of the last two years).

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**

- ❖ Do any personnel actions result from this budget modification? Explain.
  - ❖ Is the revenue one-time-only in nature?
  - ❖ If a grant, what period does the grant cover?
  - ❖ When the grant expires, what are funding plans?
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

**If grant application/notice of intent, explain:**

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

- 4. Explain any legal and/or policy issues.** The proposed Building Code provisions are options that a county may chose to adopt or not adopt.

There will be more work required of the builder of a new house in preparing a more detailed site plan that shows certain additional driveway information than presently required. If the driveway does not meet the fire truck access standards then the property owner can either modify the driveway to meet the requirements or submit home building plans that include the installation of a sprinklering system. Staff has heard estimates that the cost of sprinklering a house ranges from \$1.50 to \$2.00 per square foot of floor space.

The builder of a larger house, over 3,600 square feet in floor area, will be required to install a fire sprinklering system in the new home.

There will be some additional costs to the homebuilder in adding more fire resistant roofing materials, clearing “defensive space” around the home (tree removal and trimming), and sometimes adding monitored fire alarm systems.

This proposed ordinance proposes to regulate certain aspects of the construction of a home that presently are considered to be of concern or “jurisdiction” of the local fire protection provider. There are questions from the smaller volunteer fire protection

districts that they may not have the personnel to spend time reviewing building permits for additional requirements.

5. **Explain any citizen and/or other government participation that has or will take place.** There has been written correspondence with all the affected fire protection districts and the fire departments and building departments of the cities of Portland and Gresham.

A public hearing was held before the Multnomah County Planning Commission on February 3, 2003 and September 8, 2003 where the Planning Commission approved the proposal for recommendation to the Board of County Commissioners.

A meeting with representatives of four of the fire protection service providers was held on July 10, 2003. It was at that meeting that the concept of allowing alternative methods of meeting a "rural standard" fire-flow was developed.

**Required Signatures:**

Department/Agency Director: Robert A Maestre

Date: 08/02/04

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:





**MULTNOMAH COUNTY**  
**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**  
**LAND USE AND TRANSPORTATION PROGRAM**  
1600 SE 190<sup>th</sup> Avenue Portland, OR 97233  
(503) 988-3043 FAX: (503) 988-3389

**STAFF REPORT TO THE BOARD OF COUNTY COMMISSIONERS**  
**PROPOSED FIRE-FLOW AND FIRE APPARATUS ACCESS STANDARDS**  
**(Case #PC 02-06)**  
**July 7, 2004**

**I. INTRODUCTION**

Rural wildfires and their impact on rural home sites have been in the news a great deal in the last few years. In the forest zoning districts of Multnomah County, there are wildfire related development standards for new homes. Those standards include a requirement to clear trees within a certain perimeter of the home to provide a "defensible space" from approaching wildfires and requires that driveways be accessible to fire trucks. However, at this time there are no such requirements in County Code for new homes built in rural zoning districts other than forest zones to have these fire protection measures.

In the State of Oregon building code and administrative rules, there are now available to Counties wildfire related code provisions that can be applied to all rural areas. That is the purpose of this Building Code amendment proposal. After two public hearings, the Planning Commission recommends to the Board of County Commissioners the following code amendments to the Building Code:

1. The first part of the proposed amendments add a "fire flow" requirement that uses the relationship between the amount of water available for fire fighting purposes and the size of a new structure. The proposed standard is for rural areas and because rural areas do not generally have urban levels of water volume and pressure in their water distribution systems. The standards would apply only outside city limits where a local fire protection provider has not adopted more stringent standards. Where a fire protection provider has adopted more stringent standards, then the fire district's standards would be utilized instead of the proposed standards.
2. The second part of the proposal is to add certain "fire apparatus access requirements" for new private streets and private driveways leading to new homes. The standards are in conformance with the provisions of Division 480 of the Oregon Administrative Rules for the State Building Codes Division (OAR 918-480-0100 through 918-480-0120). The purpose of Division 480 is to require in building codes that a new home have a fire sprinkler system installed if fire apparatus cannot reach the dwelling. Before this 2001 rule change, such requirements could only be adopted as part of a fire code. Like the fire-flow standard, the standard would apply outside city limits only where a more stringent standard has not been adopted by the local fire district.

Outreach and requests for assistance and comment in this project has been made with:

- (1) The Tualatin Valley Fire and Rescue District (TVF&R) (service area is west of the City of Portland and west of the southerly part of Sauvie Island);

- (2) City of Gresham Fire and Emergency Services (has contract with Multnomah County Fire District #10 to serving the area between the City of Gresham and the Sandy River);
- (3) City of Gresham Building Division (building permit reviewer for unincorporated areas east of the City of Gresham);
- (4) Multnomah County Fire District #10 Board (contracts with City of Gresham Fire Department to serve the area between Gresham City and the Sandy River);
- (5) Multnomah County Rural Fire District #14 (serving the rural area east of the Sandy River including the community of Corbett);
- (6) Multnomah County Rural Fire District #30 (Sauvie Island);
- (7) Scappoose Rural Fire District #31(serving rural area west of Sauvie Island and north of the TVF&R service boundary);
- (8) City of Portland Building Permits (building permit reviewer for the areas west of the City of Portland);and
- (9) Multnomah County Right-of-Way/Transportation staff.

## **II. APPLICABLE COMPREHENSIVE FRAMEWORK PLAN POLICY**

### **POLICY 38: FACILITIES INTRODUCTION**

Police protection is provided by the County's Sheriff's Office; however, fire protection and schools are provided by special service districts which operate independent of the County.

The purpose of this policy is to assure that adequate police and fire protection is available to new development and to provide the school districts with the opportunity to be advised of proposals which will affect their capital improvements programs.

**POLICY 38:** It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure:

\* \* \* \*

#### **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.

\* \* \* \*

The Planning Commission recommends approval of the proposed Code amendments as an appropriate means of implementing part B of Comprehensive Framework Plan Policy 38. The requirements establish minimum "fire-flow" standards for new structures and set up requirements for new private streets and private driveways to ensure access to new dwellings by fire fighting apparatus. Failure of a proposed access to a new home to meet those access standards then requires some alternative means of fire fighting. The alternative means usually is the installation of a fire sprinklering system in the new home.

## **III. PROPOSED COUNTY CODE AMENDMENTS**

On the following pages is proposed code language. The proposed code changes appear in the text box on the left with related comments from staff found in the text box to the right.

**DRAFT CODE  
AMENDMENT LANGUAGE**

**FIRE FLOW AND FIRE APPARATUS  
ACCESS STANDARDS  
PROPOSED TO BE ADDED TO THE  
BUILDING CODE PART OF  
THE MULTNOMAH COUNTY CODE**

Underlined language is proposed to be added to the County Code.

Three asterisks \* \* \* shows where subsections are skipped or not included.

**Multnomah County Code Chapter 29:  
Building Regulations**

**§ 29.001 Title; Area Of Application.**

This subchapter shall be known as the Building Code and applies to the unincorporated areas of the county.

**§ 29.002 Policy.**

The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the state building code adopted by the state and that this subchapter is necessary for the protection of the public health, safety and general welfare of the residents of the county. In addition, the Board has determined that certain optional state building code regulations providing standards for fire-flow, fire apparatus means of approach, and alternatives to those standards are necessary to implement Comprehensive Framework Policy 38: Facilities for fire protection.

**STAFF COMMENTS AND  
SUPPLEMENTAL INFORMATION:**

Following are staff comments and relevant information regarding the proposed code amendments. Sections of State Administrative Rules or various Codes are shown in *italic font*.

Multnomah County has adopted the State of Oregon Uniform Building Code. Since the late 1980's the county has contracted with the cities of Portland and Gresham for building plan review, permit issuance, and building inspection services for the unincorporated areas of the county. County government does not provide fire protection services.

Fire protection services and building code services are established very differently in state statute. For example, the office of the State Fire Marshal is in the Department of State Police while the state building code is administered by the Director of the Department of Consumer and Business Services. Also, it can be characterized that Fire Chiefs, if they so choose, have a greater amount of discretion available to them for adopting fire prevention standards than are available to building officials in the building code.

**§ 29.003 Adoption Of State Building Code By Reference.**

(A) Those portions of the state building code constituting the structural specialty code, fire and life safety code, mechanical specialty code, and the one- and two-family dwelling specialty code, are adopted and by this reference incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over the similar provisions of the state specialty codes.

(B) Except as modified in (C) below, the optional portion of the 1997 Uniform Building Code constituting the Division II-Fire Flow standards in Appendix Chapter 9 are adopted and by reference incorporated as part of this subchapter as the requirements for determining fire flow for buildings constructed under a building permit issued after (effective date of this ordinance) or for those portions of buildings constructed under a building permit issued after (effective date of this ordinance) that are "substantial improvements" to existing buildings. "Substantial improvements" mean the addition of more than 50 percent of the floor area to buildings that existed on (effective date of this ordinance). For one- and two-family dwellings the floor area in "substantial improvements" does not include garages or attic spaces.

(1) As provided in Section 910 of Division II – Fire Flow, fire-flow requirements may be modified downward or upward only upon approval by both the building official and the fire chief. The building official shall be the official currently under contract for providing building permit issuance services. The fire chief shall be the current chief, or delegate, of the fire district or city that

"Division II- Fire Flow" in Appendix Chapter 9 of the 1997 Uniform Building Code is available as an option to cities and counties.

The language in the 1997 Uniform Building Code Division II has many, but not all, of the standards found in the state fire code (1994 Uniform Fire Code, Division III, Appendix III-A Fire-Flow Requirements For Buildings). Below is an example section from the Building Code followed for comparison by a similar section from the Uniform Fire Code. In Multnomah County most cities and some Fire Districts such as the Tualatin Valley Fire and Rescue have adopted the Fire Code sections, sometimes with added standards.

***1997 Uniform Building Code, Division II— Fire Flow, Appendix Chapter 9***

***912.1 One- and Two family Dwellings.*** The minimum fire flow requirements for one- and two-family dwellings shall be 1,000 gallons per minute (3785.4 L/min.).

*EXCEPTION: Fire flow may be reduced by 50 percent when the building is provided with an approved automatic fire-extinguishing system.*

***1994 Uniform Fire Code, Division III, Appendix III-A, Section 5 – Fire-Flow Requirements for Buildings***

***5.1 One- and Two-Family Dwellings.*** The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire area which does not exceed 3,600 square feet (344.5 m<sup>2</sup>) shall be 1,000 gallons per minute (3785.4 L/min.). Fire flow and flow duration for dwellings having a fire area in excess of 3,600 square feet (344.5 m<sup>2</sup>) shall not be less than that specified in Table A-III-A-1.

\* \* \* \*

Staff heard from representatives of the fire service providers that there is a need for a clear threshold for when additions to existing

provides fire services to the property.

(2) As referenced in Section 913 of Division II – Fire Flow, standards for fire department access and required fire hydrants shall be the applicable fire codes in the unincorporated area of the county, except as modified by the fire apparatus means of approach standards in § 29.012 and the alternate methods of fire protection in § 29.013.

(3) For properties within fire protection service districts that have adopted more stringent fire-flow standards than contained in Division II—Fire Flow, Appendix Chapter 9, of the Uniform Building Code, the more stringent standards shall be utilized. In that circumstance, the fire chief's authority for administering the fire-flow standard shall be as given in the district's ordinances.

(4) In recognition that Section 910 allows for fire-flow modifications, particularly in rural areas or small communities, section § 29.003(C) below is a less restrictive modification of those fire-flow standards that is appropriate for and shall apply to the unincorporated areas of Multnomah County that are outside of any city limits where a greater fire-flow standard has not been adopted by the local fire protection provider.

(C) Notwithstanding any other fire-flow requirement in Division II—Fire Flow, Appendix Chapter 9, the fire-flow requirement and exception in subsection 912.1 “One- and Two-family Dwellings” shall be modified to require a minimum 500 gallons per minute for dwellings that are less

trigger the proposed standards. The “substantial improvement” threshold of more than 50 percent of existing buildings was suggested.

***1997 Uniform Building Code, Division II—  
Fire Flow, Appendix Chapter 9***

***Section 910 – MODIFICATIONS***

***910.1 Decreases.*** *Fire-flow requirements may be modified downward by approval of the chief and the building official for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.*

In the rural areas of Multnomah County public water lines do not generally carry the volume and pressure of water that urban systems carry and fire hydrants are few. In addition, in the rural areas many of the homes being built are on individual water wells because public water is not available.

than 3,600 square feet in floor area (excluding garages and attic spaces) and accessory buildings and garages that are less than 3,000 square feet in floor area (either detached or attached to the dwelling).

The continuous fire-flow standard of 500 gallons per minute at the dwelling may be met by water flow and volume available from public water lines or by other water supply sources in conformance with standards in the 1999, or most current edition, "NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" manual. If the 500 gallons per minute fire flow standard cannot be met from public water lines or other water supply sources, then the alternative provisions in (C)(1) through (C)(7) below shall be used in combination to meet a credit total that equals or exceeds 100% of the 500 gallons per minute standard.

In a meeting with representatives of three of the rural fire districts, staff heard that the fire-flow standard of 1,000 gallons per minute could not be met in the rural areas of the County because of the water line differences found in the rural areas. By not having water service available to meet the 1,000 gallon standard, under that standard, most new homes in the rural areas would be required to have a sprinklering systems installed.

Tualatin Valley Fire and Rescue, which uses the 1,000 gallons per minute standard in the urban areas that they serve, do not apply that standard in rural areas to homes of less than 3,600 square feet in area.

A Fire District 10 Board member, who is currently a Fire Marshal in a different jurisdiction, made the suggestion that a threshold of 3,600 square foot of floor space was an appropriate one for rural areas. The Fire Marshal also recommended a reduction in the fire-flow requirement from 1,000 gallons per minute to 500 gallons per minute. It was further suggested that several optional credits be available for use to meet the 500 gallons per minute standard. The credits could include considerations for tanker truck capacity that can get to the home, methods of home construction, and other measures.

One of the aims of assigning the different credit amounts for each alternative method of addressing wildfire concerns is to require the installation of a sprinklering system if a property is not within a fire protection district. To accomplish that, all alternative methods that do not involve fire district equipment should add up to less than 100% of meeting the standard—thereby requiring the use of alternative IV in the chart below.

Summary of methods to meet 100% of the Fire-Flow Requirement of 500 gal. per min.	
I.	500 gallons per minute fire-flow is available from public water lines or other sources in compliance with NFPA 1142 standards [100%]; or
II.	Utilize the tanker truck credit in (C)(1) [50%] and any two of the following alternative credits: <ul style="list-style-type: none"> <li>• Monitored alarm in (C)(2) [25%];</li> <li>• Roof materials in (C)(3) [25%];</li> <li>• Defensive space in (C)(4) [25%];</li> <li>• Special approval by the Fire Chief in (C)(5) [25%]; or</li> </ul>
III.	Use all the following alternative credits: <ul style="list-style-type: none"> <li>• Monitored alarm in (C)(2) [25%];</li> <li>• Roof materials in (C)(3) [25%];</li> <li>• Defensive space in (C)(4) [25%];</li> <li>• Special approval by the Fire Chief in (C)(5) [25%]; or</li> </ul>
IV.	Utilize the sprinkler system in (C)(6) [75%] and any one of the following alternative credits: <ul style="list-style-type: none"> <li>• Tanker truck credit in (C)(1) [50%];</li> <li>• Monitored alarm in (C)(2) [25%];</li> <li>• Roof materials in (C)(3) [25%];</li> <li>• Defensive space in (C)(4) [25%];</li> <li>• Special approval by the Fire Chief in (C)(5) [25%].</li> </ul>
<p>(1) <u>An alternative credit of 50% shall be given upon verification by the local fire protection service provider that a water tanker truck of at least 3,000 gallon capacity is available to serve the property;</u></p> <p>(2) <u>Where fire protection services are available, an alternative credit of 25% shall be given for the use of a central station monitored smoke alarm system and the posting of a clearly visible rural address marker</u></p>	

Staff was told that this volume of tanker truck is common to all the rural fire protection districts.

This standard is in the Commercial Forest Use zoning regulations as a condition of approval of a request to reduce the "secondary fire safety zone." The need for a rural address marker is a common concern of all fire districts in locating a property.

where the private driveway or private road intersects with the public road;

- (3) An alternative credit of 25% shall be given for the installation of Class A or non-combustible roofing shingles and the boxing in of all eaves, facias, and soffits with fire resistant materials;
- (4) An alternative credit of 25% shall be given for the creation of "defensible space" against wildfire around the dwelling. On ground slopes of less than 20 percent, "defensible space" is an area 30 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. On ground slopes of 20 percent or greater, "defensible space" is an area 100 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. Prior to issuance of the building permit, verification shall be required that within the "defensible space":
  - (a) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the proposed dwelling; and
  - (b) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow; and
  - (c) Existing trees are spaced with greater than 15 feet between crowns; and
  - (d) All other vegetation is less than 2 feet in height;

Studies of homes that have survived large area wildfires have found that the roofing materials are generally the most important single structural characteristic in determining if a home is likely to catch fire.

Defensible space around the dwelling is the most important non-structural characteristic recommended in the literature about wildfire protection.

The distances of 30 and 100 feet were taken from the publication "Living With Fire, A Guide for the Homeowner" from the Pacific Northwest Wildfire Coordinating Group. Using these two distances is a simpler version of the "primary fire safety zones" used in the County forest zoning regulations. In those forest zones the zoning standard would supercede this building code requirement, resulting in equal to or greater defensible space.

(5)(a) through (5)(d) are taken from the fire safety zone requirements of the County forest zoning code sections. The requirements originated from recommendations published by the Oregon Department of Forestry.



(5) In conjunction with meeting the requirements of (C)(2) above, the Fire Chief of the local fire protection provider may approve an additional credit of 25% when particular circumstances warrant the credit. Such circumstances include, but are not limited to, specific fire prevention, fire containment, or fire suppression attributes of the proposed building site, building materials, or additional fire detection and/or suppression features.

(6) An alternative credit of 75% shall be given with the installation of a fire sprinkler system in conformance with the standards in the 1999 Edition, or the most current version, of the NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc.).

\* \* \*

**§ 29.012 Fire Apparatus Means of Approach – Standards For Private Streets and Private Driveways Serving New and Replacement One- And Two-Family Dwellings.**

(A) Private streets and private driveways shall meet the standards in this section for fire apparatus access to new and replacement one- and two-family dwellings. The purpose of these standards is to establish minimum criteria for evaluating the adequacy of fire apparatus access during the review of building permit applications for proposed one- and two-family dwellings.

(1) Review and determination of com-

This option was added by the Planning Commission to give the local Fire Marshal the ability to award credits for fire prevention or suppression features of a proposed new home that are not on the list but which are warranted.

