



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS		
GLADYS McCOY •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

June 21 - 25, 1993

Tuesday, June 22, 1993 - 9:00 AM - Board Briefings.Page 2
Tuesday, June 22, 1993 - 10:30 AM - Budget Work Session . .Page 2
Tuesday, June 22, 1993 - 1:30 PM - Planning ItemsPage 2
Wednesday, June 23, 1993 - 9:30 AM - Budget Work Session. .Page 2
Wednesday, June 23, 1993 - 1:30 PM - Board BriefingPage 3
Thursday, June 24, 1993 - 9:30 AM - Regular MeetingPage 3
Thursday, June 24, 1993 - 1:30 PM - Budget Public Hearing .Page 6

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

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

Tuesday, June 22, 1993 - 9:00 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1** Update on the 1993 Legislative Session. Presented by Fred Neal. 9:00 AM TIME CERTAIN, 30 MINUTES REQUESTED.
- B-2** Presentation and Discussion of the Library Entrepreneurial Initiatives Team Report. Presented by Marcia Pry and Michael Powell, Co-Chairs and Members of the Team. 9:30 AM TIME CERTAIN, 1 HOUR REQUESTED.
-

Tuesday, June 22, 1993 - 10:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-1** Discussions on the General Fund Revenue Status and the Preliminary Overview of the Proposed Amendments. Presented by Dave Warren. 1-1/2 HOURS REQUESTED.
-

Tuesday, June 22, 1993 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following June 10, 1993 Decisions of the Planning and Zoning Hearings Officer are Reported to the Board for Review:

- P-1** CS 2-93
WRG 2-93 DENY Request for a Change in Zone Designation from MUA-20, WRG, FH to MUA-20, WRG, FH, C-S, Community Service for Property Located at 19495 NW ST. HELENS ROAD
- P-2** DR 2-93a SUSTAIN the Appellant's Challenge to the Administrative APPROVAL of the Final Development Review, with Respect to the Applicant's Failure to Conduct a Soil Compaction Test for the Northeastern Portion Site. This Portion of the Decision is REVERSED and the Matter Remanded to the Planning Department, for Property Located at 13303 SE RAMONA STREET
-

Wednesday, June 23, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

BUDGET WORK SESSION

- WS-2** Policy Discussions and Review of the Proposed Amendments and Programs Suggested by the Board. Presented by Dave Warren. 1-1/2 HOURS REQUESTED.

Wednesday, June 23, 1993 - 1:30 PM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-3 Briefing and Presentation of the Proposed Ambulance Service Area Plans. Presentation will Include Recommendations of the Emergency Medical Services (EMS) Staff, EMS Medical Advisory Board, EMS Provider Board, Portland Area Paramedic Alliance, and Any Other Parties Wishing to Present a Plan for Consideration. Presented by Bill Collins. 2 to 2 1/2 HOURS REQUESTED.
-

Thursday, June 24, 1993 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- C-1 Ratification of an Intergovernmental Agreement, Contract #500083, between Multnomah County and the State of Oregon, Travel Management Services to Provide Travel Management Services to the County through Department Contract, for the Period July 1, 1993 through June 30, 1994

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-2 ORDER in the Matter of the Execution of Quitclaim Deed D930862 to Correct an Historical Error in Title Precipitated by Tax Foreclosure

DEPARTMENT OF SOCIAL SERVICES

- C-3 Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract #101653, between the Oregon Health Sciences University/Alcohol Treatment & Training Program and Multnomah County, Mental Health, Youth, and Family Services Division, Alcohol and Drug Program Office to Add Gambling Treatment Services and \$5,878 in Start-Up Funds, for the Period November 1, 1992 through June 30, 1993
- C-4 Ratification of an Intergovernmental Agreement, Contract #102304, between the State Children's Services Division and Multnomah County, Juvenile Justice Division, to Continue Funding for Services in the Assessment Intervention Transition Program, Gang Resource and Intervention Team, and Community Based Programs for Gang Impacted Youth, for the Period July 1, 1993 through December 31, 1993
- C-5 Ratification of an Intergovernmental Revenue Agreement, Contract #10234, between the State Housing and Community

Services Department and Multnomah County Housing and Community Services Division, for Community Action Programs, for the Period July 1, 1993 through June 30, 1995

- C-6 Ratification of an Intergovernmental Revenue Agreement, Contract #102324, between the City of Portland and Multnomah County, Juvenile Justice Division Providing Continued Support for the Youth Employment and Empowerment Project (YEEP), for the Period July 1, 1993 through June 30, 1994
- C-7 Ratification of Amendment No. 2 to Intergovernmental Revenue Agreement, Contract #102993, between the Oregon Mental Health & Developmental Disabilities Services Division (MHDDSD) and Multnomah County Mental Health, Youth & Family Services Division to Pay Oregon MHDDSD \$75,878.56 to Meet Unanticipated Funding Pool Revenue Shortfalls in the Partner's Project Funding Pool Due to Delays in Enrollment of Medicaid Eligible Clients, for the Period Upon Execution through June 30, 1993
- C-8 Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract #103323, between Multnomah County, Mental Health, Youth and Family Services Division, Office of Child and Adolescent Mental Health and the Portland Public School District to Add Educational Services for the Partners Project Clients up to a Maximum of \$10,790.00, for the Period September 1, 1992 through June 30, 1993
- C-9 Ratification of an Intergovernmental Revenue Agreement, Contract #104703, between Multnomah County Mental Health, Youth and Family Services Division's Adult Mental Health Program and Portland Community College to Provide 45 Copies of a 1-Hour Mental Health Training Tape for a Fee of \$1,750 Upon Completion, for the Period March 31, 1993 through June 30, 1993
- C-10 Ratification of an Intergovernmental Agreement, Contract #104713, between Multnomah County, Mental Health, Youth and Family Services Division, Mental and Emotional Disabilities Program and the Housing Authority of Portland (HAP) to Provide Conditions and a Means for the State to Convey Funds Directly to HAP, for the Period July 1, 1992 through June 30, 1993

REGULAR AGENDA

DEPARTMENT OF HEALTH

- R-1 NOTICE OF INTENT to Respond to a Request for Applications from the Center for Substance Abuse Treatment: Linking Community-Based Primary Care, Substance Abuse, HIV/AIDS and Mental Health Treatment Services: Demonstration Program

NON-DEPARTMENTAL

- R-2 RESOLUTION in the Matter of Accepting the Report of the Library Entrepreneurial Initiatives Team

- R-3 RESOLUTION in the Matter of Setting Multnomah County Board Policy to Ensure All Service Delivery Contracts and Intergovernmental Agreements be Performance Based Contracts with Goals and Objectives that Include Performance Measurements for FY 94-95
- R-4 Budget Modification NOND #37 to Increase the Pass-Through Appropriation for Business Income Tax Transferred to East County Cities by \$516,529
- R-5 RESOLUTION in the Matter of Implementing Recommendations for Improvement of Tax Title Policies (Continued from June 17, 1993)

MANAGEMENT SUPPORT

- R-6 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 5.70, Business Income Tax; Creating Multnomah County Code Chapter 5.60, Multnomah County Business Income Tax Law; Providing for Administration and Collection and All Related Matters
- R-7 RESOLUTION in the Matter of Consolidating Administration of the Multnomah County Business Income Tax and the Portland Business License Fee (Continued from June 17, 1993)
- R-8 Budget Modification NOND #36 to Record \$60,980 of Service Reimbursements for Employees Budgeted in the 1992-93 Insurance Fund to Comply with the Auditor's Recommendation that their Benefits be Shown as Expenditures in the Insurance Fund

SHERIFF'S OFFICE

- R-9 Budget Modification MCSO #15 Requesting Authorization to Reclassify a MCSO Personnel Analyst Position to an Administrative Analyst Position Effective 9/12/93
- R-10 Budget Modification MCSO #16 Requesting Authorization to Cut Funding for Columbia Villa Deputy and Sergeant Positions, and Transferring this Funding to Two Community Services Officers Positions
- R-11 Budget Modification MCSO #17 Requesting Authorization to Transfer \$623,882 from General Fund Contingency to Provide for Costs Associated with Corrections Officers Wage Settlement
- R-12 Budget Modification MCSO #18 Requesting Authorization to Transfer \$31,063 from General Fund Contingency to Provide for Costs Associated with Columbia Villa Safety Action Team
- R-13 Ratification of an Intergovernmental Agreement, Contract #800693, between Multnomah County, Sheriff's Office and the City of Portland to Provide Fingerprint and Photographs of Individuals Arrested for Crimes, for the Period July 1, 1992 through June 30, 1994

COMMUNITY CORRECTIONS

- R-14 Budget Modification DCC #33 Requesting Authorization to Reduce Materials & Services Budget and Increase Personal Services Budget by \$25,118
- R-15 Budget Modification DCC #34 Requesting Authorization to Reduce Personal Services Budget and Increase Capital Budget by \$14,165

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-16 Ratification of an Intergovernmental Agreement between the City of Portland, Mid-County Sewer Project and Multnomah County, Parks Division to Reimburse the City for Sewer System Development Charges for the Glendoveer Golf Course, for the Period June 30, 1993 through June 30, 2013
- R-17 Request for Policy Direction in the Matter of a Request by Albina Ministerial Alliance to Repurchase Certain Tax Foreclosed Property Deeded to Multnomah County Commonly Known as 73 NE STANTON STREET (Continued from June 17, 1993)
- R-18 Request for Policy Direction in the Matter of a Request by Richard A. Hopman to Repurchase Certain Tax Foreclosed Property Deeded to Multnomah County Located at 2031 NE 59TH AVENUE (Continued from June 17, 1993)
- R-19 Request for Policy Direction in the Matter of a Request by Teen Challenge of Oregon to Repurchase Certain Tax Foreclosed Property Deeded to Multnomah County Located at 125 SE 11TH AVENUE (Continued from June 17, 1993)
- R-20 Request for Policy Direction in the Matter of a Request by Michael James McCoun to Repurchase Certain Tax Foreclosed Property Deeded to Multnomah County Located at 4837 NE 33RD AVENUE (Continued from June 17, 1993)
- R-21 Request for Policy Direction in the Matter of a Request by Janet Lee Maxwell to Repurchase Certain Tax Foreclosed Property Deeded to Multnomah County Located at 5812 NE 14TH AVENUE (Continued from June 17, 1993)

PUBLIC COMMENT

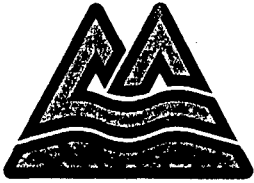
- R-22 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Thursday, June 24, 1993 - 1:30 PM

Multnomah County Courthouse, Room 602

PUBLIC HEARING

- PH-1 The Multnomah County Board of Commissioners, Sitting as the Multnomah County Budget Committee, Will Convene for the Purpose of Receiving Public Testimony Regarding Allocations on the 1993-94 Budget.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

GLADYS McCOY •	CHAIR •	248-3308
DAN SALTZMAN •	DISTRICT 1 •	248-5220
GARY HANSEN •	DISTRICT 2 •	248-5219
TANYA COLLIER •	DISTRICT 3 •	248-5217
SHARRON KELLEY •	DISTRICT 4 •	248-5213
CLERK'S OFFICE •	248-3277 •	248-5222

SUPPLEMENTAL AGENDA

*Tuesday, June 22, 1993 *1:30 PM*

*IMMEDIATELY FOLLOWING PLANNING ITEMS

Multnomah County Courthouse, Room 602

BOARD BRIEFING

*B-2a Update and Discussion Regarding Columbia Park/Edgefield.
Presented by Bob Oberst and Will Werner. 30 MINUTES
REQUESTED.*

0265C/84
cap

MEETING DATE: June 22, 1993

AGENDA NO:

B-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Legislative Update

BOARD BRIEFING Date Requested: Tuesday, June 22, 1993

Amount of Time Needed: 30 Minutes

REGULAR MEETING: Date Requested:

Amount of Time Needed:

DEPARTMENT: Non-Departmental

DIVISION: Chair Miggins

CONTACT: Fred Neal

TELEPHONE #: 248-3308 or 585-8355

BLDG/ROOM #: 106/1410

PERSON(S) MAKING PRESENTATION: Fred Neal

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

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

Briefing Update on the 1993 Legislative Session.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

H. C. Miggins CAP

OR

DEPARTMENT MANAGER:

CLERK OF COUNTY BOARD
MULTI-COUNTY
OREGON
1993 JUN 17 PM 11:49

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

6/93

Briefing
6-22-93
Handout #1
B-1

**THE IMPORTANCE OF INCLUDING LOCAL GOVERNMENT FUNDING
IN THE DEFINITION OF ADEQUACY**

Table 5
Services Delivered or Funded by Oregon Counties FY 91-92
n=33

Service	Number of Counties	Service	Number of Counties
Services All Counties Provide			
Administration & Central Services	33	Health Services	33
Assessment and Taxation	33	Juvenile Services	33
County School Fund	33	Land Use Planning	33
County Surveyor	33	County Fairgrounds	33
Court Support Services	33	Mental Health	33
District Attorney's Office	33	Roads	33
Elections and Recording	33	Sheriff/Jail	33
Services Most Counties Provide			
Community/Economic Development	30	Other Social Services	26
Parks and Recreation	27	Animal/Dog Control	25
Community Corrections	25	Libraries	23
Solid Waste Management	24	Senior Services	21
Services Some Counties Provide			
Water or Sewer Service Districts	10	Hospital	2
Airport	7	Museum	2
Ambulance	5	Nursing Home	1
Street Lighting	5	Port District	1
Fire Protection	1	Railroad	1
<i>Source: Survey of Oregon Counties</i>			

- > 60% of the services delivered by counties involve a joint service system with the state.

Table 6 State and Local Decision Making and Future Demands for County Services			
Who Makes Decisions about Level of Service?		Do you expect demand for more services in the next 3-5 years?	
Service	Score*	From State?**	Locally?**
More State than Local			
County School Fund	1.6		
Assessment and Taxation	1.9	YES	yes
Land Use Planning	2.2	YES	yes
Court Support Services	2.3	yes	
Elections and Recording	2.3		
Community Corrections	2.4	yes	yes
Mix of State and Local			
Mental Health Services	2.6	YES	YES
Solid Waste Management	2.6	YES	yes
District Attorney's Office	2.8	YES	yes
Health Services	3.1	yes	YES
Juvenile Services	3.1	yes	YES
Emergency Management	3.2	yes	
More Local than State			
Senior Services	3.6	yes	yes
Sheriff/Jail	3.6	yes	YES
Other Social Services	3.7	yes	yes
County Surveyor	3.8		
Community/Econ Development	3.9		yes
Administration/Central Services	4.0		
Roads	4.2		
County Fairgrounds	4.5		
Animal/Dog Control	4.6		
Parks and Recreation	4.7		
Libraries	4.8		
* Score is average of responses where a purely state decision = 1 and a purely local decision = 5			
** "YES" means at least 3/4 of the counties who provide this service expect increased demand, "yes" means at least 1/2 of the counties but less than 3/4 expect increased demand			
Source: Survey of Oregon Counties			

- > Local officials expect the State to demand increased levels of service in a majority of these program areas

Table 7
Total County Revenue from each Source in Oregon, FY 91-92

	Mean	Median	Minimum		Maximum	
Local Sources						
Property Taxes	22%	22%	2%	Josephine	61%	Sherman
Other Local Taxes	1%	0%	0%	numerous	13%	Multnomah
Fees & Charges	14%	12%	3%	Baker, Benton	47%	Gilliam
Other Local Sources	7%	4%	1%	Coos, Curry	21%	Hood River
All Local Sources	45%	40%				
Federal & State Timber Sales	22%	12%	0%	Gilliam, Malheur, Sherman, Wheeler	66%	Grant
Other Federal Sources	3%	2%	0%	numerous	19%	Lake
State Sources (except timber)						
State Gas Tax	8%	8%	1%	Curry, Tillamook	16%	Malheur
Other Shared Revenue	4%	2%	1%	numerous	12%	Coos
Grants/Reimbursements	18%	16%	6%	Douglas, Morrow	41%	Umatilla
All State Sources	30%	25%				
Total All Sources	100%	100%				
<i>Source: Survey of Oregon Counties</i>						

- > Proaperty taxes, federal timber revenues, and State grants/reimbursements represent 62% of county revenues. None of these sources has a very promising future -- timber revenues are plummeting, property taxes are diminished in a majority of counties, and State financing is under increasing pressure.

Table 11	
Proportion of Oregon Counties Providing a Service That Use Each Major Revenue Source as a Primary or Secondary Source of Funds for That Service, FY 91-92	
LOCAL SOURCES	NON-LOCAL SOURCES
<i>Property Taxes</i>	<i>Federal & State Timber Sales</i>
<i>Libraries</i> 89%	<i>County School Fund</i> 72%
<i>Sheriff/Jail</i> 88%	<i>Roads</i> 59%
<i>Administration</i> 86%	<i>Parks and Recreation</i> 38%
<i>District Attorney's Office</i> 85%	<i>Administration</i> 31%
<i>Assessment & Taxation</i> 82%	<i>District Attorney</i> 26%
<i>Juvenile Services</i> 79%	
<i>Elections & Recording</i> 74%	<i>State Shared Revenue</i>
<i>Health Services</i> 69%	<i>Roads</i> 79%
<i>Land Use Planning</i> 65%	<i>County Fairgrounds</i> 53%
<i>Animal/Dog Control</i> 56%	
<i>County Surveyor</i> 55%	<i>State Grants & Reimbursements</i>
<i>Court Support Services</i> 52%	<i>Assessment & Taxation</i> 100%
<i>County School Fund</i> 52%	<i>Community Corrections</i> 86%
<i>Other Social Services</i> 50%	<i>Mental Health Services</i> 85%
<i>Parks and Recreation</i> 50%	<i>Health Services</i> 75%
<i>Senior Services</i> 50%	<i>Other Social Services</i> 73%
<i>Emergency Management</i> 48%	<i>Juvenile Services</i> 65%
<i>Comm/Econ Development</i> 33%	<i>Senior Services</i> 64%
<i>Fees & Charges</i>	<i>District Attorney's Office</i> 53%
<i>Elections & Recording</i> 91%	<i>Emergency Management</i> 48%
<i>County Fairgrounds</i> 84%	<i>Community/Econ Development</i> 47%
<i>Animal/Dog Control</i> 78%	<i>Parks and Recreation</i> 46%
<i>County Surveyor</i> 70%	<i>County Fairgrounds</i> 38%
<i>Solid Waste Management</i> 69%	
<i>Court Support Services</i> 64%	
<i>Health Services</i> 56%	
<i>Land Use Planning</i> 50%	
<i>Community Corrections</i> 34%	
<i>Mental Health Services</i> 30%	
<i>Bold Italic type indicates that at least half of the counties using this revenue source for the service, use it for 50% or more of the needed revenue.</i>	
<i>Source: Survey of Oregon Counties</i>	

- > Property taxes, fees, and timber revenues play a significant role in the funding of most State-county joint services

COUNTY REVENUE LOSSES

- o Counties have lost \$142 million per biennium in timber revenues and property taxes based on property taxes imposed in FY 1992-93 and timber safety net revenues for Federal FY 1992-93.
- o The proposed safety net for forest receipts and O&C revenues adopted by the House Interior Appropriations Committee will increase this loss by \$112 million for a total loss of \$254 million per biennium.
- o Property tax and O&C losses equal 9% of General Fund expenditures. If the House Interior Appropriations safety net is sustained, the losses will equal 17.6% of General Fund expenditures.
- o If the safety net for National Forest Receipts is sustained, then losses in this revenue source will exceed all gas tax increase revenues for counties since 1990.

IMPACT OF PENDING LEGISLATIVE ACTIONS

- o Damage claims under SB 1134 against counties will total \$6-8 million due to State taxation of PERS benefits.
- o HB 2004 will add costs to county law enforcement and human services costs related to children and families programs. At the same time a maintenance of effort requirement will reduce county flexibility.
- o SB 139 and the Corrections budget will increase demands on county law enforcement and jail facilities as misdemeanants no longer receive supervision, felony property crimes are downgraded to misdemeanants, and parole and probation supervision are shortened.
- o Tax reductions for specific industries will reduce county revenue.

RECOMMENDED DEDICATION TO LOCAL GOVERNMENT

- o Share .5% of 5% sales tax (\$240 M/biennium using Oregon base with direct use exemption) or equivalent amount of income tax or gross receipts tax.

REVENUE LOSSES DUE TO FOREST REVENUES AND MEASURE 5
THROUGH 1993

County	89 vs. 92 O & C Receipts	89 vs. 92 Forest Receipts	1992-1993 Measure 5 Property Tax Loss	FY 1992-93 Total Loss
Baker		(223,184.60)	(154,242)	(377,426.60)
Benton	(541,183)	(113,294.49)	(24,350)	(678,827.49)
Clackamas	(1,068,884)	(683,036.22)	(23,417)	(1,775,337.22)
Clatsop			(77,470)	(77,470.00)
Columbia	(396,738)		(4,372)	(401,110.00)
Coos	(1,136,290)	(211,789.42)	(7,603)	(1,355,682.42)
Crook		962,577.94	(596)	961,981.94
Curry	(702,960)	(1,624,642.46)	(41)	(2,327,643.46)
Deschutes		331,928.75	(48)	331,880.75
Douglas	(4,824,420)	(4,483,440.05)	(58,609)	(9,366,469.05)
Gilliam			(45,858)	(45,858.00)
Grant		1,508,061.81	(3,028)	1,505,033.81
Harney		857,160.24	(71,183)	785,977.24
Hood River		(280,670.01)	(33)	(280,703.01)
Jackson	(3,018,775)	(1,253,696.43)	80	(4,272,391.43)
Jefferson		44,686.76	(63,342)	(18,655.24)
Josephine	(2,326,507)	(867,015.59)	(127)	(3,193,649.59)
Klamath	(450,665)	(2,703,601.61)	(15,588)	(3,169,854.61)
Lake		996,187.52	(106,135)	890,052.52
Lane	(2,940,874)	(6,768,782.12)	(14,454)	(9,724,110.12)
Lincoln	(69,333)	(1,194,369.83)	(98)	(1,263,800.83)
Linn	(508,442)	(2,258,494.46)	(220,749)	(2,987,685.46)
Malheur		(746.41)	(42,416)	(43,162.41)
Marion	(281,184)	(749,189.21)	(620,347)	(1,650,720.21)
Morrow		27,839.39	(133,133)	(105,293.61)
Multnomah	(209,925)	(80,034.50)	(8,405,454)	(8,695,413.50)
Polk	(415,998)	(2,215.58)	(217)	(418,430.58)
Sherman			(106,997)	(106,997.00)
Tillamook	(107,851)	(657,798.00)	(70)	(765,719.00)
Umatilla		64,170.13	(273,541)	(209,370.87)
Union		(215,533.70)	(273,257)	(488,790.70)
Wallowa		(971,702.69)	(65)	(971,767.69)
Wasco		(275,905.12)	(317,656)	(593,561.12)
Washington	(121,333)		(26,911)	(148,244.00)
Wheeler		293,606.08	(1,036)	292,570.08
Yamhill	(138,666)	(177,663.52)	(1,045)	(317,374.52)
Subtotal	(19,260,028)	(20,710,587.40)	(11,093,408)	(51,064,023.40)
1993 estimated O&C reduction				(\$12,000,000.00)
1993 estimated forest receipt reduction				(\$8,000,000.00)
Total				(\$71,064,023.00)
Biennial estimated total loss				(\$142,128,023.00)



ASSOCIATION OF OREGON COUNTIES

LOCAL GOVERNMENT CENTER 1201 COURT STREET N.E. P.O. BOX 12729, SALEM, OREGON 97309-0729. (503) 585-8351

PROPOSED LOCAL GOVERNMENT COMPONENT IN STATEWIDE TAX PLAN

ASSOCIATION OF OREGON COUNTIES

1. Preempt the existing authority of local government to impose future local option, general retail sales taxes
 - o While it is very difficult for local governments to agree with such an action, counties are willing to accept preemption to assist with success of the tax reform proposal in consideration of receiving the shared revenue under #2 below.
2. Provide .5% of sales tax, or an equivalent share of gross receipts tax, to counties/cities dedicated to public safety and programs for children, including education
 - o Citizens place a very high priority on public safety services and programs for children, including education. They are looking for the way we address their priorities. By dedicating these revenues, we will respond to these priorities and helps avoid further erosion of these services. It will return a small portion of the new tax revenues to the communities, with the flexibility to direct the funds to reflect their diverse priorities.

Briefing
6-22-93
Handout #2
B-1

6/21/93

Standard Report

Page 1

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
HB 2001	CHILD CARE TEAM	COMM	6/18			
HB 2003	CHILD CARE TEAM	CHILD	6/18			
HB 2004	CHILD CARE TEAM	HAPPR	6/11			
HB 2005	CHILD CARE TEAM	CHILD				
HB 2008	HEALTHY START	CHILD	6/02			
HB 2012	LABOR PUBLIC MEETINGS	COMM	6/10			
HB 2015	LUTHERANS TAX BREAK	REVEN	****	P	P	
HB 2017	PCRI TAX FOREGIVENESS	REVEN	6/08			
HB 2020	LUBA ATTORNEY FEES	NR	6/07			
HB 2029	GARNISHMENT BY COUNTY					
HB 2056	STATE AID TO LIBRARY	GG				
HB 2065	SCHOOL ELECTIONS	EDUC			P	
HB 2122	NURSING CARE	HD				
HB 2123	RV REGISTRATION	GG				
HB 2124	HIST PROPERTY ASSESSMENT	REVEN	6/04			
HB 2141	CSD JUVENILE CUSTODY	CHILD	2/24			
HB 2150	TYPE B AGENCIES	HR	****	P		P
HB 2217	LCDC ANNEXATION	NR	4/28			
HB 2219	SHARING REVENUES	GG				
HB 2225	REDUCED PATROL	JUDIC				
HB 2232	HIV DISCLOSURE	JUDIC	4/30			
HB 2234	BEER & WINE TAX	REVEN				
HB 2236	CIGARETTE TAX	REVEN				
HB 2248	TORT CLAIM NOTICE	JUDIC	5/17			
HB 2255	CRIME WEAPONS	JUDIC				
HB 2256	HIV POST CONVICT TESTING	JUDIC	6/08	P		
HB 2260	BLACK POWDER FIREARM	JUDIC				
HB 2272	REPEAL NAME ROTATION	ETHIC		P		
HB 2275	ELECTION PROCEDURES	ETHIC	6/22	P		
HB 2278	PRIMARY MAIL BALLOT	GG	5/06			
HB 2289	DUII DIVERSION	JURIC				
HB 2308	ELDERLY ABUSE BOARD	HD	3/22			
HB 2326	DHR MISSION STATEMENT	HD	1/28			
HB 2377	VIDEO POKER \$\$\$	COMM	6/17			
HB 2381	ASSET FORFEITURE	JUDIC	6/28			
HB 2394	SALES TAX	REVEN	5/27			
HB 2408	PARTIAL TAKINGS	NR	4/09			
HB 2411	LAW ENF MEDICAL LIAB	SWAYS	6/10	P		
HB 2415	GAS TAX	REVEN	4/21			
HB 2416	VEHICLE REGIS FEES	REVEN	5/12			
HB 2417	TRANSP 93	REVEN	4/20			
HB 2419	VEHICLE EMISSN FEES	EMISS	4/21			
HB 2420	TRANSP 93	REVEN	2/16			
HB 2421	TRANSP ACCESS FEES	GG	1/15			
HB 2422	STUDDERED TIRE FEES	GG				
HB 2423	ETHANOL GAS TAX	REVEN	5/12			
HB 2424	HIGHWAY BONDS	REVEN	4/20			
HB 2425	LOTTERY AND TRANSP	APPA				
HB 2426	HIGH SPPED RAIL \$\$\$	GG				
HB 2427	BATTERY AND TIRE TAX	GG				
HB 2428	TRANSIT ASSESSMENTS	REVEN	6/08			

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
HB 2429	TRANSP 93	APPA				
HB 2430	BICYCLE REGIS FEE	GG				
HB 2432	GROSS RECEIPTS TAX	RULES	5/27			
HB 2435	DELINQUENT TAX RATE	REVEN	1/28			
HB 2443	PERSONAL PROPERTY	REVEN	6/08			
HB 2463	PRISONER TRANSPORT	JUDIC	6/23			
HB 2464	COMMITMENT COUNSEL	JUDIC				
HB 2465	MANDATE SSS	GG	5/27			
HB 2469	BPST OPEN ENROLLMENT	GG	6/07			
HB 2471	ILLEGAL DRUG CLEANUP	NR	2/01			
HB 2472	DAVIS BACON LID	COMM				
HB 2490	PUBLIC CONTRACT/AGC	GG				
HB 2491	SHARING CLIENT INFO	HD	2/09			
HB 2495	STATE MOTOR POOL	RULES	5/11			
HB 2500	SALES TAX/HJR 10	REVEN	5/27			
HB 2501	SALES TAX	REVEN	5/27			
HB 2503	PRIMARY MAIL ELECTION	GG				
HB 2504	FAMILY COURT	JUDIC	****	P	P	
HB 2514	FIREARMS	JUDIC		P		
HB 2516	SPOUSAL WORKERS COMP	COMM				
HB 2521	A&D ALLOCATIONS	REVEN				
HB 2524	POT RECRIMINALIZATION	JUDIC				
HB 2534	URBAN SERVICE BOUNDARY	GG	5/06			
HB 2535	VOLUNTEER DENTISTS	JUDIC				
HB 2540	FORFEITURE MONEY	JUDIC	2/09			
HB 2546	PRIVATE/PUBLIC PAY	COMM				
HB 2553	QUOROMS 2X2	GG				
HB 2554	PUBLIC MEETINGS	GG				
HB 2563	ASSET FORFEITURE	JUDIC	5/11			
HB 2574	PO ARBITRATION	COMM				
HB 2583	ABSENTEE BALLOTS	GG				
HB 2604	PERS STUDY	COMM				
HB 2611	OVERTIME CALCULATION	LABOR		P		
HB 2622	VOLUNTEER TORT IMMUNITY	JUDIC				
HB 2630	REPEAL POPULATION CAP	JUDIC	5/27			
HB 2631	VIDEO POKER	APPA	6/24			
HB 2649	HOUSING COORDINATION	APPA	5/21			
HB 2650	PERS PAYBACK	REVEN				
HB 2673	SUPPORT ENFORCEMENT	JUDIC				
HB 2674	COUNTY SURVEYORS	LABOR	6/07	P		
HB 2683	LIEAP	*****	****	P	P	P
HB 2687	LIBRARY LOAN CONFIDENCE	GG				
HB 2708	UNINSURED CAR IMPOUND	COMM				
HB 2712	PUBLIC RECORDS PRIVACY	JUDIC				
HB 2717	SPLIT PERS	COMM	5/24			
HB 2736	BLOOD NOT BREATH TESTS	JUDIC	6/18			
HB 2738	INDIGENT BURIAL	JUDIC				
HB 2758	OIA SECONDARY LANDS	NR				
HB 2770	LIENS & ENCUMBRANCES	REVEN				
HB 2790	COMPETITIVE STRATEGY	RULES	4/23			
HB 2800	DELINQ PROPERTY TAX	REVEN				
HB 2826	MORTGAGE NON-REIMBURSE	BUSIN	6/16	P		

