



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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JUNE 23, 2005 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Executive Session
Pg 3	9:30 a.m. Public Affairs Office Briefing
Pg 3	9:45 a.m. Resolution Approving Mt. Hood Cable Regulatory Commission 05-06 Budget
Pg 3	10:05 a.m. Resolution Accepting the Portland Children's Investment Fund Allocation Plan
Pg 3	10:30 a.m. Community Corrections Plan
Pg 4	10:35 a.m. Second Reading and Possible Adoption of an Ordinance Amending MCC Chapter 38 Implementing Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area
Pg 4	10:45 a.m. First Reading and Possible Adoption of an Ordinance Amending MCC Chapter 37 to Allow Planning Director to Appeal Certain Hearings Officer Decisions to the Board and Make Technical Corrections

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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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Thursday, June 23, 2005 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(2)(f) and (h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle and Invited Others. 30 MINUTES REQUESTED.
-

Thursday, June 23, 2005 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 Government Revenue Contract (190 Agreement) 0405166 with City of Portland Concerning Traffic Signal Optimization Projects to Acquire Carbon Dioxide (CO2) Offsets for the Climate Trust, and to Execute Related Project Participation Agreements and Bills of Sale

SHERIFF'S OFFICE

- C-2 Government Revenue Contract (190 Agreement) 0405125 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup
- C-3 Government Revenue Contract (190 Agreement) 0405126 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

NON-DEPARTMENTAL - 9:30 AM

- R-1 Public Affairs Office Briefing on Activities of the State of Oregon 73rd Legislative Assembly. Presented by Gina Mattioda and Stephanie Soden. 15-30 MINUTES REQUESTED.
- R-2 RESOLUTION Approving the Mt. Hood Cable Regulatory Commission Budget for Fiscal Year 2005-2006
- R-3 RESOLUTION Authorizing Acceptance of Comcast Corporation as Substitute Guarantor of Cable Franchise Performance
- R-4 RESOLUTION Approving Amendment to East County Cable Franchise Agreement with AT&T Comcast Corporation to Include All Unincorporated Multnomah County
- R-5 RESOLUTION Accepting the Portland Children's Investment Fund Allocation Plan for After School and Mentoring Programs, and Providing Advice and Counsel to the City of Portland Concerning the Recommendations
- R-6 Budget Modification NOND-06-01 Increasing Deputy County Attorney Pay Range as Recommended by Compensation Study Report
- R-7 Authorization to Appeal *Lakeside-Scott v. Multnomah County, et al*

DEPARTMENT OF COUNTY HUMAN SERVICES - 10:25 AM

- R-8 Budget Modification DCHS-26 Reclassifying an Existing Office Assistant 2 Position to an Administrative Secretary in Developmental Disabilities Services Division, as Determined by the Class/Comp Unit of Central Human Resources

DEPARTMENT OF COMMUNITY JUSTICE - 10:30 AM

- R-9 2005-2007 Community Corrections Intergovernmental Agreement

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:35 AM

- R-10 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)
- R-11 Memorandum of Understanding [Non-Expenditure Non-190 Government Contract 0405165] with the Oregon Secretary of State to Assist the Multnomah County Elections Office in Compliance with Help America Vote (HAVA) and Public Law 107.252
- R-12 First Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 37, Administration and Procedures, to Allow Planning Director to Appeal Certain Hearings Officer Decisions to the Board and Make Technical Corrections, and Declaring an Emergency
- R-13 RESOLUTION Approving an Amendment Extending a Real Property Lease and Authorizing County Chair to Execute Lease Amendments and Renewals of a Lease with David Douglas School District No. 40, Landlord, at 2900 SE 122nd Avenue, Portland, Oregon
- R-14 RESOLUTION Approving Sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc.
- R-15 RESOLUTION Declaring Intent to Vacate the Right-of-Way (Proposed 242nd/238th Extension) through Multnomah County's Edgefield Property and Directing the County Road Official to Prepare a Report as Required under ORS 368.346



Maria Rojo de Steffey

Multnomah County Commissioner, District 1

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501 SE Hawthorne Boulevard
Portland, Oregon 97214

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MEMORANDUM

TO: Chair Diane Linn
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Clerk of the Board Deb Bogstad

FROM: Laura Baum - Staff Assistant to Commissioner Maria Rojo de Steffey

DATE: June 21, 2005

RE: Commissioner Rojo de Steffey participating by phone June 23, 2005

Commissioner Rojo de Steffey will be participating in the June 23, 2005 Board Meeting and Executive Session by phone.

