

# ANNOTATED MINUTES

Monday, November 29, 1999 - 10:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## BOARD BRIEFING

*Vice-Chair Diane Linn convened the meeting at 10:00 a.m., with Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present, and Chair Beverly Stein excused.*

B-1 Metro Regional Transportation Plan Update. Presented by Sharron Kelley, Harold Lasley, Karen Schilling, Andy Cotugno and Tom Kloster.

***KAREN SCHILLING, ANDY COTUGNO, TOM KLOSTER AND HAROLD LASLEY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.***

*The briefing was adjourned at 11:05 a.m. and the work session convened at 11:09 a.m.*

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Monday, November 29, 1999 - 11:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## BUDGET WORK SESSION

WS-1 Emerging Budget Issues for FY 2000-2001: Auditor's Office. Presented by Suzanne Flynn.

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

*There being no further business, the work session was adjourned at 11:35 a.m.*

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Tuesday, November 30, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602

1021 SW Fourth Avenue, Portland

## **BUDGET WORK SESSION**

*Chair Beverly Stein convened the meeting at 9:34 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.*

WS-2 Emerging Budget Issues for FY 2000-2001: Health Department. Presented by Lillian Shirley and Invited Staff.

**LILLIAN SHIRLEY, DAVE HOUGHTON, GARY OXMAN, GORDON EMPEY, LINDA JARAMILLO, SARAH DOLL, KATHY PAGE, PATSY KULLBERG, PAT FOLEY, SHARON ARMSTRONG, TOM FRONK AND DWAYNE PRATHER PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.**

*The work session was recessed at 11:05 a.m. and reconvened at 11:15 a.m.*

WS-3 Emerging Budget Issues for FY 2000-2001: Juvenile Community Justice Division. Presented by Elyse Clawson and Invited Staff.

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

*There being no further business, the work session was adjourned at 12:25 p.m.*

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Thursday, December 2, 1999 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

*Chair Beverly Stein convened the meeting at 9:05 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley and Lisa Naito present, and Commissioner Serena Cruz arriving at 9:13 a.m.*

B-2 Public Safety Levy: Alcohol and Drug Continuum Briefing: Report of the Alcohol and Drug System Capacity Work Team and Information on Alcohol

and Drug Transitional Housing Options. Presented by Jim Carlson, Elyse Clawson, Ginger Martin and Invited Others.

**JIM CARLSON, GINGER MARTIN AND BEVERLY STEIN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. DAVE BOYER AND BILL FARVER RESPONSE TO BOARD QUESTIONS REGARDING PUBLIC SAFETY LEVY. CHAIR STEIN ADVISED SHE WILL SUBMIT A RESOLUTION FOR BOARD CONSIDERATION ON THURSDAY, DECEMBER 16, 1999 REGARDING BUILDING A 300 BED ALCOHOL AND DRUG TREATMENT UNIT RATHER THAN A 150 BED UNIT.**

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Thursday, December 2, 1999 - 10:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 10:06 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.*

**FOLLOWING CHAIR STEIN'S ANNOUNCEMENT AND AT HER REQUEST, RESULTS ASSESSMENT COORDINATOR CARLA GONZALES READ PROCLAMATION 99-234 PROCLAIMING RECOGNITION OF COUNTY EMPLOYEES AND PARTNERS FOR RECEIVING THE 1999 OREGON QUALITY AWARD FOR PERFORMANCE EXCELLENCE.**

## **CONSENT CALENDAR**

**AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, CONSENT CALENDAR ITEMS C-1 THROUGH C-4 AND C-7 THROUGH C-18 WERE UNANIMOUSLY APPROVED.**

## **NON-DEPARTMENTAL**

- C-1 Ratification of Board Action from Special Meeting of Tuesday, November 16, 1999
- C-2 Appointments of M'Lou Christ and Kenneth Ray to the CITIZEN INVOLVEMENT COMMITTEE
- C-3 Appointments of Carmen Miranda, Anna Knecht, Marge Jozsa and Reappointment of Felicity Taormina to the COMMUNITY HEALTH COUNCIL
- C-4 Amendment 3 to Intergovernmental Agreement 500948 with Washington County and the Portland Development Commission, Extending and Limiting the Scope of the Existing Agreement in which Portland Development Commission Acts as Administering Agency for Regional Strategies through June 30, 2000

**SHERIFF'S OFFICE**

- C-7 Package Store with Pumps Liquor License Renewal for LARSON'S MARINA, 14444 NW Larson Road, Portland
- C-8 Package Store Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-9 Package Store Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-10 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

***ORDER 99-228.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-11 Report the Hearings Officer Decision Regarding Approval of CS 1-99, a Request by the City of Troutdale for a Water Pollution Control Facility in a Heavy Manufacturing Zone on a Portion of Property Owned by Reynolds Metals Company and Located on NE GRAHAM ROAD, TROUTDALE
- C-12 Report the Hearings Officer Decision Regarding Approval of CU 6-99, a Request for a Type B Home Occupation Permit to Create a Recording Studio on Property Located at 34805 SE HURLBURT ROAD, CORBETT

C-13 RESOLUTION Authorizing Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1998 through June 30, 1999

***RESOLUTION 99-229.***

C-14 RESOLUTION Authorizing Replacement Deed D001694 for Certain Tax Foreclosed Property to the Estate of Larry Burrigh, Deceased

***RESOLUTION 99-230.***

C-15 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Roy T. Sweeten and Charlotte E. Sweeten, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

***RESOLUTION 99-231.***

C-16 RESOLUTION Authorizing Execution of Deed D001696 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James McIver

***RESOLUTION 99-232.***

C-17 RESOLUTION Authorizing Execution of Deed D001697 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James McIver

***RESOLUTION 99-233.***

C-18 Intergovernmental Revenue Agreement 0010834 with the City of Troutdale to Construct Sidewalks on Troutdale Road Between Cherry Park Road and Chapman Avenue

**REGULAR AGENDA**

**SHERIFF'S OFFICE**

C-5 Bed & Breakfast Liquor License Renewal for BRICKHAVEN BED & BREAKFAST, 38717 E. Columbia River Highway, Corbett

C-6 Package Store Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland

***CAROL FORD EXPLAINED THE SHERIFF'S OFFICE FORWARDED C-5 AND C-6 TO THE***

**BOARD WITH A RECOMMENDED ACTION OF "OTHER" RATHER THAN APPROVAL BASED ON POSSIBLE LAND USE VIOLATIONS. FOLLOWING BOARD DISCUSSION WITH DAN OLDHAM ON BEHALF OF THE SHERIFF'S OFFICE AND COUNTY COUNSEL THOMAS SPONSLER, CHAIR STEIN ASKED THAT THE SHERIFF'S OFFICE WORK WITH LAND USE PLANNING ON IMPROVEMENTS TO THE INTERNAL LIQUOR LICENSE APPLICATION SUBMITTAL PROCESS, AND TO FURNISH THE BOARD WITH A RECOMMENDATION ON THESE TWO APPLICATIONS BEFORE DECEMBER 16, 1999. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER CRUZ, IT WAS UNANIMOUSLY APPROVED THAT LIQUOR LICENSE RENEWALS C-5 AND C-6 BE CONTINUED TO THURSDAY, DECEMBER 16, 1999 TO ALLOW THE SHERIFF'S OFFICE TIME TO ISSUE ITS RECOMMENDATION.**

**PUBLIC COMMENT**

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

***NO ONE WISHED TO COMMENT.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-2 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District

***COMMISSIONER LINN MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-2. KEN MARTIN EXPLANATION. NO ONE WISHED TO TESTIFY. ORDER 99-235 UNANIMOUSLY APPROVED.***

R-3 RESOLUTION Authorizing Execution of Intergovernmental Revenue Agreement 0010867 Granting to the City of Troutdale an Option for Purchase of Approximately 47 Acres of Land at Edgefield County Farm

**COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. BOB OBERST EXPLANATION. TROUTDALE PAUL THALHOFER AND DEVELOPER MIKE MCMENAMIN EXPLANATION AND COMMENTS IN SUPPORT. BOARD COMMENTS IN SUPPORT. RESOLUTION 99-236 UNANIMOUSLY APPROVED.**

- R-4 Budget Modification DES 02 Reallocating Current Division Resources to Fund a New Customer Services Manager Position in Facilities and Property Management

**AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, R-4 WAS UNANIMOUSLY POSTPONED INDEFINITELY.**

**COMMISSIONER COMMENT/LEGISLATIVE ISSUES**

- R-6 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.

**NO ONE WISHED TO COMMENT.**

*The regular meeting was recessed and the briefing convened at 10:45 a.m.*

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Thursday, December 2, 1999 - 11:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

**BOARD BRIEFINGS**

- B-3 Metro Housing Technical Advisory Committee Report. Presented by Diane Linn, Erik Sten, David Bell and Jeff Condit.

**DIANE LINN, DAVID BELL, JEFF CONDIT AND ERIK STEN PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.**

- B-4 Report on the Mead Building Good Neighbor Agreement with Association for Portland Progress. Presented by Beverly Stein, Diane Linn and Elyse Clawson.

**DIANE LINN, KEVIN CRISWELL, PAT  
PRENDERGAST AND PHIL KALBERER  
PRESENTATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION.**

*The briefing was adjourned and the regular meeting was reconvened at  
11:55 a.m.*

**NON-DEPARTMENTAL**

- R-5 First Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Section 27.301(C) by Adding an Additional Exemption to the Policy Prohibiting Smoking in County Facilities and Declaring an Emergency

**ORDINANCE READ BY TITLE ONLY. COPIES  
AVAILABLE. COMMISSIONER LINN MOVED  
AND COMMISSIONER KELLEY SECONDED,  
APPROVAL OF FIRST READING AND ADOPTION.  
COMMISSIONER LINN EXPLANATION. NO ONE  
WISHED TO TESTIFY. BOARD COMMENTS IN  
SUPPORT OF THIS EXEMPTION. FIRST READING  
AND ADOPTION OF ORDINANCE 936  
UNANIMOUSLY APPROVED.**

**DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE**

- R-7 Budget Modification DCJ 05 Requesting \$275,000 from General Fund Contingency to Pay for Improvements to and Security Enhancements in and Around the Mead Building in Which the West District Parole and Probation Office Operates

**COMMISSIONER LINN MOVED AND  
COMMISSIONER NAITO SECONDED, APPROVAL  
OF R-7. KEVIN CRISWELL AND CHAIR STEIN  
EXPLANATION. MS. CRISWELL AND TOM  
HANSON RESPONSE TO BOARD QUESTIONS  
REGARDING SECURITY. COMMISSIONER NAITO  
COMMENTS IN SUPPORT OF BUDGET  
MODIFICATION. COMMISSIONER CRUZ  
EXPLAINED SHE DOES NOT SUPPORT BUDGET  
MODIFICATION, ADVISING SHE PREFERS  
LOOKING AT OTHER WAYS TO FUND  
IMPROVEMENTS TO THE MCCOY BUILDING**

**STOREFRONT AND THAT SHE FEELS THERE HAS BEEN NO EVIDENCE OF THREAT WHICH WOULD NECESSITATE SUCH A LARGE ONGOING FINANCIAL EXPENDITURE AT THE MEAD BUILDING. MR. PRENDERGAST AND MR. KALBERER RESPONSE TO CHAIR STEIN'S QUESTION REGARDING APPLYING TO PORTLAND DEVELOPMENT COMMISSION FOR STOREFRONT IMPROVEMENT GRANT. COMMISSIONER LINN COMMENTS IN SUPPORT OF BUDGET MODIFICATION. MS. CRISWELL AND MR. HANSEN RESPONSE TO CHAIR STEIN'S QUESTIONS REGARDING MCCOY BUILDING STOREFRONT RENOVATION, CLARIFICATION OF ONGOING EXPENDITURES, AND PLANS TO EVALUATE SECURITY NEEDS. CHAIR STEIN DIRECTED STAFF TO LOOK INTO ALTERNATIVE FUNDING FOR MCCOY BUILDING, KEEP BOARD INFORMED ON SECURITY ISSUES, AND SPEND AS LITTLE CONTINGENCY AS POSSIBLE. CHAIR STEIN AND COMMISSIONER LINN COMMENTS IN APPRECIATION OF THE EFFORTS OF ALLYSON REED AND THE ASSOCIATION FOR PORTLAND PROGRESS AND COUNTY STAFF. THE BUDGET MODIFICATION WAS APPROVED, WITH COMMISSIONERS LINN, KELLEY, NAITO AND STEIN VOTING AYE, AND COMMISSIONER CRUZ VOTING NO.**

*There being no further business, the meeting was adjourned at 12:15 p.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

Deborah L. Bogstad



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515  
Portland, Or 97204-1914

Phone: (503) 248-3308 FAX (503) 248-3093

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

### Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914

Phone: (503) 248-5220 FAX (503) 248-5440

Email: [diane.m.linn@co.multnomah.or.us](mailto:diane.m.linn@co.multnomah.or.us)

### Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914

Phone: (503) 248-5219 FAX (503) 248-5440

Email: [serena.m.cruz@co.multnomah.or.us](mailto:serena.m.cruz@co.multnomah.or.us)

### Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914

Phone: (503) 248-5217 FAX (503) 248-5262

Email: [lisa.h.naito@co.multnomah.or.us](mailto:lisa.h.naito@co.multnomah.or.us)

### Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914

Phone: (503) 248-5213 FAX (503) 248-5262

Email: [sharron.e.kelley@co.multnomah.or.us](mailto:sharron.e.kelley@co.multnomah.or.us)

**ANY QUESTIONS? CALL BOARD  
CLERK DEB BOGSTAD @ 248-3277**

Email: [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)

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

**NOVEMBER 29, 30 &  
DECEMBER 2, 1999**

## BOARD MEETINGS

### FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	10:00 a.m. Monday Metro Regional Transportation Briefing
Pg. 2	11:00 a.m. Monday Auditor Budget
Pg. 2	9:30 a.m. Tuesday Health Dept. Budget
Pg. 2	11:00 a.m. Tuesday Juvenile CJ Budget
Pg. 3	9:00 a.m. Thursday Alcohol & Drug Treatment Continuum Briefing
Pg. 3	10:00 a.m. Thursday Regular Meeting
Pg. 6	11:00 a.m. Thursday Metro Housing Technical Advisory Committee Report
Pg. 6	11:30 a.m. Thursday Mead Building Good Neighbor Agreement Briefing

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, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community  
Television

Monday, November 29, 1999 - 10:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

B-1 Metro Regional Transportation Plan Update. Presented by Sharron Kelley, Harold Lasley, Karen Schilling, Andy Cotugno and Tom Kloster. 1 HOUR REQUESTED.

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Monday, November 29, 1999 - 11:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BUDGET WORK SESSION**

WS-1 Emerging Budget Issues for FY 2000-2001: Auditor's Office. Presented by Suzanne Flynn. 30 MINUTES REQUESTED.

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Tuesday, November 30, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BUDGET WORK SESSION**

WS-2 Emerging Budget Issues for FY 2000-2001: Health Department. Presented by Lillian Shirley and Invited Staff. 1.5 HOURS REQUESTED.

WS-3 Emerging Budget Issues for FY 2000-2001: Juvenile Community Justice Division. Presented by Elyse Clawson and Invited Staff. 1 HOUR REQUESTED.

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Thursday, December 2, 1999 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

- B-2 Public Safety Levy: Alcohol and Drug Continuum Briefing: Report of the Alcohol and Drug System Capacity Work Team and Information on Alcohol and Drug Transitional Housing Options. Presented by Jim Carlson, Elyse Clawson, Ginger Martin and Invited Others. 1 HOUR REQUESTED.
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Thursday, December 2, 1999 - 10:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 10:00 AM**

#### **NON-DEPARTMENTAL**

- C-1 Ratification of Board Action from Special Meeting of Tuesday, November 16, 1999
- C-2 Appointments of M'Lou Christ and Kenneth Ray to the CITIZEN INVOLVEMENT COMMITTEE
- C-3 Appointments of Carmen Miranda, Anna Knecht, Marge Jozsa and Reappointment of Felicity Taormina to the COMMUNITY HEALTH COUNCIL
- C-4 Amendment 3 to Intergovernmental Agreement 500948 with Washington County and the Portland Development Commission, Extending and Limiting the Scope of the Existing Agreement in which Portland Development Commission Acts as Administering Agency for Regional Strategies through June 30, 2000

#### **SHERIFF'S OFFICE**

- C-5 Bed & Breakfast Liquor License Renewal for BRICKHAVEN BED & BREAKFAST, 38717 E. Columbia River Highway, Corbett
- C-6 Package Store Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-7 Package Store with Pumps Liquor License Renewal for LARSON'S MARINA, 14444 NW Larson Road, Portland
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- C-9 Package Store Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-10 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-11 Report the Hearings Officer Decision Regarding Approval of CS 1-99, a Request by the City of Troutdale for a Water Pollution Control Facility in a Heavy Manufacturing Zone on a Portion of Property Owned by Reynolds Metals Company and Located on NE GRAHAM ROAD, TROUTDALE
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- C-13 RESOLUTION Authorizing Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1998 through June 30, 1999
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- C-15 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Roy T. Sweeten and Charlotte E. Sweeten, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

C-16 RESOLUTION Authorizing Execution of Deed D001696 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James McIver

C-17 RESOLUTION Authorizing Execution of Deed D001697 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James McIver

C-18 Intergovernmental Revenue Agreement 0010834 with the City of Troutdale to Construct Sidewalks on Troutdale Road Between Cherry Park Road and Chapman Avenue

**REGULAR AGENDA - 10:00 AM**

**PUBLIC COMMENT - 10:00 AM**

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

**DEPARTMENT OF ENVIRONMENTAL SERVICES - 10:05 AM**

R-2 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District

R-3 RESOLUTION Authorizing Execution of Intergovernmental Revenue Agreement 0010867 Granting to the City of Troutdale an Option for Purchase of Approximately 47 Acres of Land at Edgefield County Farm

R-4 Budget Modification DES 02 Reallocating Current Division Resources to Fund a New Customer Services Manager Position in Facilities and Property Management

**NON-DEPARTMENTAL - 10:45 AM**

R-5 First Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Section 27.301(C) by Adding an Additional Exemption to the Policy Prohibiting Smoking in County Facilities and Declaring an Emergency

**COMMISSIONER COMMENT/LEGISLATIVE ISSUES - 10:55 AM**

R-6 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.

**DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE -  
11:55 AM**

R-7 Following Today's Board Briefing on the Mead Building Good Neighbor Agreement with the Association for Portland Progress, the Board May Consider Approval of Budget Modification DCJ 05 Requesting \$275,000 from General Fund Contingency to Pay for Improvements to and Security Enhancements in and Around the Mead Building in Which the West District Parole and Probation Office Operates

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Thursday, December 2, 1999 - 11:00 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

**BOARD BRIEFINGS**

- B-3 Metro Housing Technical Advisory Committee Report. Presented by Diane Linn, Erik Sten, David Bell and Jeff Condit. 30 MINUTES REQUESTED.
- B-4 Report on the Mead Building Good Neighbor Agreement with Association for Portland Progress. Presented by Beverly Stein, Diane Linn and Elyse Clawson. 30 MINUTES REQUESTED.

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**MULTNOMAH COUNTY COMMISSIONERS  
BOARD MEETING CANCELLATION NOTICE**

Tuesday, December 21, 1999	Briefing Meeting Cancelled
Thursday, December 23, 1999	Regular Meeting Cancelled
Tuesday, December 28, 1999	No Meeting Scheduled
Thursday, December 30, 1999	Regular Meeting Cancelled

Any Questions, please call Deb Bogstad @ (503) 248-3277





## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

November 30, 1999

To: Board of County Commissioners: Elected Officials

From: Beverly Stein

Re: A and D Treatment Beds and Continuum of Services

I would like to thank Jim Carlson and Ginger Martin and the members of his Alcohol and Drug System Capacity Work Team for their work on analyzing and developing the likely continuum of services needed by offenders using our secure A and D treatment beds. Like you, I have read their report and been briefed on its implications.

I am looking forward to our discussion on Thursday on the implications of his report for the Bond spending and the proposed levy for November, 2000.

I would like to share my preliminary thinking, but remain open to your thoughts:

1. I believe we should continue with our authorization to build 300 secure A and D treatment beds. I will bring a resolution to the Board for our consideration on December 16, which will attempt to capture our direction on Public Safety Bond interest spending. I plan to include the following projected expenditures in that resolution:



- the New Jail and A and D facility - \$3,000,000
- the expanded booking center - \$3,348,344
- the Child Receiving Center/Multi Disciplinary Team Facility - \$3,000,000

Dave Boyer's latest estimates of interest earnings show a balance of \$1,975,075 following these expenditures. (see attached) That balance will allow the Board to consider funding necessary A and D free housing (listed in Jim's proposal at \$1,450,000), additional funding for the CRC/MDT Facility, and/or other capital projects consistent with the Bond.

2. I believe we should include language in the levy that authorizes the County, through Community Justice, to spend levy resources on the continuum of A and D services. Jim's report outlines one scenario for estimating these costs:

- Interchange at 300 Beds	\$11,497,500
- Outpatient AD	\$ 338,141
- AD free transition housing operating costs	\$ 1,455,438
- Mental Health	\$ 458,793
Total	\$13,749,872

Assuming that we continue the funding currently used for the Washington County Interchange program at \$2,680,000, we can fund this continuum.

Total above	\$13,749,872
Current Interchange	2,680,000
Total	\$11,069,872

Jim's report did not address the cost of effective supervision of offenders transitioning from treatment, but that should also be considered in our levy discussions.

3. The implication of these decisions for levy planning is to firm up using at least \$11,000,000 for A and D treatment Center operating costs and follow up services and supervision. Combined with the approximately \$8,000,000 for new jail operating costs, we have effectively made commitments for over 70% of the potential levy operating amount. However, we have also found a way to include much needed A and D, mental health, and housing services.
4. Given our experience with the Bond funding and the impact of inflation, we will need to write the levy language to maintain flexibility in the exact balance we strike in budgeting for and phasing in these services.

adbedsnovember2.doc



# MULTNOMAH COUNTY, OREGON

DEPARTMENT OF SUPPORT SERVICES  
FINANCE DIVISION

COUNTY  
COMMISSIONERS

BEVERLY STEIN, CHAIR DIANE LINN, DISTRICT #1	DIRECTORS OFFICE ACCOUNTS PAYABLE	PORTLAND BUILDING 1120 SW FIFTH AVENUE, SUITE 1430	CONTRACTS MATERIEL MANAGEMENT PURCHASING	FORD BUILDING 2505 SE 11 <sup>TH</sup> 1 <sup>ST</sup> FLOOR PORTLAND, OR 97202 PHONE (503) 248-5111 FAX (503) 248-3252
SERENA CRUZ, DISTRICT #2 LISA NAITO, DISTRICT #3 SHARRON KELLEY, DISTRICT #4	GENERAL LEDGER PAYROLL TREASURY	PO BOX 14700 PORTLAND, OR 97293-0700 PHONE (503) 248-3312		
	LAN ADMINISTRATION	FAX (503) 248-3292		TDD (503) 248-5170

## MEMORANDUM

TO: Board of County Commissioners

FROM: Dave Boyer, Finance Director

DATE: November 30, 1999

SUBJECT: Interest Earnings on Public Safety Bond Funds

This is to update the projected interest earnings on the funds held in the Public Safety Bond Fund. In September I estimated that the interest earnings would be about \$12,005,000. This estimate was based on interest earnings rates of about 5% and that disbursements would continue based on the historic spending patterns of the funds for the period October 1996 through June 30, 1999. Interest rates have risen over the last few months and we are now estimating that we will earn about 5.4% and the spending has declined significantly. Over the last three years the County had been averaging about \$10,000,000 a year in expenditures. Through November 1999 we have only spent about \$2,810,000 and the monthly disbursement amounts have also been declining over the last couple of months.

The new jail and A & D beds will cost approximately \$58,838,000 million with about \$43,880,000 coming from the bond proceeds. Construction is not expected to begin until the spring of 2000 and will be completed in 2002. In the initial interest earnings estimate of \$12,005,000, I anticipated the funds for the new jail and A & D beds would be disbursed by fiscal year ended 2001. Based on the information from facilities, the project will not be completed until fiscal year 2002.

Based on the changes described above, I am now estimating that the interest earnings available will be about \$14,156,000. Because the construction schedules are unknown and interest rates fluctuate, the interest earnings projections do not include amounts for fiscal year 2002. We will have some earnings but I would not recommend that we make commitments today on the fiscal year 2002 interest earnings. About \$817,000 of this interest earnings has been obligated and another \$143,000 will be needed for covering administrative and procurement costs for fiscal year 2000/2001. In addition the Board has previously authorized \$1,291,600 for detention electronics and \$582,000 for additional bond technology. This leaves about \$11,323,000. After deducting \$3,000,000 for the new jail and A & D beds, \$3,348,344 for expanded booking center and \$3,000,000 for Child Receiving Center/Multi Disciplinary Team Facility we will have a balance of about \$1,975,075. Attached is a spread sheet detailing these calculations.

**MULTNOMAH COUNTY, OREGON  
PUBLIC SAFETY GENERAL OBLIGATION BONDS  
\$79,700,000 1996B Issue**

	<u>Total Amount</u>	<u>Interest Earned</u>	<u>Bond Technology</u>	<u>Inverness Jail</u>	<u>New Jail</u>	<u>A &amp; D Beds</u>	<u>Children's Assessment Center</u>	<u>Juvenile Justice Complex</u>	<u>Ct Hs, Inv Jail Justice Center</u>	<u>Issue Costs</u>
October 1, 1996 Issue										
Proceeds budget	79,700,000	-	7,500,000	11,500,000	30,730,000	13,150,000	4,000,000	7,400,000	4,485,000	935,000
Sub -total Available for Construction	79,700,000	-	7,500,000	11,500,000	30,730,000	13,150,000	4,000,000	7,400,000	4,485,000	935,000
SB 1145 Funds						10,845,000				
Add:	-									
Interest Earned 1996/97	2,966,690	2,966,690								
Interest Earned 1997/98	3,897,812	3,897,812								
Interest Earned 1998/99	3,290,460	3,290,460								
Other Revenue	169	169								
Projected interest for 1999/2000	3,000,000	3,000,000								
Projected interest for 2000/2001	1,500,000	1,500,000								
Less: Rebate Payable	(498,237)	(498,237)								
Total Available for Construction	93,856,894	14,156,894	7,500,000	11,500,000	30,730,000	23,995,000	4,000,000	7,400,000	4,485,000	935,000
Less:										
JJC Letter of credit interest	-	(120,671)						120,671		
Laundry Equip Inverness jail	-	(338,606)		573,061						(234,455)
Capital costs 1995/96	(482,778)	-	-	(451,264)	(704)					(30,810)
Capital costs 1996/97	(10,677,982)	-	(561,070)	(1,717,448)	(158,325)	(180,728)		(7,236,758)	(222,716)	(600,937)
Capital costs 1997/98	(10,483,049)	(111,555) (1)	(1,559,827)	(6,787,713)	(609,879)	(407,324)	(13,348)	(152,690)	(836,607)	(4,106)
Capital costs 1998/99	(7,008,495)	(104,849) (1)	(2,899,410)	(2,819,524)	(807,876)	(75,226)	(77,330)	(72,827)	(150,958)	(495)
Capital costs 1999/2000	(2,810,667)	(141,026) (1)	(1,473,596)	(55,947)	(460,840)	(184,148)		(17,485)	(477,625)	
Capital costs 2000/2001	(143,168)	(143,168) (1)								
Balance Available	62,250,755	13,197,019	1,006,097	241,165	28,692,376	23,147,574	3,909,322	40,911	2,797,094	64,197
Expenditures Authorized by the Board:										
Interest to cover additional bond technology	-	(582,000)	582,000							
Interest to cover MCDC Detention Electronics	-	(1,291,600)							1,291,600	
<b>Subtotal balance available</b>		<b>11,323,419</b>								
Interest to cover New Jail Costs	-	(3,000,000)			3,000,000					
Interest to cover MCDC booking	-	(3,348,344)							3,348,344	
Child Receiving Center	-	(3,000,000)					3,000,000			
<b>Adjusted Total Available</b>	<b>62,250,755</b>	<b>1,975,075</b>	<b>1,588,097</b>	<b>241,165</b>	<b>31,692,376</b>	<b>23,147,574</b>	<b>6,909,322</b>	<b>40,911</b>	<b>7,437,038</b>	<b>64,197</b>

(1) Administrative costs for managing bonds and procurments. (FY 2000/2001 are estimates)

Prepared by Finance Division  
Date

11/30/1999

**Report of the Alcohol and Drug System Capacity Workteam  
To the Multnomah County Board of Commissioners--December 2, 1999**

At its October 5<sup>th</sup> meeting the Board asked for information on the impact of criminal justice clients leaving secure treatment on the community alcohol and drug treatment system. The Workteam set up to answer that question has produced the report before you.

I. We have:

1. identified total alcohol and drug funds spent within the county at \$25.6 million;
2. found that 62% of the \$total of \$25.6 million is county, not state funds.
3. and identified the portion of that currently spent on adult alcohol and drug treatment--\$19.0 million.

Those results are shown on page 4 of this report. Further detail is shown in Appendix 1, page 16. Are there any questions regarding the funds available and how they are used?

We have also learned a lot about the adult treatment continuum in the past two months, including number of contracts and providers, rates, and who is using the system. Much of that information is in the full report. More is available. Due to the shortness of time today, the best way to cover that is probably more individual sessions. I would be glad to schedule those at your convenience.

The main focus of the Workteam was estimating the continuing care impact of InterChange. These are shown in Table 1, page 3 of the report. I have to emphasize that here we are at the limits of data-based decision making. There is unanimity among Workteam members that continuing care is necessary for the treatment gains made in secure treatment to be retained. There is considerable support in the national research literature for this position; results of that literature survey are found in Appendix 2, on page 17. But there is not much in the national literature on how much or what type of continuing care is needed. And, there is considerable disagreement within the Workteam and between the Workteam and the provider community on what should be the proper balance between funding spent on InterChange versus funding spent on continuing care for persons completing InterChange.

What I would like to suggest is that even with this level of uncertainty, there is enough data to make the decisions that the Board needs to make today.

1. Based on current trends in the jail population, and on the number of offenders who need alcohol and drug, it is safe to say that we can fill 300 beds at the Rivergate facility--either as jail beds or as secure alcohol and drug treatment beds. This helps us in making a decision regarding the bond money--how many beds to build at Rivergate.
2. We know enough to say that there is a continuing care cost from InterChange that is not currently budgeted. We can use Table 1 to estimate the total amount of funds needed for InterChange plus continuing care. An adequate amount should be reserved in the levy to pay for both alcohol and drug treatment and continuing care. Whether to fund InterChange and continuing care at 200 or 300 beds is really a question of Board priorities, not of data.
3. Given the large number of assumptions needed to arrive at these figures, and the large differences in opinion, we also know enough to write the levy flexibly. By the time the Rivergate facility is built--several years from now--we will have followed InterChange completers for several years. We will not be guessing at their continuing care needs; we will have data. We will know how many have their own housing when they leave, and how long the remaining population needs transitional housing.

We should also have data on other offenders who access the community treatment system directly without going through InterChange. We will have good data on how these offenders compare to the people who go to InterChange. We will hope to have better information which type of offender does best at which point of entry into the adult treatment continuum. So several years from now is the time to make the decision on how to balance the treatment continuum--not now. What this means is that we need to write the levy flexibly.

So what we have given you is a placeholder of either \$15.2 million for InterChange at 300 beds or \$9.9 million for InterChange at 200 beds to put into the levy. We can tell you there is enough demand for the \$15.2 million dollar option. We cannot at this time tell you with firm data how to best apportion that between InterChange and continuing care.

I am open for further questions.

# Report of the Alcohol and Drug System Capacity Workteam



**November 29, 1999**

## Members

Jim Carlson, Manager Evaluation/Research Unit, Dept. of Support Services (DSS)

Laurie Drapela, Program Evaluation Specialist, E/R Unit, DSS

Mike Jaspin, Budget Analyst, Budget & Quality Office

Ginger Martin, Dept. of Community Justice (DCJ)

Jerry Martin, Program Development Specialist, DCJ

Pam Mindt, DCJ

Julie Neburka, Budget Analyst, Budget & Quality Office,

Carol Nykerk, Director In-Jail Drug & Alcohol Program (IJIP), Multnomah  
County Sheriff's Office (MCSO)

Larry Reilly, Director of Planning and Research, MCSO

Jim Peterson, Manager Office of Addictions Services, Behavioral Health Division,  
Dept. of Community and Family Services (DCFS)

John Pearson, Contracts and Evaluation Unit, DCFS

Phillip Windell, Contracts and Evaluation Unit, DCFS

## **I. Charge to the Workteam**

1. Determine the impact of various levels of secure alcohol and drug treatment (InterChange at 70, 200, 300 beds) upon the adult alcohol and drug treatment continuum.
2. Make recommendations regarding proper balance in the adult alcohol and drug treatment continuum.

## **II. Summary of Findings**

1. There is enough demand in the criminal justice system to fill InterChange at 300 beds. In FY98-99 there were 42,300 bookings. ADAM samples (Alcohol and Drug Abuse Monitoring--a federally funded national monitoring program) show that 72% of inmates tested at booking were positive for drugs. ADAM staff estimate that approximately 85% of those who test positive are in need of treatment. ADAM monitoring does not test for alcohol, which shows an even stronger association with crime than drugs, especially violent crime.

There are approximately 10,000 inmates under supervision by the Department of Community Justice at any one time--7,500 for a felony violation and 2,500 for misdemeanors. There are 5,200 to 6,300 new cases coming under supervision per year. A centralized assessment and referral system is being planned to better assess and coordinate the treatment needs of this population. Initial estimates are that 4,000-5,000 of these will need some form of treatment.

2. There is currently \$19.1 million in alcohol and drug services for adults (which includes \$131,300 for prevention) and an additional \$3.5 million in A&D services for youth (which includes \$117,466 for prevention). Adult treatment capacity is fully utilized in most community contracts and directly operated programs. There is little or no capacity in adult community contracts to absorb graduates from InterChange without displacing other clients.
3. Nearly all individuals who successfully complete InterChange are expected to require various levels of outpatient alcohol and drug treatment. About 50% of InterChange graduates are expected to also need alcohol and drug free housing. About 28% of Interchange graduates are expected to need mental health care to supplement a base level of outpatient alcohol and drug treatment.
4. Individuals who complete InterChange are not expected to require residential treatment. Since an estimated 50% of InterChange admissions would have gone into community residential treatment, there will be a net reduction in community residential treatment beds needed by this subgroup of offenders. Other offender groups, such as inmates leaving IJIP (In-Jail Intervention Program at Inverness Jail) and the current wait list of other clients for residential placements are expected to fill any freed up residential beds.

The increased cost of outpatient treatment, alcohol and free drug housing, and mental health continuing care for individuals who complete InterChange is shown in Table 1.

**Table 1**

<b>Estimated Cost of InterChange at Different Bed Capacities</b>	<b>70 Beds</b>	<b>200 Beds</b>	<b>300 Beds</b>
	Operating Cost (\$105/day*)	Estimated Operating Cost @ \$105/day	Estimated Operating Cost @ \$105/day
InterChange Operations	<b>\$2,681,909</b>	<b>\$7,665,000</b>	<b>\$11,497,500</b>
Outpatient	\$76,416	\$225,427	\$338,141
A&D Free Housing Operational Cost	\$80,300	\$863,225	\$1,455,438
A&D Free Housing Startup Costs	\$200,000	\$860,000	\$1,450,000
Mental Health	\$103,682	\$305,862	\$458,793
Continuing Care Subtotal	<b>\$460,398</b>	<b>\$2,254,514</b>	<b>\$3,702,371</b>
<b>TOTAL</b>	<b>\$3,142,307</b>	<b>\$9,919,514</b>	<b>\$15,199,872</b>

\* Operating cost of InterChange at \$105/ day (\$2,681,909/70 beds/365 days/year) includes \$80,000 for case management for persons who complete the program.

- There is considerable evidence in national evaluation literature that continuing care is a critical component for jail based alcohol and drug treatment programs. Because of this evidence, the Work Team strongly recommends that Multnomah County not invest in secure alcohol and drug treatment unless appropriate continuing care is available for persons who complete those programs. A brief review of the literature supporting this conclusion is included in Appendix 2.

### **III. Recommendation**

Based on the literature cited in Appendix 2, we recommend that the most cost-effective expansion of A&D treatment for offenders is to fund both the secure alcohol and drug treatment facility (InterChange) along with the continuing care needed for individuals who successfully complete the program. The work team does not take a position on whether or not to fund 200 versus 300 beds at InterChange; this is primarily a decision of how much funding is available and of fiscal priorities. However, it is clear that there are enough offenders to fill 300 beds at InterChange.

If there are not enough funds for both InterChange at 300 beds and its associated continuing care, it would be best to fund fewer InterChange beds and use the savings generated to fund the required continuing care.

#### **IV. What Is Multnomah County Spending on Alcohol and Drug Treatment?**

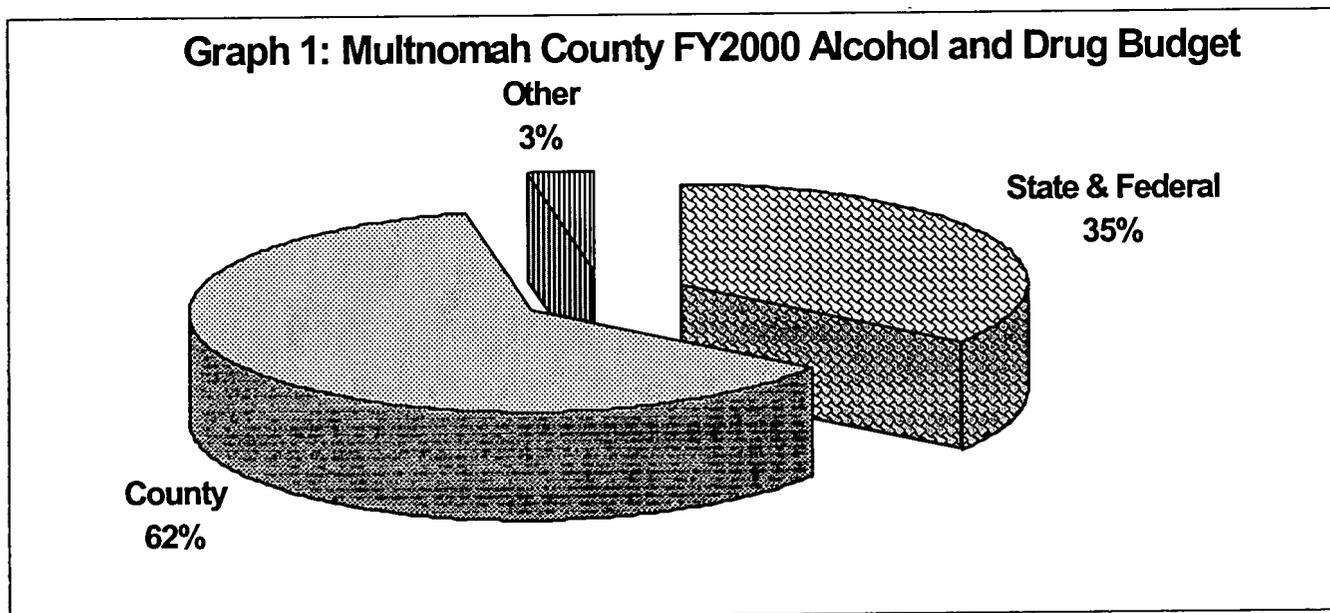
Multnomah County is spending \$25.6 million during FY2000 for alcohol and drug treatment. There may be small amounts of additional funds in other departments, such as Aging and Disability Services, that are used for alcohol and drug services. For the purposes of this study the focus was on the three departments shown in Table 2.

**Table 2**  
**Summary of Multnomah County FY2000 Alcohol and Drug Budget**

<b>Department</b>	<b>Youth Services</b>	<b>Adult Services</b>	<b>Administration/ Operations/ Information Systems/ Other</b>	<b>TOTAL</b>
Community Justice	\$154,424	\$8,910,830	\$613,673	\$9,678,927
Community and Family Services	\$3,387,592	\$9,230,711	\$2,382,225	\$15,000,529
Sheriff's Office	0	\$944,248	-----	\$944,248
<b>Total</b>	<b>\$3,542,016</b>	<b>\$19,085,789</b>	<b>\$2,995,898</b>	<b>25,623,704</b>

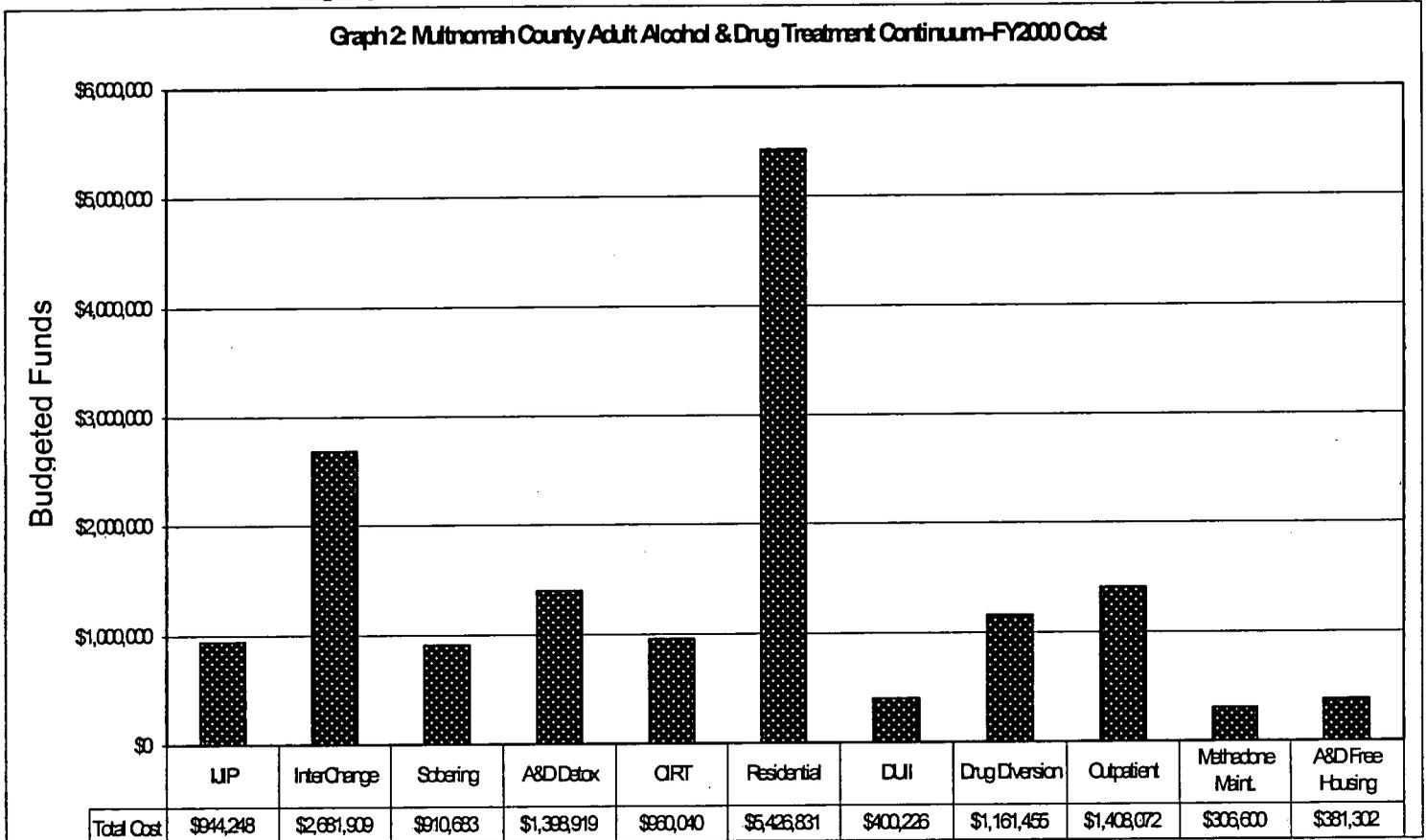
Additional detail showing how these funds are allocated between community contracts and directly operated programs is shown in Appendix 1.

There is a common misconception that most of these funds are supplied from State and Federal sources. This is not true. Overall, the County contributes about \$15.9 million in County funds--62% of the total. This is due in part to the high investment of County funds in the Department of Community Justice and the Sheriff's Office where County funds are 94% of the alcohol and drug budget. However, even in the Department of Community and Family Services, the County contributes 39% of the alcohol and drug budget.



### V. What Does This Investment Buy?

The remainder of this report focuses on the \$19.1 million available for adult services. Most of the treatment services provided by these funds, except for \$1.8 million in centralized assessment and referral, and \$131,300 in prevention activities are displayed in the Graph 2.



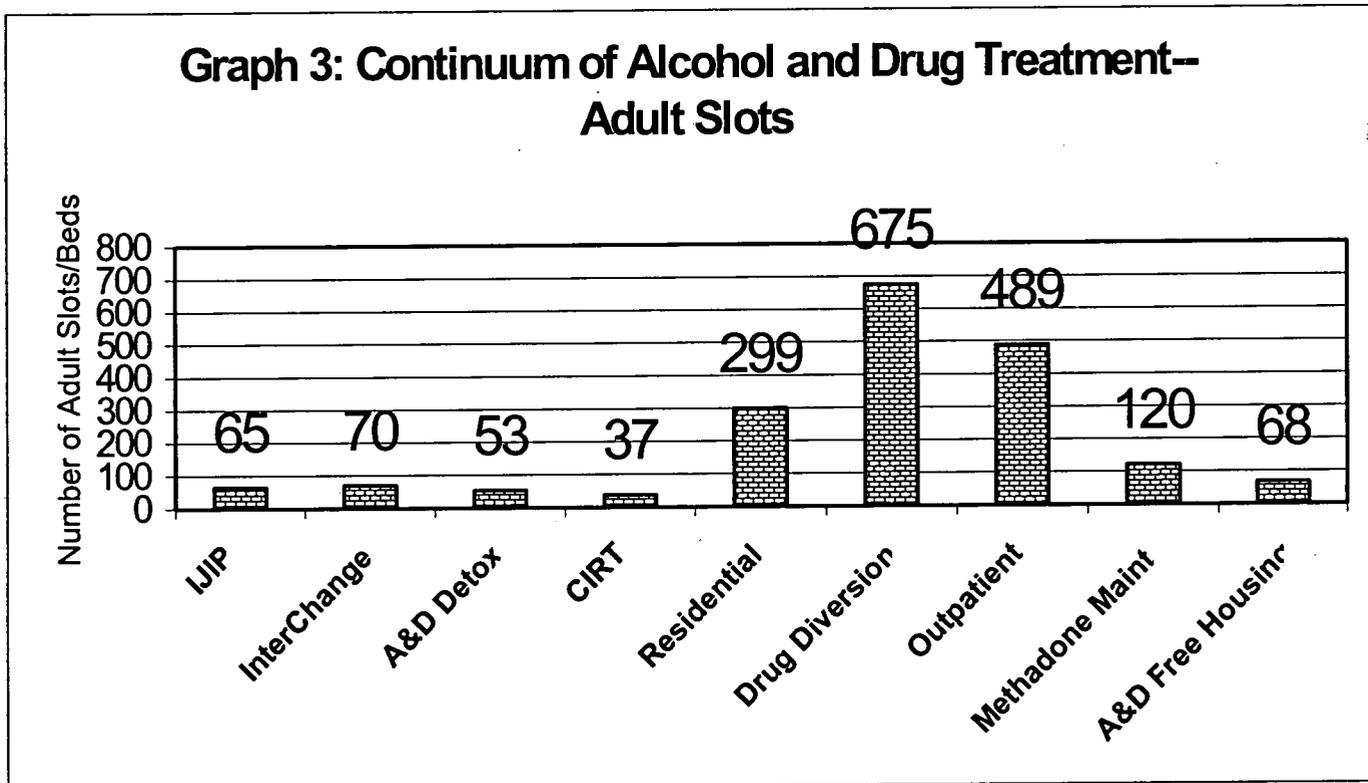
A few explanatory notes are in order.

1. IJIP is the In-Jail Intervention Program at Inverness Jail. It has operated since November 1994. IJIP was evaluated when it was located at the Multnomah County Detention Center and was shown to significantly increase the likelihood that inmates complete residential treatment upon their release from jail.
2. InterChange is the new 70-bed secure alcohol and drug treatment facility that opens in November 1999 at the Washington County jail.
3. The Sobering Station at Hooper is to provide a safe environment for inebriated clients who are no longer aware of person/place/time, or are somewhat combative, until they can be safely released--sometimes in a matter of hours. Clients are brought to the Sobering Station by law enforcement personnel (in lieu of being incarcerated) or by CHIERS. Sobering is not considered an entry point to treatment and recovery. Sobering is considered "public safety".