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
HB 2844	TWO TIER PERS	COMM	5/05			
HB 2860	CONDITIONS OF EMPLOYMENT	COMM	3/15			
HB 2861	CIGARETTE TAX	REVEN				
HB 2870	EMERGENCY HOUSING \$\$\$	APPA				
HB 2872	6% AV CAP	REVEN	5/27			
HB 2875	PUBLIC CONTRACT/AOC	GG				
HB 2882	FEES FOR SERVICE	JUDIC				
HB 2883	REAL ESTATE TRANSFER TAX	REVEN	6/08			
HB 2891	FIREARMS	JUDIC	3/13			
HB 2899	CONSERVATION EASEMENT	NR	4/09			
HB 2906	TRANS PENSION ELECTION	COMM	6/16			
HB 2914	HOUSING COST IMPACT	COMM	4/29			
HB 2920	SALES TAX	REVEN	4/02			
HB 2922	COMM DEV TAX EXEMPTION		****	P	P	
HB 2935	AG RE TAKING	NR	4/09			
HB 2947	TRANSMISSION LINE TAX	REVEN				
HB 2952	OR HEALTH AUTHORITY	HD	3/05			
HB 2959	NO CHILD SUPP/NO LICENSE					
HB 2963	MANAGED CARE	COMM				
HB 2965	SEX OFFENDER NOTEBOOKS	JUDIC				
HB 2966	PERS UPGRADE	COMM				
HB 2974	TRANSMISSION TAX	COMM				
HB 2981	HOTEL MOTEL TAX	JUDIC	4/21			
HB 2987	JUV JUDGE RESTRICTIONS	JUDIC				
HB 2989	DUII TREATMENT	JUDIC				
HB 2994	JUVENILE REMANDS	JUDIC	6/07			
HB 3001	OTO TAX EQUITY	REVEN				
HB 3008	CHILD ABUSE CENTERS \$\$\$	CHILD	5/17			
HB 3018	INTERSTATE SUPP ENFORCE	JUDIC	6/23			
HB 3022	RETT	REVEN				
HB 3033	POS W/GUNS	JUDIC				
HB 3071	FIREARMS	JUDIC	6/23			
HB 3078	INCOME TAX	REVEN				
HB 3087	TAKINGS COMPENSATION	NR	6/22			
HB 3096	HOUSING GRANTS	JUDIC				
HB 3100	HOTEL MOTEL TAX	REVEN	4/02			
HB 3115	CLOSE COMP CLAIMS	COMM				
HB 3122	RETT	COMM	5/25			
HB 3127	PRIMARY ELECTION	RULES				
HB 3128	TAKINGS COMPENSATION	NR	4/29			
HB 3129	VOLUNTEER DENTISTS	JUDIC				
HB 3136	LITTLE DAVIS BACON	COMM	6/08			
HB 3137	CHILD SUPPORT STUDY	JUDIC				
HB 3159	GANGS AND SCHOOLS	EDUC				
HB 3160	GANGS AND SCHOOLS	EDUC	6/22			
HB 3161	PERSONAL EMPL INFO	JUDIC				
HB 3169	RETT	COMM	5/25			
HB 3173	VEHICLE EMISSION FEE	NR				
HB 3176	COURTHOUSE SECURITY	JUDIC				
HB 3192	TAX REFUNDS A LA TIF	REVEN				
HB 3198	ARBITRATOR/FINAL OFFER	COMM	4/23			
HB 3228	UNIFORM AMBULANCE RATES	GG				

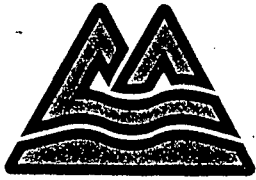
BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
HB 3241	MEDICAL GUIDELINES	HD				
HB 3281	SENIOR TAX FREEZE	REVEN				
HB 3311	HEALTH CARE FOR ALL	HD	5/08			
HB 3317	CONTRACTS/DISCRIMINATION	COMM				
HB 3319	PUSH KNIVES	JUDIC	6/17			
HB 3321	HOTEL MOTEL TAX	JUDIC	4/27			
HB 3328	WETLANDS DEFINITION	NR	****	P	P	
HB 3347	PUBLIC VEHICLE ID	GG				
HB 3351	MOMS ON DRUGS	JUDIC				
HB 3372	EXPUNCTION LIMITS	JUDIC				
HB 3374	ELEC CODE BLDG EXEMPT	COMM	6/10			
HB 3384	DISCIPLINARY RECORDS	JUDIC				
HB 3386	SCHOLARSHIP LOTTERY \$\$\$	COMM	6/04			
HB 3399	SOCIAL GAMING ENF	GG				
HB 3400	DONT SLICE THE BABY	COMM	4/23			
HB 3416	WORKERS COMP	COMM	4/07			
HB 3420	CTY UTILITY FRANCHISE FEE	GG				
HB 3425	JUVENILE DEFENSE	JUDIC	3/17			
HB 3426	THEFT VIOLATIONS	JUDIC	3/18			
HB 3434	INDIGENT DEFENSE	APPB				
HB 3442	PROP VALUATION DATA	REVEN				
HB 3479	VIDEO POKER ADDICTS	COMM	6/17			
HB 3481	DEFERRED COMPENSATION	COMM	6/04			
HB 3490	PLAT MAP APPROVAL	GG				
HB 3492	6% FEE INCREASE LIMIT	GG				
HB 3493	FEE INCR SLOWDOWN	GG				
HB 3497	USE OF PHOTO RADAR	GG				
HB 3501	QUIET TITLE SUITS	NR	6/16			
HB 3503	ANIMAL SHELTERS	NR				
HB 3504	EUTHANASIA LAST	NR				
HB 3519	IN REM INITIATIVE	JUDIC				
HB 3536	MEDICAID HOURLY RATE	HD				
HB 3540	NP PRACTICES	HD	5/08			
HB 3563	TB RULES	HD				
HB 3567	DUII BLOOD TESTS	JUDIC				
HB 3582	CTY/OR HEALTH PLAN	HCBIO	6/17			
HB 3583	SOFT DRINK TAX	REVEN				
HB 3584	COMMUNITY MENTAL HEALTH	HD	5/17			
HB 3587	MENTAL HEALTH DD \$\$\$	HD				
HB 3601	QUIET TITLE SUITS	JUDIC	6/16			
HB 3602	GORGE PLANNING	APPA				
HB 3613	NONPROFIT TAX EXEMPT	REVEN	4/22			
HB 3619	ROAD DAMAGE FEES	GG	4/28			
HB 3624	RIGHT TO SERVICE	GG	3/22			
HB 3630	PUBLIC CONTRACTS	GG				
HB 3632	NO EXCISE TAX INCREASE					
HB 3639	SUPPORT ENFORCEMENT	JUDIC				
HB 3643	ERB MEDIATION FEES	COMM	6/04			
HB 3644	SALARY INCREASE LIMIT	RULES	6/18			
HB 3645	SEXUAL HARASSMENT					
HB 3651	STATE DEDIC OF BEER/WINE					
HB 3652	NIX ON SHARE OF STATE REV					

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
HB 3657	YOUTH TRAINING AND GANGS		5/24			
HB 3661	RURAL LANDS REVISION	NR	6/16			
HB 3663	USE OF DOMESTIC STEEL					
HB 5007	CYSC \$\$\$	APPB	6/03			
HB 5009	DHR \$\$\$	WAYS	6/24			
HB 5013	DISPUTE RESOLUTION \$\$\$	WAYS	****	P	P	
HB 5014	DEPUTY DA \$\$\$	WAYS	6/18			
HB 5018	HOUSING \$\$\$	WAYS	5/06	P		
HB 5024	MARINE BOARD \$\$\$	APP	5/14	P		P
HB 5047	HEALTH PLAN \$\$\$	APPB	5/12			
HB 5051	SCHOOL \$\$\$	***	***	P	P	
HJR 004	VAN VLIET TAX PLAN	REVEN	6/11			
HJR 006	EMERG SERVICES FEE	REVEN				
HJR 007	VEHICLE EMISSION FEE	REVEN	5/12			
HJR 008	MANDATE \$\$\$	GG	5/27			
HJR 010	SALES TAX	REVEN	6/22			
HJR 011	LOWEST BIDDER/AGC	GG				
HJR 015	LOTTERY \$\$\$ TO EDUCATION	COMM	5/27			
HJR 028	SCHOOL TAX FREEZE	REVEN	6/11			
HJR 040	CODE OF ETHICS	RULES				
HJR 045	TAX BASE & CONSTRCT	REVEN	3/26			
HJR 050	BEER AND WINE TAX	RULES				
HJR 059	BEER AND WINE TAX	REVEN	4/07	P		
HJR 060	2% AV CAP	REVEN	6/11			
HJR 061	LOTTERY \$\$\$ FOR EDUCATION	REVEN	6/11			
SB 0014	BM 5 UPDATE	NR	6/16	P		
SB 0020	DONOR LIBRARIES	WAYS	5/21			
SB 0022	LOCAL LIBRARY \$\$\$	***	***	P	P	P
SB 0025	EARLY CHILD DEVELOPMENT	WAYS				
SB 0036	ESD	EDUC	6/11		P	
SB 0027	ESD	AGRIC	3/03			
SB 0045	STATE MOTOR POOL	WAYS	4/26			
SB 0052	TRI CTY ROAD CORP	LABOR				
SB 0054	TRI CTY PUB PURCHASE	LABOR				
SB 0055	TRI CTY MENTAL HEALTH	LABOR				
SB 0056	ISD/IGA	LABOR				
SB 0057	PERSONAL PROPERTY TAX	REVEN	3/02			
SB 0058	A&T MAIL	REVEN	6/08			
SB 0088	ENVIRONMENTAL CRIMES	AGRIC	5/10			
SB 0095	AMBULANCE SERVICE LICENSE	GG	6/24		P	
SB 0096	GORGE AND LCDC	NR	6/17			
SB 0122	URBAN GROWTH MANAGEMENT	NR	6/23			
SB 0124	REGIONAL STRATEGIES	COMM	6/18			
SB 0125	COMMUNITY FACILITIES	TRADE	5/04			
SB 0130	MARGINAL LANDS	AGRIC	3/22			
SB 0137	PAROLE	JUDIC	4/21			
SB 0138	PROBATION	JUDIC	4/21			
SB 0139	CORRECTIONS	JUDIC	6/21			
SB 0140	INDEXING THEFT CRIMES	JUDIC	4/21			
SB 0157	EMERGENCY SERVICES	HRULE	6/07			
SB 0175	PRECINCT COMM ELECTS	ETHIC				
SB 0183	KISS THE FAIR GOODBYE	TRADE				

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
SB 0239	NONPROFIT PROVIDERS	HR	4/21			
SB 0244	RECORDATIONS	JUDIC	6/14			
SB 0245	COURTHOUSE SECURITY	JUDIC	3/31			
SB 0249	JUST ADIVOSRY COUNCIL	JUDIC	6/02		P	
SB 0257	JUVENILE CODE	***	***	P	P	P
SB 0260	FUEL TESTING	AGRIC	4/09			
SB 0267	VOTING DIST BOUNDARY	ETHIC	3/04			
SB 0272	OMITTED PROPERTY	***	***	P	P	P
SB 0273	INDUSTRIAL PROPERTY	REVEN	4/26		P	
SB 0274	TAX COLLECTOR MISC.	***	***	P	P	P
SB 0277	PERSONAL PROPERTY	CONF	6/16	P		P
SB 0287		JUDIC	3/29			
SB 0292	VOTER REGISTRATION	ETHIC				
SB 0316	FORECLOSURE COSTS		4/21		P	
SB 0322	PUBLIC CONTRACTS	LABOR				
SB 0335	COMPULSIVE GAMBLING	TRADE	5/27			
SB 0352	HIV/ENDANGERMENT	JUDIC				
SB 0353	EXPAND EARLY RELEASE	JUDIC	6/07		P	
SB 0354	ARC BILL OF RIGHTS	HD	5/11	P	P	P
SB 0357	URBAN RENEWAL VOTE	***	***	P	P	P
SB 0381	MEDICAL INFO RELEASE	LABOR	4/30			
SB 0385	CHIROPRACTIC CARE	COMM			P	
SB 0392	METRO FEES DESUNSET	NR	6/23		P	
SB 0393	METRO LAND USE PLANS	JUDIC	3/03			
SB 0399	VEHICLE EMISSION FEE	AGRIC				
SB 0406	SUPPORT ENFORCEMENT	JUDIC				
SB 0409	INDIGENT BURIAL FEE	HAPPB	6/18		P	
SB 0425	DEQ METRO EMISSION FEE	AGRIC				
SB 0434	PERS P&f EXPANSION	LABOR				
SB 0454	TOBACCO CONTROL	HR	5/03			
SB 0463	CONSENT TO SEARCH	HD	5/28			
SB 0468	ALTERNATIVE SENTENCE	JUDIC				
SB 0474	PROTECTIVE ORDERS	JUDIC	6/09			
SB 0500	PUBLIC RECORDS	JUDIC	5/12			
SB 0504	COURT APPEARANCE LIMIT	JUDIC				
SB 0507	BENEFITS TRANSFER	LABOR	5/03			
SB 0509	PERS REPAYMENT	LABOR				
SB 0517	P&F FOR PO	LABOR				
SB 0545	CUSTODY WRIT OF ASST	JUDIC			P	
SB 0546	RV RENTAL SPACE TAX	REVEN	5/10		P	
SB 0577	COMMITMENT TRANSFER	HC	4/15			
SB 0578	EMERGENCY PSYCHIATRY	HC	4/15			
SB 0579	COMMITMENT DIVERSION	HC	4/15			
SB 0580	COMMITMENT PROCEDURE	HD	6/18			
SB 0582	MISDEMEANOR/INFRACTION	JUDIC				
SB 0588	LITTLE 1983 ACT	JUDIC				
SB 0614	LUBA REVIEW	AGRIC				
SB 0623	WORKERS COMP	JUDIC				
SB 0625	COURTHOUSE SECURITY	JUDIC	3/31			
SB 0631	LOCAL SENIOR HEALTH	WAYS				
SB 0669	PERS INCREASE	LABOR				
SB 0682	YOUTH EMPLOYMENT TRAINING	WAYS				

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
SB 0684	10% FOR PEDS & BIKES	TRANS				
SB 0690	COPR INDEBTEDNESS	GG	6/24			
SB 0692	STATE PAYS FOR JAIL	JUDIC	4/21			
SB 0709	P&F FOR JUV CORR	LABOR				
SB 0715	643 BED LOSS	JUDIC	4/14			
SB 0716	1245 BED LOSS	JUDIC	4/14			
SB 0717	3070 BED LOSS	JUDIC	4/14			
SB 0720	OCDLA DOES DRUGS	JUDIC	4/15			
SB 0721	BENCH PROBATION REQD	JUDIC	4/09			
SB 0726	CTY GAS TAX PROHIBIT	TRANS	5/14			
SB 0732	VIOLATION PROCEDURES	JUDIC	6/22			
SB 0739	GANG RELATED SENTENCES	JUDIC				
SB 0744	GAMBLING TREATMENT	HR				
SB 0755	LOTTERY \$\$\$	APPA	6/22			
SB 0757	HEALTH CARE REVAMP		4/27		P	
SB 0759	HEALTH CARE GUIDES	HC	4/20			
SB 0766	UNIVERSAL HEALTH CARE	HRULES	6/18			
SB 0771	MENTAL HEALTH PROF	HR	4/19			
SB 0775	MENTAL HEALTH DISC	HR	4/12			
SB 0784	COMM MOTOR VEHICLES	GG	6/24			
SB 0797	ADVISORY COMMITTEE	LABOR	5/03			
SB 0801	OMAP HEALTH PLAN	HC	5/24			
SB 0810	REPEAL DUII DIVERSION	JUDIC				
SB 0814	SENIORS WORK OFF TAX	REVEN	5/17			
SB 0829	PARTIAL TAKING COMP	AGRIC				
SB 0833	STALKING A LA CEASE	JUDIC	6/17			
SB 0836	FIRST BITE'S FREE	AGRIC				
SB 0854	COLLECTIVE BARGAINING	LABOR				
SB 0859	MENTAL HEALTH	HD	6/18			
SB 0862	CTY BUSINESS HOURS	LABOR				
SB 0864	CTY MATERNITY CARE				P	
SB 0879	DRIVER LICENSE SECURITY				P	
SB 0898	INTERAGENCY COORDINATION	EDUC	6/22		P	
SB 0904	GENDER BASED CRIMES	JUDIC	5/14			
SB 0912	AOI'S ENVIRO CRIMES	JUDIC	6/22			
SB 0920	GANG ACTIVITY	JUDIC				
SB 0925	TRI CTY IMMUNICATION	HD	6/17			
SB 0959	HOTEL MOTEL TAX	REVEN	4/20			
SB 0976	CHILD SUPPORT ARREARS	JUDIC				
SB 0979	VOTER REGISTARTION	ETHIC	5/06			
SB 0984	INCAPACITATED PERSON	HC				
SB 1001	POLICE DISTRICTS	JUDIC				
SB 1017	LOCAL LIQ LIC VETO	LABOR	5/24			
SB 1018	VICTIM IMPACT TREAT	JUDIC	6/14			
SB 1019	IGNITION INTERLOCKS	JUDIC	6/17			
SB 1024	LOTTERY \$\$\$ TO DD	TRADE				
SB 1033	ALTERNATIVES TO JAIL	JUDIC				
SB 1042	CHILDREN'S OMBUSDMAN	HR	5/03			
SB 1043	SENTENCING GUIDELINES	JUDIC	5/14			
SB 1044	CRIM JUST COUNCILS	HRULE	6/07			
SB 1047	TELE APPEARANCES	JUDIC	6/07			
SB 1050	DRUG DIVERSION	JUDIC				

BILL NO.	TITLE	COMMITTEE	DATE	HOUSE	SENATE	GOVERNOR
SB 1051	JUVENILE CODE	JUDIC	6/24			
SB 1057	ROADS IN EFU	NR	6/17			
SB 1072	VOTERS PAMPHLET	ETHIC	5/18			
SB 1079	WATER APPROPRIATION FEES	WATER	4/15			
SB 1115	CRIMINAL MEDIATION	JUDIC	6/17		P	
SB 1122	CRIMINAL LAW REVISION	JUDIC	6/01			
SB 1126	BEEF/WINE TAX DEDICATION	REVEN	6/16			
SB 1127	LOCAL WATERSHED COUNCILS	AGRIC	6/23			
SB 5505	CORRECTIONS SSS	HAPPA	6/22			
SCR 005	COLLINS & WHITEHEAD	RULES	6/11		P	
SCR 007	GM MEMORIAL		5/07			
SJR 002	ISE TEA GAS TAX	TRANS			P	
SJR 004	PUBLIC OFF VACANCY	GG			P	
SJR 005	DWYER TAX PLAN	REVEN				
SJR 010	URBAN RENEWAL REFORM	***	***	P	P	
SJR 014	MANDATE SSS/AOI	LABOR				
SJR 018	SALES TAX	REVEN				
SJR 023	SALES TAX/OSBA	REVEN				
SJR 040	DRAINS AND DIKES	REVEN	5/12			



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

COUNTY COUNSEL
LAURENCE KRESSSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
STEVEN J. NEMROW
MATTHEW O'BRIEN
JACQUELINE A. WIGER

BOARD OF
COUNTY COMMISSIONERS
JUN 11 AM 11:10
MULTNOMAH COUNTY
OREGON

MEMORANDUM

TO: Board of County Commissioners
FROM: Laurence Kressel, County Counsel *LK*
DATE: June 8, 1993
SUBJECT: John B. Leahy vs. Multnomah County (Tax Liability for PERS Benefits)

This case came to your attention during the legislation update on June 8, 1993. Below is a case summary.

Background

This lawsuit has a pertinent history. In 1989, the United States Supreme Court held that a state could not give different tax treatment to federal versus state retirement benefits. In response, the 1991 Oregon legislature repealed the long standing tax exemption for PERS retirement benefits.

The repeal was challenged in Hughes vs. State of Oregon, 314 Or 1 (1992). The Oregon Supreme Court held that it was unconstitutional for the State to repeal the exemption. In essence, the Court held (1) PERS is a contractual obligation of the State to its employees, (2) the tax exemption for PERS benefits is a fundamental part of the contract and (3) repeal of the exemption unconstitutionally "impaired" the obligation; the repeal was therefore a nullity.

In a footnote, the Supreme Court noted that its decision was intended to cover local government employers as well as the State.

The Multnomah County Case

Plaintiff asks the Court to hold us liable for the taxes imposed on his PERS benefits attributable to work done before the 1991 law was passed. If we lose, and the ruling becomes applicable to all County retirees, Dave Boyer estimates the current annual impact to be \$1.9 million.

Board of County Commissioners
June 8, 1993
Page 3

There is a similar case against the Portland Public Schools. That case is ahead of ours on the Circuit Court docket..

The key issue in both cases is whether the Hughes rationale (employer must pay tax on PERS benefits) applies to local government employers, as the above mentioned footnote seems to say. We are arguing that if County retirees are entitled to be held harmless from PERS taxation, the State, not the County, should pay. One basis for our position is a clause in the 1982 contract by which PERS took over our retirement program. The contract gave PERS responsibility for claims subsequently brought against the County arising out of the retirement program.

We will keep you posted.

c: Fred Neal

N:\DATA\WPCENTER\COUNTYCO\JSGI0028

MEETING DATE: JUN 22 1993

AGENDA NO: B-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Library Entrepreneurial Initiatives Team - Report

BOARD BRIEFING Date Requested: June 22, 1993 T.C. (9:30 AM)

Amount of Time Needed: 1 hour

REGULAR MEETING: Date Requested:

Amount of Time Needed:

DEPARTMENT: Non-Departmental

DIVISION: BCC - Commissioner Dan Saltzman

CONTACT: Mark Wiener

TELEPHONE #: 248-5137

BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Marcia Pry & Michael Powell, Co-Chairs and Members of the Team

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

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

BOARD OF
COUNTY COMMISSIONERS
1993 JUN 10 PM 2:05
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

Don Saltzman

OR

DEPARTMENT MANAGER:

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

6/93

LIBRARY ENTREPRENEURIAL INITIATIVES TEAM

FINAL REPORT

June 18, 1993

LIBRARY ENTREPRENEURIAL INITIATIVES TEAM FINAL REPORT

Executive Summary

On January 14, 1993 the Multnomah Board of County Commissioners passed a resolution establishing a Library Entrepreneurial Initiatives Team (LEIT) to develop ideas for alternative (non-tax revenue) sources to reduce reliance of the Multnomah County Library on the general fund. The Team was drawn from both the library community and the private sector.

The LEIT met for the first time on February 18, 1993, and every two weeks thereafter. Its final meeting took place on June 10, at which time the following report was unanimously adopted.

The LEIT examined a broad range of potential revenue raising ideas that broke down into basically two categories: fees and entrepreneurial activities. The Team developed criteria by which to evaluate these individual ideas and included them in a matrix which is part of the report.

Based on its consideration of individual ideas, the LEIT drew the general conclusion that entrepreneurial activities hold promise as a significant source of revenue support for the operation of the Multnomah County Library. That finding led the Team to offer three specific recommendations to the Board of County Commissioners:

- **Authorize the hiring of a Marketing Director** within the library staff to develop and implement entrepreneurial activities.
- **Establish a dedicated fund** into which entrepreneurial revenues would flow, and from which entrepreneurial activities would be financed. The goal of the dedicated fund would be to ensure that entrepreneurial funds are used to improve core library services.
- **Develop an entrepreneurial activities program** using the ideas forwarded by the LEIT as a starting point.

LIBRARY ENTREPRENEURIAL INITIATIVES TEAM FINAL REPORT

I. The Team

The Library Entrepreneurial Initiatives Team (LEIT) was created by unanimous vote of the Board of County Commissioners (BCC) of Multnomah County on January 14, 1993. The Board charged the LEIT with investigating and developing alternatives for raising non-tax revenues to reduce reliance of the Multnomah County Library on the County's general fund.

The Resolution creating the LEIT directed the Multnomah County Chair to appoint members drawn from Library Board members, Friends of the Library, Library staff, the general public, the business sector, and people with experience in marketing, sales and electronic media. The Resolution also directed that a member of the BCC serve in an *ex-officio* capacity.

The Association for Portland Progress provided staff and other support services for the Team at no cost to the Team or Multnomah County. LEIT members received no compensation for their efforts.

The membership of the LEIT:

Member

Marcia Pry, Co-Chair
Michael Powell, Co-Chair
Hon. Dan Saltzman (Ex-officio)
Don Barney
Martin Brantley
Rene Carroll
Susan Hathaway-Marxer
Karen Hinsdale
Carolyn Myers
Robyn Skene
Doug Stamm
Catherine VanZyl
Ken Wilson

Affiliation

Pry Publishing Co.
Library Board
Multnomah Board of County Commissioners
Library Board
General Manager, KPTV
Consumer Marketing, Pacific Power & Light
Friends of the Library
Library Board
Library Staff
Marketing Director, KXL Radio
Sports Marketing Director, Nike
Friends of the Library
Attorney

Staff

Terry Miller
Mark Wiener

Association for Portland Progress
Staff Assistant to Commissioner Saltzman

The LEIT would also like to acknowledge the participation of the following people in the work of the Team, and to thank them for their efforts and contributions:

Terry Beard
Penny Buttke
Ginnie Cooper
Ted Johnson
Robert Rudd
Brian Williams

Beard Frame Shops
Microtrans Corporation
Director, Multnomah County Library
Beard Frame Shops
Metro Washington Park Zoo
Multnomah County Library

II. Background

The creation of the LEIT has its roots in both the history of the Multnomah County Library System and the more current political and financial realities faced by publicly funded institutions in Oregon. Originally organized as a small private library in 1864, the Multnomah County Library was governed by a small but ambitious group that called itself the Library Association of Portland.

The library remained a private subscription service until 1902, when it became a free public library. It absorbed the small Portland City Library in the process. This change was in part prompted by the 1901 Oregon Legislature's authorization of a city tax (up to 1/5 mill) to support public libraries. When this funding proved insufficient, the 1911 Legislature authorized counties to levy taxes for public library funding. At that time, Multnomah County levied such a tax, replacing the previous city library tax.

At the same time as Multnomah County took primary responsibility for funding, it entered into an agreement with the Library Association of Portland, which agreed to manage the library. The contract stipulated that the County owned the Central Library (opened in 1912) and the Association owned the books and materials. That arrangement lasted with minor changes for 73 years, until a series of financial crises, service cuts and management difficulties led to a re-examination of library governance starting in 1984.

There were two major results of that re-examination. One was the 1990 conversion of the library into a department of the Multnomah County government. Multnomah County's takeover of the library was in part prompted by widespread concern that the operation of the library - a publicly funded community asset - be subject to an appropriate level of public scrutiny and control.

The other was the passage of the first of four three-year library levies (the latest of which was passed in May, 1993). It was anticipated that these serial levies together with general fund monies would provide sufficient funding to continue, and ultimately enhance, an appropriate level of service to the residents of Multnomah County until a more stable, permanent source of funding could be put in place. However the passage of Ballot Measure

Five in 1990 has disrupted this funding picture, limiting the funds available to local governments. As a result, even the continued passage of the library levies will not provide enough funds for the level of services that Multnomah County residents expect and desire.

It is in the context of both these issues - public participation in library governance and the challenging funding picture - that the BCC created the LEIT. Drawing from the experience of both the library and the private sector, the LEIT's charge is to find new ways of doing business that will enable the library to earn a significant amount of money from its own activities. The goal is to be able to enhance core services while increasing the library's fiscal stability.

Some Facts About The Multnomah County Library:

- 70% of all Multnomah County residents have library cards (approx. 414,000).
- 15 branches (including Central and Gresham).
- 402 total employees (188 part-time, 214 full-time; 324 FTE's).
- 363 volunteers contributed over 30,000 hours in 1992.
- More than 1.2 million books and other materials.
- 117,000 items borrowed per week (10.4 books per year per Multnomah County resident).
- Total budget for 1993-1994 = \$19,463,680

III. The Process

The Team met for the first time on February 18, 1993, and every two weeks thereafter. The County Commission originally requested a report by April 25. Because these discussions took longer than anticipated, and since the outcome of the May 18 library levy election was fundamental to the library's capacity, the Team decided to extend the April 25 deadline. The LEIT concluded its discussions on May 27, with a final meeting June 10.

The Team began by "brainstorming" entrepreneurial ideas and considering various research prepared by library staff. Guest speakers with relevant expertise appeared before the Team, and a few members of the community joined the Team for discussions. The Team also brainstormed criteria for use in evaluating the entrepreneurial ideas. Eventually, a matrix was prepared which applied the criteria to the ideas. That matrix is attached.

Since it was not the job of the Team to make absolute recommendations as to specific projects and how they should be managed, most decision making was by consensus, with comments on the matrix generally reflecting discussion by the team. Other than the topic of charges for telephone reference calls, none of the ideas were particularly controversial, so no votes were necessary. The team unanimously approved this report on June 10, 1993.

IV. Recommendations

General Comments

The specific charge of the Library Entrepreneurial Initiatives Team was to examine and develop specific ideas with the potential to raise non-tax revenues for the operation of the Multnomah County Library. However, having worked towards that goal, the Team has drawn some general conclusions and offers three specific recommendations.

These recommendations are founded on the LEIT's basic conclusion: that library participation in entrepreneurial activities holds sufficient promise for further pursuit.

RECOMMENDATION: Hire a Marketing Director

The first recommendation of the LEIT is that the Multnomah County Board of Commissioners authorize within the library staff and reporting to the Director of Libraries a new position devoted to the development and implementation of entrepreneurial activities. That position (called "Marketing Director" for the purpose of this report), and the person that fills it, should have several characteristics:

- **Marketing Experience** - Because entrepreneurial activities are relatively new to the culture of public libraries, the LEIT believes it is important that the Marketing Director has marketing/development/fundraising experience in the private and/or non-profit sector. This should not be an "entry level" position. The Board of County Commissioners should invest in someone with a demonstrated capacity for effectiveness and creativity.
- **Technical Sophistication** - The LEIT finds that there is considerable promise in the Multnomah County Library's participating in new technologies such as CD-ROM and emerging fiber optic "data highways." The Marketing Director should be sufficiently conversant in these and other new technologies to develop plans to utilize them for entrepreneurial purposes.
- **Accountability** - Because of the promise of entrepreneurial activities, the Team believes that it is reasonable for the Board of County Commissioners to approve financial goals as part of the job description. Additionally, it is recommended that the Director of Libraries make regular reports on the progress of the Marketing Director and entrepreneurial activities to the BCC.
- **Support** - As stated above, libraries do not have an extensive history of entrepreneurial activities. Therefore the LEIT recommends that an ongoing committee drawn from the private sector and marketing professionals be

appointed to serve as a resource for the Marketing Director. This committee would meet, perhaps on a quarterly basis, to review the Multnomah County Library's entrepreneurial activities, offer suggestions and assist in creating productive links with the business community.

