

ANNOTATED MINUTES

Thursday, September 19, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Vice-Chair Lonnie Roberts convened the meeting at 9:30 a.m., with Commissioners Lisa Naito, Serena Cruz and Maria Rojo de Steffey present, and Chair Diane Linn excused.

CONSENT CALENDAR

***UPON MOTION OF COMMISSIONER CRUZ,
SECONDED BY COMMISSIONER NAITO, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)
WAS UNANIMOUSLY APPROVED.***

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 Certification of Multnomah County's Annual Emergency Management Work Plan for Participation in the Federal Emergency Management Agency's Emergency Management Performance Grant Program for Fiscal Year 2003 [Revenue Contract 0310393 with the State of Oregon Office of Emergency Management]
- C-2 RESOLUTION Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

RESOLUTION 02-120.

REGULAR AGENDA **PUBLIC COMMENT**

Opportunity for Public Comment on Non-Agenda Matters. Testimony is Limited to Three Minutes per Person.

***BILL MICHOM, TOM CROPPER AND JOAN
HORTON COMMENTS IN OPPOSITION TO
WILLAMETTE VALLEY POWER CONCEPT AND IN***

***SUPPORT OF PUBLIC UTILITY DISTRICT
APPROACH.***

DEPARTMENT OF COUNTY HUMAN SERVICES

- R-1 Budget Modification CHS_02 Reducing Developmental Disabilities Division Budget by \$602,146 to Reflect Changes in the State Mental Health Intergovernmental Agreement (#26-001) in Financial Assistant Agreement (FAA) #50 Relating to Match for Service Element 48 Case Management, Net Reduction of 11.61 FTE [Continued from August 29, 2002]

***COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-1. HOWARD KLINK EXPLANATION.
COMMISSIONER NAITO STATED THAT SHE
WANTS THE BOARD TO HAVE A DISCUSSION
AND SET POLICY DIRECTION REGARDING
FUTURE STATE CUTS RESULTING IN LOSS OF
FUNDING FOR EMPLOYEES. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.***

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- R-2 First Reading of an ORDINANCE Amending MCC Chapter 33, Land Use Code West Hills Rural Plan Area, to Make Technical Corrections

***ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER ROJO MOVED
AND COMMISSIONER CRUZ SECONDED,
APPROVAL OF FIRST READING. GARY
CLIFFORD EXPLANATION FOR R-2, R-3, R-4, R-5
AND R-6. NO ONE WISHED TO TESTIFY. FIRST
READING UNANIMOUSLY APPROVED. SECOND
READING THURSDAY, SEPTEMBER 26, 2002.***

- R-3 First Reading of an ORDINANCE Amending MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area, to Make Technical Corrections

***ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER ROJO MOVED
AND COMMISSIONER NAITO SECONDED,
APPROVAL OF FIRST READING. NO ONE***

**WISHED TO TESTIFY. FIRST READING
UNANIMOUSLY APPROVED. SECOND READING
THURSDAY, SEPTEMBER 26, 2002.**

- R-4 First Reading of an ORDINANCE Amending MCC Chapter 35, Land Use Code East of Sandy River Rural Plan Area, to Make Technical Corrections

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER ROJO MOVED
AND COMMISSIONER NAITO SECONDED,
APPROVAL OF FIRST READING. NO ONE
WISHED TO TESTIFY. FIRST READING
UNANIMOUSLY APPROVED. SECOND READING
THURSDAY, SEPTEMBER 26, 2002.**

- R-5 First Reading of an ORDINANCE Amending MCC Chapter 37, Land Use Code Administration and Procedures, to Make Technical Corrections and Replace Language Inadvertently Deleted During the Zoning Code Reorganization Enacted by Ordinance No. 953

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER ROJO MOVED
AND COMMISSIONER NAITO SECONDED,
APPROVAL OF FIRST READING. NO ONE
WISHED TO TESTIFY. FIRST READING
UNANIMOUSLY APPROVED. SECOND READING
THURSDAY, SEPTEMBER 26, 2002.**

- R-6 First Reading of an ORDINANCE Amending MCC Chapter 38, Land Use Code Columbia River Gorge National Scenic Area to Make Technical Corrections

**ORDINANCE READ BY TITLE ONLY. COPIES
AVAILABLE. COMMISSIONER ROJO MOVED
AND COMMISSIONER NAITO SECONDED,
APPROVAL OF FIRST READING. NO ONE
WISHED TO TESTIFY. FIRST READING
UNANIMOUSLY APPROVED. SECOND READING
THURSDAY, SEPTEMBER 26, 2002.**

- R-7 PowerPoint Presentation and Consideration of a RESOLUTION Authorizing Acceptance of the Pleasant Valley Concept Plan as Adopted by the Pleasant Valley Concept Plan Steering Committee

COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-7. COUNTY STAFF ED ABRAHAMSON, PLEASANT VALLEY CONCEPT PLAN STEERING COMMITTEE CHAIR JOHN BLISS, AND CITY OF GRESHAM STAFF JONATHAN HARKER PRESENTATION, EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD COMMENTS IN SUPPORT. COMMISSIONER ROJO MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF AMENDMENT ADDING NEW FINDING A, AS FOLLOWS: "IN 1995, MULTNOMAH COUNTY AND THE CITY OF GRESHAM ENTERED INTO AN AGREEMENT (IGA) WHEREIN THE COUNTY RETAINED THE JURISDICTIONAL CONTROL OF THE ARTERIAL AND MAJOR COLLECTOR ROADS THAT SUPPORT REGIONAL TRAVEL IN THE CITY OF GRESHAM." AND NEW RESOLVED 1, AS FOLLOWS: "IN ACCORDANCE WITH THE MULTNOMAH COUNTY 1995 IGA WITH THE CITY OF GRESHAM, THE COUNTY WILL RETAIN JURISDICTION OF THE REGIONAL ROADS, I.E., NEW AND EXISTING ARTERIALS AND MAJOR COLLECTORS IN THE PLEASANT VALLEY URBAN AREA AND RELINQUISH JURISDICTION OF LOCAL ROADS AS THE AREA IS ANNEXED TO GRESHAM." AMENDMENT UNANIMOUSLY APPROVED. RESOLUTION 02-121 UNANIMOUSLY ADOPTED, AS AMENDED.

DEPARTMENT OF HEALTH

- R-8 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-8. LOREEN NICHOLS AND DAVID JONES EXPLANATION. COMMISSIONER ROJO WELCOMED MR. JONES. NOTICE OF INTENT UNANIMOUSLY APPROVED.

The meeting was recessed at 10:30 a.m. and reconvened at 10:35 a.m.

Thursday, September 19, 2002 - 10:45 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

B-1 Power Briefing and Board Discussion. Presentation by Invited Guests.

***MATT WINGARD WITH JOSH FLEMING
PRESENTATION ON BEHALF OF OREGONIANS
FOR JOBS AND POWER, IN OPPOSITION TO
WILLAMETTE VALLEY POWER CONCEPT AND
THE CITY OF PORTLAND ACQUISITION OF
PORTLAND GENERAL ELECTRIC, AND IN
SUPPORT OF LOCAL LEVERAGED BUYOUT,
EMPLOYEE STOCK OPTION PURCHASE, OP-CO
OR PURCHASE BY A PRIVATE UTILITY. MR.
WINGARD RESPONSE TO BOARD QUESTIONS.***

***DAN MEEK, JUDY BARNES AND LIZ TROJAN
PRESENTATION ON BEHALF OF OREGON
PUBLIC POWER COALITION, IN OPPOSITION TO
WILLAMETTE VALLEY POWER CONCEPT AND IN
SUPPORT OF THE CITY OF PORTLAND
ACQUISITION OF PORTLAND GENERAL
ELECTRIC, AND IN SUPPORT OF LOCAL PUBLIC
OWNERSHIP AND CONTROL.***

***BOB JAMES PRESENTATION ON BEHALF OF
WILLAMETTE VALLEY POWER.***

***TIM GREWE, CHIEF ADMINISTRATIVE OFFICER
FOR THE CITY OF PORTLAND, PRESENTATION
REPORTING ON THE CITY'S LEGAL STANDING
AND INTENT TO PURSUE ACQUISITION OF
PORTLAND GENERAL ELECTRIC, ADVISING
THAT CONDEMNATION WOULD BE A MEASURE
OF LAST RESORT. MR. GREWE ADVISED THE***

CITY WILL MEET WITH OTHER JURISDICTIONS TO DISCUSS OPTIONS FOR REGIONAL GOVERNANCE OF SERVICE AREA; AND DISCUSSED BOND INDEBTENESS AND FINANCING OPTIONS. MR. GREWE RESPONSE TO A QUESTION OF COMMISSIONER ROBERTS REGARDING WHY THE CITY OF PORTLAND ACTED SO QUICKLY ON THIS ISSUE.

AT THE REQUEST OF VICE-CHAIR ROBERTS AND UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER CRUZ, CONSIDERATION OF THE FOLLOWING ITEM WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

UC-1 RESOLUTION Authorizing County Participation in Public Acquisition of Portland General Electric

COMMISSIONER NAITO MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF RESOLUTION DRAFT 2. COMMISSIONER NAITO EXPLANATION AND COMMENTS IN SUPPORT, STATING SHE AGREES WITH THE CITY OF PORTLAND THAT CONDEMNATION SHOULD BE THE LAST RESORT; THAT THE COUNTY BOARD WANTS REPRESENTATION AT THE NEGOTIATION TABLE TO PARTICIPATE AND TO BE INVOLVED IN THE ACQUISITION PHASE OF PORTLAND GENERAL ELECTRIC; THAT IT APPEARS THERE IS NO INTEREST IN THE WILLAMETTE VALLEY POWER OPTION AT THIS TIME; THAT THE RESOLUTION LANGUAGE PROVIDES THE OPPORTUNITY TO EXPLORE OTHER OPTIONS; THAT THE GOAL IS TO PURCHASE AT THE LOWEST POSSIBLE PRICE AND PROVIDE RATE EQUITY. COMMISSIONER NAITO EXPLAINED THAT DUE TO THE ENRON BANKRUPTCY PROCEEDINGS, THE MATTER IS MOVING VERY QUICKLY, AND ADVISED THAT THE BOARD HAS SET A PUBLIC HEARING AT 10:00 AM, THURSDAY, SEPTEMBER 26, 2002 IN

**THE MULTNOMAH BUILDING BOARDROOM, TO
ALLOW PUBLIC COMMENT ON THE ISSUE.
COMMISSIONER CRUZ COMMENTS IN SUPPORT
OF RESOLUTION AND NEED TO MOVE QUICKLY,
AND COMMENTS IN APPRECIATION FOR THE
EFFORTS OF COMMISSIONER NAITO.
COMMISSIONER ROJO COMMENTS IN SUPPORT
OF RESOLUTION AND NEED TO MOVE QUICKLY
AND COMMENTS IN APPRECIATION FOR THE
EFFORTS OF COMMISSIONER NAITO.
COMMISSIONER ROBERTS COMMENTS IN
SUPPORT OF RESOLUTION. RESOLUTION 02-122
UNANIMOUSLY ADOPTED.**

There being no further business, the meeting was adjourned at 11:58 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: mult.chair@co.multnomah.or.us

Maria Rojo de Steffey,
Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: serena@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: lisa.h.naito@co.multnomah.or.us

Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: lonnie.j.roberts@co.multnomah.or.us



Streaming Media!

<http://www.co.multnomah.or.us/cc/board.html>

Americans with Disabilities Act Notice: If you need this agenda in an alternate format, or wish to participate in a Board Meeting, please call the Board Clerk (503) 988-3277, or Multnomah County TDD Phone (503) 988-5040, for information on available services and accessibility.

SEPTEMBER 19, 2002

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|--|
| Pg 2 | 9:30 a.m. Opportunity for Public Comment |
| Pg 2 | 9:35 a.m. First Readings on Five Ordinances Authorizing Technical Amendments to Zoning Code Chapters 33, 34, 35, 37 and 38 |
| Pg 3 | 10:00 a.m. Pleasant Valley Concept Plan |
| Pg 3 | 10:30 a.m. Health Department Notice of Intent to Apply for Ryan White CARE Act Title I HIV Relief Grant |
| Pg 3 | 10:45 a.m. Power Briefing and Discussion |
| * | The November 21, November 28, and December 26, 2002 Board Meetings are Cancelled |

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community
Television

(503) 491-7636, ext. 333 for further info

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

Thursday, September 19, 2002 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 Certification of Multnomah County's Annual Emergency Management Work Plan for Participation in the Federal Emergency Management Agency's Emergency Management Performance Grant Program for Fiscal Year 2003 [Revenue Contract 0310393 with the State of Oregon Office of Emergency Management]
- C-2 RESOLUTION Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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DEPARTMENT OF COUNTY HUMAN SERVICES - 9:30 AM

- R-1 Budget Modification CHS_02 Reducing Developmental Disabilities Division Budget by \$602,146 to Reflect Changes in the State Mental Health Intergovernmental Agreement (#26-001) in Financial Assistant Agreement (FAA) #50 Relating to Match for Service Element 48 Case Management, Net Reduction of 11.61 FTE [Continued from August 29, 2002]

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:35 AM

- R-2 First Reading of an ORDINANCE Amending MCC Chapter 33, Land Use Code West Hills Rural Plan Area, to Make Technical Corrections
- R-3 First Reading of an ORDINANCE Amending MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area, to Make Technical Corrections

- R-4 First Reading of an ORDINANCE Amending MCC Chapter 35, Land Use Code East of Sandy River Rural Plan Area, to Make Technical Corrections
- R-5 First Reading of an ORDINANCE Amending MCC Chapter 37, Land Use Code Administration and Procedures, to Make Technical Corrections and Replace Language Inadvertently Deleted During the Zoning Code Reorganization Enacted by Ordinance No. 953
- R-6 First Reading of an ORDINANCE Amending MCC Chapter 38, Land Use Code Columbia River Gorge National Scenic Area to Make Technical Corrections
- R-7 PowerPoint Presentation and Consideration of a RESOLUTION Authorizing Acceptance of the Pleasant Valley Concept Plan as Adopted by the Pleasant Valley Concept Plan Steering Committee

DEPARTMENT OF HEALTH - 10:30 AM

- R-8 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition
-

Thursday, September 19, 2002 - 10:45 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Power Briefing and Board Discussion. Presentation by Invited Guests. 1 HOUR, 45 MINUTES REQUESTED.



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Delma Farrell
Administrative Director

DATE: August 29, 2002

RE: Board Briefing/Meeting Excused Absences

Chair Linn will be out of the office from Thursday September 12 through Friday September 27, 2002. Consequently, she will miss Board Meetings scheduled during that time period.

cc: Laura Bridges, Executive Assistant

MEETING DATE: September 19, 2002

AGENDA NO: C-1

ESTIMATED START TIME: 9:30 AM

LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Certification of Emergency Management's Annual Workplan

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: Thursday, September 19, 2002

AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DBCS

DIVISION: Emergency Management

CONTACT: Doug McGillivray

TELEPHONE #: (503) 793-3305

BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Federal funding for Emergency Management. This is a request for certification of the County's annual Emergency Management work plan for the FY 2002-2003. This certification simply assures State and Federal Emergency Management agencies that we will accomplish those items included in the work plan.

09.19.02 originals to Doug McGillivray

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: _____

M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 400
Portland, Oregon 97214
(503) 988-5000 phone
(503) 988-3048 fax

STAFF REPORT

TO: Board of County Commissioners

FROM: Doug McGillivray, Emergency Management
Mike Oswald, Department of Business and Community Services

DATE: August 28, 2002

RE: Federal Funding for Emergency Management

1. Recommendation/Action Requested:

Approval of the Emergency Management Performance Grant Annual Work plan certification

2. Background/Analysis:

Each year local county Emergency Management agencies throughout the State of Oregon receive an amount of funding that is passed through the State of Oregon Office of Emergency Management (OEM) from the Federal Emergency Management Agency (FEMA). To be eligible for the funds, each applicant jurisdiction must file a certification document that promises that the jurisdiction will accomplish the elements listed in the annual workplan. At the end of the Federal fiscal year (September), each jurisdiction receiving these funds must also confirm that the work was done.

3. Financial Impact:

There is no negative financial impact on the County

4. Legal Issues:

There are no legal issues other than the signing of the certification and the letter assuring completion of the work plan.

5. Controversial Issues:

None

6. Link to Current County Policies:

n/a

7. Citizen Participation:

n/a

8. Other Government Participation:

The cities of Portland and Gresham are also participants in this program and file their own document respectively.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: **0310393**
 Amendment #: _____
 Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached

| CLASS I | CLASS II | CLASS III |
|---|--|--|
| <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) | <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) | <input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-1</u> DATE <u>09-19-02</u> DEB BOGSTAD, BOARD CLERK</p> |

Department: DBCS Division: Emergency Management Date: 8/28/02
 Originator: Doug McGillivray Phone: 503-793-3305 Bldg/Rm: 425/208EM
 Contact: Doug McGillivray Phone: 503-793-3305 Bldg/Rm: 425/208EM
 Description of Contract: _____
 RENEWAL: ☐ PREVIOUS CONTRACT #(S): 0210204
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR # _____
 #/DATE: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE (Check all boxes that apply)

| | |
|--|--|
| Contractor <u>State of Oregon, Office of Emergency Management</u> Address <u>595 Cottage St SE Salem</u> Phone <u>503-378-2911</u> Employer ID# or SS# _____ Effective Date _____ Termination Date _____ Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>60,000.00</u> | Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other \$ <u>15,000.00 quarterly</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No |
|--|--|

REQUIRED SIGNATURES:

| | |
|--|-----------------------|
| Department Manager <u><i>[Signature]</i></u> | DATE <u>8/28/2002</u> |
| Purchasing Manager _____ | DATE _____ |
| County Attorney <u><i>[Signature]</i></u> | DATE <u>8/29/02</u> |
| County Chair <u><i>[Signature]</i></u> | DATE <u>9/19/02</u> |
| Sheriff _____ | DATE _____ |
| Contract Administration _____ | DATE _____ |

(Class I, Class II Contracts only)

| LGFS VENDOR CODE | | | | | | DEPT REFERENCE | | | | | |
|------------------|------|--------|-----|---------|----------|----------------|---------|---------|------------------|--------|---------|
| LINE # | FUND | AGENCY | ORG | SUB ORG | ACTIVITY | OBJ/ REV | SUB OBJ | REP CAT | LGFS DESCRIPTION | AMOUNT | INC DEC |
| 01 | | | | | | | | | | | |
| 02 | | | | | | | | | | | |
| 03 | | | | | | | | | | | |

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

Emergency Management Performance Grant (EMPG)

FY 03 CERTIFICATE

Oregon Emergency Management (OEM) and the County of _____ Multnomah _____, participating in the Federal Emergency Management Agency's Emergency Management Performance Grant (EMPG) Program, hereby agree to cooperate in the implementation and maintenance of an emergency management program that addresses the potential hazards to the jurisdiction in accordance with the funding requirements of the EMPG program.

Minimal basic requirements for participation in the EMPG program include the following elements numbered 1 through 4. These elements will be supported by specific activities identified in the attached Emergency Management Program FY 03 Yearly Work plan which is an integral part of this agreement.

1. Coordination and implementation of a local integrated Emergency Management System in accordance with ORS 401.
2. Review and update emergency management plans, policies, guidelines, and standard operating procedures.
3. Emergency Operations Plans are to be exercised in accordance with FEMA's State and Local Exercise Requirements.
4. EMPG funded Emergency Management Program staff will attend a minimum of twenty (20) hours of related training during the fiscal year.
5. Consistent with local resources and needs, additional activities may be programmed as deemed necessary and appropriate by the Chief Executive Officer.

ADMINISTRATION

The County will submit reports at least quarterly, which list the accomplishment of activities as identified in the Emergency Management Program FY 03 Yearly Work plan. If a deviation from the Work plan occurs, such will be explained in the Activity Narrative Section. Where completion of an activity involves production of a tangible product, e.g., Hazard Analysis, Emergency Guidelines, Training Agenda, etc., a copy of that product will be provided to the Oregon Emergency Management Division with the report of the time period in which it was produced or completed.

All funds must be spent and accounted for in accordance with OMB Circular A 87 and A 102. All funds received through the EMPG Program will be provided on a reimbursable basis. All reports and billing submissions must meet the timelines in the OEM Administrative Rules or a reduction in funding may occur. Exceptions will be handled on a case-by-case basis.

The Chief Executive Officer must approve the Emergency Management Program FY 03 Yearly Work plan and in the final report of the fiscal year must certify completion of the minimum requirements for EMPG funding as set forth above.

Failure to complete these minimum requirements may result in elimination of funding for the following year, a demand for the return of funds for the year covered by this agreement, or both.

CERTIFICATION

We, the undersigned, do hereby certify that we understand the elements 1 through 4 as previously listed are the minimum requirements that must be met in order to qualify for EMPG funding for the 2003 federal fiscal year.

At the end of the fiscal year we will provide certification to OEM that the minimum requirements have been met.

Approved this 19th day of SEPTEMBER, 2002.

MULTNOMAH COUNTY, OREGON

By: Diane M. Linn
Diane M. Linn, County Chair

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 09.19.02
DEB BOGSTAD, BOARD CLERK

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON

By: Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

Douglas J. McGillivray
Director
Emergency Management

ACKNOWLEDGMENTS

The Office of Oregon Emergency Management hereby acknowledges the receipt of the _____ Multnomah County _____ Emergency Management Program Work plan for federal fiscal year 2003 and assures the pass through of available funds for eligible items and activities in compliance with the Federal Emergency Management Agency's requirements for EMPG funds.

Director
Office of Emergency Management

Date

ATTACHMENT: Emergency Management Program FY 03 Yearly Work plan

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **TRAINING AND EDUCATION**

QUARTER:

Development and delivery of training and education activities. Included in this function is formal training designed to teach personnel how to perform specific emergency management job functions, and materials and activities that promote public awareness and educates audiences about all phases of emergency management.

| Activity # | Description | Qtr | Date | Completed |
|------------|-------------|-----|------|-----------|
|------------|-------------|-----|------|-----------|

- | | | | | |
|----|---|---|--|--|
| 1. | Participate in 20 hours of training As outlined in city/county FY02-05 Plans. | | | |
| 2. | Participate in ONE EMPG workshop. | 3 | | |

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY02

FUNCTION: TRAINING AND EDUCATION

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

1st Quarter Comments:

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **PLANNING**

QUARTER:

Development of mitigation, preparedness, response, and recovery plans. Includes vulnerability and hazard avoidance planning and risk assessment. This function also includes supporting government agencies, volunteer organizations, private sector, and organizations with special needs. This includes reviewing, approving and integrating requirements among all agencies and jurisdictions.

| Activity # | Description | Qtrr | Date | Completed |
|------------|---|------|------|-----------|
| 1. | Emergency Operations Plan current And promulgated by approving authority | 2 | | |
| 2. | Hazard Analysis current and updated within the past 10 years. | 3 | | |

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY03

FUNCTION: PLANNING

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

1st Quarter Comments:

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **Domestic Preparedness**

Quarter:

Development of mitigation, preparedness, response, and recover plans. Includes vulnerability and hazard avoidance planning and risk assessment This includes reviewing, approving and integrating requirements among all agencies and jurisdictions.

| Activity # | Description | Qtr | Date | Completed |
|------------|-------------|-----|------|-----------|
|------------|-------------|-----|------|-----------|

There are no formal requirements
in this functional area for FY '03

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY03

FUNCTION: Domestic Preparedness

QUARTER:

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **HAZARD MITIGATION**

QUARTER:

Hazard mitigation is any action taken to eliminate or reduce the risk to human life and property posed by a hazard.

| Activity # | Description | Qtr | Date | Completed |
|------------|-------------|-----|------|-----------|
|------------|-------------|-----|------|-----------|

- | | | | | |
|----|---|---|--|--|
| 1. | Develop a Natural Hazard Mitigation Plan to meet the FEMA section 322 criteria. | 4 | | |
|----|---|---|--|--|

- | | | | | |
|----|---|-----|--|--|
| 2. | Document project performance of any Structure for which FEMA, HMGP, or FMA Funds were utilized which was threatened by a natural hazard | All | | |
|----|---|-----|--|--|

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY03

FUNCTION: HAZARD MITIGATION

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

1st Quarter Comment:

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **RESPONSE AND RECOVERY**

QUARTER:

These activities could be pre- or post-emergency activities that are designed to enable your jurisdiction to respond to and recover fully from all identified hazards in your jurisdiction.

| Activity # | Description | Qtr | Date | Completed |
|------------|-------------|-----|------|-----------|
|------------|-------------|-----|------|-----------|

There are no formal requirements in this functional area for FY'03.

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY03

FUNCTION: RESPONSE AND RECOVERY

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

1st Quarter Comments:

**Emergency Management Performance Grant
PROGRAM WORK PLAN**

JURISDICTION: **Multnomah County**

FISCAL YEAR:

FY03

FUNCTION: **EXERCISE**

QUARTER:

Provides for the design, conduct and evaluation of activities that test the integrated capabilities of organizations to implement their emergency operations plans under simulated emergencies disaster conditions..

| Activity # | Description | Qtr | Date | Completed |
|------------|---|-----|------|-----------|
| 1. | Develop and conduct <u>EITHER</u> a functional or full-scale exercise as outlined in the city/county FY2002-2005 Exercise Plan. | 4 | | |
| 2. | Utilize EMERS or Plan Ahead to report exercises and submit to the State ETO within 30 days of the date of the exercise. | All | | |

NOTE: Use the following page to record comments, explanations, deferrals and "additional" work accomplished.

Activity Narrative

Multnomah County

FISCAL YEAR:

FY03

FUNCTION: EXERCISE

QUARTER:

FUNCTION DEFINITION:

This section should be used to explain completed activities listed on the yearly work plan. List "extra" activities not listed as an activity on the original EMPG Work Plan, to issue an explanation of why an activity was not completed and deferred to another quarter, or any other abnormality in regular EMPG quarterly reporting. You do not need to use a separate "Activity Narrative" page for each quarter. This may serve as an accumulative report.

1st Quarter Comments:

MEETING DATE: September 19, 2002
AGENDA NO: C-2
ESTIMATED START TIME: 9:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Permanent Sewer Tunnel Easement on Tax Foreclosed Property Account R298560 with The City of Portland

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

REGULAR MEETING: Date Requested: 9/19/2002
Amount of Time Needed: N/A

DEPARTMENT: DBCS DIVISION: Housing

CONTACT: Gary Thomas TELEPHONE #: 503-988-3380 x 22591
BLDG/ROOM #: 503/4th/Tax Title

PERSON(s) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Request approval of Permanent Sewer Tunnel Easement Agreement with the City of Portland on Tax Foreclosed Property Account Number R298560 and Approval of RESOLUTION Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

09.19.02 original Easement & copies of all to Gary Thomas

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

501 SE Hawthorne Blvd, Fourth Floor
Portland, Oregon 97214
(503) 988-3590 phone
(503) 988-3330 fax

STAFF REPORT

TO: Board of County Commissioners

FROM: Tax Title, Gary Thomas

DATE: Thursday, September 19, 2002

RE: Request approval to grant a permanent easement for sewer purposes to the City of Portland, Office of Transportation, as part of the West Side CSO (combined sewer overflow) Sewer Tunnel.

1. Recommendation/Action Requested:

Approval to grant a permanent easement on a foreclosed property with Tax Account Number R298560 to the City of Portland, Department of Transportation for public purposes.

2. Background/Analysis:

The subject property came into Multnomah County Tax Title inventory through the foreclosure of delinquent tax liens in June 1966. It is a small triangular shaped strip approximately 125' long located along NW Front AVE and adjacent to 2030 NW 17th AVE a parcel owned and used by Rapid Transfer and Storage. The parcel is approximately 363 sq.ft. in size. The aerial photo of the property shows that Rapid Transfer appears to be using part of the property for the parking of vehicles. It is anticipated that we will sell the property to Rapid Transfer through a private sale but it was the request of the City of Portland that the easement request be granted first. The attached Exhibit A provides the legal description of the property.

3. Financial Impact:

The Tax Title Fund has incurred expenses associated with the preparation of the easement request and preparation of the Board documents. Future costs will include recording of the documents. The City of Portland is offering \$150.00 consideration which should cover our administrative costs.

4. Legal Issues:

No legal issues are expected to develop as a result of this action.

5. Controversial Issues:

None anticipated.

6. Link to Current County Policies:

This property conforms to those policies as outlined in Multnomah County Code Chapter 7.

7. Citizen Participation:

None anticipated.

8. Other Government Participation:

None anticipated.

"EXHIBIT A (STAFF REPORT)"

PROPOSED PROPERTY UPON WHICH AN EASEMENT HAS BEEN REQUESTED

LEGAL DESCRIPTON:

A portion of Lots 16 thru 21, Terminal Block, a part of Watson's Addition to the City of Portland, situated in the southeast one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

Beginning at the point of intersection of the corner common to Lots 21 and 22, with the westerly line of NW Front Avenue; thence S 41°03'53" W along the line common to Lots 22 and 21, a distance of 7.03 feet to a point of non-tangent curvature; thence along the arc of an 1168.28 foot radius curve to the right, through a central angle of 06°17'24", an arc distance of 128.26 feet (the chord bears S 52°04'49" E, 128.19 feet) to a point of tangency on the westerly line of NW Front Avenue; thence N 48°56'07" W along the westerly line of NW Front Avenue, a distance of 128.00 feet to the Point of Beginning.

Containing an area of 300 square feet or 0.007 acres.

[illegible]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

The Multnomah County Board of Commissioners Finds:

- a) The City of Portland, Department of Transportation has requested a permanent sewer easement and a temporary sewer construction easement on real property owned by Multnomah County and described in the attached Exhibit A in connection with the West Side CSO Sewer Tunnel Project.
- b) The grant of an easement on the parcel of land as described in the attached Sewer Tunnel Easement, dedicated to the public for the purpose of constructing, inspecting and maintaining a sewer or sewers through, under, and along said parcel, will benefit the public.
- c) The consideration of \$150 offered by The City of Portland is sufficient.
- d) The County has the authority to grant the easement pursuant to ORS 275.090 (3).

The Multnomah County Board of Commissioners Resolves:

- 1. The attached Sewer Tunnel Easement is approved and the Chair is authorized to execute the same on behalf of Multnomah County.

ADOPTED this 19th day of September 2002.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-120

Authorizing Grant of a Sewer Tunnel Easement to the City of Portland for the West Side Combined Sewer Overflow (CSO) Sewer Tunnel

The Multnomah County Board of Commissioners Finds:

- a) The City of Portland, Department of Transportation has requested a permanent sewer easement and a temporary sewer construction easement on real property owned by Multnomah County and described in the attached Exhibit A in connection with the West Side CSO Sewer Tunnel Project.
- b) The grant of an easement on the parcel of land as described in the attached Sewer Tunnel Easement, dedicated to the public for the purpose of constructing, inspecting and maintaining a sewer or sewers through, under, and along said parcel, will benefit the public.
- c) The consideration of \$150 offered by The City of Portland is sufficient.
- d) The County has the authority to grant the easement pursuant to ORS 275.090 (3).

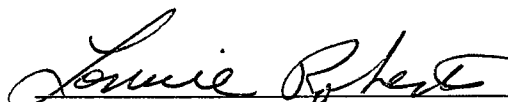
The Multnomah County Board of Commissioners Resolves:

- 1. The attached Sewer Tunnel Easement is approved and the Chair is authorized to execute the same on behalf of Multnomah County.

ADOPTED this 19th day of September 2002.



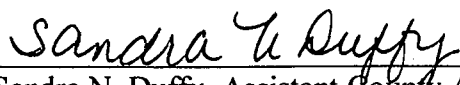
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Assistant County Attorney

EXHIBIT A (RESOLUTION)

LEGAL DESCRIPTION:

A portion of Lots 16 thru 21, Terminal Block, a part of Watson's Addition to the City of Portland, situated in the southeast one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

Beginning at the point of intersection of the corner common to Lots 21 and 22, with the westerly line of NW Front Avenue; thence S 41°03'53" W along the line common to Lots 22 and 21, a distance of 7.03 feet to a point of non-tangent curvature; thence along the arc of an 1168.28 foot radius curve to the right, through a central angle of 06°17'24", an arc distance of 128.26 feet (the chord bears S 52°04'49" E, 128.19 feet) to a point of tangency on the westerly line of NW Front Avenue; thence N 48°56'07" W along the westerly line of NW Front Avenue, a distance of 128.00 feet to the Point of Beginning.

Containing an area of 300 square feet or 0.007 acres.

SEWER TUNNEL EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a Political Subdivision of the State of Oregon, Grantor, in consideration of the sum of One Hundred Fifty (\$150) and no/100 Dollars, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct, operate, and perpetually maintain a sewer or sewers, and sewer tunnel facilities through, under, and along the following described parcel:

R/W #6075-8-T

A portion of Lots 16 thru 21, Terminal Block, a part of Watson's Addition to the City of Portland, situated in the southeast one-quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, more particularly described as follows:

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Containing an area of 300 square feet or 0.007 acres.

IT IS UNDERSTOOD and agreed that public sewer easements include the right of access for construction, inspection, maintenance, or other sewerage system activities.

IT IS UNDERSTOOD and agreed that Grantor reserves the right to use the easement area for any lawful purpose not inconsistent with Grantee's permitted use, including the installation, maintenance, repair, removal, replacement or relocation of underground utilities and services, paths, roadways or driveways, parking lots, shallow-rooted landscaping, and continued operation and development of Grantor's property; Except that Grantor shall not use the area Eight (8) Feet around the circumference of the Tunnel, and shall not install load bearing underground improvements within Thirty-Five (35) Feet above the crown of the Tunnel, as shown on Exhibit B, attached hereto. Grantor further agrees to provide prior notification of its intent to use the easement area for above or below surface installations, which must be approved by the Director of the Bureau of Environmental Services.

1N1E 28DC

After Recording Return to:

106/800/Marcia S. Wilder

Tax Statement shall be sent to:

No Change

INDEMNITY. The City of Portland, to the maximum extent permitted by law and subject to the limitations of the Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify, and save harmless, Multnomah County, its officers, employees, and agents, from and against any and all actual or alleged claims, demands, judgments, losses, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert and escrow fees), fines and/or penalties which may be imposed upon or claimed against Multnomah County and which, in whole or in part, directly or indirectly, arise from the intentional or negligent acts or omissions of City of Portland, its officers, directors, agents, employees, contractors or subcontractors, in the exercise by City of Portland of its rights under this Easement, including the construction and maintenance of City of Portland improvements within the Easement.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface of the soil along the route of said sewer.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the date and year written below.

THE CITY OF PORTLAND

MULTNOMAH COUNTY, OREGON

By: _____
Director, Bureau of Environmental Services

By: _____
Diane M. Linn, County Chair

Date: _____

Date: _____

APPROVED AS TO FORM

REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: _____
Deputy City Attorney

By: Sandra Duffy
Sandra Duffy, Assistant County Attorney

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me the 19th day of September, 2002 by Delma Farrell, authorized signatory for Diane M. Linn, Chair of the Multnomah County Board of Commissioners, to me personally known, on behalf of the County by authority of the Multnomah County Board of Commissioners.

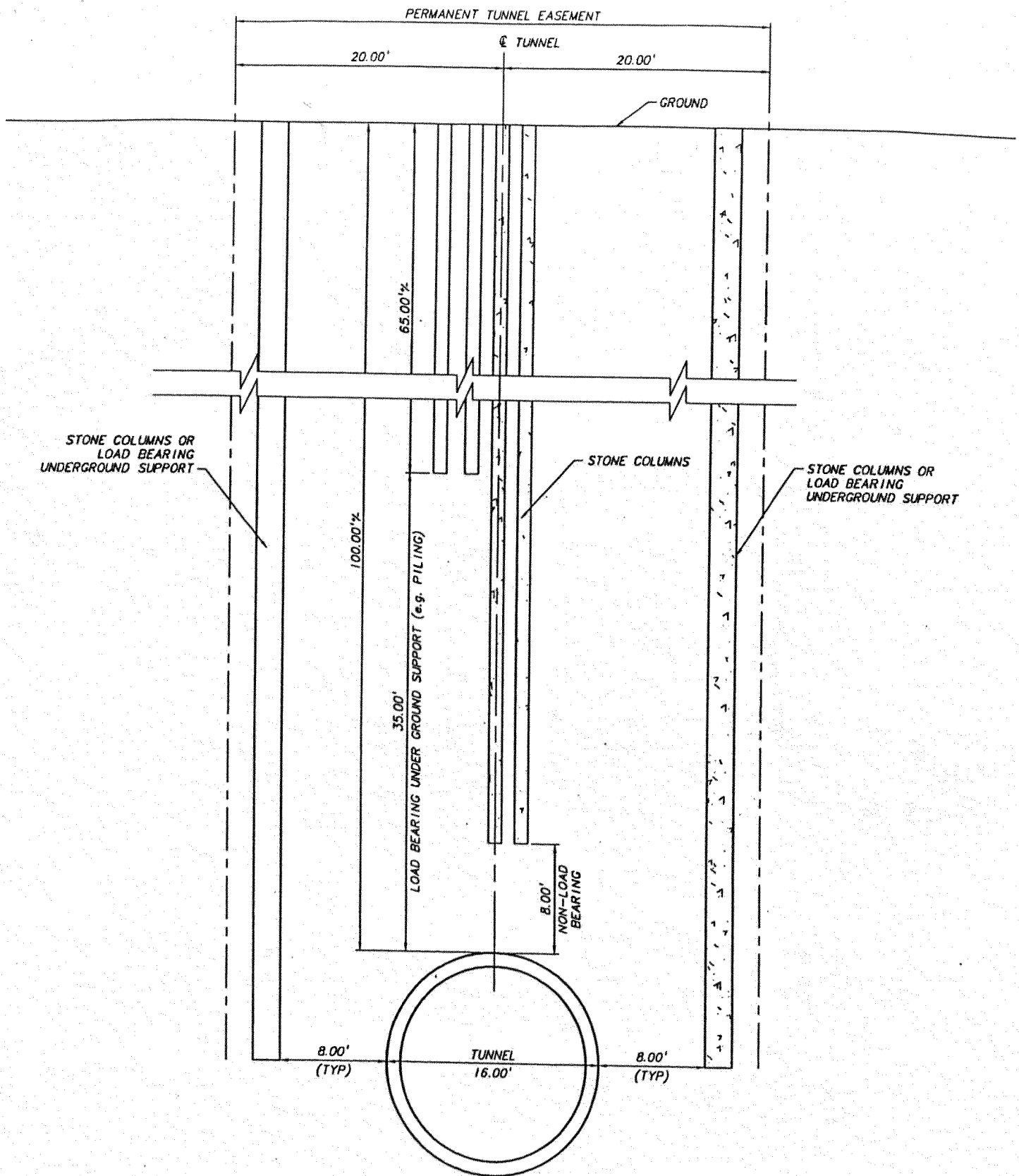
Deborah Linn Bogstad
Notary Public for Oregon
My commission expires: 6/27/05

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me this _____ day of _____ 2002,
by _____ as _____ of the City of Portland.

Notary Public for Oregon
My commission expires: _____

\6075\8-STE



**RESTRICTIONS ON SUBSURFACE DEVELOPMENT
TO AVOID PENETRATING TUNNEL**



SEWER TUNNEL EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, that Multnomah County, a Political Subdivision of the State of Oregon, Grantor, in consideration of the sum of One Hundred Fifty (\$150) and no/100 Dollars, and other good and valuable consideration, to it paid by the City of Portland, a municipal corporation of the State of Oregon, does hereby grant unto said City of Portland, the right to lay down, construct, operate, and perpetually maintain a sewer or sewers, and sewer tunnel facilities through, under, and along the following described parcel:

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1N1E 28DC

After Recording Return to:

106/800/Marcia S. Wilder

Tax Statement shall be sent to:

No Change

INDEMNITY. The City of Portland, to the maximum extent permitted by law and subject to the limitations of the Oregon Tort Claims Act, ORS Chapter 30, shall defend, indemnify, and save harmless, Multnomah County, its officers, employees, and agents, from and against any and all actual or alleged claims, demands, judgments, losses, damages, expenses, costs, fees (including, but not limited to, attorney, accountant, paralegal, expert and escrow fees), fines and/or penalties which may be imposed upon or claimed against Multnomah County and which, in whole or in part, directly or indirectly, arise from the intentional or negligent acts or omissions of City of Portland, its officers, directors, agents, employees, contractors or subcontractors, in the exercise by City of Portland of its rights under this Easement, including the construction and maintenance of City of Portland improvements within the Easement.

THIS INSTRUMENT does not grant or convey to the City of Portland any right or title to the surface of the soil along the route of said sewer.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed the date and year written below.

THE CITY OF PORTLAND

MULTNOMAH COUNTY, OREGON

By: _____
Director, Bureau of Environmental Services

By: Diane M. Linn
Diane M. Linn, County Chair

Date: _____

Date: 9/19/02

APPROVED AS TO FORM

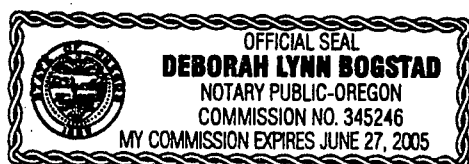
REVIEWED:
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By: _____
Deputy City Attorney

By: Sandra Duffy
Sandra Duffy, Assistant County Attorney

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me the 19th day of September, 2002 by Delma Farrell, authorized signatory for Diane M. Linn, Chair of the Multnomah County Board of Commissioners, to me personally known, on behalf of the County by authority of the Multnomah County Board of Commissioners.



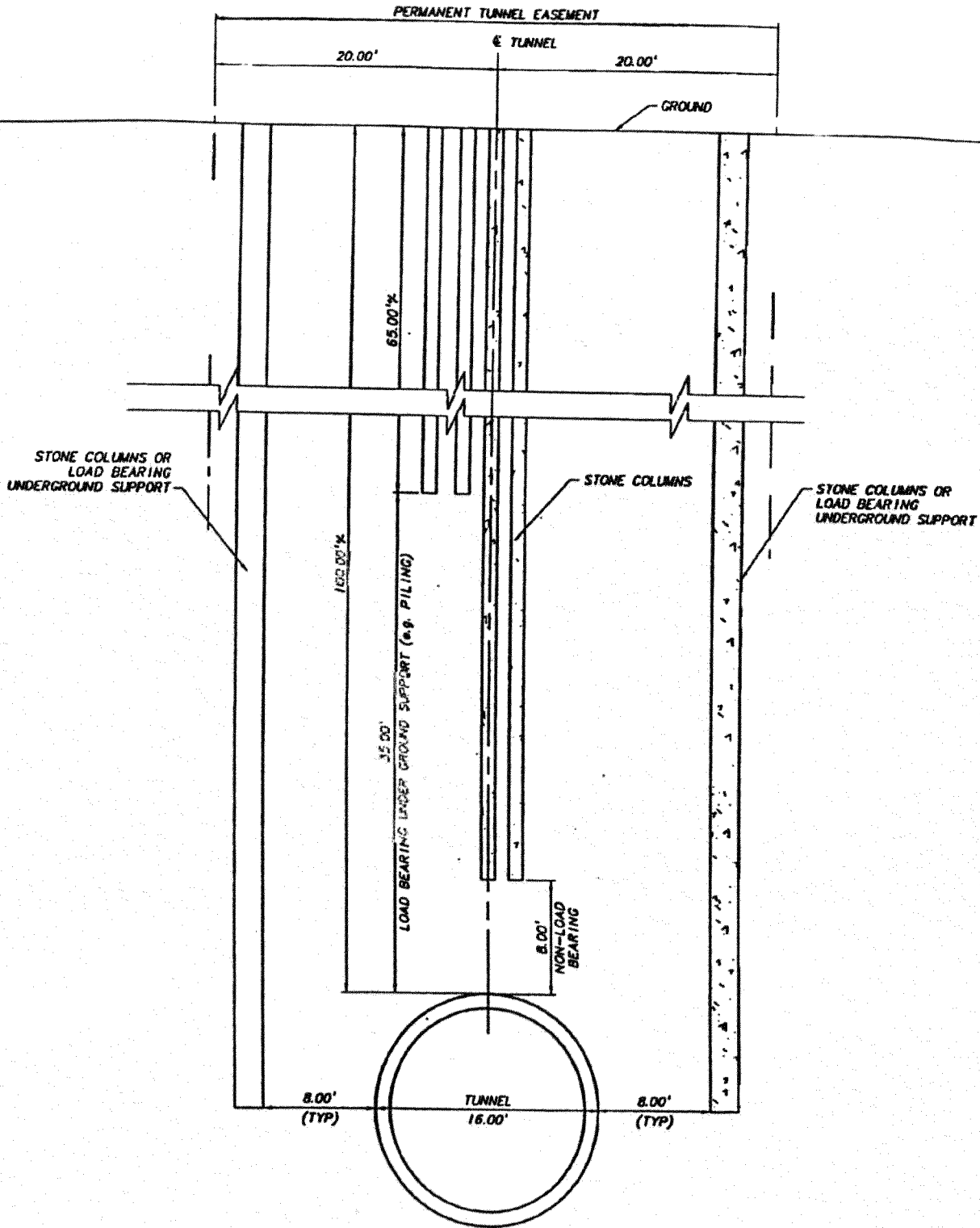
Deborah Lynn Bogstad
Deborah Linn Bogstad
Notary Public for Oregon
My commission expires: 6/27/05

STATE OF OREGON)
) ss
County of Multnomah)

This instrument was acknowledged before me this _____ day of _____ 2002,
by _____ as _____ of the City of Portland.

Notary Public for Oregon
My commission expires: _____

607518-STE



RESTRICTIONS ON SUBSURFACE DEVELOPMENT
TO AVOID PENETRATING TUNNEL

**PB PARSONS
BRINCKERHOFF**
122 400 S.W. Sixth Ave., Portland, OR 97204

CITY OF PORTLAND
ENVIRONMENTAL SERVICES

10 0 5 10 20
SCALE FEET

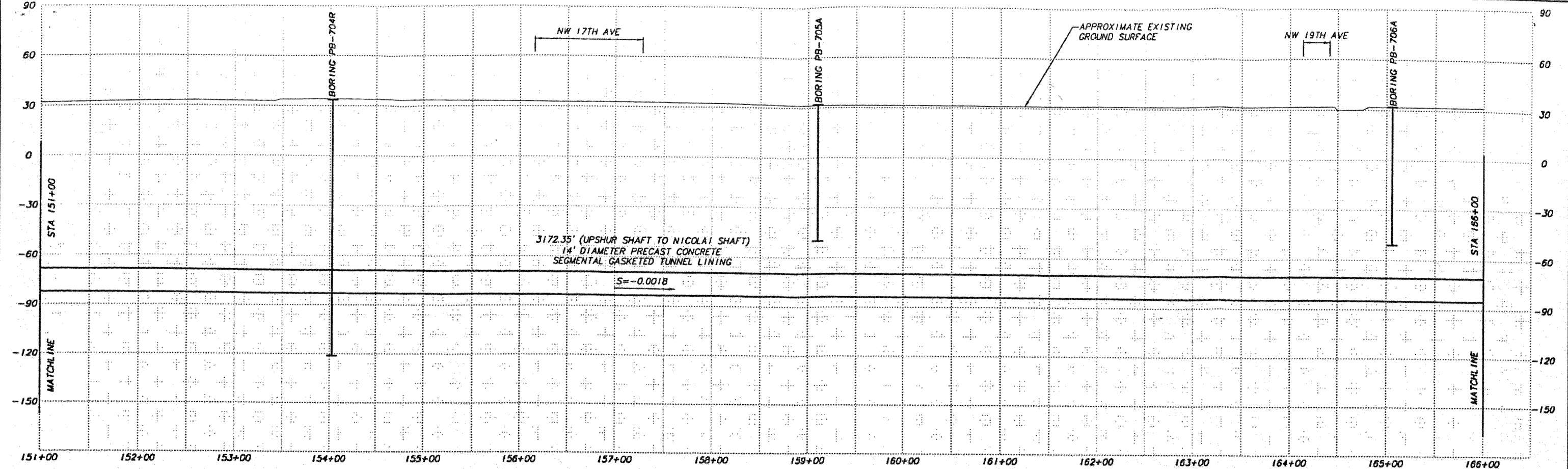


**WEST SIDE CSO TUNNEL
TUNNEL EASEMENT**

EXHIBIT B

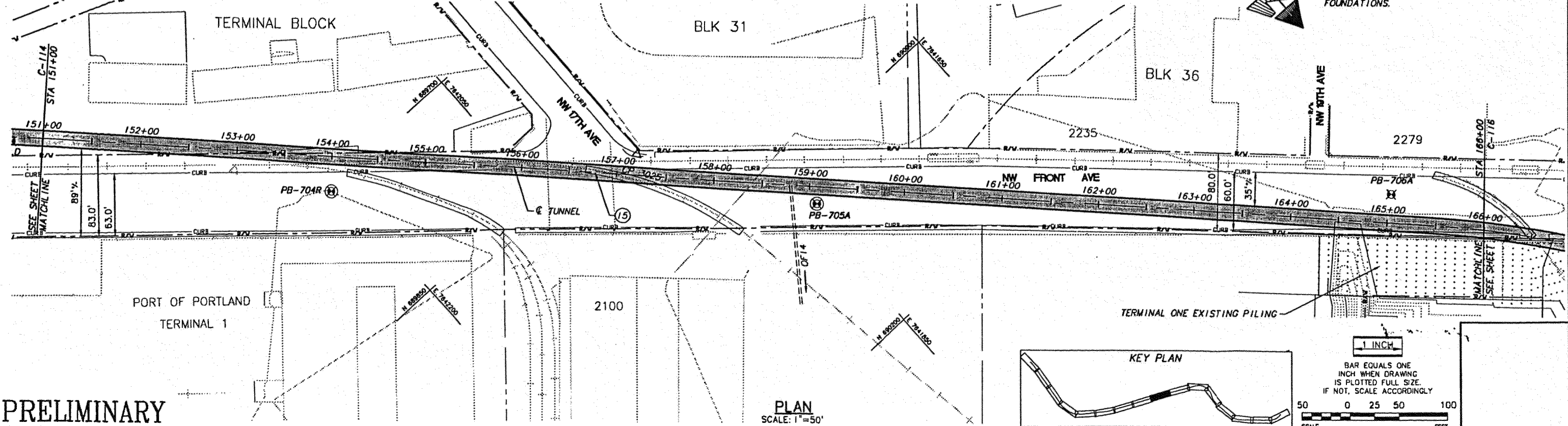
JOB NO.
6680

FIGURE NO.



PROFILE
HORIZ: 1"=50'
VERT: 1"=30'

NOTES:
1. SEE SHEETS J-193 TO J-195 FOR TERMINAL ONE FOUNDATIONS.



PLAN
SCALE: 1"=50'

PRELIMINARY

| | | | | | | | |
|--|--|--|--|---|--|--|--|
| CITY OF PORTLAND ENVIRONMENTAL SERVICES WILLAMETTE RIVER CSO CONTROL PROJECT | | | | WEST SIDE CSO PROJECT TUNNEL PLAN AND PROFILE STA 151+00 TO STA 166+00 | | | |
| DESIGNED BY: [] DATE APPD: [] DRAWN BY: [] PROGRAM MGR: [] CHECKED BY: [] CONST. MGR: [] DESIGN MGR: [] CAD MGR: [] | | | | 1/4 SECTION 2828 JOB NO. 6680 SHEET NO. C-115 -- OF | | | |
| XREF(S) USED: 6680X01, 6680X02, 6680X10, 6680X11 ROTATION ANGLE: 221.32° CONSTRUCTED BY: [] PROJECT COMPLETED: [] MAP CORRECTED BY: [] CHECKED BY: [] FINAL MAP DATA 6680C115.dwg, 12/31/01 at 10:55 | | | | NO. DATE DESCRIPTION APPD. 01/07/02 PROGRESS PRINT REVISION | | | |

#1
✓

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/18/02

SUBJECT: PGE

AGENDA NUMBER OR TOPIC: taking over PGE - Public Comment

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Bill Michom

ADDRESS: 1110 SW Clay #33

CITY/STATE/ZIP: Portland, OR 97201

PHONE: _____ DAYS: 503 916 4102 EVES: SAME

EMAIL: bill@oppc.net FAX: _____

SPECIFIC ISSUE: how to deal with PGE

WRITTEN TESTIMONY: SEE ATTACHED

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BOGSTAD Deborah L

From: Bill Michtom [bill@oppc.net]
Sent: Thursday, September 19, 2002 1:50 PM
To: deborah.l.bogstad@co.multnomah.or.us
Subject: Testimony delivered this morning at the Commission hearing
Deborah:

Below is the testimony I gave to the Commission this morning (September 19, 2002):

My name is Bill Michtom. I am a ratepayer and I am on the Education Committee for the Oregon Public Power Coalition, and I have both education to give and, I hope, to get today.

First, I give you the following information: Collecting signatures to create a People's Utility District is not only easier than taking candy from a baby, it is easier than *giving* candy to a baby.

The desire for a locally-owned and controlled electric utility is a force to be reckoned with. Please don't ignore the voice of your constituents.

Second, I have an open question for the Willamette Valley Power supporters who are, sad to say, officers of the Citizens Utility Board.

Why the unseemly rush to spend top dollar for PGE?

As long as PGE is held in private hands, the citizens of Oregon can acquire it through eminent domain, paying "just compensation," not the high price that an auction would force.

And why do not want - quoting Bob Jenks - "loose talk of condemnation"?

Such talk can only help to *lower* the price of PGE at auction. Why walk into the bidding with one hand tied behind your back?

Why do you misrepresent the process of acquisition of eminent domain, claiming it would take four years to acquire the assets, when the truth is that a PUD would acquire the asses immediately upon providing the amount *it* determined was "just compensation" to PGE?

While the court case resulting if PGE doesn't agree to that dollar figure could take years, the PUD would own the assets immediately.

Finally, why have the people who ostensibly represent the citizens, the ratepayers, become water carriers for PGE creditor Goldman, Sachs?

Mr. Jenks, Mr Bissonnette, I await your answer.

=====

| | |
|--------------|------------------|
| Bill Michtom | michtom@oppc.net |
| Portland, OR | 503 916-4102 |

=====

They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety. - Benjamin Franklin

=====

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept 19, 2002

SUBJECT: PUD and PGE/Enron

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Tom Cropper

ADDRESS: PO Box 880

CITY/STATE/ZIP: Waldport OR 97394

PHONE: _____ DAYS: 541-563-2640 EVES: _____

EMAIL: TomCropper-2000@ychoo.com FAX: ~~563-2640~~

SPECIFIC ISSUE: PGE Purchase by Public

WRITTEN TESTIMONY: Process for establishing regular P.U.D. is established by state law and has been used successfully in the past. Willamette Valley Power proposal is in murky legal waters, because it relies on secret public-private contracts.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 9/19/02

SUBJECT: PGE: WVP vs. PUD

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: John Horton

ADDRESS: 0234 SW Curry

CITY/STATE/ZIP: Portland

PHONE: _____

DAYS: 9 503-228-4468

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I'm for a PUD. I believe electricity should be
publically owned & controlled because it's essential for life.
We've seen what private ownership

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

* For Public Record Purposes - Did not speak

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9/19/02

SUBJECT: Public Question of PGE explanation

AGENDA NUMBER OR TOPIC: UC-1

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: KATHRYN "CHERIE" LAMBERT HOLENSTEIN

ADDRESS: 6141 SE Steele St.

CITY/STATE/ZIP: PORTLAND, OR 97206

PHONE: DAYS: 503-771-5675 EVES: SAME

EMAIL: NA FAX: NA

SPECIFIC ISSUE: Formation of Mult. P. U. D.