4. A&D Detox is detoxification services, primarily at Hooper Detox Center. It is considered an entry point to treatment and recovery. The length of stay (LOS) is 5-7 days. It is anticipated that the client will enter the most appropriate treatment (CIRT, Residential, or Outpatient) after detoxification.
5. CIRT is Community Intensive Residential Treatment. It combines residential care with intensive treatment. Average LOS (completers and non-completers) is 45 days for criminal justice referrals and 53 days for self or social services system referrals.
6. Residential treatment offers less extensive treatment than CIRT, therefore, it is cheaper to provide. More funds are spent on residential treatment than on any other treatment modality. It generally has a waiting list for entry. Average LOS is 50 days for criminal justice referrals and 46 days for self or social service system referrals.
7. DUII is treatment for offenders arrested for Driving Under the Influence of Intoxicants. It is an outpatient modality. Drivers are expected to pay for the first 40 hours of DUII treatment, so it is largely self supporting.
8. Drug Diversion is primarily provided by the STOP program at InAct--a community provider. This program has been evaluated and been shown to be cost-effective. Average LOS is more than a year for those who complete (394 days) and about 225 days overall.
9. Outpatient treatment is actually used by more clients than any other treatment modality (See Graph 4--page 8). Less funds are spent on it because it is much cheaper to provide than residential treatment. As a general rule, it is more cost-effective for the County to provide outpatient treatment unless the client is unable to maintain sobriety without being in a residential placement. Average LOS is 103 days for criminal justice referrals and 76 days for self and social service system referrals. This includes a large number who choose to terminate early. The stay for those who complete averages 181 days.
10. Methadone maintenance is of importance due to the growth of opiate use in the community. Opiate abuse now exceeds alcohol abuse as the primary drug of clients entering detoxification. Very few of the referrals to methadone maintenance come through the criminal justice system; most enrollees are self referrals. Average LOS is 543 days.
11. Alcohol and drug free housing is important to maintain sobriety in clients leaving residential treatment who do not have a stable housing arrangement. It is estimated that about 50% of clients who complete InterChange will require alcohol and drug free housing. Central City Concern provides 469

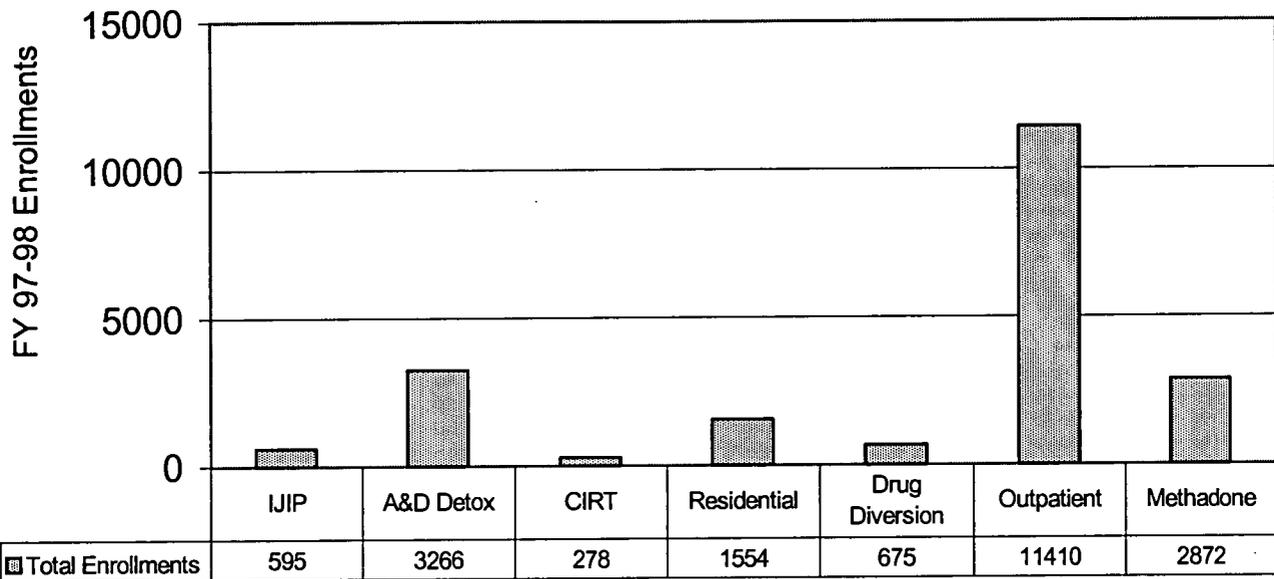
units of alcohol and drug free housing (permanent and transitional). The County provides primary support through contracts for 68 units.

Graph 3 shows the number of slots currently contracted for most of the treatment modalities. It should be remembered that these are the slots for which the county pays; community treatment providers have other slots paid for by other resources. For example, InAct--the provider of STOP drug diversion receives about 15% of its resources from client fees, 50% from Multnomah County, 15% directly from the State Office of Alcohol and Drug Abuse Programs (OADAP), and 20% from federal grants. It is also important to realize that the rates the County pays are offset to some extent by other funding sources available to providers. The exact amount of this "subsidy" to County rates could be calculated from provider financial reports to the County but was not ready at the time of the publication of this document.



Graph 4 shows the number of clients who enrolled in the adult treatment continuum during FY97-98; FY98-99 data is not currently available. The data is primarily from CPMS (Client Process Monitoring System), which is maintained by OADAP. The Volunteers of America (VOA) accepts no State dollars so their clients are not on CPMS. For the purposes of this study, VOA data has been added to the County CPMS files.

**Graph 4: Total Enrollments in the Adult Alcohol and Drug Treatment Continuum**

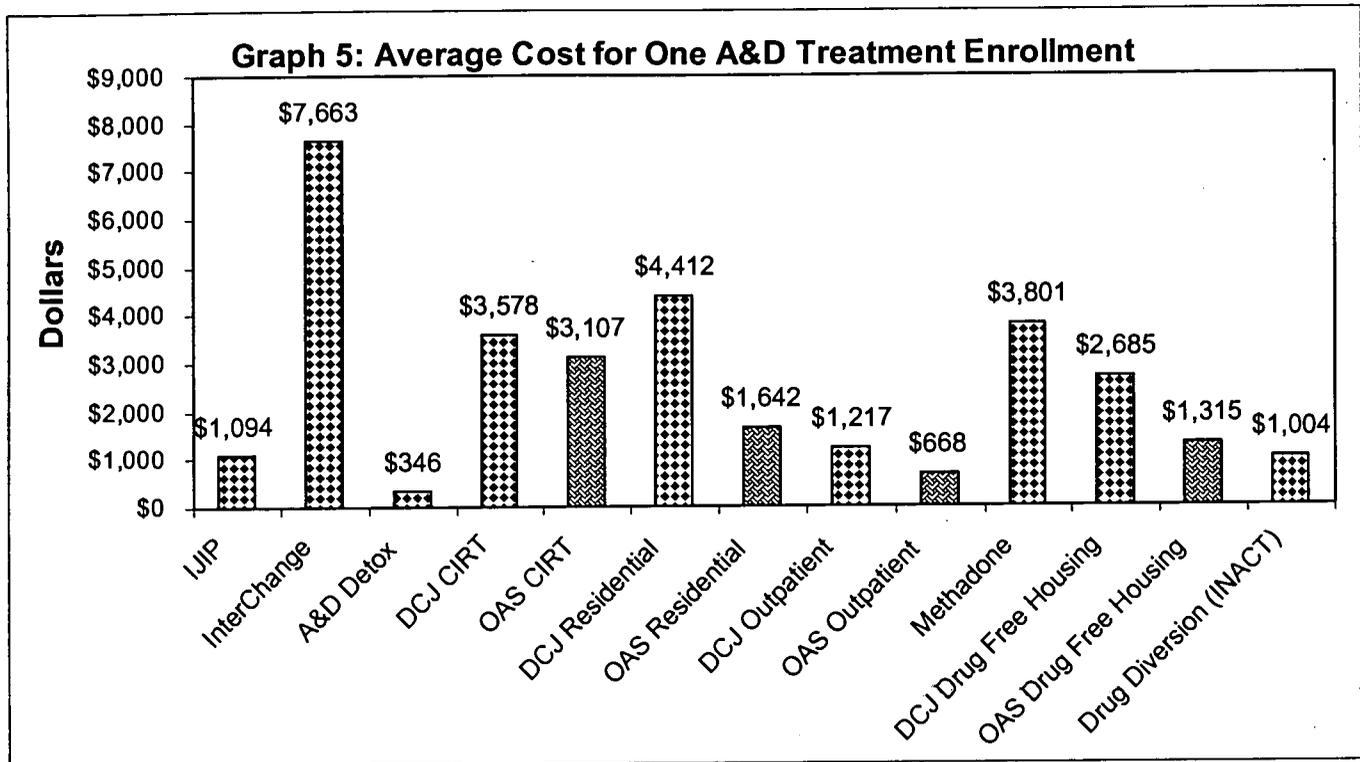


It is important to realize that the County does not pay for all of the clients shown in Graph 4. If a provider accepts any State (OADAP) money, they must enroll all their clients in CPMS.

Graph 4 assumes significance in relation to Graph 2--the display of where County dollars go. Despite the fact that most County dollars support residential care, a relatively small number of clients are served there. Despite their relatively low cost, detoxification, outpatient treatment, and methadone maintenance serve the largest number of clients.

This highlights the data shown on Graph 5--the cost of an enrollment. The cost of an enrollment is a function of two things--the daily rate and the average number of days that a client stays in that facility. It is clear from Graph 5 that InterChange will be the most expensive part of the treatment continuum in terms of cost per enrollment. The length of stay at InterChange is calculated at 73 days<sup>1</sup>, which is an average of those expected to successfully complete and those not expected to successfully complete the program. Successful completers are expected to stay about 120 days; unsuccessful offenders will stay less. Not knowing in advance who will be successful, the average cost to send an offender to InterChange is \$7,663. As with the other modalities, successful completers cost more while persons who drop out early cost less.

<sup>1</sup> 70 beds at InterChange X 365 days/year = 25,550 bed days/year divided by 350 expected enrollments per year.  
 Report of the Alcohol and Drug System Capacity Workteam November 29, 1999



Note: DCJ = Department of Community Justice Contracts. OAS = Office of Addictions Services, Department of Community and Family Services

Graph 5 also highlights the difference in rates paid by the Office of Addictions Services versus Department of Community Justice (DCJ). OAS rates are determined in large part by the State Office of Alcohol and Drug Abuse Programs (OADAP). As most of the DCJ money is from the County, rates can be set that are more realistic in terms of actual costs to providers and for the types of services that the County desires for a correctional population.

## **VI. The Impact of InterChange on the Community Treatment Continuum**

The Board asked the A&D System Capacity Workteam to estimate the impact of the opening of InterChange on the above treatment continuum. To do so required a number of assumptions:

1. No one who completes InterChange will require community residential treatment. InterChange is the residential component. Half of the persons entering InterChange will be persons who would not have entered community residential treatment; their need for alcohol and drug treatment would not have been met. The continuing care that InterChange completers require will add to the number of persons being served in the community. The other half of the people entering InterChange would probably have been referred to community

residential treatment but will be referred to InterChange instead. By diverting these persons to InterChange there will actually be a net reduction in the number of persons trying to enter community residential treatment.

The Workteam did a survey of community residential treatment providers to see what proportion of their clients were currently involved with the criminal justice system. The results showed that 100% of the beds of Department of Community Justice residential providers were filled with criminal justice system clients. The surprise is that 56% of Office of Addictions Services (OAS) residential provider beds were also filled with criminal justice clients. Overall, 73.6% of all community residential beds were filled with criminal justice clients. It is clear that the Board has a valid concern with criminal justice clients displacing other types of clients from community residential treatment.

Initial calculations by OAS are that the existing waiting list for community residential care may be greatly reduced or eliminated once InterChange opens. If this holds true, then the opening of InterChange will have a positive impact on the community residential system.

2. All persons who successfully complete InterChange will require continuing care coordination and alcohol and drug outpatient treatment. The InterChange program has an \$80,000 contract to pay for some of this care coordination. The Department of Community Justice Day Reporting Center and probation/parole officers can provide some additional supervision and services coordination. It is expected that the Oregon Health Plan (OHP) and/or fees paid by clients will pay for a base level of outpatient alcohol and drug treatment for the 76% of InterChange completers who are expected to be OHP eligible. Additional County funds need to be provided for the 24% of InterChange completers who are not OHP eligible. An additional outpatient treatment/care coordination allowance is needed for the 28% of InterChange completers who are expected to have serious mental health problems. The 28% figure is based on the profile of offenders applying to the IJIP program.
3. The major impact of InterChange upon the community treatment system will be from the estimated 50% of clients who need transitional alcohol and drug free housing. The Department of Community Justice has an advisory committee of alcohol and drug providers who reviewed this and other assumptions made in calculating the impact of InterChange. The providers estimated that up to 80% of InterChange completers would require alcohol and drug free housing, however, it is not at all clear what percentage of InterChange completers would accept the restrictions associated with such housing; 50% is a conservative estimate of need for alcohol and drug free housing.

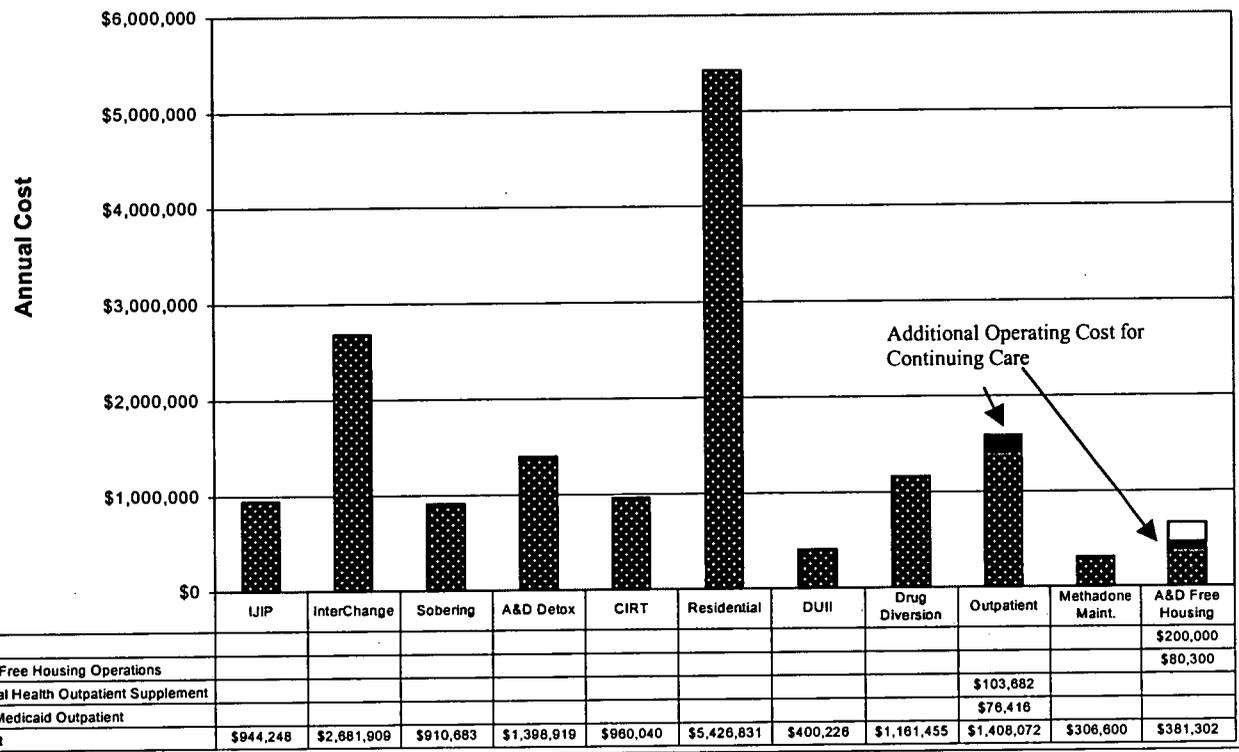
Appendix 3 shows the detail of how these assumptions were used to calculate the figures shown in Table 1 (page 3 of this report). Despite the Board's desire for a data-based decision, it is clear that a long trail of assumptions is needed to estimate the impact of InterChange. There was considerable disagreement within the Workteam and between the Workteam and alcohol and drug providers over what level of continuing care might be needed by InterChange completers. National research shows that such continuing care is critical, but does not say exactly what that level of care should be.

The Workteam can demonstrate that there are continuing care needs for InterChange completers that are not part of the current budget. Failure to provide for these needs most likely means that the investment in InterChange--the most expensive treatment modality in the adult alcohol and drug treatment continuum--might be wasted on many offenders. It is also clear that future expansions of InterChange at the Rivergate site will require a substantial investment in continuing care.

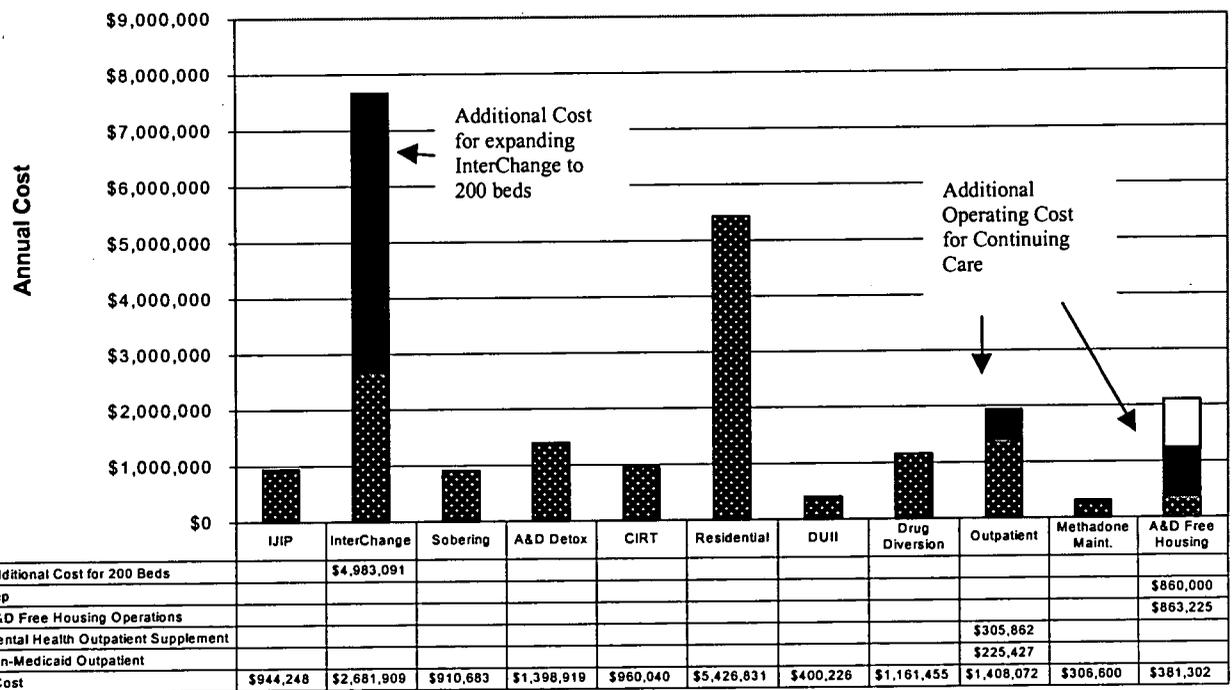
The estimates for the cost of continuing care given in this report should be considered a placeholder. They are sufficient to allow the Board to decide if it is feasible within the proposed public safety levy limit to fund InterChange, and its required continuing care. By the time the actual levy is constructed in early 2000, graduates will be leaving InterChange. At that time there will be firmer data on the percentage of completers who need mental health care and alcohol and drug free housing. There will be sufficient time to explore various transition housing models and their costs. Based on this work, the estimates of InterChange continuing care costs can and should be adjusted.

The following graphs demonstrate the impact of InterChange at 70, 200, and 300 beds given current assumptions. All costs are annual operational costs, with the exception of the white layer on alcohol and drug free housing that shows first year start up costs. The graphs demonstrate that as InterChange is scaled up from 70 to 200 and 300 beds that the **most** significant impact on the adult treatment continuum is not via increased continuing care needs but in shifting the balance in the continuum from an array of services to heavier reliance on secure alcohol and drug treatment--the most expensive cost per enrollment modality in the treatment system.

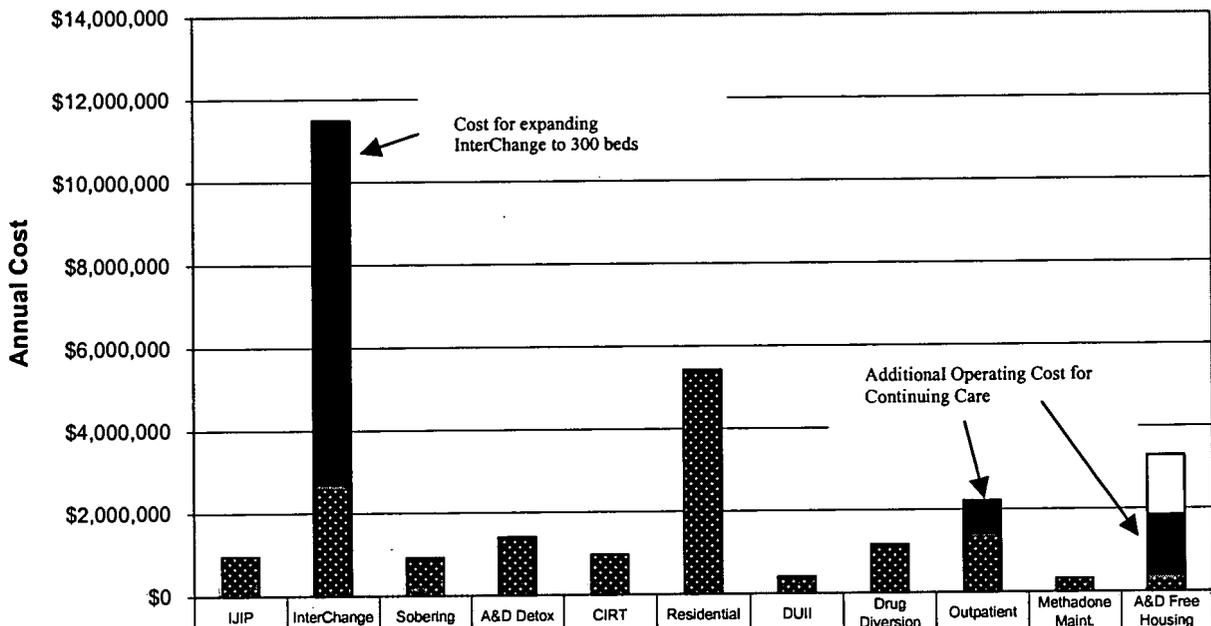
**Graph 6: Impact of InterChange at 70-Beds on the Adult Community Treatment Continuum**



**Graph 7: Impact of InterChange at 200-Beds on the Adult Community Treatment Continuum**



**Graph 8: Impact of InterChange at 300 Beds on the Adult Community Treatment Continuum**

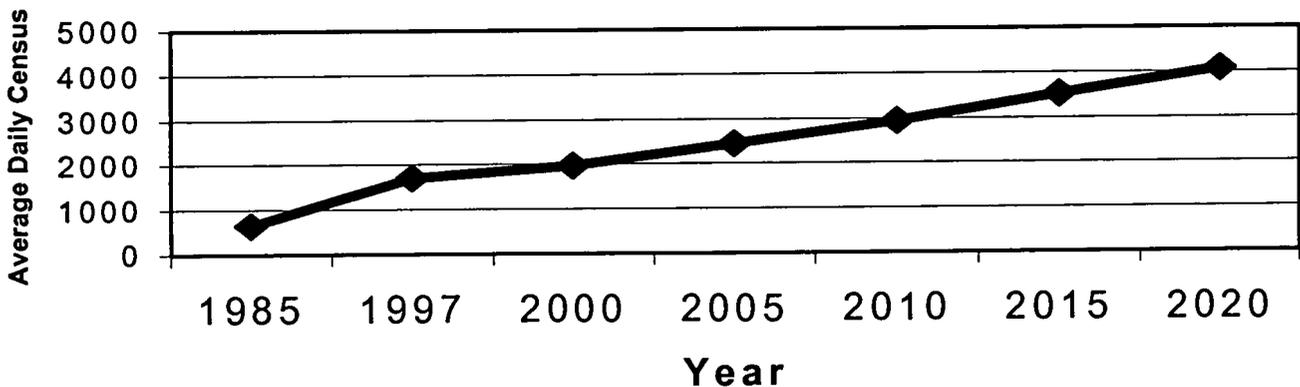


	IJIP	InterChange	Sobering	A&D Detox	CIRT	Residential	DUII	Drug Diversion	Outpatient	Methadone Maint	A&D Free Housing
InterChange Additional Cost for 200 Beds		\$8,815,591									
Housing Start-up											\$1,450,000
InterChange A&D Free Housing Operations											\$1,455,438
InterChange Mental Health Outpatient Supplement									\$458,793		
InterChange non-Medicaid Outpatient								\$338,141			
FY2000 Base Cost	\$944,248	\$2,681,909	\$810,683	\$1,398,919	\$960,040	\$5,426,831	\$400,226	\$1,161,455	\$1,408,072	\$306,600	\$381,302

**VII. Is Heavy Investment in InterChange a Good Idea?**

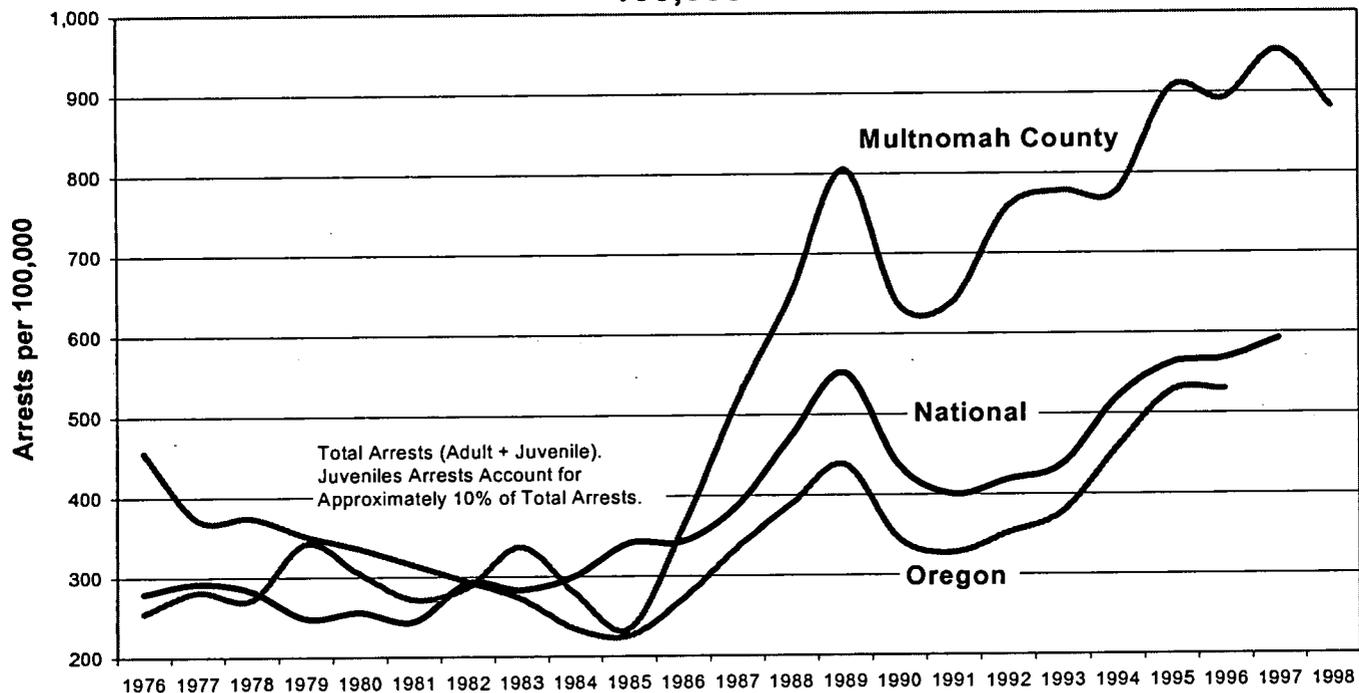
The daily cost of care at InterChange--\$105 per day--is about the same as the cost of keeping an inmate in jail for a day. Graph 9 shows the current projection of jail space needs by the Multnomah County Sheriff's Office.

**Graph 9: Actual and Projected Jail Beds Multnomah County Sheriff's Office**



Although there are risks in extending any trend line into the future, it is probable that in the short run there will be a need for the additional beds at the Rivergate site--either as jail beds or as InterChange treatment beds. Although the headlines are full of declining crime rates, this is of serious "index crimes". Primary drug arrests in Multnomah County remain at high levels, as shown in Graph 10.

**Graph 10: National, State, & Local Primary Drug Arrests per 100,000**



Primary drug arrests refers to the most serious charge for which an offender is charged. Arrests are standardized per 100,000 persons.  
Source: LEADS & Uniform Crime Report

The InterChange program offers an opportunity to spend the same amount of money that the County will probably spend anyway, at about the same daily rate, in a way that has been demonstrated in national research to reduce future recidivism. Whether the impact on recidivism will be enough to forestall future growth in local jail bed needs remains to be seen. It is clear that the cost-effectiveness of the InterChange program needs to be followed closely.

Despite the obvious need for alcohol and drug treatment in the offender population, the question remains whether the large potential investment in InterChange is balanced in relation to the rest of the adult alcohol and drug treatment continuum. National research clearly demonstrates that secure alcohol and drug treatment is compromised unless adequate continuing care is available. Graphs 6, 7, and 8 demonstrate clearly that relative to the investment in InterChange, the investment in continuing care is small. Whether the estimated investment in continuing care is

adequate to maintain the treatment gains at InterChange needs to be tracked by several years of local evaluation.

It will take several years to construct the Rivergate facility. By the time the Rivergate facility is open, its beds will be needed--as jail beds or as secure alcohol and drug treatment beds. By then we will have a better idea of whether our estimates for continuing care are adequate. If they are not, the levy should be constructed with enough flexibility to allow a shift from operating 300 InterChange beds to 200 beds with adequate continuing care.

## Appendix 1

### Additional Detail of Multnomah County FY2000 Alcohol and Drug Budget

Department	Community Contracts	Directly Operated Programs	Miscellaneous	Administration, Operations, Info Systems, Personnel, Materials and Supplies, etc.	<b>TOTAL</b>
<b>DCJ</b>	\$6,228,921-- adults \$154,424--youth	\$2,681,909 (InterChange)		\$613,673	\$9,678,927
<i>DCFS- adults</i>	<i>\$7,350,470 (excludes \$803,477 for gambling treatment)</i>	<i>\$1,880,241 (Central Intake; DUII assessment &amp; tracking)</i>			<i>\$9,230,711</i>
<i>DCFS- youth</i>	<i>\$1,845,840</i>	<i>\$1,541,752 (Touchstone)</i>			<i>\$3,387,592</i>
<b>DCFS-- Total</b>	<b>\$9,196,310</b>	<b>\$3,421,993</b>	<b>\$379,137 (Regional Drug Initiative)</b>	<b>\$2,003,088</b>	<b>\$15,000,529 excludes \$803,477 for gambling treatment</b>
<b>MCSO</b>		<b>\$944,248 (IJP)</b>			<b>\$944,248</b>
<b>TOTAL</b>	<b>\$15,579,655</b>	<b>\$7,048,150</b>	<b>\$379,137</b>	<b>\$2,616,761</b>	<b>\$25,623,703</b>
<b>Percent of Total</b>	<b>61%</b>	<b>28%</b>	<b>1%</b>	<b>10%</b>	<b>100%</b>

For Community Justice, the amount available is taken directly from program pages in the printed budget with a small addition for youth contracts that are not shown separately in the budget. For the Sheriff's Office, the total shown here comes directly from the budget. For both of the above departments, reconciliation to the budget is an easy task.

The Department of Community and Family Services (DCFS) presents more of a challenge as it receives a considerable number of dollars in state funds for both mental health and addictions treatment, including administration funds. Not all of these state funds show clearly under mental health or alcohol and drug programs in the DCFS budget. Approximately \$2.0 million of state funds are shown under administration in other parts of the DCFS budget. In order to fully account for state funds made available to the County the administrative dollars must be counted. The total funding shown for alcohol and drug treatment in this report includes an allocated portion of state administrative funds that have been allocated to alcohol and drug.

## Appendix 2

### A BRIEF REIVEW OF SECURE ALCOHOL AND DRUG TREATMENT EVALUATION FINDINGS

#### Effectiveness of Aftercare

**Community-based drug treatment after release from a secure alcohol and drug treatment program reduces rearrest rates. This finding holds true for male and females adult inmates as well as incarcerated juveniles.**

- In an outcome evaluation of a jail-based drug treatment program in Cook County, Illinois, male respondents who were *not* placed in a community drug treatment program following release from jail were *twice as likely to be rearrested* compared to those program participants who did enter such a program (Swartz and Lurigio 1999; Swartz, Lurigio, and Slomka 1996).
- Juveniles who complete a community drug treatment program following secure alcohol and drug treatment have fewer arrests and fewer felony arrests than juveniles who did not receive these services (Altschuler, Armstrong, and MacKenzie 1999; Sontheimer and Goodstein 1993).
- Researchers evaluating the Amity Program in the Pima County, Arizona, jail found that women completing aftercare following the program had rearrest rates *twenty-one percent lower* than women who did not receive community aftercare services. Programs in Delaware and California found even greater reductions among aftercare completers of 23 percent and 26 percent, respectively (Office of National Drug Control Policy 1996).

**Reductions in recidivism are maximized by combining 90 to 150 days of jail-based drug treatment with community drug treatment upon release from jail.**

- Half of the offender clients who participated in the aforementioned Cook County program for thirty days or less had been rearrested within *four months* of their release from jail.
- In contrast, half of the offender clients who had participated in that same jail-based program for 90 to 150 days followed by community drug treatment had been rearrested approximately *20 months* after release - a difference of 1.5 years between the two groups (Swartz and Lurigio 1999; Swartz, Lurigio, and Slomka 1996).
- While there is growing consensus that community aftercare enhances the positive effects of jail-based drug treatment (Inciardi 1996; Lipton 1996) the

recommended length of stay in aftercare varies from six months (Lipton 1998) to eighteen months (Inciardi, Martin, Butzin, Hooper, and Harrison 1997).

**Continuity of programming goals and activities between jail-based drug treatment and community-based drug treatment is critical to participants' aftercare completion.**

- Evidence suggests that the more favorably inmates view the secure alcohol and drug program and the greater the similarity between the goals and activities of the community-based aftercare program and the secure program, the higher the completion rate of aftercare upon release from jail (Lipton 1998).

**The Cost-Effectiveness of Aftercare**

- Aftercare services can reduce the cost of incarcerating an individual by reducing the likelihood of rearrest and subsequent reincarceration (Swartz and Lurigio 1999; Office of National Drug Control Policy 1996; Swartz, Lurigio, and Slomka 1996).
- For example, a 1992 study found that the cost of treating 150,000 drug users in California was \$209 million. Approximately \$1.5 billion was saved while these same individuals were in treatment and *in the first year after their treatment*. Most of these savings were from reductions for the incarceration of drug-related crimes (CALDATA 1994).
- Furthermore, aftercare services can reduce the cost of long-term drug-related health illnesses by reducing the frequency and intensity of drug use by an individual over the course of his or her lifetime (CALDATA 1994; Langenbucher 1994).

**What exactly constitutes aftercare?**

- Aftercare itself constitutes a blend of surveillance and treatment services. The typical aftercare package includes drug and alcohol testing (e.g., urinalysis), maintaining contact with a parole/probation officer, and continued participation in drug treatment (Altschuler, Armstrong, and MacKenzie 1999.) Drug treatment can take place in either residential or outpatient settings, depending on the discretion of the judge and/or the inmate's plea at the time of sentencing (e.g., agreeing to community treatment for a lesser sentence.) There is not consensus in the literature at this time as to the specific types of aftercare needed by various types of offenders.

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- Langenbucher, James. 1994. "Offsets are not Add-Ons: The Place of Addictions Treatment in Health Care Reform." *Journal of Substance Abuse* 6:117-122.
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- Office of National Drug Control Policy. 1996. *National Drug Control Strategy: Strengthening Communities Response to Drugs and Crime*. Washington, D.C.: United States Government Printing Office. [see also <http://www.ncjrs.org>]
- Sontheimer, H., and Goodstein, L. 1993. "Evaluation of juvenile intensive aftercare probation: Aftercare versus system response effects." *Justice Quarterly* 10(2):197-227.
- Swartz, James A., Arthur J. Lurigio, and Scott A. Slomka. 1996. "The Impact of IMPACT: An Assessment of the Effectiveness of a Jail-Based Treatment Program." *Crime & Delinquency* 42(4):553-573.
- Swartz, James A. and Arthur J. Lurigio. 1999. "Final Thoughts on IMPACT: A Federally Funded, Jail-Based, Drug-User Treatment Program." *Substance Use & Misuse*, 34(6):887-906.

## Appendix 3: Estimated Impact of InterChange Upon Multnomah County Alcohol and Drug Treatment Continuum

What % of IC Completers do you think will need mental health continuing care?  
 What % of IC Completers do you think will need A&D housing for 6 months?  
 The InterChange Calculator has now estimated the cost of continuing care.

28%	(enter a whole number)
50%	(enter a whole number)

	70	200	300
<b>InterChange</b>			
Intake	350	985	1480
Completions	200	590	885

*InterChange Bed Capacity*

Assume that approximately 60% of referrals will successfully complete.

**Post InterChange Treatment Need Assumptions**

- 1) Among persons requesting admission to IJIP, 28% have a major mental health problem. Provider input is that InterChange should estimate a higher percentage.
- 2) Seventy-six percent of non-DUII and non-Drug Court Criminal Justice Clients are eligible for the Oregon Health Plan (OHP), based on their reported income. (CPMS data)
- 3) Assume that 1/2 of IC enrollments would have gone to community treatment before InterChange.
- 4) Assume that 1/2 of IC enrollments are new persons being served and will add to community treatment need.

**The Impact of InterChange (IC) on the Community Treatment Continuum**

<b>Impact of IC on Community Residential Treatment</b>	-175	-493	-740
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Reduced enrollments in community residential TX due to use of IC instead of community residential.  
 Assume 1/2 of IC enrollments would have gone to community residential but will use IC instead.  
 Assume no savings. Reduced IC need will be offset by IJIP completers and residential wait list.

**Outpatient A&D treatment needs for IC completers:**

All IC completers will need outpatient treatment that includes case management.  
 Case management is not part of currently funded outpatient A&D treatment  
 Case management for IC completers will in part be provided by DCJ's Day Reporting Center.  
 and \$80,000 for case management/transition services in the IC budget.  
 Assume that the OHP will pay for outpatient treatment A&D treatment for 76% of IC completers.  
 Add an allowance for the 24% of IC completers who are non-Medicaid eligible.

**Outpatient Allowance for Non-Medicaid eligible completers:**

Number of non-Medicaid eligible completers:	48	142	212
Number of non-Medicaid outpatient slots:	24	71	106
Cost of non-Medicaid outpatient slots: \$3,184/slot/yr	\$76,416	\$225,427	\$338,141

**A&D Free/Transitional Housing enrollments by IC completers**

Housing is in scarce supply. All IC completers need new slots  
 Estimate that \_\_\_% of completers will need A&D free/transitional housing for average of 1/2 year each  
 #completers X % needing housing/ 2 completers/year/slot = # slots needed

<b>MCRC Transition Beds Available</b>	40	40	40
A&D Free Housing	10	107.5	181.25
Total Slots	50	147.5	221.25
<b>A&amp;D Free Housing Cost</b>			
at \$22/day X 30 beds X 365 days/year	\$80,300	\$863,225	\$1,455,438
<b>Cost of A/D Transitional Housing Startup</b>	\$200,000	\$860,000	\$1,450,000

**Mental Health slots needed by IC completers**

Estimated at ___% of completers			
# OHP Covered clients @ 76% are eligible	43	126	188
#Non-OHP covered @ 24%	13.44	40	59
# completers requiring mental health care	56	165.2	248
<b>Cost of MH enhancement to outpatient services*</b>			
OHP estimated @\$100/month	\$55,271	\$163,051	\$244,576
Non-OHP estimated @ 300/month	\$48,411	\$142,811	\$214,217

<b>TOTAL \$ IMPACT ON COMMUNITY TREATMENT</b>	<b>\$460,398</b>	<b>\$2,254,514</b>	<b>\$3,702,371</b>
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\*Mental Health formula for cost figures:

Current MH cost is \$393/month, of which 200 is covered by OHP; \$193 by DCJ.  
 The acuity of InterChange completers will be less, so \$300 per month is a reasonable rate.  
 Use \$300 per month for non-OHP covered; \$100/month DCJ cost for OHP covered (\$200 OHP + \$100 DCJ)  
 Formula = # needing care X # slots needed X monthly cost X number of months per slot  
 Revision 1 extends the length of outpatient treatment from 180 days post discharge to 245 days

## **TRANSITIONAL HOUSING OPTIONS**

### **Possible Target Populations**

- ◆ Offenders transitioning from community residential, in-prison, or secure A&D treatment programs
- ◆ Special needs offenders (chronically mentally ill, developmentally disabled, including sex offenders who are mentally ill or developmentally disabled) who need stable, more permanent housing (estimated need is 30-40 beds)

### **Examples of Program Elements**

- ◆ Relapse prevention skills group
- ◆ Job readiness skills group
- ◆ Daily recovery support group
- ◆ Individual case planning
- ◆ Case management including tracking referrals to outpatient treatment, making referrals to needed services, planning for permanent housing
- ◆ Random urinalysis
- ◆ Work release
- ◆ Medication management

### **Options and Costs**

#### ***The county builds and operates transitional housing.***

##### Pros:

The county has control over design and operations and can be sure that its needs for this type of service are met.

##### Cons:

The county has not built housing in the past; this has not been a responsibility of the county.

The county will have a difficult, if not impossible, time siting housing for an offender population.

Costs are higher for the county to operate the housing compared to a contractor.

Budget Estimates:

Construction costs	\$\$\$\$\$
Monitored transitional housing	\$25/day (40 beds) \$18/day (80 beds)
Monitored transitional housing with case management	\$35/day (40 beds)
Monitored transitional housing with case management, includes food	\$45/day (40 beds)

***The county builds housing and contracts out the operation.***

Pros:

The county has control over design and operations and can be sure that its needs for this type of service are met.

Operational costs are lower if the county contracts for operations vs. operating the service in-house.

Cons:

The county has not built housing in the past; this has not been a responsibility of the county.

The county will have a difficult, if not impossible, time siting housing for an offender population.

Budget Estimates:

Construction costs	\$\$\$\$\$
Monitored transitional housing	\$25/day (40 beds) \$18/day (80 beds)
Monitored transitional housing with case management	\$35/day (40 beds)
Monitored transitional housing with case management, includes food	\$45/day (40 beds)

***The county assists a community social service agency in securing capitol to build a facility and contracts for the operation of that facility.***

Pros:

May not be any actual capitol costs--for example, a housing agency may be able to raise capitol if they have a guarantee from the county of operational funding over an extended period of time (beyond 5 years). This will require a change in county contracting and purchasing procedures.

County would not need to site the facility

Operational costs are often lower if the county contracts for operations vs. operating the service in-house

Consistent with previous county practice not to build housing

Cons:

The county has little control over design and reduced control over operations

Siting a service for an offender population will be difficult

Budget Estimates:

Monitored transitional housing	\$18/day (40 beds)
Monitored transitional housing with case management	\$25/day (40 beds)
Monitored transitional housing with case management, includes food	\$35/day (40 beds)

***The county offers transitional housing services through a series of adult foster homes with no more than 5 offenders living in any one home.***

Pros:

No siting process is needed

This is a good option for the group of special needs offenders needing more permanent but monitored housing.

Smaller groups of special needs offenders may be easier to manage than larger living units.

Cons:

Foster care providers must be located; this may prove difficult

County would need to establish an administrative function to recruit, train, monitor, license, and support the foster care providers

The large number of individual homes would be needed to meet the entire housing need using this method

Administration of such a system would be complex

Budget Estimates:

Administrative costs (includes licensing, training, and support)

1 Corrections counselor  
(\$46,000) per 10 homes  
1 Office assistant (\$34,000)  
per 30 homes

Support to foster home provider  
(based on current state rates)

\$35 to \$55 per day  
per client

***The county facilitates establishing of Oxford Houses. Oxford Houses are private alcohol and drug free homes that house individuals committed to recovery.***

Pros:

Provide a supportive alcohol/drug free environment for offenders in recovery

Support self-sufficiency

Monthly rent payments are reasonable and the offender will begin to pay own rent shortly after transitioning to the home

Siting is not an issue because these are private homes

Cons:

Acceptance into the home depends on approval by the residents rather than placement by an agency; offenders with an assaultive or violent history may be unacceptable

Lack of on-site staff may make this a poor option for offenders who are not actively involved in a recovery process

The level of county involvement and financial support would need to be carefully studied.

Budget:

Administrative costs

Corrections counselor  
(\$46,000) per 10 homes

Assistance with first month  
rent and deposits

\$500 per offender  
(\$16 per day, first month)

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 99-234**

Recognition of County Employees and Partners for Receiving the 1999 Oregon Quality Award  
for Performance Excellence

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

- a. Multnomah County initiated the RESULTS program in 1994 to strengthen accountability and productivity through continuous quality improvement in all areas of County service.
- b. The Oregon Quality Award is based on the national Malcolm Baldrige Award, and is a rigorous assessment of organizational excellence for private and public sectors in the State of Oregon.
- c. The County recently completed an extensive assessment of its services using the Oregon Quality Award criteria.
- d. The County has received notice that it has demonstrated its commitment to performance excellence and achievements in improving services.
- e. The County will receive the distinguished Oregon Quality Award for 1999, and will be publicly honored on December 15 at a Ceremony.
- f. The Oregon Quality Award marks a significant milestone in implementation of the RESULTS initiative, and affirms the County's progress in achieving the RESULTS vision of excellence customer service, good value for tax dollars and providing an excellent place to work.

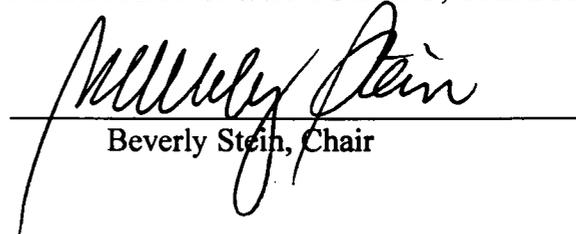
**The Multnomah County Board of Commissioners Proclaims:**

Recognition of County employees and partners for their commitment to providing excellent services to the community, as evidenced by the County's receipt of the Oregon Quality Award.

Adopted this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

**BOGSTAD Deborah L**

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**From:** CHAIR Mult  
**Sent:** Wednesday, December 01, 1999 2:19 PM  
**To:** #ALL A&T USERS; #ALL CCFC USERS; #ALL DA LAN; #ALL DCFS USERS; #ALL DCJ EMPLOYEES; #ALL DES USERS; #ALL FORD USERS; #ALL HEALTH DEPT; #ALL ISD KELLY BUILDING; #ALL LIB ADMIN USERS; #ALL LIBRARY USERS; #ALL LPSCC USERS; #All MCSO; #ALL MCSO HASSALO USERS; #ALL PAO USERS; #ALL PDXLAN USERS; #ALL TCOM USERS; #ALL TSCC USERS  
**Subject:** Congratulations!

To: All County Employees (please post for those without email access)

From: Chair Beverly Stein

RE: Multnomah County Wins Oregon Quality Award

  
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# YOU ARE

## the winner!

I told you we were good!  
And **YOU** made it happen.  
We won the 1999  
Oregon Quality Award.



