



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

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**OCTOBER 28, 29 & 31, 2002**

### **BOARD MEETINGS**

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

Pg 2	7:00 p.m. Monday Gresham Public Hearing
Pg 2	9:30 a.m. Tuesday Updates on FY 03, FY 04 Budgets, Stakeholder Workshops and BIT
Pg 3	9:00 a.m. Thursday Update on Wapato Jail
Pg 3	9:30 a.m. Thursday AMR Contract Extension
Pg 4	9:45 a.m. Thursday 2nd Readings West of Sandy River Ordinances
Pg 4	10:00 a.m. Thursday 1st Reading Ordinance Re-adopting Land Use Code Sections in Response to Remand Order
Pg 4	10:15 a.m. Thursday OSCP and Homeless Youth Oversight Committee Program Update

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

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Television

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

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

Monday, October 28, 2002 - 7:00 - 9:00 PM  
East Multnomah Building, Sharron Kelley Conference Rooms A & B  
600 NE 8th Street, Gresham

## **PUBLIC HEARING**

The Multnomah County Board of Commissioners is providing an additional opportunity for public input on the proposed Multnomah County Ordinances listed below. Please fill out a speaker form available at the hearing and present it to the Clerk. Testimony will be limited to three minutes per person.

- PH-1 Proposed ORDINANCE Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions
- PH-2 Proposed ORDINANCE Amending MCC Chapter 29 to Add Grading and Erosion Control and Flood Hazard Regulations Needed to Implement the Policies of the West of Sandy River Rural Area Transportation and Land Use Plan and to Comply with Metro Functional Plan Title 3 Requirements for Water Quality Protection
- 

Tuesday, October 29, 2002 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 Fiscal Year 2003 Budget Update; Fiscal Year 2004 Budget, Process and Stakeholder Workshops. Presented by Tony Mounts. 1 HOUR REQUESTED.
- B-2 Update on Community Partnership Agreement - County Business Income Tax. Presented by Kathy Turner, Dave Boyer and Invited Guests. 1 HOUR REQUESTED.

Thursday, October 31, 2002 - 9:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

B-3 Briefing on Wapato Jail Presented by Captain Jay Heidenrich.

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Thursday, October 31, 2002 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **NON-DEPARTMENTAL**

- C-1 Appointment of Robert Delf to the Multnomah County COMMUNITY HEALTH COUNCIL
- C-2 Reappointments of M'Lou Christ and Ken Ray to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

### **DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-3 Budget Modification CHS\_05 Adjust Revenues and Expenditures for Addiction Services and Domestic Violence Programs to Bring the Budget in Line with Actual Expenditures and Revenue Agreements; Net Increase of .16 FTE Research Evaluation Analyst (Gambling Prevention Coordinator)

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

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

### **DEPARTMENT OF HEALTH - 9:30 AM**

- R-1 RESOLUTION Declaring Intent to Extend Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 with Buck Medical Services, dba American Medical Response, Northwest (AMR) and Authorizing Negotiations for Extension

## **OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 9:40 AM**

- R-2 NOTICE OF INTENT to Submit an Application to Portland Public Schools to be Listed as an Approved Provider of Supplemental Educational Services to Students Attending SUN High Schools

## **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES- 9:45 AM**

- R-3 Second Reading and Possible Adoption of an ORDINANCE Adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Wildlife Habitat and Stream Corridor ESEE Report as Part of the Multnomah County Comprehensive Framework Plan, Zoning Code Chapter 36 as Part of the Multnomah County Code of Ordinances Volume II: Land Use, and Zoning Map Amendments in Continuation of the County Rural Area Planning Program and the Reorganization Efforts of Ordinance Nos. 910 and 953 to Revise, Amend, Restate, Codify and Repeal Certain Existing Code Provisions
- R-4 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 29 to Add Grading and Erosion Control and Flood Hazard Regulations Needed to Implement the Policies of the West of Sandy River Rural Area Transportation and Land Use Plan and to Comply with Metro Functional Plan Title 3 Requirements for Water Quality Protection
- R-5 First Reading and Possible Adoption of an ORDINANCE Repealing and Re-Adopting Numerous County Land Use Ordinances in Response to Land Use Board of Appeals Remand Order (LUBA No. 2001-171) and Declaring an Emergency
- 

Thursday, October 31, 2002 - 10:15 AM  
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFING**

- B-4 Office of School and Community Partnerships and Homeless Youth Oversight Committee Program Update. Presented by Laura M. Bridges, Mary T. Li, Rosie Sizer, Dennis Morrow, Kathy Oliver and Malysa Olivas. 1 HOUR REQUESTED.

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: B-3

Estimated Start Time: 9:00 AM

Date Submitted: 10/21/02

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Requested Date: October 31, 2002

Amount of Time Requested: 30 mins

Department: MCSO

Division: Corrections

Contact/s: Captain Jay Heidenrich

Phone: 503 988 3282

Ext.: 83282 I/O Address: 331/1

Presenters: Captain Jay Heidenrich

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Agenda Title: Briefing on Wapato Jail

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

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Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

None. Informational Only.

2. Please provide sufficient background information for the Board and the public to understand this issue.

For the last few years, the MCSO has been giving the Board of County Commissioners regular briefings on the Wapato Jail. This briefing will provide an update on the budget, construction progress and community involvement.

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

This project is coming on budget and on time.

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

**None**

**5. Explain any citizen and/or other government participation that has or will take place.**

**Our citizen advisory group has been involved through this entire project.**

**Required Sign Off (NOTE: electronic check indicates approval)**

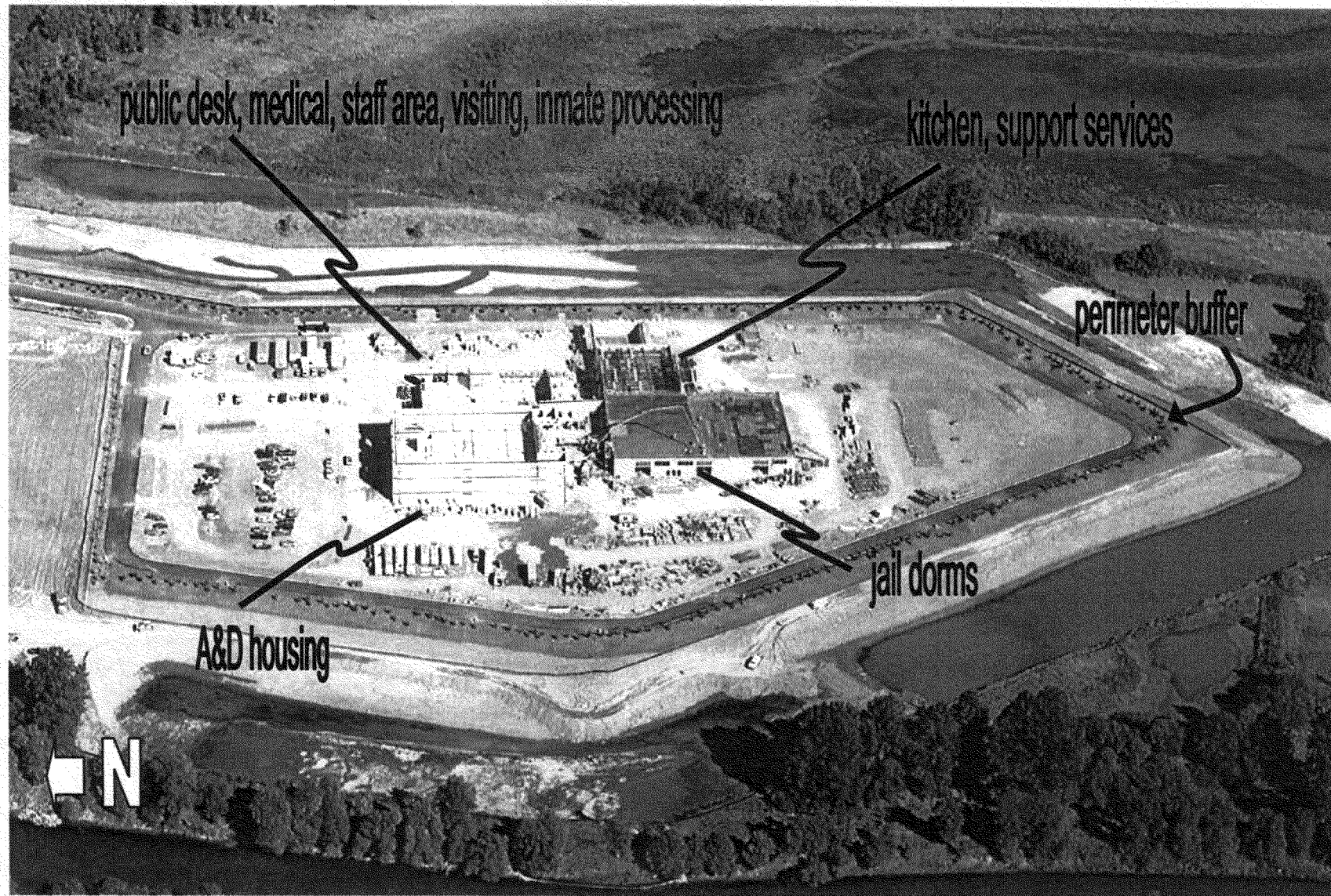
**Department/Agency Director ☒ Dan Noelle (type name of approver)**

**Agenda Review Team ☐ By: (type name of approver) Date:**

# BBC WAPATO BRIEFING - October 31, 2002

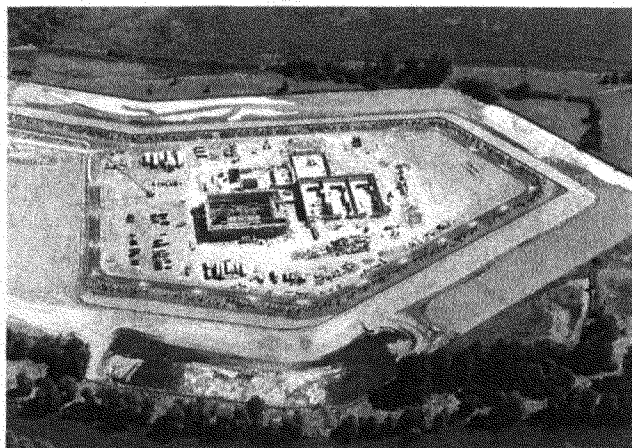
## WAPATO SITE

September 27, 2002



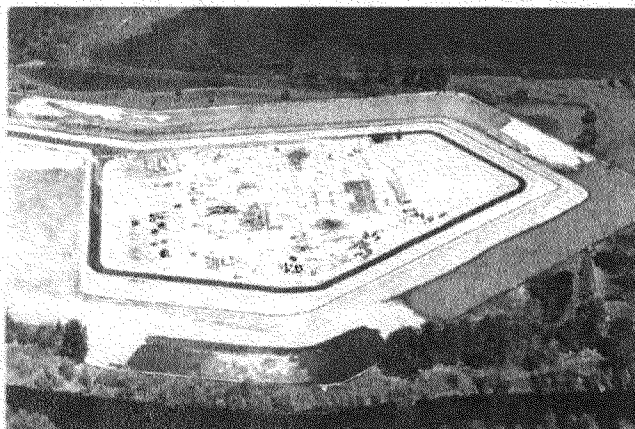
# WAPATO CONSTRUCTION BOND PROGRESS - \$58 Million

September 23, 2002



## August 29, 2002

- Environmental buffer installation began
- Slab and wall construction underway
- 1<sup>st</sup> RACC installment
- Community meetings ongoing



## May 31, 2002

- Off-site work competed
- Building construction underway
- Perimeter road
- Community meetings ongoing



## February 2, 2002

- Off-site work underway
- Utilities brought to site
- Site purchased
- Initial grading completed
- Groundbreaking
- Building designs/engineering
- City permits
- Siting committee
- Community involvement (ongoing)
- City siting process/appeals

-\$58m

-\$22m

-\$17m

-\$14m

-\$0m

# AGENDA PLACEMENT REQUEST

**Board Clerk Use Only:**  
**Meeting Date:** October 31, 2002

**Bud Mod #:**

**Agenda Item #:** C-1

**Estimated Start Time:** 9:30 AM

**Date Submitted:** 10/16/02

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**Requested Date:** 10/31/2002

**Time Requested:** Consent Calendar

**Department:** Non-Departmental

**Division:** Chair's Office

**Contact/s:** Delma Farrell

**Phone:** 503/988-3953

**Ext.:** 83953

**I/O Address:** 503/600

**Presenters:** N/A

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**Agenda Title:** Appointment of Robert Delf to the Multnomah County Community Health Council

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

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**Please answer all relevant questions; leave others blank. Please do not alter form.**

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

Recommend appointment of Robert Delf as a Health Care Provider member of the Community Health Council for a term ending September 30, 2005.

- 2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Community Health Council (CHC) is a 19 member group that develops and recommends policy for the County Health Department with special attention to promoting the health of individuals and of the community. The Council recommends health care policy for the Department's programs. The CHC also serves as the Citizen Budget Advisory Committee for the County Health Department.

CHC membership consists of consumers of County Health programs who constitute the majority. Remaining members are health care providers and representatives of the community. Nominees are appointed to 3-year terms by the County chair from nominees selected by the current Council with approval of the Board of County

Commissioners. Sonia Manhas, Community Health Council Manager, Health Department, is the Staff Liaison to the Community Health Council.

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

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

**5. Explain any citizen and/or other government participation that has or will take place.**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director (type name of approver): Diane M. Linn**

**Agenda Review Team**

**By: (type name of approver):**

**Date:**

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: C-2

Estimated Start Time: 9:30 AM

Date Submitted: 10/16/02

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Requested Date: 10/31/2002

Time Requested: Consent Calendar

Department: Non-Departmental

Division: Chair's Office

Contact/s: Delma Farrell

Phone: 503/988-3953

Ext.: 83953

I/O Address: 503/600

Presenters: N/A

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**Agenda Title:** Reappointment of M'Lou Christ and Ken Ray to the Multnomah County Citizen Involvement Committee

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

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**Please answer all relevant questions; leave others blank. Please do not alter form.**

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

Recommend reappointments of M'Lou Christ, At-Large Position, and Ken Ray, District #1 Representative Position, to the Multnomah County Citizen Involvement Committee, both for terms ending 10/31/2005.

- 2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Citizen Involvement Committee (CIC) was established by County Ordinance to inform residents of their opportunities and rights in the decision making process of all branches of County government and to create meaningful citizen involvement opportunities and integrate citizens into the decision making process.

The CIC consists of 15 volunteer members, 12 are from specific commission districts and 3 are recommended from County Boards and/or civic groups (at large). Members are appointed to 3-year terms by the County Chair with approval of the Board of County Commissioners. Citizen Involvement Committee members have a 2-term limit. Kathleen Todd is the Director of the Office of Citizen Involvement.

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

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

**5. Explain any citizen and/or other government participation that has or will take place.**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director (type name of approver): Diane M. Linn**

**Agenda Review Team**

**By: (type name of approver):**

**Date:**

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #: CHS 5

Agenda Item #: C-3

Estimated Start Time: 9:30 AM

Date Submitted: 10/04/02

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Requested Date: 10/2/02

Amount of Time Requested:

Department: County Human Services  
Services & Domestic Violence

Division: Mental Health & Addiction

Contact/s: Don Carlson/Chris Yager

Phone: 988-3691

Ext.: 83764/26777 I/O Address: 166/7

Presenters:

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**Agenda Title:** Budget modification CHS05 adjust revenues & expenditures for Addiction Services & Domestic Violence Programs to bring the budget in line with actual expenditures and revenue agreements; net increase of .16 FTE Research Evaluation Analyst (Gambling Prevention Coordinator).

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

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Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of County Human Services recommends approval fo Budget Modification CHS05.

2. Please provide sufficient background information for the Board and the public to understand this issue.

Budget modification CHS5 makes minor adjustments to Mental Health & Addiction Services and Domestic Violence budgets to reflect current operations and revenue agreements. Problem Gambling Treatment revenue increases by \$86,338 and Problem Gambling Prevention revenue decreases by \$28,779. The Gambling Prevention Coordinator position is increased to full time. Duties include A&D service utilization – responsible for collecting, cleaning, data entry and report preparation for approximately 14 A&D treatment providers. Uses A&D utilization data to respond to specific State OMHAS residential services reconciliation data requirements.

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

Pass through expenditures increase by \$80,316 for Gambling Treatment services, personnel expenditures increase by \$4,305 for Gambling Prevention Coordinator position and supplies by \$1,717. Pass through expenditure decrease by \$28,779 for Gambling Prevention (AD 80). \$30,000 of restricted gambling funds (AD81) are moved from Outstation A&D personnel to the Gambling Prevention Coordinator position and offset with County General Fund. \$43,782 of unallocated Local 2145 Tax sharing revenue in pass through is moved from Outpatient Services to Sobering Services offsetting County General Fund. Domestic Violence personnel expenditures decrease by \$13,782 (.19 FTE) Research Analyst 2 and pass through increases by like amount. Personnel expenditures increase by \$13,782 (.19 FTE) in Addiction Services Program Administration.

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why? Net increase of State Mental Health Grant revenue of \$57,559 per financial assistance agreement #54 and correction of error.**
  - ❖ **What budgets are increased/decreased? Mental Health budget increases by \$57,559; no net change to Domestic Violence.**
  - ❖ **What do the changes accomplish? Budget Modification 5 brings Mental Health budget in line with actual expenditures & revenue agreements, also modifies Domestic Violence budget to reflect current operations.**
  - ❖ **Do any personnel actions result from this budget modification? Explain. A .19 FTE Research Analyst moves from Domestic Violence to Mental Health. Domestic Violence is applying for renewal of the Byrne Grant and will require less intensive evaluation support. The increase in SMHG revenue will be used to increase the Research Evaluation Analyst (Gambling Prevention Coordinator) to full time; net increase of .16 FTE.**
  - ❖ **Is the revenue one-time-only in nature? No**
  - ❖ **If a grant, what period does the grant cover? 01-03 Biennium**
  - ❖ **When the grant expires, what are funding plans? On going award.**
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

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

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

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

❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.  
N/A

5. Explain any citizen and/or other government participation that has or will take place.  
N/A

**Required Sign Off (NOTE: electronic check indicates approval)**

Departmental or Countywide HR ☒ Sharon Makin (type name of approver)

*Sharon Makin* (signature)

*Per C. Yager, has  
been through mtg  
Budget Committee.*

County Attorney ☐ (type name of approver)

\_\_\_\_ (signature)

Department/Agency Director ☒ John Ball (type name of approver)

*John Ball* (signature)

Budget Analyst ☒ (type name of approver)

*Michael D. Jones* (signature)

Agenda Review Team ☐ (type name of approver) Date:

\_\_\_\_ (signature)

❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.  
N/A

5. Explain any citizen and/or other government participation that has or will take place.  
N/A

**Required Sign Off (NOTE: electronic check indicates approval)**

Departmental or Countywide HR ☒ Sharon Makin (type name of approver)

\_\_\_\_\_ (signature)

County Attorney ☐ (type name of approver)

\_\_\_\_\_ (signature)

Department/Agency Director ☒ John Ball (type name of approver)

\_\_\_\_\_ (signature)

Budget Analyst ☒ Michael D. Jaspin (type name of approver)

\_\_\_\_\_ (signature)

Agenda Review Team ☐ (type name of approver) Date:

\_\_\_\_\_ (signature)

# BUDGET MODIFICATION # 05

## EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1	20-83	83080			AS CONT GAMB 80	50190	(39,663)	(10,884)	28,779		IG-OP Fed Thru State
2	20-83	83080			AS CONT GAMB 80	60000	28,779	0	(28,779)		Permanent 700422 (Pearson)
3											
4	20-83	83080			AS OUT AR 80	50190	(56,267)	(50,000)	6,267		IG-OP Fed Thru State
5	20-83	83080			AS OUT AR 80	60000	0	(6,267)	(6,267)		Permanent
6											
7	20-83	83080			AS PA 80	50190	0	(6,267)	(6,267)		IG-OP Fed Thru State
8	20-83	83080			AS PA 80	60000	0	6,267	6,267		Permanent 700422 (Pearson)
9											
10											
11	20-83	83081			AS CONT GAMB 81	50190	(604,000)	(684,316)	(80,316)		IG-OP Fed Thru State (FAA #54)
12	20-83	83081			AS CONT GAMB 81	60160	604,080	684,396	80,316		Pass Through
13											
14	20-83	83081			AS PA 81	50190	0	(36,022)	(36,022)		IG-OP Fed Thru State
15	20-83	83081			AS PA 81	60000	0	34,305	34,305		Permanent 700422 (Pearson)
16	20-83	83081			AS PA 81	60240	0	1,717	1,717		Supplies
17											
18	20-83	83081			AS OUT AR 81	50190	(30,000)	0	30,000		IG-OP Fed Thru State
19	20-83	83081			AS OUT AR 81	60000	30,000	0	(30,000)		Permanent (Multiple Positions)
20											
21	20-83	1000			AS CONT SOBR CGF	60160	570,907	527,125	(43,782)		Pass Through (Central City Concern)
22	20-83	1000			AS OUT AR CGF	60000	0	30,000	30,000		Permanent (Multiple Positions)
23	20-83	1000			AS PA CGF	60000	0	13,782	13,782		Permanent 700422 (Pearson)
24											
25	20-83	23890			AS CONT CD 2145	60160	119,072	75,290	(43,782)		Pass Through (TBD)
26	20-83	23890			AS CONT CD 2145	50190	(119,072)	(75,290)	43,782		IG-OP Fed Thru State
27											
28	20-83	23890			AS CONT SOBR 2145	60160	331,028	374,810	43,782		Pass Through (Central City Concern)
29	20-83	23890			AS CONT SOBR 2145	50190	(331,028)	(374,810)	(43,782)		Permanent (Multiple Positions)
									0	0	Total - Page 1
									0	0	GRAND TOTAL

# BUDGET MODIFICATION # 05

## EXPENDITURES & REVENUES

Budget Fiscal Year: 02/03

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

Ln No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
30	20-30	21193			DV03 CRD.BYRNE	60000	0	(12,404)	(12,404)		Permanent 700422 (Pearson)
31	20-30	21193			DV03 CRD.BYRNE	60160	43,280	55,684	12,404		Pass Though
32											
33	20-30	1000			DV03 CRD.BYRNMATCH	60000	0	(1,378)	(1,378)		Permanent 700422 (Pearson)
34	20-30	1000			DV03 CRD.BYRNMATCH	60160	20,569	21,947	1,378		Pass Through
35											
36	70-80			705210		60330		1,926	1,926		Insurance
37	70-80			705210		50316		(1,926)	(1,926)		Service Reimb
38											
39											
40											
41											
42											
43											
44											
45											
46											
47											
48											
49											
50											
51											
52											
53											
54											
55											
56											
57											
58											
									0	0	Total - Page 2
									0	0	GRAND TOTAL

# BUDGET MODIFICATION #05

## 5. ANNUALIZED PERSONNEL CHANGE

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

							ANNUALIZED			
Fund	Cost Center	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	208302	6086	63284	RE AYST 2-Pearson	700422	0.16	7,962	1,717	1,926	11,606
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL ANNUALIZED CHANGES		0.16	7,962	1,717	1,926	11,606

## 6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

							CURRENT YEAR			
Fund	Cost Center	JCN	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	208302	6086	63284	RE AYST 2-Pearson	700422	0.16	7,962	1,717	1,926	11,606
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
				TOTAL CURRENT FY CHANGES		0.16	7,962	1,717	1,926	11,606

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: R-1

Estimated Start Time: 9:30 AM

Date Submitted: 10/07/02

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Requested Date: 10/31/02

Time Requested: 10 minutes

Department: Health

Division: EMS

Contact/s: Bill Collins

Phone: 503 988-3220

Ext.: 83220 I/O Address: 160/7

Presenters: Bill Collins

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Agenda Title: Emergency Ambulance Contract Extension

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

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Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

Approval of a resolution authorizing the extension of the emergency ambulance service contract as recommended by the department

2. Please provide sufficient background information for the Board and the public to understand this issue.

In 1995 the Board approved a contract with AMR to provide emergency ambulance services. The contract allows for an initial period of five years followed by extensions based on performance. This is the final extension under the current agreement.

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

None

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

**The contract requires that any decision regarding the extension of the contract be made at least ten months prior to the scheduled termination date.**

**5. Explain any citizen and/or other government participation that has or will take place.**

**The Contract Compliance Committee has reviewed the compliance with the agreement by AMR**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director ☒ Lillian Shirley (type name of approver)**

**Agenda Review Team ☐ By: (type name of approver) Date:**



HEALTH DEPARTMENT  
**MULTNOMAH COUNTY OREGON**



EMERGENCY MEDICAL SERVICES  
426 SW Stark, 7<sup>th</sup> Floor  
PORTLAND, OREGON 97204  
(503) 988-3220  
FAX (503) 988-3676

DIANE M. LINN, CHAIR OF THE BOARD  
MARIA ROJO DE STEFFEY, DISTRICT 1 COMMISSIONER  
SERENA CRUZ, DISTRICT 2 COMMISSIONER  
LISA NAITO, DISTRICT 3 COMMISSIONER  
LONNIE ROBERTS, DISTRICT 4 COMMISSIONER

**MEMORANDUM**

**DATE:** October 7, 2002

**TO:** Diane M. Linn, Chair  
Board of County Commissioners

**FROM:** William Collins, Manager  
EMS Administration

**VIA:** Lillian Shirley, Director  
Health Department

**SUMMARY:** Emergency Ambulance Service Contract Compliance Report

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HONOR CULTURE, CELEBRATE DIVERSITY AND INSPIRE QUALITY

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The Health Department Emergency Medical Services Office and the EMS Ambulance Contract Compliance Committee have completed their report on the seventh year of the Emergency Ambulance Service Contract with American Medical Response Northwest. We are pleased to report that the contractor has met the requirements of the agreement for the seventh year. The department recommends that the Board approve a two-year contract extension for the period September 1, 2003 through August 31, 2005 as allowed in the agreement.

cc: American Medical Response Northwest  
Contract Compliance Committee  
BOEC  
Fire First Response Agencies  
Interested Parties

## **AMR CONTRACT COMPLIANCE AUDIT**

### **SEVENTH CONTRACT YEAR**

**SEPTEMBER, 2001 THROUGH AUGUST, 2002**

During the course of the seventh year of the contract the EMS office audited AMR for compliance with the terms of the ambulance service contract. The enclosed form identified all of the required terms of the agreement and the findings of the audit process. The following terms are use in the document:

**“Loc”** This shows the location of the requirement.

1. The contract section and page (IIA3a, p.7).
2. The proposal page (PROP, p.8).

**“Requirement”** - A summary of the contract or proposal requirement.

**“Status”** - c - complied

n - not complied

p - pending further information

**“Verification”** - The source used to verify the item compliance.

# AMR CONTRACT COMPLIANCE AUDIT YEAR SIX

SEPTEMBER 1, 2000 - AUGUST 31, 2001

LOC		REQUIREMENT	STATUS	COMMENTS	VERIFICATION
		COVERAGE AND RESPONSE			
1	IIA3a P.7	URBAN RESPONSE - EIGHT MINUTES, 90% OF CALLS	C	SEE RESPONSE TIME SUMMARY	BOEC DATA
2	IIA3b P.7	RURAL RESPONSE - TWENTY MINUTES - 90% OF CALLS	C	SEE RESPONSE TIME SUMMARY	BOEC DATA
3	IIA3c P.8	FRONTIER RESPONSE - IMMEDIATE DISPATCH	C	SEE RESPONSE TIME SUMMARY	BOEC DATA
4	IIA5 P.8	CODE-1 - IMMEDIATE DISPATCH	C	NO CALLS IDENTIFIED WITH THIS PROBLEMS	BOEC DATA
5	CONT. 2/00	EQUALIZED RESPONSE TIME PERFORMANCE	C	SEE RESPONSE TIME SUMMARY	BOEC DATA
		AMBULANCE STAFFING			
6	IIB1 P.8	2 EMT-P	C		AMR STAFFING SCHEDULE BOEC SIGN ON DATA

		<b>DEPLOYMENT</b>			
7	IIC1 P.9	SYSTEM STATUS PLAN REQUIRED	C		EMS RECORDS
8	IIC2 P.9	.40 UNIT HR UTILIZATION MAXIMUM	C	MAXIMUM,.37 IN AUGUST	AMR RECORDS BOEC RECORDS
9	IIH1 P.12	DISASTER RECALL PLAN	C		AMR PLAN
10	PROP P.59	SUPERVISORS TO MCI AND HAZ-MAT CALLS	C		AMR LOG
11	PROP P.46	ACCESS TO A POST FACILITY	C	2 POSTS DO NOT HAVE FACILITIES.	
		<b>VEHICLES</b>			
12	IIG1 P.11	133% OF PEAK NUMBER OF VEHICLES REQUIRED	C	28 AMBULANCES 21 PEAK DEPLOYMENT	AMR VEHICLE RECORDS
13	IIG2 P.11	AMBULANCE CONSTRUCTION	C		AMR VEHICLE RECORDS
14	IIG3 P.11	IDENTIFICATION ON AMBULANCES	C		VISUAL INSPECTION
15	PROP P.105	ADDITIONAL EQUIPMENT - BLOOD GLUCOSE METER; ORTHO STRETCHER; STAIR CHAIR; PEDS IMMOBILIZATION DEVICE	C		VISUAL INSPECTION
16	PROP P.107	VEHICLE MAINTENANCE	C		AMR VEHICLE RECORDS
	PROP P.104	VEHICLE REPLACEMENT	C	6 REPLACED THIS YEAR	AMR VEHICLE RECORDS AND TITLES
17	PROP P.105	EQUIPMENT REPLACEMENT	C	ALL LIFEPAK 12 WITH CAPNOGRAPHY, NON- INVASIVE bp MONITORING AND BI- PHASIC DEFIB.	

18	PROP P.109	FIELD INSPECTIONS	C	DAILY ON ALL DEPLOYED AMBULANCES	AMR RECORDS
		<b>COMMUNICATIONS</b>			
19	II,I1 P.13	REQUIRED COMMUNICATIONS EQUIPMENT	C		PORTLAND CITY RADIO RECORDS
20	PROP P.115	CAD INTERFACE	C		
21	PROP P.129	CLACKAMAS CO UNITS - 800 MHz RADIOS	C	TWO UNITS EQUIPED WITH 800MHZ RADIOS	PORTLAND CITY RADIO RECORDS
		<b>DATA COLLECTION</b>			
22	IIJ1a P.14	PATIENT CARE REPORT REQUEST	C	ALL COPIES REQUESTED WERE PRODUCED	
23	IIJ1b P.14	EQUIPMENT FAILURES	C	3 REPORTS SENT TO EMS	AMR REPORTS BOEC CALL RECORDS
		<b>PERSONNEL</b>			
24	IIK1 P.15	WAGE AND BENEFITS	C		AMR SALARY SCHEDULES
25	IIK2 P.15	EMPLOYEE HANDBOOK	C		
26	IIK4 P.15	SHIFT MAXIMUMS	C		DEPLOYMENT SCHEDULES EMPLOYEE TIME RECORDS
27	IIK5 P.16	KEY PERSONNEL	C		
29	IIM1 P.18	SUPERVISION	C	ALL COMPLETED	PERSONNEL FILES
30	PROP P.59	FTO - REVIEW OF PERFORMANCE	N	NONE ON FILE	PERSONNEL RECORDS

31	PROP P.78	NEW EMPLOYEE ORIENTATION	C	23 PARAMEDICS NEW TO COUNTY	PERSONNEL RECORDS
32	PROP P.79	WRITTEN OBJECTIVES	C		PERSONNEL RECORDS
33	PROP P.79	PROTOCOL EXAM	C		PERSONNEL RECORDS
34	PROP P.77	GEOGRAPHY EXAM	C		PERSONNEL RECORDS
35	PROP P.71	WORKFORCE DIVERSITY EMT AND PARAMEDICS	C	409 MALE, 168 FEMALE 3 AFRICAN AMERICAN 7 ASIAN, 8 HISPANIC 8 NATIVE AMERICAN	EEO REPORT
35 A	PROP P.58	PARAMEDIC TRAINED AND CERTIFIED	N	NOT CURRENT ACLS - 14PHTLS - 12 PALS - 22 CPR - 1 ICS - 3	
36	PROP P.70	SAFETY COMMITTEE	C		COMMITTEE MINUTES
<b>TRAINING</b>					
37	PROP P.75	EVOC - WITH IN 12 MONTHS - REFRESHER	C C		TRAINING RECORDS
38	PROP P.118	1 <sup>ST</sup> RESPONDER ORIENTATION AND TRAINING FOR RURAL RESPONDERS	P		TRAINING RECORDS
39	PROP P.76	HAZ-MAT AWARENESS-INITIAL -ANNUAL	c c		TRAINING RECORDS
40	PROP P.76	MCI-MPS	C		TRAINING RECORDS DRILL PARTICIPATION
41	PROP P.76	OSHA SAFETY AND RISK- INITIAL -CONTINUING	C C		TRAINING RECORDS
42	PROP P.75	ACLS	C	REQUIRED CLASSES PROVIDED	TRAINING RECORDS
43	PROP P.75	PALS	C	REQUIRED CLASSES PROVIDED	TRAINING RECORDS

44	PROP P.75	PHTLS	C	REQUIRED CLASSES PROVIDED	TRAINING RECORDS
45	PROP P.77	ICS AWARENESS	p	TO BE COMPLETED BY 9/30/02	TRAINING RECORDS
46	PROP P.75	48 HR REFRESHER PARAMEDIC CERTIFICATION	C		TRAINING RECORDS
47	PROP P.76	EXPOSURE CONTROL- INITIAL -ANNUAL	C C		TRAINING RECORDS
48	PROP P.76	CUSTOMER SERVICE TRAINING	C	AT ORIENTATION	TRAINING RECORDS
49	PROP P.77	MDT/RADIO	C		SUPERVISOR RECORDS
50	PROP P.59	FTO TRAINING	C		PERSONNEL FILE
51	PROP P.77	ICS FOR SUPERVISORS	C		TRAINING RECORDS
52	PROP P.76	HAZ-MAT OPS FOR SUPERVISORS	C		TRAINING RECORDS
53	PROP P.115	SSP CONTROLLERS RIDE ALONG	C		AMR LOG
		<b>1ST RESPONSE COORDINATION</b>			
54	IIL1 P.16	SUPPLY REIMBURSEMENT	C	ALL INVOICES PAID	EMS INVOICE RECORDS
55	IIL4	EQUIPMENT RETURN PLAN	C		
		<b>PATIENT FEES</b>			
56	IIIA1 P.20	CHARGES FOR SERVICE	C	CORRECTED BILLINGS ..18% OF 39,928 INVOICES	AMR BILLING RECORDS

57	IIIA2 P.20	ACCEPTING ASSIGNMENT FOR HARDSHIP	C	33 PAYMENT PLAN 79 PARTIAL WRITEOFF 49 WRITEOFF	AMR BILLING RECORDS
58	IIIA4 P.21	CHARGE DISCOUNTS	C	NONE	AMR BILLING RECORDS
59	IIIA7 P.23	ON SCENE COLLECTIONS	C	NO COMPLAINTS OR OTHER INFORMATION	
60	IIIA8 P.23	ALS; BLS; NO TRANSPORT BILLING PROCEDURES	C	NO CHANGES IN POLICY	
61	IIIA3 P.21	MEMBERSHIP PROGRAM	C		AMR BILLING RECORDS
		<b>FINANCIAL REQUIREMENTS</b>			
62	IIIB2 P.25	FINANCIAL REPORTS	C		
63	IIIC1 P.25	FINES	P	NO FINES FOR 8 MIN.RESPONSE TIMES. OVER 12 MIN. FINES - PENDING	
64	IIIF1 P.36	LIENS ON AMBULANCES	C		AMR RECORDS
65	IIIF2 P.36	PERFORMANCE BOND	C		COPY OF CERTIFICATE
66	IIIF5 P.38	CONDITIONAL LEASE	C		COPY OF CERTIFICATE
67	IVB1 P.45	INSURANCE	C		COPY OF CERTIFICATE
		<b>QUALITY IMPROVEMENT</b>			
68	PROP P.87	AGENCY QUALITY IMPROVEMENT PLAN	C	SEE COUNTY WIDE PLAN	

69	PROP P.91	SSP QI COMMITTEE	C		MINUTES
70	PROP P.111	MAINTENANCE QI COMMITTEE	C	A SUB-COMMITTEE OF CQI	MINUTES
71	PROP P.80	CUSTOMER SURVEYS	C		
		<b>PUBLIC EDUCATION</b>			
73	PROP P.80	PUBLIC EDUCATION PLAN	C		2001 - 2002 PLAN
74	PROP P.80	COMPLIANCE WITH PLAN	C	EXCEEDED PLAN REQUIREMENTS	SUMMARY OF PUBLIC EDUCATION ACTIVITIES

**MULTNOMAH COUNTY  
EMERGENCY MEDICAL SERVICES**

**AMBULANCE CONTRACT COMPLIANCE COMMITTEE**

**AMERICAN MEDICAL RESPONSE  
CONTRACT COMPLIANCE REPORT**

**SEVENTH CONTRACT YEAR**

**SEPTEMBER 1, 2001 THROUGH AUGUST 31, 2002**

## **CONTENTS**

REPORT SUMMARY

COMPLIANCE REPORT

ATTACHMENTS

AUDIT REPORT  
RESPONSE TIME SUMMARY  
COMMITTEE MEMBERSHIP

## SUMMARY – CONTRACT COMPLIANCE REPORT

The seventh year of the exclusive ambulance service contract with American Medical Response covered the period of September 1, 2001 through August 31, 2002. Multnomah County EMS has conducted a compliance review of the contract requirements during this period. This review included a countywide response time compliance of urban calls. It also includes a review of the urban response times in eight zones for each of two six-month periods. A review of four three-month periods of rural calls was also completed. AMR is compliant with the response time requirements and continues to be in substantial compliance with the terms of the agreement. This report and the attached compliance audit identify the requirements of the contract and in the AMR proposal and specify the compliance or lack of compliance for each requirement.

AMR has met fully all of the requirements of the agreement with two exceptions:

1. Various Paramedic training and certification requirements were not current:
  - ACLS - 14
  - PHTLS - 12
  - PALS - 22
  - CPR - 1(no record of ever having a card)
  - ICS - 3

In addition, of 10 files randomly selected, 3 showed that the paramedic had failed a test associated with a self-paced workbook with no subsequent record of passing the test.

In order to assure compliance MCEMS is requiring AMR to provide quarterly, a list of all Multnomah County paramedics showing their status for required certifications and training. Any medic that is not current will not be allowed to staff an ambulance until the deficit is resolved.

2. The required performance review of the field training officers was not completed. No reviews were done at the time of the audit. AMR did complete the evaluations one month late.

This report is submitted by:

The Multnomah County EMS  
Ambulance Contract Compliance Committee

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Christopher P. Thomas  
Chair

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William E. Collins  
EMS Administrator

## AMR CONTRACT COMPLIANCE REPORT

SEPTEMBER, 2001 THROUGH AUGUST, 2002

The contract compliance report is divided into the following sections. The report covers all performance requirements and conditions of the contract and the accepted offerings found in the AMR proposal.

COVERAGE AND RESPONSE TIMES

AMBULANCE STAFFING

AMBULANCE DEPLOYMENT AND OPERATIONS

COMMUNICATIONS

REPORTS

PERSONNEL

TRAINING

FIRST RESPONSE COORDINATION

PATIENT FEES

FINANCIAL REQUIREMENTS

FINES

QUALITY IMPROVEMENT

PUBLIC EDUCATION

## COVERAGE AND RESPONSE TIMES

The contract and proposal identify a number of response time requirements.

AMR has met all contract standards for response times. They have met or exceeded the urban response time standard of 8 minutes or less on 90% of the calls for each month of the contract. They have met the rural standard of 20 minutes or less on 90% of the calls for each three-month period for the seventh year of the contract. AMR has met the urban standard of 8 minutes on 87% of the calls in each of the 8 identified zones within the urban area for both of the six-month periods. There have been no problems identified with the immediate response to frontier or code-one calls. The summary of response time performance is included in this report.

## AMBULANCE STAFFING

The contract requires that each ambulance in service with 9-1-1 be staffed with 2 paramedics. A review of the schedules and the sign-on logs for the dispatch computer shows compliance, with no incidents of substandard staffing.

## AMBULANCE DEPLOYMENT AND OPERATIONS

This section deals with the type, number and locations of ambulances, the interface with Portland City Bureau of Emergency Communications (BOEC) dispatch, disaster plans, posting facilities, and the equipment and maintenance required for each ambulance.

AMR has met all the requirements in this section.

There are 13 post locations, 11 have facilities. The remaining 2 without facilities are used primarily at low or high levels of ambulance deployment during which crews do not leave the ambulance.

All ambulances in service with this contract have been inspected by the EMS office and have all required equipment and meet the vehicle requirements. 6 ambulances were replaced in accordance with the proposed schedule.

The maintenance program in place at AMR exceeds the requirements of the contract.

## COMMUNICATIONS

All requirements in this section have been met.

## REPORTS

All reporting requirements continue to be met.

There were 3 equipment failure reports sent to EMS. No delays or adverse effects on patient care.

## PERSONNEL

The payroll records shows that AMR is meeting the contract provisions for wage and benefits and hours per shift maximums.

All employees completed an orientation, protocol exam, geography exam, and received written objectives for their probationary period.

There were 23 paramedics new to Multnomah County.

The AMR proposal requires that each paramedic be evaluated by their supervisor each year. Their records show the evaluations are complete.

The Field Training Officer (FTO) program assigned 5 paramedics to be FTO. They are to be evaluated on their performance at least once each year. There are no evaluations for any FTO on file.

## TRAINING

The AMR proposal identified eighteen (18) training/educational offerings for their staff. These included:

- Driver Training
- First Responder Orientation
- Haz-Mat Awareness
- Mass Casualty Incidents
- OSHA Safety and Risk
- Advanced Cardiac Life Support (ACLS)
- Pediatric Life Support (PALS)
- Pre-Hospital Trauma Life Support (PHTLS)
- Incident Command Awareness
- Paramedic Certification
- Exposure Control
- Customer Service Training
- Mobile Data Terminal/Radio Training
- Field Training Officer
- ICS for Supervisors
- Haz-Mat Operations
- System Status Management
- Ride-along for System Status Plan Controllers

In addition to the contract training requirements AMR has completed outfitting and training all paramedics with level C Hazmat protection as part of the response requirements for chemical and biological events.

## FIRST RESPONDER COORDINATION

AMR must reimburse first responders for supplies used by on 9-1-1 calls. \$237,944 was paid in the sixth year.

AMR continues to collect and return equipment belonging to first responder agencies.

## PATIENT FEES

The contract approved patient charges were correctly charged and that no discounts for service were offered. AMR has instituted an internal quarterly review of all charges to insure correct invoices. 00.18% 39,928 (67) invoices were incorrect and all were corrected.

Records of the number of requests for fee adjustment or payment plans for hardship cases were maintained as requested by EMS.

- 49 write-offs
- 79 partial write-offs
- 33 payment plans

MCEMS had 5 complaints regarding the ambulance service charges. The complaints were regarding the amount of the charges. All charges were correct.

## FINANCIAL REQUIREMENTS

At the time of this report AMR met the three fail-safe conditions:

1. There are no liens or encumbrances reported on their equipment. MCEMS is listed on the vehicle titles as a security interest.

2. Obtaining a \$2,500,000 surety bond payable to Multnomah County should AMR default on the contract. MCEMS is in possession of the bond certificate.

3. Agreement to a conditional lease for the equipment used in providing medical response to 9-1-1 calls.

In addition to the above there are various insurance requirements in the contract. All required insurance certificates were provided to EMS and Multnomah County is listed as the certificate holder on all documents. This will allow Multnomah County to be notified if the insurance is canceled for any reason.

#### FINES

The contract calls for specific fines to be levied for failure to meet certain response time conditions of the agreement. There were no fines levied for failure to meet the 8-minute or 20-minute response time standards. The fines for over 12 minute calls in the sixth year were \$17,900. The fines for over 12 minute calls in the seventh year are under review. No other fines we levied.

#### QUALITY IMPROVEMENT

The Multnomah County CQI Committee continues to assist the Medical Director in coordinating quality improvement efforts in Multnomah County. The Committee evaluates the quality of care delivered by pre-hospital providers and the training needed by emergency medical technicians. AMR participates in the process and provided EMS with all requested data and patient care reports.