The Library Entrepreneurial Initiatives Team believes that a strong Marketing Director who will aggressively pursue entrepreneurial activities (using ideas contained in the matrix as a starting point) would be a sound investment that would generate revenue far in excess of the cost of the position. The Team also suggests that the possibility of obtaining funding in the form of grants to establish this position be pursued.

RECOMMENDATION: Create an Entrepreneurial Initiatives Dedicated Fund

The resolution creating the LEIT stated that the Team was to "develop alternative (non-tax) revenue sources to reduce reliance of the Multnomah County Library on the general fund." However, the Team also recognizes that even with the passage of the latest levy the library currently has insufficient funds to provide a level of service adequate to the needs and expectations of the residents of Multnomah County. The LEIT recognizes concerns that entrepreneurial revenues might be used as a justification to "back out" general fund support in a manner that would perpetuate this service deficit.

Therefore the Library Entrepreneurial Initiatives Team recommends that the Board of County Commissioners establish an "Entrepreneurial Initiatives Dedicated Fund," in which all the revenues from such activities would be deposited, and from which the Marketing Director's salary and activities would be supported. In creating this fund the BCC would commit to its exclusive dedication for library improvements until certain service levels (to be determined by the Board) are attained. Two recommended performance measures of service for the Fund are incremental increases in hours of operation and number of books and materials purchased.

In addition to expanded levels of service, revenues from the Fund could be used for investments in new technologies that would further the library's ability to provide specialized, fee-based services.

The LEIT recognizes that Multnomah County's fiscal picture may not permit the library's budget to be "held harmless" in an environment that requires cuts to the general fund budget. But the Team believes that the Entrepreneurial Initiatives Dedicated Fund is a worthwhile mechanism to help insure that the Library's budget is not "punished" for successfully implementing entrepreneurial activities, as well as for building institutional support for these activities within the Library and its support structures.

Finally, the Library Entrepreneurial Initiatives Team wishes to make clear that its understanding of its charge did not include defining what constituted "core library values" or "core library services." While those issues impact on decisions to implement particular

activities and/or fees, those determinations are within the province of the Multnomah County Library Board and the Board of County Commissioners, in their role as the Multnomah County Library's governors. Having examined the ideas contained within the matrix the LEIT offers its comments as to their feasibility as revenue producing enterprises without respect to any policy values the BCC wishes to attach to the Library's mission.

RECOMMENDATION: Develop an Entrepreneurial Activities Program

The LEIT considered a wide range of revenue-raising ideas that fell into two categories: fees and entrepreneurial activities. The Team did not examine ideas that fell more into the category of philanthropic fundraising.

In recognition of the need for more detailed study on the feasibility/profitability of individual ideas contained within the attached matrix, the Team has not made what it feels to be definitive judgements on specific proposals. But it is the clear consensus of the LEIT that entrepreneurial activities taken as a whole offer a significant source of revenue to the Multnomah County Library. The Team's very informal estimate of potential revenue and costs from all of the ideas contained within the matrix is upwards of \$600,000 per year (that figure includes revenue from the library's proposed increases in existing fees).

Contained within the following matrix are a number of specific ideas. Each of them are also briefly discussed following the matrix.

OTHER ATTACHMENTS

Establishing Resolution of Board of County Commissioners
Proposal for restructuring Multnomah County Library telephone services
Metro Washington Park Zoo "Coupon/Promotion Guidelines"
Memo from Commissioner Dan Saltzman on Entrepreneurial Initiatives Dedicated Fund
Letter from Ted Johnson of Beard Frame Shops on potential revenue from advertising
Memo from Director of Libraries Ginnie Cooper profiling library users and circulation statistics

LIBRARY ENTREPRENEURIAL INITIATIVES TEAM
List of Entrepreneurial Ideas - Matrix with Evaluation Criteria
 June 10, 1993

REVENUE IDEA	CURRENT or NEW SERVICE?			ESTIMATED NET ANNUAL AMOUNT	FEASIBILITY Is it <u>doable</u> ?	PUBLIC PERCEPTION How will it go over?	PROGRESSIVE vs. REGRESSIVE	CONVEN- IENCE? (or Basic Service)	REQUIRE STAFF TIME?	DIRECT & ASSIGN- ABLE COSTS?	NOTES
	Curr	New & Similar	New & Beyond								
Coffee Shop / Gift Shop			x	up to \$25,000	yes	good	n/a	yes	minimal	yes	6 yr buildout vs. espresso/gift cart now
Charge for Reference Calls - via '900' or '976' number - could be priced to pay for service or only to subsidize service - for callers out of Multnomah County - for callers inside Multnomah County - by type of question, i.e. science, business	x			about 50,000	yes	mixed	somewhat regressive	yes	reduces	yes	can be done now
Customized Business Research Services - on line database access (Lexis, Dow Jones etc) - contract business library info services - electronic data services with business applications on a subscription basis - fax / modem service - tie in with charges for reference - training seminars on using on-line services for strategic research - training seminars on using library for strategic research - specialty tours	x x x	 x x	 x x	10,000 to 20,000 as a whole	varies	good	progressive	yes	yes	yes	
Charge or increase fees for special services in existence now <u>LIBRARY STAFF SUGGESTIONS:</u> - charge for borrowing video feature films (\$32,000) - add processing fee for lost materials (\$3,750) - increase photocopying charges to \$.15 from \$.10 (\$50,015) - charge for all reserves (\$60,000) - meeting room fees (\$23,770) - inter library loan charges to borrowing libraries (not nvl) (\$5,000) - charge \$.25/call for telephone renewals (\$97,150) <u>OTHER SUGGESTIONS:</u> - videos, music, computer terminals - reference services - postcard notices when book is available - mail delivery of book on request (currently \$1)	x			270,000	yes	bad					

REVENUE IDEA	CURRENT or NEW SERVICE?			ESTIMATED NET ANNUAL AMOUNT	FEASIBILITY Is it <u>doable</u> ?	PUBLIC PERCEPTION How will it go over?	PROGRESSIVE vs. REGRESSIVE	CONVEN- IENCE? (or Basic Service)	REQUIRE STAFF TIME?	DIRECT & ASSIGN- ABLE COSTS?	NOTES
	Curr	New & Similar	New & Beyond								
"Reader's Card" / "Gold Card" - for special packages of services & benefits e.g. book reserves, access to bestsellers		x		10,000 low?	yes	good	depends on package	yes	might net 0	yes	part charity motivation could be way of packaging fee services
"Library Friends' Card" - as part of a local merchants' discount program			x	10,000	yes	good	n/a	n/a	yes	yes	
"Library Affinity VISA Card" - bank charge cards where library gets a portion of each sale			x	15,000	yes	good	n/a	n/a	no	promo costs	
Advertising - coupons inserted into books at checkout time - via information sent out from reference service - in regular library mailings (3 / year to 180,000 households) - on the screen (modem or catalog) - on telephone calls (reference, others) - printed on bookmarks - interior displays		x	x	200,000 or more	yes	risky	n/a	no	yes	yes	taste; criteria
Sponsorships / Partnerships / Promotions - advertiser and media outlet team up to generate goodwill and funds for library while generating more sales for themselves - e.g.: Pizza Delivery book return (bonding problem?) Fred Meyer tie in with Binders Safeway Frozen Foods promotion			x	50,000	yes	good	progressive	n/a	mktg dir	yes	
Charging for standardized information packets - e.g.: Relocation information Job Hunting information Starting a business information		x		small ?	yes	mixed	n/a	yes	yes	yes	sell wholesale service to Chamber, Realtors?
Rental Library for Bestsellers			x	small if any	yes	mixed	regressive	yes	yes	yes	
Renting the Library's names database - by any sub-codes available in library database - kids in families that emphasize reading as special demographic group	x			very small	yes	risky	n/a	n/a	yes	yes	- public records limitations - use with other promos?

REVENUE IDEA	CURRENT or NEW SERVICE?			ESTIMATED NET ANNUAL AMOUNT	FEASIBILITY Is it <u>doable</u> ?	PUBLIC PERCEPTION How will it go over?	PROGRESSIVE vs. REGRESSIVE	CONVEN- IENCE? (or Basic Service)	REQUIRE STAFF TIME?	DIRECT & ASSIGN- ABLE COSTS?	NOTES
	Curr	New & Similar	New & Beyond								
Premium Service -- Independent Vendor - e.g.: Pickup & delivery service Photocopy center Custom slides of photos & maps Research Messengering FAXing After hours service Materials retrieval from stacks Computer terminals		x		?	yes	good	progressive	yes	yes - setup	yes	

Explanation of Specific Ideas

Coffee Shop / Gift Shop

The coffee shop is in the plan for the capital improvements to Central; an espresso cart could be put in place now. Coffee shop would probably be an independent vendor, with library charging a percentage of gross for rent. Experience of Powells/Ann Hughes could be used as model. Gift Shop would hopefully be run by library volunteers, possibly Friends of Library. Products would include basic supplies such as tablets and pens. Experience of Historical Society could be used as model.

Charge for Reference Calls

Controversial issue--controversy centers around whether it contradicts mission of public library, or is a simple charge for a convenient service. Would need to decide whether attempt is to recover all costs or subsidize cost. Net is unclear. Possibility of charging callers from beyond Multnomah County is less controversial.

In either case, it became clear that further information is necessary to evaluate this idea's feasibility. Before establishing such a charge, the LEIT recommends that the BCC fully examine the costs of implementation and maintenance vs. anticipated revenue, how such a charge would impact other library services and users, and whether charging for reference calls is consistent with the Library's mission.

The LEIT would also suggest that if the BCC consider establishing charges for the reference line that it review the attached proposal for restructuring Multnomah County Library telephone services forwarded by Director of Libraries Ginnie Cooper.

Customized Business Research Services

See matrix for various ideas within this overall topic. Important first step would be to interview or 'focus group' current business reference librarians, who do have a small local association. Setting up a subscription basis access to a variety of CD-ROM or other electronic databases could be valuable to some businesses, but presents possible licensing and copyright problems. Technical problems are easier to solve. Significant up-front capitalization required, besides marketing effort. Investigate possibility that contingency funds in recent general obligation bond could eventually provide necessary capital. Could provide other central services such as electronic mail, access to Internet system.

Charge or Increase Fees for Special Services

Library staff has surveyed other libraries, prepared list of possible fee increases.

Readers Card / "Gold Card"

See also two other card ideas below. Card types could be combined. The discussion of this card was twofold: either a one-shot fee for a card instead of paying individual fees, or a card entitling the purchaser to a package of enhanced library services, e.g., an extra week of checkout. Could be priced at the level of a year's worth of incidental fees paid by current library patrons, or priced over that amount, and rely on some charitable motivation by purchaser. Some danger of giving better access to those with more ability to pay; careful criteria should be developed.

Library Friends Card

Patrons would be able to purchase this card to participate in a local merchants' discount program. Participating merchants would receive goodwill and some promotion, and would grant discount to card bearers. Library already does some of this in conjunction with "Check it Out" promotion annually for a short period.

Library Affinity VISA Card

This is the type of program where the library would receive a small portion of the card holders' annual fee, and a very small percentage from each purchase. Banks are tending away from these programs since they have not been particularly profitable, and consumers are moving towards cards which provide a specific benefit such as airline mileage or credits toward car purchases. Still, large database of educated library card holders might be attractive if pitched the right way to a bank.

Advertising

Ideas for advertising include: advertisements or coupons inserted in books at checkout or sent out with information from the library including regular library mailings such as the "Bookmark" newsletter, interior displays, on the screen for modem inquiries or in-library catalogs, on telephone calls including the reference line. Issues raised include litter and controversy over commercialization. Guidelines should be developed.

Sponsorships / Partnerships / Promotions

This is the sort of program where a commercial interest offers to raise money in some way in exchange for goodwill tie-ins with library, or pays the library to associate the sponsor's name with one or more library activities. For example, the Safeway Frozen Foods group donates a small part of each frozen food purchased during one month a year to the literacy campaign, raising approximately \$30,000. In exchange, the literacy campaign offers various opportunities for Safeway to gain publicity and goodwill as a "community citizen." The Metro Zoo has had some success in this area, and cross-promotions are a big growth area for media outlets. Guidelines, including minimum amounts, should be developed.

Charging for Standardized Information Packets

There may be certain types of "hard data" of repeated interest, such as relocation information, which could be prepared by experienced librarians and then marketed wholesale to interests such as the Chamber, Realtors, growth companies. Librarians could also prepare information packets or customized research for individuals or businesses.

Rental Library for Bestsellers

This would be a per-day fee (perhaps \$.25) for rental of bestsellers, for which there is always strong demand. Other such programs essentially pay for the library to stock "deep" in bestsellers, which have high demand for a period that soon drops off. Benefit would be to make bestsellers available more quickly; free copies would be available if the patron were willing to wait. Likely net would be low, since cost of books is barely covered.

Renting the Library's Names Database

The list is currently a "public record" and must be made available on demand for only the nominal costs of generating a copy. The database could be of some value if we could market it, which would require state legislation. The database could be used as part of some other promotion or advertising strategy above. Privacy and "junk mail" concerns could be expected.

Premium Service -- Independent Vendor

One idea would involve selecting a vendor who would be willing to locate within the library to provide a wide variety of conveniences and services to library patrons, e.g., photocopying, FAX services, messenger services, computer terminals (see matrix for other service suggestions). Another idea could be to have an off-site vendor provide these or additional services.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY

In the Matter of Establishing a)	RESOLUTION
Library Entrepreneurial Initiatives Team)	
to Propose Ways for the Library to Develop)	93-13
Additional Revenue Sources)	

WHEREAS, the Multnomah County Library receives most of its funding from the County General Fund; and

WHEREAS, the County General Fund is under a great deal of stress to maintain current service levels for critical services; and

WHEREAS, local governments must look at new ways of doing business and serving the public; and

WHEREAS, there is a need for a Library Entrepreneurial Initiatives Team to develop ideas for alternative (non-tax) revenue sources to reduce reliance of the Multnomah County Library on the general fund.

NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners establishes a Library Entrepreneurial Initiatives Team consisting of 11 representatives, appointed by the Chair, from the following areas: current Library Board members (3); business sector (2); Friends of the Library (1); private sector marketing and sales promotion (2); Television/radio sales and national vendor programs (1); library employee (1); general public (1). A member of the Board of County Commissioners shall serve in an ex-officio role.

BE IT FURTHER RESOLVED, that the ideas contained in Attachment A be among the alternatives examined by the team for their revenue potential.

BE IT FURTHER RESOLVED, that the Chair solicit ideas from library employees for alternative revenue sources through the Library's existing Fines & Fees Committee. The library employee on the Entrepreneurial Initiatives Team shall serve as liaison to the Library's Fines & Fees Committee to bring forward their ideas for consideration by the Entrepreneurial Initiatives Team.

BE IT FURTHER RESOLVED, that the Library Entrepreneurial Initiatives Team be staffed by a person on loan from the private sector and/or a library employee, and that none of the Team receive compensation.

BE IT FURTHER RESOLVED, the the Library Entrepreneurial Initiatives Team commence its work by January 25 and present recommendations to the Board of County Commissioners no later than April 25, 1993.



ADOPTED THIS 14th DAY OF JANUARY, 1993

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

By Gladys McCoy
Gladys McCoy, Chair

REVIEWED

Laurence Kressel
Laurence Kressel, County Counsel

2755

REVISED 1/13/93

ATTACHMENT A

POTENTIAL ALTERNATIVE REVENUE SOURCES FOR LIBRARY

- 1) Library "gold card", for families or individuals who voluntarily pay an annual fee in exchange for additional benefits. Additional benefits could range from an extra week of checkout time to discounts on purchases at bookstores or other commercial businesses.
- 2) Toll call for library reference line inquiries.
- 3) Establishment of a coffee shop in Central if renovation is funded.
- 4) Provision of sophisticated, fee-based, research services to business. This could include higher access charges for remote access of library computerized database, or providing carrels equipped with computers or other features that allow it to become an independent workstation for professional research.
- 5) Marketing checkout books as advertising medium. Would direct mail marketers and coupon vendors pay to have promotions/discount coupons inserted in loaned books? Over 6 million books were checked out last year.

PROPOSAL FOR RESTRUCTURING MULTNOMAH COUNTY LIBRARY TELEPHONE SERVICES

1. Fact Line: 976 Telephone Reference Service. Charge would be on a flat-rate basis, probably \$5 for 5 minutes. Billing would be on users phone bill.
2. Book Line: To answer the title/ownership questions now answered by Refline (30% of Refline and subject desk load). This call would be free, but fees would be charged to either reserve the book or have it located and saved for the patron.
3. Renewal Line: Renewing books by phone is a popular service. We propose charging 25 cents per call. Transactions can be handled swiftly. Charges will be recorded on patron's library card record.
4. Customer Service Line would be a free service providing a centralized place for people to ask questions about overdues, billings, etc. Will also take questions about Fact Line services and fees.
5. Eliminate telephone answering in the branches and at subject departments at Central Library , so that all queries go to one of the centralized telephone services. Hours information would be provided for each branch by a recording which would also advertise the Fact Line, Book Line, and Renewal Line.

COUPON / PROMOTION GUIDELINES

Thank you for your interest in the Metro Washington Park Zoo. The Zoo is an excellent place to introduce or promote a product or service. The Zoo has a small committee which reviews all promotions -- this committee meets weekly to provide a prompt answer to your proposal. The following are simple guidelines for preparing a proposal.

1. The Zoo is able to discount admission by 20 percent (\$1.00 off adults and \$.50 off children and seniors) during the months of September to May. The Zoo cannot offer discounts during the summer, or for summer concerts or evening events. Coupons are only valid for one person! Not an entire group!
2. Any discount beyond 20 percent is at the promoter/sponsor's liability, and must be reimbursed within 10 days after the promotion ends.
3. Product sampling can be done at the Zoo for a site fee of \$2,000. Any packaging must be approved by the Zoo. Certain packaging is dangerous to our animals, should it be thrown into an exhibit.
4. A minimum \$2,500 cash fee is required for all coupons. In addition, an advertising schedule/program must be approved by the Zoo. This can include any combination of radio, TV, newsprint, in-store displays, etc.
5. The Zoo requires a certificate of insurance for all on-site promotions. This must be filed with the Zoo in advance of any promotion agreement.
6. The Zoo offers security for all promotions and product sampling events.
7. Coupons must be the exact size of a dollar bill, and must include an agreed upon date of validity, and include a check of box system to identify the user (Adult, Child, Senior), and the wording "Not valid with any other discount offer. Not valid for evening events."

In order to make your promotion a successful one, please contact the Zoo as early as possible in your planning. We can provide pointers, tips, and help make your promotion with the Zoo a real success.

For more information: (503) 220-2452



DAN SALTZMAN, Multnomah County Commissioner, District One

1120 S.W. Fifth Avenue, Suite 1500 • Portland, Oregon 97204 • (503) 248-5220 • FAX (503) 248-5440

March 14, 1993

TO: Library Entrepreneurial Initiatives Team members

From: Dan Saltzman

RE: Mechanism to Assure Entrepreneurial Revenues Supplement Library Tax Dollars

As discussed at our March 4 meeting, a practical concern is how to ensure library entrepreneurial revenues do not become a means for the county to back-out general fund tax dollars. As Karen Hinsdale pointed out, this same dilemma faces the Library Board's Foundation Grants subcommittee.

Below is a conceptual approach that I believe addresses this concern. This conceptual approach may also present a solution for both the entrepreneurial revenues and the foundation grants.

Proposal: Entrepreneurial Initiatives Dedicated Fund

This fund would be established by ordinance by the Board of County Commissioners (BCC). Its purpose would be to serve as the dedicated fund to which all entrepreneurial revenues would be deposited.

In creating the fund, the BCC would commit to its exclusive dedication for library improvements until certain performance outcomes are attained with respect to level of service of the library.

In addition to expanded levels of service, the types of improvements funded by entrepreneurial revenues could include investments that would further the ability of the library to provide specialized, fee-based services.

Level of Service Performance Measures

Two sources of performance measures are available. One is the ballot title and measure summary for the 1990 library serial levy. It contains a list of functions promised to voters as a result of passage of the levy. Note: The 1990 levy was enacted prior to Ballot Measure 5.

The other source of performance measures are from the library's planning document, THE NEXT CHAPTER. It contains Library goals for the 1990-1993 period.

From these two sources are several performance measures that could be tied to the entrepreneurial fund. Once these performance measures are attained, then entrepreneurial revenues could replace general fund tax dollars.

Sample Performance Measures

- * More books and more materials available
- * Additional hours of operation at all Multnomah County libraries
- * Extended services for young people and seniors
- * Selected capital improvements

Each of the above measures can be broken down to specific measures.

For instance, the additional hours of operation called for in THE NEXT CHAPTER are:

- * Open Central one hour earlier (at 9 a.m.) Monday through Saturday.
- * Add open hours at 14 library branches. This would include some additional morning hours at six branch libraries, Monday service at six other branch libraries and Sunday afternoon at Gresham Regional Library.

With respect to measuring more books and more materials, THE NEXT CHAPTER calls for:

- * Increase funds spent on purchase of materials from 14 percent of the budget in 1989 to 18 percent by 1993.

Investments that would further the library's ability to provide specialized, fee-based services could include several ideas the Team has under consideration. Several of these investments are contained in THE NEXT CHAPTER:

- * Establish a fee-based quick service business information center at the Central Library.
- * Provide computer access to the library's local information files in branches and via home computers.

Conclusion

I believe this conceptual approach speaks to the general concern that entrepreneurial revenues supplement, not replace, county tax dollars. I welcome your thoughts and comments. I will commit to securing necessary Board of County Commissioner approval to implement such a dedicated fund. I would imagine the implementation timeline would start with the presentation of the Entrepreneurial Initiatives Team recommendations to the County Commission.

BEARD FRAME SHOPS

6639 SW MACADAM
PORTLAND
OREGON 97204
(503) 245-1245

May 19, 1993

Mr. Dan Saltzman
Multnomah County Commissioner
1120 S.W. Fifth Ave., Suite 1500
Portland, OR 97204

Dear Dan:

As we discussed at our last Library Entrepreneurial Initiatives Team meeting, we have put together some thoughts regarding the potential value of the library's quarterly Bookmark publication as an advertising vehicle, as well as the value of an advertising insert for books checked out. Our special thanks go to Catherine VanZyl for her input on this subject.

Bookmark Advertising

Most newspapers charge for their space by the "column inch." Many smaller newspapers and magazines charge for their advertising space by the portion of the page, such as one-fifth page, one-third, one half, full page, etc. This approach would make the most sense for the marketing of ad space in the Bookmark.

Key criteria in determining advertising value are circulation, and a medium's ability to target a desired market. In these areas, the Bookmark has considerable credibility with a circulation that we believe exceeds 300,000, and a well-targeted readership that we can assume would be more interested than most in advertisements related to books and related interests. However, there is much subjectivity in publications' assignment of value to their ad space. The table below demonstrates this point.

<u>Publication</u>	<u>Circulation</u>	<u>Ad Size</u>	<u>Ad Cost</u>
TV Host	65,000	1/4 page	\$250
Changing Homes	34,000	1/4 page	250
Columbia Gorge	60,000	1/4 page	350

The above comparison shows that there is not always a logical correlation between circulation and advertising costs. Obviously there is an element of arbitrariness involved when it comes to setting ad costs in publications, especially specialized ones.

Therefore we have arbitrarily chosen a value of \$300 for a 1/4 page ad, or a value of \$1,000-1,500 per page. The Bookmark is currently not a large publication. So if we further assume that two pages of advertising could be sold per issue, multiplied by four quarterly issues, we derive a potential advertising revenue estimate of \$8,000-12,000 per year from the Bookmark.

Book Insert Advertising

This medium offers a great deal more revenue-raising potential than Bookmark ads. We are assuming that this advertising insert would be small, possibly in the form of a bookmark, that could be inserted in books as they are checked out.

To assign a value to this unique medium, we can compare it to an 8-1/2 x 11 single-page insert in the Oregonian, the insertion fee for which is \$28 per thousand. (This does not include printing of the insert.) Another reasonable comparison would be a direct mail piece. Even the most modest postcard direct mail piece now costs nearly 19 cents, plus a few pennies more per piece for handling. This translates to a cost per thousand in the neighborhood of \$200 or more. Every direct mail advertiser knows this. Every direct mail advertiser also knows that direct mail advertising is treated as "junk mail" by many recipients who throw it away without looking at it.

A bookmark-like insert placed in each book as it is checked out, however, has a superior ability to make an impression on the recipient. It has no other advertising competition, as junk mail does in the mailbox. The book borrower cannot help but notice the insert- and its message. This means it inherently represents exceptional impact value to advertisers. Therefore we think a book insert could be priced more in accordance with direct mail costs, somewhere in the range of, say, \$50-200 per thousand.

It is our understanding that there are 6 million books borrowed per year. If an entire year's inserts into book checkouts were "sold out" to advertisers at a value of \$100 per thousand, more than \$600,000 would be raised. But consider that even if this rate was halved, and only half the inserting capacity sold, there would still be some \$150,000 raised.

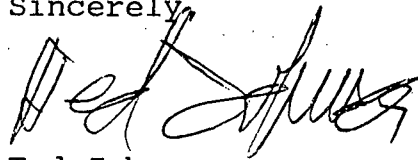
Library overhead to implement this program would be minimal- the time it takes to place the insert in each book checked out. Advertisers could get creative with their inserts- bookmarks in the shape of pizza slices, sub sandwiches, eyeglasses, etc.

We believe it is worth investing additional brainstorming time for this idea in particular.

In closing, I want to convey our deep appreciation for this chance to get involved with an effort of such great importance to the community. As this group's meetings wind up, Terry and I would be interested in spending a few minutes with you at your convenience to discuss other ways that Beard's might be able to continue as a source of assistance for this and other community benefit projects, using The Beard Library as well as other Beard's resources.

We would be pleased to meet with you either at your office or at Beard's. For starters, I can suggest the morning of Tuesday, June 1 or the afternoon of Wednesday, June 2- two times available to us. Perhaps we can take a moment following the May 27 to schedule a time when we can meet.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Ted Johnson', written in a cursive style.

Ted Johnson
Vice President of Marketing



MEMORANDUM

TO: Commissioner Dan Saltzman

FROM: Ginnie Cooper, Director of Libraries

DATE: April 12, 1993

SUBJECT: Library Users

You asked me to provide some information about those who use our libraries as background information for Beard Framing to consider advertising to library users. Two reports are attached:

1. BRANCH WEEKLY STATISTICS.

Through our automated circulation system, we can tell how many people check out books at each location in an average week, and we can tell if the books are children's books or books for adults. We can't tell much else. For example, we don't know how often people visit the library, so we don't know what portion of our users would get an ad or a coupon available at the check out desks for a given period of time.

2. WHAT DID PEOPLE BORROW...

This library use information for FY 1991/92 also comes from the automated circulation system.

In addition, we know that about 426,000 people have Multnomah County Library cards, representing about 220,000 households on our mailing list. The Citizens Committee for Jails and Libraries paid \$1450 for the computer tape of the library's list of registered borrowers by household.

You've also asked me to estimate what it might cost for library staff to slip ads or coupons in books checked out. I have asked staff to estimate such costs, and I should be able to provide you with this information soon.

As I said when we spoke about this matter most recently, we anticipate

process for library staff. We are doing this in order to reduce the staff time now involved in checking out books. The result should be shorter check out lines for library users. We also hope to reduce the repetitive motion stress claims that have been filed by a number of library clerks.

One alternative discussed by members of the Library Entrepreneurial Initiatives Team is selling advertising in or sponsorship of the library's newsletter THE BOOKMARK which is mailed 2 to 4 times annually. Also possible is slipping ads in the newsletter. This would result in everyone who has a library card getting this ad or coupon. We have not estimated costs for these alternatives. Should we do so?

GC:rg

MEMORANDUM

TO: Ginnie Cooper
FROM: Carol Burns *Carol*
DATE: April 7, 1993
SUBJECT: Information for company interested in slipping ads in books

Average weekly activity at each Library location:

CENTRAL LIBRARY:

Books checked out		37,071
Adult books	30,263	
Children's books	6,808	
Number of people checking out books		8,907
Average number of books per person		4

ALBINA BRANCH:

Books checked out		1,316
Adult books	800	
Children's books	516	
Number of people checking out books		398
Average number of books per person		3

BELMONT BRANCH:

Books checked out		3,876
Adult books	2,255	
Children's books	1,621	
Number of people checking out books		1,129
Average number of books per person		3

CAPITOL HILL BRANCH:

Books checked out		3,712
Adult books	1,944	
Children's books	1,768	
Number of people checking out books		981
Average number of books per person		4

GREGORY HEIGHTS BRANCH:

Books checked out		3,234
Adult books	1,888	
Children's books	1,346	
Number of people checking out books		855
Average number of books per person		4

GRESHAM BRANCH:

Books checked out		11,649
Adult books	6,114	
Children's books	5,535	
Number of people checking out books		3,087
Average number of books per person		4

HILLSDALE BRANCH:

Books checked out		5,108
Adult books	3,126	
Children's books	1,982	
Number of people checking out books		1,171
Average number of books per person		4

HOLGATE BRANCH:

Books checked out		3,463
Adult books	1,983	
Children's books	1,480	
Number of people checking out books		1,014
Average number of books per person		3

HOLLYWOOD BRANCH:

Books checked out		6,239
Adult books	3,386	
Children's books	2,853	
Number of people checking out books		1,765
Average number of books per person		4

MIDLAND BRANCH:

Books checked out		6,027
Adult books	3,232	
Children's books	2,795	
Number of people checking out books		1,727
Average number of books per person		4

NORTH PORTLAND BRANCH:

Books checked out		2,091
Adult books	1,373	
Children's books	718	
Number of people checking out books		603
Average number of books per person		3

ROCKWOOD BRANCH:

Books checked out		2,897
Adult books	1,632	
Children's books	1,265	
Number of people checking out books		872
Average number of books per person		3

ST. JOHNS BRANCH:

Books checked out		2,861
Adult books	1,806	
Children's books	1,055	
Number of people checking out books		946
Average number of books per person		3

SELLWOOD BRANCH:

Books checked out		1,657
Adult books	1,090	
Children's books	567	
Number of people checking out books		468
Average number of books per person		4

WOODSTOCK BRANCH:

Books checked out		3,873
Adult books	2,123	
Children's books	1,750	
Number of people checking out books		1,068
Average number of books per person		4

WHAT DID PEOPLE BORROW FROM
MULTNOMAH COUNTY LIBRARY
1991/92

SUBJECT	TOTAL	PERCENTAGE OF TOTAL
BOOKS FOR ADULTS		
Branches	1,414,317	23%
Central	1,116,155	18%
BOOKS FOR CHILDREN		
Branches	1,099,489	18%
Central	228,721	4%
MAGAZINES	222,956	4%
PAPERBACK BOOKS	790,643	13%
NON-PRINT MATERIALS*	955,798	16%
CIRCULATION NOT COUNTED BY SUBJECT (Old Town Reading Room, Library Outreach Services)	258,922	4%
TOTAL	6,087,001	100%



MULTNOMAH COUNTY OREGON

NEWS

CONTACT: Teri Duffy, Public Information Officer, 248-3308
Mark Wiener, Staff to Commissioner Dan Saltzman, 248-5137

PHOTO, VIDEO, AUDIO OPPORTUNITY: YES

IMMEDIATE RELEASE

COUNTY COMMISSION RECEIVES LIBRARY ENTREPRENEURIAL INITIATIVE REPORT

Library Entrepreneurial Initiatives Team Offers Recommendations for Raising Non-Tax Revenues for the Library

MULTNOMAH COUNTY
OREGON

1993 JUN 23 PM 2:56

CLERK OF
COUNTY COMMISSIONERS
170

The Library Entrepreneurial Initiatives Team (LEIT), created by the Multnomah Board of County Commissioners to investigate ways of raising non-tax revenues for the Multnomah County Library, has issued its final report. LEIT Co-Chair Marcia Pry briefed the Commissioners on Tuesday, June 22, 1993 on the report's findings and recommendations.