**Reaching Excellent Service Using Leadership and Team Strategies**

You are the Winner  
I told you we were good!  
And you made it happen.  
We won the 1999  
Oregon Quality Award

For the news release and additional information please visit <http://www.multnomah.lib.or.us/cc/bev/>



# ANNOTATED MINUTES

Tuesday, November 16, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## SPECIAL BOARD MEETING

*Chair Beverly Stein convened the meeting at 9:33 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.*

### CONSENT CALENDAR

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

### SHERIFF'S OFFICE

- C-1 Budget Modification MCSO 01 Approving Reclassification of an Enforcement Sergeant Position to an Enforcement Lieutenant Position to Match the Duties of the Position as Assigned
- C-2 Dispenser Class A Liquor License Renewal for MULTNOMAH FALLS LODGE, 515 Scenic Highway and Columbia Gorge, Bridal Veil
- C-3 Package Store Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 East Crown Point Highway, Troutdale
- C-4 Package Store Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-5 Package Store Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-6 Package Store Liquor License Renewal for ROCKY POINT MARINA, 23586 NW St Helens Highway, Portland
- C-7 Package Store With Pumps Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 East Historic Columbia River Highway, Corbett

- C-8 Package Store With Pumps Liquor License Renewal for TENLY'S JACKPOT FOOD MART, 28210 SE Orient Drive, Gresham
- C-9 Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 East Crown Point Highway, Troutdale
- C-10 Retail Malt Beverage Liquor License Renewal for BOTTOMS UP!, 16900 NW St Helens Road, Portland
- C-11 Retail Malt Beverage Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham
- C-12 Retail Malt Beverage Liquor License Renewal for SPRINGDALE TAVERN, 32302 East Crown Point Highway, Corbett
- C-13 Retail Malt Beverage Liquor License Renewal for WILD WOOD GOLF COURSE, 21881 NW St Helens Road, Portland

**DEPARTMENT OF SUPPORT SERVICES**

- C-14 RESOLUTION Authorizing Advance Distribution of Funds from the Multnomah County General Fund to Property Taxing Districts as Allowed Under ORS 311.392

***RESOLUTION 99-222.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-15 FINAL ORDER Affirming the Hearings Officer Decision to Deny HV 16-98 and WRG 6-98

***ORDER 99-223.***

- C-16 RESOLUTION Authorizing Execution of Deed D001693 Upon Complete Performance of a Contract with Al Bunnell

***RESOLUTION 99-224.***

**DEPARTMENT OF HEALTH**

- C-17 Budget Modification HD 2 Adding 2.3 FTE and \$107,830 State of Oregon Health Division School Based Clinic Grant Funds to the School Based Clinic Budget

C-18 Budget Modification HD 6 Approving Increases and Decreases in Job Class in Field Services, HIV Services, and the Safenet Budget to Conform with Current Operational Needs

**REGULAR AGENDA**

**PUBLIC COMMENT**

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

***ROGER TROEN SUBMITTED QUESTIONS FOR ANIMAL CONTROL TASKFORCE.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

R-2 Intergovernmental Agreement 0010837 with the Oregon Department of Transportation for Three Phases of Broadway Bridge Rehabilitation Projects Relating to Mechanical Repairs to the Drawbridge, Bridge Street Lighting and Broadway Ramp Sidewalks

***COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-2. IAN CANNON EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

R-3 RESOLUTION Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102nd and E. Burnside Site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process

***COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. HELEN SMITH EXPLANATION AND COMMENTS IN SUPPORT. CITY COMMISSIONER DAN SALTZMAN TESTIMONY IN SUPPORT. COMMISSIONER LINN COMMENTS IN SUPPORT AND REQUESTED THAT STAFF CONTACT HAZELWOOD NEIGHBORHOOD ASSOCIATION AND INVITE THEM TO BECOME INVOLVED IN PUBLIC SITING PROCESS. COMMISSIONER***

**NAITO COMMENTS IN SUPPORT OF CO-LOCATION, SHARED FINANCING AND IN APPRECIATION FOR WORK OF ADVISORY COMMITTEE, STAFF AND ELECTED OFFICIALS. COMMISSIONER KELLEY THANKED COLLEAGUES INVOLVED IN PROJECT THESE LAST TEN YEARS AND REPORTED ON HAZELWOOD NEIGHBORHOOD ASSOCIATION MEETING SHE ATTENDED LAST NIGHT, ADVISING NO ONE HAD CONCERNS WITH A CHILD RECEIVING CENTER, THEY JUST WANTED TO BECOME INVOLVED IN THE SITING PROCESS. COMMISSIONER CRUZ THANKED EVERYONE INVOLVED AND ADVISED SHE CANNOT SUPPORT RESOLUTION BECAUSE SHE FEELS IT IS TOO EXPENSIVE AND THAT THE SIGHT MAY BE MORE APPROPRIATE FOR AFFORDABLE HOUSING BECAUSE OF ITS PROXIMITY TO THE TRANSIT MALL. CHAIR STEIN COMMENTS IN APPRECIATION AND IN SUPPORT OF SHARED FINANCING. RESOLUTION 99-225 APPROVED, WITH COMMISSIONERS KELLEY, LINN, NAITO AND STEIN VOTING AYE, AND COMMISSIONER CRUZ VOTING NO.**

**R-4 RESOLUTION Opposing Multilateral Agreement on Investment Provisions that Unfairly Restrict Local Control**

**COMMISSIONER LINN MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-4. JOHN RAKOWITZ EXPLANATION. PER FAGERENG, ROLF SKAR, ELMER LAULAINEN, PETER PARKS, NANCY HAQUE, BILL BRADLEY, CHRIS FERLAZZO, JOE SCHNEIDER, JOHN MARKS, STUART FISHMAN AND CHRIS FROST TESTIMONY IN SUPPORT OF RESOLUTION. CHAIR STEIN, COMMISSIONERS LINN, CRUZ, NAITO AND KELLEY COMMENTS IN SUPPORT. RESOLUTION 99-226 UNANIMOUSLY APPROVED.**

**DEPARTMENT OF SUPPORT SERVICES**

R-5 RESOLUTION Adopting a 1999-00 Supplemental Budget for Multnomah County and Making Appropriations Thereunder, Pursuant to ORS 294.435

**COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. CAROL FORD EXPLANATION. RESOLUTION 99-227 UNANIMOUSLY APPROVED.**

*There being no further business, the special meeting was adjourned at 10:42 a.m.*

---

Tuesday, November 16, 1999 - 10:00 AM  
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BUDGET WORK SESSION**

*Chair Beverly Stein convened the meeting at 10:53 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.*

WS-1 Emerging Budget Issues for FY 2000-2001: Department of Environmental Services. Presented by Larry Nicholas, Mike Oswald, Invited Others.

**LARRY NICHOLAS, HAROLD LASLEY, MIKE OSWALD AND STEVE RAIMO PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.**

*There being no further business, the work session was adjourned at 11:50 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

***Deborah L. Bogstad***

Deborah L. Bogstad



MEETING DATE: DEC 02 1999  
AGENDA NO: C-3  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

-----  
**AGENDA PLACEMENT FORM**

**SUBJECT:** Appointments and Reappointment to Community Health Council

**BOARD BRIEFING:**

DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

**REGULAR MEETING:**

DATE REQUESTED: 12/2/99  
AMOUNT OF TIME NEEDED: Consent

**DEPARTMENT:** Nondepartmental

**DIVISION:** Chair's Office

**CONTACT:** Delma Farrell

TELEPHONE #: 248-3953  
BLDG/ROOM #: 106/1515

**PERSON(S) MAKING PRESENTATION:**

**ACTION REQUESTED:**

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

**SUGGESTED AGENDA TITLE:**

*Appointments of Carmen Miranda, Anna Knecht, Marge Jozsa and reappointment of Felicity Taormina to the Community Health Council*

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_  
(OR)  
**DEPARTMENT  
MANAGER:** \_\_\_\_\_

*Beverly Stein*

CLERK OF  
COUNTY COMMISSIONERS  
NOV 16 AM 8:06  
MULTI-COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

*Any Questions: Call the Board Clerk @ 248-3277*





## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### STAFF SUPPLEMENTAL MEMORANDUM

**TO:** Board of County Commissioners

**FROM:** John Rakowitz

**DATE:** November 24, 1999

**RE:** IGA for PDC to Administer Closeout of Regional Strategies & Rural Investment Funds

I. Recommendation/Action Requested:

The Board is requested to extend and limit the existing IGA with PDC (and Washington County) to the purposes of administering the limited remaining Regional Strategies contracts and formally sunset the Regional Strategies Board in accordance with actions undertaken by the 1999 Oregon Legislature.

II. Background/Analysis:

The Regional Strategies Board sunset effective August 31, 1999 based upon legislation passed by the 1999 Oregon Legislature eliminating/revising the former Regional Strategies program and purposes.

The Regional Strategies Board has administered these state funds on the behalf of Multnomah and Washington counties in accordance with state statute and requirements.

The Portland Development Commission (PDC) has acted as the fiscal and administrative agent for the Multnomah and Washington counties Regional Strategies Board since 1994.

- The action requested extends and limits the scope of the existing IGA with PDC to the actions necessary for the effective close-out of the



limited number of existing contracts and to provide required legislative reports until June 30,2000.

- In addition, the action requested formally sunsets the Regional Strategies Board and provides for the Board of County Commissioners to act as the Board during this period of time in the unlikely event that action is required and necessary.

III. Financial Impact:

There is no financial impact upon the County. The associated Oregon Economic Development Department funds are distributed directly by the State of Oregon to Portland Development Commission.

IV. Legal Issues:

There are no known legal issues associated with the recommended actions.

V. Controversial Issues:

None known

VI. Link to Current County Policies:

N.A.

VII. Citizen Participation:

N.A.

VIII. Other Government Participation:

The Portland Development Commission has approved the IGA amendment. The Washington County Board of Commissioners is anticipated to approve the IGA amendments in the very near future.

Attachments:

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature)  Attached  Not Attached Contract #: 500948  
 Amendment #: 3

<p style="text-align: center;"><b>CLASS I</b></p> <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)	<p style="text-align: center;"><b>CLASS II</b></p> <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)	<p style="text-align: center;"><b>CLASS III</b></p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b></p> <p style="text-align: center;">AGENDA # <u>C-4</u> DATE <u>12/2/99</u>  <u>DEB BOGSTAD</u>  <b>BOARD CLERK</b></p>
---	---	--

Department: Nondepartmental Division: Chair's Office Date: 11/24/99  
 Originator: John Rakowitz Phone: 503/306-5797 Bldg/Rm: 106/1515  
 Contact: Delma Farrell Phone: 503/248-3953 Bldg/Rm: 106/1515

Description of Contract: Amendment to Intergovernmental Agreement between Multnomah and Washington counties and Portland Development Commission (PDC) for PDC to act as the administering agency for regional strategies. Amends IGA #500466 (12/14/95)

RENEWAL:  PREVIOUS CONTRACT #(S): \_\_\_\_\_

RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_

EXEMPTION #/DATE: \_\_\_\_\_ EXEMPTION EXPIRATION DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_

CONTRACTOR IS:  MBE  WBE  ESB  QRF  N/A  NONE (Check all boxes that apply)

Contractor <u>Portland Development Commission</u> Address <u>1900 SW 4<sup>th</sup> Avenue, Suite 100</u> <u>Portland</u> <u>Oregon, 97201</u> Phone <u>503/823-3109</u> Employer ID# or SS# <u>93-6013584</u> Effective Date <u>Upon Execution</u> Termination Date <u>June 30, 2000</u> Original Contract Amount \$ <u>\$150,000</u> Total Amt of Previous Amendments \$ <u>\$129,500</u> Amount of Amendment \$ <u>\$15,000</u> Total Amount of Agreement \$ _____	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ <u>NA</u> <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

**REQUIRED SIGNATURES:**

Department Manager Beverly Steins DATE 11/24/99  
 Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 (Class II Contracts Only)  
 County Counsel [Signature] DATE 11/24/99  
 County Chair [Signature] DATE December 2, 1999  
 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											

**THIRD AMENDMENT  
INTERGOVERNMENTAL AGREEMENT  
REGIONAL STRATEGIES**

**THIS THIRD AMENDMENT OF THE INTERGOVERNMENTAL AGREEMENT** (the "Third Amendment") is made and entered into under the authority of ORS 190.010 by and among the Counties of Multnomah and Washington (herein referred to jointly as the "Region" or the Counties) and the Portland Development Commission (herein referred to as "PDC").

**WITNESSETH**

**WHEREAS**, on December 14, 1995, the PDC, Multnomah County, and Washington County entered into an intergovernmental agreement ("Original Agreement" which is attached as Attachment 1) for PDC to act as the administering agency for Regional Strategies; and

**WHEREAS**, the Original Agreement provided that its provisions would be in effect from December 14, 1995 through June 30, 1997; and

**WHEREAS**, the Original Agreement was amended July 10, 1997 ("Amendment" which is attached as Attachment 2) to provide that provisions of the Original Agreement and the Amendment would be in effect through August 31, 1997; and

**WHEREAS**, the Original Agreement was again amended February 23, 1998 ("First Amendment" which is attached as Attachment 3) to provide that provisions of the Original Agreement, as amended, would be in effect through August 31, 1998; and

**WHEREAS**, the Original Agreement was further amended on September 28, 1998 ("Second Amendment" which is attached as Attachment 4) to provide that the provisions of the Original Agreement, as amended, would be in effect through August 31, 1999 (the "Amendment", the "First Amendment", and the "Second Amendment" shall hereinafter be referred to as the "Amendments"); and

**WHEREAS**, the Original Agreement, as amended, expired on August 31, 1999; and

**WHEREAS**, under this Third Amendment, compensation for the work to be performed by PDC for the Region will be funded by monies provided by the State of Oregon for program implementation; and

**WHEREAS**, the Region wishes to limit the scope of activities to be performed by PDC to only those actions necessary to meet State requirements for close-out of the 1993-1999 Regional Strategies and Rural Investment Fund programs by June 30, 2000; and

**WHEREAS**, the State of Oregon has eliminated Regional Strategies Program funding and the Regional Strategies Board sunset August 31, 1999; and

**WHEREAS**, the Board of County Commissioners of Multnomah County and the Board of County Commissioners of Washington County will, in the unlikely event that it is necessary, assume the responsibilities of the Regional Strategies Board as described in the Original Agreement, as amended by the Amendments; and

**WHEREAS**, PDC is willing to be the administering agent of the Counties for the 1993-1999 Regional Strategies and Rural Investment Fund programs through June 30, 2000 in order to provide for effective close-out of existing contracts and required legislative program reports; now therefore

**IT IS AGREED** that the Original Agreement, as amended by the Amendments, is amended as follows:

A. The Board of County Commissioners of Multnomah County and the Board of County Commissioners of Washington County agree to assume, as of September 1, 1999, the rights and obligations of the Regional Strategies Board as described in the Original Agreement, as amended by the Amendments.

B. Subsections (a) through (c) of Section 1 of the Original Agreement, as amended by the Amendments, are amended to read as follows:

1. Regional Strategies Board

a. The Regional Board for the Region shall consist of the members of the Board of County Commissioners of Multnomah County and the Board of County Commissioners of Washington County.

b. [deleted]

c. The chairs of each Board of County Commissioners shall have the authority to call and preside over Regional Board meetings.

C. Section 3 on page 6 of the Original Agreement as amended by the addition of subsection (e) by Section C of the February 23, 1998 amendment and as further amended by the addition of subsection (f) by Section B of the September 28, 1998 amendment is further amended by the addition of subsection (h) to read:

“Compensation to PDC from the State for its services during the period of September 1, 1999 through June 30, 2000, as set forth in this Third Amendment, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$15,000. The \$15,000 shall be comprised of unexpended administrative funds from the 1998-1999 fiscal year, and additional funds from the 1998-1999 Multnomah and Washington Counties

allocation from the State of Oregon as required to compensate PDC in a total amount not to exceed \$15,000.”

D. Section 4 on page 6 of the Original Agreement as amended by Section C of the July 10, 1997 amendment, by Section E of the February 23, 1998 amendment and by Section D. of the September 28, 1998 amendment beginning with the words “This Agreement” is amended to read:

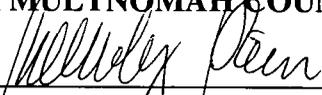
“This Agreement shall commence upon execution by all parties and end June 30, 2000, unless earlier terminated as provided in this section.”

**IT IS FURTHER AGREED** that, except as specifically amended herein, all provisions of the Original Agreement, as amended by the Amendments, shall remain in full force and effect as originally written.

**IN WITNESS WHEREOF**, the parties hereto have caused this Third Amendment to be signed in their respective names by their duly authorized representatives.

**DATED** this \_\_\_\_th day of \_\_\_\_\_, 1999.

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

  
\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
MULTNOMAH COUNTY, OREGON

**APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS**  
AGENDA # C-4 DATE 12/2/99  
DEB BOGSTAD  
**BOARD CLERK**

By Sandra Duffy 11-8-99

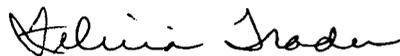
**BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON**

\_\_\_\_\_  
Tom Brian, Chairman

REVIEWED:  
DAN OLSEN, COUNTY COUNSEL  
WASHINGTON COUNTY, OREGON

By \_\_\_\_\_

**PORTLAND DEVELOPMENT COMMISSION**



---

Felicia Trader, Executive Director

REVIEWED:  
KAREN WILLIAMS, LEGAL COUNSEL  
PORTLAND DEVELOPMENT COMMISSION

By  for KMW

SECOND AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
between  
MULTNOMAH AND WASHINGTON COUNTIES  
and  
PORTLAND DEVELOPMENT COMMISSION

**WHEREAS**, on December 14, 1995, the Portland Development Commission (PDC), Multnomah County and Washington County entered in to the attached agreement for PDC to act as the administering agency for Regional Strategies; and

**WHEREAS**, the agreement provided that its provisions would be in effect from December 14, 1995 through June 30, 1997; and

**WHEREAS**, the agreement was amended July 10, 1997 by the attached amendment to provide that provisions of the original agreement and amendment would be in effect through August 31, 1997; and

**WHEREAS**, the agreement was further amended February 23, 1998 by the attached amendment to provide that provisions of the original agreement and amendments would be in effect through August 31, 1998; and

**WHEREAS**, the agreement of February 23, 1998 expires on August 31, 1998; and

**WHEREAS**, the Region wishes to provide for the effective and efficient development and administration of a Regional Strategy in the Region through the designation of the PDC as the administering agency; and to compensate PDC work performed in administering the Regional Strategy under the previous original agreement and the previous July 10, 1997 and February 23, 1998 amendments; and

**WHEREAS**, PDC is willing to be the administering agent of the Regional Board through August 31, 1999; now therefore

**IT IS AGREED** that the attached Intergovernmental Agreement and the associated amendments dated July 10, 1997 and February 23, 1998 among PDC, Multnomah County and Washington County is amended as follows:

- A. Section 1 on page 2 of the original agreement and as amended by Section A of the July 10, 1997 amendment is further amended to delete the sentence reading "The terms of the members of the Board representing each County shall serve until August 31, 1997." and replaced by:

"The terms of the members of the Board representing each County shall serve until August 31, 1999."

- B. Section 3 on page 6 of the original agreement as amended by the addition of a subsection (e) by Section C of the February 23, 1998 amendment is further amended to include a new subsection (f) to read:

“Compensation to PDC from the State for its services during the period September 1, 1998 through August 31, 1999, as set forth in this Agreement, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$55,000. The \$55,000 shall be comprised of unexpended administrative funds from the 1997-1998 fiscal year, and additional funds as required from the 1998-1999 Multnomah and Washington Counties allocation from the State of Oregon.”

- C. Section 3 on page 6 of the original agreement is amended to include a new subsection (g) to read:

“On or before August 31, 1999 PDC shall establish a reserve account comprised of any of the \$55,000 for compensation unexpended, and any interest earned on Regional Strategies and/or Rural Investment Fund monies received from the Oregon Economic Development Department during the 1997-1999 biennium.”

- D. Section 4 on page 6 of the original agreement beginning with the words “This Agreement” as amended by Section C of the July 10, 1997 amendment, and by Section E of the February 23, 1998 amendment, beginning with the words “This Agreement” is amended to read:

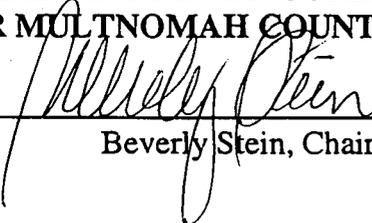
“This agreement shall commence upon execution by all parties and end August 31, 1999, unless earlier terminated as provided in this section.”

**IT IS FURTHER AGREED** that, except as specifically amended herein, all provisions of the agreement shall remain in full force and effect as originally written.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed in their respective names by their duly authorized representatives.

DATED this 28th day of September, 1998.

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

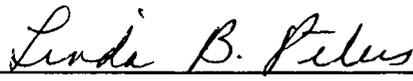
  
\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
MULTNOMAH COUNTY, OREGON

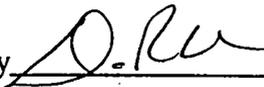
By   
\_\_\_\_\_

**APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS**  
AGENDA # C-1 DATE 8/27/98  
DEB BOGSTAD  
**BOARD CLERK**

**BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON**

  
\_\_\_\_\_  
Linda B. Peters, Chair

REVIEWED:  
DAN OLSEN, COUNTY COUNSEL  
WASHINGTON COUNTY, OREGON

By   
\_\_\_\_\_

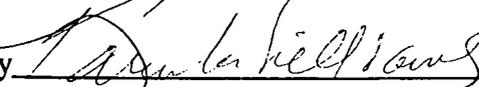
**APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS**  
MINUTE ORDER # 98-63

DATE 2-17-98  
BY   
CLERK OF THE BOARD

**PORTLAND DEVELOPMENT COMMISSION**

  
\_\_\_\_\_  
Felicia Trader, Executive Director

REVIEWED:

  
\_\_\_\_\_  
Karen Williams, Legal Counsel

AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
between  
MULTNOMAH AND WASHINGTON COUNTIES  
and  
PORTLAND DEVELOPMENT COMMISSION

**WHEREAS**, on December 14, 1995, the Portland Development Commission (PDC), Multnomah County and Washington County entered in to the attached agreement for PDC to act as the administering agency for Regional Strategies; and

**WHEREAS**, the agreement provided that its provisions would be in effect from December 14, 1995 through June 30, 1997; and

**WHEREAS**, the agreement was amended July 10, 1997 by the attached amendment to provide that provisions of the original agreement and amendment would be in effect through August 31, 1997; and

**WHEREAS**, notwithstanding the above, PDC has continued to act as the administering agency for the Regional Strategy after the Strategy was prepared, but has not received any compensation beyond the amount agreed to in the July 10, 1997 amendment; and

**WHEREAS**, the agreement of July 10, 1997 expired on August 31, 1997; and

**WHEREAS**, the Region wishes to provide for the effective and efficient development and administration of a Regional Strategy in the Region through the designation of the PDC as the administering agency; and to compensate PDC work performed in administering the Regional Strategy under the previous original agreement and the previous July 10, 1997 amendment; and

**WHEREAS**, PDC is willing to be the administering agent of the Regional Board through August 31, 1998; now therefore

**IT IS AGREED** that the attached Intergovernmental Agreement and the associated amendment dated July 10, 1997 among PDC, Multnomah County and Washington County is amended as follows:

- A. Section 1, subsection (a), on page 2 is deleted and replaced by a new subsection (a) that reads, "The Regional Board for the Region shall consist of 10 members."
- B. Section 1 on page 2 of the original agreement and as amended by Section A of the July 10, 1997 amendment is further amended to delete the sentence reading "The terms of the members of the Board representing each County shall serve until August 31, 1997." and replaced by:

"The terms of the members of the Board representing each County shall serve until August 31, 1998."

- C. Section 3 on page 6 of the original agreement as amended by the addition of a subsection (d) by Section B of the July 10, 1997 amendment is further amended to include a new subsection (e) to read:

"Compensation to PDC from the State for its services during the period September 1, 1997 through August 31, 1998, as set forth in this Agreement, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$76,583.

- D. Section 3 on page 6 of the original agreement is amended to include a new subsection (f) to read:

"On or before August 31, 1998 PDC shall establish a reserve account comprised of any of the \$76, 583 for compensation unexpended, and any interest earned on Regional Strategies and/or Rural Investment Fund monies received from the Oregon Economic Development Department during the 1997-1999 biennium."

- E. Section 4 on page 6 of the original agreement beginning with the words "This Agreement" and as amended by Section C of the July 10, 1997 amendment beginning with the words "This Agreement" is amended to read:

"This agreement shall commence upon execution by all parties and end August 31, 1998, unless earlier terminated as provided in this section."

**IT IS FURTHER AGREED** that , except as specifically amended herein, all provisions of the agreement shall remain in full force and effect as originally written.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed in their respective names by their duly authorized representatives.

DATED this 23<sup>rd</sup> day of February 1998.

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

\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

**BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON**

\_\_\_\_\_  
Linda B. Peters, Chair

REVIEWED:  
DAN OLSEN, COUNTY COUNSEL  
WASHINGTON COUNTY, OREGON

By \_\_\_\_\_

**PORTLAND DEVELOPMENT COMMISSION**

*Felicia Trader*  
Felicia Trader, Executive Director

REVIEWED:

By *Mattie R. Brown*  
for Karen Williams, Legal Counsel

1/11/97

AMENDMENT TO  
INTERGOVERNMENTAL AGREEMENT  
between  
MULTNOMAH AND WASHINGTON COUNTIES  
and  
PORTLAND DEVELOPMENT COMMISSION

**WHEREAS**, on December 14, 1995, the Portland Development Commission (PDC), Multnomah County and Washington County entered into the attached agreement for PDC to act as the administering agency for Regional Strategies; and

**WHEREAS**, the agreement provided that its provisions would be in effect from December 14, 1995 through June 30, 1997; and

**WHEREAS**, PDC is willing to be the administering agent of the Regional Board through August 31, 1997; now therefore

**IT IS AGREED** that Intergovernmental Agreement 500466 between PDC, Multnomah County and Washington County is amended as follows:

- A. Section 1 on page 2 is amended to delete the remainder of the portion of subsection (b) beginning with the sentence reading "Three (3) members appointed by each County . . ." and replaced by:

"The terms of the members of the Board representing each County shall serve until August 31, 1997."

- B. Section 3 on page 6 is amended to include a subsection (d) to read:

"Compensation to PDC from the State for its services during the period July 1, 1997 through August 31, 1997, as set forth in this Agreement, shall be an amount equal to the actual costs incurred by the PDC, but in no case more than \$17,500."

- C. Section 4 on page 6 beginning with the words "This Agreement" is amended to read:

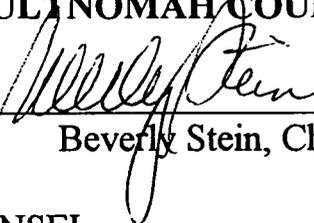
"This Agreement shall commence upon execution by all parties and end August 31, 1997, unless earlier terminated as provided in this section."

IT IS FURTHER AGREED that, except as specifically amended herein, all provisions of the agreement shall remain in full force and effect as originally written.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed in their respective names by their duly authorized representatives.

DATED this 10th day of July, 1997.

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



\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Matthew O. Ryan, Assistant County Counsel

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

AGENDA ORDER # 97-272

DATE 6-24-97

BY   
\_\_\_\_\_  
CLERK OF THE BOARD

**BOARD OF COUNTY COMMISSIONERS  
FOR WASHINGTON COUNTY, OREGON**

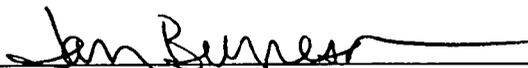


\_\_\_\_\_  
Linda B. Peters, Chair

REVIEWED:  
DAN OLSEN, COUNTY COUNSEL  
WASHINGTON COUNTY, OREGON

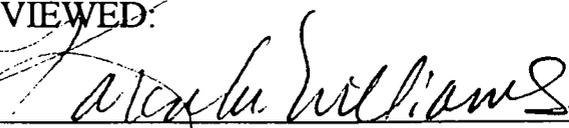
By   
\_\_\_\_\_

**PORTLAND DEVELOPMENT COMMISSION**



\_\_\_\_\_  
Janet S. Bureson, Executive Director

REVIEWED:

By   
\_\_\_\_\_  
Karen Williams, Legal Counsel

**INTERGOVERNMENTAL AGREEMENT  
REGIONAL STRATEGIES**

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

**WITNESSETH**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5. Amendment

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

6. Effective Date

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

7. Compliance with Laws

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

8. Oregon Law and Forum

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

9. Indemnification

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

14. Breach of Agreement

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

15. Ownership of Documents

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

16. Severability

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

17. Integration

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

18. Nonwaiver

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

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

DATED this 14th day of December 1995.

MULTNOMAH COUNTY

REVIEWED BY:

*Frederick Otter*  
Chair, Board of Commissioners

*Matthew O. Ryan*  
County Counsel

DATED this 14th day of December 1995.

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 12/14/95  
DEB BOGSTAD  
BOARD CLERK

WASHINGTON COUNTY

REVIEWED BY:

*Linda B. Peters*  
Chair, Board of Commissioners

*[Signature]*  
County Counsel

DATED this 12th day of December 1995.

PORTLAND DEVELOPMENT COMMISSION

REVIEWED BY:

*Jan Burreson*  
Executive Director *mb*

*[Signature]*  
Legal Counsel

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS  
MINUTE ORDER # 95-552  
DATE 12/5/95  
BY *[Signature]*  
CLERK OF THE BOARD

002  
mtg.

# AGENDA

## WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category County Administrative Office

Agenda Title AMENDMENT TO REGIONAL STRATEGIES INTERGOVERNMENTAL AGREEMENT AND EXTENSION OF TERMS OF CURRENT BOARD MEMBERS

To be presented by Charles Cameron, County Administrator

### SUMMARY (Attach Supporting Documents if Necessary)

The existing Regional Strategies Intergovernmental Agreement between Washington County, Multnomah County and the Portland Development Commission expires on June 30, 1997. Through this Agreement, the Portland Development Commission acts as the fiscal and administrative agent for Multnomah and Washington Counties. Additionally, the Agreement provides the legal authority for the Regional Strategies Board, including the terms and representation of its membership.

Mr. John Hall, Regional Strategies Coordinator, has requested a 60-day extension to the Agreement and terms of existing Board appointees. This extension would allow for:

- The conclusion of the 1997 Oregon Legislative session and final determination of Regional Strategies funding for the 1997-1999 biennium;
- The counties, Regional Strategies Board and PDC to discuss future administration of the program locally; and
- Continued servicing of existing contracts through August 31, 1997.

The cost of the services through the term of the contract extension (not to exceed \$17,500) can be covered out of uncommitted 1995-1997 Regional Strategies funds. No County General Fund monies are involved or required.

### DEPARTMENT'S REQUESTED ACTION:

That your Board 1) authorize the County Administrator (or designee) to execute the necessary contract documents, upon completion of contract review, to extend the Regional Strategies Intergovernmental Agreement through August 31, 1997; and 2) extend the terms of the current Regional Strategies Board appointees for the same time period (through August 31, 1997).

COUNTY ADMINISTRATOR'S RECOMMENDATION:  
BOARD OF COMMISSIONERS

MINUTE ORDER # 97-272

DATE 6-24-97

BY Barbara Heitmanek

Agenda Item No. M1  
Date: 6/24/97

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#10000001

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REGIONAL STRATEGIES**

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**WITNESSETH**

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

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

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

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

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

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

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

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

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

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

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

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

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

### TERMS AND CONDITIONS

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

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

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

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

2. PDC Services and Responsibilities

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

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

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

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

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

3. Compensation to PDC

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

4. Duration and Termination

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

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

5. Amendment

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

6. Effective Date

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

7. Compliance with Laws

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

8. Oregon Law and Forum

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

9. Indemnification

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

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

10. Workers' Compensation Insurance

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

11. Subcontracting

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

12. Assignment

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

13. Independent Contractors

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

14. Breach of Agreement

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

15. Ownership of Documents

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

16. Severability

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

17. Integration

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

18. Nonwaiver

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

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

19. Payments to Vendors and Subcontractors

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

20. Nondiscrimination

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

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

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

DATED this 14th day of December 1995.

MULTNOMAH COUNTY

REVIEWED BY:

*Melley Stein*  
Chair, Board of Commissioners

*Matthew O. Ryan*  
County Counsel

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 12/14/95  
DEB BOGSTAD  
BOARD CLERK

DATED this 14th day of December 1995.

WASHINGTON COUNTY

REVIEWED BY:

*Linda B. Petus*  
Chair, Board of Commissioners

*[Signature]*  
County Counsel

DATED this 12th day of December 1995.

PORTLAND DEVELOPMENT COMMISSION

REVIEWED BY:

*Jan Burrusa*  
Executive Director

*[Signature]*  
Legal Counsel

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS  
MINUTE ORDER # 95-552  
DATE 12-5-95  
BY *[Signature]*  
CLERK OF THE BOARD

MEETING DATE: DEC 02 1999

AGENDA #: C-5

ESTIMATED START TIME: 10:00

(Above space for Board Clerk's Use Only)

### AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Rick Barnett Phone: 251-2481  
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

#### ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

#### SUGGESTED AGENDA TITLE:

This is an OLCC Bed & Breakfast License Renewal application for:

Brickhaven Bed & Breakfast  
38717 E. Columbia River Highway  
Corbett, OR 97019

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
99 NOV 24 AM 10:37

The backgrounds have been checked on applicants Phyllis Thiemann and Edward Thiemann and no criminal history can be found on the above. They are current with Assessment and Taxation. They are currently under investigation by the Code Enforcement Section for zoning violation.

#### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR) \_\_\_\_\_

DEPARTMENT  
MANAGER: B. Elliott /Sergeant Brett Elliott

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any questions: Call the Board Clerk at 248-3277**

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

**Oregon Liquor Control Commission**

PO Box 22297, Milwaukie, OR 97269 1-800-452-6522

**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999**

<b>License Type:</b> Bed & Breakfast	<b>District:</b> 1	<b>County/City:</b> 2617	<b>RO#:</b> R26715A	425/204
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BRICKHAVEN LLC  
BRINKHAVEN LLC  
PO BOX 324  
CORBETT, OR 97019

*Licensee(s)* BRICKHAVEN LLC

*Tradenname* BRICKHAVEN BED & BREAKFAST  
38717 E COLUMBIA RIVER HWY  
CORBETT, OR 97019

**Instructions:**

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 13, 1999 to avoid late fees.

<b>Operational Questions:</b>	<b>Responses:</b>
(1) Please list a daytime phone number.	Phone Number:
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:
(5) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:

**Endorsement:** Please take this form to your local governing body that is listed below before you return it to the OLCC.

Multnomah County recommends that this license be GRANTED \_\_\_\_\_ REFUSED \_\_\_\_\_ on (date) \_\_\_\_\_

Signed: \_\_\_\_\_ Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

<b>License Fees and Late Fee Schedule &amp; Amounts - Do not mail cash.</b>	<b>Dollar Amount (\$)</b>
License Fee for Bed & Breakfast (2.0 Units at \$ 5.0/Unit)	10.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	10.00
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 2.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 4.00 To Total Due

<b>Print Name</b>	<b>Signature</b>	<b>Date</b>	<b>Social Security #</b>	<b>Date of Birth</b>
Ayllis L. Thiemann	<i>Ayllis L. Thiemann</i>	10/29/99	533-64-4046	9-23-54
Edward D. Thiemann				7-29-44

**BARNETT Rick J**

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**From:** SWAIN Savana G  
**Sent:** Friday, November 05, 1999 8:38 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

no taxes due

-----Original Message-----

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 11:27 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with Assessment and Taxation.

Brickhaven Bed & Breakfast  
38717 E Columbia River HWY  
Corbett, Or 97019

Owners: Phillis L Thiemann Edward D Thiemann  
DOB: 092354 072944

If you have any questions please contact Rick Barnett at 251-2441 or Evalyn LeBerge at 251-2458.

Thank you

## **BARNETT Rick J**

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**From:** RAPPOLD Kerry F  
**Sent:** Monday, November 15, 1999 8:50 AM  
**To:** BARNETT Rick J; LABERGE Evalyn J  
**Subject:** OLCC Renewals

Rick and Evalyn:

I need to do some additional research (e.g. obtain a copy of the applications from OLCC) on the businesses listed below, but I want to give you some information for the BCC agenda. Both businesses are being investigated by the Code Enforcement Section.

- 1) Brickhaven Bed & Breakfast  
38718 E Columbia River Hwy

This site is under review for possible code violations. They have a land use permit which allows specific uses, but they have apparently done things outside the scope of their approval. More investigation is required.

- 2) Fred's Marina/Frevach Land Company  
12800 NW Marina Way

This site is under litigation with the County. It also has a zoning violation, which needs to be resolved.

If you have any questions, call me at 248-3043, or send an e-mail.

Kerry Rappold  
Land Use Planner

## BOGSTAD Deborah L

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**From:** DUFFY Sandra N  
**Sent:** Wednesday, December 01, 1999 10:56 AM  
**To:** FORD Carol M; BOWMAN JoAnn A; WEIT Ramsay; BOGSTAD Deborah L  
**Cc:** SPONSLER Thomas; WEBER Jacquie A; MUIR Susan L; RAPPOLD Kerry F; ARMSTRONG Jeff  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

I had Jeff Armstrong research the statutory and county code provisions which regulate how OLCC approvals are processed. (See his email to me set out below.)

ORS 471.210 (3) gives the OLCC the authority to require a recommendation from a local governing body for the granting, or renewal of a liquor license. The commission takes "such recommendation into consideration before granting or refusing the license." ORS 471.210 (4) authorizes local government's to adopted licensing guidelines. The County has done so in MCC 15.400 et. seq. MCC 15.404 sets out the bases for the SHERIFF recommendation of a denial to the Board. The one that is relevant to the two matters removed from the consent agenda relate to land use violations in Subsection (J). That sections allows the Sheriff to recommend denial of an OLCC application:

If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code. However, the applicant may file an application for the change of zone, conditional use which would permit such use;

This provision is rather ambiguous. It is unclear whether ANY land use violation related to the property justifies a "denial recommendation," or, whether only a violation related to a use in the particular zone (the property isn't zoned for the OLCC related use, or the applicant failed to obtain a required conditional use permit) can be the basis for a denial recommendation. Either interpretation is within the authority of the Sheriff and the Board.

In any event, the role of the Land Use Department is to report zoning violations to the Sheriff. Here, there is clearly a violation related to Fred's Marina. A violation notice was issued for failure to obtain grading and erosion control permits for parking lot grading next to the Multnomah Channel. A stop work order was issued. Fred's Marina has filed a lawsuit against us which is being litigated in Federal Court.

Regarding the Brickhaven OLCC application, there is an investigation taking place to determine whether there is a land use violation. It appears that Brickhaven is conducting commercial activity on the premises (catered weddings and parties). Brickhaven has asserted to the Land Use Dept. that the activities have been solely related to family functions. While the Land Use Dept. could not report to the Sheriff that there IS a land use violation on the property, it could have reported that an OLCC license is not appropriate for the premises because, if it is only conducting family activities, it does not NEED an OLCC license. If Brickhaven NEEDS an OLCC license then it is conducting commercial activities which IS in violation of county zoning code. In either event the Sheriff should use this information to recommend denial to the Board of County Commissioners. It is the role of the Land Use Dept. to give the facts regarding land use violations to the Sheriff, not to make OLCC application recommendations.

The Sheriff's role in this is set out in MCC 15.402, MCC 15.403 and MCC 15.404, and they appear to be somewhat inconsistent. MCC 15.402 and .403 provide:

15.402 "The Sheriff SHALL coordinate and conduct an investigation of each application for the purpose of determining what recommendation SHALL be made to the Board, using the procedures set forth in division (B) of this section."

15.403 "Upon completion of the investigation procedures, the Sheriff SHALL forward to the Board a recommendation of approval or denial..."

The two provision quoted above make it MANDATORY for the SHERIFF to form a recommendation to the Board. However, MCC 15.404 confuses the issue.

15.404 "The Sheriff MAY make a recommendation of denial to the Board regarding any application if: [list of bases for denial]"

This wording of this portion of the code gives the Sheriff the discretion to make, or not make a recommendation. I understand the Board WANTS a recommendation. I think the existence of two code provisions mandating the Sheriff make a recommendation shows the Board's intent to have the Sheriff fulfill that function.

I would recommend that the agenda material be returned to the Sheriff's office and that the above information be used by the Sheriff to make specific recommendations to the Board on these two matters.

Also note in Jeff's material to me that the 1999 legislature requires OLCC to draft new rules (after January 1, 2000) regulating local governments' ability to recommend denials. I question whether such a legislative delegation is constitutional in light of the Oregon Constitution Article XI Section 2 which gives the citizens of a municipality "the exclusive power to license, regulate or to suppress or prohibit the sale of intoxicating liquors [and such powers are] ... vested in such municipality."

I recommend a review of the OLCC rules when they are published, and a Board review to determine whether they comport with its values. The County can use the constitutional argument to negotiate with OLCC as to the form of the rules, or, can seek court review to determine whether liquor licenses are a matter of state or local concern.

-----Original Message-----

**From:** ARMSTRONG Jeff  
**Sent:** Tuesday, November 30, 1999 2:52 PM  
**To:** DUFFY Sandra N  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Sandy,

The legal structure for liquor license approval appears to be a labyrinth of mythic proportions. In fact, the 1997 Legislature directed the OLCC to simplify the current licensing structure. (Section 8, chapter 803, Oregon Laws 1997). This appears, in turn, to have led to around 21 bills being proposed this last legislature, at least seven of which were signed.

ORS 471.290 - 471.355 is the starting point for licensing requirements from the OLCC. The statutes are further filled out by OAR Chapter 845. However, more germane to our discussion is ORS 471.210, which provides for a local government recommendation, at least until January 1, 2000. (The local government recommendation requirements were removed from ORS 471.210 by HB 2892, 1999 OR law ch. 351, and re-created in a yet-to-be determined-place in ch. 471, with the additional requirements that local governments respond within 30 days of notice of application for a new license, 60 days for a renewal, subject to a requestable grace period (no recommendation = favorable recommendation), and that the OLCC must by rule establish grounds for unfavorable recommendations.)

In a nutshell, the local government recommendation function is given to the governing body in question. In Multnomah County, the Board has in turn delegated to the Sheriff the function of investigating and recommending whether an application should receive a favorable recommendation. The relevant Code section is MCC 15.400 - 15.408. MCC 15.404 (J) specifically provides that the Sheriff may make a recommendation of denial if "the zoning section finds that the [business] is found to be in violation of the zoning code." At the moment, I have been unable to locate any state statutory or regulatory law that would prohibit the Sheriff from using zoning or tax status as bases for recommendations of denial. Moreover, there does not appear to be a great deal of case law on the local government recommendation issue, possibly in light of the fact that "the commission **may** take such recommendation into consideration." [ORS 471.210(3)]. However, there is no guarantee that the OLCC will find that zoning or tax status are valid grounds for unfavorable recommendations. So, at the moment, recommending a denial of an application based on zoning and/or tax status is specifically contemplated in the County Code and there is no indication that this practice is countermanded by state law.

-----Original Message-----

**From:** DUFFY Sandra N  
**Sent:** Monday, November 29, 1999 4:26 PM  
**To:** ARMSTRONG Jeff  
**Cc:** SPONSLER Thomas  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

Can you find out the legal structure (statutes, OARs or County Code) for liquor license approvals? In the past the Board has denied discretionary approvals (of various kinds) for non-compliance with totally unrelated county regulatory schemes. Can you do some research and see if that kind of coercion has been upheld. If it has been invalid, under what legal theory? I'll talk with Jeff L. tomorrow about his reason for recommending that the LUP Dept. not make land use violations a reason for recommending denial of a liquor license.

-----Original Message-----

**From:** SPONSLER Thomas  
**Sent:** Monday, November 29, 1999 3:31 PM  
**To:** DUFFY Sandra N  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

There seem to be role, process and factual issues. The first was addressed with the Board a few months ago; the process between planning, sheriff and our office seems deficient and probably request for Board action on 12/2 premature; and I know nothing about facts from planning perspective, though Deb seems to believe Jeff concluded they would not support negative recommendation.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Monday, 29 November, 1999 3:22 PM  
**To:** FORD Carol M; SPONSLER Thomas  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

We went over all of this a few months ago with the Viewpoint Inn - Jeff Litwak was the attorney who prepared the letter to the OLCC advising of the Board's recommend refusal. It is my understanding Jeff looked at these before he left and felt the land use violations did not warrant a recommend denial in these instances. I have been e-mailing Tom Sponsler about this all morning.

Deb Bogstad

Multnomah County Board Clerk

(503) 248-3277

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

-----Original Message-----

**From:** FORD Carol M  
**Sent:** Monday, November 29, 1999 3:16 PM  
**To:** BOGSTAD Deborah L  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Since there is no specific action requested (OTHER is checked; it is not clear if the Sheriff's Office is recommending denying the license), Board staff wants to have the two items pulled off the Consent Agenda.

We would like clarification from County Counsel on the Board's role/criteria for approving liquor licenses when there are outstanding zoning violations or the owners are currently under litigation with the County.

Kerry Rappold, Land Use Planner, needs to come to meeting to give the BCC more detail into the land use/zoning issues for these two cases.

Also, a Sheriff's representative needs to be there to discuss how to process these cases (where there are outstanding land use issues) with County Counsel before coming to the Board. Question - should it come to the Board without a specific **Action Requested**.

Carol Ford

## **BOGSTAD Deborah L**

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**From:** SPONSLER Thomas  
**Sent:** Tuesday, November 30, 1999 9:10 AM  
**To:** BOGSTAD Deborah L; FORD Carol M  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

MCC 15.400 et seq deals with liquor licenses. Applications go to the sheriff (15.401) who must conduct an investigation (15.402) and make a recommendation of approval or denial to the Board (15.403). The sheriff may recommend denial for the reasons listed in 15.404. Subsection (J) of that list states: "if the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code." When the sheriff recommends denial the Board clerk must notify the applicant, OLCC and sheriff of the hearing date (15.405). At the hearing the applicant must be given an opportunity to address concerns raised by the sheriff, and the Board makes a recommendation to OLCC (15.406).

It is not clear to me that either applicant (C-5 or C-6) has been found in violation of the county zoning code, or that the sheriff has recommended denial of either application. If that is correct, then there is no basis for a hearing or Board recommendation of denial.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Monday, 29 November, 1999 3:22 PM  
**To:** FORD Carol M; SPONSLER Thomas  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

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Deb Bogstad

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

-----Original Message-----

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**Sent:** Monday, November 29, 1999 3:16 PM  
**To:** BOGSTAD Deborah L  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** Board Staff meeting - Take C-5 and C-6 off Consent Agenda

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Kerry Rappold, Land Use Planner, needs to come to meeting to give the BCC more detail into the land use/zoning issues for these two cases.

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Carol Ford

MEETING DATE: DEC 02 1999  
AGENDA #: C-6  
ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

### AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Rick Barnett Phone: 251-2481  
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

#### ACTION REQUESTED:

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

#### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Fred's Marina  
12800 NW Marina Way  
Portland, OR 97231

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
99 NOV 24 AM 10:37

The backgrounds have been checked on applicants Alexander Fredrick, Veva Fredrick, and Cherie Sprando and no criminal history can be found on the above. They are current with Assessment and Taxation. They are currently in litigation for a zoning violation.

#### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT MANAGER: B. Elliott /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any questions: Call the Board Clerk at 248-3277

**Oregon Liquor Control Commission**  
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522  
**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999**

<b>License Type: Package Store</b>	<b>District: 1</b>	<b>County/City: 2600</b>	<b>RO#: R06953A</b>	<b>421/203</b>
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FREVACH LAND COMPANY  
 12800 NW MARINA WAY  
 PORTLAND OR 97231

*Licensee(s)* FREVACH LAND COMPANY

*Tradename* FRED'S MARINA  
 12800 NW MARINA WAY  
 PORTLAND OR 97231

**Instructions:**

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 13, 1999 to avoid late fees.

<b>Operational Questions:</b>	<b>Responses:</b>
(1) Please list a daytime phone number.	Phone Number: <u>503-286-5537</u>
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name <u>na</u> Offense <u>na</u> Date <u>na</u> City/State <u>na</u> Result <u>na</u>
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:

**Endorsement** - Please take this form to your local governing body that is listed below before you return it to the OLCC.  
 The County of MULTNOMAH recommends that this license be GRANTED \_\_\_\_\_ REFUSED \_\_\_\_\_ on (date) \_\_\_\_\_  
 Signed: \_\_\_\_\_ Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

<b>License Fees and Late Fee Schedule &amp; Amounts - Do not mail cash.</b>	<b>Dollar Amount (\$)</b>
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	50.00
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

<b>Print Name</b>	<b>Signature</b>	<b>Date</b>	<b>Social Security #</b>	<b>Date of Birth</b>
CHERIE SPRANSON	<i>Cherie Spranson</i>	10/10/99	542-52-5643	5/9/50
ALEXANDER FREDRICK	<i>Alexander Fredrick</i>	10/10/99	540-12-2697	12/13/20
VEVA FREDRICK	<i>Veva M. Fredrick</i>	10/29/99	543-16-6771	2/17/22

**BARNETT Rick J**

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**From:** HUFF Deborah R  
**Sent:** Friday, November 05, 1999 8:56 AM  
**To:** BARNETT Rick J  
**Subject:** Past Due Taxes

The following are names of Businesses and their tax status.

Fred's Marina / Frevach Land Company  
12800 NW Marina Way

NO TAXES OWING

Springdale Tavern  
32302 E Crown Point Hwy

NO TAXES OWING

Big Bear Crown Point Market  
31815 E Crown Point Hwy

NO TAXES OWING

## BARNETT Rick J

---

**From:** RAPPOLD Kerry F  
**Sent:** Monday, November 15, 1999 8:50 AM  
**To:** BARNETT Rick J; LABERGE Evalyn J  
**Subject:** OLCC Renewals

Rick and Evalyn:

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Kerry Rappold  
Land Use Planner

## **BOGSTAD Deborah L**

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**From:** DUFFY Sandra N  
**Sent:** Wednesday, December 01, 1999 10:56 AM  
**To:** FORD Carol M; BOWMAN JoAnn A; WEIT Ramsay; BOGSTAD Deborah L  
**Cc:** SPONSLER Thomas; WEBER Jacquie A; MUIR Susan L; RAPPOLD Kerry F; ARMSTRONG Jeff  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

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If the zoning section finds that the proposed new outlet, or change of location/privilege is found to be in violation of the zoning code. However, the applicant may file an application for the change of zone, conditional use which would permit such use;

This provision is rather ambiguous. It is unclear whether ANY land use violation related to the property justifies a "denial recommendation," or, whether only a violation related to a use in the particular zone (the property isn't zoned for the OLCC related use, or the applicant failed to obtain a required conditional use permit) can be the basis for a denial recommendation. Either interpretation is within the authority of the Sheriff and the Board.

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This wording of this portion of the code gives the Sheriff the discretion to make, or not make a recommendation. I understand the Board WANTS a recommendation. I think the existence of two code provisions mandating the Sheriff make a recommendation shows the Board's intent to have the Sheriff fulfill that function.

I would recommend that the agenda material be returned to the Sheriff's office and that the above information be used by the Sheriff to make specific recommendations to the Board on these two matters.

Also note in Jeff's material to me that the 1999 legislature requires OLCC to draft new rules (after January 1, 2000) regulating local governments' ability to recommend denials. I question whether such a legislative delegation is constitutional in light of the Oregon Constitution Article XI Section 2 which gives the citizens of a municipality "the exclusive power to license, regulate or to suppress or prohibit the sale of intoxicating liquors [and such powers are] ... vested in such municipality."

I recommend a review of the OLCC rules when they are published, and a Board review to determine whether they comport with its values. The County can use the constitutional argument to negotiate with OLCC as to the form of the rules, or, can seek court review to determine whether liquor licenses are a matter of state or local concern.

-----Original Message-----

**From:** ARMSTRONG Jeff  
**Sent:** Tuesday, November 30, 1999 2:52 PM  
**To:** DUFFY Sandra N  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Sandy,

The legal structure for liquor license approval appears to be a labyrinth of mythic proportions. In fact, the 1997 Legislature directed the OLCC to simplify the current licensing structure. (Section 8, chapter 803, Oregon Laws 1997). This appears, in turn, to have led to around 21 bills being proposed this last legislature, at least seven of which were signed.

ORS 471.290 - 471.355 is the starting point for licensing requirements from the OLCC. The statutes are further filled out by OAR Chapter 845. However, more germane to our discussion is ORS 471.210, which provides for a local government recommendation, at least until January 1, 2000. (The local government recommendation requirements were removed from ORS 471.210 by HB 2892, 1999 OR law ch. 351, and re-created in a yet-to-be determined-place in ch. 471, with the additional requirements that local governments respond within 30 days of notice of application for a new license, 60 days for a renewal, subject to a requestable grace period (no recommendation = favorable recommendation), and that the OLCC must by rule establish grounds for unfavorable recommendations.)