That may occur from other not listed fire preventative or reduction features such as special building construction design or materials (for example, interior fire walls) or attributes of the building site (for example, surrounded by treeless farmland).

This is a significant method of protecting the home and occupants from fires originating within the structure and should be heavily weighted in the number of credits earned for its use.

The standards in § 29.012 are allowed to be added to a municipalities building code in the manner (and the restrictions) given in the State of Oregon Administrative Rules 918-480-0100 through 918-480-0120. The Rules are derived from the 2001 Oregon House Bill 2912 that amended Oregon Revised Statute section 455.610 "One and Two Family Dwelling Code; adoption; changes; alternative methods of construction."

***Oregon Administrative Rule (OAR)  
918-480-0100***

***Purpose and Scope***

*(1) The building official may allow an alternate to the minimum requirements of the One-*

pliance with the standards in § 29.012, or more stringent standards adopted by the fire protection service provider, shall be made by the Fire Marshal or designated fire official of that service district. If the Fire Marshal, or designee, fails to review and make a determination of compliance, then the building official shall, after consultation with the appropriate fire official, make a determination of compliance.

(2) The standards in this section implement the requirements in OAR 918-480-0100 through 918-480-0120 (2002), appropriate use of alternate methods of construction in the One and Two-Family Specialty Code.

(3) An alternative to the minimum requirements of (D) below may be allowed by the building official, after consultation with the fire official, subject to the requirements of § 29.013.

(B) As used in § 29.012, "private street" and "private driveway" shall have the meanings given in the land division definition parts of the applicable Zoning Code Chapter of the Multnomah County Code.

***and Two-Family Dwelling Specialty Code as authorized by ORS 455.610, which may include, but is not limited to, installation of an automatic fire sprinkler system, where it is determined the fire apparatus means of approach to a property or the fire fighting water supply serving a property, does not meet the local standards adopted in accordance with the applicable fire code and state building code requirements. The rule shall apply only to dwellings and habitable rooms within accessory structures built under the One- and Two-Family Dwelling Specialty Code unless otherwise stated in the land use approvals for accessory structures built under this code.***

(2) *These rules are not intended to automatically require construction elements that are not otherwise required by the One- and Two-Family Dwelling Specialty Code.*

(3) *A request for an alternate under these rules may be approved only where the property is included in an area:*

(a) *Where there is an established and recognized provider of fire protection services; and*

(b) *Where there are local standards adopted in accordance with applicable fire code and state building code requirements identified for fire fighting water supply or fire apparatus access roads that include any or all of the following: public access roads, shared private access roads and private driveways.*

### ***Oregon Administrative Rule 918-480-0110 Definitions***

*For the purpose of these rules:*

(1) *"Fire Apparatus Means of Approach" may include a public access road, a shared private access road or a private driveway.*

(2) *"Private Driveway" means a private road giving fire apparatus access from a public access road or shared private access road to a building or buildings on a single property.*

(C) A building permit application for a new or replacement one- or two-family dwelling shall include sufficient information to determine compliance with the standards of § 29.012. A review form evaluating the proposal and signed by the applicable fire official shall also be submitted with the permit application.

(1) For those fire protection service districts that have adopted more stringent standards than given in (D) below, the more stringent standards shall prevail. The signed review by a fire district official shall state if the proposal is in compliance with the most stringent standards, either the district or those in (D) below.

(2) Where there may be a conflict between the standards of this section and development standards in the county Zoning Code, the more stringent standard shall be utilized. The Planning Director shall provide this information to the building official with copies of any land use decision.

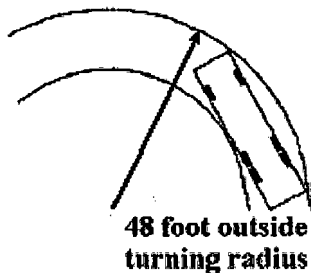
(D) Fire apparatus access requirements. The following standards shall apply to private streets and private driveways:

The Commercial Forest Use zones (CFU, CFU-1, CFU-2, CFU-3, CFU-4, CFU-5) have private road and private driveway standards that are derived from the state forestry department rules. Compliance with the CFU private road/driveway standards are verified as part of the review process for new dwellings in a land use decision.

The lack of uniform minimum standards for private streets and private driveways in the rural areas of the county has been of concern to planning staff, land use hearings officers, and the planning commission. Where this is especially a problem is when an applicant proposes to build a house at the end of a private street or private driveway that will not allow fire apparatus to reach the new house. The fire apparatus may be prevented from using the driveway or private street due to some aspect of its design or construction such as too steep a grade. In this proposed code amendment, if the driveway standards are met, there will be confidence that fire apparatus can reach the new house. On the other hand, if the proposed private street or private driveway does not

(1) Vehicle weight: Be built and maintained with an all weather driving surface that supports a gross vehicle weight of 50,000 pounds or the weight of the heaviest commonly used apparatus used by the fire protection service provider serving the subject property, whichever is greater. Bridges, culverts and other structures shall also be required to meet this requirement. Written verification of compliance with the Gross Vehicle Weight standard may be required from an Oregon Professional Engineer.

(2) Curve radius: Have an outside radius that is no less than 48 feet on all curves along the driveway or private street.



(3) Vertical clearance: Have a vertical clearance of no less than 13 feet 6 inches.

meet the standards, then an alternative fire fighting method, such as a fire sprinklering system, would be required to be installed.

Below are some example standards adopted by different fire districts and the county in its Zoning Code. The recommendations are generally based upon the base minimum standards that are presently used by some of the fire protection districts.

**TVF&R:** All weather surface; 12,500 pound wheel load; 50,000 pound gross vehicle weight; bridges shall meet Oregon Department of Transportation (ODOT) and American Association of State Highway and Transportation Officials Standards (AASHTO).

**Scappoose Rural Fire District:** All weather surface; 12,500 pound wheel load; 50,000 pound gross vehicle weight (same for bridges).

**Rural Fire District #14 (Corbett):** All weather capable of supporting 26 tons.

**City of Gresham:** (They have trucks that are 69,000 pounds in gross vehicle weight.)

**Commercial Forest Use Zones Standard:**

All weather surface; 52,000 pound gross vehicle weight for roads, bridges, and culverts.

**TVF&R:** Not less than 25 feet inside turning radius or 45 feet outside radius.

**Scappoose Rural Fire District:** Minimum curve radius of 45 feet.

**Rural Fire District #14 (Corbett):** Minimum 35 feet or approved by Chief.

**Commercial Forest Use Zones Standard:** 48 feet or greater.

**TVF&R:** Not less than 13 feet 6 inches.

**Scappoose Rural Fire District:** Be at least a clear height of 13 feet, 6 inches.

**Rural Fire District #14 (Corbett):** Not less

(4) Width: Be built and maintained from the public road to the end turnaround near the dwelling to a minimum unobstructed width, (including gate opening widths), of:

(a) 12 feet for a private driveway to a single dwelling;

(b) 12 feet for a private street to two dwellings;

(c) 20 feet for a private street to three or more dwellings; and

(d) 20 feet for all "accessways," regardless of the number of dwellings served. An "accessway" is a private street that is a separate tract of land that is owned in common by the abutting property owners for access and was approved under the provisions of the land division code after October 19, 1978.

(e) The Fire Marshal, or designee, may approve an off-site built and maintained width of less than 20 feet, but not less than 12 feet in width, for a private street as given in (c) above. That approval, however, may not be applied to a required improvement width that is part of a Multnomah County land use decision.

(5) Turnaround: Private streets and private driveways with lengths greater than 150 feet shall be built and maintained with a turn-around at or

than 12 feet.

**Commercial Forest Use Zones Standard:**  
Unobstructed vertical clearance of 13 feet 6 inches.

**TVF&R:** 15 feet to one and two family dwellings and out buildings; 20 feet to all other.

**Scappoose Rural Fire District:** Minimum of 20 feet wide.

**Rural Fire District #14 (Corbett):** Not less than 12 feet.

**Commercial Forest Use Zones Standard:**  
Driveway to one dwelling required to be at least 12 feet in width; all other private drives and roads required to be 20 feet in width.

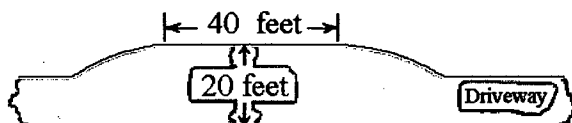
**TVF&R:** Required on dead ends of 150 feet or more, adopted designs only.

**Scappoose Rural Fire District:** Access roads in excess of 150 feet shall have approved turn-

near the end of not less than 48 foot outside turning radius. Turnarounds may be circular or one of the variations of the hammerhead design (such as "T," one-sided, or "Y").

- (6) Turnouts: No turnouts are required on private streets and private driveways that are improved to 20 feet or more in width as required by (D)(1) above. On private streets and private driveways that are improved to less than 20 feet in width, that are also greater than 200 feet in length, turnouts shall be built and maintained to:

- (a) Measure 20 feet in width for a length of 40 feet with adequate transitional curve radii at each end;



Turnout dimensions on private driveway of less than 20 feet in width.

- (b) Have a maximum spacing of one-half the driveway length or 400 feet, whichever is less; and
- (c) Where visibility is limited, the maximum spacing between turnouts shall be reduced appropriately.

around.

**Rural Fire District #14 (Corbett):** Required on dead ends in excess of 150 feet, with approved provisions for turning around.

**Commercial Forest Use Zones Standard:** Required at the end of any access exceeding 150 feet, radius of 48 feet or greater. Additional turnarounds required at a maximum spacing of 500 feet.

Fire district representatives suggested that a diagram illustrating a typical turnaround not be used because there are so many acceptable variations and a diagram sometimes implies that the diagram is the only acceptable one.

**Commercial Forest Use Zone Standard:**

Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of  $\frac{1}{2}$  the driveway length or 400 feet whichever is less.

- (7) Grades: Shall not exceed an overall average grade of 12 percent with a maximum grade of 15 percent for lengths of no more than 200 feet.

- (8) Distance to House: Shall reach to within 150 feet of all portions of the exterior wall of the first story of the dwelling as measured by an approved route around the exterior.

**§ 29.013      Alternate Method of Fire Protection – One- And Two-Family Dwellings.**

Pursuant to OAR 918-480-0100 through 918-480-0120 (2002), the building official may allow an alternate to the minimum requirements of the One- and Two-Family Dwelling Specialty Code as authorized by ORS 455.610, which may include, but is not limited to, installation of an automatic fire sprinkler system. That decision may be made where it is determined the fire apparatus means of approach to a property or the fire fighting water supply serving a property, does not meet the local standards adopted in accordance with the

**TVF&R:** Not exceed an average grade of 10 percent with a maximum grade of 15 percent for lengths of no more than 200 feet; intersections and turnarounds with a maximum of 5 percent grade.

**Scappoose Rural Fire District:** Not exceed an average of 12 percent with a maximum of 15 percent on short pitches of no more than 75 feet.

**Rural Fire District #14 (Corbett):** Maximum recommended should not exceed 6 percent, however, if a gradient exceeds 6 percent then approval by the Fire Chief must be obtained.

**Commercial Forest Use Zones Standard:** Grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except the maximum grade may be exceeded upon written approval from the fire protection provider.

**TVF&R:** Shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior.

**Scappoose Rural Fire District:** No portion of an exterior wall of the first story is located more than 150 feet from an approved vehicle access.

***Oregon Administrative Rule 918-480-0120  
Approval of an Alternate Method of Construction***

*The building official shall ensure the following criteria have been met when allowing the use of an approved alternate method of fire protection under the scope of these rules:*

*(1) The alternate shall be at the request of the applicant;*

*(2) For lots of record created on or after January 1, 2002, the building official shall confirm the fire official having authority has, in accordance with the adopted fire code:*

*(a) Approved the alternate to adopted fire apparatus access road, private driveway or fire fighting water supply standards*

applicable fire code and state building code requirements. Before allowing the use of an alternative method of fire protection, the building official shall ensure the following criteria have been met:

(A) The alternate, such as an automatic fire sprinkler system, shall be at the request of the applicant;

(B) For lots of record created before January 1, 2002, the building official shall, prior to authorizing an alternate allowing the development of a parcel that could not otherwise be developed because it cannot meet adopted fire apparatus access standards or fire fighting water supply standards pursuant to § 29.012 and § 29.003(B), consult with the fire official having authority to approve an alternate;

(C) For lots of record created on or after January 1, 2002, the building official shall confirm the fire official having authority has:

(1) Approved the alternate to adopted fire apparatus access standards for shared private roads, private driveways or fire fighting water supply standards pursuant to § 29.012 and § 29.003(B), during the land use approval process; and

(2) The approved alternate has been recorded on the property deed or on a recorded deed restriction as a requirement for future construction.

(D) Providing the requirements of this rule are met, the local building official is authorized to enforce the conditions of an approved alternate method of construction when it is part of the building construction; and

(E) When the approved alternate is a fire

*during the land use approval process; and  
(b) The approved alternate has been recorded on the property deed as a requirement for future construction.*

*(3) For lots of record created before January 1, 2002, the building official shall, prior to authorizing an alternate allowing the development of a parcel that could not otherwise be developed because it cannot meet adopted fire access road, private driveway or fire fighting water supply standards, consult with the fire official having authority to approve an alternate to fire access and water supply standards under the adopted fire code;*

*(4) Providing the requirements of this rule are met, the local building official is authorized to enforce the conditions of an approved alternate method of construction when it is part of the building construction; and*

*(5) When the approved alternate is a fire sprinkler system, the minimum standard for installation within one- and two-family dwellings shall be the 1999 Edition of NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.*

*[Publications: Publications referenced are available from the agency.]*

*Stat. Auth.: ORS 455.610*

*Stats. Implemented: ORS 455.610*

*Hist.: BCD 20-2002, f. 8-1-02, cert. ef. 10-1-02*



sprinkler system, the minimum standard for installation within one- and two-family dwellings shall be the 1999 Edition, or the most current version, of NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc).

\* \* \* \*

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an )  
Ordinance amending MCC Chapter 29, Building )  
Regulations, to add fire flow standards and fire )  
apparatus means of approach standards for private )  
streets and driveways serving single family homes )

**RESOLUTION  
PC-02-06 A**

**WHEREAS,** The Planning Commission is authorized by Multnomah County Code sub-sections 33.0140, 34.0140, 35.0140, 36.0140, 38.0550 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan; and

**WHEREAS,** Comprehensive Framework Plan Policy 38: Facilities states that it is the County's policy to coordinate and encourage involvement of applicable agencies in the land use process to ensure that there is adequate water pressure and flow for fire fighting purposes;

**WHEREAS,** The fire flow standards contained in the optional Division II – Fire Flow in Appendix Chapter 9 of the 1997 Uniform Fire Code are deemed to be an appropriate means of implementing Plan Policy 38 for water pressure and flow for fire fighting purposes;

**WHEREAS,** In consideration of the reduced level of water services in the rural areas, it is appropriate to adopt lower fire flow standards in those areas as allowed by Section 910 of Division II – Fire Flow, Appendix Chapter 9 and establish appropriate credits that may be used toward meeting that rural fire-flow standard;

**WHEREAS,** Part of ensuring that fire flow is available for fire fighting purposes in the rural areas is either assurance that fire apparatus can reach new single family homes or that some alternative means of fire fighting is used such as the installation of a home water sprinklering system;

**WHEREAS,** It is also in the best interests of the public that where a fire protection district has adopted more stringent standards, the more stringent standard shall prevail; and

**WHEREAS,** The Planning Commission considered these amendments at a public hearing on February 3, 2003 and September 8, 2003 where all interested persons were given an opportunity to appear and be heard,

**NOW, THEREFORE BE IT RESOLVED** that the proposed Ordinance amending the Building Code is hereby recommended for adoption by the Board of County Commissioners.

Approved this 8th day of September, 2003

  
John Ingle, Chair

Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways

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

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

- a. Comprehensive Framework Plan Policy 38, Facilities states that it is the County's policy to coordinate and encourage involvement of applicable agencies in the land use process to ensure that there is adequate water pressure and flow for fire fighting purposes.
- b. The "fire flow" standards contained in the optional Division II – Fire Flow in Appendix Chapter 9 of the 1997 Uniform Fire Code are a needed and appropriate means of implementing Plan Policy 38 for water pressure and flow (fire flow) for fire fighting purposes.
- c. Part of ensuring that adequate fire flow is available is requiring that either fire apparatus can reach a new single family home, or that some alternative means of fire fighting is put in place. This ordinance establishes new standards for private streets and driveways which, if the standards are met, provide confidence that fire apparatus can reach the home. However, if the proposed private street or private driveway to a new home does not meet the fire apparatus access standards, then another means of fire protection, such as installation of a water sprinklering system, will be required during construction or placement of the home.
- d. Public safety is better served by requiring that where a fire protection district has adopted more stringent standards than contained in this ordinance, then the more stringent standards of the district shall be utilized.

**Multnomah County Ordains as follows:**

**Section 1. § 29.002 is amended as follows:**

**§ 29.002        Policy.**

The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the state building code adopted by the state and that this subchapter is necessary for the protection of the public health, safety and general welfare of the residents of the county. In addition, the Board has determined that certain optional state building code regulations providing standards for fire-flow, fire apparatus means of approach, and alternatives to those standards are necessary to implement Comprehensive Framework Policy 38: Facilities for fire protection.

**Section 2. § 29.003 is amended as follows:**

**§ 29.003        Adoption Of State Building Code By Reference.**

(A) Those portions of the state building code constituting the structural specialty code, fire and life safety code, mechanical specialty code, and the one- and two-family dwelling specialty code, are

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1049**

Amending MCC Chapter 29: Building Regulations, Building Code to Add Fire-Flow Standards and Fire Apparatus Access Requirements for Private Streets and Driveways

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

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

- a. Comprehensive Framework Plan Policy 38, Facilities states that it is the County's policy to coordinate and encourage involvement of applicable agencies in the land use process to ensure that there is adequate water pressure and flow for fire fighting purposes.
- b. The "fire flow" standards contained in the optional Division II – Fire Flow in Appendix Chapter 9 of the 1997 Uniform Fire Code are a needed and appropriate means of implementing Plan Policy 38 for water pressure and flow (fire flow) for fire fighting purposes.
- c. Part of ensuring that adequate fire flow is available is requiring that either fire apparatus can reach a new single family home, or that some alternative means of fire fighting is put in place. This ordinance establishes new standards for private streets and driveways which, if the standards are met, provide confidence that fire apparatus can reach the home. However, if the proposed private street or private driveway to a new home does not meet the fire apparatus access standards, then another means of fire protection, such as installation of a water sprinklering system, will be required during construction or placement of the home.
- d. Public safety is better served by requiring that where a fire protection district has adopted more stringent standards than contained in this ordinance, then the more stringent standards of the district shall be utilized.