BOGSTAD Deborah L

From: ROJO DE STEFFEY Maria
Sent: Wednesday, June 22, 2005 11:30 AM
To: BOGSTAD Deborah L
Cc: ROMERO Shelli D
Subject: Tomorrow

Deb,

I am at the Seattle Westin tomorrow. Phone is 206-728-1000 under Dan Steffey's name.

It is very important that I be at the Executive Session at 9:00. I will wait for your call right before 9:00AM. Thank you.

Maria

Maria Rojo de Steffey
Multnomah County Commissioner
501 SE Hawthorne #600
Portland, Oregon 97214
503-988-5220

BOGSTAD Deborah L

From: ROJO DE STEFFEY Maria
Sent: Thursday, June 23, 2005 8:29 AM
To: NAITO Lisa H; LINN Diane M; CRUZ Serena M; ROBERTS Lonnie J
Cc: BOGSTAD Deborah L; ROMERO Shelli D; LASHUA Matthew
Subject: Board meeting today

I will be attending the Executive Session by phone but I am going to excuse myself from the board meeting.

As you know, Gresham has decided to pursue the roads transfer through the legislature. That is not a big deal but along with it, they are asking for a certain amount of funding. I believe that if they succeed, we will not be able to maintain the rest of our system. It will put the other cities and our rural roads in jeopardy.

We have had two negotiating sessions = the first was to outline all the issues. At the second meeting, Gresham gave us what they thought they needed to make this happen. It was a very demanding document that would have put us in a financial crises. We were in the process of responding when they canceled the meeting and moved forward with taking this to the legislature. Without letting us know that they were doing that.

Lonnie, you were right. They cannot negotiate in good faith.

I have to spend the morning dealing with this. My understanding is that there will be a hearing today at 1:00 and I am going to work on this. Thanks.

6/23/2005



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 06/15/05

BUDGET MODIFICATION: -

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(f) and (h)

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

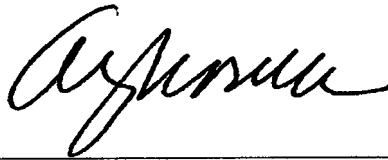
Date Requested: June 23, 2005
Time Requested: 30 mins
Department: Non-Departmental
Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Agnes Sowle, Dave Boyer and Invited Staff

General Information

1. What action are you requesting from the Board?
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.
Only Representatives of the News Media and Designated Staff are allowed to Attend.
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
ORS 192.660(2)(f) and (h).
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 05/27/05

BUDGET MODIFICATION: -

Agenda Title: Government Revenue Contract (190 Agreement) 0405166 with City of Portland Concerning Traffic Signal Optimization Projects to Acquire Carbon Dioxide (CO2) Offsets for the Climate Trust, and to Execute Related Project Participation Agreements and Bills of Sale

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

Date Requested:	June 23, 2005	Time Requested:	Consent Calendar
Department:	Business and Community Services	Division:	Land Use & Trans Program
Contact(s):	Bikram Raghubansh		
Phone:	(503) 988-5050	Ext.	83588
Presenter(s):	Bikram Raghubansh		
I/O Address:	455/2nd		

General Information

1. What action are you requesting from the Board?

We are requesting that the County enter into an Intergovernmental Agreement with the City of Portland titled, "Traffic Signal Optimization Projects to Acquire Carbon Dioxide (CO2) Offsets for the Climate Trust," and that the County execute related Project Participation Agreements and Bills of Sale for Carbon Dioxide Offsets that will be realized as a result of signal timing optimization work at intersections on four County arterials.