In a nutshell, the local government recommendation function is given to the governing body in question. In Multnomah County, the Board has in turn delegated to the Sheriff the function of investigating and recommending whether an application should receive a favorable recommendation. The relevant Code section is MCC 15.400 - 15.408. MCC 15.404 (J) specifically provides that the Sheriff may make a recommendation of denial if "the zoning section finds that the [business] is found to be in violation of the zoning code." At the moment, I have been unable to locate any state statutory or regulatory law that would prohibit the Sheriff from using zoning or tax status as bases for recommendations of denial. Moreover, there does not appear to be a great deal of case law on the local government recommendation issue, possibly in light of the fact that "the commission **may** take such recommendation into consideration." [ORS 471.210(3)]. However, there is no guarantee that the OLCC will find that zoning or tax status are valid grounds for unfavorable recommendations. So, at the moment, recommending a denial of an application based on zoning and/or tax status is specifically contemplated in the County Code and there is no indication that this practice is countermanded by state law.

-----Original Message-----

**From:** DUFFY Sandra N  
**Sent:** Monday, November 29, 1999 4:26 PM  
**To:** ARMSTRONG Jeff  
**Cc:** SPONSLER Thomas  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

Can you find out the legal structure (statutes, OARs or County Code) for liquor license approvals? In the past the Board has denied discretionary approvals (of various kinds) for non-compliance with totally unrelated county regulatory schemes. Can you do some research and see if that kind of coercion has been upheld. If it has been invalid, under what legal theory? I'll talk with Jeff L. tomorrow about his reason for recommending that the LUP Dept. not make land use violations a reason for recommending denial of a liquor license.

-----Original Message-----

**From:** SPONSLER Thomas  
**Sent:** Monday, November 29, 1999 3:31 PM  
**To:** DUFFY Sandra N  
**Subject:** FW: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

There seem to be role, process and factual issues. The first was addressed with the Board a few months ago; the process between planning, sheriff and our office seems deficient and probably request for Board action on 12/2 premature; and I know nothing about facts from planning perspective, though Deb seems to believe Jeff concluded they would not support negative recommendation.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Monday, 29 November, 1999 3:22 PM  
**To:** FORD Carol M; SPONSLER Thomas  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** RE: Board Staff meeting - Take C-5 and C-6 off Consent Agenda  
**Importance:** High

We went over all of this a few months ago with the Viewpoint Inn - Jeff Litwak was the attorney who prepared the letter to the OLCC advising of the Board's recommend refusal. It is my understanding Jeff looked at these before he left and felt the land use violations did not warrant a recommend denial in these instances. I have been e-mailing Tom Sponsler about this all morning.

Deb Bogstad

Multnomah County Board Clerk

(503) 248-3277

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

-----Original Message-----

**From:** FORD Carol M  
**Sent:** Monday, November 29, 1999 3:16 PM  
**To:** BOGSTAD Deborah L  
**Cc:** WEIT Ramsay; BOWMAN JoAnn A  
**Subject:** Board Staff meeting - Take C-5 and C-6 off Consent Agenda

Since there is no specific action requested (OTHER is checked; it is not clear if the Sheriff's Office is recommending denying the license), Board staff wants to have the two items pulled off the Consent Agenda.

We would like clarification from County Counsel on the Board's role/criteria for approving liquor licenses when there are outstanding zoning violations or the owners are currently under litigation with the County.

Kerry Rappold, Land Use Planner, needs to come to meeting to give the BCC more detail into the land use/zoning issues for these two cases.

Also, a Sheriff's representative needs to be there to discuss how to process these cases (where there are outstanding land use issues) with County Counsel before coming to the Board. Question - should it come to the Board without a specific **Action Requested**.

Carol Ford

AGENDA #: \_\_\_\_\_ DEC 02 1999

ESTIMATED START TIME: \_\_\_\_\_ C-7

(Above space for Board Clerk's Use Only)

10:00

### AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Rick Barnett Phone: 251-2481  
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store with Pumps License Renewal application for:

Larson's Marina  
14444 Larson Road  
Portland, OR 97231

BOARD OF  
COUNTY COMMISSIONERS  
99 NOV 24 AM 10:  
MULTNOMAH COUNTY,  
OREGON

The backgrounds have been checked on applicants Martin D. Larson and Elizabeth A. Larson and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

*12/1/99 ORIGINAL TO RICK BARNETT*

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT MANAGER: B. Elliott /Sergeant Brett Elliott

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any questions: Call the Board Clerk at 248-3277**

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

AGENDA #: \_\_\_\_\_

**BARNETT Rick J**

---

**From:** SWAIN Savana G  
**Sent:** Friday, November 19, 1999 3:33 PM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL - LARSON'S - FOLLOW UP

NO DELINQUENT TAXES OWEING.

-----Original Message-----

**From:** BARNETT Rick J  
**Sent:** Friday, November 19, 1999 2:51 PM  
**To:** SWAIN Savana G  
**Cc:** BOGSTAD Deborah L  
**Subject:** FW: OLCC LIQUOR LICENSE RENEWAL - LARSON'S - FOLLOW UP

## **FOLLOW UP REQUEST**

-----Original Message-----

**From:** BARNETT Rick J  
**Sent:** Thursday, November 18, 1999 8:06 AM  
**To:** SWAIN Savana G  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL - LARSON'S

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with Assessment and Taxation.

Larson's Marina  
14444 NW Larson Rd  
Portland, Or 97231

Owners: Martin D Larson    Elizabeth Larson  
DOB:    021752                    100250

If you have any questions please contact Rick Barnett at 251-2441 or Evalyn LeBerge at 251-2458.

Thank you

## BARNETT Rick J

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**From:** BOURQUIN Phillip M  
**Sent:** Thursday, November 18, 1999 8:46 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL - LARSON'S

The Land Use Planning Division has reviewed its records and have no objection to to the issuance of the OLCC license renewal for this address.

-----Original Message-----

**From:** BARNETT, Rick J  
**Sent:** Thursday, November 18, 1999, 7:53 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL - LARSON'S

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with current Land Use Ordinances.

Larson's Marina  
14444 NW Larson Rd  
Portland, Or 97231

Owners: Martin D Larson    Elizabeth A Larson  
DOB:    021752                102050

If you have any questions please contact Rick Barnett at 251-2441 or Evalyn LeBerge at 251-2458.

Thank you

**Oregon Liquor Control Commission**  
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522  
**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999**

<b>License Type: Package Store with Pumps</b>	<b>District: 1</b>	<b>County/City: 2600</b>	<b>RO#: R24534A</b>	<b>421/203</b>
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LARSON'S MARINA, INC.  
 14444 NW LARSON RD  
 PORTLAND OR 97231

Licensee(s) LARSON'S MARINA, INC.

Tradename LARSON'S MARINA  
 14444 NW LARSON RD  
 PORTLAND OR 97231

**Instructions:**

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before **December 13, 1999** to avoid late fees.

<b>Operational Questions:</b>	<b>Responses:</b>
(1) Please list a daytime phone number.	Phone Number: <u>503-286-1223</u>
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result
(3) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES   & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES   & EXPLAIN:
(5) Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE).	\$ <u>1600<sup>00</sup></u>

**Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.** (11) 65

The County of MULTNOMAH recommends that this license be GRANTED  REFUSED  on (date) 12/2/99

Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

<b>License Fees and Late Fee Schedule &amp; Amounts - Do not mail cash.</b>	<b>Dollar Amount (\$)</b>
License Fee for Package Store with Pumps	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	50.00
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

<b>Print Name</b>	<b>Signature</b>	<b>Date</b>	<b>Social Security#</b>	<b>Date of Birth</b>
MARTIN O LARSON	<u>Martin O Larson</u>	11-13-99	543-64-2505	2-17-52
ELIZABETH A LARSON	<u>Elizabeth A Larson</u>	11-13-99	550-76-1934	10-20-50

MEETING DATE: DEC 02 1999

AGENDA #: CB

ESTIMATED START TIME: 10:00

(Above space for Board Clerk's Use Only)

### AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Rick Barnett Phone: 251-2481  
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

#### ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

CLERK OF COUNTY COMMISSIONERS  
MULTI-COUNTY  
OREGON  
99 NOV 12 PM 2:53

#### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Orient Country Store  
29822 SE Orient Drive  
Gresham, OR 97080

The background(s) have been checked on applicant Yong M. Lim and no criminal history can be found on the above. Yong M. Lim is current with Assessment and Taxation. Yong M. Lim is compliant with current land use ordinances.

*12/1/99 ORIGINAL to Rick Barnett*

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER: Brett Elliott NS68 /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any questions: Call the Board Clerk at 248-3277

**BARNETT Rick J**

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**From:** Grace, Becky J  
**Sent:** Wednesday, November 10, 1999 11:01 AM  
**To:** BARNETT Rick J  
**Cc:** SWAIN Savana G  
**Subject:** Orient Country Store

Mr. Barnett,

Orient Country Store 29822 SE Orient Dr Gresham, Or 97080 has no taxes owing.

Thank you.

**BARNETT Rick J**

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**From:** BOURQUIN Phillip M  
**Sent:** Wednesday, November 10, 1999 7:36 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: ORIENT

The Land Use Planning Division has reviewed its records and have no objection to to the issuance of the OLCC license renewal for this address.

-----Original Message-----

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 10, 1999 5:59 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL: ORIENT

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with current Land Use Ordinances.

Orient Country Store  
29822 SE Orient Dr  
Gresham, Or 97080

Owners: Yong M Lim  
DOB: 082558

Thank you

**Oregon Liquor Control Commission**  
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522  
**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999**

License Type: Package Store with Pumps	District: 1	County/City: 2609	RO#: R00297A	422/203
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LIM ASSET HOLDING CORPORATION  
 29822 S.E. ORIENT DRIVE  
 GRESHAM OR 97080

Licensee(s) LIM ASSET HOLDING CORPORATION

Tradename ORIENT COUNTRY STORE  
 29822 S.E. ORIENT DRIVE  
 GRESHAM OR 97080

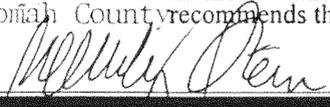
**Instructions:**

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 13, 1999 to avoid late fees.

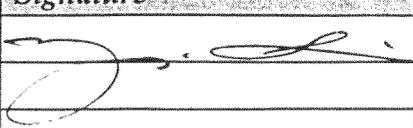
Operational Questions:	Responses:
(1) Please list a daytime phone number.	Phone Number: (503) 663-3930
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are not liquor related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result None
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(5) Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE).	\$ 55000.00

**Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.**

Multnomah County recommends that this license be GRANTED  REFUSED  on (date) 12/2/99

Signed:  Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store with Pumps	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT <<<<	50.00
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Yong M. Lim		10/13/99	355-38-8996	8/28/58

ESTIMATED START TIME: DEC 02 1999

(Above space for Board Clerk's Use Only)

C-a  
10:00

### AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Rick Barnett Phone: 251-2481  
Bldg/Room: 313/120

PERSON MAKING PRESENTATION: Deputy Susan Gates

#### ACTION REQUESTED:

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

#### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Weece's Market  
7310 SE Pleasant Home Road  
Gresham, OR 97080

99 NOV 24 AM 10:37  
MULTI-COUNTY CLERK  
OREGON

The backgrounds have been checked on applicants Hyun Jang Kim, Ae Ja Kim, and Hong Bae Kim and no criminal history can be found on the above. They are current with Assessment and Taxation. They are complaint with current land use ordinances.

12/2/99 ORIGINAL to Rick Barnett

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER: B. Elliott /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any questions: Call the Board Clerk at 248-3277

**BARNETT Rick J**

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**From:** Grace, Becky J  
**Sent:** Thursday, November 18, 1999 10:00 AM  
**To:** BARNETT Rick J  
**Cc:** SWAIN Savana G  
**Subject:** OLCC Licence Renewal

Rick Barnett,

Weece's Market at 7310 SE Pleasant Home Rd in Gresham Oregon has no delinquent taxes.

Thank you.

**BARNETT Rick J**

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**From:** BOURQUIN Phillip M  
**Sent:** Thursday, November 18, 1999 8:45 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL - WEECE'S

The Land Use Planning Division has reviewed its records and have no objection to to the issuance of the OLCC license renewal for this address.

-----Original Message-----

**From:** BARNETT Rick J  
**Sent:** Thursday, November 18, 1999 8:16 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL - WEECE'S

The below business has applied to our office for an OLCC License Renewal. Please inform our office if the named business is in compliance with current Land Use Ordinances.

Weece's Market  
7310 SE Pleasant Home Rd  
Gresham, Or 97080

Owners: Hyun Jang Kim    Ae Ja Kim    Hong Bae Kim  
DOB:            031536            070145            060166

If you have any questions please contact Rick Barnett at 251-2441 or Evalyn LeBerge at 251-2458.

Thank You

**Oregon Liquor Control Commission**  
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522  
**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1999**

<b>License Type: Package Store</b>	<b>District: 1</b>	<b>County/City: 2600</b>	<b>RO#: R00277A</b>	<b>421/203</b>
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**KIM AE JA**  
 7310 SE PLEASANT HOME ROAD  
 GRESHAM OR 97080

*Licensee(s)* **KIM AE JA**  
**KIM HONG B**  
**KIM HYUN JANG**

*Tradename* **WEECE'S MARKET**  
 7310 SE PLEASANT HOME ROAD  
 GRESHAM OR 97080

**Instructions:**

1. Answer all questions completely on the renewal application.
2. Each licensee listed above must sign the renewal application. If any licensee is a legal entity (Corporation, LLC, etc.) an authorized person must sign for the entity.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 13, 1999 to avoid late fees.

<b>Operational Questions:</b>	<b>Responses:</b>
(1) Please list a daytime phone number.	Phone Number:
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are not liquor related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result  none
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <input type="checkbox"/> EXPLAIN:

**Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.**  
 The County of MULTNOMAH recommends that this license be GRANTED  REFUSED \_\_\_\_\_ on (date) 12/2/99  
 Signed: *Beverly Stein* Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

<b>License Fees and Late Fee Schedule &amp; Amounts - Do not mail cash.</b>	<b>Dollar Amount (\$)</b>
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 20.00 To Total Due

<b>Print Name</b>	<b>Signature</b>	<b>Date</b>	<b>Social Security #</b>	<b>Date of Birth</b>
HYUN JANG KIM	<i>Hyun Jang Kim</i>	11-1-99	544-17-6072	3-15-36
AE JA KIM	<i>Ae Ja Kim</i>	11-1-99	544-17-4495	7-1-45
HONG BAE KIM	<i>Hong Bae Kim</i>	11-1-99	544-17-4694	6-1-66

MEETING DATE: DEC 02 1999  
AGENDA NO: C-10  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Director Custody Holds per ORS 426.215

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Community & Family Services DIVISION: Behavioral Health

CONTACT: Cathy Horey TELEPHONE #: 248-5464 Ext 24447  
BLDG/ROOM #: 166/6

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

Order Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to take an Allegedly Mentally Ill person into custody.

*12/6/99 wps to cathy horey*

99 NOV 24 AM 9:39  
MULTI-COUNTY  
OREGON  
CLERK OF COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: *Lorenzo Poe*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-228

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Lorea R Arba	543-80-6719
Kara Cehring	523-45-3300
Lynne Hanson	542-874-0243
Matthew Bartolotti	118-70-8732
Cheryl Lane	543-82-7381
Laura Wozniak	329-44-2910

Adopted this 2nd day of December, 1999.



REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By

Katie Gaetjens  
Katie Gaetjens, Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein  
Beverly Stein, Chair





## BOARD HEARING OF December 2, 1999

TIME 9:30am

**CASE NAME:** Request for approval of a water pollution control facility in the Heavy Manufacturing zone.  
**NUMBER:** CS 1-99.

### 1. Applicant & Property Owner Name/ Address:

James Galloway  
City of Troutdale  
104 SE Kibling Avenue  
Troutdale, OR 97060

### 2. Action Requested by Applicant:

Action Requested of Board	
<input checked="" type="checkbox"/>	Affirm Hearings Officer Decision
<input type="checkbox"/>	Hearing/Rehearing
Scope of Review	
<input type="checkbox"/>	On The Record
<input type="checkbox"/>	De Novo
<input type="checkbox"/>	New information allowed

Request for approval of a Community Service use, CS 1-99, to locate a water pollution control facility on a portion of property owned by Reynolds Metals Company in the Heavy Manufacturing (HM) zone. The applicant request is to build an activated sludge treatment facility to accommodate the projected growth (residential and business uses) of the City of Troutdale. A Pre-Application Meeting, PA 22-99, was held on August 25, 1999 for the proposed Community Service use.

### 3. Planning Staff Recommendation

Approval of the request for the Community Service for the water pollution control facility. The administrative recommendation and Staff Report were issued October 13, 1999.

### 4. Hearings Officer Decision

Approval of the request for a Community Service use for a water pollution control facility in the HM zone. The Hearings Officer decision was signed on November 4, 1999 issued (mailed out) on November 9, 1999.

### 5. If recommendation and decision are different, why?

The Hearings Officer agreed with the Staff Report and approved the request for the water pollution control facility under the application for a Community Service use, CS 1-99.

### 6. Issues:

No issues of concern were raised in this case.

### 7. Do any of these issues have policy implications? Explain.

No.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND USE PLANNING  
1600 SE 190TH AVE.  
PORTLAND, OREGON 97233  
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## Multnomah County Hearings Officer Decision

Attached please find a copy of the Hearings Officer's decision in the CS 1-99. A copy of the Hearings Officer's decision is being mailed to those persons entitled to receive notice under MCC 11.15.8220(C) and to other persons who have requested the same.

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. Instructions and forms are available at the Land Use Planning Office at 1600 SE 190<sup>th</sup> Ave., Portland, Oregon 97233.

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

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

<b>Signed by the Hearings Officer:</b>	<b>November 4, 1999</b>
<b>Decision Mailed to Parties:</b>	<b>November 9, 1999</b>
<b>Decision Submitted to Board Clerk:</b>	<b>November 9, 1999</b>
<b>Last day to Appeal Decision:</b>	<b>November 19, 1999</b>
<b>Reported to Board of County Commissioners:</b>	<b>December 2, 1999</b>

_____	Notices
<u>4</u>	Decision Notices
mailed on	<u>11/9/99</u>
by	<u>JXL</u>



APPLICANT: City of Troutdale  
James Galloway  
104 SE Kibling Avenue  
Troutdale, OR 97060

PROPERTY OWNER: Reynolds Metal Co.  
Glen Gates  
5100 NE Sundial Rd.  
Troutdale, OR 97060

ZONING: Heavy Manufacturing

SIZE: 11 acres of the 66.922 acre parcel

### I. DECISION

Approval with Conditions of the proposed Community Service use, CS 1-99, for the application for a water pollution control facility to be located on approximately 11 acres of Tax Lot 400. The facility will also be located on Tax Lot 1700 containing .66 acres within the City of Troutdale.

### II. CONDITIONS OF APPROVAL

1. A Grading and Erosion Control (GEC) permit will be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards.
2. Approval of this Community Service shall expire two years from the date of issuance of the Board Order on the matter unless: "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3); the subject proposal is completed as approved; or the Approval Authority establishes a specific expiration date.
3. Before issuance of building permits, the applicant shall obtain approval of the Design Review application required by MCC .7820, Design Review. The provisions of MCC .7805 through .7865 apply to all Conditional Uses and Community Service Uses in any zoning district. The Design Review (DR) application shall include the applicant's responses to the criteria of the Design Review (DR) and the Off-Street Parking and Loading (OP) provisions of the Multnomah County Code.

4. When ready to have land use or building permits signed-off, the applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, for an appointment to review and sign the plans. The applicant shall submit three (3) copies of the required plans. Multnomah County will keep one (1) copy and two (2) copies will be returned to the applicant for building plans review with the City of Troutdale.
5. The County shall accept no additional land use action and/or permit requests, relating to the subject application, until all required fees for the said application have been paid in full.
6. This approval is based on the submitted material. The proposed use of a water pollution control facility (activated sludge system) shall be done according to the design, size, and location shown and described in the application materials submitted by the applicant in case files CS 1-99 and PA 22-99. The County may require additional submittals and approvals of the applicant as noted in these Conditions of Approval.
7. The portion of Tax Lot 400 that is the subject to this conditional use permit shall not be deeded to Troutdale or any other party before the County has approved an appropriate land division application.
8. After a land division is approved, the subject site may be annexed to the City of Troutdale and become subject to City land use regulations.

### **III. SUMMARY OF THE REQUEST AND BACKGROUND**

The proposed land use includes the relocation and construction of the City of Troutdale waste water treatment plant (WWTP). The proposed WWTP is an activated sludge system designed to treat an average dry season flow of 3.0 mgd of wastewater from all Troutdale residents and businesses. The City of Troutdale has designed the facility to satisfy Troutdale's buildout population of 19,150, which is expected to be reached by the year 2014.

### **IV. SITE AND VICINITY CHARACTERISTICS**

The new facility will be approximately 2,800 feet north of Interstate 84 along the Sandy River (See Figure 1). The site is on Multnomah County Tax Lots 400 and 1700, T1N, R3E, Section 24. Reynolds Metals Company currently owns Tax Lot 400, outside the City limits within in unincorporated Multnomah County. Reynolds Metals Company also owns Tax Lot 1700 but it is within the City of Troutdale city limits.

The proposed facility will occupy approximately 12 acres of land, containing land for future expansion. The subject parcel will use all of Tax Lot 1700 (.66) acres) which is within the

City of Troutdale city limits and approximately 11.34 acres of the southeastern portion of Tax Lot 400 which consists of a total of 69.92 acres (See Figure 2), within unincorporated Multnomah County. The site is currently undeveloped grazing land and consists of mostly flat to gently sloping terrain. The ground surface elevation ranges from 30 feet along the northwest side of the site to approximately 45 feet at the top of the flood control dike to the south and east of the site (See Figure 3). A flood control dike is found along the Sandy River and the new plant will be inside the dike, with a 35-foot minimum setback between the toe of the dike and all structures.

The zoning of the subject parcel is Heavy Manufacturing which permits a WWTP as a Community Service Use when found by the approval authority to satisfy the applicable ordinance standards. The lot size for this use is more than adequate to fulfill all applicable requirements of the district. The proposed use fits into the current uses and zoning of surrounding properties (See Figure 4). To the west of the subject parcel extending to the City of Troutdale's west limit, the entire area is zoned City General Industrial with uses such as the Troutdale Airport, a material recovery facility, a metal products manufacturer, a compost facility and various other industrial users. To the north of the subject parcel is Reynolds Aluminum Plant in unincorporated Multnomah County, zoned Urban Heavy Manufacturing. To the east of the subject parcel is vacant land within Troutdale that extends to the Sandy River and is zoned General Industrial. To the south of the subject parcel, are lands within Troutdale zoned General Industrial for about 2,500 feet containing industries such as a construction company and various trucking industries.

The applicant has requested approval for a WWTP. The applicant proposes to use an activated sludge system and this is a common method of secondary treatment of water. Secondary treatment, or biological treatment, uses "natural decomposes and detritus feeders, that consume the organic matter and break it down through their cell respiration to carbon dioxide and water". Activated sludge is "a mixture of detritus-feeding organisms" added to the water as the water enters the aeration tank. They attach a diagram of the activated sludge treatment process as Exhibit #4. They attach a diagram of the summary of the wastewater treatment process as Exhibit #5. Both the quotations in this paragraph and diagrams #4 and #5 are from Environmental Science: The Way the World Works, Bernard Nebel, 1990.

Plant Operations: The plant will operate 24 hours a day, 365 days a year. There are currently six employees at the current facility from 8:00 to 4:30, Monday through Friday. On Saturday and Sunday, typically one employee works for a 2-hour period. The same staffing levels are expected at the proposed WWTP. Seven city-owned vehicles will be stored at the facility inside the on-site maintenance building.

Architecture: There will be five new buildings at the facility: head works/ primary influent pump station, blower building, UV light disinfection and effluent pump station, digester building, and administration building. Exterior treatment will use similar materials for all buildings. Exterior walls will be concrete masonry units, with varied textures and colors. The upper part of some exterior walls will be finished with an accent band of cementitious

coating or an acrylic finish. Roofs will generally be pitched, hipped, style with a 4:12 slope, covered with built up bituminous roofing. The City will paint exposed structural metal and miscellaneous metal.

**Structures:** Construction of new facilities will consist of the head works complex, two primary clarifiers, two aeration basins, blower building, two secondary clarifiers, UV disinfection facility, gravity thickener, two digesters, biosolids storage basin and an administration building. The City will lay out the site to accommodate future plant expansions as required for any unforeseen needs. Structures on the site amount to approximately 95,000 square feet, approximately 20% of the site.

**General Comments:** The applicant's request for use of the site as a WWTP requires a land use application for a Community Service (CS) approval for a Conditional Use (CU) in the Heavy Manufacturing zone. The zoning district, HM, provides for a Conditional Use application for a Community Service approval under Section .5330 (A). The conditional use section refers to the criteria of Section .7005 through Section .7030, the Community Service criteria. The Community Service section lists "waste collection, transfer, processing, or recovery facility" as a use in Section .7020(A)(22).

The Conditional Use application and request for Community Service approval require additional review of the site under the Design Review process (Section 11.15.7805). The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in Off-Street Parking and Loading (OP) (Section 11.15.6100). Section .5060 and Section .7010 (F) require Design Review applications for Community Service/ Conditional Use applications.

The site is near the Troutdale Airport. The provisions of the Oregon Administrative Rule under OAR 660-013-0010 et seq. regulate land uses near airports. A copy of the Runway Protection Zones, Safety Area and Height Restriction Elevations map, from the Oregon Airport Land Use Compatibility Guidelines, November 1994, is in the case file for PA 22-99. In addition, Elizabeth McCallum of the City of Troutdale Planning Department provided information on airport regulations, via an August 24, 1999 fax to Staff. The applicant has provided information regarding compliance with the airport standards. The City of Troutdale will undertake mitigation measures to detract wildlife. They will install parallel cables over the biosolids storage basin and fishing line over the tops of the primary and secondary clarifiers. The City will implement other methods as necessary upon startup of the facility.

## V. HEARING AND TESTIMONY

Hearings Officer Deniece Won received testimony at the public hearing about this application on October 20, 1999.

- A. Tricia Sears, County Planner, summarized the staff report. She submitted Exhibit H1, an affidavit of posting and H2, a comment from the east Multnomah County Soil and Water Conservation District.
- B. Jim Galloway, City of Troutdale Engineer, testified in favor of the application. He said that the existing sewage treatment plant for Troutdale is downtown behind the Columbia Outlet Mall. The reasons for moving the plant concern capacity problems with the existing plant and to make the existing sit available for downtown development.
- C. The Hearings Officer asked questions about whether the Lot of Record Provisions of the General Manufacturing zone section applied here.

## VI. APPROVAL CRITERIA, FINDINGS AND CONCLUSIONS

### A. Multnomah County Code

#### Urban Manufacturing General Provisions (UM/GP)

##### 11.15.5005 Area Affected

MCC .5005 through .5065 shall apply to those lands designated LM, GM and HM on the Multnomah County Zoning Map.

Findings and Conclusions. The applicant proposes that the WWTP be located on two parcels. Tax Lot 400 is unincorporated and the subject of this application. Tax Lot 1700 is within the city limits of the City of Troutdale. The Hearings Officer assumes that the City of Troutdale will review an appropriate land use action for the facility on the Tax Lot within the City's jurisdiction. Tax Lot 400 is within Multnomah County's jurisdiction and zoned Heavy Manufacturing (HM) according to the maps on file at Multnomah County's Land Use Planning offices. Consequently, MCC .5005 through .5065 apply to that parcel.

##### 11.15.5010 Purposes

The purposes of the Urban Manufacturing Districts are to provide for the designation of suitable lands for industrial use, economic growth and development; to assure the stability and functional aspects of existing and planned industrial areas and of employment opportunities by protecting potential industrial lands from encroachment by non-industrial or incompatible uses; to accommodate a diversified

economy and a complementary blend of uses; to provide for industrial land use classification by types of uses in relation to similar and associated activities and off-site effects; to reinforce community identity; to establish standards and requirements necessary to the realization of the Comprehensive Plan policies while affording maximum opportunities for the location and development of industrial uses; to encourage the conservation of energy resources and to establish approval criteria and development standards for the location of supportive uses and services consistent with the Comprehensive Plan.

**11.15.5015 Lot of Record**

- (A) For the purposes of these districts, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to July 26, 1979.
- (B) No sale or conveyance of any portion of a lot, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of the district.

Findings and Conclusions. The subject parcel, Tax Lot 400, was part of Tax Lot 40, Section 23, T1N, R3E until 1994. In 1994 the department of Taxation and Assessment administratively created Tax Lot 400 out of Tax Lot 40 to comply with State guidance prohibiting one tax lot from spanning two or more sections. The applicant provided documentation of this action in Appendix "A" to the application. The applicant has provided additional documentation from the Multnomah County Assessment and Taxation Division (A & T) with a fax submittal to Staff on August 26, 1999. The August 26, 1999 fax submittal is in case file CS 1-99. The documents illustrate the creation of Tax Lot 400 was for administrative purposes. The paperwork from A & T states, "This correction is a result of new, more accurate maps generated by the Dept. of Revenue, State of Oregon for the Multnomah County Division of Assessment & Taxation." In addition, A & T made an alteration to the tax lot "Due to State of Oregon Claim, in and to the bed of the Sandy River lying below the high water line." A & T retained the existing deed. The Lot of Record is all of former Tax Lot 40. A & T created Tax Lot 400 out of Tax Lot 40 for Assessment and Taxation purposes only and it is not a lot of record for land use purposes, as it was not divided pursuant to ORS 92 before July 26, 1979. ORS 92.017 provides that:

"A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law."

Reynolds Aluminum has not divided Tax Lot 400 as provided by ORS 92 and the multnomah county land division requirements. Therefore the legal lot for land use purposes, as opposed to A & T purposes, is Tax Lot 40.

Because the Subject Tax Lot 400 is not a lot of record, the Hearings Officer concludes that the requirement in MCC 11.15.5030, concerning lot sizes for conditional uses applies. That section of the Code is discussed below. Further, only part of Tax Lot 400 is the subject of this application. Tax Lot 400 contains 69.92 acres, while the proposed site for the facility contains only 12 acres (including .66 acres in Tax Lot 1700 which is within the City of Troutdale's jurisdiction). It appears that the City of Troutdale intends to purchase the portion of Tax Lot 400 that is subject to this application from the current owner, Reynolds Aluminum. ORS 92.016(2) provides:

"A person may negotiate to sell any parcel in a partition with respect to which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to the approval of the tentative plan for the partition; but no person may sell any parcel in a partition for which approval of a tentative plan is required by any ordinance or regulation adopted under ORS 92.044 or 92.046, respectively, prior to such approval."

Before the City purchases the land, Reynolds Aluminum must partition the area subject to this conditional use permit from Tax Lot 40 (the legal lot for land use purposes) pursuant to the requirements in ORS 92 and the County's land division requirements.

#### **11.15.5020 Access**

- (A) Any lot in these districts shall have access from a public street or from a private street approved under MCC 11.45, the Land Division Chapter.
- (B) Access shall be improved according to the provisions of the Street Standards Chapter, MCC 11.60, for public streets, or the Site Development Standards Chapter for private streets.

Findings and Conclusions. Tax Lot 400 is accessed by a public street, N.W. Graham Road. The City of Troutdale owns the street. The applicant provided a letter (dated September 2, 1999) from the City of Troutdale Community Development Director stating the City does not require additional dedication for NW Graham Road "Since the right-of-way in that location is at the required width of 60 feet." The letter is attached as Exhibit #10. According to the applicant, the City will install curbs along the main entrance and will extend curbs from N.W. Graham Road to the administration building. Access to the plant will consist of a 20-foot wide asphalt concrete loop road, which will circle the entire facility. Maintenance vehicles will have access to each facility by paved areas from the loop road. The applicant will construct an 8-inch thick concrete pavement section at the turnaround area to the head works complex where trucks will load and unload a 10-yard dumpster. Impervious parking and roadways on the site consist of approximately 84,000 square feet, which is approximately 17% of the site. The application meets the criterion.

### 11.15.5030 Lot Sizes for Conditional Uses

Except as otherwise established by this Chapter, the lot size for a Conditional Use shall be determined by the approval authority at the time of approval of the use, based upon:

- (A) The site size needs of the proposed use;
- (B) The nature of the proposed use in relation to its impacts on or from nearby properties or uses; and
- (C) Consideration of the purposes of the district.

Findings and Conclusions. The County Development Code contains no minimum lot size, yard setback or lot coverage requirements for the Urban Heavy Manufacturing zoning district. The site plan for the proposed WWTP demonstrates that the 12-acre site is adequate to meet present and future site size needs of the proposed use. The proposed lot size (11.34 acres of unincorporated land plus .66 acres of incorporated land) will not significantly create adverse impacts on nearby properties or uses because those properties are Industrial/Heavy Manufacturing and the applicant has provided measures to mitigate impacts. Considering the purposes of the zoning district, without adequate wastewater treatment no economic growth and development may occur anywhere within Troutdale or its urban service area. A purpose of the HM district is to allow processing industries essential to the regional economy. This proposed development is consistent with that purpose.

### 11.15.5035 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6100 through .6148.

Findings and Conclusions. The parking standards of the Multnomah County Code do not specify the required number of spaces for a WWTP. Under Section .6142(F), Unspecified Uses, "Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director." Under subsection (E)(2) of Section .6142, the storage requirements list "one space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet."

The site plan illustrates that twelve (12) parking spaces will be on the site for the WWTP. Twelve parking spaces are adequate for the proposed use of the site.

The Design Review provisions and the Off-Street Parking and Loading (OP) provisions will be addressed in detail with the applicant's subsequent application for Design Review. If necessary, the City of Troutdale will also submit a Grading and Erosion Control (GEC) permit.

According to the applicant:

Parking spaces shall be available for the parking of personal vehicles of employees, any city-owned vehicles needing parking, and any visitors that may occasionally visit. These parking spaces shall provide for the turning, maneuvering and parking of all vehicles on the lot and shall be located out of the public right-of-way. All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of Portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds. All areas used for parking, loading and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaping strips or yards to prevent unchanneled motor vehicle access or egress and will meet the landscape and screening requirements. All areas for parking and maneuvering shall be marked according to the attached plan and Multnomah County Code and shall be graded and drained to provide for the disposal of all surface water on the lot. According to MCC .6142, minimum required off-street parking spaces for a storage use is one space for each 5,000 square feet of storage area for the first 20,000 square feet, plus one additional space for each additional 50,000 square feet. Taking into account all structures on the site, they account for approximately 95,000 square feet of storage area which would equate to a requirement of six parking spaces under the code. The parking plan for the WWTP administration building will exceed this requirement and will accommodate 12 vehicles including one handicap parking stall and access for employee and visitor parking.

The applicant states that twelve (12) parking spaces, including one (1) handicapped parking stall and access, will be constructed. The applicant also states that six (6) employees work at the current site and several city-owned vehicles are stored at the facility.

The application meets the criterion of providing adequate on-site parking. As stated, additional site review will occur under the required subsequent applications.

#### **11.15.5060 Design Review**

**Uses in these districts shall be subject to Design Review approval under MCC .7805 through .7865.**

Findings and Conclusions. The applicant, as has already been stated, is required to obtain Design Review approval after completion of the Community Service, CS 1-99, application process. Besides the Code provisions that clearly state the requirements, Condition of

Approval number three requires the applicant to apply for Design Review and Condition of Approval one requires the applicant to apply for a Grading and Erosion Control permit.

**Heavy Manufacturing (HM)**

**11.15.5305 Purposes**

**In addition to the purposes listed in MCC .5101, the purposes of the Urban Heavy Manufacturing District are to provide for the location of basic or primary processing industries essential to the regional economy; to establish separation and other standards designed to mitigate adverse off-site effects characteristic of certain uses, and to provide for industrial uses unsuitable for location in the LM and GM districts.**

**11.15.5310 Area Affected**

**MCC .5305 through .5340 shall apply, in addition to the provisions of MCC .5005 through .5065, to those lands designated HM on the Multnomah County Zoning Map.**

Findings and Conclusions. Tax Lot 400 is zoned Heavy Manufacturing (HM) according to the maps on file at Multnomah County's Land Use Planning offices. Consequently, the provisions of MCC .5305 through .5340 apply.

**11.15.5315 Uses**

**Except as otherwise provided in this Chapter, no building structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .5320 through .5330.**

\* \* \*

**11.15.5330 Conditional Uses**

**The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:**

- (A) Community Service Uses, under the provisions of MCC .7005 through .7030;**

Findings and Conclusions. The applicant has submitted a narrative response to the Community Service criteria the Hearings Officer has found that the standards applicable to Community Service uses are satisfied. See the discussion under MCC .7005 through .7030 below.. The request for Community Service approval for the WWTP is a Conditional Use in the Heavy Manufacturing zone.

\*\*\*

#### **11.15.5335 Dimensional Requirements**

- (A) **The lot size for a use permitted or authorized in this district shall be adequate to fulfill the applicable minimum yard, setback, lot coverage, design review and other requirements of the district.**

Findings and Conclusions. The subject Tax Lot 400 contains 66.92 acres (although I note that Tax Lot 400 is not a legal lot of record for land use purposes, the legal lot of record is the larger Tax Lot 40). The part of the proposed development to be placed on Tax Lot 1700, containing .66 acres, is not part of this application because it is within the City of Troutdale and Multnomah County has no land use jurisdiction over that parcel. The applicant proposes to use approximately 12 acres of the two parcels for the WWTP. There are no minimum yard, setback, or lot coverage requirements set forth in either the Heavy Manufacturing (HM) zone or the General Urban Manufacturing provisions (UM/GP). Nor has the Hearings Officer found or been cited to any such standards elsewhere in the Code. Design Review standards and Off-Street Parking and Loading standards will be reviewed in detail under the Design Review (DR) application. In addition, a Grading and Erosion Control permit may be required for the proposed development. The application meets the criterion.

- (B) **Maximum height of any structure shall be 60 feet.**

Findings and Conclusions. The applicant has provided elevation drawings of the proposed buildings and structures for the WWTP. The proposed structures do not exceed the 60-foot height limit of the zone. The application meets the criterion.

#### **11.15.5340 Landscaped Buffer Area**

**A landscaped buffer area shall be established and maintained as required under MCC .5140 of the Urban Light Manufacturing District.**

#### **11.15.5140 Landscaped Buffer Area**

- (A) **A landscaped buffer area shall be established and maintained according to the applicable standards of MCC .7855. The buffer area shall have a minimum width:**
- (1) **Of 50 feet along any property line which is adjacent to or across any street, slough, drainageway, railroad or other right-of-way from any land designated as residential by the Comprehensive Plan;**
  - (2) **Of 25 feet along the right-of-way or from the high water line of any lake, slough, stream, drainageway or other waterway; and**

- (3) Of 20 feet along a lot line adjacent to a street;
  - (4) Equal to the building height, between a building in this district and a residential district lot line;
  - (5) Of 10 feet between a parking, loading or vehicle maneuvering area and a residential district lot line; and
  - (6) Of 25 feet between an outside storage or open display area and a residential district lot line.
- (B) Exception - In acting on a final design review plan under MCC .7845 through .7855, the Planning Director may waive or modify a requirement of subsections MCC .5140(A)(1) through (6) upon a finding that:
- (1) An established building line renders the requirement inappropriate, or
  - (2) The factors listed in MCC .7860(C)(1)(a) through (d) are satisfied.

Findings and Conclusions. The parcel is not adjacent to any land designated as residential. Consequently the buffers required in .5140(A)(1), (4), (5) and (6) do not apply. The parcel does not abut any lake, slough, stream, drainageway or other waterway. Consequently the buffer required in .5140(A)(2) does not apply. The parcel fronts N.W. Graham Road. The 20 feet buffer required in .5140(A)(3) applies along the south side of the property where it is adjacent to Graham Road.

In the application sections titled, "Site Security/ Screening" and "Landscape/ Screening" the applicant stated:

The perimeter of the plant will be secured with a 6-foot high chain link fence topped with three strands of barbed wire. The main entrance will have a 6-foot high chain link double swing locking gate, which will be opened and closed manually by the staff. The City will use excess excavated material to create berms along the south property line to provide additional screening of the plant from those driving north on Graham Road.

They will landscape the interior of the plan with grass. Slopes will be less than 4:1 to provide ease in maintenance. Trees will be located along a portion of the south berm and along the west property line to help provide screening of the plant from Graham Road. Irrigation will be provided for the grass and trees located at the interior of the plant. Grass on the stockpile and approximately 300,000 [square feet], which constitutes approximately 63% of the site.

In the application section titled, "Off-Street Parking and Loading," the applicant stated:

All areas used for parking, loading or maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaping strips or yards to prevent unchanneled motor vehicle access or egress and will meet the landscape and screening requirements.

The applicant is required to obtain Design Review approval. The Design Review application will entail a detailed review of the Multnomah County Code provisions for Design Review, Landscaped buffers and Off-Street Parking and Loading.

### **Off-Street Loading and Parking (OP)**

#### **11.15.6102 General Provisions**

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

Findings and Conclusions. The provisions of the Off-Street Loading and Parking (OP) section will be addressed by the applicant under the Design Review application. Please note the comment under Section .6122.

#### **11.15.6122 Interpretation**

Off-street parking or loading requirements for structures or uses not specifically listed in MCC .6142 and .6144 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.

Findings and Conclusions. The applicant will provide twelve (12) parking spaces on the subject parcels for the proposed water pollution facility. Please see the discussion under Section .5035 of this Decision.

#### **11.15.6136 Signs**

**Signs, pursuant to the provisions of 11.15.7964.**

Findings and Conclusions. The applicant states that one sign will be placed near the entrance to the site on NW Graham Road. The sign will be reviewed under the Design Review application.

\* \* \*

**Community Service (CS)**

**11.15.7005 Purpose**

**MCC .7005 through .7041 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter.**

**11.15.7010 General Provisions**

- (A) Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.**

**Findings and Conclusions.** The applicant has submitted the appropriate land use application for the request for the WWTP on the subject parcels in the Heavy Manufacturing zone.

- (B) Except as provided in MCC .7022(F) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.**

**Findings and Conclusions.** The application for the Community Service use was reviewed at the public hearing on October 20, 1999 at the offices of the Multnomah County Land Use Planning Division.

- (C) The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**
- (1) The project is completed as approved, or**
  - (2) The Approval Authority establishes an expiration date in excess of the two year period, or**
  - (3) The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:**
    - (a) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
    - (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:**

- (i) **Final Design Review approval has been granted under MCC .7845 on the total project; and**
  - (ii) **At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).**
- (c) **Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (d) **The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**
- (D) **A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.**
- (E) **In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.**
- (F) **Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.**
- (G) **A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.**

Findings and Conclusions. Subsections (C) through (G) have been provided as informational for the applicant.

## 11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC .7035, and except for regional sanitary landfills which shall comply with MCC .7045 through .7070.

**(A) Is consistent with the character of the area;**

Findings and Conclusions. The entire surrounding area is zoned General Industrial or Light Industrial such as Hawkeye Construction, Reynolds Metals, and the Troutdale Airport surrounding the property. Approximately 63% of the site would be retained as landscaping to maintain as much of the natural setting as possible in the area of the Sandy River. The applicant submitted photos of the site at the Pre-Application Meeting on August 25, 1999. One of these photos is attached as Exhibit #6.

Defining "character of the area" is difficult because it is a non-quantifiable evaluation. Staff evaluated the zoning on the subject parcel and the surrounding parcels; and the possible uses of the said zoning designations in the area. Exhibit #7 contains a City of Troutdale zoning map of the area within the City, showing all the surrounding area is zoned industrial. The unincorporated area north of the site is used by Reynolds Aluminum, an industrial use. Reynolds Aluminum ownership is also designated and zoned for manufacturing uses. A WWTP is designated as a Community Service use under subsection (22) of Section .7020 (A) of the Multnomah County Code as a "waste collection, transfer, processing, or recovery facility." The Community Service (CS) use is a Conditional Use application in the Heavy Manufacturing (HM) zone. In addition, Staff visited the site on October 11, 1999. According to the staff, the site is part of the industrialized area of the City of Troutdale and Multnomah County located west of the Sandy River, north of I-84 and south of the Columbia River. The applicant's proposed use is not a typical industrial use in that no commercial product is created from a process. Nonetheless the facility will process sanitary sewage and the product is clean water to meet state and federal water quality regulations.

The applicant's proposed use of the site as a WWTP is consistent with manufacturing uses already existing in the area and with the City and County plan and zoning designations in the area. The application meets the criterion.

**(B) Will not adversely affect natural resources;**

Findings and Conclusions. The applicant's proposed use is to clean or treat sanitary sewage coming into the facility and releasing the treated clean water into the Sandy River in compliance with state and federal water quality regulations. The proposed facility is a replacement of an existing sewage treatment plant within Troutdale located in the north part of the City, north of I-84. The applicant has provided a site plan of the two properties

the City proposes to develop. As noted earlier the applicant proposes to use approximately 12 acres of the two properties (.66 acres and 69.92 acres respectively).

The City conducted a wetland delineation on the subject parcel. The subject tax lot was found to contain four jurisdictional wetlands subject to the Clean Water Act and Oregon Removal/ Fill Law (See Figure 5). The jurisdictional wetlands exist as seasonal herbaceous wetland depressional areas and wetland swales. Some identified wetlands are off-site while others are on-site in the northwest corner of the parcel. The site is not listed on the Multnomah County Significant Wetlands maps.

The Flood Insurance Rate Map #410179-0220B shows the site is part of Zone B and is protected by a dike to keep the Sandy River from flowing onto the site. Zone B is the area between the limits of the 100- and 500- year floods. According to the staff, the applicant submitted photographs to the staff on August 25, 1999 at the Pre-Application Meeting (PA 22-99) which reveal the vegetation on the site is grassland. Exhibit #6 is a photo of the site provided by the applicant. The staff confirmed this existing vegetation on the site visit on October 11, 1999. The eastern property line of the site is well over 100 feet away from the top of the Sandy River bank and is protected from the Sandy River by a flood control dike.

The City of Troutdale will maintain a minimum 25-foot buffer around any of the identified wetlands. Other natural resources in the area include the Sandy River, which is approximately 240 feet to the east of the subject parcel at its closest point (See Figure 1). The proposed land use is not expected to adversely affect any of these resources. According to the applicant, 63% of the site will be in landscaping.

The applicant submitted a site plan entitled, "WCPF Erosion Control Plan". A reduced copy of the erosion control plan is attached as Exhibit #2. The applicant will be required by obtaining an erosion and control permit to meet all standards of MCC 29.305. The site plan provided illustrates the location and type of erosion control measures to be installed on

The applicant submitted a copy of the location of the outfall for the City's existing WWTP. Exhibit #9. The applicant has determined to retain the existing outfall. A new segment of outfall line will be extended from the new facility to connect to the existing outfall line.

The proposed use will not adversely affect natural resources. As mentioned above, most of the site will be retained as landscaping. A minimum 25-foot buffer will be maintained around any identified wetlands or other sensitive areas. Therefore, no impacts to wetlands or natural resource area are expected to occur. Erosion control and protection measures will be installed to protect the wetlands and any other sensitive areas on-site. Much of the site is flat grassland and minimal trees or other vegetation will be disturbed. The existing Sewage Treatment Plant's outfall will be utilized. The discharge into the Sandy River is subject to regulation by the Department of Environmental Quality (DEQ) and subject to DEQ and federal water pollution standards. The facility itself and the process of treating the water at the facility will have minimal impact on natural resources. Because the facility is

replacing an existing facility and the proposed facility is modern it should have a net positive effect on the environment. The application meets the criteria for not adversely affecting natural resources.

**(C) Will not conflict with farm or forest uses in the area;**

Findings and Conclusions. The proposed site is vacant land consisting of flat grassland with no forest or farm uses on the subject parcel or in the surrounding area. The subject parcel and the surrounding parcels are zoned with industrial zoning designations such as Light Manufacturing and Heavy Manufacturing. The surrounding parcels are not zoned for farm or forest use. Because neither the site nor the surrounding lands are zoned or used for farm or forest use, the application meets the criterion and will not conflict with farm or forest uses in the

**(D) Will not require public services other than those existing or programmed for the area;**

Findings and Conclusions. The applicant has submitted all the required Service Provider forms and the forms are appropriately completed. The applicant proposes to provide a service to the community (City of Troutdale) with the WWTP. The site is located in an industrially zoned area, currently within the Multnomah County jurisdiction and adjacent to the City of Troutdale. Based on the service provider forms, the Hearings Officer concludes that the existing services are adequate for the proposed use. The application meets the criterion.

**(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;**

Findings and Conclusions. The proposed site is located outside of the big game winter habitat area as defined by the Oregon Department of Fish and Wildlife. The application meets the criterion.

**(F) Will not create hazardous conditions; and**

Findings and Conclusions. The applicant City conducted a Geotechnical field exploration program on the subject parcel and a Geotechnical report was prepared. The site of the new facility is on the eastern part of the Portland Basin. The site overlies Holocene-age alluvium flood deposits that consist of medium to fine sand and silt. The applicant believes the groundwater at the site to be in a perched condition, not typically affected by the Columbia or Sandy River levels.

The City will install erosion control and protection measures to protect the wetlands and any other on-site sensitive areas. The City caused a Phase I Environmental Assessment to be conducted on the subject parcel. The Assessment found that the potential for adverse

environmental impact to the site from former and current use is low, and the impact from nearby sites is also low. The City will develop a new facility Accidental Spill Prevention Plan (ASPP) before operation of the WWTP to discuss how the City will handle a spill or an upset at the plant, to prevent any negative impacts to the property and the surrounding area.

The proposed WWTP will not create hazardous conditions. The facility is being designed to ensure that it meets all current local, state, and federal requirements and will not require any hazards. The new facility will have an Accidental Spill Prevention Plan (ASPP) developed prior to operation to discuss how a spill or an upset at the plant would be handled to prevent any negative impacts to the property and the surrounding area. Erosion control and prevention measures will be installed to protect wetlands and other sensitive areas on site. The applicant's proposed WWTP (activated sludge system) will not create hazardous conditions and hence, the application meets the criterion.