WRITTEN TESTIMONY: As one who circulated a PUD initiative during 4 previous election cycles, who saw millions of dollars poured in to defeat them 4 times, who is now circulating a PUD initiative for the fifth time, I strongly urge the MC commissioners to consider a PEOPLE'S UTILITY DISTRICT as the fairest option presented. My services were voluntary.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

September 19, 2002

BUDGET MODIFICATION: **CHS-02**
FY02/03

(For Clerk's Use) Meeting Date: **August 29, 2002**
Agenda No.: **R-1**

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: **COUNTY HUMAN SERVICES**

DIVISION: **N/A**

CONTACT: **CHRIS YAGER**

PHONE: **26777**

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

Don Carlson

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

Budget Modification CHS02 reduces Developmental Disabilities Division budget by \$602,146 to reflect changes in the State Mental Health Intergovernmental Agreement (#26-001) in Financial Assistant Agreement (FAA) #50 relating to match for service element 48 Case Management, net reduction of 11.61 FTE.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Local matching funds are used by the State to match for Title XIX (Medicaid) to increase Service Element 48 (Case Management) funds. FAA #50; received in late May; unexpectedly reduced the amount of matching funds in the Biennium. \$80,214 however; was received in service element 147 Quality Assurance for Intake & Protective Services Program. The State also agreed to convert DD 54 Employment & Alternative Services from FY02 and award the funds in FY03 in DD 48 (\$251,163) to offset the reduction in match.

Budget Modification CHS02 decreases personnel expenditures by \$648,748. The personnel reductions are in Division Administration \$77,916 (1.44 FTE); Crisis & Long-term Services \$197,727 (3.77 FTE); Intake & Protective Services \$115,950 (1.92 FTE); Children's Services \$161,029 (2.88 FTE); and Comprehensive Services \$109,180 (1.92 FTE). In order to accomplish FTE reductions, \$81,867 of Local Admin was moved from Division Administration to Crisis & Long-term Care. A Program Development Specialist position was moved from Medicaid & Quality Assurance to Intake & Protective Services along with associated materials & supplies. Personnel expenditures increase by \$13,053 for a .32 FTE Temporary Case Manager 2 position in Medicaid & Quality Assurance. This modification also reduces associated materials & supplies by \$28,542 in the related programs. Professional services increase by \$22,385 in Intake & Protective Services. Intake & Protective Services Premium increases by \$52,759 with corresponding reduction in personnel identified above. A Case Manager 2 in Children's Services was replaced with a Program Development Specialist in the Crisis and Long-term Care.

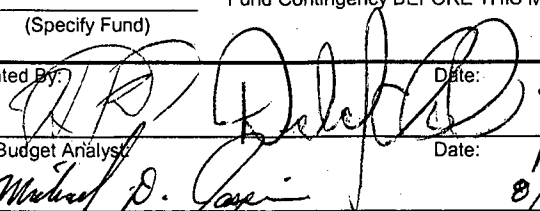
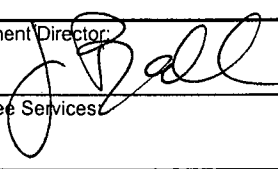
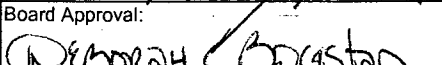
Budget Modification CHS02 decreases services reimbursements from the Fed State fund to the following funds: Insurance Fund by \$129,724; Fleet Fund by \$4,217; Telephone Fund by \$6,504; and Distribution Fund by \$2,082.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

| | |
|--|--------------------|
| Decrease State Mental Health Grant | (\$602,146) |
| Decrease Svs Reim F/S to Insurance Fund | (\$129,724) |
| Decrease Svs Reim F/S to Fleet Fund | (\$4,217) |
| Decrease Svs Reim F/S to Telephone Fund | (\$6,504) |
| Decrease Svs Reim F/S to Distribution Fund | (\$2,082) |
| TOTAL | (\$744,673) |

4. CONTINGENCY STATUS [To Be Completed by Budget & Planning]

(Specify Fund) Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
AFTER THIS MODIFICATION: \$ _____

| | | | |
|---|-----------------------|---|----------------------|
| Originated By:  | Date: 8/19/02 | Department Director:  | Date: 8/12/02 |
| Plan / Budget Analyst: Michael D. Gysin | Date: 8/20/02 | Employee Services: | Date: |
| Board Approval:  | Date: 09.19.02 | | |

BUDGET MODIFICATION CHS_02

EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

| Ln No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|--------|-------------|-----------|-----------------|-------------|-------------|--------------|----------------|----------------|-----------------------------|----------|-----------------------------|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 1 | 20-50 | 81048 | | | DD IPS 48 | 60000 | 0 | (52,759) | (52,759) | | Permanent (706364) |
| 2 | 20-50 | 81048 | | | DD IPS 48 | 60120 | 0 | 52,759 | 52,759 | | Premium |
| 3 | | | | | | | | | | | |
| 4 | 70-80 | 3500 | | 705210 | | 60330 | | (129,724) | (129,724) | | Insurance |
| 5 | 70-80 | 3500 | | 705210 | | 50316 | | 129,724 | 129,724 | 0 | Service Reim Insurance Fund |
| 6 | | | | | | | | | | | |
| 7 | 20-50 | 80001 | | | DD ADM LA | 60000 | 0 | (77,916) | (77,916) | | Permanent (703351 & 704574) |
| 8 | 20-50 | 80001 | | | DD ADM LA | 50190 | (397,719) | (315,852) | 81,867 | | IG Fed Thru State |
| 9 | 20-50 | 80001 | | | DD ADM LA | 60180 | 1,922 | 1,395 | (527) | | Printing |
| 10 | 20-50 | 80001 | | | DD ADM LA | 60240 | 2,700 | 2,088 | (612) | | Supplies |
| 11 | 20-50 | 80001 | | | DD ADM LA | 60260 | 1,125 | 750 | (375) | | Education & Trianing |
| 12 | 20-50 | 80001 | | | DD ADM LA | 60270 | 2,003 | 1,338 | (665) | | Local Travel |
| 13 | 20-50 | 80001 | | | DD ADM LA | 60370 | 1,659 | 759 | (900) | | Telephone |
| 14 | 20-50 | 80001 | | | DD ADM LA | 60410 | 2,273 | 1,689 | (584) | | Motor Pool |
| 15 | 20-50 | 80001 | | | DD ADM LA | 60460 | 981 | 693 | (288) | 0 | Distribution Postage |
| 16 | | | | | | | | | | | |
| 17 | 20-50 | 80001 | | | DD CLT LA | 60000 | 0 | 77,916 | 77,916 | | Permanent (705237) |
| 18 | 20-50 | 80001 | | | DD CLT LA | 50190 | 0 | (81,867) | (81,867) | | IG Fed Thru State |
| 19 | 20-50 | 80001 | | | DD CLT LA | 60180 | 0 | 527 | 527 | | Printing |
| 20 | 20-50 | 80001 | | | DD CLT LA | 60240 | 0 | 612 | 612 | | Supplies |
| 21 | 20-50 | 80001 | | | DD CLT LA | 60260 | 0 | 375 | 375 | | Education & Trianing |
| 22 | 20-50 | 80001 | | | DD CLT LA | 60270 | 0 | 665 | 665 | | Local Travel |
| 23 | 20-50 | 80001 | | | DD CLT LA | 60370 | 0 | 900 | 900 | | Telephone |
| 24 | 20-50 | 80001 | | | DD CLT LA | 60410 | 0 | 584 | 584 | | Motor Pool |
| 25 | 20-50 | 80001 | | | DD CLT LA | 60460 | 0 | 288 | 288 | 0 | Distribution Postage |
| 26 | | | | | | | | | | | |
| 27 | 20-50 | 81048 | | | DD CLT 48 | 60000 | 980,619 | 701,976 | (278,643) | | Permanent (Multiple) |
| 28 | 20-50 | 81048 | | | DD CLT 48 | 60180 | 7,686 | 5,605 | (2,081) | | Printing |
| 29 | 20-50 | 81048 | | | DD CLT 48 | 60240 | 10,800 | 8,381 | (2,419) | | Supplies |
| | | | | | | | | | (283,143) | 0 | Total - Page 1 |
| | | | | | | | | | 0 | 0 | GRAND TOTAL |

BUDGET MODIFICATION CHS_02

EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

| Ln No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|--------|-------------|-----------|-----------------|-------------|---------------|--------------|----------------|----------------|-----------------------------|----------|---------------------------------------|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 30 | 20-50 | 81048 | | | DD CLT 48 | 60260 | 4,500 | 3,017 | (1,483) | | Education & Trianing |
| 31 | 20-50 | 81048 | | | DD CLT 48 | 60270 | 8,010 | 5,383 | (2,627) | | Local Travel |
| 32 | 20-50 | 81048 | | | DD CLT 48 | 60370 | 12,636 | 9,078 | (3,558) | | Telephone |
| 33 | 20-50 | 81048 | | | DD CLT 48 | 60410 | 9,090 | 6,783 | (2,307) | | Motor Pool |
| 34 | 20-50 | 81048 | | | DD CLT 48 | 60460 | 3,924 | 2,785 | (1,139) | | Distribution Postage |
| 35 | 20-50 | 81048 | | | DD CLT 48 | 50190 | (1,143,883) | (849,626) | 294,257 | 0 | IG Fed Thru State |
| 36 | | | | | | | | | | | |
| 37 | 20-50 | 81048 | | | DD IPS 48 | 60000 | 0 | (63,191) | (63,191) | | Permanent (705962) |
| 38 | 20-50 | 81048 | | | DD IPS 48 | 60180 | 5,124 | 4,805 | (319) | | Printing |
| 39 | 20-50 | 81048 | | | DD IPS 48 | 60240 | 7,200 | 6,829 | (371) | | Supplies |
| 40 | 20-50 | 81048 | | | DD IPS 48 | 60260 | 3,000 | 2,772 | (228) | | Education & Trianing |
| 41 | 20-50 | 81048 | | | DD IPS 48 | 60270 | 5,340 | 4,937 | (403) | | Local Travel |
| 42 | 20-50 | 81048 | | | DD IPS 48 | 60370 | 8,424 | 7,878 | (546) | | Telephone |
| 43 | 20-50 | 81048 | | | DD IPS 48 | 60410 | 6,060 | 5,706 | (354) | | Motor Pool |
| 44 | 20-50 | 81048 | | | DD IPS 48 | 60460 | 2,616 | 2,441 | (175) | | Distribution Postage |
| 45 | 20-50 | 81048 | | | DD IPS 48 | 50190 | (929,445) | (863,858) | 65,587 | 0 | IG Fed Thru State |
| 46 | | | | | | | | | | | |
| 47 | 20-50 | 81048 | | | DD CLT 48 | 60100 | 0 | 2,679 | 2,679 | | Temporary 709932 |
| 48 | 20-50 | 81048 | | | DD CLT 48 | 60135 | 0 | 241 | 241 | | Non-Base Fringe |
| 49 | 20-50 | 81048 | | | DD CLT 48 | 60145 | 0 | 80 | 80 | | Non-Base Insurance |
| 50 | 20-50 | 81048 | | | DD CLT 48 | 50190 | 0 | (3,000) | (3,000) | 0 | IG- Fed thru State |
| 51 | | | | | | | | | | | |
| 52 | 20-50 | 81048 | | | DD MQA NIS 48 | 60100 | 0 | 11,654 | 11,654 | | Temporary 709933 |
| 53 | 20-50 | 81048 | | | DD MQA NIS 48 | 60135 | 0 | 1,049 | 1,049 | | Non-Base Fringe |
| 54 | 20-50 | 81048 | | | DD MQA NIS 48 | 60145 | 0 | 350 | 350 | | Non-Base Insurance |
| 55 | 20-50 | 81048 | | | DD MQA NIS 48 | 50190 | 0 | (13,053) | (13,053) | 0 | IG- Fed thru State |
| 56 | 20-50 | 81048 | | | DD MQA QA 48 | 60000 | 0 | (55,292) | (55,388) | | Permanent (702763) move to IPS HR org |
| 57 | 20-50 | 81048 | | | DD MQA QA 48 | 60180 | 854 | 503 | (351) | | Printing |
| 58 | 20-50 | 81048 | | | DD MQA QA 48 | 60240 | 1,200 | 792 | (408) | | Supplies |
| | | | | | | | | | 226,996 | 0 | Total - Page 2 |
| | | | | | | | | | 0 | 0 | GRAND TOTAL |

BUDGET MODIFICATION CHS_02

EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

| Ln No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|--------|-------------|-----------|-----------------|-------------|--------------|--------------|----------------|----------------|-----------------------------|----------|-------------------------------------|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 59 | 20-50 | 81048 | | | DD MQA QA 48 | 60260 | 500 | 250 | (250) | | Education & Trianing |
| 60 | 20-50 | 81048 | | | DD MQA QA 48 | 60270 | 890 | 447 | (443) | | Local Travel |
| 61 | 20-50 | 81048 | | | DD MQA QA 48 | 60370 | 1,404 | 804 | (600) | | Telephone |
| 62 | 20-50 | 81048 | | | DD MQA QA 48 | 60410 | 1,010 | 621 | (389) | | Motor Pool |
| 63 | 20-50 | 81048 | | | DD MQA QA 48 | 50190 | (136,071) | (78,242) | 57,829 | 0 | IG Fed Thru State |
| 64 | | | | | | | | | | | |
| 65 | 20-50 | 81048 | | | DD KIDS 48 | 60000 | 0 | (161,029) | (161,029) | | Permanent (7000388, 709732, 707343) |
| 66 | 20-50 | 81048 | | | DD KIDS 48 | 60180 | 8,632 | 7,930 | (702) | | Printing |
| 67 | 20-50 | 81048 | | | DD KIDS 48 | 60240 | 12,242 | 11,426 | (816) | | Supplies |
| 68 | 20-50 | 81048 | | | DD KIDS 48 | 60260 | 3,732 | 3,232 | (500) | | Education & Trianing |
| 69 | 20-50 | 81048 | | | DD KIDS 48 | 60270 | 8,340 | 7,454 | (886) | | Local Travel |
| 70 | 20-50 | 81048 | | | DD KIDS 48 | 60370 | 14,586 | 13,386 | (1,200) | | Telephone |
| 71 | 20-50 | 81048 | | | DD KIDS 48 | 60410 | 7,226 | 6,448 | (778) | | Motor Pool |
| 72 | 20-50 | 81048 | | | DD KIDS 48 | 60460 | 4,796 | 4,412 | (384) | | Distribution |
| 73 | 20-50 | 81048 | | | DD KIDS 48 | 50190 | (1,300,965) | (1,134,670) | 166,295 | 0 | IG Fed Thru State |
| 74 | | | | | | | | | | | |
| 75 | 20-50 | 81048 | | | DD COMP 48 | 60000 | 0 | (109,180) | (109,180) | | Permanent (702636, 705642, 705361) |
| 76 | 20-50 | 81048 | | | DD COMP 48 | 60180 | 7,686 | 6,984 | (702) | | Printing |
| 77 | 20-50 | 81048 | | | DD COMP 48 | 60240 | 10,800 | 9,984 | (816) | | Supplies |
| 78 | 20-50 | 81048 | | | DD COMP 48 | 60260 | 4,500 | 4,000 | (500) | | Education & Trianing |
| 79 | 20-50 | 81048 | | | DD COMP 48 | 60270 | 8,010 | 7,124 | (886) | | Local Travel |
| 80 | 20-50 | 81048 | | | DD COMP 48 | 60370 | 12,636 | 11,436 | (1,200) | | Telephone |
| 81 | 20-50 | 81048 | | | DD COMP 48 | 60410 | 9,090 | 8,312 | (778) | | Motor Pool |
| 82 | 20-50 | 81048 | | | DD COMP 48 | 60460 | 3,924 | 3,540 | (384) | | Distribution |
| 83 | 20-50 | 81048 | | | DD COMP 48 | 50190 | (1,239,262) | (1,124,816) | 114,446 | 0 | IG Fed Thru State |
| 84 | | | | | | | | | | | |
| 85 | | | | | | | | | | | |
| 86 | | | | | | | | | | | |
| 87 | | | | | | | | | | | |
| | | | | | | | | | 56,147 | 0 | Total - Page 3 |
| | | | | | | | | | 0 | 0 | GRAND TOTAL |

BUDGET MODIFICATION CHS_02

EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

| Ln No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|--------|-------------|-----------|-----------------|-------------|-------------|--------------|----------------|----------------|-----------------------------|----------|--|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 88 | 90-40 | 3501 | | 904200 | | 60240 | | (4,217) | (4,217) | | Supplies |
| 89 | 90-40 | 3501 | | 904200 | | 50310 | | 4,217 | 4,217 | | Service Reim Fleet |
| 90 | 70-90 | 3502 | | 709520 | | 60200 | | (6,504) | (6,504) | | Communications |
| 91 | 70-90 | 3502 | | 709520 | | 50310 | | 6,504 | 6,504 | | Service Reim Telecommunication |
| 92 | 90-40 | 3504 | | 94400 | | 60230 | | (2,082) | (2,082) | | Postage |
| 93 | 90-40 | 3504 | | 94400 | | 50310 | | 2,082 | 2,082 | | Service Reim Distribution |
| 94 | | | | | | | | | | | |
| 95 | 20-50 | 81147 | | | DD IPS 147 | 60000 | 0 | 55,388 | 55,388 | | Permanent (702763) moved from MQA HR org |
| 96 | 20-50 | 81147 | | | DD IPS 147 | 60170 | 0 | 22,385 | 22,385 | | Professional Services |
| 97 | 20-50 | 81147 | | | DD IPS 147 | 60180 | 0 | 351 | 351 | | Printing |
| 98 | 20-50 | 81147 | | | DD IPS 147 | 60240 | 0 | 408 | 408 | | Supplies |
| 99 | 20-50 | 81147 | | | DD IPS 147 | 60260 | 0 | 250 | 250 | | Education & Training |
| 100 | 20-50 | 81147 | | | DD IPS 147 | 60270 | 0 | 443 | 443 | | Local travel |
| 101 | 20-50 | 81147 | | | DD IPS 147 | 60370 | 0 | 600 | 600 | | Telephone |
| 102 | 20-50 | 81147 | | | DD IPS 147 | 60410 | 0 | 389 | 389 | | Motor Pool |
| 103 | 20-50 | 81147 | | | DD IPS 147 | 50190 | 0 | (80,214) | (80,214) | 0 | IG Fed Thru State |
| 104 | | | | | | | | | | | |
| 105 | | | | | | | | | | | |
| 106 | | | | | | | | | | | |
| 107 | | | | | | | | | | | |
| 108 | | | | | | | | | | | |
| 109 | | | | | | | | | | | |
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| 111 | | | | | | | | | | | |
| 112 | | | | | | | | | | | |
| 113 | | | | | | | | | | | |
| 114 | | | | | | | | | | | |
| 115 | | | | | | | | | | | |
| 116 | | | | | | | | | | | |
| | | | | | | | | 0 | 0 | 0 | Total - Page 4 |
| | | | | | | | | 0 | 0 | 0 | GRAND TOTAL |

BUDGET MODIFICATION CHS_02

5. ANNUALIZED PERSONNEL CHANGE

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

| | | | | | | | ANNUALIZED | | | |
|------|-------------|------|-------------|---------------------------------|-----------------|----------------|-------------------|-----------------|------------------|------------------|
| Fund | Cost Center | JCN | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| | 205002 | 6297 | 63226 | Case Manager 2-Vacant | 706364 | (1.00) | (36,373) | (7,846) | (10,834) | (55,053) |
| | 205000 | 6299 | 61128 | Case Mgr Ast-Calhoun | 703351 | (0.50) | (15,185) | (3,276) | (5,147) | (23,607) |
| | 205000 | 6021 | 61128 | Prog Dev Spec-Mestman | 704574 | (1.00) | (38,398) | (8,283) | (11,016) | (57,697) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Vacant | 703329 | (1.00) | (41,613) | (8,976) | (11,305) | (61,894) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Vacant | 702735 | (1.00) | (38,403) | (8,284) | (11,016) | (57,703) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Landry | 709033 | (1.00) | (41,200) | (8,887) | (11,268) | (61,355) |
| | 205001 | 6299 | 63225 | Case Mgr Ast-Browning | 701519 | (1.00) | (30,369) | (6,551) | (10,293) | (47,213) |
| | 205001 | 6299 | 63225 | Case Mgr Ast-Rees | 701106 | (1.00) | (30,380) | (6,553) | (10,294) | (47,227) |
| | 205001 | 6297 | 63225 | Case Manager 2-TEMP | 709932 | 0.07 | 2,679 | 241 | 80 | 3,000 |
| | 205002 | 6297 | 63226 | Case Manager 2-Greer | 705962 | (1.00) | (44,623) | (9,625) | (11,576) | (65,824) |
| | 205002 | 6021 | 63226 | Prog Dev Spec -Vacant | 702763 | 1.00 | 38,398 | 8,282 | 11,016 | 57,696 |
| | 205003 | 6021 | 63227 | Prog Dev Spec -Vacant | 702763 | (1.00) | (38,398) | (8,282) | (11,016) | (57,696) |
| | 205003 | 6297 | 63227 | Case Manager 2 -TEMP | 709933 | 0.32 | 11,654 | 1,049 | 350 | 13,053 |
| | 205004 | 6021 | 63228 | Prog Dev Spec-Vacant | 700388 | (1.00) | (41,845) | (9,026) | (11,326) | (62,197) |
| | 205004 | 6299 | 63228 | Case Mgr Ast-Vacant | 709732 | (1.00) | (24,764) | (5,342) | (9,789) | (39,895) |
| | 205004 | 6297 | 63228 | Case Manager 2 -(Stanio) | 707343 | (1.00) | (44,623) | (9,625) | (11,576) | (65,824) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-(Mestman) | 709856 | 1.00 | 44,623 | 9,625 | 11,576 | 65,824 |
| | 205005 | 6297 | 63229 | Case Manager 2-Keyes | 705642 | (1.00) | (37,914) | (8,178) | (10,972) | (57,064) |
| | 205005 | 6297 | 63229 | Case Manager 2-Newman | 705361 | (1.00) | (37,760) | (8,145) | (10,958) | (56,863) |
| | | | | TOTAL ANNUALIZED CHANGES | | (12.11) | (444,494) | (97,682) | (135,364) | (677,538) |

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

| | | | | | | | CURRENT YEAR | | | |
|------|-------------|------|-------------|---------------------------------|-----------------|----------------|---------------------|-----------------|------------------|------------------|
| Fund | Cost Center | JCN | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| | 205002 | 6297 | 63226 | Case Manager 2-Vacant | 706364 | (0.96) | (34,857) | (7,519) | (10,383) | (52,759) |
| | 205000 | 6299 | 61128 | Case Mgr Ast-Calhoun | 703351 | (0.48) | (14,552) | (3,139) | (4,932) | (22,623) |
| | 205000 | 6021 | 61128 | Prog Dev Spec-Mestman | 704574 | (0.96) | (36,798) | (7,938) | (10,557) | (55,293) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Vacant | 703329 | (0.96) | (39,879) | (8,602) | (10,834) | (59,315) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Vacant | 702735 | (0.96) | (36,803) | (7,939) | (10,557) | (55,299) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-Landry | 709033 | (0.96) | (39,483) | (8,517) | (10,799) | (58,799) |
| | 205001 | 6299 | 63225 | Case Mgr Ast-Browning | 701519 | (0.96) | (29,104) | (6,278) | (9,864) | (45,246) |
| | 205001 | 6299 | 63225 | Case Mgr Ast-Rees | 701106 | (0.96) | (29,114) | (6,280) | (9,865) | (45,259) |
| | 205001 | 6297 | 63225 | Case Manager 2-TEMP | 709932 | 0.07 | 2,679 | 241 | 80 | 3,000 |
| | 205002 | 6297 | 63226 | Case Manager 2-Greer | 705962 | (0.96) | (42,838) | (9,240) | (11,113) | (63,191) |
| | 205002 | 6021 | 63226 | Prog Dev Spec -Vacant | 702763 | 0.96 | 36,862 | 7,951 | 10,575 | 55,388 |
| | 205003 | 6021 | 63227 | Prog Dev Spec -Vacant | 702763 | (0.96) | (36,862) | (7,951) | (10,575) | (55,388) |
| | 205003 | 6297 | 63227 | Case Manager 2 -TEMP | 709933 | 0.32 | 11,654 | 1,050 | 350 | 13,053 |
| | 205004 | 6021 | 63228 | Prog Dev Spec-Vacant | 700388 | (0.96) | (40,101) | (8,650) | (10,854) | (59,605) |
| | 205004 | 6299 | 63228 | Case Mgr Ast-Vacant | 709732 | (0.96) | (23,732) | (5,119) | (9,381) | (38,233) |
| | 205004 | 6297 | 63228 | Case Manager 2 -(Stanio) | 707343 | (0.96) | (42,838) | (9,240) | (11,113) | (63,191) |
| | 205001 | 6021 | 63225 | Prog Dev Spec-(Mestman) | 709856 | 0.96 | 42,838 | 9,240 | 11,113 | 63,191 |
| | 205005 | 6297 | 63229 | Case Manager 2-Keyes | 705642 | (0.96) | (36,334) | (7,837) | (10,515) | (54,686) |
| | 205005 | 6297 | 63229 | Case Manager 2-Newman | 705361 | (0.96) | (36,187) | (7,806) | (10,501) | (54,494) |
| | | | | TOTAL CURRENT FY CHANGES | | (11.61) | (425,450) | (93,573) | (129,724) | (648,748) |



Department of County Human Services
MULTNOMAH COUNTY OREGON

421 SW Sixth Avenue, Suite 700
Portland, Oregon 97204-1618
(503) 988-3691 phone
(503) 988-3379 fax
(503) 988-3598 TDD

MEMORANDUM

TO: Board of County Commissioners

FROM: John Ball, Interim Director
Department of County Human Services

DATE: August 8, 2002

SUBJECT: Budget Modification **CHS02**

I. RECOMMENDATION/ACTION REQUESTED: The Department of County Human Services recommends the approval of Budget Modification **CHS02**. Budget modification **CHS02** reduces Developmental Disabilities Division budget by \$602,146 to reflect changes in the State Mental Health Intergovernmental Agreement (#26-001) in Financial Assistance Agreement (FAA) #50 relating to match for service element 48 Case Management; net reduction of 11.61 FTE.

II. BACKGROUND ANALYSIS: Local matching funds are used by the State to match for Title XIX (Medicaid) to increase service element 48 (Case Management) funds. FAA#50 received in late May; unexpectedly reduced the amount of matching funds in the Biennium. On going negotiations with the State to mitigate the reduction have been partially successful. \$80,214 was received under service element 147 and the State agreed to convert DD 54 Employment & Alternative Services from FY02 and award the funds in FY03 in DD 48 (\$251,163) to offset the reduction.

III. FINANCIAL IMPACT: Budget Modification **CHS02** decreases personnel expenditures by \$648,748. The personnel reductions are in Division Administration \$77,916 (1.44 FTE); Crisis & Long Term Services \$197,727 (3.77 FTE); Intake & Protective Services \$115,950 (1.92 FTE); Children's Services \$161,029 (2.88 FTE); and Comprehensive Services \$109,180 (1.92 FTE). In order to accomplish FTE reductions, \$81,867 of Local Admin was moved from Division Administration to Crisis & Long Term Services. A Program Development Specialist position was moved from Medicaid & Quality Assurance to Intake & Protective Services along with associated materials & supplies. This modification also reduces associated materials & supplies by \$28,542 in the related programs. Personnel expenditures increase by \$13,053 for a .32 FTE Temporary Case Manager 2 in Medicaid & Quality Assurance. Professional Services increase by \$22,835 in Intake & Protective Services. Intake & Protective Services Premium increases by \$52,759 with offsetting reduction in personnel identified above. A Case Manager 2 in Children's Services was replaced with a Program Development Specialist in Crisis and Long-term Care. This modification reduces service reimbursements from the Fed/State fund to the following funds: Insurance fund by \$129,724; Fleet Fund \$4,217; Telephone Fund by \$6,504; and Distribution Fund by \$2,082.

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICY: N/A

VII. CITIZEN PARTICIPATIONS: N/A

VIII. OTHER GOVERNMENT PARTICIPATION

**Exhibit 1 to the 50th Amendment to
Department of Human Services
2001-2003 County Financial Assistance Agreement #26-001**

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
2001-2003

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

AGREEMENT#: 26-001
Reference#: 050

DEVELOPMENTAL DISABILITY SERVICES

SECTION: 1

SERVICE REQUIREMENTS MEET EXHIBIT A AND, IF INDICATED, EXHIBIT B

| Part | Start/End Dates | CPMS Name | Approved Service Funds | Approved Start-up | Serv. Units | Unit Type | EXHIB B Codes | Spec Cond# |
|------------------------|--------------------|--------------|---------------------------|----------------------|----------------|--------------|------------------|---------------|
| SE# 48 CASE MANAGEMENT | | | | | | | | |
| A | 7/2001- 6/2002 | N/A | \$1,638,901 | \$0 | 0. | NA | N/A | D0489 1 |
| A | 7/2002- 6/2003 | N/A | \$1,651,653 | \$0 | 0. | NA | N/A | D0489 1 |
| SUBTOTAL SE# 48 | | | \$3,290,554 | \$0 | | | | |
| TOTAL SECTION 1 | | | \$3,290,554 | \$0 | | | | |

TOTAL AUTHORIZED FOR DEVELOPMENTAL DISABILITY SERVICES

\$3,290,554

TOTAL AUTHORIZED FOR THIS FAAA: \$3,290,554

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio tape, oral presentation, and electronic format. To request an alternate format call the State of Oregon, Department of Human Services, Contracts and Procurement Unit at (503) 945-5818 or TTY (503) 945-5928.

**FIFTIETH AMENDMENT TO
DEPARTMENT OF HUMAN SERVICES
2001-2003 COUNTY FINANCIAL ASSISTANCE AGREEMENT #26-001**

This Fiftieth Amendment to Department of Human Services 2001-2003 County Financial Assistance Agreement dated as of July 1, 2001, as amended through the Forty-Ninth Amendment (the "Agreement"), is entered into, as of the date of the last signature hereto, by and between the State of Oregon acting by and through its Department of Human Services ("Department") and Multnomah County ("County").

RECITALS

WHEREAS, the Department and County wish to modify the Financial Assistance Award attached to the Agreement as Exhibit D.

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. The financial and service information in the Financial Assistance Award are hereby amended as described in Exhibit 1 attached hereto and incorporated herein by this reference. Exhibit 1 must be read in conjunction with the portion of Exhibit E of the Agreement that describes the effect of an amendment of the financial and service information.
2. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.

3. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
4. Department's performance of its obligations hereunder is conditioned upon County's compliance with the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which are incorporated herein by this reference.
5. This amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the dates set forth below their respective signatures.

**STATE OF OREGON ACTING BY AND THROUGH
ITS DEPARTMENT OF HUMAN SERVICES**

By: _____
Name: Marie E. McHone
Title: Contracts Manager, DHS Contracts and Procurement
Date: _____

Multnomah County Authorized Signature

By: _____ Date _____
Name: _____
Title: _____

MULTNOMAH COUNTY

Spec

Cond#

Requirements

D0489-1

Local Matching Funds and Title XIX Collections for Case

Management (DD 48): The funds subject to this special condition are subject to the following requirements:

- A. The funds subject to this special condition cover a portion of the cost of DD 48 services identified on other lines of the Financial Assistance Award and are derived from a combination of: (1) local funds, hereinafter also referred to as "Local Matching Funds", provided to increase DD 48 services; and (2) Title XIX (Medicaid) Federal Financial Participation (FFP) to match those local funds, to the extent that DD 48 services provided are eligible for that FFP.
- B. County Local Matching Funds:
 - 1. County will pay to Department \$921,653 of Local Matching Funds no later than June 30, 2002 and \$921,653 of Local Matching Funds no later than June 30, 2003. County must make the Local Matching Funds payments from non-federal sources eligible for use as match for Title XIX.
 - 2. Department must receive the Local Matching Funds payment for each Department fiscal year as a lump sum payment prior to any Department disbursement of the respective fiscal year funds subject to this special condition. Disbursement of each fiscal year's funds subject to this special condition will begin in the monthly allotment that first occurs, for that year, after Department receipt of the full Local Matching Funds payment for that year.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)

CONTRACTOR: MULTNOMAH COUNTY

DATE: 05/07/2002

AGREEMENT#: 26-001

REF#: 050

REASON FOR FAAA (for information only):

Case Management (DD 48) allocations are increased with a combination of "Local Matching Funds" and Department-administered Title XIX funds.

The following special conditions apply to funds as indicated by the special condition number in column 9. The summary set forth below of each special condition is qualified in its entirety by the full description of the special condition set forth in the Financial Assistance Award.

D0489 1 Local Matching Funds and Title XIX Collections for Case Management (DD 48)

2001-03 County Financial Assistance Agreement
Financial Assistance Award – Special Conditions, Developmental Disability Services

- C. FFP Service Levels: The funds subject to this special condition are awarded based on projected delivery of DD 48 services under this Agreement to Title XIX eligible individuals at a level sufficient to generate FFP at an average minimum amount of \$274,010 per month, for the period July 1, 2001 through June 30, 2002, and \$282,285 per month, for the period July 1, 2002 through June 30, 2003.

D. Reduction of Award

Department may unilaterally reduce the award of funds subject to this special condition if County fails to maintain at least the average monthly levels of generated FFP as specified in paragraph C of this special condition. In making any such reduction, the following policies and procedures will apply:

1. Except as provided in section D(2), below, the amount of the reduction will be consistent with the amount of the FFP deficit. County shall execute and deliver to Department an appropriate amendment to the Financial Assistance Award to reflect that reduction, or at Department's option, Department may effect the reduction through adjustments to DD 48 payments.
2. County and Department acknowledge and agree that all or a portion of any deficit in required FFP amounts may be attributable to County's inability to provide the level of increased service associated with the funds subject to this special condition. If this circumstance occurs, Department will recalculate both the Local Match and FFP based on the actual amount of service County provided under this Agreement and reported in CPMS. Department will adjust the reduction allowed under section D(1), above, to reflect the recalculated FFP portion of DD 48 funded with Local Matching Funds and Title XIX.

2001-03 County Financial Assistance Agreement
Financial Assistance Award – Special Conditions, Developmental Disability Services

3. Department will not refund any overpayment of County Local Matching Funds, as a result of actions described in paragraph D(1) or D(2) of this special condition, or for any other reason, to County. Instead, to the extent of any overpayment of County Local Matching Funds to Department, Department will reduce Local Matching Funds required by County under the next biennial Agreement between the Department and County which awards funds for DD 48 services that include a local match.
- E. Except as modified above, this special condition does not alter the requirements stated under Payment Procedures for DD 48 in Exhibit A of the Agreement.

PROJECTED RATE/SLOT CHANGES
*****INFORMATION ONLY*****

CONTRACTOR: MULTNOMAH COUNTY
AGREEMENT#: 26-001

REFERENCE#: 050

| SE# | PROVIDER NUMBER | PROVIDER | EFFECTIVE DATES | SLOT CHANGE | RATE CHANGE | OPERATING AMOUNT | STARTUP AMOUNT |
|--|--------------------|---------------------|-----------------------|----------------|----------------|---------------------|-------------------|
| 48 | 26-500 | MULTNMH CO CASE MGM | 07/01/2001-06/30/2002 | | | \$921,653.00 | \$0.00 |
| 48 | 26-500 | MULTNMH CO CASE MGM | 07/01/2001-06/30/2002 | | | \$717,247.77 | \$0.00 |
| TOTAL FOR MULTNMH CO CASE MGMT | | | | | | \$1,638,900.77 | \$0.00 |
| TOTAL FOR FISCAL YEAR 2001-2002 | | | | | | \$1,638,900.77 | \$0.00 |
| 48 | 26-500 | MULTNMH CO CASE MGM | 07/01/2002-06/30/2003 | | | \$921,653.00 | \$0.00 |
| 48 | 26-500 | MULTNMH CO CASE MGM | 07/01/2002-06/30/2003 | | | \$730,000.19 | \$0.00 |
| TOTAL FOR MULTNMH CO CASE MGMT | | | | | | \$1,651,653.19 | \$0.00 |
| TOTAL FOR FISCAL YEAR 2002-2003 | | | | | | \$1,651,653.19 | \$0.00 |
| TOTAL FOR AGREEMENT# 26-001, REFERENCE#: 050 | | | | | | \$3,290,553.96 | \$0.00 |

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Part A
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|--------------|--------------------------------|---------------------|--------------------|--------------------|------------------|
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$8,553 | \$0 | \$0 | \$8,553 |
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$1,562,925 | \$462,907 | \$0 | \$2,025,832 |
| TOTAL SE# 44 | | \$1,571,478 | \$462,907 | \$0 | \$2,034,385 |
| 45 | NURSING FAC SPEC SRVS | \$382,494 | -\$6 | \$0 | \$382,488 |
| TOTAL SE# 45 | | \$382,494 | -\$6 | \$0 | \$382,488 |
| 47 | SEMI-INDEPENDENT LIVING | \$455,562 | \$0 | \$0 | \$455,562 |
| TOTAL SE# 47 | | \$455,562 | \$0 | \$0 | \$455,562 |
| 48 | CASE MANAGEMENT | \$209,233 | \$0 | \$0 | \$209,233 |
| 48 | CASE MANAGEMENT | \$6,204,168 | -\$35,800 | \$3,290,554 | \$9,458,922 |
| TOTAL SE# 48 | | \$6,413,401 | -\$35,800 | \$3,290,554 | \$9,668,155 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$470 | \$0 | \$0 | \$470 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$1,869,387 | \$240 | \$0 | \$1,869,627 |
| TOTAL SE# 49 | | \$1,869,857 | \$240 | \$0 | \$1,870,097 |
| 50 | RESIDENTIAL FACILITIES | \$575,300 | \$0 | \$0 | \$575,300 |
| 50 | RESIDENTIAL FACILITIES | \$59,837,048 | -\$343,356 | \$0 | \$59,493,692 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Part A
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|--------------|--------------------------------|---------------------|--------------------|--------------------|------------------|
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$8,553 | \$0 | \$0 | \$8,553 |
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$1,562,925 | \$462,907 | \$0 | \$2,025,832 |
| TOTAL SE# 44 | | \$1,571,478 | \$462,907 | \$0 | \$2,034,385 |
| 45 | NURSING FAC SPEC SRVS | \$382,494 | -\$6 | \$0 | \$382,488 |
| TOTAL SE# 45 | | \$382,494 | -\$6 | \$0 | \$382,488 |
| 47 | SEMI-INDEPENDENT LIVING | \$455,562 | \$0 | \$0 | \$455,562 |
| TOTAL SE# 47 | | \$455,562 | \$0 | \$0 | \$455,562 |
| 48 | CASE MANAGEMENT | \$209,233 | \$0 | \$0 | \$209,233 |
| 48 | CASE MANAGEMENT | \$6,204,168 | -\$35,800 | \$3,290,554 | \$9,458,922 |
| TOTAL SE# 48 | | \$6,413,401 | -\$35,800 | \$3,290,554 | \$9,668,155 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$470 | \$0 | \$0 | \$470 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$1,869,387 | \$240 | \$0 | \$1,869,627 |
| TOTAL SE# 49 | | \$1,869,857 | \$240 | \$0 | \$1,870,097 |
| 50 | RESIDENTIAL FACILITIES | \$575,300 | \$0 | \$0 | \$575,300 |
| 50 | RESIDENTIAL FACILITIES | \$59,837,048 | -\$343,356 | \$0 | \$59,493,692 |

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DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)

FAAA Totals

Part A

2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY

DATE: 05/07/2002

CONTRACT#: 26-001

REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|--------------|-------------------------------|---------------------|--------------------|--------------------|------------------|
| TOTAL SE# 50 | | \$60,412,348 | -\$343,356 | \$0 | \$60,068,992 |
| 51 | SUPPORTED LIVING SERVICES | \$1,149,764 | \$0 | \$0 | \$1,149,764 |
| 51 | SUPPORTED LIVING SERVICES | \$9,894,075 | \$0 | \$0 | \$9,894,075 |
| TOTAL SE# 51 | | \$11,043,839 | \$0 | \$0 | \$11,043,839 |
| 53 | TRANSPORTATION | \$2,562,276 | \$0 | \$0 | \$2,562,276 |
| 53 | TRANSPORTATION | \$3,002,702 | \$5,481 | \$0 | \$3,008,183 |
| TOTAL SE# 53 | | \$5,564,978 | \$5,481 | \$0 | \$5,570,459 |
| 54 | EMPLOYMENT & ALTERNATIVE SERV | \$193,681 | \$0 | \$0 | \$193,681 |
| 54 | EMPLOYMENT & ALTERNATIVE SERV | \$21,700,242 | -\$21,877 | \$0 | \$21,678,365 |
| TOTAL SE# 54 | | \$21,893,923 | -\$21,877 | \$0 | \$21,872,046 |
| 56 | RENT SUBSIDIES | -\$12,288 | \$0 | \$0 | -\$12,288 |
| 56 | RENT SUBSIDIES | \$737,100 | \$0 | \$0 | \$737,100 |
| TOTAL SE# 56 | | \$724,812 | \$0 | \$0 | \$724,812 |
| 57 | DD-SPECIAL PROJECTS | \$62,657 | \$0 | \$0 | \$62,657 |
| 57 | DD-SPECIAL PROJECTS | \$23,746 | \$0 | \$0 | \$23,746 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Part A
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|---------------|-------------------------------|---------------------|--------------------|--------------------|------------------|
| TOTAL SE# 57 | | \$86,403 | \$0 | \$0 | \$86,403 |
| 157 | REGIONAL CRISIS & BACKUP SVCS | \$1,463,257 | \$374,202 | \$0 | \$1,837,459 |
| TOTAL SE# 157 | | \$1,463,257 | \$374,202 | \$0 | \$1,837,459 |
| | | \$111,882,352 | \$441,791 | \$3,290,554 | \$115,614,697 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Part B
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|-----------|-------------------------------|---------------------|--------------------|--------------------|------------------|
| 58 | DD NON-RELATIVE FOSTER HOMES | \$36 | \$0 | \$0 | \$36 |
| 58 | DD NON-RELATIVE FOSTER HOMES | \$16,039,028 | \$701,509 | \$0 | \$16,740,537 |
| TOTAL SE# | 58 | \$16,039,064 | \$701,509 | \$0 | \$16,740,573 |
| 59 | DD RELATIVE ADULT FOSTER CARE | \$20,592 | \$0 | \$0 | \$20,592 |
| TOTAL SE# | 59 | \$20,592 | \$0 | \$0 | \$20,592 |
| | | \$16,059,656 | \$701,509 | \$0 | \$16,761,165 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Summary
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|--------------|--------------------------------|---------------------|--------------------|--------------------|------------------|
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$8,553 | \$0 | \$0 | \$8,553 |
| 44 | DD DIVERSION-CRISIS INTRVNTION | \$1,562,925 | \$462,907 | \$0 | \$2,025,832 |
| TOTAL SE# 44 | | \$1,571,478 | \$462,907 | \$0 | \$2,034,385 |
| 45 | NURSING FAC SPEC SRVS | \$382,494 | -\$6 | \$0 | \$382,488 |
| TOTAL SE# 45 | | \$382,494 | -\$6 | \$0 | \$382,488 |
| 47 | SEMI-INDEPENDENT LIVING | \$455,562 | \$0 | \$0 | \$455,562 |
| TOTAL SE# 47 | | \$455,562 | \$0 | \$0 | \$455,562 |
| 48 | CASE MANAGEMENT | \$209,233 | \$0 | \$0 | \$209,233 |
| 48 | CASE MANAGEMENT | \$6,204,168 | -\$35,800 | \$3,290,554 | \$9,458,922 |
| TOTAL SE# 48 | | \$6,413,401 | -\$35,800 | \$3,290,554 | \$9,668,155 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$470 | \$0 | \$0 | \$470 |
| 49 | SELF DIR INDIV & FAMILY SUPPOR | \$1,869,387 | \$240 | \$0 | \$1,869,627 |
| TOTAL SE# 49 | | \$1,869,857 | \$240 | \$0 | \$1,870,097 |
| 50 | RESIDENTIAL FACILITIES | \$575,300 | \$0 | \$0 | \$575,300 |
| 50 | RESIDENTIAL FACILITIES | \$59,837,048 | -\$343,356 | \$0 | \$59,493,692 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)

FAAA Totals

Summary

2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY

DATE: 05/07/2002

CONTRACT#: 26-001

REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|--------------|-------------------------------|---------------------|--------------------|--------------------|------------------|
| TOTAL SE# 50 | | \$60,412,348 | -\$343,356 | \$0 | \$60,068,992 |
| 51 | SUPPORTED LIVING SERVICES | \$1,149,764 | \$0 | \$0 | \$1,149,764 |
| 51 | SUPPORTED LIVING SERVICES | \$9,894,075 | \$0 | \$0 | \$9,894,075 |
| TOTAL SE# 51 | | \$11,043,839 | \$0 | \$0 | \$11,043,839 |
| 53 | TRANSPORTATION | \$2,562,276 | \$0 | \$0 | \$2,562,276 |
| 53 | TRANSPORTATION | \$3,002,702 | \$5,481 | \$0 | \$3,008,183 |
| TOTAL SE# 53 | | \$5,564,978 | \$5,481 | \$0 | \$5,570,459 |
| 54 | EMPLOYMENT & ALTERNATIVE SERV | \$193,681 | \$0 | \$0 | \$193,681 |
| 54 | EMPLOYMENT & ALTERNATIVE SERV | \$21,700,242 | -\$21,877 | \$0 | \$21,678,365 |
| TOTAL SE# 54 | | \$21,893,923 | -\$21,877 | \$0 | \$21,872,046 |
| 56 | RENT SUBSIDIES | -\$12,288 | \$0 | \$0 | -\$12,288 |
| 56 | RENT SUBSIDIES | \$737,100 | \$0 | \$0 | \$737,100 |
| TOTAL SE# 56 | | \$724,812 | \$0 | \$0 | \$724,812 |
| 57 | DD-SPECIAL PROJECTS | \$62,657 | \$0 | \$0 | \$62,657 |
| 57 | DD-SPECIAL PROJECTS | \$23,746 | \$0 | \$0 | \$23,746 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

DEPARTMENT OF HUMAN SERVICES
Financial Assistance Award Amendment (FAAA)
FAAA Totals
Summary
2001-2003

***** INFORMATION ONLY *****

CONTRACTOR: MULTNOMAH COUNTY
DATE: 05/07/2002

CONTRACT#: 26-001
REF#: 050

| SE# | DESCRIPTION | CURRENT APPROVED | CURRENT PENDING | PROPOSED CHANGE | REVISED TOTAL |
|-----------------------------------|-------------|---------------------|--------------------|--------------------|------------------|
| TOTAL SE# 57 | | \$86,403 | \$0 | \$0 | \$86,403 |
| 58 DD NON-RELATIVE FOSTER HOMES | | \$36 | \$0 | \$0 | \$36 |
| 58 DD NON-RELATIVE FOSTER HOMES | | \$16,039,028 | \$701,509 | \$0 | \$16,740,537 |
| TOTAL SE# 58 | | \$16,039,064 | \$701,509 | \$0 | \$16,740,573 |
| 59 DD RELATIVE ADULT FOSTER CARE | | \$20,592 | \$0 | \$0 | \$20,592 |
| TOTAL SE# 59 | | \$20,592 | \$0 | \$0 | \$20,592 |
| 157 REGIONAL CRISIS & BACKUP SVCS | | \$1,463,257 | \$374,202 | \$0 | \$1,837,459 |
| TOTAL SE# 157 | | \$1,463,257 | \$374,202 | \$0 | \$1,837,459 |
| CONTRACT TOTAL | | \$127,942,008 | \$1,143,300 | \$3,290,554 | \$132,375,862 |

NOTE: The amounts in the "REVISED TOTAL" column include amounts reported in the "CURRENT PENDING" column that have not yet been accepted/approved. Therefore, these amounts may change.

PART II. CONSIDERATION AND PAYMENT

- A. DEPARTMENT agrees to pay COUNTY the maximum, not-to-exceed amount of \$80,214.00 for accomplishing the Work required by this Agreement, subject to Exhibit C and to the provisions of all of the separate Parts III of this Exhibit A, including procedures providing for interim payments, and further subject to the following limits for each type of service:

| <u>Service</u> | <u>Maximum Payable</u> |
|---|------------------------|
| DD 147: Quality Assurance Services | \$80,214.00 |
| DD 57: Special Projects, Start-Up Funds | \$0.00 |

- B. DEPARTMENT's payment of Start-Up Funds is subject to the provisions of Exhibit C, Start-Up Funds.
- C. All payments made to COUNTY under this Agreement are subject to recovery by DEPARTMENT as follows:
1. If COUNTY fails to have an independent certified public accountant audit federal block grant and other funds paid to COUNTY under this Agreement that DEPARTMENT receives from an agency, instrumentality or program of the federal government of the United States (collectively, "Federal Funds") in a manner that complies with Section 24(g) in this Agreement, DEPARTMENT may recover from COUNTY all Federal Funds paid to COUNTY under this Agreement.
 2. If federal authorities demand repayment of all or a portion of the Federal Funds or disallow payment of all or a portion of the Federal Funds to COUNTY under this Agreement, DEPARTMENT may recover from COUNTY that portion of the Federal Funds necessary to satisfy the federal repayment demand or disallowance. If the federal repayment demand or disallowance results from the actions or omissions of a DD 147 Provider, as defined in the description of DD 147 Services set forth in separate Part III of this Exhibit A, COUNTY shall, upon DEPARTMENT's request, recover the amount of the repayment demand or disallowance from the Provider. To the extent permitted by state and

BOGSTAD Deborah L

From: JASPIN Michael D

Sent: Wednesday, August 21, 2002 9:32 AM

To: BOGSTAD Deborah L

Cc: BALL John; TURNER Kathy G; BELL Iris D; DARGAN Karyne A; MOUNTS Tony

Subject: DCHS BudMod 02 -- Developmental Disabilities Cut

Attached is DCHS Budget Modification 02 for placement on the consent agenda (signed copies are on there way up). While it is technically a consent agenda item and therefore would not be expected to be overly controversial, I'm cc'ing John, Kathy and Iris as a heads up because of the size of the reduction (\$602,146) and the FTE cut (11.61). John should be well aware of the budget modification, but I don't want anyone to be surprised.

John, Kathy, and Iris – Very briefly, the State of Oregon is reducing the amount of matching funds for DD/Title XIX service element 48 (case management). The budget modification implements the cut of \$602,146 and reduces the division's FTE level by 11.61 FTE. Both the dollar and FTE amounts are down from the initial cut the State sent to DCHS in May. The BudMod also does a significant amount shifting of funds within the developmental disabilities division of DCHS to mitigate the impacts.

The submitted staff report doesn't address a couple of points that may be of interest.

- **Impact of the 11.61 FTE reduction on County employees.** Two employees, Marge Browning and Lee Greer, voluntarily retired, a half-time individual was laid off, and the rest of the positions were either vacant or the individuals moved into other positions with the Department.
- **Why has the matched amount decreased?** This seems to be a difficult question to answer. As I understand the situation, the State can't change the federal match rate, but it did change its method of applying that rate to Multnomah County. The State will only apply the rate to county funds equal to the percentage of Medicaid-billable services we perform. Yet, the amount of County General Fund sent to the State for matching purposes remains unchanged. *This would seem to imply our funds were over matched and/or the funds will not be fully matched and returned (i.e., some of our General Fund match dollars will be sent to the state and simply be returned unmatched as case management Funds).* There are two important questions this raises. First, we *may* be turning unrestricted General Fund into more restrictive DD funds without any match benefits. Could we utilize those funds within DD more effectively as general funds? Secondly, the State may still be using our general fund match funds as part of a larger pool to match at the state level. The County may not benefit directly, but is not made worse off, and the State-wide pool increases. DD staff have tried clarify this, yet it appears that they have had difficulty receiving clarity about the mechanics of the change at the state level.

-mdj

8/21/2002

BOGSTAD Deborah L

From: COMITO Charlotte A
Sent: Tuesday, August 27, 2002 2:31 PM
To: LINN Diane M; ROBERTS Lonnie J; ROJO DE STEFFEY Maria; CRUZ Serena M
Cc: MARTIN Chuck T; CARROLL Mary P; BALL John; KLINK Howard A; BOGSTAD Deborah L; 'lhnaio@aol.com'; NAITO Lisa H; NAITO Terri W; TURNER Kathy G
Subject: R-1 & R-2

Lisa has reviewed the BCC agenda for Thursday August 29 and has some concerns re agenda items R-1 and R-2. As there was no board staff briefing on the requested budget modifications she is asking that they be set over for a week or pending further board discussion. In the absence of a delay in these proposed budget modifications, Lisa will be voting no.

It is Lisa's understanding that no BCC policy has been considered that would direct individual departments to make cuts to state funded programs when there are state budget shortfalls. Given that the county can anticipate additional state cuts she would like a larger policy discussion of how these shortfalls will be absorbed by the county; i.e. reprioritization of county general funds or direct cuts.

Charlotte Comito

Executive Assistant

Commissioner Lisa Naito

503-988-4576

503-988-5262 fax

501 SE Hawthorne Ste. 600

Portland, OR 97214

charlotte.a.comito@co.multnomah.or.us

MEETING DATE: September 19, 2002
AGENDA NO: R-2
ESTIMATED START TIME: 9:35 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to MCC Chapter 33 Land Use Code West Hills Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3043
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir & Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing of an Ordinance adopting amendments to MCC Chapter 33 Land Use Code West Hills Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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

TO: Board of County Commissioners
FROM: Gary Clifford, Land Use Planning Division
TODAY'S DATE: August 27, 2002

REQUESTED

PLACEMENT DATE: September 19, 2002

RE: Public hearing on five ordinances that make technical corrections to Zoning Code Chapters 33, 34, 35, 37, and 38 (Planning Case File Numbers. PC 1-1 and PC 02-001)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of all five proposed ordinances.

II. BACKGROUND / ANALYSIS:

The County Zoning Code was completely reorganized in January, 2001 into separate Code chapters for each of four of the Rural Area Plans. Accompanying that reorganization was the adoption of new land use review procedures in a separate Chapter 37 Administration and Procedures.

That reorganization merged the zoning and land division codes, renumbered all sections, and added all new review procedures for land use applications. During the last year and a half staff has been able to work with the new code chapters and have, as discovered, kept track of code numbering errors, cross reference problems, and references to superseded procedures. The proposed ordinances will remedy those problems.

In addition to strictly technical corrections, it was found that during the integration of new review procedures into the zoning code that the approval criteria for plan map amendments and zone changes for individual properties was left out of the adopted version of the codes. Those provisions are now proposed to be included in Chapter 37 Administration and Procedures.

The Multnomah County Code (MCC) Chapters proposed to be amended are:

- Chapter 33, West Hills Rural Area;
- Chapter 34, Sauvie Island / Multnomah Channel Rural Area;
- Chapter 35, East of Sandy River Rural Area;
- Chapter 37, Administration and Procedures; and
- Chapter 38, Columbia River Gorge National Scenic Area.

Following is a chart which summarizes the various technical corrections by general categories and the number of the section where they occur: (1) cross reference numbering errors; (2) need to correct reference to a superceded review procedure; (3) corrections needed as a result of code reorganization (renumbering and moving of code sections); (4)

land use review procedure clarifications proposed to be added; and (5) code sections inadvertently omitted in 2001 that should be added back in.

| General reason for correction: | Chapter 33 Code Sections | Chapter 34 Code Sections | Chapter 35 Code Sections | Chapter 37 Code Sections | Chapter 38 Code Sections |
|--|--|---|--|--|---|
| 1. Cross reference errors | 33.0005 33.2035 33.2235 33.2240 33.2440 33.4510 33.7020 33.7060 | 34.0005 34.4510 34.7020 34.7060 | 35.0005 35.2235 35.2240 35.4510 35.7020 35.7060 | 37.0640 37.0710 | 38.0005 38.0015 38.0020 38.0640 38.0710 38.2020 |
| 2. Correct reference to superseded review procedure | 33.4335 33.5725 33.6305 33.6715 33.7040 33.7205 33.7210 33.7215 33.7410 33.7865 33.7870 33.7875 33.7880 33.7920 | 34.4335 34.5725 34.5825 34.5835 34.5840 34.5850 34.5860 34.6305 34.6715 34.7040 34.7205 34.7210 34.7215 34.7410 34.7865 34.7870 34.7875 34.7880 34.7920 | 35.4335 35.5725 35.6305 35.6715 35.7040 35.7205 35.7210 35.7215 35.7410 35.7865 35.7870 35.7875 35.7880 35.7920 | | 38.0110 38.2025 38.2225 38.2425 38.2625 38.2825 38.3025 38.3225 38.4135 38.7010 38.7045 38.7055 38.7090 |
| 3. Correct errors that resulted from code reorganization (renumbering and moving of code sections) | 33.2045 33.2245 33.6615 33.7705 33.7900 | 34.4525 34.6220 34.6615 34.7705 34.7900 | 35.2045 35.2060 35.2245 35.4525 35.6615 35.7705 35.7900 | | 38.4155 38.5500 |
| 4. Added clarifications to land use review procedures | 33.2025 33.2225 33.2425 33.2445 | | 35.2025 35.2225 | 37.0530 37.0540 37.0600 37.0620 37.0650 37.0660 37.0690 37.0700 37.0710 37.0750 | 38.0530 38.0540 38.0600 38.0620 38.0650 38.0710 38.0750 |
| 5. Code sections inadvertently omitted in 2001 | | | | 37.0705 | |

III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

IV. LEGAL ISSUES:

Proposed language changes are needed to clarify land use review procedures and correct numbering errors. In addition, one section containing the approval criteria for Plan and Zone Changes for individual properties was inadvertently left out during the recent code reorganization. Those criteria are a necessary part of the code for evaluating zone change and Comprehensive Plan Map change requests.