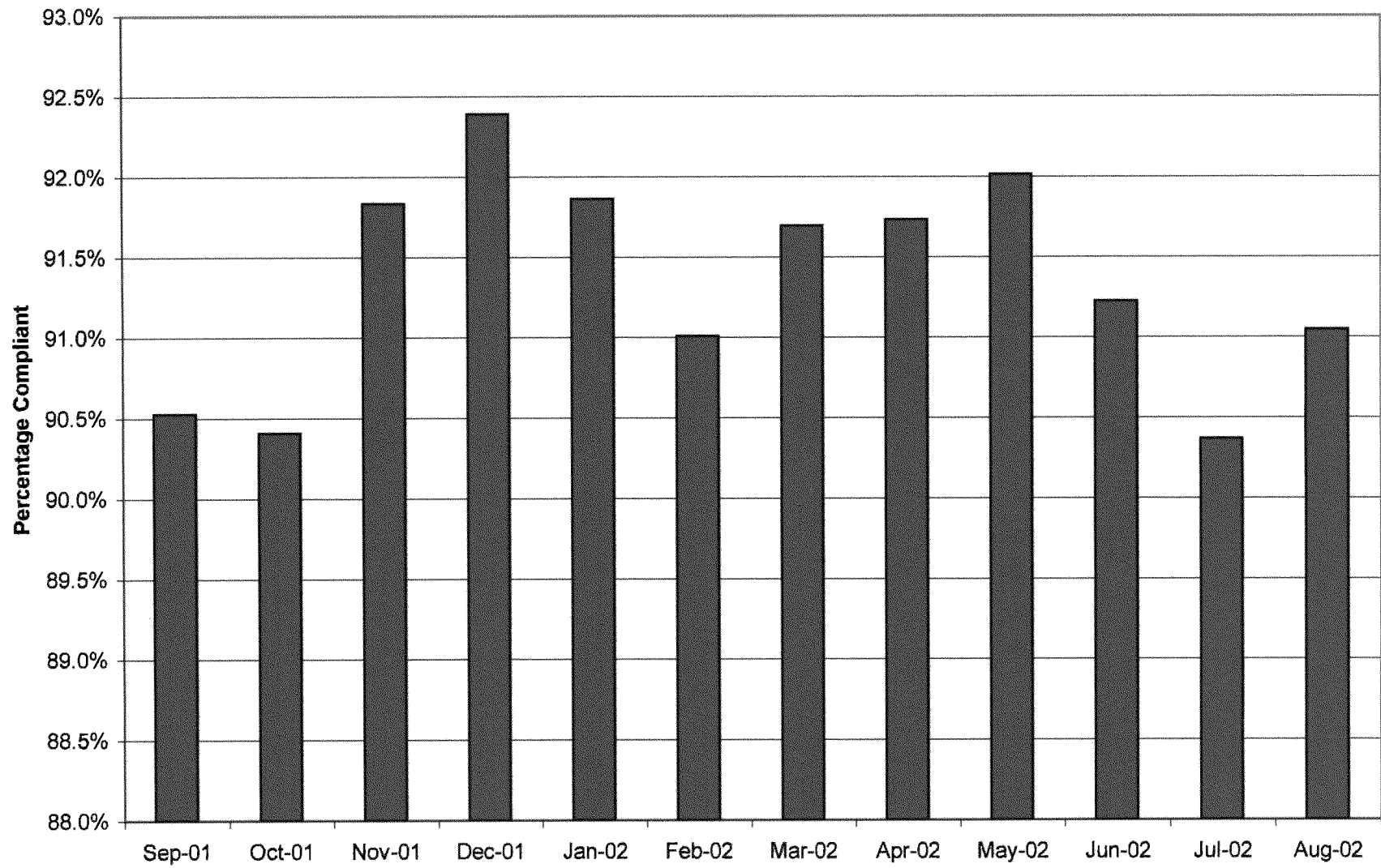
The Medical Director reviews all patient care records for cardiac arrest, airway management, and trauma cases. A summary has been given to providers, the EMS Medical Advisory Board, and the CQI Committee. AMR continues to provide data in an electronic format which facilitates the review process at EMS. Summary data is available on the EMS Web site. This data is being matched with data from Bureau of Emergency Communications, fire providers, the Oregon Health Division Trauma Registry and Death Registry. EMS is in the process of matching this data with the patient outcomes from the receiving hospitals.

The AMR quality assurance committee reviews specific patient care, personnel, and equipment issues with the Medical Director. Screens are conducted at the request of the Medical Director and data is submitted to the Multnomah County CQI Committee.

#### PUBLIC EDUCATION

The required public education plan was submitted by AMR for year seven. Their records show they have exceeded the requirements of the plan.

**Urban Compliance Rate By Month: Contract Year 7**



## **Urban Response Classification Summary for Contract Year 7**

### **September 2001**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4063	4063
Over 8 Minutes	334	304
Over 12 Minutes	62	39
Otherwise Noncompliant	73	42
Total Noncompliant	469	385
Percentage Compliant	88.5%	90.5%

### **October 2001**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4148	4148
Over 8 Minutes	353	326
Over 12 Minutes	53	31
Otherwise Noncompliant	73	41
Total Noncompliant	479	398
Percentage Compliant	88.5%	90.4%

### **November 2001**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4104	4102
Over 8 Minutes	283	264
Over 12 Minutes	61	38
Otherwise Noncompliant	64	33
Total Noncompliant	408	335
Percentage Compliant	90.1%	91.8%

### **December 2001**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4218	4218
Over 8 Minutes	272	251
Over 12 Minutes	59	43
Otherwise Noncompliant	55	27
Total Noncompliant	386	321
Percentage Compliant	90.8%	92.4%

### **January 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	3993	3993
Over 8 Minutes	281	263
Over 12 Minutes	49	28
Otherwise Noncompliant	66	34
Total Noncompliant	396	325
Percentage Compliant	90.1%	91.9%

**February 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	3826	3825
Over 8 Minutes	304	279
Over 12 Minutes	52	35
Otherwise Noncompliant	66	30
Total Noncompliant	422	344
Percentage Compliant	89.0%	91.0%

**March 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4238	4238
Over 8 Minutes	302	278
Over 12 Minutes	55	38
Otherwise Noncompliant	69	36
Total Noncompliant	426	352
Percentage Compliant	89.9%	91.7%

**April 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	3980	3980
Over 8 Minutes	297	265
Over 12 Minutes	49	34
Otherwise Noncompliant	60	30
Total Noncompliant	406	329
Percentage Compliant	89.8%	91.7%

**May 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4346	4344
Over 8 Minutes	294	277
Over 12 Minutes	48	32
Otherwise Noncompliant	70	38
Total Noncompliant	412	347
Percentage Compliant	90.5%	92.0%

**June 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4263	4261
Over 8 Minutes	310	288
Over 12 Minutes	64	41
Otherwise Noncompliant	75	45
Total Noncompliant	449	374
Percentage Compliant	89.5%	91.2%

**July 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4559	4558
Over 8 Minutes	360	341
Over 12 Minutes	54	38
Otherwise Noncompliant	110	60
Total Noncompliant	524	439
Percentage Compliant	88.5%	90.4%

**August 2002**

	<u>Prereview</u>	<u>Postreview</u>
Total Considered	4377	4377
Over 8 Minutes	321	288
Over 12 Minutes	64	47
Otherwise Noncompliant	100	57
Total Noncompliant	485	392
Percentage Compliant	88.9%	91.0%

### Review Results By Month: Contract Year 7

	Sep-01	Oct-01	Nov-01	Dec-01	Jan-02	Feb-02	Mar-02	Apr-02	May-02	Jun-02	Jul-02
AC	4	2	1	2	1	2	1	1	2	1	1
CA	10	6	12	14	10	12	7	5	14	3	15
CR	5	1	1	1	2	3	1	0	6	5	1
D1	15	11	10	10	12	11	13	9	7	9	7
DP	0	3	3	1	1	0	1	2	0	0	0
EX	9	11	10	15	14	14	18	11	7	18	13
IT	13	22	16	16	18	11	24	20	21	25	30
LO	1	3	1	0	1	1	2	5	0	3	3
OT	15	9	10	6	10	13	8	16	8	11	13
ST	2	1	0	1	3	2	0	1	1	0	2
UN	13	19	15	9	8	14	9	9	4	7	7
WE	0	0	0	0	2	0	0	0	0	0	0
<b>Total Exceptions</b>	<b>87</b>	<b>88</b>	<b>79</b>	<b>75</b>	<b>82</b>	<b>83</b>	<b>84</b>	<b>79</b>	<b>70</b>	<b>82</b>	<b>92</b>
<b>Not Granted</b>	<b>17</b>	<b>15</b>	<b>10</b>	<b>11</b>	<b>19</b>	<b>7</b>	<b>12</b>	<b>10</b>	<b>17</b>	<b>7</b>	<b>15</b>

Aug-02

3

14

5

8

3

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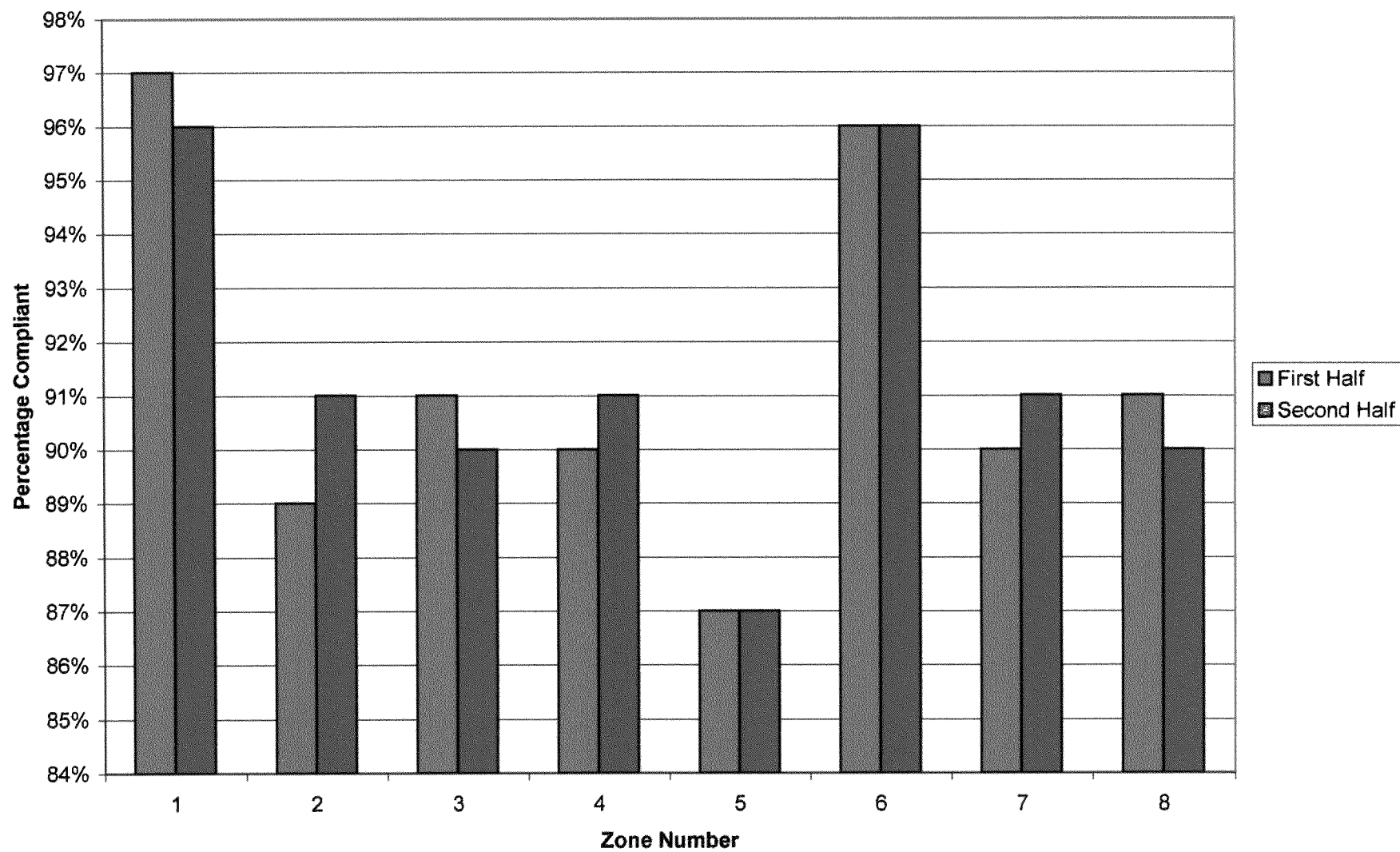
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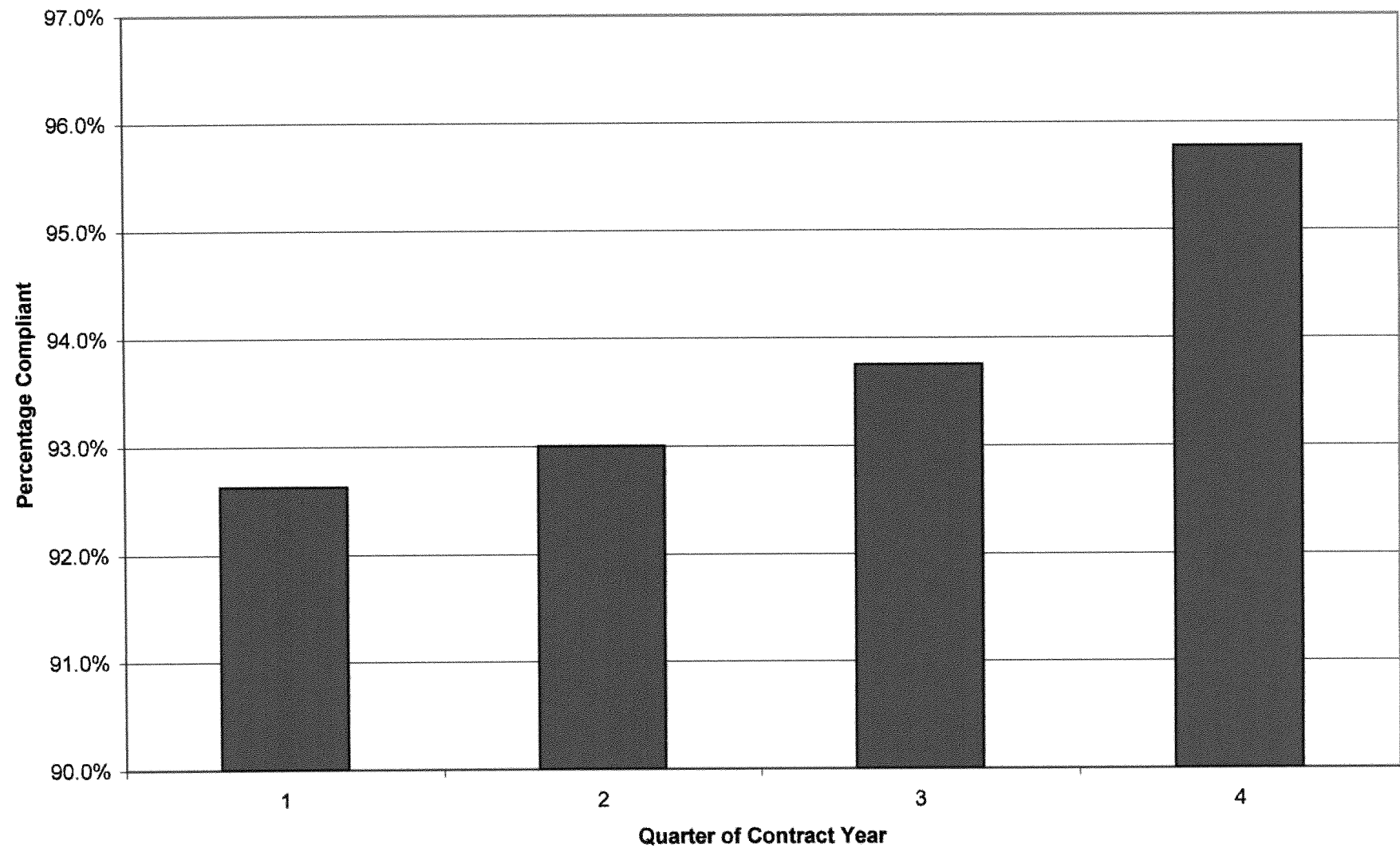
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### Urban Equity Compliance: Contract Year 7



**Rural Compliance Rate: Contract Year 7**



## Urban Classification Summary Definitions

- 'Total Considered:' the number of calls determined to be urban code 3 responses by AMR units.
- 'Over 8 Minutes:' the interval between the adjusted dispatch time and the on-scene time was over 8 minutes and not more than 12 minutes.
- 'Over 12 Minutes:' the interval between the adjusted dispatch time and the on-scene time was longer than 12 minutes.
- 'Otherwise Noncompliant:' the shortest available alternate response interval was over 8 minutes, or the unit staged or slowed to code 1 after 8 minutes had elapsed.
- 'Compliant:' those calls that arrived on-scene or staged or slowed to code 1 in 8 minutes or less, or for which there was an alternate response interval of 8 minutes or less.

## Exception Code Definitions

Please note that the granting of an exception does not necessarily move a call from non-compliance to compliance. For example, a call originally classified as over 12 minutes may be reclassified as over 8 minutes.

- AC: difficult access to the incident location
- CA: call cancelled
- CR: call closed and re-dispatched
- D1: call downgraded to code 1
- DP: dispatch problem
- EX: ambulances were exchanged on the call
- IT: time found in incident history text
- LO: the reported incident location changed during the call
- M: review in progress awaiting map analysis
- NO: no classification change was allowed
- OT: time found on audio recording
- ST: ambulance staged
- T: review in progress awaiting audio tape analysis
- P: review pending
- UN: a different unit should have been dispatched
- WE: call run during inclement weather

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Declaring Intent to Extend Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 with Buck Medical Services, dba American Medical Response, Northwest (AMR) and Authorizing Negotiations for Extension

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

- a. On July 20, 1995, the Board approved Contract 200726 with AMR, providing exclusive ambulance franchise services through 911 ALS response (Agreement).
- b. Section IV.A.1. of the agreement as amended May 2, 2001, provides it will terminate on September 1, 2003 at 8:00 A.M., unless extended; and Section IV.A.2. provides:  
"Any decision regarding the extension of this agreement shall be made at least ten months prior to the scheduled termination date, so that if no extension is approved, a new bid process can be conducted...."
- c. The Board wishes to give notice of intent to extend the Agreement.
- d. The Contract Compliance Committee and the EMS Program Office of the Health Department shows AMR in compliance with the Contract.
- e. MCC § 21.421 provides that the EMS Program Office (MCEMS) is responsible for administration of the emergency ambulance service contract.

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

1. The Board declares its intent to extend the Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 and authorizes the MCEMS Administrator to enter negotiations with AMR to extend the Agreement for two years from September 1, 2003, through August 31, 2005.

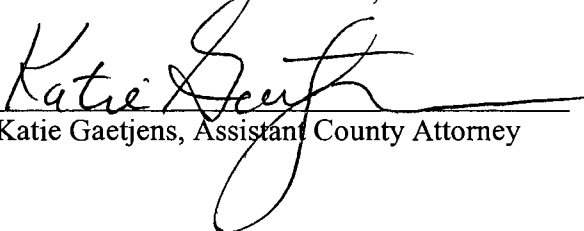
ADOPTED this 31st day of October, 2002.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Katie Gaetjens, Assistant County Attorney

**BOGSTAD Deborah L**

---

**From:** FARRELL Delma D  
**Sent:** Thursday, October 17, 2002 10:57 AM  
**To:** #AGENDA REVIEW TEAM; BOGSTAD Deborah L  
**Subject:** FW: Emergency Ambulance Contract Extension Agenda Item- Agenda Review Team Questions  
**Importance:** High

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

**From:** OXMAN Gary L  
**Sent:** Thursday, October 17, 2002 10:51 AM  
**To:** DARGAN Karyne A  
**Cc:** COLLINS William E; BELL Iris D; OXMAN Gary L; SHIRLEY Lillian M; FARRELL Delma D; FORD Carol M  
**Subject:** RE: Emergency Ambulance Contract Extension Agenda Item- Agenda Review Team Questions  
**Importance:** High

Hi, Karyne

Thanks for your note and questions.

After discussing the matter with Carol Ford, we would propose to send you a supplemental staff memo that 1) provides an overview of key elements of the contract history and renewal procedures, and 2) addresses the specific questions in your email.

We will do this by 10/18 as we have a legal requirement to have the Board express its intent re: contract renewal during the month of October.

Please let us know if you think this will address the Agenda Review Team's questions.

Thanks, and sorry for having to insert this extra step in the process.

- Gary

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

**From:** DARGAN Karyne A

10/17/2002

**Sent:** Thursday, October 17, 2002 9:46 AM

**To:** COLLINS William E

**Cc:** BELL Iris D; OXMAN Gary L; SHIRLEY Lillian M; FARRELL Delma D

**Subject:** Emergency Ambulance Contract Extension Agenda Item- Agenda Review Team Questions

**Importance:** High

Bill-

Part of the Agenda Review Team's goal is to make sure that the agenda items brought before the BCC are complete and provide enough detail for them to make informed decisions. We are aware that this item that has had somewhat of a high profile and controversial history and there is some information that we believe would be valuable to the Board in making their decision to renew the contract.

After we reviewed the Emergency Ambulance Contract Extension Agenda item, the Agenda Review Team had quite a few questions. We believe that answers to these questions should be included in your staff report. This means that you would need to revise your report by 10/18 in order to get it on the 10/31 BCC Agenda. The other option is to postpone this for 1 week (if feasible). In any case, we are willing to work with you to get this item to the BCC and to meet any mandated deadlines you may have.

- At the beginning of the report is a sheet of paper titled Urban Classification Summary Definitions, not sure what it is for and what it is supposed to be summarizing.
- The report recommends the extension based on performance in the 7th year. Why is it not based on 7 years performance?
- The report does not contain any cost of service information. 1st year compared to 7th year and so forth and what renewing the contract means to the people paying for ambulance service?
- The report does not contain any comparative cost of services to Washington and Clark Counties.
- The report recommends one action, award extension. What are the other options and consequences of not awarding?

10/17/2002

- When does the contract expire? What is the minimum time required to notice AMR if the BCC chose not to renew the contract?
- If the Board elects to not renew the contract, can another RFP be completed and a provider designated before the current contract expires?
- AMR's parent company Laidlaw is in, or was in bankruptcy, how does this effect AMR? And what does that mean to Multnomah County?
- AMR, nationally and locally, has been up for sale for over two years. Is it still up for sale? What action can the County take if they are sold? Does the County have to power to block the sale?
- Have other County EMS stakeholders been asked to comment on the extension?
- What revisions have been made to the contract based on 7 years of performance? Have parts been strengthened, removed as not needed, etc.
- Have other stakeholders had an opportunity to suggest changes/revisions to the contract?
- The one chart says rural responses? What is the response performances for our other areas?
- Next steps. When do we need to start a whole new process (RFP)?

I you have any questions, please do not hesitate to call me at extension 22457 or Delma Farrell at extension 83953.

## **Supplemental Staff Report Emergency Ambulance Contract Extension**

The agreement for exclusive emergency ambulance service between AMR Northwest (AMR) and the County was executed on July 20, 1995, with service under the agreement to begin on September 1, 1995. This is a franchise agreement for 911 emergency ambulance service for a total period of ten years – an initial five-year period with three potential extensions to cover the final five years.

The EMS Office is proposing that the Board of County Commissioners pass a resolution on October 31 expressing its intent to renew the franchise agreement with AMR for the period September 1, 2003 through August 31, 2005. This is the final extension under the current ten-year agreement. The Board is required by the agreement to make any decision regarding the extension at least ten months prior to the scheduled termination date. This provision allows sufficient time to conduct a competitive bid process and award another contract if it is necessary to do so.

Language in the agreement specifies the criteria for granting extensions. It states that the "The Agreement will be extended if: a. CONTRACTOR has not been in breach of contract as defined in Section III, paragraph E.1. of this Agreement; and b. Has substantially complied with all other requirements of the Agreement during the present term; and c. The Board of County Commissioners finds there to be no overriding health, policy, or administrative considerations that are better addressed through approaches other than renewal." These renewal specifications were added in an amendment executed on August 12, 1999.

Each year, the EMS Office evaluates AMR's compliance with the various provisions of the franchise agreement by reviewing and monitoring AMR's performance during the contract year. The methods and standards for evaluation are part of the franchise agreement framework. The Contract Compliance Committee appointed by the Board reviews the findings of the EMS Office and prepares a report to the Board. This report is provided to the Board each year regardless of any contractually specified need for renewal action by the Board that contract year. Therefore each annual report adds to cumulative information on AMR's compliance.

As presented in the Contract Compliance Committee Report, it is the finding of the EMS Office and the Committee that AMR is in substantial compliance with the terms of the agreement. The Contract Compliance Committee Report includes a summary of compliance findings, a detailed audit report of each requirement of the agreement, and details of ambulance response time performance in the urban and rural areas of the County. The Report presents urban response time compliance by month, including the results of review of individual calls responded to in over 8:00 minutes and over 12:00 minutes as requested by AMR under provisions of the agreement. The Report also presents Urban Equity Compliance data to show compliance with the contract provision requiring equalized response times in eight designated urban sub-zones in the County. This compliance provision was added in 1999 to address concerns identified by

the Board regarding equitable response throughout the County. The Report addresses compliance with rural response times (which are longer than those for the urban area). There was a question regarding the sheet in the report entitled "Urban Classification Summary Definitions." This sheet is a companion to the Urban Compliance by Month report; it defines the terms used in that report.

As discussed in the EMS Strategic Planning Briefing to the Board on October 10, the EMS Office found no overriding health, policy or administrative issues that suggested a need for the Board to consider approaches other than renewing the agreement with AMR. This is discussed in more detail below. Therefore, in keeping with the framework established by the agreement, the EMS Office recommends that the Board approve the final two-year contract extension. Given that the Board has not found any overriding health, policy or administrative issues, and given the contractor's substantial compliance, the Board's alternatives to renewal are limited.

The franchise agreement with AMR was the result of a competitive bid process. The RFP for the bid required that bidders include a per-transport price for calls generated by 911. The original amount in the agreement was a base of \$531.42 plus \$9.00 per mile from the location of the call to the hospital. The agreement allowed for rates to be adjusted based on the average of the following National Consumer Price Index factors over the prior year:

- 45 percent of the CPI Transportation Index
- 45 percent of the CPI Medical Care Index, and
- 100 percent of the CPI All Components Index.

AMR would need to specifically request authorization for any increases beyond those based on CPI indices, subject to the provisions in MCC 21.400 (Ambulance Ordinance). To date, rates have been increased only based on CPI adjustments. The current rates are \$644.94 plus \$10.92 per mile. Since the agreement establishes fixed fees, the EMS Office does not compare ambulance costs from year to year or with costs in other jurisdictions.

The Health Department EMS Office along with the cities of Portland and Gresham have been engaged in an EMS Strategic Planning Process to identify how the EMS system should evolve over the next several years. This process included a review of the current system in comparison with examples of other system designs that were felt to represent a range of best practices. This process was intended to address the question of whether there were other system designs that justified immediate and significant changes in the County's EMS system (including the potential to abandon the County's current agreement with AMR). On October 10, 2002 the Health Department and Gresham and Portland briefed the Board on the planning results to date. There was a consensus among the three governments that there were no system designs or examples that showed superior performance that would justify a major system change. The EMS Strategic Planning effort will continue with the primary goal of providing the Board with recommendations on EMS system design after the current ambulance agreement expires in August 2005. This planning must be complete, and the Board must render a decision as how to proceed by October, 2004

Finally, over the past few years there have been questions regarding the financial stability of AMR in light of the financial difficulties and ultimate bankruptcy of its parent company, Laidlaw. AMR Inc. is a wholly owned subsidiary of Laidlaw, but is not part of the bankruptcy proceedings. Laidlaw has put AMR Inc. up for sale. To date, AMR has not been sold, and no sale is pending as far as we have been able to determine. Should there be a sale, there should be no immediate consequences since the County's agreement is with AMR Northwest, part of AMR, Inc. Should a new owner not wish to continue the agreement with Multnomah County, they could offer notice as provided for in the agreement and we would proceed to find another provider. If AMR was to withdraw services without notice or with notice that was inadequate for the County to engage a new provider, there are "fail-safe" provisions under the agreement that would provide resources allowing the County to take over operation of emergency ambulance services until a new provider could be engaged. These provisions include a \$2,500,000 performance bond, titles to the ambulances, and access to other AMR resources.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 02-138**

Declaring Intent to Extend Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 with Buck Medical Services, dba American Medical Response, Northwest (AMR) and Authorizing Negotiations for Extension

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

- a. On July 20, 1995, the Board approved Contract 200726 with AMR, providing exclusive ambulance franchise services through 911 ALS response (Agreement).
- b. Section IV.A.1. of the agreement as amended May 2, 2001, provides it will terminate on September 1, 2003 at 8:00 A.M., unless extended; and Section IV.A.2. provides:  
"Any decision regarding the extension of this agreement shall be made at least ten months prior to the scheduled termination date, so that if no extension is approved, a new bid process can be conducted...."
- c. The Board wishes to give notice of intent to extend the Agreement.
- d. The Contract Compliance Committee and the EMS Program Office of the Health Department shows AMR in compliance with the Contract.
- e. MCC § 21.421 provides that the EMS Program Office (MCEMS) is responsible for administration of the emergency ambulance service contract.

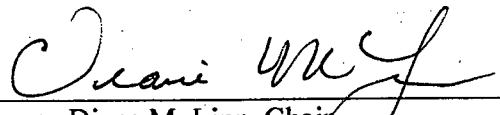
**The Multnomah County Board of Commissioners Resolves:**

1. The Board declares its intent to extend the Agreement for Exclusive Emergency Ambulance Services, Contract No. 200726 and authorizes the MCEMS Administrator to enter negotiations with AMR to extend the Agreement for two years from September 1, 2003, through August 31, 2005.

ADOPTED this 31st day of October, 2002.

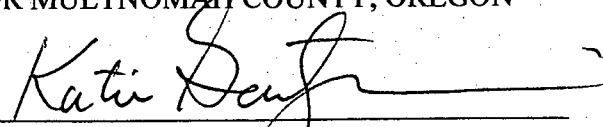


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Katie Gaetjens, Assistant County Attorney

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: R-2

Estimated Start Time: 9:40 AM

Date Submitted: 10/21/02

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Requested Date: 10/31/02

Time Requested: 5 mins

Department: OSCP

Division: SUN

Contact/s: Dianne Iverson/Lorenzo T. Poe

Phone: (503) 988-4786

Ext.: 84786 I/O Address: 166/200

Presenters: Dianne Iverson

---

**Agenda Title:** SUN Request to Submit Application to Provide Supplemental Educational Services to SUN high schools.

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

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**Please answer all relevant questions; leave others blank. Please do not alter form.**

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

Notice of Intent to Submit an Application to Portland Public Schools to be listed as an approved provider of Supplemental Educational Services to students attending SUN high schools.

- 2. Please provide sufficient background information for the Board and the public to understand this issue.**

The SUN Initiative was founded by the elected officials of the Multnomah County, OR and the City of Portland, in 1999 as a partnership of city, county, state, and local school districts.

SUN's Mission is to improve the lives of children, their families and the community through partnering with local schools to extend the school day and develop schools as "community centers" in their neighborhoods.

SUN Schools link with other community institutions, such as the libraries, parks and community centers, neighborhood health clinics and area churches and businesses in order to:

- \* Improve student achievement, attendance, behavior and other skills for healthy development
- \* Promote family involvement
- \* Increase business and community involvement
- \* Improve the system of collaboration
- \* Make better use of public facilities

SUN schools offer a range of high-quality educational, developmental and recreational activities; as well as health and social services for youth, families and community members.

The SUN Initiative is currently comprised of 19 schools across 5 school districts. Initially, only elementary and middle schools were selected to be SUN sites. In the past year, however, the Initiative broadened to include 3 high schools, allowing a new opportunity to work cluster-wide. Twelve schools are funded by the Initiative itself with City, County and State funding. The other 6 SUN schools are funded through federal grants awarded to local districts.

At the three SUN high schools (Jefferson, Marshall and Roosevelt), Multnomah County funds County staff to act as SUN site managers. However, these sites do not have program dollars in the current budget to assist those site managers in providing programs and services. In this way, the high school sites are currently different from the other SUN schools.

If SUN is successful in becoming an approved provider of Supplemental Educational Services, students and parents will be able to choose SUN to provide programs that Portland Public Schools would then pay for. This would greatly expand the capacity of Jefferson, Marshall and Roosevelt to provide individualized academic support through tutoring and enrichment classes and to address SUN's key goal of increasing academic success.

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

If SUN is chosen, program funding would be available through Portland Public Schools for the three high schools. The amount is currently unknown and will also depend on the number of students/parents that choose SUN to provide programming. If the application is successful, OSCP will need to approach the board again for a budget modification.

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

- ❖ **Who is the granting agency?** Portland Public Schools
- ❖ **Specify application requirements and goals.**

The overall goal of the grant is to bring academic achievement levels up for students attending Jefferson, Marshall and Roosevelt high schools. Each year the schools have to show adequate academic growth, as defined by the federal grant to PPS. When a school achieves adequate growth 2 years in a row, they are removed from the list of schools that receive this additional support.

The goal of this particular application is to identify qualified providers of supplemental educational services that will increase academic achievement. A list of approved providers will then be made available to Jefferson, Marshall and Roosevelt high school students and their families so that they can choose what additional academic support they will receive.

Requirements of the application include:

- Providing instruction that is consistent with District and the State's academic content standards
- Creating individualized student plans with specific achievement goals
- Holding liability insurance
- Conducting background checks on all adults working with children

- ❖ **Explain grant funding detail – is this a one time only or long term commitment?** The current application is for one year, though the federal funding to the District is expected to extend for at least two years.
- ❖ **What are the estimated filing timelines?** Deadline is October 31, 2002
- ❖ **If a grant, what period does the grant cover?** The application allows approved entities to be placed in the state list of approved providers for the 2002-03 school year.
- ❖ **When the grant expires, what are funding plans?** OSCP/SUN will continue to pursue program dollars for the three high schools as part of the SUN resource development during and after this grant.
- ❖ **How will the county indirect and departmental overhead costs be covered**  
Indirect is not specifically addressed in this application, but is it our understanding that indirects can be included as part of the monthly billing. Indirects are likely to be capped at the federally approved level.

**4. Explain any legal and/or policy issues involved.**

None.

**5. Explain any citizen and/or other government participation that has or will take place.**

In the current application PCC, OSCP and high school staff are involved in defining strategies.

In general, citizen stakeholders (including parents, youth and community members) have been, and will continue to be, involved in SUN school planning through SUN advisory committees, informal feedback and surveys/focus groups. Under the structure of the Supplemental Educational Services grant, parents and students choose programs/services from a list of approved providers. As an approved provider, SUN would develop its programs for SES based on community-identified need and interest.

---

**Required Approvals (typed names indicate approval)**

**Department/Agency Director (type name of approver):** Lorenzo T. Poe

**Agenda Review Team**

**By: (type name of approver):**

**Date:**



**MULTNOMAH COUNTY OREGON**

501 SE Hawthorne Blvd.  
Portland, Oregon 97214  
(503) 248-5000 phone  
(503) 248-3048 fax

**MEMORANDUM**

**TO:** Agenda Review Team & Deb Bogstad, Board Clerk  
**FROM:** Dianne Iverson, SUN Initiative Director, OSCP  
**DATE:** 10/21/02  
**SUBJECT:** Request for Exemption to Board Agenda Deadline

This memo requests an emergency exemption to the board agenda deadline for October 31<sup>st</sup> for a Notice of Intent to Submit an application to Portland Public Schools to be listed as an approved provider of Supplemental Educational Services to students attending SUN high schools.

The following are reasons why this request for exemption should be granted:

1. The deadline for application submission is October 31, 2002. The application was received on October 2<sup>nd</sup> and only 3 weeks were originally given to respond. Delay in bringing this to the board will prevent OSCP from meeting the application deadline.
2. If SUN is successful in being designated as an approved provider, students and parents at Jefferson, Marshall and Roosevelt High Schools will be able to elect to receive SUN academic and family support activities that will be funded by Portland Public Schools. Currently, Multnomah County funds SUN Site managers at all three schools, but does not have funding to support programming. We are unlikely to have another opportunity to apply to be eligible for such a large amount of program dollars again this year.
3. The Supplemental Educational Services funding in the application is designated specifically to provide extended-day academic and family supports to students at Jefferson, Marshall and Roosevelt High Schools. Because of this, the odds of being qualified by Portland Public Schools under this RFP are quite favorable.

We appreciate your prompt consideration of this request.

Thank you.

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: R-3

Estimated Start Time: 9:40 AM

Date Submitted: 10/02/02

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Requested Date: 10/31/02

Amount of Time Requested: 5 mins.

Department: DBCS

Division: Land Use & Transportation

Contact/s: April Siebenaler / Chuck Beasley

Phone: 503-988-3043

Ext.: 29637 / 22610

I/O Address: 455/116

Presenters: April Siebenaler & Chuck Beasley

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**Agenda Title: Second Reading and Possible Adoption of an Ordinance adopting the West of the Sandy River Rural Area Transportation and Land Use Plan.**

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

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**Please answer all relevant questions; leave others blank. Please do not alter form.**

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

**Action requested includes hearing and adoption of the West of Sandy River Rural Area Transportation and Land Use Plan, and implementing ordinances. The five elements which need to be adopted are:**

**The West of Sandy River Rural Area Transportation and Land Use Plan and Policies;**

**The Wildlife Habitat and Stream Corridor ESEE Report;**

**The zoning ordinance for the area, Chapter 36 of the Multnomah County Code;**

**The Significant Environmental Concern Overlay Zone map;**

**The zoning map for the Orient and Pleasant Home Rural Communities.**

**The Multnomah County Planning Commission and staff recommend adoption of the plan and implementing ordinances. The Planning Commission Resolution which contains the recommendation is included in this packet. Please see the attached Planning Commission Resolution PC- 01-007.**

2. Please provide sufficient background information for the Board and the public to understand this issue.

The West of Sandy River Rural Area Transportation and Land Use Plan is an integrated land use and transportation plan that contains specific policy direction and implementation measures for the West of Sandy River rural area. It is the 4th in the series of 5 area plans envisioned by the Board of Commissioners to plan for the unique needs of the rural communities of Multnomah County. It is a combined transportation and land use plan with the objective to take both policies and implementing ordinances through the plan formulation and adoption process together.

The plan includes significant programs for the rural communities of Orient and Pleasant Home, includes protection for riparian corridors and wildlife habitat, proposes measures intended to protect farming in the area, and it includes the Transportation System Plan for the area. These programs address state mandates to plan for rural communities, to protect significant wildlife habitat, to plan the transportation system, and are intended to carry out the community vision. For more information about the West of Sandy River area and plan, please see the Executive Summary on pages ii and iii of the plan document.

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

No identified fiscal impact

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

If a budget modification, explain:

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

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

If a contingency request, explain:

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

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant-funding detail – is this a one-time only or long-term commitment?

- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

**4. Explain any legal and/or policy issues involved.**

The plan policies and zoning ordinance limit nonfarm uses in EFU and MUA-20 zones in order to minimize new conflicts with farming and to support the farm economy of the plan area. The plan policies and zoning code approval criteria contain a provision to limit nonfarm uses to a type and scale to primarily serve the needs of the rural area.

The plan does not provide for public and private parks in the EFU zone due to the high potential for disruption of farming. Regional trails are required to be considered through a master plan process in order to ensure broad public participation for any potential trail through the area.

The plan extends Metro Title III water quality protection measures to the entire area in order to have one set of regulations for the plan area. This includes the east approximately one-third of the plan area that is outside of Metro's Jurisdictional Boundary.

The protection measures for fish and wildlife habitat in the SEC ordinance set up an overlay zone that includes forested areas and land within 200' on either side of area streams. This is a watershed approach that extends to small intermittent streams as well as larger streams in order to help ensure that a fuller range of watershed functions is protected. This approach is driven in part by the presence of ESA listed fish in both the Johnson Creek and Sandy River/Beaver Creek systems.

The plan includes a new zoning code and map for the unincorporated rural communities of Orient and Pleasant Home. These were developed in part to meet state mandated planning requirements for existing unincorporated communities that are located in rural areas but that contain development densities that are urban. Compliance with these requirements will allow the county to continue to permit development of residential uses on one acre parcels, and allow limited rural service commercial or rural industrial uses.

The plan also includes a Transportation System Plan in compliance with state transportation planning mandates. The plan consists of an inventory of area roads, traffic volumes both now and in the future, descriptions of needed system improvements, and policies to guide future decisions.

Notification of the scheduled hearing date of October 24, 2002 is being provided as required by state law. Notice of the hearing has been mailed to 1,244 individual property owners, and arrangements for publication of a notice in a newspaper of general circulation at least 10 days before the hearing has been made.

5. Explain any citizen and/or other government participation that has or will take place.

**Citizen Participation:**

The plan was developed at 16 citizen Task Force (TF) meetings. The TF was made up of 14 people including area residents, a watershed council representative, and Planning Commission and Board of Commissioner liaisons. The meetings were open to the public and time was reserved at each meeting for public comments. Meeting announcements and agendas were sent to a list that grew to over 210 people by the end of the process. TF meeting notices were also provided to area newspapers for printing prior to meetings.

Two general Open House meetings were conducted after notification to all property owners in the plan area. In addition, owners of property potentially affected by the riparian corridor planning were notified of two open house opportunities for them to see the proposed stream maps and ask questions. Finally, an open house for Orient and Pleasant Home business owners was held to provide them a chance to hear about the proposed new zoning and to ask questions.

In addition to the above, three area wide notices to all property owners were provided during the five Planning Commission hearings, along with newspaper notice and individual notice to hearings participants. Staff anticipates that citizens will attend the October 24, 2003 hearing on this matter.

**Other Government Participation:**

The plan benefited from technical assistance received at three Technical Advisory Committee meetings that were held during plan formulation. Some of the agencies that participated include: the Department of Land Conservation and Development, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, Sandy River Basin Watershed Council, East Multnomah County Soil and Water Conservation District, Metro, City of Gresham, Oregon Parks and Recreation, City of Sandy. A complete list of agencies notified is in the appendix of the plan.

**Meetings Calendar:**

October 1998 - Community Open House

October 1998 – February 1999, PSU Study of Orient RC, including two open house meetings.

January 1999 - Scoping Report Adopted by Board of Commissioners

September 1999 - First of 16 Task Force meetings was held.

March 2001 - Land Use Technical Advisory Committee Meeting for Rural Communities, farm, forest, parks, and exception lands.

May and June 2001 – Two Open House meetings for property owners impacted by Goal 5 resource protection plan.

June 2001 - Land Use Technical Advisory Committee Meeting for Goal 5

June 2001 - Community Open House

July 2001 - Orient and Pleasant Home Business Owners Meeting.

August – November 2001 - Plan preparation, final Task Force meeting.

January – September, 2002 Five Planning Commission Hearings on WSR.

**Attachments to the Agenda Placement Request:**

**Planning Commission Resolution PC-01-007**

**Ordinance adopting the West of Sandy River Rural Area Transportation and Land Use Plan and Exhibits:**

**Exhibit A. The West of Sandy River Rural Area Transportation and Land Use Plan and Transportation System Plan.**

**Exhibit B. The Wildlife Habitat and Stream Corridor ESEE Report.**

**Exhibit C. Chapter 36 on the Multnomah County Code of Ordinances.**

**Exhibit D. SEC Overlay Zone Map.**

**Exhibit E. Orient and Pleasant Home Zone Map.**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director ☒ M. Cecilia Johnson**

**Agenda Review Team ☐ By: (type name of approver) Date:**

**Ballot Measure 56, adopted by voters on Nov. 3, 1998, requires the following language to be included in this notice:**

"This is to notify you that Multnomah County has proposed a land use regulation that will affect the permissible uses of your land. Multnomah County has determined that this proposal will affect the permissible uses of your property and may reduce the value of the subject property."



## ***Public Hearing Notice***

**Multnomah County invites you to a public hearing regarding the proposed West of Sandy River Rural Area Transportation and Land Use Plan.**

---

**Public Hearing before the  
Multnomah County Board of Commissioners  
October 24, 2002 at 9:30 a.m.  
Multnomah Building, First Floor Boardroom (Room 100)  
501 SE Hawthorne Blvd. Portland, OR 97214**

---

This is a public hearing for testimony on the **West of Sandy River Rural Area Transportation and Land Use Plan**. The plan proposes new comprehensive plan policies and a revised zoning code to guide development in the area. The new policies address transportation system planning, zoning for the Orient and Pleasant Home Rural Centers, farm and forest lands, multiple use agriculture and rural residential areas, and protection of water quality and fish and wildlife habitat. The zoning code revisions include changes to the existing ordinances for areas zoned Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Multiple Use Agriculture 20 Acre (MUA-20), and Rural Residential (RR). A new zoning map and ordinances for all land within the Orient and Pleasant Home Rural Centers is proposed. A new overlay zone map and zoning ordinance is proposed to protect fish and wildlife habitat pursuant to the requirements of Statewide Planning Goal 5 Natural Resources. The overlay zone map identifies streams and forested areas that have been determined to be significant in the West of Sandy River ESEE report, which is also being considered for adoption. The general locations of the proposed protection areas are shown on the map included as page 4 of this notice.

If, after reading this notice, you have further questions about how the proposal applies to your land, or about how to participate in the public hearing, please contact:

Chuck Beasley  
Land Use Planning  
phone (503) 988-3043  
fax (503) 988-3389  
email [charles.h.beasley@co.multnomah.or.us](mailto:charles.h.beasley@co.multnomah.or.us)

A copy of the draft ordinance can be viewed on the internet at: [www.co.multnomah.or.us/dscd/landuse](http://www.co.multnomah.or.us/dscd/landuse) or can be purchased at the cost of printing from the Land Use Planning Office  
1600 SE 190<sup>th</sup> Ave.  
Portland, OR 97233

Office hours are 8:00 am to 4:00 pm, M-F.

## **Description of Proposed Ordinances**

The information below is a brief summary of some of the more significant changes that are proposed, but is not intended to be a complete list of all changes. If you have questions, please contact us.

**All Zones** - Amends "Lot of record" provisions to standardize definitions across all rural zones. Nonfarm and conditional uses are limited to a type and scale to serve the rural area except in the CFU zone. Adds "right to farm" deed covenant for new and replacement dwellings.