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The Board has determined that it is necessary to provide for the regulation of building construction and administration of standards, including enforcement, of the state building code adopted by the state and that this subchapter is necessary for the protection of the public health, safety and general welfare of the residents of the county. In addition, the Board has determined that certain optional state building code regulations providing standards for fire-flow, fire apparatus means of approach, and alternatives to those standards are necessary to implement Comprehensive Framework Policy 38: Facilities for fire protection.

**Section 2. § 29.003 is amended as follows:**

**§ 29.003        Adoption Of State Building Code By Reference.**

(A) Those portions of the state building code constituting the structural specialty code, fire and life safety code, mechanical specialty code, and the one- and two-family dwelling specialty code, are

adopted and by this reference incorporated as part of this subchapter. The provisions of this subchapter shall take precedence over the similar provisions of the state specialty codes.

(B) Except as modified in (C) below, the optional portion of the 1997 Uniform Building Code constituting the Division II-Fire Flow standards in Appendix Chapter 9 are adopted and by reference incorporated as part of this subchapter as the requirements for determining fire flow for buildings constructed under a building permit issued after (effective date of this ordinance) or for those portions of buildings constructed under a building permit issued after (effective date of this ordinance) that are "substantial improvements" to existing buildings. "Substantial improvements" mean the addition of more than 50 percent of the floor area to buildings that existed on (effective date of this ordinance). For one- and two-family dwellings the floor area in "substantial improvements" does not include garages or attic spaces.

(1) As provided in Section 910 of Division II – Fire Flow, fire-flow requirements may be modified downward or upward only upon approval by both the building official and the fire chief. The building official shall be the official currently under contract for providing building permit issuance services. The fire chief shall be the current chief, or delegate, of the fire district or city that provides fire services to the property.

(2) As referenced in Section 913 of Division II – Fire Flow, standards for fire department access and required fire hydrants shall be the applicable fire codes in the unincorporated area of the county, except as modified by the fire apparatus means of approach standards in § 29.012 and the alternate methods of fire protection in § 29.013.

(3) For properties within fire protection service districts that have adopted more stringent fire-flow standards than contained in Division II—Fire Flow, Appendix Chapter 9, of the Uniform Building Code, the more stringent standards shall be utilized. In that circumstance, the fire chief's authority for administering the fire-flow standard shall be as given in the district's ordinances.

(4) In recognition that Section 910 allows for fire-flow modifications, particularly in rural areas or small communities, section § 29.003(C) below is a less restrictive modification of those fire-flow standards that is appropriate for and shall apply to the unincorporated areas of Multnomah County that are outside of any city limits where a greater fire-flow standard has not been adopted by the local fire protection provider.

(C) Notwithstanding any other fire-flow requirement in Division II—Fire Flow, Appendix Chapter 9, the fire-flow requirement and exception in subsection 912.1 "One- and Two-family Dwellings" shall be modified to require a minimum 500 gallons per minute for dwellings that are less than 3,600 square feet in floor area (excluding garages and attic spaces) and accessory buildings and garages that are less than 3,000 square feet in floor area (either detached or attached to the dwelling).

The continuous fire-flow standard of 500 gallons per minute at the dwelling may be met by water flow and volume available from public water lines or by other water supply sources in conformance with standards in the 1999, or most current edition, "NEPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting" manual. If the 500 gallons per minute fire flow standard cannot be met from public water lines or other water supply sources, then the alternative provisions in (C)(1) through (C)(7) below shall be used in combination to meet a credit total that equals or exceeds 100% of the 500 gallons per minute standard.

**Summary of methods to meet 100% of the  
Fire-Flow Requirement of 500 gal. per min.**

<b><u>I.</u></b>	<u>500 gallons per minute fire-flow is available from public water lines or other sources in compliance with NFPA 1142 standards [100%]; or</u>
<b><u>II.</u></b>	<u>Utilize the tanker truck credit in (C)(1) [50%] and any two of the following alternative credits:</u> <ul style="list-style-type: none"> <li><u>• Monitored alarm in (C)(2) [25%];</u></li> <li><u>• Roof materials in (C)(3) [25%];</u></li> <li><u>• Defensive space in (C)(4) [25%];</u></li> <li><u>• Special approval by the Fire Chief in (C)(5) [25%]; or</u></li> </ul>
<b><u>III.</u></b>	<u>Use all the following alternative credits:</u> <ul style="list-style-type: none"> <li><u>• Monitored alarm in (C)(2) [25%];</u></li> <li><u>• Roof materials in (C)(3) [25%];</u></li> <li><u>• Defensive space in (C)(4) [25%];</u></li> <li><u>• Special approval by the Fire Chief in (C)(5) [25%]; or</u></li> </ul>
<b><u>IV.</u></b>	<u>Utilize the sprinkler system in (C)(6) [75%] and any one of the following alternative credits:</u> <ul style="list-style-type: none"> <li><u>• Tanker truck credit in (C)(1) [50%];</u></li> <li><u>• Monitored alarm in (C)(2) [25%];</u></li> <li><u>• Roof materials in (C)(3) [25%];</u></li> <li><u>• Defensive space in (C)(4) [25%];</u></li> <li><u>• Special approval by the Fire Chief in (C)(5) [25%].</u></li> </ul>

(1) An alternative credit of 50% shall be given upon verification by the local fire protection service provider that a water tanker truck of at least 3,000 gallon capacity is available to serve the property;

(2) Where fire protection services are available, an alternative credit of 25% shall be given for the use of a central station monitored smoke alarm system and the posting of a clearly visible rural address marker where the private driveway or private road intersects with the public road;

(3) An alternative credit of 25% shall be given for the installation of Class A or non-combustible roofing shingles and the boxing in of all eaves, facias, and soffits with fire resistant materials;

(4) An alternative credit of 25% shall be given for the creation of "defensible space" against wildfire around the dwelling. On ground slopes of less than 20 percent, "defensible space" is an area 30 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. On ground slopes of 20 percent or greater, "defensible space" is an area 100 feet from the outside walls of a dwelling that is owned by or controlled by the homeowner. Prior to issuance of the building permit, verification shall be required that within the "defensible space":

(a) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the proposed dwelling; and

(b) Low-hanging branches of existing trees have been pruned and removed within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow; and

(c) Existing trees are spaced with greater than 15 feet between crowns; and

(d) All other vegetation is less than 2 feet in height;

(5) In conjunction with meeting the requirements of (C)(2) above, the Fire Chief of the local fire protection provider may approve an additional credit of 25% when particular circumstances warrant the credit. Such circumstances include, but are not limited to, specific fire prevention, fire containment, or fire suppression attributes of the proposed building site, building materials, or additional fire detection and/or suppression features.

(6) An alternative credit of 75% shall be given with the installation of a fire sprinkler system in conformance with the standards in the 1999 Edition, or the most current version, of the NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc.).

**Section 3. § 29.012 is added as follows:**

**§ 29.012 Fire Apparatus Means of Approach – Standards For Private Streets and Private Driveways Serving New and Replacement One- And Two-Family Dwellings.**

(A) Private streets and private driveways shall meet the standards in this section for fire apparatus access to new and replacement one- and two-family dwellings. The purpose of these standards is to establish minimum criteria for evaluating the adequacy of fire apparatus access during the review of building permit applications for proposed one- and two-family dwellings.

(1) Review and determination of compliance with the standards in § 29.012, or more stringent standards adopted by the fire protection service provider, shall be made by the Fire Marshal or designated fire official of that service district. If the Fire Marshal, or designee, fails to review and make a determination of compliance, then the building official shall, after consultation with the appropriate fire official, make a determination of compliance.

(2) The standards in this section implement the requirements in OAR 918-480-0100 through 918-480-0120 (2002), appropriate use of alternate methods of construction in the One and Two-Family Specialty Code.

(3) An alternative to the minimum requirements of (D) below may be allowed by the building official, after consultation with the fire official, subject to the requirements of § 29.013.

(B) As used in § 29.012, “private street” and “private driveway” shall have the meanings given in the land division definition parts of the applicable Zoning Code Chapter of the Multnomah County Code.

(C) A building permit application for a new or replacement one- or two-family dwelling shall include sufficient information to determine compliance with the standards of § 29.012. A review form evaluating the proposal and signed by the applicable fire official shall also be submitted with the permit application.

(1) For those fire protection service districts that have adopted more stringent standards than given in (D) below, the more stringent standards shall prevail. The signed review by a fire

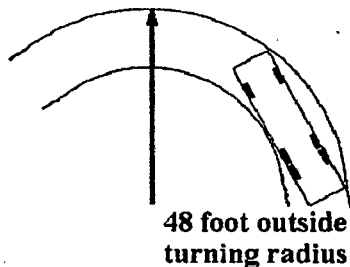
district official shall state if the proposal is in compliance with the most stringent standards, either the district or those in (D) below.

(2) Where there may be a conflict between the standards of this section and development standards in the county Zoning Code, the more stringent standard shall be utilized. The Planning Director shall provide this information to the building official with copies of any land use decision.

(D) Fire apparatus access requirements. The following standards shall apply to private streets and private driveways:

(1) Vehicle weight: Be built and maintained with an all weather driving surface that supports a gross vehicle weight of 50,000 pounds or the weight of the heaviest commonly used apparatus used by the fire protection service provider serving the subject property, whichever is greater. Bridges, culverts and other structures shall also be required to meet this requirement. Written verification of compliance with the Gross Vehicle Weight standard may be required from an Oregon Professional Engineer.

(2) Curve radius: Have an outside radius that is no less than 48 feet on all curves along the driveway or private street.



(3) Vertical clearance: Have a vertical clearance of no less than 13 feet 6 inches.

(4) Width: Be built and maintained from the public road to the end turnaround near the dwelling to a minimum unobstructed width, (including gate opening widths), of:

(a) 12 feet for a private driveway to a single dwelling;

(b) 12 feet for a private street to two dwellings;

(c) 20 feet for a private street to three or more dwellings; and

(d) 20 feet for all "accessways," regardless of the number of dwellings served. An "accessway" is a private street that is a separate tract of land that is owned in common by the abutting property owners for access and was approved under the provisions of the land division code after October 19, 1978.

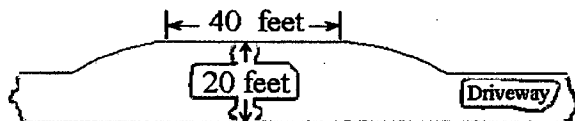
(e) The Fire Marshal, or designee, may approve an off-site built and maintained width of less than 20 feet, but not less than 12 feet in width, for a private street as given in (c) above. That approval, however, may not be applied to a required improvement width that is part of a Multnomah County land use decision.



(5) Turnaround: Private streets and private driveways with lengths greater than 150 feet shall be built and maintained with a turn-around at or near the end of not less than 48 foot outside turning radius. Turnarounds may be circular or one of the variations of the hammerhead design (such as "T," one-sided, or "Y").

(6) Turnouts: No turnouts are required on private streets and private driveways that are improved to 20 feet or more in width as required by (D)(1) above. On private streets and private driveways that are improved to less than 20 feet in width, that are also greater than 200 feet in length, turnouts shall be built and maintained to:

(a) Measure 20 feet in width for a length of 40 feet with adequate transitional curve radii at each end;



Turnout dimensions on  
private driveway of less  
than 20 feet in width.

(b) Have a maximum spacing of one-half the driveway length or 400 feet, whichever is less; and

(c) Where visibility is limited, the maximum spacing between turnouts shall be reduced appropriately.

(7) Grades: Shall not exceed an overall average grade of 12 percent with a maximum grade of 15 percent for lengths of no more than 200 feet.

(8) Distance to House: Shall reach to within 150 feet of all portions of the exterior wall of the first story of the dwelling as measured by an approved route around the exterior.

**Section 4. § 29.013 is added as follows:**

**§ 29.013 Alternate Method of Fire Protection – One- And Two-Family Dwellings.**

Pursuant to OAR 918-480-0100 through 918-480-0120 (2002), the building official may allow an alternate to the minimum requirements of the One- and Two-Family Dwelling Specialty Code as authorized by ORS 455.610, which may include, but is not limited to, installation of an automatic fire sprinkler system. That decision may be made where it is determined the fire apparatus means of approach to a property or the fire fighting water supply serving a property, does not meet the local standards adopted in accordance with the applicable fire code and state building code requirements. Before allowing the use of an alternative method of fire protection, the building official shall ensure the following criteria have been met:

(A) The alternate, such as an automatic fire sprinkler system, shall be at the request of the applicant;

(B) For lots of record created before January 1, 2002, the building official shall, prior to authorizing an alternate allowing the development of a parcel that could not otherwise be developed because it cannot meet adopted fire apparatus access standards or fire fighting water supply standards

pursuant to § 29.012 and § 29.003(B), consult with the fire official having authority to approve an alternate;

(C) For lots of record created on or after January 1, 2002, the building official shall confirm the fire official having authority has:

(1) Approved the alternate to adopted fire apparatus access standards for shared private roads, private driveways or fire fighting water supply standards pursuant to § 29.012 and § 29.003(B), during the land use approval process; and

(2) The approved alternate has been recorded on the property deed or on a recorded deed restriction as a requirement for future construction.

(D) Providing the requirements of this rule are met, the local building official is authorized to enforce the conditions of an approved alternate method of construction when it is part of the building construction; and

(E) When the approved alternate is a fire sprinkler system, the minimum standard for installation within one- and two-family dwellings shall be the 1999 Edition, or the most current version, of NFPA 13-D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes (NFPA is the National Fire Protection Association, Inc).

FIRST READING:

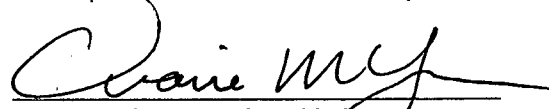
September 9, 2004

SECOND READING AND ADOPTION:

September 16, 2004




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

# AGENDA PLACEMENT REQUEST

**Project Reallocation Bud Mod # FPM-01**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 09.16.04  
DEBORAH L. BOGSTAD, BOARD CLERK

## Board Clerk Use Only:

**Meeting Date: September 16, 2004**

**Agenda Item #: R-2**

**Est. Start Time: 9:35 AM**

**Date Submitted: 09/07/04**

<b>Requested Date:</b> September 16, 2004		<b>Time Requested:</b> 5 minutes
<b>Department:</b> Business & Community Services		<b>Division:</b> Facilities & Property Management
<b>Contact/s:</b> John Lindenthal, Bob Thomas		
<b>Phone:</b> 503 988 4213	<b>Ext.:</b> 84213	<b>I/O Address:</b> 274/FPM
<b>Presenters:</b> Doug Butler, John Lindenthal		

**Agenda Title: Reallocation of Facilities Capital Project Funds, FPM-01, Kelly Building Data Center Cooling Revisions Project**

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Requested action is to approve an increase in project authorization by \$46,000 for this project. Original project authorization was \$100,000 in FY 2004 Adopted Budget for the Capital Improvement Fund - Kelly Bldg Water System Bypass Replacement (Cooling Project). The FY 2005 Adopted Capital Budget shows this project budget at \$90,000, not including \$10,000 of carryover from FY 2004. Carryover does not require Board approval. Revised project authorization will be \$146,000 with this action.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** The Board included the following Budget Note in the FY05 Adopted Budget: "No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer, over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County

Administrative Procedure, Fin-15, created to implement this process. The Kelly Building Data Center Cooling Revisions project requires additional funding of \$46,000 to cover scope changes caused by unforeseen conditions discovered during the design process. The original scope of the project (now referred to as Phase 2) was limited to relocating and modernizing the existing changeover cooling system for the air conditioners in the Data Center. Engineering design services were then expanded to provide for improvements to the existing emergency generator exhaust stack when concerns about corrosion and proximity to fresh air intakes was discovered. The provision of a new control system and upgrade to the condenser water pumping system in the garage (Phase 1) was also added when a malfunction occurred during a switchover and loss of main power. A new floor drain and upsized sewer to the main sewer line in the garage was also deemed necessary during the design process when flooding occurred during another switchover and set off the leak detection alarms. The additional design services and construction related costs for added scope exceeds the original budget. Phase 1 is currently in construction by O & M Electrical and HVAC trades personnel. Three MWESB firms and Siemens (for the control work) were solicited to provide bids for Phase 2 and the successful bid awards are pending approval of additional funds.

3. **Explain the fiscal impact (current year and ongoing).** Overall fund balance remains the same. The \$46,000 adopted project for DCC Southeast District Office Retaining Wall (CP08.03.30) will be foregone this year and reviewed for inclusion in FY06 or later. The retaining wall and site conditions were reviewed and, although in need of replacement, the wall does not pose an immediate hazard.

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

**If a budget modification, explain:** Changes authorized expenditures for two projects

- ❖ **What revenue is being changed and why?** N/A
- ❖ **What budgets are increased/decreased?** No budget change except at project level.
- ❖ **What do the changes accomplish?** Allows completion of Kelly Building Project at higher expenditure level than anticipated; deleting DCC Southeast District Office project for FY05.
- ❖ **Do any personnel actions result from this budget modification? Explain.**  
No
- ❖ **Is the revenue one-time-only in nature?** N/A
- ❖ **If a grant, what period does the grant cover?** N/A
- ❖ **When the grant expires, what are funding plans?** N/A

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:** N/A

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**

- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

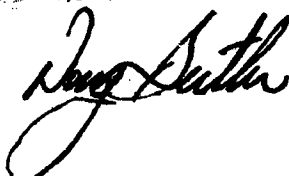
If grant application/notice of intent, explain: N/A

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. None
5. Explain any citizen and/or other government participation that has or will take place. None

**Required Signatures:**

**Facilities & Property Management Director:**

By:  \_\_\_\_\_


Date: 09/01/04

**Chief Financial Officer**

By:  \_\_\_\_\_


Date: 09/02/04

**Budget Director**

By:  \_\_\_\_\_

Date: 09/02/04

**Budget Analyst**

By:  \_\_\_\_\_

Date: 09/08/04

**MULTNOMAH COUNTY, OREGON**  
**ADMINISTRATIVE PROCEDURE      FIN-15**

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**SUBJECT:**                      Reallocation of Facilities Capital Project Funds

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**PURPOSE:**                      To describe the approval process for reallocating Facilities Capital and Maintenance project funds after Budget Adoption

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**ORGANIZATION RESPONSIBLE:**                      Finance, Budget and Tax Office

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**DATE:**                              September 2004

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**ORGANIZATIONS AFFECTED:**                      Facilities and Property Management Division

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**LEGAL CITATION/ REFERENCE:**                      Resolution No. 04-076, "Adopting the FY 2005 Budget," June 10, 2004, Attachment C: FY 2005 Adopted Budget Note

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**I.      PROCEDURE DESCRIPTION**

FAC-1 guides the administration of Major Facilities Capital Projects with a cost greater than \$1,000,000 as described in County Administrative Procedures. The procedure described below does not replace or invalidate FAC-1, but is intended to provide specific guidance in handling increases in budgeted project costs.