V. CONTROVERSIAL ISSUES:

No issues were brought forward at two Planning Commission public hearings. The amendments can be characterized as being "housekeeping" changes.

VI. LINK TO CURRENT COUNTY POLICIES:

Periodic updating of land use regulations is recognized to be necessary to make corrections, clarifications and improvements to code language.

Opportunity was made available for citizen input at two public hearings before the Planning Commission (Comprehensive Framework Plan Policy 3: Citizen Involvement).

All proposed changes to Chapter 38 were coordinated with the Columbia River Gorge Commission staff (Comprehensive Framework Plan Policy 4: Intergovernmental Coordination).

VII. CITIZEN PARTICIPATION:

Notice of two Planning Commission hearings on the proposed ordinances were published in the *Oregonian* newspaper. The hearings occurred on February 5, 2001 and June 3, 2002. The first hearing was primarily about corrections and omissions to Chapter 37 and the procedures part of Chapter 38. The second hearing amendments included changes throughout all the zoning code chapters that were adopted in January 2001.

VIII. OTHER GOVERNMENT PARTICIPATION:

Proposed technical corrections to Chapter 38 which regulates land uses in the Columbia River Gorge National Scenic Area have been reviewed and coordinated with the Columbia River Gorge Commission staff. The enactment date of those changes is required to be delayed until they have been also passed by the Gorge Commission. All proposed amendments have been sent to the Department of Land Conservation and Development in accordance with State law with no comments returned.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 33, Land Use Code West Hills Rural Plan Area, To Make Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 33.0005 is amended to read as follows:

33.0005 Definitions.

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(B) (7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 33.0705, MCC Chapter 29,~~ certifying compliance with all applicable building regulations.

Section 2. § 33.2025 is amended to read as follows:

33.2025 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2020 (D) or (E), 33.2025 (B), or 33.2030 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2045.

Section 3. § 33.2035 is amended to read as follows:

33.2035 Large Acreage Dwelling

A large acreage dwelling may be sited on a tract or tracts, subject to the following:

(A) The lot or lots in the tract(s) meet(s) the lot of record standards of MCC 33.2075 ~~(A) and (B);~~

Section 4. § 33.2045 is amended to read as follows:

33.2045 Use Compatibility Standards

Specified uses of MCC ~~33.2030 (B) and (C)~~ 33.2025(C), (D) and (E) and MCC ~~33.2030 (B), (C) and (D)~~ may be allowed upon a finding that:

Section 5. § 33.2225 is amended to read as follows:

33.2225 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2220 (D) or (E), 33.2225 (B), or 33.2230 (A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2245.

Section 6. § 33.2235 is amended to read as follows:

33.2235 Large Acreage Dwelling

A large acreage dwelling may be sited on a tract, subject to the following:

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC ~~33.2275 (A) and (B)~~;

Section 7. § 33.2240 is amended to read as follows:

33.2240 Template and Heritage Tract Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC ~~33.2275 (A) and (B)~~ 33.2275 and have been lawfully created prior to January 25, 1990;

(B) A *heritage tract dwelling* may be sited, subject to the following:

(5) The dwelling meets the applicable standards of MCC ~~33.2505~~ 33.2305.

Section 8. § 33.2245 is amended to read as follows:

33.2245 Use Compatibility Standards

Specified uses of MCC 33.2225(C), (D) and (E) and MCC 33.2230 (D), (E), and (F) may be allowed upon a finding that:

Section 9. § 33.2425 is amended to read as follows:

33.2425 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 33.2420 (D) or (E), 33.2425 (B), or 33.2430 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 33.2445.

Section 10. § 33.2440 is amended to read as follows:

33.2440 Template Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 33.2475(A) and (B) and have been lawfully created prior to January 25, 1990;

Section 11. § 33.2445 is amended to read as follows:

33.2445 Use Compatibility Standards

Specified uses of MCC ~~2430 (B) and (C)~~ 33.2425(C), (D) and (E) and MCC 33.2430 (B), (C) and (D) may be allowed upon a finding that:

Section 12. § 33.4335 is amended to read as follows:

33.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 33.4300.

Section 13. § 33.4510 is amended to read as follows:

33.4510 Uses; SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC ~~33.4320, 33.4515~~, shall be subject to an SEC permit.

Section 14. § 33.5725 is amended to read as follows:

33.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16B; MCC 33.0315 (A) ~~(1) and (2); and the applicable provisions of MCC Chapter 37.~~
~~33.0700 through 33.0790. The factors in MCC 33.0725(D) and (E) shall not apply.~~

Section 15. § 33.6305 is amended to read as follows:

33.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 33.0700 through 33.0775.~~ subject to the provisions for Type III decisions in MCC Chapter 37.

Section 16. § 33.6615 is amended to read as follows:

33.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC ~~33.6310, 37.0660~~, the approval authority:

Section 17. § 33.6715 is amended to read as follows:

33.6715 Criteria for Approval

The approval authority shall find that:

(A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

(B) The applicant has shown that the following standards can or will be met by a specified date:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 33.6305 (C),~~ be for a two-year period unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to MCC 33.0735 (E).
the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond ~~2 years pursuant to MCC 33.6305 (C),~~ two years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 18. § 33.7020 is amended to read as follows:

33.7020 Application of Regulations

Except those exempted by MCC 33.7015, the provisions of MCC 33.7000 through ~~33.7065~~ 33.7060 shall apply to all conditional and community service uses in any district.

Section 19. § 33.7040 is amended to read as follows:

33.7040 Final Design Review Plan

~~Following receipt by the applicant of the summary findings and conclusions under MCC 33.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a~~ final design review plan, which shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 33.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) Proposed minor exceptions from yard, parking, and sign ~~requirements~~ requirements; and

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 33.7010 through ~~33.7025~~, 33.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 20. § 33.7060 is amended to read as follows:

33.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

- (1) Dimensional standards for yards as required in the primary district;
- (2) Dimensional standards for off-street parking as required under MCC 33.4100 to 33.4125; 33.4170 to 33.4175;

Section 21. § 33.7205 is amended to read as follows:

33.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 33.0715,~~
- (2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 33.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 22. § 33.7210 is amended to read as follows:

33.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

- (1) ~~Provide notice as required by MCC 33.0715,~~
- (2) ~~Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 33.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 23. § 33.7215 is amended to read as follows:

33.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

~~(1) Provide notice as required by MCC 33.0715,~~

~~(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 33.0720 files a Notice of Appeal with the Department, pursuant to MCC 33.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 24. § 33.7410 is amended to read as follows:

33.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, ~~as required by MCC 33.0500,~~ must be approved prior to erection of the sign.

Section 25. § 33.7705 is amended to read as follows:

33.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by ~~MCC Chapter 33;~~ the base zone; or

Section 26. § 33.7865 is amended to read as follows:

33.7865 Tentative Plan Approval Time Limits; Staged Development

~~The time limits for approval of tentative plans and staged development proposals~~ Tentative plan approval expiration and extension shall be in accordance with MCC ~~33.7870 through 33.7880~~ 37.0690 through 37.0700.

Section 27. § 33.7870 is repealed in its entirety:

~~33.7870 Time Limit~~

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 28. § 33.7875 is repealed in its entirety:

~~33.7875 Staged Development for Subdivision~~

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.~~

Section 29. § 33.7880 is repealed in its entirety:

~~33.7880 Re-Approval After Expiration~~

~~After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.~~

Section 30. § 33.7900 is amended to read as follows:

33.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 31. § 33.7920 is amended to read as follows:

33.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. ~~However, in the case of a subdivision to be recorded and developed in stages under MCC 33.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 33.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: September 19, 2002
AGENDA NO: R-3
ESTIMATED START TIME: 9:40 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3043
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir & Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing of an Ordinance adopting amendments to MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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

TO: Board of County Commissioners
FROM: Gary Clifford, Land Use Planning Division
TODAY'S DATE: August 27, 2002

REQUESTED

PLACEMENT DATE: September 19, 2002

RE: Public hearing on five ordinances that make technical corrections to Zoning Code Chapters 33, 34, 35, 37, and 38 (Planning Case File Numbers. PC 1-1 and PC 02-001)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of all five proposed ordinances.

II. BACKGROUND / ANALYSIS:

The County Zoning Code was completely reorganized in January, 2001 into separate Code chapters for each of four of the Rural Area Plans. Accompanying that reorganization was the adoption of new land use review procedures in a separate Chapter 37 Administration and Procedures.

That reorganization merged the zoning and land division codes, renumbered all sections, and added all new review procedures for land use applications. During the last year and a half staff has been able to work with the new code chapters and have, as discovered, kept track of code numbering errors, cross reference problems, and references to superseded procedures. The proposed ordinances will remedy those problems.

In addition to strictly technical corrections, it was found that during the integration of new review procedures into the zoning code that the approval criteria for plan map amendments and zone changes for individual properties was left out of the adopted version of the codes. Those provisions are now proposed to be included in Chapter 37 Administration and Procedures.

The Multnomah County Code (MCC) Chapters proposed to be amended are:

- Chapter 33, West Hills Rural Area;
- Chapter 34, Sauvie Island / Multnomah Channel Rural Area;
- Chapter 35, East of Sandy River Rural Area;
- Chapter 37, Administration and Procedures; and
- Chapter 38, Columbia River Gorge National Scenic Area.

Following is a chart which summarizes the various technical corrections by general categories and the number of the section where they occur: (1) cross reference numbering errors; (2) need to correct reference to a superceded review procedure; (3) corrections needed as a result of code reorganization (renumbering and moving of code sections); (4)

land use review procedure clarifications proposed to be added; and (5) code sections inadvertently omitted in 2001 that should be added back in.

| General reason for correction: | Chapter 33 Code Sections | Chapter 34 Code Sections | Chapter 35 Code Sections | Chapter 37 Code Sections | Chapter 38 Code Sections |
|--|--|---|--|--|---|
| 1. Cross reference errors | 33.0005 33.2035 33.2235 33.2240 33.2440 33.4510 33.7020 33.7060 | 34.0005 34.4510 34.7020 34.7060 | 35.0005 35.2235 35.2240 35.4510 35.7020 35.7060 | 37.0640 37.0710 | 38.0005 38.0015 38.0020 38.0640 38.0710 38.2020 |
| 2. Correct reference to superseded review procedure | 33.4335 33.5725 33.6305 33.6715 33.7040 33.7205 33.7210 33.7215 33.7410 33.7865 33.7870 33.7875 33.7880 33.7920 | 34.4335 34.5725 34.5825 34.5835 34.5840 34.5850 34.5860 34.6305 34.6715 34.7040 34.7205 34.7210 34.7215 34.7410 34.7865 34.7870 34.7875 34.7880 34.7920 | 35.4335 35.5725 35.6305 35.6715 35.7040 35.7205 35.7210 35.7215 35.7410 35.7865 35.7870 35.7875 35.7880 35.7920 | | 38.0110 38.2025 38.2225 38.2425 38.2625 38.2825 38.3025 38.3225 38.4135 38.7010 38.7045 38.7055 38.7090 |
| 3. Correct errors that resulted from code reorganization (renumbering and moving of code sections) | 33.2045 33.2245 33.6615 33.7705 33.7900 | 34.4525 34.6220 34.6615 34.7705 34.7900 | 35.2045 35.2060 35.2245 35.4525 35.6615 35.7705 35.7900 | | 38.4155 38.5500 |
| 4. Added clarifications to land use review procedures | 33.2025 33.2225 33.2425 33.2445 | | 35.2025 35.2225 | 37.0530 37.0540 37.0600 37.0620 37.0650 37.0660 37.0690 37.0700 37.0710 37.0750 | 38.0530 38.0540 38.0600 38.0620 38.0650 38.0710 38.0750 |
| 5. Code sections inadvertently omitted in 2001 | | | | 37.0705 | |

III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

IV. LEGAL ISSUES:

Proposed language changes are needed to clarify land use review procedures and correct numbering errors. In addition, one section containing the approval criteria for Plan and Zone Changes for individual properties was inadvertently left out during the recent code reorganization. Those criteria are a necessary part of the code for evaluating zone change and Comprehensive Plan Map change requests.

V. CONTROVERSIAL ISSUES:

No issues were brought forward at two Planning Commission public hearings. The amendments can be characterized as being "housekeeping" changes.

VI. LINK TO CURRENT COUNTY POLICIES:

Periodic updating of land use regulations is recognized to be necessary to make corrections, clarifications and improvements to code language.

Opportunity was made available for citizen input at two public hearings before the Planning Commission (Comprehensive Framework Plan Policy 3: Citizen Involvement).

All proposed changes to Chapter 38 were coordinated with the Columbia River Gorge Commission staff (Comprehensive Framework Plan Policy 4: Intergovernmental Coordination).

VII. CITIZEN PARTICIPATION:

Notice of two Planning Commission hearings on the proposed ordinances were published in the *Oregonian* newspaper. The hearings occurred on February 5, 2001 and June 3, 2002. The first hearing was primarily about corrections and omissions to Chapter 37 and the procedures part of Chapter 38. The second hearing amendments included changes throughout all the zoning code chapters that were adopted in January 2001.

VIII. OTHER GOVERNMENT PARTICIPATION:

Proposed technical corrections to Chapter 38 which regulates land uses in the Columbia River Gorge National Scenic Area have been reviewed and coordinated with the Columbia River Gorge Commission staff. The enactment date of those changes is required to be delayed until they have been also passed by the Gorge Commission. All proposed amendments have been sent to the Department of Land Conservation and Development in accordance with State law with no comments returned.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 34, Land Use Code Sauvie Island/Multnomah Channel Rural Plan Area, To Make
Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 34.0005 is amended to read as follows:

34.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(B) (7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 34.0705, MCC Chapter 29,~~ certifying compliance with all applicable building regulations.

Section 2. § 34.4335 is amended to read as follows:

34.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 34.4300.

Section 3. § 34.4510 is amended to read as follows:

34.4510 Uses - SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 34.4320, 34.4515, shall be subject to an SEC permit.

Section 4. § 34.4525 is amended to read as follows:

34.4525 Applicable Approval Criteria

(A) The approval criteria in MCC 34.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

| Zoning Designation | Approval Criteria (MCC#) |
|---------------------------|---------------------------------|
| SEC-w (wetlands) | 34.4560 |
| SEC-v (scenic views) | 34.4565 |
| SEC-h (wildlife habitat) | 34.4570 |
| SEC-s (streams) | 34.4575 |

The zoning maps used to designate the SEC-s zoning subdistrict were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.~~

Section 5. § 34.5725 is amended to read as follows:

34.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; ~~MCC 34.0315 (A) (1) and (2); and the applicable provisions of MCC Chapter 37, 34.0700 through 34.0790. The factors in MCC 34.0725(D) and (E) shall not apply.~~

Section 6. § 34.5825 is amended to read as follows:

34.5825 Greenway Permit Application

An application for a Greenway Permit shall address the elements of the Greenway Design Plan and shall be filed as follows:

(A) ~~For a Permitted Use or a Use Under Prescribed Conditions, an Allowed Use or a Review Use, in the manner provided in MCC 34.0705 (B); Chapter 37 as a Type II Permit;~~

(B) For a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, or for a change of zone classification, or for any other action Type III Permit as specified in MCC 34.0700, Chapter 37, the Greenway Permit Application shall be combined with the required application for the proposed action and filed in the manner provided in ~~subsections MCC 34.0705 and 34.0710. MCC Chapter 37.~~

Section 7. § 34.5835 is amended to read as follows:

34.5835 Decision by Planning Director

(A) A decision on a Greenway Permit application for a ~~Permitted Use or a Use Under Prescribed Conditions~~ Allowed Use or a Review Use shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan. Such conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, exterior colors, and lighting.

Section 8. § 34.5840 is amended to read as follows:

34.5840 Decision by Hearings Officer

(A) A decision on a Greenway Permit application for a Conditional Use as specified either in the underlying district or in MCC 34.6300 through 34.6765, or for a Community Service Use as specified in MCC 34.6000 through 34.6230, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(B) Action by the Hearings Officer on a Greenway Permit application shall be ~~taken pursuant to MCC 34.0700 through 34.0745~~ pursuant to provisions for a Type III Permit as described in MCC Chapter 37.

(C) The findings and conclusions made by the Hearings Officer, and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the elements of the Greenway Design Plan.

Section 9. § 34.5850 is amended to read as follows:

34.5850 Appeals

(A) A decision by the Planning Director on a Greenway Permit application may be appealed to the Hearings Officer in the manner provided in MCC 34.0785 ~~and 34.0790~~ 37.0640.

(B) A decision by the Hearings Officer on a Greenway Permit application may be appealed to the Board of County Commissioners in the manner provided in MCC 34.0755 Land Use Board of Appeals (LUBA).

Section 10. § 34.5860 is repealed in its entirety:

34.5860 Notice to Department of Transportation

~~The Planning Director shall mail to the State Department of Transportation a copy of any application for a Greenway Permit within ten days of the filing thereof, and a copy of the written decision thereon, at the time the same is filed, under MCC 34.5835 (B) or 34.0750, as appropriate.~~

Section 11. § 34.6220 is amended to read as follows:

34.6220 Criteria for Approval

The Approval Authority shall find that:

(D) The proposed landfill site is capable of being reclaimed to a primary use permitted in the underlying zoning district. For resource districts (~~CFU, EFU, (EFU or MUA)~~), the primary use will be the resource for which the district was created (i.e., ~~timber production in CFU, farmland in EFU, etc.~~). The soil productivity, if in a natural resource zone, is capable of being brought back to the closest level economically and technically feasible to that which existed on the site prior to the landfill.

Section 12. § 34.6305 is amended to read as follows:

34.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 34.0700 through 34.0775~~, subject to the provisions for Type III decisions in MCC Chapter 37.

Section 13. § 34.6615 is amended to read as follows:

34.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC 34.6310, 37.0660, the approval authority:

Section 14. § 34.6715 is amended to read as follows:

34.6715 Criteria for Approval

The approval authority shall find that:

(A) The applicant demonstrates that the property shall be capable of being used as provided in the Comprehensive Plan and the underlying district after the fill operation.

(B) The applicant has shown that the following standards can or will be met by a specified date:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 34.6305 (C), be for a two-year period~~, unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to MCC 34.0735 (E), the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond ~~2 years pursuant to MCC 34.6305 (C)~~, two years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 15. § 34.7020 is amended to read as follows:

34.7020 Application of Regulations

Except those exempted by MCC 34.7015, the provisions of MCC 34.7000 through ~~34.7065~~34.7060 shall apply to all conditional and community service uses in any district.

Section 16. § 34.7040 is amended to read as follows:

34.7040 Final Design Review Plan

~~Following receipt by the applicant of the summary findings and conclusions under MCC 34.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a~~A final design review plan, which shall contain the following, drawn to scale:

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 34.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) Proposed minor exceptions from yard, parking, and sign ~~requirements~~requirements; and

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 34.7010 through ~~34.7025~~34.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 17. § 34.7060 is amended to read as follows:

34.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

(1) Dimensional standards for yards as required in the primary district;

(2) Dimensional standards for off-street parking as required under MCC 34.4100 to ~~34.4125~~34.4170 to 34.4175;

Section 18. § 34.7205 is amended to read as follows:

34.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

~~(1) Provide notice as required by MCC 34.0715,~~

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 19. § 34.7210 is amended to read as follows:

34.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

(1) Provide notice as required by MCC 34.0715,

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 20. § 34.7215 is amended to read as follows:

34.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

(1) Provide notice as required by MCC 34.0715,

(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 34.0720 files a Notice of Appeal with the Department, pursuant to MCC 34.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.

Section 21. § 34.7410 is amended to read as follows:

34.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, as required by MCC 34.0500, must be approved prior to erection of the sign.

Section 22. § 34.7705 is amended to read as follows:

34.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(E) *Land Division* means a subdivision or partition. For the purposes of this Chapter, land divisions are further classified as Category 1, Category 3, and Category 4 Land Divisions, as provided in MCC 35.7765 through 35.7780. 34.7765 through 34.7780.

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by MCC Chapter 33; the base zone; or

Section 23. § 34.7865 is amended to read as follows:

34.7865 Tentative Plan Approval Time Limits; Staged Development

~~The time limits for approval of tentative plans and staged development proposals~~ Tentative plan approval expiration and extension shall be in accordance with MCC 34.7870 through 34.7880. 37.0690 through 37.0700.

Section 24. § 34.7870 is repealed in its entirety:

34.7870 Time Limit

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 25. § 34.7875 is repealed in its entirety:

34.7875 Staged Development for Subdivision

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.~~

Section 26. § 34.7880 is repealed in its entirety:

34.7880 Re-Approval After Expiration

After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.

Section 27. § 34.7900 is amended to read as follows:

34.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 28. § 34.7920 is amended to read as follows:

34.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. ~~However, in the case of a subdivision to be recorded and developed in stages under MCC 34.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 34.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING:

SECOND READING AND ADOPTION:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: September 19, 2002
AGENDA NO: R-4
ESTIMATED START TIME: 9:45 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to MCC Chapter 35 Land Use Code East of Sandy River Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3043
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir & Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing of an Ordinance adopting amendments to MCC Chapter 35 Land Use Code East of Sandy River Rural Plan Area to make technical corrections. Case files PC 01-01 & PC 02-001

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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

TO: Board of County Commissioners
FROM: Gary Clifford, Land Use Planning Division
TODAY'S DATE: August 27, 2002

REQUESTED

PLACEMENT DATE: September 19, 2002

RE: Public hearing on five ordinances that make technical corrections
to Zoning Code Chapters 33, 34, 35, 37, and 38
(Planning Case File Numbers. PC 1-1 and PC 02-001)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of all five proposed ordinances.

II. BACKGROUND / ANALYSIS:

The County Zoning Code was completely reorganized in January, 2001 into separate Code chapters for each of four of the Rural Area Plans. Accompanying that reorganization was the adoption of new land use review procedures in a separate Chapter 37 Administration and Procedures.

That reorganization merged the zoning and land division codes, renumbered all sections, and added all new review procedures for land use applications. During the last year and a half staff has been able to work with the new code chapters and have, as discovered, kept track of code numbering errors, cross reference problems, and references to superseded procedures. The proposed ordinances will remedy those problems.

In addition to strictly technical corrections, it was found that during the integration of new review procedures into the zoning code that the approval criteria for plan map amendments and zone changes for individual properties was left out of the adopted version of the codes. Those provisions are now proposed to be included in Chapter 37 Administration and Procedures.

The Multnomah County Code (MCC) Chapters proposed to be amended are:

- Chapter 33, West Hills Rural Area;
- Chapter 34, Sauvie Island / Multnomah Channel Rural Area;
- Chapter 35, East of Sandy River Rural Area;
- Chapter 37, Administration and Procedures; and
- Chapter 38, Columbia River Gorge National Scenic Area.

Following is a chart which summarizes the various technical corrections by general categories and the number of the section where they occur: (1) cross reference numbering errors; (2) need to correct reference to a superceded review procedure; (3) corrections needed as a result of code reorganization (renumbering and moving of code sections); (4)

land use review procedure clarifications proposed to be added; and (5) code sections inadvertently omitted in 2001 that should be added back in.

| General reason for correction: | Chapter 33 Code Sections | Chapter 34 Code Sections | Chapter 35 Code Sections | Chapter 37 Code Sections | Chapter 38 Code Sections |
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| 1. Cross reference errors | 33.0005 33.2035 33.2235 33.2240 33.2440 33.4510 33.7020 33.7060 | 34.0005 34.4510 34.7020 34.7060 | 35.0005 35.2235 35.2240 35.4510 35.7020 35.7060 | 37.0640 37.0710 | 38.0005 38.0015 38.0020 38.0640 38.0710 38.2020 |
| 2. Correct reference to superseded review procedure | 33.4335 33.5725 33.6305 33.6715 33.7040 33.7205 33.7210 33.7215 33.7410 33.7865 33.7870 33.7875 33.7880 33.7920 | 34.4335 34.5725 34.5825 34.5835 34.5840 34.5850 34.5860 34.6305 34.6715 34.7040 34.7205 34.7210 34.7215 34.7410 34.7865 34.7870 34.7875 34.7880 34.7920 | 35.4335 35.5725 35.6305 35.6715 35.7040 35.7205 35.7210 35.7215 35.7410 35.7865 35.7870 35.7875 35.7880 35.7920 | | 38.0110 38.2025 38.2225 38.2425 38.2625 38.2825 38.3025 38.3225 38.4135 38.7010 38.7045 38.7055 38.7090 |
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| 5. Code sections inadvertently omitted in 2001 | | | | 37.0705 | |

III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

IV. LEGAL ISSUES:

Proposed language changes are needed to clarify land use review procedures and correct numbering errors. In addition, one section containing the approval criteria for Plan and Zone Changes for individual properties was inadvertently left out during the recent code reorganization. Those criteria are a necessary part of the code for evaluating zone change and Comprehensive Plan Map change requests.

V. CONTROVERSIAL ISSUES:

No issues were brought forward at two Planning Commission public hearings. The amendments can be characterized as being "housekeeping" changes.

VI. LINK TO CURRENT COUNTY POLICIES:

Periodic updating of land use regulations is recognized to be necessary to make corrections, clarifications and improvements to code language.

Opportunity was made available for citizen input at two public hearings before the Planning Commission (Comprehensive Framework Plan Policy 3: Citizen Involvement).

All proposed changes to Chapter 38 were coordinated with the Columbia River Gorge Commission staff (Comprehensive Framework Plan Policy 4: Intergovernmental Coordination).

VII. CITIZEN PARTICIPATION:

Notice of two Planning Commission hearings on the proposed ordinances were published in the *Oregonian* newspaper. The hearings occurred on February 5, 2001 and June 3, 2002. The first hearing was primarily about corrections and omissions to Chapter 37 and the procedures part of Chapter 38. The second hearing amendments included changes throughout all the zoning code chapters that were adopted in January 2001.

VIII. OTHER GOVERNMENT PARTICIPATION:

Proposed technical corrections to Chapter 38 which regulates land uses in the Columbia River Gorge National Scenic Area have been reviewed and coordinated with the Columbia River Gorge Commission staff. The enactment date of those changes is required to be delayed until they have been also passed by the Gorge Commission. All proposed amendments have been sent to the Department of Land Conservation and Development in accordance with State law with no comments returned.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 35, Land Use Code East of Sandy River Rural Plan Area, To Make Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 35.0005 is amended to read as follows:

35.0005 Definitions

As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.

(B)(7) **Building Permit** – A permit required pursuant to ~~Multnomah County Code 35.0705~~, MCC Chapter 29, certifying compliance with all applicable building regulations.

Section 2. § 35.2025 is amended to read as follows:

35.2025 Review Uses

(E) A mobile home during the construction or reconstruction of a residence allowed under MCC 35.2020 (D) or (E), 35.2025 (B), or 35.2030 (A) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling pursuant to MCC 35.2045.

Section 3. § 35.2045 is amended to read as follows:

35.2045 Use Compatibility Standards

Specified uses of MCC 35.2025 (C), (D) and (E) and MCC 35.2030 (A), (B) and (C) may be allowed upon a finding that:

Section 4. § 35.2060 is amended to read as follows:

35.2060 Dimensional Requirements

(A) Except as provided in ~~MCC 35.2065~~, 35.2070, 35.2075, and 35.2080, the minimum lot size shall be 80 acres.

Section 5. § 35.2225 is amended to read as follows:

35.2225 Review Uses

(E) A mobile home for a period not to exceed two years when in conjunction with the construction or reconstruction of a residence allowed under MCC 35.2220 (D) or (E), 35.2225 (B), or 35.2230 (A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use which satisfies all applicable dimensional and locational standards within three months of the completion of the dwelling pursuant to MCC 35.2245.

Section 6. § 35.2235 is amended to read as follows:

35.2235 Large Acreage Dwelling

A large acreage dwelling may be sited on a tract, subject to the following:

(A) The lot or lots in the tract meet(s) the lot of record standards of MCC 35.2275(A) and (B);

Section 7. § 35.2240 is amended to read as follows:

35.2240 Template and Heritage Tract Dwellings

(A) A template dwelling may be sited on a tract, subject to the following:

(1) The lot or lots in the tract shall meet the lot of record standards of MCC 35.2275(A) or (B), and (E) and have been lawfully created prior to January 25, 1990;

Section 8. § 35.2245 is amended to read as follows:

35.2245 Use Compatibility Standards

(A) Specified uses of MCC 35.2225 (C), (D), and (E) and MCC 35.2230 (D), (E), and (F) may be allowed upon a finding that the use will:

Section 9. § 35.4335 is amended to read as follows:

35.4335 Minimum Site Size

A Planned Development District shall be established only on a parcel of land found by the Planning Commission to be suitable for the proposed development and of sufficient size to be planned and developed in a manner consistent with the purposes stated in MCC 35.4300.

Section 10. § 35.4510 is amended to read as follows:

35.4510 Uses - SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC 35.4320, 35.4515, shall be subject to an SEC permit.

Section 11. § 35.4525 is amended to read as follows:

35.4525 Applicable Approval Criteria

(A) The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.

(B) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

| Zoning Designation | Approval Criteria (MCC#) |
|---------------------------|---------------------------------|
| SEC-w (wetlands) | 33.4560 |
| SEC-v (scenic views) | 33.4565 |
| SEC-h (wildlife habitat) | 33.4570 |
| SEC-s (streams) | 33.4575 |

The zoning maps used to designate the SEC-s zoning subdistrict were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

Section 12. § 35.5725 is amended to read as follows:

35.5725 Procedure For Applying The PAM Subdistrict

(A) A PAM subdistrict shall be established by amendment of the Comprehensive Framework Plan and Zoning Map. The relevant factors for the establishment of the subdistrict are within the Oregon Administrative Rules Chapter 660, Division 16; Comprehensive Plan Policy 16-B; MCC 35.0315 (A) (1) and (2); and the applicable provisions of MCC Chapter 37. 35.0700 through 35.0790. The factors in MCC 35.0725(D) and (E) shall not apply.

Section 13. § 35.6305 is amended to read as follows:

35.6305 General Provisions

(A) Application for approval of a Conditional Use shall be ~~made in the manner provided in MCC 35.0700 through 35.0775,~~ subject to the provisions for Type III decisions in MCC Chapter 37.

Section 14. § 35.6615 is amended to read as follows:

35.6615 Conditions and Restrictions

In addition to the conditions and restrictions which may be attached under the provisions of MCC ~~35.6310, 37.0660,~~ the approval authority:

Section 15. § 35.6715 is amended to read as follows:

35.6715 Criteria for Approval

The approval authority shall find that:

(10) Timeline.

Timelines for Large fill Conditional Use Permits shall ~~conform with the 2-year period pursuant to MCC 35.6305 (C),~~ be for a two-year period unless otherwise approved by the Approval Authority. The applicant may request a longer time period for completion as part of the initial application. If an approval has been issued, the applicant may request a longer time period for completion pursuant to ~~MCC 35.0735 (E).~~ the procedures for a Type III permit as described in MCC Chapter 37.

If completion of a large fill project extends beyond ~~2 years pursuant to MCC 35.6305 (C),~~ two years, the applicant shall submit an engineering report prepared and signed by a licensed engineer at least once per year by October 31, or as otherwise specified by the Approval Authority. The engineering report shall describe at a minimum the following:

Section 16. § 35.7020 is amended to read as follows:

35.7020 Application of Regulations

Except those exempted by MCC 35.7015, the provisions of MCC 35.7000 through ~~35.7065~~ 35.7060 shall apply to all conditional and community service uses in any district.

Section 17. § 35.7040 is amended to read as follows:

35.7040 Final Design Review Plan

~~Following receipt by the applicant of the summary findings and conclusions under MCC 35.7035, the applicant may submit a revised preliminary design review plan or shall file with the Planning Director a final design review plan, which shall contain the following, drawn to scale:~~

(A) Site Development and Landscape Plans, indicating the locations and specifications of the items described in MCC 35.7030 (D) and (E), as appropriate;

(B) Architectural drawings, indicating floor plans, sections, and elevations; and

(C) Proposed minor exceptions from yard, parking, and sign ~~requirements~~ requirements; and

(D) When the Planning Director determines that immediate execution of any feature of an approved final design review plan is impractical due to climatic conditions, unavailability of materials or other temporary condition, the Director shall, as a precondition to the issuance of a required permit under MCC 35.7010 through ~~35.7025~~, 35.7020, require the posting of a performance bond, cash deposit, or other surety, to secure execution of the feature at a time certain.

Section 18. § 35.7060 is amended to read as follows:

35.7060 Minor Exceptions: Yard, Parking, Sign, and Landscape Requirements

(A) In conjunction with final design review plan approval, the Planning Director may grant minor exceptions from the following requirements:

(1) Dimensional standards for yards as required in the primary district;

(2) Dimensional standards for off-street parking as required under MCC ~~35.4100 to 35.4125~~; 35.4170 to 35.4175;

Section 19. § 35.7205 is amended to read as follows:

35.7205 Restoration or Replacement Due to Fire, other Casualty or Natural Disaster

(B) Any decision on restoration or replacement of a nonconforming use due to fire, other casualty or natural disaster ~~shall~~ shall be processed as a Type II permit as described in MCC Chapter 37.

~~(1) Provide notice as required by MCC 35.0715,~~

~~(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Planning Director pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 20. § 35.7210 is amended to read as follows:

35.7210 Alteration, Expansion or Replacement of Nonconforming Uses

(D) Any decision on alteration, expansion or replacement of a nonconforming use ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

~~(1) Provide notice as required by MCC 35.0715,~~

~~(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Planning Director, pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 21. § 35.7215 is amended to read as follows:

35.7215 Verification of Nonconforming Use Status

(E) Any decision on verification of nonconforming use status ~~shall~~shall be processed as a Type II permit as described in MCC Chapter 37.

~~(1) Provide notice as required by MCC 35.0715,~~

~~(2) Be final at the close of business on the twelfth calendar day following the filing of the written decision with the Director of the Department of Environmental Services unless prior thereto, any party as defined by MCC 35.0720 files a Notice of Appeal with the Department, pursuant to MCC 35.0785 (B) and (C). Upon receipt of a Notice of Appeal, the Planning Director shall schedule a public hearing on the appeal for the next available hearing of the Hearing Officer.~~

Section 22. § 35.7410 is amended to read as follows:

35.7410 Conformance

No sign may be erected unless it conforms with the regulations of this Chapter. Sign permits, ~~as required by MCC 35.0500,~~ must be approved prior to erection of the sign.

Section 23. § 35.7705 is amended to read as follows:

35.7705 Definitions

As used in this Chapter, unless the context requires otherwise:

(J) *Partition land* means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include:

(1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment is not reduced below the minimum lot size established by ~~MCC Chapter 35;~~the base zone; or

Section 24. § 35.7865 is amended to read as follows:

35.7865 Tentative Plan Approval Time Limits; Staged Development

The time limits for approval of tentative plans and staged development proposals Tentative plan approval expiration and extension shall be in accordance with MCC ~~35.7870 through 35.7880~~ 37.0690 through 37.0700.

Section 25. § 35.7870 is repealed in its entirety:

35.7870 Time Limit

~~The final subdivision plat or final partition plat shall be delivered to the Planning Director for approval within one year following the approval of the tentative plan, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Director may, upon written request by the applicant, and payment of the required fee, grant an extension of the approval period, not to exceed six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan.~~

Section 26. § 35.7875 is repealed in its entirety:

35.7875 Staged Development for Subdivision

~~When an applicant desires to record and develop subdivision plats covering portions of an approved tentative plan in stages, the approval authority may authorize a time schedule for platting the various stages in periods of time in excess of one year, but in no case shall the total time period for platting of all stages be greater than five years without re-filing the tentative plan. Each stage so platted and developed shall conform to all applicable requirements of this Chapter.~~

Section 27. § 35.7880 is repealed in its entirety:

35.7880 Re-Approval After Expiration

~~After the expiration of the approval period, and extension, if any, a tentative plan shall be re-filed and considered as a new application.~~

Section 28. § 35.7900 is amended to read as follows:

35.7900 Acreage Tracts

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Section 29. § 35.7920 is amended to read as follows:

35.7920 Temporary Turnarounds

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots. ~~However, in the case of a subdivision to be recorded and developed in stages under MCC 35.7875, a temporary turnaround shall not be required on a street to be continued in a subsequent stage. In such case, an appropriate improvement agreement under MCC 35.8010 may be required by the Planning Director to assure that a temporary turnaround will be provided should the subsequent stage not proceed according to the approved schedule.~~

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: September 19, 2002
AGENDA NO: R-5
ESTIMATED START TIME: 9:50 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to MCC Chapter 37 Land Use Code Administration and Procedures, to make technical corrections. Case files PC 01-01 & PC 02-001

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3043
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir & Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing of an Ordinance adopting amendments to MCC Chapter 37 Land Use Code Administration and Procedures, to make technical corrections. Case files PC 01-01 & PC 02-001

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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

TO: Board of County Commissioners
FROM: Gary Clifford, Land Use Planning Division
TODAY'S DATE: August 27, 2002

REQUESTED

PLACEMENT DATE: September 19, 2002

RE: Public hearing on five ordinances that make technical corrections to Zoning Code Chapters 33, 34, 35, 37, and 38 (Planning Case File Numbers. PC 1-1 and PC 02-001)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of all five proposed ordinances.

II. BACKGROUND / ANALYSIS:

The County Zoning Code was completely reorganized in January, 2001 into separate Code chapters for each of four of the Rural Area Plans. Accompanying that reorganization was the adoption of new land use review procedures in a separate Chapter 37 Administration and Procedures.

That reorganization merged the zoning and land division codes, renumbered all sections, and added all new review procedures for land use applications. During the last year and a half staff has been able to work with the new code chapters and have, as discovered, kept track of code numbering errors, cross reference problems, and references to superseded procedures. The proposed ordinances will remedy those problems.

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III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

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Proposed language changes are needed to clarify land use review procedures and correct numbering errors. In addition, one section containing the approval criteria for Plan and Zone Changes for individual properties was inadvertently left out during the recent code reorganization. Those criteria are a necessary part of the code for evaluating zone change and Comprehensive Plan Map change requests.

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VIII. OTHER GOVERNMENT PARTICIPATION:

Proposed technical corrections to Chapter 38 which regulates land uses in the Columbia River Gorge National Scenic Area have been reviewed and coordinated with the Columbia River Gorge Commission staff. The enactment date of those changes is required to be delayed until they have been also passed by the Gorge Commission. All proposed amendments have been sent to the Department of Land Conservation and Development in accordance with State law with no comments returned.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 37, Land Use Code Administration and Procedures, To Make Technical Corrections and Replace Language Inadvertently Deleted During the Zoning Code Reorganization Enacted by Ordinance No. 953.

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

Multnomah County Ordains as follows:

Section 1. § 37.0530 is amended to read as follows

37.0530 Summary Of Decision Making Processes.

The following decision making processes chart shall control the County's review of the indicated permits:

| APPROVAL PROCESS | | | | | |
|--|-----------------------------------|------------------------|-----------------------|--------------------------|---------------|
| Permit Type | I | II | III | IV | PC |
| Initial Approval Body | (Not a "land use decision") | (Planning Director) | (Hearings Officer) | (Planning Commission) | (Legislative) |
| Allowed Uses | X | | | | |
| Review Uses | | X | | | |
| Conditional Uses | | | X | | |
| Community Service | | | X | | |
| Design Review | | X | | | |
| Plan/Zone Change (single tract) quasi-judicial | | | | X | |
| Plan/Zone Changes-legislative | | | | | X |
| Zone Code Text Changes (Initiated by County only) | | | | | X |
| Variance | | X | | | |
| Non-conforming Uses/Determination of Non- conforming Use | | X | | | |
| Extension of Decision | | X | | | |
| Revocation of Decision | | X | | | |
| Property Line Adjustments | | X | | | |
| Planned Unit Developments | | | X | | |
| Land Divisions | | | | | |
| • Subdivision | | | X | | |
| • Major Partition | | X | | | |
| • Minor Partition | | X | | | |

| | | | | | |
|-----------------------------------|---|---|--|--|--|
| Significant Environmental Concern | | X | | | |
| Hillside Development Permit | | X | | | |
| Willamette River Greenway | | X | | | |
| Zoning Code Interpretations | | X | | | |
| Grading and Erosion Control | X | | | | |
| Floodplain Development | X | | | | |
| Street & Property Addressing | X | | | | |

Permit Types

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to ~~LUBA~~ the Land Use Board of Appeals (LUBA) within 21 days of when the signed Hearings Officer decision is signed/mailed pursuant to 37.0660(D).

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. The process for these decisions is controlled by ORS 197.763. Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed-final. The decision is final the day the signed Hearings Officer decision is mailed pursuant to 37.0660(D).

(D) Type IV decisions include plan amendment and/or zone change applications of an individual parcel or tract. These applications involve substantial discretion and evaluation of subjective approval criteria. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within 750 feet. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days prehearing. At the evidentiary hearing held before Planning Commission all testimony and evidence relevant to the matter shall be accepted prior to the close of the hearing. If the Planning Commission denies the application, any party who appeared before the Planning Commission either in person or in writing, may appeal the Planning Commissions denial to Board of Commissioners within 14 days after the decision is signed.

If no appeal is filed, the Planning Commission's denial shall become final upon the close of business on the last day of the appeal period. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the Board of Commissioners for final consideration. In either case, any review by the Board of Commissioners is on the record, and only issues raised before the Planning Commission are recorded ~~nov~~o, as if new, and all issues relevant to the applicable Commission may be raised before the Board of Commissioners. approval criteria may be considered. The Board of Commissioners' decision is the County's final decision and is appealable to LUBA within 21 days of when the signed Board order is mailed.

(E) PC review's are legislative actions which involve the adoption or amendment of the County's land use regulations, comprehensive plan, map inventories and other policy documents that affect the entire County, large areas, or multiple properties. These applications involve the greatest amount of discretion and evaluation of subjective approval criteria, and must be referred by majority vote of the entire Planning Commission onto the Board for final action prior to adoption by the County. The Board of Commissioners' decision is the County's final decision and is appealable to LUBA within 21 days of the signed Board order or ordinance as applicable. is mailed.

Section 2. § 37.0540 is amended to read as follows

37.0540 Assignment Of Decision Makers.

The following County entity or official shall decide the following types of applications:

(A) Type I Decisions. The Planning Director shall render all Type I decisions. The Planning Director's decision is the County's final decision on a Type I application.

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. The Hearings Officer decision on such an appeal is the County's final decision on a Type II application and is appealable to the Land Use LUBA.
Board of Appeals.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. The Hearings Officer decision is the County's final decision on a Type III application and is appealable to the Land Use Board of Appeals. LUBA.

(D) Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed to the Board of Commissioners in accordance with MCC 37.0640. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the Board of Commissioners. The Board's decision is the County's final decision on a Type IV application and is appealable to the Land Use Board of Appeals. LUBA.

(E) PC Actions. The Planning Commission shall review all PC actions. If the Planning Commission adopts by majority vote of the entire Planning Commission a resolution to recommend an action, the Planning Commission refers the resolution to the Board for final action. The Board's decision is the County's final decision on a PC application and is appealable to the Land Use Board of Appeals. LUBA.

Section 3. § 37.0600 is amended to read as follows

37.0600 Completeness Review And 150-Day Rule.

(C) An applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the time to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application.

Section 4. § 37.0620 is amended to read as follows

37.0620 Hearings Notice - Type II Appeals, Type III Or Type IV Applications.

Notice for all public hearings for Type III, IV or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to any County-recognized neighborhood association or identified agency whose territory includes the subject property. The County shall further provide notice at least 20 days prior to a hearing to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish the notice in a newspaper of general circulation within the County at least 20 days prior to the hearing. Notice of the hearing shall include the following information:

Section 5. § 37.0640 is amended to read as follows

37.0640 Appeals.

(E) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC ~~37.0710~~ 37.0620. Notice of the appeal hearing shall contain the following information:

Section 6. § 37.0650 is amended to read as follows

37.0650 Reapplication Limited.

If an application is denied or withdrawn following the close of the public hearing or the end of the appeal period, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

Section 7. § 37.0660 is amended to read as follows

37.0660 Conditions Of Approval And Notice Of Decision.

(D) Notice of decision. The County shall send, by first class mail, a notice of all decisions rendered under a Type II, Type III, or Type IV process. For Type II, decisions, notice shall be mailed to all property owners within 750 feet of the subject tract, to those persons who have identified themselves in writing and to any County-recognized neighborhood association or identified agency whose territory includes the subject property. For Type III and Type IV decisions, notice shall be mailed to all parties within 750 feet of the subject tract, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant. The notice of decision shall include the following information:

Section 8. § 37.0690 is amended to read as follows

37.0690 Expiration And Extension Of A Type II Or Type III Decision in EFU and CFU Zones.

~~(B) Except as provided in (A), all Type II and Type III approvals automatically become void if any of the following events occur:~~

~~(1) If, within two years of the date of the final decision, all necessary building permit(s) have not been issued, if required; or~~

~~(2) If, within two years of the date of the final decision, the development action or activity approved in the decision is not initiated or, in situations involving only the creation of lots or property line adjustments, the final survey or plat has not been approved by the Planning Director and recorded.~~

~~(C) Notwithstanding Subsection (B) of this section, on exception lands the decision maker may set forth in the written decision, specific instances or time periods when a permit expires.~~

~~(D)~~(B) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

~~(E)~~(C) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the County. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

Section 9. § 37.0700 is amended to read as follows

37.0700 Expiration and Extension Of Type II Or Type III Decisions In Exception Areas and Lands Within the UGB.

(A) All Type II and Type III approvals automatically become void if any of the following events occur:

(1) If, within two years of the date of the final decision, all necessary building permit(s) have not been issued, if required; or

(2) If, within two years of the date of the final decision, the development action or activity approved in the decision is not initiated or, in situations involving only the creation of lots or property line adjustments, the final survey or plat has not been approved by the Planning Director and recorded.

(B) Notwithstanding Subsection (A) of this section, on exception lands the decision maker may set forth in the written decision, specific instances or time periods when a permit expires.

(A)(C) The Planning Director may extend, prior to its expiration, any approved decision outside of an Exclusive Farm Use or Commercial Forest Use zone for a period of six months up to an aggregate period of one year; provided, however, that there has been substantial implementation of the permit. Any request for an extension shall be reviewed and decided upon by the Planning Director as a Type II decision.

(B)(D) Substantial implementation of a permit shall require at a minimum, for each six month extension, demonstrable evidence in a written application showing:

(1) The permit holder has applied for all necessary additional approvals or permits required as a condition of the land use or limited land use permit;

(2) Further commencement of the development authorized by the permit could not practicably have occurred for reasons beyond the reasonable control of the permit holder;

(3) The request for an extension is not sought for purposes of avoiding any responsibility imposed by this code or the permit or any condition thereunder; and

(4) There have been no changes in circumstances or the law likely to necessitate significant modifications to the approval.

(E) New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until review before the Land Use Board of Appeals and the appellate courts has been completed, including any remand proceedings before the County. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

Section 10. A new § 37.0705 is added to read as follows

37.0705 Type IV Quasi-Judicial Plan and Zone Change Approval Criteria.

(A) Quasi-judicial Plan Revision. The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the following standards are met:

(1) The plan revision is consistent with the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;

(2) The proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use; and

(3) The uses allowed by the proposed changes will:

(a) Not destabilize the land use pattern in the vicinity;

(b) Not conflict with existing or planned uses on adjacent lands; and

(c) That necessary public services are or will be available to serve allowed uses.

(4) Proof that circumstances in the area affected by the proposed revision have changed since adoption of the plan, or that there was a mistake in the plan, are additional relevant factors which may be considered under this subsection.

(B) Quasi-Judicial Zone Change. The burden of proof is upon the person initiating a zone change request. That burden shall be to persuade that:

(1) Granting the request is in the public interest;

(2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;

(3) The proposed action fully accords with the applicable elements of the Comprehensive Plan; and

(4) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under this subsection.

Section 11. § 37.0710 is amended to read as follows

37.0710 (PC) Legislative Hearing Process.

(B) Planning Commission Review:

(4) Planning Commission recommendation. At the conclusion of the initial hearing or a continued hearing under MCC 37.0710, 37.0730, the Planning Commission shall adopt a recommendation on the proposal to the Board of Commissioners. If the Planning Commission decides that no action is appropriate, the matter is terminated and may not be appealed unless otherwise provided by law. If the Board of Commissioners has initiated the legislative proposal, the Planning Commission shall submit to the Board of Commissioners a report and recommendation not to act. If the Planning Commission recommends adoption of some form of the proposal, the Planning

Commission shall prepare and forward to the Board of Commissioner's a report and recommendation to that effect.

(C) Board of Commissioners review:

(1) Board of Commissioners action. Upon a recommendation from the Planning Commission on a legislative action, the Board of Commissioners shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Board of Commissioners may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the Board of Commissioners decision shall be enacted as an ordinance and final upon signing. The Board of Commissioner's decision is appealable to LUBA in accordance with OAR Chapter 661, Division 10 and ORS 197.830 or current applicable state statutes.

(2) Notice of final decision. Not later than 5 days following the Board of Commissioner's final decision, the Planning Director shall mail notice of the decision to DLCD in accordance with ORS 197.615 (2) or law or current applicable state statutes.

Section 12. § 37.0750 is amended to read as follows

37.0750 Expiration Of Prior Land Use Decisions.

All land use decisions authorized prior to ~~(enactment date of this Ordinance)~~ January 1, 2001 (Ordinance No. 953) shall expire on ~~(two years from the date of enactment of this ordinance)~~ January 1, 2003, unless a different timeframe was specifically included in the decision.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: September 19, 2002
AGENDA NO: R-6
ESTIMATED START TIME: 9:55 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Public Hearing of an Ordinance adopting amendments to MCC Chapter 38 Land Use Code Columbia River Gorge National Scenic Area, to make technical corrections. Case files PC 01-01 & PC 02-001

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DBCS DIVISION: Land Use Planning

CONTACT: Susan Muir TELEPHONE #: 503 988-3043
BLDG/ROOM #: 455/116

PERSON(S) MAKING PRESENTATION: Susan Muir & Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

A Public Hearing of an Ordinance adopting amendments to MCC Chapter 38 Land Use Code Columbia River Gorge National Scenic Area, to make technical corrections. Case files PC 01-01 & PC 02-001

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

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

TO: Board of County Commissioners
FROM: Gary Clifford, Land Use Planning Division
TODAY'S DATE: August 27, 2002

REQUESTED

PLACEMENT DATE: September 19, 2002

RE: Public hearing on five ordinances that make technical corrections to Zoning Code Chapters 33, 34, 35, 37, and 38 (Planning Case File Numbers. PC 1-1 and PC 02-001)

I. RECOMMENDATION / ACTION REQUESTED:

Planning Commission recommends adoption of all five proposed ordinances.

II. BACKGROUND / ANALYSIS:

The County Zoning Code was completely reorganized in January, 2001 into separate Code chapters for each of four of the Rural Area Plans. Accompanying that reorganization was the adoption of new land use review procedures in a separate Chapter 37 Administration and Procedures.

That reorganization merged the zoning and land division codes, renumbered all sections, and added all new review procedures for land use applications. During the last year and a half staff has been able to work with the new code chapters and have, as discovered, kept track of code numbering errors, cross reference problems, and references to superseded procedures. The proposed ordinances will remedy those problems.

In addition to strictly technical corrections, it was found that during the integration of new review procedures into the zoning code that the approval criteria for plan map amendments and zone changes for individual properties was left out of the adopted version of the codes. Those provisions are now proposed to be included in Chapter 37 Administration and Procedures.

The Multnomah County Code (MCC) Chapters proposed to be amended are:

- Chapter 33, West Hills Rural Area;
- Chapter 34, Sauvie Island / Multnomah Channel Rural Area;
- Chapter 35, East of Sandy River Rural Area;
- Chapter 37, Administration and Procedures; and
- Chapter 38, Columbia River Gorge National Scenic Area.

Following is a chart which summarizes the various technical corrections by general categories and the number of the section where they occur: (1) cross reference numbering errors; (2) need to correct reference to a superseded review procedure; (3) corrections needed as a result of code reorganization (renumbering and moving of code sections); (4)

land use review procedure clarifications proposed to be added; and (5) code sections inadvertently omitted in 2001 that should be added back in.

| General reason for correction: | Chapter 33 Code Sections | Chapter 34 Code Sections | Chapter 35 Code Sections | Chapter 37 Code Sections | Chapter 38 Code Sections |
|--|--|---|--|--|---|
| 1. Cross reference errors | 33.0005 33.2035 33.2235 33.2240 33.2440 33.4510 33.7020 33.7060 | 34.0005 34.4510 34.7020 34.7060 | 35.0005 35.2235 35.2240 35.4510 35.7020 35.7060 | 37.0640 37.0710 | 38.0005 38.0015 38.0020 38.0640 38.0710 38.2020 |
| 2. Correct reference to superseded review procedure | 33.4335 33.5725 33.6305 33.6715 33.7040 33.7205 33.7210 33.7215 33.7410 33.7865 33.7870 33.7875 33.7880 33.7920 | 34.4335 34.5725 34.5825 34.5835 34.5840 34.5850 34.5860 34.6305 34.6715 34.7040 34.7205 34.7210 34.7215 34.7410 34.7865 34.7870 34.7875 34.7880 34.7920 | 35.4335 35.5725 35.6305 35.6715 35.7040 35.7205 35.7210 35.7215 35.7410 35.7865 35.7870 35.7875 35.7880 35.7920 | | 38.0110 38.2025 38.2225 38.2425 38.2625 38.2825 38.3025 38.3225 38.4135 38.7010 38.7045 38.7055 38.7090 |
| 3. Correct errors that resulted from code reorganization (renumbering and moving of code sections) | 33.2045 33.2245 33.6615 33.7705 33.7900 | 34.4525 34.6220 34.6615 34.7705 34.7900 | 35.2045 35.2060 35.2245 35.4525 35.6615 35.7705 35.7900 | | 38.4155 38.5500 |
| 4. Added clarifications to land use review procedures | 33.2025 33.2225 33.2425 33.2445 | | 35.2025 35.2225 | 37.0530 37.0540 37.0600 37.0620 37.0650 37.0660 37.0690 37.0700 37.0710 37.0750 | 38.0530 38.0540 38.0600 38.0620 38.0650 38.0710 38.0750 |
| 5. Code sections inadvertently omitted in 2001 | | | | 37.0705 | |

III. FINANCIAL IMPACT:

No fiscal impact to the County has been identified.

IV. LEGAL ISSUES:

Proposed language changes are needed to clarify land use review procedures and correct numbering errors. In addition, one section containing the approval criteria for Plan and Zone Changes for individual properties was inadvertently left out during the recent code reorganization. Those criteria are a necessary part of the code for evaluating zone change and Comprehensive Plan Map change requests.

V. CONTROVERSIAL ISSUES:

No issues were brought forward at two Planning Commission public hearings. The amendments can be characterized as being "housekeeping" changes.

VI. LINK TO CURRENT COUNTY POLICIES:

Periodic updating of land use regulations is recognized to be necessary to make corrections, clarifications and improvements to code language.

Opportunity was made available for citizen input at two public hearings before the Planning Commission (Comprehensive Framework Plan Policy 3: Citizen Involvement).

All proposed changes to Chapter 38 were coordinated with the Columbia River Gorge Commission staff (Comprehensive Framework Plan Policy 4: Intergovernmental Coordination).