**(G) Will satisfy the applicable policies of the Comprehensive Plan.**

Findings and Conclusions. The proposed site will satisfy the applicable policies of the Comprehensive Plan. These applicable policies are addressed in the last section of this Decision titled "Comprehensive Plan Policies."

**(H) Will satisfy such other applicable approval criteria as are stated in this Section.**

Findings and Conclusions. The applicant's proposed WWTP is subject to review under the Design Review criteria (including Off-Street Parking and Loading) and, if applicable, the Grading and Erosion Control criteria. Conditions of Approval have been established related to these requirements (#1 and #3). Subsequent, related decisions for the proposed development on the site might include additional Conditions of Approval as deemed appropriate for the submitted application at that time.

#### **11.15.7020 Uses**

**(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.**

\* \* \*

**(22) Waste collection, transfer, processing, or recovery facility.**

Findings and Conclusions. The proposed WWTP will collect waste (sanitary sewage) and process that waste into clean water. The use may be permitted in the Heavy Manufacturing district.

## **Conditional Uses (CU)**

### **11.15.7105 Purposes**

**Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.**

**Findings and Conclusions.** As noted under .5330 Community Services uses may be permitted as conditional uses under the provisions of MCC .7005 through .7030. Those provisions have been addressed above.

## **Design Review (DR)**

### **11.15.7805 Purposes**

**MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.**

**Findings and Conclusions.** The applicant is required to submit for a Design Review (DR) application subsequent to the completion of the Community Service case, CS 1-99. See also Condition of Approval #3.

**\*\*\***

### **11.15.7820 Application of Regulations**

**The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:**

**Findings and Conclusions.** The applicant's request is for approval of a Community Service use for a WWTP. The proposed use is listed as a Community Service use under Section .7020(A)(22) for a "waste collection, transfer, processing, or recovery facility." The Community Service use is a Conditional Use under the Heavy Manufacturing (HM) zoning designation [See Section 5330 (A)]. The subject properties are zoned HM. The applicant is required to submit for a Design Review (DR) application subsequent to the completion of the Community Service case, CS 1-99. See also Condition of Approval #3.

\* \* \*

**B. COMPREHENSIVE PLAN POLICIES**

**POLICY 4 Intergovernmental Coordination**

**It is the County's policy to participate in intergovernmental coordination efforts with federal, state and local governments and with special service districts. The County will ensure that the responsibility and support for land use planning will be coordinated with adjacent jurisdictions through the adoption of urban planning area agreements which will recognize:**

- A. That it is not the County's primary role to provide urban services;**
- C. That the County's Comprehensive Framework Plan and component community plans and implementing ordinances will be the primary plan for unincorporated areas until, and during, any jurisdictional transition;**
- D. The County has a responsibility to support the planning process for unincorporated areas; and**
- D. Establish and participate in a cooperative process to address the future of urban service provision issues.**

**In addition, it is the County's policy to support:**

- 1. Accountability and responsiveness to regional and countywide needs;**
- 2. The identification and maintenance of the urban growth boundary as adopted by METRO;**
- 3. The delivery of services necessary countywide and in the areas outside the urban growth boundary;**
- 4. Joint development projects with the private sector which target public investments (fiscal or regulatory) to the support of countywide benefit and which fulfill pertinent community plans; and**
- 5. The attempt to preserve the integrity of the land use policies of any County Comprehensive Plan element that may be affected by the actions of another jurisdiction where those actions may have "off-site" effects.**

**Findings and Conclusions. Policy 4 does not contain decision-making criteria applicable to development applications. Nonetheless, the applicant and staff addressed Policy 4 in the**

application and the staff report respectively. The information the provided is provided here as supplemental information. According to the applicant:

The City of Troutdale supports the County's policy to participate in intergovernmental coordination efforts with federal, state, and local governments and with special service districts and feels that coordination between agencies is very important. To establish good coordination with other agencies, the City of Troutdale held a meeting during the pre-design phase where representatives from the Department of Environmental Quality, National Marine Fisheries Service, Division of State Lands, Oregon Department of Fish and Wildlife, Port of Portland, and the Army Corps of Engineers were in attendance to discuss any issues or concerns these agencies might have with the WWTP project (Notes from this meeting and comments from the Federal Aviation Administration, the only one to provide such comments, are attached in Appendix F). The City asked that any of the agencies please contact us if they see any concerns with the project along the way. The City is continually working with the Department of Environmental Quality as they review the stages of design and the final design of the project and has worked diligently with them on establishing the outfall location as well as many other aspects of the project. The City also continually works with the Port of Portland to ensure that the WWTP addresses state requirements and other airport standards. The City has and will continue it intergovernmental coordination efforts to ensure the WWTP addresses raised by another agency.

The staff provided the following information in the staff report.

Staff has reviewed the materials provided by the applicant in Appendix F of the application for CS 1-99. The above described meeting between the City of Troutdale, CH2MHill, and other agencies, took place on February 24, 1999. The applicant has shown a tremendous effort to notify other local, state, and federal agencies about the proposed WWTP. The comments from the FAA include concerns about the wildlife mitigation efforts at the proposed site. The letter from Cayla Morgan, dated July 7, 1999, to James Galloway at the City of Troutdale, states "We have reviewed the proposal for the above referenced facility and find it to be in conflict with the guidance contained in Federal Aviation Administration (FAA) Advisory Circular (AC) 150-5200-33, 'Hazardous Wildlife Attractants on or Near Airports' and therefore cannot concur in the location nor the design." In addition, Ms. Morgan states, "We recognize that we have no authority to affect a change in your plans for this facility but would like you to further consider these recommendations in the interest of aviation safety. In the event that the existing proposal is constructed, we would like to encourage you to work with the Port of Portland and USDA in minimizing the potential for hazardous wildlife near the facility." The applicant has stated that mitigation measures will be taken on the site to distract wildlife. The applicant states that "Parallel cables will be installed over the biosolids storage basin and fishing line will be installed over the tops of the primary and secondary clarifiers. Other methods will be implemented as necessary

upon startup of the facility" (page 4 of narrative). The applicant meets the criterion for intergovernmental coordination.

### **POLICY 13 Air, Water, and Noise Quality**

**Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, if a land use proposal is a noise-sensitive use and is located in a noise-impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:**

- 1. Building placement on the site in an area having minimal noise level disruptions.**
- 2. Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.**

Findings and Conclusions. The portions of the policy addressing air and water quality are not criteria applicable to development applications. According to the applicant, the proposed use will have very little noise impacts, if any. The facility's generator and any other noise producing equipment will be placed inside buildings that are insulated to lower any interior noise levels and minimize any outside noise. Structures such as the digester complex, the containment area, and the drywell, are not noise generating structures. If the generator is a noise generator then the application complies with the criteria in Policy 13 because it is placed in an insulated building to lower noise levels.

The City will use a soil media bio filter along with exhaust fans and associated duct work to treat odorous air from the Head works, Gravity Thickener, Primary Clarifier launders, Primary Clarifier center walls, and the primary treatment flow distribution box. They will evenly distribute the odorous air throughout the bio filter through a main header and many small laterals with perforations. The bio filter is designed to remove 95 percent of hydrogen sulfide, volatile fatty acids, and other various reduced organic sulfur compounds in the odorous air stream.

The Hearings Officer believes that the criteria do not apply because the proposed facility is not a noise-sensitive use nor is it a noise generator.

### **POLICY 14 Developmental Limitations**

**The County's policy is to direct development and land form alterations away from areas with development limitations, except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

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

Findings and Conclusions. The parcel contains Faloma silt loam (16), according to the soil maps on file at Multnomah County. The slopes are 0 to 3 percent for this soil type and thus, the slopes on the site do not exceed 20%. The soil type has a slight level of potential erosion.

The site is located on between the limits of the 100- and 500- year floods, Zone B, according to the Flood Insurance Rate Map #410179-0220B. The Soil Survey of Multnomah County, OR states that the soil type is "subject to flooding but is protected by dikes and levees." The applicant City stated that it will maintain at least a 35-foot setback from the dike and will not disturb any portion of the dike or the land within the 35-foot setback.

According to the applicant, based on the geotechnical information available, the soil appears to transition from clay to sand at an elevation of approximately 10 feet. Therefore, the applicant has avoided as much as possible, placing structures below elevation 10 feet, to minimize dewatering activities during construction. The land has minimal chance of being subject to slumping, earthslides, or movement, and doesn't contain a fragipan less than 30 inches from the surface or a high seasonal water table. Consequently the parcel does not have developmental limitations as defined by Policy 14.

#### **POLICY 22 Energy Conservation**

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources through:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;

- C. **An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. **Street layouts, lotting patterns and designs that utilize natural environmental and climatic conditions to advantage;**
- E. **Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

Findings and Conclusions. According to the application, the proposed WWTP is being developed with the intent of utilizing energy-efficient land uses and practices. Some of these practices include: minimal outdoor lighting, approximately 90% less ultraviolet bulbs will be utilized in the new plant than are currently being utilized; methane gas produced during the treatment process at the facility will be reused as the energy source for the digesters; and newer equipment will be much more energy efficient than the older equipment being utilized at the current plant. The City also land-applies biosolids from the lagoon on state-approved sites to reuse the material. The facility also recycles a number of materials such as paper, glass, plastic bottles, pop cans, newspapers, magazines, motor oil, and any cardboard to save energy and preserve resources. The WWTP will not generate many vehicular trips other than the 6 employees who work there on a daily basis. The site is laid out to utilize the natural environment by allowing most of the stormwater runoff to flow into swales and drywells for infiltration and approximately 63% of the site will be maintained as natural landscaping.

The site of the proposed facility is in an industrialized area. The site is accessed from N.W. Graham Road, a road owned by the City of Troutdale.

#### **POLICY 31 Community Facilities and Uses**

**Community facilities and services include public and private activities which are operated for the benefit of the public and to fill a social need. Basic services which have a direct effect on the public health, safety and welfare are public schools, transportation, water supply and sewage and solid waste disposal. . .**

**\* \* \* Service providers, in making their locational decisions, must take into account such factors as public need, location of target clientele, existing financial obligations, present and anticipated resource availability, and costs of physical plant and program development. Taken together, the siting and expansion of community facilities must be at locations reflective of community needs and the ability of service agencies to deliver services.**

#### **INTENT**

**It is the intent of this policy to support the location of community facilities at sites which reinforce the timely and orderly delivery of services, maximize efficient use of existing facilities and provide for the development of new and additional services where unmet**

public need has been identified.

The County's policy is to:

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.
- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.
- C. Encourage land use development which supports the efficient use of existing and planned community facilities.
- D. Support the development of a unified approach to long-range community facilities planning and capital investment programming in Multnomah County.
- E. Classify community facilities according to their function and scale of operations.

<u>Scale</u>	<u>Type of Facilities</u>
Community Service Foundations	* * * Sewage Treatment Plants

- F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts. Site slope requirements by scale are:

<u>Scale</u>	<u>Average Site Slope Standard</u>
Community Service Foundations	20%

For sites with average slopes steeper than the standard, the developer must be able to demonstrate that through engineering techniques, all limitations to development and the provision of services can be mitigated.

- G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:

<u>Scale</u>	<u>Vehicular Access Standards</u>
Community Service Foundations	Truck traffic will not be routed through local neighborhood streets.

Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion, considering the following:

1. Roadway capacities.
  2. Existing and projected traffic counts.
  3. Speed limits.
  4. Number of turning points.
- I. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.
  - J. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards codified in MCC 11.15.7805-11.15.7865.
  - K. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.

Findings and Conclusions. The site of the proposed WWTP is convenient for City of Troutdale Staff and the use provides a service to the community of Troutdale. The WWTP will be a community facility operated for the benefit of the public, as called for in Plan Policy 31. The current treatment facility is located in downtown Troutdale and its capacity has been exceeded as a result of continued growth. The City of Troutdale and the US Army Corps of Engineers conducted a "Troutdale Sewage Treatment Plant Alternatives Study" in 1996 and identified the above-mentioned subject parcel as the most advantageous site to relocate the plant. Moving the plant away from the downtown Troutdale area to the industrial area would provide a public benefit in avoiding perceptions of odor problems and complaints, a benefit in the interest of visual aesthetics, and allows more beneficial use of the land where the plant is currently sited. Sanitary sewer influent piping will be extended from the old treatment plant along the south and west perimeter of

the existing property line until it nears to Interstate 84, where the pipeline will turn east and run just inside the city property. The new influent pipe along Graham Road and Harlow Place to the existing outfall manhole will discharge into the Sandy River in the vicinity of the existing 12-inch outfall (See provided plan for outfall location).

The development of the site is orderly, timely, and efficient in terms of the availability of public services and facilities. The land development for the facility supports the efficient use of planned community facilities.

The site is owned by Reynolds Metals Company and the facility will be operated by the City of Troutdale. The proposed development is not related to capital investment programming in Multnomah County, but rather to capital improvement programming in Troutdale.

The scale and type of facility are classified as a Community Service Foundation under Policy 31 of the Multnomah County Comprehensive Plan (E).

The site consists of mostly flat to gently sloping terrain and has an average slope of approximately 1%, which is well below the 20% average site slope standard outlined in Policy 31 (F).

The applicant's proposed development is in an industrial area. Access to the parcel is provided by N.W. Graham Road, a collector street. The route to the facility does not include local neighborhood streets. The facility would not cause any dangerous intersections or traffic congestion as it would only generate approximately 5.7 p.m. peak hour trips (Derived from the Institute of Transportation Engineers "Trip Generation Manual, 6th Edition," 1997) on a lightly traveled road in the industrial area of the City. N.W. Graham Road intersects I-85 at an interchange. Exhibit #10 is a letter from the City of Troutdale Community Development Director describing that no right-of-way dedication is required for NE Graham Road.

The site layout and size has been designed to accommodate future expansion in the industrial area of Troutdale if it is deemed necessary.

The WWTP will be designed to accommodate applicable design review standards codified in MCC 11.15.7805-7865. The applicant's proposal will be reviewed under a Design Review application subsequent to the completion of the Community Service application process.

As this Decision sets forth in analyzing the proposal's compliance with applicable plan policies, the applicant's proposal is in accordance with other Comprehensive Plan Policies.

## **POLICY 37 Utilities**

Utilities include sewer, water, storm water drainage, energy, and communications systems. The need for public water, sewer and drainage systems varies according to the density of development and the ability of the soil to absorb excess water. Therefore, there are different standards.

\* \* \*

The purpose of this policy is to ensure that no long-range health hazard areas are created, and that excess water "run-off" will not damage property or adversely affect water quality. A second purpose of the policy is to ensure that a particular development proposal, because of its size and use, does not reduce the energy supply to a level which precludes the development of other properties in the area as proposed by the Comprehensive Plan. Water and Disposal System

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. Shall have an adequate private water system and a public sewer with adequate capacity.

Findings and Conclusions. Policy 37 was amended in August 1999 by Ordinance 933 § III. The staff report applied the provisions of the former Policy 37. The Hearings Officer concludes that the amended Policy 37 was applicable in August, 1999, before the subject development application was deemed complete on October 5, 1999. Consequently the amended policy is applicable to this application. Former Policy 37 clearly provided that the policy's standards applied to all quasi-judicial actions. The amended policy is not clear that it applies to quasi-judicial development actions. The amended policy lacks both a statement that it applies to quasi-judicial development applications and an object that the "shall" provisions in subsections A through D apply to. The Hearings Officer believes that the object of the "shall" provisions must be the proposed development that is the subject of a development application because the Introduction section of Policy 37 addresses the effects of proposed development and because the connection to facilities requirements only make sense if they relate to the development proposed in an application for development. This decision will be decided according to that interpretation. However, the Hearings Officer notes that she is troubled by that interpretation because it interprets the amended

Policy 37 to have the same effect as former Policy 37 and does not provide any explanation for why the Policy was amended.

The City of Troutdale is the water purveyor for all of Troutdale's water users. The City proposes to connect the proposed WWTP to the City's water system by connecting with the existing 12-inch water line located on Graham Road. The applicant has provided the Certificate of Water Service form, signed by Edward Kubicki, Superintendent of Public Works for the City of Troutdale. Mr. Kubicki commented that the proposed use will be required to extend the existing line from its present terminus to the proposed site. The existing 12-inch water line has enough capacity to serve the proposed use (See Service Provider Forms, Appendix C). If the water line is extended to the proposed WWTP before the City annexes the subject site a water line extension approval from Metro will be necessary.

Since the proposed use is a WWTP, any sewage from the proposed use will be routed directly through the treatment facility. The applicant has submitted the Certification of Public Sewer Service. The document was signed by Michael Sorensen, the WWTP Superintendent, he commented "Service will be provided in plant piping detail in final design."

#### **Drainage**

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

Findings and Conclusions. See the Hearing Officer comments above concerning amended Policy 37.

The volume of stormwater runoff that can be expected in these areas has been calculated during the 25-year and 100-year storm events and is 38,800 gallons per day and 46,500 gallons per day respectively. The calculations and the "Rainfall Intensity - Duration - Frequency Curves" are included in Appendix E of the applicant's submittal for CS 1-99. As noted above in the "Water and Disposal System" section, the applicant has completed the required Service Provider forms. Much of the stormwater drainage from the facility will be diverted off of the paved roadway surfaces to swales and drywells.

Troutdale will design areas where sludge or screenings/grit could be spilled on the roadway while loading and unloading trucks to have stormwater collection drains which will route the drainage back to the primary influent pump station wet well for treatment in the WWTP before discharge to the Sandy River. The treatment facility has been sized to 3 million

gallons per day and is able to accommodate this stormwater flow (See verification letter and calculations, Appendix E). The applicant has submitted a letter from Rich Frankenfield of CH2M Hill to Jim Galloway of the City of Troutdale regarding the stormwater run-off in the areas "where sludge or screenings/ grit could be spilled on the roadway while loading and unloading trucks" on the proposed facility's site. As described by the applicant and by Mr. Frankenfield, the stormwater drainage from the WWTP site will be directed to swales and drywells. According to Mr. Frankenfield, "The drainage will be routed back to the primary influent pump station wet well for treatment in the WPCF."

The runoff from this site will not adversely affect the water quality in the adjacent Sandy River because most of the runoff will be treated through swales and then discharged to drywells on-site, while the remaining stormwater from areas where sludge or screenings/ grit could be spilled onto the roadway will be treated in the WWTP and then discharged into the Sandy River in compliance with the Department of Environmental Quality's discharge limitations. The runoff from this site will also not adversely affect or alter the drainage on adjoining lands as it will all be handled on site.

#### **Energy and Communications**

H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and

I. Communications facilities are available.

**Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.**

Findings and Conclusions. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan. This energy will be supplied by Portland General Electric. A back-up generator will also be utilized in the case of a power failure to keep a constant energy supply to handle the needs of the facility. Additionally, communication facilities are also available for the proposed development through GTE.

Multnomah County does not have Service Provider forms for the "Energy and Communications" requirements. The applicant has described that the site's energy needs will be provided by Portland General Electric. Under Comprehensive Plan Policy #22, Energy Conservation, the applicant described the energy efficient measures that the new facility would have and the energy efficient practices the facility will use at the site. The applicant has described the facility will have a back-up generator to use in case of an emergency. Communication facilities, as noted by the applicant, will be provided by GTE.

## **POLICY 38 Facilities**

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

### **School**

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

Findings and Conclusions. The proposed facility is to be located in an industrial area of the City of Troutdale. This proposal will not affect the school district as it is a WWTP that will replace the existing treatment facility in Troutdale with no additional employees and will be located far away from the school district in the industrial area of the city. Multnomah County did not require the applicant to complete the Service Provider form for the school district. It will have no impact on the school district but they had the opportunity to review and comment on the proposal if they desire.

### **Fire Protection**

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

Findings and Conclusions. The applicant has submitted the Fire District Review form as signed by the City of Gresham's Deputy Fire Marshal. The Gresham Fire Marshall has had an opportunity to review and comment on the proposal and he stated that the source of the water line is a 10" line on Graham Road and the pressure is 20 psi residual at 2610 gpm. The Deputy also stated, "Fire flow is based on the largest building planned for the site. Future construction may require fire sprinkler system(s) and/ or fire resistive construction." (See Fire Service Provider Form, Appendix C to the application). The Fire Marshall will continue to be involved in the design review process to ensure that the proposed development continues to meet the needs of the fire department.

### **Police Protection**

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

Findings and Conclusions. The applicant has provided a completed copy of the Police Services Review as signed by the Troutdale Police Department. (See Police Provider Form, Appendix C). The City of Troutdale Police Chief determined that there is adequate local police protection in accordance with the City of Troutdale standards in providing police

protection. The "level of police service available to serve the proposed project is adequate" according to the Chief of Police.

### VII. APPLICATION TIME LINE

The application was received with full fees paid on September 9, 1999. On October 5, the staff determined that the application was complete. The Hearings Officer held the public hearing on October 20, 1999.

### VIII. LIST OF EXHIBITS

#### List A: Staff/ Applicant Exhibits:

1. Applicant site plan (reduced copy), entitled "WPCF Overall Site Plan".
2. Applicant erosion control plan (reduced copy), entitled, "WPCF Erosion Control Plan".
3. Reduced copy of applicant wetland delineation map.
4. Activated sludge treatment diagram.
5. Wastewater treatment process diagram.
6. Photograph of the site (Photo #1), submitted by the applicant.
7. Zoning map of the subject parcels and the area, submitted by the applicant.
8. "Comparison of Discharge Locations, Troutdale Predesign."
9. "Alternative 1A, Retain Existing Outfall."
10. Letter from Rich Faith, City of Troutdale Community Development Director, dated 9/2/99.

#### List B: Notification Information:

1. "Complete application" Letter, October 6, 1999, 3 pages.
2. Notice of Hearing, October 7, 1999, 4 pages.

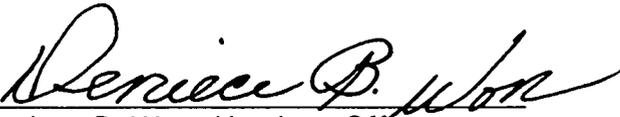
#### List C: Multnomah County Documents

1. Staff Report - October 13, 1999

#### List H: Documents Submitted at October 20, 1999 Public Hearing

1. Affidavit of posting
2. Letter from East Multnomah Soil and Water Conservation District

IT IS SO ORDERED, THIS 4<sup>TH</sup> DAY OF November, 1999

  
Deniece B. Won, Hearings Officer





CASE NAME: HOME OCCUPATION

NUMBER: CU 6-99

**1. Applicant Name/Address:**

William Oskay  
34805 SE Hurlburt Rd  
Corbett, OR 97019

**2. Action Requested By Applicant:**

Type B Home Occupation for a recording studio

**3. Planning Staff Recommendation:**

Approve with conditions

**4. Hearings Officer Decision:**

Approve with conditions

**5. If Recommendation And Decision Are Different, Why?**

**6. Issues:**

Parking improvements, hours of operation, noise, fire access

**7. Do Any Of These Issues Have Policy Implications? Explain.**

No

**Action Requested Of Board**

**Affirm Hearings Officer Decision**

**Hearing/Rehearing**

**Scope of Review**

**On the Record**

**De Novo**

**New Information Allowed**



## II. CONDITIONS OF APPROVAL

1. A Grading and Erosion Control (GEC) permit may be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards.
2. Approval of this Conditional Use shall expire two years from the date of issuance of the Board Order on the matter unless: "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3); the subject proposal is completed as approved; or the Approval Authority establishes a specific expiration date.
3. The applicant shall reduce possible fire hazards by creating a primary fire safety zone around the barn. Trees shall be pruned to remove branches up to 8 feet from the ground and the ends of the branches at least 5 feet from the barn. All other vegetation shall be kept less than 2 feet in height within 30 feet of the barn.
4. Before final occupancy, the applicant shall comply with Building Permit No. 015908, which requires an additional 100 feet of drain field be installed.
5. Before final occupancy, the applicant shall comply with the Fire District recommendations as outlined in the District's letter dated 9/5/99, or obtain District approval for an alternative design.
6. The approved home occupation shall have not more than two (2) full time and two (2) part time employees.
7. There shall be no deliveries other than those normally associated with a single family dwelling.
8. There shall be no outdoor storage, signage or display related to the business.
9. There shall be no noise above 50 dba at the property lines.
10. There shall be no more than three (3) customers a day on average, with a maximum of 12 people at a time allowed on the business premises.
11. The hours of operation shall be limited to 10:00 a.m. to 1:00 a.m., which can be exceeded up to five (5) times per month.
12. The applicant shall maintain at least five parking spaces for the conditional use.
13. This approval is based on the representations made by the applicant in the application and public hearing. The applicant and his successors are bound by those representations unless this Decision specifically provides otherwise.

### III. SUMMARY OF THE REQUEST

The Applicant wishes to operate a low impact non polluting home occupation business in an existing 1500 sq. ft. accessory structure (barn) located on a 25.76 acre parcel zoned CFU. The business could involve the following activities: private recording of the applicant's own compositions; recording (for a fee) individuals and groups; providing (for a fee) individual and/or group lessons in violin or recording techniques. There is no walk-in business and the applicant does not publish the street address of the business in any advertising/publicity. The applicant will renovate the barn to include a studio, recording booth, control room, bathroom, and coffee bar. See floor plan (Exhibit 2).

### IV. SITE AND VICINITY CHARACTERISTICS

The site is on Hurlburt Road between the Columbia River Highway and Gordon Creek Road. The site contains 25.76 acres, a single family dwelling and two barns with the remainder of the parcel in forest or hay. A stream runs through the property to the west of the structures. (See site plan, Exhibit 1.) To the west of the site is land zoned Rural Residential (RR) with lots of 1 to 10 acres. To the north and south are lots zoned CFU. To the east is land zoned EFU and RR. The barn nearest the road is the proposed site for the recording studio. They are currently renovating the interior to accommodate the studio.

### V. HEARING AND TESTIMONY

Hearings Officer Deniece Won received testimony at the public hearing about this application on October 20, 1999.

- A. Virginia Dodson, County Planner, summarized the staff report. She entered Exhibits H1 - H3 into the record.
- B. William Oskay, the applicant, said he has already met most of the conditions. He has put in 100 feet of extra drain field. He is working with Tom Layton on new fire access. He said he has concern with the proposed condition of approval to limit the hours of operation to 11:00 p.m. He doesn't want any hours of operation. He argued that because Hurlburt Road is a busy road the traffic impacts of later hours of operation would not be significant. The traffic impacts would be the only impact on surrounding properties because there is no noise impact from the operation of the proposed business due to soundproofing of the structure. He testified that he most often works with individual artists. If a client is a group, they usually come in one or two cars. Frequency of recording events in the evening is sporadic. A couple months can go by without any. Then it can be every day for a while.
- C. Sally Harmon, a client of Mr. Oskay's current operation in the West Hills, testified that Mr. Oskay is a renowned acoustic producer. She has worked with him at his West Hills facility. No one in that neighborhood was aware of the business. They

create no noise or traffic impacts.

- D. Bryan Darby, a client, testified that he has known Mr. Oskay for 20 years. He is professional, polite and respectful.
- E. Albert Kimbley, a neighbor, testified that the concern is noise. The operation of this facility as proposed will not create noise worse than coyotes that howl in the area in the night. Hurlbert Road is busy. The use will not affect traffic or noise.
- F. The Hearings Officer discussed the matter of operating hours with Mr. Oskay. She stated that the Code requires the decision to state the hours of operation and that some limits should be clear to protect the neighbors and to provide guidance to County enforcement staff. Mr. Oskay agreed to a 1:00 a.m. limit, not to be exceeded more than five times per month.

## VI. APPROVAL CRITERIA, FINDINGS AND CONCLUSIONS

### A. Multnomah County Code

#### 11.15.0010 Home Occupation

- A. A type A home occupation is one where the residents use their home as a place of work. Type A home occupations may have up to one non-resident employee or customer on the premises at any one time in addition to the resident participant. No new buildings or modifications to existing structures shall be allowed (constructed after March 14, 1998). No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. - 6 p.m. No outdoor storage or displays shall occur (including vehicle parking associated with the Home Occupation). No signage shall be allowed (including temporary signage and those exempted under MCC 11.15.7912 with the exception of those required under MCC 11.05.500 - .575), and no noise above 50 dba (decibels adjusted) at the property lines shall be permitted. No repair or assembly of any vehicles or motors can occur as part of a type A home occupation. A type A home occupation may not serve as headquarters or dispatch where employees come to the site. A type A home occupation must have direct access to a public road (no easements). Type A home occupations shall be filed on a form provided by the Planning Director. Type A Home Occupations must be in conformance with all other applicable state codes.
- B. Type B home occupation is one where the residents use their home site as a place of work but exceeds the standards of the type A home occupation. Type B home occupations shall be approved as per MCC 11.15.7105 and .7455.

Findings and Conclusions. The use is not a Type A home occupation because 1) the applicant modified the accessory structure after March 14, 1998, and 2) eventually the

applicant may have more than one employee at a time on the premises. Therefore, the use is a Type B home occupation and must comply with the criteria listed below.

#### **11.ES.2050 Conditional Uses (CFU-4)**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

- (F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:
- (1) That no sale of merchandise is made from the premise; and
  - (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

Findings and Conclusions. The applicant does not propose to sale merchandise. According to the applicant, the use proposed does not emit noise, odor, smoke, gases, fallout, vibration, heat or glare. The studio is soundproofed to prevent outside noise from being heard in the studio and to prevent studio noise from being heard outside the building walls.

#### **11.ES.2053 Use Compatibility Standards**

- (A) Specified uses of MCC.2050(D), (E), and (F), .2054(C), and.2056 may be allowed upon a finding that the use will:
- (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

Findings and Conclusions. Because the use will occur entirely within an existing structure and traffic generated will be minimal, no impacts are expected to the surrounding properties, whether they are used as farm or forest lands.

- (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

Findings and Conclusions. The proposed use will be in an existing building near Hurlburt Road. A new driveway will provide access for fire vehicles. The building will not have a fireplace and will not be using hazardous or flammable materials in the operation of the home occupation. The applicant has attempted to exceed fire safety standards in the conversion of the accessory structure for the proposed use. There are some trees near the rear of the building. Condition of approval number three requires the applicant to reduce possible fire hazards by creating a primary fire safety zone around the barn. It requires trees to be pruned to remove branches up to 8 feet from the ground and the ends of the

branches kept at least 5 feet from the barn. All other vegetation is required to be kept less than 2 feet in height within 30 feet of the barn. This use will not significantly increase fire hazards or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel when the condition is satisfied.

- (3) **A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.**

Findings and Conclusions. The applicant has recorded a statement with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices. Exhibit H2.

#### **11.15.7465 Criteria for Approval**

The approval authority shall find that the following standards are met:

- A. The standards found in MCC 11.15.7120.**

Findings and Conclusions. These standards are met. See discussion under MCC .7120 below.

- B. The home occupation does not employ more than 5 employees.**

Findings and Conclusions. The applicant stated that he will initially operate the studio with no employees. Eventually, he may employ a maximum of two full-time and two part-time employees. Condition of approval number six limits the number of employees to two full time and two part time employees. This criterion is satisfied.

- C. The site has on-site parking as per MCC 11.15.6100 to accommodate the total number of employees and customers.**

Findings and Conclusions. The site has on-site parking to accommodate the total number of employees and customers. See discussion under MCC .6108 below.

- D. No deliveries other than those normally associated with a single family dwelling and between the hours of 7 a.m. – 6 p.m.**

Findings and Conclusions. According to the applicant, the facility will require few, if any deliveries. The studio requires minimum supplies (recording tape, office supplies, etc) which the owner will deliver to the premises. Condition of approval number seven requires that there may be no deliveries other than those associated with a single family dwelling between the hours of 7:00 a.m. and 6:00 p.m. This criterion is satisfied.

**E. No outdoor storage or display.**

**F. No signage (including temporary signage and those exempted under MCC 11.15.7912) with the exception of those required under MCC 11.05.500 - .575.**

Findings and Conclusions. Condition of approval number eight requires that there be no outdoor storage, signage or display related to the business. These criteria are satisfied.

**G. No noise above 50 dba at the property lines.**

Findings and Conclusions. According to the applicant, there will be no increase in noise level beyond the property, due to extensive soundproofing of the studio (to keep out aircraft and road noise). Condition of approval number nine limits the noise at the property lines to 50 dba. This criterion can be satisfied.

**H. No repair or assembly of any vehicles or motors.**

Findings and Conclusions. The proposed home occupation is not related to motor vehicles. This criterion is satisfied.

**I. The application has been noticed to and reviewed by the Small Business Section of the Department of Environmental Quality.**

Findings and Conclusions. This requirement is for businesses using chemicals. No chemicals will be used on the site. This criterion does not apply.

**J. Each approval issued by a hearings officer shall be specific for the particular home occupation and reference the number of employees allowed, the hours of operation, frequency and type of deliveries, the type of business and any other specific information for the particular application.**

Findings and Conclusions. The applicant states that there will ultimately be two full time and two part time employees, that there will be no deliveries, the business is a recording studio with space for music lessons, and that on average there will be three customers a day with a maximum of 12 people at a time allowed on the premises. The applicant also states that the hours of operation will usually be from 10:00 a.m. to 11:00 p.m. The applicant testified that occasionally a recording session may extend past 11:00 p.m. Condition of approval number eleven limits the hours of operation to 1:00 a.m., which the applicant may not exceed more than five times per month.

#### **11.15.7120 Conditional Use Approval Criteria**

**A. A Conditional Use shall be governed by the approval criteria listed in the district under which the conditional use is allowed. If no such criteria are provided, the**

**approval criteria listed in this section shall apply. In approving a Conditional Use listed in this section, the approval authority shall find that the proposal:**

**1. Is consistent with the character of the area;**

Findings and Conclusions. The proposed use will have no visual impact. The use will occur wholly within an existing barn. The existing structure, except for new paint, will not change in appearance and passers by and neighbors can only partially see it. Thus, the exterior of the structure will have a farm appearance. Due to extensive soundproofing of the studio (to keep out aircraft and road noise), there will be no increase in noise level beyond the property. The studio will use electricity and propane for all operations and will not affect air quality. Due to the small number of customers and the fact that the applicant/owner will no longer be commuting to Portland, the impact on traffic patterns will be insignificant. The parking area will be gravel. A line of existing trees and shrubs provides adequate visual screening of the barn and parking area from the road and the houses to the south.

**2. Will not adversely affect natural resources;**

Findings and Conclusions. The proposed use is approximately .3 miles from the Sandy River and is separated by a driveway from managed forest on the property. The applicant will connect the half bath and utility sink for the studio to the residential water line. The sewage disposal will be an on-site septic tank tied into the residential drain field. The stream is more than 400 feet from the barn, parking area, and future driveway and thus, should not be affected by the use. The use will have no negative impacts on forest management. This criterion is satisfied.

**3. Will not conflict with farm or forest uses in the area;**

- a. **Will not force a significant change in accepted farm or forest practices on surrounding lands devoted to farm or forest use; and**
- b. **Will not significantly increase the cost of accepted farm or forest practices on surrounding lands devoted to farm or forest use.**

Findings and Conclusions. According to the applicant, forest management on the property employs only mechanical vegetation control and gardens are tended using organic methods without the use of chemical sprays. Forest management equipment is kept in a 2400 square foot barn on the property. The adjacent neighbors are zoned CFU, EFU or RR. Pre-commercial thinning or logging on those properties will not be affected by the proposed use. The proposed use will not affect the nearest farm to the proposed use, about .3 miles from the site. The proposed use will not affect any road access to forests in the area for fire protection and is adequately separated from any wooded area on the property. The proposed use will not use farm roads and will not change or affect annual production of hay on the property. These criteria are satisfied.

4. **Will not require public services other than those existing or programmed for the area;**

Findings and Conclusions. The site has an existing septic system which will be upgraded to accommodate the new use. Water is available already through the Corbett Water District. Police and Fire protection already exists. No new public services will be required. This criterion is satisfied.

5. **Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;**

Findings and Conclusions. The use is not located within a big game winter habitat area. This criterion is satisfied.

6. **Will not create hazardous conditions; and**

Findings and Conclusions. The proposed use is a sound recording and music studio, a non polluting, low impact home occupation within an existing accessory structure on the property. The proposed use will not involve new development. The activities of the business are not (by the nature of the business) hazardous and will not, in the future, create hazardous conditions. This criterion is satisfied.

7. **Will satisfy the applicable policies of the Comprehensive Plan.**

Findings and Conclusions. This criterion is satisfied. See the discussion of Comprehensive Plan policies below.

#### **11.15.7127 Design Review Exemption**

**Exempted from the Design Review criteria of MCC .7805 through .7870(A), include:**

- A. **Single family residences.**
- B. **Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.**

Findings and Conclusions. This application is exempt from Design Review requirements.

#### **OFF-STREET PARKING AND LOADING**

##### **11.15.6108 Plan Required**

**A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.**

Findings and Conclusions. The applicant has submitted a site plan (Exhibit 2) which shows an approximately 55x35 foot parking lot plan. The applicant is required to provide five spaces. A car needs a 9x18 foot area to park. Multiplying this by 5, an area 45 x 18 should be adequate for parking five cars in a row. There seems adequate space for parking at the site. The parking lot will be graveled, in keeping with rural character of the area. A driveway provides regular vehicle access found to the west of the structure. They will provide fire access via another access to the east of the structure as required by the Fire District. Drainage should not significantly increase as the parking area will be gravel.

#### **11.15.6110 Use of Space**

- A. Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
- B. No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**

#### **11.15.6122 Interpretation**

**Off-street parking or loading requirements for structures or uses not specifically listed in MCC .6142 and .6144 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.**

Findings and Conclusions. The Planning Director has determined that the use will require five parking spaces. This number was calculated based on two spaces for the two full time employees, two for the two part-time employees and one for clients. According to the applicant, they usually schedule clients one at a time. If the client is a band or includes multiple people, they usually come in a van or car pool. Condition of approval number twelve requires the applicant to maintain at least five parking spaces for the conditional use.

#### **11.15.6126 Design Standards: Scope**

**The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.**

Findings and Conclusions. County staff determined that Type B Home Occupations only need to comply with the numbers of parking spaces according to .7465(C). This is because the primary use on the site is a single family dwelling and single family dwellings are exempt from the design standards of the parking requirements according to .6126(A). The applicant is required to provide a parking plan to show the location of the required spaces and any improvements associated with that parking. The applicant has provided a parking plan which provides the number of spaces (five) that the Planning Director has determined are required.

#### **11.15.6130 Dimensional Standards**

##### **A. Parking spaces shall meet the following requirements:**

1. **At least 70% of the required off-street parking spaces shall have a minimum width of nine feet, a minimum length of 18 feet, and a minimum vertical clearance of six feet, six inches.**

#### **11.15.6142 Minimum Required Off-Street Parking Spaces**

##### **A. Residential Uses**

1. **Single Family Dwelling - Two spaces for each dwelling unit.**

\* \* \*

##### **F. Unspecified Uses**

**Any use not specifically listed above shall have the requirements of the listed use or uses deemed most nearly equivalent by the Planning Director.**

Findings and Conclusions. Based on the future usage, five parking spaces will be required. Parking spaces shall be sized based on the above standard MCC .6130(A).

#### **B. COMPREHENSIVE PLAN POLICIES**

##### **Plan Policy 37: Utilities**

**Utilities include sewer, water, storm water drainage, energy, and communications systems. The need for public water, sewer and drainage systems varies according to the density of development and the ability of the soil to absorb excess water. Therefore, there are different standards.**

\* \* \*

The purpose of this policy is to ensure that no long-range health hazard areas are created, and that excess water "run-off" will not damage property or adversely affect water quality. A second purpose of the policy is to ensure that a particular development proposal, because of its size and use, does not reduce the energy supply to a level which precludes the development of other properties in the area as proposed by the Comprehensive Plan.

**Water and Disposal System**

- A. Shall be connected to a public sewer and water system, both of which have adequate capacity; or
- B. Shall be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. Shall have an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. Shall have an adequate private water system and a public sewer with adequate capacity.

Findings and Conclusions. Policy 37 was amended in August 1999 by Ordinance 933 § III. The staff report applied the provisions of the former Policy 37. The Hearings Officer concludes that the amended Policy 37 was applicable in August, 1999, before the subject development application was deemed complete on October 5, 1999. Consequently the amended policy is applicable to this application. Former Policy 37 clearly provided that the policy's standards applied to all quasi-judicial actions. The amended policy is not clear that it applies to quasi-judicial development actions. The amended policy lacks both a statement that it applies to quasi-judicial development applications and an object that the "shall" provisions in subsections A through D apply to. The Hearings Officer believes that the object of the "shall" provisions must be the proposed development that is the subject of a development application because the Introduction section of Policy 37 addresses the effects of proposed development and because the connection to facilities requirements only make sense if they relate to the development proposed in an application for development. This decision will be decided according to that interpretation. However, the Hearings Officer notes that she is troubled by that interpretation because it interprets the amended Policy 37 to have the same effect as former Policy 37 and does not provide any explanation for why the Policy was amended.

The Corbett Water District stated in the Service Provider form that there is a water line on Hurlburt Road which is available for this use. The applicant has received a permit (Exhibit 4) from the City of Portland for an additional septic tank to be connected to the accessory structure (Permit No. 015908). The permit requires an additional 100 feet of drain field be installed. The applicant testified that he had installed the additional 100 feet of drain field. Condition of Approval number four requires that this be done. This criterion is satisfied.

## **Drainage**

- E. Shall have adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

Findings and Conclusions. See the Hearing Officer comments above concerning amended Policy 37. The use will occur within an existing structure. The parking for use will be gravel. No additional impervious surface is being added to accommodate the home occupation. Consequently, there will be no additional runoff caused by the home occupation.

## **Energy and Communications**

- H. There shall be an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

**Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.**

Findings and Conclusions. An existing 200 Amp electrical service and a leased propane tank will provide adequate energy supply to handle the needs of the proposed use. An existing underground telephone line will provide communication facilities for the proposed use.

## **Policy 38: Facilities**

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

### **School**

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

### **Fire Protection**

- A. There is adequate water pressure and flow for fire fighting purposes; and
- B. The appropriate fire district has had an opportunity to review and comments on the proposal.

**Police Protection**

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

Findings and Conclusions. There is a hydrant with adequate water pressure for fire fighting purposes at 32820 SE Hurlburt Road. However, the driveway does not meet fire district standards. A letter dated September 6, 1999, from Tom Layton, Fire Chief for Rural Fire Protection District #14, states that the existing driveway can be used for temporary access while the work is being completed (Exhibit 5). However, some improvements to the existing driveway must be made before final approval. The alternative is to build another driveway further to the east and connect it to the proposed parking area, thus creating a horseshoe-shaped driveway. The applicant submitted a revised site plan. Exhibit H1. Condition of Approval number 5 requires that the applicant comply with the Fire District recommendations as outlined in the letter or obtain the District's approval for the alternative design.

The County Sheriff's office states that there is service available. The School District would not be affected by the proposed use and therefore not an applicable agency.

This policy can be satisfied.

**Vii. CONCLUSION**

Considering the findings and other information provided herein, this application for a Condition Use approval to allow a Type B home occupation in a Commercial Forest Use zone, satisfies the applicable approval criteria and Comprehensive Plan policies. Accordingly, the Hearings Officer concludes that the Conditional Use permit should be approved, subject to all of the conditions.

**VIII. APPLICATION TIME LINE**

The application was received with full fees on September 30, 1999. The application was deemed to be complete on October 4, 1999. A public hearing before Hearings Officer was held on October 20, 1999.

## IX. LIST OF EXHIBITS

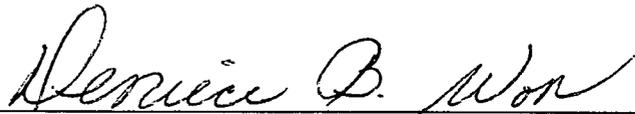
### List A: Staff/ Applicant Exhibits:

1. Applicant site plan
2. Applicant parking plan
3. Applicant 1st level floor plan.
4. Permit from City of Portland Septic and Sanitation Dept. (dated 1/28/99 and amended 9/29/99).
5. Letter from Tom Layton, Fire District #14 (dated 9/6/99)

### List H: Documents Submitted at October 20, 1999 Public Hearing

1. Revised Site Plan, showing fire access
2. Recorded Forest Practices Act Conditions and Restrictions
3. Rebecca Newall Fax supporting the application

IT IS SO ORDERED, this 2<sup>nd</sup> day of November, 1999.



Deniece B. Won, Hearings Officer

MEETING DATE: DEC 02 1999  
AGENDA NO: C-13  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Distribution of Proceeds from the Sales of Tax Foreclosed Properties for the Period July 1, 1998 through June 30, 1999.

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: December 2, 1999  
Amount of Time Needed: 3 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation  
CONTACT: Kathy Tuneberg TELEPHONE #: 248-5132 x22331  
BLDG/ROOM #: 166/309

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg / Gary Thomas

**ACTION REQUESTED:**

INFORMATION ONLY     POLICY DIRECTION     APPROVAL     OTHER

Distribution of proceeds from sales of Tax Foreclosed Properties for the period of July 1, 1998 through June 30, 1999.

Request an Order authorizing reimbursement of the Tax Title Fund for \$558,270.89 of expenditures incurred and disbursed during the period of July 1, 1998 through June 30, 1999; for the administration and maintenance of Tax Foreclosed Properties, and for distribution to the Taxing Districts of Multnomah County of proceeds from the sale of these properties in the amount of \$690,539.35, in accordance with ORS 311.390.

This action is required under ORS 275.275.

12/01/99 copies to Kathy Tuneberg  
**SIGNATURES REQUIRED:** *DAVE BOYCE*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
NOV 23 PM 2:22

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: *Larry Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277

(Originating Department Letterhead)

## **SUPPLEMENTAL STAFF REPORT**

**TO:** Board of County Commissioners

**FROM:** Department of Environmental Services

**DATE:** November 3, 1999

**RE:** Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1998 through June 30, 1999.

1. Recommendation/Action Requested:

Request Order authorizing reimbursement of the Tax Title Fund and additional Order authorizing distribution of tax foreclosed property sale proceeds to Multnomah County Taxing Districts.

2. Background/Analysis:

The Board must authorize the reimbursement of these expenditures by the Tax Title Fund. The Board must also authorize the distribution of the proceeds, after deducting expenditures.

3. Financial Impact:

With the total \$600,000 reserve established, and sufficient 1999/2000 revenue to cover expenditures in the current year, this distribution of \$690,539.35 should have no detrimental consequences to the Fund.

4. Legal Issues:

The reimbursement of Tax Title expenditures is provided for in ORS 275.275 and 311.390. No other legal issues are known.

5. Controversial Issues:

None anticipated.

6. Link to Current County Policies:

Maintaining adequate cash flow to cover costs keeps the Tax Title function from requiring General Fund support.

7. Citizen Participation:

None anticipated.

8. Other Government Participation:

All Taxing Districts in the County receive a percentage of the distribution.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-229

Authorizing Distribution of Proceeds from the Sale of Tax Foreclosed Properties for the Period July 1, 1998 through June 30, 1999

The Multnomah County Board of Commissioner Finds:

- a) Multnomah County, during the period of July 1, 1998 through June 30, 1999, has made sales of Tax Foreclosed real properties which have produced revenues of \$1,248,810.24.
- b) Multnomah County has incurred the sum of \$558,270.89 for administration and maintenance of these properties and that the unexpended balance is \$690,539.35.
- c) Under provision of ORS 275.275, refunding to the County's Tax Title Fund all expenditures incurred by the County in the maintenance and administration of such properties, the remaining proceeds from the sale of said properties are to be distributed to the various taxing districts in Multnomah County, Oregon.

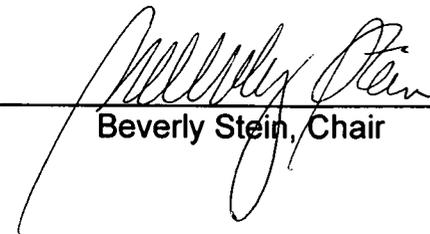
The Multnomah County Board of Commissioners Resolves:

1. Expenditures in the sum of \$558,270.89 will be disbursed to Multnomah County Tax Title Fund.
2. The balance of the proceeds, \$690,539.35 will be distributed to the Taxing Districts of Multnomah County by the County Treasurer in accordance with the formula provided in ORS 311.390.

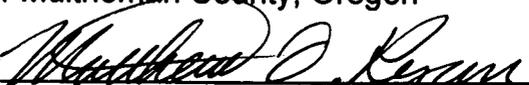
Adopted this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

**MULTNOMAH COUNTY**

Division of Assessment & Taxation

Distribution of Tax Title Proceeds

for the period

July 1, 1998 to June 30, 1999

**Revenue:**

Reserve	\$	600,000	
Program Revenue	\$	1,248,810	
Less: Pass Through/Refunds		<u>\$</u>	<u>(127,980)</u>
Net Revenue Available for Distribution			\$ 1,720,830

**Expenditures:**

Tax Title Program Expenditures			
Personal Services	\$	171,663	
Materials & Services	\$	<u>258,629</u>	
Total Administration & Maintenance			<u>\$ 430,291</u>
Subtotal (Revenues less Expenditures)			\$ 1,290,539
Less: Operating Budget Reserve			(600,000.00)
Distribution to Taxing Districts			<u><u>690,539.35</u></u>

MEETING DATE: DEC 02 1999  
AGENDA NO: C-14  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Replacement Deed to Replace D961328, Which is Lost and Unlocateable.

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: December 2, 1999  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

{ } INFORMATION ONLY    { } POLICY DIRECTION    {X} APPROVAL    { } OTHER

Request approval of replacement deed to replace D961328, to the ESTATE OF LARRY BURRIGHT, which is lost and unlocateable.

Resolution and Deed D001694 attached.