Commissioner Dan Saltzman, who sat on the Team, said that he was very pleased with the results. "The work of the LEIT is a real, concrete expression of our commitment to find new, creative ways for government to operate," said Saltzman. "This bringing together of the Library, the Commission and the private sector has not only been refreshing; it offers us the opportunity to improve library services and financial stability."

Drawn from both the library community and the private sector, the LEIT met for the first time on February 18, 1993, and every two weeks thereafter. Its final meeting took place on June 10. The LEIT examined a broad range of potential revenue raising ideas that broke down into basically two categories: fees and entrepreneurial activities. The Team developed criteria by which to evaluate these individual ideas and included them in a matrix which is part of the report.

Based on its consideration of individual ideas, the LEIT drew the general conclusion that entrepreneurial activities hold promise as a significant source of revenue support for the operation of the Multnomah County Library. The Team gave an informal estimate of over \$600,000 annually for the ideas contained within the matrix. That finding led the Team to offer three specific recommendations to the Board of County Commissioners:

-MORE-

- * **Authorize the hiring of a Marketing Director** within the library staff to develop and implement entrepreneurial activities. The LEIT felt strongly that this was necessary to effectively pursue these activities, and that the position would pay for itself many times over.
- * **Establish a dedicated fund** into which entrepreneurial revenues would flow, and from which entrepreneurial activities would be financed. The goal of the dedicated fund would be to ensure that entrepreneurial funds are used to improve core library services.
- * **Develop an entrepreneurial activities program** using the ideas forwarded by the LEIT as a starting point. Some examples of these include a coffee/gift shop; customized business research; expanded on-line and CD-ROM computer services; private sector sponsorships, partnerships and promotions; advertising; and various premium services.

To request a copy of the report, call Mark Wiener at 248-5137.

###

MEETING DATE: 6-22-93 *Planning*

Agenda Item #	Motion	Second	APP/NOT APP	
<u>P-1</u>	<u>* AS</u>	<u>GH</u>	<u>APP</u>	<u>TC-10</u>

P-2

Accepted

MEETING DATE: June 22, 1993

AGENDA NO: P-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Hearings Officer Decision Review

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: June 22, 1993

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES

DIVISION: Planning and Development

CONTACT: Sharon Cowley

TELEPHONE #: 2610

BLDG/ROOM #: 412/109

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☐ APPROVAL

☒ DENIAL
☒ OTHER

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

CS 2-93/WRG 2-93 Review the Hearings Officer Decision of June 10, 1993, denying request for a change in zone designation from MUA-20, WRG, FH to MUA-20, WRG, FH, C-S, community service for property located at 19495 NW St. Helens Road

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER:

BH Wallia

CLERK OF
COUNTY COMMISSIONER
1993 JUN 15 PM 12:21
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

6/93



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT/2115 S.E. MORRISON/PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. C52-93/WR 2-93

- ☒ Agenda Placement Sheet No. of Pages 1
- ☐ Case Summary Sheet No. of Pages _____
- ☐ Previously Distributed _____
- ☐ Notice of Review No. of Pages _____
- *(Maybe distributed at Board Meeting)
- ☐ Previously Distributed _____
- ☒ Decision No. of Pages 25
- (Hearings Officer/Planning Commission)
- ☐ Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.

(CL/1)



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

DECISION
OF THE HEARINGS OFFICER
This Decision consists of Findings of Fact, and Conclusions
JUNE 10, 1993

CS 2-93,
WRG 2-93

Community Service Use Request
Willamette River Greenway Permit

Sectional Zoning Map #11

I. SUMMARY

The applicant requests approval of a Community Service designation and Willamette River Greenway permit for a marina and associated development. The site is on the west bank of the Willamette River channel about 3 miles north of the Sauvie Island Bridge. It contains 68 acres and has 1800 feet of shoreline. An acre or two and about 450 feet of shoreline will be directly affected by the marina. The marina will contain one dock with slips for 50 sailboats, one dock with garages for two seaplanes, a boat ramp, and a gravel parking lot. Access will be provided by a gravel road from St. Helens Highway (US 30) following the route of an existing dirt road. The road crosses wetlands, and there are wetlands between the parking lot and the shoreline, but the parking lot itself is outside of delineated wetlands.

The main issues in the case are whether the marina: (a) is consistent with the character of the area; (b) will adversely affect natural resources; (c) will create hazardous conditions; (d) will comply with Willamette River Greenway standards; and (e) will comply with Comprehensive Plan policies 13 (Air and Water Quality and Noise Level), 15 (Significant Environmental Concern), 16 (Natural Resources), 31 (Community Facilities and Uses) and 39 (Parks and Recreation Planning).

Hearings officer Larry Epstein held public hearings to consider the request on April 5 and 26, 1993, and held open the record until May 6, 1993 to receive more written evidence. The hearings officer finds that the proposal does or can comply with some approval criteria, but it does not comply with or the applicant did not bear the burden of proving it complies with certain other criteria; therefore, the hearings officer denies the request.

Location: 19495 NW St. Helens Highway (US 30)
Property Description: Tax Lot '3' Section 7, 2N-1W, 1991 Assessor's Map
Site size: 68.67 acres
Owner: Zane and Sonja Holmes, 19333 NW St. Helens Road, 97231
Applicant: Clarence Mullican and Alta Racine
17622 NW St. Helens Road, 97231
Plan Designation: Multiple Use Agriculture
Zoning: MUA-20 (Multiple Use Agriculture); WRG (Willamette River Greenway); and FH (Flood Hazard)
Decision: Denied, based on the following Findings and Conclusions.

UA-20 WRG

FF

FW

EFU

W

CFU

CFU

RR

FF

MUA-20

WRG



Zoning Map

Case #: CS 2-93

Location: 19495 NW St. Helens Road

Scale: 1 inch to 400 feet

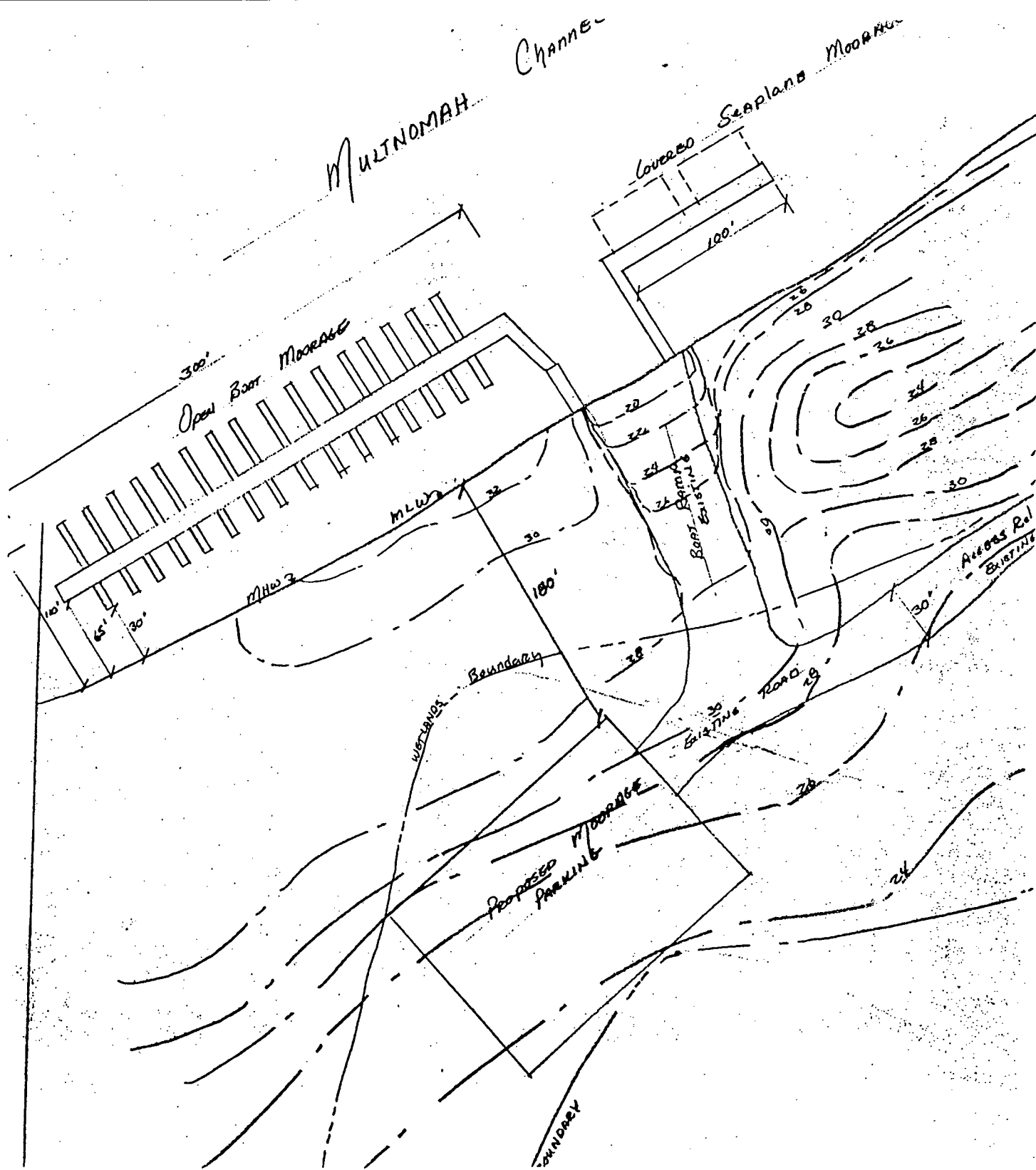
Shading indicates subject property
SZM 28 & 36; Sec. 7, T. 2 N., R. 1 W., WM.

Z←

CS 2-93

LOWER

1.07 ac.	531.48	38	1.69 ac.	649.63	112.5	120.5	112.5
1.00			1.00		100	112.5	120.5



← Z

CS 2-93

II. FINDINGS OF BASIC FACTS

A. Existing and proposed use of the site.

1. The applicant requests approval of a Community Service designation and Willamette River Greenway Permit for a marina and associated development. The marina site is on the west bank of the Willamette River channel (the "Channel") about 3 miles north of the Sauvie Island Bridge. The site contains 68 acres and has 1800 feet of shoreline. It is about 1600 feet from the shoreline to the west edge of the site. Only an acre or two of the site and about 450 feet of shoreline will be directly affected by the proposed use. Based on the USCOE application, the marina will be developed without filling or dredging in the Channel. In addition to supporting structures, such as dolphins and pilings, the marina will contain the following improvements:

a. A double-loaded dock with slips for 50 sailboats. The applicant agreed to limit use of this part of the marina to sailboats. The dock is about 300 feet long. It would be about 35 feet from the shoreline and would extend about 115 feet into the Channel. A ramp would connect it to the shore at the south end.

b. Further south is a boat ramp with access by means of a 20-foot drive to an upland parking lot about 180 feet from the shoreline. The applicant proposed to allow public access to this boat ramp (for a fee), rather than restricting its use to lessors of slips in the marina. The applicant anticipates 20 to 35 boats per day would use the ramp during summer and fishing season. Few would use the ramp in winter. It is not clear from the record whether the applicant will improve the boat ramp more than it is now.

c. Further south will be a second single-loaded dock with garages for two seaplanes. The dock will be about 100 feet long. It would be about 35 feet from the shoreline and would extend about 110 feet into the Channel. A ramp would connect it to the shore at the north end.

2. About 180 feet from the shoreline, the applicant will develop a 170-foot x 120-foot gravel parking lot for about 35 spaces for vehicles and boat trailers. Access will be provided by a 20-foot gravel road from St. Helens Highway (US 30) following the route of an existing dirt road. The road crosses wetlands, and there are wetlands between the parking lot and the shoreline, but the parking lot itself is outside of delineated wetlands.

3. The marina would not accommodate non-sail motorboats or floating homes, and occupancy of sailboats as dwellings would be prohibited by lease.

4. Based on testimony from several witnesses, the site was used as part of a logging activity. Logs were stored, sorted and made into rafts and booms to be floated downstream approximately where the marina is proposed. The boat ramp was used in conjunction with that activity.

5. The 68-acre site now is largely used for cattle grazing. The applicant will

keep cattle away from the area to be used for the marina and parking lot if it is approved.

6. A BPA power line crosses the site from due north to south about 400 to 500 feet from the Multnomah Channel. The proposed use will not affect the power line.

B. Site Conditions and Vicinity Information.

1. Surrounding land uses.

a. West of the 68-acre site is the Astoria branch of the Burlington North Railroad (BNRR) line. Further west is St. Helens Highway (U.S. Route 30). Further west is Cornelius Pass Road and the Tualatin Mountains.

b. North and south of the 68-acre site are large parcels used for cattle grazing. There is not substantial development along the Multnomah Channel shoreline north of the site for a distance of about two miles, where there are several marinas and moorages in the Rocky Point area. There is a boat landing (Hadley's Landing) on the east bank of the Channel about 1/2-mile south of the site. There is a small marina on the west bank of the Channel about one mile south of the site that is being vacated, based on the testimony. There are houseboat moorages on the east and west banks of the Multnomah Channel one to two miles south of the site.

c. East of the site is the Multnomah Channel. The Channel is 600 to 700 feet wide at the site. On Sauvie Island across the Channel from the subject site are the Wapato Access Greenway State Park and Virginia Lake. There is a pedestrian path along the shoreline and around the lake.

2. Floodplain and wetlands.

a. The area east of the US 30, including the subject site, is the floodplain for the Multnomah Channel. However due to channel dredging and diking, the site is rarely flooded by high water from the Channel, based on Applicant's Exhibit 2. The west bank of the Channel is nearly vertical at the site, rising about 15 feet above the water line.

b. Soils on the site are Rafton and Sauvie silt loams, both of which are hydric, poorly drained, sloped less than 2%, and have a water table within 12 inches of the surface. In the area of the site between the power line and the Channel, ACSI, Inc. identified two upland wetland areas, one containing about 0.2 acres and the other containing 1.1 acres (which extends further west). See Applicant's Exhibit 2. The Channel is a wetland, too. The marina will be built on the Channel. The parking lot will be built outside of the delineated wetlands. The access road crosses wetlands to the west.

3. Access.

a. The site has vehicular access to St. Helens Highway (U.S. Route 30) at

a point south of the intersection of Cornelius Pass Road via a gravel/dirt driveway that extends at an angle down the slope adjoining the highway and across an at-grade crossing of the BNRR tracks. The crossing is not improved with emergency signals or gates. It is a private crossing, as defined by the BNRR and Oregon Public Utility Commission (OPUC) although there is no gate or other improvement to prevent general public access.

b. Based on Petitioner's Exhibits 7 and 8, the private crossing cannot be used by the general public unless a public crossing is approved by the OPUC and BNRR improved as deemed necessary. The hearings officer assumes the general public would have access to the site, based on the applicant's plan to allow general public access to the boat ramp. Both agencies have expressed opposition to or concern about such a crossing. However no application has been filed for approval of such a crossing; therefore, no final decision has been made about whether to allow the crossing. The OPUC could conclude that the crossing is private if access is limited by a locked gate.

4. Comprehensive Plan Map designation and zoning.

a. The site is designated Multiple Use Agriculture and Willamette River Greenway on the Comprehensive Framework Plan Map.

b. Based on Sectional Zoning Map 11, the site is zoned MUA-20 (Multiple Use Agriculture - 20 acre minimum lot size); WRG (Willamette River Greenway), and FF (Flood Fringe) or FW (Flood Way).

c. Land on the west side of the Channel have Plan Map designations and zoning like the subject site. Land on the east side of the Channel are designated and zoned Exclusive Farm Use and EFU, respectively, as well as WRG and FF or FW.

5. Utilities and facilities.

a. The site is not served by public water or sewer, and the applicant does not propose to extend them to the site. The record is unclear about what potable water service and sanitary facilities will be provided. They are not identified on the site plan. The applicant indicates that a dry water line will be extended to the Channel to provide water for fire protection. The application states that the applicant will provide a subsurface sanitation system, but the applicant's testimony was that a chemical toilet will be provided. There is no evidence in the record that an on-site septic system is likely to be approved.

b. The site is in the Scappoose Rural Fire Protection District. The District Fire Chief advised the County that the District does not object to the proposal, provided the applicant provides a dry hydrant and standpipe system and the access road has an all weather surface at least 20 feet wide and at least 13 $\frac{1}{2}$ feet of vertical clearance. See Miscellaneous Exhibit 3.

III. HEARING AND RECORD

Hearings Officer Larry Epstein received testimony at the public hearings about

this application on April 5 and 26, 1993. The hearings officer held open the public record until May 6 to receive additional written evidence. A record of that testimony and evidence is included herein as Exhibit A (Parties of Record), Exhibit B (Taped Proceedings), and Exhibit C (Written Testimony). Exhibit C is further divided into Applicant's Exhibits, Petitioner's Exhibits, and Miscellaneous Exhibits. These exhibits are filed at the Multnomah County Department of Environmental Services.

IV. APPLICABLE LAW & RESPONSIVE FINDINGS

A. Compliance with MCC 11.15.2100 (MUF zone).

MCC 11.15.2132(A)(1) allows a "boat moorage, marina or boathouse moorage" and a conditional use in the MUA-20 zone, subject to the community service use standards in MCC 11.15.7015. Therefore, the proposed use is permitted in the zone if it complies with the community service use standards.

B. Compliance with MCC 11.15.7015 (Community services).

1. MCC 11.15.7015(A)(1) requires the County to find that a community service will be "*consistent with the character of the area*" to approve such a use.

a. The parties dispute whether the use is consistent with the character of the area. How the dispute is resolved depends on how the terms "area" and "consistent" in MCC 11.15.7015(A)(1) are construed.

(1) The applicant and County planning staff (among others) argue that the use is consistent with the character of the area. They would construe the word "area" in this case to include land at least two miles north and south of the site. Within that area are boat moorages, and boats traverse the Channel that adjoins the site. In support of its argument, County planning staff submitted an illustration of the Channel identifying moorage uses for several miles north and south of the site.

(2) Chris Foster (among others) argued that the use is not consistent with the character of the area. He would construe the word "area" to mean "in the immediate vicinity" or "not more than 1/2 mile or so from the site." There are no marinas within 1/2 mile or so from the site, and that area is characterized exclusively by natural resource uses involving little development. If "consistent" is construed to mean "the same as" and if "area" is construed as argued by Mr. Foster, then the proposed marina would be inconsistent with the undeveloped and natural character of the area.

b. The hearings officer finds that "consistency with the character of the area" is inherently a vague and subjective standard. It must be construed to be applied.

c. The hearings officer finds that the definition of "area" should vary as a function of the impact of the proposed use. If the use has an impact over a large area, then that large area should be considered for purposes of determining the consistency of

the character of the use. If the proposed use has an impact on a small area, then that area should be considered.

d. In this case, the hearings officer construes the word "area" to include land within roughly $\frac{1}{2}$ mile or so from the site, because that is the area within which the proposed use will have a perceptible effect. Beyond that distance, the impact of the use will not be perceptible, because it will not be visually obtrusive, and because boats from the marina will be indistinguishable from boats from off-site.

e. There was relatively little discussion by the parties of what is needed to show that the use is "consistent" with the character of the area.

(1) The hearings officer finds that the character of the area is a mix of natural resources, (i.e., undeveloped vegetated Channel banks and agricultural or open space uplands) and river traffic (i.e., power and sail boats). Although both elements are relevant, the predominant character is a natural resource area.

(2) The hearings officer finds that the proposed use is not "consistent" with the character of the area as defined above, because the proposed use is not similar to other natural resource uses in that area, and because it would conflict with those resources by introducing more structures, activity, and other effects into an area that now is not subject to such activity or effects. River traffic differs in character from a moorage. River traffic is moving and transitory and leaves no long-term evidence of use. A marina is inherently a storage activity; it requires substantial structures and other evidence of use. It concentrates its effects in a small area, unlike river traffic. Notwithstanding these differences, boat storage probably would be consistent with the character of the area if that character was defined only by boat traffic. However, given the natural resource character of the area and the difference in character between boat traffic and boat storage, the hearings officer finds the proposed use is not consistent with the character of the area.

2. MCC 11.15.7015(A)(2) requires the County to find that a community service use "*will not adversely affect natural resources*" to approve such a use.

a. The parties dispute whether the use will adversely affect natural resources.

(1) The applicant argues that the development will not have an adverse effect on any natural resources, and will enhance access to a natural resource (i.e., the Channel).

(2) County planning staff concede the proposed use could have some adverse effects, although they do not discuss these effects much. They cite an ODFW comment out of context to justify allowing the marina. However, in context, the ODFW comment is at best a grudging acquiescence in having marinas, if at all, on only one side of the Channel. The staff correctly observe that the marina will not affect vegetation on and adjoining the shoreline of most of the site and will not result in develop-

ment of wetlands (other than the Channel itself and traffic to the boat ramp). The hearings officer finds that the proposal will not adversely affect vegetation or wetlands on the site.

(3) Several witnesses argue the proposed development will adversely affect the natural resources on the site. Mr. Foster correctly notes that the Multnomah Channel is recognized by the County as having significant natural resource values. He and others argue that the site is in the middle of a long stretch of undeveloped land along the Channel, enhancing its value for natural resource purposes. See Respondent's Exhibits 1 and 14 and attachments. Ms. Matrazzo argues that bald eagles, peregrine falcons, and other species of birds use the area for nesting and foraging, and the activity associated with the marina will deter use of the area for birds. See Respondent's Exhibits 2 and 11 and attachments. The Channel is a year-round migration corridor for anadromous salmonids. The marina will obstruct migrating fish and provide cover for competing species. See Respondent's Exhibit 13 and attachments.

(4) Several witnesses argued the proposed marina will make it easier to site other marinas in the now-undeveloped stretch of the Channel, because the proposed marina, if approved and developed, would become part of the character of the area. Although it would not require approval of other marinas, it would increase the likelihood other marinas would be approved, creating a cumulative effect on natural resources that cannot be addressed on a case-by-case basis. See, e.g., Respondent's Exhibits 11 and 17 and attachments. The hearings officer agrees. Approval of the proposed marina would increase the potential for approval of other Channel-oriented development in the vicinity that would have a greater cumulative effect on habitat than that of the proposed marina alone.

(5) Respondents argued the proposed use would cause other specific adverse impacts on natural resources, as follows. Although those effects can be mitigated through conditions of approval, as discussed more below, the hearings officer finds that they can still occur, and their individual and cumulative effective could be adverse to natural resources. Given the potential for and significance of these effects, the hearings officer concludes the applicant has not met the burden of proof that the use will not adversely affect natural resources.

(a) Adverse effects on water quality would be caused if sanitary waste is discharged from boats at the site. The potential for this effect can be reduced by prohibiting floating homes and prohibiting occupancy of boats as dwellings and by requiring approved toilet facilities on the site. Illegal dumping of sanitary waste can occur, but it is not reasonably likely to occur at a frequency or scale that would significantly adversely affect natural resources.

(b) Adverse effects on water quality would be caused if fuel from boats is discharged into the Channel. The potential for this effect can be reduced by prohibiting fueling facilities at the moorage and by minimizing fuel needs of boats moored at the facility, (i.e., by allowing only sailboats which presumably use less fuel than motorboats). There is no way to prevent some impacts due to the use of fuel in

boats. To an extent, such impacts already occur from boating traffic in the Channel. The proposed use would increase and concentrate such effects in a small area.

(c) Adverse effects on water quality, habitat quality and visual character could be caused by trash thrown from the site. The potential for this effect can be reduced by providing trash receptacles on the site. Littering may still occur. To an extent, such impacts already occur from boating traffic in the Channel. The proposed use would concentrate effects in a small area.

(d) Adverse effects on vegetation could be caused by fire. The presence of more people and machines increases the potential for fire hazards. The potential for this effect can be reduced by providing fire protection facilities recommended by the Fire District, by prohibiting boat construction or repairs on the site, and by prohibiting floating homes or occupancy of boats as dwellings. Fire can occur, but by reducing its potential and providing for fire flows, there is little likelihood the proposed use will adversely affect natural resources due to fire.

(e) Adverse effects on fish and wildlife habitat could be caused by all of the preceding and by the increased level of activity at the site generally. The moorage would disrupt existing wildlife travel routes and could disrupt the value of the area for resting, nesting, and other specific wildlife activities on and near the site. The potential for these effects can be reduced by the preceding mitigation measures and by limiting use of the site to sailboats that have relatively less noise and fuel impacts (than motorboats), by restricting marina development to the west side of the Channel (thereby minimizing the impact on the more significant wildlife habitat on the east side of the Channel), by not filling or dredging in the Channel, by minimizing lighting on the site, by keeping out of the wetlands, by retaining shoreline vegetation, by subjecting the proposal to review by ODSL and USCOE, and complying with other conditions of approval necessary to address impacts of the use. However, the moorage will inevitably and adversely affect the value of the site for fish and wildlife habitat.

3. MCC 11.15.7015(A)(3) requires the County to find that a community service use *"will not conflict with farm or forest uses in the area"* to approve such a use. There was no dispute about compliance with this criterion. The site is used for agriculture and, with the exception of the acre or two used for the parking lot, it will continue to be so used. Given the size of the site, the loss of one or two acres of grazing land is not significant. Cattle can continue to graze on almost all of the site if the use is approved. For those reasons, and incorporating by reference the finding in response to this criterion in the Staff Report, the hearings officer finds the proposed use will not conflict with farm or forest uses in the area.

4. MCC 11.15.7015(A)(4) requires the County to find a community service use *"will not require public services other than those existing or programmed for the area"* to approve such a use.

a. The hearings officer finds that term "public services" is vague. The hearings officer construes that term to include public sanitary and storm sewers and potable water systems, roads, and emergency services.

b. The applicant argues the moorage will take care of its own water, sanitary waste and fire protection. Therefore, it will not create a need for those services to be provided by public agencies.

c. County staff conclude the application does not show whether existing or proposed services will be adequate. The record does not show that ODEQ has approved a subsurface sanitation system for the site or use of portable toilet facilities. The record does not show adequate private water will be available. The staff recommend that these issues be addressed by means of conditions of approval.

d. The hearings officer concludes that the proposed moorage will not require public services if the moorage provides its own services. Conditions of approval can be used to ensure that adequate private facilities are designed and approved before the moorage is permitted to be developed. Therefore, the proposal complies with this criterion.

5. MCC 11.15.7015(A)(5) requires the County to find that a community service use "*will be located outside a big game winter wildlife habitat*" to approve such a use.

a. The site of the proposed use is not identified as a big game winter wildlife habitat by the Comprehensive Plan or ODFW. Therefore, the use complies with this criterion.

6. MCC 11.15.7015(A)(6) requires the County to find that a community service use "*will not create hazardous conditions*" to approve such a use.

a. The parties dispute whether the proposed moorage will create hazardous conditions.

(1) The applicant argues the moorage will not cause hazardous conditions, but provides no probative evidence to support that conclusion.

(2) County planning staff recognize that the marina may create hazardous conditions in the Channel. They conclude that, as long as the extension of the moorage into the Channel is restricted, an adequate navigable area will remain for river traffic. Therefore, the moorage will not be a hazard to that traffic, subject to conditions of approval. Planning staff also discuss the potential for a hazardous condition at the BNRR crossing. The crossing now is unimproved. It could be improved with a locked gate to restrict the number of people exposed to the hazard or with signal lights and other measures to alert drivers to the presence of a train on the tracks. Subject to such a condition, County staff conclude the BNRR crossing will not be hazardous.

(3) Several witnesses argued the BNRR crossing and proximity of

the crossing to St. Helens Highway will create a hazardous condition. See Respondent's Exhibits 2, 7 and 8.

(a) Based on the letters from BNRR and OPUC, the hearings officer finds that the crossing can be safe if appropriate improvements are made or access is restricted by a locked gate between St. Helens Highway and the tracks.

(b) The record does not contain sufficient detail about the nature of the access from St. Helens Highway to the site to determine whether there is a sufficient distance between the highway and the tracks for stacking of vehicles and trailers that must wait for a train to pass. However, the hearings officer finds that a condition of approval can require the applicant to provide sufficient stacking space for vehicles and trailers before development is permitted. If such stacking space is provided, then the proximity of the tracks to St. Helens Highway will not create a hazardous condition.

(4) Several witnesses argued that the moorage would create a hazardous condition, because it will be located in an area of the Channel that is already congested by river traffic and in one of the few areas where water skiers can use the Channel without obstructions. See Respondent's Exhibits 3, 5, 6, 14, 15, and 17.

(a) By decreasing the unobstructed width of the Channel by 25%, the moorage will increase the potential for accidents by increasing congestion. By concentrating additional boat traffic in one area, the moorage will exacerbate congestion and will increase the potential for conflicts with water skiers in that stretch of the Channel. These facts suggest the proposed use will create or aggravate congestion and conflicts. However, whether that results in a hazard is unclear.