VII. CITIZEN PARTICIPATION:

Notice of two Planning Commission hearings on the proposed ordinances were published in the *Oregonian* newspaper. The hearings occurred on February 5, 2001 and June 3, 2002. The first hearing was primarily about corrections and omissions to Chapter 37 and the procedures part of Chapter 38. The second hearing amendments included changes throughout all the zoning code chapters that were adopted in January 2001.

VIII. OTHER GOVERNMENT PARTICIPATION:

Proposed technical corrections to Chapter 38 which regulates land uses in the Columbia River Gorge National Scenic Area have been reviewed and coordinated with the Columbia River Gorge Commission staff. The enactment date of those changes is required to be delayed until they have been also passed by the Gorge Commission. All proposed amendments have been sent to the Department of Land Conservation and Development in accordance with State law with no comments returned.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 38, Land Use Code Columbia River Gorge National Scenic Area To Make Technical Corrections

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

Multnomah County Ordains as follows:

Section 1. § 38.0005 is amended to read as follows

38.0005 Area Affected

MCC ~~38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085~~ Chapter 38 shall apply to all lands within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act.

Section 2. § 38.0015 is amended to read as follows

38.0015 Definitions

As used in MCC ~~38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085~~, Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

Section 3. § 38.0020 is amended to read as follows

38.0020 Exempt Land Uses and Activities

MCC ~~38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085~~ Chapter 38 shall not apply to:

Section 4. § 38.0110 is amended to read as follows

38.0110 Indian Tribal Treaty Rights and Consultation

(A) If comment regarding tribal rights is received during the comment period provided in MCC ~~38.7025 (B)~~ 38.0530 (B) or (C) from an Indian tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government.

(B) The Planning Director shall deem the Treaty Rights Protection Plan process complete if no substantiated comment is received during the 30 day comment period and the Treaty Rights

Protection Plan and/or site plan indicate that the proposed uses would not affect or modify treaty or other rights of any Indian tribe.

(1) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7025 ~~(B)~~ 38.0530 (B) or (C) within 25 days of the expiration of the 30 day comment period.

(2) The decision of the Planning Director regarding treaty or other rights of any Indian tribe shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC 38.0780.38.0530 (B) or (C).

Section 5. § 38.0530 is amended to read as follows

38.0530 Summary of decision making processes.

The following decision making processes chart shall control the County' s review of the indicated permits:

| APPROVAL PROCESS | | | | |
|--|-----------------------------|----------------------|--------------------|---------------|
| Permit Type | I | II | III | PC |
| Initial Approval Body | (Not a "land use decision") | (Planning Director) | (Hearings Officer) | (Legislative) |
| Allowed Uses | X | | | |
| Review Uses | | X | | |
| Conditional Uses | | | X | |
| Zone Code Text Changes (Initiated by County only) | | | | X |
| Variance | | X | X | |
| Extension of Decision | | X | | |
| Property Line Adjustments | | X | | |
| Planned Unit Developments | | | X | |
| Land Divisions <ul style="list-style-type: none"> • Subdivision • Major Partition • Minor Partition | | X X | X | |
| Revocation of Decisions | | | X | |
| Zoning Code Interpretations | | X | | |
| Hillside Development Permit | X | | | |
| Floodplain Development | X | | | |

| | | | | |
|--------------------------------|----------|--|--|--|
| Grading and Erosion Control | <u>X</u> | | | |
| Street and Property Addressing | <u>X</u> | | | |

Permit Types

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 30 days after the notice of application is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is signed. The decision is final the day the decision is signed by the Hearings Officer.

(C) Type III decisions involve the greatest amount of discretion and evaluation of subjective approval criteria, yet are not required to be heard by the Board. Applications evaluated through this process primarily involve conditional uses and some land divisions applications. ~~The process for these decisions is controlled by ORS 197.763.~~ Notice of the application and Hearings Officer hearing is published and mailed to the applicant, recognized neighborhood association and property owners 750 feet of the subject tract. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. The Hearings Officer shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is signed. The decision is final the day the decision is signed by the Hearings Officer.

(D) PC review's are limited to legislative actions which involve the adoption or amendment of textual language to the County's National Scenic Area (NSA) land use regulations. Within the NSA the Columbia River Gorge Commission has the authority to adopt amendments to the Management Plan and Land Use Designations Maps that are directly applicable to County actions. For this reason, PC reviews only involve limited discretion and evaluation of new or revised subjective approval criteria and revised maps, and must be referred by majority vote of the entire Planning Commission onto the Board for final action prior to adoption by the County. ~~The Board of Commissioner's decision is the final decision and is appealable.~~ Upon adoption by the Board of County Commissioners, the ordinance shall be promptly submitted to the Columbia River Gorge Commission within 30 days after the signing of a Board order or ordinance as applicable for their review and approval.

Section 6. § 38.0540 is amended to read as follows

38.0540 Assignment of decision makers.

The following County entity or official shall decide the following types of applications:

(D) PC Actions. The Planning Commission shall review all PC actions. If the Planning Commission adopts by majority vote of the entire Planning Commission a resolution to recommend an action, the Planning Commission refers the resolution to the Board for final action. ~~The Board's decision is the County's final decision on a PC application and is appealable to ordinance becomes effective after approval by the Columbia River Gorge Commission.~~
Commission and, if necessary, concurrence by the Secretary of Agriculture.

Section 7. § 38.0600 is amended to read as follows

38.0600 Completeness review.

(C) An applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

Section 8. § 38.0620 is amended to read as follows

38.0620 Hearings Notice - Type II appeals or Type III applications.

Notice for all public hearings for Type III application or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to the Gorge Commission, the US Forest Service, the Indian tribal governments, the State Historic Preservation Office, and the Cultural Advisory Committee. The County shall further provide notice at least 20 days prior to a hearing to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish the notice in a newspaper of general circulation within the County at least 20 days prior to the hearing. Notice of the hearing shall include the following information:

Section 9. § 38.0640 is amended to read as follows

38.0640 Appeals.

Appeals of any decisions of the County must comply with the requirements of this section.

(E) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 38.0710.38.0620. Notice of the appeal hearing shall contain the following information:

Section 10. § 38.0650 is amended to read as follows

38.0650 Reapplication limited.

If an application is denied, or withdrawn following the close of the public hearing or the end of the appeal period, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

Section 11. § 38.0710 is amended to read as follows

38.0710 (PC) Legislative hearing process.

(B) Planning Commission Review:

(4) Planning Commission recommendation. At the conclusion of the initial hearing or a continued hearing under MCC 38.0710,38.0730, the Planning Commission shall adopt a recommendation on the proposal to the Board of Commissioners. If the Planning Commission decides that no action is appropriate, the matter is terminated and may not be appealed unless otherwise provided by law. If the Board of Commissioners has initiated the legislative proposal, the Planning Commission shall submit to the Board of Commissioners a report and recommendation not to act. If the Planning Commission recommends adoption of some form of the proposal, the Planning Commission shall prepare and forward to the Board of Commissioner' s a report and recommendation to that effect.

(C) Board of Commissioners review:

(1) Board of Commissioners action. Upon a recommendation from the Planning Commission on a legislative action, the Board of Commissioners shall hold at least one public hearing on ~~the proposal~~ a proposed action to amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the Board of Commissioners may adopt, modify or reject the legislative proposal, or it may remand the matter to the Planning Commission for further consideration. If the ~~Board of Commissioners decision is to adopt~~ adopts at least some form of the proposal, ~~and thereby amend the County's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the Board of Commissioners decision shall be enacted as an ordinance and final upon signing. The Board of Commissioner' s decision is appealable to the Gorge Commission within 30 days after the signing of the Board Order.~~

(2) ~~Notice of final decision. Not later than 5 days following the Board of Commissioner' s final decision, the Planning Director shall mail notice of the decision to the Columbia River Gorge Commission.~~

Section 12. § 38.0750 is amended to read as follows

38.0750 Expiration of prior land use decisions.

All land use decisions authorized prior to ~~(enactment date of this Ordinance)~~ March 19, 2001 (Ord. No. 953) shall expire on ~~(two years from the date of enactment of this ordinance)~~ March 19, 2003, unless a different timeframe was specifically included in the decision.

Section 13. § 38.2020 is amended to read as follows

38.2020 Allowed Uses

(A) The following uses are allowed on land designated GGF without review:

(5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 (E) pursuant to the provisions of MCC 38.7090.

(B) The following uses are allowed on land designated GSF without review:

(1) New agricultural uses as defined in MCC 38.0015 (A) and the open space uses allowed under MCC 38.2625 (C), except where there would be potential impact to cultural or natural resources.

Section 14. § 38.2025 is amended to read as follows

38.2025 Review Uses

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC ~~38.0035~~ 38.0530 ~~(B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:~~

(B) The following uses may be allowed on lands designated GSF pursuant to MCC ~~38.0035~~ 38.0530 ~~(B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:~~

(1) Any use listed in MCC 38.2225 (B).

(2) Forest practices in accordance with a site plan for forest practices approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the following:

(a) The following information, in addition to the site plan requirements of MCC ~~38.0035~~ (C), 38.0045(A)(2), shall be included on the site plan:

Section 15. § 38.2225 is amended to read as follows

38.2225 Review Uses

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0040;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(B) The following uses may be allowed on lands designated GSA- 40 pursuant to MCC 38.0035;38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

Section 16. § 38.2425 is amended to read as follows

38.2425 Review Uses

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0035;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

Section 17. § 38.2625 is amended to read as follows

38.2625 Review Uses

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0035;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0035;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0035;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(D) The following uses may be allowed on lands designated GGO- GW:

(1) Existing quarries may continue operation if they are determined to be consistent with standards to protect scenic, cultural, natural and recreation resources pursuant to MCC 38.0035;38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied.

(E) The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0035;38.0530 (B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

Section 18. § 38.2825 is amended to read as follows

38.2825 Review Uses

(A) The following uses are allowed on all lands designated GG– PR pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(B) The following uses are allowed on all lands designated GG– CR pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

Section 19. § 38.3025 is amended to read as follows

38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied:

Section 20. § 38.3225 is amended to read as follows

38.3225 Review Uses

(A) A single-family dwelling on a legally created parcel, pursuant to MCC ~~38.0035:38.0530~~ (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7090 have been satisfied.

Section 21. § 38.4135 is amended to read as follows

38.4135 Improvements Required

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy ~~under MCC 38.0515~~, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

Section 22. § 38.4155 is amended to read as follows

38.4155 Interpretation

Off-street parking or loading requirements for structures or uses not specifically listed in MCC 38.4205 and 38.4210 shall be determined by written decision of the Planning Director. The Director shall base such requirements on the standards for parking or loading of similar uses.

Section 23. § 38.5500- is amended to read as follows

38.5500- Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 7 and OAR 340-41-455 for the Tualatin River Basin, and the Multnomah County Comprehensive Framework Plan Policy No. 14-County. This subdistrict is intended to:

(E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and forces.

Section 24. § 38.7010 is amended to read as follows

38.7010 Applicability

With the exception of Primary Uses, no building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in the Columbia River Gorge National Scenic Area except when approved pursuant to MCC 38.7025 or 38.7030 38.0530 (B) or (C) or 38.7090.

Section 25. § 38.7045 is amended to read as follows

38.7045 GMA Cultural Resource Review Criteria

(B) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7045 (L) and (M), if:

(1) The project is exempted by MCC 38.7045 (A) (1), no cultural resources are known to exist in the project area, and no substantiated comment is received during the comment period provided in MCC 38.7025 38.0530 (B).

(C) If comment is received during the comment period provided in MCC 38.7025 38.0530 (B), the applicant shall offer to meet with the interested persons within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the interested persons.

(E) The Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC ~~38.7025~~38.0530 (B). Survey reports may include measures to avoid affected cultural resources, such as a map that shows a reasonable buffer area.

(4) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC ~~38.18(E)~~38.702538.0530 (B) within 10 days of the expiration of the 30 day comment period.

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC ~~38.0785~~38.0530 (B).

(G) If the Evaluation of Significance demonstrates that the affected cultural resources are not significant, the Planning Director shall submit a copy of all cultural resource survey reports to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC ~~38.0785~~38.0530 (B).

(I) If the Assessment of Effect concludes that the proposed use would have no effect or no adverse effect on significant cultural resources, the Planning Director shall submit a copy of the assessment to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(5) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC ~~38.0785~~38.0530 (B).

(K) The Planning Director shall submit a copy of the Mitigation Plan to the Gorge Commission, SHPO, the Indian tribal governments, the Cultural Advisory Committee, and any party who submitted substantiated comment during the comment period provided in MCC 38.7045 (E) (1).

(3) The Planning Director shall deem the cultural resource review process complete if the Mitigation Plan indicates that the impact of the proposed use is reduced to no effect or no adverse effect and no substantiated comment is received during the 30 day comment period.

(a) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC 38.7045 (E) within 10 days of the expiration of the 30 day comment period.

(b) The decision of the Planning Director on an application for cultural resource review shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC ~~38.0785~~38.0530 (B).

(4) The proposed use shall be prohibited when acceptable mitigation measures fail to reduce an adverse effect to no effect or no adverse effect.

(L) Cultural Resources Discovered After Construction Begins

The following procedures shall be effected when cultural resources are discovered during construction activities. All survey and evaluation reports and mitigation plans shall be submitted to the Planning Director and SHPO. Indian tribal governments also shall receive a copy of all reports and plans if the cultural resources are prehistoric or otherwise associated with Native Americans.

(3) Survey and Evaluation – The Gorge Commission will survey the cultural resources after obtaining written permission from the landowner and appropriate permits from SHPO (*see* ORS 273.705 and ORS 358.905 to 358.955). It will gather enough information to evaluate the significance of the cultural resources. The survey and evaluation will be documented in a report that generally follows the standards in MCC 38.7045 (C) (2) and MCC 38.7045 (E).

(c) Notice of the decision of the Planning Director shall be mailed to those parties entitled to notice by MCC ~~38.7025~~38.0530 (B).

(d) The decision of the Planning Director shall be final 14 days from the date notice is mailed, unless appealed as provided in MCC ~~38.0785~~38.0530 (B). Construction activities may recommence if no appeal is filed.

Section 26. § 38.7055 is amended to read as follows

38.7055 GMA Wetland Review Criteria

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and zone designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan revision pursuant to MCC ~~38.0100~~38.0710 to demonstrate that practicable alternatives do not exist.

Section 27. § 38.7090 is amended to read as follows

38.7090 Responses to an Emergency/Disaster Event

(D) Post-Emergency/Disaster Response Site Review

All applications for post-emergency/disaster response Site Review shall be processed pursuant to the procedural provisions of MCC 38.702538.0530 (B) and evaluated for compliance with the standards of MCC 38.7090 (E).

Section 27. The effective date of the amendments to Chapter 38 Columbia River Gorge National Scenic Area, General Management Areas shall be the date of adoption by the Bi-State Gorge Commission. Amendments to Special Management Areas shall be effective upon acknowledgement by the United States Secretary of Agriculture.

FIRST READING:

SECOND READING AND ADOPTION:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Deputy County Attorney

MEETING DATE: September 19, 2002
AGENDA NO: R-7
ESTIMATED START TIME: 10:00 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Pleasant Valley Concept Plan

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 19, 2002
AMOUNT OF TIME NEEDED: 30 Minutes

DEPARTMENT: DBCS DIVISION: Land Use and Transportation

CONTACT: Ed Abrahamson TELEPHONE #: 503-988-5050 x 29620
BLDG/ROOM #: 455

PERSON(S) MAKING PRESENTATION: John Bliss and Ed Abrahamson

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

PowerPoint Presentation and Consideration of a Resolution Authorizing Acceptance of the Pleasant Valley Concept Plan as Adopted by the Pleasant Valley Concept Plan Steering Committee

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: M. Cecilia Johnson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



Dept. of Business and Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-5050

STAFF REPORT

TO: Board of County Commissioners

FROM: Kathy Busse, Director
Land Use and Transportation Program
Ed Abrahamson, Transportation Planning Specialist

DATE: August 26, 2002

RE: Pleasant Valley Concept Plan

1. Recommendation/Action Requested:

Approval of a resolution by the Board of County Commissioners is sought accepting the Pleasant Valley Concept Plan as adopted by the Pleasant Valley Concept Plan Steering Committee.

2. Background/Analysis:

Creation of the Plan was guided by a 23-member steering committee that included valley residents and property owners, Portland, Gresham and Happy Valley planning commissions, Multnomah and Clackamas Counties, Metro, area businesses and neighborhood associations, 1000 Friends of Oregon, Centennial School District and the Johnson Creek Watershed Council. The project was supported by staff from Gresham, Portland, Happy Valley, Multnomah and Clackamas Counties, and Metro, in addition to consultant team led by OTAK.

The Plan includes a combination of elements from 4 plan alternatives community members evaluated and a hybrid plan. The Plan reflects input received during the 18-month planning process. The process provided extensive opportunities for community members and organizations, and local, regional, state and federal agencies to participate. These opportunities included 5 community forums, a design charrette and steering committee meetings.

3. Financial Impact:

No financial impact is associated with the concept level planning.

4. Legal Issues:

N/A

5. Controversial Issues:

N/A

6. Link to Current County Policies:

The Plan is consistent with the following *Comprehensive Framework Plan* policies:

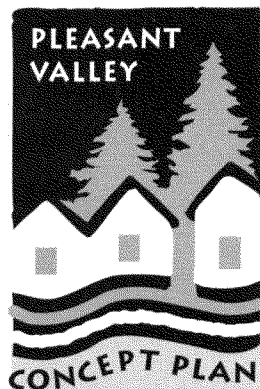
Urban Rural Growth Management Policies
Natural Environment Policies
Community Development and Design Process
Land Use Location Policies
Physical Support Systems Policies

7. Citizen Participation:

In addition to the 5 community forums held over the 18-month planning process, there have been ample opportunities for citizen participation including Steering Committee meetings, several newsletters, community presentations, and a Pleasant Valley Concept Plan website.

8. Other Government Participation:

The concept plan was a joint planning effort by the cities of Gresham, Portland, Happy Valley, Multnomah and Clackamas Counties.



This project was a joint planning effort by the cities of Gresham, Portland and Happy Valley; Clackamas and Multnomah counties and Metro. It was partially funded by a grant from the Federal Highway Administration.

PLEASANT VALLEY

CONCEPT PLAN NEWS

Concept Plan Moves Forward

On May 14, 2002, the Pleasant Valley Steering Committee voted to recommend the concept plan map included in this newsletter and to forward final implementation strategy recommendations along with the map to participating jurisdictions. The recommendations identify key concepts and policy direction for future implementation efforts.

Plan purpose

The purpose of the Pleasant Valley Concept Plan is to guide the creation of a new 1,532-acre community east of Portland and south of Gresham. The concept plan follows a December 1998 regional decision to bring the area inside the urban growth boundary. The central theme of the plan is to create an urban community through the integration of land use, transportation and natural resource elements.

Plan development

Creation of the plan was guided by a 23-member steering committee that included valley residents and property owners; Portland, Gresham and Happy Valley planning commissions; Multnomah and Clackamas counties; Metro; area business and neighborhood associations, 1000 Friends of Oregon; Centennial School District and the Johnson Creek Watershed Council. The project was supported by staff from Gresham, Portland, Happy Valley; Multnomah and Clackamas counties; and Metro, in addition to a consultant team led by OTAK.

The plan includes a combination of elements from four plan alternatives community members evaluated last fall and a hybrid plan evaluated last winter. The plan reflects input received during the 18-month planning process. The process provided extensive opportunities for community members and organizations and local, regional, state and federal agencies to participate. These opportunities included five community forums, a design charrette and steering committee meetings.



Final steering committee meeting

Thank you for your involvement

You helped craft the recommended concept plan during the following community forums:

January 2001 – Identify existing conditions and issues for land use, transportation and natural resources.

March 2001 – Develop watershed guidelines and discussion of how to integrate natural resources with transportation and land use.

May 15-19, 2001 – Design four draft concept plan alternatives for the area.

December 2001 – Review and evaluate four concept plans and the hybrid plan.

April 2002 – Review and discuss the draft concept plan map and implementation strategies.

PLEASANT VALLEY CONCEPT PLAN MAP

(recommended by the Pleasant Valley Concept Plan Steering Committee on May 14, 2002)

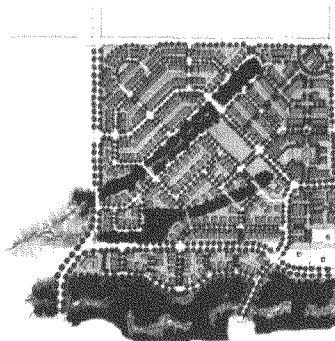
LEGEND

- Detached residential
- Attached residential
- Town center
- Mixed-use neighborhood center
- Mixed-use employment
- Employment
- Elementary school
- Middle school
- Neighborhood park
- Park blocks
- Community park
- Metro open space
- Environmentally sensitive/restoration area
- Plaza
- Neighborhood transition design area
- Arterials, collectors and key local streets
- Potential long-term arterial connection

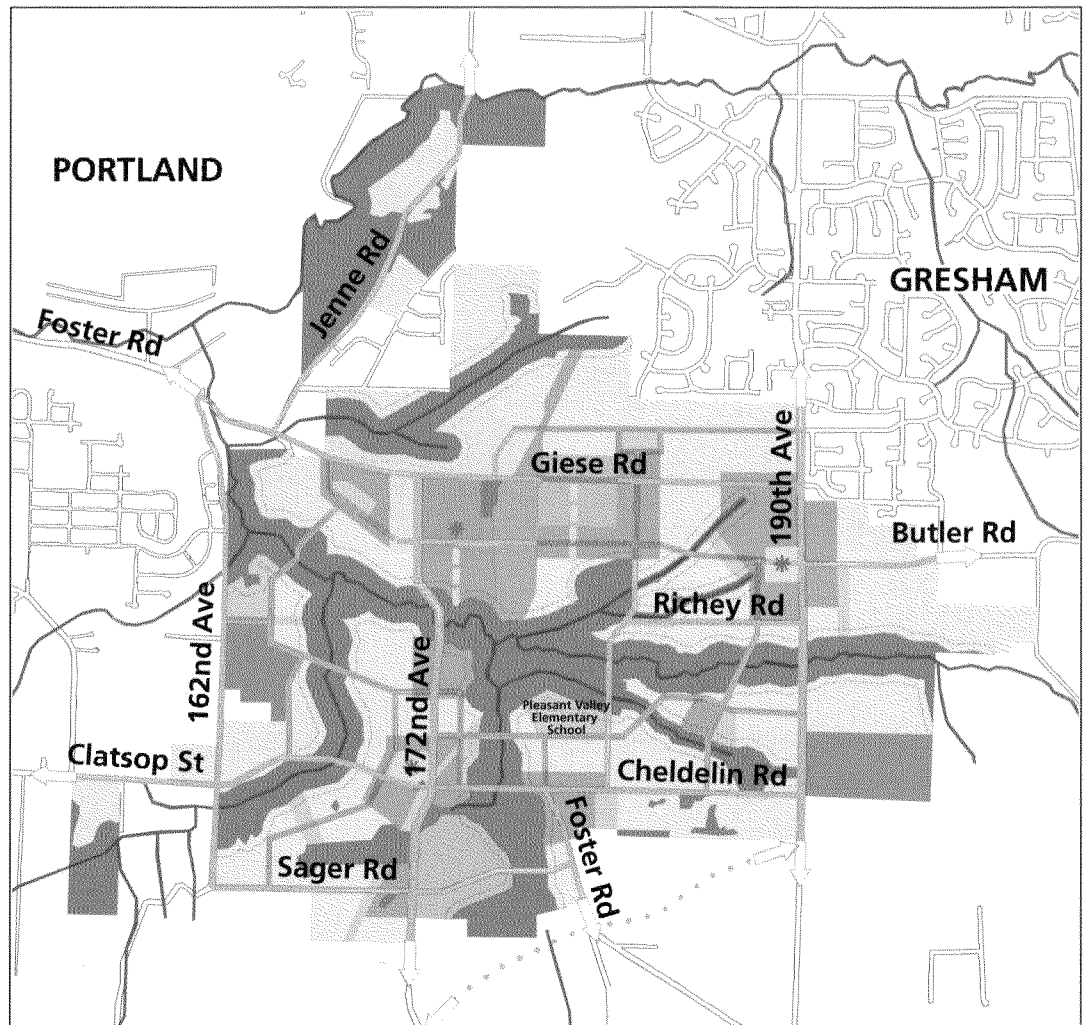
The recommended concept plan map provides:

- Extensive natural resource protection and enhancement that protects existing natural areas and restores important vegetation and habitat around Kelley and Mitchell creeks, their tributaries and associated wetlands.
- A town center to serve as the community focus. It includes a mix of retail, civic, office and residential uses, a plaza and "main street" design.
- Two mixed-use neighborhood centers to serve as a place for small shops and offices.
- A variety of housing in walkable neighborhoods.
- Two- to 5-acre neighborhood parks, smaller "neighborhood greens" and a community park north of Kelley Creek between the Northwest Natural gas pipeline easement and the BPA power line easement.
- Three public schools: the existing Pleasant Valley Elementary School, a new middle school and a new elementary school based on needs identified by the Centennial School District.

- Employment areas intended to provide local job opportunities. A mixed-use office area is adjacent to the town center, and two light industrial/office areas are located north and south of Kelley Creek.



Illustrative walkable neighborhood



In addition, the map includes:

- A system of regional trails, including one running north/south within the BPA/Northwest Natural gas easements and two running east/west along both sides of Kelley Creek.
- A well-connected system of arterial, collector and local streets and multi-use trails. "Green streets" designs will be used to help minimize negative impacts of storm-water runoff.
- A neighborhood transition design area to provide a transition between the environmentally sensitive/restoration area and adjoining land uses.

- Total buildable land for housing, schools, neighborhood centers and town center – 709 acres
- Total buildable land for employment – 80 acres
- Total environmentally constrained land – 495 acres
- Parks – 46 acres
- Total dwelling units at build-out – 5,048
- Total jobs at build-out – 4,985
- Estimated population at build-out – 12,315

Key issues

Five key issues were the focus of discussions by residents and the steering committee as the concept plan was finalized:

Transportation – Many residents were concerned that the transportation system would not be adequate to carry the estimated levels of traffic in the future. This concern was coupled with support for specific elements of the plan's proposed transportation system.

Natural resources – Overall, most residents supported plan proposals for natural resources, open spaces and parks. Concerns centered on what property owners would be allowed to do with their land within the proposed environmentally sensitive/restoration areas.

Employment – Support was mixed for creating employment opportunities on the level of about 5,000 jobs in the valley. Steering committee members had extensive discussions regarding this issue and ultimately decided to focus job opportunities near the town center, in a southern employment district and in home-based work. Three citizen representatives on the steering committee did not endorse the employment recommendations on the final concept plan map.

Timing of infrastructure improvements – One of the key implementation issues that emerged out of the community forums was a concern that infrastructure not lag behind development. The steering committee endorsed policy and action measures to ensure that annexation, service provision and development occur in a logical and efficient manner and that major public facilities be provided at the time they are needed.

Governance – Another key issue was governance for Area C, the Clackamas County portion of the Pleasant Valley study area. The committee concluded that future governance for this part of the study area needed coordination among all the affected governments, and should be considered within the context of the larger Pleasant Valley-Damascus-Boring area. The committee endorsed a process (initiated by Clackamas County through Resolution 2002-20) to have the affected jurisdictions and service providers cooperatively determine the future governance and service provision within the area south of the Multnomah County/Clackamas County line. The goal of this process is to bring a unified message to the Metro Council concerning governance and service provision for Area C and those areas in Clackamas County that will be considered for future inclusion in the urban growth boundary.



Neighborhood transition design area

Next steps and how to get involved

Creating a concept plan is just the start. The concept plan will provide the basis for future comprehensive plan amendments and development code regulations that must be adopted before annexation and development can take place.

Gresham/Portland Pleasant Valley Plan District Implementation project

The city of Gresham, in partnership with Portland, received a state Transportation Growth Management grant to implement the Pleasant Valley Concept Plan. The project will result in a land-use plan district and development code, a natural resource protection program, a public facilities plan, a street network plan and an annexation strategy – all based on the concept plan.

For more information, call Jonathan Harker at (503) 618-2502 or visit the city of Gresham's Pleasant Valley web site at www.ci.gresham.or.us/pleasantvalley/.

Powell/Foster Corridor Study

Metro is leading a study to consider alternatives for improving Powell Boulevard and Foster Road to meet local and regional transportation needs, including roadway, transit, bike and pedestrian improvements.

For more information on the study, call Kristin Hull at (503) 797-1864.

The work of these projects will be coordinated with the cities of Gresham and Portland, Multnomah and Clackamas counties, Tri-Met, Metro and the Oregon Department of Transportation.

**Pleasant Valley
Concept Plan News**

c/o Metro
600 NE Grand Ave.
Portland, OR 97232

**For more
information**

Contact Pam Washburn

phone: (503) 618-2842

mail: **City of Gresham**

Community and Economic
Development Department

1333 NW Eastman

Parkway

Gresham, OR 97030

e-mail: **Pam.washburn@
ci.gresham.or.us**

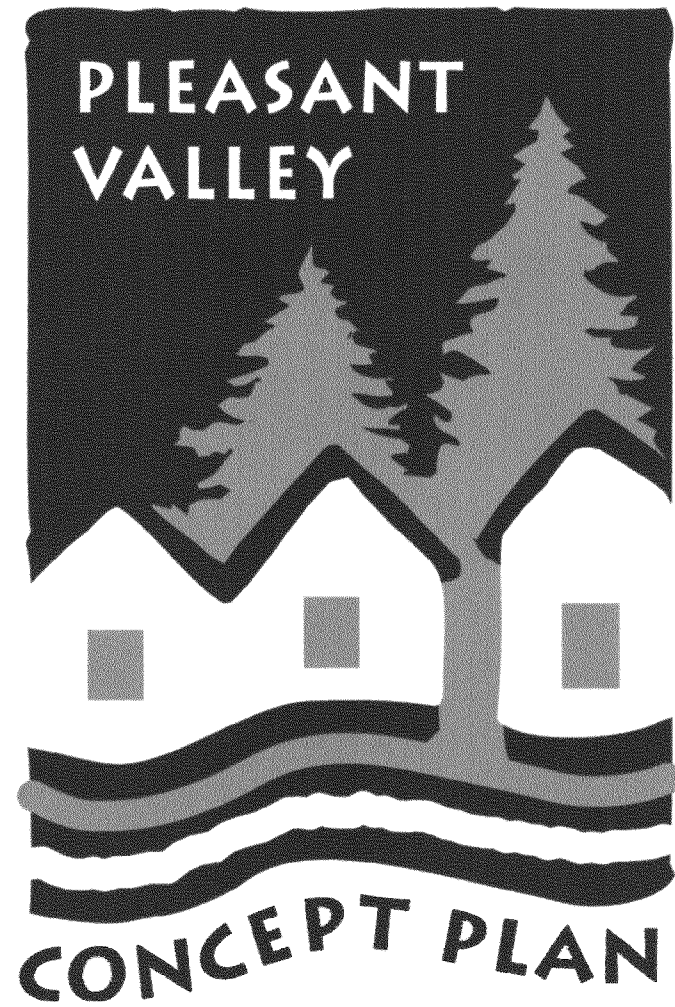
Also, visit our web site to
view maps, final reports
and a self-guided tour of
Pleasant Valley at
**[www.ci.gresham.or.us/
pleasantvalley/](http://www.ci.gresham.or.us/pleasantvalley/)**

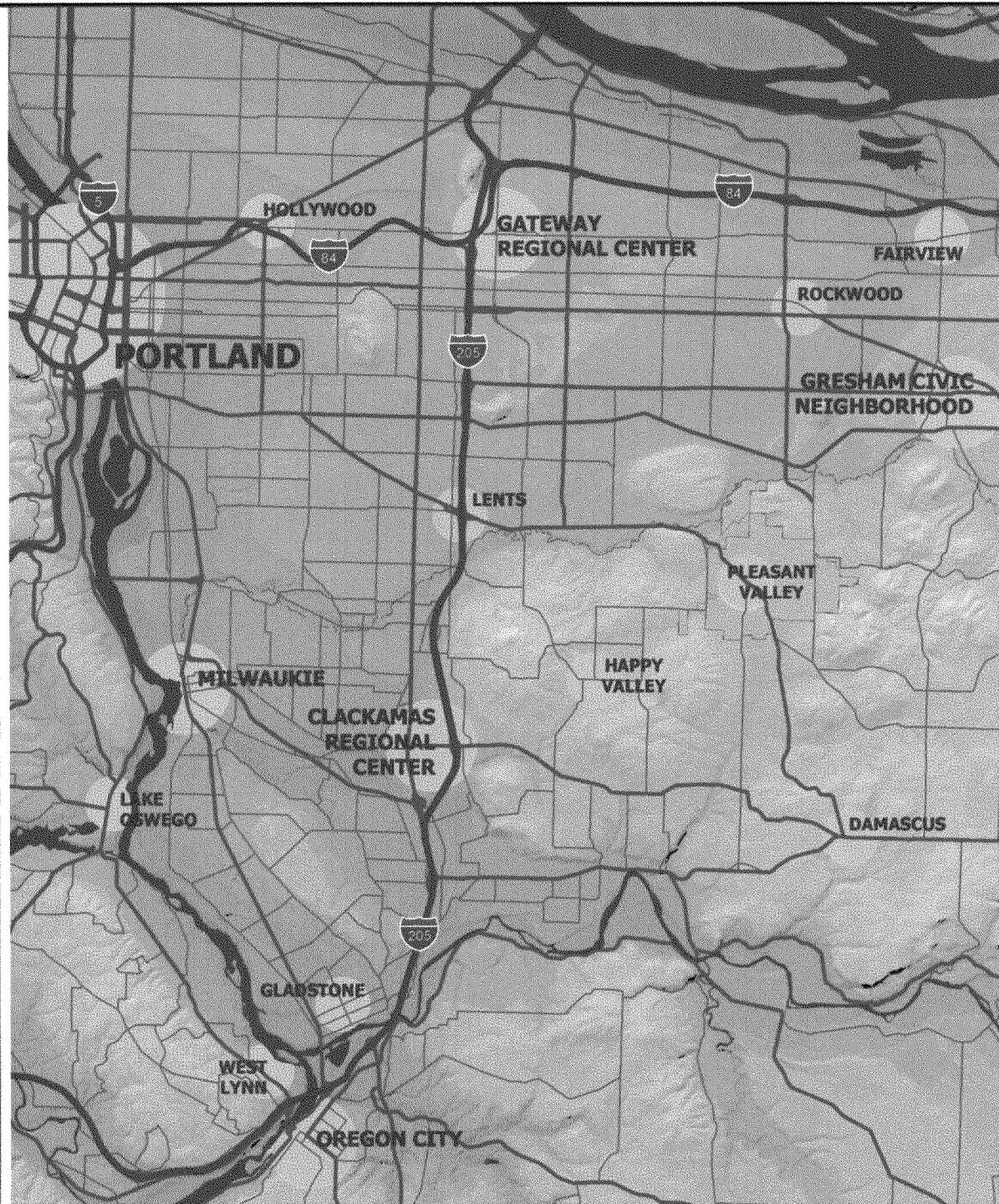
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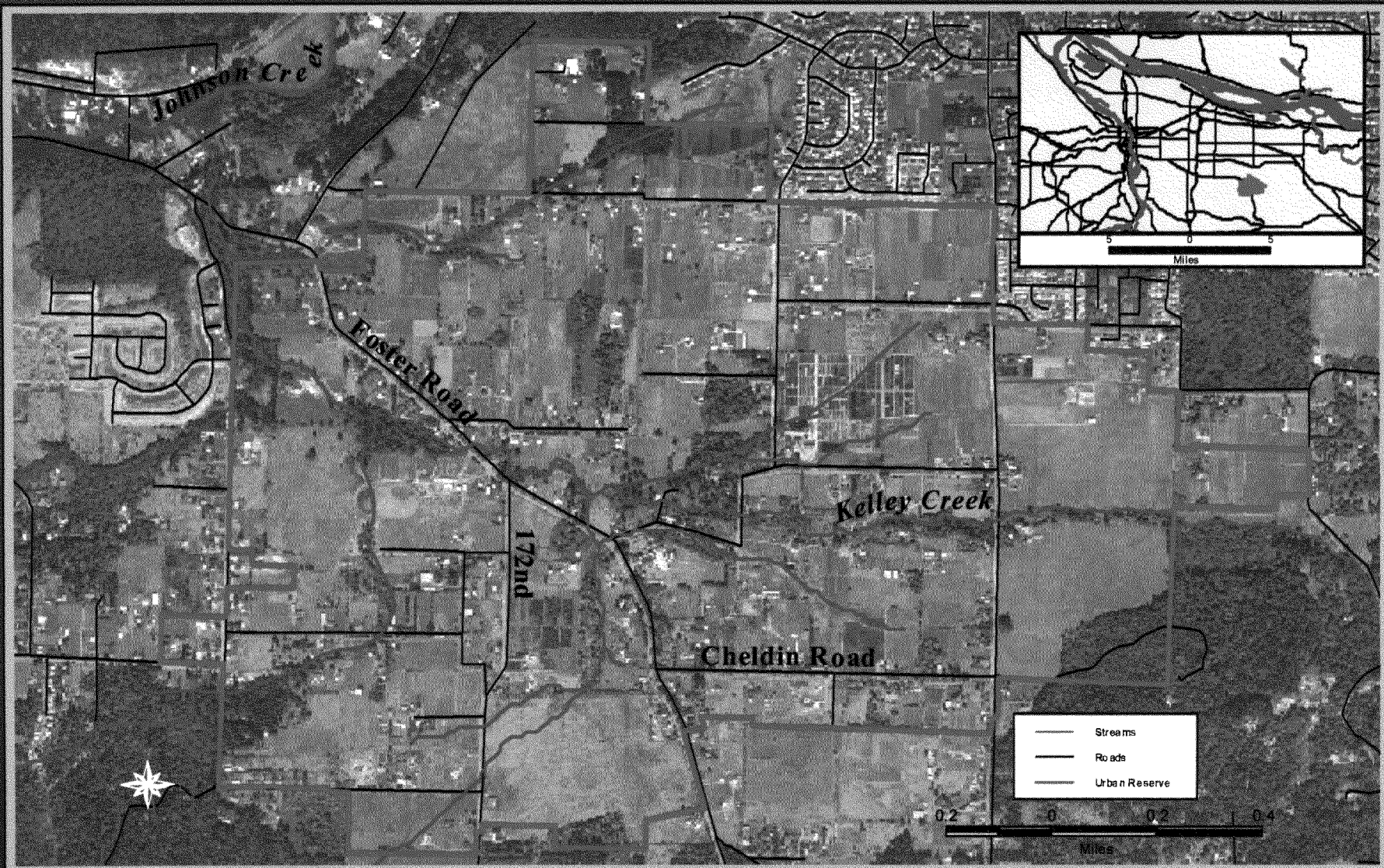
PROJECT GOALS

The steering committee adopted goals to guide the Pleasant Valley Concept Plan. The goals reflect the vision and values underlying the concept plan and are summarized as follows:

- A. Create a community.** The plan will create a "place" that has a unique sense of identity and cohesiveness. The sense of community will be fostered, in part, by providing a wide range of transportation choices and living, working, shopping, recreational, civic, educational, worship, open space and other opportunities.
- B. Create a town center as the heart of the community.** A mixed-use town center will be the focus of retail, civic and related uses and services that serve the daily needs of the local community.
- C. Integrate schools and civic uses into the community.** Schools and civic uses will be integrated with adjacent neighborhoods and connected by a system of bicycle and pedestrian routes.
- D. Celebrate Pleasant Valley's cultural and natural history.** The plan will retain the best of the past and incorporate the area's cultural and natural history, as appropriate, into the new community form.
- E. Preserve, restore and enhance natural resources.** The plan will identify, protect, restore and enhance significant natural resource areas including stream corridors, forested areas and buttes.
- F. Use "green development" practices.** The plan will incorporate community design and infrastructure plans that produce minimal impacts on the environment, including flooding and water quality within Johnson Creek. It will incorporate green street designs and green infrastructure with land-use design and natural resource protection.
- G. Locate and develop parks and open spaces throughout the community.** Neighborhood parks and other open spaces will be within a short walk of all homes. A network of bicycle and pedestrian routes, equestrian trails and multi-use paths will connect the parks and open spaces and will connect to regional trails.
- H. Provide transportation choices.** Pleasant Valley will be a community where it is safe, convenient and inviting to walk and ride a bike. A well-connected street system will be planned, using a variety of street types that reinforce a sense of community and provide adequate routes for travel.
- I. Provide housing choices.** A variety of housing choices will be provided, focused on home ownership options. It will accommodate a variety of demographic and income needs, including appropriate affordable choices and senior housing. It will achieve an overall average density of 10 dwelling units per net residential acre.
- J. Provide and coordinate opportunities to work in and near Pleasant Valley.** The plan will identify opportunities for home-based work and employment areas within Pleasant Valley. A range of employment opportunities will be considered, including retail and other employment.











Big Picture

- ☒ **Phase 1 - Governance**
- ☒ **Phase 2 - Concept Planning**
- ☐ **Phase 3 - Implementation**
- ☐ **Phase 4 - Legislative Adoption**



Phase 1

☒ TGM Grant and Governance Completed

Late 1998

- ♦ Phase I of Pleasant Valley Urban Reserve Planning completed proposing roles, responsibilities, and divisions between Portland and Gresham.

☒ Metro Council Expands Urban Growth Boundary

December 1998

- ♦ To include Pleasant Valley Urban Reserves 4 and 5 (Ordinance #98-781).

☒ Portland and Gresham Adopt IGA

December 1998

- ♦ Lays out roles, responsibilities, geographic areas of influence for future land use planning, service delivery, eventual annexation, and a 5-year goal to complete Urban Master Plan.



Phase 2

- ☑ Transportation and Community and System Preservation (TCSP) Grant

May 1999

- ♦ Metro (on behalf of regional partners) awarded Pilot grant by Federal Highway Administration for local planning in Pleasant Valley UGB expansion area.

- ☑ Contracts approved - work officially begins

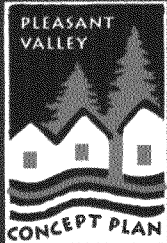
Oct 2000

- ♦ TCSP grant administered by ODOT.

- ☑ Pleasant Valley Concept Concept Plan Completed

June 2002

- ♦ Completed reports are basis for Comprehensive Plan Amendments relating to future land use, public facilities, transportation and natural resources.



Phases 3 & 4

☐ Implementation Phase

June 2003

- ◆ With assistance of a TGM grant, develop draft Comprehensive Plan Amendments, draft street plan, draft annexation and service delivery plan.

☐ Adoption Phase

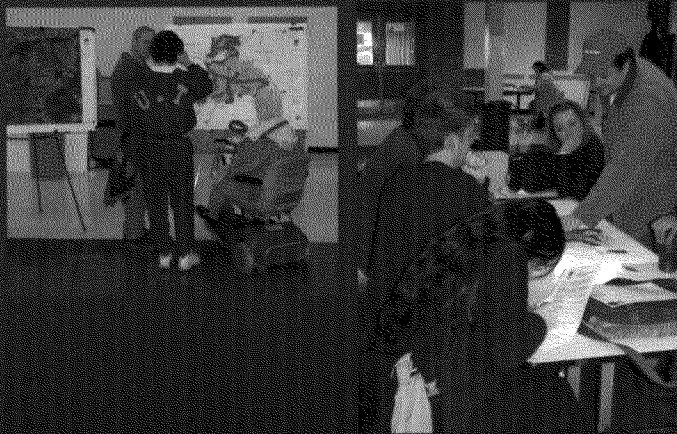
June 2004?

- ◆ Portland and Gresham adopt Comprehensive Plan Amendments allowing for future annexation, delivery of urban services, and ultimately development.



Pleasant Valley Concept Plan

Who was involved



Gresham, Portland, Happy Valley, Clackamas and Multnomah Counties, and Metro



24 member Steering Committee



Consultant team led by Otak, Inc.



18 Month Process

- 1 Concept Plan Alternatives**
- Inventory work
 - Goal setting
 - Design charrette

- 2 Evaluation**
- Goal summaries
 - Good/better/best findings
 - Recommended refinements
 - Discussion draft hybrid concept plan alternative

- 3 Selection of Preferred Alternative**
- Steering Committee
 - Community forum 4

- 4 Preferred Alternative Evaluation**
- Transportation and stormwater modeling
 - Cost estimates

- 5 Implementation Strategies**
- Natural resources/ green practices
 - Transportation
 - Infrastructure
 - Public facilities
 - Governance
 - Land use/zoning

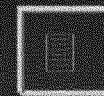
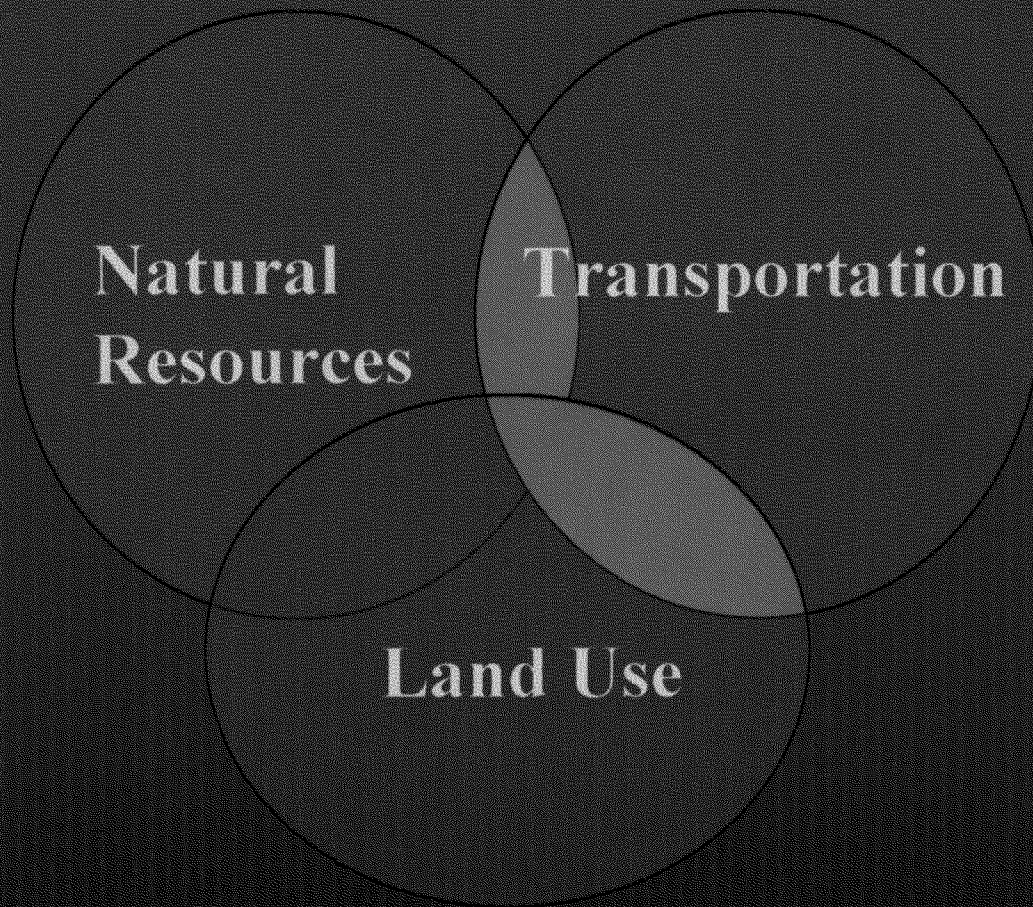


Concept Plan Goals

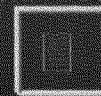
- Create a community
- Create a town center as the heart of the community
- Integrate schools and civic uses into the community
- Celebrate Pleasant Valley's cultural and natural history
- Preserve, restore and enhance natural resources
- Utilize "green development" practices
- Locate and develop parks and open spaces throughout the community
- Provide transportation choices
- Provide housing choices
- Provide and coordinate opportunities to work in and near Pleasant Valley



Key Themes



**Integrating natural
resources,
land use, and
transportation**



Balance



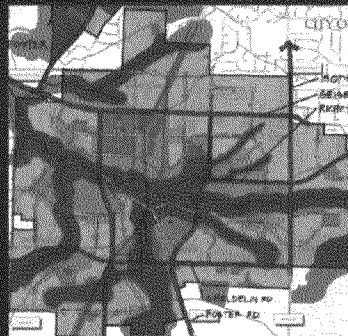
Alternative Concepts

Each alternative has:

- Stream protections/restoration
- Households (5,311-5,558)
- Jobs (470-739)
- Town center
- Variety of housing in neighborhoods
- Neighborhood and community parks
- Multi-modal street network
- Transit service
- Multi-use trails
- Green infrastructure



Concept A



Concept B



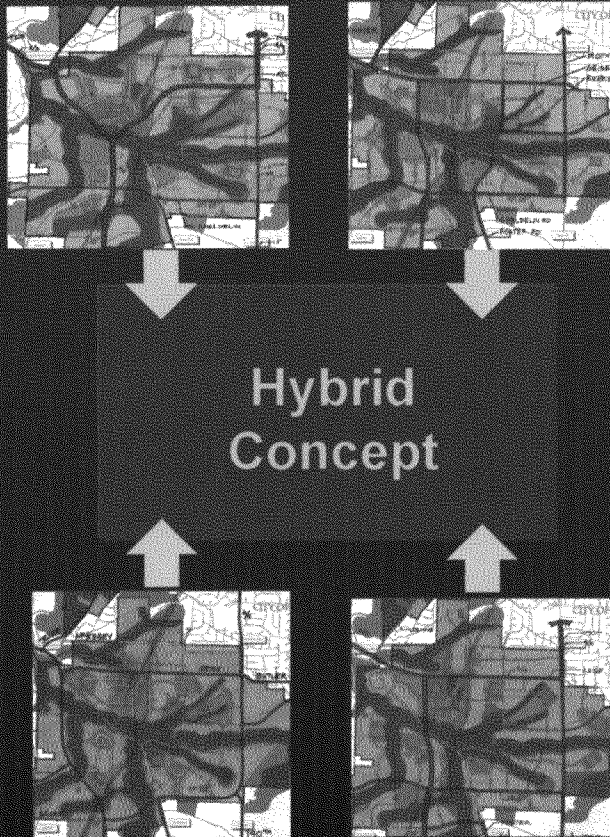
Concept C



Concept D



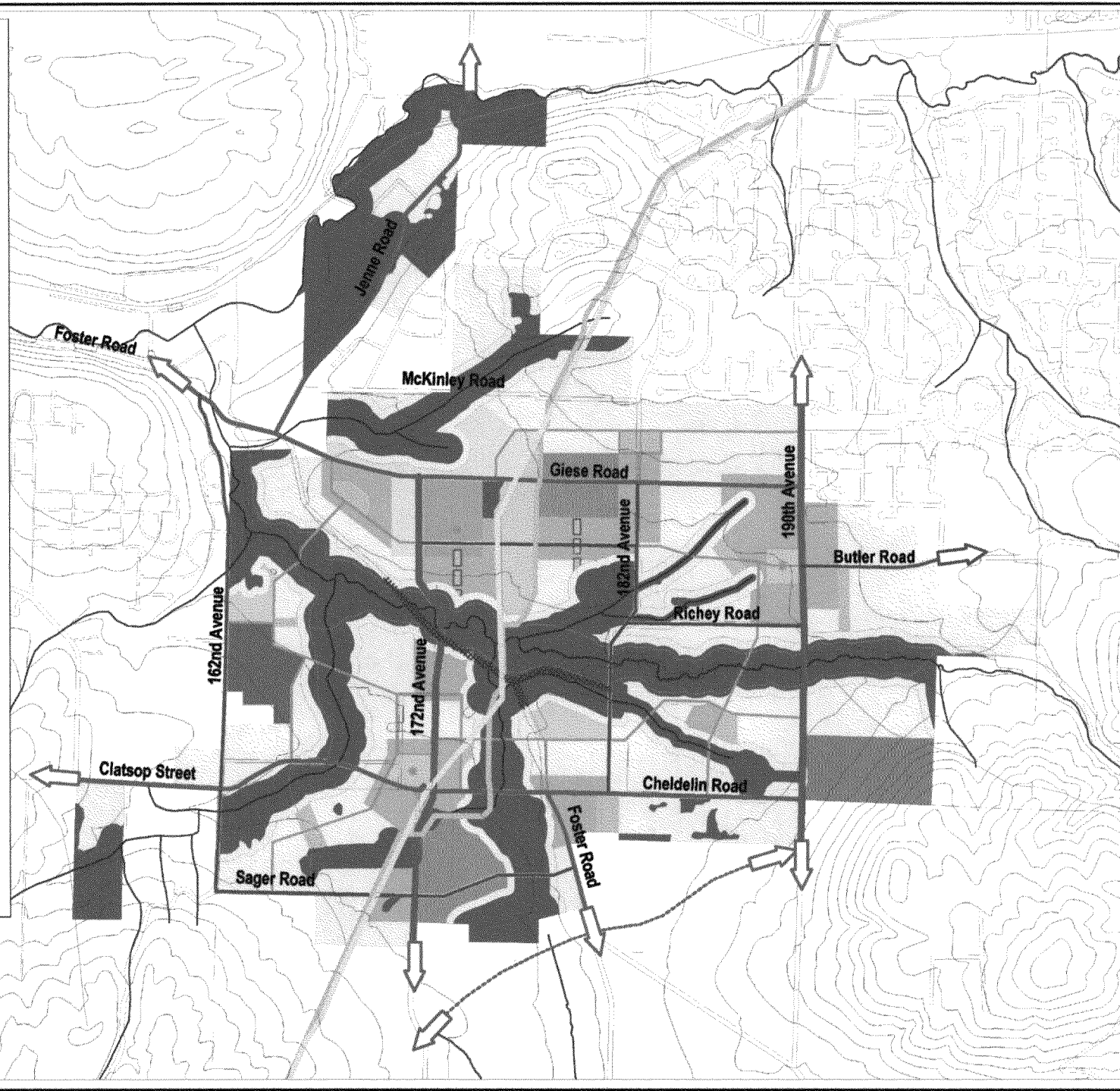
Alternative Analysis



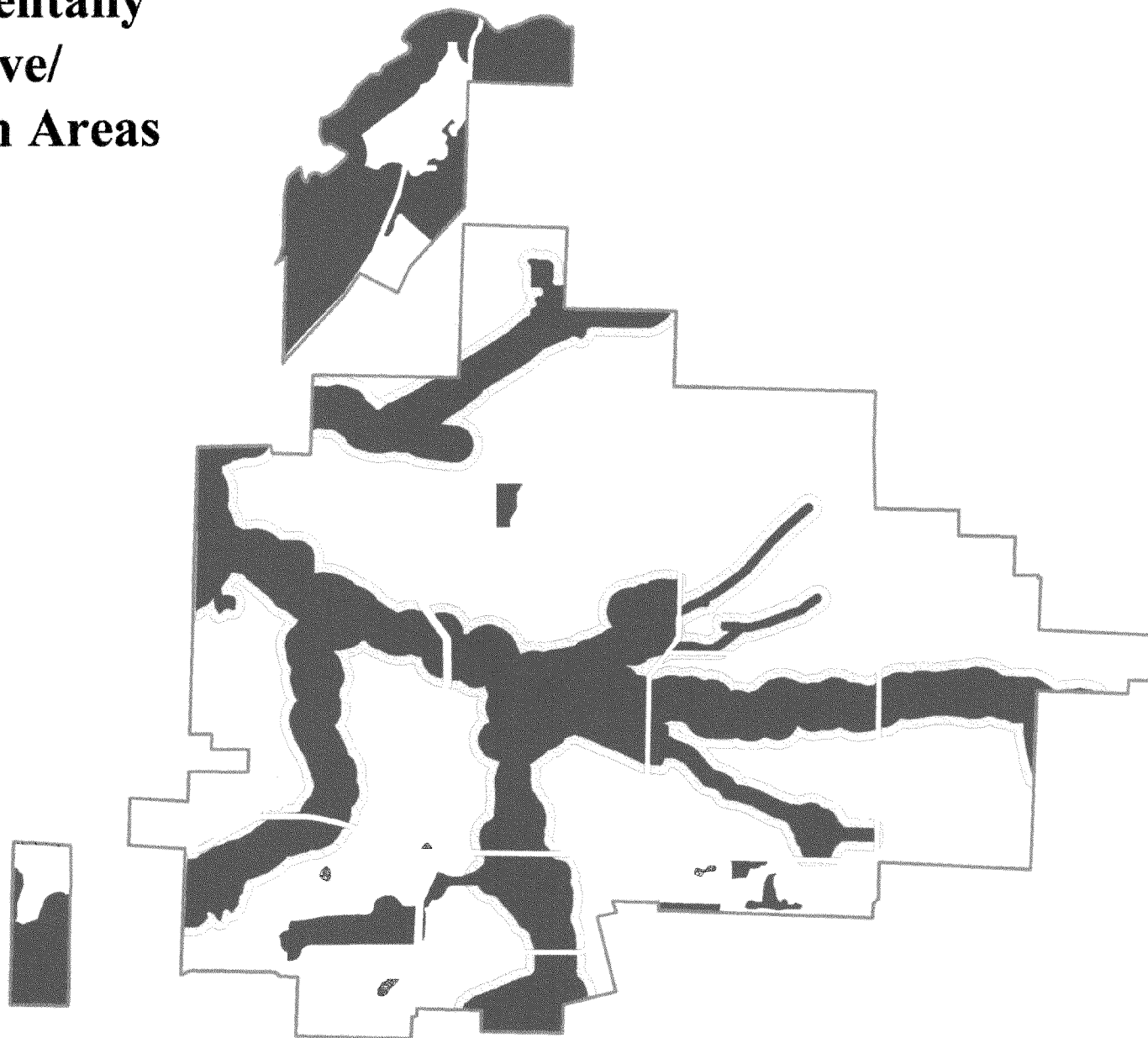
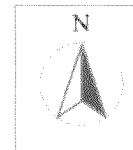
Each alternative had positive elements