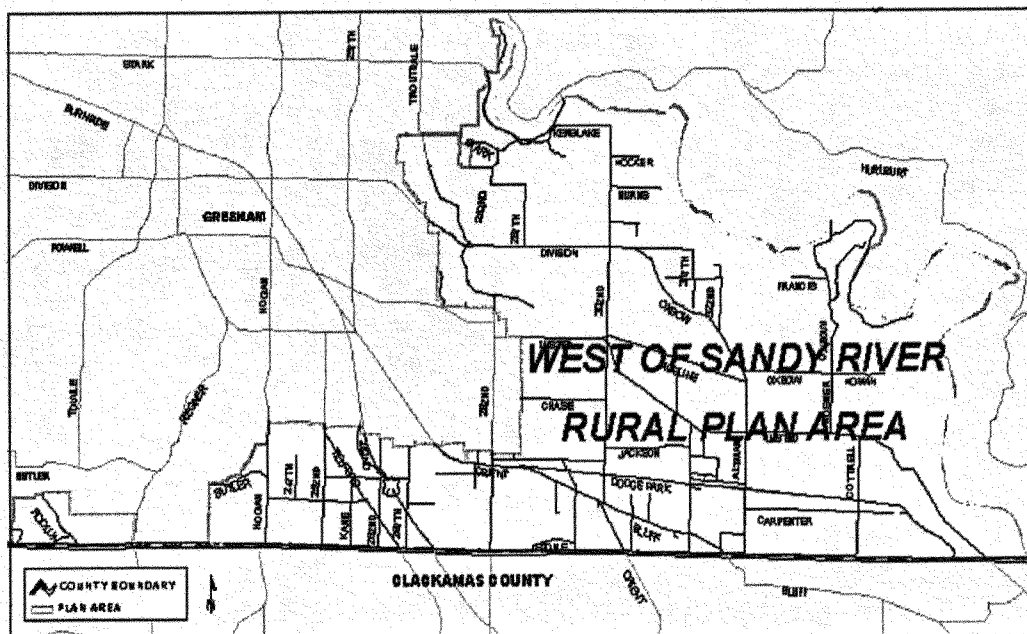
**Exclusive Farm Use (EFU)** - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Removes dog kennels and public and private parks from the list of allowable uses. Adds wildlife habitat conservation plan opportunity, and clarifications from state statutes and Rules.

**Commercial Forest Use (CFU)** - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Adds wildlife habitat conservation plan opportunity. Adds opportunity to divide a parcel that has two lawful dwellings.

**Multiple Use Agriculture 20 Acre (MUA-20)** - Removes 2<sup>nd</sup> dwelling for farm help and provision for a lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

**Rural Residential (RR)** - Requires a "right to farm" deed covenant for new and replacement dwellings. Removes 2<sup>nd</sup> dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

**Rural Center (RC)** - Requires a "right to farm" deed covenant to be recorded for new and replacement dwellings. In the Orient area, divides existing RC zone into residential and commercial-industrial zones as shown on a new zoning map. Adds small-scale low impact size limitation to commercial and industrial uses, changes the list of allowable commercial and industrial uses, changes Type B home occupations to administrative process. Removes 2<sup>nd</sup> dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14.



## **Description of Proposed Fish and Wildlife Habitat Protection Ordinance**

The information below is a brief summary of some of the more significant parts of the plan to protect fish and wildlife habitat. The plan is based on the ESEE report, which is the inventory and analysis of riparian corridors and wildlife habitat. The report explains the Goal 5 process and is viewable on the internet at the address on the first page of this notice, or can be obtained at our offices for the cost of printing. A summary of the inventory is contained in the West of Sandy River Rural Area Plan, Board of Commissioners Draft, October 24, 2002, beginning on page 16. The complete ESEE report is the document entitled, Economic, Social, Environmental, and Energy Report, Draft October 24, 2002.

### ***Where the Regulations Apply***

Areas where development would be regulated under the proposed Significant Environmental Concern (SEC) overlay zone are areas that contain riparian corridors and wildlife habitat. Riparian corridors are areas within 200' from each side of a significant stream (water resource), and are proposed to be designated, SEC-wr. Significant wildlife habitat is composed of forested areas connected to streams, and larger blocks of forested land, and is designated SEC-h. The SEC overlay zone also continues the existing requirements that apply to land areas within the Sandy River Wild and Scenic River and Scenic Waterway, designated as SEC-sw. These areas are shown on the map on the following page.

Please examine the attached map. If you are unsure if your property is within an SEC area, or if you need more information about how the proposed ordinance may affect you, please call us at 503-988-3043.

### ***Purpose of the Proposed SEC Overlay Ordinance***

Development within the mapped areas will require a permit that is intended to ensure that rivers and streams and fish and wildlife habitat is protected when development occurs. Development is broadly defined as manmade change to the land including construction of buildings, grading in an amount greater than 10 cubic yards, or removal of 10% of the vegetation in a water resource or habitat area.

### ***Exceptions to SEC Permit Requirements***

The proposed ordinance **does not regulate farming practices** such as tilling, spraying, planting, harvesting, and irrigation, timber cutting under the Forest Practices Act, repair and maintenance of existing structures and driveways, existing yards and gardens, additions of less than 400 square feet to existing dwellings, and emergency responses.

Existing lawfully established structures may be replaced within the same building lines in SEC-wr areas when areas near streams are enhanced by planting of native trees and other vegetation.

### ***Allowance for Small Lots and Low Impact Sites***

The proposed ordinance contains a Buildable Lot Encroachment provision intended to ensure that construction of a single family dwelling and necessary facilities will not be prevented by the habitat protection ordinance.

A permit can be approved under lesser standards for development as close as 100' from a stream on Low Impact Sites, which are areas where the ground slope to the stream is less than 25%, and when tree removal is minimized and new trees and shrubs are planted near the stream.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215  
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED  
TO THE PURCHASER**

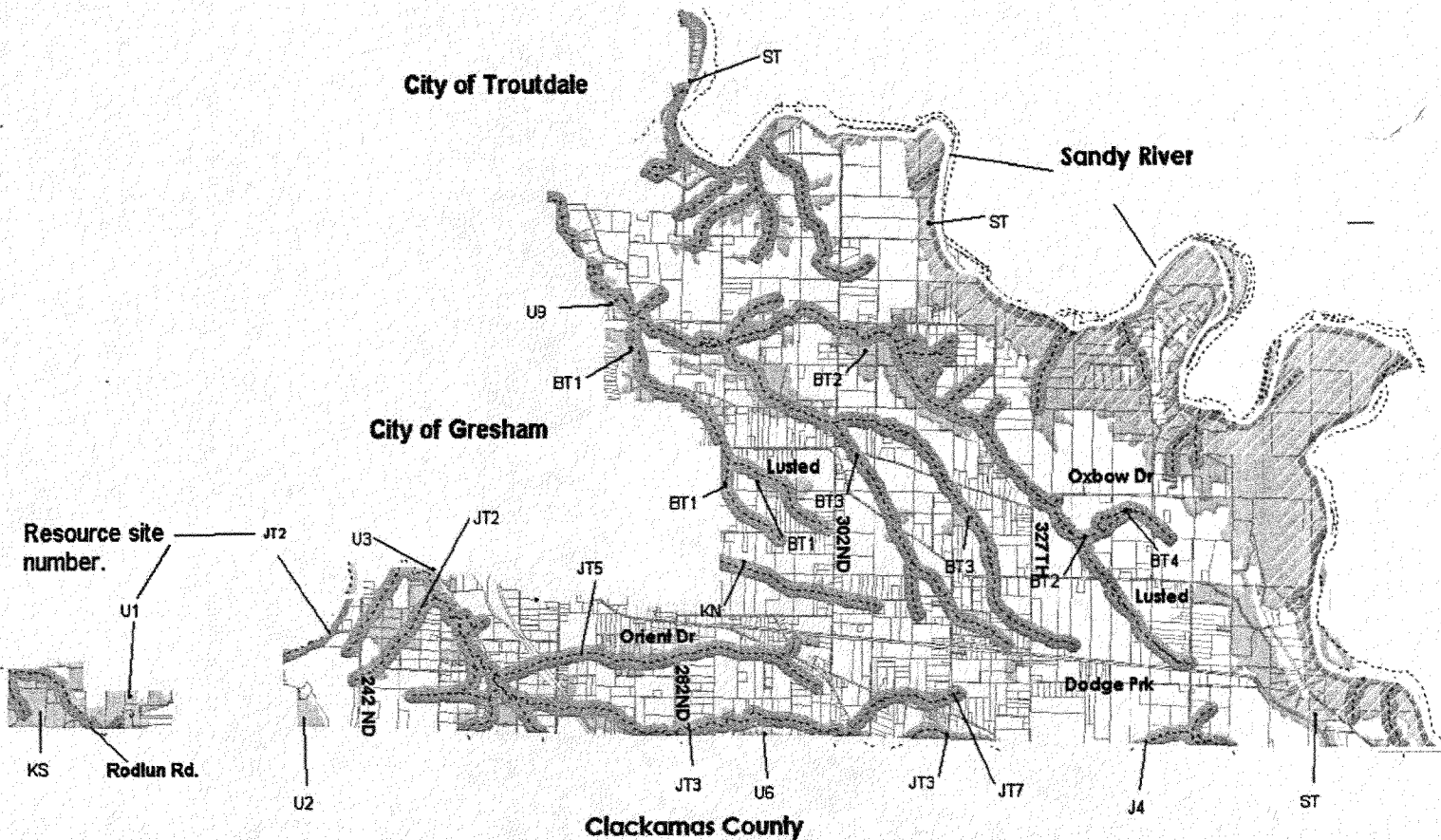
Please examine this map. If you are unsure if your property is within and SEC area, or if you need more information, please call us at 503-988-3043.

## West of Sandy River SEC Overlay Zones

SEC - WT

SEC - SW

SEC - h



**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an )  
Ordinance that contains Comprehensive Plan )  
policies for the West of Sandy River Plan Area )  
and establishing the proposed MCC Chapter 36 as )  
the Zoning Code for the Plan Area. )

**RESOLUTION  
PC-01-007**

**WHEREAS,** The Planning Commission is authorized by Multnomah County Code Chapter 11.05 to recommend to the Board of County Commissioners the adoption or revision of the Comprehensive Plan, and Zoning Ordinances to implement the Multnomah County Comprehensive Plan; and

**WHEREAS,** The Multnomah County Board of Commissioners has adopted a reorganized County Zoning Code including Chapters 33, 34, 35, 37, and 38, that contains zoning provisions to meet the needs of individual plan areas, and Chapter 36 is reserved for the West of Sandy River Rural Area; and

**WHEREAS,** The proposed Comprehensive Plan Policies and implementing zoning ordinance recognize the unique characteristics of the plan area and are needed to plan for the future of the area,

**WHEREAS,** The Planning Commission considered the Framework Plan policies and Zoning Code Chapter 36 at public hearings on January 7, 2002, March 4, 2002, May 6, 2002, June 3, 2002, and September 9, 2002, where all interested persons were given an opportunity to appear and be heard,

**WHEREAS,** The Planning Commission recognizes and wants to convey their understanding that wildlife habitat and riparian corridor protection measures are a difficult and often contentious issue in the state and region at this time, and the proposed Significant Environmental Concern Water Resources (SEC-ws) habitat protection measures while less restrictive than others in the region, have raised concern in the hearings process,

**WHEREAS,** Multnomah County has been a leader in resource protection in the past, and the Planning Commission believes the County should continue in this role,

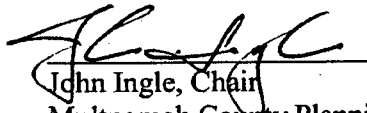
**WHEREAS,** The Planning Commission urges the Board of Commissioners to listen carefully to the public testimony and to reach a full understanding of the extent of the burden the proposed SEC regulations place on individual properties,

**WHEREAS,** Government should serve as a model when implementing resource protection measures and should avoid inconsistencies between actions taken on behalf of the public when compared to those required of private landowners,

**WHEREAS,** It was expressed to the Planning Commission in public hearings, and the Commissioners agree, that adequate enforcement is key to ensuring public acceptance and fairness in implementation of all ordinances,

**NOW, THEREFORE BE IT RESOLVED** that the proposed Ordinance that contains the Comprehensive Plan policies and Zoning Code and Maps to implement the West of Sandy River Rural Area Transportation and Land Use Plan is hereby recommended for adoption by the Board of County Commissioners.

Approved this 9th day of September, 2002

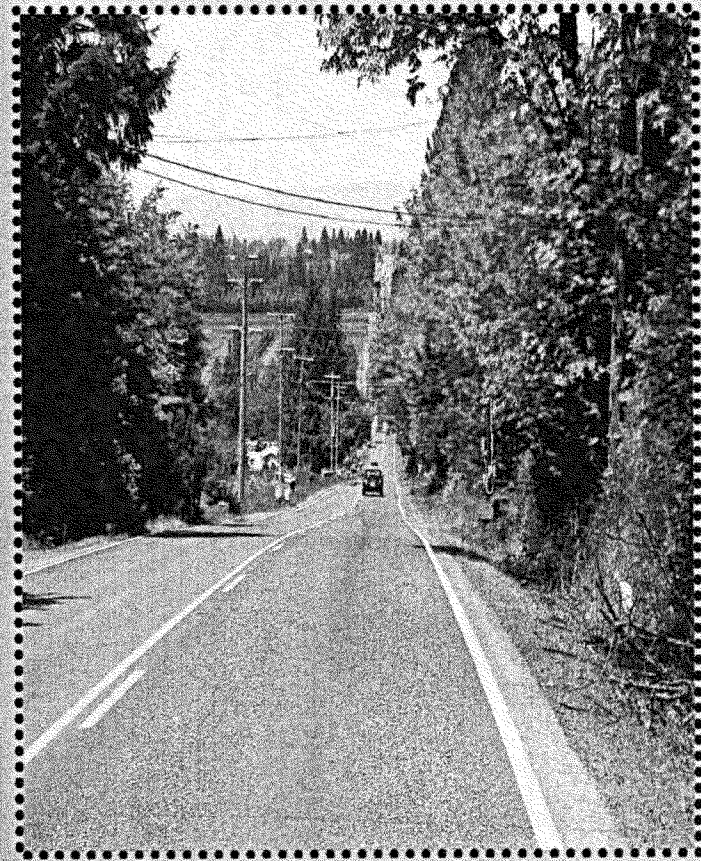
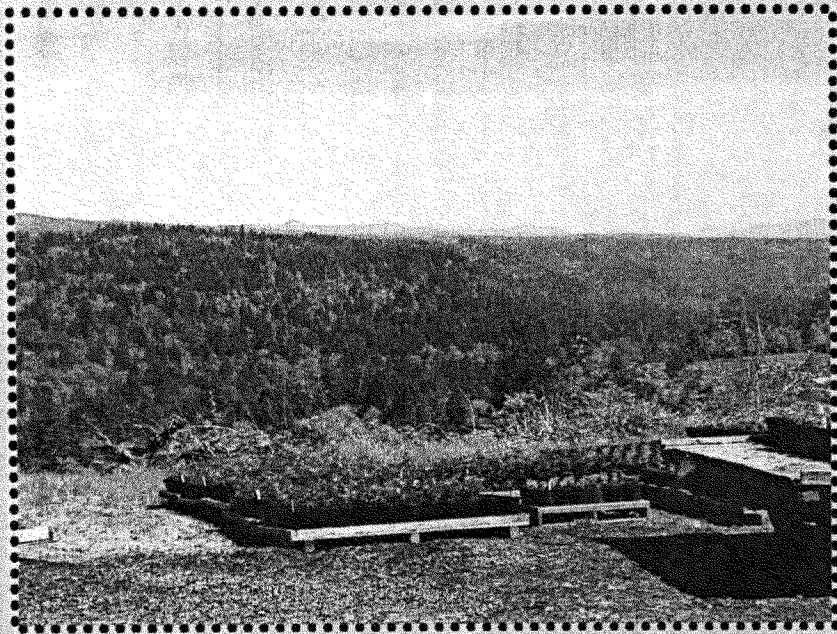
A handwritten signature in black ink, appearing to read "John Ingle", is written over a horizontal line.

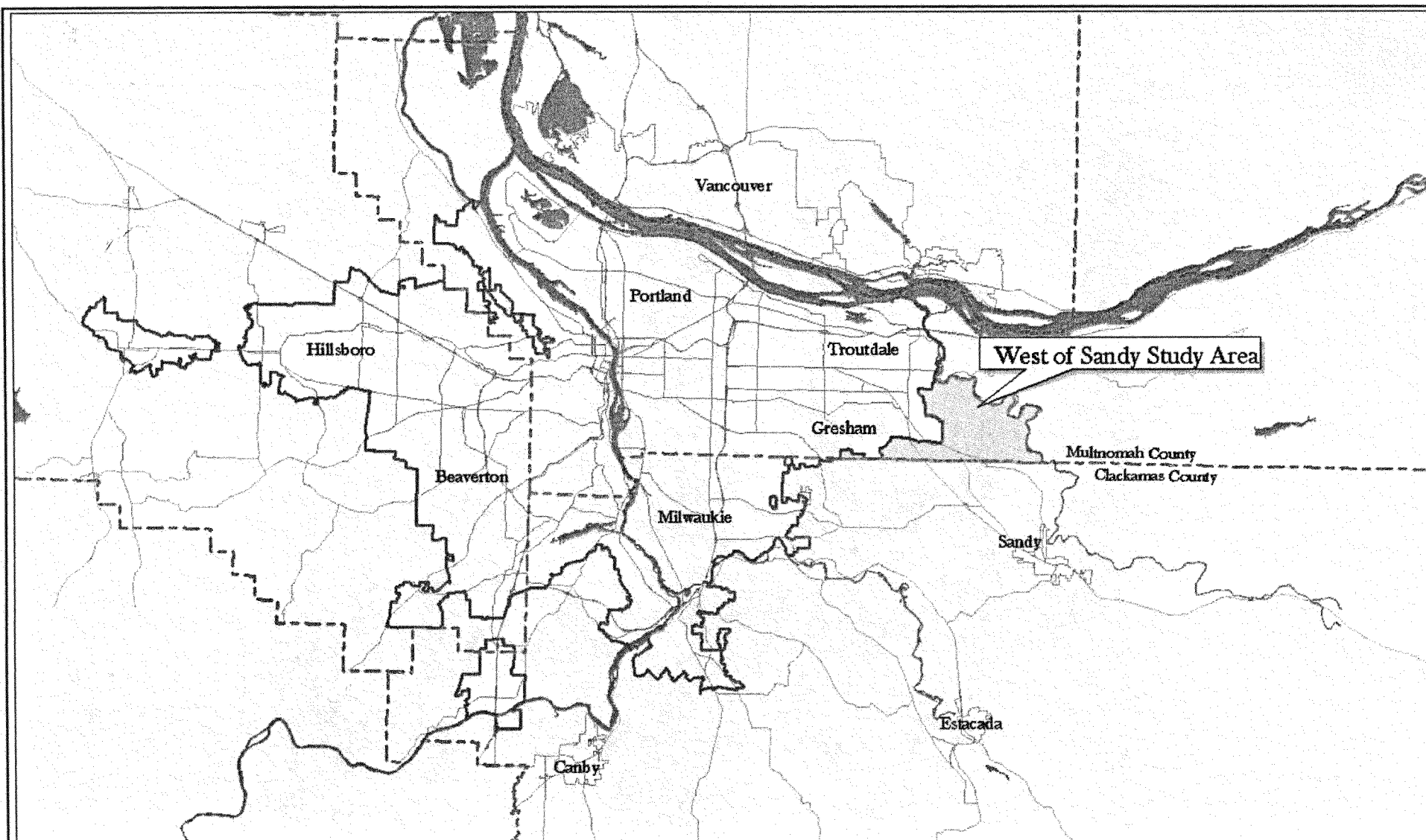
John Ingle, Chair  
Multnomah County Planning Commission



**Multnomah County  
West of Sandy River  
Transportation and  
Land Use Plan**

The West of Sandy River area is known as a very scenic area that is located between the east edge of the cities of Gresham and Troutdale and the Sandy River.









## West of Sandy River Rural Area Plan

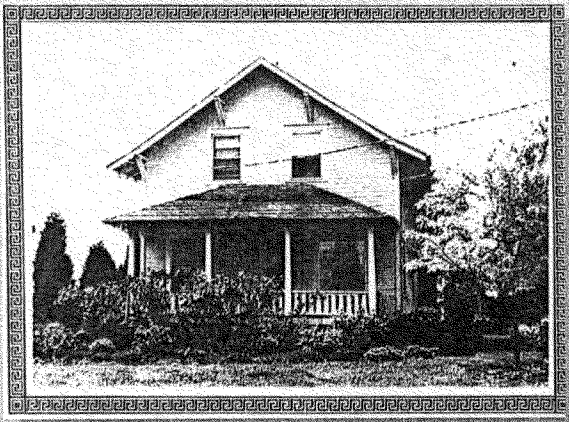
### Figure 1

### Study Area Vicinity

-  West of Sandy Study Area
-  Urban Areas
-  County Lines
-  Metro Urban Growth Boundary



5 0 5 Miles

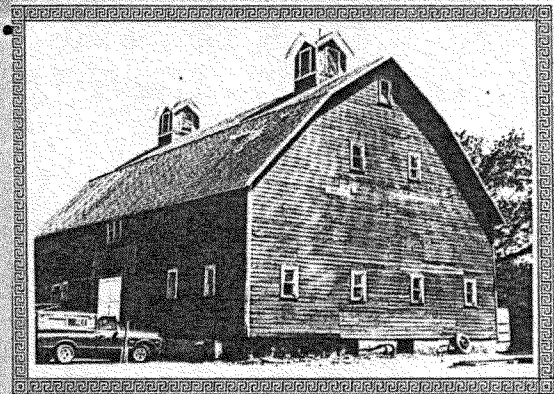
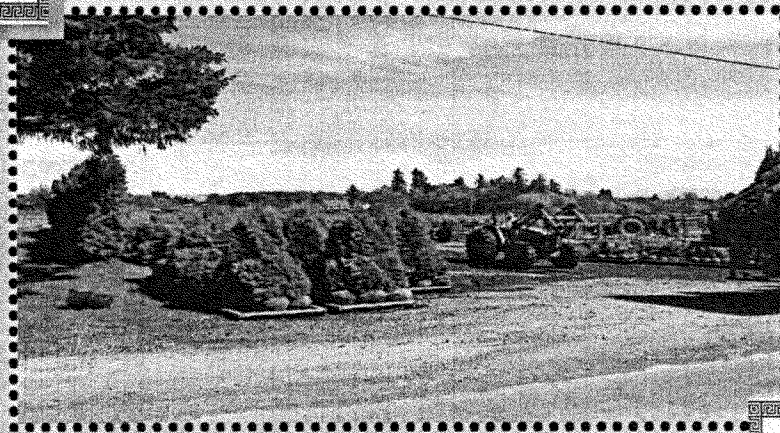


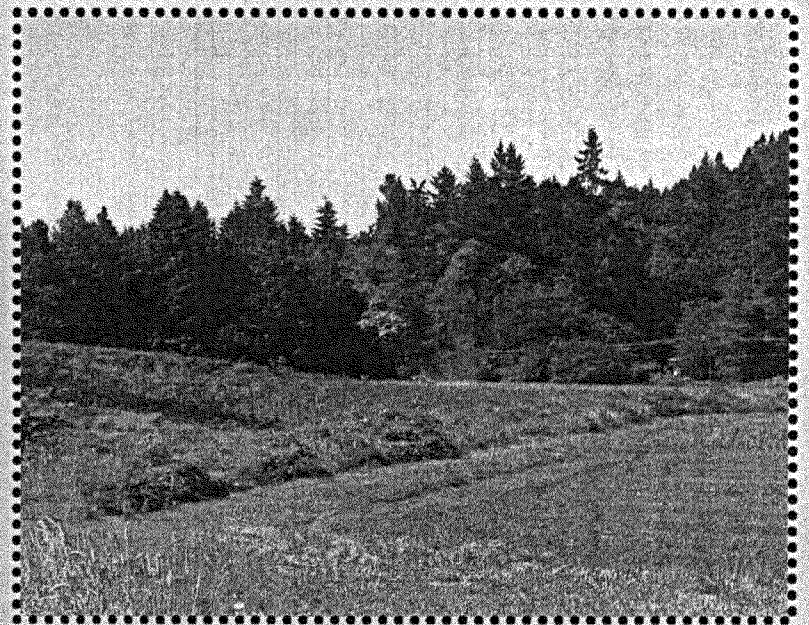
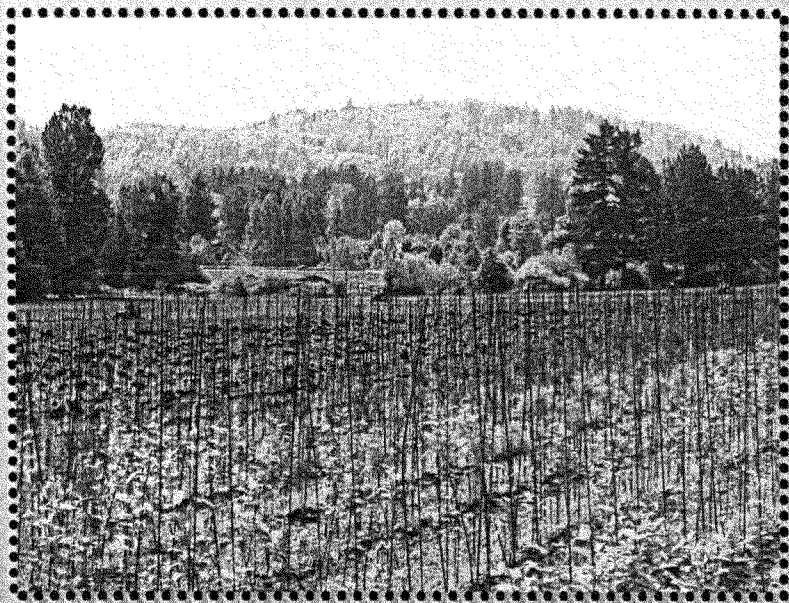
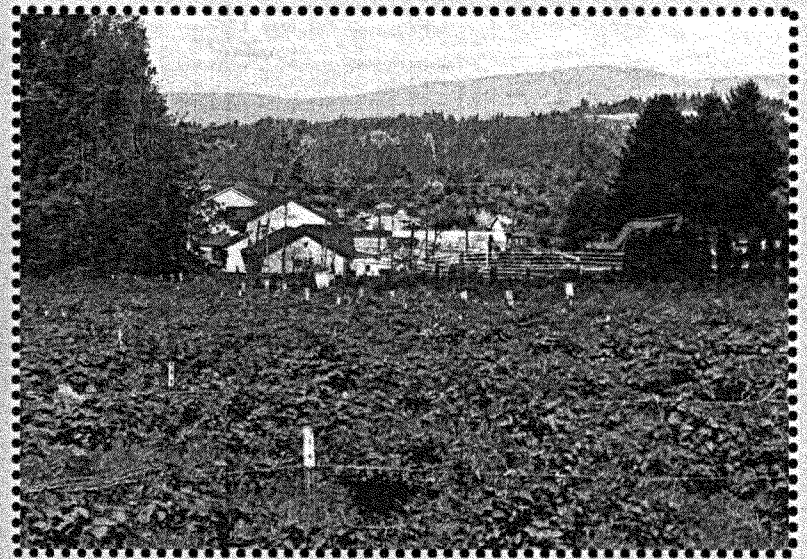
## West of Sandy River Farms

High value soils

Mild climate

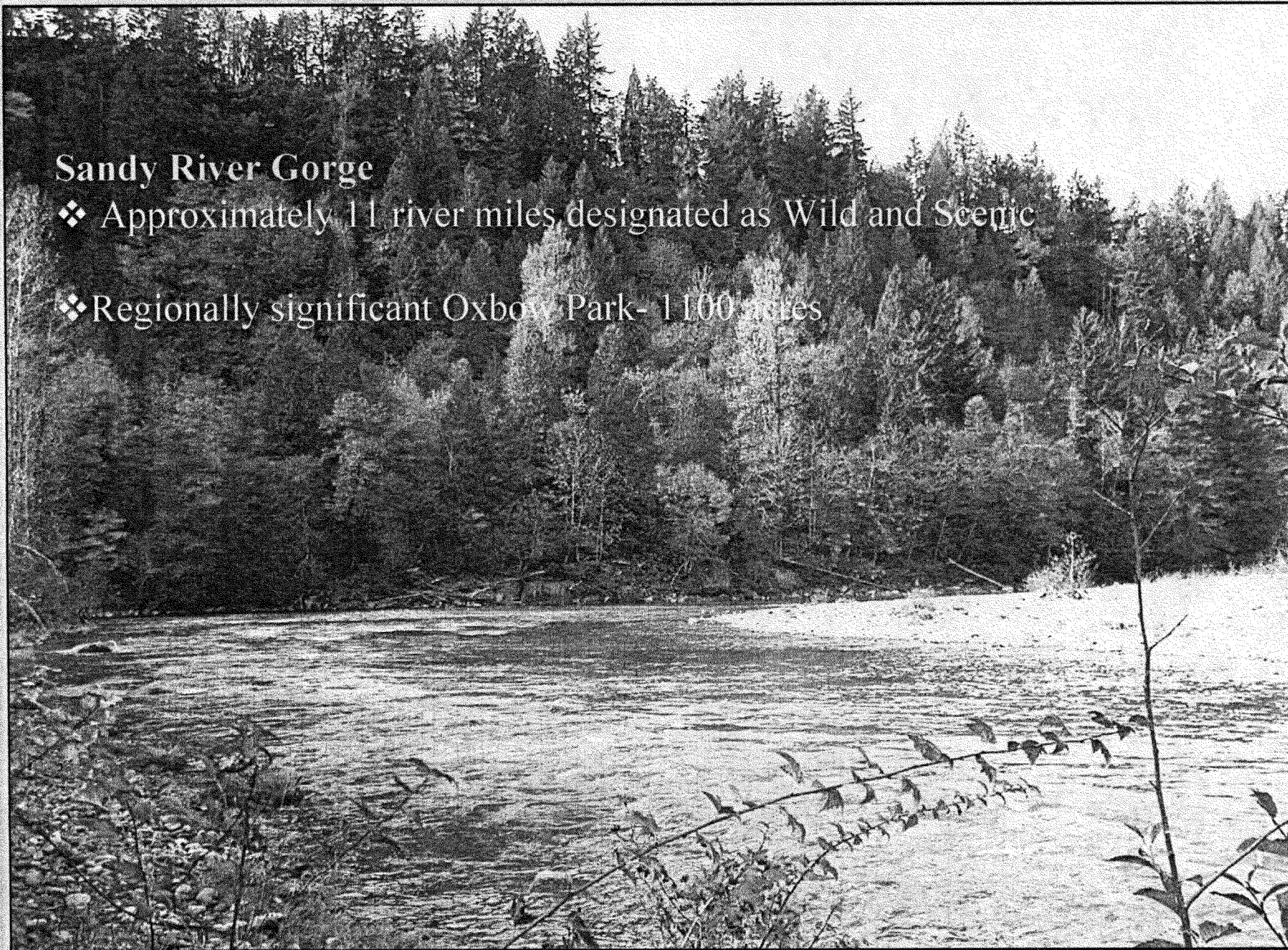
Capable of growing a wide range of crops



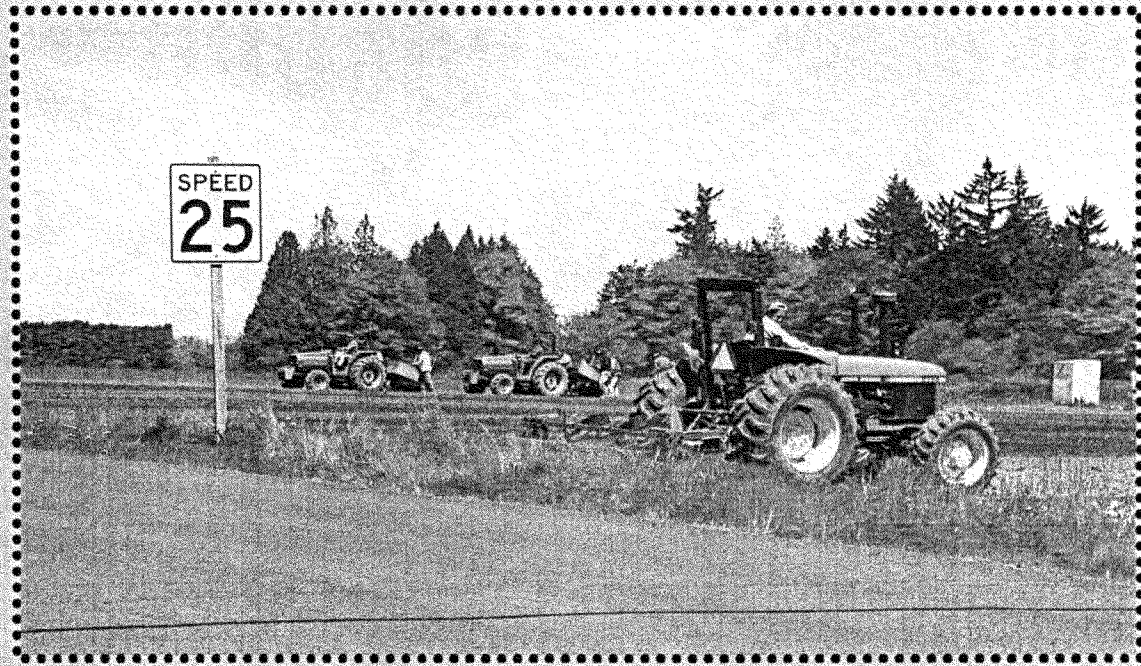


## Sandy River Gorge

- ❖ Approximately 11 river miles designated as Wild and Scenic
- ❖ Regionally significant Oxbow Park- 1100 acres



**Together, these  
circumstances define  
the central themes of  
the West of Sandy  
River Plan:**



- ❖ Protection of farming and the rural lifestyle
- ❖ Setting the stage for continued viability of the Orient and Pleasant Home Communities
- ❖ Managing transportation improvements to maintain and enhance livability
- ❖ Protecting streams and wildlife habitat to ensure that some of the icons of the NW, salmon, continue for future generations

Federal  
ESA, Clean Water Act, NEPA

Statewide Planning Goals:  
Goal 5, Goal 6, Goal 14, and DEQ

Regional  
Functional Plan Title 3 for Water Quality and Flood Hazard  
Goal 5 Pending

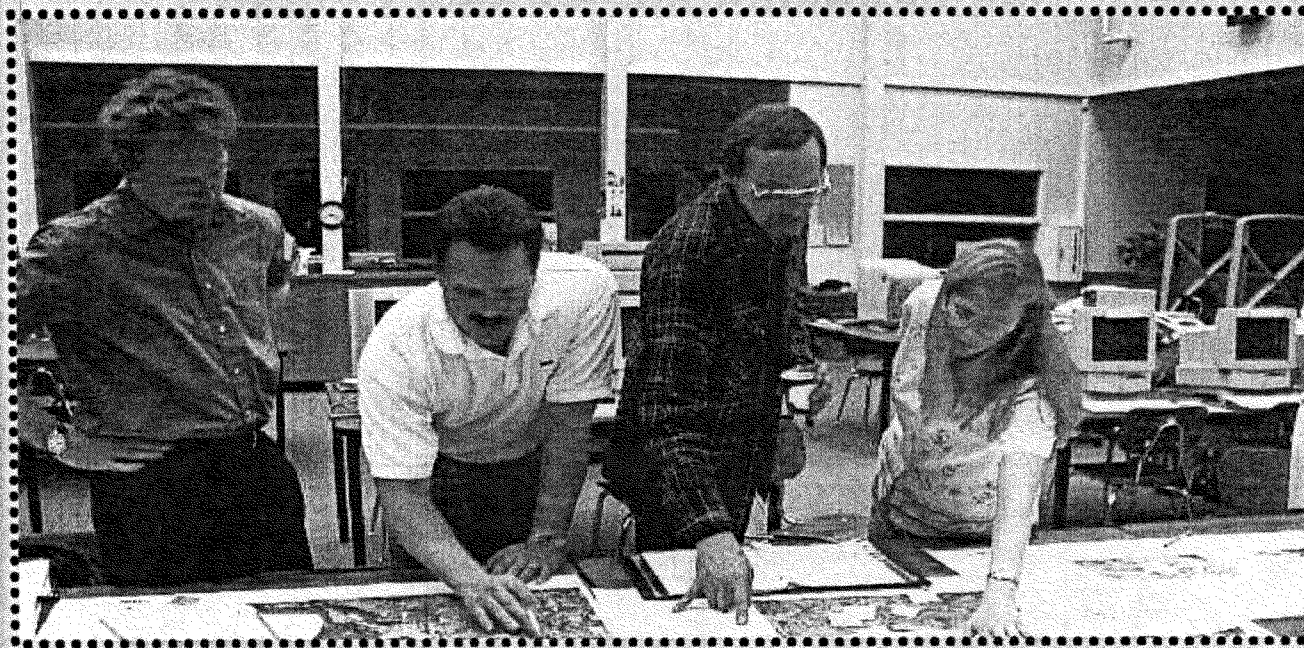
Multnomah County

# West of Sandy River Plan Vision

As residents and landowners in the area between the cities of Gresham and Troutdale and the Sandy River, our vision is that we will continue to enjoy our rural lifestyle. We value all of the features that make this a rural place including the quiet open spaces, vistas of productive farm and forest lands and of Mt. Hood, country roads, healthy air, soils and streams, and a night sky where we can clearly see the stars.

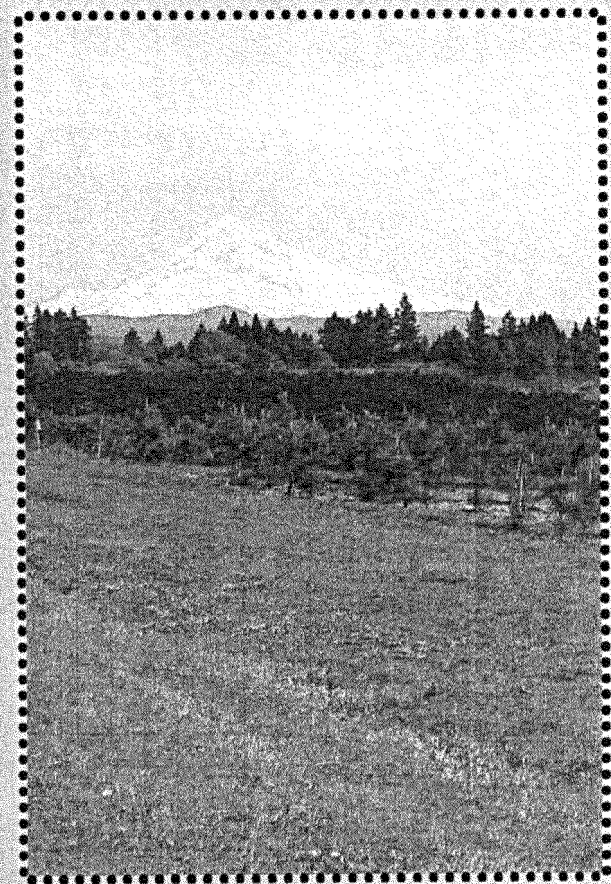


The West of Sandy River Transportation and Land Use Plan is a rural area plan that is intended to realize the community vision and guide development in the area over the next 20 years.



**Public outreach during plan development included:**

- ❖ **Task Force meetings open to the public**
- ❖ **Meeting notices published in newspaper**
- ❖ **Task Force meeting agendas were sent to over 200 interested persons**
- ❖ **Two open house meetings for property owners potentially affected by environmental zoning**
- ❖ **One open house for Orient and Pleasant Home business owners**
- ❖ **Area wide Open House**



## Farmland Protection:

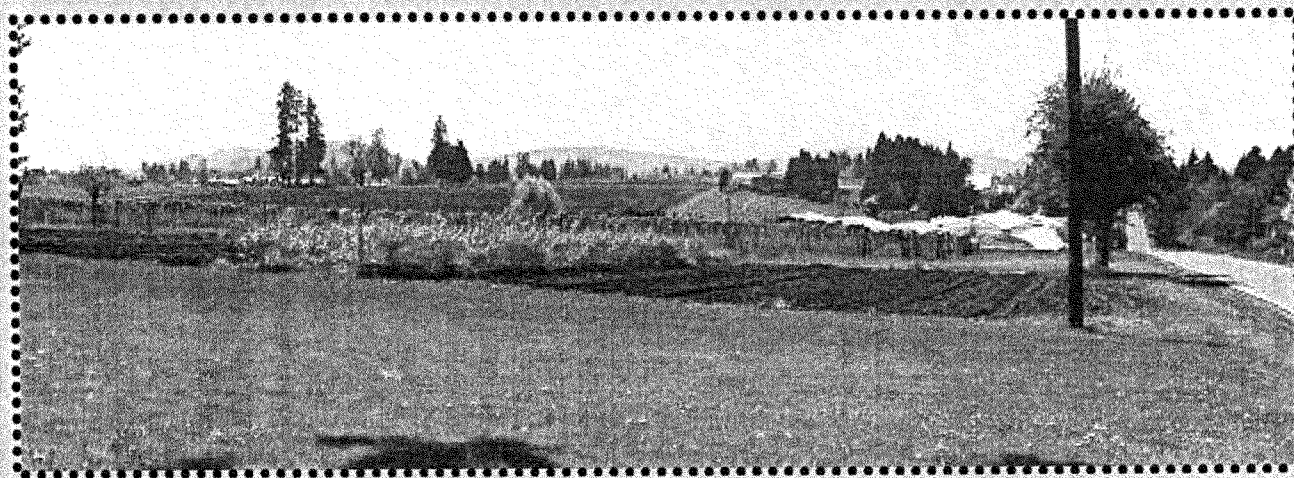
**Table 2: Farmland and Dwelling Comparisons**

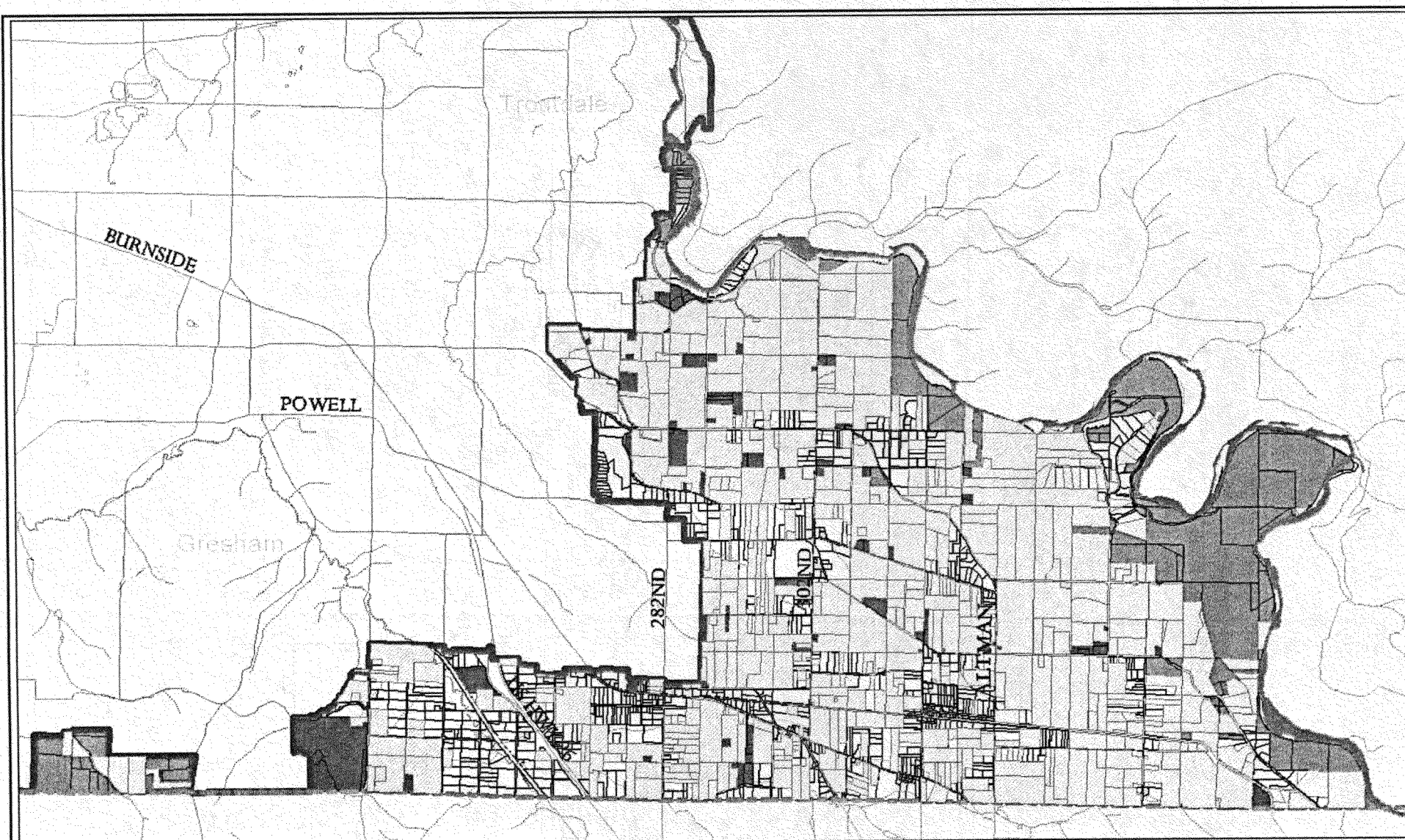
	<b>Land in Farm Zones*</b>	<b>Total Dwellings</b>	<b>Acres of Land per Dwelling</b>
<b>West Hills</b>	<b>11%</b>	<b>920</b>	<b>21.0</b>
<b>East of Sandy River</b>	<b>10%</b>	<b>731</b>	<b>34.6</b>
<b>Sauvie Island</b>	<b>99.99%</b>	<b>270</b>	<b>57.0</b>
<b>West of Sandy River</b>	<b>70%</b>	<b>1,234</b>	<b>7.8</b>

\*Land in Farm Zones includes both Exclusive Farm Use (EFU) and Multiple Use Agriculture (MUA-20)

Nursery and greenhouse products have been the #1 ranked farm commodity in the state for a number of years. According to the Oregon Department of Agriculture statistics for the year 2000, Multnomah County's nursery and greenhouse industry ranked 5<sup>th</sup> highest for gross sales in the state.