**II.      POLICY DIRECTION**

- A. The FY 2005 Multnomah County Adopted Budget included a Budget Note at the request of the Board of County Commissioners, documenting the policy direction and actions for the Facilities & Property Management Division to follow in the reallocation of its capital program funds for projects during the fiscal year.
- B. FY 2005 Budget Note - Facilities Capital and Maintenance Projects:  
"No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer, over \$25,000 will need to be brought back to the Board for approval. Facilities

shall report to the Board on a semi annual basis the progress of capital projects and the financial status of capital and maintenance projects.”

### III General Description and Definitions

- A. This procedure applies to all Facilities & Property Management capital and maintenance projects. Expenditures on carryover projects from prior fiscal years, that were not yet under contract or under construction by June 30<sup>th</sup>, and not depicted in the next year's Adopted Budget, will be subject to the same procedure. Carryover projects that were under contract or under construction by June 30<sup>th</sup> are not subject to this procedure, unless an increase in project authorization is required.
- B. Budgeted Appropriation shall be defined as the Budgeted Project Cost described for each project by County fund in the Capital Budget section of the Adopted Budget for Multnomah County.
- C. For purposes of this procedure, the limits described below shall apply to the combined total of project budgets for all phases of the project.
- D. These procedures are not to be used to increase the size of a County fund's annual budget. Increasing the size of the fund's annual budget would require a Supplemental Budget and is only appropriate if revenues could not have been estimated and adopted during the regular budget process.

### IV Required Semi-Annual Reporting

- A. Facilities & Property Management will report to the Board semi-annually the status of its capital projects. Such report shall include:
  - 1. Adopted project list and status of each (started, budgeted appropriation, actual expenditures to date).
  - 2. Sub projects under mini-funds and status of each subproject.
  - 3. Carryover, new projects, those requiring additional funding (and how the funding was obtained) as reported to CFO/Board

### V Procedures for Reallocation Approval

- A. Increase in project appropriation in excess of 5%, and under \$25,000:
  - 1. Facilities & Property Management (F&PM) shall notify the Office of the Chief Financial Officer (CFO) of the need to increase a Project Budget with explanation for any project in excess of its budgeted appropriation by 5%, and equal to or less than \$25,000
  - 2. This procedure shall also apply to any new project, not included in the Adopted Budget, and projected to cost less than \$25,000

3. F&PM provides current budget, proposed source of additional funding required and fund level program adjustments to the Office of the CFO in spreadsheet form. On all carryover projects reported, Facilities will indicate how much of the budget year funding is covered by prior year authorization.
4. F&PM provides the rationale for budget adjustments. Rationale should include alternatives explored and risks involved.
5. The Office of the CFO reviews the request and logs request in on tracking sheet.
6. The CFO makes a decision and informs F&PM
7. F&PM will report to the Board at the semi-annual Capital update of any project increases within this category

**VI Increase in project appropriation by over \$25,000:**

1. Facilities & Property Management shall notify the Office of the CFO of the need to increase a Project Budget exceeding its Budgeted Appropriation by over \$25,000
2. This procedure shall apply to any new project, not included in the Adopted Budget, with a projected cost greater than \$25,000.
3. F&PM provides the current budget, proposed source of additional funding required and fund level program adjustments to the Office of the CFO in spreadsheet form. On all carryover projects reported, F&PM will indicate how much of the budget year funding is covered by prior year authorization.
4. F&PM will prepare an Agenda Placement Request Form (APR) describing background information, alternatives explored, risks, and fiscal impact, including proposed source of additional funding; and accompanying Budget Modification (Bud Mod) form
5. This budget modification is intended only to adjust project level appropriations for the year within the overall County fund, not increase the size of the fund's annual budget.
6. F&PM will obtain a current Bud Mod number from the Budget Office
7. F&PM will send APR Form and Bud Mod Form to Office of the CFO for approval
  - Includes signature of Facilities Director
8. APR and Bud Mod Forms will be approved by both the CFO and the Budget Director.



9. APR Form and Bud Mod Form will be delivered to the Board Clerk – signed originals and electronic versions
10. Board Staff Meeting – if requested, F&PM will attend and provide details of the changes
11. Board Meeting – If required, F&PM will present information for Board consideration

## **VII IMPLEMENTATION AND INTERPRETATION**

Any questions relative to the intent or application of this procedure should be directed to the Chief Financial Officer who is delegated the responsibility for interpreting and implementing this procedure.

## EXPENDITURES & REVENUES

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

[illegible]

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # UC-1 DATE 09.16.04  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only:**

**Meeting Date:** September 16, 2004

**Agenda Item #:** UC-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 09/14/04

**Requested Date:** September 16, 2004

**Time Requested:** 5 minutes

**Department:** DCHS

**Division:** MHASD

**Contact/s:** Traci Goff, Development Director

**Phone:** 503-988-3691

**Ext.:** 28409

**I/O Address:** 166/600

**Presenters:** Patricia Pate and Jackie Mercer, Executive Director for NARA, NW

**Agenda Title:** NOTICE OF INTENT to Submit a Grant Proposal for Early Childhood System Development Evidence –Based Practices: An Opportunity to Prevent Behavioral Health Disorders in Children ages 0-6 years – A Joint Project between the Multnomah County Department of County Human Services and the Native American Rehabilitation Association of the Northwest, Inc.

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?**  
The Mental Health and Addiction Services Division, Department of County Human Services is requesting approval to submit a proposal, in collaboration with the Native American Rehabilitation Association of the Northwest, Inc. (NARA, NW) to the Oregon Department of Human Services. The Department of County Human Services recommends that this request be approved.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
In 2003, the Office of Mental Health and Addiction Services, Oregon Department of Human Services (DHS) applied for and was awarded a federal State Incentive Enhancement grant to streamline, strengthen, and enhance behavioral health services to children 0-6 and their families. DHS has chosen to focus on early childhood system

development. The grant will enable DHS to make systemic changes in the way behavioral health services (i.e., substance abuse prevention and treatment services, family/parenting services and mental health services) and settings regularly used by families with young children work together to identify and provide access to needed services for children ages 0-6, and their families, who are at high-risk of behavioral health disorders.

A total of \$2.25 million was awarded to DHS, 80% of which will be committed to filling gaps in evidence-based prevention programs for the targeted population, including four pilot sites, and to provide a viable prevention infrastructure. The four pilot sites will use evidence-based prevention principals to change policies, procedures, protocols, and relationships for the purpose described above. Resources awarded to pilot sites under this grant are not for the provision of behavioral health care or treatment in traditional settings. The remaining 20% will be used over three years to support the development of an integrated state system that collects information about the status of Oregon's prevention system and its ability to meet the needs to children, 0-6 years, and their families.

To address this RFP, MHASD will collaborate with NARA, NW to bring improved systems based mental health care in non-traditional settings such as health clinics, childcare settings and community wellness centers using evidence-based mental health practices to the Native American/Alaskan Native community in Multnomah County.

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

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?** The granting agency is the Office of Mental Health and Addiction Services, Oregon Department of Human Services.
- ❖ **Specify grant requirements and goals.** The goal of the grant is to establish potential qualified local recipients who will successfully implement demonstration projects in their communities. The selected projects will be required to foster collaboration between traditional behavioral health care providers and providers of other services for children 0-6 and their families in non-traditional settings. The selected project will also be required to:
  - Work in collaboration with the local Mental Health Authority and the Commission on Children and Families
  - Conduct data collection
  - Perform evaluation strategies
  - Disseminate knowledge and findings to others
  - Provide technical assistance
  - Attend training activities
  - Collaborate with state and national representatives regarding services, protocols, policies, and procedures.
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?** This is a one-time only grant and does not have a fiscal match requirement. DHS will select 4 pilot sites and will award each site \$312,500 to

implement the project. Of the four pilot sites, one pilot site will primarily serve Hispanic/Latino children and families and another will primarily serve Native American children and families.

- ❖ **What are the estimated filing timelines?** The proposal is due by 2:00 p.m., Thursday, September 16, 2004.
- ❖ **If a grant, what period does the grant cover?** This is a 27-month grant that will begin in October 2004 and will end December 2006.
- ❖ **When the grant expires, what are funding plans?** At the end of the project, the County will have valuable data about the project's prevention practices in a non-traditional setting. DCHS will take this information into consideration when making future allocations and NARA, NW will sustain the model via billing, when possible, for services provided.
- ❖ **How will the county indirect and departmental overhead costs be covered?** The grant allows an indirect rate of no more than 5%. This rate will be built into the project's budget.

4. **Explain any legal and/or policy issues involved.**  
There are no legal and/or policy issues involved.

5. **Explain any citizen and/or other government participation that has or will take place.**  
This proposal is being developed collaboratively between NARA, NW and the Mental Health and Addiction Services Division, Department of County Human Services. As the lead agency, DCHS will act as the fiscal agent and will be submitting the grant application. NARA, NW was chosen for this project because of their community based experience and work in the field of Native American/Alaskan Native mental health services.

**Required Signatures:**

Department/Agency Director: \_\_\_\_\_

Date: 09/14/04

**Budget Analyst**

By: \_\_\_\_\_

Date: 09/14/04

**Dept/Countywide HR**

By: \_\_\_\_\_

Date:

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date: September 16, 2004**

**Agenda Item #: E-1**

**Est. Start Time: 9:45 AM**

**Date Submitted: 08/03/04**

---

**Requested Date: September 16, 2004**

**Time Requested: 30 mins**

**Department: Non-Departmental**

**Division: County Attorney**

**Contact/s: Agnes Sowle**

**Phone: 503 988-3138**

**Ext.: 83138**

**I/O Address: 503/500**

**Presenters: Agnes Sowle, Sandy Duffy, Invited Others**

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**Agenda Title:** The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session.

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

---

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
- 3. Explain the fiscal impact (current year and ongoing).**

**NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.**

**If a budget modification, explain:**

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

- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

**If grant application/notice of intent, explain:**

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

**Required Signatures:**

**Department/Agency Director:** \_\_\_\_\_

**Date:** 08/03/04

**Budget Analyst**

**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**

#1

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

---

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9-16-04

SUBJECT: Mont Villa library

---

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Vincent Ognibene

ADDRESS: 7821 SE Pine

CITY/STATE/ZIP: Portland Or

PHONE: \_\_\_\_\_ DAYS: 503 254 4149 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

---

WRITTEN TESTIMONY: \_\_\_\_\_

None

---

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**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



#2

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/15/04  
SUBJECT: MONTAVILLA LIBRARY GETTING TO YES.

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: SANDRA M'DANIEL

ADDRESS: 1435 NE 73

CITY/STATE/ZIP: PORTLAND

PHONE: \_\_\_\_\_ DAYS: 503 257-3346 EVES: SAME -

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: will follow -

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/16/04  
SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: Public Comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM  
NAME: Maureen Wright

ADDRESS: 1505 SE MADISON ST

CITY/STATE/ZIP: Portland OR

PHONE: \_\_\_\_\_ DAYS: 233 9383 EVES: SAME

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: To follow  
Duo:

• 233 individual written

testimonials

• Buckman Community Center  
Endorsement

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

# Montavilla Library: Getting to Yes - Donations

Payable to: **SIPE - Montavilla Library**

Mail to: **Montavilla Library  
PO Box 15232  
Portland, OR 97293**

- Soroptimist International of Portland-East serves as the temporary fiscal agent for Montavilla Library, Inc. while Montavilla Library applies to become an independent non-profit business and waits for an IRS-ruling. So your gift is tax deductible today; thanks to our sponsoring organization.
- In-kind contributions, such as moral support, your time, and talents are happily most welcome for Montavilla Library.
- Call 503-233-4040 (announcements & messages) or 503-233-9383.
- [www.montavillalibrary.org](http://www.montavillalibrary.org) or email us: [4\\_info@montavillalibrary.org](mailto:4_info@montavillalibrary.org)
- Hint: Foundations & competitive funding sources count how many individuals give; so every little bit helps.
- A multi-year pledge is also helpful; because Multnomah County wants to see long-term commitment from supporters.
- Remember Montavilla Library is the first volunteer-run (not government-run) library in Multnomah County. Even shoestring budgets need money to pay for insurance, phones, & modest necessities.

Name  
Printed: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_

Email (optional) \_\_\_\_\_

Phone (optional) \_\_\_\_\_

Phone (optional) \_\_\_\_\_

Zip \_\_\_\_\_

By my initials, I give my permission to list my name (as printed above) as a supporter of "Save Montavilla Library." No other contact information will appear on the web and in printed materials.

# Montavilla Library: Getting to Yes - Donations

Payable to: **SIPE - Montavilla Library**

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- Soroptimist International of Portland-East serves as the temporary fiscal agent for Montavilla Library, Inc. while Montavilla Library applies to become an independent non-profit business and waits for an IRS-ruling. So your gift is tax deductible today; thanks to our sponsoring organization.
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- [www.montavillalibrary.org](http://www.montavillalibrary.org) or email us: [4\\_info@montavillalibrary.org](mailto:4_info@montavillalibrary.org)
- Hint: Foundations & competitive funding sources count how many individuals give; so every little bit helps.
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- Remember Montavilla Library is the first volunteer-run (not government-run) library in Multnomah County. Even shoestring budgets need money to pay for insurance, phones, & modest necessities.

Name  
Printed: \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_

Email (optional) \_\_\_\_\_

Phone (optional) \_\_\_\_\_

Phone (optional) \_\_\_\_\_

Zip \_\_\_\_\_

By my initials, I give my permission to list my name (as printed above) as a supporter of "Save Montavilla Library." No other contact information will appear on the web and in printed materials.

---

Join the fun

## **Montavilla Library**

### **Getting To Yes**

---

211 S.E. 80 Avenue

Sunday, September 12, 2004

Noon till 3 p m

---

*Show up !*

*Experience community*

*Build the public good*



---

503-233-4040

---

# **Montavilla Library**

## **Getting to Yes**

Multnomah County Commissioners have offered to return Montavilla Library for use as a library run by volunteers. First, they insist that you care. **Show up!**

**1 . Meet your neighbors, be entertained, & enjoy**

### **Party at Montavilla Library**

211 SE 80 Avenue

Sunday, September 12

Noon till 3 pm

**2 . Attend Monday, September 13, the Montavilla Neighborhood Association Meeting, Montavilla Park Community Center, 8219 NE Glisan, 7 PM. About that time, the County will have all its benchmarks & requirements for Montavilla Library met.**

**3 . Speak Out at & Tour of Montavilla Library, 211 SE 80th Avenue, 7 p.m. on Monday, October 11.** Either there will be a ribbon-cutting ceremony with much hoopla (if an agreement has been signed already); or a 'Speak Out' from the public will be held. The "Speak Out" will show community support for Montavilla Library and government accountability. Chair and Multnomah County Commissioners have been invited to listen to your support for Montavilla Library. Commissioner Naito said she plans to attend.

## **Remember**

**Party** - Sunday, September 12, Montavilla Library Party, 211 SE 80<sup>TH</sup> Avenue, Noon till 3 pm

**Update** - Montavilla Neighborhood Association Meeting, Monday, September 13, Montavilla Park Community Center, 8219 NE Glisan Street, 7 pm.

**Tour & "Speak Out"** - Monday, October 11<sup>th</sup> with Commissioner Naito confirmed to attend.

Montavilla Library, 211 SE 80 Avenue, 7 pm.

Chair & Commissioners have been invited (8/5/04) to listen.

**On any Thursday, 9:30 am,  
Multnomah County Commissioners  
Regular Meeting, 501 SE Hawthorne:  
share your opinions for 3 minutes.**

Among the Chair & County Commissioners, only three of them must vote to approve Montavilla Library's return to the neighborhood's legacy.



**Save Montavilla Library**

**Getting to Yes**

PO BOX 15232  
Portland, OR 97293

Voice mail: 503-233-4040  
Or 503-257-3346

## COMPARABLE LIBRARIES

---

Montavilla Library is modeled after four similar & highly successful volunteer run libraries in Washington County: Gaston, Cedar Mills, Garden Home & North Plains Libraries. All operate with shoe-string budgets. Each started with from one to four volunteers.

**Gaston's Library** has prospered and inspired citizens for 14 years. The municipality pays the overhead; the non-profit Library is operated by volunteers.

**Cedar Mills Library** is the 2<sup>nd</sup> largest and busiest library in all of Washington County.

**North Plains Library's** government provided 10 hours a week of its staff time to coordinate thousands of volunteer hours. **North Plains** provided space and overhead costs.

## CITIZEN INVOLVEMENT

---

**The largest neighborhood by population and geography, Montavilla chronically is under-served and loses public services at a disproportionate rate compared to others.**

The affluence, comfort and privilege of Northwest Portland and wealthy land-developers have been subsidized as a result of deprivation of public services to the poorest neighborhoods with the highest crime rates, lower educational levels, and higher unemployment rates.

**No new taxes, new levies or County Library funds are sought to re-open**



**Montavilla Library**, as a volunteer-run non-profit library.

Montavilla Library may provide an example of a creative solution to the current budget crises; because of its modest and economical common sense solution to an obvious need.

Opened in 2001, NW 23 Library cost \$689,926 to retrofit a leased space; and is 1.57 miles from Central Library. Essentially, the County is hostage at lease-renewal time.

### **HOW MUCH DOES IT COST TO LEASE TAX-PAYER PROPERTY FROM MULTNOMAH COUNTY FOR A LIBRARY ?**

---

Central Library is leased for \$1 a year for perpetuity (forever).

### **BIG ENOUGH**

---

**At 4,600 square feet, Montavilla Library is larger** than Multnomah County's Sellwood Mooreland, Fairview-Columbia and Albina Libraries. Soon to open in a donated building, North Plains Library started in the equivalent of an one-room janitorial closet and circulated about 7,000 volumes annually from there.

### **PARKING**

---

**Montavilla Library is a pedestrian friendly neighborhood destination** that builds community.

Central and Sellwood Mooreland Libraries have zero off-street parking.

Albina Library has no designated or reserved parking for library patrons.

*Run by volunteers, .Montavilla Library, a public private partnership, modest, first-of-its kind in Multnomah County, innovative, cost-effective, & efficient library*

## **MONTAVILLA LIBRARY**

---

Started from pennies & nickels sacrificed in the 1930s during the Great Depression by children from Montavilla & Vestal Grade Schools, Montavilla Library is our rightful legacy.

- 1 . Caring people seek to restore Montavilla Library** as a functional library. Invite Multnomah County Commissioners to champion public involvement, uphold the public trust, & serve the common good.
- 2 . Montavilla Library requests no County Library funds, no new taxes, or new levies.**
- 3 . Preserved by the 1934 deed restriction** that Montavilla Library remain a library into perpetuity (forever).
- 4 . Government broke its 70-year old agreement** when the government removed the deed restriction. Demand that the government keep its bargain with you.
- 5 . According to the 2004 Feasibility Study,** Montavilla Library qualifies to be a library based on its structural integrity, physical condition, city codes and zoning.