A “hybrid” plan is the best way to realize the overall vision for Pleasant Valley – “Create a community” (Goal A)

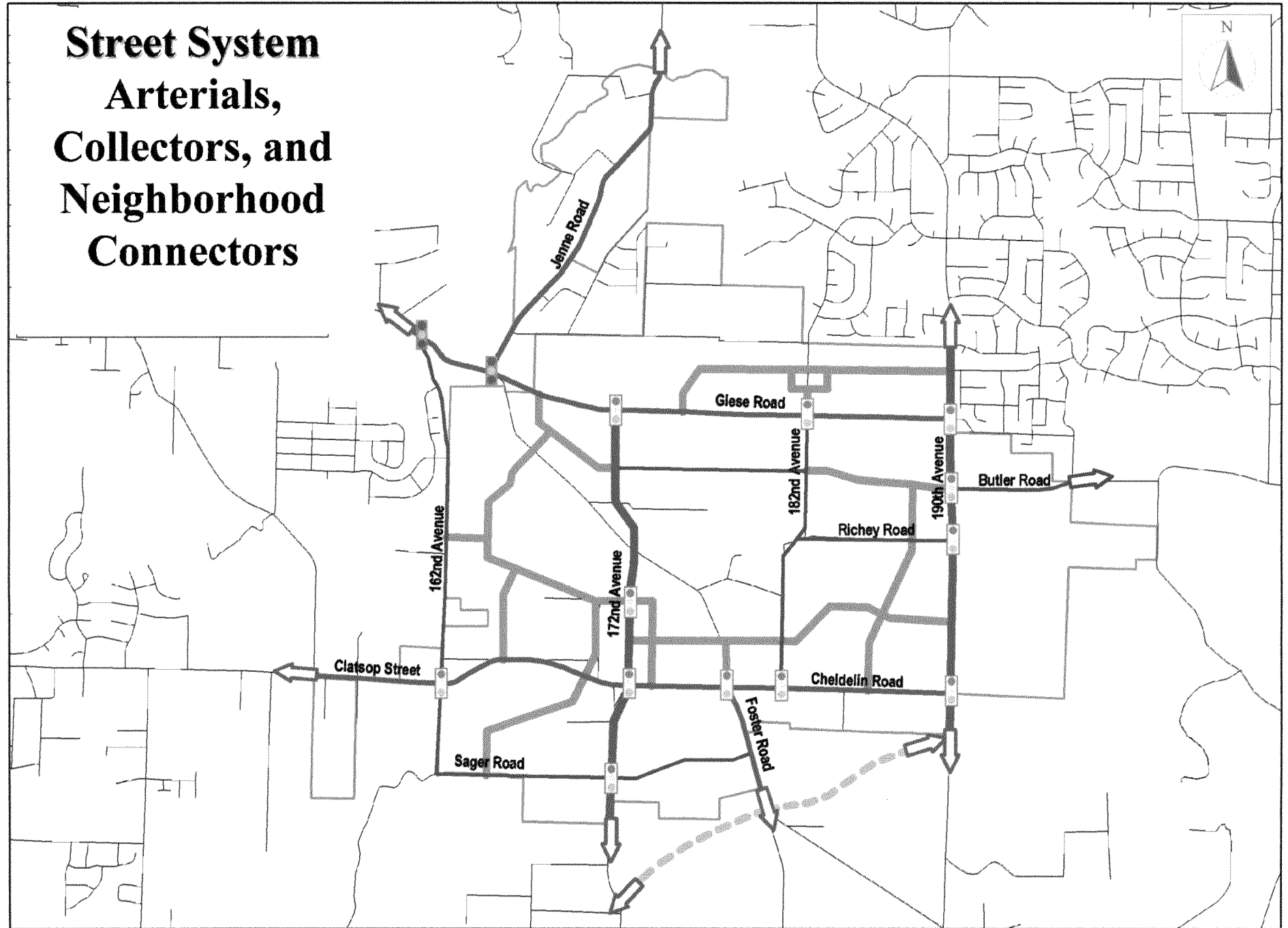
- STREAM SEGMENT
(piped segments not shown)
- DETACHED RESIDENTIAL
- ATTACHED RESIDENTIAL
- TOWN CENTER
- MIXED-USE NEIGHBORHOOD CENTER
- MIXED-USE EMPLOYMENT
- EMPLOYMENT
- ELEMENTARY SCHOOL
- MIDDLE SCHOOL
- NEIGHBORHOOD PARK
- PARK BLOCKS
- COMMUNITY PARK
- METRO OPEN SPACE
- ENV. SENSITIVE/
RESTORATION AREAS
- NEIGHBORHOOD TRANSITION
DESIGN AREA
- * PLAZA
- 75 foot GAS PIPELINE
- BPA LINE
(shown as 75 foot corridor)
- MAJOR ARTERIAL
(100ft - 111ft)
- MINOR ARTERIAL
(62ft - 80ft)
- COLLECTOR
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- EXISTING RIGHTS-OF-WAY
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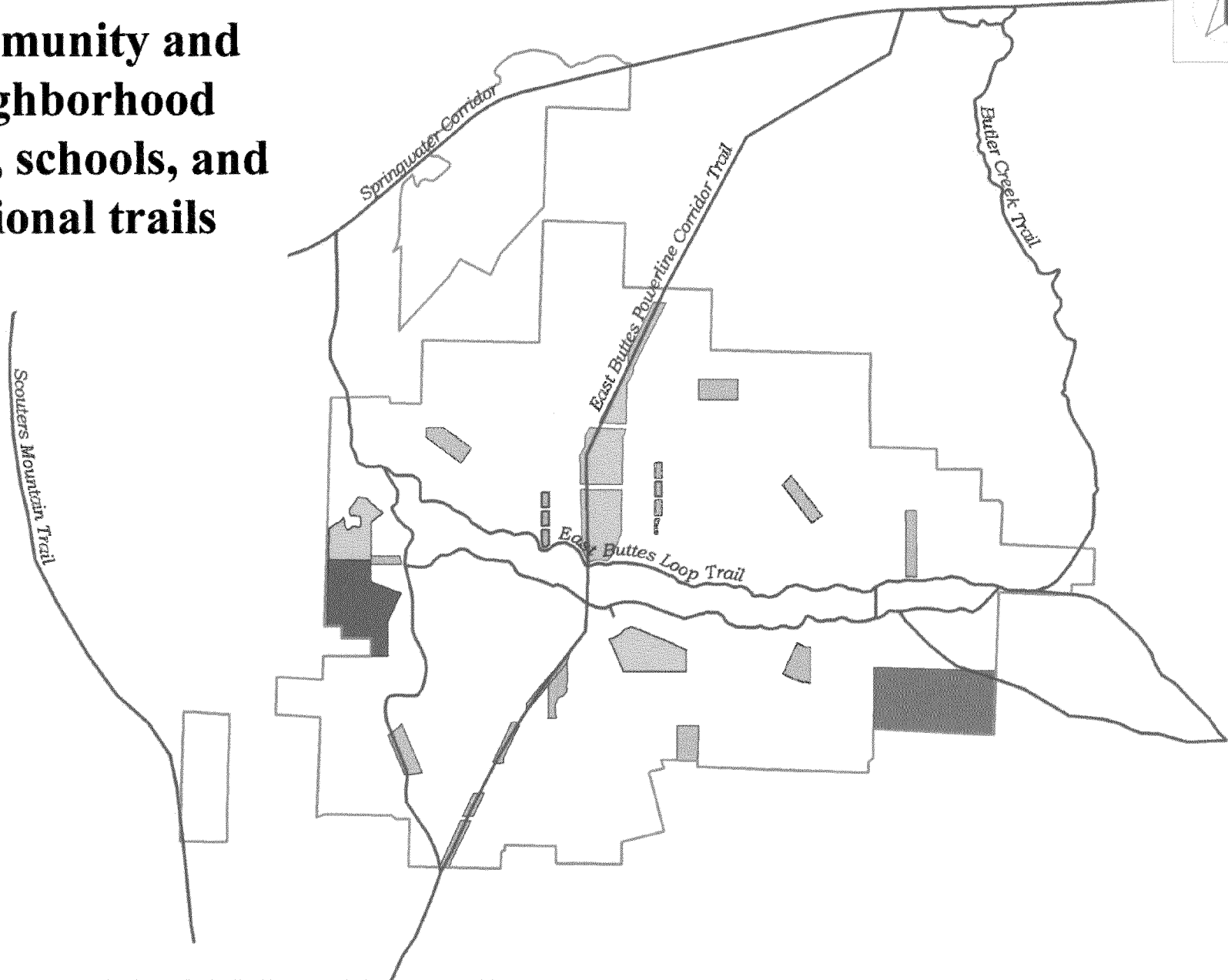
Environmentally Sensitive/ Restoration Areas



Street System Arterials, Collectors, and Neighborhood Connectors



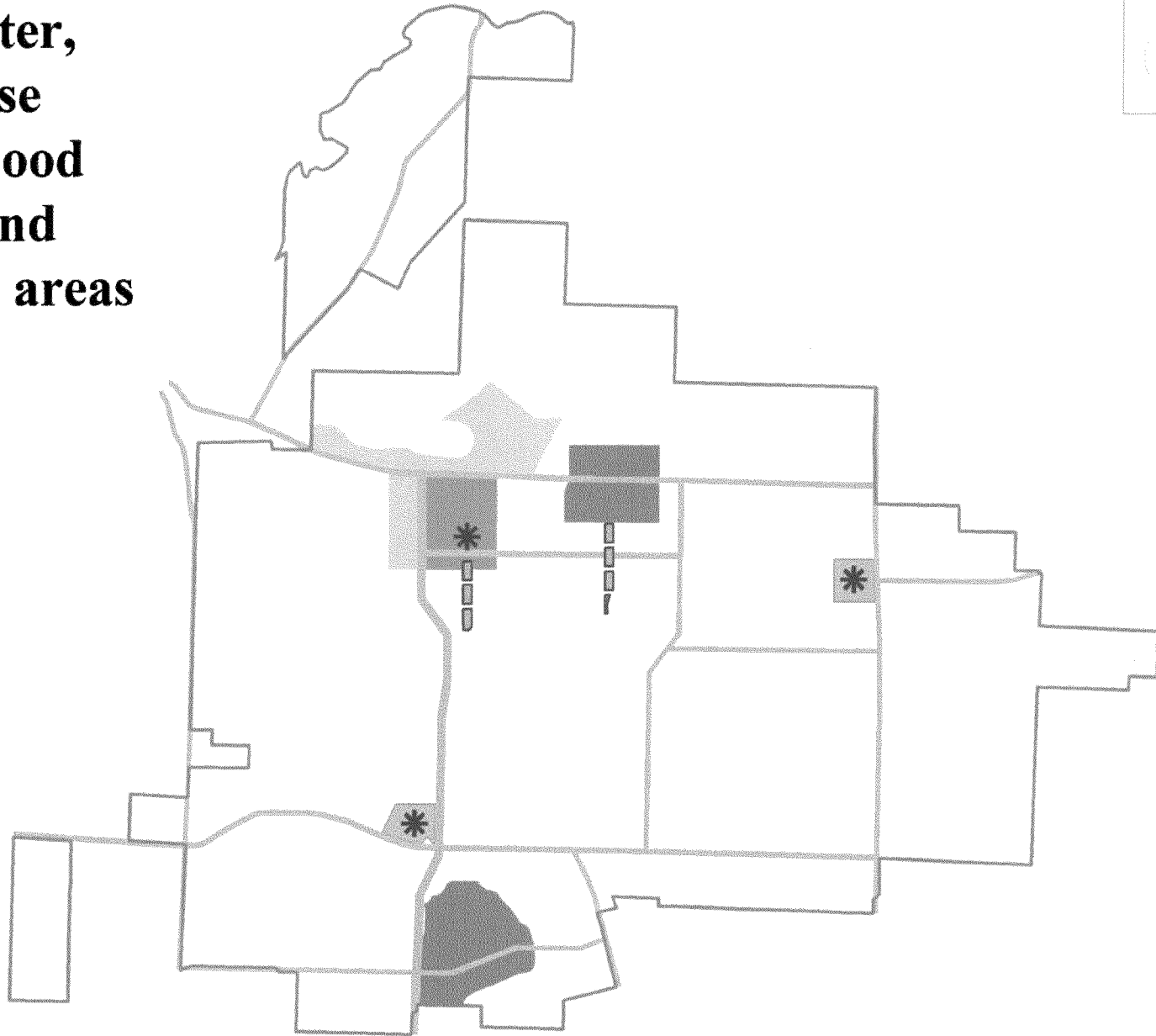
**Community and
neighborhood
parks, schools, and
regional trails**



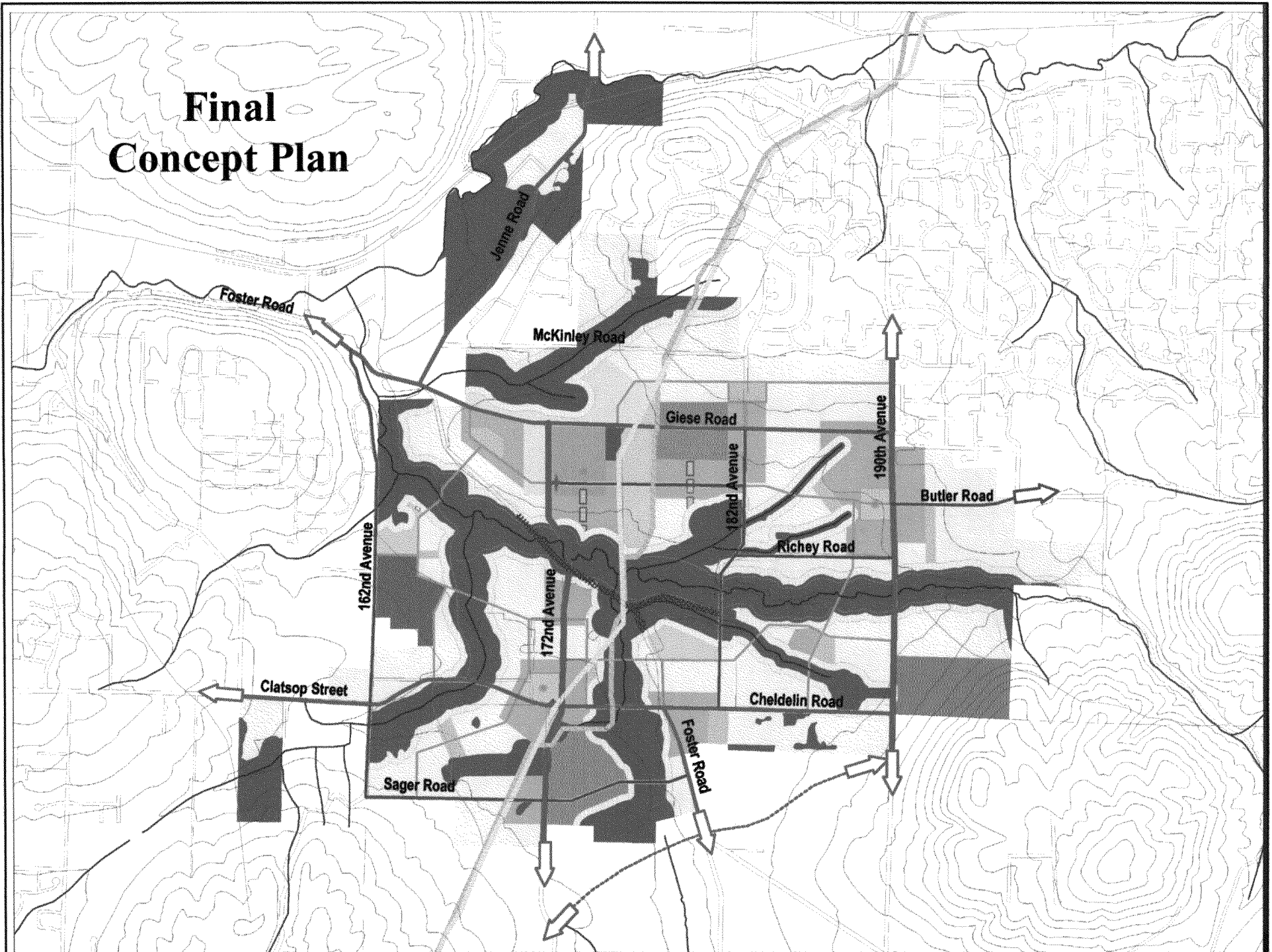
Neighborhoods, Attached and Detached Housing



**Town center,
mixed-use
neighborhood
centers and
employment areas**



Final Concept Plan





Alternative Concept Plans

| Concept | Buildable land | Buildable land for employment | Parks | Total dwelling units at build-out | Total jobs at build-out | Estimated population at build-out |
|--------------|------------------|-------------------------------|-----------------|-----------------------------------|-------------------------|-----------------------------------|
| A | 753 acres* | -- | 84 acres | 5,311 | 674 | 13,280 |
| B | 742 acres* | -- | 66 acres | 5,328 | 739 | 13,320 |
| C | 755 acres* | -- | 49 acres | 5,525 | 533 | 13,807 |
| D | 768 acres* | -- | 58 acres | 5,559 | 470 | 13,887 |
| Jan. Hybrid | 776 acres* | 30 acres | 44 acres | 5,459 | 3,028 | 13,529 |
| Apr. Hybrid | 701 acres | 87 acres | 46 acres | 4,944 | 5,344 | 12,015 |
| FINAL | 709 acres | 80 acres | 46 acres | 5,048 | 4,985 | 12,315 |

* Concepts A-D did not include neighborhood centers.

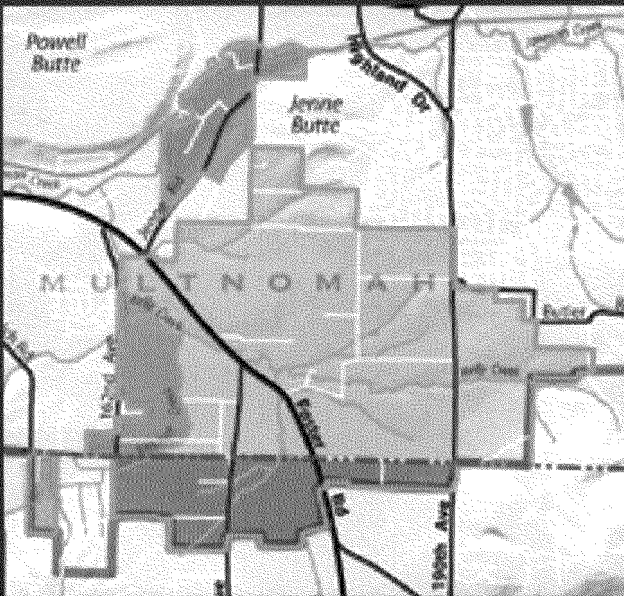
Implementation Strategies





Implementation Strategies

Governance



- Keep parcels in same ownership in one city
- Keep Mitchell Creek ESRA in one city
- Consider efficiencies of providing urban services
- Property fronting on both sides of a street should be included within the same city
- Avoid splitting neighborhoods and properties



Implementation Strategies

Land use...



Ensure zoning is consistent with Pleasant Valley Concept Plan map

Town center is the focus of retail, civic uses and services that serve the daily needs of community

Design the town center and all streets so they emphasize a lively, pedestrian-oriented character

Provide a wide variety of housing options in each neighborhood

Adopt zoning standards that ensure the design of great walkable neighborhoods



Implementation Strategies ...Land use

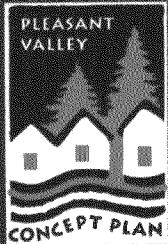


Focus higher density housing near the town center, transit streets and mixed-use neighborhood centers

Encourage and allow home-based jobs

Zone for and help develop employment opportunities so Pleasant Valley is a complete community:

- Retail and services
- Business office
- Business park flex space, R&D, medical

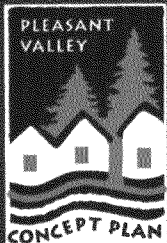


Implementation Strategies

History








- ☐ Locate major roads away from historic resources
- ☐ Connect town center to the historic Foster Road area via park blocks and trail system
- ☐ Develop Kelley Creek as a historic trail
- ☐ Use historic place names for new streets, civic buildings and centers
- ☐ Continue to document the history of Pleasant Valley



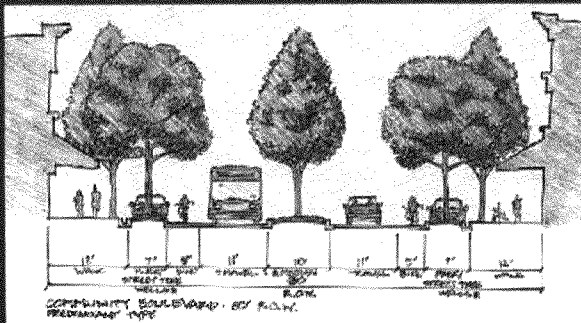
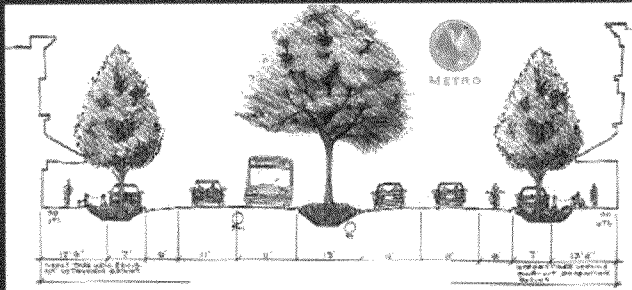
Implementation Strategies Transportation...



-  **Correct existing safety issues**
-  **Design all streets to reinforce sense of community and minimize impact to natural resources**
-  **Provide a well-connected system of bike and pedestrian routes on all streets**
-  **Provide multi-use trail system to complement street system**
-  **Provide direct transit connections to Gresham, Portland, Happy Valley, Columbia Corridor, Clackamas and Damascus**



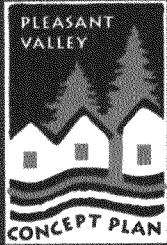
Implementation Strategies ...Transportation



Provide well-connected street system with a variety of street types that serve through travel and local access to community destinations

Develop strategy to downgrade Foster and Richey roads to serve as local access and remove stream crossings in confluence area

Coordinate with Metro, ODOT, Tri-Met, Portland, Gresham, Multnomah and Clackamas counties, Happy Valley and other transportation providers



Implementation Strategies

Natural resources and green development...



Design road and trail crossings of streams with the least impact



Encourage tree planting and preservation throughout valley



Restore fish passage where current passage is blocked



Maintain and restore wildlife habitat connections to surrounding areas



Manage stormwater runoff with green practices



Implementation Strategies

...Natural resources and green development



Develop incentives and standards for managing stormwater on-site



Avoid placement of utilities in ESRA



Share responsibility for protecting the ESRA through partnerships of property owners, governments, community, non-profits and developers



Prioritize use of native plants



Implementation Strategies

Parks and Schools



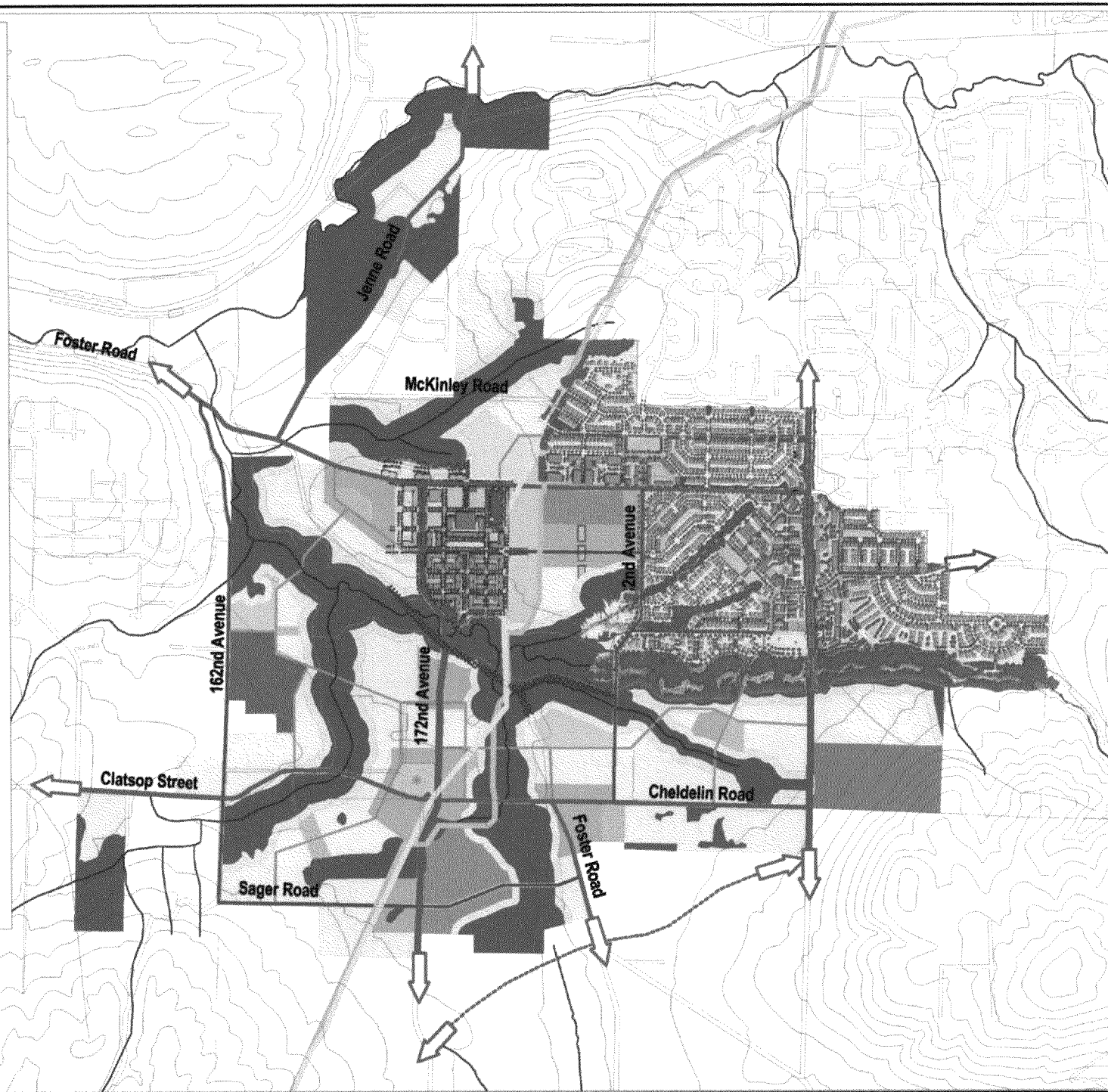
Provide network of bike/ped routes and multi-use trails that link parks with natural areas, open spaces, Springwater Corridor and Butler Creek trails and East Buttes lava domes

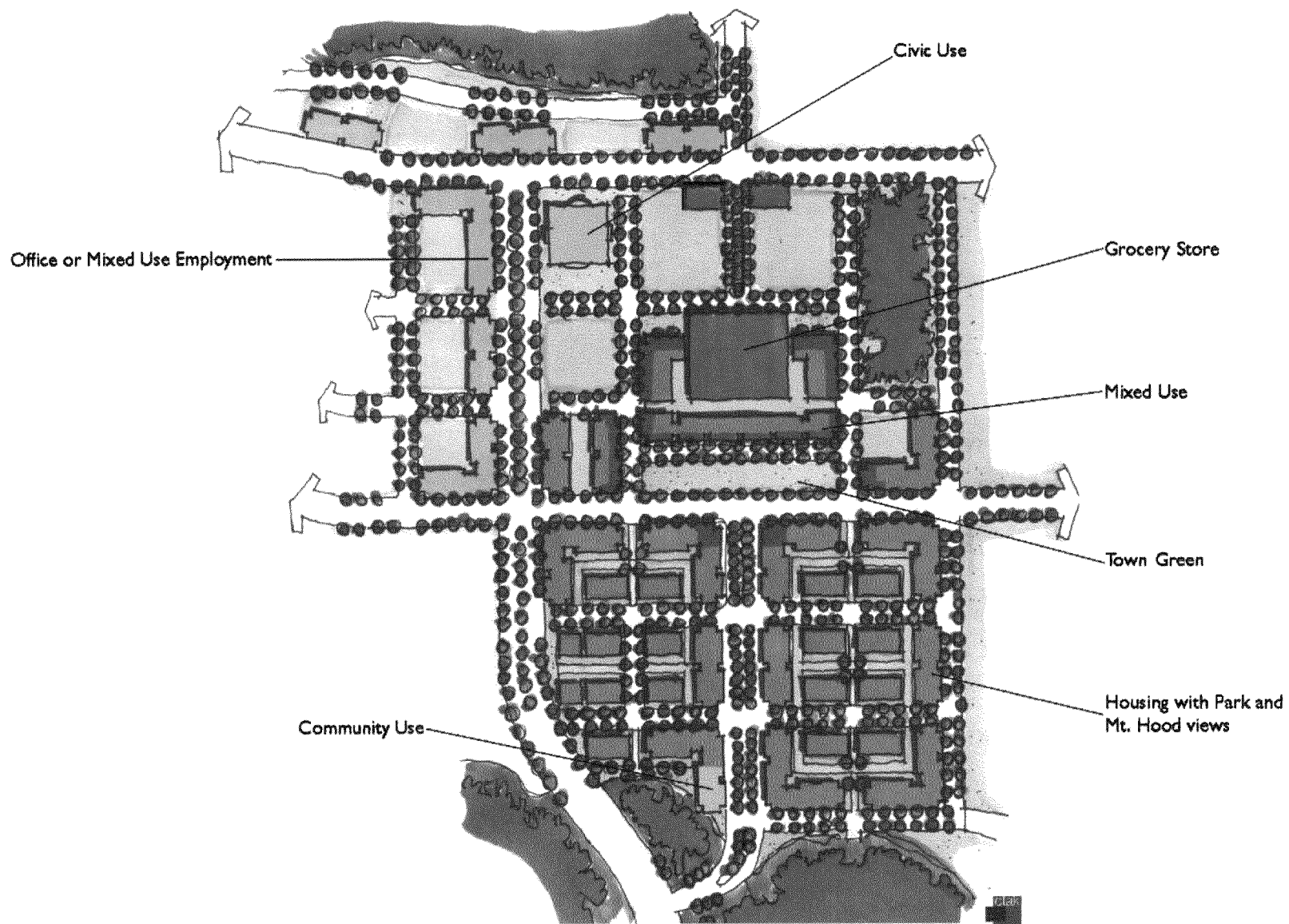
Provide neighborhood parks, small green spaces and open spaces within a short walk of all homes

Integrate schools and civic uses with neighborhoods

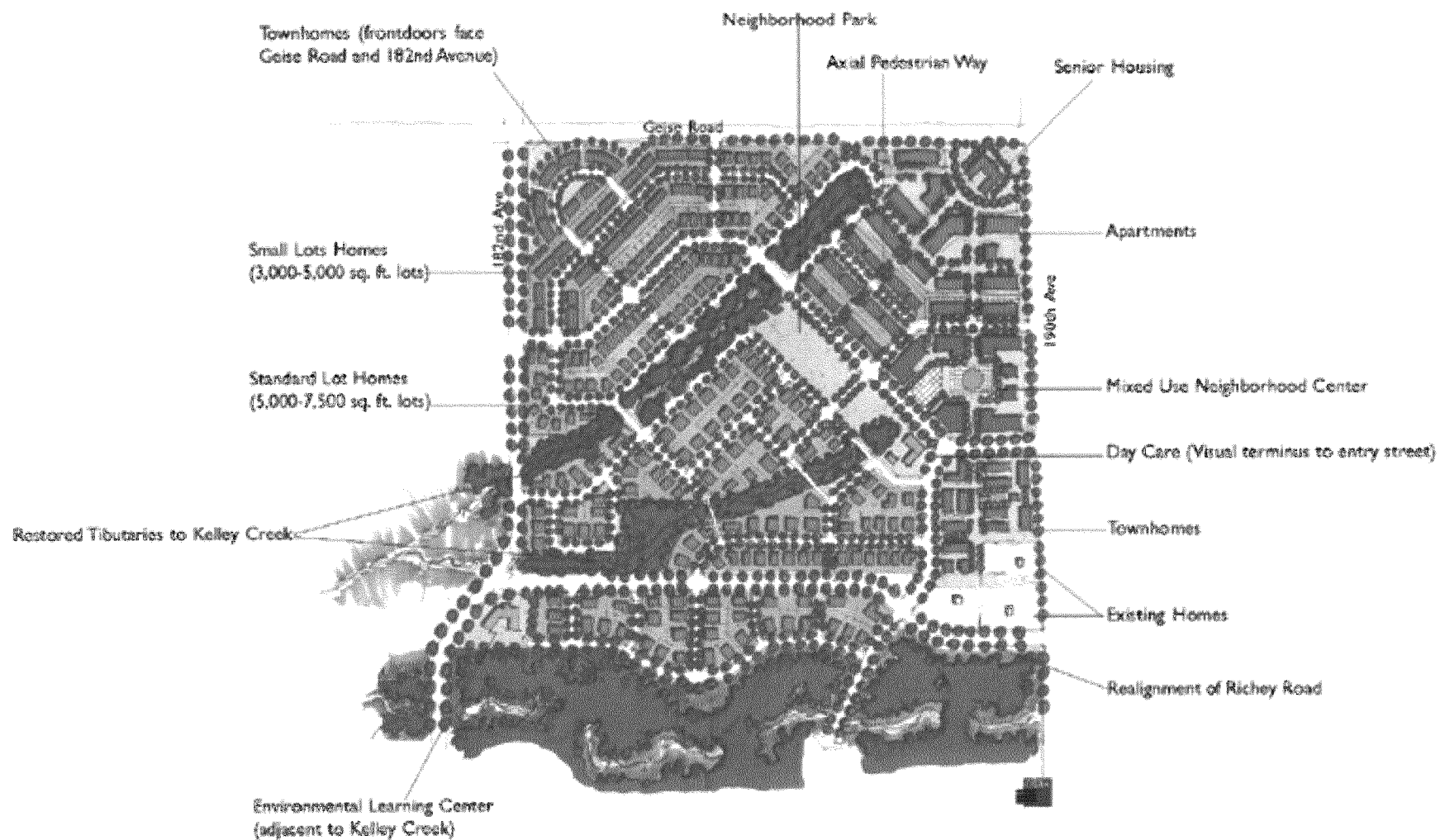
Provide safe bike and pedestrian routes to schools and parks

- STREAM SEGMENT
(piped segments not shown)
- DETACHED RESIDENTIAL
- ATTACHED RESIDENTIAL
- TOWN CENTER
- MIXED-USE NEIGHBORHOOD CENTER
- MIXED-USE EMPLOYMENT
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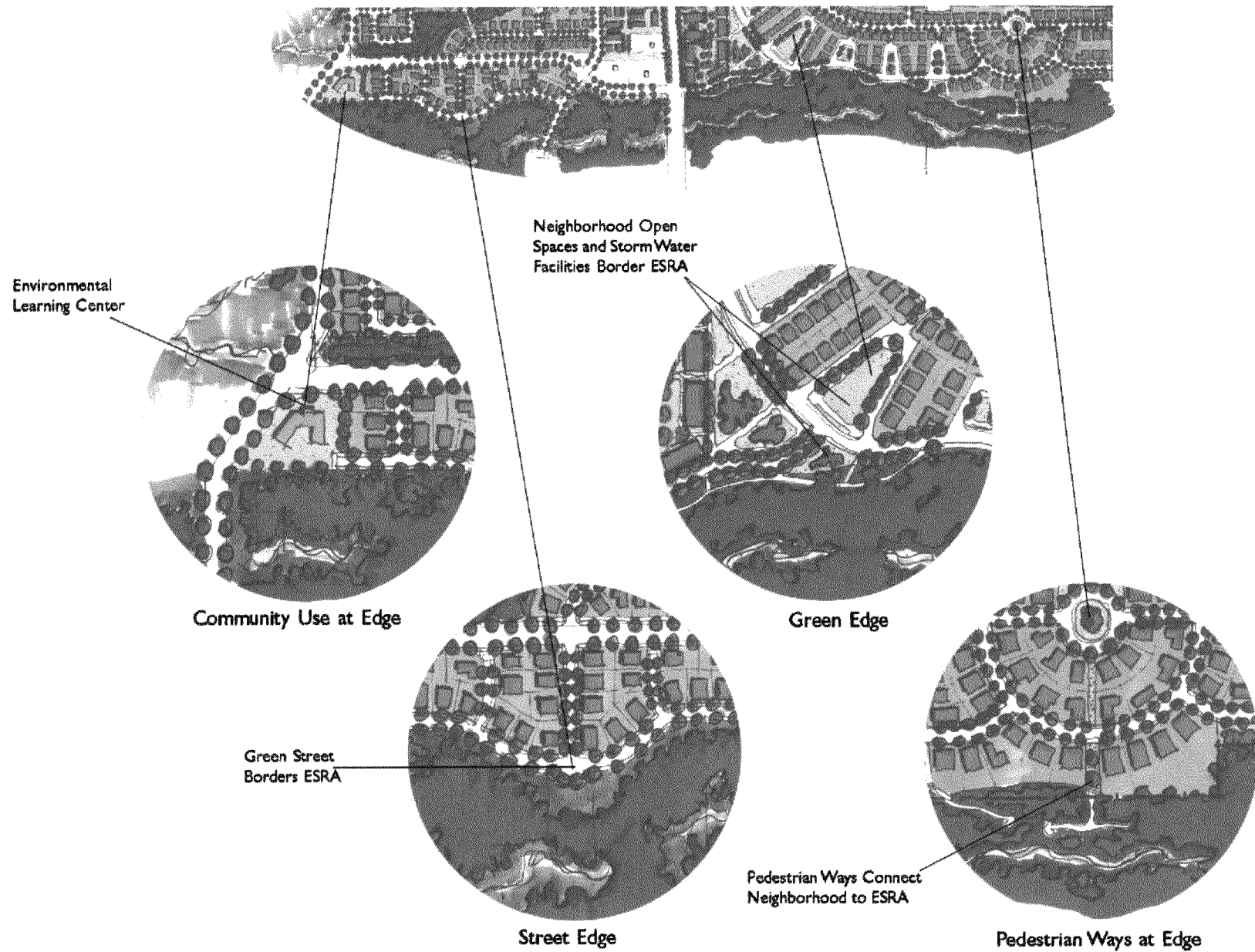


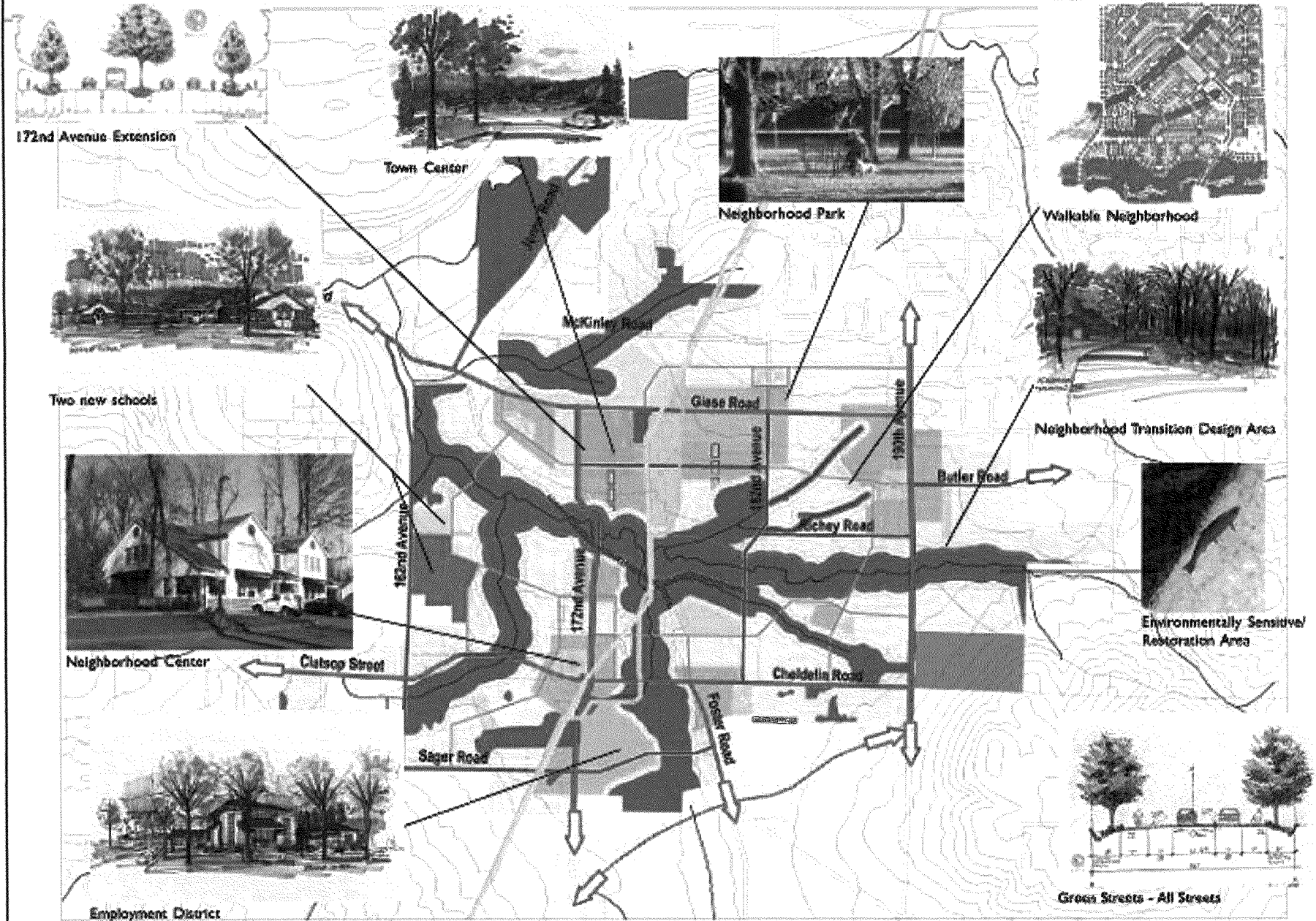
Pleasant Valley's Town Center — Illustrative Plan



Pleasant Valley Nursery Neighborhood Illustrative Plan

Model Designs for Neighborhood Transition Design Areas in Pleasant Valley





Pleasant Valley Concept Plan — A Plan for a Complete Community



Implementation Strategies Costs

| Concept | Transportation | Water | Wastewater | Stormwater* | Parks | Total |
|--------------|------------------|---------------|---------------|----------------------------------|---------------|------------------------------------|
| A | \$114.6 | \$15.0 | \$8.3 | \$27.6 (\$60.4) | \$29.7 | \$195.2 (\$228) |
| B | \$133.3 | \$12.9 | \$9.1 | \$28.2 (\$62.9) | \$23.7 | \$207.2 (\$241.9) |
| C | \$130.9 | \$13.1 | \$9.6 | \$28.5 (\$61.1) | \$19.3 | \$201.4 (\$234) |
| D | \$ 97.5 | \$13.8 | \$8.8 | \$28.6 (\$62.2) | \$21.1 | \$169.8 (\$203.4) |
| FINAL | \$ 97.7** | \$14.6 | \$11.9 | \$30.5 (\$63.2) | \$16.5 | \$171.2 (\$203.9) |

* Cost in parenthesis reflects piped system cost.

** Does not include \$15 million for long-term 172nd/190th connection outside study area.

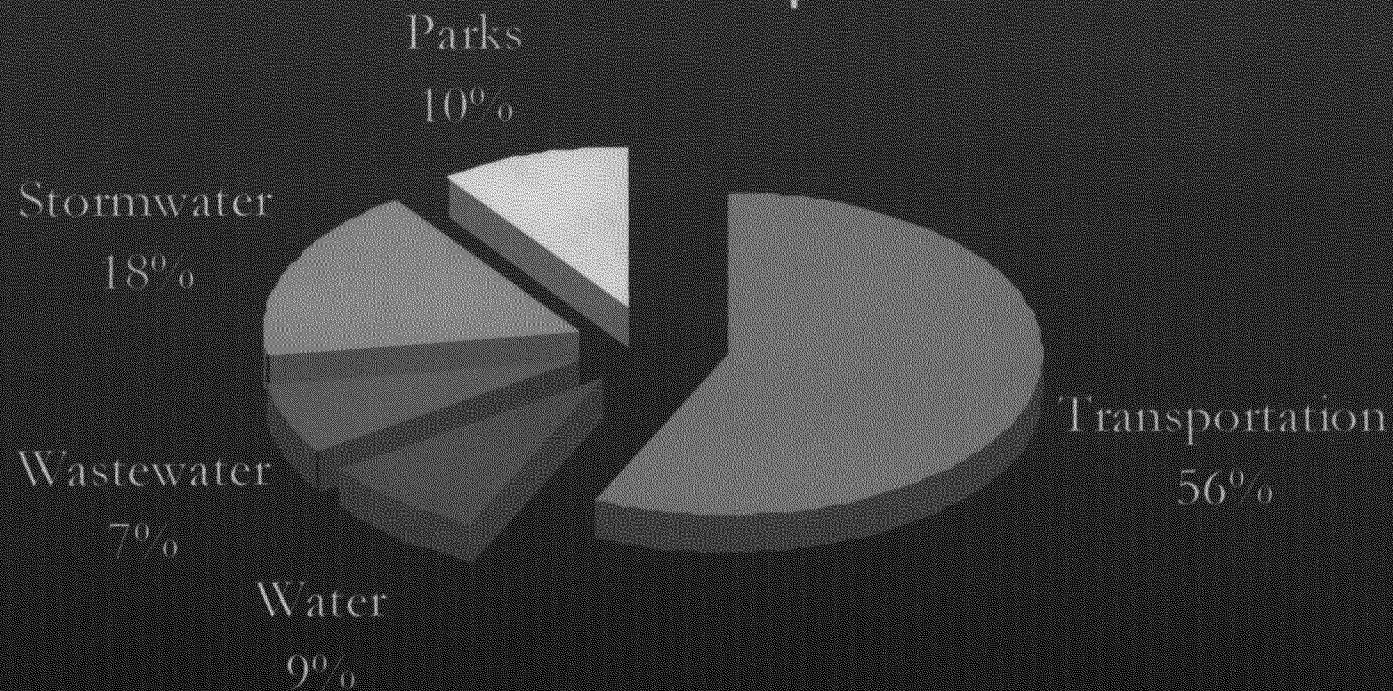
Costs are in millions



Implementation Strategies

Costs

\$171.2 Million





Implementation Strategies

Funding



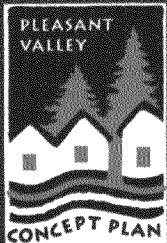
■ Develop a financial plan

■ Consider a variety of funding sources:

- developer constructed improvements
- system development charges
- impact fees
- local improvement districts
- local improvement reimbursement districts
- street utility fees
- federal funds
- state funds
- regional funds

■ Encourage multi-jurisdiction/private partnerships

■ Develop innovative approaches to maintain green infrastructure



Pleasant Valley Concept Plan

Steering Committee

Recommendations



Accept Pleasant Valley Concept Plan
Map and Implementation Strategies
Report



Use Concept as Basis for
Implementing regulations, actions
and funding



Continue to work with partners to
coordinate implementation



Pleasant Valley Concept Plan

Next Steps



July/August 2002 - Gresham and Portland City Councils accept Concept Plan Map and report

Summer 2002 - Metro leads Foster/Powell corridor study

Summer 2002 - Implementation Phase begins

- TGM grant awarded
- Otak, Inc. selected as lead consultant
- Contracts finalized



Implementing the Concept Plan

Next Phase of Planning



Expected Products:

- draft land use plan and code
- draft local street network plan
- annexation strategy with cost analysis of service delivery
- natural resource protection strategy



Work completed by June 2003



Summer 2003? - Start legislative process to adopt needed elements for future urbanization

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Acceptance of the Pleasant Valley Concept Plan as Adopted by the Pleasant Valley Concept Plan Steering Committee

The Multnomah County Board of Commissioners finds:

- a. In 1998, Metro expanded the regional UGB to include the Pleasant Valley Concept Plan area. Multnomah County is currently responsible for land use planning and transportation in this rural area.
- b. In May 1999, Metro (on behalf of regional partners) was awarded a Transportation and Community System Preservation (TCSP) grant from the federal government for detailed local concept planning in the Pleasant Valley Urban Growth Boundary (UGB) expansion area.
- c. In October 2000, the Pleasant Valley Concept Plan (PVCP) Steering Committee held the first of 15 meetings and five community forums. The PVCP Steering Committee guided the creation of the plan. The Committee included valley residents and property owners; Portland, Gresham, and Happy Valley planning commissioners; staff from Multnomah and Clackamas Counties; Metro; area business and neighborhood associations; the Gresham Transportation CAC; 1000 Friends of Oregon; Centennial School District; Pleasant Valley PTA and the Johnson Creek Watershed Council.
- d. On May 14, 2002, the PVCP Steering Committee adopted the Pleasant Valley Concept Plan Map and Implementation Strategies. They also endorsed the text of Part 1 Summary and Recommendation of the Pleasant Valley Concept Plan Report. A recommendation was forwarded to the cities of Gresham, Happy Valley, and Portland, as well as Multnomah and Clackamas Counties, and Metro that requests the following:
 - i. A formal acceptance of the Pleasant Valley Concept Plan by resolution or ordinance.
 - ii. The use of the PVCP as the basis for developing implementing regulations, actions and funding.
 - iii. Continued work with regional partners to coordinate the implementation of the Concept Plan.
- e. It is the intent of the Metro Urban Growth Management Functional Plan, Title 11 to require that all territory added to the UGB be included with a city or county's comprehensive plan prior to urbanization in order to address issues related to annexation, housing commercial and industrial development, transportation, natural resources, and public facilities and services.

- f. At the September 19, 2002 Multnomah County Board of Commissioners meeting, a representative of the Pleasant Valley Steering Committee, and Multnomah County Transportation Staff made a PowerPoint presentation outlining the Pleasant Valley Concept Plan and identifying the key points and policy direction for future implementation efforts. A Pleasant Valley Concept Plan Handbook was also presented to the Multnomah County Board of Commissioners
- g. The County Transportation Staff recommends the Board endorse the Plan has outlined in the presentation and handbook referenced above.

The Multnomah County Board of Commissioners Resolves:

- 1. To accept the Pleasant Valley Concept Plan as adopted and endorsed by the PVCP Steering Committee on May 14, 2002.
- 2. To use said PVCP as the basis for developing and implementing regulations, actions and funding.
- 3. To continue working with its regional partners to coordinate the implementation of the Pleasant Valley Concept Plan.

ADOPTED this 19th day of September, 2002.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Mathew O. Ryan, Assistant County Attorney

Proposed Rojo Amendment to R- 7 Pleasant Valley Concept Plan

The Multnomah County Board of Commissioner Finds:

Add New Finding:

- a. In 1995, Multnomah County and the City of Gresham entered into an agreement (IGA) wherein the County retained the jurisdictional control of the arterial and major collector roads that support regional travel in the City of Gresham.

The Multnomah County Board of Commissioners Resolves:

Add New Resolved:

1. In accordance with the Multnomah County 1995 IGA with the City of Gresham, the County will retain jurisdiction of the ***regional roads***, i.e., new and existing arterials and major collectors in the Pleasant Valley urban area and relinquish jurisdiction of local roads as the area is annexed to Gresham.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-121

Acceptance of the Pleasant Valley Concept Plan as Adopted by the Pleasant Valley Concept Plan Steering Committee

The Multnomah County Board of Commissioners finds:

- a. In 1995, Multnomah County and the City of Gresham entered into an agreement (IGA) wherein the County retained the jurisdictional control of the arterial and major collector roads that support regional travel in the City of Gresham.
- b. In 1998, Metro expanded the regional UGB to include the Pleasant Valley Concept Plan area. Multnomah County is currently responsible for land use planning and transportation in this rural area.
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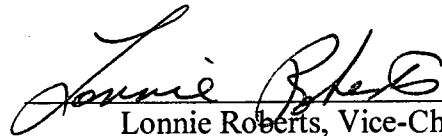
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3. To use said PVCP as the basis for developing and implementing regulations, actions and funding.
4. To continue working with its regional partners to coordinate the implementation of the Pleasant Valley Concept Plan.

ADOPTED this 19th day of September, 2002.




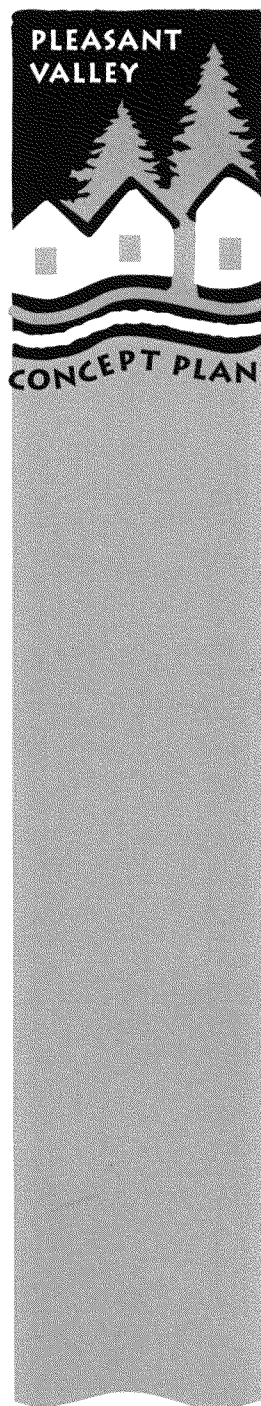
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lonnie Roberts, Vice-Chair

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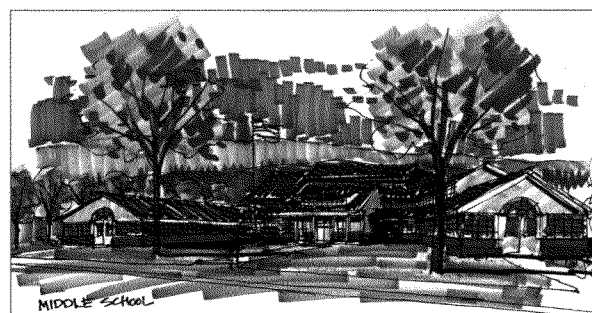
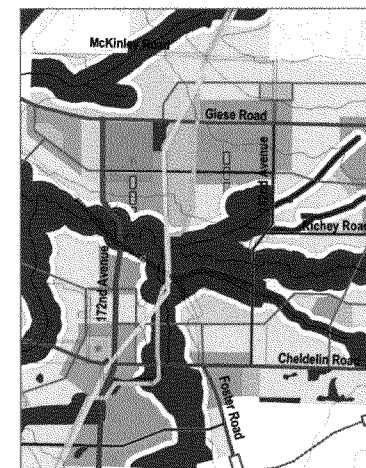
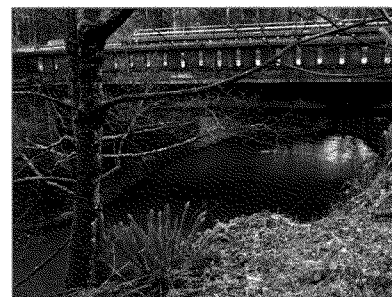
THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Mathew O. Ryan, Assistant County Attorney



Pleasant Valley Concept Plan

Summary and Recommendations



Pleasant Valley Concept Plan

Summary and Recommendations

Prepared by Pleasant Valley Project Partners

City of Gresham
City of Happy Valley
City of Portland
Metro
Clackamas County
Multnomah County

and



Adolfson Associates, Inc.
DKS Associates
Parametrix, Inc.
Sitzman Consulting
Winterbrook Planning

August 2002

The project is partially funded by a grant from the Federal Highway Administration through the Transportation and Community and System Preservation Pilot Program. The purpose of this grant program is to plan and implement strategies that, in part, improve the efficiency of the transportation system, reduce environmental impacts of transportation and ensure efficient access to jobs, services and centers of trade. In addition to this grant, other funding sources included in-kind contributions from the project partners.