Staff estimates that approximately 75% of the \$36 million in sales of nursery products in the County for the year 2000 was produced in the West of Sandy River plan area.











# West of Sandy River Rural Area Plan

## Figure 5

### Lands in Farm and Forestry Use

-  Farm or Forestry Use
-  CFU (Commercial Forestry Use)
-  EFU (Exclusive Farm Use)
-  MUA20 (Mixed Use Agriculture - 20)
-  RC (Rural Center)
-  RR (Rural Residential)

 County Lines

 Urban Growth Boundary

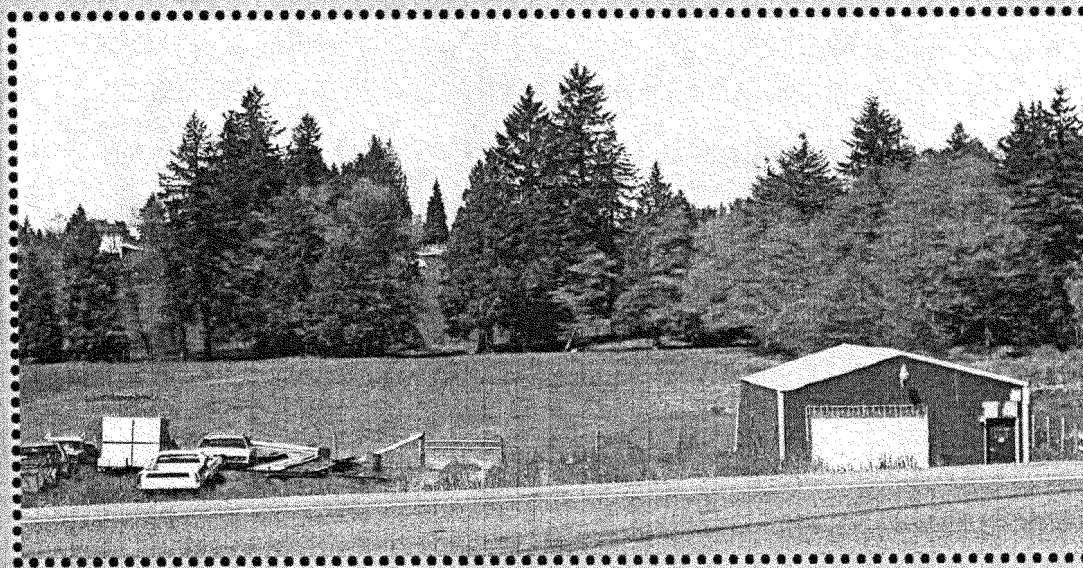


1 0 1 Miles

Map by Parametrix. Data source: Metro RLIS

### **Farm Protection Issues:**

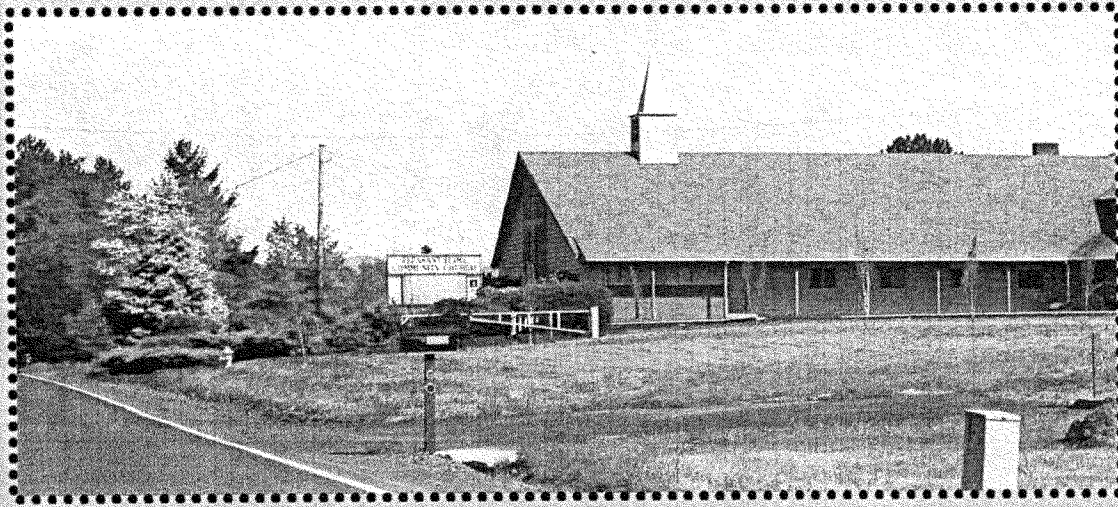
- ❖ Difficulty trucking into and out of the area
- ❖ Increasing traffic on area roads that are used in conjunction with farm management
- ❖ New residents unfamiliar with farming activities moving into the area
- ❖ Competition for farmland, increasing land rent



**The plan includes the following measures to protect and enable farming to continue in the area:**

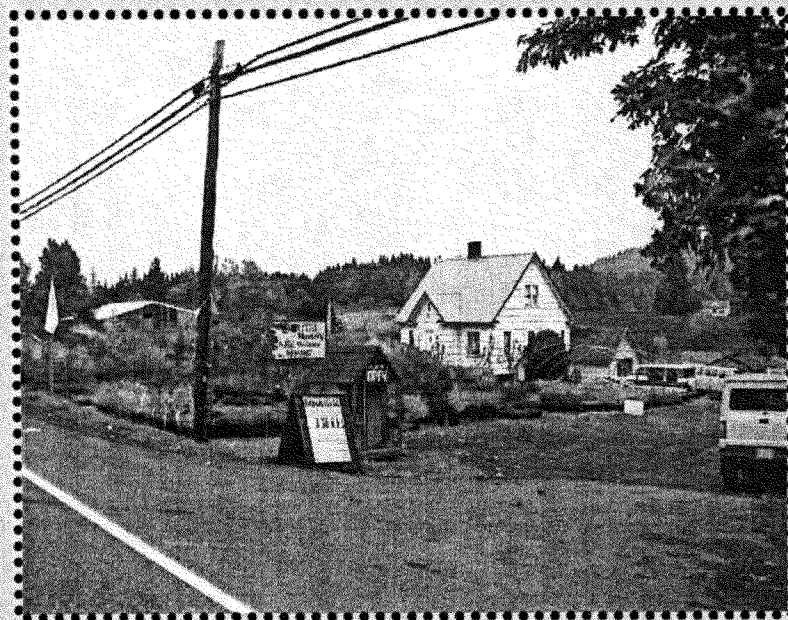
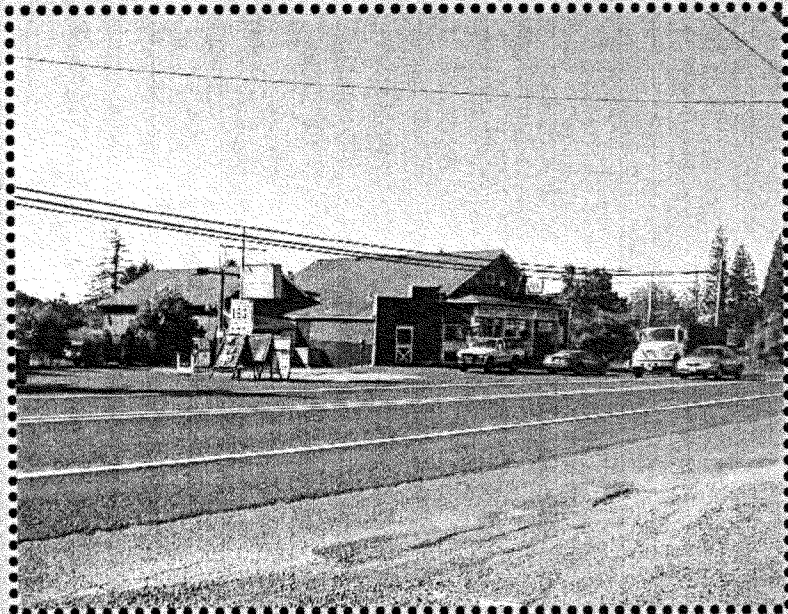
- ❖ Limiting new non-farm uses to a type and scale to serve the rural area
- ❖ EFU zone does not provide for public and private parks
- ❖ Requires regional trails to be considered through a master planning process
- ❖ Requires a covenant that recognizes farming impacts to be recorded for new and replacement dwellings.
- ❖ Exempts farm support businesses in Orient from the scale limitation in state OAR

## Unincorporated communities of Orient and Pleasant Home



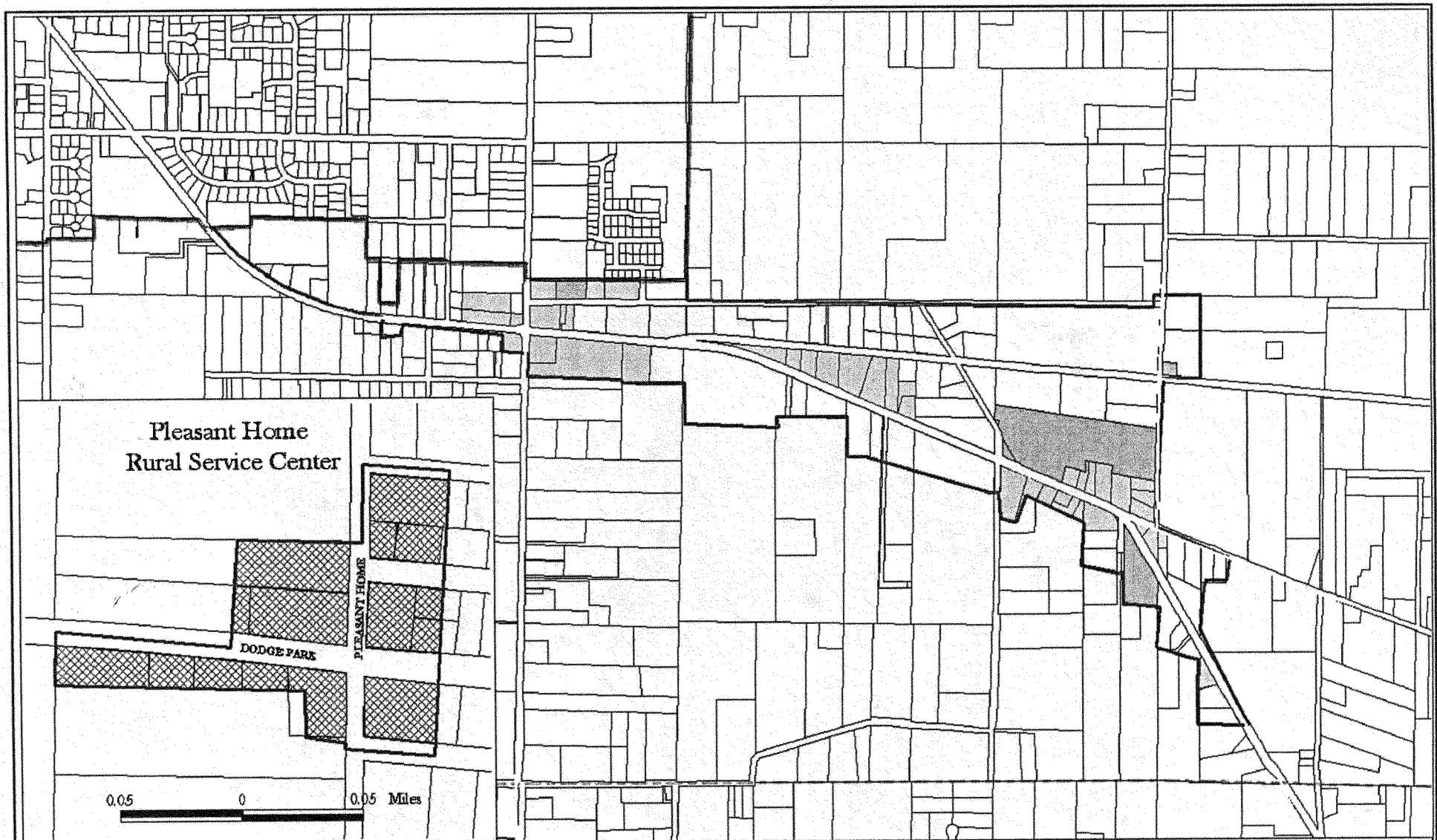
### **Orient Issues:**

- ❖ Maintaining the community rural character and rural service center function given its close proximity to the urban area
- ❖ Providing for farm support and retailing of farm products within state rules

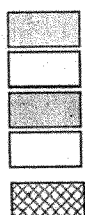


### **Plan provisions for Orient:**

- ❖ Reduces the process and cost for new commercial or industrial uses by requiring compliance with code provisions through an administrative review instead of Conditional Use
- ❖ Farm support businesses are not subject to the size limitation in state rules
- ❖ Requires hooded light fixtures to minimize light pollution
- ❖ Limits new non-farm commercial and industrial uses to primarily serve the needs of the rural area.



Orient Rural Community



Commercial

Industrial

Public Facilities

Residential

Pleasant Home Rural Service Center

West of Sandy River Rural Area Plan

Figure 9

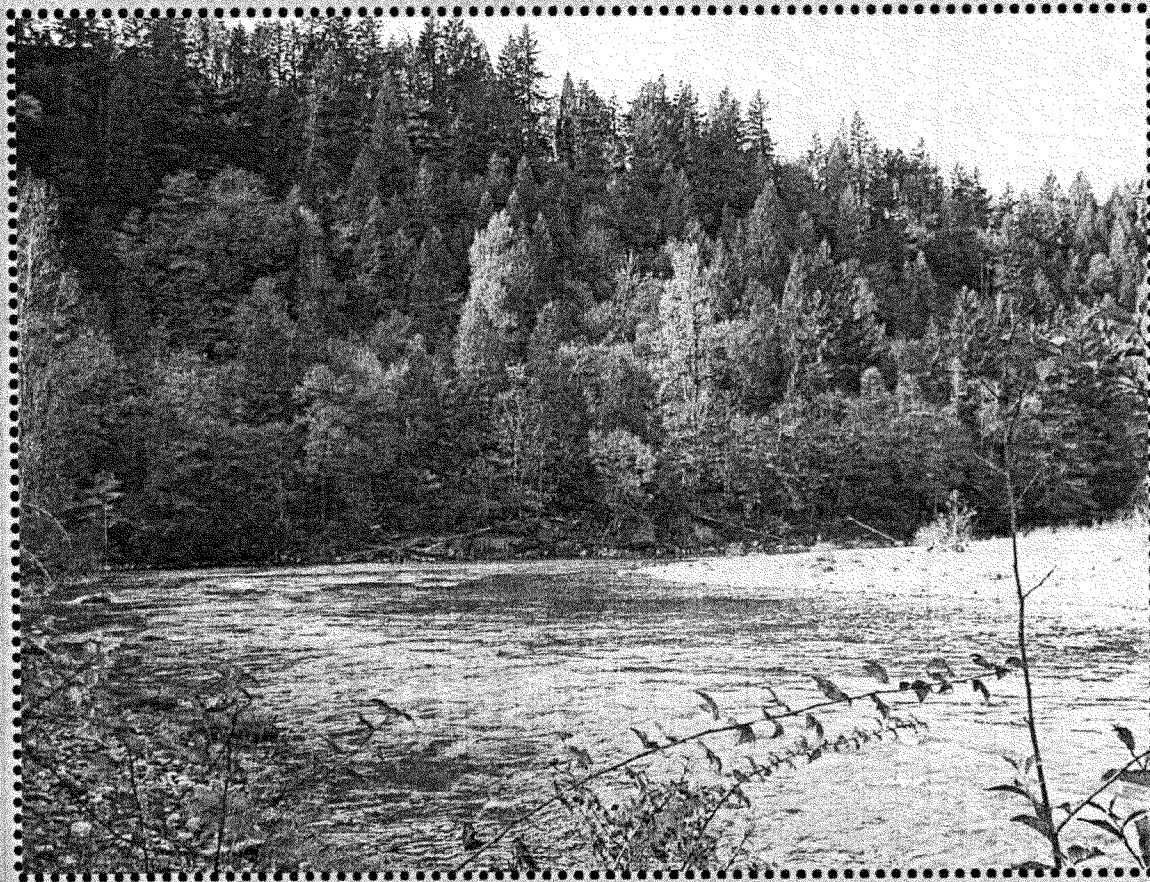
Rural Center Zoning Concept



0

0.5 Miles

# Water Quality and Wildlife Habitat



**Stream and Wildlife Plan Elements:**

- ❖ Significant Environmental Concern (SEC) Overlay Zone Provision
- ❖ Protection of small streams and drainages
- ❖ A 200 foot wide riparian protection area on each side of significant streams
- ❖ Designation of stream-associated and upland forested areas as wildlife habitat
- ❖ Application of the regulatory program onto over 800 parcels
- ❖ Changes to the grading and erosion control code that will affect a larger number of development projects

## **Key Elements of SEC Code:**

### **❖Exempted**

- Farm practices
- Agricultural uses
- Timber management
- Replacement of loss due to fire or other disaster
- Expansion of existing structures up to 400 feet

❖Ensures that a buildable lot will continue to be able to have a dwelling right

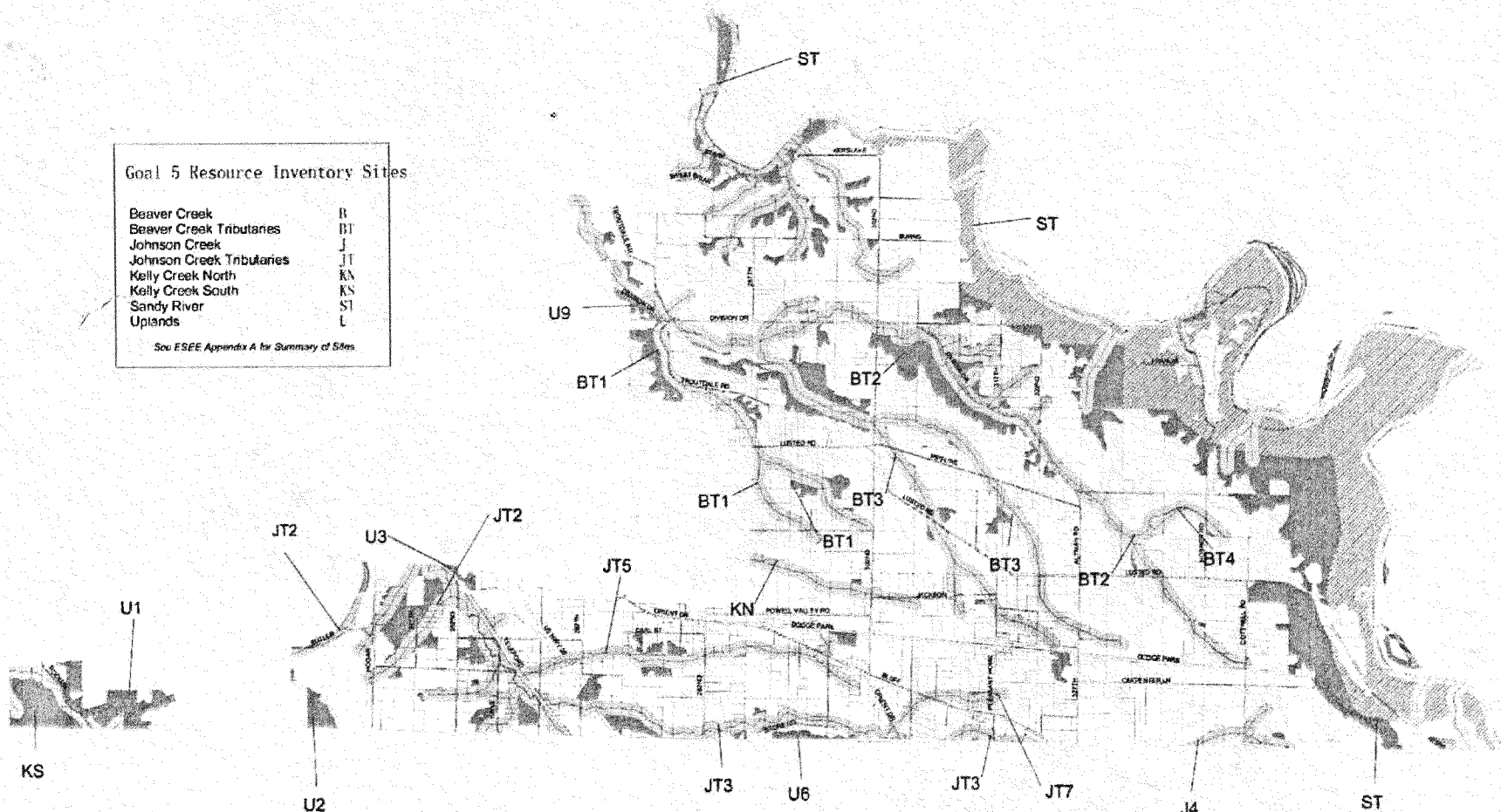
❖Adjust for “not one size fits all” approach

## West of Sandy River

### Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	SR
Uplands	U

See ESEE Appendix A for Summary of Sites



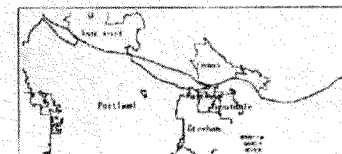
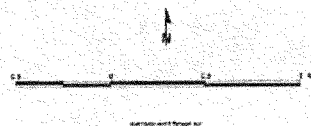
**Land Use  
Planning  
Division**

1800 SE 190th Ave  
Portland, OR 97233  
(503) 988-3543  
Fax (503) 988-3586  
Email: [info@planning.org](mailto:info@planning.org) [multnomah.or.us](mailto:multnomah.or.us)

### Significant Environmental Concern Zones

- SEC-wr Water Resource  
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

Riparian Corridors  
(100 ft each side of stream)  
West of Sandy River Plan Area  
Tax Lot Boundaries  
Streams





Additional improvements to improve safety

Shoulder widening to provide areas to bike, walk and for slower moving farm equipment

Need to improve truck access between the area and I-84

Need to accept some additional congestion in the rural centers before the need for widening or traffic signals is triggered

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Amending MCC Chapter 29 To Add Grading And Erosion Control And Flood Hazard Regulations Needed To Implement The Policies Of The West Of Sandy River Rural Area Transportation And Land Use Plan And To Comply With Metro Functional Plan Title 3 Requirements For Water Quality Protection.

**Multnomah County Ordains as follows:**

**Section 1.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.320-29.325 as follows:

**WEST OF SANDY RIVER GRADING AND EROSION CONTROL**

**§ 29.320 Purposes.**

The purposes of the Grading and Erosion Control ordinance are to promote the public health, safety and general welfare, and minimize erosion and related environmental damage in the West of Sandy River Plan Area of unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 6 and the County Comprehensive Framework Plan Policies 13 and 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment;
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands.

**§ 29.321 Erosion Control Related Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

***CERTIFIED ENGINEERING GEOLOGIST.*** Any person who has obtained certification by the state as an engineering geologist.

**CUT.**

- (1) An excavation;
- (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- (3) The material removed in excavation work.

**DEVELOPMENT.** Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in a Water Resource Area or Habitat Area on a lot or parcel. *(Title 3)*

**DEVELOPMENT AREA.** The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

**DRAINAGE AREA.** The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

**DRAINAGEWAY.** Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

**EARTH MOVEMENT.** Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

**EROSION.** The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

**EXCAVATION.** Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

**FILL.**

- (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from.
- (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.
- (3) The material used to make a fill.

**GEOTECHNICAL ENGINEER.** A civil engineer, licensed to practice in the state, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

**GEOTECHNICAL REPORT.** Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

**GRADING.** Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

**HDP FORM-1.** The form required for specified developments subject to the Hillside Development and Erosion Control Subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a certified engineering geologist or geotechnical engineer.

**LAND-DISTURBING ACTIVITIES.** Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, and soil storage.

**MULCH.** Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

**ORDINARY HIGH WATER MARK.** Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

**SLOPE.**

- (1) Any ground whose surface makes an angle from the horizontal; or
- (2) The face of an embankment or cut section.

**SLOPE HAZARD MAP.** A series of maps (Figures 1A through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the director, Department of Environmental Services.

**SPOIL MATERIAL.** Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

**STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.

**STREAM PROTECTION.** Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

**TOPOGRAPHIC INFORMATION.** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.

**VEGETATION.** All plant growth, especially trees, shrubs, grasses and mosses.

**VEGETATIVE PROTECTION.** Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover;
- (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (4) Netting with seeding if the final grade has not stabilized.

**WATER BODY.** Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

**WATERCOURSE.** Natural and artificial features which transport surface water. **WATERCOURSE** includes a river, stream, creek, slough, ditch, canal, or drainageway.

(90 Code § 9.40.050) (Ord. 847, passed 1996)

#### **§ 29.322 Permits Required.**

(A) **Grading and erosion control permit.** All persons proposing land disturbing activities or development :

(1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 10 cubic yards;

(2) Which obstructs or alters a drainage course; or

(3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater, shall obtain a grading and erosion control permit as prescribed by this Subdistrict, unless exempted by §§ 29.323(B)(2) through (6) or (C) of this subchapter. Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.

(B) **Grading and erosion control permit.** All persons proposing land-disturbing activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a grading and erosion control permit, except as provided by § 29.323(C) of this subchapter.  
(90 Code § 9.40.010) (Ord. 847, passed 1996)

## § 29.323 Exempt Land Uses And Activities.

— The following are exempt from the provisions of this subchapter:

(A) **Prior development.** Development activities approved prior to February 20, 1990; except that within such a development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.

(B) **General exemptions.** Outside the Tualatin River and Balch Creek Drainage Basins, all land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this Subdistrict if:

- (1) Natural and finished slopes will be less than 25%;
- (2) The disturbed or filled area is 20,000 square feet or less;
- (3) The volume of soil or earth materials to be stored is 10 cubic yards or less;
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(C) **Categorical exemptions.** Notwithstanding divisions (A) and (B)(1) through (6) of this section, the following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (4) Mineral extraction activities as regulated by the county zoning code.
- (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (6) Routine agricultural crop management practices.
- (7) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.

(8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

(9) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)

#### **§ 29.324 Application Information Required.**

An application for development subject to the requirements of this Subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.  
(‘90 Code § 9.40.030) (Ord. 847, passed (1996)

#### **§ 29.325 Grading And Erosion Control Permit Standards.**

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) ***Design standards for grading and erosion control.***

(1) ***Grading standards.***

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The director may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass all sheet flow through the development from a storm of ten-year design frequency and maintain the existing flood carrying capacity of all watercourses passing through the property; (Ord. 931, passed 1999)

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the stream. (Ord. 931, passed 1999)

(2) Erosion control standards.

(a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

(b) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

(c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland;

2. The buffer required in subsection (d)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook" and the "City of Portland Stormwater Quality Facilities, A Design Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

(e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

(g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;
2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
3. Dispersal of water runoff from developed areas over large undisturbed areas.

(l) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

**(B) Responsibility**

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

**(C) Implementation.**

(1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) Inspection and enforcement. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

(D) **Final approvals.** A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.  
(90 Code § 9.40.040) (Ord. 847, passed 1996)

**Section 2.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.620-29.630 as follows:

## **WEST OF SANDY RIVER FLOOD HAZARD REGULATIONS**

### **29.620 Purposes.**

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, to reduce the risk of flooding and maintain the functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within the West of Sandy River Plan Area of unincorporated Multnomah County to participate in the National Flood Insurance Program.(Title 3)

### **29.621 Definitions.**

For the purpose of this subchapter, the following definitions shall apply:

**ALTERATION.** To modify, change or make different.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse.

**DESIGN FLOOD ELEVATION.** The elevation of the 100-year flood as defined by FEMA Flood Insurance Rate Maps, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

**ELEVATION CERTIFICATE.** The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.

**ENCROACHMENT.** To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line is not considered an encroachment by this subdistrict.

**FLOOD MANAGEMENT AREA.** All lands contained within the the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February 1996 flood.(Title 3)

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.
- (3) Substantial Improvement does not, however, include either:
  - (a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or
  - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**WATERCOURSE.** Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

#### **§ 29.622 Areas Affected.**

(A) The provisions of MCC 29.620 - 29.630 shall apply within the West of Sandy River Plan Area to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse as defined by MCC 29.621.(Title 3)

(1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.

#### **§ 29.623 Permits.**

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within Flood Management Areas unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.

(1) Improvements to a structure, dwelling or mobile home, which does not require a land use permit, grading permit or building permit, are exempted from obtaining a Flood Hazard Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.621 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.629.

(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.

#### **§29.624 Exemption from Development Standards.**

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.626 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.626.

(C) Forest practices conducted under the Forest Practices Act.

#### **§ 29.625 Application Information Required.**

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.626. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.626.

(C) An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

#### **§ 29.626 Development Standards.**

The following standards shall apply to all new construction, substantial improvement or other development in Flood Management Areas:

(A) General Development Standards

(1) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(2) All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed.

(5) Uncontained areas of hazardous materials as defined by DEQ shall be prohibited in Flood Management Areas.(Title 3)

(B) All Structures.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood level as indicated on the Elevation Certificate. For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.

(2) Be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Conduct an as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon Registered Professional Engineer or Land Surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood level.

(a) The as-built elevation survey shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey is submitted. The deposit/bond may be used to obtain the elevation survey, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey, unless utilized to obtain compliance.

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(2) Provide an as-built elevation survey of the lowest floor completed by a State of Oregon Registered Professional Engineer or Land Surveyor certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.626(D)(1)(a) through (c).

(a) The as-built elevation survey or stamped documentation shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey or stamped documentation is submitted. The bond/deposit may be used to obtain the elevation survey or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey or stamped documentation, unless utilized to obtain compliance.

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(F) Recreational Vehicles in Campground or Recreational Development

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of MCC 29.626(B) and (C).

#### **§ 29.627 Floodway Requirements.**

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.626, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

#### **§ 29.628 Procedure When Base Flood Elevation Data is Not Available.**

(A) For the purposes of administering MCC 29.626 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.

(B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.

#### **§ 29.629 Watercourse Relocation and Alteration.**

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:

(1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;

(2) The area subject to inundation by the base flood discharge will not be increased;

(3) The alteration or relocation will cause no measurable increase in base flood levels.

#### **§ 29.630 County Records.**

Multnomah County or its designee shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC 29.626(D)(1)(b) and (c).

**Section 3.** The effective date of this ordinance shall be January 1, 2003.

FIRST READING:

October 24, 2002

SECOND READING AND ADOPTION:

October 31, 2002

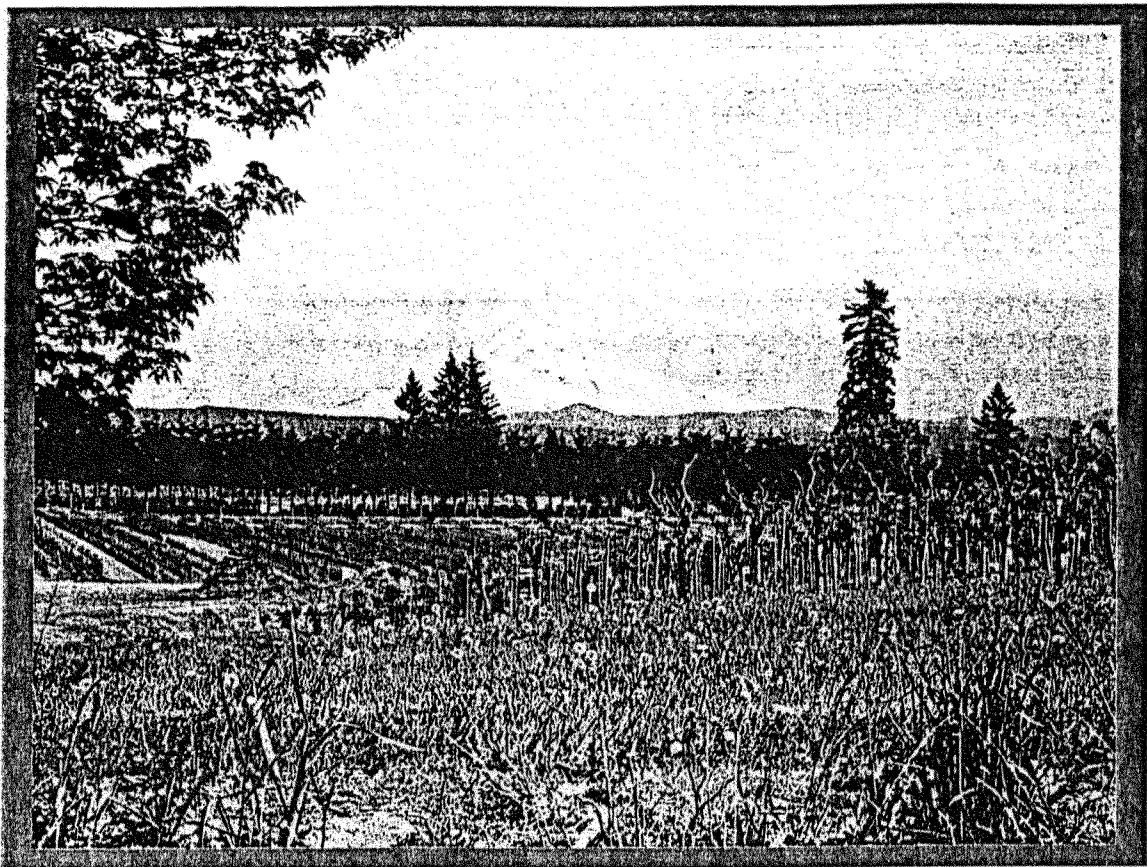
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

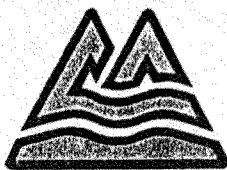
THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandra N. Duffy, Deputy County Attorney



Board of Commissioners Draft  
October 24, 2002

# **MULTNOMAH COUNTY West of Sandy River Transportation and Land Use Plan**



**MULTNOMAH  
COUNTY**

Parametrix

**Exhibit A**

**West of the Sandy River  
Rural Area Transportation  
and  
Land Use Plan**

***Wildlife Habitat and Stream Corridor  
ESEE Report***

**Board of County Commissioners Draft  
October 24, 2002**

**PREPARED FOR:**

**MULTNOMAH COUNTY, OREGON  
TRANSPORTATION DIVISION  
1600 SE 190<sup>TH</sup> AVENUE  
PORTLAND, OREGON 97233-5910**

## EXHIBIT C

### CHAPTER 36: WEST OF SANDY RIVER RURAL PLAN AREA

§§:

#### *PART 1 - GENERAL PROVISIONS*

- 36.0000- Title.
- 36.0005 Definitions
- 36.0010 Districts.
- 36.0015 Zoning Map.

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- 36.0055- Policy and Purpose.
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- 36.0115 Vacancies And Removal Of Commission Members.
- 36.0120 Officers.
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- 36.0130 Rules Of Procedures; Conflict Of Interest.
- 36.0135 Coordination.
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Subdivision Plat or Partition  
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Subdivision Plat or Partition  
Plat.**
- 36.8030**      **Technical Review and Approval  
of Subdivision Plat or Partition  
Plat.**
- 36.8035**      **Final Approval Effective.**



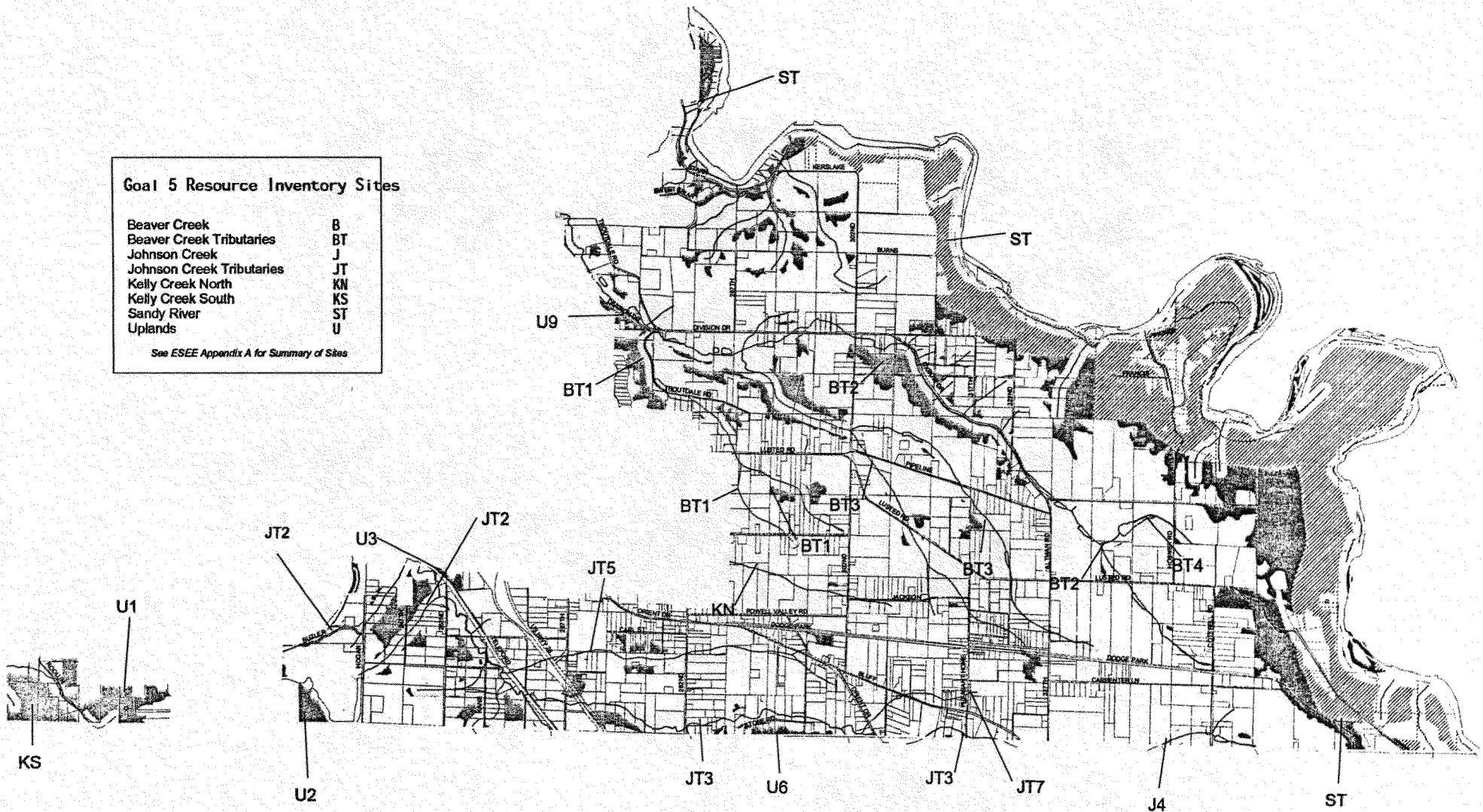
# West of Sandy River

## Significant Environmental Concern Overlay Zones

### Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Uplands	U

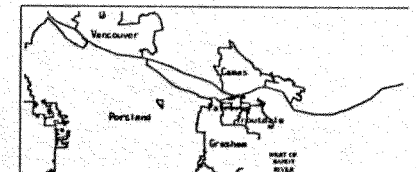
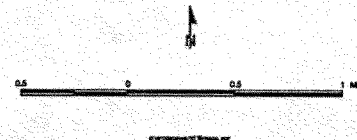
See ESEE Appendix A for Summary of Sites



### Significant Environmental Concern Zones

- SEC-wr Water Resources  
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways

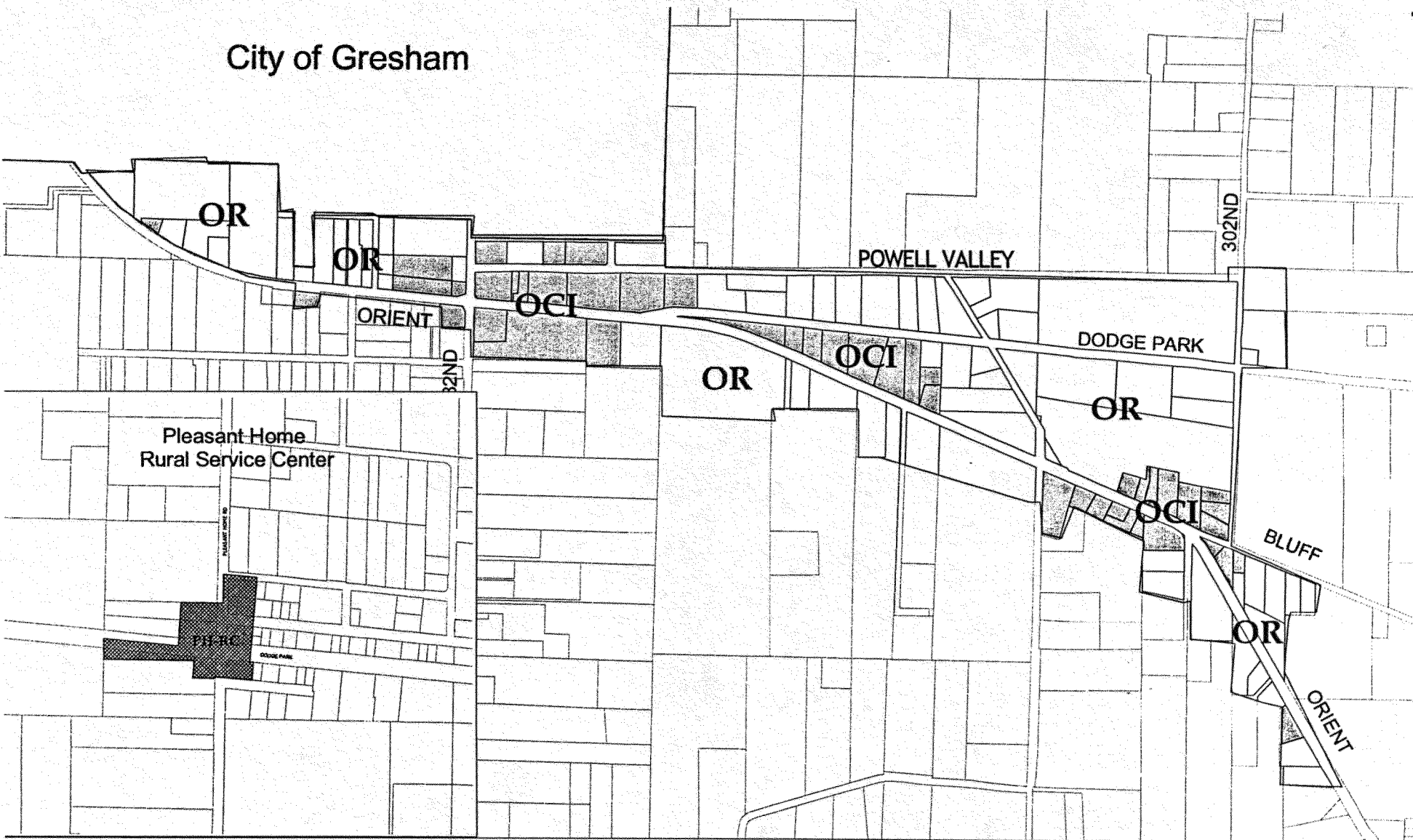
- Riparian Corridors  
(100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams






**Land Use  
Planning  
Division**

1600 S.E. 100th Ave.  
Portland, OR 97233  
(503) 968-3043  
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land.use.planning@co.multnomah.or.us

City of Gresham



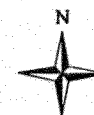
Orient Rural Community Zones

-  Commercial and Industrial
-  Public Facilities and Residential
-  Pleasant Home Rural Service Center Zone

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept



0.1 0 0.1 0.2 Miles

Map by Parametrix. Data source: Metro RLIS  
Revised April 5, 2002  
c:\West of Sandy River\GIS data\proj\_parametrix\app\wsrplan.apr

**BOGSTAD Deborah L**

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**From:** SCHRAEDER Heather M  
**Sent:** Tuesday, October 29, 2002 1:35 PM  
**To:** LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; TURNER Kathy G; BELL Iris D; SMITH Andy J; ROMERO Shelli D; CARROLL Mary P; NAITO Terri W  
**Cc:** PAINE Robert E; WALKER Gary R; BOGSTAD Deborah L  
**Subject:** Date Change (From Commissioner Roberts Re: West of the Sandy River)

Dear Fellow Board Members,

On Thursday's Board Meeting I will make a motion to move the <sup>3<sup>rd</sup></sup> 2<sup>nd</sup> Readings of the West of the Sandy River Ordinances to revisit this issue on the 5th of December. This will allow for more in depth research on the issue and it also allows my office more time to be responsive to questions from constituents who have many concerns regarding the West of the Sandy River. Thank you for your consideration.