*12/6/99 ORIGINAL DEED & COPIES OF ALL TO TAX TITLE*

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: *ht Lawrence Nicholas*

99 NOV 22 AM 8 12  
OREBUN  
CLERK OF SUPERIOR COURT

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-230

Replacement Deed No. D001694 For Certain Tax Foreclosed Property to the ESTATE OF LARRY BURRIGHT, DECEASED

The Multnomah County Board of Commissioners Finds:

- a) Pursuant to Board Order Number 96-87, dated May 16, 1996, Multnomah County executed deed no. D961328, conveying the real property described below to LARRY BURRIGHT.
- b) Deed no. D961328 was not recorded and now presumed to be lost and unlocateable. Deed no. D001694 is intended to replace and supersede deed no. D961328.
- c) Further, Mr. Burright's heirs now represent to the County that he is deceased. Multnomah County Tax Title received a "Verification of Vital Records Facts" from the Oregon State Vital Records Unit, confirming Mr. Burright's date of death as September 20, 1999.
- d) Mr. Burright prior to his death, had fully performed the terms and conditions of the original contract of sale and his Estate, as his lawful successor in interest, is now entitled to the deed to the property.

The Multnomah County Board of Commissioners Resolves:

1. That the Chair on behalf of Multnomah County, execute a deed to the ESTATE OF LARRY BURRIGHT, DECEASED, the following described real property:

LOT 16, JOHNSON CREEK PARK, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Approved this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

Replacement Deed D001694

Pursuant to Board Order Number 96-87, dated May 16, 1996, Multnomah County executed deed no. D961328, conveying the real property described below to LARRY BURRIGHT, who died on September 20, 1999. Deed no. D961328 was not recorded and is now presumed to be lost and unlocateable. This deed, no. D001694, replaces and supersedes deed no. D961328.

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to the ESTATE OF LARRY BURRIGHT, DECEASED, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 16, JOHNSON CREEK PARK, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$29,627.24.

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

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

THE ESTATE OF LARRY BURRIGHT  
8740 SE 155TH AVE  
PORTLAND OR 97236

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December, 1999, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED APPROVED:

Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By *Kathleen A. Tuneberg*  
Kathleen A. Tuneberg, Director

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



MEETING DATE: DEC 02 1999  
AGENDA NO: C-15  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Private Sale.

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: December 2, 1999  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(s) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

Request approval of Private Sale of tax foreclosed property under ORS 275.225 to ROY T. SWEETEN and CHARLOTTE E. SWEETEN.

- a) The property is assessed at less than \$5,000 on the current assessment roll and has been shown to be unbuildable "AS IS" per a letter from the City of Portland and the pending sale is to be advertised as provided by ORS 275.225.

The price of sale is \$625.00.

Staff Report, Board Resolution, Deed D001695, and Notice of Sale attached.

*12/02/99 ORIGINAL Deed & copies of all TO TAX TITLE*

CLERK OF COUNTY COMMISSIONERS  
99 NOV - 8 AM 10:56  
MULTI-COUNTY  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: *ht [Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277

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

**TO:** BOARD OF COUNTY COMMISSIONERS  
**FROM:** Gary Thomas  
**TODAY'S DATE:** November 2, 1999  
**REQUESTED PLACEMENT DATE:** Consent Calendar  
**RE: Request approval to sell a Tax Foreclosed Property at Private Sale.**

**I. Recommendation/Action Requested:**

Approval to sell a tax foreclosed property by Private Sale

**II. Background/Analysis:**

This property was deeded to the County on (received), through foreclosure for non-payment of property taxes. This property was made available to Government Agencies and Non-Profit Housing Developers of Multnomah County during fiscal year 93/94, in accordance with Ordinance 895. There were no requests for this property. The Private Sale parcel is a strip of land in Multnomah County (see area map of property). The County Tax Title Division conducted a private sale all adjacent property owners were notified.

**III. Financial Impact:**

Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs. The sale will also reinstate the property on the tax roll (see exhibit "B").

**IV. Legal Issues:**

No legal issues are expected, and Private Sales are provided for in ORS 275.225. This parcel would be sold "AS IS" without guarantee of clear title.

**V. Controversial Issues:**

Under ORS 275.225 Private Sales are available on property that is unsuitable for construction and is assessed at less than \$5,000. The current assessed value is \$94.

**VI. Link to Current County Policies:**

This property has been through all the processes provided for in Ordinance 895.

**VII. Citizen Participation:**

Once the Board of County Commissioners approves the action to sell, a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale.

**VIII. Other Government Participation:**

Properties sold at Multnomah County Public or Private Sale are subject to ORS 275.275. There are no liens recorded against the parcel at this time.

OCTOBER 29, 1999

GARY THOMAS  
FORECLOSURE PROPERTY COORDINATOR

42610-11200

DEAR GARY,

ROY AND I WOULD LIKE TO PURCHASE THE ADJOINING 10 FT STRIP THAT PARALLES  
OUR PROPERTY AT 13531 SE RAMONA ST. IN PORTLAND. WE WOULD LIKE TO  
INCORPORATE IT INTO THE EXISTING LOT THAT WE NOW OWN.

THANK YOU,

  
ROY AND CHARLOTTE SWEETEN  
9193 SO ALDER CREEK LANE  
CANBY OR, 97013  
503-266-1405



**EXHIBIT "B"**

**PROPOSED PROPERTY LISTED FOR PRIVATE SALE  
FISCAL YEAR 1999/00**

**LEGAL DESCRIPTION:** All of the following described property lying in Tract 4 of the Plat of Lamargent Park, A plat of record in Multnomah County Plat Records, State of Oregon;

Beginning at a point 30 feet west of the intersection of the North line of County Road No. 824-40, SE RAMONA ST., and the centerline of County Road No. 661-50; (SE 136<sup>th</sup> Ave), & running thence North 89°47' West 115<sup>th</sup> feet; thence North 0°11' East 130 feet; thence South 89°47' East 115 feet to the West line of said County Road NO. 661 (SE 136<sup>th</sup> Ave) thence South 0°11' West 130 feet to the place of beginning, also known as Tract "A" in Tract No. 4, Lamargent Park; in the County of Multnomah, State of Oregon, Except part in road and also except any portion of said parcel described in Book 977, Page 725, Recorded March 25, 1994 in Multnomah County Deed Records.

**ADJACENT PROPERTY ADDRESS:** 13537 SE Ramona Street

**TAX ACCOUNT NUMBER:** R-46610-1660

**GREENSPACE DESIGNATION:** ---P-, Park deficient area.

**SIZE OF PARCEL:** 1,200 a strip of land 10' x 120

<b>ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:</b>
---

ASSESSED VALUE:	94.00
BACK TAXES & INTEREST:	265.00
TAX TITLE MAINTENANCE COST & EXPENSES:	128.00
ADVERTISING COST:	100.00
RECORDING FEE:	38.00
CITY LIENS:	0.00
SUB-TOTAL	<hr/> 625.00
<b>MINIMUM PRICE REQUEST OF PRIVATE SALE</b>	<b>\$625.00</b>



Office of Planning  
and  
Development Review  
Land Use Review Division

1900 SW Fourth Ave., Suite 5000  
Portland, Oregon 97201  
Telephone: (503) 823-7300  
TDD: (503) 823-6868  
FAX: (503) 823-7800  
www.ci.portland.or.us

October 22, 1999

Gary Thomas  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208-2716

Re: Zoning confirmation for a 10 foot wide parcel of land on SE Ramona Street, legally described as Tax Lot 3801, Section 14, Township 1S, Range 2E; State Identification # 1S2E14DB 3801; Quarter Section Map 3644; Tax Account #R46610-1660.

Dear Mr. Thomas,

You have requested a zoning confirmation for the above-referenced property. Specifically, you asked if this foreclosed piece of property is suitable for construction or placement of a dwelling thereon under current zoning regulations.

This site is located in an R2a zone – Residential 2,000 (Chapter 33.120 of the Portland Zoning Code) with an “a” – Alternative Design Density Overlay Zone (Chapter 33.405). The R2 zone allows multi-dwelling residential development with a minimum lot size of 4,000 square feet for new lots. Development standards include a minimum building setback of 5 feet from side and rear property lines and a maximum building coverage of 50% of the site. Given that this site is approximately 10 feet wide, the above standards would preclude any development unless combined with an adjacent property. ***Therefore, the property in question is not suitable for construction or placement of a residential dwelling under current zoning regulations.***

A review of Bureau of Buildings records indicates no permits for this property. A review of land use case history was also completed as part of this zoning confirmation. There is no land use history associated with this property.

This confirmation is based on information provided by you, as well as our review of zoning regulations, building permits and land use case history. No site visit was conducted as part of this confirmation. The above information is current, but zoning regulations change over time; these changes may affect the use and/or development of the property. Please contact me if you have additional questions.

Sincerely,

Stephanie Seale, Associate Planner

encs. Chapter 33.120, 33.405  
Current zoning map 3644

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY

RESOLUTION NO. 99-231

Authorizing Private Sale of Certain Tax Foreclosed Property to ROY T. SWEETEN and CHARLOTTE E. SWEETEN, Including direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes.
- b) The property is assessed at \$94 in value on the County's current tax roll.
- c) The property is unsuitable for construction or placement of structures thereon, as provided under ORS 275.225(2).
- d) ROY T. SWEETEN and CHARLOTTE E. SWEETEN have agreed to pay \$625.00 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225, as provided in the attached zoning confirmation letter from the City of Portland dated March 2, 1998, hereby incorporated by this reference and identified as Exhibit "C".
- e) ROY T. SWEETEN and CHARLOTTE E. SWEETEN has agreed to reimburse the County for the cost of publishing notice of this sale.

The Multnomah County Board of Commissioners Resolves:

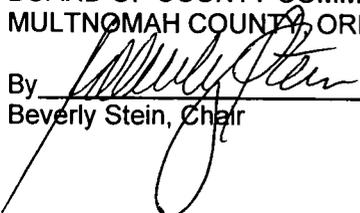
1. That Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2).
2. That not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$625.00, the Chair on behalf of Multnomah County, is hereby authorized to execute a deed conveying to ROY T. SWEETEN and CHARLOTTE E. SWEETEN the following real property:

AS DESCRIBED IN ATTACHED EXHIBIT "A"

Adopted this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By   
Beverly Stein, Chair

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
For Multnomah County, Oregon

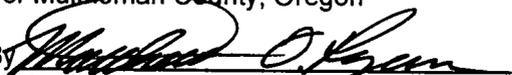
By   
Mathew O. Ryan, Assistant County Counsel

EXHIBIT "A"

D001695  
R-46610-1660

All of the following described property lying in Tract 4 of the Plat of Lamargent Park, A plat of record in Multnomah County Plat Records, State of Oregon;

Beginning at a point 30 feet west of the intersection of the North line of County Road No. 824-40, SE RAMONA ST., and the centerline of County Road No. 661-50; (SE 136<sup>th</sup> Ave), & running thence North 89°47' West 115<sup>th</sup> feet; thence North 0°11' East 130 feet; thence South 89°47' East 115 feet to the West line of said County Road NO. 661 (SE 136<sup>th</sup> Ave) thence South 0°11' West 130 feet to the place of beginning, also known as Tract "A" in Tract No. 4, Lamargent Park; in the County of Multnomah, State of Oregon, Except part in road and also except any portion of said parcel described in Book 977, Page 725, Recorded March 25, 1994 in Multnomah County Deed Records.

Deed D001695

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ROY T. SWEETEN and CHARLOTTE E. SWEETEN, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

AS DESCRIBED IN ATTACHED EXHIBIT "A"

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$625.00.

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

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

ROY T. SWEETEN  
CHARLOTTE E. SWEETEN  
9193 S Alder Creek Lane  
Canby OR 97013

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December, 1999, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
BEVERLY STEIN, CHAIR

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED APPROVED:

Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By *K.A. Tuneberg*  
Kathleen A. Tuneberg, Director

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

EXHIBIT "A"

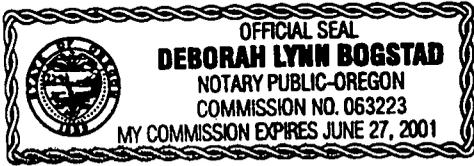
D001695  
R-46610-1660

All of the following described property lying in Tract 4 of the Plat of Lamargent Park, A plat of record in Multnomah County Plat Records, State of Oregon;

Beginning at a point 30 feet west of the intersection of the North line of County Road No. 824-40, SE RAMONA ST., and the centerline of County Road No. 661-50; (SE 136<sup>th</sup> Ave), & running thence North 89°47' West 115<sup>th</sup> feet; thence North 0°11' East 130 feet; thence South 89°47' East 115 feet to the West line of said County Road NO. 661 (SE 136<sup>th</sup> Ave) thence South 0°11' West 130 feet to the place of beginning, also known as Tract "A" in Tract No. 4, Lamargent Park; in the County of Multnomah, State of Oregon, Except part in road and also except any portion of said parcel described in Book 977, Page 725, Recorded March 25, 1994 in Multnomah County Deed Records.

STATE OF OREGON                    )  
  ) SS  
COUNTY OF MULTNOMAH         )

The foregoing instrument was acknowledged before me this 2nd day of December, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/01

NOTICE OF PRIVATE SALE  
PURSUANT TO ORS 275.225

Multnomah County Department of Environmental Services, Division of Assessment and Taxation, Tax Title Unit, 421 SW 6<sup>th</sup> Ave., Rm. 300, Portland, Oregon 97204, will sell the following property:

All of the following described property lying in Tract 4 of the Plat of Lamargent Park, A plat of record in Multnomah County Plat Records, State of Oregon;

Beginning at a point 30 feet west of the intersection of the North line of County Road No. 824-40, SE RAMONA ST., and the centerline of County Road No. 661-50; (SE 136<sup>th</sup> Ave), & running thence North 89°47' West 115<sup>th</sup> feet; thence North 0°11' East 130 feet; thence South 89°47' East 115 feet to the West line of said County Road NO. 661 (SE 136<sup>th</sup> Ave) thence South 0°11' West 130 feet to the place of beginning, also known as Tract "A" in Tract No. 4, Lamargent Park; in the County of Multnomah, State of Oregon, Except part in road and also except any portion of said parcel described in Book 977, Page 725, Recorded March 25, 1994 in Multnomah County Deed Records. Also known as tax account number R-46610-1660.

A 10' x 120 strip of non-buildable vacant land in the proximity of 13537 SE Ramona Street, Multnomah County, Oregon. Assessed value of \$94.

MEETING DATE: DEC 02 1999  
AGENDA NO: C-16  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: December 2, 1999  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

{ } INFORMATION ONLY    { } POLICY DIRECTION    {X} APPROVAL    { } OTHER

Request approval of Repurchase Deed of Former Owner, The heirs & devisees of James McIver, Deceased .

Resolution and Deed D001696 attached.

*12/6/99 ORIGINAL Deed & COPIES OF  
all TO TAX TITLE*

99 NOV 15 AM 11:06  
MULTI-COUNTY  
OREGON  
COUNTY CLERK'S OFFICE

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: *ht Lawrence Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-232

Authorizing Execution of Deed D001696 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James Mclver

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes;
- b) James Mclver was the former owner and is now deceased;
- c) The heirs & devisees of Mr. Mclver, have applied to the County to repurchase the property for the amount of \$4,824.80, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to them as the lawful successors in interest of the former owner;
- d) First American Title Company has requested on behalf of the Estate of Mr. Mclver that the deed for this property identify "The heirs & devisees of James Mclver, deceased" as the grantee.

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the HEIRS AND DEVISEES OF JAMES MCIVER, DECEASED, the following described real property:  
  
LOT 6 BLOCK 29, WEST PORTLAND, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.
2. The County's Division of Assessment and Taxation is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide: (a) that the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies there of shall be returned immediately to the County.

Approved this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

Deed D001696

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to The heirs & devisees of James McIver, Deceased, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 6 BLOCK 29, WEST PORTLAND, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$4,824.8.

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

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

The heirs & devisees of James McIver, Deceased  
c/o James W. McIver PR  
8452 Grove Rd  
Lock Port NY 14095

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December, 1999, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED APPROVED:

Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By *K. A. Tuneberg*  
Kathleen A. Tuneberg, Director

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

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

The foregoing instrument was acknowledged before me this 2nd day of December, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/01

MEETING DATE: DEC 02 1999  
AGENDA NO: C-17  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: December 2, 1999  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

{ } INFORMATION ONLY    { } POLICY DIRECTION    {X} APPROVAL    { } OTHER

Request approval of Repurchase Deed of Former Owner, The heirs & devisees of James McIver, Deceased .

Resolution and Deed D001697 attached.

*12/16/99 ORIGINAL Deed & COPIES OF  
All TO TAX TITLE*

99 NOV 18 AM 11:08  
FILED IN CLERK'S OFFICE  
CLERK OF COUNTY  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT MANAGER: *John W. McIver*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-233

Authorizing Execution of Deed D001697 for Repurchase of Tax Foreclosed Property to the Heirs and Devisees of the Former Owner James McIver

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes;
- b) James McIver was the former owner and is now deceased;
- c) The heirs & devisees of Mr. McIver, have applied to the County to repurchase the property for the amount of \$4,824.80, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to them as the lawful successors in interest of the former owner;
- d) First American Title Company has requested on behalf of the Estate of Mr. McIver that the deed for this property identify "The heirs & devisees of James McIver, deceased" as the grantee.

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to Execute a deed in a form substantially complying with the attached deed conveying to the HEIRS AND DEVISEES OF JAMES MCIVER, DECEASED, the following described real property:

LOT 7 BLOCK 29, WEST PORTLAND, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

2. The County's Division of Assessment and Taxation is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide: (a) that the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies there of shall be returned immediately to the County.

Approved this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

Deed D001697

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to The heirs & devisees of James Mclver, Deceased, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 7 BLOCK 29, WEST PORTLAND, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$4,824.8.

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

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

The heirs & devisees of James Mclver, Deceased  
c/o James W. Mclver PR  
8452 Grove Rd  
Lock Port NY 14095

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 2nd day of December, 1999, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED APPROVED:

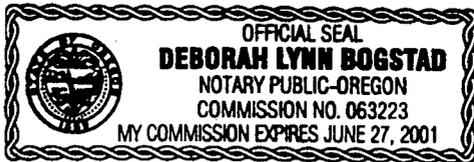
Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By *K A Tuneberg*  
Kathleen A. Tuneberg, Director

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

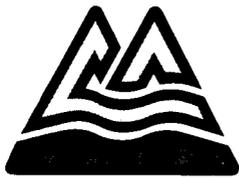
STATE OF OREGON                    )  
  ) SS  
COUNTY OF MULTNOMAH         )

The foregoing instrument was acknowledged before me this 2nd day of December, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/01





# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION DIVISION  
1600 SE 190TH AVENUE  
PORTLAND, OREGON 97233  
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:**  Larry F. Nicholas, DES Director  
April Siebenaler, Transportation Planning Specialist 

**TODAY'S DATE:** October 11, 1999

**REQUESTED PLACEMENT DATE:**

**RE:** Intergovernmental Agreement with the City of Troutdale to construct sidewalks on Troutdale Road between Cherry Park Road and Chapman Avenue

**I. Recommendation/Action Requested:**

Approve IGA with the City of Troutdale to construct sidewalks on Troutdale Road between Cherry Park Road and Chapman Avenue.

**II. Background/Analysis:**

The project is identified for funding in the County's 1998-2002 Transportation Capital Improvement Plan and Program. The City of Troutdale has identified the areas as an important missing link in their sidewalk network. The project will improve safety for children walking to school.

**III. Financial Impact:**

The total project is estimated to cost \$164,800. The County is responsible for \$82,400 and any cost overruns. The County bicycle fund will provide \$82,400 for the project. The City of Troutdale will contribute 50% of the project cost or \$82,400 whichever is less.

**IV. Legal Issues:**

There are no legal issues with this agreement.

V. Controversial Issues:

There are no controversial issues with this agreement.

VI. Link to Current County Policies:

It is the County's policy (Comprehensive Plan Policy 33A and 33C) to provide a safe and efficient multi-modal transportation system.

VII. Citizen Participation:

Informal citizen input identified the need for sidewalks on Troutdale Road. Citizen testimony is not expected at the Board meeting.

VIII. Other Government Participation:

This project is within the City of Troutdale. The City fully supports the project and will be providing half the project funding up to \$82,400.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature)  Attached  Not Attached Contract #: 0010834  
 Amendment #: \_\_\_\_\_

<p style="text-align: center;"><b>CLASS I</b></p> <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)	<p style="text-align: center;"><b>CLASS II</b></p> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR 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)	<p style="text-align: center;"><b>CLASS III</b></p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b></p> <p style="text-align: center;">AGENDA # <u>C-18</u> DATE <u>12/2/99</u>  <u>DEB BOGSTAD</u>  <b>BOARD CLERK</b></p>
---	--	--

Department: Environmental Services Division: Transportation Division Date: 10/11/99  
 Originator: April Siebenaler Phone: x29637 Bldg/Rm: 455/Yeon Annex  
 Contact: Cathey Kramer Phone: X22589 Bldg/Rm: 455/Yeon

Description of Contract: IGA with City of Troutdale for the Troutdale Road Sidewalk Project between Cherry Park Road and Chapman Avenue.

RENEWAL:  PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #/DATE: \_\_\_\_\_ EXEMPTION EXPIRATION DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 CONTRACTOR IS:  MBE  WBE  ESB  QRF  N/A  NONE (Check all boxes that apply)

<p>Contractor <u>City of Troutdale</u>          Address <u>104 SE Kibling Avenue</u>  <u>Troutdale, OR 97060</u>  <u>James Galloway</u>          Phone <u>(503) 665-5175</u>          Employer ID# or SS# _____          Effective Date <u>Upon Execution</u>          Termination Date <u>Upon Completion</u>          Original Contract Amount \$ _____          Total Amt of Previous Amendments \$ _____          Amount of Amendment \$ _____          Total Amount of Agreement \$ <u>82,400.00</u></p>	<p>\$ 82,400 Troutdale          \$ 82,400 County          \$164,000 Total          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 type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other  <input type="checkbox"/> Requirements Not to Exceed \$ _____          Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
---	---

REQUIRED SIGNATURES:

Department Manager <u>[Signature]</u>	DATE <u>10/21/99</u>
Purchasing Manager _____	DATE _____
County Counsel <u>[Signature]</u>	DATE <u>11/23/99</u>
County Chair <u>[Signature]</u>	DATE <u>December 2, 1999</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	154	030	6220			4929				82,400	
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.

**INTERGOVERNMENTAL AGREEMENT BETWEEN  
MULTNOMAH COUNTY AND THE CITY OF TROUTDALE  
FOR THE TROUTDALE ROAD SIDEWALK PROJECT**

This agreement is entered into on November 4, 1999, between the City of Troutdale, Oregon (City), and Multnomah County, Oregon (County), pursuant to the authority granted in ORS Chapter 190.

**RECITALS**

**WHEREAS**, the purpose of this Agreement is to detail the responsibilities, compensation and services to be provided by both Multnomah County and the City of Troutdale regarding the construction of a sidewalk and related improvements on Troutdale Road between Cherry Park Road and Chapman Avenue; and

**WHEREAS**, the Board of County Commissioners and the Troutdale City Council both recognize the importance of providing transportation options to residents; and

**WHEREAS**, the City submitted a request to the County to construct sidewalks on Troutdale Road between Cherry Park Road and Chapman Avenue; and

**WHEREAS**, the City and the County have agreed that it is desirable to have the County perform the engineering and construction management functions for this project.

**NOW, THEREFORE**, the parties do mutually agree as follows:

**I. SCOPE OF WORK**

**A.** The County agrees to perform the following services:

1. Complete project design plans and specifications, and prepare the contract and bidding documents for advertisement.
2. Perform construction management and project inspection services.
3. Confer with the City on a regular basis and promptly respond to any inquiries from City personnel in regard to this project.
4. Provide funding for one half the project costs, not to exceed \$82,400.

- B. The City agrees to perform the following services:
  - 1. Provide funding for one half the project costs, not to exceed \$82,400.
  - 2. Provide input and response to inquiries received from the County.
  - 3. Provide review of the project.

## II. TIME PERFORMANCE/SCHEDULE

- A. The County shall use its best efforts to complete project design and preparation of bidding documents by March 31, 2000. The County's obligation to perform is dependent upon the receipt of responsive and responsible bids within the budgeted amount of the Project.
- B. In the event of unforeseen circumstances beyond the control of the County which substantially impair its ability to perform by March 31, 2000, the County reserves the right, upon written notice to the City, to reschedule the completion time beyond that date.
- C. If after the County awards a contract to an appropriate bidder as provided under Paragraph A above, the total estimated completion cost for the Project exceeds the amount in Section IV, the parties shall meet to decide how best to proceed.

## III. EFFECTIVE AND TERMINATION DATES

This Agreement shall be effective as of the signing of this agreement and shall terminate as of June 30, 2001.

## IV. ESTIMATED COST

The estimated cost for construction of a sidewalk on both sides of Troutdale Road from Cherry Park Road to Chapman Avenue, along with related pavement, drainage work and retaining wall, is \$164,800.

## V. COMPENSATION BY CITY

- A. The City shall submit its payment as requested by the County within 30 days following a written request for funds.
- B. The County shall return any excess funds to the City within 30 days following project completion.

VI. AMENDMENT OF AGREEMENT

The City and the County may amend this agreement from time to time by mutual written agreement.

VII. NON-APPROPRIATION CLAUSE

The parties' obligations to perform under this agreement are subject to adequate future appropriations by the City Council or Board of County Commissioners.

VIII. INDEMNIFICATION

Subject to the limitations and conditions of the Oregon Constitution and Oregon Tort Claims Act (ORS 30.260 et seq.), the County and the City each shall be solely responsible for any loss or injury caused to third parties arising from County's or City's own acts or omissions under the agreement; and County or City shall defend, hold harmless, and indemnify the other party to this agreement with respect to any claim, litigation, or liability arising from County's or City's own acts or omissions under this agreement.

CITY OF TROUTDALE, OREGON

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Paul Thalhofer  
Mayor

By:   
Beverly Stein  
Chair of the Board

Dated: \_\_\_\_\_

Dated: December 2, 1999

Attest: \_\_\_\_\_  
Debbie Stickney  
City Recorder

REVIEWED  
THOMAS SPONSLER, County Counsel  
For Multnomah County, Oregon

By:   
Deputy County Counsel

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-18 DATE 12/2/99  
DEB BOGSTAD  
BOARD CLERK



CLINTON COUNTY  
93 NOV 13 10 3 00  
CLINTON COUNTY  
OREGON

November 12, 1999

Larry Nicholas  
1600 SE 190th, Rm. 224  
Portland, Oregon 97233

Dear Larry,

Attached is a plain white single sided copy of the staff report and proposed order for MU-0699, an annexation to Dunthorpe-Riverdale County Service District. This needs to go on the December 2nd agenda. The draft order has not been specifically approved by Jeff Litwak but it is basically a word for word copy (except for the number) of the first few orders which he did look at. Deb is aware of this proposal but of course will not place it on the agenda until you request so.

If you have any questions please give me a call.

Sincerely,



Ken Martin

cc: Deb Bogstad, John Dorst, Jeff Litwak

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Office

Date: November 11, 1999

RE: Boundary Change Proposal No. MU-0699, Annexation to Dunthorpe-Riverdale County Service District for Sewers Scheduled for **Hearing** Date of December 2, 1999

1. Recommendation/Action Requested: Approval
2. Background/Analysis: See Attached Staff Report
3. Financial Impact: None
4. Legal Issues: None
5. Controversial Issues: None
6. Link to Current County Policies: None (Its relationship to the Clackamas County Comprehensive Plan is covered in the attached staff report.)
7. Citizen Participation: Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice in the County Courthouse 40 days prior to the hearing; 2) Publishing notice twice in the Oregonian; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8. Other Government Participation: The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the Board of Directors. The District has endorsed the annexation as it is required to do by statute.

**PROPOSAL NO. MU-0699 - DUNTHORPE-RIVERDALE SERVICE DISTRICT - Annexation**

---

Petitioners: Robert J. Bailey Jr.

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Proposal No. MU-0699 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal and there are no objections from necessary parties, the boundary change could become effective immediately. If there are objections from a necessary party the order can not be made effective for at least 10 days following adoption.

The territory to be annexed is located generally on the southeast edge of the District on the south side of the Multnomah.-Clackamas County line on the east side of Elk Rock Road and the west side of the Southern Pacific Railroad tracks. The territory contains approximately .5 acres, is vacant and has an assessed value of \$75,000.

**NOTE:** This property is in Clackamas County but the annexation is being heard by the Multnomah County Board. ORS 198.705 (7) & (16) provide that the county with the largest amount of assessed value of a district shall hear that district's boundary changes. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District's value lies in Multnomah County.

**REASON FOR ANNEXATION**

The applicant desires sewer service to facilitate development of a single-family residence on the parcel. His parcel consists of two Tax Lots. The north Tax Lot is within Multnomah County and within the Boundary of the Dunthorpe-Riverdale County Service District. The south Tax Lot is in Clackamas County and outside of the District. His proposed new residence will be substantially on the portion of the parcel that is within Clackamas County.

**CRITERIA**

Oregon Revised Statute 198 directs the Board to utilize the criteria found in a particular section of the boundary commission statute (ORS 199.462) to decide whether property

has been improperly left out of or included within, the proposed change. These criteria can be summarized as:

1. Consideration of local comprehensive planning for the area
2. Consideration of economic, demographic and sociological trends and projections pertinent to the area
3. Consideration of past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change
4. Consideration of the LCDC Goals

A second set of criteria can be found in the Metro Code. That Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The findings and conclusions shall address seven minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are time lines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of *urban planning area agreements* between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

The Metro Code also contains a second set of 10 factors which are to be considered where no ORS 195 agreements have been adopted and the boundary change is being contested by a necessary party.

The first set of criteria gives the Board authority to consider a broad range of factors in deciding whether the proposed boundary change should be enlarged or contracted. On the other hand nothing in ORS 198 nor the criteria in ORS 199.462 mandates changing the boundary under certain conditions. "Consideration" can consist of a detailed study or a cursory glance.

The second set of criteria consists of two major elements - land use planning consistency and service availability and adequacy.

## **LAND USE PLANNING**

### *SITE CHARACTERISTICS*

The property slopes east toward the Willamette River. Surrounding land uses are single family residences.

### *REGIONAL PLANNING*

#### General Information

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

#### Regional Framework Plan

The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted on functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07 and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Function Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a district which provides sewer service.

The staff has examined the Regional Framework Plan and found no provisions which are directly applicable to annexations in general or to annexations to county service districts in particular.

## COUNTY PLANNING

The Clackamas County plan designation for the site is LDR (low density residential) and it is zoned R-30 (30,000 square feet per unit). The parcel is defined as Immediate Urban, which means:

lands within Urban Growth Boundaries which meet at least one of the following conditions: (1) served by public sewer; (2) included within boundaries of cities or within special districts capable of providing public sewer and planned to be served in the near future; or (3) substantially developed or surrounded by development at urban densities.

The following policy applies to the parcel:

### 7.0 Immediate Urban Policies

\* \* \*

7.2 Place conditions on development to insure adequate services and facilities prior to or concurrent with development.

### Urban Growth Management Agreement

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban planning area agreements (UPAA's) between each city and county.

Clackamas County has an Urban Growth Management Agreement (UGMA) with the City of Lake Oswego which identifies this parcel as being within Lake Oswego's Dual Interest Area. The territory is within Lake Oswego's Urban Service Boundary as identified in the acknowledged Lake Oswego Comprehensive Land Use Plan, and the City/County UGMA. The following policies of the UGMA are pertinent:

### 3. Development Proposals in the Unincorporated Area

\* \* \*

D. The County shall not form any new County service districts or support the annexation of land within the unincorporated Dual Interest Area to such districts or to other service districts without City approval.

\* \* \*

### 6. City Annexations

A. The City may undertake annexations in the matter provided for by law within the Dual Interest Area. The City annexation proposals shall include adjacent road

right-of-way to properties proposed for annexation. The County shall not oppose such annexations.

- B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and the County.

Multnomah County - In Multnomah County these jointly adopted agreements do the following:

- A. Establish an area of mutual planning interest . . .
- B. Acknowledge the City's acceptance of the County's Plan for the area, establishing the County's plan as the primary plan with the City's plan serving as a complementary plan;
- C. Initiate a cooperative process to determine future service and annexation boundaries;
- D. Establish a notification process for land use and annexation actions.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

Clackamas County and the City of Portland entered into the LCDC required land use planning coordination agreement. In Clackamas County these agreements were called Dual Interest Area Agreements (as opposed to the term UPAA used in Multnomah County) and it was first entered into by the two entities in June of 1980. The agreement was modified in April of 1985 to make the dual interest area boundary coterminous with the City's newly adopted Urban Services Boundary. In the area of this annexation proposal, the new boundary is along the Multnomah-Clackamas County line. Thus the territory proposed for annexation to the District is outside the ultimate service area of the City of Portland.

#### *CITY PLANNING*

An element of the City of Lake Oswego's Development Code is City Goal #14: Urbanization. The following policies of the goal are pertinent here:

\* \* \*

- 11. The City shall, to the extent permitted by law, enter into and maintain intergovernmental agreements with any provider of sanitary sewer or water

service within the Urban Services Boundary to require annexation agreements for unincorporated lands which require either service.

\* \* \*

18. The City will support expansion of an existing service district's boundaries only if:
- a. It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be made available and are adequate;
  - b. The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
  - c. Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation, and;
  - d. The service district can maintain an adequate level of service over both the short and long term.

The city has "a active plan" which covers territory adjacent to but outside the City. The City Plan designates the territory as R-10 (10,000 square feet per unit).

Lake Oswego responded to the annexation in a letter dated November 3, 1999, stating that:

The City of Lake Oswego does not object to the annexation of the above property, within its Urban Services Boundary to the Riverdale-Dunthorpe Sanitary Sewer District provided that the property owner executes a consent to future annexation to the City of Lake Oswego prior to annexation.

The City based its position on Comprehensive Plan Policy 18 quoted above. The letter goes on to provide the following information:

At this time, it is not feasible to extend City sewer and water services to the subject property, and annexation would not result in the creation of a logical city boundary. This is compounded by the fact that the City's USB divides the subject property along the boundary of Clackamas and Multnomah Counties. The provision of services by the Riverdale-Dunthorpe Sanitary Service District does not pose problems to the City's stated policy objective of ultimately being the service provider for this area. Thus service, by the District, at this time, is not inconsistent with the City's Public Facility Plan. This finding is based on [the] fact that the City will require a consent for future annexation to ensure consistency with the above policy. Once annexation becomes feasible, the property would be withdrawn from the Service District and the City of Lake Oswego would provide services.

\* \* \*

This issue raises the larger question of the City's northern Urban Services Boundary not logically following property boundaries and instead "cutting" through several parcels. The reason is that the USB line was originally drawn to follow the boundary between Multnomah and Clackamas Counties. The City of Lake Oswego would, at some time in the future, like to discuss this matter with you and Multnomah County to determine if it is possible to develop a more rational Urban Services Boundary.

The City has provided the property owner with an agreement that provides for nonremonstrance to annexation. The City requested he sign it before annexation is approved. The applicant indicated to staff that he was willing to do so.

## **FACILITIES AND SERVICES**

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

Sewer. The Dunthorpe-Riverdale Service District has an 8-inch line located along the Multnomah - Clackamas County boundary line with a manhole on the subject parcel.

The Dunthorpe-Riverdale Service District is a Multnomah County county service district. The District receives sewage treatment services from Portland's Tryon Creek Wastewater Treatment Plant. The District also contracts with Portland for operation and maintenance of its facilities. The Dunthorpe-Riverdale Service District purchased capacity for the District's use from the Tryon Creek plant by means of a tax levy and general obligation bonds. This capacity was reserved for those properties within the original District. The City of Portland has agreed to sell the District additional units of capacity for newly annexed areas at a cost of \$1390 per residential unit.

The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

Water. The part of the parcel within Multnomah County is within the Palatine Hill Water District. The District has a 1-1/2 inch water line in Elk Rock Road which is served by a 6-inch water line located just north of the parcel. Palatine Hill Water District buys its water from the City of Portland. The District charges a flat rate of \$30 per month, which includes 1000 cubic feet of water. Any additional water use is charged a rate of \$1.65 per 100 cubic feet.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (known as Dunthorpe-Riverdale RFPD in Clackamas County). This District provides fire protection services via a contract with the City of Lake Oswego.

Police. The area is served by the Clackamas County Sheriff's Department which provides a rural base level of service of approximately .52 officers per thousand population. The area is also within the Clackamas County Service District For Enhanced Law Enforcement which finances an additional level of service to the urban area to raise the service level from .52 to 1.0 officers per 1000 population.

#### **RECOMMENDATION**

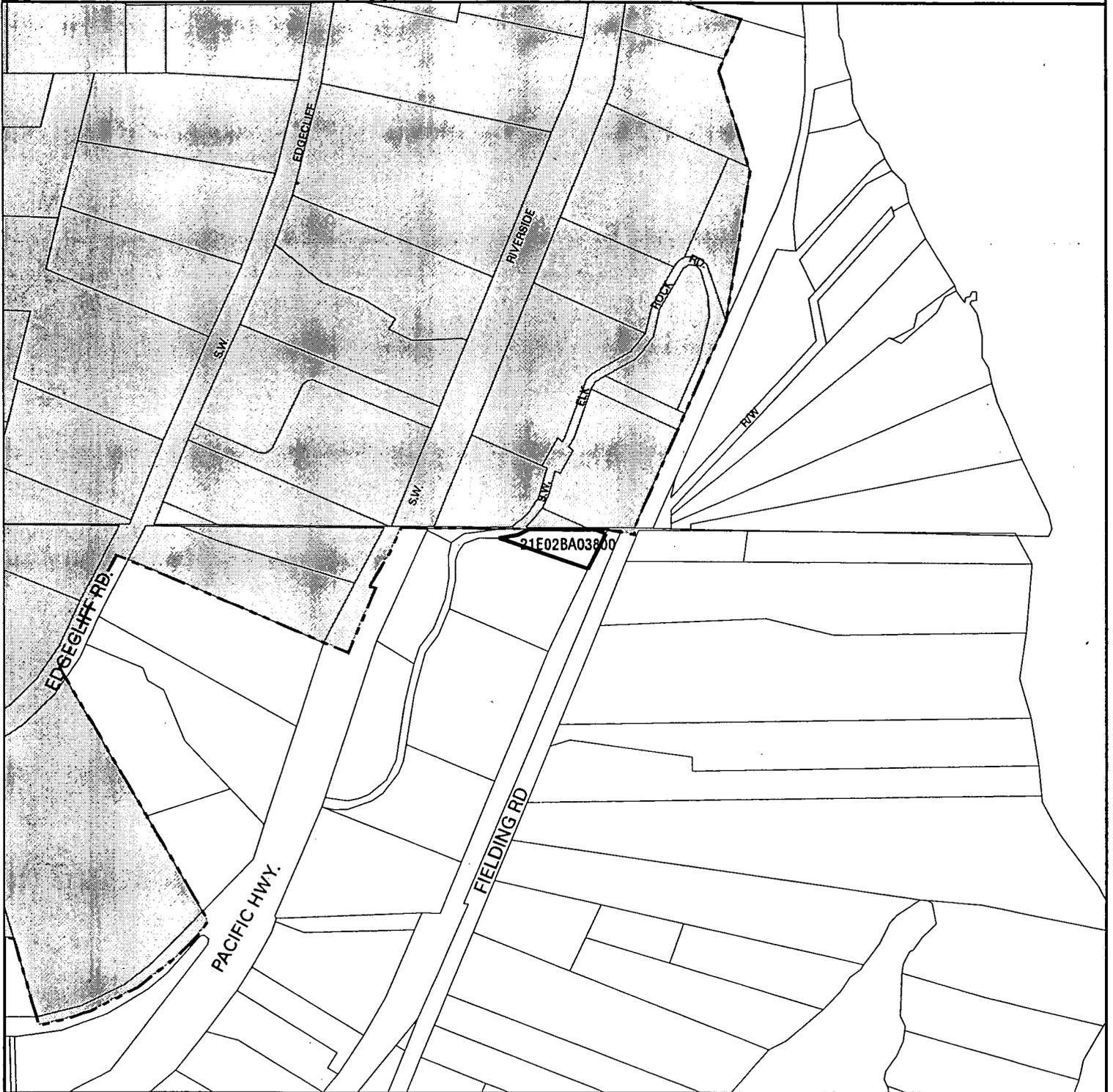
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. MU-0699 be *approved*.

# Proposal No. MU0699

2S1E02

Annexation to the Dunthorpe-Riverdale County Service Dist.

Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

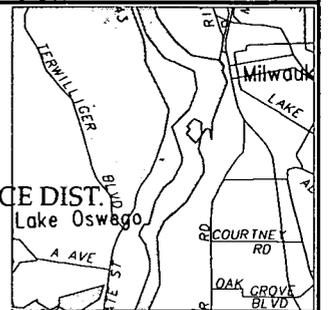
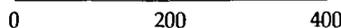
**METRO**

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

- District boundary
- Annexation boundary
- Area to be annexed

PROPOSAL NO. MU0699  
DUNTHORPE-RIVERDALE COUNTY SERVICE DIST.  
Figure 1

Scale: 1" = 250'



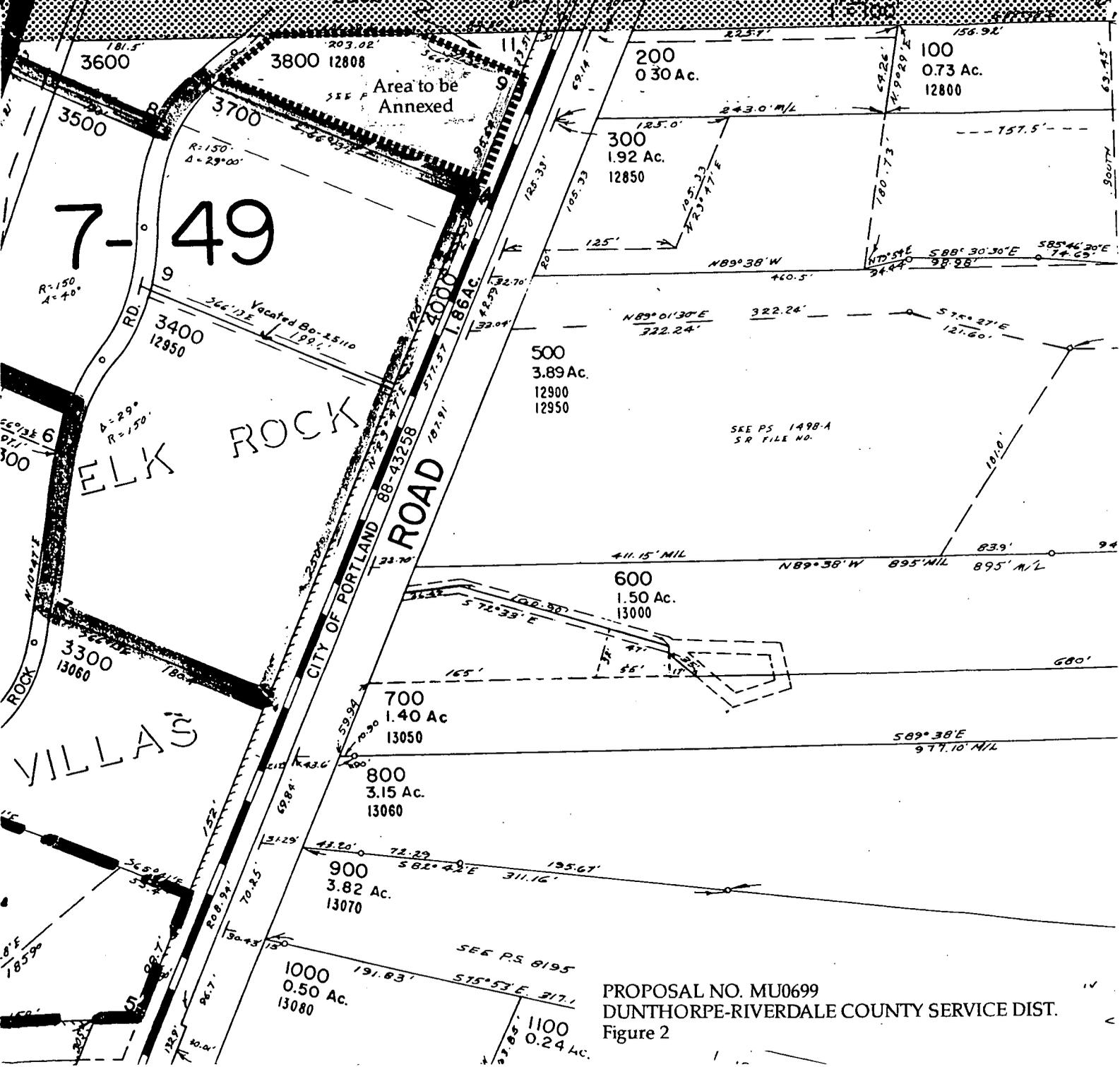
# Proposal No. MU0699



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

Annexation to the Dunthorpe-Riverdale County Service Dist.  
Clackamas Co.  
Section 2S1E02

NE 1/4 NW 1/4 SEC 2 T2S R1E  
DUNTHORPE-RIVERDALE COUNTY SERVICE DIST. CLACKAMAS COUNTY



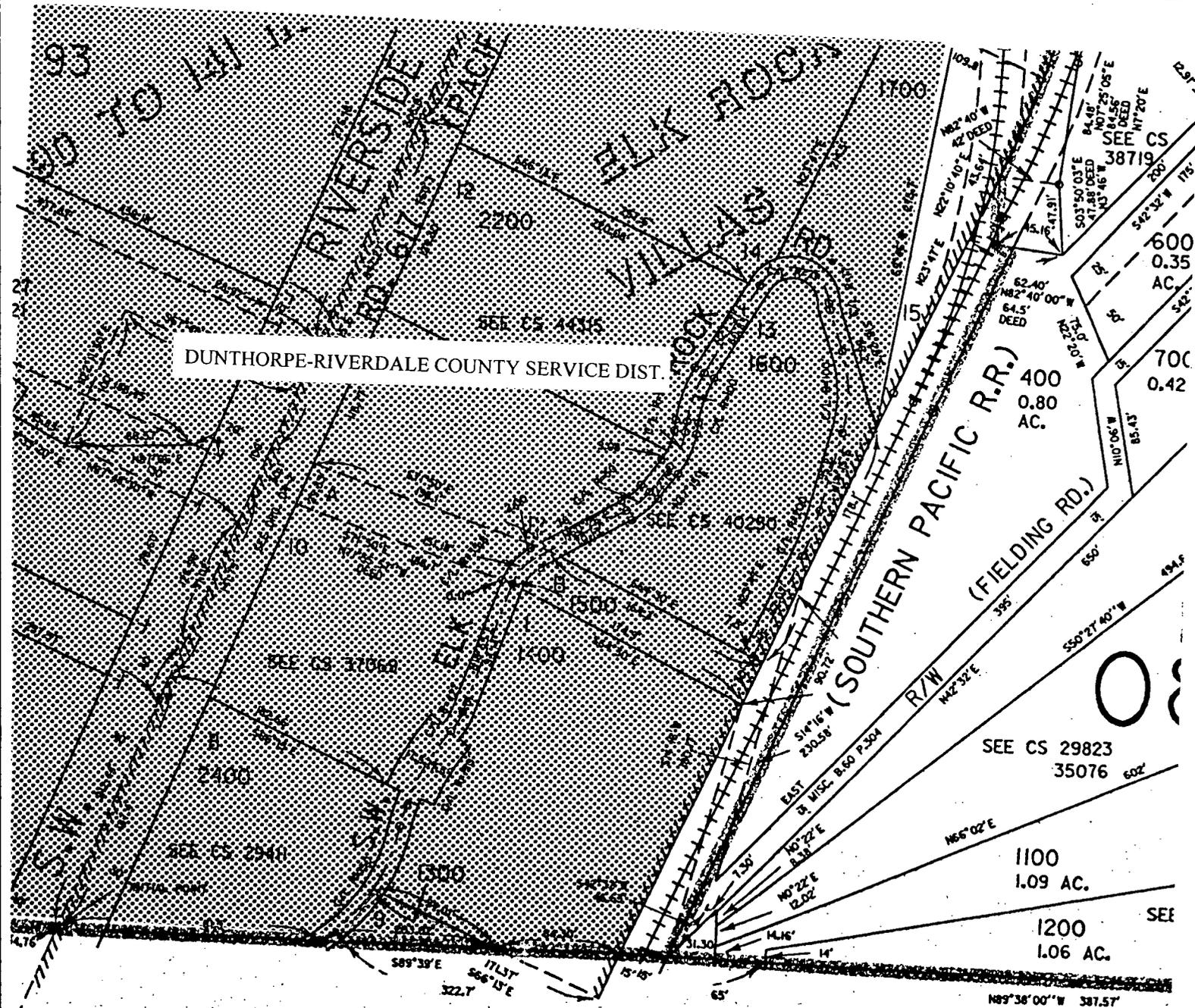
PROPOSAL NO. MU0699  
DUNTHORPE-RIVERDALE COUNTY SERVICE DIST.  
Figure 2

# Proposal No. MU0699



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

Annexation to the Dunthorpe-Riverdale County Service Dist.  
Clackamas Co.  
Section 1S1E35



## CLACKAMAS COUNTY

PROPOSAL NO. MU0699  
DUNTHORPE-RIVERDALE COUNTY SERVICE DIST.  
Figure 3

### FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains approximately .5 acres, is vacant and has an assessed value of \$75,000.
2. The applicant desires sewer service to facilitate development of a single-family residence on the parcel. His parcel consists of two Tax Lots. The north Tax Lot is within Multnomah County and within the Boundary of the Dunthorpe-Riverdale County Service District. The south Tax Lot is in Clackamas County and outside of the District. His proposed new residence will be substantially on the portion of the parcel that is within Clackamas County.
3. The property slopes east toward the Willamette River. Surrounding land uses are single family residences.
4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted on functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07 and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Function Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a district which provides sewer service.