(b) In the absence of more probative evidence regarding this issue, the hearings officer finds the applicant has not met the burden of proving that the moorage will not cause hazardous conditions for river traffic and water skiers. The hearings officer finds the record insufficient to determine whether the presence of the moorage would create a hazardous condition for river traffic and water skiers.

7. MCC 11.15.7015(A)(7) requires the County to find that a community service use "*will satisfy the applicable policies of the Comprehensive Plan*" to approve such a use. In this case, the applicable policies are Policy 2 (Off-Site Effects), Policy 10 (Multiple Use Agriculture), Policy 13 (Air and Water Quality and Noise Level), Policy 14 (Development Limitations), Policy 15 (Willamette River Greenway), Policy 16 (Natural Resources), Policy 31 (Community Facilities and Uses), Policy 37 (Utilities), Policy 38 (Facilities), and Policy 39 (Parks and Recreation Planning). Those policies are addressed in the following section of the final order.

C. Compliance with applicable Comprehensive Plan policies.

1. Policy 2 (Off-Site Effects) provides:

The County's policy is to apply conditions to its approval of land use actions

where it is necessary to:

A. Protect the public from potentially deleterious effects of the proposed use, or

B. Fulfill the need for public service demands created by the proposed use.

a. There is a dispute whether the proposed use will cause deleterious conditions and whether conditions of approval will protect the public from effects that may occur.

b. The applicant argues the use will not have deleterious effects. County staff do not dispute the applicant's statement. Respondent generally argue the use will have deleterious effects on natural resources and river traffic safety.

c. The hearings officer finds the use will have deleterious effects on natural resources. Whether or not it causes a hazard, it will increase congestion and reduce the navigable width of the waterway. These effects can be reduced by imposing conditions of approval, but they cannot be eliminated.

d. Whether conditions of approval would be sufficient to "protect the public" is unclear. The policy is vague about how much to protect the public. It is not clear whether the policy prohibits all deleterious effects or merely their mitigation. The hearings officer construes the policy to require that deleterious effects be mitigated so that they are not reasonably likely to occur or will not be significantly adverse if they do occur.

e. The hearings officer finds that conditions of approval will not prevent deleterious effects on natural resources or river traffic from occurring or prevent them from being significantly adverse. Therefore, the proposal does not comply with this policy.

2. Policy 10 (Multiple Use Agriculture) provides that certain lands are to be designated for Multiple Use Agriculture, and further:

It is the County's policy, in recognition of the necessity to protect adjacent Exclusive Farm Use areas, is to restrict Multiple Use Agricultural uses to those compatible with Exclusive Farm Use areas.

a. The hearings officer finds the proposed use complies with this policy, based on findings regarding MCC 11.15.7015(A)(3).

3. Policy 13 (Air and Water Quality and Noise Levels) provides:

It is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality and noise levels.

a. The applicant argued the proposed use will have very little effect on air and water quality and noise levels, because it will be limited to sailboats. County planning staff generally agree, subject to conditions to prohibit live-aboards, to require erosion control measures, and to obtain subsequent ODEQ approval of sanitation facilities.

b. The hearings officer finds the proposal does not comply with this policy, because the application does not include statements from the appropriate agency that all standards can be met with regard to air quality, water quality and noise levels. The policy requires the statements. Although the hearings officer agrees that a sailboat moorage will not cause air quality impacts or significant noise, and that water quality effects from sanitary facilities can be addressed by ODEQ, the policy requires more than the sort of general discussion provided by the applicant and the conditions recommended by staff.

4. Policy 14 (Development Limitations) provides:

The County's policy is to direct development & land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties.

a. The proposal is subject to this policy, because the site is within the 100-year floodplain of the Multnomah Channel, based on the Staff Report.

b. The proposed development will be situated entirely within the floodplain. Because the moorage itself will float, flooding will not adversely affect it. The hearings officer assumes the moorage will be adequately secured to prevent it from causing off-site effects due to flooding. The upland portion of the moorage will not contain significant structures that could be adversely affected by flooding or could cause significant off-site effects due to flooding. Therefore, the proposal complies with this policy.

5. Policy 15 (Willamette River Greenway) provides it is the County Policy to:

Protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River; [and to]

Protect identified Willamette River greenway areas by requiring special procedures for the review of certain types of development allowed in the base zone that will insure the minimum impact on values identified in the various area.....

a. By applying for approval of a Willamette River Greenway permit, the applicant complies with the procedural provisions of this policy.

b. By adversely affecting shoreline vegetation, detracting from the value of the habitat for endangered species, changing the visual character of the Channel in the vicinity of the site, and restricting access to the site to paying customers, the proposed use does not comply with the substantive provisions of this policy and the Factors for the Willamette River Greenway. To the extent the proposal enhances recreational access for users of the moorage, it complies with the substantive provisions of this policy.

6. Policy 16 (Natural Resources) provides it is the County's policy to:

Protect natural resources, conserve open space, and to protect scenic and historic areas and sites. (Policy 16)

Protect significant fish and wildlife habitat ... (Policy 16-D)

Protect natural areas from incompatible development and to specifically limit those uses which would irreparably damage the natural area values of the site. (Policy 16-E)

Conserve scenic resources and protect such areas from incompatible and conflicting land uses. (Policy 16-F)

Protect ... those water areas, wetlands, watersheds, and groundwater resources having special public value... (Policy 16-G)

Recognize significant historic resources ... (Policy 16-I)

Protect cultural areas and archeological resources ... (Policy 16-J)

a. The hearings officer finds that the long-range availability of fish and wildlife habitat will not be significantly limited or impaired by the proposal. Although the proposal will reduce the quality of the fish and wildlife habitat on the moorage site, it will not have a significant off-site effect on habitat values, and ample fish and wildlife habitat will remain in the vicinity if the use is approved.

b. The hearings officer finds the long-range availability of natural areas will not be affected by the proposal, because of its relatively small scale, the retention of the majority of the site as undeveloped, and the availability of natural areas in the vicinity that will not be directly adversely affected by the proposed use.

c. The hearings officer finds that scenic views will be adversely effected by the proposed use, because it will significantly change the existing natural visual character of the site and portions of the Channel from which the site can be viewed. Although the proposal directly affects a relatively small area, the proposal has a significant indirect off-site effect. Although much of the Channel would remain in a natural state on and off the site if the use is approved, the significance of the change in visual character caused by the proposed use makes the use inconsistent with this aspect of the policy.

d. The hearings officer finds that the water resources and wetlands will not be adversely affected by the proposed use, because the upland wetlands will not be significantly affected by the proposal, and there are ample wetlands and water resources in the vicinity that would not be affected by the proposed use.

7. Policy 31 (Community Facilities and Uses) provides the County's policy is to:

A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.

B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public facilities and services...

E. Classify community facilities according to their function and scale of operations. A marina is classified as a minor regional facility.

F. Locate minor regional facilities on sites with an average slope of 6% or less.

G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. A minor regional facility is required to have direct access to a collector street and no routing of traffic through local neighborhood streets and to have public transit available within 1/4 mile.

H. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion...

I. Support community facilities siting and development at sites of a size and shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site...

a. The hearings officer finds the site is sloped less than 6% and has direct access to a street which is classified as a collector or greater (St. Helens Highway). The facility does not require public facilities and services other than those existing or programmed for the area; therefore it is not disorderly or untimely to allow the proposed use from this standpoint. The access drive from St. Helens Highway could be hazardous unless appropriate improvements are made to the railroad crossing and adequate distance is provided for stacking vehicles west of the crossing. Conditions of approval could require such measures. Because St. Helens Highway is a designated bicycle route, there is bicycle access to the site. The proposal does not have public transit within 1/4 mile; to

that extent, it does not comply with this policy.

8. Policy 37 (Utilities) requires the county to find, prior to approval of a legislative or quasi-judicial action, that:

A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity, or, to the extent such a system is not available, there is an adequate private water system and a private sanitation system approved by ODEQ

B. There is adequate capacity in the storm water system to handle the run-off; or the run-off can be handled on the site or adequate provisions can be made;

C. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds or lakes or alter the drainage on adjoining lands.

D. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and

E. Communications facilities are available.

a. The hearings officer finds that the proposal partially complies with this policy, but does not comply with all aspects of the policy. It does not comply with this policy, because:

(1) The application does not contain substantial evidence from which the hearings officer could conclude that ODEQ will approve a sanitation system for the site; and

(2) The application contains no information about the private water system for the site.

b. The hearings officer concludes the proposal complies with the following aspects of the policy:

(1) The hearings officer concludes that storm water run-off from the site will be accommodated and will not pollute the Channel, the wetlands, or other areas of the site, because no impervious surface will be created on the site, and storm water will be able to percolate naturally into the ground, cleansing the run-off before it enters surface water bodies on or adjoining the site.

(2) The application includes unrebutted statements that power and communications utilities are available to the site. The hearings officer accepts those statements.

9. Policy 38 (Facilities) requires the county to find, prior to approval of a legislative or quasi-judicial action, that:

A. The appropriate school district has had an opportunity to review and comment on the proposal.

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.

D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

a. The hearings officer finds that the application complies with the policy with regard to fire services, because the Scappoose Rural Fire Protection District has reviewed the proposal and has recommended measures to ensure an adequate supply of water for fire protection purposes.

b. The hearings officer finds that the appropriate school district has not had an opportunity to comment on the proposal. However, the hearings officer finds the proposed use has no direct impact on schools; therefore, compliance with this aspect of the policy is not required.

c. The site is in the jurisdiction of the Multnomah County Sheriff's Department. There is no evidence the Sheriff reviewed or commented about the proposal. However, the hearings officer assumes police services can be provided to the site.

10. Policy 39 (Parks and Recreation Planning) generally obligates the County to undertake certain open space and recreational planning. The only aspect of the policy directly relevant to the proposed use is one that requires the County to:

Encourage the development of recreation opportunities by other public agencies and private entities.

a. The parties dispute whether the proposed use complies with this policy. The applicant and County planning staff argue the proposal will create a recreational feature, thereby increasing recreational opportunities in the Channel. Other witnesses argue the proposal will increase only private recreational opportunities, because only people who pay for the right to use the marina and boat ramp will have access to the site; therefore, the proposal does not increase recreational opportunities for the general public.

b. The hearings officer concludes the proposal complies with this policy, because it results in a recreational opportunity. The policy does not encourage only recreational uses that are available to the general public; it encourages recreational opportunities. Although the facility will be private, it is a recreational use. It will facilitate access to the Channel by tenants of the moorage and users of the boat ramp. That fulfills the policy.

D. Compliance with MCC 11.15.6372 (Willamette River Greenway). New land uses in the Willamette River Greenway are required to comply with additional standards, listed below together with responsive findings.

1. The maximum possible landscaped area, scenic and aesthetic enhancement, open space and vegetation shall be provided between any use and the river.

a. The hearings officer finds that the proposal can comply with this criterion, because the parking lot is situated 180 feet or more from the river, which is the maximum separation that can be provided without occupying wetlands, provided existing significant vegetation between the parking lot and shoreline is preserved and enhanced as deemed necessary in the site plan review process.

2. Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree...

a. The hearings officer finds that public access to the river will be provided by the access road to the marina. To the extent access to that road is restricted, such as by means of a locked gate, then it does not provide access for the general public. The most public access possible would be provided by not restricting access to the road. If the BNR/OPUC allow the railroad crossing to be public, subject to the applicant making certain improvements, that would best fulfill this criterion.

b. The applicant does not propose public access along the river except on the docks. Such access could be provided. To that extent, the proposal is not consistent with this criterion.

c. The applicant proposes to make the boat ramp available to the general public for a fee. This will provide public access to and from the river where it does not exist now. That enhances access. The hearings officer finds that the imposition of a fee for use of the boat ramp does not violate this criterion. The criterion requires reasonable public access. Access to a private facility is not unreasonable simply because a fee is charged.

3. Developments shall be directed away from the river to the greatest possible degree...

a. The hearings officer finds that the marina and boat ramp must be directed to the river to enable it to function as planned. The parking lot complies with this criterion, because it is not directed toward the river.

b. Some witnesses argued the function of the marina, i.e., to store boats, could be fulfilled by dry land storage outside of or further upland in the Greenway. The hearings officer finds that this criterion, to the extent that it is vague about what is the "greatest degree possible," should not be construed to require dry land storage of boats, because that would effectively prohibit moorages anywhere on the river, a result that is

not reasonable given the uses permitted in the Greenway and the design-oriented nature of other applicable criteria for the Greenway.

4. Agricultural lands shall be preserved and maintained for farm use.

a. The hearings officer finds the site is agricultural land, based on USDA SCS Soils Maps for Multnomah County. The proposal preserves all but an acre or two of the site for agriculture. Therefore, agricultural lands are preserved and maintained for agriculture.

5. Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.

a. The hearings officer finds that the proposal satisfies a public demand for additional moorage space in a manner that does not exceed the carrying capacity of the land, given that the moorage will occupy a small percentage of the site and shoreline and will accommodate parking and other needs of the use on the site. The proposal does not conflict with farm uses, based on the finding for MCC 11.15.7015(A)(3).

6. Significant fish and wildlife habitats shall be protected.

a. The hearings officer finds that the site contains significant fish and wildlife habitat. That habitat will not be protected, based on the finding in response to MCC 11.15.7015(A)(2).

7. Significant natural and scenic areas and viewpoints and vistas shall be preserved.

a. The hearings officer finds that the shoreline of the site is a significant natural and scenic area that can be observed from the river and the east bank. The proposed moorage will not preserve that view; it will replace it with a view of the moorage. For that reason, the hearings officer finds the proposal does not comply with this criterion.

8. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

a. The hearings officer finds the proposal does not maintain public safety to the maximum extent practicable, based on the finding for MCC 11.15.7015(A)(6).

9. The natural vegetation along the river, lakes, wetlands and streams shall be enhanced and protected to the maximum extent practicable to assure scenic

quality, protection from erosion, screening of uses from the river and continuous riparian corridors.

a. The hearings officer finds the application is insufficient to show compliance with this criterion. The applicant does not describe or evaluate the significance of shoreline vegetation or wetland vegetation that could be affected by development of the parking lot or other features. Without more information, the hearings officer cannot determine whether that vegetation will be preserved to the maximum extent practicable. There is nothing in the application to address erosion potential along the shoreline or at the boat ramp. There is no assessment of the impact of the project on the riparian corridor other than conclusory statements. In the absence of more complete information, the hearings officer cannot conclude the proposal complies with this criterion.

10. Areas of annual flooding, flood plains, water areas and wetland shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.

a. The hearings officer finds that the flood plain, water areas and wetland are preserved to the maximum possible extent without precluding development of the project, because the proposal affects a small percentage of the flood plain on the property, does not reduce the flood carrying capacity of the site and does not result in development of the upland wetlands.

11. Significant wetlands shall be protected as provided in MCC 11.15.6376.

a. Areas of significant wetlands are identified in Applicant's Exhibit 2. There is insufficient information in the application to determine whether those wetlands will be protected as provided in MCC 11.15.6376. Therefore, the hearings officer cannot conclude the proposal complies with this criterion.

12. Areas of ecological, scientific, historical or archeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.

a. The parties dispute whether the site contains archeological resources. The applicant testified that he has not found any evidence of such resources. An adjoining land owner testified he has found arrowheads and other Native American artifacts. There is no conclusive evidence in the record one way or the other. In the absence of such evidence, the hearings officer cannot determine that the site does not contain archeological resources or that such resources are preserved to the maximum extent possible.

13. Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway.

a. The site is not subject to slope hazards, based on the County Slope Hazard Maps and SCS Soil Maps. However, the steep bank of the Channel could be subject to erosion during construction of the marina and, if vegetation on the bank is removed or damaged, after construction. The application does not include measures to address the potential for erosion. Therefore, the hearings officer cannot conclude the proposal will comply with this criterion.

14. The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in development, change of use or intensification of use of land designated WRG.

a. The hearings officer finds this criterion is ambiguous. It requires preservation while allowing change. The two concepts are hard to reconcile.

b. The proposal detracts from the existing natural character of the land and water by developing a portion of the shoreline and adjoining uplands. To that extent, it does preserve land and water quality.

c. However, to the extent the criterion allows development, the proposal is not reasonably likely to result in significant water quality effects (subject to conditions of approval) or to cause upland effects that will detract from the quality of the undeveloped portion of the site or surrounding land. To that extent, it does preserve land and water quality.

d. Given the inherent conflict in this criterion, the hearings officer finds that the proposal does comply with this criterion by preserving land and water quality to the extent possible while allowing the project to be developed.

15. A building setback line of 150 feet from the ordinary low water line of the Willamette River shall be provided in all rural and natural resource districts, except for ... buildings and structures in conjunction with a water-related or a water-dependent use.

a. The hearings officer finds that the structures associated with the proposed use (i.e., the docks and associated ramps and pilings) are water-related or water-dependent. The proposal does not result in other structures. Therefore, the proposal complies with this criterion.

16. The applicable policies of the Comprehensive Plan are satisfied.

a. The hearings officer finds the proposal is consistent with Comprehensive Plan policies 10 (Multiple Use Agriculture), 14 (Development Limitations), 38 (Facilities), and 39 (Parks and Recreation Planning), based on finding IV.C.

b. The hearings officer finds that the proposal is not consistent with or that the applicant has not met the burden of proving that the proposal is consistent with all aspects of Comprehensive Plan policies 2 (Off-Site Effects), 13 (Air and Water Quality and Noise Levels), 15 (Willamette River Greenway), 16 (Natural Resources), 31 (Community Facilities and Uses), and 37 (Utilities), based on finding IV.C. Therefore, the proposal does not comply with this criterion.

E. Other alleged criteria.

1. It was alleged in Respondent's Exhibit 2 that the application is subject to MCC 11.15.8230(D), which requires, among other things, that granting the request is in the public interest and that there is a public need for the proposal and that need is best met by changing the classification of the subject property as compared with other available properties.

2. The hearings officer finds the preceding provisions from MCC 11.15.8230(D) do not apply to the proposal. The preface to that section reads as follows:

The burden of proof is upon the person initiating an action. Unless otherwise provided in this Ordinance, that burden shall be to persuade that... [Emphasis added]

3. The hearings officer finds that MCC 11.15.7015 contains specific standards for a Community Service designation and MCC 11.15.6372 contains specific standards for a Willamette River Greenway permit. Although the Ordinance does not expressly state that these are the exclusive approval criteria for these land use actions, the hearings officer finds that it is implicit that the general purpose standards in MCC 11.15.8230(D) do not apply if there are other more specific standards in the Ordinance.

V. CONCLUSIONS AND DECISION

A. Conclusions.

1. The hearings officer concludes that the applicant has met the burden of proving that the proposal complies with the following:

a. MCC 11.15.7015(A)(3), (4), and (5), based on finding IV.B;

b. Comprehensive Plan policies 10 (Multiple Use Agriculture), 14 (Development Limitations), 38 (Facilities), and 39 (Parks and Recreation Planning), based on finding IV.C; and

c. MCC 11.15.6372(A), (C), (D), (F), (L), (P), and (Q), based on finding IV.D.

2. The hearings officer concludes that the proposal does not comply with or that the applicant has not met the burden of proving that the proposal complies with all aspects of the following:

a. MCC 11.15.7015(A)(1), (2), (6) and (7), based on finding IV.B;

b. Comprehensive Plan policies 2 (Off-Site Effects), 13 (Air and Water Quality and Noise Levels), 15 (Willamette River Greenway), 16 (Natural Resources), 31 (Community Facilities and Uses), and 37 (Utilities), based on finding IV.C; and

c. MCC 11.15.6372(B), (G), (H), (I), (J), (M), (N), (O), or (S), based on finding IV.D.

B. Decision.

In recognition of the findings and conclusions contained herein, and incorporating the Staff Report and other reports of affected agencies and public testimony and exhibits received in this matter, the hearings officer hereby denies CS 2-93 and WRG 2-93 (Mullican).

Signed June 10, 1993.

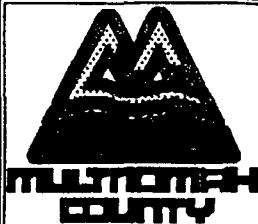
By Larry Epstein, ps
Larry Epstein, AICP
Multnomah County Hearings Officer

APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

Decisions of the Hearings Officer may be appealed to the Board of County Commissioners (Board) by any person or organization who appeared and testified at the hearing, or by those who submitted written testimony to the record. Appeals must be filed within ten days after the Hearings Officer decision is submitted to the Clerk of the Board [ref. MCC 11.15.8260(A)(1)]. The appeal fee is \$300.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s) [ref. MCC 11.15.9020(B)]. "Notice of Review" forms and instructions are available at the Planning and Development Office at 2115 SE Morrison Street (in Portland).

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

The Hearings Officer Decision on this item is scheduled for the Board of County Commissioners review at 1:30 p.m. on Tuesday, June 22, 1993 in Room 602 of the Multnomah County Courthouse. To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director on or before 4:30 pm. on Monday, June 21, 1993. For further information call the Multnomah County Planning and Development Division at 248-3043.



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

NOTICE OF REVIEW

7058 - 36
6/24/93

692.00

1. Name: Bachrach, H., Jeff

2. Address: 1727 N.W. Hoyt, Portland, OR 97209

3. Telephone: (503) 222 - 4402

4. If serving as a representative of other persons, list their names and addresses:

Clarence Mullican and Alta Racine, 17622 N.W. St. Helens Road,
Portland, Oregon 97231, applicants.

Zane and Sonja Holmes, 19333 N.W. St. Helens Road,
Portland, Oregon 97231, owners.

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Hearings Officer's Denial of Sailboat Moorage and Related Facilities.

Hearings Officer (Case No. CS 2-93, WRG 2-93.)

6. The decision was announced by the ~~Planning Commission~~ on June 10, 1993

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

This Notice of Review is filed on behalf of the applicants, who
appeared below through their representative, Pat Eudaly.

Please file this original form

8. Grounds for Reversal of Decision (use additional sheets if necessary):

The primary grounds for reversal are set out in the attached Request For De Novo Hearing. In addition, the Hearings Officer improperly interpreted and applied those code sections and comprehensive plan policies set out in Section V.A.1 and 2 on pages 24 - 25 of the Hearings Officer's Decision.

9. Scope of Review (Check One):

- (a) ☐ On the Record
- (b) ☐ On the Record plus Additional Testimony and Evidence
- (c) ☒ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

See also Request For De Novo Review.

Signed: [Signature] Date: June 21, 1993

For Staff Use Only

Fee:

Notice of Review = \$300.00

Transcription Fee:

Length of Hearing 112 min x \$3.50/minute = \$ 392.00

Total Fee = \$ 692.00

Received by: DA Date: 6/21/93 Case No. C52-93

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Notice of Review of Hearings)
Officer's Decision CS 2-93,)
WRG 2-93,)
Clarence Mullican)
and Alta Racine,)
Applicants.)

REQUEST FOR DE NOVO REVIEW

1. REQUEST FOR DE NOVO REVIEW

As allowed by MCC 11.15.8270, the applicants request that the Board of County Commissioners grant a de novo review of this case, which would allow a full review rather than a limited review based on the record.

This request is made because the Hearings Officer's decision rests largely on two major policy determinations, which reversed prior county policy as understood by the staff and as reflected in prior county land use decisions. The applicants had no warning that the fundamental policies affecting their application would be altered by the Hearings Officer after the record below was closed. The new policies established by the Hearings Officer were not based on mandatory legal standards or any evidence in the record, but rather were his discretionary judgments.

The two major policy reversals, and other examples where the Hearings Officer strayed from prior county policy and interpretations, are discussed below.

The staff recommended approval of the application. Only through a de novo review will the Board be able to fully address

1 the conflicting policy determinations which are at the heart of
2 this case. If the applicants' appeal hearing is limited to a 15-
3 minute presentation based on the record below, they will be denied
4 a fair opportunity to have their application judged by what they
5 and staff believe to be the appropriate county policies.

6 2. BOARD'S AUTHORITY FOR DE NOVO REVIEW

7 MCC 11.15.8270(E) gives the Board unfettered discretion to
8 allow a de novo review. There are no express standards to guide
9 the board in making its decision.

10 It should be noted that the review factors set out in
11 MCC 11.15.8270(E)(1)-(4) are not relevant to this request for de
12 novo review. Rather, those factors are only relevant when a
13 request is made for a review on the record with additional
14 evidence.

15 The applicants have not requested a review on the record with
16 additional evidence because it is impossible to determine precisely
17 what additional evidence may be needed until the Board determines
18 which policy standards are to be applied. The Board may want to
19 consider a two-step review process: The first step would be to
20 make a determination on the threshold policy dispute between the
21 Hearings Officer and staff; the second step would be to then have
22 a hearing in which the evidence is reviewed in light of the policy
23 determinations.

24 ///

25 ///

26 ///

1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6
7
8
9
0
1
2
3
4
5
6

A. "Consistent With The Character Of The Area."

One of the two key review standards for the proposed sailboat moorage is whether it is "consistent with the character of the area." In an exercise of policy discretion -- not legal jurisprudence -- the Hearings Officer adopted a new and unusual application of this review standard.

The county has previously determined that a proposed use is "consistent" with the character of an area if it is "generally compatible." General compatibility is a frequently found review standard in the county code and in other jurisdictions' codes. However, the Hearings Officer adopted a new reading whereby a use is not consistent unless it is "similar" to other uses in the area. That is a more restrictive requirement than reviewing for general compatibility. A use may well be compatible with other uses and yet not be the same.

The second part of the Hearings Officer's reading of the standard is also contrary to and more restrictive than previous county applications. The Hearings Officer limited the "area" under review to the immediate vicinity of the applicants' property. He then determined that the proposed moorage should be denied because it is not similar to the, i.e., the same as, the undeveloped land within that limited area.

In contrast, when reviewing applications along the Multnomah Channel, the county has always considered the "character of the area" to be determined by the entire stretch of the channel, which

1 is characterized by a mixture of natural resources, marinas,
2 moorages and other river-related uses and developments.

3 The Board must determine which of the two contrary readings
4 of the "consistent with the character of the area" standard best
5 reflects county policy. That determination by the Board is a
6 threshold policy decision that must be made at the outset of its
7 review of this case.

8 B. "Will Not Adversely Affect Natural Resources."

9 The second crucial review standard is whether or not the
10 proposed marina will "adversely affect natural resources." In the
11 past, the county has not viewed this standard as prohibiting uses
12 whenever they could have an adverse effect. Rather, the county has
13 applied this standard to entail a balancing between realistically
14 adverse effects -- not theoretical ones --and the extent to which
15 conditions of approval can mitigate those effects.

16 Once again, the Hearings Officer has opted for a new and more
17 restrictive application of the review standard. The Hearings
18 Officer speculated about possible adverse consequences: He noted
19 that allowing moorage facilities could result "in some impacts due
20 to the use of fuel in boats;" that "adverse effects on water
21 quality, habitat quality and visual character could be caused by
22 trash thrown from the site;" and, that "approval of the proposed
23 marina would increase the potential for approval of other Channel-
24 oriented development in the vicinity that could have a greater
25 cumulative effect on habitat than that of the proposed marina
26 alone."

1 After listing the potential negative impacts, the Hearings
2 Officer concludes that any moorage facility "will inevitably and
3 adversely affect the value of the site for fish and wildlife
4 habitat," and therefore the proposal must be denied. The effect
5 of that new reading of the code is to create a policy that will
6 make it impossible to site any marina or moorage facilities.

7 The county code specifically allows moorages and marinas as
8 conditional uses along this stretch of the Multnomah Channel. The
9 Hearings Officer's reading of the code undercuts the whole purpose
10 for allowing these types of facilities as conditional uses. Once
11 again, acting unilaterally, the Hearings Officer has implemented
12 a new policy for the county. It is a particularly unfair policy
13 determination for the applicants because it kills any possibility
14 of their application being approved and they were not forewarned
15 of its existence until it was too late.

16 4. OTHER ISSUES

17 In addition to the two major discretionary determinations
18 discussed above, the Hearings Officer also made a number of other
19 rulings about how the county code and comprehensive plan should be
20 applied that are contrary to how the county previously applied the
21 relevant standards and policies.

22 Several of the discrepancies between the staff's and the
23 Hearings Officer's determinations are summarized below. In some
24 instances, it will likely be necessary to introduce new evidence
25 to clarify the record based on the Hearings Officer's new view of
26 the code and comprehensive plan. The following summary is not

1 intended to be exhaustive, but merely to give the Board an overview
2 of the types of new determinations made by the Hearings Officer.

3 A. Public Transit To Serve Moorages.

4 County Policy 31(G) supports having "public transit available
5 within 1/4 mile" of uses such as the proposed moorage. Recognizing
6 that there is no bus service along most of Multnomah Channel, the
7 county has never considered this policy to be an absolute
8 requirement that bus stops be located within 1/4 mile of all
9 moorages and marinas. If that was the interpretation, these kinds
10 of facilities would never be approved. Once again, however, the
11 Hearings Officer took a new approach and determined that because
12 "the proposal does not have public transit within 1/4 mile" it
13 should not be approved.

14 B. Preserve Scenic Areas and View Points.

15 MCC 11.15.6372(H) encourages the preservation of
16 "significant . . . scenic areas and view points and vistas." The
17 Hearings Officer determined that all undeveloped property along the
18 river constitutes a "significant scenic area." And, he went on to
19 reason, anything that disrupts the view of the natural areas on
20 the shore would violate the requirement that scenic areas be
21 preserved. Therefore, the Hearings Officer concluded that:

22 "the proposed moorage will not preserve the view [of
23 the applicants' shoreline]; it will replace it with
24 a view of the moorage. For that reason, the
Hearings Officer finds the proposal does not comply
with this criterion."

25 Once again, the Hearings Officer has created a new policy through
26 a restrictive reading of the code. Since any river-related use

1 will to some extent block the view of the adjoining shoreline, the
2 Hearings Officer's interpretation prevents almost any conceivable
3 use unless the adjoining shoreline is already fully developed.
4 That new reading of the scenic review criterion eliminates, for all
5 practical purposes, all of the river-related conditional uses
6 listed in the county code.

7 C. Preserve Archeologically Significant Areas.

8 One reason the Hearings Officer gave for denying the
9 application was that he "cannot determine that the site does not
10 contain archeological resources." For several reasons, that is an
11 unfair basis for rejecting the application.

12 First of all, County Policy 16-J encourages the preservation
13 of "known archeological sites." Thus, denying the application
14 because it is unknown whether or not the applicants' property
15 contained archeological resources is contrary to adopted county
16 policy. Moreover, the county staff never informed the applicants
17 of the need to present evidence demonstrating a negative -- that
18 is, that there are no archeological resources on their property.
19 If the Board determines that is necessary, the applicants will
20 develop such evidence.