Lonnie Roberts

10/29/2002

October 30, 2002

Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd. Suite 600  
Portland, OR 97214

Attn: Board of Commissioners

Re: Public Testimony for the West of Sandy River Rural Area Transportation and Land Use Plan

Commissioners,

Personal information:

My name is Frank Oliver and I live on Five acres of property at 4500 SE 282<sup>nd</sup> Ave. on the West edge of the West of Sandy River study area. I have been an active member of the West of Sandy River Task Force (WSRTF) since it started its planning sessions three years ago. The WSRTF was a citizen task force created to help in developing the West of Sandy River Rural Area Transportation and Land Use Plan. I have been present at the majority of the Open House meetings for the West of Sandy River Rural Area, and the Orient and Pleasant Home rural centers. I have also attended most of the West of Sandy River Public Hearings for the Transportation and Land Use Plan proposal.

Plan Process information:

The WSRTF members were a mix of farmers, nursery owners, professionals of different disciplines, businessmen of the area, and concerned citizens (longtime residents and newcomers) that were interested in being a part of the future development of the area they planned to live and work in. Some of the members had been involved with the East of Sandy River Task Force and were familiar with wants and needs of the area. Some had lived, worked, and owned land in the area for years and have seen changes, both positive and negative. All of the meetings were open to the public, of which many participants offered suggestions, registered complaints, recalled history of the area, and helped the WSRTF shape its thought processes towards the findings and substance for the Transportation and Land Use Plan. The overall process of developing the WSRTF and providing valuable information for the Transportation and Land Use Plan was orchestrated by Chuck Beasley along with April Siebenaler of the Multnomah County Land Use Planning Department. Private land use consultants were also used in formulating a comprehensive plan for the area. With helpful suggestions from the community, guidance and knowledge of the process from the Land Use Planning Department, a vision of an enjoyable rural lifestyle (ref. Vision Statement page 10 of the Transportation and Land Use Plan), and with a lot of work by all, the WSRTF developed the West of Sandy River Transportation and Land use Plan that has been presented.

Land Use Public Hearing observations:

First of all, I would like to reiterate that all WSRTF planning meetings were open to the public as well as the various open houses that were held. What seems to come up at the Public Hearings I have attended, are a lot of people with personal agendas that seem to only benefit themselves. They don't like this and they don't like that about the Transportation and Land Use Plan, but I don't remember seeing them at any of the planning meetings or writing letters about their concerns to the WSRTF over the three years we were working on the Plan. During that time plenty of notices for meetings and/or open houses, both direct mailings and in the newspaper, were issued to the residents that would be affected by this Plan. Some people that have recently bought property in the Plan area were dismayed that they wouldn't be able to develop their land like they thought they would. This might be due to the fact that it will be affected by certain setbacks and location restrictions, but some of them simply didn't know what their particular zoning meant (that the Plan doesn't change) when they bought their property, or they just want the zoning changed to suite them. Some wanted to be able to be engulfed in a new Urban Growth Boundary so they could sell their land to developers, and get the money and run. We have seen similar thought processes emerge in other parts of the Northwest with less than acceptable results. For those of us living and working in the area, and especially those of us on the Task Force, these "me" concerns are not compatible with the way of life "we" envision for the next twenty years.

I am for the Plan, but like any comprehensive set of rules and regulations, there is always room for technical "tweaking" or "softening" of some of the requirements to comply with certain situations. The WSRTF "West of Sandy River Area Vision" in part states that "we value all of the features that makes this a rural place" and "we recognize that the planned density of residential development must not increase, that the agricultural economy of the area must remain strong, and the development of new non-agricultural businesses should serve the needs of the local area. This plan is intended to help us in our stewardship of the environment, our lifestyle, and our community over the next 20 years."

I believe my three minutes are up, so I would like to thank you for your attention to this testimony.

Regards,

Frank J. Oliver  
(Member of the West of Sandy River Task Force)

Mailing address: P.O. Box 1696  
Gresham, OR 97030

Street address: 4500 S.E. 282<sup>nd</sup> Ave.  
Gresham, OR 97080

e-mail address: [ollie@teleport.com](mailto:ollie@teleport.com)

Phone: (503) 669-9612




**MULTNOMAH COUNTY**  
**LAND USE PLANNING DIVISION**  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/dscd/landuse>

## Memorandum

October 31, 2002

To: Multnomah County Board of Commissioners

From: Chuck Beasley, Planner 

Subject: Response to Portland Water Bureau – West of Sandy River Plan

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Below is a list of the issues raised by the Portland Water Bureau in their testimony to the Board on October 24, 2003. A recommendation by staff is included under each issue, and the recommendations include changes to proposed Chapter 36 zoning code language.

**Issue 1:** The approval criteria for Community Service Uses in MUA-20 would effectively preclude potential siting of a treatment plant at alternative site located in MUA-20 zone.

Staff Response: The proposed policies and code in WSR are intended to limit new non-farm uses in type and size to only serve the rural area in order to minimize conflicts with farming in the plan area. This is because the successful dispersed farming pattern is being impacted by increasing traffic on roads that are also used for moving farm equipment, products, etc. around the area. Water treatment plants are not generally a high impact type of facility, and there are limited sources of water for the region, therefore leaving the approval criteria for this use the same as is currently in the code would allow an application to be made and an evaluation of the impacts to be considered. Staff recommends amending the code language to exempt these facilities from the "type and scale" limitation in 36.6010 by adding the following underlined language:

36.6015(A)(6) Utility Facilities, subject to the approval criteria in Section 36.6010(A) through (H).

**Issue 2:** SEC-h requirements limiting expansion to one acre, and restrictions on clearing, fencing, and lighting may limit expansion or security upgrades of the existing Ammoniation/Corrosion facility located in the CFU zone.

Staff Response: After discussing the circumstances where the one acre limitation would apply with water bureau staff, it became clear that these provisions were not likely to prevent necessary improvements to the facility. The provisions for lighting and fencing however, could limit needed security upgrades, therefore changes are proposed for these elements.

The outdoor lighting provision in 36.4550(B) could limit lighting needed for security of the facility. A requirement for hooded lighting is acceptable, however the bureau needs the flexibility to illuminate areas as necessary. Staff recommends the following change to address this concern:

36.4550(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not ~~illuminate~~ shine directly into undeveloped a water resource area or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

The fencing requirement in 36.4560(A)(4) requires large voids in fencing within a setback from a road in order to allow animals to escape from the road area. This could be a problem for some sites. The bureau needs to be able to use chain link or other barrier fencing around some of these facilities, and it may need to be located near the right-of-way. Staff recommends amendment of the zoning code language to add:

36.4560(A)(4) Fencing within a required setback from a public road shall meet the following criteria:

(f) Fencing standards do not apply where needed for security of utility facilities.

**Issue 3:** The Water Bureau indicated concern that the term used to describe pipelines may not include the large water supply conduits that bring the water from its source to pumping stations, treatment facilities, or reservoirs.

Staff Response: The language in the CFU zone in 36.2030(D)(5) is taken from the Oregon Administrative Rules and describes the use as: "Water intake facility, related treatment facility, pumping station, and distribution line." In order to ensure that the conduits are included, staff proposes adding a sentence clarifying the intent to include these conduits or "transmission lines." Staff recommends changing the language to read:

36.2030(D)(5) Water intake facility, related treatment facility, pumping station, and distribution line. The term "distribution line" includes water conduits and water transmission lines.

#1

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

Please complete this form and return to the Board Clerk

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

MEETING DATE: Oct 31, 2002

SUBJECT: West of Sandy River

AGENDA NUMBER OR TOPIC: R-3

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

NAME: LORNA STICKEL

ADDRESS: 1001 SW 5th Suite 450

CITY/STATE/ZIP: PORTLAND, ORE. 97236

PHONE: \_\_\_\_\_ DAYS: 823-7502 EVES: \_\_\_\_\_

EMAIL: lstickel@water.ci.portland.or.us FAX: \_\_\_\_\_

SPECIFIC ISSUE: Utility facilities in the PLAN - WATER  
Supplies

WRITTEN TESTIMONY: Already Submitted

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

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

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

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 10/31/02

SUBJECT: West of Sandy River Rural  
Area Plan

AGENDA NUMBER OR TOPIC: R-3

FOR: X AGAINST: THE ABOVE AGENDA ITEM

NAME: Russ Plaeger

ADDRESS: PO Box 868

CITY/STATE/ZIP: Sandy OR 97055

PHONE: DAYS: 503/668-1646

EVES: \_\_\_\_\_

EMAIL: rplaeger@yahoo.com

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

SPECIFIC ISSUE: Plan provisions for watershed health

WRITTEN TESTIMONY:

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

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

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

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 10.31.02

SUBJECT: WSRP

AGENDA NUMBER OR TOPIC: R-3

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

NAME: BOB LEPPER

ADDRESS: PO BOX 94

CITY/STATE/ZIP: TRUSTEES

PHONE: \_\_\_\_\_ DAYS: 503 645-5276 EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: WSRP

WRITTEN TESTIMONY: NO

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

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

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

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

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 10.31.02

SUBJECT: Planning Commission Perspective

AGENDA NUMBER OR TOPIC: R-3

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Tim Crail

ADDRESS: 9532 SW Capital Hwy

CITY/STATE/ZIP: Portland OR 97219

PHONE: DAYS: 503 452-9890 EVES: \_\_\_\_\_

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

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

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

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

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

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

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

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: R-4

Estimated Start Time: 9:45 AM

Date Submitted: 10/02/02

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Requested Date: 10/31/02

Amount of Time Requested: 5 minutes

Department: DBCS

Division: Land Use & Transportation

Contact/s: April Siebenaler / Chuck Beasley

Phone: 988-3043

Ext.: 29637 / 22610 I/O Address: 455/116

Presenters: April Siebenaler & Chuck Beasley

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Agenda Title: Second Reading and Possible Adoption of an Ordinance amending MCC Chapter 29; Grading and Erosion Control and Flood Hazard Regulations.

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

---

Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

Action requested includes hearing and adoption of an ordinance amending MCC Chapter 29 Building Regulations. This ordinance is required to implement the water quality protection program in the West of Sandy River Rural Area Transportation and Land Use Plan.

The Multnomah County Planning Commission and staff recommend adoption of the plan and implementing ordinances. The Planning Commission Resolution which contains the recommendation is included in this packet. Please see the attached Planning Commission Resolution PC- 01-007.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The West of Sandy River Rural Area Transportation and Land Use Plan is an integrated land use and transportation plan that contains specific policy direction and implementation measures for the West of Sandy River rural area. It is the 4th in the series of 5 area plans envisioned by the Board of Commissioners to plan

for the unique needs of the rural communities of Multnomah County. It is a combined transportation and land use plan with the objective to take both policies and implementing ordinances through the plan formulation and adoption process together.

The plan includes significant programs for the rural communities of Orient and Pleasant Home, includes protection for riparian corridors and wildlife habitat, proposes measures intended to protect farming in the area, and it includes the Transportation System Plan for the area. These programs address state mandates to plan for rural communities, to protect significant wildlife habitat, to plan the transportation system, and are intended to carry out the community vision. For more information about the West of Sandy River area and plan, please see the Executive Summary on pages ii and iii of the plan document.

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

**No identified fiscal impact**

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

The proposed MCC Chapter 29 ordinance as amended is a significant component of the protection measures for fish and wildlife habitat.

Notification of the scheduled hearing date of October 24, 2002 is being provided as required by state law. Notice of the hearing has been mailed to 1,244 individual property owners, and arrangements for publication of a notice in a newspaper of general circulation at least 10 days before the hearing has been made.

**5. Explain any citizen and/or other government participation that has or will take place.**

**Citizen Participation:**

The plan was developed at 16 citizen Task Force (TF) meetings. The TF was made up of 14 people including area residents, a watershed council representative, and Planning Commission and Board of Commissioner liaisons. The meetings were open to the public and time was reserved at each meeting for public comments. Meeting announcements and agendas were sent to a list that grew to over 210 people by the end of the process. TF meeting notices were also provided to area newspapers for printing prior to meetings.

Two general Open House meetings were conducted after notification to all property owners in the plan area. In addition, owners of property potentially affected by the riparian corridor planning were notified of two open house opportunities for them to see the proposed stream maps and ask questions. Finally, an open house for Orient and Pleasant Home business owners was held to provide them a chance to hear about the proposed new zoning and to ask questions.

In addition to the above, three area wide notices to all property owners were provided during the five Planning Commission hearings, along with newspaper notice and individual notice to hearings participants.

Staff anticipates that citizens will attend the October 24, 2003 hearing on this matter.

**Other Government Participation:**

The plan benefited from technical assistance received at three Technical Advisory Committee meetings that were held during plan formulation. Some of the agencies that participated include: the Department of Land Conservation and Development, Natural Resources Conservation Service, Oregon Department of Fish and Wildlife, Sandy River Basin Watershed Council, East Multnomah County Soil and Water Conservation District, Metro, City of Gresham, Oregon Parks and Recreation, City of Sandy. A complete list of agencies notified is in the appendix of the plan.

**Meetings Calendar:**

October 1998 - Community Open House

October 1998 – February 1999, PSU Study of Orient RC, including two open house meetings.

January 1999 - Scoping Report Adopted by Board of Commissioners

September 1999 - First of 16 Task Force meetings was held.

**March 2001 - Land Use Technical Advisory Committee Meeting for Rural Communities, farm, forest, parks, and exception lands.**  
**May and June 2001 – Two Open House meetings for property owners impacted by Goal 5 resource protection plan.**  
**June 2001 - Land Use Technical Advisory Committee Meeting for Goal 5**  
**June 2001 - Community Open House**  
**July 2001 - Orient and Pleasant Home Business Owners Meeting.**  
**August – November 2001 - Plan preparation, final Task Force meeting.**  
**January – September, 2002 Five Planning Commission Hearings on WSR.**

**Attachments to the Agenda Placement Request:**

**Ordinance Amending Chapter 29 Grading and Erosion Control and Flood Hazard Regulations.**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director ☒ M. Cecilia Johnson**

**Agenda Review Team ☐ By: (type name of approver) Date:**

**Ballot Measure 56, adopted by voters on Nov. 3, 1998, requires the following language to be included in this notice:**

"This is to notify you that Multnomah County has proposed a land use regulation that will affect the permissible uses of your land. Multnomah County has determined that this proposal will affect the permissible uses of your property and may reduce the value of the subject property."



## ***Public Hearing Notice***

**Multnomah County invites you to a public hearing regarding the proposed West of Sandy River Rural Area Transportation and Land Use Plan.**

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**Public Hearing before the  
Multnomah County Board of Commissioners  
October 24, 2002 at 9:30 a.m.  
Multnomah Building, First Floor Boardroom (Room 100)  
501 SE Hawthorne Blvd. Portland, OR 97214**

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This is a public hearing for testimony on the **West of Sandy River Rural Area Transportation and Land Use Plan**. The plan proposes new comprehensive plan policies and a revised zoning code to guide development in the area. The new policies address transportation system planning, zoning for the Orient and Pleasant Home Rural Centers, farm and forest lands, multiple use agriculture and rural residential areas, and protection of water quality and fish and wildlife habitat. The zoning code revisions include changes to the existing ordinances for areas zoned Exclusive Farm Use (EFU), Commercial Forest Use (CFU), Multiple Use Agriculture 20 Acre (MUA-20), and Rural Residential (RR). A new zoning map and ordinances for all land within the Orient and Pleasant Home Rural Centers is proposed. A new overlay zone map and zoning ordinance is proposed to protect fish and wildlife habitat pursuant to the requirements of Statewide Planning Goal 5 Natural Resources. The overlay zone map identifies streams and forested areas that have been determined to be significant in the West of Sandy River ESEE report, which is also being considered for adoption. The general locations of the proposed protection areas are shown on the map included as page 4 of this notice.

If, after reading this notice, you have further questions about how the proposal applies to your land, or about how to participate in the public hearing, please contact:

Chuck Beasley  
Land Use Planning  
phone (503) 988-3043  
fax (503) 988-3389  
email [charles.h.beasley@co.multnomah.or.us](mailto:charles.h.beasley@co.multnomah.or.us)

A copy of the draft ordinance can be viewed on the internet at: [www.co.multnomah.or.us/dscd/landuse](http://www.co.multnomah.or.us/dscd/landuse) or can be purchased at the cost of printing from the Land Use Planning Office  
1600 SE 190<sup>th</sup> Ave.  
Portland, OR 97233

Office hours are 8:00 am to 4:00 pm, M-F.

## **Description of Proposed Ordinances**

The information below is a brief summary of some of the more significant changes that are proposed, but is not intended to be a complete list of all changes. If you have questions, please contact us.

**All Zones** - Amends "Lot of record" provisions to standardize definitions across all rural zones. Nonfarm and conditional uses are limited to a type and scale to serve the rural area except in the CFU zone. Adds "right to farm" deed covenant for new and replacement dwellings.

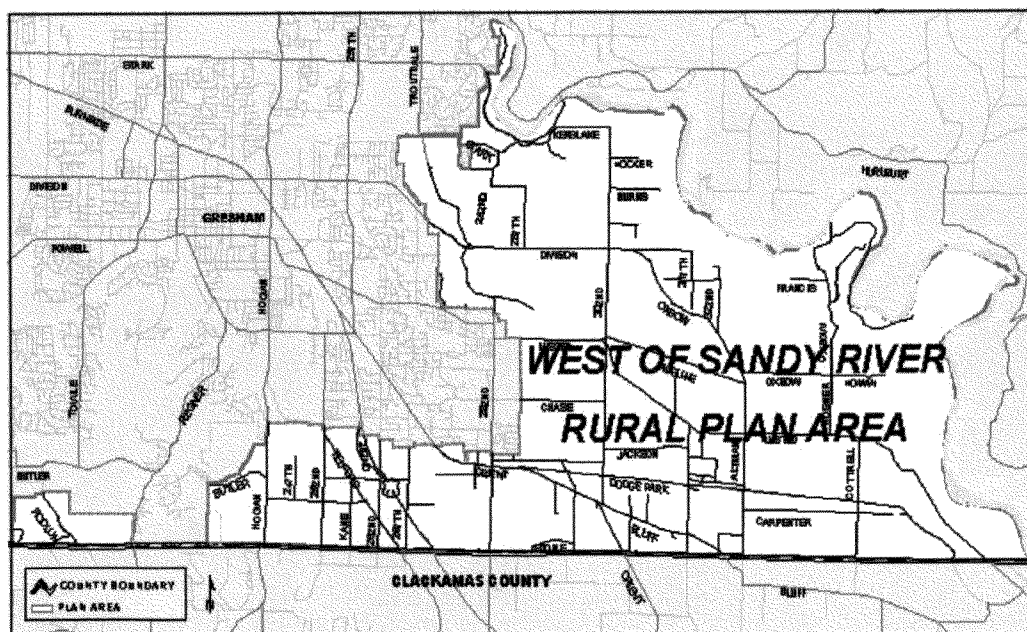
**Exclusive Farm Use (EFU)** - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Removes dog kennels and public and private parks from the list of allowable uses. Adds wildlife habitat conservation plan opportunity, and clarifications from state statutes and Rules.

**Commercial Forest Use (CFU)** - Reduces aggregation of parcels requirement to only apply to contiguous parcels owned on February 20, 1990. Adds wildlife habitat conservation plan opportunity. Adds opportunity to divide a parcel that has two lawful dwellings.

**Multiple Use Agriculture 20 Acre (MUA-20)** - Removes 2<sup>nd</sup> dwelling for farm help and provision for a lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

**Rural Residential (RR)** - Requires a "right to farm" deed covenant for new and replacement dwellings. Removes 2<sup>nd</sup> dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14. Removes prior allowance for commercial uses on poor soils.

**Rural Center (RC)** - Requires a "right to farm" deed covenant to be recorded for new and replacement dwellings. In the Orient area, divides existing RC zone into residential and commercial-industrial zones as shown on a new zoning map. Adds small-scale low impact size limitation to commercial and industrial uses, changes the list of allowable commercial and industrial uses, changes Type B home occupations to administrative process. Removes 2<sup>nd</sup> dwelling for farm help and lot less than minimum parcel size to comply with Statewide Planning Goal 14.



## **Description of Proposed Fish and Wildlife Habitat Protection Ordinance**

The information below is a brief summary of some of the more significant parts of the plan to protect fish and wildlife habitat. The plan is based on the ESEE report, which is the inventory and analysis of riparian corridors and wildlife habitat. The report explains the Goal 5 process and is viewable on the internet at the address on the first page of this notice, or can be obtained at our offices for the cost of printing. A summary of the inventory is contained in the West of Sandy River Rural Area Plan, Board of Commissioners Draft, October 24, 2002, beginning on page 16. The complete ESEE report is the document entitled, Economic, Social, Environmental, and Energy Report, Draft October 24, 2002.

### ***Where the Regulations Apply***

Areas where development would be regulated under the proposed Significant Environmental Concern (SEC) overlay zone are areas that contain riparian corridors and wildlife habitat. Riparian corridors are areas within 200' from each side of a significant stream (water resource), and are proposed to be designated, SEC-wr. Significant wildlife habitat is composed of forested areas connected to streams, and larger blocks of forested land, and is designated SEC-h. The SEC overlay zone also continues the existing requirements that apply to land areas within the Sandy River Wild and Scenic River and Scenic Waterway, designated as SEC-sw. These areas are shown on the map on the following page.

Please examine the attached map. If you are unsure if your property is within an SEC area, or if you need more information about how the proposed ordinance may affect you, please call us at 503-988-3043.

### ***Purpose of the Proposed SEC Overlay Ordinance***

Development within the mapped areas will require a permit that is intended to ensure that rivers and streams and fish and wildlife habitat is protected when development occurs. Development is broadly defined as manmade change to the land including construction of buildings, grading in an amount greater than 10 cubic yards, or removal of 10% of the vegetation in a water resource or habitat area.

### ***Exceptions to SEC Permit Requirements***

The proposed ordinance **does not regulate farming practices** such as tilling, spraying, planting, harvesting, and irrigation, timber cutting under the Forest Practices Act, repair and maintenance of existing structures and driveways, existing yards and gardens, additions of less than 400 square feet to existing dwellings, and emergency responses.

Existing lawfully established structures may be replaced within the same building lines in SEC-wr areas when areas near streams are enhanced by planting of native trees and other vegetation.

### ***Allowance for Small Lots and Low Impact Sites***

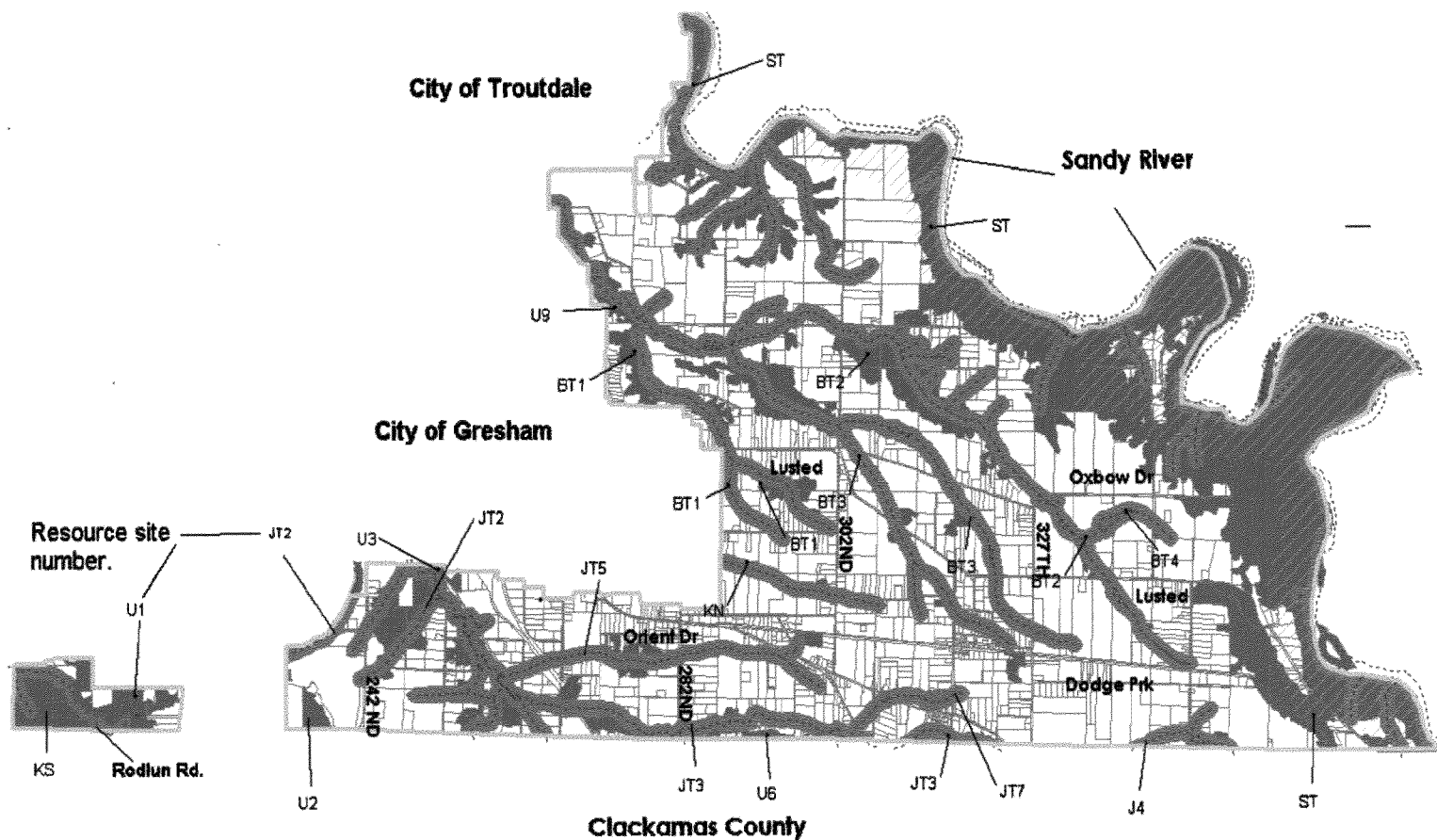
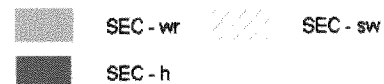
The proposed ordinance contains a Buildable Lot Encroachment provision intended to ensure that construction of a single family dwelling and necessary facilities will not be prevented by the habitat protection ordinance.

A permit can be approved under lesser standards for development as close as 100' from a stream on Low Impact Sites, which are areas where the ground slope to the stream is less than 25%, and when tree removal is minimized and new trees and shrubs are planted near the stream.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215  
REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED  
TO THE PURCHASER**

Please examine this map. If you are unsure if your property is within and SEC area, or if you need more information, please call us at 503-988-3043.

### West of Sandy River SEC Overlay Zones



**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an )  
Ordinance that contains Comprehensive Plan )  
policies for the West of Sandy River Plan Area )  
and establishing the proposed MCC Chapter 36 as )  
the Zoning Code for the Plan Area. )

**RESOLUTION  
PC-01-007**

**WHEREAS,** The Planning Commission is authorized by Multnomah County Code Chapter 11.05 to recommend to the Board of County Commissioners the adoption or revision of the Comprehensive Plan, and Zoning Ordinances to implement the Multnomah County Comprehensive Plan; and

**WHEREAS,** The Multnomah County Board of Commissioners has adopted a reorganized County Zoning Code including Chapters 33, 34, 35, 37, and 38, that contains zoning provisions to meet the needs of individual plan areas, and Chapter 36 is reserved for the West of Sandy River Rural Area; and

**WHEREAS,** The proposed Comprehensive Plan Policies and implementing zoning ordinance recognize the unique characteristics of the plan area and are needed to plan for the future of the area,

**WHEREAS,** The Planning Commission considered the Framework Plan policies and Zoning Code Chapter 36 at public hearings on January 7, 2002, March 4, 2002, May 6, 2002, June 3, 2002, and September 9, 2002, where all interested persons were given an opportunity to appear and be heard,

**WHEREAS,** The Planning Commission recognizes and wants to convey their understanding that wildlife habitat and riparian corridor protection measures are a difficult and often contentious issue in the state and region at this time, and the proposed Significant Environmental Concern Water Resources (SEC-ws) habitat protection measures while less restrictive than others in the region, have raised concern in the hearings process,

**WHEREAS,** Multnomah County has been a leader in resource protection in the past, and the Planning Commission believes the County should continue in this role,

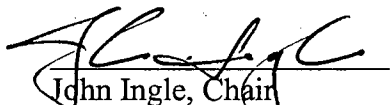
**WHEREAS,** The Planning Commission urges the Board of Commissioners to listen carefully to the public testimony and to reach a full understanding of the extent of the burden the proposed SEC regulations place on individual properties,

**WHEREAS,** Government should serve as a model when implementing resource protection measures and should avoid inconsistencies between actions taken on behalf of the public when compared to those required of private landowners,

**WHEREAS,** It was expressed to the Planning Commission in public hearings, and the Commissioners agree, that adequate enforcement is key to ensuring public acceptance and fairness in implementation of all ordinances,

**NOW, THEREFORE BE IT RESOLVED** that the proposed Ordinance that contains the Comprehensive Plan policies and Zoning Code and Maps to implement the West of Sandy River Rural Area Transportation and Land Use Plan is hereby recommended for adoption by the Board of County Commissioners.

Approved this 9th day of September, 2002

A handwritten signature in black ink, appearing to read 'John Ingle', is written over a horizontal line.

John Ingle, Chair  
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Amending MCC Chapter 29 To Add Grading And Erosion Control And Flood Hazard Regulations Needed To Implement The Policies Of The West Of Sandy River Rural Area Transportation And Land Use Plan And To Comply With Metro Functional Plan Title 3 Requirements For Water Quality Protection.

**Multnomah County Ordains as follows:**

**Section 1.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.320-29.325 as follows:

**WEST OF SANDY RIVER GRADING AND EROSION CONTROL**

**§ 29.320 Purposes.**

The purposes of the Grading and Erosion Control ordinance are to promote the public health, safety and general welfare, and minimize erosion and related environmental damage in the West of Sandy River Plan Area of unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 6 and the County Comprehensive Framework Plan Policies 13 and 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment;
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands.

**§ 29.321 Erosion Control Related Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

***CERTIFIED ENGINEERING GEOLOGIST.*** Any person who has obtained certification by the state as an engineering geologist.

***CUT.***

- (1) An excavation;
- (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- (3) The material removed in excavation work.

***DEVELOPMENT.*** Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in a Water Resource Area or Habitat Area on a lot or parcel. *(Title 3)*

***DEVELOPMENT AREA.*** The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

***DRAINAGE AREA.*** The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

***DRAINAGEWAY.*** Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

***EARTH MOVEMENT.*** Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

***EROSION.*** The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

***EXCAVATION.*** Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

***FILL.***

- (1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from.
- (2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.
- (3) The material used to make a fill.

***GEOTECHNICAL ENGINEER.*** A civil engineer, licensed to practice in the state, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

**GEOTECHNICAL REPORT.** Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

**GRADING.** Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

**HDP FORM-1.** The form required for specified developments subject to the Hillside Development and Erosion Control Subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a certified engineering geologist or geotechnical engineer.

**LAND-DISTURBING ACTIVITIES.** Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, and soil storage.

**MULCH.** Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

**ORDINARY HIGH WATER MARK.** Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

**SLOPE.**

- (1) Any ground whose surface makes an angle from the horizontal; or
- (2) The face of an embankment or cut section.

**SLOPE HAZARD MAP.** A series of maps (Figures 1A through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the director, Department of Environmental Services.

**SPOIL MATERIAL.** Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

**STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.

**STREAM PROTECTION.** Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

**TOPOGRAPHIC INFORMATION.** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.

**VEGETATION.** All plant growth, especially trees, shrubs, grasses and mosses.

**VEGETATIVE PROTECTION.** Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover;
- (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (4) Netting with seeding if the final grade has not stabilized.

**WATER BODY.** Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

**WATERCOURSE.** Natural and artificial features which transport surface water. **WATERCOURSE** includes a river, stream, creek, slough, ditch, canal, or drainageway.

('90 Code § 9.40.050) (Ord. 847, passed 1996)

#### **§ 29.322 Permits Required.**

(A) **Grading and erosion control permit.** All persons proposing land disturbing activities or development :

- (1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 10 cubic yards;
- (2) Which obstructs or alters a drainage course; or
- (3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater, shall obtain a grading and erosion control permit as prescribed by this Subdistrict, unless exempted by §§ 29.323(B)(2) through (6) or (C) of this subchapter. Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.

(B) **Grading and erosion control permit.** All persons proposing land-disturbing activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a grading and erosion control permit, except as provided by § 29.323(C) of this subchapter.  
(90 Code § 9.40.010) (Ord. 847, passed 1996)

### § 29.323 Exempt Land Uses And Activities.

The following are exempt from the provisions of this subchapter:

(A) **Prior development.** Development activities approved prior to February 20, 1990; except that within such a development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.

(B) **General exemptions.** Outside the Tualatin River and Balch Creek Drainage Basins, all land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this Subdistrict if:

- (1) Natural and finished slopes will be less than 25%;
- (2) The disturbed or filled area is 20,000 square feet or less;
- (3) The volume of soil or earth materials to be stored is 10 cubic yards or less;
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(C) **Categorical exemptions.** Notwithstanding divisions (A) and (B)(1) through (6) of this section, the following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (4) Mineral extraction activities as regulated by the county zoning code.
- (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (6) Routine agricultural crop management practices.
- (7) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.

(8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

(9) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)

#### **§ 29.324 Application Information Required.**

An application for development subject to the requirements of this Subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.  
(90 Code § 9.40.030) (Ord. 847, passed (1996)

#### **§ 29.325 Grading And Erosion Control Permit Standards.**

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) *Design standards for grading and erosion control.*

(1) *Grading standards.*

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The director may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass all sheet flow through the development from a storm of ten-year design frequency and maintain the existing flood carrying capacity of all watercourses passing through the property; (Ord. 931, passed 1999)

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the stream. (Ord. 931, passed 1999)

(2) Erosion control standards.

(a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

(b) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

(c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland;

2. The buffer required in subsection (d)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook" and the "City of Portland Stormwater Quality Facilities, A Design Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

(e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

(g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;
2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;
3. Dispersal of water runoff from developed areas over large undisturbed areas.

(l) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

**(B) Responsibility**

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

**(C) Implementation.**

(1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) Inspection and enforcement. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

(D) **Final approvals.** A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.  
(90 Code § 9.40.040) (Ord. 847, passed 1996)

**Section 2.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.620-29.630 as follows:

## **WEST OF SANDY RIVER FLOOD HAZARD REGULATIONS**

### **29.620 Purposes.**

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, to reduce the risk of flooding and maintain the functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within the West of Sandy River Plan Area of unincorporated Multnomah County to participate in the National Flood Insurance Program.(Title 3)

### **29.621 Definitions.**

For the purpose of this subchapter, the following definitions shall apply:

**ALTERATION.** To modify, change or make different.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse.

**DESIGN FLOOD ELEVATION.** The elevation of the 100-year flood as defined by FEMA Flood Insurance Rate Maps, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

**ELEVATION CERTIFICATE.** The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.

**ENCROACHMENT.** To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line is not considered an encroachment by this subdistrict.

**FLOOD MANAGEMENT AREA.** All lands contained within the the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February 1996 flood.(Title 3)

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.
- (3) Substantial Improvement does not, however, include either:
  - (a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or
  - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**WATERCOURSE.** Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

#### **§ 29.622 Areas Affected.**

(A) The provisions of MCC 29.620 - 29.630 shall apply within the West of Sandy River Plan Area to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse as defined by MCC 29.621.(Title 3)

(1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.

#### **§ 29.623 Permits.**

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within Flood Management Areas unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.

(1) Improvements to a structure, dwelling or mobile home, which does not require a land use permit, grading permit or building permit, are exempted from obtaining a Flood Hazard Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.621 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.629.

(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.

#### **§29.624 Exemption from Development Standards.**

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.626 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.626.

(C) Forest practices conducted under the Forest Practices Act.

#### **§ 29.625 Application Information Required.**

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.626. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.626.

(C) An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

#### **§ 29.626 Development Standards.**

The following standards shall apply to all new construction, substantial improvement or other development in Flood Management Areas:

(A) General Development Standards

(1) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(2) All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed.

(5) Uncontained areas of hazardous materials as defined by DEQ shall be prohibited in Flood Management Areas.(Title 3)

(B) All Structures.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood level as indicated on the Elevation Certificate. For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.

(2) Be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Conduct an as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon Registered Professional Engineer or Land Surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood level.

(a) The as-built elevation survey shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey is submitted. The deposit/bond may be used to obtain the elevation survey, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey, unless utilized to obtain compliance.

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(2) Provide an as-built elevation survey of the lowest floor completed by a State of Oregon Registered Professional Engineer or Land Surveyor certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.626(D)(1)(a) through (c).

(a) The as-built elevation survey or stamped documentation shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey or stamped documentation is submitted. The bond/deposit may be used to obtain the elevation survey or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey or stamped documentation, unless utilized to obtain compliance.

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(F) Recreational Vehicles in Campground or Recreational Development

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of MCC 29.626(B) and (C).

#### **§ 29.627 Floodway Requirements.**

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.626, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

#### **§ 29.628 Procedure When Base Flood Elevation Data is Not Available.**

(A) For the purposes of administering MCC 29.626 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.

(B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.

#### **§ 29.629 Watercourse Relocation and Alteration.**

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:

- (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;
- (2) The area subject to inundation by the base flood discharge will not be increased;
- (3) The alteration or relocation will cause no measurable increase in base flood levels.

#### **§ 29.630 County Records.**

Multnomah County or its designee shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC 29.626(D)(1)(b) and (c).

**Section 3. Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions.** A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be "follow-up applications" to developments already approved as Type II or III decisions in which application for the development was submitted prior to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.

**Section 4.** The effective date of this ordinance shall be January 1, 2003.

FIRST READING:

October 24, 2002

SECOND READING AND ADOPTION:

October 31, 2002

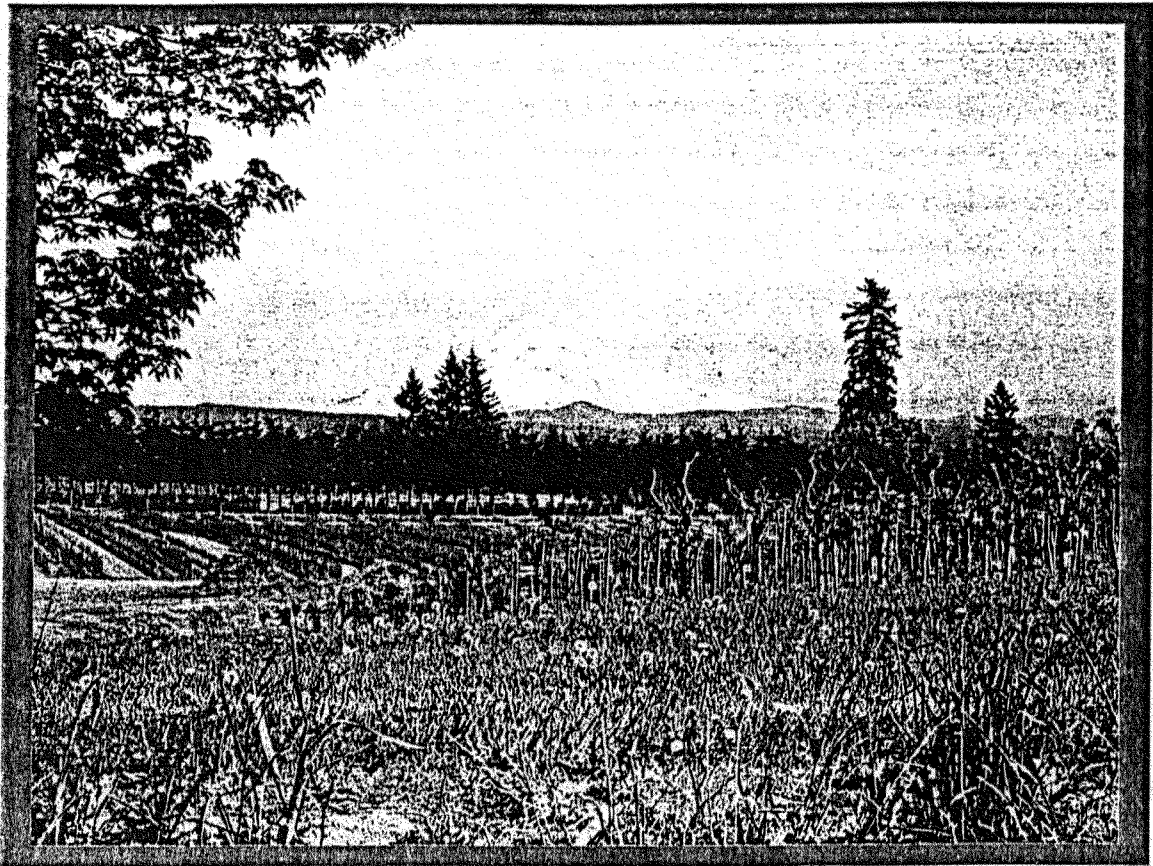
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

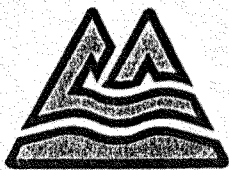
THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Deputy County Attorney



Board of Commissioners Draft  
October 24, 2002

# MULTNOMAH COUNTY West of Sandy River Transportation and Land Use Plan



**MULTNOMAH  
COUNTY**

Parametrix

**Exhibit A**

**West of the Sandy River  
Rural Area Transportation  
and  
Land Use Plan**

***Wildlife Habitat and Stream Corridor  
ESEE Report***

**Board of County Commissioners Draft  
October 24, 2002**

**PREPARED FOR:**

**MULTNOMAH COUNTY, OREGON  
TRANSPORTATION DIVISION  
1600 SE 190<sup>TH</sup> AVENUE  
PORTLAND, OREGON 97233-5910**

## EXHIBIT C

### CHAPTER 36: WEST OF SANDY RIVER RURAL PLAN AREA

§§:

#### *PART 1 - GENERAL PROVISIONS*

- 36.0000- Title.
- 36.0005 Definitions
- 36.0010 Districts.
- 36.0015 Zoning Map.

#### *PART 2 - PLANNING AUTHORITY - General Provisions*

- 36.0055- Policy and Purpose.
- 36.0060 Severability.
- 36.0065 Applicable Administration and Procedures Provisions.

#### *PLANNING COMMISSION*

- 36.0100- Planning Commission Established.
- 36.0105 Membership of Commission.
- 36.0110 Terms Of Office Of Commission Members.
- 36.0115 Vacancies And Removal Of Commission Members.
- 36.0120 Officers.
- 36.0125 Committees.
- 36.0130 Rules Of Procedures; Conflict Of Interest.
- 36.0135 Coordination.
- 36.0140 Powers And Duties Of Commission.

#### *PART 3 - ADMINISTRATION and ENFORCEMENT - Permits and Certificates*

- 36.0510- Temporary Permits
- 36.0515 Temporary Health Hardship Permit
- 36.0520 Historical Structures and Sites Permits
- 36.0525 Certificate of Occupancy.
- 36.0530 Bus Passenger Shelters.
- 36.0535 Responses To An Emergency/Disaster Event.

#### *PLANNING DIRECTOR*

- 36.0600- Planning Director.
- 36.0605 Enforcement.

#### *VIOLATIONS and ENFORCEMENT*

- 36.0910- Violations and Enforcement.
- 36.0915 Penalties.
- 36.0920 Savings Clause.

#### *PART 4 - ZONING DISTRICTS - Commercial Forest Use CFU*

- 36.2000- Purposes.
- 36.2005 Area Affected.
- 36.2010 Definitions.
- 36.2015 Uses.
- 36.2020 Allowed Uses.
- 36.2025 Review Uses.
- 36.2030 Conditional Uses.
- 36.2035 Large Acreage Dwelling.
- 36.2040 Template and Heritage Tract Dwellings.
- 36.2045 Use Compatibility Standards.
- 36.2060 Dimensional Requirements.
- 36.2065 Lots of Exception.
- 36.2070 Lot Line Adjustment.
- 36.2075 Lot of Record.
- 36.2080 Lot Size for Conditional Uses.
- 36.2085 Off-Street Parking and Loading.
- 36.2090 Access.
- 36.2105 Development Standards for Dwellings and Structures.
- 36.2110 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

#### *EXCLUSIVE FARM USE, EFU*

- 36.2600- Purpose.
- 36.2605 Area Affected.
- 36.2610 Definitions.
- 36.2615 Uses.
- 36.2620 Allowed Uses.
- 36.2625 Review Uses.
- 36.2630 Conditional Uses.
- 36.2660 Dimensional Requirements.

## Multnomah County – West of Sandy River Rural Area

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Specific Uses.  
36.2670 Lot Line Adjustment.  
36.2675 Lot of Record.  
36.2690 Access.

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36.2800- Purpose.  
36.2805 Area Affected.  
36.2815 Uses.  
36.2820 Allowed Uses.  
36.2825 Review Uses.  
36.2830 Conditional Uses.  
36.2855 Dimensional Standards and  
Development Requirements.  
36.2860 Lots of Exception and Property  
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36.2870 Lot of Record.  
36.2875 Lot Sizes for Conditional Uses.  
36.2880 Off-Street Parking and Loading.  
36.2885 Access.