**Business Plan**

**Montavilla Library, Inc**

**First Volunteer-Run Library  
in Multnomah County**

**2004 – 2014**

**Discussion Draft**

**Submitted to:**

**Multnomah County Board of Commissioners  
Montavilla Library Supporters**

**Prepared by:**

**Maureen Wright  
Project Manager**

**Montavilla Library – Getting to Yes  
(aka Montavilla Library, Inc.)**

**September 13, 2004**

# Montavilla Library 2004 - 2014 Business Plan

## Executive Summary

The County will transfer the taxpayers' Montavilla Library's ownership as an outright gift to Montavilla Library, Inc.; and waive all taxes, fees, and special assessments in perpetuity. The benefit for the County is the County has no liability for the building's up-keep. The General Fund revenue loss is substantially outweighed by the public benefit of the first volunteer-run library in Multnomah County. Additionally, the County's long-term revenue difference between a lease in perpetuity (forever) and an outright gift under these criteria is zero. Governments do not pay themselves taxes.

Montavilla Library Getting to Yes (dba Montavilla Library, Inc.) has satisfactory met all the Benchmarks required by the County to transfer Montavilla Library, 211 SE 80 Avenue for the perpetual (forever) use of the site as a deed restricted neighborhood library. (Among 233 survey responses, 98.7 % of them supported restoration of the 1934 deed restriction that the library remain a library in perpetuity (forever).)

Popular opinion is 100 % in favor of the County Commissioner's "unanimous vote," based on the results of that survey, to maintain "insurance, over head costs...for utilities...and grounds' keeping services [for Montavilla Library, Inc, the first volunteer-run library in Multnomah County and] Allow Montavilla Library to open immediately as a neighborhood Reading Room with a story hour for children and computer access provided by volunteers and donations; and as headquarters for "Save Montavilla Library," [dba Montavilla Library, Inc.] who will coordinate the volunteers."

As a vacant building for 23 months, Montavilla Library serves no useful public purpose. At sale to, the short-term benefit to the general fund balance evaporates immediately. The sale's income is little compared to the savings recovered from money not spent on crime, violence, gang-activity, and other unwelcome negative consequences that happen in neighborhoods without constructive social opportunities to entice people away from bad choices.

Montavilla Library pioneers an innovative two-tier approach to library services to better meet critical basic needs among disadvantaged and under-served populations.

The tax-payers' asset Montavilla Library will best serve the public good as a pedestrian-friendly neighborhood library

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## **Premises for 2004 – 2014 Montavilla Library Business Plan**

Several premises set the stage for Montavilla Library's Business Plan:

- The toughest expense and fund-raising challenges are on-going operating funds. One of the core and guiding organizational principles of Montavilla Library is early reductions of long-term cost means stability. Near-term outlays, e.g., deed restriction, co-generation and weatherization, save long term dollars. For example, a deed restricted library can be insured for \$1,200 rather than \$3,200 for a savings of \$2,000. In the unlikely event that insurance costs remained constant, (and not adjusted for inflation or future increases), the savings in 10-years is \$20,000.
- Governments have established long-standing precedents where zero or \$1 a year leases for perpetuity, outright gifts' of tax-payer assets, and tax-subsidies and waivers for profit-making businesses have been allowed when the arrangement served the broad-based community at-large.
- The Oregon State University Extension Center, the immediate-past tenant, received the building for 20 years without paying any property taxes.
- Two years of start-up time is reasonable for Montavilla Library, as the first volunteer-run library and as a new nonprofit when an established organization like the Oregon State University Extension Center needed that long before it opened for business.
- The current Multnomah County Board of Commissioners has a reputation for creative solutions for long-standing inequities and past injustices, such as Montavilla Neighborhoods' chronic under-service and disproportionate loss of services.
- Opportunity costs require that the transaction be completed in time for the "Open House" on October 11<sup>th</sup>.
  - Eager and available donors postpone investments for fear that Multnomah County Board will withhold its approval. If a pledge is to be honored; responsible givers do not "over-promise" their gifts. The County's delay inhibits donations and discourages success.
- When Commissioner Naito acknowledged the possibility that under her leadership the County Board could transfer Montavilla Library as an outright gift; among many segments of the electorate for Commissioner Naito's district, the perception generated was that restoration of Montavilla Library was a "done-deal."

- As a group, historically, Montavilla neighborhood has been naïve. When the Montavilla Branch Library first-closed in 1982; Montavilla Library patrons expected its re-opening once the next cycle of Library-leaves were approved. When County stopped putting Montavilla Library on the ballot, and let lapse the Montavilla County Branch Library's revenue-potential from the property-sale to benefit the County Library System and restoration of the neighborhood Montavilla Library; people felt cheated.
- Another recent public / private partnership gone wrong was that Gateway District received urban renewal funds perceived by Montavilla Neighborhood as earmarked for Montavilla. Montavilla Neighborhood engaged in an exhausting multi-year public-involvement and land-use planning scheme to put together a comprehensive urban renewal neighborhood and business revitalization package for several government agencies. In the end, that money went to the Gateway District; and Montavilla felt offended by the governments' squandering of precious time and resources on a sham-process. The good news about a naïve and trusting electorate is that by nature they trust the system; and forego the tendency to be whiney cynics. The bad news is that being naïve and trusting means that when people have the perception of betrayal of the public trust or Gerry-rigged public involvement processes that subsidize the influential and affluent segments of society, they become furious.
- Commissioner Naito's several recent visits to Montavilla events, e.g., the June and July Montavilla Neighborhood Association Meetings, the Taylor Court Block Party, and her confirmed attendance at the Montavilla Library "Open House" ("Speak Out") on October 11<sup>th</sup> have raised the public expectations. Commissioner Naito's written and oral statements concerning Montavilla Library have reassured the public that her leadership will result in the re-opening of Montavilla Library.

### **Montavilla Neighborhood Characteristics**

The largest by population and geography, Montavilla Neighborhood is chronically under-served; and loses services at a disproportionately high rate. At the same time, Montavilla neighborhood has a chronically high crime and unemployment rate, heavy concentrations of non-native English speakers and special-needs populations, minorities, and lower educational and socio-economic levels.



There is an over-saturation of liquor licenses that the Oregon Liquor Control Commission is unwilling or unable to correct. That over-saturation brings the companion public nuisances complaints, such as but not limited to public urination, bar brawls, traffic accidents, and violations of City noise regulations.

Montavilla has a disproportionately high renter-occupancy rate (47 %) with high occupancy turn-over.

Half-way houses, treatment programs, the Donald Long Juvenile Detention Center, and similar targeted programs for the mentally ill, minimum security criminals, and street people are another major factor in Montavilla's decline in terms of neighborhood livability. Montavilla residents are compassionate; but the neighborhoods capacity to endure a disproportionate burden of social problems without a balanced influx of public goods, such as a Montavilla Library, degenerate the economic viability of Montavilla for families, senior citizens, and handicapped persons, who often times become victims of unsupervised populations with anti-social behavior patterns.

### **Montavilla Library's Rich Heritage**

The original Montavilla Library's existence tells the story of generosity, community spirit and optimism. During the Great Depression, in the 1930s, school children from Montavilla and Vestal Grade Schools sacrificed their pennies and nickels to achieve a community goal. Earlier, from 1914 – 1934, crowded into a merchant provided-storefront was a community Reading Room stocked with donated books where neighbors, business-people, and visitors gathered. The Kiwanis Club of Montavilla championed a neighborhood Branch Library with a deed restriction. Through the community's cooperative efforts, shared philanthropy and altruism, Montavilla Library opened. From 1934 till 1982 when it closed, the Montavilla Library served as a Branch Library of the Public Library system.

In 1982, the government removed the deed restriction.

There was a 10-year window when the property's sale would have gone to the Public Library System, but that opportunity was lost.

In 2004, when the site came up for sale, Multnomah County government agreed to consider proposals from "Montavilla Library Getting to Yes" to create a new kind of library for Multnomah County taxpayers. The Library started as a legacy from community donors that has been revived now. Montavilla Library incarnates the

common good and unity of purpose among a diverse coalition of community members.

Differences in income, education, race, ethnicity, age, disabilities, religions, politics and geography have melted. More interestingly, Oregonians from Gaston to Gresham from Sandy to Scappoose to Lake Oswego to Tigard to Warren and individual neighborhoods such as Buckman, East Moreland, Reed, Sellwood Moreland, Mt. Tabor, others, rally for Multnomah County Board of County Commissioners to vote to allow Montavilla Library to be the first-volunteer-run library in Multnomah County.

### **Montavilla Library's 2004 Mission**

Montavilla Library's 2004 mission is to be an innovative, cost-effective, efficient, first of its kind in Multnomah County volunteer run library from the historic site of Montavilla Library. At the same time, Montavilla Library serves as a gathering place and community center in service to the public good.

- Re-open Montavilla Library with the first floor as a volunteer-run Library with computer access, and a children's story hour.
- Stock the Library with donated resources.
- Staff with volunteers.
- Restore the 1934 deed restriction that the Montavilla Library site remains a library into perpetuity.
  - The deed restriction makes liability insurance cheaper to reduce overhead; and creates accountability for the Montavilla Library's Board of Directors long-term.
  - The deed restriction shows that Multnomah County honors the public trust by maintaining the original 70-year old agreement.
- Partner with the County (and other public agencies) to provide essential community services to a chronically under-served socio-economically disadvantaged neighborhood.
- Recognize that the neighborhood-based, pedestrian-friendly Montavilla Library acts as a community center and as a crime prevention tool. Regional and institutional libraries isolate people because of their size. When people know each other, they look out for each other. People get lost and overwhelmed in "too big" libraries.

- The obvious need to re-open Montavilla Library coupled with common-sense; practicality and a unity of purpose behind a modest goal have captured people's hearts and minds.

## **County's Perspective**

Multnomah County Commissioners said "The fate of the property is now in the hands of Montavilla neighbors to determine if a neighborhood organization can...take ownership of the property...The Board would favorably consider the transfer of the property for use as a library given the history of the property as a library...from 1934..."<sup>1</sup>

Multnomah County appears to want to have signed the final deal with Montavilla Library in time for a public announcement in late September 2004 before the Monday, October 11<sup>th</sup> Open House; because of potentially additional losses associated with delays.

Thursday, September 16<sup>th</sup>, the Board of Multnomah County Commissioners (BCC) was requested to hold a hearing to make the property an outright gift where the County assumes the tax-burdens, special fees and assessments into perpetuity, (or some similar private public partnership); and provides for grounds keeping, minimal overhead, electric, gas, water, sewer; restores the deed-restriction that the library remain a library into perpetuity and any costs associated with again designated that land-use while the non-profit pays for its own liability insurance, incorporation costs. That request was deferred and the formal hearing was postponed; but public testimony is still scheduled during "Public Comment."

## **Benefits to County Taxpayers for the creation of Montavilla Library, the first volunteer-run library in Multnomah County**

- Supports libraries and literacy in general
- Provides a model of a public private partnership that serves the common good, public safety, and is cost-effective and efficient
- Shows frugality as a show piece for the I-Tax
- Shows responsiveness to public involvement

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<sup>1</sup> Letter to Montavilla neighbors from Board of Multnomah County Commissioners, Lisa Naito, District 3 Commissioner, July 12, 2004, 3 pages, p. 2

- Shows integrity about the 1934 deed restriction restoration and the public trust
- Serves as a stop-gap measure to provide a neighborhood Library so that rather than “all or nothing” library-outcome there is a modest “good enough for now” solution for the general populations as well as at-risk youth, non-native English-speakers, persons with disabilities, other special populations
- Shows leadership in innovations, i.e., the first of its kind of Library in Multnomah County
- Corrects historic inequities of under-service to a disadvantaged neighborhood
- Saves long-term money that won’t be spent on crime, chronic unemployment, social isolation; because constructive opportunities entice people away from poor choices
- Commissioner Naito’s several recent visits to Montavilla events, e.g., the June and July Montavilla Neighborhood Association Meetings, the Taylor Court Block Party, and her confirmed attendance at the Montavilla Library “Open House” (“Speak Out”) on October 11<sup>th</sup> have raised the public expectations. Commissioner Naito’s written and oral statements concerning Montavilla Library have reassured the public that her leadership will result in the re-opening of Montavilla Library.

### **Comparable Public Private Partnerships**

“Non-profit organizations are receiving the benefit of discounted rates because [the County Board of Commissioners] sees them as an integral part of their [public] service delivery plan; these arrangements are not being made simply to support a worthy charitable purpose.”<sup>2</sup> Multnomah County’s Doug Butler, Director, Facilities and Property Management Division, Department of Business and Community Services stated the Board of County Commissioners’ policy that justifies the unique private / public partnership of the first-of-its kind in Multnomah County volunteer-run library Montavilla Library, Inc..

Libraries and the education of children are a long-standing and well-established integral part of the County Board of Commissioners’ actions. Clearly, Montavilla Library fits their criterion perfectly.

Montavilla Library’s request is typical of private public partnerships routinely granted by Multnomah County and the City of Portland, e.g., Central Library,

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<sup>2</sup> Building Leases: Review Policies and Improve Practices, May 2004, May 2004, Suzanne Flynn, County Auditor, P 33.

Blanchard Building, Hooper Detox, Pittock Mansion, Overlook House, Brentwood Darling Community Center, Gateway Children's Home, Portland Impact, and the Yellow Bike Program, etc.. In service to the public good, governments do grant outright gifts of tax-payer property, and zero or \$1 a year leases into perpetuity.

Washington County's volunteer-run Libraries City of Gaston, Garden Home, North Plains and Cedar Mills receive from their County government overhead costs and property at no charge to the non-profit volunteer-run library. In the case of North Plains, the County pays staff costs for a volunteer coordinator.

Montavilla Library, Inc., is very frugal and modest by design and a bargain to the public at-large.

Indirectly, the County Auditor made a strong case for the Montavilla Library Inc. proposal to provide Montavilla Library as a gift with subsidizes from the County for property taxes, special fees, and assessments, and overhead. The County has a long-standing practice of granting subsidizes of this kind.

With the Montavilla Library, the biggest financial risk for the County appears to be issues of maintenance and renovation costs. By transferring those responsibilities and liabilities to Montavilla Library, Inc. as a result of a transfer of ownership the County protects the County from being a lease-owner and ultimately stuck with any negative consequences caused by unsupervised building modifications or neglect.

According to the Auditor, "For example, both the Northwest Library and Sellwood Library leases required the County to pay for significant tenant improvements, which cost \$699,000 and \$701,000 respectively."<sup>3</sup>

The Auditor "found large discrepancies between cost estimates provided to the Board and actual costs. For example, tenant improvement cost estimates for the Northwest and Sellwood Libraries were estimated between \$100,000 and \$300,000 for each library. Actual costs were \$699,000 for the Northwest Library and \$701,000 for the Sellwood Library."

"Leasing was almost \$700,000 or 90% more expensive than the market value as determined by the Division of Assessment and Taxation for the 30-year Sellwood Library lease. The estimated value of lease payments in today's about \$1.5 million

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<sup>3</sup> Building Leases: Review Policies and Improve Practices, May 2004, May 2004, Suzanne Flynn, County Auditor, P 12

while the market value of the property was \$811,060 at time the lease was initiated.”<sup>4</sup>

According to the May 2004 County Auditor’s “Building Leases: Review Policies and Improve Practices,” the County Commissioners also provide free rent to for-profit businesses. Interestingly, the names of the for-profit businesses were omitted. “In one long-standing lease to a for-profit business was \$19,000 below the cost and \$28,000 below an estimated market value.”<sup>5</sup> Without making adjustments for inflations, at 10-years that subsidy is worth \$280,000, at 15-years \$420,000, at 20-years \$560,000. In this context, Montavilla Library’s purpose and tax assessed value make the County Board’s offer to provide the building for a public benefit seem even more compelling.

The May 2004 Multnomah County Auditor’s “Building Leases: Review Policies and Improve Practices” Audit determined that subsidizes for nonprofits that provided needed community services were appropriate precedents and practices of Multnomah County.

The County Auditor cited inequities in subsidizes (that is, “public private partnerships); and found need for corrective action. The Westside affluent neighborhoods, for example, has have had their land-use and urban development subsidized by reductions of services, amenities, and public benefits to lower-income neighborhoods like Montavilla. One prime example of is NW 23 Library, located 1.57 miles from Central Library when the County Library Director alleges that libraries cannot be located within two miles of each other. If ever there were a legitimate case for an exception, Montavilla Library qualifies.

The Auditor found that profit-making businesses leasing from the County often received free-property taxes. Clearly the precedent supports Montavilla Library’s proposal. The Auditor found “three businesses out of seven that had leased property from the County during FY02-03 that were not on the County’s tax rolls and had not paid property taxes.”<sup>6</sup>

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<sup>4</sup> Building Leases: Review Policies and Improve Practices, May 2004, May 2004, Suzanne Flynn, County Auditor, P 2

<sup>5</sup> Building Leases: Review Policies and Improve Practices, May 2004, May 2004, Suzanne Flynn, County Auditor, P 5

<sup>6</sup> P 20

Montavilla Library provides an excellent opportunity for the Board of Commissioners to find a creative solution to the basic necessity of library services at a substantially reduced cost to the taxpayers.

Governments cannot amortize capital improvements over time as a profit-making enterprise does. When expensive retro-fits are needed to accommodate a special purpose, i.e., a library or jail, and that specialized facility is leased; the taxpayers become hostage to the lease-holder at renewal time. The substantial (perhaps prohibitive) cost to relocate and retrofit another specialized space for a library or jail causes the hostage situation.

### **Community Support**

Not a single voice in opposition to Montavilla Library has been heard during approximately 105 days of "Public Comment" directed to the Multnomah County Board of Commissioners. Day one was May 20, 2004 at the Regular Board Meeting.

As of September 13, 2004, the Project Manager had received more than 233 individual pieces of detailed written testimony in support of Montavilla Library. That written testimony has not yet been provided to the Board of Multnomah County Commissioners. More detailed written testimony is expected.

Rarely does such a groundswell of spontaneous support occur. About 67 people attended the June 2004 meeting co-sponsored by Montavilla and Mt. Tabor Neighborhood Associations to support Montavilla Library. Mt. Tabor Neighborhood Association's 30 representatives voted (5/20/04) unanimously in support of Montavilla Library's proposal. Buckman Community Association voted unanimously to support Montavilla Library, (9/7/04). Interest in Montavilla Library significantly boosted the regular attendance of the Montavilla Neighborhood Association. On Sunday, September 12, there was an "Outreach Party" where about 64 total participants included 49 new people, who learned about Montavilla Library and provided detailed written testimony in support. Many of them fanned out to recruit more neighbors; and took handfuls of information about Montavilla Library to spread the word/ The concurrent benefit was more than "a showing" of support for Montavilla Library; the best result was community-building and neighborhood revitalization.