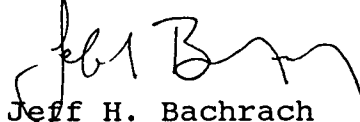
21 5. CONCLUSION

22 The primary thrust of the applicants' request is that they be
23 given a full opportunity before the Board to discuss the two major
24 new policy determinations made by the Hearings Officer, which
25 determinations prevented any possibility of the applicants' request
26 ///

1 being approved. Based on the discussion herein, the applicants
2 request a full de novo review before the Board.

3 Date: June 21, 1993.

4 Respectfully submitted,

5 

6 Jeff H. Bachrach
7 on behalf of Clarence Mullican
8 and Alta Racine

9
10 c:\wp50\jhb\mullican\mullican.req

MEETING DATE: June 22, 1993

AGENDA NO: P-2

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Hearings Officer Decision Review

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: June 22, 1993

Amount of Time Needed: 2 Minutes

DEPARTMENT: DES

DIVISION: Planning and Development

CONTACT: Sharon Cowley

TELEPHONE #: 2610

BLDG/ROOM #: 412/109

PERSON(S) MAKING PRESENTATION: Planning Staff

ACTION REQUESTED:

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

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

DR 2-93a Review the Decision of the Hearings Officer of June 10, 1993, sustaining the appellant's challenge to administrative approval of the Final Development Review, with respect to the applicant's failure to conduct a soil compaction test for the northeastern portion of the subject site. This portion of the Decision is reversed and the matter remanded to the Planning Department, for property located at 13303SE Ramona Street.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER:

BH Willie

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

6/93

CLERK OF
COUNTY COMMISSIONERS
1993 JUN 15 PM 12:21
MULTI-COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DIVISION OF PLANNING & DEVELOPMENT / 2115 S.E. MORRISON / PORTLAND, OREGON 97214

DIVISION OF PLANNING AND DEVELOPMENT

Board Planning Packet Check List

File No. DR 2-93a

☒ Agenda Placement Sheet No. of Pages 1

☐ Case Summary Sheet No. of Pages _____

☐ Previously Distributed _____

☐ Notice of Review No. of Pages _____

*(Maybe distributed at Board Meeting)

☐ Previously Distributed _____

☒ Decision No. of Pages 21

(Hearings Officer/Planning Commission)

☐ Previously Distributed _____

*Duplicate materials will be provided upon request.
Please call 2610.



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

DECISION

This Decision consists of Findings of Fact and Conclusions

JUNE 10, 1993

DR 2-93a, #427

Appeal of Administrative Decision (Planned Development Final Development Plans)

This report concerns an appeal of a March 22, 1993 Planning Director Decision which approved, subject to conditions, Final Development Plans for "Reedway Place", a Planned Development (PD) proposed for 22 manufactured homes on a 3.2 acre site. The appeal of the decision was filed on March 29, 1993. Appellants cite six items as grounds for reversal of the Director's decision.

Location: 13303 SE Ramona Street

Legal: Lots 2 and 3, Blk. 1, Parcher Park and
North 7,200 Square Feet of Tax Lot '591',
Section 14, 1S-2E, 1990 Assessor's Map

Site Size: Approximately 3.2 Acres

Property Owner: Marilyn Blackwell, 13225 SE Ramona Street, 97236

Applicant: Charlie Swan, PO Box 22231, Milwaukie, 97222

Appellant: Greg Lutje, 1211 SW Fifth Avenue, 97204-3795
(Representing Don and Geraldene Rhyne / Charles and Sadona Wise)

Comprehensive Plan: Urban Low Density Residential

Zoning: LR-5, Urban Low Density Residential District
(note: preliminary Planned Development approved 9/22/92)

Hearings Officer

Decision:

Sustain the appellant's challenge to administrative approval of the Final Development Review, with respect to the applicant's failure to conduct a soil compaction test for the northeastern portion of the site. This portion of the Decision is reversed and the matter remanded to the County Planning Division.

Zoning Map
Case #: PD 02-91, #427 / DR 2-93a
Location: 13303 S E Ramona Street
Scale: 1 inch to 200 feet
Shading indicates subject property

LR-10

LR-10

LR-10

LR-10

LR-5

LR-5

SC

GILBERT
PRIMARY
SCHOOL

LR-5

CS

LR-5

MR-4

CS

MR-4

MR-4

Abandoned Railroad

(Formerly Portland Traction Company)

S E RAMONA STREET

SE 135TH AVENUE

SE 136th AVENUE

SE ELLI

KNIGHT

SE 136th AVENUE

PRL & P Co

GILBERT

PARK

MR-4 H.H.

CS 62-60

CS 38-63

M-7-62

(20)
20
39

CS 10-63

MR-4

CS 36-57

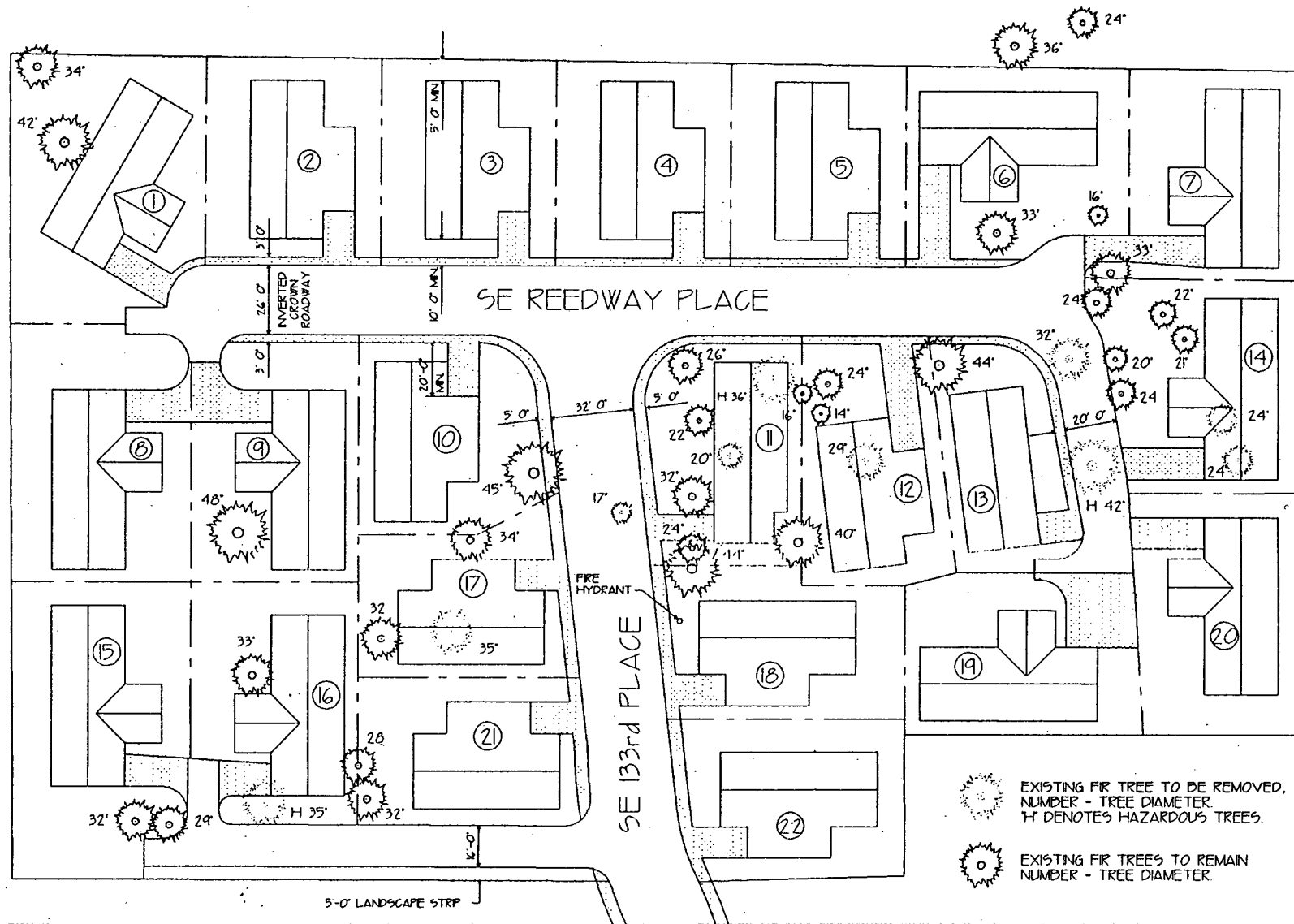
CS 13-66

CS 14-62

XC 35-60

LR-5

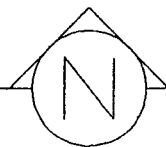
MC



REEDWAY PLACE REVISED SITE PLAN

APRIL 5, 1993

SCALE: 1" = 60'-0"



II. INTRODUCTORY MATTERS

A. Parties To The Proceeding

1. Appellants

The parties appealing the administrative decision are Don Rhyne, Geraldean Rhyne, Charles R. Wise, Sadona Wise. The appellants were represented By Greg Lutje of Schwabe, Williamson & Wyatt. Mr. Lutje's address is 1211 SW Fifth Avenue, Portland, Oregon 97204-3795.

2. Applicant

The applicant is Charles Swan. His address is PO Box 22231, Milwaukie, Oregon 97222.

3. Party Status And Notice Of This Decision

In the absence of any challenges to their standing, I find the preceding persons to be parties to the appeal, as specified by MCC 11.15.8225. These persons, or their representative, should receive notice of this decision.

4. Representatives And Witnesses

In addition to the persons testifying on their own behalf, the following persons testified in person and/or in writing, but only as representatives on behalf of the parties:

(a) Representatives And Witnesses In Support Of The Appellants

Greg Lutje, attorney, 1211 SW Fifth Avenue, Portland, Oregon 97204-3795.

(b) Representatives And Witnesses In Support Of The Application

Donald R. Trotter, architect, 12102 SE 36th, Milwaukie, Oregon 9722

William F. Ringnalda, engineer and surveyor, 879 Cottage St. NE, Salem, Oregon 97301

B. Impartiality Of The Hearings Officer

Before and after the hearing I had no *ex parte* contacts with any of the parties during which I received evidence or arguments relevant to this application.

I have no financial interest in the outcome of this proceeding and have no family or financial relationship with any of the parties.

C. Burden of Proof

The burden of proof is upon the applicant. MCC 11.15.8210(A); .8230(D)

D. Procedural History Of This Appeal

This appeal concerns a planned development for a manufactured home park. On December 2, 1991, the Planning Commission approved the preliminary plan development. On appeal, the County Commission, approved a 22-unit development on 21 February 1992. The approval was appealed to the Land Use Board of Appeals (LUBA). On July 10, 1992, the Land Use Board of Appeals remanded the County's earlier approval in *Rhyne et al v. Multnomah County & , ___ Or LUBA ___* (LUBA No. 92-058, Slip Opinion of 10 July 1992).

LUBA sustained two of the three assignments of error alleged by the appellants on the grounds the County improperly deferred a determination of compliance with the "free from hazards standard" in MCC 11.15.6214(C) and Policy 14.C. to a later decision making process which did not provide for notice and an opportunity for a public hearing. (LUBA's opinion is discussed in more detail below.) At issue was the possibility of soil contamination by hazardous materials on a part of the property allegedly used as an illegal dump.

After the remand from LUBA, the County reconsidered its decision and issued a revised final order in PD 2-91, which was adopted on 22 September 1992 (hereafter "Revised Final Order".) Notice was provided to the parties of the revised Final Order and no appeal was pursued. The revised Final Order required "Final Development Plan approval pursuant to MCC 11.15.6206(B)" prior to any site clearing, grading or tree felling." Revised Final Order at page 15.

On December 14, 1992 the Technical Action Group Inc. ("TAG") issued a report entitled "Phase I Environmental Site Assessment" followed by its Phase II Environmental Site Investigation dated December 30, 1992. The Phase II TAG investigation included excavation of nine test pits in the northeast corner of the site to determine whether and what materials had been buried on the site and a laboratory analysis of discolored soils found in some of the test pits. The Phase II report concluded that "the risk of environmental contamination from the dumping of refuse on the subject property is low." TAG Phase II Report at page 4. The TAG reports are part of the record of the Final Development Review.

On February 2, 1993, the applicant submitted a somewhat modified version of the Planned Development, (reduced from 25 to 22 units) for administrative review as required by MCC 11.15.6206, the Design Review provisions in MCC 11.15.7850 and .7855, and the Revised Final Order. Notices of an administrative approval were mailed out March 17,

1993. On March 22, 1993, the staff report and findings constituting the administrative approval for the revised project, were signed by Mark Hess.

The administrative approval was appealed on March 29, 1993. Six alleged errors were described in one or two sentences each. The \$100.00 Appeal Fee allowed by ORS 215.416(11)(b) was waived by the County Commission as part of Condition #5 in its Revised Final Order for PD 2-91.

On May 3, 1993, a hearing was held on this appeal. At that time, both parties testified. The appellants asked for and were granted a continuance of the hearing to June 3, 1993. Both sides were allowed to submit additional evidence and argument up until May 17, 1993. An additional two weeks were allowed for the submission of rebuttal evidence and argument, through and including 1 June 1993 (allowing for the 31 May Memorial Day holiday.)

On May 17, 1993, the appellants submitted a 4-page document entitled "Appellants' Hearing Memorandum On Remand Of PD 2-91 And Administrator's Decision Approving DR 2-93" (hereafter, "App. Memo") alleging specific errors in law and procedure, but not offering any new evidence. As I analyzed the memo and clarified it with the appellants' attorney, it identified eleven separate issues as grounds for reversal or modification of the Planning Director's decision. On June 1, 1993, the applicant's representatives submitted two letters, eight pages in combined length, offering rebuttal argument, but no new evidence.¹

The continuation of the hearing on June 3 lasted for slightly less than 3 hours. On the following day, as arranged with the parties at the close of the hearing, I conducted a site visit, attended by the applicant, his architect and engineer and the attorney for the appellants. I closed the hearing at the end of the site visit.

Subsequently, I reopened the record and continued the hearing in order to address the question of the meaning of "adequate soil compaction" standard in Condition 5 and the evidence addressing this standard.

On June 10, I issued this decision.

¹ Mr. Lutje noted that Mr. Trotter hand delivered the applicant's comments to the County and me but mailed his rebuttal to him. As a consequence, he did not receive them on June 1. However, when questioned he did not claim any prejudice and did not request additional time to respond to the rebuttal.

**III. ERRORS ALLEGED AS GROUNDS FOR REVERSAL OR MODIFICATION
OF THE ADMINISTRATIVE DECISION**

- A. Alleged Procedural Error: The County Failed To Comply With Condition 7 And ORS 197.763 Because The Notice Of The Administrative Decision Failed To Announce A Public Hearing In Order To Address A Modification Of The Site Plan Required By The Fire Marshall.**

MCC 11.15.6206(B) provides:

Approval by the Planning Director of the Final Development Plan and Program shall be based on findings by the Director that the following are satisfied:

- (1) The final Plan and Program are consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto by the Planning Commission;*
- (2) The Development Standards of MCC .6210;*
- (3) The criteria of MCC .7850 and the standards of MCC .7855.*

Condition #7 of the Final Revised Order in PD 2-91, provides:

7. *The Final Development Plan (with revisions to 22-spaces) must be reviewed and approved by Fire District #10. If the Fire District requires any changes to the plan, the amended plans must be reviewed and approved by the Planning Commission. Before reviewing any Fire District recommendations to modify the site plan, the Planning Commission shall conduct a hearing after notice to affected parties in accordance with ORS 197.763.*

Revised Final Order at pages 16-17.

The appellants' hearing memorandum alleges a procedural error arising under MCC 11.15.6206(b)(1), relating to defective notice, as follows: "The May 3, 1993 Staff Report cites to modification made to the plan pursuant to input from the Fire Marshall. The March 17, 1993 Notice of Administrative Decision failed to announce a hearing as required by the Board * * * ." App. Memo at page 2.²

² During the June 3 hearing, the appellants confirmed that they were not challenging the substitution of the Hearings Officer for the Planning Commission.

The applicant rejects this argument on two grounds. First, he contends the Fire Marshall's concerns about street widths and placement of a hydrant, were addressed by **clarifications** about the proposal and the renderings, clarifications which did not necessitate any changes to the proposal.³

Second, the applicant argues the Fire Marshall's comment was a recommendation (employing the word "should") rather than a requirement. Since no changes to the plan were required, the applicant contends no public hearing was required under the terms of Condition 7. I find this defense is based on an inaccurate reading of Condition 7.⁴

I find no error has been committed, but for a reason more fundamental than the first one offered by the applicant. I believe Condition 7 was imposed in response to LUBA's decision in the *Rhyne* case. The error LUBA identified in its opinion was the County's deferral of possibly discretionary fact finding and decision-making to a subsequent administrative proceeding, where there would be no notice and no opportunity to participate:

Where the evidence presented during the first stage approval proceedings raises questions concerning whether a particular approval criterion is satisfied, a local government essentially has three options potentially available. First, it may find that although the evidence is conflicting, the evidence nevertheless is sufficient to support a finding that the standard is satisfied or that feasible solutions to identified problems exist, and impose conditions if necessary.[footnote omitted] Second, if the local government determines there is insufficient evidence to determine the feasibility of compliance with the standard, it could on that basis deny the application. Third, if the local government determines that there is insufficient evidence to determine the feasibility of compliance with the standard, instead of finding the standard is not met, it may defer a determination concerning compliance with the standard to the second stage.[footnote omitted] In selecting this third option, the local government is not finding all applicable approval standards are complied with, or that it is feasible to do so, as part of the first stage approval (as it does under

³ The applicant clarified that the 26 foot widths with mountable curbs satisfied the 28' foot parking-on-one- side minimum width and the hydrant was always there, just not shown on the drawing. Trotter at pages 1 and 2.

⁴ The public hearing provision in Condition 7 is not predicated upon the imposition of required changes in the site plan by the Fire District; it requires a public hearing in order to consider recommendations by the Fire District to modify the site plan. A suggestion that the site plan "should" be modified is a recommendation.

provides the statutorily required notice and hearing, even though the local code may not require such notice and hearing for second stage decisions in other circumstances. Holland v. Lane County, 16 Or LUBA 583, 596-597 (1988).

Rhyne, supra, at 8-9.

In summary, we agree with petitioners that in this case the county selected the third of the options described above but failed to assure that the statutorily required notice and hearing will be provided in determining, as part of the second stage PD decision, whether the hazard limitation standard is met. We therefore sustain the first and second assignments of error.

Rhyne, supra at 11.

I believe Condition 7 was intended to prevent the County from making a decision requiring the exercise of judgment, without having to hold the public hearing mandated by ORS 215.416(3). This is confirmed by a reading of Condition 5, (quoted in full below at III.D.) which states: "Any decision by the Director on the soils, site hazards, or the Final Development Plan, shall include notice and opportunity for a hearing before a Hearings Officer as provided in ORS 215.416(11)." Revised Final Order at 16. ORS 215.416(11) is the provision which authorizes a county to:

approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for appeal of the decision to those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected or aggrieved by the decision. Notice of the decision shall be given in the same manner as required by ORS 197.763 or ORS 197.195, whichever is applicable.

The County fulfilled this duty by providing notice of its administrative decision and an opportunity for a public, evidentiary hearing, on appeal from that decision. Condition 7 of the Revised Final Order, ORS 197.763 and 215.416(3), do not require more than what the County has provided.

I also find the appellants were not prejudiced by announcing the opportunity for a hearing on appeal as distinct from announcing a public hearing absent an appeal. The appellants have appeared and participated fully.

B. Alleged Procedural Error: The County Failed To Identify All Of The Applicable Criteria In Its Notice Of The Public Hearing.

The appellants contend that " * * the Notice of Public Hearing for the May 3, 1993 Hearing failed to comply with ORS 197.763(3), by, among other things, failing to properly list all the criteria by which the hearing would be governed. Thus the County has failed to adequately comply with Board Condition of Approval 7." App. Memo at 2.

At the 3 June hearing, appellants' representative identified the criteria which they believe were improperly omitted from the notice as Conditions 5 and 7 in the Final Revised Order of September 22, 1992.

I find no error, for three reasons.

First, ORS 197.763(3) specifies that the notice shall "(b) List the applicable criteria from the ordinance and the plan that apply to the application at issue;". LUBA has read this provision literally, as requiring only a listing of the criteria in the ordinance and plan; it does not require a listing of other criteria, such as criteria in state statute. *ODOT v. Clackamas County*, ___ Or LUBA ___ (LUBA No. 92-062, slip opinion of 22 June 1992) at 6. The statute does not require the listing of criteria contained in conditions of a prior proceeding.

Second, the notice quoted MCC 11.15.6202(B)(1) in full, informing the recipients that the hearing would consider whether or not *(1) The final Plan and Program are consistent with the approved Preliminary Development Plan and Program and the modifications or conditions attached thereto by the Planning Commission;*. The notice therefore listed the conditions of approval as criteria governing the decision, even if it did not quote those conditions. This satisfies ORS 197.763.

Third, Conditions 5 and 7 did not establish additional criteria, they specify procedures by which the review would be conducted and allow the Planning Director to require the submission of additional information addressing the criteria in the Code and Plan. The statute requires the notice to list the criteria by which an application will be judged but it does not require the notice to describe the applicable procedures.

C. Alleged Procedural Error: Failure To Hold A Public Hearing Instead Of Offering The Opportunity For A Hearing On Appeal.

During testimony, the appellants alleged that it was an error to substitute the opportunity for a hearing on appeal for an automatically scheduled hearing.

As explained under the preceding allegation of error, state procedural statutes do not require a public hearing on all applications for permits; the County may choose to make an

administrative decision first, subject to public review through a *de novo* hearing on appeal. The County Code does not require a public hearing prior to a decision on an application for a final development review. MCC 11.15.6202(D); .8115(A), (E).

The only basis for contending that a public hearing should have been scheduled without an appeal is Condition 7 of the Revised Final Order. A condition cannot take legal precedence over the procedural provisions of the zoning ordinance. In any event, because a public hearing was held, although not automatically, I find no prejudice to the appellants.

D. Alleged Error: Failure To Comply With MCC 11.15.6206(B)(1) (Consistency With The Approved Preliminary Development Plan) In That Final Development Review Did Not Require Testing For "Adequate Soil Compaction" By An Engineering Geologist.

Appellants contend "the Planning Director, in his Administrative Approval of DR 2-93, has failed to comply with the requirements imposed by the Board by not having a registered soils engineer perform a soil compaction analysis * * * ." App. Memo at 1.

Condition 5 of the Final Revised Order, provides

5. *All existing fill areas proposed for roads, building foundations or other facilities requiring a compacted base, shall be tested by a registered soil engineer to demonstrate adequate soil compaction and environmental safety as determined by the Planning Director as part of the Final Development Plan review. Any decision by the Director on the soils, site hazards, or the Final Development Plan, shall include notice and opportunity for a hearing before a Hearings Officer as provided in ORS 215.416(11). The Director may require excavation and/or additional soils test for stability, density or toxicity, to assure filled and other areas on the site are suitable and safe for placement of the residences, site improvements, and approved uses. No appeal fee shall be charged for appeal under this paragraph.*

Condition 5, Revised Final Order at 16.

During the course of the hearing, two issues arose under the appellant's argument; what is a "soils engineer" and whether there had been "a compaction test", sufficient to satisfy Condition 5. While the second issue may obviate the need to address the first issue, for purposes of efficiency I find Mr. Ringnalda qualified to make the necessary

determinations.⁵

In his letter, Mr. Ringnald described his engineering experience, asserted his qualification to evaluate soils and reached the following conclusion:

In summary, I, as a Registered Professional Engineer, with specific experience and training in the area of soils and foundations, having thoroughly examined the project site, have found there are not developmental limitations on any portion of the subject site, and in particular none in or near the filled areas in the northeast corner of the site.

Ringnald Letter of May 25, 1993 at page 3.

Despite the unqualified conclusion, during the course of the site visit on June 4, Mr.

⁵ During the course of the continuance the appellants argued that while the applicant's engineer, William Ringnald, was a registered engineer, he was not a registered "soils engineer." Thus he was not qualified to make the evaluation.

In his letter dated May 25, 1993 and during the continued hearing, Mr. Ringnald contended there is no such thing as a "registered soils engineer," only a certified engineer with experience in soils. He notes that while OAR 820-10-450 provides for the certification of various specialized types of engineers, there is no provision for, or definition of a "soils engineer."

During the continuance, the appellants stated that tests relating to soil qualities were within the province of an Engineering Geologist, as the specialty is defined in ORS 672.505(3). An Engineering Geologist is a "registered certified specialty geologist," ORS 672.505(9) and that Ringnald isn't licensed as an Engineering Geologist.

Mr. Ringnald responded that an Engineering Geologist is a geologist, not an engineer, and would not be qualified to sign the engineering drawings which he has submitted for the project. In this regard, I note the Hillside Development portion of the Code distinguishes between a "Geotechnical Engineer" and a "Certified Engineering Geologist." MCC 11.15.6735(A), (J).

The Commission's terminology is less important than what it intended to accomplish. They wished to be assured that the soil would provide a safe foundation for construction. Since such analyses are typically carried out by engineers at the building code compliance stage, I find that a certified engineer with experience in road construction and the preparation of foundations for structures, would be qualified for this work.

Ringnalda stated that "We haven't done a compaction test as such," but stood by his opinion that the material would provide adequate support for buildings, based on his knowledge of the soils excavated from the pit, which were identical, in his opinion, to soils on other parts of the property.

Mr. Trotter and Mr. Ringnalda also stated that compaction tests would be done prior to construction of the road and placement of the manufactured houses, as required by the building code (which is incorporated by reference into the County Code. MCC 9.10. See also MCC 11.15.2708(J)(2) and .7715(K)(2).)

I agree with the applicant's representatives that such tests are typically done as part of building code compliance review. However, I do not have the authority to modify the plain wording of the County Commission, which specified that a compaction test shall be done *as part of the Final Development Plan review*. Nor do I regard Mr. Ringnalda's generalized evaluation of the soil stability as a substitute for the engineering test he described during the site visit.

I find that Condition 5, which applies to the northeastern part of the site, has not been fulfilled.

There has been uncertainty concerning the area which may have been filled and thus the extent of the area which must be tested. Based on my site inspection, a review of the TAG report and the absence of objections by the appellants to the area identified as the "area of reported dumping" in the TAG Phase I Report at Figure No. 2, (which consistent with the test pits dug in Phase II, Phase II TAG Report at Figure No. 3) I find that the "northeast corner" for which testing is required is the area bounded by lots 6, 7, 13 and 14 and the portions of Reedway Place between those lots, as shown on the Revised Site Plan dated April 5, 1993.

E. Alleged Error: Allowance Of Houses In The Northeast Corner Of The Site Was Inconsistent With The Board's Revised Order.

The appellants note the Final Revised Order stated:

[t]he additional space and separation between the units afforded by this reduction in density can minimize the need to develop or place structures on or near filled areas in the northeast corner of the site.

Final Revised Order at page 10, lines 14 to 18 quoted on page 1 of App. Memo.

Appellants contend "the Planning Director, in his Administrative Approval of DR 2-93, has failed to comply with the requirements imposed by the Board by not having a

registered soils engineer perform a soil compaction analysis and allowing homesites to be placed on or near the northeast corner of the site." App. Memo at 1.

This statement in the Final Revised Order is an observation concerning the benefits of reducing the number of lots, rather than a criterion, which must be satisfied.⁶ In any event, the comment reflected a concern at that stage regarding the two types of potential hazards which might have been posed by the fill; toxic materials in the soil and settling of the soil. The appellants no longer contend that possibly toxic materials dumped on the property create a hazardous condition in violation of MCC 11.15.6214(C), App. Memo at 1-2, so this is no longer an issue in this proceeding. As for the risk of settling, that was addressed by the requirement that compaction tests be undertaken.

I find no grounds for reversal or modification of the Director's decision with respect to the comment on page 10 of the Revised Final Order.

F. Compliance With MCC 11.15.6214(C); Groundwater Flow And Surface Water Contamination

The appellants cite information in the TAG Phase II report concerning the test pit filling with water and environmental contaminants could be transported by surface water runoff from nearby properties onto this site. This information suggests that the are is not "free from hazards" as required by MCC 11.15.6214(C). App. Memo at 2. This subsection is applicable to Final Development Review through MCC 11.15.6206(B). During the hearing, the appellants' attorney identified two potential types of hazard; (1) high groundwater levels; and (2) runoff from the junkyard east of the property might contain contaminants.

(1) High Groundwater Table

The hazards created by a high water table are described in the Findings portion of the County's Comprehensive Plan:

Groundwater table refers to the distance from the earth's surface to the subsurface zone which is permanently or seasonally saturated with water. It is a significant factor in determining the suitability of an area for development, because high water table levels can cause septic tank dysfunction, basement flooding, and seepage into sewer lines. It is also an important factor in surface water drainage. Studies shows that:

⁶ The applicant's architect points out the number of units in the northeast corner of the site has been reduced by one parcel. Trotter letter of June 1, 1993 at page 1.

1. *High water table is defined as groundwater being between 0 and 24 inches below the surface.*
2. *Areas with periodic high water table include parts of Sauvie Island, Columbia South Shore, the area from Gresham city limits to the south County boundary, the West Hills, and Holgate Lake.*

Multnomah County Comprehensive Plan, Volume One, "Findings" at 12.

In addition to these hazards, the appellants argued that high water tables were a threat to the foundations for structures.

I find that the project is not subject to the risks of septic tank dysfunction or flooding of basements because the project will rely on connections to the sewer system (see completed Sanitarian's Review form dated June 21, 1991) and the proposed manufactured homes will not have basements.

With regard to the risk to foundations, this issue will be addressed by the required compaction studies.

I also find there is no "high water table" based on the following evidence:

- The Site Is Outside Identified High Water Table Areas

The site is not within any of the areas identified in the Findings as having a high water table.

- Soils Information

The soils on the property are inconsistent with a high water table:

The soils in this area are Multnomah-Urban land complex. The depth of the silt loam topsoils extends to about 2 feet and is underlain by 2 to 6 feet of very gravelly sand. Below about 5 feet the soils vary from very gravelly to extremely gravelly sand which has very rapid permeability and very low waterholding capacity. These particular soils, with possibly some minor exceptions for the topsoil layers, have a low shrink-swell potential combined with a low shear strength which leads to only slight limitations for residential development where public sewers are used.

Letter from William Ringnalda dated January 29, 1993 describing the soils on site (emphasis added).

- Test Pits

As part of its Phase II investigation, TAG dug eight test pits in the northeastern parts of the site and a control (comparison) pit dug 300 feet to the west. No water was encountered in Test Pits 2 through 8, which were excavated to depths between 5.5 and 12 feet. With respect to Test Pit 1, the report stated: "With the exception of near surface soil, the material excavated from TP1 was observed to be relatively dry. Within several minutes of the completion of the excavation, several inches of water had entered the bottom of the excavation through the excavation walls and floor." TAG Phase II Report at 2.