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Summary and Recommendations

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Appendix

- A Pleasant Valley Concept Plan, as endorsed
by the Steering Committee May 14, 2002
- B Project Participants
- C Project Organization Chart
- D Concept Plan Alternatives

The following supplemental documents contain technical background information, implementation strategies and an independent evaluation of the planning process. These documents are available in limited supply for a charge. An archived public involvement record is available for viewing at the city of Gresham. For more information about these documents, please contact the Metro Planning Department at (503) 797-1839, or the city of Gresham Community Planning Division of the Community and Economic Development Department at (503) 618-2760.

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- Parks and Open Space
- Schools
- Infrastructure

Portland State University Project Evaluation Report

Portland State University conducted an independent evaluation of the Pleasant Valley Concept Plan process. The purpose of the evaluation is to assess the performance of the project planners and grant recipients, and to glean the lessons learned from the process that may be transferable to other planning venues and situations.

Public Involvement Record

The Public Involvement Record is an archive available for viewing at the city of Gresham Community Planning Division of the Community and Economic Development Department. It includes meeting minutes and related materials from the following groups, events and outreach efforts:

- Steering Committee
- Coordinating Committee
- Community Forums
- Public Involvement Work Team
- Land-Use Work Team
- Transportation Work Team
- Natural Resources and Green Practices Work Team
- Infrastructure Work Team
- Community Facilities Work Team
- Housing Focus Group
- Cultural and Natural History Focus Group
- Employment Focus Group
- Newsletters
- Newspaper Articles



I. Introduction

Summary

The Pleasant Valley Concept Plan is a guide to the creation of a new 1,532-acre community east of Portland and south of Gresham. The Concept Plan follows a December 1998 decision by Metro to bring the area inside the regional urban growth boundary. The central theme of the plan is to create an urban community through the integration of land use, transportation and natural resource elements.

Key features of the Concept Plan are:

- A mixed-use town center as the focus of retail, civic and related uses.
- A new elementary school and middle school located adjacent to 162nd Avenue.
- The location of major roads away from important historic resources and “park blocks” that connect the town center to the historic central section of Foster Road.
- A framework for protection, restoration and enhancement of the area’s streams, flood plains, wetlands, riparian areas and major tree groves through the designation of 461 acres of the valley as “environmentally sensitive/restoration areas” (ESRA).
- Designation of a “neighborhood transition design area” adjacent to the ESRA so that neighborhood development is compatible with adjacent green corridors.
- A “green” stormwater management system intended to capture and filter stormwater close to the source through extensive tree planting throughout the valley, “green” street designs, swale conveyance and filtration of run-off, and strategically placed stormwater management facilities.
- Nine neighborhood parks dispersed throughout and a 29-acre community park centrally located between the utility easements north of Kelley Creek.

- A network of trails including east-west regional trails paralleling Kelley Creek and north-south regional trails following the BPA power line easement.
- A reorganization of the valley’s arterial and collector street system to create a connected network that will serve urban levels of land use and all modes of travel.
- Re-designation of Foster Road from arterial to local street status between Jenne Road and Pleasant Valley Elementary School. The intent is to preserve the two-lane tree-lined character of Foster Road and to support restoration efforts where Mitchell Creek and other tributaries flow into Kelley Creek.
- A network of transit streets that serve three mixed-use centers and seven nodes of attached housing.
- A variety of housing organized in eight neighborhoods. The variety includes large-lot, medium-lot and small-lot single-family homes, townhomes, apartments, condominiums and senior housing.
- Planned housing that is 50 percent attached, 50 percent detached and has an overall density of 10 dwelling units per net residential acre. The estimated housing capacity is 5,048 dwellings.
- Two 5-acre mixed-use neighborhood centers.
- Employment opportunities in the town center, mixed-use employment district, general employment district and in home-based jobs. Employment capacity is estimated at 4,985 jobs, with a jobs to housing ratio of .99:1.



Mt. Hood as viewed from Pleasant Valley

II. Purpose and Process

The purposes of the Pleasant Valley Concept Plan are to:

- Provide a forum for citizen participation and build partnerships between the community, government and other stakeholders.
- Establish a community plan addressing land use, transportation, natural resources, public facilities, infrastructure and funding strategies for the study area.
- Determine land-use and transportation patterns that, where appropriate, maximize the efficiency of existing and future infrastructure and minimize the impact of future urbanization in an environmentally sensitive area.
- Recognize and link with the regional context such as the regional transportation and circulation system, the Johnson Creek Watershed and the Gresham regional center.
- Provide the basis for future decisions on land use (e.g., zoning), protection of natural resources and the provision of urban services and facilities by the implementing governments.
- Build on previous work by citizens and the participating jurisdictions regarding governance and planning goals for the area.

The purpose statements were endorsed by the Steering Committee on Jan. 11, 2001.

Process

The Concept Plan was developed by a 23-member Steering Committee representing residents and property owners; Portland, Gresham and Happy Valley planning commissions; Multnomah and Clackamas counties; citizen advisory committees, business and neighborhood associations; Centennial School District, watershed councils, and environmental/livability organizations (see Appendix A). The committee met 15 times between November 2000 and May 2002, as illustrated in the work plan on page 3.

The major steps in the process were:

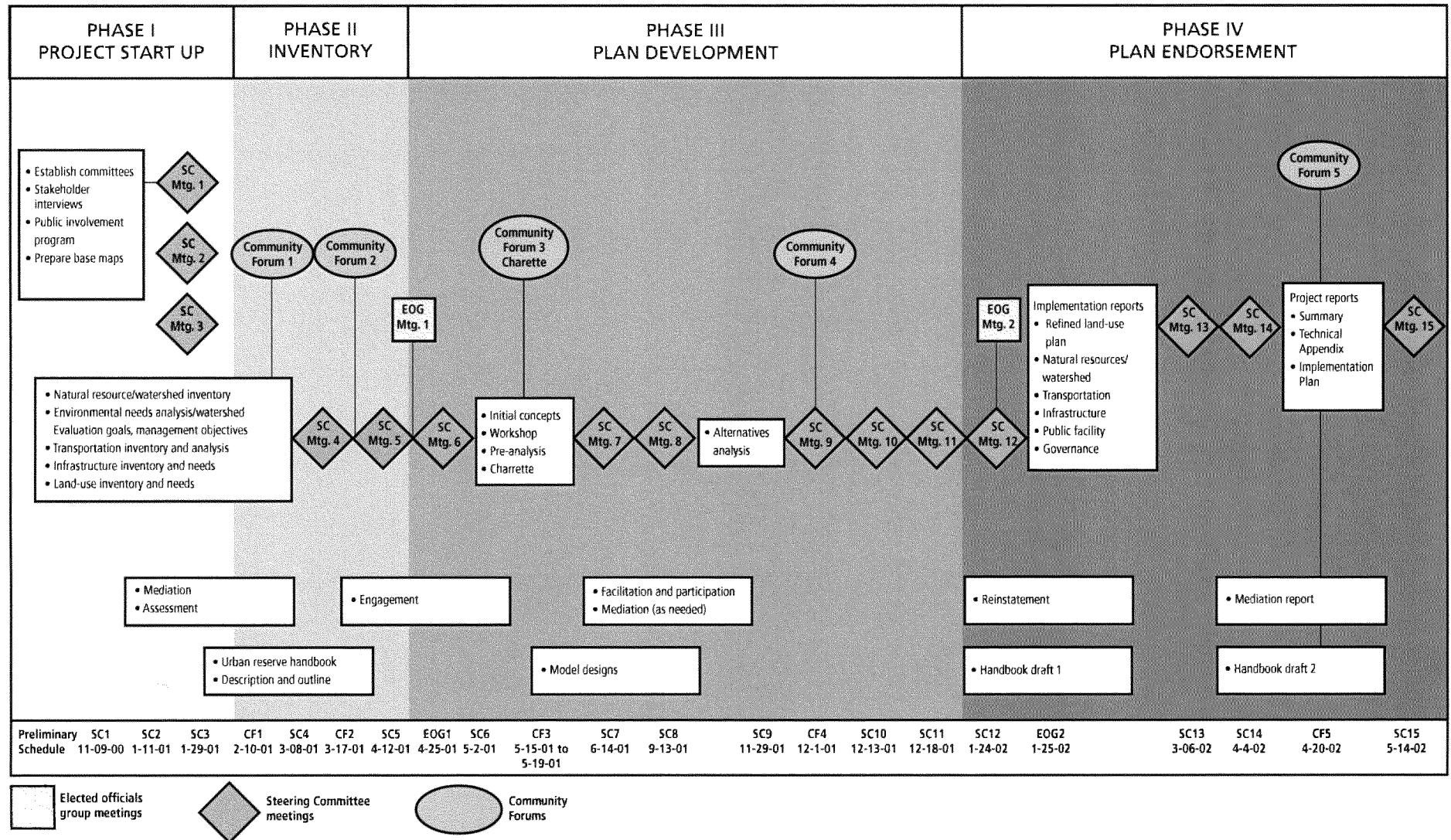
- Inventory of base conditions and projections of land-use, transportation, natural resource and infrastructure needs.
- Establishment of project goals.
- Development of four alternative concept plans.
- Evaluation of alternatives and preparation of a hybrid Concept Plan.
- Refinement of the Concept Plan and preparation of implementation strategies.
- Endorsement of the final Concept Plan and implementation strategies.



Small-group work at Community Forum I

Pleasant Valley Concept Plan

Work Plan Summary – updated April 23, 2002



NOTE: This work plan summary is a general guide – all tasks and dates are subject to change.
 For more information, call Jonathan Harker, city of Gresham, (503) 618-2502, or send e-mail to harker@ci.gresham.or.us.



The following is a summary of the key parts of the project approach:

Integration of Land Use, Transportation and Natural Resources.

The integration of these themes is the central unifying concept for the plan. It was implemented on all levels: staffing, inventory, joint work team meetings, communications with the public and evaluation of alternatives on various issues.

Consensus Decision Making. The Steering Committee adopted “operating principles” that included a model for making decisions by consensus. The definition of consensus: “You either support the proposed action or can live with it.” The committee took votes on some issues where there was not full consensus – minority viewpoints were recorded.

Project Partners. As illustrated in Appendix C, the process was a partnership of the cities of Gresham, Happy Valley and Portland; Metro, and Clackamas and Multnomah counties. Staff from these partnering governments worked together on the project’s six work teams.

Working With the Community at Each Milestone. Five community forums were held to involve the public at each stage of the process and allow the public to participate in preparation of recommendations before final action by the Steering Committee. The forums, held on Saturday mornings, included open house display of working maps, presentation and large group discussion, small group discussions and exit questionnaires.

Subwatershed Planning. Pleasant Valley is at the headwaters of the Johnson Creek watershed. The tributaries to Johnson and Kelley creeks that flow through Pleasant Valley comprise eight individual “sub”watersheds that were used in the planning process. The subwatersheds were the basis for extensive information gathering and subsequent modeling of runoff under both “green” practices and traditional piped stormwater management.

Transportation Modeling and Regional Coordination. The land-use alternatives and the hybrid Concept Plan were analyzed in Metro’s regional transportation model. Key assumptions included the transportation facility improvements that are adopted in the Regional Transportation Plan and urbanization of the Damascus area as evaluated by Clackamas County in the Damascus Concept Planning Study. The modeling was the basis for street alignments and classifications, transit routing, signal locations and recommendations for further study.

Green Streets. The Concept Plan includes “green” street designs as developed by Metro that are intended to reduce environmental impacts on streams from street runoff and contribute to community livability through creation of walkable tree-lined streets.

Compliance with Metro Title 11. Concept plans must follow the requirements and guidelines of Title 11 of Metro’s Urban Growth Management Functional Plan. The project work plan was organized around the topical elements of Title 11. The Steering Committee endorsed using Title 11 in the evaluation of the plan alternatives.

Coordination with State and Federal Agencies. The project began with an outreach effort to 20 state and federal agencies, including 12 interviews. As with the citizen effort, each agency was invited to participate at each major milestone. Supplemental contacts were made with agencies to involve them in meetings with the project work teams.

Portland State University. The project was monitored by two faculty members from PSU’s School of Urban Studies and Planning. They prepared an evaluation of the concept planning process and plan recommendations (see Portland State University Project Evaluation Report).



Key themes expressed by citizens

The Concept Plan process summarized on pages 2 and 3 of this report provided extensive opportunities for citizens to participate. These opportunities included input during many of the Steering Committee meetings, participation in five community forums and the design charrette and submittal of written comments.

Citizen input covered many topics and many levels of detail. Three issues were the key themes addressed by citizens, especially during the last six months of the planning process:

Transportation. Many citizens were concerned that the transportation system would not be adequate to carry the estimated levels of traffic in the future. This concern was coupled with support for specific elements of the plan's proposed transportation system.

Natural Resources. Overall, most citizens supported plan proposals for natural resources, open spaces and parks. Concerns centered on what property owners would be allowed to do with their land within the proposed ESRA.

Employment. Support was mixed for creating employment opportunities on the level of about 5,000 jobs in the valley. Members of the Steering Committee had extensive discussions regarding this issue and ultimately decided to focus job opportunities near the town center, in a southern employment district and in home-based work. Three citizen representatives on the Steering Committee did not endorse the employment recommendations on the final Concept Plan map.



Small-group work at Community Forum I

III. Goals

The following goals endorsed by the Steering Committee on May 2, 2001, reflect the vision and values underlying the Concept Plan. They were endorsed at the end of the project inventory phase, just prior to the design charette. They were subsequently used in evaluating the four plan alternatives.

A. Create a community. The plan will create a “place” that has a unique sense of identity and cohesiveness. The sense of community will be fostered, in part, by providing a wide range of transportation choices and living, working, shopping, recreational, civic, educational, worship, open space and other opportunities. Community refers to the broader Concept Plan area, recognizing that it has (and will have) unique areas within it. Community also refers to Pleasant Valley’s relationship to the region – relationships with Portland, Gresham and Happy Valley; Multnomah and Clackamas counties, and the unique regional landscape that frames Pleasant Valley.

B. Create a town center as the heart of the community. A mixed-use town center will be the focus of retail, civic and related uses, and services that serve the daily needs of the local community. The town center will be served by a multi-modal transportation system. Housing will be incorporated into mixed-use buildings and/or adjacent apartments and townhomes. A central green or plaza will be included as a community gathering space. Streets and buildings will be designed to emphasize a lively pedestrian-oriented character for the town center. The town center will have strong connections to adjacent neighborhoods and commercial services that are centralized and convenient to pedestrian-oriented shopping.

C. Integrate schools and civic uses into the community. The number, type and location of schools will be coordinated with the Centennial School District. Schools and civic uses will be integrated with adjacent neighborhoods and connected by a system of bicycle and pedestrian routes. The number, type and location of mixed-use centers will be considered as schools and civic uses are integrated into the plan.

D. Celebrate Pleasant Valley’s cultural and natural history. The plan will retain the best of the past and incorporate the area’s cultural and natural history, as appropriate, into the new community form. Important cultural and natural names, places and themes will be included.

E. Preserve, restore and enhance natural resources. The plan will identify, protect, restore and enhance significant natural resource areas, including stream corridors, forested areas and buttes. Resource areas will provide the basis for identifying buildable and non-buildable areas, and will serve as open space amenities for the community. Resource protection will include strategies to protect endangered species, water quality and the aquifer. Resource protection and enhancement will be a shared responsibility and partnership of property owners, governments and developers.

F. Use “green” development practices. The plan will incorporate community design and infrastructure plans that produce minimal impacts on the environment, including flooding and water quality within Johnson Creek. The plan will incorporate guidelines for stormwater quality and quantity and resource management for each subwatershed, and also will enhance natural hydrologic systems as a fundamental part of managing drainage and water quality. The plan will incorporate green street designs. The plan will integrate green infrastructure with land-use design and natural resource protection. The plan will incorporate energy-savings measures.

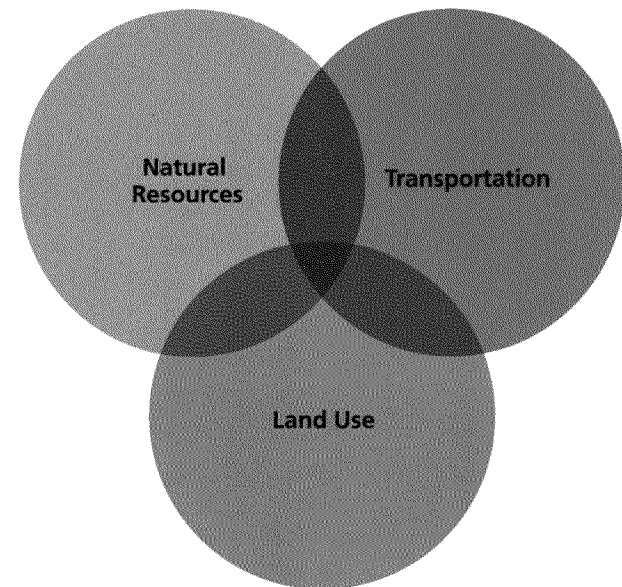


G. Locate and develop parks and open spaces throughout the community. Neighborhood parks, small green spaces and open spaces will be within a short walk of all homes. A network of bicycle and pedestrian routes, equestrian trails and multi-use paths will connect the parks and open spaces. The park and trail system will be connected to the Springwater Trail, Powell Butte and other regional trails and greenspaces.

H. Provide transportation choices. Pleasant Valley will be a community where it is safe, convenient and inviting to walk and ride a bike. The plan will set the stage for future community-level transit service that connects to regional transit service, including street designs, land-use types and densities that support transit. Recommendations will be developed to correct transportation safety issues, to address through-traffic and to provide adequate capacity for future growth. The plan will coordinate with surrounding jurisdictions to create effective regional connections and balanced regional transportation system. A well-connected street system will be planned, using a variety of street types that reinforce a sense of community and provide adequate routes for travel. Streets will accommodate walking and biking, with special pedestrian features on major transit streets.

I. Provide housing choices. A variety of housing choices will be provided, with a focus on home ownership options. Housing options will accommodate a variety of demographic and income needs, including appropriate affordable choices and housing for seniors. The plan will provide for an overall average residential density of 10 dwelling units per net residential acre (i.e., including only residential land), based on a mix of densities. Walkable neighborhoods will form the organizing structure for residential land use. Natural features will help define neighborhood form and character.

J. Provide and coordinate opportunities to work in and near Pleasant Valley. The plan will identify opportunities for home-based work and employment areas within Pleasant Valley. A range of employment opportunities will be considered, including retail and other employment. The plan also will consider the relationship of Pleasant Valley to existing employment centers in the East Metro area and potential new employment areas near Damascus.



A Key Theme for Pleasant Valley Planning:
Integration of Natural Resources, Transportation
and Land Use

IV. Regional Context

The Concept Plan is based on the dual premise that Pleasant Valley is:

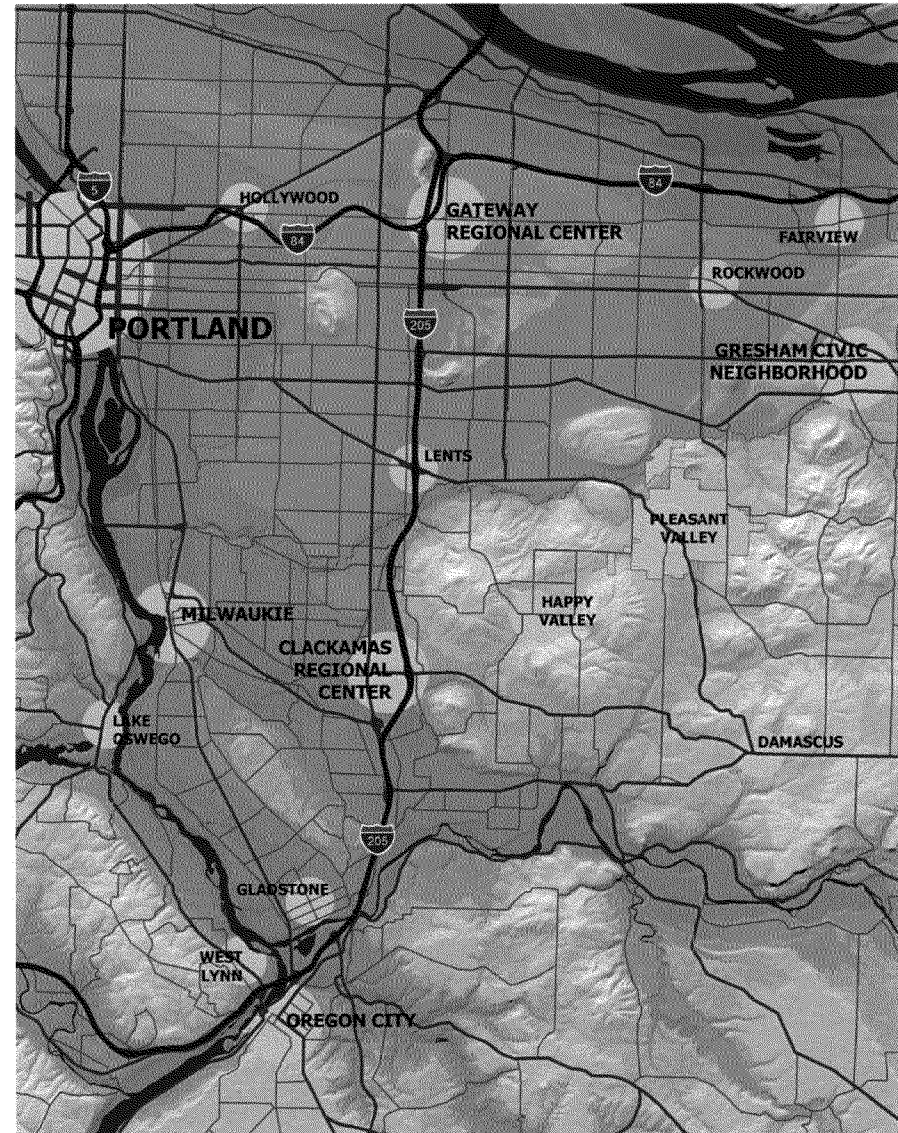
- part of the Portland metropolitan region
- its own unique place.

The map on this page illustrates Pleasant Valley's context within the eastern half of the Portland metropolitan region and the valley's relationship to Metro's 2040 Growth Concept. Adopted in 1995, the 2040 Growth Concept establishes the region's policy for regional growth and development. Pleasant Valley is almost equal distance between the two largest regional centers in this part of the region: the Gresham and the Clackamas regional centers. The same is true for the two closest town centers: Lents and Damascus. Each of the region's centers are unique, and Pleasant Valley's town center will have its own individual scale and character.

The regional transportation corridors shown on this map highlight a key challenge for Pleasant Valley: Pleasant Valley enjoys a unique geographical location within a series of lava domes and wooded buttes in the southeast portion of the Portland metropolitan region. The area also contains a significant number of environmentally sensitive streams and wetlands, including Kelley and Mitchell creeks. While these natural features provide scenic vistas and recreational opportunities, they also provide challenges from a transportation perspective.

The Concept Plan addresses these challenges by:

- providing a complete set of transportation choices within the valley
- organizing a logical network of north-south connections around 172nd and 190th avenues, with parallel routes and a new long-term arterial connection from 172nd to 190th avenues
- enhancing east-west routes through the extension of Clatsop Street and Giese Road-Butler Road extensions.



Pleasant Valley as part of the Portland region

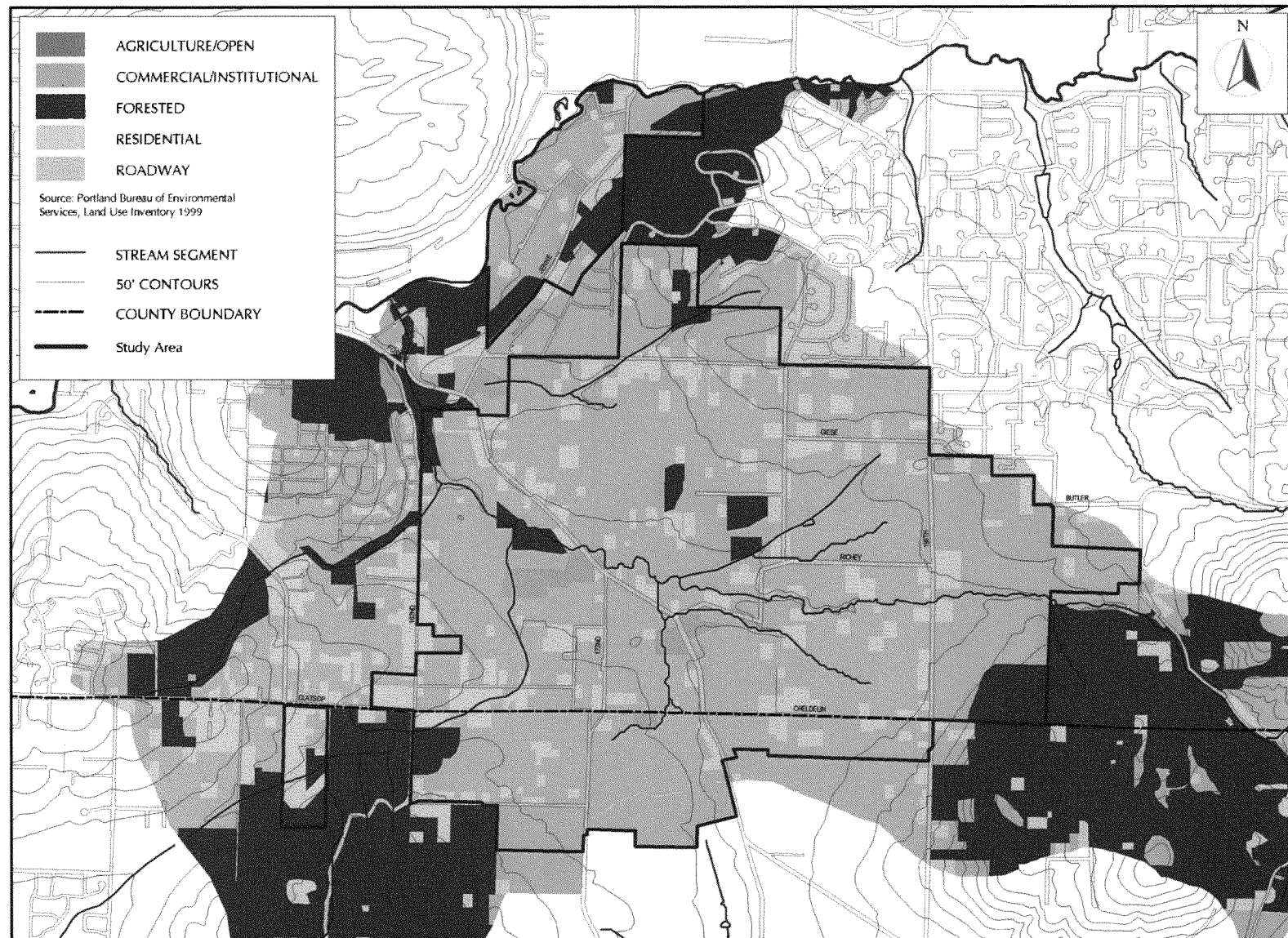
Pleasant Valley is connected to its surrounding landscape. Powell Butte, Butler Ridge and the western ridgeline provide a dramatic framing of the valley. Kelley Creek and its tributaries are key water features that connect the surrounding watershed to Johnson Creek and have influenced historical land-use patterns. Kelley Creek also serves as a regional migration route for large and small animals traveling between the buttes. These features underlie a strong sense of place that residents of the valley expressed during the Concept Plan process and in previous interviews.

The Concept Plan study area extends to the regional urban growth boundary located about 2,000 feet south of the Multnomah-Clackamas County line. However, Pleasant Valley's landscape, social and historical connections extend south to the Damascus area.

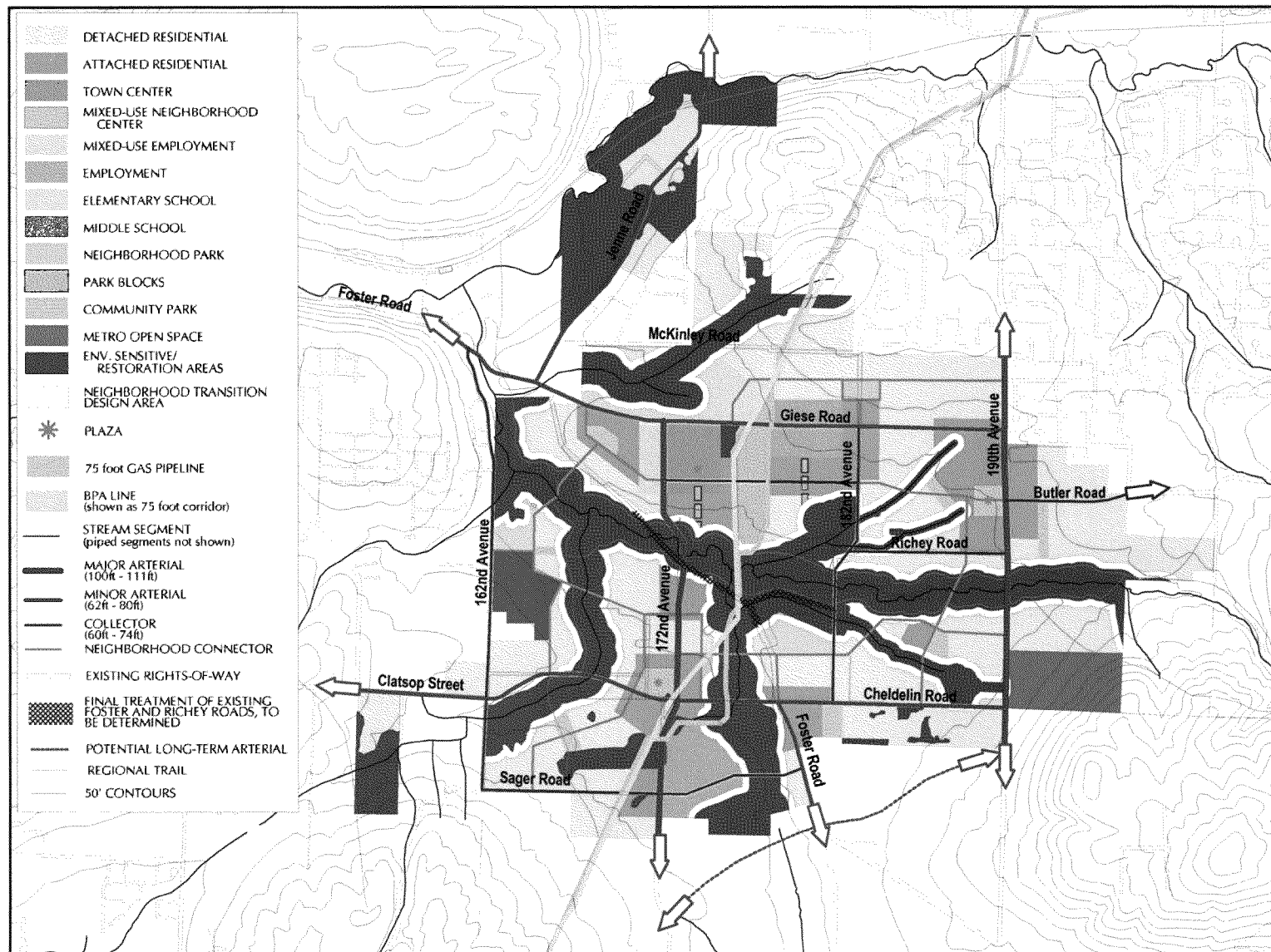


Forested buttes frame the valley

V. Concept Plan



Pleasant Valley Today – Existing Land Use (Generalized) – 1999



Proposed Pleasant Valley Concept Plan

Environmentally Sensitive/Restoration Areas

The environmentally sensitive/restoration areas (ESRA) are the green framework for the Concept Plan. They are the resource management areas with important ecological functions planned for integration with a new urban community. It is the long-term goal to restore and enhance sensitive wetlands and stream corridors to more natural vegetated conditions, recognizing that existing homes and other uses will continue in the ESRA.

The ESRA includes wetlands, upland and riparian habitat. Wetlands range from open water to forested wetlands. Upland habitat range from deciduous and conifer forests to shrubs and habitats of mixed species. Buffers adjacent to these resources range from 50 to 200 feet, depending on the type of resource.

Areas identified for restoration, as part of the Pleasant Valley Resource Management Map (see Technical Appendix), embody a vision for the valley. These restoration and enhancement measures might include strategies for:

- removing fish passage barriers
- restoring native plant and animal communities through removal of invasive species, planting native trees and shrubs
- reconnecting creeks, floodplains and habitat to improve natural system functions and reduce flooding
- restoring wetlands and streambanks to reduce erosion, landslide hazards and improve water quality
- reducing water quality degradation (through the re-vegetation of stream buffers, implementation of stream-friendly stormwater management and reduced pollutant discharges).

Neighborhood Transition Design Area

The neighborhood transition design area provides a transition between the ESRA and adjacent development. The 100-foot-wide area is intended to include a mix of uses including open space, trails, infrastructure (e.g., stormwater treatment), parkways and boulevards, residences, community centers and ESRA-oriented facilities such as a nature center or interpretative kiosk. Residential areas are oriented toward – and present a friendly face to – the ESRA. Such areas may be accessed via an alleyway. Where appropriate, local green streets follow the edges of the residential community as part of the transition area bordering the ESRA.

The ESRA recommendations, in conjunction with the cost estimates and funding strategies (see Technical Appendix and Implementation Strategies), are intended to fulfill Metro's Title 11 requirements to protect fish and wildlife habitat, enhance water quality and avoid natural hazards (Title 11, section 1120 (G)).

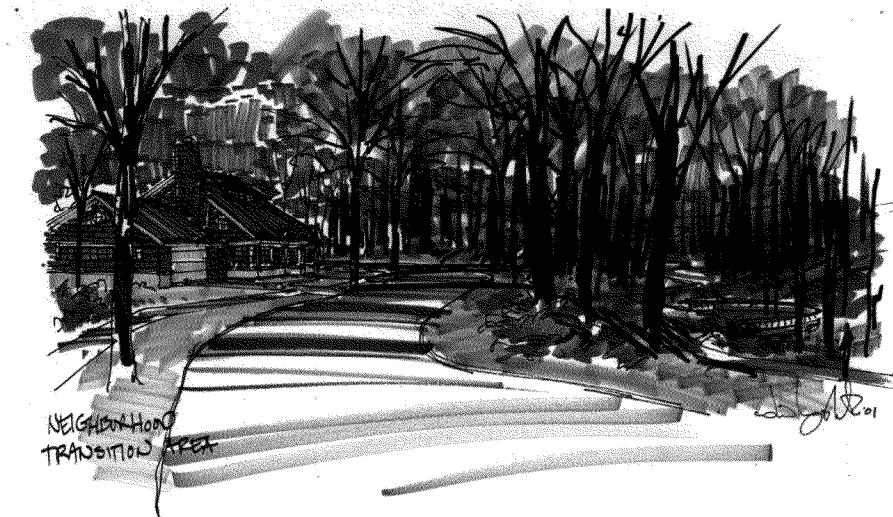
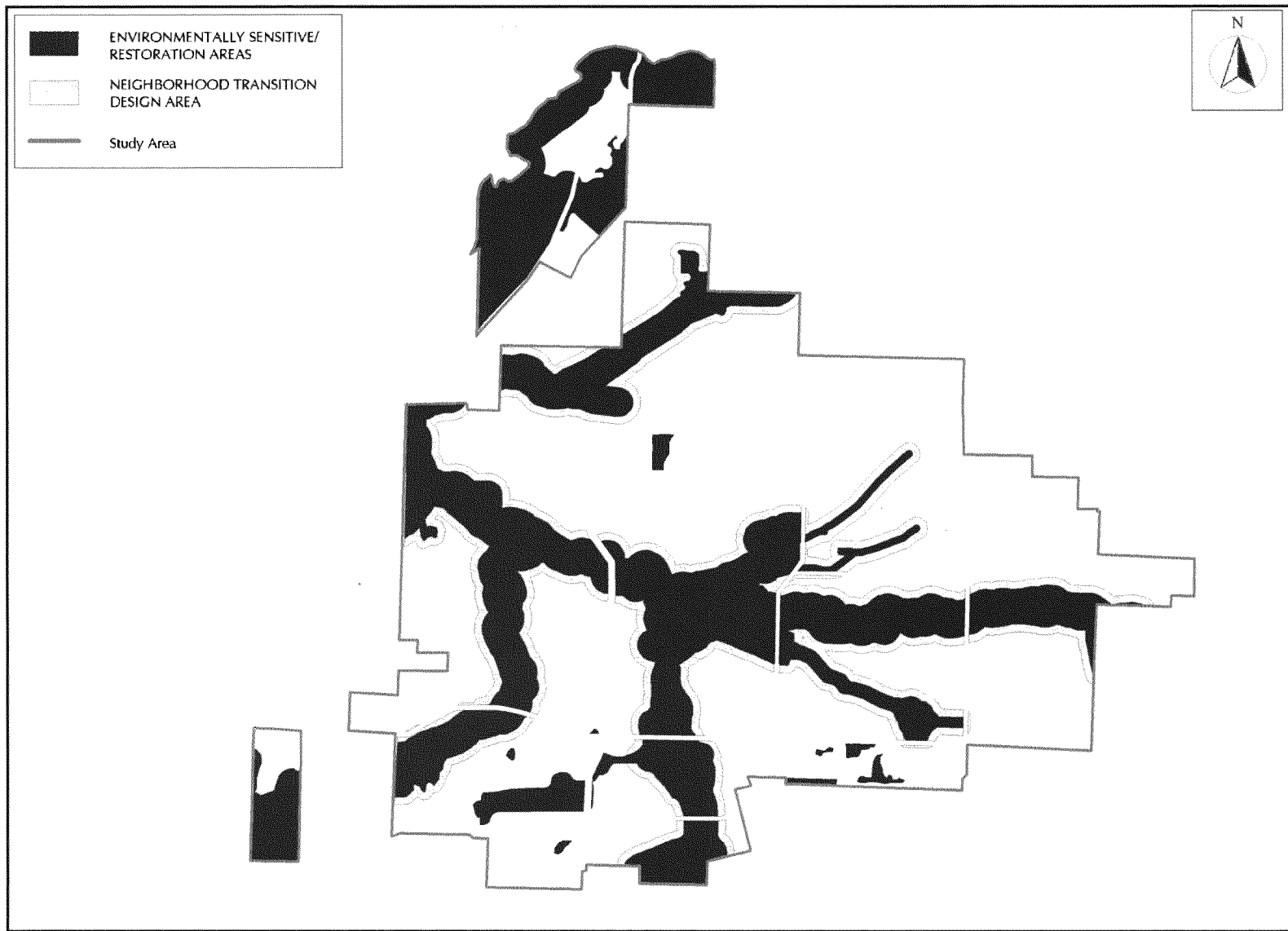


Illustration of Neighborhood Transition Design Area



Environmentally Sensitive/Restoration Areas

Streets

In summary, the key elements of the street plan (as integrated with land use and natural resources) are to:

- Create a network of arterial, collector, neighborhood connector and local streets that accommodates travel demand and provides multiple routes for travel. Key new street extensions and connections include:
 - a. 172nd Avenue extension north to Giese Road
 - b. Giese Road west to Foster Road
 - c. Clatsop Street west to Cheldelin Road
 - d. 182nd Avenue south to Cheldelin
 - e. Butler Road west to 190th Avenue
 - f. Sager Road east to Foster Road
 - g. Long-term arterial connection from 172nd to 190th Avenue south of the study area.
- Upgrade existing streets and design all new streets to accommodate biking and walking, with special pedestrian amenities on transit streets. Upgrade intersections with safety issues identified as part of the inventory work.
- Provide regional and community transit service on key roads in Pleasant Valley, with direct connections to Happy Valley, Clackamas regional center, Damascus, Lents, Gresham, the Columbia Corridor and downtown Portland. Transit streets include 172nd Avenue, Giese Road, 182nd Avenue, 190th Avenue, a new east-west collector south of Giese Road and Clatsop Street-Cheldelin Road.
- Provide a logical and connected street system that connects directly to community destinations while also avoiding the ESRA where possible. Plan for a local street system that complements the arterial and collector street system, and meets regional connectivity requirements.

- Use “green” street designs that are an integral part of the stormwater management system and provide walkable tree-lined streets.
- Downgrade the function of Foster and Richey roads to serve as local access streets and develop a strategy to disconnect and potentially vacate these streets in the confluence area of Kelley Creek.
- Plan for a long-term major arterial connection south of the study area from 172nd Avenue to 190th Avenue to serve long-term regional mobility needs if future urbanization occurs in Damascus. This will be evaluated more fully by Metro as part of urban area planning for the Damascus area.
- Evaluate needed capacity improvements to address long-term travel demand for key gateway routes if future urbanization occurs in Damascus. This will be evaluated as part of a Powell/Foster corridor study (beginning in summer 2002), continued Damascus area planning and the next Regional Transportation Plan update.

These recommendations, in conjunction with the cost estimates and funding strategies (see Technical Appendix and Implementation Strategies), are intended to fulfill Metro Title 11 requirements for a

conceptual transportation plan (Title 11, section 1120 (F)).

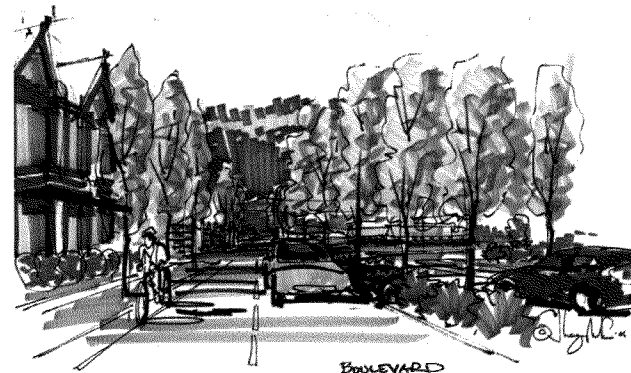
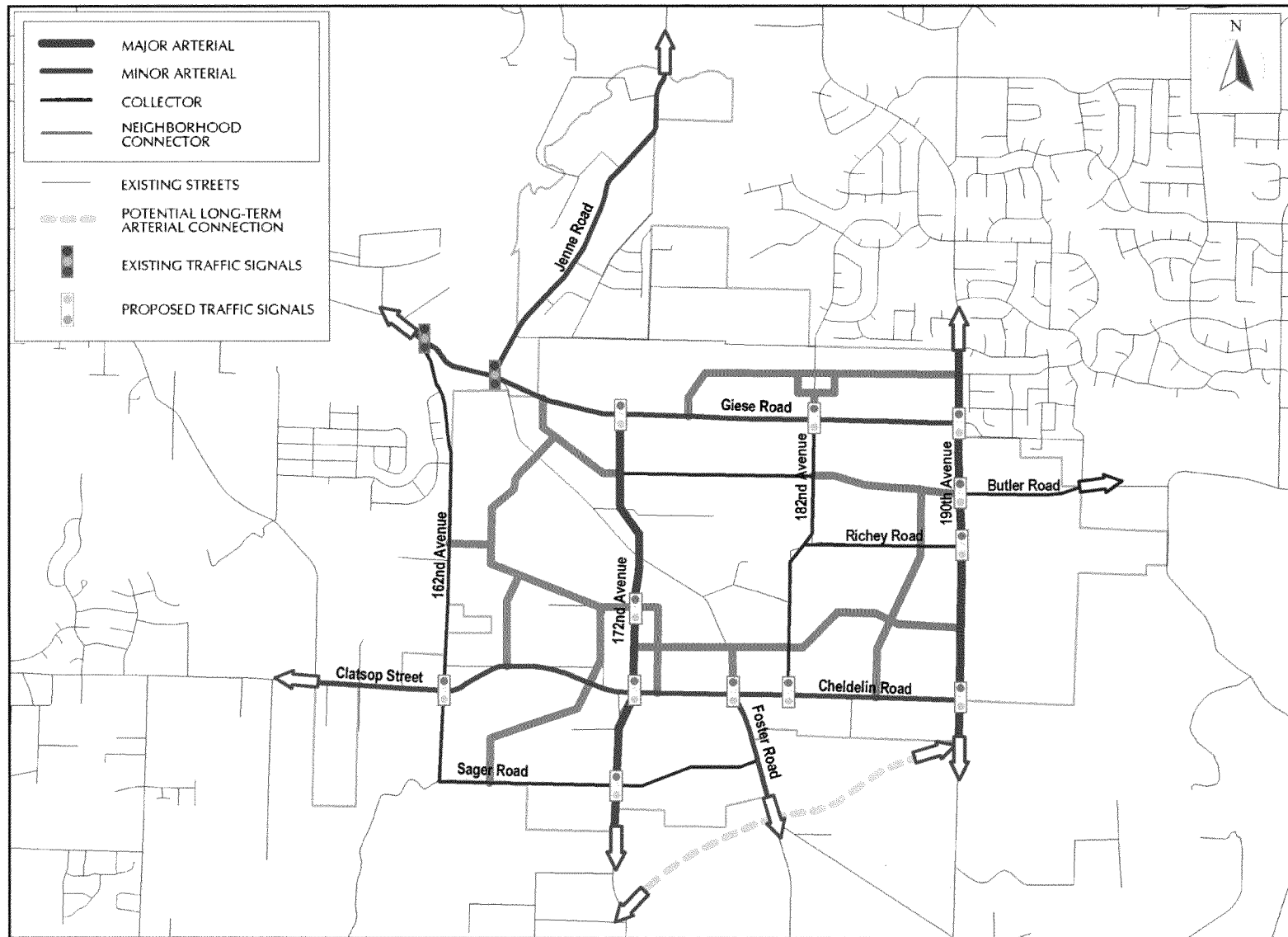


Illustration of 'boulevard' street treatment



Network of Arterial, Collector and Neighborhood Connector Streets

Trails, Parks and Schools

Trails. The adjoining diagram illustrates the proposed major trail network. Within the study area, about 6.6 miles of regional trails are proposed. These trails connect to the Springwater Corridor, Powell Butte and other regional trails and green spaces. They also connect to major destinations – such as the community park, town center, employment districts and elementary/middle school complex – within the Pleasant Valley Concept Plan study area.

The East Buttes Powerline Corridor Trail and East Buttes Loop Trail have been nominated for inclusion on Metro's regional trails and greenways map. The East Buttes Powerline Corridor Trail follows the BPA powerline easement and provides an important north/south connection from the Springwater Corridor Trail and the proposed Gresham/Fairview Trail to the Clackamas River Greenway near Damascus. The East Buttes Loop Trail goes through the heart of Pleasant Valley and parallels Kelley Creek on its north and south sides. The East Buttes Loop Trail connects historic and natural landmarks with the town center and neighborhoods. The development of this trail will require coordination with many private properties and will likely be developed on a property-by-property basis within the neighborhood transition design area.

Parks. The Concept Plan includes:

Nine neighborhood parks – These are 1- to 3-acre facilities that provide access to basic recreation opportunities for nearby residents of all ages and contribute to neighborhood identity. They are generally located near the centers of neighborhoods, although a few occupy edge locations to serve adjacent attached housing.

Community park – The 29-acre community park is located between the power line and natural gas line easements east of the town center.

The purpose of this community park is to provide active and passive recreational opportunities for community residents and accommodate activities for large groups.

Facilities could include a children's play area, competitive sports facilities, off-street parking (must include), permanent restrooms, public art/fountains, group picnic areas, paths, botanical gardens, community centers, amphitheaters, festival space, swimming pools and interpretive facilities.

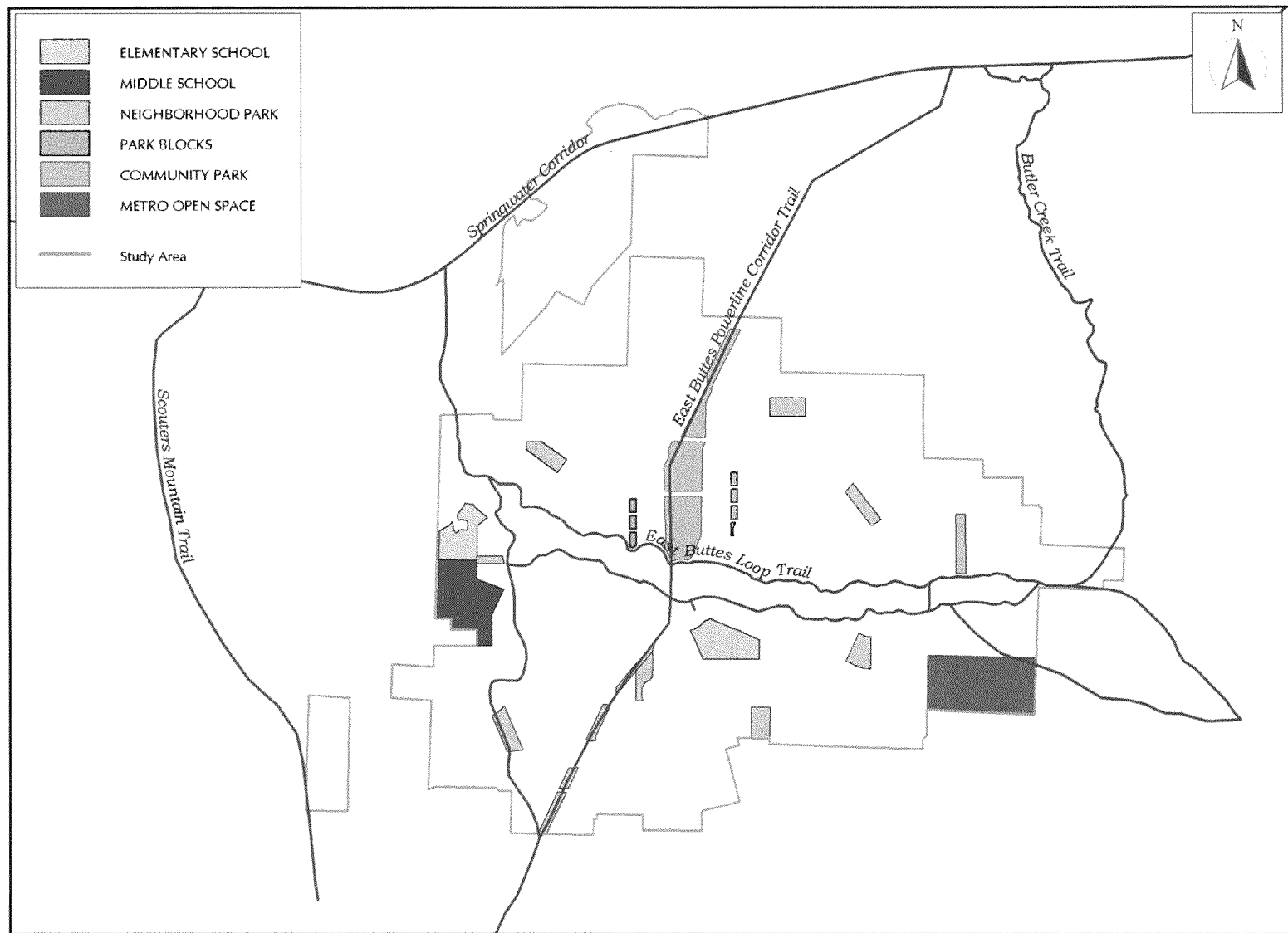
Plazas – Three plazas are proposed – in the town center and in each of the two neighborhood centers. These will serve as focal points for each of the centers and are expected to be relatively small (1/4-acre for the town center and 1/8-acre or smaller for the neighborhood centers). They may be developed as a multi-use paved area, community green or hybrid.

Schools. Two new schools serving Pleasant Valley are recommended: a new elementary school and a new middle school. Pleasant Valley Elementary School will remain as one of the three schools serving the valley.

The two new schools are shown located next to each other adjacent to 162nd Avenue. This location is subject to future decisions on site acquisition and funding, however, it is recommended as the preferred general location for the schools. The size of the school parcels is 10 acres for the elementary school and 20 acres for the middle school – some consolidation of land and joint use of facilities may result from having the schools next to each other.

These recommendations are intended to fulfill Metro Title 11 requirements for a conceptual school plan (Title 11 section 1120 (H)).





Trails, Parks and Schools

Mixed-Use Centers and Employment Areas

Town Center. The town center is intended to be the civic and commercial heart of the Pleasant Valley community – a place to shop, get a cup of coffee, greet neighbors and visit the local community center. Primary uses include retail (anchored by a grocery store), offices, services and civic uses. A range of higher density housing types will be allowed as part of a mixed-use development.

Selected characteristics of the town center include:

- An east-west main street connecting 172nd Avenue to the community park. This street will have two travel lanes, on-street parking, wide sidewalks and pedestrian amenities.
- A centrally located plaza or community green.
- An overall “village feel” with buildings oriented to streets, generally two- to three-story building heights, storefront character along key streets and extensive pedestrian amenities.
- Access and circulation designed in a logical grid of streets.
- Park blocks extending from Kelley Creek and terminating at the plaza, a key building or intersection within the town center.
- Street and place names that link the center to the cultural and natural history of Pleasant Valley.

Mixed-Use Neighborhood Centers. Two mixed-use neighborhood centers are proposed: one along 190th Avenue and one at the corner of 172nd Avenue and Clatsop Street extension. These centers are intended to provide local retail and service and employment opportunities at the edge of the adjacent neighborhoods. Primary uses shall include small-scale retail and service and office buildings. Housing will be allowed as part of mixed-use and live-work buildings. Street-oriented retail and pedestrian amenities along the streets will contribute to a pedestrian-friendly character. Each center includes a small plaza.