*RURAL RESIDENTIAL, RR*

36.3100- Purpose.  
36.3105 Area Affected.  
36.3115 Uses.  
36.3120 Allowed Uses.  
36.3125 Review Uses.  
36.3130 Conditional Uses.  
36.3155 Dimensional Standards and  
Development Requirements.  
36.3160 Lots of Exception and Property  
Line Adjustments.  
36.3170 Lot of Record.  
36.3175 Lot Sizes for Conditional Uses.  
36.3180 Off-Street Parking and Loading.  
36.3185 Access.

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36.3300- Purpose.  
36.3305 Area Affected.  
36.3315 Uses.  
36.3320 Allowed Uses  
36.3325 Review Uses.  
36.3330 Conditional Uses.

36.3355 Dimensional Standards and  
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36.3360 Lots of Exception and Property  
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36.3370 Lot of Record.  
36.3375 Lot Sizes for Conditional Uses.  
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*ORIENT RURAL CENTER RESIDENTIAL, OR*

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36.3405 Area Affected.  
36.3415 Uses.  
36.3420 Allowed Uses.  
36.3425 Review Uses.  
36.3430 Conditional Uses.  
36.3455 Dimensional Standards and  
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36.3470 Lot of Record.  
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36.3500- Purpose.  
36.3505 Area Affected.  
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36.3520 Allowed Uses.  
36.3525 Review Uses.  
36.3527 Review Uses Approval Criteria.  
36.3530 Conditional Uses.  
36.3550 Dimensional Standards and  
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36.3560 Property Line Adjustments.  
36.3570 Lot of Record.  
36.3575 Lot Sizes for Conditional and  
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36.3580 Off-Street Parking and Loading.  
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36.4010- Purpose.  
 36.4015 Uses.  
 36.4020 Allowed Uses.  
 36.4025 Conditional Uses.  
 36.4030 Approval Criteria for an LF  
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 36.4035 Development Limitations.

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 36.4175 Dimensional Standards.  
 36.4180 Improvements  
 36.4185 Lighting.  
 36.4190 Signs.  
 36.4195 Design Standards: Setbacks.  
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 36.4215 Exceptions from Required Off-  
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 36.4305 Areas Affected.  
 36.4315 Development Plan and Program  
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 36.4320 Criteria for Approval.  
 36.4330 Development Standards.  
 36.4335 Minimum Site Size.  
 36.4340 Relationship of the Planned  
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 36.4345 Open Space.  
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 36.4360 Permitted Uses.

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 36.4510 Definitions.  
 36.4515 Uses - SEC Permit Required.  
 36.4520 Exceptions.  
 36.4525 Existing Uses.  
 36.4530 Buildable Lot Encroachment.  
 36.4535 Scope of Conditions.  
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 36.4545 Criteria for Approval of SEC-sw  
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 36.4555 Criteria for Approval of SEC-wr  
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36.4700- Purposes.  
 36.4705 General Findings and Policy.  
 36.4710 Area Affected.  
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- 36.4755 Definition
- 36.4760 Findings and Policy.
- 36.4765 Uses.
- 36.4770 HP-I Review Use and Conditional Use Approval Criteria.
- 36.4780 Permits.

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- 36.5005 Area Affected.
- 36.5010 Standards to Establish an SPA Subdistrict.

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- 36.5500- Purposes.
- 36.5505 Permits Required.
- 36.5510 Exempt Land Uses and Activities.
- 36.5515 Application Information Required.
- 36.5520 Grading and Erosion Control Standards.
- 36.5525 Hillside Development and Erosion Control Related Definitions.

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- 36.5700- Purposes.
- 36.5705 Area Affected.
- 36.5710 Exemptions.
- 36.5715 Definitions.
- 36.5720 PAM Overlay Special Subdistricts.
- 36.5725 Procedure For Applying The PAM Subdistrict.
- 36.5730 Extraction Area (PAM-EA) -- Allowed Uses.
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- 36.5740 Use Approval Criteria.
- 36.5745 Termination of the Protected Aggregate and Mineral Resources Subdistrict.

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- 36.6005 General Provisions.
- 36.6010 Approval Criteria.
- 36.6015 Uses.
- 36.6020 Restrictions.

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- 36.6100- Purpose.
- 36.6105 Definitions.
- 36.6110 Application Requirements.
- 36.6115 Approval Criteria for New Transmission Towers.
- 36.6120 Design Review.
- 36.6125 Radiation Standards.
- 36.6130 Pre-existing Communication Facilities.

**WIRELESS COMMUNICATIONS FACILITIES, CS**

- 36.6175- Purposes.
- 36.6176 Applicability.
- 36.6177 Review Procedures Distinguished.
- 36.6178 Definitions.
- 36.6179 Exclusions.
- 36.6180 General Requirements
- 36.6181 Registration of Wireless Communications Carriers and Providers.
- 36.6182 Application Submittal Requirements.
- 36.6183 Approval Criteria for lands not zoned Exclusive Farm Use.
- 36.6184 Approval Criteria for land zoned Exclusive Farm Use.
- 36.6185 Maintenance.
- 36.6186 Abandonment.
- 36.6187 Appeals.
- 36.6188 Statutory Severability.

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- 36.6200- Regional Sanitary Landfills -  
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- 36.6205 Board Findings.
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- 36.6215 Application Requirements.
- 36.6220 Criteria for Approval.
- 36.6225 Conditions.
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- 36.6300- Purposes.
- 36.6305 General Provisions.
- 36.6315 Conditional Use Approval  
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- 36.6325 Design Review.
- 36.6330 Design Review Exemption.
- 36.6335 Conditional Use Permit.

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- 36.6400- Uses.
- 36.6405 Location Requirements.
- 36.6410 Minimum Site Size  
Requirements.
- 36.6415 Minimum Setback  
Requirements.
- 36.6420 Other Requirements.
- 36.6425 Other Approvals.
- 36.6430 Exemptions.

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- 36.6500- Definitions.
- 36.6505 Board Findings.
- 36.6510 Purposes.
- 36.6515 Exceptions.
- 36.6520 Criteria for Approval.
- 36.6525 Site Reclamation.
- 36.6530 Monitoring.
- 36.6535 Existing Operations.

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- 36.6600- Definitions.
- 36.6605 Uses.
- 36.6610 Approval Criteria.
- 36.6615 Conditions and Restrictions.

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- 36.6650- Definitions.
- 36.6655 Purposes.
- 36.6660 Criteria for Approval.

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- 36.6700- Purposes
- 36.6705 Excluded Areas.
- 36.6710 Application Information  
Required.
- 36.6715 Criteria for Approval.
- 36.6720 Monitoring

*PART 7 - DESIGN REVIEW;  
NONCONFORMING USES; SIGNS;  
VARIANCES; LAND DIVISIONS - Design  
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- 36.7000- Purposes.
- 36.7005 Elements of Design Review Plan.
- 36.7010 Design Review Plan Approval  
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- 36.7015 Exceptions.
- 36.7020 Application of Regulations.
- 36.7030 Design Review Plan Contents.
- 36.7040 Final Design Review Plan.
- 36.7050 Design Review Criteria.
- 36.7055 Required Minimum Standards.
- 36.7060 Minor Exceptions: Yard,  
Parking, Sign, and Landscape  
Requirements.

*NONCONFORMING USES*

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- 36.7205 Restoration or Replacement Due  
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Natural Disaster.
- 36.7210 Alteration, Expansion or  
Replacement of Nonconforming  
Uses.
- 36.7215 Verification of Nonconforming  
Use Status.

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36.7400-	Purpose.	36.7770	Category 1 Land Divisions.
36.7405	Applicability and Scope.	36.7775	Category 3 Land Divisions.
36.7410	Conformance.	36.7780	Category 4 Land Division.
36.7415	Severability.	36.7800	Criteria for Approval, Category 1 Tentative Plan.
36.7420	Exempt Signs.	36.7805	Contents of Category 1 Tentative Plan.
36.7425	Prohibited Signs.	36.7810	Category 1 Tentative Plan Map Specifications.
36.7430	Determination of Frontages.	36.7815	Category 1 Tentative Plan Map Contents.
36.7435	Non-Conforming Signs.	36.7820	Written Information: Category 1 Tentative Plan.
36.7440	Variances.	36.7825	Supplementary Material: Category 1 Tentative Plan.
36.7445	Base Zone Sign Regulations.	36.7855	Criteria for Approval: Category 3 Tentative Plan.
36.7450	Signs Generally in the EFU, CFU, MUA-20, RR, PH-RC, and OR Zones.	36.7860	Contents of Category 3 Tentative Plan.
36.7455	Billboard Regulations.	36.7865	Tentative Plan Approval Time Limits; Staged Development.
36.7460	Applicability.	36.7885	Application of General Standards and Requirements.
36.7465	Sign Placement.	36.7890	Land Suitability.
36.7470	Fascia Signs.	36.7895	Lots and Parcels.
36.7475	Projecting Signs.	36.7900	Acreage Tracts.
36.7480	Flush Pitched Roof Signs.	36.7905	Street Layout.
36.7485	Marquees and Awnings.	36.7910	Street Design.
36.7490	Directional Signs.	36.7915	Street Reserve Strips.
36.7495	Temporary Signs.	36.7920	Temporary Turnarounds.
36.7500	Applicability in the Event of Conflicts.	36.7925	Street Names.
36.7505	Sign Related Definitions and Figures.	36.7930	Sidewalks, Pedestrian Paths and Bikeways.
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36.7600-	Variance Approval Criteria.	36.7940	Street Trees.
36.7605	Variance Classification.	36.7950	Water System.
36.7615	Hillside Residential Variances by Administrative Action.	36.7955	Sewage Disposal.
36.7620	Landing Field Height Limitation.	36.7960	Surface Drainage.
	<i><b>LAND DIVISIONS</b></i>	36.7965	Electrical and Other Wires.
36.7700-	Title.	36.7970	Property Line Adjustment (Lot Line Adjustment)
36.7705	Definitions.	36.7975	Required Improvements.
36.7710	Purpose.	36.7980	Streets, Sidewalks, Pedestrian Paths and Bikeways.
36.7715	Intent.	36.7985	Water System.
36.7720	Scope.	36.7990	Sewage Disposal.
36.7725	Compliance Required.	36.7995	Surface Drainage and Storm Sewer Systems.
36.7735	Board Findings Concerning Land Division Classifications.	36.8000	Other Utilities.
36.7765	Land Division Categories Distinguished.		

- 36.8005**      **Variances.**
- 36.8010**      **Improvement Agreement.**
- 36.8015**      **Final Drawing and Prints.**
- 36.8020**      **Information Required on  
Subdivision Plat or Partition  
Plat.**
- 36.8025**      **Supplemental Information with  
Subdivision Plat or Partition  
Plat.**
- 36.8030**      **Technical Review and Approval  
of Subdivision Plat or Partition  
Plat.**
- 36.8035**      **Final Approval Effective.**



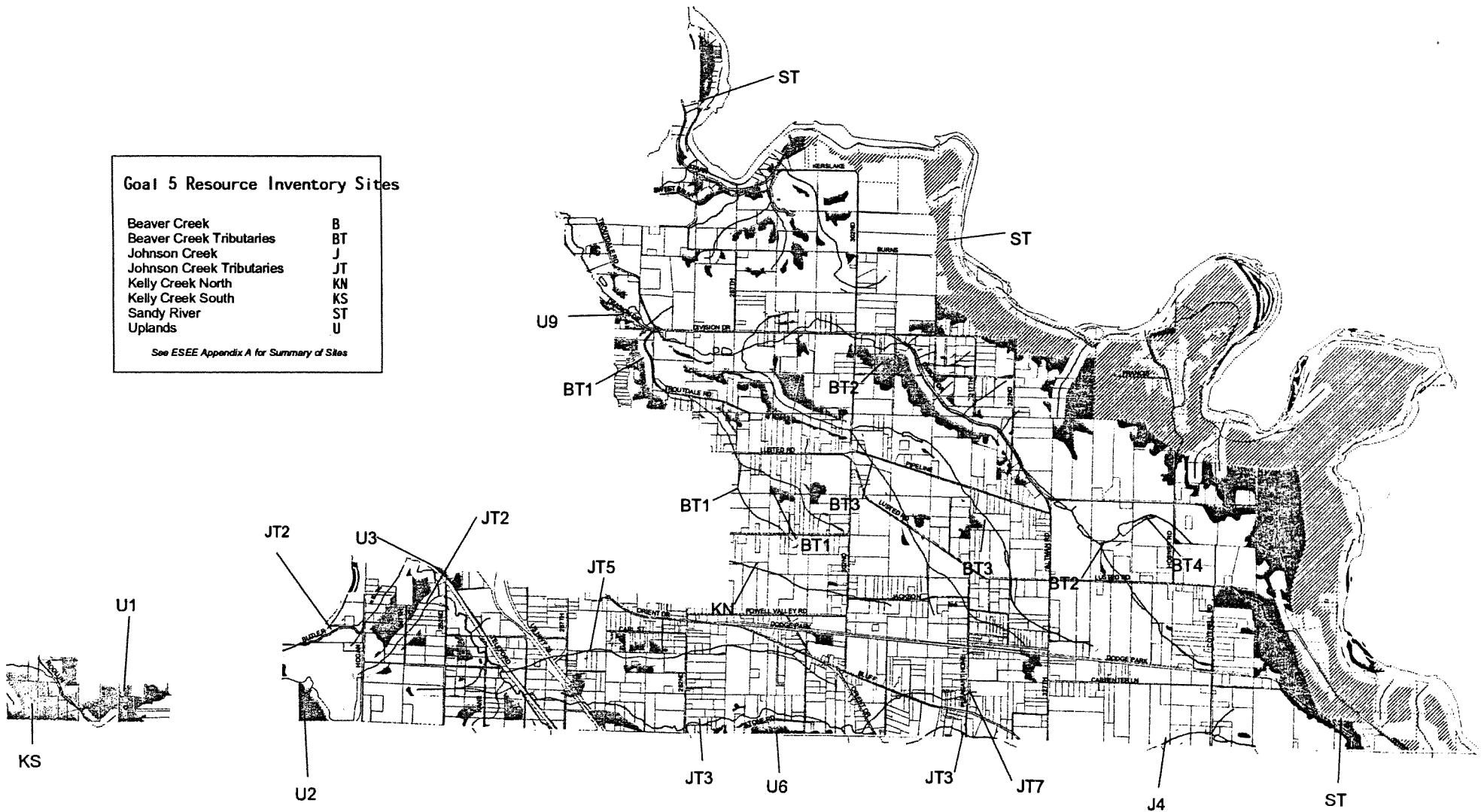
# West of Sandy River

## Significant Environmental Concern Overlay Zones

### Goal 5 Resource Inventory Sites

Beaver Creek	B
Beaver Creek Tributaries	BT
Johnson Creek	J
Johnson Creek Tributaries	JT
Kelly Creek North	KN
Kelly Creek South	KS
Sandy River	ST
Uplands	U

See ESEE Appendix A for Summary of Sites



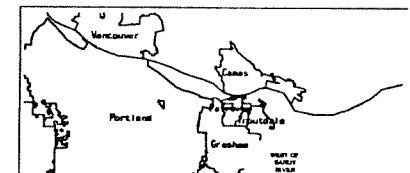
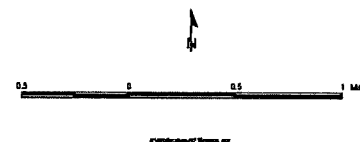
### Land Use Planning Division

1600 SE 190th Ave  
Portland, OR 97233  
(503) 968-3343  
Fax (503) 968-3388  
land.use.planning@co.multnomah.or.us

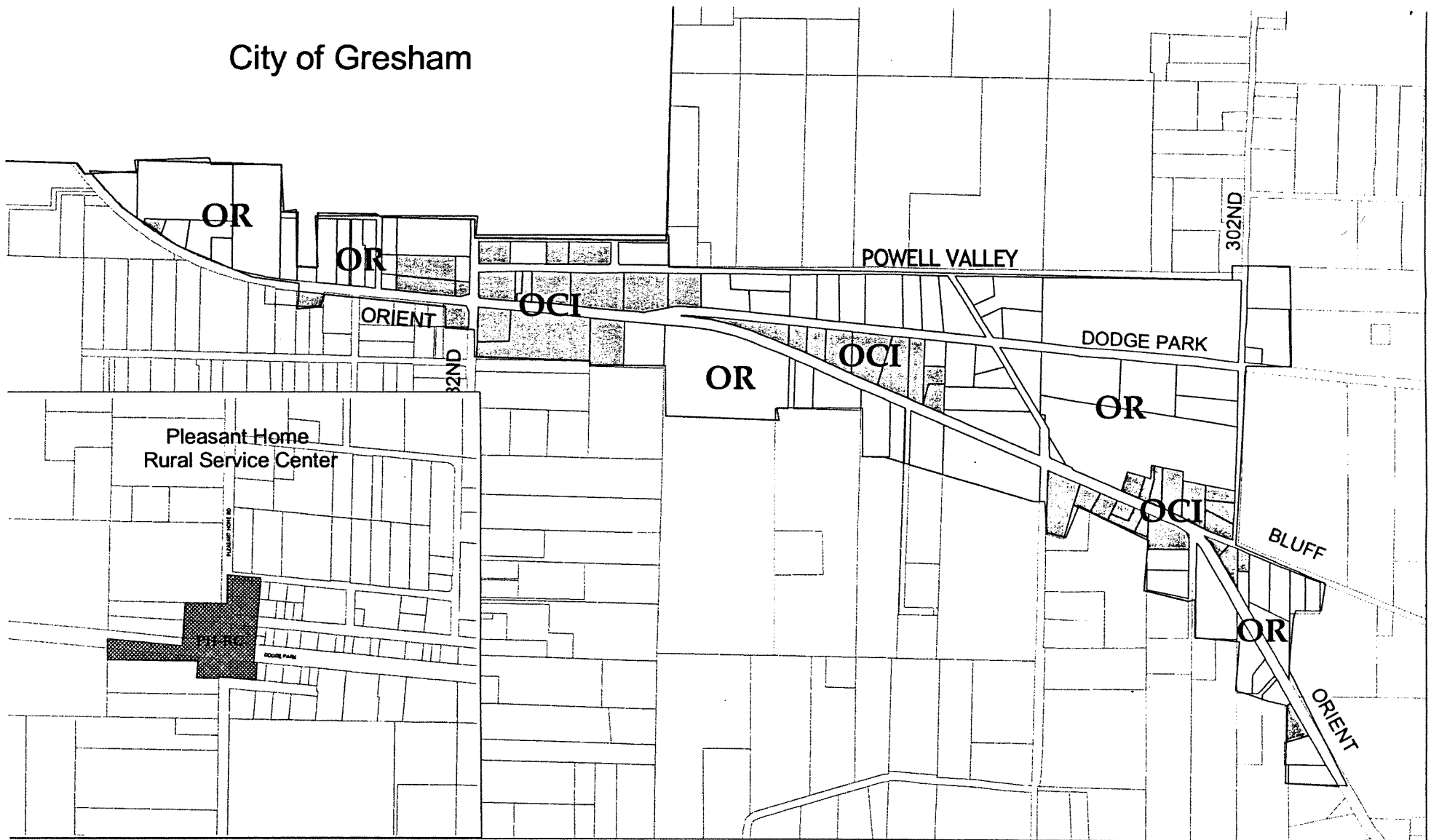
### Significant Environmental Concern Zones

- SEC-wr Water Resource  
(200 ft each side of stream)
- SEC-h Wildlife Habitat
- SEC-sw Scenic Waterways


- Riparian Corridors  
(100 ft each side of stream)
- West of Sandy River Plan Area
- Tax Lot Boundaries
- Streams



City of Gresham



Orient Rural Community Zones

 Commercial and Industrial

 Public Facilities and Residential

 Pleasant Home Rural Service Center Zone

West of Sandy River Rural Area Plan

Figure 9

Rural Center Zoning Concept



0.1 0 0.1 0.2 Miles

Map by Parametrix. Data source: Metro RLIS  
Revised April 5, 2002

c:\West of Sandy River\GIS data\proj\_parametrix\app\wsrplan.apr

**Section . Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions.**

A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be "follow-up applications" to developments already approved as Type II or III decisions in which application for the development was submitted prior to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 996**

Amending MCC Chapter 29 to Add Grading and Erosion Control and Flood Hazard Regulations Needed to Implement the Policies of the West of Sandy River Rural Area Transportation and Land Use Plan and to Comply with Metro Functional Plan Title 3 Requirements for Water Quality Protection

**Multnomah County Ordains as follows:**

**Section 1.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.320-29.325 as follows:

**WEST OF SANDY RIVER GRADING AND EROSION CONTROL**

**§ 29.320 Purposes.**

The purposes of the Grading and Erosion Control ordinance are to promote the public health, safety and general welfare, and minimize erosion and related environmental damage in the West of Sandy River Plan Area of unincorporated Multnomah County, all in accordance with ORS 215, LCDC Statewide Planning Goal No. 6 and the County Comprehensive Framework Plan Policies 13 and 14. This subdistrict is intended to:

- (A) Protect human life;
- (B) Protect property and structures;
- (C) Minimize expenditures for rescue and relief efforts associated with earth movement failures;
- (D) Control erosion, production and transport of sediment;
- (E) Regulate land development actions including excavation and fills, drainage controls and protect exposed soil surfaces from erosive forces; and
- (F) Control stormwater discharges and protect streams, ponds, and wetlands.

**§ 29.321 Erosion Control Related Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

***CERTIFIED ENGINEERING GEOLOGIST.*** Any person who has obtained certification by the state as an engineering geologist.

**CUT.**

- (1) An excavation;
- (2) The difference between a point on the original ground surface and the point of lowest elevation on the final grade;
- (3) The material removed in excavation work.

**DEVELOPMENT.** Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetation in a Water Resource Area or Habitat Area on a lot or parcel. (*Title 3*)

**DEVELOPMENT AREA.** The total area of alteration of the naturally occurring ground surface resulting from construction activities whether permanent or temporary.

**DRAINAGE AREA.** The subject property together with the watershed (acreage) contributing water runoff to and receiving water runoff from the subject property.

**DRAINAGEWAY.** Any natural or artificial stream, swale, creek, river, ditch, channel, canal or other open water-course.

**EARTH MOVEMENT.** Any type of land surface failure resulting in the downslope movement of material. The term includes, but is not limited to, soil creep, mudflow, rockslides, block failures, and massive landslides.

**EROSION.** The wearing away or removal of earth surface materials by the action of natural elements or forces including, but not limited to, wind, water or gravity.

**EXCAVATION.** Any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting therefrom.

**FILL.**

(1) Any act by which earth, sand, gravel, rock or similar material is pushed, placed, dumped, stacked, pulled, transported, or in any way moved to a new location above the existing natural surface of the ground or on the top of a stripped surface, including the condition resulting there from.

(2) The difference in elevation between a point on the original ground surface and the point of higher elevation on a finished grade.

(3) The material used to make a fill.

**GEOTECHNICAL ENGINEER.** A civil engineer, licensed to practice in the state, who by training, education and experience is competent in the practice of geotechnical or soils engineering practices.

**GEOTECHNICAL REPORT.** Any information required in addition to Form 1 which clarifies the geotechnical conditions of a proposed development site. Examples of this would be reports on test hole borings, laboratory tests or analysis of materials, or hydrologic studies.

**GRADING.** Any stripping, cutting, filling, stockpiling or any combination thereof, including the land in its cut or filled condition.

**HDP FORM-1.** The form required for specified developments subject to the Hillside Development and Erosion Control Subdistrict. It contains a geotechnical reconnaissance and stability questionnaire which must be filled out and certified by a certified engineering geologist or geotechnical engineer.

**LAND-DISTURBING ACTIVITIES.** Any act which alters earth, sand, gravel, or similar materials and exposes the same to the elements of wind, water, or gravity. Land-disturbing activities include: excavations or fills, site grading, and soil storage.

**MULCH.** Materials spread over the surface of the ground, especially freshly graded or exposed soils, to prevent physical damage from erosive agents such as storm water, precipitation or wind, and which shield soil surfaces until vegetative cover or other stabilization measures can take effect.

**ORDINARY HIGH WATER MARK.** Features found by examining the bed and banks of a stream and ascertaining where the presence and action of waters are so common and usual, and so long maintained in all ordinary years, as to mark upon the land a character distinct from that of the abutting upland, particularly with respect to vegetation. For streams where such features cannot be found, the channel bank shall be substituted. In braided channels and alluvial fans, the ordinary high water mark shall be measured to include the entire stream feature.

**SLOPE.**

- (1) Any ground whose surface makes an angle from the horizontal; or
- (2) The face of an embankment or cut section.

**SLOPE HAZARD MAP.** A series of maps (Figures 1A through 6A.) prepared by Shannon & Wilson, Inc., dated September, 1978, and on file in the Office of the director, Department of Environmental Services.

**SPOIL MATERIAL.** Any rock, sand, gravel, soil or other earth material removed by excavation or other grading activities.

**STREAM.** Areas where surface waters flow sufficient to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey Class 1 or 2 streams naturally occurring prior to construction. Those topographic features resembling streams but which have no defined channels (such as, swales) shall be considered streams when hydrologic and hydraulic analyses performed pursuant to a development proposal predict formation of a defined channel after development.

**STREAM PROTECTION.** Activities or conditions which avoid or lessen adverse water quality and turbidity effects to a stream.

**TOPOGRAPHIC INFORMATION.** Surveyed elevation information which details slopes, contour intervals and drainageways. Topographic information shall be prepared by a registered land surveyor or a

registered professional engineer qualified to provide such information and represented on maps with a contour interval not to exceed ten feet.

**VEGETATION.** All plant growth, especially trees, shrubs, grasses and mosses.

**VEGETATIVE PROTECTION.** Stabilization of erosive or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, producing long-term vegetative cover;
- (2) Short-term seeding, producing temporary vegetative cover;
- (3) Sodding, producing areas covered with a turf or perennial sod-forming grass; or
- (4) Netting with seeding if the final grade has not stabilized.

**WATER BODY.** Areas permanently or temporarily flooded which may exceed the deepwater boundary of wetlands. Water depth is such that water, and not the air, is the principal medium in which prevalent organisms live. Water bodies include rivers, creeks, lakes, and ponds.

**WATERCOURSE.** Natural and artificial features which transport surface water. **WATERCOURSE** includes a river, stream, creek, slough, ditch, canal, or drainageway.  
(’90 Code § 9.40.050) (Ord. 847, passed 1996)

#### **§ 29.322 Permits Required.**

(A) **Grading and erosion control permit.** All persons proposing land disturbing activities or development :

- (1) Where the volume of soil or earth material disturbed, stored, disposed of or used as fill exceeds 10 cubic yards;
- (2) Which obstructs or alters a drainage course; or
- (3) Which takes place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water, or within the wetlands associated with a watercourse or water body, whichever distance is greater, shall obtain a grading and erosion control permit as prescribed by this Subdistrict, unless exempted by §§ 29.323(B)(2) through (6) or (C) of this subchapter. Development projects subject to a hillside development permit do not require a separate grading and erosion control permit.

(B) **Grading and erosion control permit.** All persons proposing land-disturbing activities within the Tualatin River and Balch Creek Drainage Basins shall first obtain a grading and erosion control permit, except as provided by § 29.323(C) of this subchapter.  
(’90 Code § 9.40.010) (Ord. 847, passed 1996)

#### **§ 29.323 Exempt Land Uses And Activities.**

The following are exempt from the provisions of this subchapter:

(A) **Prior development.** Development activities approved prior to February 20, 1990; except that within such a development, issuance of individual building permits for which application was made after February 20, 1990 shall conform to site-specific requirements applicable herein.

(B) **General exemptions.** Outside the Tualatin River and Balch Creek Drainage Basins, all land-disturbing activities outlined below shall be undertaken in a manner designed to minimize earth movement hazards, surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this Subdistrict if:

- (1) Natural and finished slopes will be less than 25%;
- (2) The disturbed or filled area is 20,000 square feet or less;
- (3) The volume of soil or earth materials to be stored is 10 cubic yards or less;
- (4) Rainwater runoff is diverted, either during or after construction, from an area smaller than 10,000 square feet;
- (5) Impervious surfaces, if any, of less than 10,000 square feet are to be created; and
- (6) No drainageway is to be blocked or have its stormwater carrying capacities or characteristics modified.

(C) **Categorical exemptions.** Notwithstanding divisions (A) and (B)(1) through (6) of this section, the following activities are exempt from the permit requirements:

- (1) An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation, nor exempt any excavation having an unsupported finished height greater than five feet.
- (2) Cemetery graves, but not cemetery soil disposal sites.
- (3) Excavations for wells, except that sites in the Tualatin Basin shall require Erosion Control Plans for spoils or exposed areas consistent with OAR 340-41-455(3).
- (4) Mineral extraction activities as regulated by the county zoning code.
- (5) Exploratory excavations under the direction of certified engineering geologists or geotechnical engineers.
- (6) Routine agricultural crop management practices.
- (7) Residential gardening and landscape maintenance at least 100 feet by horizontal measurement from the top of the bank of a watercourse, or the mean high watermark (line of vegetation) of a body of water or wetland.
- (8) Emergency response activities intended to reduce or eliminate an immediate danger to life, property, or flood or fire hazards.

(9) Forest practices as defined by ORS 527 (the State Forest Practices Act) and approved by the state Department of Forestry. ('90 Code § 9.40.020) (Ord. 847, passed 1996)

#### **§ 29.324 Application Information Required.**

An application for development subject to the requirements of this Subdistrict shall include the following:

(A) A map showing the property line locations, roads and driveways, existing structures, trees with eight-inch or greater caliper or an outline of wooded areas, watercourses and include the location of the proposed development(s) and trees proposed for removal.

(B) An estimate of depths and the extent and location of all proposed cuts and fills.

(C) The location of planned and existing sanitary drainfields and drywells.

(D) Narrative, map or plan information necessary to demonstrate compliance with applicable provisions of the county zoning code. The application shall provide applicable supplemental reports, certifications, or plans relative to: engineering, soil characteristics, stormwater drainage, stream protection, erosion control, and/or replanting.  
(90 Code § 9.40.030) (Ord. 847, passed (1996)

#### **§ 29.325 Grading And Erosion Control Permit Standards.**

Approval of development plans on sites subject to a grading and erosion control permit shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be imposed to assure the design meets the standards:

(A) ***Design standards for grading and erosion control.***

(1) ***Grading standards.***

(a) Fill materials, compaction methods and density specifications shall be indicated. Fill areas intended to support structures shall be identified on the plan. The director may require additional studies or information or work regarding fill materials and compaction;

(b) Cut and fill slopes shall not be steeper than 3:1 unless a geological and/or engineering analysis certifies that steep slopes are safe and erosion control measures are specified;

(c) Cuts and fills shall not endanger or disturb adjoining property;

(d) The proposed drainage system shall have adequate capacity to bypass all sheet flow through the development from a storm of ten-year design frequency and maintain the existing flood carrying capacity of all watercourses passing through the property; (Ord. 931, passed 1999)

(e) Fills shall not encroach on natural watercourses or constructed channels unless measures are approved which will adequately handle the existing flood carrying capacity for the altered portion of the stream. (Ord. 931, passed 1999)

(2) ***Erosion control standards.***

(a) Stripping of vegetation, grading, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as practicable, and expose the smallest practical area at any one time during construction;

(b) Development plans shall minimize cut or fill operations and ensure conformity with topography so as to create the least erosion potential and adequately accommodate the volume and velocity of surface runoff;

(c) Temporary vegetation and/or mulching shall be used to protect exposed critical areas during development;

(d) Whenever feasible, natural vegetation shall be retained, protected, and supplemented;

1. A 100-foot undisturbed buffer of natural vegetation shall be retained from the top of the bank of a stream, or from the ordinary high watermark (line of vegetation) of a water body, or within 100 feet of a wetland;

2. The buffer required in subsection (d)1. may only be disturbed upon the approval of a mitigation plan which utilizes erosion and stormwater control features designed to perform as effectively as those prescribed in the currently adopted edition of the "Erosion Prevention & Sediment Control Plans Technical Guidance Handbook" and the "City of Portland Stormwater Quality Facilities, A Design Manual (1995)" and which is consistent with attaining equivalent surface water quality standards as those established for the Tualatin River Drainage Basin in OAR 340;

(e) Permanent plantings and any required structural erosion control and drainage measures shall be installed as soon as practical;

(f) Provisions shall be made to effectively accommodate increased runoff caused by altered soil and surface conditions during and after development. The rate of surface water runoff shall be structurally retarded where necessary;

(g) Sediment in the runoff water shall be trapped by use of debris basins, silt traps, or other measures until the disturbed area is stabilized;

(h) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surface of fills by installation of temporary or permanent drainage across or above such areas, or by other suitable stabilization measures such as mulching or seeding;

(i) All drainage provisions shall be designed to adequately carry existing and potential surface runoff to suitable drainageways such as storm drains, natural watercourses, drainage swales, or an approved drywell system;

(j) Where drainage swales are used to divert surface waters, they shall be vegetated or protected as required to minimize potential erosion;

(k) Erosion and sediment control devices shall be required where necessary to prevent polluting discharges from occurring. Control devices and measures which may be required include, but are not limited to:

1. Energy absorbing devices to reduce runoff water velocity;

2. Sedimentation controls such as sediment or debris basins. Any trapped materials shall be removed to an approved disposal site on an approved schedule;

3. Dispersal of water runoff from developed areas over large undisturbed areas.

(l) Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainageways by applying mulch or other protective covering; or by location at a sufficient distance from streams or drainageways; or by other sediment reduction measures;

(m) Such non-erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through proper handling, disposal, continuous site monitoring and clean-up activities.

**(B) Responsibility**

(1) Whenever sedimentation is caused by stripping vegetation, regrading or other development, it shall be the responsibility of the person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces and drainage systems prior to issuance of occupancy or final approvals for the project;

(2) It is the responsibility of any person, corporation or other entity doing any act on or across a communal stream, watercourse or swale, or upon the floodplain or right-of-way thereof, to maintain as nearly as possible in its present state the stream, watercourse, swale, floodplain, or right-of-way during such activity, and to return it to its original or equal condition.

**(C) Implementation.**

(1) Performance bond. A performance bond may be required to assure the full cost of any required erosion and sediment control measures. The bond may be used to provide for the installation of the measures if not completed by the contractor. The bond shall be released upon determination the control measures have or can be expected to perform satisfactorily. The bond may be waived if the director determines the scale and duration of the project and the potential problems arising therefrom will be minor.

(2) Inspection and enforcement. The requirements of this subdistrict shall be enforced by the planning director. If inspection by county staff reveals erosive conditions which exceed those prescribed by the Hillside Development Permit or Grading and Erosion Control Permit, work may be stopped until appropriate correction measures are completed.

**(D) Final approvals.** A certificate of occupancy or other final approval shall be granted for development subject to the provisions of this subdistrict only upon satisfactory completion of all applicable requirements.

('90 Code § 9.40.040) (Ord. 847, passed 1996)

**Section 2.** MCC Chapter 29, Building Regulations, is amended to add §§ 29.620-29.630 as follows:

## **WEST OF SANDY RIVER FLOOD HAZARD REGULATIONS**

### **29.620 Purposes.**

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, to reduce the risk of flooding and maintain the functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within the West of Sandy River Plan Area of unincorporated Multnomah County to participate in the National Flood Insurance Program.(Title 3)

### **29.621 Definitions.**

For the purpose of this subchapter, the following definitions shall apply:

**ALTERATION.** To modify, change or make different.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse.

**DESIGN FLOOD ELEVATION.** The elevation of the 100-year flood as defined by FEMA Flood Insurance Rate Maps, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

**ELEVATION CERTIFICATE.** The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.

**ENCROACHMENT.** To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line is not considered an encroachment by this subdistrict.

**FLOOD MANAGEMENT AREA.** All lands contained within the the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February 1996 flood.(Title 3)

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

(1) Before the improvement or repair is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.

(3) Substantial Improvement does not, however, include either:

(a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**WATERCOURSE.** Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

#### **§ 29.622 Areas Affected.**

(A) The provisions of MCC 29.620 - 29.630 shall apply within the West of Sandy River Plan Area to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse as defined by MCC 29.621.(Title 3)

(1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.

#### **§ 29.623 Permits.**

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining,

excavation and filling shall occur on lands within Flood Management Areas unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.

(1) Improvements to a structure, dwelling or mobile home, which does not require a land use permit, grading permit or building permit, are exempted from obtaining a Flood Hazard Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.621 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.629.

(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.

#### **§29.624 Exemption from Development Standards.**

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.626 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.626.

(C) Forest practices conducted under the Forest Practices Act.

#### **§ 29.625 Application Information Required.**

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.626. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.626.

(C) An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

## **§ 29.626 Development Standards.**

The following standards shall apply to all new construction, substantial improvement or other development in Flood Management Areas:

### **(A) General Development Standards**

(1) Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.

(2) All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed.

(5) Uncontained areas of hazardous materials as defined by DEQ shall be prohibited in Flood Management Areas. (Title 3)

### **(B) All Structures.**

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

### **(C) Residential Structures.**

New construction and substantial improvement of any residential structure, including manufactured homes, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base flood level as indicated on the Elevation Certificate. For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.

(2) Be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Conduct an as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon Registered Professional Engineer or Land Surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood level.

(a) The as-built elevation survey shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey is submitted. The deposit/bond may be used to obtain the elevation survey, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey, unless utilized to obtain compliance.

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.

(2) Provide an as-built elevation survey of the lowest floor completed by a State of Oregon Registered Professional Engineer or Land Surveyor certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.626(D)(1)(a) through (c).

(a) The as-built elevation survey or stamped documentation shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey or stamped documentation is submitted. The bond/deposit may be used to obtain the elevation survey or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey or stamped documentation, unless utilized to obtain compliance.

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(F) Recreational Vehicles in Campground or Recreational Development

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of MCC 29.626(B) and (C).

#### **§ 29.627 Floodway Requirements.**

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.626, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

#### **§ 29.628 Procedure When Base Flood Elevation Data is Not Available.**

(A) For the purposes of administering MCC 29.626 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and

utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.

(B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.

#### **§ 29.629 Watercourse Relocation and Alteration.**

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:

- (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;
- (2) The area subject to inundation by the base flood discharge will not be increased;
- (3) The alteration or relocation will cause no measurable increase in base flood levels.

#### **§ 29.630 County Records.**

Multnomah County or its designee shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC 29.626(D)(1)(b) and (c).

**Section 3. Time extension for submittal of applications for Design Review, Hillside Development Permits, and Grading and Erosion Control Permits for certain Type II and III decisions.** A time extension until January 1, 2004 shall be allowed for submitting applications for Design Review, Hillside Development Permits, and Erosion Control Permits under the applicable provisions of MCC 11.15 and MCC 29.300. Those applications shall be "follow-up applications" to developments already approved as Type II or III decisions in which application for the development was submitted prior

to January 1, 2003 and the approval has not expired under the provisions of MCC 37.0690, 37.0700, or 37.0750.

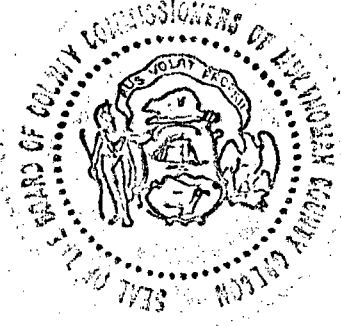
**Section 4.** The effective date of this ordinance shall be January 1, 2003.

FIRST READING:

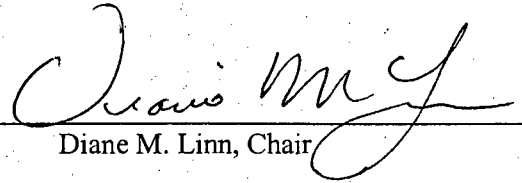
October 24, 2002

SECOND READING AND ADOPTION:

October 31, 2002

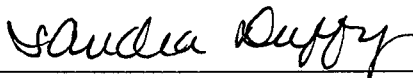


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Deputy County Attorney

Copies of ordinances attache  
to Land Use Readoption  
Ordin. 10/31/02

 Verba



# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: R-5

Estimated Start Time: 10:00 AM

Date Submitted: 10/10/02

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Requested Date: October 31, 2002

Amount of Time Requested: 15 minutes

Department: Non-Departmental

Division: County Attorney

Contact/s: Sandra Duffy

Phone: 988-3138

Ext.: 83138 I/O Address: 503 / 500

Presenters: Sandra Duffy

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**Agenda Title: An Ordinance re-adopting numerous code sections of the County Land Use Zoning Codes in response to Land Use Board of Appeals remand order (LUBA No. 2001-171) and declaring an emergency.**

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

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**Please answer all relevant questions; leave others blank. Please do not alter form.**

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**

Conduct a hearing and adopt an Ordinance by emergency re-adopting numerous code sections of the County Land Use Zoning Codes in response to Land Use Board of Appeals remand order.

- 2. Please provide sufficient background information for the Board and the public to understand this issue.**

On September 17, 2002 the Oregon Land Use Board of Appeals remanded County Ordinance #967 which replaces County Comprehensive Plan and Zoning Ordinance provisions with City of Portland Comprehensive Plan and Zoning Provisions for that portion of the unincorporated County that lies inside the Metro Urban Growth Boundary.

The petitioner argued that the challenged ordinance is of "no legal effect" because the County did not comply with ORS 215.060. ORS 215.060 requires that the County hold at least one public hearing when it amends its comprehensive plan and requires at least 10 days advance public notice in a newspaper of general circulation.

The County had mailed individual notices to affected property owners pursuant to Ballot Measure 56 but LUBA determined that the newspaper publication was mandatory. The County realized there was an error in our noticing procedures and has fixed the error to prevent this from happening in the future. However, to correct any potential problems, the County Attorney has advised us to include in this package all of the ordinances that did not receive the notice required pursuant to ORS 215.060.

The ORS 215.060 notice will be published in the Oregonian on Sunday October 20, 2002, 21 days in advance of the hearing on this matter.