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

The City of Portland (City) has entered into an agreement with the Climate Trust, a private non-profit organization, to reduce carbon dioxide emissions from vehicles by a series of traffic signal optimization projects on major roadways and arterials in Portland and other communities. The City of Portland receives payments from the Climate Trust in exchange for Portland's delivery of Carbon Dioxide Offsets. The offsets are generated as a result of the reduction in time that vehicles idle at

intersections and a reduction in the amount of vehicle deceleration and acceleration at intersections. The City proposes to enter into an IGA with the County, and four related Project Participation Agreements, through which the County will transfer Carbon Dioxide Offsets achieved by signal optimization measures on four arterials: 181st Street, Stark Street, Division Street, and Burnside Road. The signal retiming at these arterials is expected to reduce Carbon Dioxide emission by up to 32,934 tons within the next ten years.

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

The County will receive a payment of up to \$80,239 for the Carbon Dioxide Offsets from the four arterials. If during the ten-year reporting period, the carbon reductions resulting from signal optimization fall short of the lifetime tons of carbon reduction reported in the Bill of Sale, the County agrees to reimburse to the City the prorated amount of the carbon payment for the relevant arterial(s). The County will only request and receive a payment amount from Portland based on its most current thinking regarding the level of reductions in CO2 emissions that can realistically be achieved over the life of the agreement.

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

Portions of the four arterials at issue, including the affected intersections, may be transferred to Gresham. Responsibility for the ten-year follow-through on the provisions of this IGA would be included in the road jurisdiction transfer documents if such a transfer is implemented.

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

The City of Portland approved the IGA as attached at its May 18, 2005 City Council meeting.

Required Signatures

Department/
Agency Director:

Robert A. Maestre

Date: 05/26/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☒ Attached ☐ Not Attached Contract #: 0405166
Amendment #:


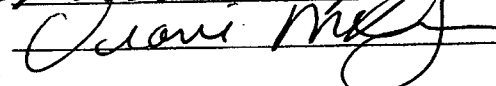
CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/>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

Department: Business and Community Services Division: Land Use & Trans Program Date: 5/24/05
 Originator: Bikram Raghubansh Phone: 83588 Bldg/Rm: 455/Annex
 Contact: Cathey Kramer Phone: x22589 Bldg/Rm: 455/Annex
 Description of Contract: Intergovernmental Agreement between City of Portland's Office of Sustainable Development and Multnomah County LUT in connection with a program to reduce carbon dioxide emissions through traffic signal optimization projects on certain roadways and arterials in Multnomah County. This is a grant from the City who is passing through funding from The Climate Trust, a non-profit organization and is a revenue agreement.

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

Contractor	City of Portland/Office of Sustainable Development		Remittance address	
Address	721 NW 9 th Ave., Suite 350		(If different)	
City/State	Portland OR		Payment Schedule / Terms	
ZIP Code	97209		<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	(503) 823-7582/Fax: (503) 823-5311-David Tooze		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A		<input checked="" type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	6/23/2005	Term Date 6/22/2015	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	New Term Date		Original Requirements Amount	\$
Original Contract Amount	\$		Total Amt of Previous Amendments	\$
Total Amt of Previous Amendments	\$		Requirements Amount Amendment	\$
Amount of Amendment	\$		Total Amount of Requirements	\$
Total Amount of Agreement	\$80,239.00 (approximate)			

REQUIRED SIGNATURES:

Department Manager _____
 Purchasing Manager _____
 County Attorney 
 County Chair 
 Sheriff _____
 Contract Administration _____

DATE _____
 DATE _____
 DATE 06-07-05
 DATE 6-23-05
 DATE _____
 DATE _____

COMMENTS:

APPROVED: MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-1 DATE 06-23-05
 DEBORAH L. BOGSTAD, BOARD CLERK

Intergovernmental Agreement

Between Portland's Office of Sustainable Development and
Multnomah County Transportation Services

Traffic Signal Optimization Projects to Acquire Carbon Dioxide (CO₂) Offsets for the Climate Trust