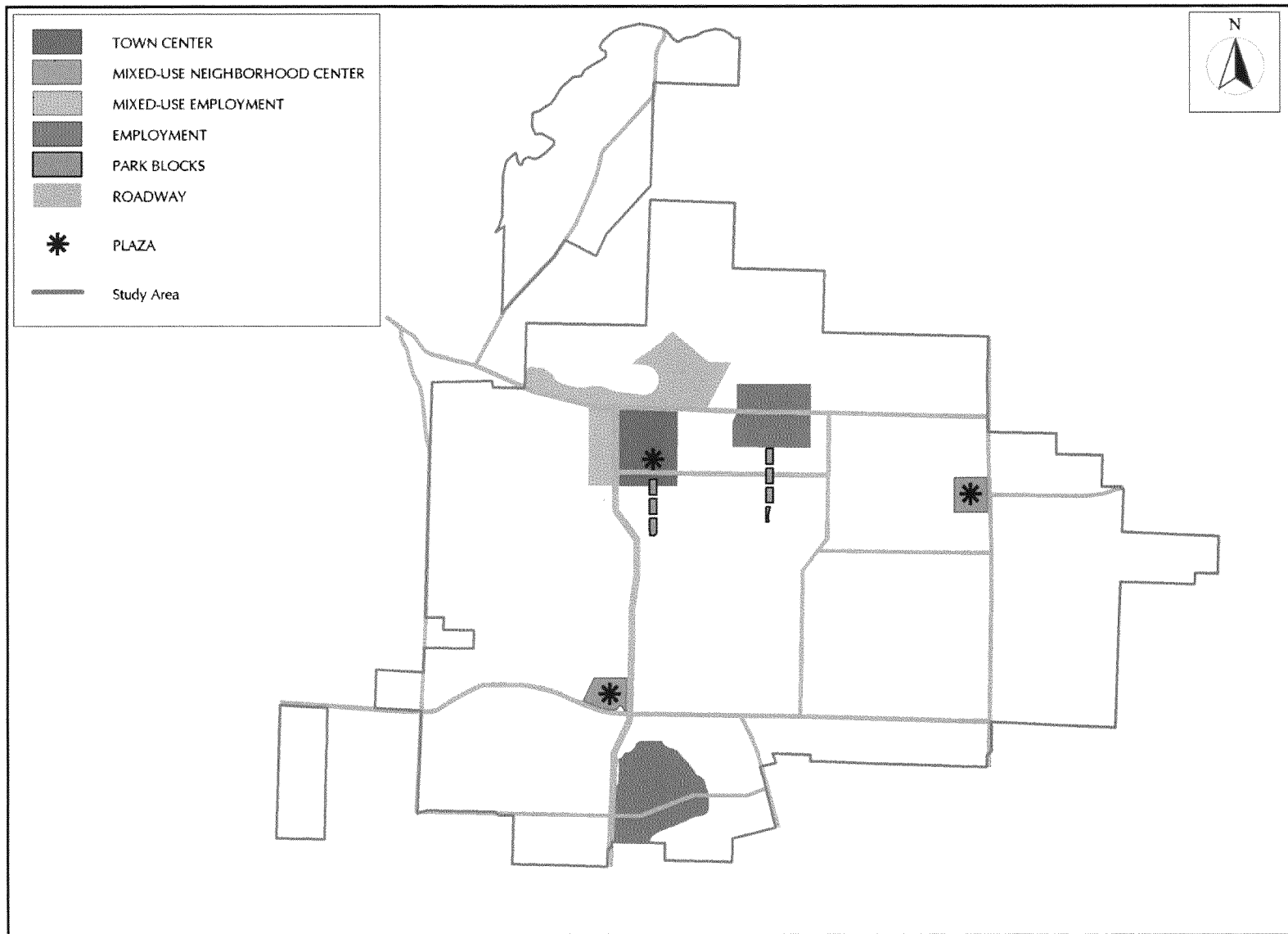
Mixed-Use Employment Areas. The mixed-use employment area north and west of the town center is intended to provide employment opportunities and other uses that are compatible with, and support, the town center. Primary uses shall include offices, services and small retail. Housing will be allowed within a mixed-use building.

Buildings can be up to three stories high. As with the town center, this district is intended to have buildings oriented to streets and pedestrian amenities. These characteristics will help reduce the impact of the three- and four-lane character of Giese Road and 172nd Avenue. Both Giese Road and 172nd Avenue are transit streets, so it is important that a walkable character is created to complement the opportunity for transit-oriented development.

Employment Areas. Two employment areas are proposed: one along Giese Road and one along 172nd Avenue at the Sager Road extension. These districts are intended to provide business/office park, medical and other employment opportunities. Primary uses will include knowledge-based industries (graphic communications, creative services, etc.), research and development facilities, office uses, medical facilities and other business park uses. Emphasis is placed on business suited to a high environmental quality setting.

These recommendations are intended to fulfill Metro Title 11 requirements for provision of sufficient commercial and industrial development for the needs of the area (Title 11, section 1120 (E)).





Mixed-Use Centers and Employment Areas

Neighborhoods and Housing

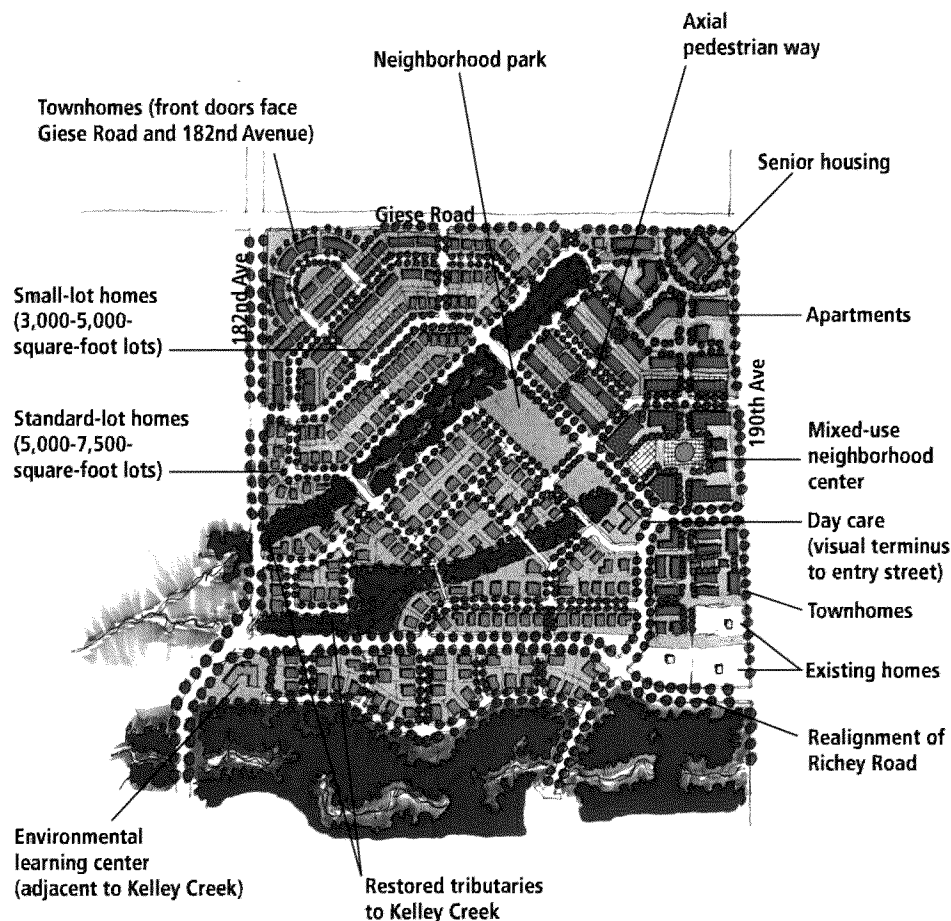
Pleasant Valley's housing goal: "Pleasant Valley shall provide a wide variety of housing choices that will accommodate a variety of demographic and income needs within high-quality, well-designed and walkable neighborhoods framed by the natural landscape."

The Concept Plan implements this goal with the following:

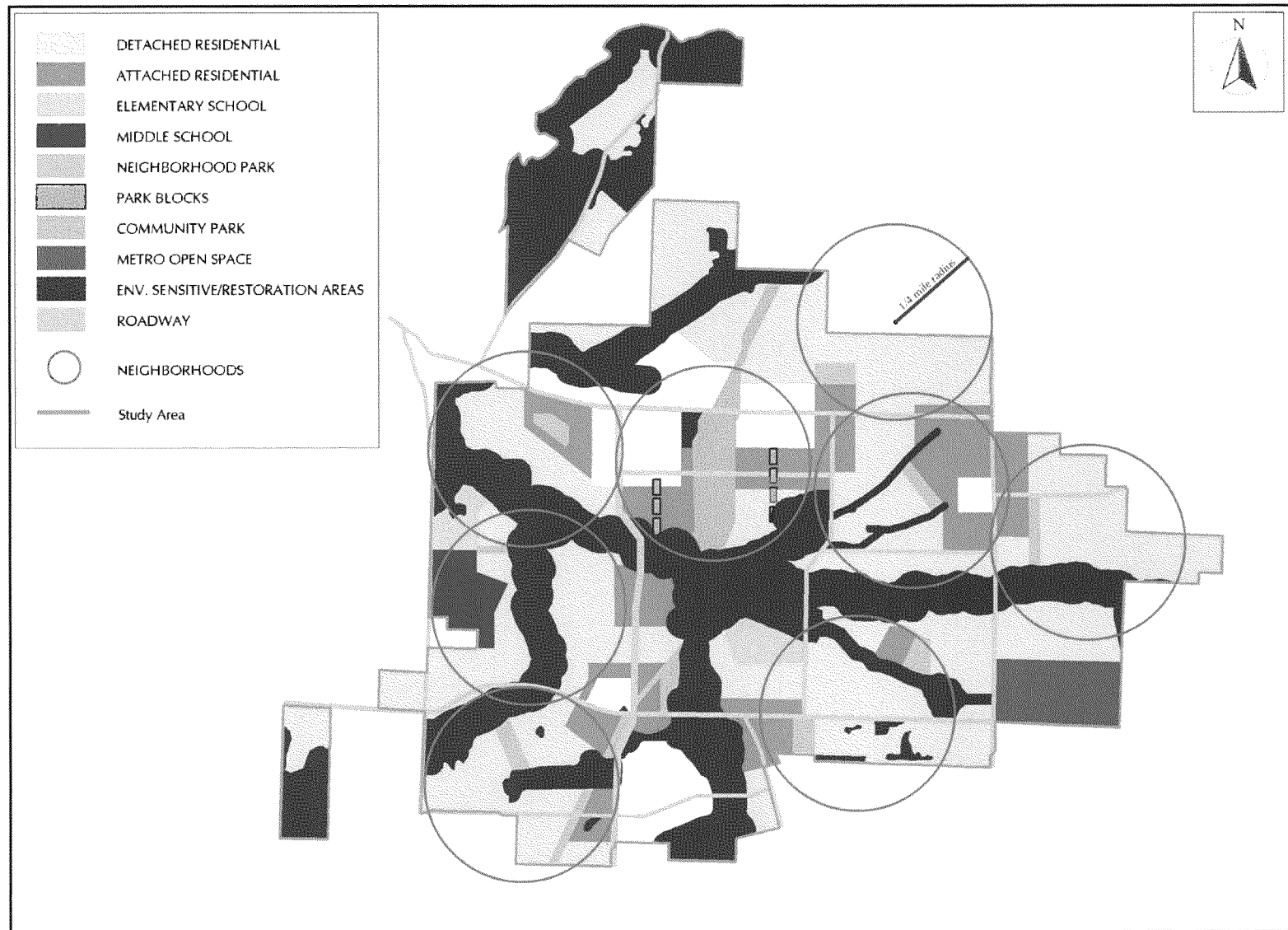
- Each of the eight Pleasant Valley neighborhoods is intended to include a variety of housing options.
- Overall housing density is 10 dwelling units per net residential acre, with 50 percent of the proposed housing as detached and 50 percent attached.
- Detached housing choices include small lots (3,000-5,000 square feet), medium lots (5,000-7,000 square feet) and large lots (7,500 square feet and greater).
- Attached housing choices include townhomes, apartments, condominiums and senior housing.
- Pleasant Valley's neighborhoods will have a walkable character with defined centers and edges. Neighborhood dimensions will be a comfortable walking distance of 1/4 to 1/2 mile (5- to 10-minute walk).
- Neighborhoods will be designed to increase transportation options. Neighborhoods will be bike- and walking-friendly, especially so that children can travel safely. Neighborhoods along the community's transit streets will be designed with transit in mind.
- Neighborhoods will be designed to incorporate the existing natural features, connect to the ESRA and support "green" stormwater management practices.
- Zoning will allow and encourage home-based employment.

The neighborhood concept described above is an essential part of the vision for Pleasant Valley. The development of individual properties is intended to fit together into complete, cohesive neighborhoods.

These recommendations are intended to fulfill Metro Title 11 requirements for provision of average residential densities and diversity of housing stock (Title 11, sections 1120 (B) and (C)).



Nursery Neighborhood Illustrative Plan



Neighborhoods and Housing

VI. Housing and Employment Estimates

The following table summarizes the housing and employment estimates for the Pleasant Valley Concept Plan:

New dwellings

| | |
|--|---------------|
| Detached residential (new) | 2,485 |
| Attached residential (new) | 2,369 |
| Town center (new) | 40 |
| Mixed-use neighborhood center (new) | 11 |
| Mixed-use employment (new) | 117 |
| Subtotal | 5,022 |
| Less displaced dwellings | 100 |
| Total new dwellings at buildout | 4,922 |
| Plus existing dwellings | 126 |
| Total dwellings/HHs at buildout | 5,048 |
| Net new acres of residential land | 484 |
| New dwellings per net acre* | 10.02 |
| Net new population estimate | 12,007 |
| Total population at buildout | 12,315 |
| Average household size** | 2.44 |

New jobs***

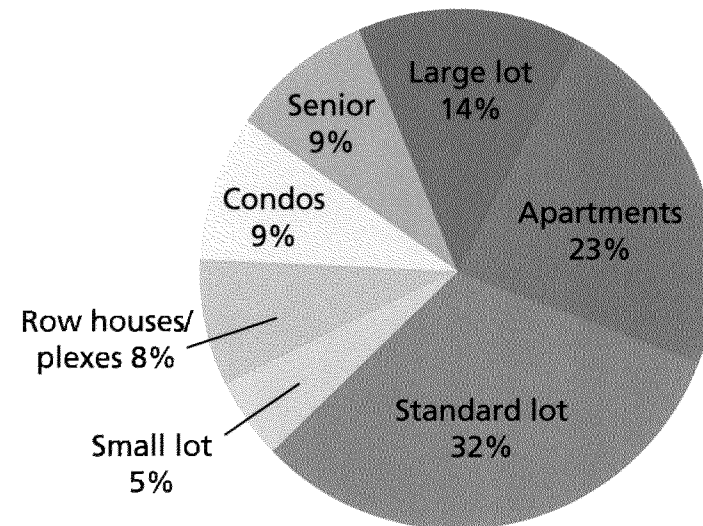
| | |
|-----------------------------|--------------|
| Retail/other | 495 |
| Office | 3,232 |
| Light industrial | 514 |
| Civic | 59 |
| Schools | 130 |
| Work-at-home jobs**** | 505 |
| Subtotal | 4,935 |
| Plus existing jobs | 50 |
| Total jobs | 4,985 |

* Does not include dwellings in mixed-use zones

** Assumes 2.7 people per detached dwelling and 2.3 people per attached dwelling. Derived from 2000 Census for Clackamas County.

*** Assumes 50 staff at the elementary school and 80 staff at the middle school.

**** Assumes 10 percent of total dwellings each have one work-at-home job.



This chart represents the percentages of various housing types used to calculate the final dwelling units, jobs and population for the Pleasant Valley area.

VII. Governance

Governance

The Pleasant Valley area was brought into the urban growth boundary in December 1998. Under Title 11 of Metro's Urban Growth Management Functional Plan, all territory added to the UGB shall be included within affected local governments' comprehensive plans prior to urbanization. The comprehensive plan amendment(s) shall include a provision for annexation to a city or any necessary service districts prior to urbanization of the territory or incorporation of a city or necessary service districts to provide all required urban services.

To address the requirement, the cities of Gresham and Portland entered into an intergovernmental agreement in December 1998 for the Pleasant Valley area. The agreement provides for several items, including a map that reflects generalized future boundaries for Gresham and Portland (see Implementation Strategies). The boundary was set along the Multnomah County portion of Mitchell Creek. Gresham agreed to annex the land east and north of the creek (Area A) and Portland agreed to annex the land west of the creek (Area B). It was agreed that the precise boundary would be established by June 30, 2004.

Refining the City Boundaries in Areas A and B

The Concept Plan Steering Committee endorsed a set of guidelines to be used in precisely determining the future city boundaries within Areas A and B:

- The Mitchell Creek environmental sensitive/restoration area (ESRA) should be completely within one city.
- If the Mitchell Creek ESRA is not entirely within a single city boundary (for both Multnomah and Clackamas counties), an intergovernmental agreement naming the city of Portland as the lead resource for management of the Mitchell Creek ESRA should be adopted.

- Single parcels or contiguous parcels in the same ownership should not be split by the city boundary (may be acceptable if the boundary follows a utility easement or if the boundary would split the ESRA between two cities).
- Consider efficiencies of providing urban services, i.e., who is the logical service provider (water, sanitary and stormwater) considering topographical constraints.
- Place the boundary so that all lots fronting the same street are within the same city, except along any street that forms the boundary between Multnomah and Clackamas counties. This guideline avoids problems with addressing, emergency response, zoning designations, and sewer and water lines that serve both sides of the street.
- Limit the number of city limit signs to reinforce the concept of the area being one community.

Coordinating the Direction for Area C

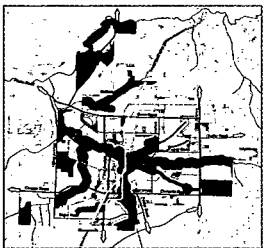
The Steering Committee concluded that future governance for Area C (the Clackamas County portion of the project area) needed coordination among the affected governments, and discussion that considers the context of the larger Pleasant Valley-Damascus-Boring area. The committee endorsed a process (initiated by Clackamas County through Resolution 2002-20) to have the affected jurisdictions and service providers meet, discuss and determine the future governance and service provision within the area south of the Multnomah County/Clackamas County line. The goal of this process is to bring a unified message to the Metro Council concerning governance and service provision for Area C and those areas in Clackamas County that will be considered for future inclusion in the urban growth boundary.

These recommendations, including fulfillment of the Gresham/Portland IGA, are intended to fulfill Metro Title 11 requirements for provision for annexation of the area to a city or necessary service district prior to urbanization (Title 11, section 1120 (A)).

VIII. Summary of Implementation Strategies

Goals, Policies and Action Measures

The Steering Committee adopted goals, policies and action measures for each of the topics that follow. The statements focus on the key concepts and policy direction for subsequent regulations and implementation efforts. The following is a summary – the full text of the implementation strategies is included in the Implementation Strategies.



LAND USE

Urbanization

GOAL: *Pleasant Valley shall be a complete community with a unique sense of identity and cohesiveness.*

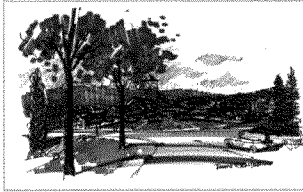
Policies

1. The Pleasant Valley Concept Plan Map and Implementation Strategies shall provide the blueprint for local jurisdictional adoption of comprehensive plan amendments and implementing measures for future urbanization.
2. Pleasant Valley shall be master planned as a complete community. A complete community has a wide range of transportation choices; of living choices; of working and shopping choices; and of civic, recreational, educational, open space and other opportunities.
3. Pleasant Valley shall have full public services to include transportation, surface water management, water, sewer, fire and police services, recreation, parks and connected open spaces and schools.
4. Urbanization of Pleasant Valley shall carefully consider its relationship to adjoining communities as annexations and extensions of public facilities occur.

5. Urbanization of Pleasant Valley shall carefully consider and enhance its relationship to the unique regional landscape that frames Pleasant Valley.
6. Urbanization shall be guided by a Pleasant Valley urban services and financial plan that will ensure that annexation, service provision and development occur in a logical and efficient manner and that major public facilities are provided at the time they are needed.

Recommended Action Measures

1. Establish a plan district for Pleasant Valley. A plan district designation provides a means to create unique zoning districts and development regulations that address the specific opportunities and problems identified in the Pleasant Valley Concept Plan.
2. Establish the new plan district zoning classifications based on the Concept Plan guidelines in the town center, housing, employment and other sections found in these Pleasant Valley Concept Plan Implementation Strategies.
3. Allow for unique planning and regulatory tools that are needed to realize the Pleasant Valley Concept Plan.
4. Develop a plan for urban services and financing infrastructure. The plan would include a phasing plan, i.e., identifying a logical sequence for phased annexations, development of public infrastructure and delivery of public services as urbanization occurs. This strategic plan includes a provision for providing major public facilities at the time they are needed. "Major public facilities" will be defined in this process and be based on the details provided in the water, wastewater, stormwater and transportation reports.
5. Create a set of new development standards for the design of land-use types and the transition and compatibility of these land uses down to the block level based on the Pleasant Valley Concept Plan map and implementation strategies.



TOWN CENTER

GOAL: Pleasant Valley shall have a mixed-use town center that will be the heart of the community.

Policies

1. The town center shall be the focus of retail, civic and office related uses and services that serve the daily needs of the local community.
2. The town center shall be served by a multi-modal transportation system with good access by vehicular, pedestrian, bicycle and transit traffic.
3. A wide range of housing types shall be allowed and incorporated into mixed-use buildings and adjacent townhouses and apartments.
4. Streets and buildings shall be designed to emphasize a lively pedestrian-oriented character where people feel safe day and night.
5. A “main street” environment that is a visually stimulating area that makes people want to linger and explore shall be created.
6. A central green or plaza(s) shall be included as a community gathering space(s). There shall be good linkage to the central park space to the east and to Kelley Creek to the south. Linkage design to Kelley Creek shall include consideration of a park block design.
7. The town center shall have strong connections to adjacent neighborhoods and include commercial services that are centralized and convenient to pedestrian-oriented shopping.
8. The core town center shall have adjacent mixed-use employment areas that will include office uses and live-work housing opportunities.
9. The expectation for the town center is a highly pedestrian-oriented place with a dense mix of shopping, service, and civic and mixed-use buildings.
 - a. It is anchored (at least) by a grocery store. Smaller buildings for retail and service uses, civic uses and mixed commercial/residential uses will be oriented on pedestrian main street(s) and plaza(s).

- b. It will be an easy and attractive place to walk, bike and use transit. It will be a convenient and attractive place to drive.
 - c. A high standard for development will be set. Techniques such as shadow platting shall be used to provide for future infill at the desired minimum density.
10. The Pleasant Valley Plan District shall include two mixed-use zoning districts associated with the town center:
 - a. A town center zoning district with a mix of retail, office and civic uses and housing opportunities as a pedestrian oriented area and a main street character.
 - b. A mixed-use employment zoning district that will provide office, professional services and other support services and employment opportunities adjacent to the town center.

Recommended Action Measures

1. Develop a strategy to help ensure the town center’s survival in the marketplace. Marketplace design standards and principles can be combined with pedestrian-oriented design standards to create a unique Pleasant Valley town center. Consideration shall be given to future public involvement strategies including a design charrette with property owners and developers and the public to create specific design standards, street layouts and a scheme for a mix of retail, service and housing uses. Develop techniques, such as shadow platting, to provide for future infill at desired minimum density. Shadow platting requires placement of buildings in a way that allows future infill at the desired minimum density.
2. Identify and recruit desired civic uses, including a library, a community police station, a community-meeting hall and a daycare facility.
3. Develop a strategy that allows for a town center master plan review process. Such a master plan includes more detail than found in the plan district regulations and would guide development of the town center.

HOUSING

GOAL: Pleasant Valley shall provide a wide variety of housing choices that will accommodate a variety of demographic and income needs within high quality, well-designed and walkable neighborhoods framed by the natural landscape.

Policies

1. Each Pleasant Valley neighborhood shall include a wide variety of housing options for people of all ages and incomes with the following considerations:
 - a. Home ownership options that range from affordable housing to executive housing.
 - b. Housing for the elderly and the disabled.
 - c. Affordable housing choices including rental and home ownership opportunities.
 - d. An overall average density of 10 dwelling units per net residential acreage.
 - e. A 50/50 ratio of attached dwelling to detached dwelling opportunities.
 - f. A mix of housing types in the same neighborhood and on the same street.
2. Pleasant Valley shall have walkable neighborhoods with a defined center and edges. The edge of the neighborhood marks the transition from one neighborhood to another. An edge might be a natural area, a transit stop or a tree-lined arterial street. The neighborhood center should be a main gathering space with priority given to public spaces, such as parks and civic buildings. The distance from the center of the neighborhood to the edge should be a comfortable walking distance of 1/4- to 1/2-mile radius (5- to 10-minute walk).
3. Pleasant Valley neighborhoods shall be designed to increase transportation options. Neighborhoods shall be bike and walking friendly, especially so that children can travel safely.

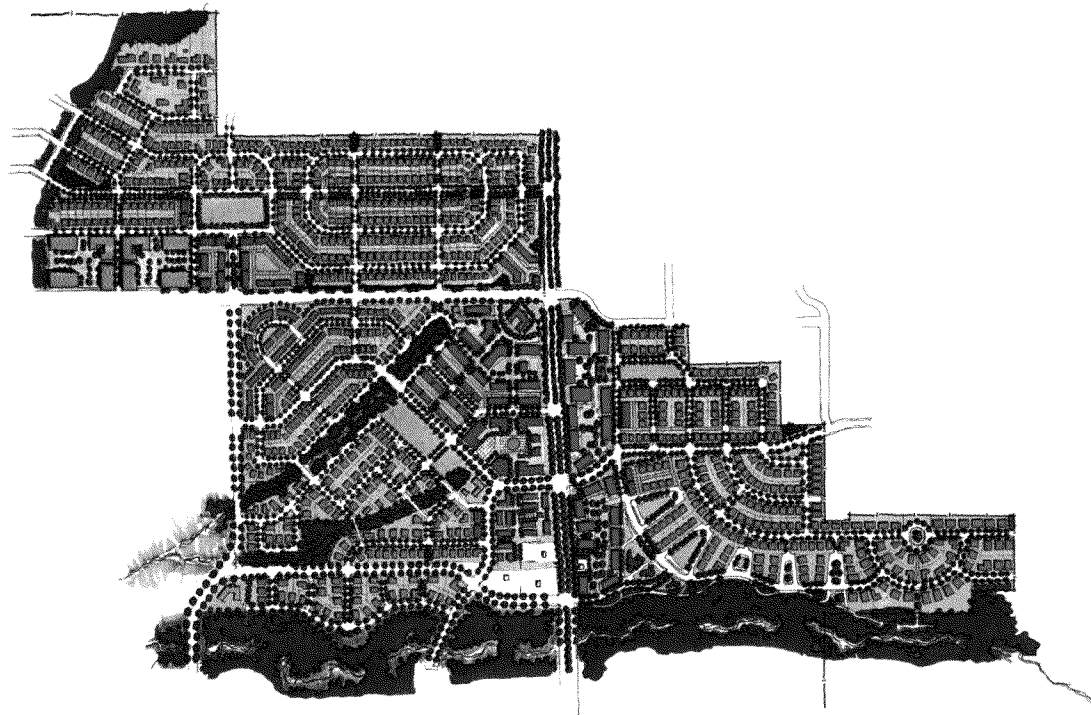
Neighborhoods shall be designed with transit in mind. Transit stops should be located within walking distance of a neighborhood.

4. Pleasant Valley shall support a compact mixed-use urban form, increase accessibility for walking and biking and be transit supportive. Attached housing should take a nodal form as opposed to a transit street lined with apartments.
5. Higher density residential areas shall be designed and scaled in keeping with the desired pedestrian form.
6. Higher density residential areas shall be located near the town center, transit streets and the mixed-use neighborhood centers. A mix of smaller lots, townhomes and apartments provide a good balance of mixed housing character and transit-orientation.
7. Neighborhoods shall be designed to incorporate the existing natural features in a way that enhances the aesthetic environment while minimizing impacts. A compact mixed-use neighborhood with transit options is one strategy for preserving open space and natural resource areas.
8. Parks shall be located next to or near higher density areas. They also shall serve to provide a sense of place for the neighborhood and be accessible to the whole neighborhood. This enhances the quality of life for attached housing residents and will help ensure a higher quality of higher-density housing.



Apartments oriented to a local street

9. Neighborhoods shall have strong connections to the Kelley Creek and Mitchell Creek open space systems. The design and function of neighborhoods shall facilitate preserving, enhancing and restoring Pleasant Valley's open space system.
10. Home-based work shall be permitted and encouraged in residential districts. Standards shall be established to ensure compatibility with surrounding neighbors. Standards shall be based on existing Gresham and Portland standards for home-based work.
11. The Pleasant Valley Plan District shall include residential districts that will provide for small, standard and large single-family lot (detached residential) opportunities and for high- and moderate-density housing (attached residential) opportunities. High-density attached dwelling opportunities shall be focused in the vicinity of the town center.



Three Pleasant Valley Neighborhoods – Illustrative Plan

Recommended Action Measures

1. Work with groups such as the city of Gresham's Community Development and Housing Committee and the Planning Commission to create a plan that identifies appropriate strategies and implementation measures to promote affordable housing in Pleasant Valley.
2. Create principles and strategies to ensure that the scale and design of dwellings, especially in the high- and moderate-density zoning districts, are compatible with the compact, pedestrian-oriented and smaller-scale character of Pleasant Valley. Consider a process for developing a design vocabulary (a variety of specific architectural elements) for the Pleasant Valley community.

EMPLOYMENT

GOAL: Pleasant Valley shall provide for a range of employment opportunities that enable Pleasant Valley to be part of a complete community and to provide the opportunity to work and live in the same community.

Policies

1. Home-based work opportunities shall be allowed and encouraged.
2. Employment opportunities shall include retail and services, business office and business park uses to include “flex space,” research and development, and medical facilities.
3. Employment opportunities shall consider the relationship of Pleasant Valley to existing employment centers in the east metro area and potential new employment areas south (Damascus area).
4. Pleasant Valley shall have mixed-use neighborhood centers to provide local service and shopping opportunities within a very short walking, biking or driving distance. Small (3-5-acre) mixed-use neighborhood centers shall provide retail, office and live-work employment opportunities.
5. A higher density and variety of housing types shall be located near the mixed-use neighborhood centers.
6. The quality of the natural environment shall be an asset in Pleasant Valley. Businesses locating in Pleasant Valley shall be expected to be good environmental stewards, use green practices and have a positive relationship with the community.
7. The quality of the built environment shall be an important contributor to employment opportunities. A high-quality town center, high-quality neighborhoods and the inclusion of a mix of housing types will foster employment opportunities.
8. Pleasant Valley shall endeavor to have a sustainable balance of jobs and housing capacity. This policy supports fiscal and community sustainability, distributes the risk for future developers/builders and eases costs associated with infrastructure improvements.

9. The Pleasant Valley Plan District shall (in addition to the two mixed-use zoning districts associated with the town center) include two other mixed-use employment zoning districts:
 - a. A mixed-use neighborhood center zoning district with a mix of local retail, service and office live-work uses to encourage short walking, biking and driving trips.
 - b. An employment center zoning district that will provide business park employment opportunities including flex space, office park, research and development and medical facilities.

Recommended Action Measures

1. Develop a strategy to preserve employment center areas and to test its viability in the marketplace. The preservation strategy would include developing a list of prohibited uses. A cited example of a potential prohibited use is mini-storage facilities.
2. Develop a strategy for economic development recruitment and incentives to locate businesses that will enhance the compact nature and pedestrian scale orientation of Pleasant Valley and its environmental features.
3. Local participating jurisdictions and others are strongly encouraged to participate in actions and to take steps to solve employment issues on a community and citywide basis and on a regional basis.



Illustrative Employment Center

CULTURAL AND NATURAL HISTORY

GOAL: *The best of Pleasant Valley's cultural and natural history is retained and incorporated into the new community form.*

Policies

1. Important cultural and natural names, places and themes shall be used as Pleasant Valley urbanizes. Historic place names can be used for the street, place and neighborhood names.
 2. To the extent possible, major roads that will need to be widened shall be kept away from historic resources. This should be done to lessen the potential that a historic structure may be removed, preserve context around structures, and generally enhance the ability to experience cultural and natural history resources.
 3. Design the town center to reflect the area's natural history (the riparian system) and historical landmarks. The town center can be connected to the central area near the grange with well-designed streets (possibly park blocks) and/or off-street paths.
 4. Have good connections to the Kelley Creek trail as a potential historical trail. The trail, among other functions, can link together the valley's historic landmarks and cultural and natural history.
3. Continue to document the history of the valley and identify historic landmarks. The historic landmarks identified in the evaluation report shall be a starting point. The advisory committee, the society and others should be engaged in this process.
 4. Cultural and natural history shall be an element for consideration in future determination of how Foster and Richey roads function in the ESRA. Historical homes and farm buildings naturally relate to the rural roads on which they front.



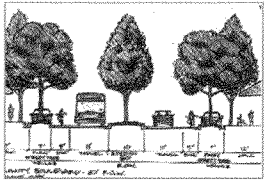
The Pleasant Valley Grange



The Richey House

Recommended Action Measures

1. Identify and use historic place names for streets, places and neighborhoods. To the extent practical this should occur during the next implementation plan phase. The names identified in the evaluation report (see Technical Appendix) shall be a starting point. The city of Gresham Historic Resource Advisory Committee, the Gresham History Society and others should be engaged in determining additional names.
2. Review existing regulations regarding historic landmarks and prepare new ones as needed for Pleasant Valley. Property owners and developers should be engaged in this process before development occurs. The advisory committee, the society and others also should be engaged.



TRANSPORTATION

GOAL: *Pleasant Valley shall be a community where a wide range of safe and convenient transportation choices are provided.*

Policies

1. Pleasant Valley shall be a community where it is safe, convenient and inviting to walk, ride a bike and use transit. The network of streets shall accommodate walking and biking, with special pedestrian features on transit streets.
2. The community shall be served by a balanced transportation system that serves all modes of travel and is coordinated with Gresham, Portland, Happy Valley, Clackamas County, Multnomah County, TriMet, ODOT, Metro and other transportation service providers to provide effective regional connections to the Pleasant Valley community.
3. The community shall be served by community level transit service that connects to regional transit service, and include street designs, land-use types, patterns and densities and pedestrian and bicycle improvements that support transit.
4. An efficient well-connected street system shall be planned, using a variety of street types that reinforce a sense of community, provide adequate routes for travel by all modes and preserve adequate right of way to serve future transportation needs.
5. Existing transportation safety issues shall be addressed.

Key Recommended Action Measures

1. The Pleasant Valley Concept Plan map shall serve as the basis for providing opportunities for through-travel on arterial streets and local access to community destinations on collectors, neighborhood connectors and local streets.
2. Develop a short-term strategy to downgrade the function of Foster and Richey roads to serve as local access streets and a

long-term strategy to disconnect and potentially vacate Foster and Richey roads in the confluence area of the ESRA. Phase implementation of new neighborhood connector that crosses the Saddle wetland complex west of Pleasant Valley Elementary School to coincide with disconnection and removal of Foster Road stream crossings in confluence area.

3. Provide a bicycle and pedestrian system that provides for safe, convenient, attractive and accessible bicycle and pedestrian routes on all streets.
4. Provide a multi-use trail system to serve as important off-street bicycle and pedestrian connections to schools, parks, commercial areas and neighborhoods within the Pleasant Valley community, particularly in areas near the confluence of Kelley and Mitchell creeks where streams limit street connectivity.
5. Establish plan district street design standards that respect the characteristics of the surrounding land uses, natural features and other community amenities as described in Metro publications *Creating Livable Streets* and *Green Streets: Innovative Solutions for Stormwater and Stream Crossings*. All streets shall be designed to support adjacent land uses, accommodate pedestrians and bicyclists and include green streets design elements that help minimize stormwater runoff, consistent with Table 1.
6. Adopt a future street plan that meets regional and local connectivity requirements to ensure the development and completion of logical and continuous local street patterns within residential and mixed-use areas as development occurs.
7. Allow for and encourage efficient use of on-street parking to help reduce off-street parking needs, shared parking agreements to reduce the size and number of parking lots and shared driveways between adjacent development projects.
8. Coordinate with Metro, ODOT, TriMet, Multnomah County, Clackamas County, Happy Valley, Portland and Gresham to implement Pleasant Valley Concept Plan recommendations.

Street Design Types for Pleasant Valley

The following table lists the street design characteristics recommended for Pleasant Valley. Further description of street types and all recommended action measures for transportation are included in the technical appendix.

TABLE 1

| Motor vehicle functional classification | Street design classification | Preferred street design elements | | Number of lanes and design speed |
|---|------------------------------|--|--|--------------------------------------|
| Major arterial within town center | Regional boulevard | 111' ROW 12.5' sidewalks 6' bike lanes | 11' travel lanes 13-16' swale median 7' on-street parking with tree planters | 4 lanes with turn lanes 20-25 mph |
| Major arterial outside town center | Regional street | 100' ROW 6' sidewalks 6' bike lanes | 11' travel lanes 16' swale median 8' green street buffer | 4 lanes with turn lanes 35 mph |
| Minor arterial within a town center | Community boulevard | 80' ROW 10' sidewalks 6' bike lanes | 11' travel lanes 10-14' swale median 7' on-street parking with tree planters | 2 lanes with turn lanes 20-25 mph |
| Minor arterial with a median outside town center | Community street | 70' ROW 6' sidewalks 6' bike lanes | 11' travel lanes 10-14' swale median 8' green street buffer | 2 lanes with turn lanes 35 mph |
| Minor arterial without a median outside town center | Community street | 62' ROW 6' sidewalks 6' bike lanes | 11' travel lanes 8' green street buffer | 2 lanes with turn lanes 35 mph |
| Collector within a town center | Community boulevard | 70' ROW 12' sidewalks 5' bike lanes | 11' travel lanes 7' on-street parking with tree planters | 2 lanes with turn lanes 20-25 mph |
| Collector adjacent to schools, parks and multi-family housing | Community street | 74' ROW 6' sidewalks 5' bike lanes | 11' travel lanes 8' swale buffer 7' on-street parking | 2 lanes with turn lanes 20-25 mph |
| Collector other areas | Community street | 60' ROW 6' sidewalks 5' bike lanes | 11' travel lanes 8' green street buffer | 2 lanes with turn lanes 20-25 mph |

Street design type notes:

1. All streets will be designed to support adjacent land uses and accommodate bicycles and pedestrians with special pedestrian amenities on transit streets.
2. All streets include "green" streets design elements that help minimize stormwater runoff, including pervious curbs.
3. Swales, infiltration trenches and linear detention basins are possible treatments in street designs that include green street buffers.
4. Bike lane and sidewalk dimensions may be reduced when natural constraints exist. The need for and width of bike lanes will be determined based on traffic volumes and other safety considerations.
5. Tree well curb extensions should be designed to accommodate street sweepers.
6. Twelve-foot outside travel lane may be considered on regional streets that are planned to accommodate local freight movement or buses.
7. Local implementation of these street designs should provide opportunities to mix and match various street design elements and to vary from preferred dimensions listed above in areas where natural constraints exist.
8. Cross sections include the option of a landscaped buffer and center median that can be adjusted at intersections to allow for turn lanes without needing to dedicate more right of way than has been identified.

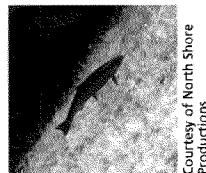


NATURAL RESOURCES

GOAL: *Pleasant Valley shall be an urban community integrated with the natural environment.*

Policies

1. Urbanization of Pleasant Valley shall preserve, enhance and restore natural resources.
2. Urbanization of Pleasant Valley shall be balanced with the protection of sensitive species and habitat, water quality and the aquifer.
3. Road crossings within the ESRA shall be designed to provide crossings with the least impact.
4. Urbanization of Pleasant Valley shall achieve low levels of effective impervious area and high levels of tree protection and reforestation.
5. Flooding shall be addressed by managing the frequency and duration of water flows to match pre-development conditions for Kelley Creek and also to reduce downstream impacts to Johnson Creek.
6. Floodplains and wetlands shall be fully protected and restored for improved hydrology and flood protection.
7. Urbanization of Pleasant Valley shall increase quantities and diversity of upland habitats by creating larger, more diverse, connected habitats in the uplands.
8. Wildlife habitat connections between upland and riparian (river) habitats shall be maintained and restored.
9. Wildlife habitat connections to surrounding areas, such as Powell and Clatsop buttes and Butler Ridge, shall be maintained and restored.
10. Fish passage, where current passage is blocked, shall be restored. Barriers to wildlife habitat corridors, such as bridges and roads, shall be designed to provide proper opportunities for wildlife migration.



Coho Salmon
found in
Johnson Creek

11. Urbanization of Pleasant Valley shall prevent erosion and control sedimentation through the use of green development practices, site-sensitive design, appropriate construction-management practices, re-vegetation of disturbed areas, and regular maintenance and monitoring.
12. As a long-term goal, sections of right of way for Foster and Richey roads within the ESRA shall be removed as properties redevelop and access patterns change.
13. As a major organizing feature, the network of natural resources identified on the Pleasant Valley Resource Management Map (see Technical Appendix) should serve as an open space amenity for the community.
14. Resource protection and enhancement shall be a shared responsibility and partnership of property owners, governments, community and nonprofit organizations and developers.

Recommended Action Measures

1. The Resource Management Map shall serve as the basis for identifying areas to preserve, restore, and enhance.
2. Require abandoned water wells to be decommissioned following Oregon Department of Water Resources accepted procedures to avoid groundwater contamination.
3. Establish a greenway along Kelley Creek and its tributaries as the valley urbanizes. Greenways provide for public access and create a focal point for the community in the form of trails and open space.
4. Develop interim regulations for the sections of Foster and Richey roads within the ESRA detailing how improvements are allowed, if at all, to minimize impervious surface, manage stormwater, and not preclude future removal.
5. The participating cities, area neighborhood associations, and the Johnson Creek Watershed Council are encouraged to support re-vegetation efforts, work to restore fish and wildlife habitat in the study area, and pursue funding sources outlined below to achieve the goals of the Pleasant Valley Concept Plan.

GREEN DEVELOPMENT PRACTICES

GOAL: *Pleasant Valley shall be a “green” community where green infrastructure is integrated with land use and street design and natural resource protection.*

Policies

1. Encourage the planting and preservation of trees throughout the watershed.
 2. Transportation plans shall incorporate Green Streets designs, as described in Metro’s handbook titled *Green Streets: Innovative Solutions for Stormwater and Stream Crossings*.
 3. Community design and infrastructure plans shall produce minimal impacts on the environment, including flooding and water quality in Johnson Creek.
 4. Infrastructure plans shall avoid placement of utilities in the ESRA where practicable.
 5. Community design and infrastructure plans shall enhance the natural hydrologic system as a fundamental part of managing stormwater and water quality.
 6. Community design and infrastructure plans shall incorporate energy-saving measures.
 7. Community design, infrastructure and natural resource protection plans shall incorporate guidelines for resource management by subwatershed, including stormwater quality and quantity.
2. Develop regulations, incentives, and development standards for managing stormwater on-site for buildings, houses, parking lots and street rights of way by integrating stormwater management into the landscaping. The intent is to preserve and create opportunities for infiltration, evaporation and transpiration before using off-site storage. Where off-site storage is necessary, design shall be consistent with the *Johnson Creek Restoration Plan*. For example, off-site storage should be linked to swales and other infiltration areas and designed in a way that mimics natural storage functions (e.g., constructed wetlands).
 3. Develop regulations, incentives, and development standards to provide for the planting and preservation of trees throughout the valley, including street rights of way, community open spaces, parking lots and other landscaping areas, in order to:
 - restore the natural hydrologic system by providing opportunities for evaporation, transpiration and infiltration of rainwater.
 - act as an energy-saving measure to save on heat and cooling costs by shading and buffering buildings, and by reducing urban heat effects by shading parking lots and streets.



Buckman Heights stormwater managed on-site through innovative designs.

Recommended Action Measures

1. Develop regulations, incentives and development standards that include measures to protect and augment the natural stream system with a variable width, vegetated buffer system along streams and wetlands that are critical to the ecological health of the watershed.

PARKS

GOAL: Parks, open space and trails shall be located and developed throughout the Pleasant Valley community.

Policies

1. Neighborhood parks, small green spaces and open spaces shall be located within a short walk of all homes.
2. A network of bicycle and pedestrian routes, equestrian trails, walking/hiking trails and multi-use paths will connect the parks and open spaces.
3. The park and trail system will be connected to the Springwater Corridor Trail, Powell Butte and other regional trails and greenspaces.
4. The natural area lands will constitute the framework of the open space system. The parks system will be organized to complement the open space system, and, wherever possible, the land should be used to create opportunities for people to pursue low intensity and low impact recreational activities. However, acquiring and protecting these lands should not be accomplished in lieu of creating other types of recreation spaces.
5. There shall be a network of neighborhood parks and a community park equitably distributed and sized to meet demands. The network will provide the majority of recreation opportunities for local residents. A neighborhood park shall be located in every neighborhood. Neighborhood parks and a community park shall be located generally consistent with the preferred concept plan map.
6. A series of other parks, such as plazas, park blocks (boulevards), public gardens and recreation pockets shall be created to give identity and form to the town center. The smaller mixed-use neighborhood centers shall also feature a small park or plaza.
7. There shall be parks located adjacent or near higher density areas.
8. Where practical, schools and parks shall share facilities such as soccer/football fields and basketball courts. Sharing facilities can reduce maintenance costs and the amount of acreage needed if the fields were not shared.

Recommended Action Measures

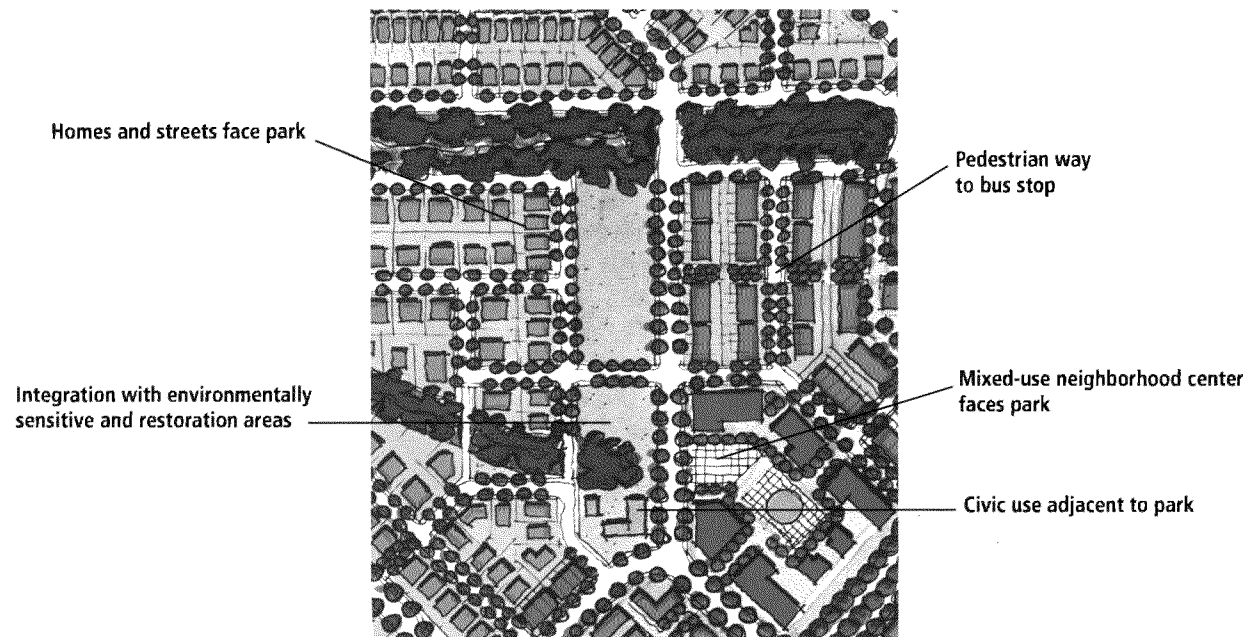
1. Amend parks, recreation, open space and trails master plan(s) for Pleasant Valley consistent with a Pleasant Valley Plan District.
2. Evaluate the natural areas (ESRA) for their capacity to support passive recreation use in order to determine whether additional open space land is needed to meet projected demands. The ESRA lands will not necessarily provide open space functions. In some cases, human access should be very limited or prohibited in order to protect natural resource values.
3. Identify facilities needed for the estimated population. The design and size of parks should take into account potentially needed recreation facilities. These include features such as, but not limited to, basketball courts, sports fields, picnic facilities, community gardens and a community center.
4. Develop a strategy to establish the identity, design and funding of the community center. Consideration shall be given to future public involvement strategies including a design charrette.



5. Identify an open space system that will create a connected and integrated open space network in the Kelley Creek/Mitchell Creek system. Note that Gresham's benchmark acreage for open space may not be sufficient to create this system depending on future state Goal 5 natural resources work.
6. Support designation of the Pleasant Valley trails system in Metro's Greenspaces Master Plan. Identify funds that can be used to study the feasibility of the trails, right of way acquisition, design and construction.

The following have been nominated for inclusion on the Metro Trails and Greenway map:

- a. East Buttes Powerline Corridor Trail. This trail runs north-south partially via the BPA/Northwest Natural Gas line easement. It connects to the Springwater Corridor trail and the proposed Gresham/Fairview Trail and to the Clackamas River Greenway near Damascus.
- b. East Buttes Loop Trail. The trail runs east-west along both sides of the main stem of Kelley Creek. It runs through the heart of Pleasant Valley and provides connections to the Springwater Corridor trail, the Gresham Butler Creek trail and a Metro open space area.



Neighborhood park as a focal point of a Pleasant Valley neighborhood



SCHOOLS

GOAL: Schools shall be integrated into the Pleasant Valley community. Civic uses shall be integrated into the Pleasant Valley Community.

Policies

1. The number, type and location of schools will be coordinated with the Centennial School District. The school district has indicated that for planning purposes:
 - a. The existing Pleasant Valley School Elementary School will remain.
 - b. There are potential needs for a new elementary school and for a new middle school.
2. Schools and civic uses will be integrated with adjacent neighborhoods and connected by a system of bicycle and pedestrian routes. Schools should be located to avoid students crossing major streets.
3. School compatibility in a neighborhood shall be balanced with the benefits of passive surveillance. Residential "eyes," especially toward a field, can enhance security.
4. Where practical, a public park will be located adjacent to school fields. Such parks shall be a minimum of 2-3 acres in size, but can be larger. This allows for an enhanced community space that benefits the school and the community. The park should not be located across a street, especially for use by elementary school students.
5. New schools shall be located at least 1,000 feet from major electrical and gas transmission lines.
6. Elementary and middle schools should have frontage on a collector street to accommodate school buses.

Recommended Action Measures

1. The Centennial School District should continue to evaluate the benefits of a joint middle/elementary school site. Potential benefits of a shared site include flexibility for school and community events, fields that are large enough for community events such as little league and soccer, parking lots that can be shared, potential cost savings through shared infrastructure such as gas and electric service, telephones, sewer and water systems and computer network systems.
2. The Centennial School District should continue to work with the affected city (or county) to provide for the amount of land and improvement needed to serve the Pleasant Valley Concept Plan area.
3. Mt. Hood Community College with Multnomah County Library and the Centennial School District should explore the potential of a joint facility in the Pleasant Valley Concept Plan. The joint facility could include a library, cultural center and an athletic facility.



Illustrative middle school within a neighborhood

Infrastructure Costs and Funding

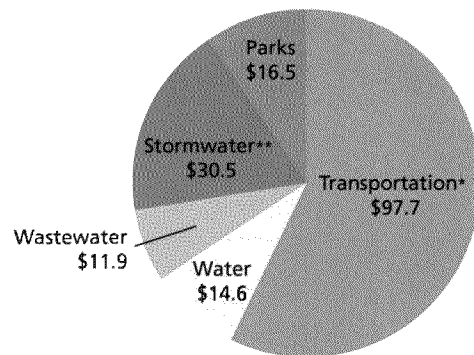
Infrastructure for the Concept Plan is estimated to cost approximately \$171 million, as summarized in the following table.

TABLE 2

| Infrastructure type | Cost in millions |
|---------------------|------------------|
| Transportation* | \$ 97.7 |
| Water | 14.6 |
| Wastewater | 11.9 |
| Stormwater** | 30.5 |
| Parks | 16.5 |
| Total | \$171.2 |

*Does not include \$15 million for long-term 172nd/190th connection outside the study area.

**Capital cost only. Assumes green practices. The estimate for a piped system is \$63.2 million.



Funding Sources. The Concept Plan sets the stage for subsequent work to prepare a funding plan. It is intended that multi-jurisdictional cooperation on funding will occur and that innovative approaches to green infrastructure maintenance will be developed.

The funding sources to be considered include:

- developer constructed improvements
- system development charges
- impact fees

- local improvement reimbursement districts
- street utility fees
- federal, state and regional funds.

NOTE: Although local improvement districts are recognized as a funding tool, they are not recommended unless measures are adopted to prevent adverse impacts to existing property owners.

Timing of Infrastructure. One of the key implementation issues that emerged out of the community forums was a concern that infrastructure not lag behind development. The Steering Committee endorsed the following policy and action measure to address this concern:

- Urbanization shall be guided by a Pleasant Valley urban services and financial plan that will ensure that annexation, service provision and development occur in a logical and efficient manner and that major public facilities are provided at the time they are needed.
- A strategic plan for urban services and financing infrastructure shall be established. The plan would include a phasing plan, i.e., identifying a logical sequence for phased annexations, development of public infrastructure and delivery of public services as urbanization occurs. This strategic plan shall include a provision for providing major public facilities at the time they are needed. "Major public facilities" shall be defined in this process with the details provided in the water, wastewater, stormwater and transportation concept plan reports.

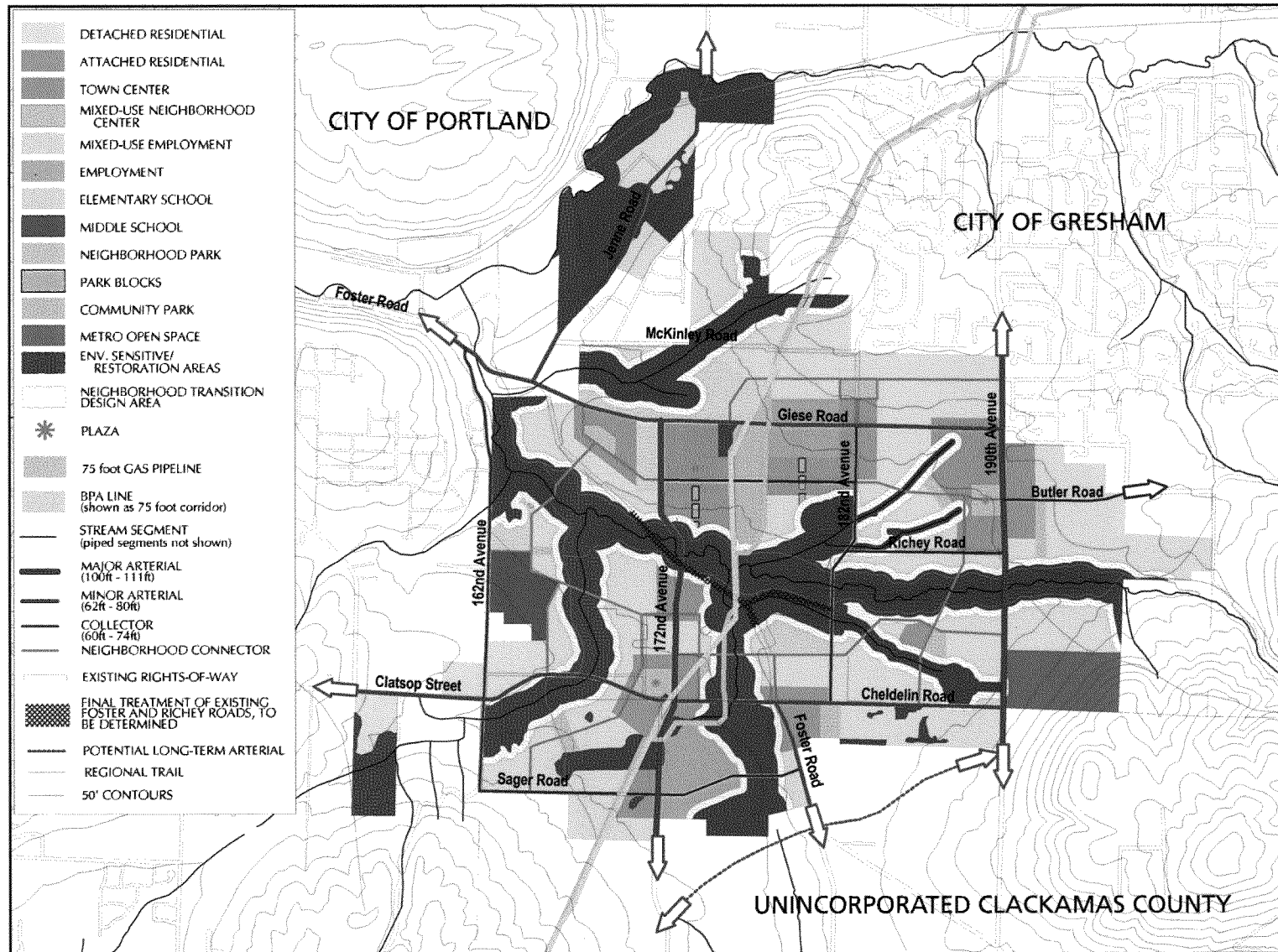
The above recommendations are intended to fulfill Metro Title 11 requirements for a conceptual public facilities and services plan, including cost estimates and funding strategies (Title 11, sections 1120 (H)).