The following table is a list of other County Land Use Ordinances that did not receive notice in a paper of general circulation:

#	Ordin	Adoption Date	Title
1.	865	8/1/1996	AMENDING THE MULTNOMAH COUNTY ZONING CODE AND THE GRADING EROSION CONTROL CODE TO REDEFINE CERTAIN TERMS, AND DECLARING AN EMERGENCY
2.	879	5/29/1997	AMENDING MULTNOMAH COUNTY CODE SECTION 11.15.8240 TO LIMIT REQUIRED NOTIFICATION FOR PLANNING COMMISSION AND HEARINGS OFFICER DECISIONS TO PERSONS WHO PARTICIPATED IN THE HEARINGS AS CONSISTENT WITH STATE LAW, AND DECLARING AN EMERGENCY
3.	889	11/12/1997	AMENDING FEES FOR ACTION PROCEEDINGS AND ADMINISTRATIVE ACTIONS UNDER MCC 9.40, 11.05, 11.15 AND 11.45
4.	899	1/29/1998	AMENDING THE CONDITIONAL USE AND DESIGN REVIEW SECTIONS OF THE ZONING CODE BY PROVIDING AN EXEMPTION FOR ALL SINGLE FAMILY RESIDENCES FROM THE DESIGN REVIEW REQUIREMENTS OF THE ZONING CODE, AND DECLARING AN EMERGENCY
5.	900	2/12/1998	AMENDING THE MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN AND THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR HOME OCCUPATIONS
6.	903	4/2/1998	AMENDING MCC 11.15 BY ESTABLISHING AN EXPIRATION PERIOD FOR CERTAIN SINGLE FAMILY DWELLING APPROVALS IN THE EXCLUSIVE FARM USE DISTRICT
7.	905	4/23/1998	DELETING ENFORCEMENT PROCEEDING REGULATIONS CONTAINED IN MCC 11.15.8135 AND AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 FOR LAND USE VIOLATIONS TO INCREASE THE CAPABILITY OF THE COUNTY TO GAIN COMPLIANCE WITH LAND USE REGULATIONS

#	Ordin	Adoption Date	Title
8.	908	6/18/1998	AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 WHICH WAS PREVIOUSLY AMENDED ON APRIL 23, 1998 BY ORDINANCE 905
9.	911	7/2/1998	ADOPTING THE WESTSIDE RURAL MULTNOMAH COUNTY TRANSPORTATION SYSTEM PLAN
10.	912	7/2/1998	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
11.	913	7/2/1998	AMENDING THE SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN
12.	914	7/2/1998	AMENDING THE WEST HILLS RURAL AREA PLAN
13.	915	7/2/1998	AMENDING THE ACTION PROCEEDINGS SECTION OF THE ZONING CODE BY: 1) REPEALING THE 120 DAY REQUIREMENT OF CODE; 2) AMENDING THE PUBLIC NOTICE REQUIREMENT; AND 3) AMENDING THE DATE REQUIRED FOR A STAFF REPORT TO BE MADE AVAILABLE PRIOR TO A HEARING
14.	916	7/9/1998	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS AND EAST OF SANDY RIVER RURAL AREA PLANS AND PROVIDING EQUIVALENCY STANDARDS TO FIRE SAFETY ZONES AS ALLOWED BY OREGON ADMINISTRATIVE RULE 660-06-035
15.	922	12/10/1998	AMENDING THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR LARGE FILL OPERATIONS
16.	924	1/21/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS REVISING AND IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS RURAL AREA PLAN FOR THE STUDY AREA IDENTIFIED IN THAT PLAN
17.	925	1/28/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING OPEN SPACE AND EMERGENCY/DISASTER RESPONSE AMENDMENTS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA, CORRECTING CERTAIN ERRORS IN THE GENERAL MANAGEMENT FOREST DISTRICT, AND DECLARING AN EMERGENCY
18.	926	2/18/1999	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
19.	928	3/11/1999	AMENDING MCC 11.15.8280(D) AND DELETING MCC 11.15.8252 REGARDING THE DATE AT WHICH A BOARD DECISION ON A LAND USE MATTER BECOMES FINAL

#	Ordin	Adoption Date	Title
20.	931	4/15/1999	DELETING FLOOD HAZARD REGULATIONS CONTAINED IN MCC 11.15.6301 THROUGH 11.15.6323 AND AMENDING THE SIGNIFICANT ENVIRONMENTAL CONCERN REGULATIONS FOR STREAMS AND GRADING AND EROSION CONTROL REGULATIONS AND ADDING TO CHAPTER 29 AND AMENDING THE FLOOD HAZARD REGULATIONS TO BE IN COMPLIANCE WITH THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM
21.	932	4/15/1999	AMENDING MCC 11.15, MCC 11.45 AND MCC § 29.305 TO ENACT EIGHT "HOUSEKEEPING" AMENDMENTS THAT UPDATE, CLARIFY, OR CORRECT CERTAIN ZONING AND BUILDING CODE PROVISIONS
22.	933	7/15/1999	AMENDING COMPREHENSIVE FRAMEWORK PLAN POLICIES 13, 22, 37, 38 AND 40 AND THE REQUIREMENTS OF FINDINGS FOR QUASI-JUDICIAL AND LEGISLATIVE APPROVALS
23.	935	8/5/1999	REPEALING MULTNOMAH COUNTY ORDINANCE 903 PERTAINING TO EXPIRATION PERIODS FOR CERTAIN SINGLE FAMILY DWELLINGS APPROVED IN EXCLUSIVE FARM USE DISTRICTS
24.	940	2/3/2000	AMENDING THE NONCONFORMING USE SECTION OF THE MULTNOMAH COUNTY ZONING ORDINANCE TO COMPLY WITH ORS 215.130
25.	944	4/13/2000	AMENDING MULTNOMAH COUNTY CODE 11.05 LAND USE GENERAL PROVISIONS, 11.15 ZONING, 11.45 LAND DIVISION, AND CHAPTER 29 BUILDING REGULATIONS TO ESTABLISH FEES AND CHARGES BY RESOLUTION
26.	947	6/15/2000	AMENDING CHAPTER 11.15 TO ADD PROVISIONS FOR EMERGENCY/DISASTER RESPONSE ACTIVITIES
27.	953	11/30/2000	ADOPTING FIVE NEW ZONING CODE CHAPTERS AS PART OF THE MULTNOMAH COUNTY CODE OF ORDINANCES VOLUME II: LAND USE IN CONTINUATION OF THE REORGANIZATION EFFORTS OF ORDINANCE NO. 910 TO REVISE, AMEND, RESTATE, CODIFY AND REPEAL CERTAIN EXISTING CODE PROVISIONS
28.	958	2/15/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, AND 35 TO PROVIDE STANDARDS FOR THE APPROPRIATE LOCATION, REGULATION, AND DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES AND DECLARING AN EMERGENCY

#	Ordin	Adoption Date	Title
29.	967	10/11/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT PORTLAND'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
30.	970	12/20/2001	AMENDING THE COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND ZONING CODE CHAPTERS TO ADOPT PORTLAND'S RECENT CODE AND COMPREHENSIVE PLAN REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN, AND DECLARING AN EMERGENCY
31.	973	1/31/2002	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT TROUTDALE'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
32.	977	2/7/2002	ADOPTING AN AMENDMENT TO MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, 35, AND 38 PROVIDING FOR A WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PLAN AS AN ALLOWED USE ON LANDS ZONED FOR EXCLUSIVE FARM USE
33.	982	5/16/2002	ADOPTING AMENDMENTS TO MULTNOMAH COUNTY CODE CHAPTERS 33, 34, AND 35 PERTAINING TO "LOTS OF RECORD" AND CHANGES TO OTHER LAND USE STANDARDS AS REQUIRED BY RECENTLY ADOPTED OREGON ADMINISTRATIVE RULES FOR "RURAL RESIDENTIAL AREAS"
34.	984	6/20/2002	AMENDING COUNTY LAND USE CODE, PLANS AND MAPS TO ADOPT PORTLAND'S RECENT LAND USE CODE, PLAN AND MAP REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN AND DECLARING AN EMERGENCY

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

NA

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

On September 17, 2002, the Land Use Board of Appeals (LUBA) issued an opinion in the case of Ramsey v. Multnomah County (LUBA No. 2001-171). Petitioner Ramsey appealed the adoption of Ordinance #967 by the Board of County Commissioners. That ordinance replaced the County comprehensive plan and County zoning code with City of Portland comprehensive plan and zoning provisions for unincorporated County inside the Metro Urban Growth Boundary.

The Petitioner appealed on multiple issues but prevailed on the issue of whether the ordinance had any legal effect because the County failed to give at least 10 days advance public notice "in a newspaper of general circulation." It was undisputed that the notice was not published. LUBA found that even though the Ballot Measure 56 notices were mailed to individual property owners and may have been better notice, it did not cure the failure to publish notice.

The ordinance now before the Board is intended to cure the defect in the prior ordinance. The required published notice has been done.

Also as part of this ordinance, the planning staff researched to determine whether there were other ordinances adopted without the required published notice. The chart above lists those ordinances. This new ordinance is intended to cure that procedural defect.

**5. Explain any citizen and/or other government participation that has or will take place.**

A notice will be submitted to the Oregonian, a newspaper of general circulation, on October 16, 2002 and will be published on Sunday, October 20, 2002, which will announce the hearing of October 31, 2002.

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director ☒ Thomas Sponsler, County Attorney**

**Agenda Review Team ☐ By: (type name of approver) Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

An Ordinance Repealing and Re-Adopting Numerous County Land Use Ordinances In Response To Land Use Board Of Appeals Remand Order (LUBA No. 2001-171) And Declaring An Emergency.

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

a. On September 17, 2002 the Oregon Land Use Board of Appeals remanded County Ordinance 967 which replaces County Comprehensive Plan and Zoning Ordinance provisions with City of Portland Comprehensive Plan and Zoning Provisions for that portion of the unincorporated County that lies inside the Metro Urban Growth Boundary.

b. LUBA held that the challenged ordinance was to be remanded back to the County because the County did not comply with ORS 215.060. ORS 215.060 requires that when the County amends its comprehensive plan it is required to publish at least 10 days advance public notice in a newspaper of general circulation.

c. The County did mail individual notices to affected property owners (a "Ballot Measure 56" notice). These notices were reasonably calculated to give actual notice to all affected property owners.

d. LUBA determined that the published notice would have been broader in reach than the Ballot Measure 56 notice and was not coextensive with Ballot Measure 56.

e. There were three readings of Ordinance 967 before the Board of County Commissioners and a public hearing was held at each reading.

f. The County has realized there is an error in our noticing procedures and has fixed the error to prevent this from happening in the future. However, to correct any potential problems, the Board wishes to readopt all of the ordinances that did not receive the notice required pursuant to ORS 215.060.

g. The only error in Ordinance 967 identified by LUBA was the failure to publish a notice of the intended adoption of the ordinance by the Board of County Commissioners at least 10 days before the proposed action. The purpose of the ordinance now before the Board is to correct that failure to publish. All other procedures required for adoption of comprehensive plan amendments and implementing zoning code are hereby acknowledged to have occurred and are supported by the record in *Ramsey v. Multnomah County*, LUBA No. 2001-171 (September 17, 2002), and incorporated herein.

h. A public hearing in this matter was properly noticed and held on October 31, 2002, as required by ORS 215.060.

**Multnomah County Ordains as follows:**

**Section 1.** The ordinances listed in the following table and attached to this ordinance are repealed and reenacted by this ordinance.

#	Ordin	Adoption Date	Title
1.	865	8/1/1996	AMENDING THE MULTNOMAH COUNTY ZONING CODE AND THE GRADING EROSION CONTROL CODE TO REDEFINE CERTAIN TERMS, AND DECLARING AN EMERGENCY
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15.	922	12/10/1998	AMENDING THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR LARGE FILL OPERATIONS
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19.	928	3/11/1999	AMENDING MCC 11.15.8280(D) AND DELETING MCC 11.15.8252 REGARDING THE DATE AT WHICH A BOARD DECISION ON A LAND USE MATTER BECOMES FINAL
20.	931	4/15/1999	DELETING FLOOD HAZARD REGULATIONS CONTAINED IN MCC 11.15.6301 THROUGH 11.15.6323 AND AMENDING THE SIGNIFICANT ENVIRONMENTAL CONCERN REGULATIONS FOR STREAMS AND GRADING AND EROSION CONTROL REGULATIONS AND ADDING TO CHAPTER 29 AND AMENDING THE FLOOD HAZARD REGULATIONS TO BE IN COMPLIANCE WITH THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM
21.	932	4/15/1999	AMENDING MCC 11.15, MCC 11.45 AND MCC § 29.305 TO ENACT EIGHT "HOUSEKEEPING" AMENDMENTS THAT UPDATE, CLARIFY, OR CORRECT CERTAIN ZONING AND BUILDING CODE PROVISIONS

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23.	935	8/5/1999	REPEALING MULTNOMAH COUNTY ORDINANCE 903 PERTAINING TO EXPIRATION PERIODS FOR CERTAIN SINGLE FAMILY DWELLINGS APPROVED IN EXCLUSIVE FARM USE DISTRICTS
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25.	944	4/13/2000	AMENDING MULTNOMAH COUNTY CODE 11.05 LAND USE GENERAL PROVISIONS, 11.15 ZONING, 11.45 LAND DIVISION, AND CHAPTER 29 BUILDING REGULATIONS TO ESTABLISH FEES AND CHARGES BY RESOLUTION
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27.	953	11/30/2000	ADOPTING FIVE NEW ZONING CODE CHAPTERS AS PART OF THE MULTNOMAH COUNTY CODE OF ORDINANCES VOLUME II: LAND USE IN CONTINUATION OF THE REORGANIZATION EFFORTS OF ORDINANCE NO. 910 TO REVISE, AMEND, RESTATE, CODIFY AND REPEAL CERTAIN EXISTING CODE PROVISIONS
28.	958	2/15/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, AND 35 TO PROVIDE STANDARDS FOR THE APPROPRIATE LOCATION, REGULATION, AND DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES AND DECLARING AN EMERGENCY
29.	967	10/11/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT PORTLAND'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
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#	Ordin	Adoption Date	Title
31.	973	1/31/2002	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT TROUTDALE'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
32.	977	2/7/2002	ADOPTING AN AMENDMENT TO MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, 35, AND 38 PROVIDING FOR A WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PLAN AS AN ALLOWED USE ON LANDS ZONED FOR EXCLUSIVE FARM USE
33.	982	5/16/2002	ADOPTING AMENDMENTS TO MULTNOMAH COUNTY CODE CHAPTERS 33, 34, AND 35 PERTAINING TO "LOTS OF RECORD" AND CHANGES TO OTHER LAND USE STANDARDS AS REQUIRED BY RECENTLY ADOPTED OREGON ADMINISTRATIVE RULES FOR "RURAL RESIDENTIAL AREAS"
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**Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ADOPTION: October 31, 2002

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 10/31/02  
SUBJECT: R-5 / Rafael / Harris request  
on Remanded Ordinance 967  
AGENDA NUMBER OR TOPIC: R-5  
FOR: \_\_\_\_\_ AGAINST: ☒ THE ABOVE AGENDA ITEM  
NAME: Dorothy S. Cotfield, Cotfield Law Office  
ADDRESS: 4248 Galewood  
CITY/STATE/ZIP: Lake Oswego OR 97035  
PHONE: \_\_\_\_\_ DAYS: 6754320 EVES: 6754320  
EMAIL: cotfield@heugenet FAX: (503) 6754321  
SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: See letter dated  
Oct 30, 2002 to Board of  
County Commissioners

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

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

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

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

**COFIELD LAW OFFICE**  
**Dorothy S. Cofield, Attorney at Law**

***Kruse Mercantile Professional Offices***  
***4248 Galewood, Suite 9***  
***Lake Oswego, Oregon 97035***  
***Tel: (503) 675-4320***  
***Fax: (503) 675-4321***  
***E-mail: cofield@hevanet.com***

**FACSIMILE COVER SHEET**

**DATE:** October 30, 2002

**Fax:** (503) 988 3013

**TO:** Deborah Bogstad, Board Clerk  
MULTNOMAH COUNTY BOARD OF COMMISSIONERS

**FROM:** Dorothy S. Cofield

**RE:** Agenda Item R-5/ October 31<sup>st</sup> Board Agenda

**MESSAGE:** See attached.

**NUMBER OF PAGES TRANSMITTED INCLUDING THE COVER PAGE:** 5

**PLEASE CALL (503) 675-4320 IF ALL PAGES ARE NOT RECEIVED.**

**CONFIDENTIALITY NOTE:** The documents accompanying this facsimile transmission contain information belonging to Dorothy S. Cofield which is confidential and/or legally privileged. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or the taking of any action in reliance on the contents of this telecopied information is strictly prohibited. If you have received this facsimile in error, please immediately notify us by telephone to arrange for return of the original documents to us.

- ☐ No original documents will follow unless requested.  
☐ Original documents will follow by mail.  
☐ Original documents will follow by courier

# COFIELD LAW OFFICE

Dorothy S. Cofield, Attorney at Law

October 30, 2002

## VIA FACSIMILE

Multnomah County Board of Commissioners  
501 SE Hawthorne Boulevard  
Portland, Oregon 97223

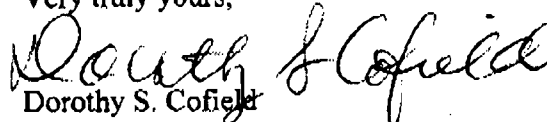
Re: *Agenda Item R-5*  
*An Ordinance Repealing and Re-Adopting Numerous County Land Use*  
*Ordinances In Response to Land Use Board of Appeals Remand Order*  
*(LUBA No. 2001-171) And Declaring an Emergency*

Dear Chair Linn and Board Members:

I represent Karen Rafnel and Dennis R. Harris. My clients own property within an urban pocket that is affected by the proposed ordinance. The Board's proposed adoption of the ordinance by emergency action will affect my clients' rights to submit a land use application for a minor partition under the existing Multnomah County Code land division regulations. My clients contacted the County Land Use Planning Department about submitting their land division application prior to the October 31, 2002 re-adoption of the City of Portland zoning regulations, but were told there were no available time slots until November. Without a pre-application conference, the Land Use Planning Department told my clients that they could not submit their land division application. For that reason, my clients have asked the Planning Director to waive the pre-application conference requirement and accept their land division application. See *Attached Waiver of Pre-Application Conference Requirement*.

My clients would like to request that the Board not adopt the above-referenced ordinance by emergency which will give them time to schedule a pre-application conference in the event the Planning Director does not waive the pre-application conference waiver request. Please submit this letter into the record.

Very truly yours,

  
Dorothy S. Cofield

DSC:das

Enclosure: As Stated

cc: Clients

## COFIELD LAW OFFICE

Dorothy S. Cofield, Attorney at Law

October 28, 2002

Kathy Busse, Planning Director  
Dept. of Environmental Services  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Ave.  
Portland, Oregon 97223

*Re: Waiver of Pre-Application Conference Requirement  
Tax Lot 200 1S1E 33-D/1250 SW Englewood Dr.*

Dear Ms. Busse,

I represent Karen Rafnel and Dennis R. Harris (hereinafter "Rafnel\Harris.") This letter is to request a waiver of the pre-application conference requirement of MCC 37.0570(A). On September 17, 2002 the Land Use Board of Appeals (LUBA) invalidated Ordinance No. 967 which adopted City of Portland zoning for urban pockets of property inside the urban growth boundary. As owners of property in an urban pocket, the Multnomah County Attorney's Office sent Rafnel\Harris a legal memorandum dated October 8, 2002 which advised them that they could reapply with the Multnomah County Land Use Planning Division under existing County zoning code requirements or wait for readoption of the County's ordinance on October 31, 2002 and proceed under City zoning code requirements.

Immediately after Rafnel\Harris received County Counsel's memorandum, Ms. Rafnel attempted to promptly schedule a pre-application conference with the County so that they could submit a land division application before the October 31, 2002 deadline. Planning staff informed her the first available date for a pre-application conference for the land division was in November, effectively precluding Rafnel\Harris from submitting the proposed land division application to the County before the readoption of Ordinance 967.

Rafnel\Harris purchased the property in February, 2001, intending to apply for a land division under the existing County zoning code requirements. They received County approval of a lot line adjustment (PLA 0-14) which was submitted to the County to meet road width standards for the proposed land division. With the passage of Ordinance 967, Rafnel\Harris could not apply for the land division under the County's zoning ordinances so they applied for a land division to the City of Portland. However,

the County kept jurisdiction over PLA 0-14. With LUBA's remand of Ordinance 967, Rafnel\Harris have the opportunity to apply for a land division under the County's zoning ordinances except the planning staff refuses to accept their land division application without the pre-application conference requirement being met.

MCC 37.0570(B) states the purpose of the pre-application conference is for the applicant to provide a summary of the development proposal and for staff to comment about the proposed development in terms of requirements, approval standards, fees and other information that affect the development proposal. Under MCC 37.0570(D), the planning director may waive the pre-application conference requirements if, in the Director's opinion, the development does not warrant the pre-application conference. The facts of the Rafnel\Harris' case warrant the waiver of the pre-application conference requirement for the following reasons.

Two years ago, prospective purchasers of the subject property, Chris and Suzanne Shepanek, applied for a 3-lot land division with the County (LD 0-11).<sup>1</sup> The County sent comment notices to adjacent properties. The comment letters were incorporated into LD 0-11. On December 6, 2000, the planning director conditionally approved LD 0-11.<sup>2</sup> See *Attached Decision of the Planning Director*. The approval decision indicates only minor conditions associated with the approval.<sup>3</sup>

Rafnel\Harris' attached land division application is identical to LD 0-11. The County's land division ordinance at MCC Section 11.45 for a Type 3 land division has not changed since the County approved LDO 0-11. The planning director's approval of LD 0-11 is ample proof the applicant and staff exchanged information about the 3-lot land division. Little purpose would be served by requiring a pre-application conference for the same development proposal under the same code standards. Yet without waiver of the pre-application conference requirement, Rafnel\Harris will be precluded from submitting a partition application under the existing County zoning code regulations which will result in a split of jurisdiction for the land division and the associated lot line adjustment. Rafnel\Harris will have to revise PLA 0-14 to be in conformity with the City of Portland zoning regulations, further complicating their situation.<sup>4</sup> If the pre-application conference requirement is waived, Rafnel\Harris can consolidate the minor partition application with the lot line adjustment and have both applications processed by the County as provided for in MCC 37.0510.

The administrative economy of having the land division and the associated lot line adjustment processed as a single development proposal by the County instead of splitting

<sup>1</sup> Under MCC 11.45.360, the planning director or applicant may request a pre-application conference. The planning director did not require a pre-application conference for LD 0-11, presumably because the 3-lot land division was uncomplicated and did not warrant it.

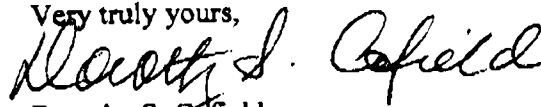
<sup>2</sup> The Shepaneks withdrew the approved LD 0-11 prior to Rafnel\Harris' purchase of the property.

<sup>3</sup> The casefile for LD 0-11 was sent to the City of Portland after passage of Ordinance 967. The County retained casefile PLA 0-14.

<sup>4</sup> A pre-application conference to discuss revisions to PLA 0-14 has been set for October 31, 2002 in the event the Board of County Commissioners does not approve the remanded Ordinance 967. See *Agenda Item R-5, Board of County Commissioners Agenda, October 31, 2002*.

the planning responsibility with the City, added to the fact County staff has reviewed and approved LD 0-11 and PLA 0-14, warrants the Planning Director's waiver of the pre-application conference requirement. Please call me if you have any questions about the Rafnel Harris request to waive the pre-application conference.

Very truly yours,



Dorothy S. Cofield

DSC:mac

Enclosures: As Stated

cc: Clients  
Multnomah County Board of Commissioners

#2

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

Please complete this form and return to the Board Clerk

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

MEETING DATE: 10/31/02

SUBJECT: Ord Amending Camp Plan / Remanded  
by

AGENDA NUMBER OR TOPIC: R-5

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

NAME: LOGAN RAMSEY

ADDRESS: 3026 NW Skyline Blvd.

CITY/STATE/ZIP: Portland, OR 97229

PHONE: \_\_\_\_\_ DAYS: (503) 292-4261 EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: Primarily Remanded Ord # 967

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

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

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

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

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

Oct 31, 2002 ①

Oct. 10, 2001

## Functional Plan Compliance Project For Oct 11, 2001

- ①. The purpose of this Ord. is so that Multnomah Co. will comply with Title 3 of Metro's Functional Plan. (See enclosed map of my area produced by Metro showing the resources to be protected, they are water features.)

The relevant water feature to be protected as defined by Metro's Title 3 lays 1400 feet to the west. Yet the planners say I should have environmental zone on my property. There are no logical basis for this conclusion.

- ②. Even though Metro asked Multnomah Co. only to comply with its Title 3. The planners are applying ~~subversive standards~~ the City's rules (in a dubious manner) ~~It~~ developed to comply with State land Use Planning Goal 5. But Goal 5 rules have not been followed in this ~~plan~~ planning effort.

- ③. The Multnomah Co. residents and land owners who are having their properties' uses restricted by these zonings did not have a chance to participate in the City's ordinances that now will directly affect the allowed uses on their properties. They will be forced to pay the City of Portland's environmental

10/31/02

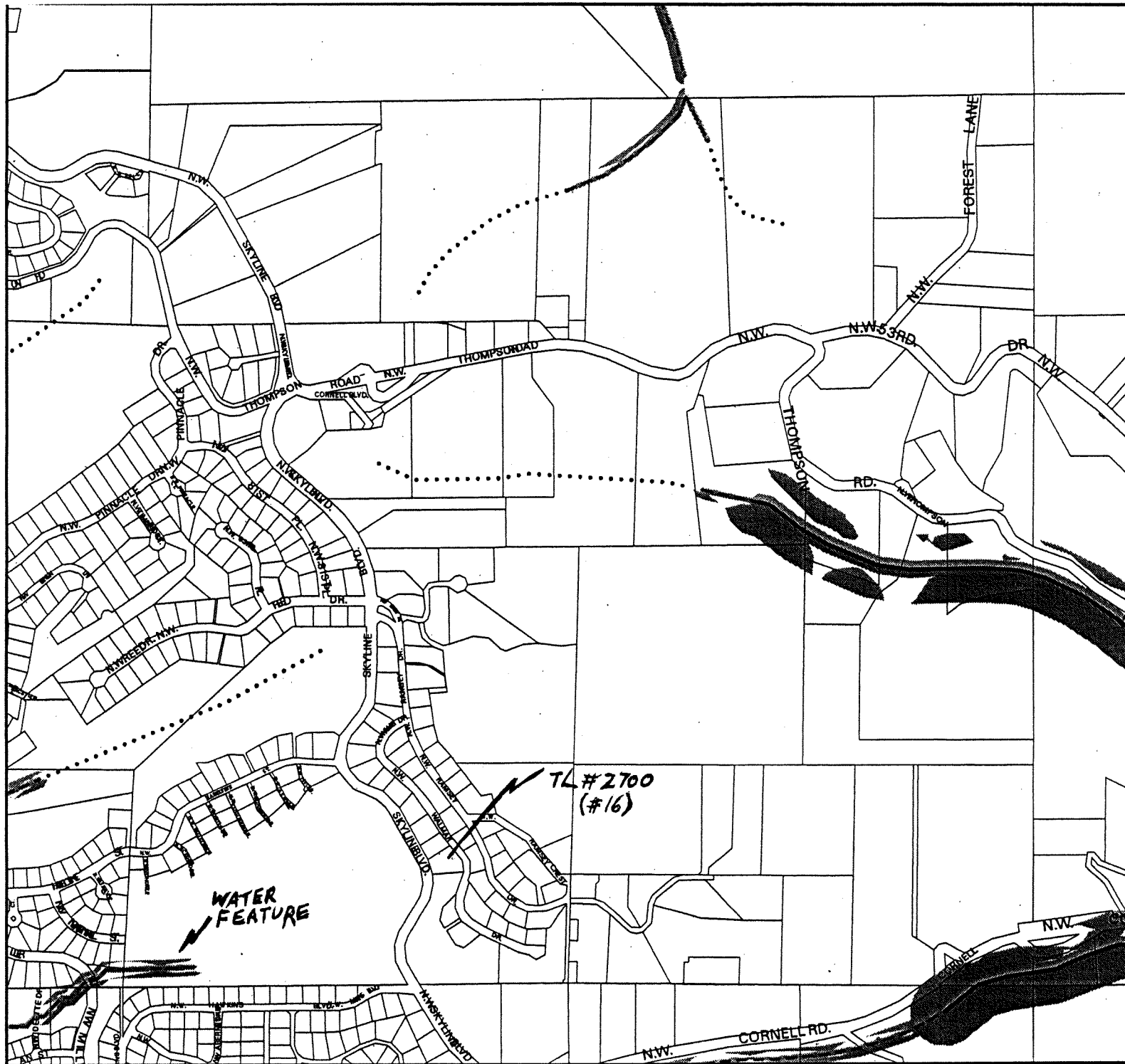
(2)

Oct 10, 2001

review fees of at least \$1,000 to \$1,500.  
As well as hire experts to address  
the city's requirements. They have not  
been given due process.

- (4) This is a de facto Annexation  
to City of Portland ~~about~~ Now for land  
use approval the land owners will  
have to apply to the City of Portland. They  
will have to pay the City Fees. They will  
have to comply with City rules, City codes  
run over 15,000 pages. If they are  
denied they will have to pay city appeal  
fees and follow their appeal procedures.  
Their lives and property will be under  
the control of the City of Portland. But  
this is done without the requirements  
of the Triple Majority rule. ~~requiring~~ The majority  
of Multnomah Co. owners are supposed  
to agree to annexation and they have  
not.

Hogan Ramsey  
3026 N.W. Skidline Blvd.  
Portland, OR 97229  
(503) 292-4261



# Title 3 (Adopted by Metro Council on 6/18/98) (Section 1n1w25)

## Water Quality and Flood Management Area Map

This map is intended to be used as a guide for delineating protected areas, in conjunction with the Title 3 ordinance language, adopted by the Metro Council.

Part of the Urban Growth Management Functional Plan, Title 3 requires that cities and counties comply with the Performance Standards set forth in the title.

Implementation of this title through local zoning codes and comprehensive plans is to take place at the local jurisdiction level.

The deadline for demonstration of compliance with Title 3 is 18 months after the date of adoption, or December 18, 1999.

### Flood Management Area:

- FEMA 100-Year Floodplain
- Feb. 1996 Flood Inundation

### Water Quality Resource Areas (Vegetated Corridor):

- Riparian Areas
- Wetland Areas
- Primary Protected Water Features
- Secondary Protected Water Features
- Unprotected Water Features
- Tax Lot Lines
- Metro Boundary

### SOURCES:

**RIVERS & STREAMS:**  
County assessor maps, 1994. Data collection scale: 1:300' - 1:400'.  
US Geological Survey Digital Elevation Model (DEM), received in 1998.  
Data collection scale: 1:24,000.  
Description: A DEM was used to calculate stream drainage areas of 50 & 100 acres. This information was used to enhance existing data.  
Local jurisdictional updates: (1997-1998)

**FLOOD MANAGEMENT AREAS**  
Army Corps of Engineers, FEMA maps, 1992.  
Source: City, 1998. Map accuracy: central point positional accuracy is plus or minus five feet or better. Data collection scale: 1" = 320'.  
Description: FEMA Flood Inundation maps (from aerial photos taken 2/9 - 2/11).  
Source: FEMA Flood Inundation maps, 1992. Map accuracy: based on existing cartographic data. Line work entered using coordinate geometry.  
Remainder of region:  
Source: Portland General Electric and Metro, 1994. Map accuracy: central point positional accuracy is plus or minus ten feet.  
Data collection scale: 1" = 300', 1" = 200' or 1" = 400'

**WETLANDS**  
U.S. Department of Fish and Wildlife, 1982-1990.  
Local jurisdictional updates and local wetland inventories.

### SOURCES:

**TAX LOT MAP**  
Cities of Beaverton, Multnomah, Oregon City and Tigard.  
Source: City, 1998. Map accuracy: central point positional accuracy is plus or minus five feet or better. Data collection scale: 1" = 320'.  
Description: Multnomah County East of Gird Ave.  
Source: Multnomah County Assessor, 1995. Map accuracy: based on existing cartographic data. Line work entered using coordinate geometry.  
Remainder of region:  
Source: Portland General Electric and Metro, 1994. Map accuracy: central point positional accuracy is plus or minus ten feet.  
Data collection scale: 1" = 300', 1" = 200' or 1" = 400'

**NOTE:** Due to positional error inherent in mapped data, a field survey is required to determine the precise location of natural boundaries (i.e. wetlands) in relation to tax lot boundaries.



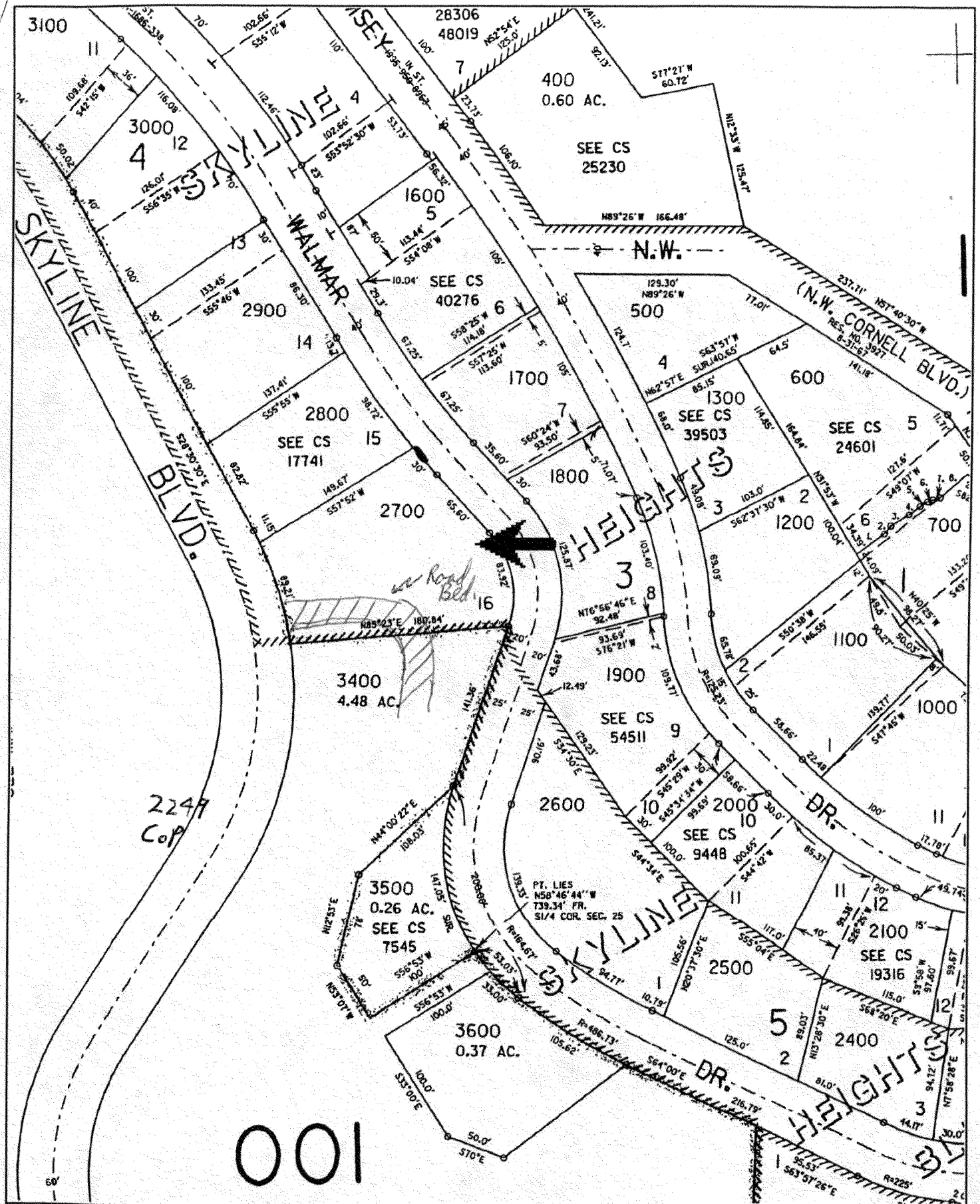
Scale: 1" = 800'

0 250 500



10/3/02  
(3)

10/31/02 (4)



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 997**

Repealing and Re-Adopting Numerous County Land Use Ordinances in Response to Land Use Board of Appeals Remand Order (LUBA No. 2001-171) and Declaring an Emergency

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

a. On September 17, 2002 the Oregon Land Use Board of Appeals remanded County Ordinance 967 which replaces County Comprehensive Plan and Zoning Ordinance provisions with City of Portland Comprehensive Plan and Zoning Provisions for that portion of the unincorporated County that lies inside the Metro Urban Growth Boundary.

b. LUBA held that the challenged ordinance was to be remanded back to the County because the County did not comply with ORS 215.060. ORS 215.060 requires that when the County amends its comprehensive plan it is required to publish at least 10 days advance public notice in a newspaper of general circulation.

c. The County did mail individual notices to affected property owners (a "Ballot Measure 56" notice). These notices were reasonably calculated to give actual notice to all affected property owners.

d. LUBA determined that the published notice would have been broader in reach than the Ballot Measure 56 notice and was not coextensive with Ballot Measure 56.

e. There were three readings of Ordinance 967 before the Board of County Commissioners and a public hearing was held at each reading.

f. The County has realized there is an error in our noticing procedures and has fixed the error to prevent this from happening in the future. However, to correct any potential problems, the Board wishes to readopt all of the ordinances that did not receive the notice required pursuant to ORS 215.060.

g. The only error in Ordinance 967 identified by LUBA was the failure to publish a notice of the intended adoption of the ordinance by the Board of County Commissioners at least 10 days before the proposed action. The purpose of the ordinance now before the Board is to correct that failure to publish. All other procedures required for adoption of comprehensive plan amendments and implementing zoning code are hereby acknowledged to have occurred and are supported by the record in *Ramsey v. Multnomah County*, LUBA No. 2001-171 (September 17, 2002), and incorporated herein.

h. A public hearing in this matter was properly noticed and held on October 31, 2002, as required by ORS 215.060.

**Multnomah County Ordains as follows:**

**Section 1.** The ordinances listed in the following table and attached to this ordinance are repealed and reenacted by this ordinance.

#	Ordin	Adoption Date	Title
1.	865	8/1/1996	AMENDING THE MULTNOMAH COUNTY ZONING CODE AND THE GRADING EROSION CONTROL CODE TO REDEFINE CERTAIN TERMS, AND DECLARING AN EMERGENCY
2.	879	5/29/1997	AMENDING MULTNOMAH COUNTY CODE SECTION 11.15.8240 TO LIMIT REQUIRED NOTIFICATION FOR PLANNING COMMISSION AND HEARINGS OFFICER DECISIONS TO PERSONS WHO PARTICIPATED IN THE HEARINGS AS CONSISTENT WITH STATE LAW, AND DECLARING AN EMERGENCY
3.	889	11/12/1997	AMENDING FEES FOR ACTION PROCEEDINGS AND ADMINISTRATIVE ACTIONS UNDER MCC 9.40, 11.05, 11.15 AND 11.45
4.	899	1/29/1998	AMENDING THE CONDITIONAL USE AND DESIGN REVIEW SECTIONS OF THE ZONING CODE BY PROVIDING AN EXEMPTION FOR ALL SINGLE FAMILY RESIDENCES FROM THE DESIGN REVIEW REQUIREMENTS OF THE ZONING CODE, AND DECLARING AN EMERGENCY
5.	900	2/12/1998	AMENDING THE MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN AND THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR HOME OCCUPATIONS
6.	903	4/2/1998	AMENDING MCC 11.15 BY ESTABLISHING AN EXPIRATION PERIOD FOR CERTAIN SINGLE FAMILY DWELLING APPROVALS IN THE EXCLUSIVE FARM USE DISTRICT
7.	905	4/23/1998	DELETING ENFORCEMENT PROCEEDING REGULATIONS CONTAINED IN MCC 11.15.8135 AND AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 FOR LAND USE VIOLATIONS TO INCREASE THE CAPABILITY OF THE COUNTY TO GAIN COMPLIANCE WITH LAND USE REGULATIONS
8.	908	6/18/1998	AMENDING THE VIOLATION AND ENFORCEMENT REGULATIONS CONTAINED IN MCC 11.15.9052 WHICH WAS PREVIOUSLY AMENDED ON APRIL 23, 1998 BY ORDINANCE 905
9.	911	7/2/1998	ADOPTING THE WESTSIDE RURAL MULTNOMAH COUNTY TRANSPORTATION SYSTEM PLAN
10.	912	7/2/1998	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
11.	913	7/2/1998	AMENDING THE SAUVIE ISLAND/MULTNOMAH CHANNEL RURAL AREA PLAN
12.	914	7/2/1998	AMENDING THE WEST HILLS RURAL AREA PLAN

#	Ordin	Adoption Date	Title
13.	915	7/2/1998	AMENDING THE ACTION PROCEEDINGS SECTION OF THE ZONING CODE BY: 1) REPEALING THE 120 DAY REQUIREMENT OF CODE; 2) AMENDING THE PUBLIC NOTICE REQUIREMENT; AND 3) AMENDING THE DATE REQUIRED FOR A STAFF REPORT TO BE MADE AVAILABLE PRIOR TO A HEARING
14.	916	7/9/1998	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS AND EAST OF SANDY RIVER RURAL AREA PLANS AND PROVIDING EQUIVALENCY STANDARDS TO FIRE SAFETY ZONES AS ALLOWED BY OREGON ADMINISTRATIVE RULE 660-06-035
15.	922	12/10/1998	AMENDING THE MULTNOMAH COUNTY ZONING ORDINANCE REGARDING THE PROVISIONS FOR LARGE FILL OPERATIONS
16.	924	1/21/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS REVISING AND IMPLEMENTING THE COMMERCIAL FOREST USE POLICIES OF THE WEST HILLS RURAL AREA PLAN FOR THE STUDY AREA IDENTIFIED IN THAT PLAN
17.	925	1/28/1999	AMENDING MCC 11.15 BY INCORPORATING STANDARDS IMPLEMENTING OPEN SPACE AND EMERGENCY/DISASTER RESPONSE AMENDMENTS TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA, CORRECTING CERTAIN ERRORS IN THE GENERAL MANAGEMENT FOREST DISTRICT, AND DECLARING AN EMERGENCY
18.	926	2/18/1999	AMENDING THE COMPREHENSIVE FRAMEWORK PLAN
19.	928	3/11/1999	AMENDING MCC 11.15.8280(D) AND DELETING MCC 11.15.8252 REGARDING THE DATE AT WHICH A BOARD DECISION ON A LAND USE MATTER BECOMES FINAL
20.	931	4/15/1999	DELETING FLOOD HAZARD REGULATIONS CONTAINED IN MCC 11.15.6301 THROUGH 11.15.6323 AND AMENDING THE SIGNIFICANT ENVIRONMENTAL CONCERN REGULATIONS FOR STREAMS AND GRADING AND EROSION CONTROL REGULATIONS AND ADDING TO CHAPTER 29 AND AMENDING THE FLOOD HAZARD REGULATIONS TO BE IN COMPLIANCE WITH THE STANDARDS OF THE NATIONAL FLOOD INSURANCE PROGRAM
21.	932	4/15/1999	AMENDING MCC 11.15, MCC 11.45 AND MCC § 29.305 TO ENACT EIGHT "HOUSEKEEPING" AMENDMENTS THAT UPDATE, CLARIFY, OR CORRECT CERTAIN ZONING AND BUILDING CODE PROVISIONS

#	Ordin	Adoption Date	Title
22.	933	7/15/1999	AMENDING COMPREHENSIVE FRAMEWORK PLAN POLICIES 13, 22, 37, 38 AND 40 AND THE REQUIREMENTS OF FINDINGS FOR QUASI-JUDICIAL AND LEGISLATIVE APPROVALS
23.	935	8/5/1999	REPEALING MULTNOMAH COUNTY ORDINANCE 903 PERTAINING TO EXPIRATION PERIODS FOR CERTAIN SINGLE FAMILY DWELLINGS APPROVED IN EXCLUSIVE FARM USE DISTRICTS
24.	940	2/3/2000	AMENDING THE NONCONFORMING USE SECTION OF THE MULTNOMAH COUNTY ZONING ORDINANCE TO COMPLY WITH ORS 215.130
25.	944	4/13/2000	AMENDING MULTNOMAH COUNTY CODE 11.05 LAND USE GENERAL PROVISIONS, 11.15 ZONING, 11.45 LAND DIVISION, AND CHAPTER 29 BUILDING REGULATIONS TO ESTABLISH FEES AND CHARGES BY RESOLUTION
26.	947	6/15/2000	AMENDING CHAPTER 11.15 TO ADD PROVISIONS FOR EMERGENCY/DISASTER RESPONSE ACTIVITIES
27.	953	11/30/2000	ADOPTING FIVE NEW ZONING CODE CHAPTERS AS PART OF THE MULTNOMAH COUNTY CODE OF ORDINANCES VOLUME II: LAND USE IN CONTINUATION OF THE REORGANIZATION EFFORTS OF ORDINANCE NO. 910 TO REVISE, AMEND, RESTATE, CODIFY AND REPEAL CERTAIN EXISTING CODE PROVISIONS
28.	958	2/15/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, AND 35 TO PROVIDE STANDARDS FOR THE APPROPRIATE LOCATION, REGULATION, AND DEVELOPMENT OF WIRELESS COMMUNICATIONS FACILITIES AND DECLARING AN EMERGENCY
29.	967	10/11/2001	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT PORTLAND'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
30.	970	12/20/2001	AMENDING THE COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND ZONING CODE CHAPTERS TO ADOPT PORTLAND'S RECENT CODE AND COMPREHENSIVE PLAN REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN, AND DECLARING AN EMERGENCY

#	Ordin	Adoption Date	Title
31.	973	1/31/2002	AMENDING MULTNOMAH COUNTY CODE CHAPTER 11.10, COUNTY COMPREHENSIVE FRAMEWORK PLAN, COMMUNITY PLANS, RURAL AREA PLANS, SECTIONAL ZONING MAPS, AND COUNTY ZONING CODE CHAPTERS TO ADOPT TROUTDALE'S ZONING CODE, COMPREHENSIVE PLAN AND MAPS AND COMMUNITY PLANS
32.	977	2/7/2002	ADOPTING AN AMENDMENT TO MULTNOMAH COUNTY CODE CHAPTERS 11.15, 33, 34, 35, AND 38 PROVIDING FOR A WILDLIFE HABITAT CONSERVATION AND MANAGEMENT PLAN AS AN ALLOWED USE ON LANDS ZONED FOR EXCLUSIVE FARM USE
33.	982	5/16/2002	ADOPTING AMENDMENTS TO MULTNOMAH COUNTY CODE CHAPTERS 33, 34, AND 35 PERTAINING TO "LOTS OF RECORD" AND CHANGES TO OTHER LAND USE STANDARDS AS REQUIRED BY RECENTLY ADOPTED OREGON ADMINISTRATIVE RULES FOR "RURAL RESIDENTIAL AREAS"
34.	984	6/20/2002	AMENDING COUNTY LAND USE CODE, PLANS AND MAPS TO ADOPT PORTLAND'S RECENT LAND USE CODE, PLAN AND MAP REVISIONS IN COMPLIANCE WITH METRO'S FUNCTIONAL PLAN AND DECLARING AN EMERGENCY

**Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ADOPTION:

October 31, 2002



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Diane M. Linn*  
Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

# AGENDA PLACEMENT REQUEST

Board Clerk Use Only:  
Meeting Date: October 31, 2002

Bud Mod #:

Agenda Item #: B-4

Estimated Start Time: 10:15 AM

Date Submitted: 10/10/02

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Requested Date: 10/31/02

Amount of Time Requested: 1 hour

Department: Office of School and Community Partnerships Division:

Contact/s: Stephanie Vetter and Laura M. Bridges

Phone: 503 988-6295 / 503 988-3971 Ext.: 24221 / 83971 I/O Address: 166/2  
I/O Address: 503/600

Presenters: Laura M. Bridges, Co-Chair HYOC; Mary T. Li, Co-Chair HYOC;  
Commander Rosie Sizer, Portland Police Bureau; Dennis Morrow, Director Janus  
Youth Programs; Kathy Oliver, Director Outside In; Malysa Olivas;

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Agenda Title: Homeless Youth Continuum Update

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

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Please answer all relevant questions; leave others blank. Please do not alter form.