All the more amazing, everything has happened in less than 105 days!

Montavilla and Mt. Tabor Neighborhood Associations, Sellwood Moreland Improvement League, Buckman Community Association, area churches, schools, small businesses, merchant groups, sole practitioners, and service organizations, such as the Soroptimist Portland-East support Montavilla Library.

From the first conversation and onward, people have volunteered their time to run the library, be receptionists, tutors, and book-donors. Instead of the typical response of "What a good idea, I'm too busy to help" people have been eager to figure a personal contribution they can make.

Free Geek has agreed to provide refurbished computers systems with free open source software for Montavilla Library. Free Geek swaps-out defective equipment; and that avoids costly maintenance. Free Geek is a non-profit organization that recycles used computer systems and printers to donate to needy individuals and non-profit community service groups.

Certified computer network technicians have offered to donate installation-services.

Long before Montavilla Library had a fiscal agent to receive money; people offered totally unsolicited modest financial pledges, e.g., Mt. Tabor Neighborhood Association, and a Glisan Street small-business-owner.

Ironically, the first check collected was from a Lake Oswego woman, who gave the unsolicited funds to a South Tabor resident. The story and reality of Montavilla Library inspires selfless generosity.

### **Benchmarks & Scope of Montavilla Library's Business Plan**

The purpose of the Montavilla Library's Business Plan is to demonstrate that the coalition of diverse community members are able to start-up the innovative, cost-effective, efficient, first of its kind in Multnomah County volunteer run library from the historic site of Montavilla Library, 211 SE 80<sup>TH</sup> Avenue. The Multnomah County Board of County Commissioners asked that the following "**Benchmarks**" be addressed in its transmittal from Commissioner Lisa Naito, District 3, Board of Multnomah County Commissioners:

- That a 501 ( c ) ( 3 ) nonprofit organization has been formed with a Board of Directors and other statutory requirements
- City of Portland zoning codes would allow for use of the property as a library



- The building could or would be renovated (that is, floor loads, seismic, etc) satisfactorily to allow for use as a library
- The nonprofit organization had the funds and/or the ability to raise the funds for capital improvements
- The nonprofit organization had the ability to operate the facility in the long-term as a library for a period of not less than ten years

**Benchmark 1: A 501 ( c ) ( 3 ) nonprofit organization exists for Montavilla Library**

Montavilla Library, Inc. is ready to be formed with a Board of Directors and to meet other statutory requirements as soon as the County's actions trigger a need for Montavilla Library, Inc., to exist; and time for the IRS ruling.

The long-standing and well-regarded Soropomist-International of Portland-East has agreed to act as Montavilla Library, Inc.'s temporary fiscal agent. See Exhibit A concerning its 501 ( c ) ( 3 ) status. As a consequence, (dba) Montavilla Library, Inc. may receive immediately an outright gift of the property where Multnomah County covers all taxes, special fees, and assessments for perpetuity (forever).

The Montavilla Library, Inc. finds itself in predicament of "Which comes first..." A group of prospective donors require the Multnomah County Commissioners to transfer the tax-payers' Montavilla Library for the volunteer-run library as a show of good faith; before they pay the costs associated with incorporation; and liability insurance.

**Benchmarks 2 & 3: City of Portland zoning codes would allow for use of the property as a library; and the building could or would be renovated (that is, floor loads, seismic, etc.) satisfactorily to allow for use as a library**

The Feasibility Study concluded that City of Portland zoning and codes allow for use of the historic Montavilla Library as a library just as it sits now; because the existing structure is grand-fathered in. Until and unless a major renovation occurs, the building is "good enough" for a library "as is."

No structural modifications or renovations are anticipated or necessary.

There are no Americans with Disabilities Act (ADA) constraints that prevent the use of the building as a library.

An independent Consulting Structural Engineer "Feasibility study on the suitability of Montavilla Library Building, 211 SE 80 Avenue to function as a library / resource facility," August 19, 2004, by Paul Kluvers, Professional Engineer, Structural Engineer, describes the considerations, implications, and conclusions in more detail.

The intention is to limit the Library to the first floor where the floor (slab on concrete) load capacity can accommodate the heaviest loads required for libraries (stacks for concentrated book storage). Substantially less, the floor load capacity for a Library Reading Room is near that of an office. The first floor readily and immediately accommodates the planned Library.

The second floor will be used as offices and meeting rooms.

The Montavilla Library's Feasibility Study directly contradicts the County Library Director's written opinions about the Montavilla Library Structure.<sup>7</sup> The opinions expressed by the County Library Director about Montavilla Library were not based on research, investigations, and findings of a qualified professional engineer or structural engineer.

No efforts were made to reconcile the contradictions between the Feasibility Study and the Library Director's statements; once the determination was made that the Library Director's evaluation of the building's suitability for a library had not been determined by a qualified expert.

**Benchmark 4: Montavilla Library, Inc., has the funds and/or the ability to raise the funds for capital improvements**

Montavilla Library has the ability to raise funds for any necessary capital improvements based on the experience of comparable volunteer-run libraries in Washington County City of Gaston, North Plains, Garden Home and Cedar Mills. Based on the "Feasibility Study" (referenced above) no capital improvements are necessary. The goals of Montavilla Library are quite modest. There are no plans for any capital improvements at this time.

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<sup>7</sup> Submittal from Molly Raphael, Library Director, Multnomah County to Terri Naito, staff to Commissioner Lisa Naito's Office, on the subject of "Montavilla Library Building," May 18, 2004, 2 pages

In the event that capital improvements become necessary, fund-raising and in-kind contributions for one-time major capital improvements are relatively easy to obtain compared to operating funds, e.g., Multnomah County's newest jail remains unoccupied for lack of operating funds for labor. The beauty of Montavilla Library is that the most expensive budget line item (labor costs) is the "sweat equity" of the Montavilla Library.

The Board of Multnomah County Commissioners received detailed testimony from the City of Gaston about money from a variety of public and private funding sources dedicated to building libraries. (See Exhibit City of Gaston's separate testimony.)

Montavilla Library proponents' research found that often area businesses or private donors are enticed by the frugality and usefulness of volunteer-run libraries. For example, North Plains Library started in 450 square feet (in a former janitorial closet); and circulated 7,000 volumes annually from that space. Totally unexpectedly and unsolicited, a prosperous local business-owner with international markets offered to build North Plains an entire library building with his private funds. During its 14 years of existence, Gaston's municipal government scaled back its contributions because a library-patron's estate set-up a fund used for capital improvements.

At the June 14<sup>th</sup>, 2004, Montavilla Neighborhood Association Meeting where Montavilla Library was discussed a neighborhood resident said he was a roofer; and that he and his union would re-roof Montavilla Library as a donated community service if that were necessary. While a replacement roof is maintenance, not a capital expenditure, this incident suggests that one-time capital improvements will be as easy for Montavilla Library to accomplish as they were for the Oregon State Extension Service. It took two-years for the Extension Center to double its floor space using private contributions.

**Benchmark 5: Montavilla Library, Inc., has the ability to operate the facility in the long-term as a library for a period of not less than ten years**

Implicit in this question is: what happens if Montavilla Library fails; or what is the worst case scenario? The multi-part answer is "only good" and "it depends." Part 1: Montavilla Library has been vacant for 2-years; so a failed attempt at neighborhood revitalization is no worse than the lost opportunity of a vacant building. Part 2: a stipulation can be built-in that protects the taxpayers from

liability if Montavilla Library fails. That liability-protection is greater if the building is an outright gift (where the County pays the taxes, special assessments, and fees) than if the building is leased. Part 3: in the unlikely event that Montavilla Library, Inc., fails as an entity; the Library itself is trivial compared to the success of the public involvement process which worked because Montavilla Library came into existence. Part 4: if the first-of-its-kind volunteer-run Library fails during (or after) implementation, that experience provides insights and improvements for the “new improved next rendition.”

Montavilla Library’s budget is set-up with a (warehouse the building) low -medium-high funding scenario (as the County Auditor suggested in her May 2003 “Building Leases: Review Policies and Improve Practices” Audit).

### **Deed Restriction & Appeal to Potential Donors & Reduced Overhead**

Contingent on the County’s agreement to transfer the property to Montavilla Library, a group of private donors have agreed to pay the costs of incorporation and liability insurance for the start-up Library’s first year. A library allows a cheaper rate than most other land-uses; so the deed restriction reduces long-term overhead costs; and is much more attractive to long-term private donors.

### **Survey Results**

A public opinion survey called “Written Testimony” was distributed door-to-door and via the internet, at Montavilla Neighborhood Association Meetings, 82 Avenue, Stark and Montavilla Business District Meetings, Taylor Court Block Party, Music in the Mt. Tabor Park, by decentralized businesses, and at various other public gatherings, and soon at the Tigard Library.

Below are excerpts from the survey bolded; followed by the percentage who agreed with the statements. Since the distribution and collection method is uncontrolled. All surveys have not yet been collected or tabulated. The data collection is on-going and no end-date is scheduled.

Some of the surveys were submitted directly into the Multnomah County Public Record during Regular Board Meetings.

The Survey Responses on-hand Sunday, September 12, 2004 were tabulated by the Project Manager. More survey responses are in-the-field and anticipated.

Survey responses were as follows:

Item	Percentage
<b>"I request Multnomah County Commissioners unanimously vote the following provisions into law."</b>	<b>100 %</b>
<b>"Multnomah County agrees to maintain...insurance, over head costs...and grounds' keeping services. Allow Montavilla Library to open immediately as a neighborhood Reading Room with a story hour for children and computer access provided by volunteers and donations; and as headquarters for "Save Montavilla Library," who will coordinate the volunteers.</b>	<b>100 %</b>
<b>Restore the 1934 deed restriction into law for perpetuity (forever) so that Montavilla Neighborhood Library at its current site, 211 SE 80 Avenue can only be used for a neighborhood library.</b>	<b>98.7 %</b>
<b>In the event that in 10 years, the County can no longer perform upon its agreement, ownership will transfer to "Save Montavilla Library" for the same restricted use in its current location or to be re-located based on the "Save the Montavilla Library's" sole discretion and criterion and in cooperation with Montavilla and Mt. Tabor Neighborhood Associations, other groups, and nearby residents.</b>	<b>100 %</b>
<b>Allow 12 months for Save Montavilla Library to plan and implement long-range funding strategies. Respond affirmatively with your votes to "Save Montavilla Library" and Montavilla and Mount Tabor Neighborhoods' offer to build a combined public private / partnership to finance and re-open the Montavilla Branch Library.</b>	<b>100 %</b>

## **Interpretation of the Survey Results**

The survey was developed before Commissioner Naito suggested that the County could possibly provide the property as an outright gift. In that a perpetual lease exempts Montavilla Library from property taxes, special fees, and assessments. A reasonable interpretation is that the support for the perpetual lease by survey respondents correlates exactly to support of the outright gift (where the property generates no property taxes, special fees, and assessments to governments). In other words, there is no net loss of revenue to the County if rather than a perpetual lease the property is an outright gift (as stipulated).

## **Precedent for Two-Year Start-Up Cycle for Beginning Fund-Development**

By past practice, precedence and as a matter of equity and fairness, Montavilla Library deserves equal treatment with the previous tenant. Oregon State University Extension Center possessed the building for two-years while it did fund-raising and made property-improvement before it opened for business.

## **Year Zero**

Montavilla Library's ability to operate the facility in the long-term as a library began with the groundswell of grass root support that has amassed targeted potential donor approaching 400 + from outreach efforts and surveys in support of Montavilla Library. One typical difficulty of a start-up nonprofit is to identify likely donor-prospects, that is "Who cares?" about my values, beliefs or cause—specifically a neighborhood Montavilla Library. Even small donors benefit nonprofits businesses ability to attract larger donors. The number of donors is a factor in evaluating merit and funding stability commonly used by funding sources. As a consequence of the development of the grass-roots effort and on-going outreach, Montavilla Library's fund-raisers have a fresh and viable targeted contact list. That kind of ("Who cares, how many, and how much") subject-area-specific contact list is every or fund-raisers' favorite dream.

During Year Zero in-kind contributions from May 20<sup>th</sup> to the present have included the following in-kind gifts without any tax-benefit possible for the donors:

Feasibility Study by Professional Engineer	12,000
Services: Project Management & outreach & research, analysis, copy-writing, layout, events planning and coordination	53,000
Fund-Raising Activities & services	6,000
Web Designer & Developer	6,000
Communications – consumables	3,000
<b>Total</b>	<b>80,000</b>

## Years 1 and 2

Years 1 and 2 are the start-up phase where detailed research and investigation results in careful plans for perpetuity (forever). In public discussions throughout the “Montavilla Library Getting to Yes” Campaign, the plan was for Montavilla Library as a library to share tenancy with other community organizations, e.g., tutoring services, youth groups, other non-profits. For example, the Soroptimist International Portland-East is in need of temporary quarters; and has a proposal under consideration to be co-tenants at Montavilla Library for one to two years. Other organizations, such as Montavilla Garden Club, have approached Montavilla Library about paying a weekly fee to use meeting space.

For Years 1 and 2, the initial start-up plan has two contingencies. One contingency is to open for operation immediately based on the groundswell of community support on-a-month to month basis; and if donations mount quickly enough. The other contingency is to wait. Warehouse the building until a working Board of Directors raise adequate operating funds for continuous operation; or until proposals for operating and start-up expenses are funded.

Most start-up businesses fail in the first two years. Careful planning, a strong board, and sound fiscal management practices reduce the probability of a business failure. The best case scenario is to open when there is sufficient operating capital to sustain the business or two years.

Anticipated as in-kind contributions for Year 1 are:

- Cost of incorporation
- Liability Insurance as a deed restricted library
- Library shelves and furniture from a library that is re-locating
- Computers, Monitors, Printers & Cables
- Software
- Certified technicians for installment
- Book, video, and other materials

## **Years 2 – 5**

At Year 2, Montavilla Library will open with adequate overhead for 18 months to two years. The day-to-day operations may introduce unforeseen needs for operating or capital expenditures. The funding-cushion allows for the fact that some major funding sources," such as the United Way, federal governmental agencies, allow only for annual "requests for proposals. Many funding sources, such as United Way, discriminate against emerging start-up nonprofits when they make awards. At that same time, other groups, such as McKenzie Group, favor grass-roots and start-up organizations to receive funding.

The resource and revenue mix for Montavilla Library will be combined partnerships with individuals, enterprise districts, governments, small and corporate businesses, service organizations, community groups, and cost-recovery from shared tenants. The diversified revenue stream includes in-kind contributions.

During this phase, ideally, the first planned paid staff may be hired. That will be a volunteer coordinator. The City of North Plains paid for the North Plains Library's volunteer coordinator for 40 hours a month to train, assign, and schedule and manage volunteers to insure consistent day-to-day library operations.

Depending on organizational needs, the next two most likely paid hires in order will be a fund-raiser; and a copy-writer / outreach worker to create and distribute marketing materials to bring in the community. These two may more likely be contract employees.



## **Years 6 – 10**

During Years 6 – 10, and thereafter, Montavilla Library will maintain or exceed its service delivery with controlled growth based on efficiencies of scale and resource-availability. .

## **Cost Recovery: Years 1 - 10**

The idea of cost-recovery is to pay a portion of the over-head costs from co-tenants or building-users, who pay rent on an hourly, monthly, or annual basis for the use of some portion of the building.

Montavilla Library features a demonstration kitchen (created by the County Extension Service) which can be rented for cooking classes for community education classes through Portland Community College, private receptions, retreats, and meeting spaces for cost-recovery. Another possibility related to the industrial kitchen is that a co-tenant could be a catering service or bakery that has low-impact on traffic and parking; but good revenue-streams. Other community agencies do fund-raising through rents. Sellwood-Moreland rents out a quaint church; Overlook House, Pittock Mansion, North Portland's Firehouse, and Norse Hall rent space for retreats, meetings and special events.

## **Momentum of Support from Divergent Grass-Roots Coalition**

The children of the Great Depression helped start Montavilla Library. The 21<sup>st</sup> Century children can help revives the Library. Along with the adults, churches, businesses and neighbors, there will be foundation, corporate and governmental funding anticipated.

Montavilla Library has the ability to operate the facility for ten years; because of the groundswell of support that immediately developed around the proposal to re-open Montavilla Library, as a volunteer-run library. Other factors for success include the variety of diverse community constituencies represented in support of Montavilla Library, the potential resource-revenue-donor mix is inherently better than more limited kinds of businesses that serve only narrow and specialized populations.

Montavilla Library Getting to Yes started May 20, 2004. That is 105 days ago. Since then, private funds have financed a web site, a feasibility study by a professional civil and structural engineering firm, a telephone, a post office box, 4 mailings to 250 + (soon to be 400+) households, equipment expenditures for a fax

and a laminating machine, thousands of fliers, brochures, posters, and signs. All of these donations were made without the benefit of any tax exempt tax credit; or any major public exposure. That rapidly developed track record of spontaneous support and enthusiasm suggests that that Montavilla Library's long-term prospects are excellent.

Free Geek, Inc. promised computer equipment, printers and cables to set up the library.

Certified network technicians volunteered to donate their time to set up Montavilla Library's computer network.

If Montavilla Library opens in time, an organization wants to be able to donate its surplus library shelves and furniture (generated by a move). The dilemma for the future Montavilla Library is that it costs money to store "free" library shelves. Till the building is available; Montavilla Library must show restraint in accepting donations of resources and equipment.

Mt. Tabor Neighborhood Association testified to the County Commissioners that it planned to make modest contributions for Montavilla Library.

The Glisan Street Business District offered \$500 for start-up costs for Montavilla Library; before arrangements were made for a temporary fiscal agent to allow Montavilla Library to receive funds.

The short- and long-term funding strategy for Montavilla Library is to follow the successful models of volunteer-run libraries in Washington County. First, and foremost, operate on a shoe-string budget with modest goals, frugality and sound accounting practices.

### **Future & Sustaining Donor Potential**

The County had requested a "**showing**" of support for Montavilla Library. One form of "**showing**" was that Montavilla Library supporters provided written testimony with their names, addresses, phone numbers and email addresses; and signed in at meetings. This material and other outreach efforts have provided us with a targeted donor list (as of September 13<sup>th</sup>) of approaching 400+ names. That number is sure to grow because of an intensified outreach and media campaign anticipated between now and "Yes."

Most start-up non-profits can only guess who potential contributors may be. They farm stale prospect lists inherited from other groups. Montavilla Library's advantage is a self-identified constituency. That constituency is likely future patrons and providers of cash or in-kind donations of labor, books, videos, and tapes.