The applicant's engineer responds that the filling of the test pit was perfectly normal given the 1" rainfall during the preceding 24 hours. Ringnald letter at page 4.

- Site Inspection On June 4

While an inspection of the surface would not necessarily reveal a high groundwater table, extensive surface water after a rainy period (as the area experienced during late May) could be indirect, corroborating evidence of this problem. The site inspection which occurred on June 4, revealed a small puddle, about three feet by 1 foot and one inch deep, located roughly in the vicinity of Test Pit 7, but no other standing water. It had rained during the preceding 24 hours.

Based on this information, I find the applicant has carried his burden of demonstrating the area is not subject to a high groundwater table.

(2) Junkyard Runoff

During the site inspection on June 4, I observed approximately 20 old vehicles, mostly cars, parked on property bordered by SE 136th Avenue and Ramona Street, separated from the applicant's property by a vacant lot or lots, approximately 200 feet in width. Some of the vehicles were covered with tarpaulins. From the edge of the property I observed no sign of contaminants flowing out from the vehicles.

Although it had rained in the previous 24 hours and the vegetation was still very wet, I did not observe any water running from the property where the cars were stored toward the applicant's property. Most of the property with the cars sloped to the north, toward the Springwater Trail. The eastern portion sloped slightly to the east and the northwestern corner sloped slightly to the northwest.

The TAG Phase I report states at page 4 "The site elevation is approximately 250 above mean sea level and slopes gently to the west." However, this is contradicted by the topographical lines on the Tentative Plan Map (page 3 of this report) which shows the property sloping chiefly to the north, with the exception of the northeastern corner which

slopes from 244' in the middle of the property to 238' at the northeastern corner. In other words, any runoff containing contaminants from the cars would have to run along the contours or uphill in order to reach the project site.

Based on the site inspection and topographical maps I find no evidence of contamination from the "junkyard" located to the east.

G. Alleged Error: Failure To Comply With MCC 11.15.6214 and .6216 By Not Requiring Direct Connection To The Springwater Trail.

Appellants contend:

*MCC .6214 and .6216 pertain to the relationship of the Planned Development to the Environment and Open Spaces, respectively. Both sections promote maximization of convenience to neighboring uses and recreation. One of the most advantageous aspects of this potential development is its proximity to the Springwater Trail. Unfortunately, as currently proposed there is not direct access from the Site to the Trail. * * * * Appellants request that the developer be required to install direct access to the Springwater Trail and assure the permanence of such access by the recordation of CC&R's ... as provided in MCC .6214(E) and (F).*

App. Memo at 3. When pressed to identify the specific subsections of MCC 11.15.6214 and .6216 which would serve as the basis for requiring access, the appellants' attorney identified MCC 11.15.6214(D) and .6216(B).

MCC 11.15.6214(D) provides:

(D) The location and number of points of access to the site, the interior circulation patterns, the separations between pedestrians and moving and parked vehicles, and the arrangement of parking areas in relation to buildings, structures and uses shall be designed to maximize safety and convenience and be compatible with neighboring road systems, buildings, structures and uses.

The applicant countered that he opposed providing access to the Springwater Trail because of concerns about maintaining the privacy and security of the manufactured home park. MCC 11.15.6214(C) requires the Development Plan and program to be designed to "offer appropriate opportunities for residential privacy and for transition from public to private spaces." Safety is one of the factors to be considered in determining access in MCC 11.15.6214(D). With regard to the convenience factor in MCC .6214(D), the applicant noted that access to the Springwater Trail was available at 136th, which is less than 1/4 mile from

the intersection of proposed Reedway Place and Ramona Street. Access is also possible where 128th Avenue intersects the trail.

According Staff Planner Mark Hess, Ms. Susan Hathaway of the City of Portland Bureau of Parks informed him on March 11 1993, that the City would prefer that access from the development not be provide to the Springwater Trail because of concerns about increased pet excrement being left on the trail. This was apparently based on the City's experience with access from other manufactured home parks.

The applicant questioned the relevance of MCC 11.15.6216, "Open Space." The subject matter of that section is defined as the "land area used for scenic, landscaping or open recreational purposes **within the development**" (emphasis added.) I agree that MCC 11.15.6216 provides no basis for requiring access to a public trail.

I find no reason for reversing or modifying the Planning Director's decision not to require direct access from this project to the Springwater Trail.

H. Alleged Error: The Applicant Has Failed To "Comply With The Mobile Home Park Approval Criteria Provided Under MCC .7710."

In their Notice of Appeal dated March 26, 1993, appellants assigned as error the applicant's "Failure to comply with the Mobile Home Park Approval Criteria provided under MCC .7710;". This argument was not addressed in the appellants' hearing memo of May 17. The appellants' attorney orally confirmed their waiver of this issue at the 3 June continuance hearing.

I. Alleged Error: The Applicant Has Failed To "Comply With The Mobile Home Park Development Standards Provided Under MCC .7715(E)" Because The Development Approval Appears To Authorize Carports And Storage Structures On Each Parcel.

The appellants argue:

MCC .7715(E) provides that 'the only detached structures located on a mobile home space shall be a carport or a fully enclosed storage building.' Applicant's memo to Mark Hess dated February 12, 1993 states that he intends on allowing both a storage building and a carport. Such development will violated MCC .7715(E) because the provision is written in the disjunctive, allowing either a carport or a fully-enclosed storage building.

App. Memo at pages 3-4.

The applicant's architect clarified the applicant's intention, confirmed by the renderings, that the storage will be part of the carport, despite the footnotes which could be interpreted as contemplating two structures. He also notes that the roof of the carports and the storage areas are connected with the manufactured home and so they are not detached.

Even if the applicant had intended to authorize two detached structures on the lots, a footnote in a memorandum would not affect the County's prohibition on more than one detached structure in MCC 11.15.7715(E). Compliance with this provision will be assured at the siting permit stage.

J. Alleged Error: The Applicant Has Failed To Demonstrate The "Public Interest And Public Need For The Requested Change As Required Under MCC 11.15.8230(D)."

In their Notice of Appeal dated March 26, 1993, appellants assigned as error the applicant failed to provide "A demonstration of public interest and public need for the requested change as required under MCC .8230(D);". This argument was not addressed in the appellants' hearing memo of May 17. The appellants' attorney orally confirmed their waiver of this issue at the 3 June continuance hearing.

K. The County Failed To Comply With The Requirements In ORS 197.475-.490.

The Appellants argue: "The County has not complied with the statutory requirements of ORS 197.474-.490 and therefore cannot comply with the requirement under MCC 11.15.7715 that approval of Mobile Home Parks comply with State standards in effect at the time of construction." Page 3 of May 17 memo.

The staff report admitted that the Planning Division *has not updated or conducted inventories, market analysis, or projections of need as prescribed under ORS 197.480(b)(2) and (3) because DLCD has permitted a deferral of Periodic Review requirements in remaining urban unincorporated areas.* Staff Report of May 3, 1993 at page 18.⁷

I reject the appellants argument for two reasons.

First, nothing in the cited statutes suggest they are to be used as criteria in quasijudicial land use proceedings. They are mandates for the revision of plans and land use regulations. They do not contain standards which can be made directly applicable to

⁷ I believe DLCD and LCDC lack the authority to waive compliance with the applicable deadlines established in ORS 197.480(1) and particularly 197.480(4).

individual permitting decisions. See, as contrast the standard for a dwelling for a farmer's relative's in ORS 215.283(1)(e), which is directly applicable to a county's quasijudicial permitting decision. *Kenagy v. Benton County*, 115 Or App 131, 136, ___ P2d ___ (1992). See also *Forster v. Polk County*, 115 Or App 475, 478, ___ P2d ___ (1992).

Second, the purpose of the statutes is expressed in the Legislative policy articulated in ORS 197.475:

The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings.

The effect of appellants' argument would be to bar the authorization of new manufactured home parks until the necessary analyses were completed. The result would be to frustrate the stated policy behind the legislation.

The County's alleged failure to comply with the statute's planning requirements may be grounds for an enforcement proceeding but I conclude that it is irrelevant to this quasijudicial permitting proceeding.

IV. CONCLUSION

Based on the foregoing analysis, I sustain the appellants challenge to administrative approval of the Final Devevelopment Review, with respect to the applicant's failure to conduct a soil compaction test for the northeastern portions of the site. This portion of the decision is reversed and the matter remanded to the Planning Department.

With respect to the ten other challenges to the administrative approval I find no error with the administrative decision.

10 June 1993


Robert Liberty, Hearings Officer

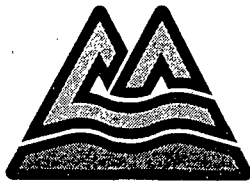
IN THE MATTER OF DR 2-93A

APPEAL TO THE BOARD OF COUNTY COMMISSIONERS

Decisions of the Hearings Officer may be appealed to the Board of County Commissioners (Board) by any person or organization who appeared and testified at the hearing, or by those who submitted written testimony to the record. Appeals must be filed within ten days after the Hearings Officer decision is submitted to the Clerk of the Board [ref. MCC 11.15.8260(A)(1)]. The appeal fee is \$300.00 plus a \$3.50-per-minute charge for a transcript of the initial hearing(s) [ref. MCC 11.15.9020(B)]. "Notice of Review" forms and instructions are available at the Planning and Development Office at 2115 SE Morrison Street (in Portland).

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

The Hearings Officer Decision on this item is scheduled for the Board of County Commissioners review at 1:30 p.m. on Tuesday, June 22, 1993 in Room 602 of the Multnomah County Courthouse. To appeal the Hearings Officer decision, a "Notice of Review" form and fee must be submitted to the County Planning Director on or before 4:30 pm. on Monday, June 21, 1993. For further information call the Multnomah County Planning and Development Division at 248-3043.



MULTNOMAH COUNTY OREGON

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

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

M E M O R A N D U M

To: Robert Liberty, Hearings Officer and Interested Parties
From: Mark R. Hess, Planner
Date: June 18, 1993
Subject: DR 2-93a HEARINGS OFFICER DECISION
(Errata Sheet replacing page 6; Remand order)

Pursuant to your request by 'phone on 6/15/93, the attached errata sheet will replace page 6 of the Hearings Officer Decision for case file: DR 2-93a and dated June 10, 1993. The revision deletes paragraph 6 which began "...Subsequently..." (*sic*). As discussed, this cover memo and errata sheet will be mailed today to the Board of County Commissioners and all parties who received the decision.

Regarding the remand ordered in your decision:

1. The applicant must provide the results of a soil compaction test of the identified filled areas to the Planning Director.
2. Any subsequent Planning Director decision on the adequacy or results of the soil compaction test must include notice to the parties and an opportunity for a public hearing (if appealed) as required by Condition #5 in the Revised Final Order for PD 2-91.

If you have questions on these materials, feel free to call.

BOARD OF
COUNTY COMMISSIONERS
1993 JUN 21 AM 10:03
MULTNOMAH COUNTY
OREGON

1993. On March 22, 1993, the staff report and findings constituting the administrative approval for the revised project, were signed by Mark Hess.

The administrative approval was appealed on March 29, 1993. Six alleged errors were described in one or two sentences each. The \$100.00 Appeal Fee allowed by ORS 215.416(11)(b) was waived by the County Commission as part of Condition #5 in its Revised Final Order for PD 2-91.

On May 3, 1993, a hearing was held on this appeal. At that time, both parties testified. The appellants asked for and were granted a continuance of the hearing to June 3, 1993. Both sides were allowed to submit additional evidence and argument up until May 17, 1993. An additional two weeks were allowed for the submission of rebuttal evidence and argument, through and including 1 June 1993 (allowing for the 31 May Memorial Day holiday.)

On May 17, 1993, the appellants submitted a 4-page document entitled "Appellants' Hearing Memorandum On Remand Of PD 2-91 And Administrator's Decision Approving DR 2-93" (hereafter, "App. Memo") alleging specific errors in law and procedure, but not offering any new evidence. As I analyzed the memo and clarified it with the appellants' attorney, it identified eleven separate issues as grounds for reversal or modification of the Planning Director's decision. On June 1, 1993, the applicant's representatives submitted two letters, eight pages in combined length, offering rebuttal argument, but no new evidence.¹

The continuation of the hearing on June 3 lasted for slightly less than 3 hours. On the following day, as arranged with the parties at the close of the hearing, I conducted a site visit, attended by the applicant, his architect and engineer and the attorney for the appellants. I closed the hearing at the end of the site visit.

On June 10, I issued this decision.

¹ Mr. Lutje noted that Mr. Trotter hand delivered the applicant's comments to the County and me but mailed his rebuttal to him. As a consequence, he did not receive them on June 1. However, when questioned he did not claim any prejudice and did not request additional time to respond to the rebuttal.

MEETING DATE: JUN 22 1993

AGENDA NO: B-2a

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Columbia Park/Edgefield

BOARD BRIEFING Date Requested: June 22, 1993 after planning
Amount of Time Needed: 30 minutes

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: _____

DEPARTMENT: Nondepartmental DIVISION: Commissioner Kelley

CONTACT Sharron Kelley TELEPHONE #: 248-5213
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Bob Oberst, Will Werner

ACTION REQUESTED

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

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

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Sharron Kelley

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

0516C/63

1517L - 57

BOARD OF
COUNTY COMMISSIONERS
1993 JUN 18 AM 9:45
MULTI-NOMINAL COUNTY
OREGON


TROUTDALE'S PARK SYSTEM MAP & BROCHURE


The City of Troutdale's Park system consists of twelve sites located throughout the City. A variety of parks provide recreational opportunities. Park areas are maintained by the Division of Facilities Maintenance of the City of Troutdale. This Division also maintains other public buildings, publicly owned sites, landscape easements, street islands throughout the City and plants street trees in all new subdivisions in Troutdale. Maintenance costs are funded through the general fund from fees and charges and property tax revenues. However, those revenues no longer provide for capital improvements or acquisition.


Several neighborhood parks and greenways were acquired through the subdivision development process during the 1970's and early 1980's. This occurred when developers built a park and then dedicated the park to the City. Recent development has not dedicated acreage to our park system. Future development will provide limited park improvements through system development charges.

Sunrise Park, acquired by the City in 1980, is planned for development in 1994. However, those improvements are not currently funded. Beaver Creek Canyon is partially acquired. Acquisition, trail construction and erosion control are in need of funding. A proposed community-wide park is known as "Columbia Park." Acquisition and park development are dependent upon citizen involvement and support.

The following narrative describes our parks and the projects identified for funding by the 1992 General Obligation Bond Fund.

 **COMMUNITY PARK** - Located on the Sandy River with 9.5 acres, this is the oldest and largest developed park in Troutdale. The Community Building is available for group rental and a Boy Scout Building is located in the park. You can access the Sandy River Beach from this park and large firs provide a cool spot on hot summer days. Picnic tables, restrooms and play equipment provide a family atmosphere. *Planned Improvements - A Picnic Shelter \$25,000.00*

 **HARLOW HOUSE** - 1.4 Acres surrounds a historic museum, the Harlow House. Captain John Harlow, an original Troutdale settler, established the ponds that gave Troutdale its name. The museum operates and is maintained by the Troutdale Historical Society. The Red Barn is a project in progress and once completed will house an Agricultural Museum. *Planned Improvements - Irrigation System on the southeast portion of the site \$4,300.00.*

 **DEPOT PARK** - The Troutdale Facilities Maintenance Division and Troutdale Historical Society share the old Troutdale Railroad Depot. The Historical Society maintains the railroad museum. A pathway meanders down through 2.6 acres of park to the banks of the Sandy River and Beaver Creek. *Planned Improvements - Landscaping, drainage, pathways, benches and tables \$20,000.00.*



HELEN ALTHAUS PARK - This park is named after a longtime member of the Troutdale City Council. This 10 acre site has been owned by the City of Troutdale since the early 1900's and served as the original City Watershed. It was dedicated as a park in 1982. The current water reservoir serves the City water system and provides a basketball court. This natural area has almost one mile of trails through meadow and forest. *Planned Improvements - Trail construction and vegetation to stabilize erosion problems \$10,000.00.*



COLUMBIA PARK - This *proposed site* will include ball fields as its major recreational feature. A forested area can provide trails or jogging paths. *Planned Improvements - Acquisition, utilities and other improvements are dependent upon negotiations with a developer \$80,000.00.*



C.P. PARK - This 1 acre neighborhood park was acquired in 1979 & 1990. This park offers a play structure, basketball half-court and picnic tables to serve its neighborhood. *Planned Improvements - To be selected by neighborhood involvement \$2,500.00 to \$5,000.00.*



KIKU PARK - This park was accepted in 1983 and offers 2.6 acres of recreational fun and easy access to Beaver Creek Canyon. The recreational facilities include a tennis court, basketball court, play structure, lots of open space and a forested pathway that leads to a canyon viewpoint. *Planned Improvements - Benches and others to be selected by neighborhood involvement \$3,000.00 to \$5,000.00.*



LEWELLYN PARK - This park was acquired in 1981 and has two premium tennis courts, a play structure, picnic tables and open play area. The greenway across Lewellyn Avenue uses native shrubs in its landscape. *Planned Improvements - To be selected by neighborhood involvement \$3,000.00 to \$5,000.00.*



SANDEE PALISADES PARK - A neighborhood park since 1980 is located just north of Stark Street and has over 4.6 acres of large open play spaces, a baseball field and play structures installed in 1988. *Planned Improvements - To be selected by neighborhood involvement \$2,500.00 to \$5,000.00.*



SUNRISE PARK - This *undeveloped* City Park is 15.6 acres. Currently it is in the planning process for future development. *Planned Improvements - Grading, seeding, landscaping, pathways and a maintenance facility with public restrooms \$180,000.00.*



WEEDIN PARK - This neighborhood park provides access to Beaver Creek Canyon. Two tennis courts and an open play area provides varied types of recreational activities. *Planned Improvements - To be selected by neighborhood involvement \$2,500.00 to \$5,000.00.*



WOODALE - A newly acquired neighborhood park site that holds challenging design needs for city staff and its neighborhood. *Planned Improvements - To be selected by neighborhood involvement \$10,000.00 to \$22,000.00.*















BEAVERCREEK - This site contains approximately 70 acres of dedicated greenway, 1.5 miles of trails to climb and Beaver Creek. A natural area with access from several neighborhood locations provides unique recreational opportunities. *Planned Improvements - Trail construction, foot-bridge, slope, erosion stabilization and acquisition \$77,000.00.*

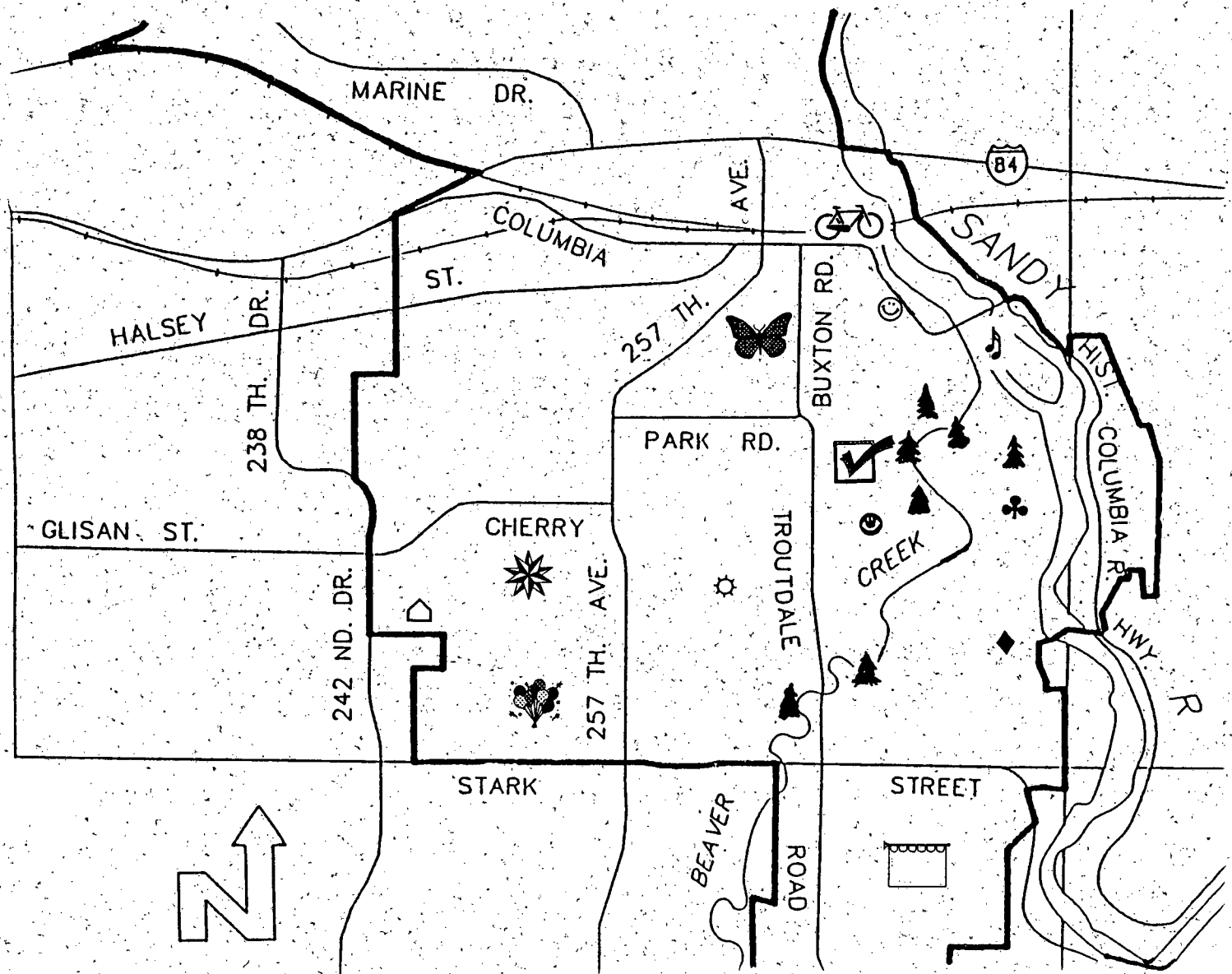
New park and open space acquisition is identified as a priority for the General Obligation Bond Funding of \$150,000.00. The General Obligation Bond total is \$600,000.00. This amount provides for improvements at each neighborhood park and for major improvements at our community wide parks. It makes provisions for funding acquisitions in key areas. The General Obligation Bond Fund can provide matching dollars to grants from Regional, State and Federal Programs.

The City of Troutdale maintains the following developed parks and several natural areas. These include:

Community Park ☺ ☼ ♦ ● ♣	Kiku Park ♥ ● ☼ ☐ ☺
Depot Park ☺ ☼ ♠	Weedin Park ♥ ☼ ♦ ☐
Helen Althaus Park ● ☼ ☺	Sandee Palisades Park ☼ ♦
Harlow House ♠ ☼ ☐ ☺	Lewellyn Park ♥ ☼ ♦ ☺
C.P. Park ● ☼ ♦	Beavercreek Canyon ☺ ☐

● Basketball ♥ Tennis ♦ Playground
 ☼ Picnic Tables ☺ Natural Areas
 ☐ Beach / Creek Access ♠ Museum
 ♣ Building Rental

- | | | | |
|---|--------------------|---|-----------------------------|
|  | BEAVERCREEK |  | LEWELLYN PARK |
|  | COMMUNITY PARK |  | SANDEE PALISADES PARK |
|  | C.P. PARK |  | SUNRISE PARK (UNDEVELOPED) |
|  | DEPOT PARK |  | SWEETBRIAR PARK |
|  | HARLOW HOUSE PARK |  | WEEDIN PARK |
|  | HELEN ALTHAUS PARK |  | WOODDALE PARK (UNDEVELOPED) |
|  | KIKU PARK |  | COLUMBIA PARK (PROPOSED) |



TROUTDALE PARKS

required transcript fee.

Failure to comply with this subsection shall be a jurisdictional defect and shall preclude review by the Board.

- (D) Notice of Review shall be a condition precedent to judicial review of final orders, except in the case of Board review on its own motion.

11.15.8265 Board Order for Review

A Board Order for Review of a decision must be made at the meeting at which the Board's Agenda included a summary of that decision under MCC .8255, unless specifically continued, which continuance shall not be later than the next regular Board meeting on planning and zoning matters.

11.15.8270 Scope of Review

- (A) The Board, upon receipt of Notice of Review or upon its own motion to grant review, shall, at the appropriate meeting, determine whether review shall be:

- (1) On the record; or
- (2) Under subsection (E) below, *de novo* or by additional testimony and other evidence without full *de novo* review.

- (B) Prior to such determination, the Board may conduct a hearing at which the parties shall be afforded an opportunity to appear and present argument On the Scope of Review under subsection (E) below. Notice of such hearing shall be mailed to the parties no less than ten days prior to the hearing.

- (C) Unless otherwise provided by the Board under subsection (D) and (E) below, review of the action shall be confined to the record of the proceeding below, which shall include:

- (1) All materials, pleadings, memoranda, stipulations and motions submitted by any party and received or considered by the Planning Commission or Hearings Officer;
- (2) All materials submitted by the Planning Director with respect to the proposal;
- (3) The transcript of the hearing below;

- (4) The findings and decision of the Planning Commission or Hearings Officer, and the Notice of Review, when applicable.

- (D) When permitted by the Board, review before the Board may include argument by the parties or their authorized representatives.

- (E) The Board may hear the entire matter *de novo*; or it may admit additional testimony and other evidence without holding a *de novo* hearing if it is satisfied that the additional testimony or other evidence could not reasonably have been presented at the prior hearing. The Board shall, in making such decision, consider:

- (1) Prejudice to parties;
- (2) Convenience or availability of evidence at the time of the initial hearing;
- (3) Surprise to opposing parties;
- (4) The competency, relevancy and materiality of the proposed testimony or other evidence.

- (F) *De Novo* Hearing means a hearing by the Board as if the action had not been heard by the Planning Commission or Hearings Officer, and as if no decision had been rendered, except that all testimony, evidence and other material received by the Planning Commission or Hearings Officer shall be included in the record.

- (G) Review by the Board, if upon Notice of Review by an aggrieved party, shall be limited to the grounds relied upon in the Notice of Review under MCC .8260(B) and any hearing permitted under MCC .8270(B).

- (H) At the meeting at which the Scope of Review is determined pursuant to MCC .8270(A) and (B), the Board shall further determine the time and place for the review, which shall not be later than 45 days from the date of the Board determination.

11.15.8275. Notice of Board Hearing

- (A) Notice of Board hearing shall be given in the same manner as required for hearings by the Planning Commission and Hearings Officer



Carrie

MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

HANK MIGGINS
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

PLANNING & BUDGET

PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Dave Warren, Budget Manager *DCW*
DATE: June 22, 1993
SUBJECT: Additional Amendments Proposed for the 1993-94 Budget

MULTNOMAH COUNTY
OREGON
JUN 22 PM 4:55
CLERK OF
COUNTY CLERK'S
OFFICE

Attached are copies of amendments that were not received in the Budget Office in time to be included in the first packed you received on Friday, June 18.

One of these amendments is a carryover amendment, DES 34. It carries over the allocation for equipment ordered by Planning but not expected to be received prior to June 30 -- \$721.

One amendment is a technical amendment, MCSO 24, which has a minor negative impact on the General Fund. The revised indirect cost rate for the Sheriff's Office is slightly lower than the rate used in preparing the 1993-94 Executive and Approved Budgets. This amendment reduces the Sheriff's indirect costs, and this results in a reduction of the net reimbursement to the General Fund of \$10,890.

The remaining amendments are program amendments. They are summarized on the attached sheet.

In addition, I have included a substitute for one of the Sheriff's program amendments that you received last Friday, MCSO 34 Revised (which substitutes for MCSO 34).

MCSO 34, and MCSO 34 Revised both address the civilianization of the Sheriff's property/commissary/laundry and equipment/property functions.

In the Approved Budget, the Sheriff and the Board reduced the Sheriff's Overtime budget by \$257,000, deleted a Sergeant position, and reassigned a Sergeant position based on the premise that the property/commissary/laundry and equipment/property operations could be operated more cheaply by non-sworn positions. Two warehouse workers and a civilian manager were added to the equipment/property unit; a civilian manager was added to supervise the property/commissary/laundry unit. The net reduction in cost was \$180,000.

MCSO 34 Revised eliminates the two civilian manager positions added in April. It restores \$95,000 saved by cutting these positions to Overtime.

The resulting net effect of the civilianization proposal in April and the proposed amendment MCSO 34 Revised is the addition of two warehouse workers to the Sheriff's budget, the elimination of one Sergeant, a net reduction in Overtime of \$162,000, and a net apparent savings to the General Fund of \$180,000. The equipment/property unit will continue to be supervised by a Sergeant (who will not be reassigned), and it is unclear what means of supervision will be exercised over the property/commissary/laundry unit.

T - Technical (no program impact)
C - Carryover of 92-3 authorization
R - Revenue (new, dedicated revenues)
P - Program change

BUDGET AMENDMENT NO. MCSO # 20ADate Proposed 6/18/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSO Fund 100 Budget Pages MCSO-68**Description of Amendment**

Replace CCA funding for the Intensive Supervision program (eliminated in MCSO #20) by increasing the General Fund part of the program, adding back one Corrections Counselor position.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Corrections Counselor	1.00	37,899	10,210	5,821	53,930

Revenue Impact

Increase Service Reimbursement to Insurance Fund	\$5,821
Increase Service Reimbursement to Distribution Fund	1,035

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	025	4116	5100	37,899	Permanent
			5500	10,210	Fringe Benefits
			5550	5,821	Insurance
			6120	1,000	Printing
			6230	1,154	Supplies
			7560	1,035	Mail Distribution
100	045	9120	7700	(57,119)	GF Contingency

Effect on _____ Fund CONTINGENCY \$ _____

BUDGET AMENDMENT NO. MCSO # 24Date Proposed 6/21/93

Date Approved _____

Proposed By Budget & PlanningDept MCSO Fund 156, 169, 180 Budget Pages Various**Description of Amendment**

Reduce MCSO Indirect Costs in Fed/State, MCIJ Levy and Justice Services Special Operations funds. The new rate of 6.08% has been established in the FY 93-94 Indirect Cost Agreement and Cost Allocation Plan.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total

Revenue Impact

Fund	Agency	Organization	Object/ Revenue	Increase (Decrease)	Notes
156	025	3150	7100	(9,798)	Indirect Costs
169	025	3602	7100	(1,362)	Indirect Costs
		3606	7100	(1,064)	Indirect Costs
		3810	7100	(7,306)	Indirect Costs
		3955	7100	(216,600)	Indirect Costs
		3961	7100	(13,071)	Indirect Costs
		4016	7100	(6,243)	Indirect Costs
		4017	7100	(13,209)	Indirect Costs

Effect on _____ Fund CONTINGENCY \$ _____

BUDGET AMENDMENT NO. MCSO # 33ADate Proposed 6/18/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSO Fund 100 Budget Pages MCSO-60**Description of Amendment**

Restore a Chaplain position to the MCIJ Levy Fund cut during the budget approval process.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Chaplain	1.00	29,863	8,045	7,363	45,271

Revenue Impact

Increase Service Reimbursement to Insurance Fund \$7,363
 Increase Cash Transfer to MCIJ Levy Fund 45,271

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
169	025	3810	5100	29,863	Permanent
			5500	8,045	Fringe Benefits
			5550	7,363	Insurance
100	025	3015	7613	45,271	Cash Transfer - MCIJ Levy
	045	9120	7700	(45,271)	GF Contingency
400	050	7531	6580	7,363	Insurance

Revenue

169	025	3000	7601	45,271	GF Cash Transfer
400	050	7040	6610	7,363	MCIJ Levy Fund

Effect on GENERAL Fund CONTINGENCY \$ (45,271)

BUDGET AMENDMENT NO. MCSO # 36Date Proposed 6/18/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSO Fund 100 Budget Pages MCSO-63**Description of Amendment**

The Sheriff's Office Court Services Unit is responsible for delivering prisoners to court and providing security during the times court is in session. The increase in criminal cases in Multnomah County has led to the establishment of two new courtrooms on the 6th floor of the courthouse.