The staff has examined the Regional Framework Plan and found no provisions which are directly applicable to annexations in general or to annexations to county service districts in particular.

6. The Clackamas County plan designation for the site is LDR (low density residential) and it is zoned R-30 (30,000 square feet per unit). The parcel is defined as Immediate Urban, which means:

lands within Urban Growth Boundaries which meet at least one of the following conditions: (1) served by public sewer; (2) included within boundaries of cities or within special districts capable of providing public sewer and planned to be served in the near future; or (3) substantially developed or surrounded by development at urban densities.

The following policy applies to the parcel:

7.0 Immediate Urban Policies

\* \* \*

- 7.2 Place conditions on development to insure adequate services and facilities prior to or concurrent with development.

7. Clackamas County has an Urban Growth Management Agreement (UGMA) with the City of Lake Oswego which identifies this parcel as being within Lake Oswego's Dual Interest Area. The territory is within Lake Oswego's Urban Service Boundary as identified in the acknowledged Lake Oswego Comprehensive Land Use Plan, and the City/County UGMA. The following policies of the UGMA are pertinent:

3. Development Proposals in the Unincorporated Area

\* \* \*

- D. The County shall not form any new County service districts or support the annexation of land within the unincorporated Dual Interest Area to such districts or to other service districts without City approval.

\* \* \*

6. City Annexations

- A. The City may undertake annexations in the matter provided for by law within the Dual Interest Area. The City annexation proposals

shall include adjacent road right-of-way to properties proposed for annexation. The County shall not oppose such annexations.

- B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and the County.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

The agreement between Clackamas County and the City of Portland provides that the City of Portland's Urban Services Boundary is along the Multnomah-Clackamas County line in this vicinity. Thus the territory proposed for annexation to the District is outside the ultimate service area of the City of Portland.

- 8. An element of the City of Lake Oswego's Development Code is City Goal #14: Urbanization. The following policies of the goal are pertinent here:

\* \* \*

- 11. The City shall, to the extent permitted by law, enter into and maintain intergovernmental agreements with any provider of sanitary sewer or water service within the Urban Services Boundary to require annexation agreements for unincorporated lands which require either service.

\* \* \*

- 18. The City will support expansion of an existing service district's boundaries only if:
  - a. It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be made available and are adequate;
  - b. The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
  - c. Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation, and;
  - d. The service district can maintain an adequate level of service over both the short and long term.

The city has "a active plan" which covers territory adjacent to but outside the City. The City Plan designates the territory as R-10 (10,000 square feet per unit).

Lake Oswego responded to the annexation in a letter dated November 3, 1999, stating that:

The City of Lake Oswego does not object to the annexation of the above property, within its Urban Services Boundary to the Riverdale-Dunthorpe Sanitary Sewer District provided that the property owner executes a consent to future annexation to the City of Lake Oswego prior to annexation.

The City based its position on Comprehensive Plan Policy 18 quoted above. The letter goes on to provide the following information:

At this time, it is not feasible to extend City sewer and water services to the subject property, and annexation would not result in the creation of a logical city boundary. This is compounded by the fact that the City's USB divides the subject property along the boundary of Clackamas and Multnomah Counties. The provision of services by the Riverdale-Dunthorpe Sanitary Service District does not pose problems to the City's stated policy objective of ultimately being the service provider for this area. Thus service, by the District, at this time, is not inconsistent with the City's Public Facility Plan. This finding is based on [the] fact that the City will require a consent for future annexation to ensure consistency with the above policy. Once annexation becomes feasible, the property would be withdrawn from the Service District and the City of Lake Oswego would provide services.

\* \* \*

This issue raises the larger question of the City's northern Urban Services Boundary not logically following property boundaries and instead "cutting" through several parcels. The reason is that the USB line was originally drawn to follow the boundary between Multnomah and Clackamas Counties. The City of Lake Oswego would, at some time in the future, like to discuss this matter with you and Multnomah County to determine if it is possible to develop a more rational Urban Services Boundary.

The City provided the property owner with an agreement that provides for nonremonstrance to annexation. The City requested he sign it before annexation is approved. The applicant has done so.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space,

recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

10. The Dunthorpe-Riverdale Service District has an 8-inch line located along the Multnomah - Clackamas County boundary line with a manhole on the subject parcel.

The Dunthorpe-Riverdale Service District is a Multnomah County county service district. The District receives sewage treatment services from Portland's Tryon Creek Wastewater Treatment Plant. The District also contracts with Portland for operation and maintenance of its facilities. The Dunthorpe-Riverdale Service District purchased capacity for the District's use from the Tryon Creek plant by means of a tax levy and general obligation bonds. This capacity was reserved for those properties within the original District. The City of Portland has agreed to sell the District additional units of capacity for newly annexed areas at a cost of \$1390 per residential unit.

The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

11. The part of the parcel within Multnomah County is within the Palatine Hill Water District. The District has a 1-1/2 inch water line in Elk Rock Road which is served by a 6-inch water line located just north of the parcel. Palatine Hill Water District buys its water from the City of Portland. The District charges a flat rate of \$30 per month, which includes 1000 cubic feet of water. Any additional water use is charged a rate of \$1.65 per 100 cubic feet.
12. The territory is within the Multnomah County Rural Fire Protection District #11 (known as Dunthorpe-Riverdale RFPD in Clackamas County). This District provides fire protection services via a contract with the City of Lake Oswego.
13. The area is served by the Clackamas County Sheriff's Department which provides a rural base level of service of approximately .52 officers per thousand population. The area is also within the Clackamas County Service District For Enhanced Law Enforcement which finances an additional level of service to the urban area to raise the service level from .52 to 1.0 officers per 1000 population.

## CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code at 3.09.050(d)(4) calls for consistency between the Board decision and any "specifically directly applicable standards or criteria for boundary changes contained . . . Regional Framework Plan or any functional plan . . . "

There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to extraterritorial extension of water line outside a District's boundaries.

All other elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for boundary changes.

2. The Metro Code at 3.09.050(3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans . . ." The Board reviewed the applicable comprehensive plan which is the County Comprehensive Plan and finds approval of this annexation to be consistent with the plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. This annexation is consistent with the City of Lake Oswego agreement with Clackamas County, Portland's agreement with Multnomah County and Portland's agreement with Clackamas County.
4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding number 9, there are no ORS 195 agreements in place in this area. Therefore, the Board addresses this criterion by finding that there are no agreements and that its decision is not inconsistency with any such agreements.
5. Metro Code 3.09.050(d)(5) states that another criteria to be addressed is "whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Board finds that the County Service District can provide the urban service it controls to the site immediately in adequate quantity and quality. The surrounding area is urban. This proposed development is "infill" development in character. As set out in findings

number 10 through 13, the full range of urban services and facilities is available to this area.

6. Metro Code 3.09.050(d)(6) says: "If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval. The Board finds this criteria to be inapplicable since this is not an annexation to metro.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 99-235**

Approving the annexation of territory to Dunthorpe-Riverdale County Service District.

The Multnomah County Board of Commissioners Finds:

- (a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.
- (b) The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).
- (c) A staff report which addressed factors mandated in the Metro Code was presented to the Board 15 days prior to the hearing as required by the Metro Code.
- (d) A public hearing was held before the Board of County Commissioners on December 2, 1999 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

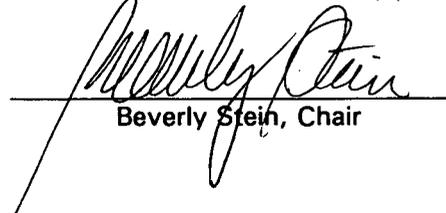
The Multnomah County Board of Commissioners Orders:

- 1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. MU-0699 is approved.
- 2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.
- 3. The staff is directed to file this document with the required parties.

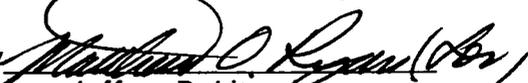
ADOPTED this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

by   
Jeffrey B. Litwak  
Assistant County Counsel

### FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains approximately .5 acres, is vacant and has an assessed value of \$75,000.
2. The applicant desires sewer service to facilitate development of a single-family residence on the parcel. His parcel consists of two Tax Lots. The north Tax Lot is within Multnomah County and within the Boundary of the Dunthorpe-Riverdale County Service District. The south Tax Lot is in Clackamas County and outside of the District. His proposed new residence will be substantially on the portion of the parcel that is within Clackamas County.
3. The property slopes east toward the Willamette River. Surrounding land uses are single family residences.
4. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The law which dictates that Metro adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." In fact, while the first two mentioned items were adopted independently, they are actually now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted on functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07 and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Function Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. None of these requirements relate directly to the issue of annexation to a district which provides sewer service.

The staff has examined the Regional Framework Plan and found no provisions which are directly applicable to annexations in general or to annexations to county service districts in particular.

6. The Clackamas County plan designation for the site is LDR (low density residential) and it is zoned R-30 (30,000 square feet per unit). The parcel is defined as Immediate Urban, which means:

lands within Urban Growth Boundaries which meet at least one of the following conditions: (1) served by public sewer; (2) included within boundaries of cities or within special districts capable of providing public sewer and planned to be served in the near future; or (3) substantially developed or surrounded by development at urban densities.

The following policy applies to the parcel:

7.0 Immediate Urban Policies

\* \* \*

- 7.2 Place conditions on development to insure adequate services and facilities prior to or concurrent with development.

7. Clackamas County has an Urban Growth Management Agreement (UGMA) with the City of Lake Oswego which identifies this parcel as being within Lake Oswego's Dual Interest Area. The territory is within Lake Oswego's Urban Service Boundary as identified in the acknowledged Lake Oswego Comprehensive Land Use Plan, and the City/County UGMA. The following policies of the UGMA are pertinent:

3. Development Proposals in the Unincorporated Area

\* \* \*

- D. The County shall not form any new County service districts or support the annexation of land within the unincorporated Dual Interest Area to such districts or to other service districts without City approval.

\* \* \*

6. City Annexations

- A. The City may undertake annexations in the matter provided for by law within the Dual Interest Area. The City annexation proposals

shall include adjacent road right-of-way to properties proposed for annexation. The County shall not oppose such annexations.

- B. Upon annexation, the City shall assume jurisdiction of the County roads and local access roads pursuant to a separate road transfer agreement between the City and the County.

The City of Portland-Multnomah County UPAA calls for the County to notify the City of any legislative changes to the Comprehensive Plan " . . . and any quasi-judicial or administrative decisions pursuant to the Comprehensive Plan that may substantially affect the City."

The agreement between Clackamas County and the City of Portland provides that the City of Portland's Urban Services Boundary is along the Multnomah-Clackamas County line in this vicinity. Thus the territory proposed for annexation to the District is outside the ultimate service area of the City of Portland.

8. An element of the City of Lake Oswego's Development Code is City Goal #14: Urbanization. The following policies of the goal are pertinent here:

\* \* \*

11. The City shall, to the extent permitted by law, enter into and maintain intergovernmental agreements with any provider of sanitary sewer or water service within the Urban Services Boundary to require annexation agreements for unincorporated lands which require either service.

\* \* \*

18. The City will support expansion of an existing service district's boundaries only if:
- a. It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be made available and are adequate;
  - b. The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
  - c. Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation, and;
  - d. The service district can maintain an adequate level of service over both the short and long term.

The city has "a active plan" which covers territory adjacent to but outside the City. The City Plan designates the territory as R-10 (10,000 square feet per unit).

Lake Oswego responded to the annexation in a letter dated November 3, 1999, stating that:

The City of Lake Oswego does not object to the annexation of the above property, within its Urban Services Boundary to the Riverdale-Dunthorpe Sanitary Sewer District provided that the property owner executes a consent to future annexation to the City of Lake Oswego prior to annexation.

The City based its position on Comprehensive Plan Policy 18 quoted above. The letter goes on to provide the following information:

At this time, it is not feasible to extend City sewer and water services to the subject property, and annexation would not result in the creation of a logical city boundary. This is compounded by the fact that the City's USB divides the subject property along the boundary of Clackamas and Multnomah Counties. The provision of services by the Riverdale-Dunthorpe Sanitary Service District does not pose problems to the City's stated policy objective of ultimately being the service provider for this area. Thus service, by the District, at this time, is not inconsistent with the City's Public Facility Plan. This finding is based on [the] fact that the City will require a consent for future annexation to ensure consistency with the above policy. Once annexation becomes feasible, the property would be withdrawn from the Service District and the City of Lake Oswego would provide services.

\* \* \*

This issue raises the larger question of the City's northern Urban Services Boundary not logically following property boundaries and instead "cutting" through several parcels. The reason is that the USB line was originally drawn to follow the boundary between Multnomah and Clackamas Counties. The City of Lake Oswego would, at some time in the future, like to discuss this matter with you and Multnomah County to determine if it is possible to develop a more rational Urban Services Boundary.

The City provided the property owner with an agreement that provides for nonremonstrance to annexation. The City requested he sign it before annexation is approved. The applicant has done so.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space,

recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but there are no urban service agreements in place in Washington, Multnomah or Clackamas counties to date.

10. The Dunthorpe-Riverdale Service District has an 8-inch line located along the Multnomah - Clackamas County boundary line with a manhole on the subject parcel.

The Dunthorpe-Riverdale Service District is a Multnomah County county service district. The District receives sewage treatment services from Portland's Tryon Creek Wastewater Treatment Plant. The District also contracts with Portland for operation and maintenance of its facilities. The Dunthorpe-Riverdale Service District purchased capacity for the District's use from the Tryon Creek plant by means of a tax levy and general obligation bonds. This capacity was reserved for those properties within the original District. The City of Portland has agreed to sell the District additional units of capacity for newly annexed areas at a cost of \$1390 per residential unit.

The District's single family unit connection fee is \$2500, and permit fee is \$120. The District charges a monthly user fee of approximately \$20.92 for storm water management and sanitary sewage services.

11. The part of the parcel within Multnomah County is within the Palatine Hill Water District. The District has a 1-1/2 inch water line in Elk Rock Road which is served by a 6-inch water line located just north of the parcel. Palatine Hill Water District buys its water from the City of Portland. The District charges a flat rate of \$30 per month, which includes 1000 cubic feet of water. Any additional water use is charged a rate of \$1.65 per 100 cubic feet.
12. The territory is within the Multnomah County Rural Fire Protection District #11 (known as Dunthorpe-Riverdale RFPD in Clackamas County). This District provides fire protection services via a contract with the City of Lake Oswego.
13. The area is served by the Clackamas County Sheriff's Department which provides a rural base level of service of approximately .52 officers per thousand population. The area is also within the Clackamas County Service District For Enhanced Law Enforcement which finances an additional level of service to the urban area to raise the service level from .52 to 1.0 officers per 1000 population.

### CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code at 3.09.050(d)(4) calls for consistency between the Board decision and any "specifically directly applicable standards or criteria for boundary changes contained . . . Regional Framework Plan or any functional plan . . . "

There are no directly applicable criteria in Metro's only adopted functional plan, the Urban Growth Management Functional Plan. This Plan requires that cities and counties amend their plans to include minimum density standards, etc. but these mandates do not relate to extraterritorial extension of water line outside a District's boundaries.

All other elements of the Regional Framework Plan were examined and found not to contain any directly applicable standards and criteria for boundary changes.

2. The Metro Code at 3.09.050(3) calls for consistency between the Board decision and any "specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans . . ." The Board reviewed the applicable comprehensive plan which is the County Comprehensive Plan and finds approval of this annexation to be consistent with the plan.
3. The Metro Code calls for consideration of any directly applicable standards or criteria to be found in urban planning area agreements. This annexation is consistent with the City of Lake Oswego agreement with Clackamas County, Portland's agreement with Multnomah County and Portland's agreement with Clackamas County.
4. The Metro Code also requires that these conclusions address consistency between this decision and any urban service agreements under ORS 195. As noted in Finding number 9, there are no ORS 195 agreements in place in this area. Therefore, the Board addresses this criterion by finding that there are no agreements and that its decision is not inconsistency with any such agreements.
5. Metro Code 3.09.050(d)(5) states that another criteria to be addressed is "whether the proposed change will promote or not interfere with the timely, orderly and economic provisions of public facilities and services." The Board finds that the County Service District can provide the urban service it controls to the site immediately in adequate quantity and quality. The surrounding area is urban. This proposed development is "infill" development in character. As set out in findings

number 10 through 13, the full range of urban services and facilities is available to this area.

6. Metro Code 3.09.050(d)(6) says: "If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval. The Board finds this criteria to be inapplicable since this is not an annexation to metro.

# EXHIBIT B

Proposal No. MU-0699

## DESCRIPTION:

The following described property lying in County of Clackamas and Multnomah and State of Oregon.

Beginning at a cross in a rock at the Northeast corner of Tract 9 of ELK ROCK VILLAS, situate in Section 2, Township 2 South, Range 1 East of the Willamette Meridian, and Section 35, Township 1 South, Range 1 East of the Willamette Meridian; thence along the Northerly line of said Tract 9 on a course of North  $66^{\circ}21'40''$  West 172.01 feet, more or less, to an iron pipe at the Northwest corner of said Tract 9 in the center line of a 15 foot road; thence along the center of said road Southerly and along the Westerly line of said Tract 9 as follows; 72.38 feet along a curve to the right, with a radius of 150 feet, the long chord of which bears South  $44^{\circ}09'$  West 71.69 feet; thence 66.12 feet along a curve to the left, with a radius of 150 feet, and on the Westerly line of said Tract 9, to an iron pipe; thence South  $66^{\circ}13'$  East 221.05 feet to an iron pipe on the Easterly line of said Tract 9 which is South  $23^{\circ}47'$  West 128.64 feet from the place of beginning; thence North  $23^{\circ}47'$  East 128.64 feet to the place of beginning, said land being in Tract 9 in ELK ROCK VILLAS and approximately the North one-half of said Tract 9.

EXCEPT tract conveyed to Alfred T. Osgood and Caryl E. Osgood, husband and wife, by deed recorded March 23, 1943, in Volume 304 of Deed at Page 371, Records of Clackamas County, Oregon.

Also the following described real property situate in Multnomah County, State of Oregon, to-wit:

Lot 9, North of county line, ELK ROCK VILLAS, according to the dule recorded plat thereof on file in the office of the County Clerk of Multnomah County.

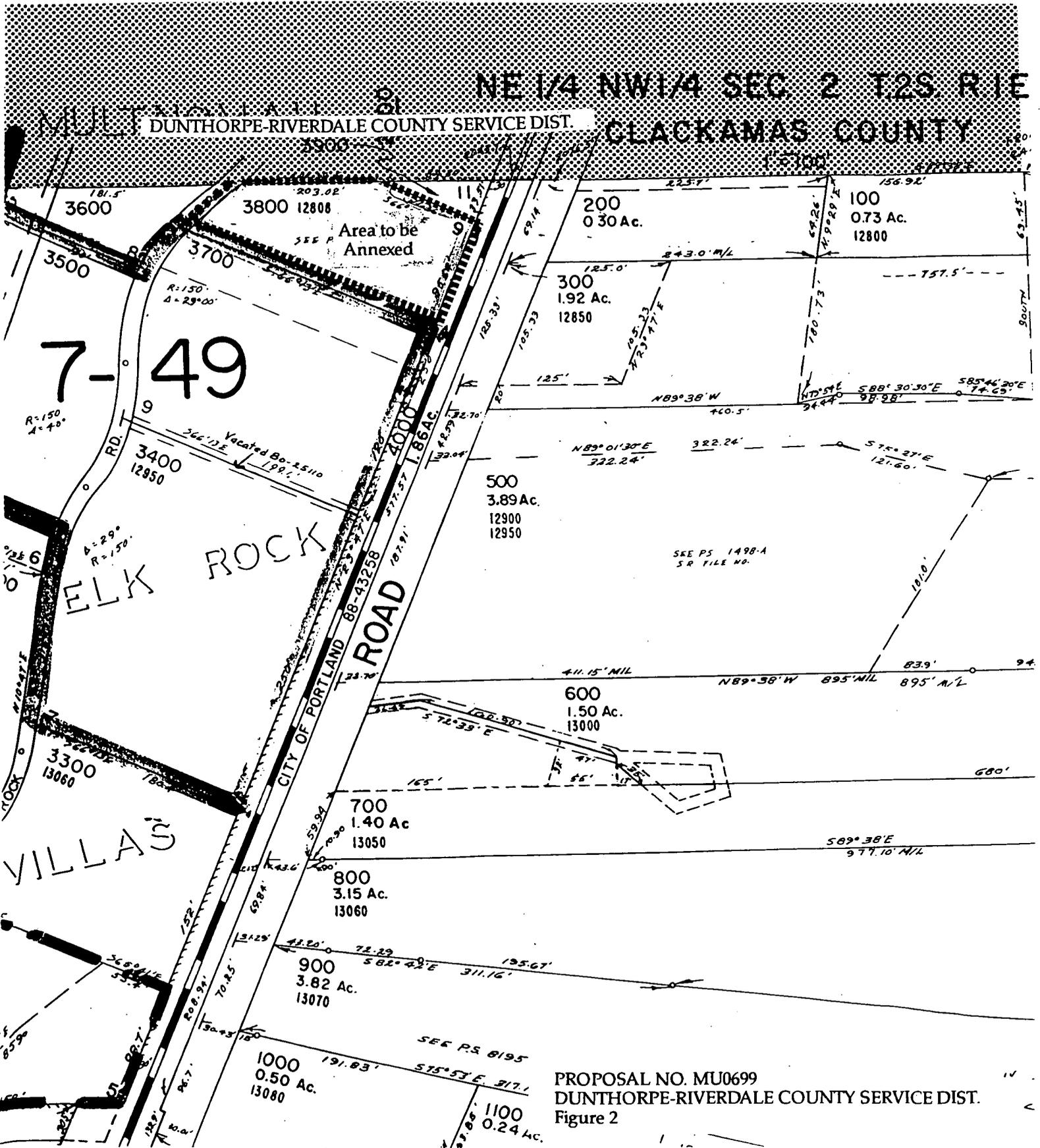
RECEIVED  
99 OCT - 7 PM 4: 41  
VICKI K. ERVIN  
DIRECTOR OF ELECTIONS

# Proposal No. MU0699



600 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1909  
Email drc@metro-region.org

Annexation to the Dunthorpe-Riverdale County Service Dist.  
Clackamas Co.  
Section 2S1E02



#1

SPEAKER SIGN UP CARDS

DATE 12-7-99  
NAME Bruce Thelhofer  
ADDRESS \_\_\_\_\_  
PHONE \_\_\_\_\_  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-3  
GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 12-2-99  
NAME Mike McMenamin  
ADDRESS 1624 NW Glisan  
Portland, Oregon  
PHONE 223 0109  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC PIG FARM  
GIVE TO BOARD CLERK

MEETING DATE: DEC 02 1999  
AGENDA NO: R-3  
ESTIMATED START TIME: 10:20

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Intergovernmental Agreement with City of Troutdale granting Option to Purchase Real Estate at County Farm and directing revenue from Agreement to fund

**BOARD BRIEFING:** DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

**REGULAR MEETING:** DATE REQUESTED: December 2, 1999  
AMOUNT OF TIME NEEDED: 20 minutes

**DEPARTMENT:** Environmental Services **DIVISION:** Facilities and Property Management

**CONTACT:** Bob Oberst **TELEPHONE #:** 248-3851  
**BLDG/ROOM #:** 421/3rd

**PERSON(S) MAKING PRESENTATION:** Bob Oberst, Mayor Paul Thalhøfer, Michael McMenamin

**ACTION REQUESTED:**

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

**SUGGESTED AGENDA TITLE:**

Intergovernmental Agreement Granting to City of Troutdale an Option for Purchase of Approximately 47 Acres of Land at Edgefield County Farm within County Tax Lots 100 and 1200, Section 26, T1 N R3E, W.M., Multnomah County, Oregon

12/6/99 ORIGINALS & COPY of all  
to Bob Oberst  
**SIGNATURES REQUIRED:**

NOV 23 AM 8 20  
OREGON CITY

**ELECTED OFFICIAL:** \_\_\_\_\_  
(OR)  
**DEPARTMENT MANAGER:** Robertson Lane E. Nicholas

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

Any Questions: Call the Board Clerk @ 248-3277

## SUPPLEMENTAL STAFF REPORT

**To: Board of County Commissioners**

**From: Facilities & Property Management, Department of Environmental Services**

**Date: November 17, 1999**

**Re: Intergovernmental Agreement Granting to City of Troutdale an Option for Purchase of Approximately 47 Acres of Land at Edgefield County Farm within County Tax Lots 100 and 1200, Section 26, T 1 N, R 3 E, W.M., Multnomah County, Oregon.**

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1. Recommendation/Action Requested: Approval of INTERGOVERNMENTAL AGREEMENT FOR OPTION TO PURCHASE REAL ESTATE between Multnomah County and the City of Troutdale before the Board and authorizing the County Chair to execute documents necessary to enter into and perform the INTERGOVERNMENTAL AGREEMENT.
2. Background/Analysis: The Board determined that most of the Edgefield County Farm land, including the parcels involved here, was surplus to County requirements and proceeded with actions for marketing and sale of the land in 1992. Major portions of the County Farm land were subsequently sold for residential and commercial retail development, however the parcels involved here were removed from the marketing effort in 1994 in order to cooperate with the City of Troutdale in fostering development consistent with the City's desired plan for development of the area.

The City has worked toward development of this land in a manner that links economically to downtown Troutdale, is consistent with anticipated visitor use in the Columbia River Gorge National Scenic Area, preserves wetlands resources and contains recreational development suitable for the City's desired opportunities for use by the public. The City, in September 1998, invited potential developers of this land to submit development proposals. The proposal submitted by Michael McMenamin was selected by the City Council after public hearing as that most consistent with the City's guidelines for development of the area.

The City has requested that it be granted an option for purchase of this land so that it may facilitate its acquisition and development in accordance with the plan submitted by McMenamin. The City has agreed that the option purchase price be the appraised fair market value. The independent appraiser hired by the County concluded that fair market value of this land was \$3,713,000.00 as of October 6, 1999. The last previous appraisal of this land concluded a value of \$2,528,000.00 as of December 6, 1996.

3. Financial Impact: The INTERGOVERNMENTAL AGREEMENT requires payment of \$35,000.00 to the County upon execution as an option fee for a one year option.

The option term may be extended for up to four periods of three months each upon payment of \$10,000.00 for each such extension. The option consideration is non refundable and applicable to the purchase price. The purchase price is set at \$3,713,000.00 during the first year of the option term and increases by 0.75% for each month the initial term is extended.

Sale of this land upon exercise of the option would require minor partitions to retain the land for the Animal Control facility and the right of way for the County's proposed 242<sup>nd</sup> Avenue Connector. One of the partitions will result in a requirement that the County do half street improvements at the Animal Control facility which is estimated to cost \$120,000.00. Closing costs and partition costs to Multnomah County are estimated at less than \$5,000.00. \_

4. Legal Issues: None, to the knowledge of Facilities & Property Management Division.
5. Controversial Issues: None, to the knowledge of facilities & Property Management Division.
6. Link to Current County Policies: Intergovernmental cooperation to provide for development of recreational facilities and preservation of wetlands resources.
7. Citizen Participation: The development proposal submitted by Michael McMenamin was selected by the Troutdale City Council through public meeting of the Council (see number 2 above).
8. Other Government Participation: See number 2 above.

To: McM  
Pig Farm.

**Developmental Program and Findings**

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LOCATION AND CITY: Troutdale, Or

ZONE: IP, Industrial Park. Development requires Zone Change.

ACREAGE:

North Parcel: 690,129 SF 15.84 Acres  
 South Parcel: 1832236 SF 42.06 Acres  
 Total approximate acres **57.90 Acres**

SURROUNDING STREETS

South: Two lane Halsey St.  
 North: Two lane Columbia River Hwy.  
 West: None  
 East: None

PROPERTY DESCRIPTION:

Majority of land is being farmed.  
**Wet lands** have been noted on the USDOJ Wetland Map. Main area is being farmed and can continue to be farmed. Wetlands will require scientific analysis and determination.  
 Arata Creek runs through property. NW corner of South parcel, and runs through North parcel. This creek should provide for future storm water runoff.  
**100-year flood plane.** Zone A in both North and South Parcels. "No base flood elevations determined."  
 Area surrounded by Zone A in parcel to north is Zone X, "area of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or drainage areas less than 1 sq. mile; and areas protected by levees from 100-year flood.  
 Property slopes down from south to north. The south parcel varies from level to 5% to a maximum of around 20% at or near the center of the site. Much of the south portion of the south parcel from Halsey to the north is around 10%. The north parcel is mostly around 5% with steeper slopes next to Arata Creek near the outlet along Columbia. River Hwy.

UTILITIES:

Water lines exist along Halsey and Columbia River Hwy. Either or both would serve this site according to the City. For fire service a looped line from Halsey to Columbia River Hwy is in order.  
 Sewer lines exist along Halsey and at the NE corner of the site and would be adequate to serve this site according to the City.  
 Storm water would have to be detained prior to run off to existing ditches. Drywells may be used if the water table is low enough. The drywell solution may apply to some higher elevations along Halsey.

**Tentative Development Program Outline:**

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GENERAL PHILOSOPHY:

Design a community which encompasses the following: Extension to the existing Edgefield Center with additional Lodging (150-400 units), Pavilion for 5,000-7,500 people Events, 500 seat Performing Arts/Theater facility, new Winery, Bakery, Coffee Roasting, Foundry and Conference Facilities; Artisan and Craft Shops/Village; Family and Beginners/Children's Golf, Park; Walking and Jogging trails throughout The site; Pig Bath-Lagoon(pool); Orchards, Vineyards and Gardens, all interlace throughout the entire 50+ acres. The Winery-conference facility will be the center of the village with other conference facilities, lodging and shops radiating from this point.

It is the desire to maintain a natural rural feeling through-out the project. An attempt will be made

**McMenamin's Pig Farm Development, Troutdale, Oregon**

Hattan Hattan Architects P.C., 1122 NE 122ND AVE., STE. B111, PORTLAND, OR 97230, T: 257-7332, F: 257-6310

to encompass the historical nature of the site and it's relationship to Edgefield and the pig farm. Design of the buildings will be rustic in nature using recycled materials along with new construction products. We propose to use old beams, siding, windows and doors, brick and stone to develop the character desired.

Produce from the gardens, vineyards and orchards will be used in conjunction with the operation of Edgefield Winery, Distillery and Restaurants.

Roads and Parking lots will be kept to a minimum in an effort to develop the village into a pedestrian friendly space. Pedestrian paths will wind around the site, touching all aspects and activities. For periods of time when parking will be a maximum, usually in the summer months, additional parking areas on grass fields will be provided.

Art Work will be a very important part of this development and will be incorporated throughout the project.

#### VILLAGE CENTRAL FACILITIES:

Develop working Winery with Conference Facilities. 30-40,000 SF, 200 PKG.

Develop Coffee Roasting Facility: 5-10,000 SF, 10 PKG.

Develop Bakery Facility. 5-10,000 SF, 10 PKG.

Develop Artist/Craft studios and shops and or Village atmosphere close by. 10-15,000 SF, 18 PKG

500 seat Performing Arts Theater with Food Kitchen. 8-10,000 SF, 250 PKG.

Create connections to Edgefield and Pavilion complex.

Design facilities with barns and buildings of original pig farm look.

Incorporate Restaurant/Pub/Catering Facility in complex, similar to Rock Creek Tavern with mostly acoustic music nightly. 6-8,000 SF, 53 PKG.

Use recycled materials: Old beams, cedar and redwood paneling/boards, windows, doors and frames, stone, used brick, tile, hardware and etc.

Artwork throughout complex.

Area: 3-5 acres.

#### PAVILION OR EVENT CENTER:

Build a 5,000 person covered open air and enclosed pavilion for the performing arts, exhibit, convention and major activities. Pavilion to have walls that open to allow more people to participate in the summer or to just open the theater up in good weather. Resilient wood floor. May be used as market place, theater, old car show, Columbia Gorge triathlon banquet, square dance festival or many other events. 45,000 SF, 700 PKG, 800 overflow PKG.

Basketball, Volleyball, etc. recreational uses.

Provide paved parking lots and open fields parking. Possible to have golf and parking in open fields.

Area: 10-15 acres.

#### LODGING (AND/OR RESIDENTIAL):

Develop lodging clusters of 5-50 units in buildings based on structures of farm origins. 50 Units=15,000 SF, 50 PKG. 100 Units=30,000 SF, 100 PKG, 150 Units=40,000 SF, 150 PKG., 500 Units=150,000SF, 563 PKG.

Proposal is to either have residential or lodging or both.

Design/maintain existing rural feeling.

Create lodging pods interwoven with farm lands, winery/conference buildings, and other mixed uses.

Relate to Edgefield's buildings and historic pig farm and that period of building types.

Construct buildings that are different from each other yet basic structures that relate to Edgefield and the original pig farm. Develop lodging buildings using materials that distinguish the project with the sites history, Edgefield, and the community. Use of conventional construction materials: Wood frame, wood siding, brick, concrete block, stone, tile, stucco, recycled materials. Create buildings that blend well with rural architecture and village atmosphere. Recycled materials and art and craft touches throughout.

Appeal to the creative spirit.

Area: 10 acres.

Number of Units: 150-500. Developed in phases.

### McMenamin's Pig Farm Development, Troutdale, Oregon

Hamblin Hattan Architects P.C., 1122 NE 122ND AVE., STE. B111, PORTLAND, OR 97230. T: 257-7332, F: 257-6310

**RECREATIONAL FACILITIES AND COMBINED SITES:**

Central park area with small amphitheater at or near village central.

Water activity related facilities. Develop pool facility (swimming hole, oasis, lagoon) that has a natural look which is integrated with surrounding buildings, vegetation and related activities. A partial greenhouse type cover will be used at the pool and at some adjacent areas.

5 miles of walking, running, jogging trails. Intertwined throughout the complex and Edgefield.

Children's and family golf area. 5 acres. 8 PKG

Related concessions and serving stations around the site.

Area: 5-10 acres.

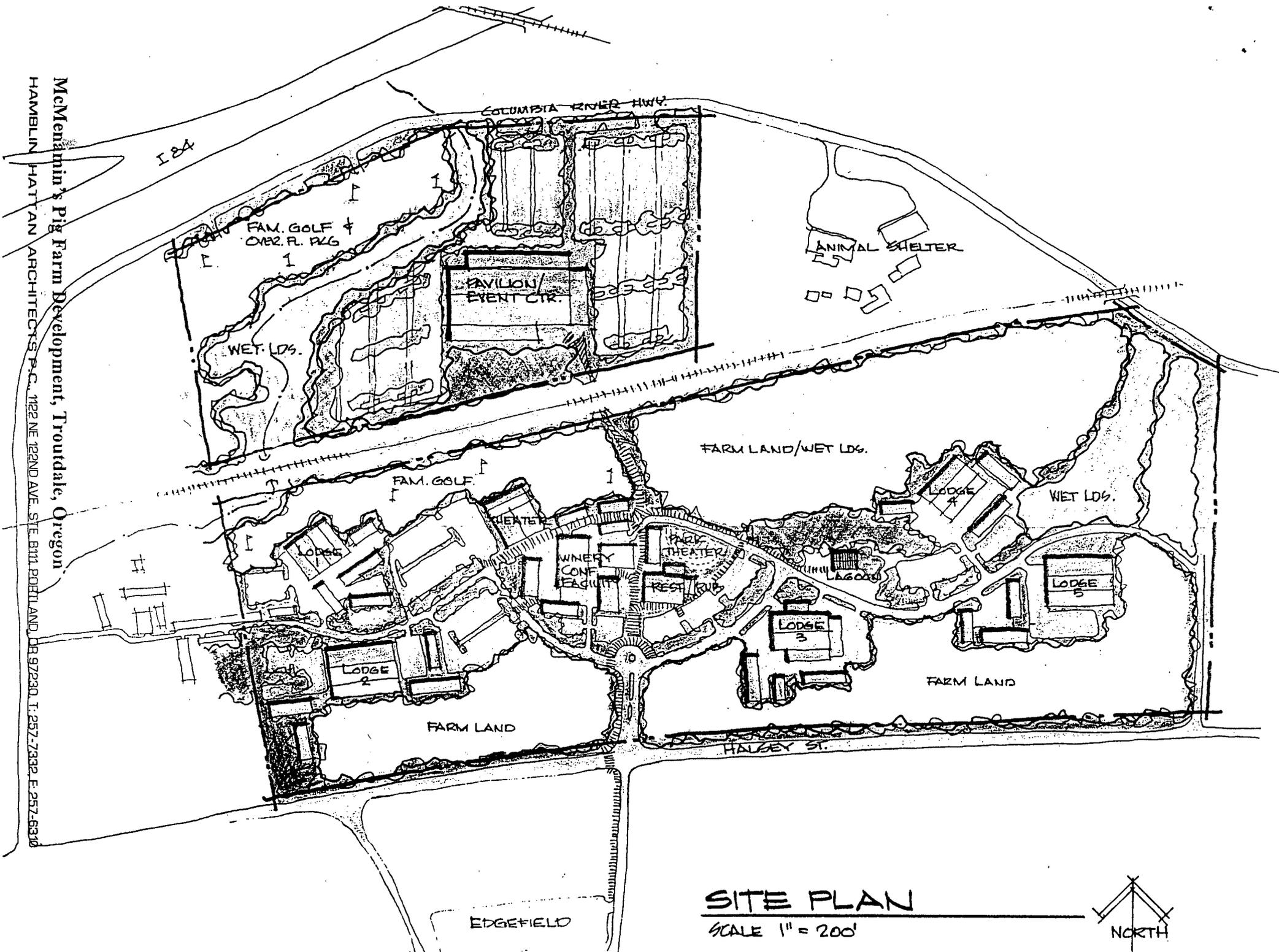
**FARMING:**

Maintain farming at site and interweave among new development. Develop fruit orchards, vineyards and vegetable crops that will be used in Edgefield's restaurants, brewery, winery and distillery.

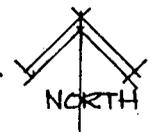
Create a tie to Edgefield's historic buildings and purpose.

Area: 10-16 acres

McMenamin's Pig Farm Development, Troutdale, Oregon  
HAMLIN HATTAN ARCHITECTS P.C. 1122 NE 122ND AVE. STE. 811 PORTLAND, OR 97230. T. 257-7332. F. 257-6320



**SITE PLAN**  
SCALE 1" = 200'



# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature)  Attached  Not Attached Contract #: 0010867  
 Amendment #: \_\_\_\_\_

<p style="text-align: center;"><b>CLASS I</b></p> <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)	<p style="text-align: center;"><b>CLASS II</b></p> <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)	<p style="text-align: center;"><b>CLASS III</b></p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;"><b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b></p> <p>AGENDA # <u>R-3</u> DATE <u>12/2/99</u>  <u>DEB BOGSTAD</u>  <b>BOARD CLERK</b></p>
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Department: Environmental Services Division: Facilities & Property Mgmt Date: 11-23-99  
 Originator: Bob Oberst Phone: 988-3851 Bldg/Rm: 421/3rd  
 Contact: Bob Oberst Phone: 988-3851 Bldg/Rm: 421/3rd

Description of Contract: Intergovernmental Agreement For Option To Purchase Real Estate

RENEWAL:  PREVIOUS CONTRACT #(S): \_\_\_\_\_  
 RFP/BID: \_\_\_\_\_ RFP/BID DATE: \_\_\_\_\_  
 EXEMPTION #/DATE: \_\_\_\_\_ EXEMPTION EXPIRATION DATE: \_\_\_\_\_ ORS/AR #: \_\_\_\_\_  
 CONTRACTOR IS:  MBE  WBE  ESB  QRF  N/A  NONE (Check all boxes that apply)

Contractor <u>City of Troutdale</u> Address <u>104 SE Kibling</u> <u>Troutdale OR 97060-2099</u> Phone <u>503-665-5175</u> Employer ID# or SS# _____ Effective Date <u>Upon execution</u> Termination Date <u>Two years from execution</u> Original Contract Amount \$ <u>\$3,713,000</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>\$3,713,000</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 type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
--	--

REQUIRED SIGNATURES:

Department Manager *Lance Nicholas* DATE 11/23/99  
 Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Counsel *[Signature]* DATE 11/23/99  
 County Chair *[Signature]* DATE December 2, 1999  
 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											

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-236

Authorizing Execution of Intergovernmental Revenue Agreement 0010867 Granting to the City of Troutdale an Option for Purchase of Approximately 47 Acres of Land at Edgefield County Farm

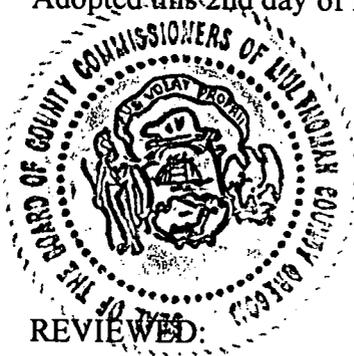
The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the 47 acres of land (Tax Lots 100 and 1200, Section 26, T 1 N, R 3 E, W.M., Multnomah County, Oregon) within the real property commonly known as the Edgefield County Farm in the City of Troutdale as described in the attached Intergovernmental Agreement for Option to Purchase Real Estate (Agreement).
- b. Said 47 acres of land are surplus to the needs of Multnomah County.
- c. The City of Troutdale wishes to obtain an option for purchase of the land in order to provide for development of the area in which the land is located consistent with the City's planning.
- d. The purchase price upon exercise of the option granted to the City in the Agreement of \$3,713,000.00 is the appraised fair market value as of October 6, 1999.
- e. It is in the best interest of Multnomah County to sell the real property described in the Agreement before the Board this date, as provided in ORS 275.110.

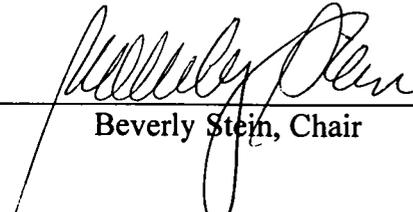
The Multnomah County Board of Commissioners Resolves:

1. The Chair is hereby authorized and directed to execute the Agreement before the Board this date and any deed or other documents required for performance of the Agreement.

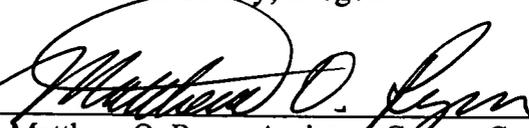
Adopted this 2nd day of December, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

**INTERGOVERNMENTAL AGREEMENT FOR  
OPTION TO PURCHASE REAL ESTATE**

THIS OPTION TO PURCHASE REAL ESTATE ("Agreement") is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 1999, by and between the CITY OF TROUTDALE, a municipal corporation ("Optionee"), and MULTNOMAH COUNTY ("Owner").

**RECITALS**

A. Owner is the owner of approximately 47 acres of real property at NE 244th Avenue and Halsey Street, in the City of Troutdale, Oregon, which property is legally described in Exhibit A (the "Property").

B. Optionee wishes to acquire an option to purchase the Property, and Owner is willing to grant such an option, on the terms and conditions of this Agreement.

**AGREEMENT**

In consideration of the covenants herein, the parties agree as follows:

1. **Grant of Option.** In consideration of the payment of \$35,000.00 receipt of which is hereby acknowledged by Owner, Owner grants to Optionee the sole and exclusive option ("Option") to purchase the Property.

2. **Option Terms.**

2.1 **Term.** The term of the Option (the "Term") shall commence on the date of this Agreement and shall continue for one year from the date hereof, unless extended as provided herein. The term of this Option may be extended beyond the initial term for successive periods of three months each, not to exceed four such extensions, at the election of Optionee and upon payment to Owner of the amount of \$10,000.00 for each such extension.

2.2 **Exercise of Option.** The Option shall be exercised, if at all, by written notice ("Exercise Notice") given by Optionee to Owner during the initial Term or any extension thereof, which notice shall state that Optionee has elected to exercise this Option. Upon exercise of this Option, Optionee shall, subject to the terms and conditions of this Agreement, be obligated to purchase the Property. If no Exercise Notice is given during the Term, this Agreement shall terminate, Owner shall be entitled to retain the \$35,000.00 option payment described in Section 3 and all amounts paid for extensions of the Term as described in Section 2.1, and the parties shall have no further obligations hereunder.

3. **Option Consideration; Purchase Price and Payment.** The purchase price for the Property shall be \$3,713,000 if the Option is exercised within one year from the date of this Agreement. The purchase price shall be increased by three fourths of one per cent (0.75%) for each month which elapses beyond the end of the initial Term to the exercise of this Option. The purchase price shall be paid in cash or other immediately available funds at closing. The \$35,000.00 option consideration and all amounts paid for extensions of the initial Term shall be credited against the purchase price at closing.

4. **Terms of Purchase and Sale.**

4.1. **Title Report.** Within ten (10) days after of the date an Exercise Notice is given, Owner shall order and cause to be delivered to Optionee a preliminary title report (the "Preliminary Commitment"), together with legible copies of all documents shown therein as exceptions to title, from a title company reasonably acceptable to Optionee ("Title Company"). Optionee shall have not later than thirty (30) days after receipt of the Preliminary Commitment within which to give notice in writing to Owner of any objection to such title or to any liens or encumbrances affecting the Property. If Optionee fails to raise any such objection within such thirty (30) day period, all conditions and exceptions to title set forth in such Preliminary Commitment shall be "Permitted Exceptions." If Optionee objects to an exception to title, Owner shall be obligated to notify Optionee within ten (10) days after notice of such objection whether Owner is willing to remove such exception. If Owner is willing to remove such exception, Owner shall do so at or prior to closing. If Owner is not willing to remove the objected-to exception, Optionee may, by written notice to Owner within ten (10) days after notice of Owner's unwillingness to remove such exception, terminate this Agreement, or Optionee may elect to acquire the Property subject to such exception. All exceptions described in the Preliminary Commitment and not removed or to be removed pursuant to this Section 4.1 shall be "Permitted Exceptions."

4.2. **Reports, Studies.** Within ten (10) days after of the date an Exercise Notice is given, Owner shall deliver to Optionee all of the following items relating to the Property which are in Owner's possession or available to Owner: topographical surveys, boundary surveys and all other surveys; the most recent property tax statements; all licenses, permits, approvals and entitlements issued, approved or granted by governmental authorities; all environmental, soils (including foundations), wetlands, seismic and land use reviews, reports, assessments, inspections, studies and certificates; any plans for improvements; any documentation relating to utilities, access and easements, occupation or operation of the Property; and all other documentation relating to the use of the Property. Within thirty (30) days after expiration of this Option without exercise thereof by Optionee, Optionee shall deliver to owner all of the items relating to the Property as described hereinabove which are in Optionee's possession or available to Optionee.

4.3. **Contingencies.** Upon giving an Exercise Notice, Optionee's obligation to close the sale and purchase shall be subject to the satisfaction or waiver by Optionee of all of the following conditions:

(a) Optionee's approval of title as set forth in Section 4.1 of this Agreement if required thereunder.

(b) Optionee's approval of any items disclosed in the certificate given pursuant to Section 4.4.

(c) Optionee satisfying itself within a period of thirty (30) days from the date it receives the reports and studies described in Section 4.2 as to the environmental condition of the Property, and the condition of the soils, including without limitation Optionee's satisfaction, in its sole discretion, with the results of the assessments and/or reports obtained pursuant to Section 4.2.

(d) Optionee obtaining a satisfactory commitment from McMenamins, Inc., or an affiliate thereof, within thirty (30) days from the date the Exercise Notice is given, that such entity or affiliate will purchase the Property on terms and conditions satisfactory to Optionee.

If the foregoing conditions are timely satisfied or waived, Optionee shall give Owner written notice thereof. If Optionee shall fail to give written notice to Owner of the timely satisfaction or waiver of all of the foregoing conditions, such conditions shall be deemed to have failed, this Agreement and Optionee's rights hereunder shall terminate, Owner shall be entitled to retain the option payment, and neither party shall have any further rights or obligations hereunder. If the foregoing conditions are timely satisfied or waived by notice thereof having been timely given to Owner, the sale is to close on or before thirty (30) days following the date all such conditions have been satisfied or waived.

**4.4. Representations and Warranties.** On the closing date, Owner shall deliver to Optionee a certificate in which Owner shall make the following representations and warranties in favor of Optionee:

(a) Except as disclosed to Optionee in writing, Owner has received no notice from any governmental agency having jurisdiction in the matter of any violation of any statute, law, ordinance, deed restriction or rules or regulations with respect to the construction, existence, maintenance or operation on or of the Property.

(b) Except as disclosed to Optionee in writing, Owner has not received any written notice from any governmental agency of any violation of any statute, law, ordinance, deed restriction, rule or regulation (including environmental laws) with respect to the Property.

(c) Except as disclosed to Optionee in writing, there are no actions, claims or proceedings pending or, to Owner's knowledge, threatened by any party against Owner in connection with the Property or against the Property.

(d) Owner has the legal power, right and authority to enter into this Agreement and to consummate the transactions contemplated herein, and the individual executing this Agreement on behalf of Owner has been duly authorized to do so.

4.5. **Right of Entry.** Optionee, its authorized agents, employees and independent contractors shall have the right to enter upon the Property at reasonable times, for the purpose of making or conducting any inspection, investigation, test or survey reasonably related to the purchase of the Property or the satisfaction of Optionee's contingencies hereunder, subject to the following:

(a) Any damage to the Property shall be promptly repaired and the Property restored to the same state as existed prior to such entry.

(b) Optionee shall keep the Property free from liens in connection with any such entry.

(c) Optionee shall indemnify, defend and hold Owner harmless of and from any and all claims, demands, actions and liabilities that may arise or result from Optionee's activities on the Property in connection with any such entry.

(d) **Hazardous Materials.** Optionee shall not generate, release, store or deposit on the Property any environmentally hazardous or toxic substances, materials, wastes, pollutants, oils or contaminants, as defined by any federal, state or local law or regulation (collectively "Hazardous Substances"). Optionee shall indemnify, defend and hold harmless Owner from and against any and all claims, losses, damages, response costs and expenses of any nature whatsoever (including without limitation attorneys', experts' and paralegals' fees) arising out of or in any way related to the generation, release, storage or deposit of Hazardous Substances on the Property by Optionee, its agents or employees during the term of this Agreement.