Soropomist International Portland-East is considering a proposal to be a major building tenant at Montavilla Library as a source of support for the start-up Library. As a foundation, Soropomist generated \$1 million worth of income that it distributed to worthy causes during the last ten years. Soropomist has been requested to provide members for Montavilla Library's working Board to help raise money and attract donors. One Soropomist member is already identified as future Montavilla Library Board member. Others are being recruited and interviewed.

The Montavilla Library Campaign attracted Safeway at SE 82 Avenue's involvement in both Montavilla Library and the Montavilla Neighborhood Association. The local manager is advocated on behalf at Safeway Corporate for Safeway to provide a long-term board member and an annual pledge for a 10 year period to underwrite operating expenses. That proposal is currently under consideration.

An indirect benefit to Safeway's involvement with Montavilla Library is that the Library created a gateway where Safeway is spearheading 30 volunteers to plant trees and has pledged to provide both store-sponsored and sought additional corporate-sponsored refreshments for an up-coming outreach effort to recruit support for Montavilla Library. Montavilla Library is leverage for improved neighborhood livability and urban renewal for corporate neighbors like Safeway.

Safeway Corporate has received an internal request sponsored by Dave Carter, Store Manager, 82 and SE Burnside. The neighborhood Safeway has been energetically and tremendously supportive of Montavilla Library since Dave Carter's arrival.

Safeway Corporate is considering requests from Montavilla Library to:

- Provide a Safeway working board member for first 3, 5 or 10 years with the stipulation that the Safeway-board member be eager to solicit financial contributions, help with long-range funding strategies and be committed to the belief that sweat equity combined with a little cash can accomplish outstanding solutions and bolster the best potential of a neighborhood

- Award some percentage of SE 82 & Burnside Store's net profit towards Montavilla Library for as long as Montavilla Library exists as an independent non-profit library
- Pay the legal and registration fees necessary for Montavilla Library to incorporate
- Set up a generous 10-year seed grant for start-up costs for the first-of-its kind volunteer-run library in Multnomah County
- Pay the equivalent amount for annual bills for particular designated basic over-head costs, e.g., phones, internet connections, liability insurance

### **Sound Business & Financial Management**

Montavilla Library, Inc., corporate philosophy is "Under promise and over-deliver services" to build a loyal customer-base (such as patrons, donors, and partners) and to avoid "burn-out" by idealist volunteers whose sentimental dedication exceeds their labor-availability. Organizational morale is superior when people feel sustained progress and competence based on realistic and manageable goals.

The State of Oregon offers free technical assistance; and low-cost workshops to prepare fledging non-profit businesses to develop thoughtfully and strategically. The workshops cover the basics, such as how-to write by-laws, board member recruitment, and volunteer-retention and money-handling oversight procedures.

### **Strategies: Board Qualifications & Selection**

The start-up strategy is to recruit an energetic and subject matter expert board with team-spirit rather than random reactionary selection. To date, Safeway Corporate, Soroptimist and neighborhood financial institutions have been approached to provide board candidates

<b>Year One Activities</b>		
<b>Activities</b>	<b>Status</b>	<b>Responsible</b>
Set-Up Non-Profit Corporation with 3 board members	Ready contingent on County	Montavilla Library, Inc.
Recruit board members for specialized skills, e.g., fund-raising, c	In process offers pending to Safeway Corporate & Soropomist Internal Portland- East	Safeway Soropomist Montavilla Library
Purchase liability insurance	Donors agreed to underwrite the first year	Montavilla Library
Pay phones	Donors agreed to cover	Montavilla Library
Cost Recovery	Seeking tenants for space not needed during the first & second year for the library—proposals under consideration	Montavilla Library
Community Purposes	Plan to apply for Cable Access Media Room to benefit at-risk youth & general community	Montavilla Library
Water, Electrical, Gas, & Grounds-keeping	Contribution	Multnomah County
Computer Equipment & Printers	Donation	Free Geek
Install network	Volunteer certified computer technicians	Montavilla Library
Fund-Raising	Use donor list generated from written testimony & meetings in support of Montavilla Library	Montavilla Library Montavilla Neighborhood Association
	Apply for private & public funds	Montavilla Library

<b>Year One Activities</b>		
<b>Activities</b>	<b>Status</b>	<b>Responsible</b>
Furniture	Receive donation of books shelves from another library (in September)	In-kind contributions various sources
Children Story Hours	Volunteers identified	In-kind contribution
Computer Access	Seek funding for internet connectivity	Montavilla Library
Reading Room	Planned	Montavilla Library
Tutoring Center	Planned	Montavilla Library
Interior Painting & flooring	In - kind contributions	Montavilla Library or Soroptimist
Volunteer Recruitment	Planned through various neighborhood associations, newsletters	Montavilla Library
Program Development	Planned with various community groups & subject matter experts' advise	Montavilla Library
Establish sound financial and business practices for long-term stability	Planned	Montavilla Library
Identify compatible tenants for cost-recovery	Planned	Montavilla Library
Identify organizational needs Develop job descriptions Create task-lists & schedules	Planned	Montavilla Library

Years 2 – 5 Activities		
Activities	Status	Responsible
Open for Business	Planned	Montavilla Library
Team-Building for the Board	Planned	Montavilla Library
Fund-raising	On-going	Montavilla Library
Operations Management	Planned	Board than paid volunteer coordinator
Volunteer-recruitment & retention	Planned	Montavilla Library
Build collection	Planned	Montavilla Library
Pursue a “Media Center” through Cable Access Grant Application	Planned	Montavilla Library
Implement procedures & systems for accountability	Planned	Montavilla Library

Years 6-10 Activities		
Activities	Status	Responsible
Maintain or exceed planned library service delivery with controlled growth	Planned	Montavilla Library

## **Exhibits**



**Montavilla Library, Inc**  
**Fiscal Year 1**

Operating Expenses	Warehouse Low	Medium	High
Conditional Land Use Fees Conditional use experier	-	5,470	10,104
Landscaping (zero if Co provides inmates)	-	1,200	2,400
Janitorial Service - service level variance	-	1,200	11,000
Taxes - Property	-	6,100	7,183
Shows lost revenue to the General Fund if no property taxes			
Liability Insurance (extra low because library applies to other tenants)		1,200	3,200
Assume self-insured on contents.	0	0	0
Water & Sewer	816	1,200	1,600
Electric	270	3,180	4,356
Gas	100	200	500
Phones -Warehouse 1 line , low 2. high 4 lines	240	960	1,920
Phones - long distance		120	250
Alarm Service Warehouse assumes County or none	0	500	3,500
Fire Marshal Biennium Inspection - Exp 10 / 05 (fee	50	50	125
2 Fire Extinguishers @ \$20 each (2a,10b, c or great	-	40	40
Internet Connectivity - Low 3 cable - High 12 cable	-	1,080	5,760
T1 Line - Cost prohibitive	-	-	-
Garbage & Recycling - Low assumes on-call; high w	-	120	500
On-hand washroom & cleaning supplies		600	1,200
Web Site Annual	240	240	480
Maintenance- 15 % of \$8,000	500	1,200	1,200
Paper & Ink		1,500	3,000
Postage		1,200	2,400
Bulk Permit		150	150
Trainings for volunteers		300	1,200
Printing		600	1,800
Photocopier		300	1,200
Personnel & Professional Services		-	2,700
Accountant		-	-
Lawyer		-	-
Web Designer		-	-
Volunteer Coordinator		-	-
Contingency @ 10 % of 9,000 for low & 20 % for high		900	1,800
<b>Total</b> (assumes no property taxes)	2,216.00	23,510	62,385
<b>Total</b> if subtract conditional use, grounds, alarm service, prop taxes, water & sewer)		9,540	41,098

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

**RESOLUTION NO.**

Approving Donation and Transfer of County Property to Montavilla Library, a nonprofit Corporation, for a library for Perpetual Public Use; Perpetual Exemption from all taxes, fees, and special assessments

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

- a) During the 1930s Great Depression children from Montavilla and Vestal Grade Schools sacrificed their pennies and nickels to donate money to open Montavilla Library. The Montavilla Reading Room donated its entire collection, formerly housed in a "rented storefront" between 1914 and 1934, to build the new neighborhood library's book-inventory.
- b) In 1934, Montavilla Branch Library opened as a single story with a deed restriction negotiated by the Kiwanis Club of Montavilla and neighborhood residents that Montavilla Library be used only as a neighborhood library in perpetuity (forever).
- c) In 1982, the County closed the Montavilla Library.
- d) In 1982, the government removed the deed restriction when the City of Portland executed a quitclaim deed relinquishing the City's reversionary interest that limited the property's use to be only for a library. Then, the County leased the property to the Oregon State University Extension Service for a nominal \$1 a year.
- e) Following a major two-year community fund-raising effort by Oregon State University Extension Service, the original 1<sup>st</sup> floor was raised. A new 1<sup>st</sup> floor was built (slab on concrete) to achieve 4,558 square feet of useable space. The Oregon State University Extension Service opened for business in September 1984. During its tenancy, the wiring was up-graded for computers and internet connectivity. The Extension Service received an exemption (still in force today) for Americans with Disabilities (ADA) compliance and a parking variance; because no off-street parking existed at the site.
- f) The Extension Service moved out in October 2003. The site has been vacant and unused for approximately 23 months. The average monthly operating cost for the building's utilities since November 2003 to the present is \$68 a month.

There are no property taxes. Grounds' keeping is performed by County employees and is the only on-going maintenance cost at present.

- g) In October 2003, the County declared the vacant building surplus and directed the Facilities and Property Management Division to dispose of the property. No offers were received to buy the property while it was on the market.
- h) On May 28, 2004, temporarily by administrative action, the County stopped the sale of property in response to public outcry and a request to honor the 70-year old deed restriction as an obligation of public trust.
- i) The County finds that the property, an asset owned by the taxpayers of the County at large, shall be used in the best interests of the general public and for the common good as a library and community center with meeting rooms provided by MONTAVILLA LIBRARY, INC., for perpetuity.
- j) Montavilla neighborhood is the largest neighborhood by population and geography and chronically under-served, and loses public services, amenities and goods at a disproportionately high rate.
- k) The County Library Director has no interest in the Montavilla Library site for a Branch Library in the foreseeable future. No County Library funds are sought for MONTAVILLA LIBRARY INC's operating and capital improvement budgets.
- l) Multnomah County Library services available to Homeschool Homes, people with permanent and temporary disabilities, senior citizens, community centers or private households, e.g., on-line subscriptions, electronic resources, interlibrary loans, van and mailing services for book and media deliveries, Library Outreach Services (LOS), Talking Books shall be available at no-cost to MONTAVILLA LIBRARY INC at the Montavilla Library site. Without becoming a Branch Library, MONTAVILLA LIBRARY, INC expands the County Library's ability to provide services and public benefits without incurring any additional costs to taxpayers, and serves target populations such as at-risk youth, senior citizens, non-native English speakers, and persons with disabilities, people in shelters and transitional homes, and low-income children and their families within walking distance. Lower income households frequently lack telephones, internet connectivity, money for transportation and adequate warmth and heating in the winter. A pedestrian friendly neighborhood Montavilla Library gathering place meets lower income households' basic needs for information, community-building, health and safety in ways that cannot be imagined by more affluent households.
- m) The Board of County Commissioners honors the history of the property as a library for nearly 50 years; and the County's 70-year obligation to Montavilla Library started by the deed restriction in 1934 that dedicated the site's purpose as a neighborhood library in perpetuity, the legacy of the adults and children of the Great Depression who earned their Montavilla Library through their private philanthropy.

- n) The Board appreciates the unity shown through the public involvement process that transcends widespread political, geographical, religious, secular, economic, ethnic, and racial differences and neighborhood boundaries to support Montavilla Library. A community coalition of diverse membership emerged to propose that Montavilla Library be re-opened without the use of County Library funds, no new taxes, or no levies.
- o) The Board recognizes MONTAVILLA LIBRARY, INC. as a prototypical model for a functional volunteer-run library, innovative, cost-effective, and efficient solution to resolve unmet needs during the current fiscal shortfalls. Montavilla neighborhood's characteristics such as chronically high crime and unemployment rates, low income and educational levels, and disproportionate social burdens from special populations in the absence of adequate public services and amenities are worsened during times of economic decline. The community's characteristics make Montavilla Library's creation critical and urgent for the neighborhood's stability and well-being. Montavilla Library is an exceptional case, rather than a precedent; given its unique history and circumstances, and strong community support, and the first-of-its-kind volunteer-run library in Multnomah County.
- p) During public testimony from May 20, 2004 to the present, there has been a groundswell of unanimous support and no opposition from tax-payers and citizens from Gresham to Gaston to Warren and throughout Multnomah County neighborhoods and businesses. All constituents request that the Multnomah County Board of County Commissioners' champion Montavilla Library as chief sponsor of a private public partnership to re-open the first-volunteer run library in Multnomah County. The overwhelming majority of testimony demands that the County provide basic overhead costs, the building's use, and the restoration of 1934 deed restriction to provide the building for perpetual use as a library at its historic location.
- q) In the May 2004 Multnomah County Auditor's Report on "Building Leases: Review Policies and Improve Practices," recommended constructive changes in County lease-practices. MONTAVILLA LIBRARY, INC is designed to address those County Auditor recommendations about how the County uses taxpayers' real estate to provide library services and other community services. The deed restriction that limits the Montavilla Library's property use to a library in perpetuity preserves the tax-payers best interests without preventing cost-recovery activities and companion community services at the Montavilla Library site.
- r) The August 19, 2004 "Feasibility Study on the Suitability of Montavilla Library Building, 211 SE 80 avenue to function as a library / resource facility" Exhibit B, conducted by an independent consulting structural and professional engineering firm Paul Kluvers concluded that building is ready and suitable to re-open as a library.

- s) A precedent was established for a property donation with a deed restriction when the County transferred Approving Donation and Transfer of County Property to OUR GARDEN, INC, a Nonprofit Corporation, for Open Space, Park or Natural Areas for Perpetual Public Use;
- t) Montavilla Library cannot afford property taxes, special fees or assessments. None of the highly successful volunteer-run libraries in Washington County North Plains, City of Gaston, Cedar Mills, and Garden Home Libraries pay these costs. An empty building deteriorates, so re-opening Montavilla Library for occupancy preserves the tax-payers asset.
- u) The County' does not owe or pay property taxes or special fees and assessments to itself or other governments, so there is no direct expense when the County assumes liability for all taxes, special assessments and fees.
- v) In lieu of an outright gift with mandatory companion exemptions for taxes, fees, and special assessment, MONTAVILLA LIBRARY, INC will accept a perpetual lease for a \$1 a year to provide a volunteer-run library while the County covers overhead expenses such as grounds keeping, and utilities. With the Extension Center as a precedent, there was two years between the lease-signing to allow for fund-raising and before the Extension Center opened for business.
- w) Under MCC § 7.356, county property not needed for any public use by the County may be disposed of by sale, lease, donation or exchange as authorized by state law. The Property is not needed for any public use by the County.
- x) ORS 271.330 allows for transfer of real property to a nonprofit corporation for the creation of a library for perpetual public use. The County received a request from MONTAVILLA LIBRARY, INC, a nonprofit corporation, through its fiscal agent Soropomist International Portland-East, Inc., for such a transfer of the Property.
- y) The Department of Business and Community Services, Tax Title Division, is expected to recommend approval of the transfer.
- z) Based on the report, it appears that the public interest will be served by donation and transfer of the Property to MONTAVILLA LIBRARY, INC, a nonprofit corporation, under ORS 271.330.

### **The Multnomah County Board of Commissioners Resolves:**

1. The Property described in Exhibit A to the attached deed is donated and transferred without monetary consideration to MONTAVILLA LIBRARY, INC, a nonprofit corporation, provided that:

- The Property is used as a library for perpetual public use; and

- Should the Property cease to be used as stated above, the interest of MONTAVILLA LIBRARY INC will automatically terminate and title will revert back to Multnomah County, or transfer to Multnomah County Library System for a branch library to be opened there; or to the Mt. Tabor and Montavilla Neighborhood Associations to be used as a community center based on the sole discretion of MONTAVILLA LIBRARY INC's Board of Directors.

2. The Chair is directed to execute the attached deeds conveying the Property to MONTAVILLA LIBRARY, INC.

ADOPTED this 16 day of September 2004.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_,  
County Attorney

## **EXHIBIT A (RESOLUTION)**

**MONTAVILLA LIBRARY, INC, 211 SE 80 Avenue, Portland, OR 97215**

**Legal Description:**

Map Tax IN 2E3200 -100000, Lot 9 & 10, Block 5, Tabor Villa Annex, in the City of Portland, County of Multnomah, Tax Account R222453

<b>Multnomah County Deed No.:</b>	1982 Book 1594 Page 1883
<b>Tax Account No.:</b>	R589600930, R22453
<b>Type of Use:</b>	A library with office space
<b>Taxes:</b>	\$0
<b>Expenses:</b>	\$0
<b>Living Area:</b>	4,558
<b># of Stories:</b>	2
<b>Year Built:</b>	1934

After recording return to:  
MULTNOMAH COUNTY  
TAX TITLE 503 / 4<sup>TH</sup> FLR

Page 7 of 8 - Resolution Approving Nonprofit Donation and Transfer & Exemption from Property Taxes, Special Fees and Assessments for the Nonprofit MONTAVILLA LIBRARY, INC



## **EXHIBIT B (RESOLUTION)**

**MONTAVILLA LIBRARY, INC, 211 SE 80 Avenue, Portland, OR 9715**

"Feasibility study on the suitability of Montavilla Library Building  
211 SE 80 Avenue to function as a library/resource facility," Paul Kluvers, P.E., S.E.,  
CONSULTING STRUCTURAL ENGINEERS. 7 pages

**PAUL KLUVERS, P.E., S.E.**  
**CONSULTING STRUCTURAL ENGINEER**

**MEMORANDUM**

**TO:** Maureen Wright, Project Manager, Montavilla Library  
Members of the Montavilla Library Committee  
Mt. Tabor Neighborhood Association  
Montavilla Neighborhood Association  
Soropomist International Portland-East  
Montavilla, Stark and Glisan Street & 82 Avenue Businesses  
Safeway, Inc.

**FROM:** Paul Kluvers

**DATE:** August 19, 2004

**SUBJECT:** Feasibility study on the suitability of Montavilla Library Building  
211 SE 80 Avenue to function as a library/resource facility

This memorandum serves as a summary of my findings regarding the restoration of the former Montavilla Library building for use as a neighborhood library / resource facility. The feasibility study, while not an in-depth analysis of all the possible issues surrounding such a restoration, sought to review the major concerns expressed by the current owner, Multnomah County and investigate means to address those concerns.