1. What action are you requesting from the Board? What is the department/agency recommendation?

We are fulfilling a request from the Board to return in a year and report the progress of the Homeless Youth Oversight Committee and the Continuum

2. Please provide sufficient background information for the Board and the public to understand this issue.

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

The Continuum of service to homeless youth receives approximately \$2.6 million from public resources. Approximately 70% (\$1.82 million) comes from County General Fund. At this time we are not asking for a budget modification, contingency request, or grant application.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

**4. Explain any legal and/or policy issues involved.**

**There are many complex policy issues surrounding services to this population. The current issue that may be of interest is that we are currently developing the criteria for the new RFP for the fiscal years 2003-2008. There is a high level of interest from the community and elected officials in this population.**

**5. Explain any citizen and/or other government participation that has or will take place.**

**Through the Homeless Youth Oversight Committee there is ongoing public involvement on the issues surrounding homeless youth.**

**Required Sign Off (NOTE: electronic check indicates approval)**

**Department/Agency Director ☒ Lorenzo T. Poe (type name of approver)**

**Agenda Review Team ☐ By: (type name of approver) Date:**

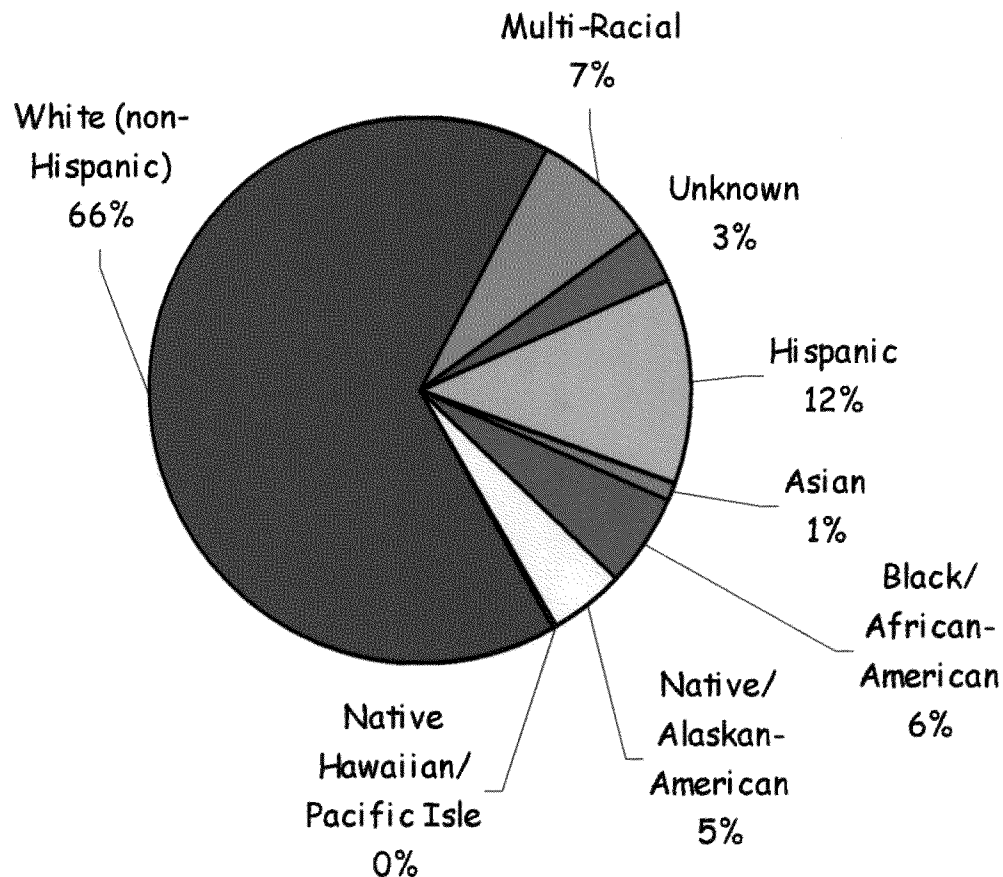
Office of School and  
Community Partnerships  
&  
Homeless Youth Oversight  
Committee

Program Update to the  
Board of County Commissioners  
October 31, 2002

# Presentation Outline

- Introduction
- Report on Homeless Youth Services and Progress on Report from Auditor
  - Data Evaluation
  - Homeless Youth RFP 2002-2008
  - Reports from Homeless Youth Oversight Committee Members
- Close/Questions and Answers

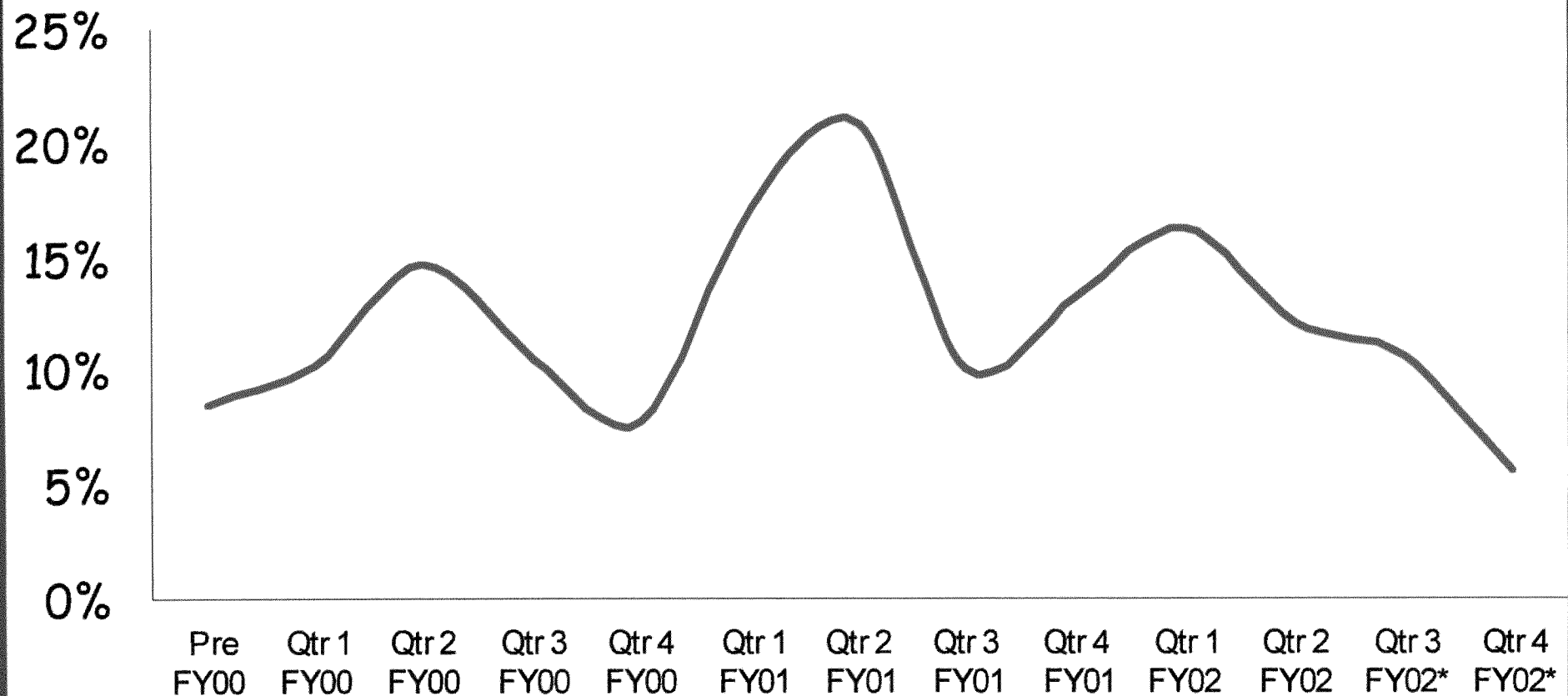
# Youth Profile: Race and ethnicity



Note. Data based on all screenings, N=2539. All Races are non-Hispanic.

Youth of color most likely self-identified as Hispanic. Asians appeared under-represented while Native Americans/ Alaskans appeared over-represented.

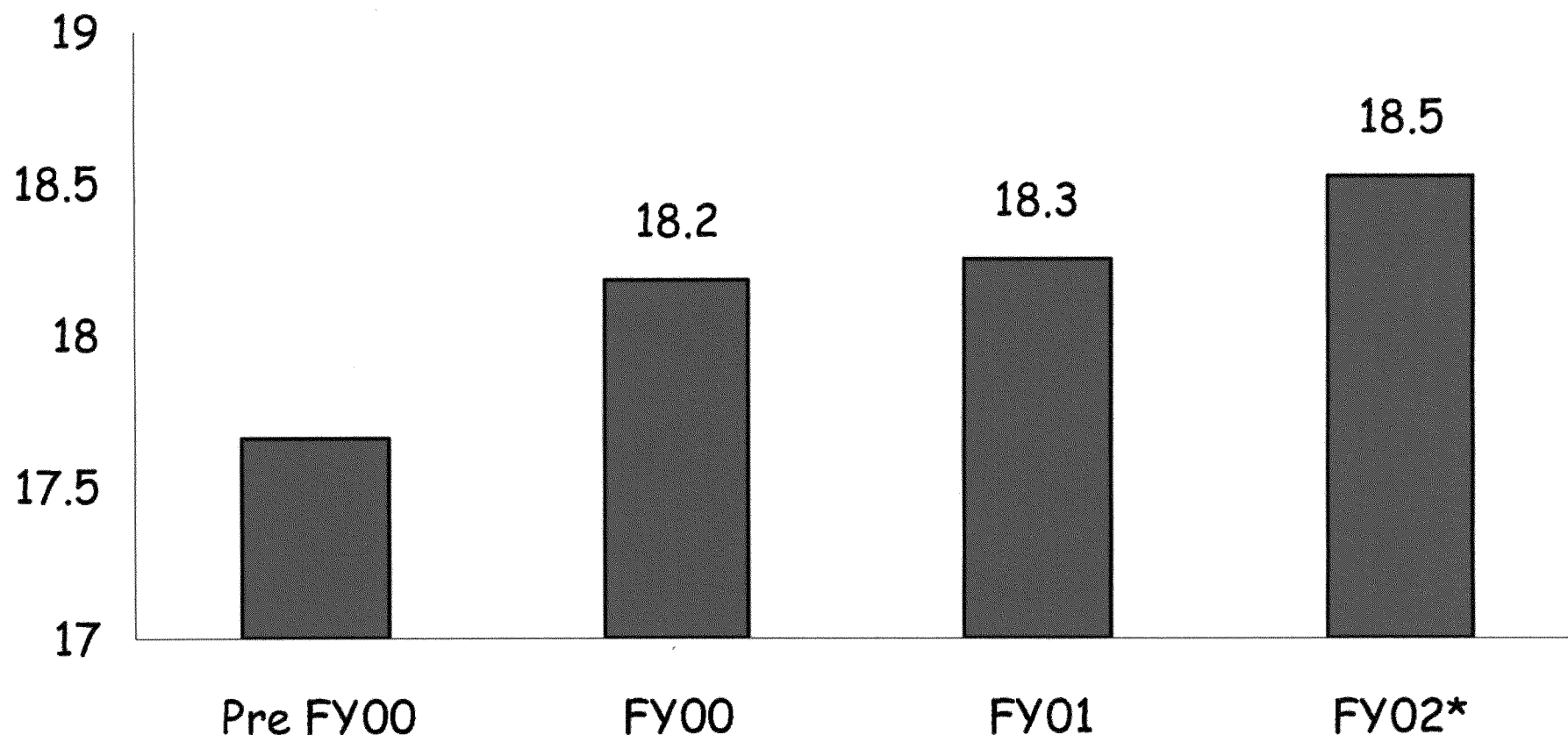
# Youth Profile: Hispanic youth



\*Some data from Quarters 3 and 4 of FY02 not reported.

Overall, 12% youth identified themselves as Hispanic. The trend appears to be a seasonal and/or economic pattern, peaking between summer and fall each year.

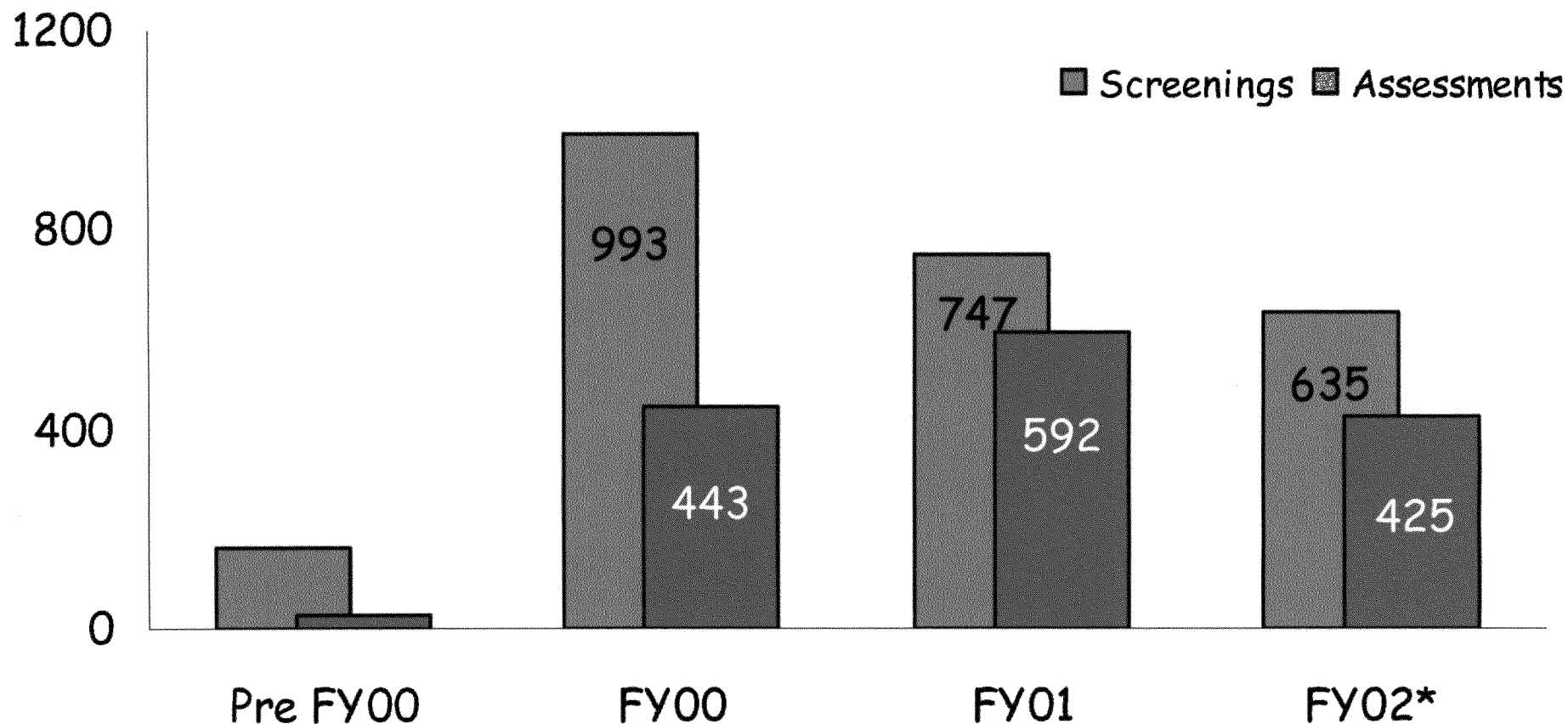
# Youth Profile: Screening age



\*Some data from Quarters 3 and 4 of FY02 not reported.  $r=.101$ ,  $p<.001$

Age at screening has increased significantly over time. Males tend to be older than females at screening, and consistently account for about 56% of all screenings.

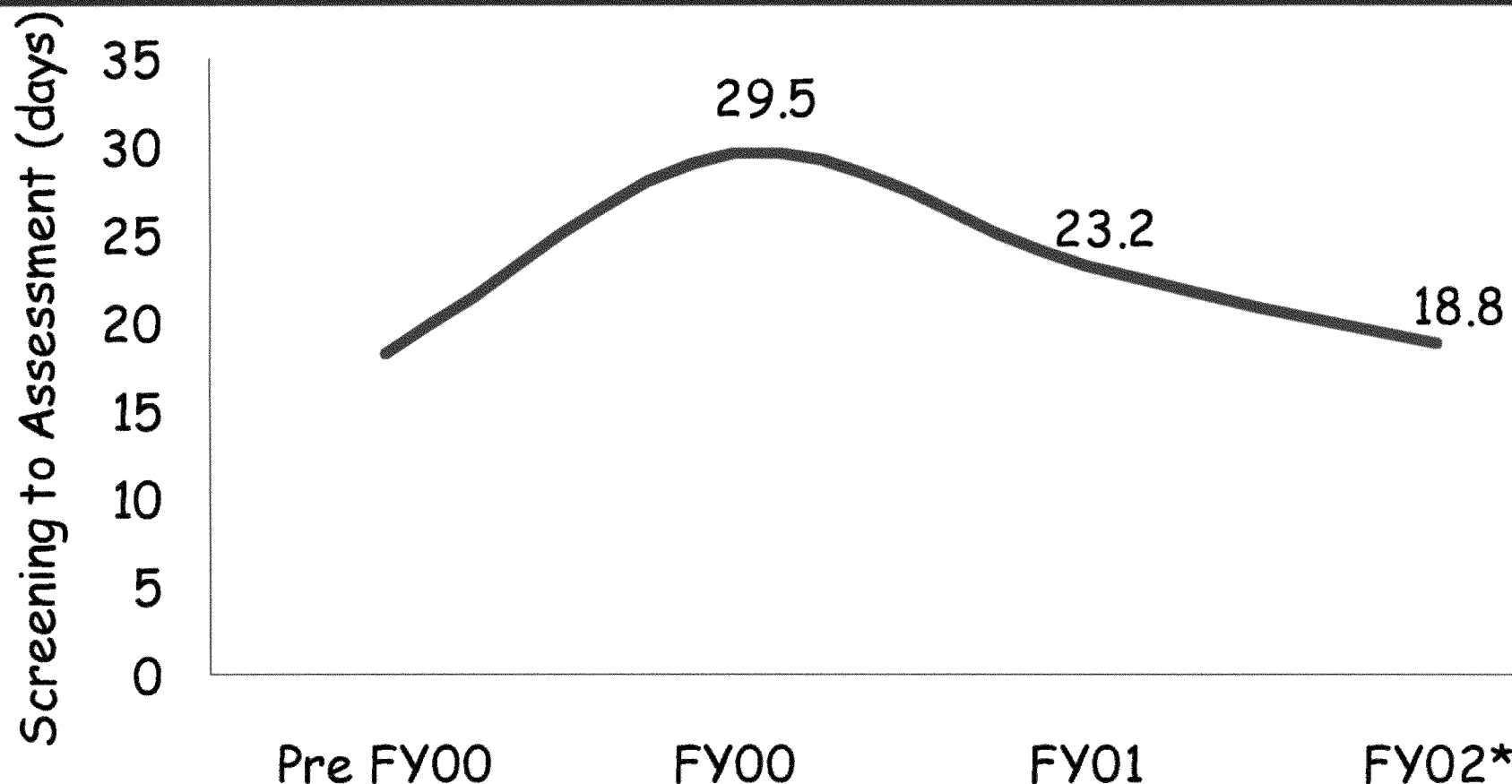
# System Indicators: Youth intake



\* Some data from Quarters 3 and 4 of FY02 not reported. Screenings,  $r = .629$ ,  $p = .021$ .

Screenings are the first step into continuum services; they have declined significantly over time. Assessments have also declined.

# System Indicators: Youth intake

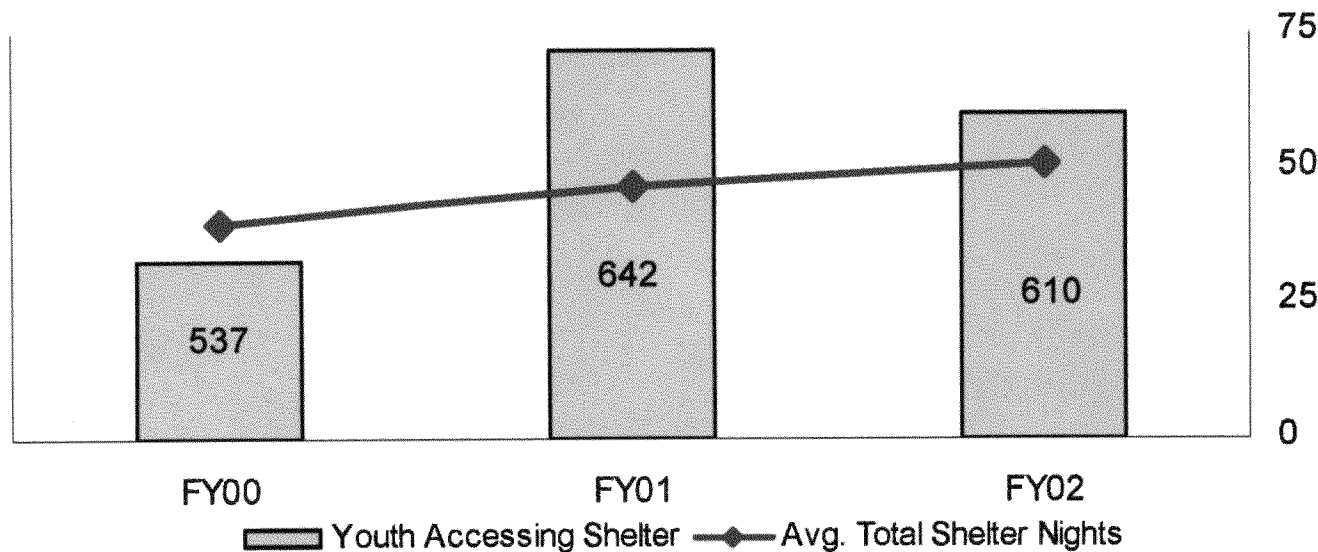


Mean outliers were eliminated (Range 0 to 365), N=1208. \* Some data from Quarters 3 and 4 of FY02 not reported.

The time between screening and initial assessment has improved since the continuum began in FY00.

# Delivery Data: Shelter nights

Shelter Nights: Youth decline in FY02, while total average nights continue to climb



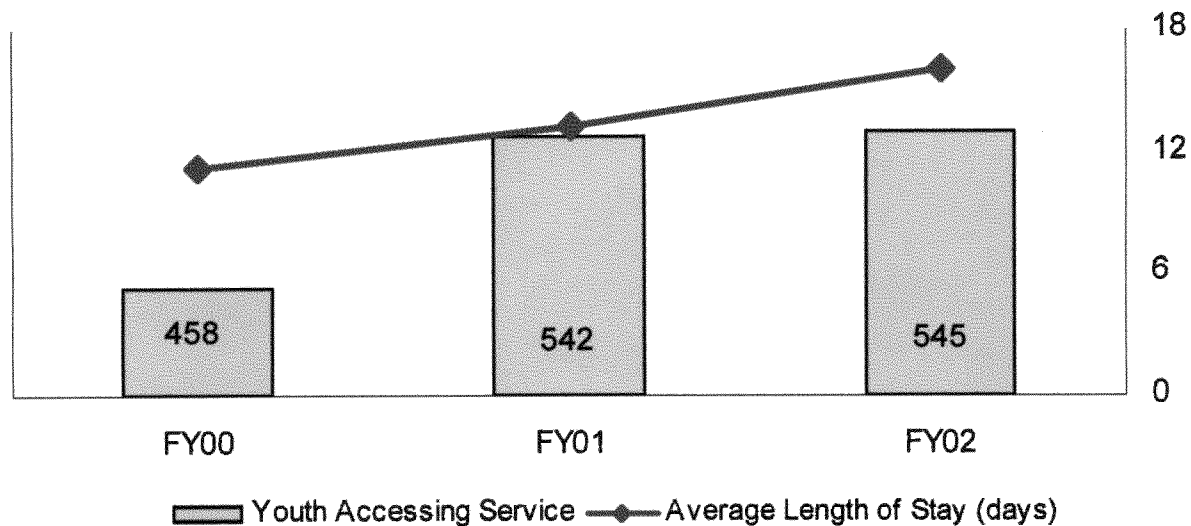
Note. Does not include reported nights that are unknown.

**Less Youth-  
More Nights—  
Total County  
funded Shelter  
nights  
increased 46%**

The number of youth receiving shelter nights dropped from their FY01 peaks. However, total shelter nights delivered has increased due to longer average stays.

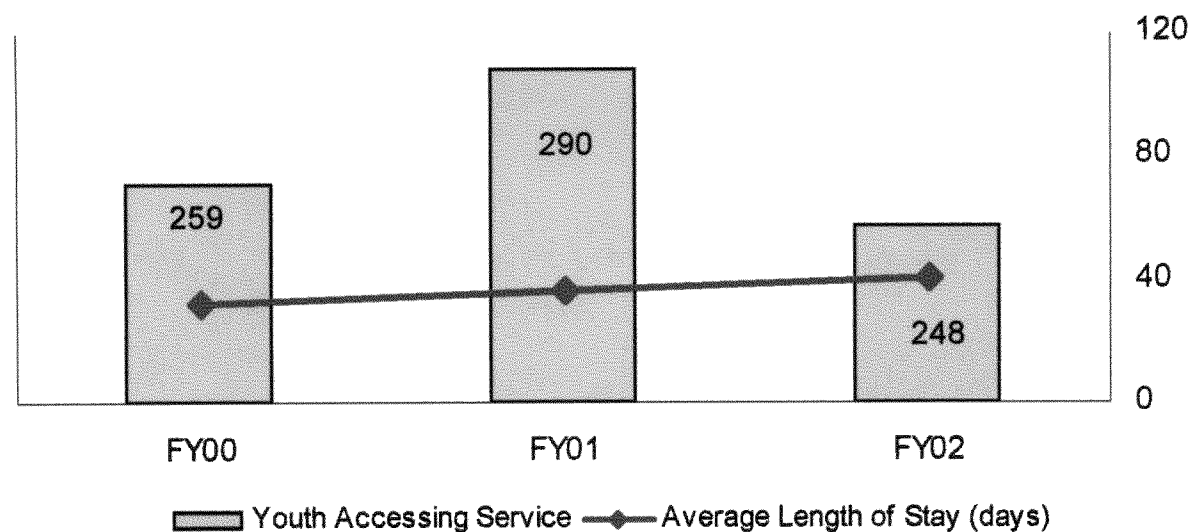
\* Some data from Quarters 3 & 4 of FY02 not reported.

### Emergency Shelter Trends: Stays have increased.



**Total  
Emergency  
Shelter nights  
increased 70%**

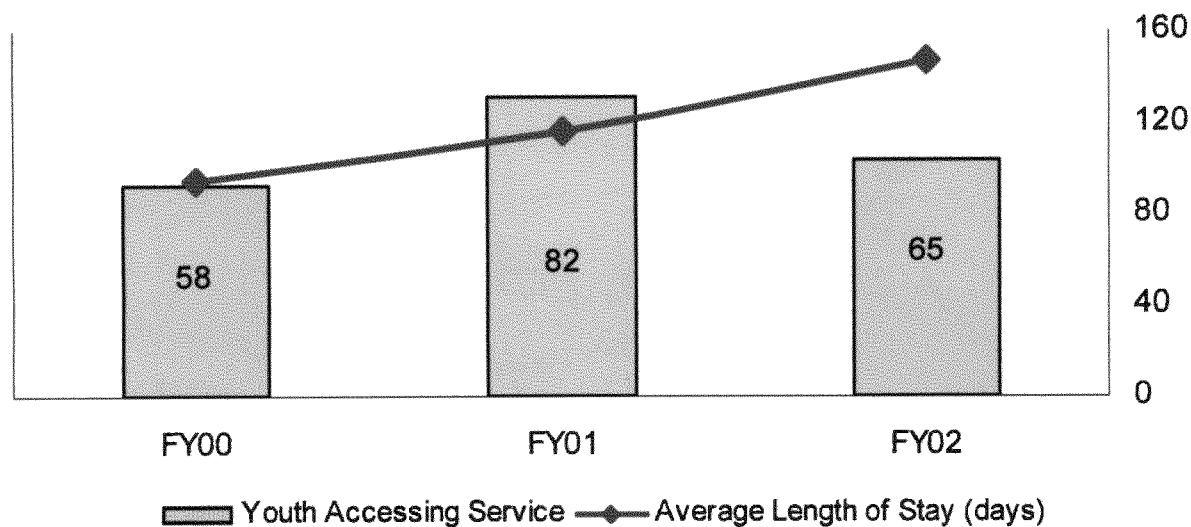
### Short-Term Shelter Trends: Less youth but longer stays



**Total Short-  
Term Shelter  
nights  
increased 21%**

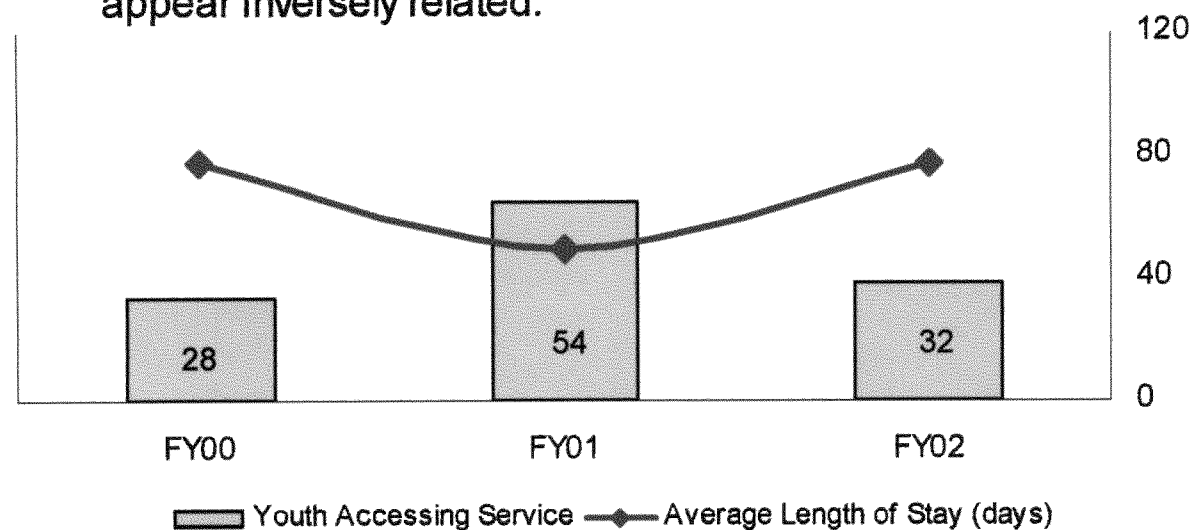
\* Some data from Quarters 3 & 4 of FY02 not reported.

### Group Housing Trends: Youth have longer stays.



**Total Group Housing nights increased 73%**

### Independent Living Trends: Youth served and average stay appear inversely related.

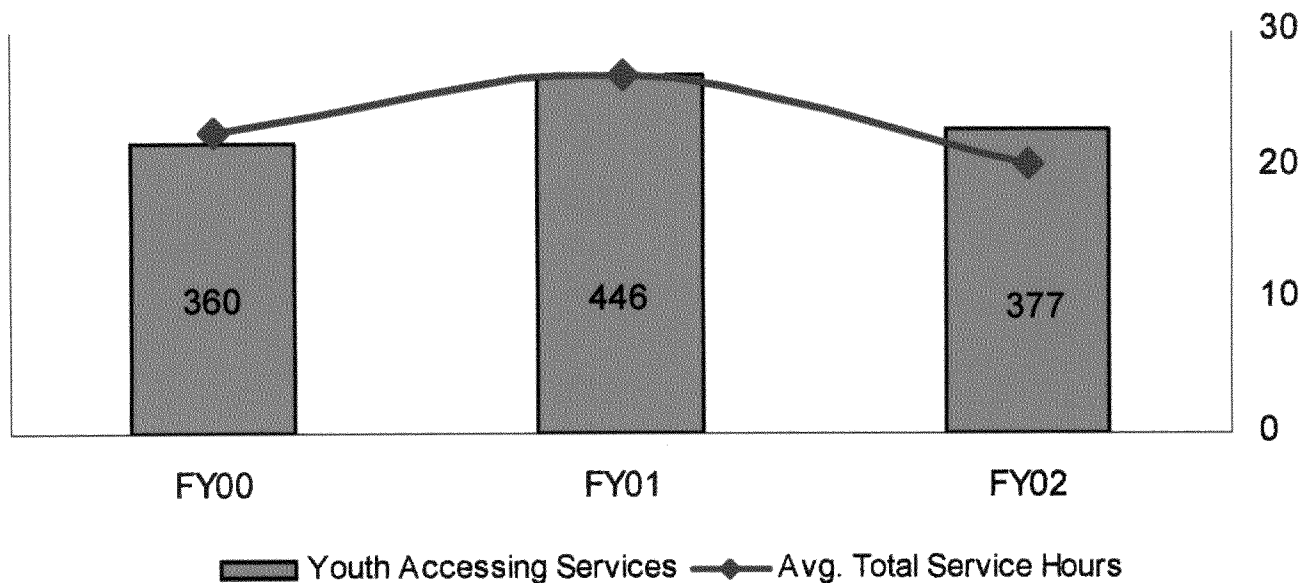


**Total Independent Living nights increased 14%**

\* Some data from Quarters 3 & 4 of FY02 not reported.

# Delivery Data: Service hours

Youth Services: Youth served and service hours delivered decline if FY02



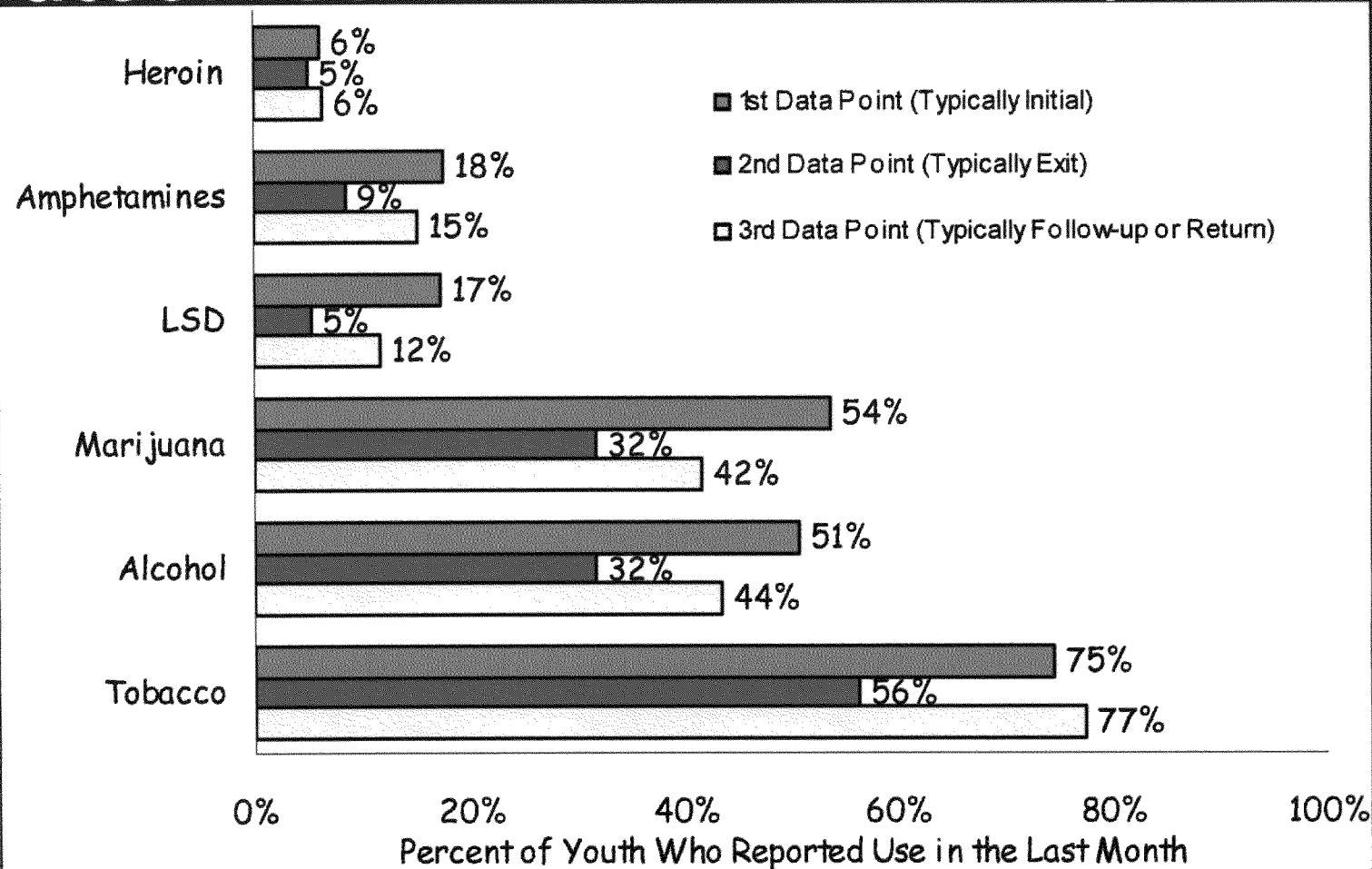
**Less Youth-  
Less Service  
Hours—**

**Total service  
hours  
*decreased 6%***

The number of youth and average number of hours receiving service coordination dropped from FY01 peaks. Most hours were from three types of services: *service coordination, group and individual counseling.*

\* Some data from Quarters 3 & 4 of FY02 not reported.

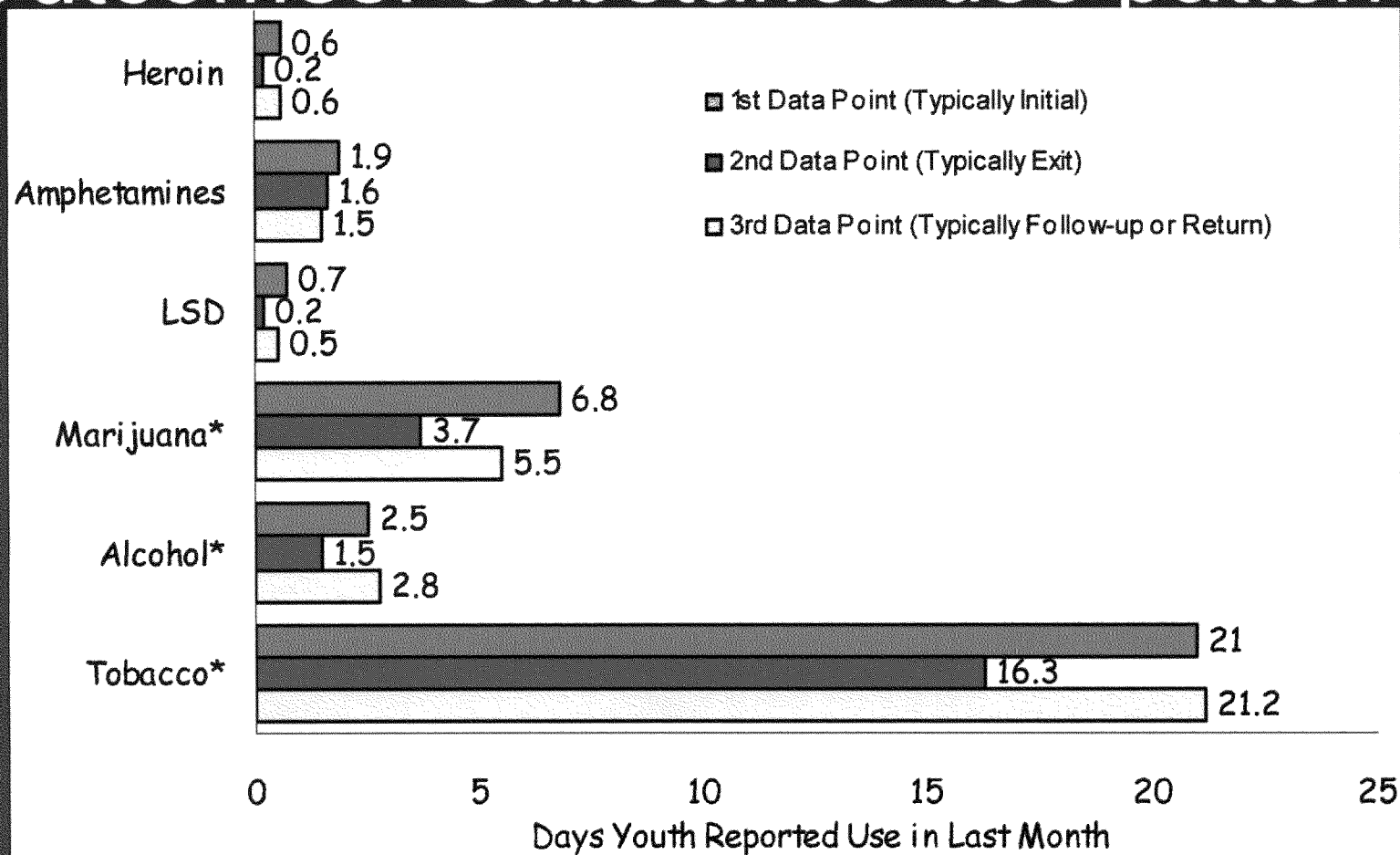
# Outcomes: Substance use patterns<sup>1</sup>



N=642 Youth. Only 124 youth had 3rd data point. Data only for Youth in Service Coordination. Substances listed with 5%+ only.  
Note, the average time from the 1st data point to the 2nd data point and 2nd to 3rd was 203 and 263 days, respectively.

Monthly patterns of use were lower than experimentation patterns  
Less youth self-reported drug use at exit. However, these rates increased after exit, some nearing initially reported levels.

# Outcomes: Substance use patterns<sup>1</sup>

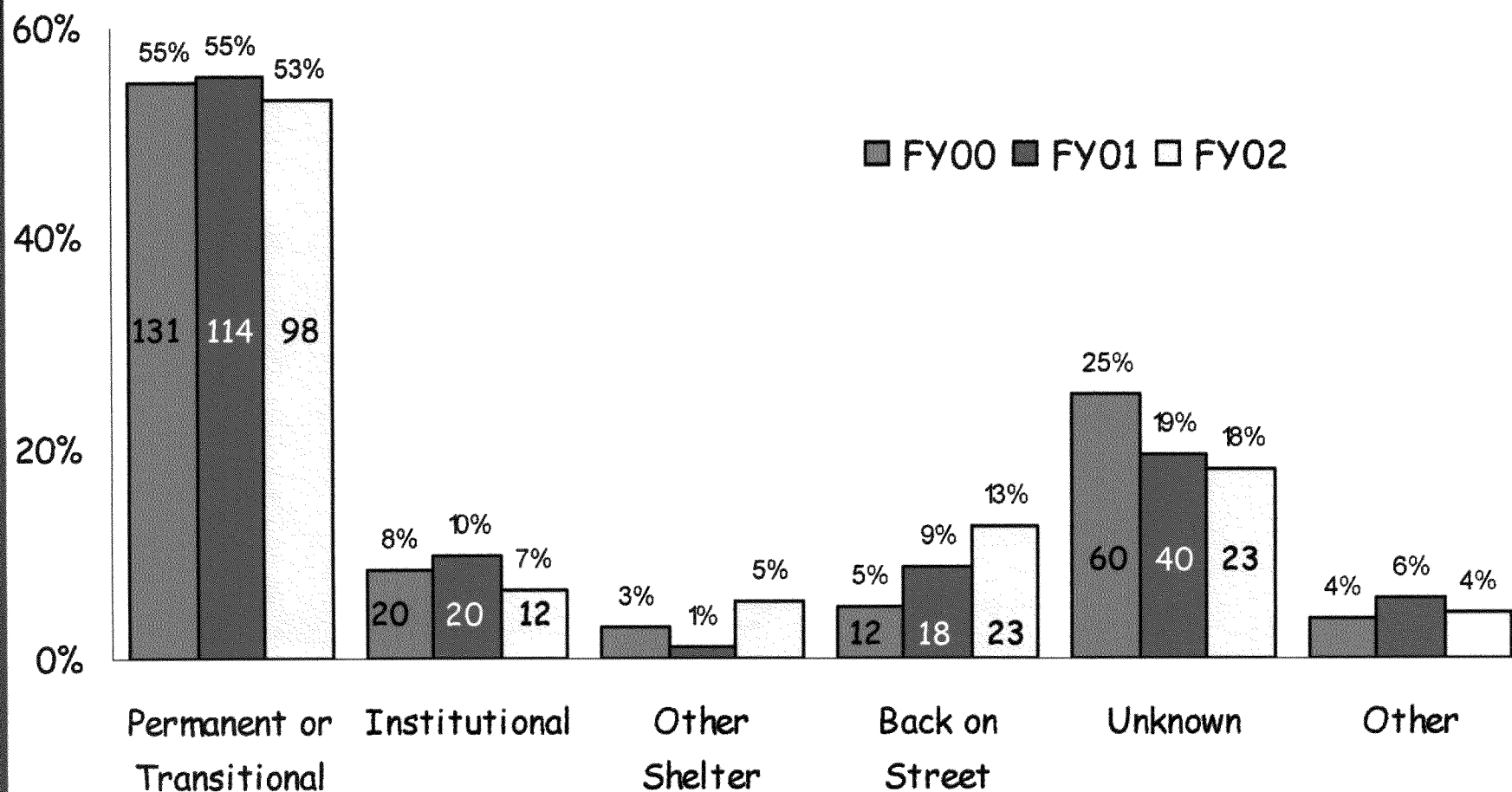


N=124 Unique Youth had all points. Data only for Youth in Service Coordination. Substances listed with 5%+ only.

\*Models and differences in each step significant ( $\alpha = .05$ ) or near significant ( $\alpha = .1$ ).

The self-reported number of days of use also fell at exit. Again, the number of days increased after exit, most nearing initially reported levels.

# Outcomes: Housing at exit<sup>1</sup>



Note: Data based on the service episodes initial exit only. Some youth have more than one episode and exit. FY00 = 239, FY01=206, and FY02=184.

Youth with exit data consistently show slightly more than half exit service coordination to safe and stable housing. However, exits back to the street may be increasing.