4.6. **Closing, Escrow, Prorates.** If the conditions set forth in Section 4.3 have been timely satisfied or waived, the purchase and sale shall close on the date designated by Optionee in a written notice to Owner given at least ten (10) days before the designated closing date, but closing shall take place on or before thirty (30) days following the satisfaction or waiver of all such conditions in any event. The purchase of the Property shall be closed in escrow by the Title Company. Prior to closing, each party will deposit with the Title Company the funds, documents and instructions necessary for closing. The cost of the escrow shall be shared equally by Owner and Optionee. Current real property taxes, if any, on the Property will be prorated between the parties as of the date of closing.

4.7. **Bargain and Sale Deed, Title Insurance.** Upon closing, Owner will convey the Property to Optionee by bargain and sale deed. At closing, Owner, at Owner's expense, shall deliver to Optionee a standard title insurance policy in the amount of the total purchase price insuring title to be vested in Optionee subject only to the standard printed exceptions and the permitted exceptions. Optionee shall have the right to require an extended coverage ALTA owner's policy of title insurance. If Optionee exercises its right to require such extended coverage, then Optionee shall pay the additional premium for such coverage; provided, however, Owner agrees to fulfill any other requirements for issuance of such policy including the execution of affidavits and the like.

5. **Remedies.** If Owner breaches any term or provision of this Agreement, then Optionee may either (1) terminate this Agreement and bring an action to recover the option payment, or (2) tender performance of the obligations of Optionee, specifically enforce all obligations of Owner hereunder, and bring an action for any damages arising from any such default by Owner.

6. **Miscellaneous.** This Agreement shall be binding upon and inure to the benefit of the representatives, successors and assigns of the parties hereto. In any litigation concerning this Agreement, the prevailing party shall be entitled to recover its reasonable attorney fees at trial and on appeal, in addition to other sums provided by law. This Agreement contains the entire agreement among the parties with respect to its subject matter and supersedes any prior agreement or understanding with respect to the subject matter hereof. This Agreement may be executed in any number of counterparts and by different parties hereto on separate counterparts, each of which counterparts, when so executed and delivered, shall be deemed to be an original and all of which counterparts, taken together, shall constitute but one and the same Agreement. Upon request of either party, the parties shall execute in a form sufficient for recording a memorandum of this Agreement, which may be recorded at the expense of the party requesting the same.

7. **Zoning and Land Use.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

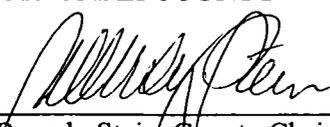
IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

OWNER

OPTIONEE

MULTNOMAH COUNTY

CITY OF TROUTDALE

By:   
Beverly Stein, County Chair

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

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY  
BY   
ASSISTANT COUNTY COUNSEL  
DATE 11/22/99

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 12/2/99  
DEB BOGSTAD  
BOARD CLERK

**INTERGOVERNMENTAL AGREEMENT FOR  
OPTION TO PURCHASE REAL ESTATE**

**EXHIBIT A**

The approximate boundaries of the Properties are shown on the attached sketch as the areas containing 15.93 acres and 41.16 acres, respectively. In the event of exercise of the Option, minor partitions will be required to create the parcels constituting the Property, which will result in final actual legal descriptions of the Property. The boundaries may vary slightly according to final determination of the areas required for the County's Animal Control facility and 242<sup>nd</sup> Avenue Connector.

BUDGET MODIFICATION NO.

00BM DES-02

(For Clerk's Use) Meeting Date

DEC 02 1999

Agenda No.

R-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR (Date) 12/2/99

DEPARTMENT

DES

DIVISION

Facilities & Property Mgt

CONTACT

Larry Nicholas

TELEPHONE

x83355

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

Larry Nicholas

SUGGESTED

AGENDA TITLE

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

Create a Customer Services Manager position in Facilities and Property Management Division (5 minutes)

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this BudMod makes. What budget does it increase? What do changes accomplish? Where does the funding come from? What budget is reduced? Attach additional information if you need more space.

This Bud Mod will reallocate current division resources to fund a new position. This action will eliminate a vacant Program Development Technician position, and add a new Facilities Development and Services Manager position. In addition, unexpended funds will be moved from a professional services contract which has been terminated to cover the difference in salary between the two positions. This will be accomplished within existing resources and within the current authorized FTE allocation in the division.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

n/a

BOARD OF  
COUNTY COMMISSIONERS  
99  
NOV 24 AM 8:42  
MULTNOMAH COUNTY  
OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

n/a

Fund Contingency before this modification as of

Date

After this modification

Originated By

Date

M. Oswald

11/23/99

Department Director

Date

L. E. Nicholas

11/23/99

Plan/Budget Analyst

Date

Kayme Davis

11/24/99

Employee Services

Date

See Attached Memo

Board Approval

Date







# MULTNOMAH COUNTY OREGON

BEVERLY STEIN  
COUNTY CHAIR

EMPLOYEE SERVICES  
FINANCE  
LABOR RELATIONS  
PLANNING & BUDGET  
RISK MANAGEMENT

(503) 248-5015  
(503) 248-3312  
(503) 248-5135  
(503) 248-3883  
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING  
1120 S.W. FIFTH, 14TH FLOOR  
P.O. BOX 14700  
PORTLAND, OREGON 97293

PURCHASING, CONTRACTS  
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR  
PORTLAND, OREGON 97202

## MEMORANDUM

**To:** Don Winkley, HR Manager  
Department of Environmental Services

**From:** Fernando Conill, Manager  
Employee Services Division

**Date:** October 20, 1999

**RE:** Creation of new Exempt job classes, updated job classes and pay rates

By this memorandum and under provisions of Personnel Rule 105.05 Pay Ranges for New or Modified Classifications, the Employee Services Division establishes certain new Exempt job classes for the Department of Environmental Services. Class specifications for the new job classes are attached. Should you have any questions related to the classification and compensation changes feel free to contact either Deb Larson (X 24827) or myself.

### I. DES Job Classes and Pay Ranges Effective October 1, 1999:

Code	Job Class Title	Range	Service / Status
9686	Facilities Development & Services Manager	R - 129	Unclassified/New Class
9687	Facilities Operations Manager	R - 131	Unclassified/New Class
9716	Fiscal Officer	R - 130	Classified/Revised
9678	Facilities Manager/Senior	R - 133	Unclassified/Range Chg

### II. Analysis of New and Revised Exempt Job Classes:

**9686 Facilities Development & Services Manager**

The new pay rate is established at Range 129, consistent with the internal point factor ratings.

**9687 Facilities Operations Manager**

The new pay rate is established at Range 131, consistent with the internal point factor ratings.

**9678 Facilities Manager/Senior**

The new pay rate is established at Range 133, consistent with the internal point factor ratings.

III. Official job class allocations are shown below -- the job class title is followed by a list of the current incumbents, vacant positions and the working titles for each position. The asterisk in front of a position indicates that this is a reclassification of the position and the incumbent.

**9686 Facilities Development & Services Manager Exempt/Unclassified**

\*Wayne George, Facilities Manager Senior - currently R-132 (JCN 9681)

**9687 Facilities Operations Manager Exempt/Unclassified**

VACANT new position in Facilities

**9716 Fiscal Officer Exempt/Classified**

Larry Aab, Fiscal Officer for the Sheriff's Office, currently R - 130, new job class title  
VACANT new position in Facilities

**9681 Facilities Manager/Senior Exempt/Unclassified**

VACANT position in Facilities - currently R-132, range and title changes

**V. Effect Upon Positions and Pay**

Employees in the positions allocated to the new Exempt job classes and pay rates who experience any pay adjustment will be reclassified per Personnel Rule 105. Each department must place employees into their new pay ranges at a rate that is not below the minimum of the new range. Employee's reclassified downward are "red circled". Per PR 105.06: *"If an employee is being paid within the reclassified range, his/her pay may be adjusted not to exceed the maximum of the new salary range." "If an employee's pay exceeds the maximum of the lower salary range, his/her pay will be frozen at the existing rate until the new salary range is higher than the employee's rate of pay."*

**VI. Effective Date:**

The new classes are adopted effective October 1, 1999. Pay rates are effective October 1, 1999 as well.

Thank you for your time, effort and patience in bringing these reclassification investigations to a successful conclusion.

**attachments**

**cc: Bev Stein, Chair - Multnomah County Board of Commissioners**  
**Vickie Gates, Director Department of Support Services**  
**Satishwar Nath, Payroll Manager**  
**Dave Warren, Budget Manager**  
**Darrell Murray, Labor Relations Manager**  
**✓ Employees who are reclassified by this memorandum**  
**DES Managers: Mike Oswald**  
**Employee files**

**FACILITIES DEVELOPMENT & SERVICES MANAGER  
(Exempt/Unclassified)**

**DEFINITION:** Responsible for developing and overseeing the Division Strategic Plan; the Facilities Business Development Plan; and to oversee the Divisions Quality and Customer Service Programs. This position provides a variety of highly responsible and complex administrative and management support duties in providing staff assistance to the Division Director to include program monitoring and evaluation; coordination of customer service information and to provide liaison to other County departments for the areas of the position's responsibilities.

**SUPERVISION RECEIVED AND EXERCISED**

Receives general direction from the Senior Facilities Maintenance Director.

Exercises direct supervision over assigned supervisory and technical staff.

**EXAMPLES OF DUTIES** – Duties may include, but are not limited to, the following:

Develop and oversee the Strategic and Business Development Plans for the Facilities Management Division.

Develop and implement the Customer Service Program and oversee the Division's Quality Initiative program.

Coordinate Division activities and provide representation to other Departments and outside agencies and organizations.

Respond to and resolve difficult and sensitive customer service related inquiries and/or complaints regarding divisional responsibilities.

Review and evaluate work products, methods and procedures.

Plan, prioritize, assign, supervise and review the work of staff involved in customer service and business planning development.

Coordinate short-term projects in area of responsibilities.

Perform related duties as assigned.

**QUALIFICATIONS**

Knowledge of:

Principles and practices in the public sector, including methods and techniques used in project management, customer service analysis and evaluation and strategic and business development planning.

Principles and practices of organizational planning and administration.

Principles and practices of supervision, training and personnel management.

Principles and practices of continuous quality improvement management and a diverse, team-oriented workplace.

Ability to:

Analyze, evaluate and modify operating methods and procedures.

Establish and maintain cooperative-working relationships with those contacted in the course of work.

Identify and respond to issues and concerns of division director boards, committees and the public.

Supervise, train and evaluate assigned staff.

Prioritize user needs and appropriately act on those needs.

Communicate clearly both orally and in writing.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: Four years of major building management experience including supervisory experience.

AND

Training: Equivalent to a bachelor's degree from an accredited college or university with major course work in architecture, building management or related field. Master's degree preferable.

License or Certificate: Possession of, or ability to obtain, an appropriate driver's license.

Established: 10/01/99/DL

## Supplemental Staff Report

To: Board of County Commissioners

From: Larry F. Nicholas, Director *Larry F. Nicholas*  
Department of Environmental Services

Date: November 23, 1999

Subject: Budget Modification - Customer Services Manager position in Facilities and Property Management Division.

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**I. Recommendation/Action Requested:**

Request authorization for a new position in the Facilities and Property Management Division. This action will be accomplished within the division's current budget and within current FTE.

**II. Background/Analysis:**

On August 26, 1999, Chair Stein sent out a memo announcing the implementation of a new management structure in the Facilities and Property Management Division. The memo outlined specific actions to be taken by Larry Nicholas, Director of the Department of Environmental Services. There were three critical action steps to be completed early in the implementation plan. They were:

1. Recruit and hire a new Facilities and Property Management Director, and assign the former director to a management position in customer service.
2. Interview County stakeholders (department directors, elected officials) and key facility customers regarding suggestions for service improvements.
3. Assign an Interim Management Team to provide a thorough assessment and review of the management structure and operations of the division.

The department is making progress on the implementation plan. Daniel Brown has been appointed to the position of Facilities and Property Management Division Director, effective December 1, 1999. The Stakeholder and Customer Interviews have been completed. The Interim Management Team is preparing a report and recommendations for the DES Department Director regarding management structure and operations.

This budget modification is necessary to implement step 1., above. If approved, this budget modification will reallocate current division resources to fund a new position: Facilities Development and Services Manager—working title is "Customer Services Manager" (see attached position description). This is being done within existing resources and within the current authorized FTE allocation in Facilities and Property Management Division. We are proposing to eliminate one current vacant position (Program Development Technician), and adding the new position. Moving unexpended funds from

an information system contract, which has been terminated, will cover the difference in salary between the two positions.

The new position provides a new, expanded capacity to work with elected officials and departments to more effectively meet the current and future facility needs of County programs. Please see the attached memo and position description from Employee Services.

The division is scheduled to be back before the Board of County Commissioners in January 2000, with a briefing on the proposed division management plan and organizational plan. The Interim Management Team has identified the Customer Services Manager position as a high priority for the division.

**III. Financial Impact**

This Bud Mod is accomplished within the current, authorized resources of the division.

**IV. Legal Issues: n/a**

**V. Controversial Issues: n/a**

**VI. Link to Current County Policy:**

This new position will be an essential component of the division's customer service focus. The division is managing an ambitious workplan to implement the policy and goals established in the Strategic Space Plan; and the potential impact of mixed use and "green building" policies.

**VII. Citizen Participation: n/a**

**VIII. Other Government Participation: n/a**

MEETING DATE: DEC 02 1999  
AGENDA NO: R-5  
ESTIMATED START TIME: 10:45

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: An ordinance amending Multnomah County Code section 27.301 (C) by adding an additional exemption to the policy prohibiting smoking in county facilities and declaring an emergency

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 2, 1999  
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-departmental DIVISION: \_\_\_\_\_

CONTACT: Lynn Dingler TELEPHONE #: 736-6796  
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Diane Linn, Elyse Clawson

ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

SUGGESTED AGENDA TITLE:

An ordinance amending Multnomah County Code section 27.301 (C) by adding and additional exemption to the policy prohibiting smoking in county facilities and declaring an emergency

*12/6/99 copies to Co Linn, Katie  
CARTERS & ORDINANCE Distribution  
List*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *[Signature]*  
(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_

99 NOV 23 PM 11:41  
COUNTY ADMINISTRATOR  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



**Diane Linn, Multnomah County Commissioner**

DISTRICT ONE

## SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Diane Linn

DATE: November 23, 1999

RE: Ordinance amending Code 27.301 by adding an exemption to the County non-smoking policy to permit a smoking room at the Mead Building and declaring an emergency.

1. Recommendation/Action Requested:

Passage of the Ordinance.

2. Background/Analysis:

The West District Community Justice Office is scheduled to open in the Mead Building on or about December 13, 1999. A good neighbor agreement has been negotiated with downtown interests in conjunction with the move-in. An element of that agreement is a reduction in on-street smoking by clients of the program, necessitating reservation of a smoking room inside the building. The room would be separately ventilated to the street and would not compromise the working environment of other employees or the public.

3. Financial Impact:

The renovation budget for the Mead Building will not be affected by this proposal.

4. Legal Issues:

Preservation of a smoke-free environment should be maintained by the design of the space.



5.           Controversial Issues:  
Adding an exemption to a broad-based County policy, albeit driven by program requirements.
  
6.           Link to Current County Policies:  
Adds an exemption to established policy.
  
7.           Citizen Participation:  
The good neighbor agreement involved participation by downtown stakeholders interested in keeping a safe streetscape.
  
8.           Other Government Participation:  
None.

1                                   BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                                   FOR MULTNOMAH COUNTY, OREGON  
3                                   **ORDINANCE NO. \_\_\_\_\_**  
4

5           An ordinance amending Multnomah County Code section 27.301(C) by adding an additional  
6 exemption to the policy prohibiting smoking in County facilities and declaring an emergency.  
7

8  
9           The Multnomah County Board of Commissioners Finds:

- 10           a.     Multnomah County Code section 27.301 declares the County policy prohibiting  
11                 smoking in county facilities and specifies certain exemptions based on programmatic  
12                 requirements.
- 13           b.     Multnomah County is scheduled to move the West District Community Justice Office  
14                 into the County's Mead building on or about December 13, 1999. That office will see  
15                 clients on a daily basis.
- 16           c.     In an effort to preserve the streetscape and prevent smokers gathering outside the  
17                 building and along the Transit Mall, the Department requires a smoking space be  
18                 created inside the Mead building. The room will be separately ventilated to the street  
19                 and will not compromise the work environment of other county employees or the  
20                 public.
- 21           d.     This exemption is consistent with prior exemptions established on program-driven  
22                 requirements.  
23  
24  
25  
26

## **BOGSTAD Deborah L**

---

**From:** FORD Carol M  
**Sent:** Tuesday, November 30, 1999 2:03 PM  
**To:** LINN Diane M  
**Cc:** DINGLER Lynn; LEE Beckie K; BOGSTAD Deborah L; WEIT Ramsay; STEIN Beverly E  
**Subject:** Order of BCC Agenda Items on Thurs 12/2

**Importance:** High

When I briefed Bev today for Thursday's meeting, she decided that we needed to group the Mead Building items:  
B-4 Mead Building Good Neighborhood agreement first,  
then R-5 Mead Smoking Exemption  
and R-7 Mead Building Bud Mod.

To do this, B-3 the Metro Housing Technical Advisory Committee Report needs to start earlier. Can you see if Erik Sten, David Bell and Jeff Condit can come at 10:30 rather than 11:00? Then we can start the Mead Building briefing at 11:00 and do all three Mead items at once.

Carol

1                                   BEFORE THE BOARD OF COUNTY COMMISSIONERS

2                                   FOR MULTNOMAH COUNTY, OREGON

3                                   **ORDINANCE NO. 936**

4  
5                   An ordinance amending Multnomah County Code section 27.301(C) by adding an additional  
6 exemption to the policy prohibiting smoking in County facilities and declaring an emergency.

7  
8  
9                   The Multnomah County Board of Commissioners Finds:

- 10           a.     Multnomah County Code section 27.301 declares the County policy prohibiting  
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12                requirements.
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20                public.
- 21           d.     This exemption is consistent with prior exemptions established on program-driven  
22                requirements.
- 23  
24  
25  
26

1 Multnomah County Ordains as follows:

2  
3 **Section 1.** MCC 27.301(C) is amended as follows:

4  
5 **§ 27.301 SMOKING PROHIBITED IN COUNTY FACILITIES.**

6  
7 (C) *Exemptions.* The Hooper Detox Center, Mt. Hood Mental Health Clinic, the West  
8 District Community Justice office, and all secure areas of MCDC, MCCF and the County  
9 Courthouse Jail are exempt from the nonsmoking policy.

10  
11 **Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the  
12 people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its  
13 execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

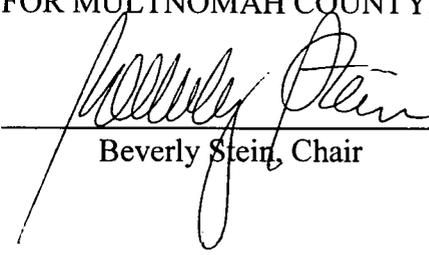
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15 FIRST READING AND ADOPTION:

December 2, 1999



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

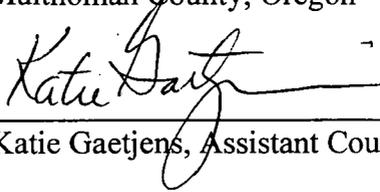
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Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By

  
Katie Gaetjens, Assistant County Counsel

[For Clerk's Use] Meeting Date DEC 02 1999

Agenda # R-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice  
CONTACT: Meganne Steele

DIVISION: ACJ Supervision  
TELEPHONE: 248-3961

\*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Lore Joplin

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ00\_05 Appropriates \$275,000 County Contingency Funds For Costs Directly Related to the West District Office CJ Mead Building Good Neighbor Partnership Agreement with the Association for Portland Progress

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].  
Personnel changes are shown in detail on the attached. No

This budget modification adds \$53,695 Professional Services, \$117,000 Building Management and \$104,305 Other Buildings store front renovations for a total \$275,000 to the Adult Community Justice West Office general fund. General fund contingency is reduced by (\$275,000).

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

- Increases Org 2267 by \$275,000 General Fund.
- Increases Service Reimbursement to Facilities Management Other Buildings by \$117,000.
- Decreases general fund Contingency by (\$275,000).

4. CONTINGENCY STATUS [to be completed by Finance/Budget]

General Contingency before this modification [as of 11/24/99 \$ 3,188,698  
[Specify Fund] [Date]

After this modification \$ 2,913,698

[Signature] 11/24/99 [Signature] 11-24-99  
[Originated By] [Date] [Department Manager] [Date]

[Signature] 11/24/99 \_\_\_\_\_  
[Finance/Budget] [Date] [Employee Relations] [Date]

[Signature] 12/2/99  
[Board Approval] [Date]





# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DIANE LINN  
SERENA CRUZ  
LISA NAITO  
SHARRON KELLEY

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

To: Board of County Commissioners  
From: Julie Neburka, Budget Analyst *JN*  
Date: November 24, 1999  
RE: Contingency request to pay for Mead Building Good Neighbor Agreement with the Association for Portland Progress

The Department of Community Justice (DCJ) is requesting \$275,000 from the General Fund Contingency to pay for improvements to and security enhancements in and around the Mead Building, in which the West District Parole & Probation Office operates. The Association for Portland Progress (APP) has been working with the County since early this year to come to some agreement about how the West District will operate safely in the Mead Building, and this contingency request will pay for the agreed-upon building façade improvements and security services. In the FY 2000 adopted budget, \$400,000 was set aside in contingency to pay for what we have been calling "Mead mitigation," and of that amount, approximately \$275,000 is available.

The department is requesting \$104,305 for storefront façade renovation and entry-way construction costs; and \$170,695 to both provide security patrol services outside the building through Downtown Clean & Safe, and security personnel inside the building through an existing Facilities Division contract with St. Vincent DePaul. These latter costs (for security services) are ongoing, and the department is requesting that they be annualized and added to DCJ's ongoing constraint budget. The ongoing cost is estimated at \$292,049 per year. According to the County's financial policies, contingency requests are intended for one-time expenses and therefore, strictly speaking, these expenses are not eligible for contingency funding.

I would recommend, however, that the Board approve this request for the current fiscal year and consider the ongoing funding issue during the upcoming FY 2000-2001 budget process. The County has experienced quite a bit of difficulty in moving the West District into suitable office space, and has spent a considerable amount of time and energy working with APP to reach agreement about the use of the Mead Building for a parole office. In light of the necessity of moving the West District, and of the work that has been done to accommodate the APP, moving forward in the current year is prudent.

As of November 24, 1999, the General Fund contingency balance is \$3,188,698. This request would reduce that amount to \$2,913,698.



MEETING DATE: DEC 02 1999  
AGENDA NO: B-4  
ESTIMATED START TIME: 11:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Mead Building Good Neighbor Agreement with the Association for Portland Progress

Board Briefing: \_\_\_\_\_ DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: Yes DATE REQUESTED: 12/2/99  
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Community Justice DIVISION: Adult Community Justice  
CONTACT: Kevin Criswell TELEPHONE #: 248-3301  
BLDG/ROOM#: 162/2

PERSON(S) MAKING PRESENTATION: Chair Beverly Stein, Commissioner Diane Linn, Elyse Clawson

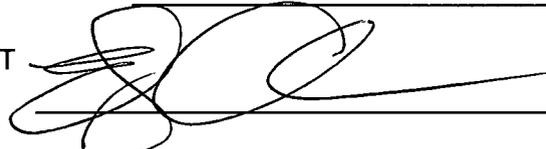
#### ACTION REQUESTED

INFORMATIONAL ONLY    POLICY DIRECTION    APPROVAL    OTHER

#### SUGGESTED AGENDA TITLE

Mead Building Good Neighbor Agreement with the Association for Portland Progress

#### SIGNATURES REQUIRED

ELECTED OFFICIAL:  
(OR)  
DEPARTMENT  
MANAGER: 

99 NOV 21 PM 12:32  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES.**

Any questions? Please call the Board Clerk @ 248-3277



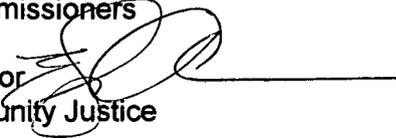
# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY JUSTICE  
Resource Management  
501 SE Hawthorne  
Portland, Oregon 97214  
Phone (503) 988-3701  
Fax (503) 988-5791

BOARD OF COUNTY COMMISSIONERS  
Beverly Stein • Chair of the Board  
Diane Linn • District 1 Commissioner  
Serena Cruz • District 2 Commissioner  
Lisa Naito • District 3 Commissioner  
Sharron Kelley • District 4 Commissioner

## MEMORANDUM

TO: Board of County Commissioners

FROM: Elyse Clawson, Director  
Department of Community Justice 

DATE: November 23, 1999

SUBJECT: Community Justice Mead Building Office Good Neighbor Partnership Agreement with the Association for Portland Progress

I. **RECOMMENDATION/ACTION REQUESTED:**

The Department of Community Justice requests the Board's approval of the attached budget modification. This budget modification appropriates \$275,000 in County contingency funds for costs directly related to the West District Office Community Justice Mead Building Good Neighbor Partnership Agreement with the Association for Portland Progress (APP).

II. **BACKGROUND/ANALYSIS:**

The attached good neighbor agreement was developed in cooperation with the Department of Community Justice, Portland Police Bureau, Tri-met Security and the APP and was co-chaired by Allyson Reed of the APP and Commissioner Diane Linn. The agreement was designed to ensure that the Mead and McCoy buildings contribute to the safety of the neighborhood and support a positive impact on the community.

III. **FINANCIAL IMPACT:**

The attached budget modification appropriates County contingency funds for some security costs and Mead building improvements that are directly related to the Good Neighbor Partnership Agreement and the need for additional internal security based on the operational needs of the West district office in the Mead building. The costs for both internal building security and external perimeter security are ongoing costs and will need to be considered as part of DCJ's current service level budget for fiscal year 2001. The following table provides detail regarding the request for \$275,000 in contingency funds.

Item	FY 2000 Amount	Totals
<b>Ongoing costs for security contracts (Annual amount prorated for 12/1/99 – 6/30/99)</b>		
Internal building security personnel, i.e., Facilities contract with St. Vincent DePaul. (\$200,000 annualized)	117,000	
External perimeter security, i.e., DCJ contract with Clean & Safe (currently estimated at \$92,049 annualized)	53,695	
<b>Subtotal prorated ongoing costs</b>		<b>170,695</b>
<b>One-time-only costs</b>		
Store front façade renovation design and construction		
❖ Design costs for façade renovation (Facilities estimate of \$19,000)		
❖ Construction costs (Facilities estimate of \$50,000)		
➤ Removal of entry stairs and installation of storefront window system at the former shoe repair store		
➤ Signing for Elders in Action		
➤ Awning replacement		
➤ Frosted /sandblasted windows		
❖ Flower pots (\$1,500)	70,500	
❖ Proportional costs for the following renovations (pending estimates from Facilities):		
➤ Installation of a wall & internal doors between entry & waiting area to visually shield it from street view	33,805	
<b>Subtotal one-time-only costs</b>		<b>104,305</b>
<b>Total</b>		<b>275,000</b>

IV. **LEGAL ISSUES:**  
 N/A

V. **CONTROVERSIAL ISSUES:**  
 The Good Neighbor Partnership Agreement Task Force, co-chaired by Allyson Reed and Commissioner Linn, will convene quarterly to evaluate and monitor the terms of the agreement.

VI. **LINK TO CURRENT COUNTY POLICIES:**  
 This agreement and corresponding budget modification directly relate to the County's benchmark of reducing crime through the efficient supervision of offenders on parole and probation.

**VII. CITIZEN PARTICIPATION:**

The County has worked closely with the Association for Portland Progress to forge this cooperative agreement.

**VIII. OTHER GOVERNMENTAL PARTICIPATION:**

Multnomah County's governmental partners in the good neighbor agreement committee included the Portland Police Bureau and Tri-met security.



# MULTNOMAH COUNTY OREGON

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**DEPARTMENT OF COMMUNITY JUSTICE**

Resource Management  
501 SE Hawthorne  
Portland, Oregon 97214  
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**BOARD OF COUNTY COMMISSIONERS**

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Diane Linn • District 1 Commissioner  
Serena Cruz • District 2 Commissioner  
Lisa Naito • District 3 Commissioner  
Sharron Kelley • District 4 Commissioner

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## **Department of Community Justice Briefing to the Board of County Commissioners December 2, 1999**

### **West District Office Security Needs at the Mead Building**

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The siting of the Department of Community Justice's West District Office at the Mead Building entails a need for increased security, in part, due to the following:

- ❖ Difficulty in controlling client movement in a multi-story building
- ❖ Logistics of monitoring large groups of clients in multiple group rooms on multiple floors
- ❖ Necessity for stairwell use in addition to elevator use for moving large client groups (small elevator capacity)
- ❖ Inability to provide staff escort through all areas of the building due to staffing restrictions
- ❖ Lack of emergency staff back-up due to staff isolation throughout multi-story building
- ❖ Location of other agencies within the Mead Building

# **TENTATIVE AGREEMENT**

## **(Approval pending)**

### **Community Justice Mead Building Office Good Neighbor Partnership Agreement**

#### **I. Introduction**

The Transit Mall is an important downtown element, with great potential, that has been long challenged by low-level criminal activity, office and retail vacancies, and a less-than-friendly pedestrian environment. Because of the concerns regarding the impact of the West District Community Justice Office on this sensitive downtown area, the County and APP have mutually agreed to temporarily move the West District Community Justice Office into the Mead Building until another location is found.

#### **II. Partners**

The Agreement is between the Association for Portland Progress, Portland Police Bureau and Multnomah County. Signatories for the Agreement are Martin Brantley (APP); Larry Findling (PPB); and Beverly Stein (County).

#### **III. Goals**

To forge a cooperative Agreement with all partners that addresses the listed concerns by:

- Ensuring that the corner of SW 5<sup>th</sup> Avenue and Washington Street and surrounding area is clean and safe for all users.
- Developing evaluation tools to measure the impact of the West District Office on low-level criminal activity within this section of the Mall based upon mutually agreed upon baseline data.
- Creating and implementing a plan to address security issues associated with the Community Justice offices located at the Mead Building.
- Minimizing the impact of offender arrests on surrounding businesses.
- Creating a strong retail presence and inviting building facade design on the ground-floors of the Mead and McCoy Buildings.
- Identifying a process for the County to move the Community Justice offices out of the Mead Building, and working together to find another suitable location that meets County criteria.
- Involving the County in initiatives to improve the Mall, e.g., Transit Mall Charrette.
- Developing a public relations and communications plan to involve surrounding businesses in monitoring the success of the Agreement.
- Developing a method of resolving conflicts and problems through mediation to assure the public that appropriate actions will be taken if either side violates this Agreement.
- Ensuring effective operation of the ACJ programs to enable effective management of the community justice program.

- Build a partnership between the County and APP in order to educate the Central City community about the County's public safety system.

#### **IV. Elements of the Agreement**

##### **1. Urban Design/Mead Building/McCoy Building Improvements**

Multnomah County joins with the stakeholders involved in this agreement to insure that the Mead and McCoy Buildings exert a positive street impact on its neighborhood. To facilitate the commitment Multnomah County agrees to do the following:

###### **a) CPTED Analysis**

Within 60 days of this agreement, Multnomah County in partnership with APP, will initiate a CPTED (Crime Prevention Through Environmental Design) analysis. The results of this CPTED analysis may lead to additional or alternative ground-floor treatments on the Mead Building. The County agrees to present and evaluate the results of the CPTED analysis to and with the agreement's partners.

###### **b) Storefront Standards**

The County agrees that the ground floor design and uses of the Mead and McCoy Buildings should be equal to area storefronts. To that end, the County will assess the storefronts on the basis of urban design and take pro-active steps. These steps may include, but are not limited to, potted plants, hanging plants, awning design, or awning signage and lighting.

###### **c) Mead Building Ground Floor Use and Improvements**

- The main entrance to the Mead Building and existing Multnomah County building signs will remain. No additional signs will be installed. On the interior, the County will use the space as a waiting lobby; it will install a wall between the entry and the waiting area to visually shield it from street view.
- The former Shoe Repair Store (2<sup>nd</sup> bay from the north) will be adapted for use as a receiving area for the building. The entry with stairs will be removed or modified and a storefront window system installed similar to the building's remaining 5<sup>th</sup> Avenue storefronts. The windows will be treated either with film or sandblasted to provide an opaque appearance.
- The Elders in Action space will remain as existing. Should Elders in Action relocate, the County agrees to lease the space for retail use.
- The former MacGregor's Restaurant entry (central bay on Washington Street) will remain as existing. The entry and stairway provide emergency egress from the basement and the doorway provides access to the building's services. The County agrees that these doorways are not to be used for entry.
- The Klein Jewelers space will remain as existing. Should Klein Jewelers relocate, the County agrees to lease the space for retail use.
- The southwest door will be used as a secured hallway to remove clients and others arrested in the building. The County agrees to lease an off-street parking space for its arrest vehicle and to minimize the street exposure of any arrest. It also agrees to be cognizant at these times of special guest occasions at the Fifth Avenue Suites Hotel or other area tenants and to minimize any negative impact.

- The County will provide a smoking area for clients' use within the Mead Building and will specifically discourage clients from smoking outside the building or neighboring buildings.
- Provide and enforce directives to clients regarding acceptable behavior when visiting the West District Office, the neighborhood, and Tri-Met property.

**d) McCoy and Mead Building Ground-Floor Use, Improvements and Maintenance**

The County's goal is to preserve the McCoy Building ground-level store frontage for retail and/or commercial use. The County has retained the services of a downtown retail leasing agent with the intention to lease the ground-level space in the McCoy Building to a retail tenant if financially feasible. The County will aggressively pursue a retail and/or commercial tenant. The County will report back to the Good Neighbor Agreement Task Force on progress made in the next six months. This retail space shall have entry from the existing 5<sup>th</sup> Avenue entry. [Exhibit 1: McCoy Building floor plan]

- The County agrees to improve all McCoy Building storefronts and window displays to be equal to those of retail core properties as soon as the ground-level space is leased.
- County shall maintain Mead and McCoy buildings, storefronts and entries in a manner equal or better than surrounding properties in order to be a positive influence on the block.
- County agrees to remove graffiti (including glass etching damage) starting within 24 hours depending on the extent of the damage.
- County agrees to routine street cleaning of litter surrounding the properties in conjunction with APP's security and cleaning services.

**2. Public Safety**

The Multnomah County Community Justice Department joins with the stakeholders involved in this agreement to insure that the area near the Mead Building remains safe and secure. To facilitate that pledge the Multnomah County Community Justice Department agrees to do the following:

- Appoint an on-site senior staff to be a liaison to correct or mitigate identified safety or security issues. Provide a contact number for a designated duty officer during the hours the facility is in operation.
- Review mutually agreed upon baseline nuisance data provided by APP, Tri-Met security, and PPB. Meet with the Safety and Security committee to review updated data at 3 and 6 months and provide for mitigation efforts if the trend is negative. It is anticipated that due to increased enforcement in the area, the baseline nuisance data will demonstrate an increase during the first 3 months.
- Provide for building security during all hours of operations. Security will include at least one security person in the lobby area at all times. It will also include routine perimeter inspections. These inspections will monitor activities of clients on the block and in adjacent Tri-Met shelters (for compliance with Tri-Met rules). PPB and Tri-Met security will provide training. Security staff will be trained to deal with client and non-client nuisance issues.
- Contract through APP/PPI for supplemental external-only security at specified periods. This security will also check on the activities of clients on the surrounding block faces and in adjacent Tri-Met shelters (for compliance with Tri-Met rules).
- Provide West District Office employees with identifying badges and request such badges be worn in the immediate vicinity of the Mead Building.

- Screen clients with a metal detector; staffing to be sufficient at all times to ensure that clients and guests do not queue through the lobby doors.
- Complete CPTED Analysis and assess CPTED recommendations. (see item #1)
- APP agrees to promptly report problems to the appropriate County liaison.
- Provide educational information to clients regarding the limitation of Drug Free Zone variances.

### **3. Public Relations**

Multnomah County joins with the stakeholders involved in this agreement to insure that stakeholders are kept abreast of operational changes to its Community Justice Office at the Mead Building. To facilitate that pledge, Multnomah County agrees to do the following:

- Notify stakeholders of changes to operating hours, client base or programs prior to any changes. APP agrees to provide the County with a list of stakeholders within the immediate vicinity.
- Communicate and cooperate with surrounding individual businesses to minimize any disruption and/or public perception caused by arresting offenders under the supervision of the Community Justice Office.
- APP agrees to review Mead Building communication materials designed for APP's membership with the Department of Community Justice staff prior to distribution.

### **4. County/APP Liaison**

To facilitate communication, it is important that stakeholders designate a single point of contact. That the end, each signatory agrees to identify a contact person responsible for Mead Building issues and a contact person responsible for McCoy Building issues. APP agrees to maintain this list of contacts. In addition, Multnomah County agrees to designate a senior staff building contact person who is a direct contact on an emergency basis and/or who can speak for the County on Mead Building issues.

### **5. Evaluation**

The Good Neighbor Agreement Task Force, co-chaired by an APP Board designee and a County Chair designee will convene quarterly, beginning three months after the signing of the agreement, to evaluate and monitor the terms of this Agreement.

In addition, to ensure on-going communication, to minimize problems and to create a pro-active environment for resolving issues relating to the Community Justice Office in the Mead Buildings, the Multnomah County Community Justice Department joins with the stakeholders involved in this agreement to create a Community Advisory Committee.

- This committee will be comprised of staff representatives from the County, APP, Tri-Met, PPB, and PPI.
- It will meet monthly to assess street conditions and to address County impact on surrounding neighborhood.

### **6. Dispute Resolution Procedures**

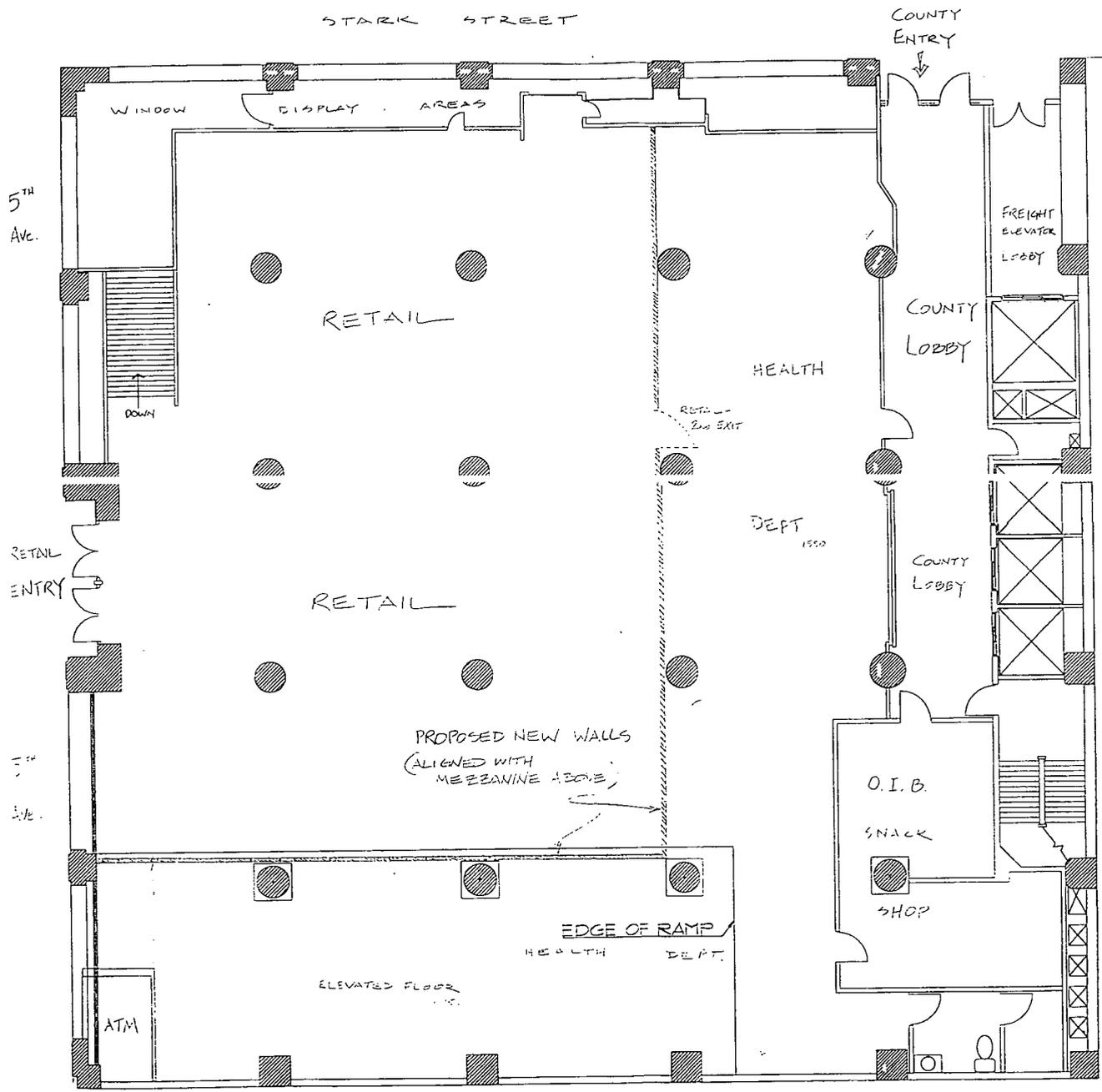
The parties agree to act in good faith to resolve issues of non-compliance utilizing the following procedures in the order listed below and to exhaust each procedure before proceeding to the next dispute resolution procedure. The dispute resolution steps are as follows:

- a. Parties agree to seek a solution by first notifying the appropriate direct liaison.
- b. Parties agree to seek a solution by notifying the Community Advisory Committee.
- c. Parties agree to seek a solution by notifying the Good Neighbor Agreement Task Force.
- d. Parties agree to mediate disputes that cannot be resolved by the previously stated procedures utilizing the City's Office of Neighborhood Involvement or another mutually agreed upon mediator. Arbitration may be the result of mediation.
- e. In the event of a significantly grievous or emergency incident the procedures outlined can be accelerated to provide for timely resolution.

#### **V. Temporary Location**

- APP and the County agree to develop a process for evaluating potential new locations identified by APP based upon the County's established building criteria. [Exhibit 2: Building Criteria]
- In the event a permanent location has not been secured by January 1, 2005, the signatories of this agreement will evaluate the status of the Mead Building and determine a timeline for seeking a permanent location.

# Exhibit 1



McCoy Building  
 FIRST FLOOR PLAN  
 SCALE: 1/8" = 1'-0"



RETAIL SPACE TOTALS 3725 SQ. FT.  
 ALL FEATURES SHOWN ARE EXISTING, EXCEPT FOR PROPOSED NEW WALLS. 7.2.1997

## Exhibit 2

### Building Criteria

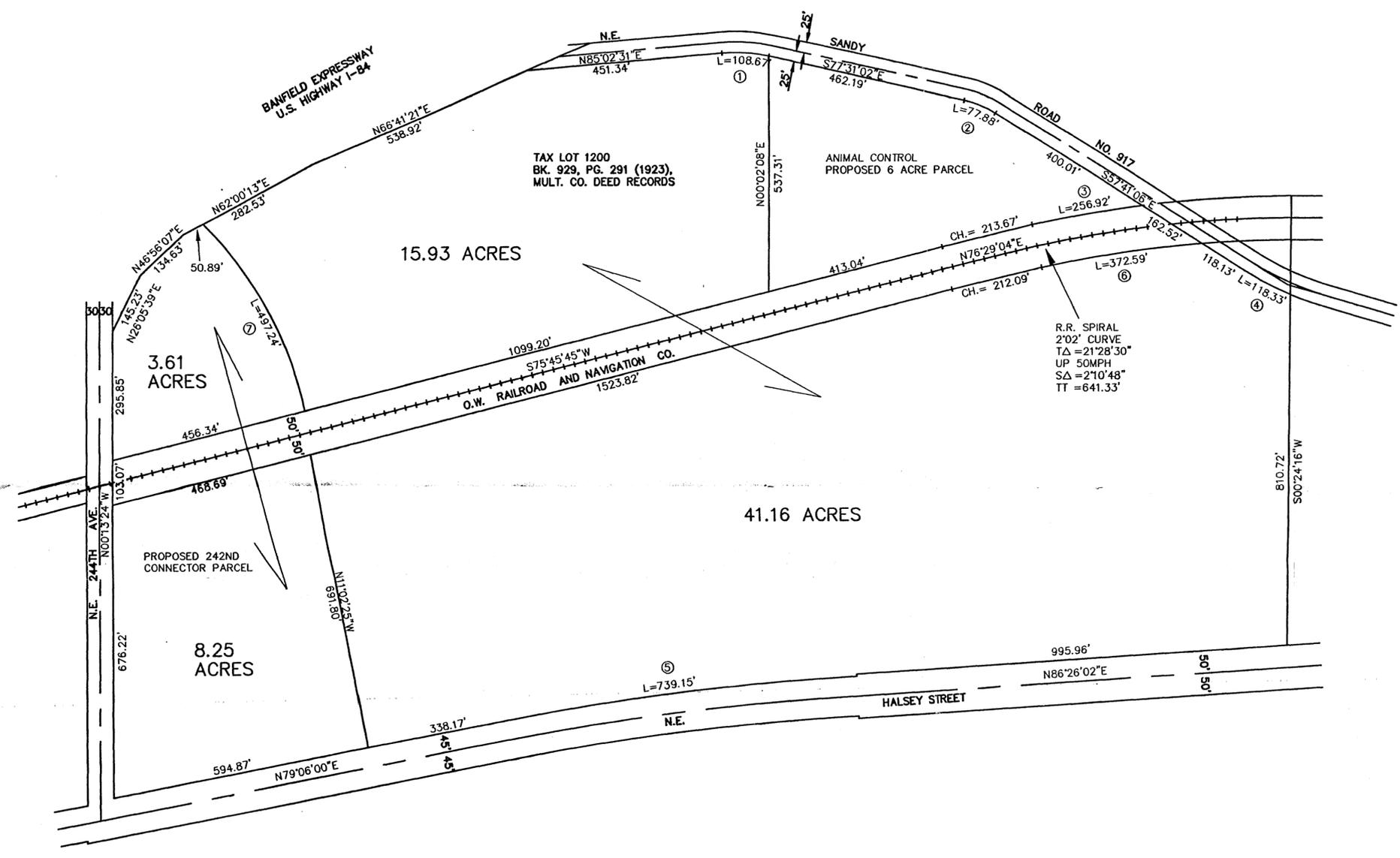
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1. Must be located in the Downtown area.\*\*
2. Minimum 45,000 usable square feet.
3. On or near frequent service public transit.
4. ADA accessible.
5. Secure entry to premises.
6. Expanded space for West District Office must be available for occupancy no later than January, 2000.
7. Building amenities must be comparable to those available at the Mead (i.e. number of restrooms, appropriate arrest route, number of group rooms, smoking room with separate HVAC system to allow clients to come in off the street and wait between appointments).
8. Cost of new building must be at fair market value.
9. Purchaser must be identified for Mead.
10. Taxpayers must be made whole for any costs incurred in the exchange of Mead for a new building, including purchase costs above and beyond sale price of Mead, remodeling costs, and any additional move in costs.
11. APP must assist with public siting process and take a position of support.

\*\* 65% of our client population resides in the 97204, 97205 and 97209 zip code areas. We would appreciate it if APP targeted its search to these areas.

Revised May 4, 1999

**PROPERTY SKETCH**  
 FOR:  
**MULTNOMAH COUNTY ANIMAL CONTROL FACILITY**  
 SITUATED IN THE N. 1/2 SEC. 26, T.1N., R.3E., W.M.  
 CITY OF TROUTDALE, MULTNOMAH COUNTY, OREGON



SCALE: 1" = 200'

① $\Delta = 17^{\circ}26'26''$ $R = 357.00'$ $T = 54.78'$ $L = 108.67'$ $CH = 108.25'$ $S86^{\circ}14'15''E$	② $\Delta = 19^{\circ}49'56''$ $R = 225.00'$ $T = 39.33'$ $L = 77.88'$ $CH = 77.49'$ $S67^{\circ}36'04''E$	③ $\Delta = 05^{\circ}07'58''$ $R = 2867.97'$ $T = 128.55'$ $L = 256.92'$ $CH = 256.83'$ $S80^{\circ}28'59''W$	④ $\Delta = 09^{\circ}08'58''$ $R = 741.00'$ $T = 59.29'$ $L = 118.33'$ $CH = 118.20'$ $S62^{\circ}15'36''E$	⑤ $\Delta = 07^{\circ}20'02''$ $R = 5774.58'$ $T = 370.08'$ $L = 739.15'$ $CH = 739.15'$ $S83^{\circ}02'26''W$	⑥ $\Delta = 07^{\circ}42'45''$ $R = 2767.97'$ $T = 186.58'$ $L = 372.59'$ $CH = 372.31'$ $N81^{\circ}47'55''E$	⑦ $\Delta = 32^{\circ}39'58''$ $R = 872.14'$ $T = 255.58'$ $L = 497.24'$ $CH = 490.53'$ $N28^{\circ}47'54''W$
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**MULTNOMAH COUNTY**  
 DEPARTMENT OF ENVIRONMENTAL SERVICES  
 TRANSPORTATION DIVISION  
 1620 S.E. 190th Ave. PORTLAND, ORE.

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**ROBERT A. HOVDEN P.L.S. COUNTY SURVEYOR**

Drafted: SRO    Checked: \_\_\_\_\_    Sht. **1** of **1**  
 Date: 8/25/97    Scale: AS SHOWN

REV. 11/18/99