This amendment adds three Deputy Sheriffs to the Court Services Unit to meet this increasing need.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Deputy Sheriff	3.00	95,736	33,833	17,840	147,409

Revenue Impact

Increase Service Reimbursement to Insurance Fund \$17,840

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	025	4030	5100	95,736	Permanent
			5500	33,833	Fringe Benefits
			5550	17,840	Insurance
			6110	3,120	Professional Services
			6230	1,500	Supplies
			8400	3,180	Equipment
100	045	9120	7700	(155,209)	GF Contingency
400	050	7531	6580	17,840	Insurance
Revenue					
400	050	7040	6600	17,840	General Fund

Effect on GENERAL Fund CONTINGENCY \$ (155,209)

BUDGET AMENDMENT NO. MCSO # 37Date Proposed 6/18/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSOFund 100Budget Pages MCSO-13**Description of Amendment**

A Sergeant to lead a Multi-Disciplinary Child Abuse Team is included in the Approved Budget. This amendment adds two Deputy Sheriff positions which were originally included in the Sheriff's budget request, but were unable to be funded in the Approved Budget. This will allow the MCSO to act as a full participant in the MDT project along with other local jurisdictions.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Deputy Sheriff	2.00	63,824	22,555	11,893	98,272

Revenue Impact

Increase Service Reimbursement to Insurance Fund \$11,893
 Increase Service Reimbursement to Fleet Fund 6,571

Fund	Agency	Organization	Object/ Revenue	Increase (Decrease)	Notes
100	025	3125	5100	63,824	Permanent
			5500	22,555	Fringe Benefits
			5550	11,893	Insurance
			7300	6,571	Motor Pool
			8400	22,231	Equipment
		3602	6110	2,080	Professional Services
100	045	9120	7700	(129,154)	GF Contingency
400	050	7531	6580	11,893	Insurance
401	030	5910	6180	6,571	Repairs & Maintenance
Revenue					
400	050	7040	6600	11,893	General Fund
401	030	5910	6600	6,571	General Fund

Effect on GENERAL Fund CONTINGENCY \$ (129,154)

BUDGET AMENDMENT NO. MCSO # 39Date Proposed 6/18/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSO Fund 100 Budget Pages MCSO-62**Description of Amendment**

This amendment will add personnel and equipment dedicated to reduction and/or prevention of security breaches in Multnomah County courtrooms and buildings. It will add four (4) FTE Facility Security Officers as well as metal detectors, x-ray equipment and building modifications at the County Courthouse.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Fac'ty Security Officer	4.00	84,606	22,793	21,068	128,467

Revenue Impact

Increase Service Reimbursement to Insurance Fund \$21,068

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	025	4020	5100	84,606	Permanent
			5500	22,793	Fringe Benefits
			5550	21,068	Insurance
			6230	2,000	Supplies
			8200	62,000	Other Improvements
			8400	69,140	Insurance
100	045	9120	7700	(261,607)	GF Contingency
400	050	7531	6580	21,068	Insurance

Revenue

400	050	7040	6600	21,068	General Fund
-----	-----	------	------	--------	--------------

Effect on GENERAL Fund CONTINGENCY \$ (261,607)

BUDGET AMENDMENT NO. MCSO # 43Date Proposed 6/21/93

Date Approved _____

Proposed By Sheriff SkipperDept MCSO Fund 100 Budget Pages MCSO-52**Description of Amendment**

Add six (6) Corrections Officers to fill one post per shift as a hospital guard for prisoners in custody, but in a hospital. The Sheriff's Office practice has been to fill those posts on an overtime basis. However, the Corrections Branch has determined that two-thirds of the time, there is at least one prisoner in the hospital.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Corrections Officer	6.00	161,484	57,068	33,689	252,241

Revenue Impact

Increase Service Reimbursement to Insurance Fund \$33,689

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	025	3931	5100	161,484	Permanent
			5500	57,068	Fringe Benefits
			5550	33,689	Insurance
			6110	6,240	Professional Services
			6230	3,000	Supplies
			8400	6,360	Equipment
100	045	9120	7700	(267,841)	GF Contingency
400	050	7531	6580	33,689	Insurance

Revenue

400	050	7040	6600	33,689	General Fund
-----	-----	------	------	--------	--------------

Effect on GENERAL Fund CONTINGENCY \$ (267,841)

Date Proposed _____

Date Approved _____

Proposed By R. Scott Pemble

Budget Pages

Description of Amendment

This amendment carries over \$721 for furniture ordered by the Planning Division but will not be received by June 30, 1993.

Revenue Impact

Increases General Fund beginning working capital.

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	030	5220	8400	721	Equipment
100	045	7410	0500*	721	Beginning Working Capital
* Revenue					

\$0

BUDGET AMENDMENT NO. NOND 18

Date Proposed _____

Date Approved _____

Proposed By Paul Sunderland, Chair, OSU Extension Service

Dept Nondepartmental 50 Fund General 100 Budget Pages NOND 90

Description of Amendment

This amendment requests for \$10,925 for the operational support of OSU Extension programs at the North Willamette Research and Extension Center.

This request provides Multnomah County's part of a total effort by North Willamette counties in funding five Extension faculty to work specifically on issues related to ornamentals, small fruits and berries, fresh vegetables, and greenhouse crops.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total

Revenue Impact

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	50	9340	6050	10,925	Supplements

Effect on GENERAL Fund CONTINGENCY \$ (10,925)

June 14, 1993

Handwritten signature
RECEIVED

JUN 16 1993

GLADYS McCOY
MULTNOMAH COUNTY CHAIR

David Warren, Budget Director
Multnomah County Budget Office
20 SW 5th St. Rm. 1400
Portland, OR 97204

Dear David:

Through our Multnomah County Extension Service, I would like to submit the following request for the operational support of OSU Extension Programs at the North Willamette Research and Extension Center to the Board for their consideration.

1. Fiscal support for 1993/94 of the North Willamette Research and Extension Center per established Intergovernmental Agreement (1990) with Washington, Clackamas, Marion, Yamhill, Polk Counties and Oregon State University Extension Service.
Request - \$10,925.00

Multnomah County ranks 17th in the state for farm gate value of agricultural products (\$54 million). That equates into millions of more dollars in jobs, services, and supplies that impact the county. Currently we face issues particular to water quality, water quantity, land-use, pesticide use, crop production, soil erosion, crop marketing, all of which have tremendous impact on the health of our local economy and the well-being of people.

Greater detail follows. This request provides Multnomah County's part of a total effort by North Willamette counties in funding five Extension faculty to work specifically on issues related to ornamentals, small fruits and berries, fresh vegetables, and greenhouse crops.

We are finding that State Video Poker funds can be used for requests of this type. This may present an option for Multnomah County in the use of our county's allocation. Our hope is to provide support to this Extension effort that will strengthen the economy and improve the environment and liveability of Multnomah County.

Thank you for the opportunity to present this request.

Sincerely,

Handwritten signature of Paul Sunderland

Paul Sunderland, Chair

PS/ci

Enc: NWREC Mission Stmt., Ag Commodity Sales

cc: County Commissioners, Ron Mobley, Roger Fletcher, Betsy Williams



OREGON
STATE
UNIVERSITY

211 SE 80th Avenue
Portland, Oregon
97215-1597

Telephone
503-254-1500

Fax
503-252-3598



Agriculture, Home Economics, 4-H Youth, Forestry, Community Development, Energy, and Extension Sea Grant Programs. Oregon State University, United States Department of Agriculture, and Oregon counties cooperating. The Extension Service offers its programs and materials equally to all people.

ADD PACKAGE REQUEST - \$10,925

FOR: Fiscal Support (1993/94) of the North Willamette Research and Extension Center (NWREC) per established Intergovernmental Agreement (1990).

The budget request to Multnomah County through the Multnomah County Extension Service for operational support of Extension agents at NWREC is \$10,925 for five agents serving ornamentals, small fruits and berries, fresh vegetables, and greenhouse crops. The 1993/94 requests to the counties in the NWREC Region include:

<u>County</u>	<u>Total/Agent</u>	<u>Total/ 5 Agents</u>
Clackamas	\$3,245	\$16,225
Marion	3,062	18,580
Multnomah	2,185	10,925
Polk	1,243	6,216
Washington	3,362	16,810
Yamhill	1,949	9,745

The agricultural industry contributes to this financial support of the center and its Extension programs through various commissions. In 1992 commodity groups provided the following financial support to the Extension Service at NWREC:

Blueberries	\$ 800
Caneberries	2,800
Vegetable producers	3,840
Nursery industry	6,400
Strawberries	<u>1,920</u>
Total	\$15,840

Agricultural producers also provide land, equipment, crops, and labor that enable Extension staff to conduct off-station demonstration trials and research projects.

In addition, Extension agents have received the following grants and contracts to conduct applied research and educational programs:

1.	Agricultural Research Foundation	
	a.	Lettuce & Spinach Virus (McReynolds) \$ 1,125
	b.	Nursery (Regan) 3,500
	c.	Boron on Berries (Kaufman) 1,580
2.	IR-A (McReynolds)	
	a.	Pesticide Testing-Caul/Onion 1,500
	b.	Pesticide Testing-Celery/Sw Corn 1,375
	c.	Pesticide Evaluation/Education 4,250
	d.	Pesticide Training 833
3.	OAN (Regan)	
	a.	Nursery Research 3,000
4.	Northwest Christmas Tree Association	
	a.	Christmas Tree Genetics (Brown) <u>2,000</u>
		TOTAL \$19,163

OSU Extension Service will continue to provide \$22,500 for operational support in addition to agent salaries and other payroll expenses. The total cost of the Extension program at NWREC is \$436,142. The request to Multnomah County is \$10,925 or 2.5% of the total budget. That support though comparatively small, is very important and critical to the cooperative agreement between funding sources.

This package enables Multnomah County to be an active partner with other North Willamette Counties in the continued operation of the North Willamette Research and Extension Center receiving benefit of five extension faculty working in commercial horticulture. Our contribution to the health and competitiveness of local growers, processors, nurserymen, and handlers of horticulture commodities benefits all of Oregon.

North Willamette Research and Extension Center

Mission Statement

Research and Extension Service programs at the North Willamette Research and Extension Center expand the frontiers of knowledge in production, processing, and utilization of horticultural commodities to improve economic and ecologic sustainability of the agricultural industry.

Importance of Agriculture to Oregon

- Farm Gate Value	\$2.5 Billion
- Food Processing	1.5 "
- Service Sector	6.5 "
Total	\$10.5 Billion

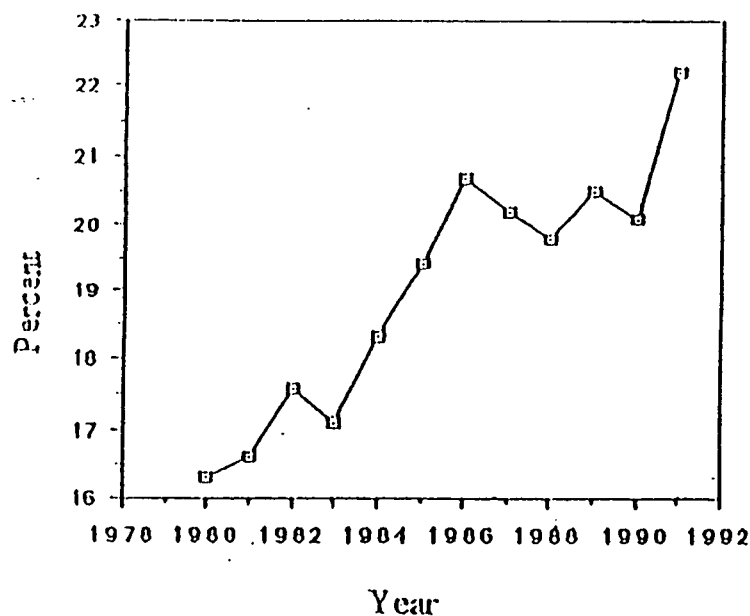
* 27% of Oregon's Gross Economic Effort Is Agriculture

* 20% of Oregon's Jobs Are In Agriculture

Importance of Agriculture to the Metro Area

- Over 20% of Oregon's farm sales come from the Metro Area	
* Clackmas (2)	\$219,258,000
* Multnomah (17)	54,135,000
* Washington (5)	160,942,000
* Yamhill (6)	154,538,000
Total	\$588,873,000

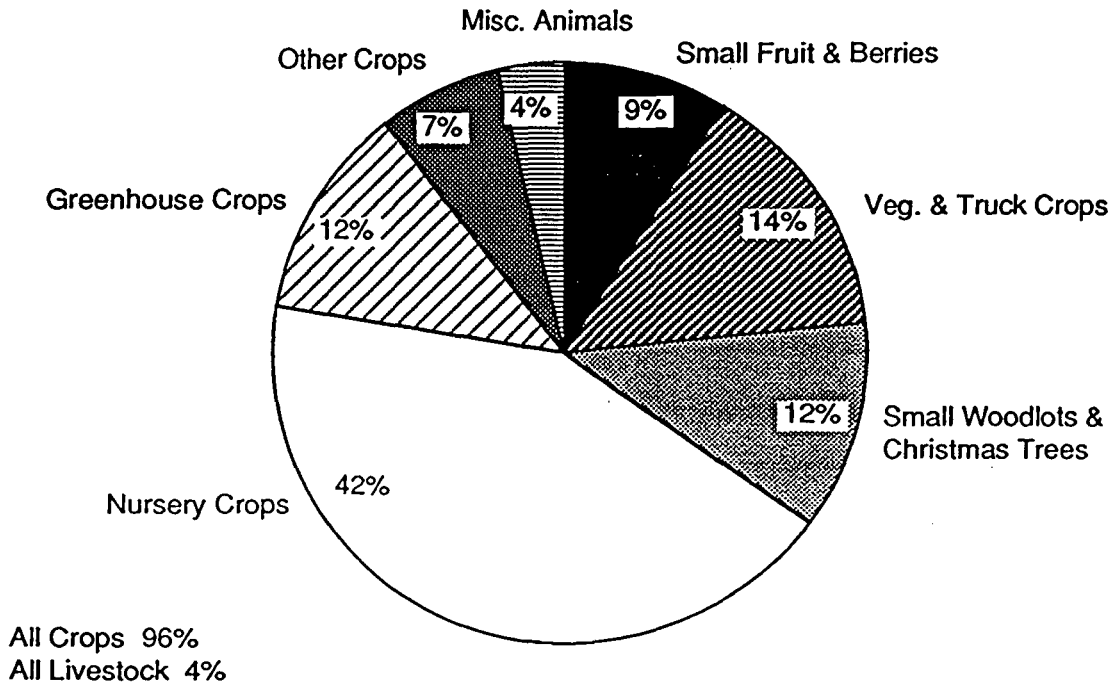
Percent of Oregon Farm Sales from Metro Counties



North Willamette Research and Extension Center
Mission Statement
Page 3-

- The economic health of the metro area depends on agriculture and vice versa
- Agriculture is our leading and most stable natural resource sector

AGRICULTURAL COMMODITY SALES MULTNOMAH COUNTY, 1992p



1992p Sales by Commodity

Small Fruit & Berries	\$ 4,776,000
Veg. & Truck Crops	7,862,000
Small Woodlots & Christmas Trees	6,365,000
Nursery Crops	23,000,000
Greenhouse Crops	6,400,000
Other Crops	3,754,000

ALL CROPS \$ 52,157,000

Misc. Animals \$ 1,978,000

ALL LIVESTOCK \$ 1,978,000

ALL CROPS & LIVESTOCK \$ 54,135,000

Agricultural Sales by Year \$ 000

Year	Crops	Livestock	Total
1990	50,393	2,071	52,464
1991	48,707	1,895	50,602
1992p	52,157	1,978	54,135



Source: Economic Information Office
Oregon State University
December 15, 1992

ITEM	ESTIMATED GROSS CASH FARM INCOME (000) \$		
	1990	1991	1992
GRAINS SUMMARY	848	922	966
HAY AND FORAGE SUMMARY	231	166	185
GRASS AND LEGUME SEED SUMMARY	120	109	153
FIELD CROP SUMMARY	700	401	306
TREE FRUIT AND NUT SUMMARY	300	282	364
SMALL FRUIT AND BERRY SUMMARY	4583	4856	4776
VEGETABLE AND TRUCK CROP SUMMARY	9224	7301	7862
SPECIALTY PRODUCT SUMMARY	34387	34670	37545
ALL CROP SUMMARY	50393	48707	52157
CATTLE	1048	954	995
HOGS AND PIGS	36	26	22
SHEEP AND LAMBS	31	24	36
DAIRY PRODUCTS	637	576	582
MISC. ANIMALS AND PRODUCTS	319	315	343
LIVESTOCK AND POULTRY SUMMARY	2071	1895	1978
ALL CROP AND LIVESTOCK SUMMARY	52464	50602	54135

ITEM	ESTIMATED ACRES		
	1990	1991	1992
GRAINS SUMMARY	4200	3600	3200
HAY AND FORAGE SUMMARY	4300	4300	4300
GRASS AND LEGUME SEED SUMMARY	450	450	450
FIELD CROP SUMMARY	490	300	250
TREE FRUIT AND NUT SUMMARY	160	143	163
SMALL FRUIT AND BERRY SUMMARY	1685	1540	1625
VEGETABLE AND TRUCK CROP SUMMARY	4540	2535	3170
SPECIALTY PRODUCT SUMMARY	90	100	110
ALL CROP SUMMARY	15915	12968	13268

BUDGET AMENDMENT NO. MCSO # 34
Revised

Date Proposed 6/18/93

Date Approved _____

Proposed By Sheriff Skipper

Dept MCSO Fund 100 Budget Pages Various

Description of Amendment

This amendment modifies the civilianization plan included in the Approved Budget. It will:

Replace Corrections personnel in the Equipment Unit with civilian Warehouse Workers

Move a Sergeant commanding MCHJ to an "on-line" position

Cut the P/C/L Sergeant and redistribute the duties

As revised, this amendment will restore overtime cuts and eliminate both civilian manager positions added in the Approved Budget.

Personnel Changes

Job Title	FTE	Base	Fringe	Insurance	Total
Equipment Mgr	(1.00)	(36,279)	(9,774)	(2,329)	(48,382)
P/C/L Manager	(1.00)	(34,750)	(9,362)	(2,230)	(46,342)
Total	(2.00)	(71,029)	(19,136)	(4,559)	(94,724)

Revenue Impact

Increase Service Reimbursement to Insurance Fund (\$581)

Fund	Agency	Organi- zation	Object/ Revenue	Increase (Decrease)	Notes
100	025	3608	5100	(36,279)	Permanent
			5500	(9,774)	Fringe Benefits
			5550	(2,329)	Insurance
		3311	5300	47,920	Overtime
			5500	16,935	Fringe Benefits
			5550	2,923	Insurance
		4016	5100	(34,750)	Permanent
			5500	(9,362)	Fringe Benefits
			5550	(2,230)	Insurance

Effect on _____ Fund CONTINGENCY \$ _____



Carrie

MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

HANK MIGGINS
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

PLANNING & BUDGET

PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Dave Warren, Budget Manager *DW*
DATE: June 10, 1993
SUBJECT: June Budget Sessions

During the April budget hearings, I believe the Board decided to review the budget in June prior to adoption. I would like to suggest the following schedule of meetings to review the decisions made in the budget process, allocate any changed revenues, and look at the amendments proposed by departments and offices. Please let me know if you would like this changed, and I will try to come up with an acceptable alternative.

Tuesday	6/15	2:00 - 4:00 ?	Tax Supervising hearing on 1993-94 Budget
Tuesday	6/22	10:00 - 12:00	Work Session -- General Fund revenue picture and preliminary overview of proposed amendments.
Wednesday	6/23	9:30 - 12:00	Work Session -- policy discussions around proposed amendments and programs suggested by the Board for further review (see the attached list).
Thursday	6/24	1:30 - 5:00	Public Hearing - public testimony about budget allocations and further Board discussion of program issues if needed.
Friday	6/25	9:30 - 12:00	Work Session IF NEEDED - further Board discussion of program issues if needed.
Tuesday	6/29	9:30	Formal Board Meeting - Adopt Budget

c. Department Managers
Sheriff
District Attorney
Auditor
Patrol
attachment



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

HANK MIGGINS
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

PLANNING & BUDGET
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners
FROM: Dave Warren *DW*
DATE: June 10, 1993
SUBJECT: List of Items to be Reviewed at June Budget Work Sessions

This is a list of the items the Board wanted to review at the June Budget Work Sessions.

PROGRAMS ON PRIORITIZED WORK SHEET

At the April 28 work session, the Board went through the exercise of prioritizing adds and cuts that individual Commissioners were willing to support. Most of the high priority amendments were handled before the evening session concluded. Here are the items from that worksheet that were not included in the budget. They are in priority order, and the number following each represents the "score" for these changes. (Remember that the maximum points a program could get was 15)

Restore Inverness Work Crews (10) --(the Board believed that shifting funding to Tax Title would permit this program to continue; actually, the work crew dealing with laundry must be paid for with General Fund or Levy Fund dollars. The total cost of restoring work crews would be \$241,000 for four work crews (bringing the program back to the 1992-93 level). To restore one work crew will cost \$61,000).

Add Hispanic Outreach contribution (7) -- cost \$100,000.

Restore Planning Hearings Officer (6) -- cost \$11,000.

Add one Deputy to the Sheriff's Multidisciplinary Child Abuse Team (6) -- cost \$65,000. The Board included a Sergeant in the budget; this represents the balance of the Sheriff's request.

Restore 12 Probation and Parole Officers (6) -- cost \$600,000.

Add Project Respond contribution (6) -- cost \$72,000.

Restore Animal Control Field Response program (5) -- cost \$102,000.

Restore full Land Use Planning direct mailing allocation (3) -- cost \$5,000. The Board restored \$5,000 of the \$10,000 cut taken by Land Use Planning.

Add Courthouse security equipment and contract (3) -- cost \$261,000.

Items to be Reviewed in June
June 10, 1993

Transfer Hispanic Coordinator from the Chair's Office to DSS (3) -- no net cost.

Restore Parenting Center Outreach Worker (0) -- cost \$48,000.

OTHER ISSUES MENTIONED BY THE BOARD

During the work session, Commissioners also referred to other programs that they wanted to consider in June. Here is a list of those I noted after reviewing the tapes of the April 28 work session and the April 29 hearing where the budget was approved.

Remove the savings from changed statutory requirements for ballot rotation -- estimated savings of \$200,000.

Increase the prices charged at the Title Wave Book Store by 25% -- estimated revenue of \$18,000.

Consider restoration of the Gatekeeper Program after hearing what progress Aging Services has made in securing private funding -- cost \$32,000.

Restore prenatal care at Outside-In cut by the Health Department -- cost \$10,000.

12) 11111
2012

Pulled
Q-7
Q-1 - Q-2
Q-24



CENTRAL CITY CONCERN

Solutions To Homelessness & Chemical Dependency

June 22, 1993

Administrative Office

709 N.W. Everett
Portland, Oregon 97209-3517
(503) 294-1681
FAX (503) 294-4321

The Honorable Hank Miggins
Acting Chair
Multnomah County Board of Commissioners
1120 S.W. Fifth Avenue, Room 1410
Portland, Oregon 97204

Portland Addictions

Acupuncture Center

727 N.E. 24th
Portland, Oregon 97232
(503) 239-0888

Hand-Delivered

Re: Funding for the Hooper Center

Dear Commissioner Miggins:

Hooper Center / CHIERS

20 N.E. Martin Luther King, Jr. Blvd.
Portland, Oregon 97232
(503) 238-2067

We are asking for an additional \$99,868 beyond the amount that has been identified as available by County staff to operate the Hooper Center for 1993-94. We need this funding in order to be able to operate the program at its current levels.

The additional funding is primarily attributable to four budget line items. First, our Workers Compensation rates have increased by 15 percent because we are in the SAIF assigned risk pool. This is beyond our control. Our experience rating -- the number and severity of our injuries -- has improved every year for past three years. Unfortunately, all entities in the assigned risk pool were given this across-the-board rate increase. Second, our utilization rate in Subacute Detox has increased significantly. We have worked hard to take in more clients and to reduce the amount of people leaving the program early. Our success has resulted in higher food bills, laundry bills, and other costs associated with caring for people 24 hours a day. Third, our medical supply costs have increased faster than the general rate of inflation. This would have been a problem in any event; our higher utilization rate in Subacute Detox makes the problem severe. Finally, we have wage increases of between three and five percent (depending on seniority) that will take effect July 1, 1993.

BOARD OF DIRECTORS

Dean Gisvold

Chairperson

George Sheldon

Vice Chairperson

Larry Naito

Secretary

Judith Mandt

Divan Williams, Jr.

Linda Girard

Daniel J. Haftorson

Deborah Wood

Executive Director

The Honorable Hank Miggins
June 22, 1993
Page 2

We have examined our programs vigorously to see if there are opportunities for cost savings. We cannot reduce our "front line" staff levels, since they have been mandated by our Medical Director. In fact, we have just completed the State review for our license, and the review staff expressed significant concern that we are under-staffed. We examined the possibility of reducing management staff. However, with most staff positions responsible for making life and death decisions, we need to have a small enough span of control for staff to receive proper supervision. Reduced supervision, we concluded, posed too great a threat to client welfare.

We have therefore come to the conclusion that we need the extra funding to continue our operations, or be faced with reducing services. Since these services are crucial to the community, we hope the County Commission will agree to the increased funding level. For your information, the County Alcohol and Drug Program staff and the Mental Health, Youth and Family Services Division staff have reviewed our request, and concur in the need for the additional funds to continue the present level of operations.

We apologize to the Commission for bringing this request to your attention so late in the process. Unfortunately, information trickles down to subcontractors very slowly. There is no process for us to build a budget in conjunction with County staff. It is only after the budgets have been largely constructed that we are told how much money may be available to us.

We have been working very hard on Nickel-A-Drink in the Legislature, and are optimistic that it will pass at some level. If it does, and funding is allocated for the kinds of services undertaken at the Hooper Center, we will obviously look to those funds to reduce the County's burden in paying for Hooper services. Also, our request to you was made without knowing if there will be an across-the-board cost of living adjustment given to County subcontractors. Our request does not factor in a County cost of living adjustment, and would be reduced to the extent that one will be available.

I will come to the public hearing on Thursday. Meanwhile, please feel free to call me at 294-1681 with any questions about this letter. I am sorry to have to ask for this funding. However, the services at the Hooper Center are vital to our community. Central City Concern works very hard to provide quality service at the lowest possible cost.

The Honorable Hank Miggins
June 22, 1993
Page 3

We deeply appreciate the care you have for our work and the needs of the people in the community. I very much hope that you will ensure that there is enough funding available for us to continue our program at its current level.

Sincerely,



Deborah Wood
Executive Director

cc: Ed Blackburn
Gary Smith
Norma Jaeger

June 23, 1993

The Hooper Center total projected operating deficit for 1993/94 is \$99,868.32. Assuming that COLAs will be passed on from both Multnomah County and the State of Oregon, that projected deficit would be reduced to \$48,217.67. This number is the result of increased costs to the Hooper Center as the result of Higher utilization and certain personnel costs that are difficult for us to control.

Examples of increased costs:

Workers Compensation	+ \$17,841
Health Insurance	+ 11,224.49
Medical Supplies	+ 5,318.49
Medicine	+ 6,540.
	<hr/>
	+ \$40,923.49

INCREASED UTILIZATION OF SUBACUTE

From July 1991 through April 1992 there were 1,890 admissions to the Hooper Subacute program. For the same period for 1992/93 there were 2,162 admissions or an increase of 14%.

In 1991/92 we averaged about 186 admissions per month. This years increase of 272 admissions then represents an additional 6 weeks worth of admissions compared to last year. By the end of June we expect that this figure will be closer to 2 months worth of increased service.



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
ALCOHOL AND DRUG PROGRAM OFFICE
426 S.W. STARK STREET, 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3696
FAX (503) 248-3379

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

March 22, 1993

Ed Blackburn
20 NE Martin Luther King Blvd.
Portland, Oregon 97209

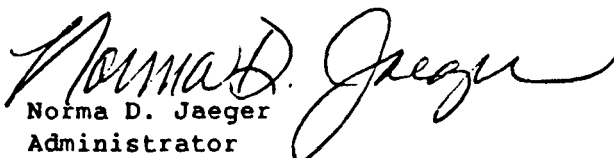
Dear Ed:

I want to take this opportunity to comment on the trend we have observed in the utilization of the subacute detoxification program. It seems, based on preliminary examination of the numbers, that you are consistently having a rate at or above 75% utilization of your beds. I know this has been accomplished with much hard work and creative problem solving on your part and on the part of many other staff. Please know, and share with your staff, that this effort is recognized and appreciated.

It is also worth mentioning that the Detox program is seen as a very important point within the overall system but one which is not always well understood. In this Measure 5 and health care reform climate, it is quite critical that efforts to improve program performance (such as the increased utilization) be made and be effective. Without such efforts it becomes increasingly difficult to just maintain existing levels of funding and virtually impossible to increase funding.

Again, congratulations on your work on the detox utilization rates. It has definitely strengthened your program's position as far as continued funding is concerned.

Sincerely,


Norma D. Jaeger
Administrator