The specific questions are as follows:

1. Will current zoning allow the building's use as a neighborhood library?
2. What upgrades (ie., seismic strengthening, floor load capacity, ADA compliance) will be required?
3. Is the building's size compatible for the proposed use?
4. Is the parking adequate?
5. Is a library an appropriate use for the neighborhood zoning?
6. What future capital improvements will be necessary for the building to continue to operate as a library/resource center for a period of ten years.
7. When does the previous occupants' conditional use expire?
8. What costs are associated with zoning revisions?

The above questions are gleaned from a number of sources, including discussions during Multnomah County Commission meetings, conversations with commissioners and a letter from Commissioner Lisa Naito, dated 7/12/04.

**PAUL KLUVERS, P.E., S.E.**  
**CONSULTING STRUCTURAL ENGINEER**

**Site Observations**

On June 17, 2004, I conducted a site visit to the former library building for the purpose of reviewing the building's condition and visually assessing it's viability for the proposed use. Accompanying me was Linn Dingler of the Multnomah County Facilities and Property Management Division, and Maureen Wright, Project Manager for the Montavilla Library.

The structure was originally constructed in 1934 as a single story building. The building was closed as a library in 1984, and was subsequently leased to the Oregon State University Extension Service. At that time the structure was raised so that the original 1<sup>st</sup> floor became the 2<sup>nd</sup> floor, and a new 1<sup>st</sup> floor was constructed. The remodeled building was used as office space until 2001, when the Extension Service closed this office. It has sat empty until now. A more comprehensive history of the building can be found in the references listed in the Appendix.

**Summary**

According to my discussions with Ms. Wright and other committee members, it is my understanding that it is the committee's intent to re-open Montavilla Library Building as a library-type use on the first-floor with offices for non-profit organizations and meeting spaces on the second floor.

Based on my on-site inspection, a review of applicable City Zoning and Codes, the site's permit-history and building plans (including elevations), it is my professional opinion that the building is suitable for immediate occupancy and can function in a limited capacity as a library. The building is in compliance with Chapter 31 of the Oregon Structural Specialty Code and Fire/Life Safety Regulations (1997 Uniform Building Code, with Oregon Amendments of 1998.)

In terms of structural integrity and deferred maintenance issues, there are none of significance. There are no obvious leaks, water damage, mold, major vandalism to the premises. Regarding maintenance issues, there only appears to be normal wear and tear, e.g., worn carpet, painting, of a cosmetic nature. The roof appears to be sound with a life-expectancy of another 5-10 years.

The previous tenant Oregon State University Extension Services' use is of the same character as a library based on the definitions of 33.920.420 Community Services. This is significant. The costs associated with minor conditional use changes versus major changes are considerable.

Regarding City zoning standards, the Montavilla Library building's use as a library requires a conditional land-use Type II minor conditional use change to meet City Zoning standards.

A detailed discussion of each of the aforementioned points follows in this memorandum.

In conclusion, I have been delighted to donate my professional services for the worthy purpose of Montavilla Library. As a long-time Montavilla resident and parent, I whole-heartedly endorse

**PAUL KLUVERS, P.E., S.E.**  
**CONSULTING STRUCTURAL ENGINEER**

the innovative, cost-effective and efficient private-public partnership of Montavilla Library, as the first of its kind volunteer-operated library for Multnomah County.

Thank you for your project management activities and research assistance to help complete this Feasibility Study. Please do not hesitate to contact me if I can be of further assistance.

The following is a detailed discussion of the issues summarized in the previous paragraphs:

**County Issue No. 1: City of Portland Zoning Codes would allow for use of the property as a library.**

City of Portland Zoning Codes allow for use of the property as a library. Prior to the building's modification and use as the Extension Office, the use was as a library for many years. There may be costs (fees and time) associated with re-zoning the property to be designated as a library again.

**County Issue No. 2: The building could and would be satisfactorily renovated to allow for use as a library, i.e., floor loads, seismic, ADA-compliance, and HVAC at residential level, deferred maintenance.**

No City Code requires that the building be renovated to allow for use as a library.

Under current 2004 City Code, as the building sits, the building's characteristics pre-qualify and exempt Montavilla Library from requirements for ADA (Americans with Disabilities Act) and seismic retrofits until such time as major renovations occur. At that time, a percentage cost factor based on total capital improvement project costs will be applied to determine if ADA or seismic retrofits are required. That happens when City permits are done. For example, today's rate for ADA compliance is the same as 1983 when the second floor was added. The City applies a 25% formula so that 25% of the gross cost of any structural change must go to bring the building into ADA compliance. The consequence of this policy is that incrementally the building can be brought up to reach the highest standard. If no renovations are made, or renovations are phased in on a small scale basis, there is no obligation for ADA compliance to meet modern standards. On the other hand, if comprehensive major renovations are made at one-time; than 25% of the budget applies to bring the structure into ADA compliance. Given the modest start-up nature of Montavilla Library, at this time, no comprehensive major capital improvements are anticipated.

The former occupants received an exemption from ADA requirements for the second floor based on its use as office space.

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**CONSULTING STRUCTURAL ENGINEER**

The City of Portland Bureau of Buildings established the building as exempt for ADA (American with Disability Act) requirements. Consequently, the building is grand-fathered in for compliance purposes. Specifically the City stated:

“We have reviewed [the site’s 1983 structural modifications’] general proposal to add a second story with respect to handicap access and have concluded that such access will not be required to the second floor.”

“This conclusion is based upon the fact that it is highly improbable that an elevator or ramp could be provided for a cost equal to or less than 25% of the construction cost for the construction cost for the second floor.” [City of Portland Bureau of Buildings Letter (October 12, 1983) to Oregon State University Extension Services re “211 S.E. 80 Avenue Handicap Access o Proposed Second Floor Addition,” 1 page]

The first floor is constructed of “slab on grade” concrete construction, which has adequate capacity for the minimum weight allowance for library stacks (which is the heaviest weight requirement of a library’s floor load requirements). The 1997 Uniform Building Code’s “Uniform and Concentrated Loads” sets Libraries’ Uniform Load for Reading Rooms at 60 psf and for Stack Rooms at 125 psf with Concentrated Loads at 1,000 and 1,500 pounds respectively.

For “offices”, the Uniform Load is 50 psf and the Concentrated Load is 2,000 pounds. Although no immediate plans for expansion of the library beyond the first floor are projected; there is no issue of structural integrity that prevents the second floor's use as meeting rooms and offices. Retrofitting the second floor for compliance with the higher load criteria of library stacks, ADA-accessibility, and improved seismic-resistance, is possible, although a constraint is budgetary.

The existing HVAC system consists of a forced-air gas furnace, which appears to be functional and adequate for use as a limited library/reading room and offices.

**County Issue No. 3: The building size is too small to be a library.**

There is no minimum square footage requirement for a library in City, State or Federal Zoning or Building Codes. For example, North Plains’ current library is approximately 450 square feet in one room, which is significantly less than what is available at the Montavilla Library building.

**County Issue No. 4: Parking is scarce.**

Off-street parking requirements prevent R1 occupancy of site as well as its continued conditional use as an office building or future use as a library. Any building occupant would be required to seek a parking variance. Parking adjustments have been granted in the past to similar facilities and occupants. The former building occupants of the Montavilla Library building had secured agreements from nearby parking lot-owners, allowing their use.

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**CONSULTING STRUCTURAL ENGINEER**

**County Issue No. 5: Would a library be an appropriate zoning for this site.**

The site is eligible to be re-zoned as a library under applicable City Code.

On June 22, 2004, the City of Portland noted that if the University of Oregon Extension Services' qualify as a "community service" then:

"The use would likely maintain automatic conditional use status and since the building has been vacant for less than 3 years, this conditional use has not been lost. Use determinations are necessary here. If both uses qualify as Community Service, then adding a new conditional use in the same category would be a Type II Conditional Use review. If not, then a new conditional use would be a Type III review. Would likely also need an adjustment to parking requirements." [Folder #2004030228000991Q, Wickstrom, Matt, Tue June 22, 2004]

**County Issue No. 6: What future capital improvements are necessary for the building to continue as a library over 10 years?**

There are no mandatory capital improvements required for on-going operation of the building as a limited library/reading room and non-profit office uses during the next ten-years.

Some up-grades and capital improvements may be useful to enhance the building's economy and usefulness. According to Ms Wright, there is money available for one-time capital improvements and up-grades from a variety of public and private funding sources. One example concerns the increased use of solar to reduce annual operating expenses caused by energy-consumption. There are some rebates and tax-relief programs from the utility companies and State of Oregon for solar technologies available to private businesses. A start-up non-profit does not necessarily qualify for tax rebates or tax-relief associated with assets and equipment depreciation. In some circumstance, those project-specific rebates or tax-relief can be transferred to an eligible private business that needs tax-relief. That means that even without direct cash for a project, Montavilla Library may have some matching funds to offer a commercial business partner.

There are building rehabilitation programs such as REACH, Habitat for Humanity, and Portland Community College Business Construction Technology Department which sometimes provide supervised crews to do maintenance and capital improvements. These kinds of organizations may be a good resource for future improvement. Later, when Montavilla Library is in operation, it is recommended that partnerships with them be explored.

Milwaukie Lumber and Mister Plywood, Montavilla neighborhood businesses, may provide donated or heavily discounted materials and supplies. Both businesses have promoted the re-opening of the Montavilla Library by featuring posters and other information. I believe it is feasible that they would be receptive to a request for donations.

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**CONSULTING STRUCTURAL ENGINEER**

Over the next ten years, it is recommended that these organizations be researched as potential solutions to address Montavilla Library's on-going and routine maintenance requirements and for one-time capital improvement projects, such as (but not limited to) improved handicapped access.

In conclusion, it appears that only routine maintenance and no capital improvements are required during the next ten years.

**Other Issue No. 7: When does the previous occupants' conditional use expire?**

If a conditional use is discontinued for 3 continuous years, the conditional use rights are lost. Utility bills, or similar documents, can be used to set the clock. According to Linn Dingler, Multnomah County Property Manager, the building has been vacant for approximately 18 months, as of June, 2004. This would appear to indicate that there is still ample time to maintain the conditional use.

**Other Issue No. 8: What costs are associated with zoning?**

There are three costs associated to change the land-use to a library. The costs include \$1,435 for reviews of non-residential or mixed use; \$1,373 for a Pre-Application Conference, and either \$2,662 for a Type II Review or \$7,296 for a Type III Review. The total cost is either \$5,470 or \$10,104.

Whether the review is Type II or Type III depends on if the Oregon State University Extension Center qualifies as a "Community Service" as the Library does. Documentary evidence from the Extension Center is needed to prove that the pre-existing conditional use was a "community service."

If Appeals of Type II are required, the cost is \$250; and for Type III the cost is half the application fee (\$1,331 or \$3,648).

In that the removal of the 1934 deed restriction and original land use was an intergovernmental agreement; Multnomah County may be able to negotiate with the City an intergovernmental fee waiver of all City costs associated with re-zoning the site back to a Library. Independent of the County, and as a non-profit business, Montavilla Library is extremely unlikely to negotiate any fee reductions from the City.

**PAUL KLUVERS, P.E., S.E.**  
**CONSULTING STRUCTURAL ENGINEER**

**References:**

Letter from Lisa Naito, District 3, Commissioner, Letter July 1, 2004 to Maureen Wright, Project Manager, Save Montavilla Library, 3 pages  
Submittal from Molly Raphael, Library Director, Multnomah County to Terri Naito, staff to Commissioner Naito's Office, on the subject of "Montavilla Library Building," May 18, 2004, 2 pages  
Site and Building Data Sheet(presented 6/14/2004) by Linn Dingler, Program Supervisor, Multnomah County Facilities and Property Management Division, 2 pages  
Screen Print from Able/Term session (TAX) for Situs: 211 SE 80 Avenue, Portland, OR 97215 <http://www.bds.ci.portland.or.us>  
Interviews 6/22/2004 with City of Portland Oregon Bureau of Developmental Services, Jerry Engelhardt, Plans Examiner and Matt Wickstrom, City Planner, Land Use Services by Maureen Wright, Project Manager, Save Montavilla Library  
33.815.050 Loss of Conditional Use Status  
33.815.105 Institutional and Other Uses in R Zones, Chapter 33.815 Conditional Use, Title 33, Planning and Zoning (12/20/03), pages 815-6, 815-7  
1997 Uniform Building Code Table 16-Uniform and Concentrated Loads, pages 1-161  
1997 Uniform Building Code Table 10-A Minimum Egress Requirements, pages 1-125  
Type 2 Land Use Review Procedures, City of Portland Bureau of Developmental Services  
Chapter 33.8.15 Conditional Uses, Sections 2 & 3, page 815-3  
33.920.420 Community Services, Chapter 33.920, Descriptions of the Use Categories, page 920-13  
Letter (October 12, 1983) re: "Handicap Access to Proposed Second Floor Addition to Wm. Holdt, Oregon State University, Extension Service from Charles Stetsberg, Chief Policy Officer, City of Portland Bureau of Buildings, 1 page  
City of Portland Bureau of Development Services Land Use Reviews Fee Schedule, Effective 7/1/04, 2 pages  
Chapter 33.266 "Parking and Loading," Title 33, Planning and Zoning (8/30/03) "Table 266-2: Parking Spaces by Use," page 266-6  
Land Use  
Electronic Folder #2004030228000991Q, Wickstrom, Matt, Tue June 22, 2004



#4

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/16/04

SUBJECT: MONTAVILLE LIBRARY

AGENDA NUMBER OR TOPIC: 1

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: THOMAS D. PAUGH

ADDRESS: 7014 E. BURNSIDE

CITY/STATE/ZIP: PORTLAND, OR. 97215

PHONE: DAYS: X 503-257-3742 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: TURN OVER TO MONTAVILLE LIB. ASSOC  
KEYS FOR BLDG.

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#5

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9-16-4

SUBJECT: Montaville Library

AGENDA NUMBER OR TOPIC: 1

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Darleen Paugh

ADDRESS: 7014 E. Burnside

CITY/STATE/ZIP: Portland, Oregon 97215

PHONE: \_\_\_\_\_ DAYS: 503-257-3742 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: None

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#6

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: Sep 16, 2004

SUBJECT: MONTAVILLA Library

AGENDA NUMBER OR TOPIC: Public Comment

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Brooks Koehn

ADDRESS: 2833 SE Harrison St

CITY/STATE/ZIP: Portland OR 97214

PHONE: \_\_\_\_\_ DAYS: 503-234-2750

EVE: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: Support Montavilla Library

WRITTEN TESTIMONY: Appropriate public-govt partnership

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#7

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 09/16/04

SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: Public Comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Mary Ann Schwab

ADDRESS: 605 SE 38<sup>th</sup> Avenue

CITY/STATE/ZIP: Portland, OR 97214-3202

PHONE: \_\_\_\_\_

DAYS: (503) 236-3522

EVES: \_\_\_\_\_

EMAIL: e33schwab@qwest.net

FAX: \_\_\_\_\_

SPECIFIC ISSUE: Don't sell public land

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#8

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

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/16/04

SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: ☒ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Nicole Prevost

ADDRESS: 27 SE 85th

CITY/STATE/ZIP: Portland OR 97216

PHONE: DAYS: 503.256.2158

EVES: \_\_\_\_\_

EMAIL: ncprevost@hotmail.com

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: I'm here to support the  
Montavilla Library

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#9

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/16/04

SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: Public Comment

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Duane T. Starr DMD

ADDRESS: 316 SE 80th Ave.

CITY/STATE/ZIP: Portland, Oregon 97215

PHONE: DAYS: 503-254-2385 EVES: 503-668-6998

EMAIL: dstarrdmd@integra-online FAX: 503-257-3135

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: None

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#10

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 7/16/09  
SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: Public Comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Natalie Heavensworth

ADDRESS: 204 SE 79th Ave

CITY/STATE/ZIP: Portland OR 97215

PHONE: DAYS: 503 252-4346 EVES: 503 252 4346

EMAIL: natmillis@yahoo.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: Montavilla Library

WRITTEN TESTIMONY: ~~At the~~ I support the  
proposed Library. It would be  
a wonderful resource for our  
neighborhood

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#11

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 7/6/04  
SUBJECT: Montavilla Library

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Tina Test

ADDRESS: 42 SE 79th

CITY/STATE/ZIP: Portland OR 97215

PHONE: DAYS: 503-254-2099 EVES: \_\_\_\_\_

EMAIL: TNTTEST@Netzero.net FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: No

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



#12

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE:

9/16/04

SUBJECT:

Montavilla Library

AGENDA NUMBER OR TOPIC:

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME:

Elizabeth Cramer

ADDRESS:

403 NE 69

CITY/STATE/ZIP:

Portland OR 97213

PHONE:

DAYS: 503-261-0996

EVES:

same

EMAIL:

elizabeth@101frontcenter.com

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

I have lived in Montavilla Neighborhood for 12 years and can see the need for Montavilla Library in our area. Its underserved for community building type projects.

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#13

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

SUBJECT: Montavilla Lib MEETING DATE: 9/6/04

AGENDA NUMBER OR TOPIC: Public Comment

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: TINA DECKER

ADDRESS: 18602 UPPER MIDHILL DRIVE

CITY/STATE/ZIP: WEST LINN

PHONE: \_\_\_\_\_ DAYS: 503 810 9163 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: Supporting Montavilla library

WRITTEN TESTIMONY: Please support this grass /  
roots machine - its very needed.

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

*No oral comments*

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 9/16/04  
SUBJECT: Montavilla Lib

AGENDA NUMBER OR TOPIC: Public comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Altam. Gaylord

ADDRESS: 2235 S.E. 89<sup>th</sup> Ave.

CITY/STATE/ZIP: Portland, Or. 97216-2013

PHONE: \_\_\_\_\_ DAYS: 503-774-6478 EVES: same - Ans. Machine

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: No oral comments

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

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

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

SUBJECT: Montavilla Lib MEETING DATE: 9/16/04

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM  
NAME: Cheri R Wonsley

ADDRESS: 1122 NE 122nd Avenue A 202

CITY/STATE/ZIP: Portland OR 97230

PHONE: \_\_\_\_\_ DAYS: 503 256-7515 EVES: Mu9

EMAIL: Integritygroup@att.net FAX: 503 256-7512

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: As a business owner, as a member

of Soroptimist International Portland East Foundation,  
as an individual who enjoyed & benefited  
from early library experiences & continue to do  
so, I support Montavilla Library.

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

No oral comments

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

SUBJECT: Montavilla Lib MEETING DATE: 9/16/04

AGENDA NUMBER OR TOPIC: Public comment

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Kristina Perry

ADDRESS: 7053 NE Everett St

CITY/STATE/ZIP: Portland, OR 97213

PHONE: \_\_\_\_\_ DAYS: 503-253-9546 EVES: \_\_\_\_\_

EMAIL: kristina@electrabyte.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: I am here to support the

Montavilla library w/ volunteer efforts!

WRITTEN TESTIMONY: No oral comments

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.