Pleasant Valley Concept Plan

Appendix

| | | |
|----------|------------------------------|-----|
| A | Pleasant Valley Concept Plan | A-1 |
| B | Project Participants | B-1 |
| C | Project Organization | C-1 |
| D | Concept Plan Alternatives | D-1 |

Appendix A Pleasant Valley Concept Plan



Appendix B Project Participants

For further information about project participants, please contact the city of Gresham Community Planning Division of the Community and Economic Development Department at 503-618-2760.

A. Steering Committee

1000 Friends of Oregon

- Mary Kyle McCurdy
- Alternate: Jacob Brostosf

Centennial School District

- Mike Andrews

City of Portland, Bureau of Environmental Services

- Amy Chomowicz

Clackamas County, Dept. of Transportation & Development

- Scott Pemble
- Alternate: Maggie Dickerson

Clackamas River Basin Council

- Vacant
- Alternate: Ivers Steinblums (Mt. Hood National Forest)

Commercial Real Estate Economic Coalition

- Bob LeFeber
- Alternate: Carl Anderson

Developer

- Vacant

Friends of Mt. Scott and Kellog Creeks

- Steve Berliner
- Alternate: Dick Shook

Gresham Centennial Neighborhood Association

- Wes Bell
- Alternate: David Hamilton

Gresham Parks Council Advisory Committee

- Vacant

Gresham Planning Commission

- Dick Anderson

Gresham Southwest Neighborhood Association

- Mary Martin

Gresham Transportation System Council Advisory Committee

- Bill Willmes (Vice-Chair)
- Alternate: Greg Brown

Happy Valley Planning Commission

- Chris Utterback
- Alternate: Jeff Dulcich

Johnson Creek Watershed Council

- Troy Doss
- Alternate: Jeff Uebel

Metro, Transportation/Growth Management

- Andy Cotugno
- Alternate: Mary Weber

Multnomah County, Transportation Division

- Karen Schilling
- Alternate: Mike Oswald

Pleasant Valley Elementary School PTA

- John Lehman
- Alternate: Jason Lehman

Portland Planning Commission

- Rick Holt
- Alternate: Randy Jones

Portland Pleasant Valley Neighborhood Association

- Paul Grosjean
- Alternate: Linda Bauer

Residents

- Barbara Adler
- Rick Paul
- George Searles
- Alternate: Loretta Searles
- David Tile (resigned Nov. 29, 2001)

Resident / Property Owner

- John Bliss (Chair)

B. Coordinating Committee

City of Gresham

- Jonathan Harker¹, AICP
- Community and Economic Development Dept
- Alternate: Ron Bunch, Community and Economic Development Dept

City of Happy Valley

- Jim Crumley
- Alternate: Bill Brandon

City of Portland

- Bob Clay, AICP, Bureau of Planning
- Alternate: Jay Sugnet², Bureau of Planning

Clackamas County

- Maggie Dickerson, Dept. of Transportation & Development
- Alternate: Scott Pemble, Dept. of Transportation & Development

Multnomah County

- Ed Abrahamson, Transportation Division
- Alternate: Karen Schilling, Transportation Division

Metro

- Ray Valone³, AICP, Growth Management
- Alternate: Kim White⁴, AICP, Transportation

Consultant Team Manager

- Joe Dills, AICP⁵, Otak, Inc.

State of Oregon

- Lidwein Rahman, Department of Transportation
- Alternate: Bill Adams, Department of Transportation

¹ Co-chair Land Use Work Team, Chair Public Involvement, Infrastructure/Service, Parks Work Teams

² Chair Natural Resources Work Team

³ Metro Project Manager

⁴ Chair Transportation Work Team

⁵ Co-chair, Land Use Work Team

C. Infrastructure Work Team

City of Gresham

Community & Economic Development Department

- Jonathan Harker¹, AICP, Project Manager

Department of Environmental Services

- Bob Storer, Water Resources Coordinator, Stormwater
- Tom McCausland, Civil Engineer I, Stormwater
- Carrie Pak, Division Manager, Stormwater
- James Soli, Senior Civil Engineer, Stormwater
- Guy Graham, Division Manager, Wastewater
- Jim Montgomery, Senior Engineer, Wastewater
- Dale Anderson, Division Manager, Water
- Mike Shane, Engineer Technician IV, Water
- Betty Johnson, Civil Engineer, Water

City of Portland

Water Bureau

- David Johns, Urban Services Coordinator
- Dennis Kessler, Senior Engineer

Office of Management and Finance

- Laurel Butman, Urban Services Manager

Bureau of Environmental Services

- Stephen Hawkins, PE, Civil Engineer
- Tom Liptan, Environmental Specialist

Bureau of Planning

- Jay Sugnet, City Planner
- Bob Clay, AICP, Chief Planner

Centennial School District

- Rick Larson, Director of Business and Operations

Clackamas County

Water Environment Services (sewer, storm, water)

- Jay Bacon, Customer Service Manager

Happy Valley

City of Happy Valley

- Jim Crumley, Community Development Director
- Bill Brandon, City Manager

Sunrise Water Authority

- John Thomas, General Manager
- Tim Jannesen, Associate Engineer
- Denny Klingbale, Water Resources

¹ Lead for Infrastructure-Public Facilities Work Team

D. Natural Resources/Watersheds Work Team

City of Gresham

Department of Environmental Services

- Bob Storer, Water Resources Coordinator, Stormwater Division

Parks & Recreation, DES

- Richard Catron, Park Planner

Community & Economic Development Department

- Jonathan Harker, AICP, Project Manager

City of Happy Valley

- Jim Crumley, Community Development Director

City of Portland

Bureau of Planning

- Jay Sugnet¹, City Planner
- Bob Clay, AICP, Chief Planner
- Tom McGuire, Senior Planner

Bureau of Environmental Services

- Daniela Brod, Johnson Creek Watershed Manager
- Ali Young, Johnson Creek Project Coordinator

Parks Bureau

- Sue Donaldson, Parks Planner
- Deb Lev, Parks Planner

Clackamas County

Department of Transportation and Development, Planning Division

- Greg Fritts

Metro

Parks

- Jennifer Budhabhatti, Ph.D., Senior Environmental Planner

Growth Management Services

- Alternate: Lydia Neill, Principal Regional Planner

Open Space Acquisition

- Nancy Chase, Senior Real Estate Negotiator

Adolfson Associates, Inc.

- Garritt Rosenthal

Winterbrook Planning

- Tim Brooks, Environmental Planner

Johnson Creek Watershed Council

- Dean Apostle
- Steve Berliner

¹ Lead for Natural Resource/Watershed Work Team



E. Parks Work Team

City of Gresham

Community & Economic Development Department

- Jonathan Harker¹, AICP, Project Manager

Department of Environmental Services

- Richard Catron, Parks Planner

City of Portland

Parks Bureau

- Sue Donaldson, Planner

Bureau of Planning

- Jay Sugnet, City Planner

City of Happy Valley

- Jim Crumley, Community Development Director
- Bill Brandon, City Manager

Metro

Parks

- Jennifer Budhabhatti, Ph.D., Senior Environmental Planner

Sunrise Water Authority

- John Thomas, General Manager
- Tim Jannesen, Associate Engineer
- Denny Klingbile, Water Resources

¹Lead for Parks Work Team

F. Public Involvement Work Team

City of Gresham

Community & Economic Development Department

- Jeff Beiswenger, AICP, Associate Planner
- Jonathan Harker¹, AICP, Project Manager

Office of the City Manager

- Kay Foetisch, Citizen Involvement Coordinator

Department of Environmental Services

- Linda Day, Manager, Office of Customer Relations

City of Portland

Bureau of Planning

- Amy Schwartz, Communication Manager
- Jay Sugnet, City Planner
- Bob Clay, AICP, Chief Planner

East Portland Neighborhood Office

- Jim Gladson, Community Outreach Specialist

Clackamas County

Department of Transportation and Development, Planning Division

- Margaret Dickerson, AICP, Principal Planner

Johnson Creek Watershed Council

- Ernie Francisco

Metro

Growth Management Services

- Sherry Oeser, Regional Planning Manager

Pacific Rim Resources

- Tom Armstrong, AICP, Parametrix, Inc.

Portland Pleasant Valley Neighborhood Association

- David Tiley

Southwest Neighborhood Association

- Mary Martin, Chair

¹ Lead for Public Involvement Work Team

G. Transportation Work Team

City of Gresham

Department of Environmental Services

- John Dorst, Transportation Division Manager

Community & Economic Development Department

- Rebecca Ocken, Senior Transportation Planner
- Jonathan Harker, AICP, Project Manager

City of Portland

PDOT – Transportation Planning Division

- Laurel Wentworth, Principal Transportation Planner
- Alternate: John Gillam, Policy Section Manager
- Alternate: Brett Kesterson, PE, Senior Engineer

Clackamas County

Department of Transportation & Development, Planning Division

- Ron Weinman, Principal Transportation Planner

DKS Associates

- Randy McCourt, PE, Principal
- Carl Springer, PE, Senior Project Manager
- Chris Maciejewski

Metro

Transportation

- Tom Kloster, AICP, Regional Transportation Manager
- Kim White¹, AICP, Senior Transportation Planner

Multnomah County

DES –Transportation Division

- Ed Abrahamson, Transportation Planning Specialist

Oregon Department of Transportation

ODOT, Region 1

- Ross Kevlin
- Alternate: Lidwien Rahman, TGM Grant Manager

TriMet

- Lynn Peterson, Strategic Planning Manager
- Alternate: Dennis Grimmer, Transportation Planner

¹ Lead for Transportation Work Team.

H. Land Use Work Team

City of Gresham

Community & Economic Development Department

- Jeff Beiswenger, AICP, Associate Planner
- Gary Miniszewski, AICP, Senior Planner
- Jonathan Harker¹, AICP, Project Manager

City of Happy Valley

- Jim Crumley, Community Development Director
- Alternate: Bill Brandon, City Manager

City of Portland

Office of Planning and Development Review

- Douglas Hardy, City Planner

Bureau of Planning

- Bob Clay, AICP, Chief Planner
- Jay Sugnet, City Planner

Clackamas County

Department of Transportation & Development, Planning Division

- Maggie Dickerson, AICP, Principal Planner

Metro

Growth Management Services

- Ray Valone, AICP, Senior Regional Planner

Oregon Department of Land Conservation and Development

- Darci Rudzinski, AICP, Regional Representative

Otak, Inc. (Project Consultant)

- Joe Dills¹, AICP, Project Manager

¹ Co-Lead for Land Use Work Team.

I. Consultant Team and Others

Consultants

Otak, Inc.

- Joe Dills, AICP, Consultant Project Manager
- Steve Dixon, Urban Designer
- Martin Glastra Van Loon, Urban Designer
- Benvenuto Bortalazo, Urban Designer
- Justin Healy, GIS
- Todd Chase, Housing/Employment Analysis
- Martha Beebe, Planning Support
- Charlotte Larson, Report Preparation

Parametrix

- Sumner Sharpe, AICP, Committee Facilitator
- Marlys Mock, Public Involvement

DKS Associates

- Carl Springer, PE, Transportation Planning

Adolfson Associates / Winterbrook Planning

- Tim Brooks, Environmental Planner
- Tom McGuire, Environmental Planner

Sitzman Consulting

- Jim Sitzman, State and Federal Agency Coordination, Mediation Report

Swan Island Replications

- Jim Longstreth, Illustrations

Portland State University

- Sy Adler, Ph.D., Professor, School of Urban Studies and Planning
- Connie P. Ozawa, Ph.D., Associate Professor

Metro

Data Resource Center Team

- Carol Hall, Principal Regional Planner
- Laura Freeman, Associate GIS Specialist

Creative Services Team

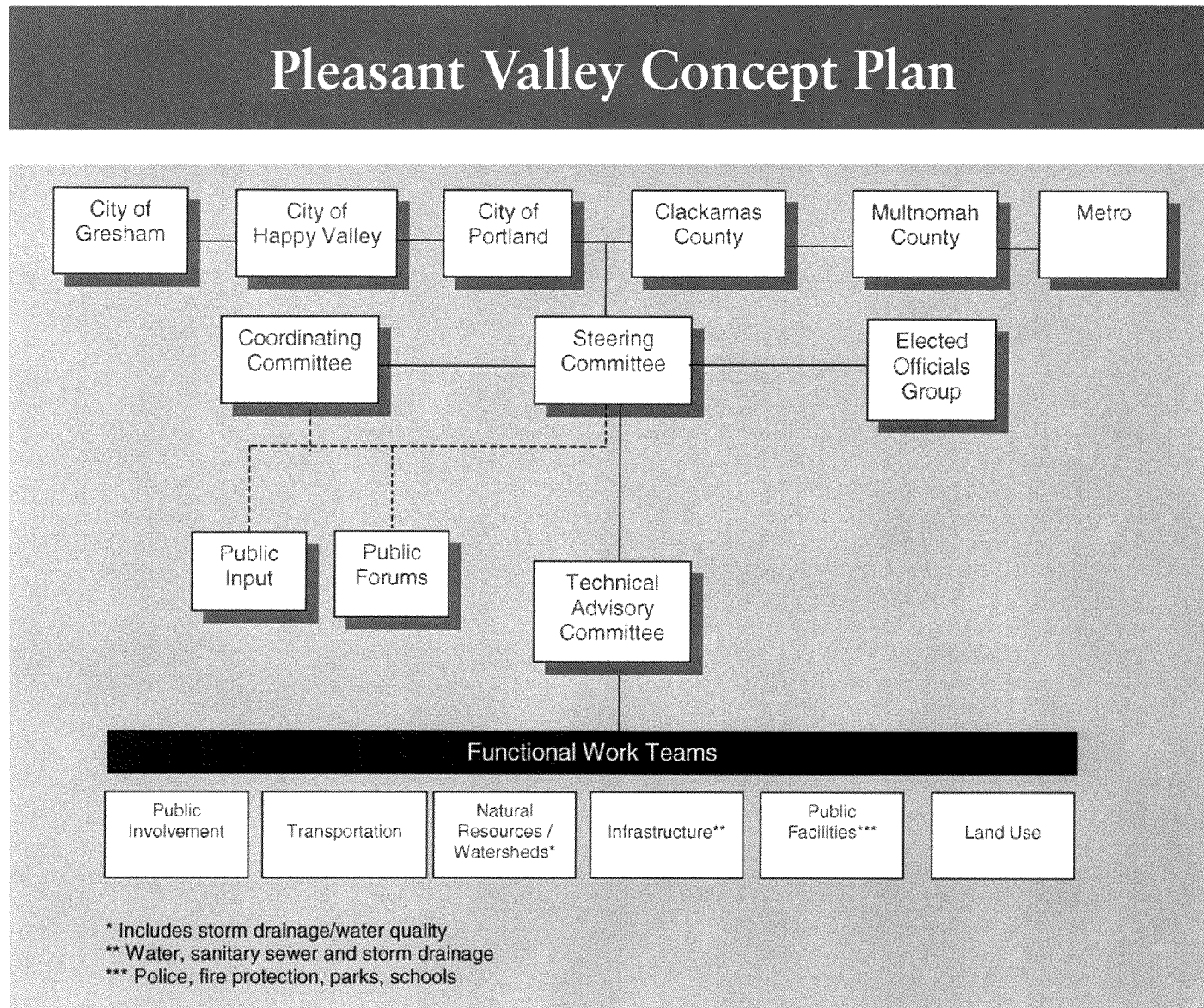
- Janice Larson, Communications Manager
- Cathy Thomas, Senior Public Affairs Specialist
- Teri Matias, Associate Graphic Design Specialist
- Matthew Hampton, Associate Transportation Planner
- Vanessa Schwab, Communications Design Technician

Travel Forecasting Team

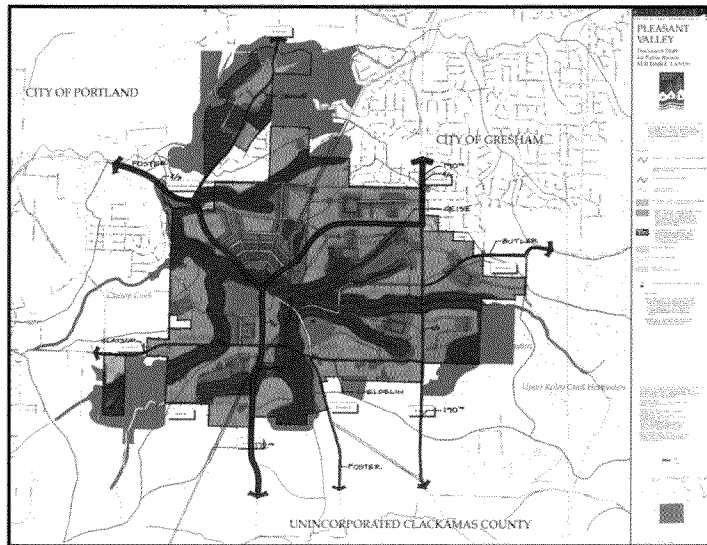
- Scott Higgins, Travel Forecasting Program Supervisor
- Matthew Bihn, Associate Transportation Planner



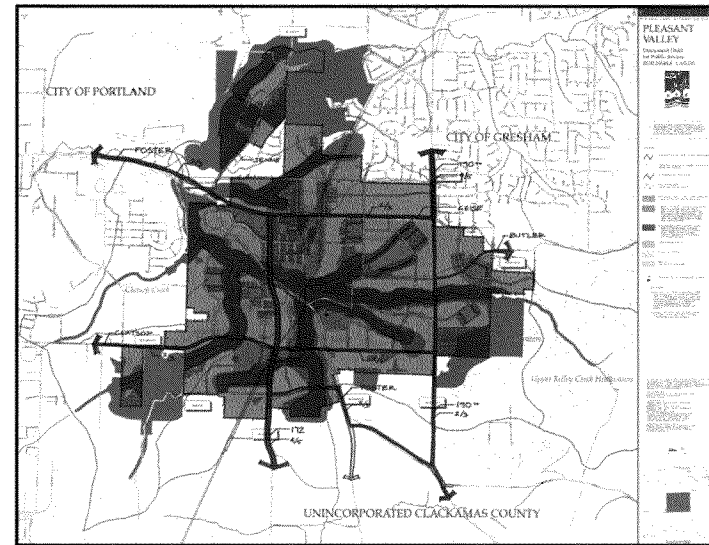
Appendix C Project Organization



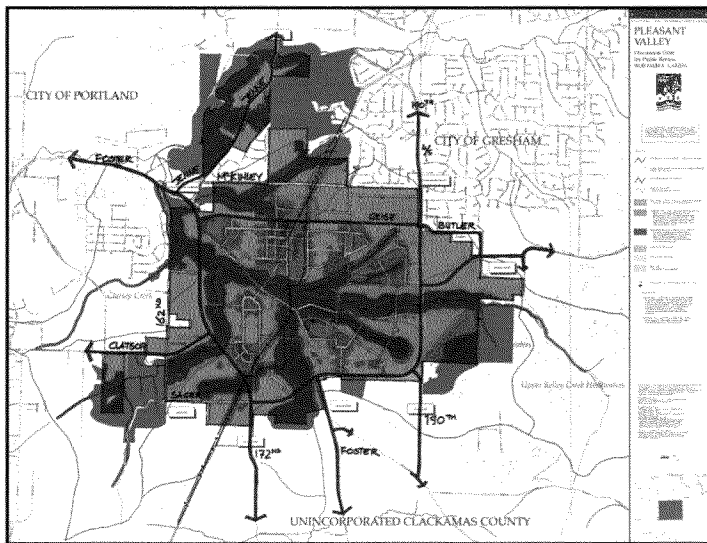
Appendix D Concept Plan Alternatives



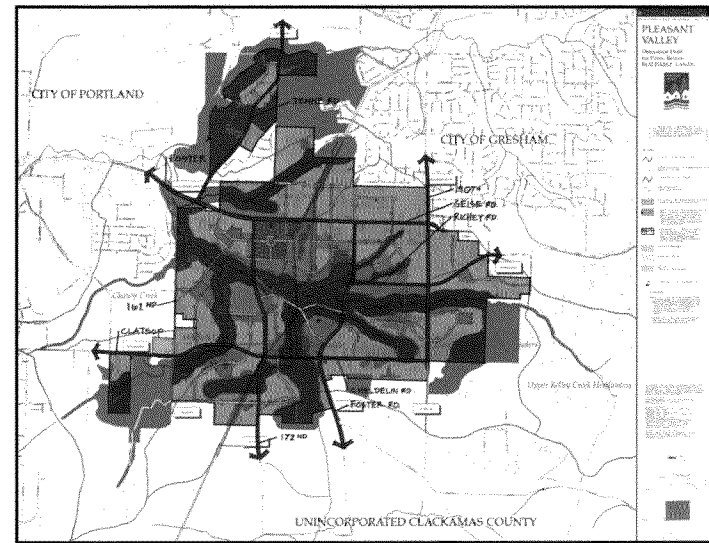
Alternative A



Alternative B



Alternative C



Alternative D

MEETING DATE: September 19, 2002
AGENDA NO: R-8
ESTIMATED START TIME: 10:30 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to Apply for a Grant

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, September 19, 2002
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Health DIVISION: Planning and Development
CONTACT: Jo Ann Davich TELEPHONE #: (503) 988-3663, # 26561
BLDG/ROOM #: 106/14th

PERSON(S) MAKING PRESENTATION: Loreen Nichols and David Jones

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Notice of Intent to Submit a Proposal to the Health Resources and Services Administration's Ryan White CARE Act Title I HIV Emergency Relief Grant Competition

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

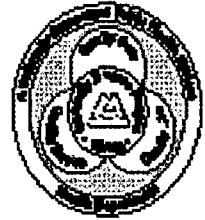
DEPARTMENT MANAGER: Lillian Shirley

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
1120 SW FIFTH AVE, 14TH FLOOR
PORTLAND, OREGON 97204
(503) 988-3674
FAX (503) 988-3283

BOARD OF COUNTY COMMISSIONERS
DIANE M. LINN, CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY, DISTRICT 1 COMMISSIONER
SERENA CRUZ, DISTRICT 2 COMMISSIONER
LISA NAITO, DISTRICT 3 COMMISSIONER
LONNIE ROBERTS, DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Bonnie Kostelecky, Director
Planning and Development

THROUGH: Lillian Shirley, Director

SUBJECT: Notice of Intent to Respond to a Ryan White CARE Act Title I Request
for Proposals

DATE: September 10, 2002

REQUESTED PLACEMENT DATE: October 3, 2002

I. Recommendation/Action Requested

The Multnomah County Health Department (MCHD) requests approval to submit a proposal to the Health Resources and Services Administration's *Ryan White CARE Act Title I HIV Emergency Relief* grant competition. The proposal deadline is October 10, 2002.

II. Background/Analysis

As of 12/31/01, 4,034 persons were estimated as living with HIV in the six-county Portland Eligible Metropolitan Area (EMA). This represents a 14% increase over the prior year. Although HIV is still primarily a disease of white men in the EMA, the proportion of new HIV positive cases in people of color and women is increasing.

MCHD has provided medical care to HIV infected individuals from the onset of HIV disease, through its primary care clinics. To respond to the growing number of HIV/AIDS clients, and the

demand for specialized care from "expert" providers, MCHD applied for and was awarded Ryan White Title III Early Intervention funds in 1990. MCHD is the only agency in Oregon with Ryan White Title III Early Intervention funds. These funds established the HIV Health Services Center in 1990, and the clinic has been in operation since that time. This Center serves a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties. This area is referred to as the Portland EMA (Eligible Metropolitan Area)

In addition to the services provided through the HIV Health Services Center, the Health Department has administered the EMA's Ryan White Title I Program since 1995. The federal government provides Title I funds to EMAs that have been the most severely affected by the HIV epidemic. These funds help to enhance access to a comprehensive continuum of high quality, community-based care for low-income individuals and families with HIV disease.

As federally mandated, the prioritization of services and subsequent allocation of Title I funds is determined by the Ryan White Title I HIV Planning Council. The Planning Council has allocated funding for these priority services for the 2003/2004 Title I program year:

- Ambulatory/Outpatient Medical Care
- Health Insurance
- Case Management
- Dental Care
- Mental Health Counseling
- Substance Abuse Treatment
- Other Support Services-Complementary Health Care
- Outreach and Advocacy
- Early Intervention Services
- Other Support Services – Residential Care
- Housing Assistance
- Housing-Related Services
- Food Bank/Home-Delivered Meals
- Psychosocial Support Services
- Planning Council Support

While the County directly provides some Ryan White Title I funded services, most of the above services will be provided through contracts with a diverse group of community-based organizations.

III. Financial Impact

Multnomah County Health Department will request approximately \$4,000,000 from the Health Resources and Services Administration for the period of March 2003 through February 2004. No new county funds are needed to support this proposal.

IV. Legal Issues

None.

V. Controversial Issues

None. The proposed grant funds would allow us to continue and improve current efforts.

VI. Link to Current County Policies

The proposed project is consistent with current County policies, and addresses the Health Department's interest in reducing communicable diseases.

VII. Citizen Participation

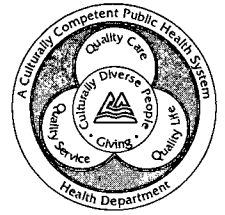
Citizen stakeholders are represented on the MCHD's Community Health Council, the HIV Planning Council and the HIV Health Services Center's Client Advisory Board.

VIII. Other Government Participation

The project may involve working with the Oregon Health Division and other health departments.



HEALTH DEPARTMENT MULTNOMAH COUNTY OREGON



OFFICE OF THE DIRECTOR
1120 SW 5TH AVENUE, SUITE 1400
PORTLAND, OREGON 97204-2394
(503) 988-3674
FAX (503) 988-4117
TDD (503) 988-3816

BOARD OF COUNTY COMMISSIONERS
DIANE M. LINN • CHAIR OF THE BOARD
MARIA ROJO DE STEFFEY • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
LONNIE ROBERTS • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Multnomah County Board of Commissioners

FROM: Bonnie Kostelecky, Director
Planning and Development *Bonnie Kostelecky*

THROUGH: Lillian Shirley, Director *L. Shirley*

SUBJECT: Notice of Intent to Respond to a Ryan White CARE Act Title I Request for Proposals

DATE: September 10, 2002

REQUESTED PLACEMENT DATE: October 3, 2002

I. Recommendation/Action Requested

The Multnomah County Health Department (MCHD) requests approval to submit a proposal to the Health Resources and Services Administration's *Ryan White CARE Act Title I HIV Emergency Relief* grant competition. The proposal deadline is October 10, 2002.

II. Background/Analysis

As of 12/31/01, 4,034 persons were estimated as living with HIV in the six-county Portland Eligible Metropolitan Area (EMA). This represents a 14% increase over the prior year. Although HIV is still primarily a disease of white men in the EMA, the proportion of new HIV positive cases in people of color and women is increasing.

MCHD has provided medical care to HIV infected individuals from the onset of HIV disease, through its primary care clinics. To respond to the growing number of HIV/AIDS clients, and the demand for specialized care from "expert" providers, MCHD applied for and was awarded Ryan White Title III Early Intervention funds in 1990. MCHD is the only agency in Oregon with Ryan White Title III Early Intervention funds. These funds established the HIV Health Services Center in 1990, and the clinic has been in operation since that time. This Center serves a six-

county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties. This area is referred to as the Portland EMA (Eligible Metropolitan Area)

In addition to the services provided through the HIV Health Services Center, the Health Department has administered the EMA's Ryan White Title I Program since 1995. The federal government provides Title I funds to EMAs that have been the most severely affected by the HIV epidemic. These funds help to enhance access to a comprehensive continuum of high quality, community-based care for low-income individuals and families with HIV disease.

As federally mandated, the prioritization of services and subsequent allocation of Title I funds is determined by the Ryan White Title I HIV Planning Council. The Planning Council has allocated funding for these priority services for the 2003/2004 Title I program year:

- Ambulatory/Outpatient Medical Care
- Health Insurance
- Case Management
- Dental Care
- Mental Health Counseling
- Substance Abuse Treatment
- Other Support Services-Complementary Health Care
- Outreach and Advocacy
- Early Intervention Services
- Other Support Services – Residential Care
- Housing Assistance
- Housing-Related Services
- Food Bank/Home-Delivered Meals
- Psychosocial Support Services
- Planning Council Support

While the County directly provides some Ryan White Title I funded services, most of the above services will be provided through contracts with a diverse group of community-based organizations.

III. Financial Impact

Multnomah County Health Department will request approximately \$4,000,000 from the Health Resources and Services Administration for the period of March 2003 through February 2004. No new county funds are needed to support this proposal.

IV. Legal Issues

None.

V. Controversial Issues

None. The proposed grant funds would allow us to continue and improve current efforts.

VI. Link to Current County Policies

The proposed project is consistent with current County policies, and addresses the Health Department's interest in reducing communicable diseases.

VII. Citizen Participation

Citizen stakeholders are represented on the MCHD's Community Health Council, the HIV Planning Council and the HIV Health Services Center's Client Advisory Board.

VIII. Other Government Participation

The project may involve working with the Oregon Health Division and other health departments.

MEETING DATE: September 19, 2002
AGENDA NO: B-1
ESTIMATED START TIME: 10:45 AM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Power Briefing and Board Discussion

BOARD BRIEFING: DATE REQUESTED: Thursday, September 19, 2002
REQUESTED BY: Chair Diane Linn
AMOUNT OF TIME NEEDED: 1 Hour, 45 Minutes

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Non-Departmental DIVISION: Chair's Office
CONTACT: Kathy Turner TELEPHONE #: (503) 988-3928
BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Invited Guests

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Power Briefing and Board Discussion

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Diane M. Linn*

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us

BOGSTAD Deborah L

From: SHEPARD Duke
Sent: Wednesday, September 18, 2002 9:28 AM
To: BOGSTAD Deborah L

10:45 Oregonians for Jobs and Power

Matt Wingard and Josh Fleming

11:00 Dan Meek

11:15 Willamette Valley Power -

Rece Bly, attorney from Miller Nash

(this is just for an update, as WVP already gave a 45 minute presentation in August, so they have a shorter time today)

11:25 City of Portland -

Tim Grewe, Chief Administrative Officer

11:45 County Staff Available for Comment or Questions

12:00 Discussion



Diane M. Linn, Multnomah County Chair

STATEMENT ON PUBLIC POWER Executive Summary

Key principles for an acceptable new PGE owner, public or private:

- Greater long-term rate certainty
- A deeply held investment in the health and future of this community.
- A demonstrable commitment to the rank-and-file workers that made PGE what it is and who have suffered the brunt of Enron's downfall.

At this time, local government ownership appears to offer the best opportunity for fulfillment of these principles.

However, it is important we balance ambition with reality. While we may desire to have a direct impact on PGE, our options are limited. Thus far those options have been Willamette Valley Power and the City of Portland.

Willamette Valley Power (WVP) has been proposed as the formation of a power authority among up to six counties within the PGE service area through statutory authority provided by Chapter 190 of Oregon law. To date no Counties have endorsed the Willamette Valley Proposal for further study.

The Portland City Council has undertaken the pursuit of a purchase of PGE's assets through competitive bidding. Included with this pursuit is consideration of the use of the City's extensive powers of eminent domain. The City has allocated \$500,000 for study, and is working to meet with Enron in order to discuss a City bid.

Competing local government investigations and bids offer no upside, and only create the possibility of failure by both. Starting from scratch or creating a governmental horserace for PGE serves no one but potential outside bidders.

At this point, the City of Portland possesses the acquisition tool with the most momentum and leverage for our region. However, while it provides leverage and access to the PGE ownership, the message that condemnation may send to the business community at large is worrisome. This community cannot afford to be perceived as a place where private business is routinely under the threat of government takeover or eminent domain. Condemnation should be considered lightly or punitively, and especially not frequently.

Counties should work with the City of Portland to align our interests and pursue a coordinated, regionally endorsed bid for PGE. Our options must include the potential separation of the acquisition tool from governance and of governance from delivery.

While one government may make the winning bid, regional alignment is crucial for governance, and private sector outsourcing the best-case for delivery.

The Multnomah County Board of Commissioners can play a key role in moving forward with a public ownership option, and it is my expectation that we will.

traditional urban/suburban/rural differences, but also the absence of a record of trust and cooperation.

However, this is not a situation that cannot be overcome.

Any local government bid must presume and account for a regional governance structure that provides for legitimate and tangible decision making. The City expressing that it is receptive to input, or establishing a regional advisory function with no real seat at the table is, on its face not acceptable. It should also be clear that even without a competing bid; substantial multi-County opposition to Portland's bid would undermine its credibility and endanger its chances for success. If Portland is to be successful, or if any reasonable public policy objectives above are going to be met, it will take more than Portland alone.

At this time, County governments should work with the City of Portland to align our interests and pursue a highly coordinated, regionally endorsed public bid for PGE.

I am particularly interested in establishing possibilities for regional governance structures and, ultimately, power delivery. One option for local government ownership does not necessarily beget only one option for governance and delivery. Willamette Valley Power offers some possible starting points toward these ideas.

A full examination of our options must include the potential separation of the acquisition tool from the eventual governance and of governance from delivery. While one government may make the winning bid, regional alignment would be ideal for governance, and private sector outsourcing would be the best-case scenario for delivery.

This course of action requires a high degree of flexibility and understanding by all involved. Potential "turf" battles will not move us forward. Multnomah County has a strong and continued record of working with governments and businesses throughout our region and is uniquely positioned to understand urban and suburban interest. The Multnomah County Board of Commissioners can play a key role in moving forward with a public ownership option, and it is my expectation that we will.

regional governance structure, and it proposes the outsourcing of operations to a presumably high quality private operator.

However, to date no Counties have endorsed the Willamette Valley Proposal for even so much as further study, and the claimed potential for rate reductions is disputable. Based on my conversations with other elected officials throughout the region, the WVP proposal has little or no momentum and on its own becomes less viable every day.

City of Portland

The Portland City Council has undertaken the pursuit of a purchase of PGE's assets through competitive bidding. Included with this pursuit is consideration of the use of the City's extensive powers of eminent domain. The City has allocated \$500,000 for study, and is working to meet with Enron in order to discuss a City bid. The City's proposal offers several interesting aspects, and raises significant concerns as well.

Moreover, the City has invested the time and resources into a due diligence process that provides it a head start in formulating options within an incredibly complex arena.

Where does this lead?

Examination of a local government ownership scenario offers the best opportunity to meet the principles I established in August. However, competing local government investigations and bids offer no upside, and only create the possibility of failure by both. Starting from scratch or creating some sort of governmental horserace for PGE ownership serves no one but potential outside bidders.

At this point, the City of Portland possesses the acquisition tool with the most momentum and leverage for our region. To their credit, the City has made a bold move in a time of crisis where thus far other governments have not. The City appears willing to do the hard work necessary to make a legitimate, credible bid for PGE, and possesses unique leverage by virtue of condemnation authority.

Any leverage that exists, whether it is real or perceived, must be used in a prudent and thoughtful manner that will legitimately maximize our community's substantive interest and minimize rhetorical fireworks. The threat of condemnation should not be used lightly or punitively, and especially not frequently. While it provides leverage and access to the PGE ownership, the message that condemnation may send to the business community at large is worrisome, particularly given the Portland area's current business climate reputation. This community cannot afford to be perceived as a place where private business is routinely under the threat of government takeover or eminent domain.

Even if the City were successful in a bid (with or without condemnation) the concept of the City as a sole owner and decision maker is problematic. The fact is there are legitimate reasons for suburban and rural ratepayers to question the benefits of utility ownership by any one local government, be it Portland or any other jurisdiction.

Representing all of Multnomah County, I understand these concerns. The residents of Gresham, Fairview, Troutdale, Wood Village, and Corbett may legitimately wonder whether their interests would be of equal or primary concern to the elected leadership of the City of Portland. Likewise, I have heard this concern voiced with great conviction by other Counties, based partly on

However, without the emergence of a local private owner, the most likely scenario for the long term would appear to be a company from outside Oregon and in this instance remote private ownership is simply not ideal. The value of PGE's assets and customer base will make it possible for it to frequently become available for sale and re-sale. Given its appeal, any profit-maximizing firm will keep re-sale as a viable option. This reality leaves too much uncertainty at a time when uncertainty is not what we need.

While there is a certain risk to private, remote ownership of PGE, I do not automatically default to public ownership as the best option for utilities. While a foreign-based global company owns PacifiCorp, it remains stable and high quality, and a valuable member of this community. Similarly, NW Natural is a valuable local corporate citizen and quality utility.

I established for the public record in August some key principles for an acceptable owner, public or private:

- Greater long-term rate certainty
- A deeply held investment in the health and future of this community.
- A demonstrable commitment to the rank-and-file workers that made PGE what it is and who have suffered the brunt of Enron's downfall.

At this time, local government ownership appears to offer the best opportunity for fulfillment of these principles.

As I also stated in August, it is important that as elected leaders we balance ambition with reality when it comes to our ability to impact the future of this utility. Leadership is not only about only stepping forward, but also knowing when to step back. While we may desire to have a direct impact on PGE, our options are limited. Moreover, while intriguing, they are also fraught with the potential to unravel.

Thus far, the two ownership scenarios that most directly involve local government participation have been Willamette Valley Power and the City of Portland's recent proclamation of interest and allocation of funds toward due diligence.

Willamette Valley Power

Willamette Valley Power (WVP) has been proposed as the formation of a power authority among up to six counties within the PGE service area through statutory authority provided by Chapter 190 of Oregon law. The proponents of this approach envision a public utility that would issue revenue bonds to purchase the assets of PGE.

This proposal does not include the use of condemnation in any fashion, and proposes the purchase of both generation and transmission assets. Upon purchase, operation of the utility would be outsourced to a private company with no more than 80 public employees required. Proponents have extolled the cost effectiveness of this approach through the potential Authority's exempt tax status and non-profit operation, and a competitive advantage through a lower cost of capital.

Moreover, proponents have indicated that WVP should be expected to provide a rate reduction. Among public options, this proposal offers two key conceptual benefits: it is premised on a



Diane M. Linn, Multnomah County Chair

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

STATEMENT ON PUBLIC POWER

PGE is a utility with a rich history as a regional asset and community partner. As a locally headquartered company (prior to Enron) PGE had a sincere, company wide commitment to Oregon, and a culture that valued its role as a leading corporate citizen through both its business activity and its philanthropic generosity. We were fortunate that even after Enron purchased PGE, local employees were able to continue to act as they historically had with regard to Oregon and its communities. This continued local focus made it possible at times to overlook the fact that, until Enron's stunning and rapid downfall, the big picture, long term decisions about the future of PGE rested in the hands of individuals thousands of miles away with no interest in the future of our state and region. Now, with Enron's notorious corporate corruption, blatant disregard for ratepayers, employees, shareholders, and the rule of law, we're left with the reality of outside control of our local utility and absolutely no certainty as to who will deliver most of our electricity.

This reality has produced a jumble of ownership scenarios and theories ranging from multinational corporations to local governments, an ever-changing legal and financial framework around any potential ownership, and a public auction process for PGE.

Looking at the larger picture, the events swirling surrounding PGE have only increased anxiety about the situation. Additionally, there is a widespread mistrust of large corporations, which drives an already strong desire for local control. Moreover, we're mired in a national recession, Oregon leads the nation in unemployment and hunger, and state and local governments have been forced to reduce budgets to the point of crippling our schools, public safety, and essential services. All of these forces have created a palpable feeling of apprehension about our shared future.

The levels of uncertainty about our future and of this critically important local utility demand that elected leaders step forward to provide some hope of stability. The times require that regardless of ideology or jurisdictional boundaries, elected leaders throughout PGE's service territory must explore all avenues for impacting PGE's future to our collective economic and community benefit.

One idea that arose in the past was the potential for PGE's devolution back into a locally based company, the so-called "OpCo" option. On its surface, the OpCo option held the appeal of a return to a locally run utility and the clout of the rare Oregon based Fortune 500 headquarters. In the volatile power industry and a global economy, PGE's attractiveness as an asset, whether called OpCo or PGE, would always keep it in play for purchase by anyone with the financial ability to make a deal happen. By all indications, the OpCo option is no longer a viable possibility. Moreover, a local private buyer has not re-emerged following the NW Natural bid last spring.

Oregonians for Jobs and Power

"I plead for a rational approach as we should be using the powers of the collective offices that you publicly have been elected to-- to ensure, side by side, with PGE's management team, employees and shareholders that it remains locally owned, vital, private and Portland-based."

-- Clayton Hering, President of Norris, Beggs & Simpson, testifying to the Portland City Council on August 28, 2002.

Why we're involved

Oregonians for Jobs and Power (OJP)
concerns are:

- The economy and our growing anti-business climate
- There is no evidence that a government takeover would lower rates
- A public utility of this size and complexity would be extremely risky for ratepayers
- Talk of condemnation or public purchase is devaluing PGE and might make a breakup of assets more likely

OJP Members & Supporters

Honorary Chairman

- Matt Chapman – President & CEO Centrisoft

Organizations

- Oregon Business Association
- Citizens for a Sound Economy
- Oregon Republican Party (Platform passed on July 27, 2002)
- National Electrical Contractors Association, OR/Columbia Chapter
- National Electrical Contractors Association, Pacific Cascade Chapter

Elected Officials

- State Senator Tom Hartung
- State Senator Steve Harper
- State Representative Betsy Close
- State Representative Tim Knopp
- State Representative Cliff Zauner
- Tom Bunn – Yamhill County Commissioner
- Larry Sowa – Chairperson, Clackamas County Commissioners
- Richard Burke – Chair, Tualatin Valley Water Commission
- Jeanette Hamby – Former State Senator
- James Bernard – Mayor of Milwaukie

(UPDATED: September 12, 2002)

Businesses

- A-dec, Inc.
- Carson Oil Co.
- Flowers By Donna
- Freres Lumber Company Inc.
- Golden - Northwest Aluminum
- General Tool & Supply
- Hampton Affiliates
- Lake Oswego Vision Clinic
- Liberty Northwest
- Sylvan Investments
- Portland Rental Service
- Norris, Beggs & Simpson
- Oregon Teaching Center
- Pac/West Communications
- Perkins & Company
- Puentes Brothers Inc.
- VanNatta Public Relations
- WG Moe & Sons
- Wilhelm Trucking Company

Community Leaders

- Mike DeRochier – AmeriTitle
- Hiroshi Morihara – Persimmon Group, Inc.
- Richard Stenson – Tuality Health Care
- Carol Winston – Pres. Elect, Lake Oswego Chamber

Oregon needs more private investment, not less...

...and a government takeover sends the wrong message to the business community:

- 7.3% unemployment rate in July of 2002¹
- Oregon's bond rating is on one watchlist²
- The only industry expanding in Portland is government³

¹State Employment Economist Art Ayre: Oregon's Economy-Past, Present, and Future

²Moody's Investor Services: Oregon State Treasurer's Office

³Economist John Mitchell: Regional Economic Review & 2002 Forecast

GOVERNMENT TAKEOVER **SCHEME #1**

Condemnation

Oregon Public Power Coalition

Supporters are collecting signatures to place a condemnation measure on the March, 2003 ballot:

- Creates 5 Public Utility Districts
- PGE generation facilities may be lost
- Target: BPA Power
- Creates more than 2,700 new public employees

GOVERNMENT TAKEOVER

SCHEME #2

Public Purchase

Willamette Valley Power & the City of Portland

The City of Portland and County Commissioners are negotiating the creation of the largest public utility in the Pacific Northwest.

How would it work?

- 1) The City of Portland buys the entire service area and sets up a governing body.
- 2) Between two and six counties create an intergovernmental agreement, then buy and run the entire service area.
- 3) Start with scheme 1 and transition to scheme 2.

Follow The Money...

- **Bond traders**
 - 0.5% commission = up to \$15 million
- **Lawyers**
 - Current work to establish organization
 - Future Litigation over legal authorities
- **Consultants**
 - Research, studies and analysis
- **Governments**
 - Portland is spending up to \$3 million

The more money they spend, the more inevitable the outcome!

"It is our opinion that the chances of lower rates transpiring are low..."

--ECONorthwest

- Tax-exempt savings of public utilities are not enough to reduce rates.
- Without BPA preference power, lower rates are unlikely
- Public agencies tend to be less efficient and have higher operating costs

"The process for WVP is analogous to what was done in California."

-- ECONorthwest

-
- The term "public-private" partnership is misleading
 - Risks with new unknown operating companies is high
 - Tax-exempt savings are really just cost shifts
 - Ratepayers lose protections of the OPUC

"..decisions made this way in California had many unintended, and nearly disastrous, consequences"

--ECONorthwest

-
- PILT payments have unreliable track record
 - Ratepayers forced to bare full burden of mismanagement
 - Contractors likely to eliminate PGE jobs
 - Taxpayers face the volatility of the energy market

Red Flags...

- Process
- Pace
- Governance
- Break-up

"You are not invited."

-- Rece Bly on September 4, 2002 outside a closed-door meeting with elected county officials.

- **WVP conducts secret meetings with elected officials and staff:**

July 25, 2002: Closed door meeting at a Tualatin hotel between WVP proponents and elected officials.

July 31, 2002: Closed door meeting between WVP and Washington County Department Heads.

September 4, 2002: Closed door meeting at a Lake Oswego hotel between WVP proponents and elected officials.

September 10, 2002: Closed door meeting between County Chairs and the City of Portland.

This is not a public process!

A Monumental Public Policy Decision Made in Just Two Months...

- Legitimate bidders must be ready by November
- Due diligence costs more than \$500,000 or even \$3 million:
 - NW Natural spent \$13.7 million
 - Sierra Pacific spent \$22 million
- “Save Your Money”
 - Bill Miller, Business Manager of IBEW Local 125 speaking to the Portland City Council on August 28, 2002.

"If Portland is running the show, we're going to be paying for all manner of social programs. We're not really going to be paying for energy."

-- Rece Bly, Miller Nash

- **Portland's magic touch:**
 - Family Entertainment
 - Portland Water Bureau debacle
 - Vestas has chosen not to locate in Oregon
 - Columbia Sportswear left the City of Portland
 - Portland charged a pizzeria owner \$27,000 to move across the street

"The use of condemnation would be effective at deterring other buyers"

--Bob Jenks, Citizens' Utility Board

Talk of condemnation or public purchase is devaluing PGE and might make a breakup of assets more likely

**It's easy to see why government takeover
proponents are acting now...**

**81% of Oregonians polled had
an unfavorable opinion
of Enron**

Ratepayers don't trust Portland...

**Only 32% of those polled had
a favorable opinion of
Portland City government.**

People agree, a government takeover is too risky...

58% Agree:

“Local government should focus on other priorities, such as improving education, fixing the economy and providing programs for children and seniors. It should not be in the business of providing electricity.”

What should be an option?

- Local leveraged buyout
 - Locally-owned and Operated
- Employee Stock Option Purchase
 - Employee Owned and Operated
- OP-CO
 - A potential Fortune 500 company valued at more than \$12 billion that could be headquartered in Oregon.
- Purchase by private utility
 - NW Natural, Pacific Power, etc.

All regulated by the OPUC to insure that Oregon's interest is served and its ratepayers are protected

Why even consider a government takeover?

- Local governments want a seat at the table
- Local governments want ratepayer interests protected
- Local governments want community concerns factored into decisions that affect the region

The good news is...

...That is exactly what the OPUC already provides

Letter to the City of Portland dated August 27, 2002
from Steve Cooper, Interim CEO, Enron Corp:

- "...none of the options that we...are considering include a breakup of PGE's assets. It's imply not an option."
- "...any transfer of PGE ownership to a new parent company would require [OPUC] consideration, ensuring that the interests of Oregon and PGE's customers are taken into account."

What can the counties do to be pro-active?

- Take the lead in developing an economic strategy for the area in partnership with private business--including the utilities that service them

**Let's Bring private investment
back to Oregon!**

MEETING DATE: September 19, 2002
AGENDA NO: UC-1
ESTIMATED START TIME: 12:00 PM
LOCATION: Boardroom 100

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing County Participation in Public Acquisition of Portland General Electric

BOARD BRIEFING: **DATE REQUESTED:** _____
 REQUESTED BY: _____
 AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: **DATE REQUESTED:** September 19, 2002
 AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Non-Departmental **DIVISION:** Commission District #3
CONTACT: Terri Naito **TELEPHONE #:** (503) 988-4105
 BLDG/ROOM #: 503/600

PERSON(S) MAKING PRESENTATION: Commissioner Lisa Naito

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Authorizing County Participation in Public Acquisition of Portland General Electric

09.19.02 copies to BOARD, Terri Naito, Duke Shepard

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Lisa Naito

(OR)
DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ (503) 988-3277 or email
deborah.l.bogstad@co.multnomah.or.us



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Room 600
PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Lisa Naito

DATE: September 19, 2002

RE: Authorizing County Participation in Public Acquisition of Portland General Electric

1. Recommendation/Action Requested: Approval of resolution.
2. Background/Analysis: Portland General Electric (PGE), a wholly owned subsidiary of Enron Corporation, as a result of Chapter 11 bankruptcy proceedings has been placed on the auction block. Questions have been raised by Multnomah County and others throughout the PGE service district that if ownership is transferred to a non-local owner would the interests of the region continue to be served. These considerations include stable electrical service for residents and businesses at reasonable rates, responsiveness to local needs and priorities, dedication to employees, and commitment to economic development and environmental well being. Multnomah County, along with the Counties of Clackamas, Marion and Washington wish to explore the possibility of working with the City of Portland on how to best serve the public's interest.
3. Financial Impact: None.
4. Legal Issues: None.

5. Controversial Issues: Several models for future ownership of PGE are possible including public ownership, private investor ownership, and formation of a public utility district (PUD) through condemnation.

6. Link to Current County Policies: Stable ownership and stable electrical service at reasonable rates would serve to encourage economic development.

7. Citizen Participation: Public comment on the matter is scheduled for September 26, 2002 during the regular meeting of the Board of County Commissioners.

8. Other Government Participation: City of Portland, Clackamas County, Marion County, and Washington County.

DRAFT 1

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

RESOLUTION NO. _____

Authorizing County Participation in Public Acquisition of Portland General Electric

The Multnomah County Board of Commissioners Finds:

- a. Portland General Electric (PGE) provides electricity to residents and businesses throughout Multnomah County and Northwest Oregon.
- b. PGE is a wholly owned subsidiary and the largest asset of Enron Corporation (Enron), and Enron is involved in a Chapter 11 proceeding in U.S. Bankruptcy Court in New York.
- c. Enron's actions and business conduct have had a substantial negative impact on PGE's financial health, including potential responsibility for liabilities of Enron. These financial impacts on PGE may affect its ability to provide a stable supply of electricity at the lowest possible rates to Multnomah County and Northwest Oregon residents and businesses.
- d. Enron's current management and creditors have announced an auction to sell PGE, with decisions on possible new ownership by the end of 2002.
- e. It is in the interest of Multnomah County, Northwest Oregon and all PGE ratepayer's that PGE, or a successor utility, provide safe, reliable electrical service at stable, reasonable rates. There should be no continuing liability for the Enron actions or its debts. Management must be responsive to local needs and priorities, dedicated to its local employees, and committed to the economic and environmental well being of Multnomah County and Northwest Oregon. These public interests should be considered in the sale or transfer of PGE assets and business.
- f. Multnomah County believes that public acquisition of PGE assets and business could be beneficial to the residents and businesses of this region.
- g. The City of Portland has resolved to enter into discussions with Enron and its creditors, and with other interested governments, possibly acquire PGE. Counties are also discussing opportunities to possibly acquire PGE. One unified proposal would best serve the public's interest.

DRAFT 1

The Multnomah County Board of Commissioners Resolves:

1. Commissioner Lisa Naito, District 3, and Chair Diane Linn are authorized to act on behalf of Multnomah County to:
 - a. Participate in discussions with other counties and the City of Portland regarding a possible public acquisition of Portland General Electric.
 - b. Report regularly to the Board and recommend further action as appropriate until there is a satisfactory transfer of PGE assets and business that satisfies the public interest.

ADOPTED this 19th day of September, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Thomas Sponsler, County Attorney

DRAFT 2

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

RESOLUTION NO. _____

Authorizing County Participation in Public Acquisition of Portland General Electric

The Multnomah County Board of Commissioners Finds:

- a. Portland General Electric (PGE) provides electricity to residents and businesses throughout Multnomah County and Northwest Oregon.
- b. PGE is a wholly owned subsidiary and the largest asset of Enron Corporation (Enron), and Enron is involved in a Chapter 11 proceeding in U.S. Bankruptcy Court in New York.
- c. Enron's actions and business conduct have had a substantial negative impact on PGE's financial health, including potential responsibility for liabilities of Enron. These financial impacts on PGE may affect its ability to provide a stable supply of electricity at the lowest possible rates to Multnomah County and Northwest Oregon residents and businesses.
- d. Enron's current management and creditors have announced an auction to sell PGE, with decisions on possible new ownership by the end of 2002.
- e. It is in the interest of Multnomah County, Northwest Oregon and all PGE ratepayer's that PGE, or a successor utility, provide safe, reliable electrical service at stable, reasonable rates. There should be no continuing liability for the Enron actions or its debts. Management must be responsive to local needs and priorities, dedicated to its local employees, and committed to the economic and environmental well being of Multnomah County and Northwest Oregon. These public interests should be considered in the sale or transfer of PGE assets and business.
- f. Multnomah County believes that public acquisition of PGE assets and business could be beneficial to the residents and businesses of this region.
- g. The City of Portland has resolved to enter into discussions with Enron and its creditors, and with other interested governments, possibly acquire PGE. Counties are also discussing opportunities to possibly acquire PGE. One unified proposal would best serve the public's interest.

DRAFT 2

The Multnomah County Board of Commissioners Resolves:

1. Commissioner Lisa Naito, District 3, and Chair Diane Linn are authorized to act on behalf of Multnomah County to:
 - a. Participate in discussions with other counties and the City of Portland regarding a possible public acquisition of Portland General Electric.
 - b. Report regularly to the Board and recommend further action as appropriate until there is a satisfactory transfer of PGE assets and business that satisfies the public interest.
2. The Board authorizes expenditure of up to \$75,000 as needed to examine public power options, governance and financing models, and related issues to provide guidance on the acquisition. Any expenditure will be reimbursed from debt proceeds.

ADOPTED this 19th day of September, 2002

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Thomas Sponsler, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 02-122

Authorizing County Participation in Public Acquisition of Portland General Electric

The Multnomah County Board of Commissioners Finds:

- a. Portland General Electric (PGE) provides electricity to residents and businesses throughout Multnomah County and Northwest Oregon.
- b. PGE is a wholly owned subsidiary and the largest asset of Enron Corporation (Enron), and Enron is involved in a Chapter 11 proceeding in U.S. Bankruptcy Court in New York.
- c. Enron's actions and business conduct have had a substantial negative impact on PGE's financial health, including potential responsibility for liabilities of Enron. These financial impacts on PGE may affect its ability to provide a stable supply of electricity at the lowest possible rates to Multnomah County and Northwest Oregon residents and businesses.
- d. Enron's current management and creditors have announced an auction to sell PGE, with decisions on possible new ownership by the end of 2002.
- e. It is in the interest of Multnomah County, Northwest Oregon and all PGE ratepayer's that PGE, or a successor utility, provide safe, reliable electrical service at stable, reasonable rates. There should be no continuing liability for Enron's actions or its debts. Management must be responsive to local needs and priorities, dedicated to its local employees, and committed to the economic and environmental well being of Multnomah County and Northwest Oregon. These public interests should be considered in the sale or transfer of PGE assets and business.
- f. Multnomah County believes that public acquisition of PGE assets and business could be beneficial to the residents and businesses of this region
- g. The City of Portland has resolved to enter into discussions with Enron and its creditors, and with other interested governments, to possibly acquire PGE. Counties are also discussing opportunities to possibly acquire PGE. One unified proposal would best serve the public's interest.

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ADOPTED this 19th day of September, 2002.

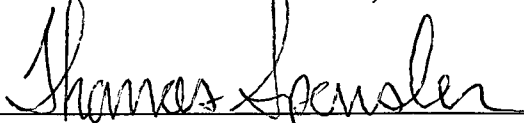


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lonnie Roberts, Vice-Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Thomas Sponsler, County Attorney