Introduction

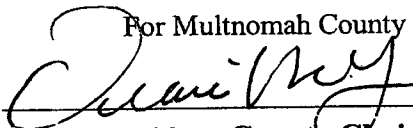
The City of Portland has entered into an agreement with The Climate Trust, a private non-profit organization, to reduce carbon dioxide emissions from vehicles by a series of traffic signal optimization projects on major roadways and arterials in Portland and other communities. A Monitoring and Verification Plan has been developed a methodology to determine and document the resulting fuel savings (and corresponding CO₂ reductions) for ten years and provides a standard for reporting these carbon dioxide reductions and ultimately transferring the ownership of the offsets through a legal Bill of Sale. Multnomah County agrees to produce net carbon offsets through signals optimization on four roadways, and the City of Portland agrees to pay the County for those carbon dioxide credits and transfer ownership to the Climate Trust.


The City of Portland Agrees To:

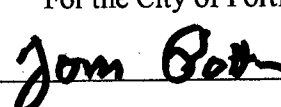

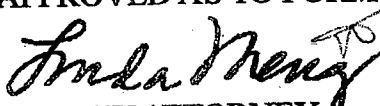
- ♦ Manage and coordinate all contract requirements with the Climate Trust, including reports, developing the M&V Plan, project documentation and billing for delivered CO₂ offsets resulting from signal retiming.
- ♦ Contract with DKS Associates to establish a measurement and verification (M&V) plan that will be the official basis for signal optimization projects performance by the County and other project partners.
- ♦ Advise the County of any implementation details or other requests from the Climate Trust or their contractor, as this project progresses.
- ♦ Report to the Climate Trust the status of Multnomah County Signal Optimization Projects.
- ♦ Receive from the County signed copies of (a) the Signal Optimization Project Agreement, (b) Bill of Sale for Signal Optimization CO₂ Credits, (c) project cost documentation, (d) data required by the City of Portland Carbon Dioxide Monitoring and Verification Plan for Traffic Signal Optimization and (e) any related cost or performance data as requested by the city or their M&V contractor for each completed project arterial.
- ♦ Deliver to the Climate Trust Multnomah County's M&V Reports and bill the Climate Trust for the reported/verified Carbon Dioxide offsets.
- ♦ The City of Portland will make payment to Multnomah County calculated at: \$2.74 per ton of lifetime Carbon Dioxide (CO₂) emission reductions for four verified project arterials, up to a maximum of 32,934 tons or \$90,239. Further, the County's payment will be reduced by up to \$10,000 to pay for M&V contractor expenses incurred by Climate Trust. Thus, the County's net payment will be up to \$80,239.
- ♦ Discuss additional signal optimization projects if additional Climate Trust funding becomes available.

Multnomah County Agrees To:

- ♦ Sign a Participation Agreement and Bill of Sale for each arterial participating in the carbon reduction program.
- ♦ Install signal coordination devices and where appropriate retime signals to improve traffic flow along four County arterials, including: NE 181st Ave, SE Start, NW/NE Burnside and NW/NE Division.
- ♦ Utilizing either County staff or an approved consultant, document the "before" and "after" performance of retiming at each project arterial and produce a M&V report. The M&V report will employ the Synchro 5.0-Build 323 program as specified by Portland's M&V plan and a format as outlined in the City's M&V plan. The County will coordinate with the City's contractor DKS Associates (the developer of the M&V Plan) to complete each report and will be responsible for paying the costs of those reports. The final reports must be accepted and approved by the Climate Trust and/or their agent.
- ♦ Provide performance documentation on each project arterial for up to ten years and as outlined in the M&V Plan or as requested by the Climate Trust.
- ♦ If during the ten year reporting period, the carbon reductions resulting from signal optimization fall short of the lifetime tons of carbon reduction reported in the *Bill of Sale*, the County agrees to reimburse to the city the prorated amount of the carbon payment.
- ♦ Provide City with their project schedule, status, actual cost data, updated traffic counts, and other relevant data as it becomes available.
- ♦ Complete the *Bill of Sale: Signal Optimization CO₂ Credits* for each project arterial to cede CO₂ credits accrued to the Climate Trust.
- ♦ Acknowledge and support the City of Portland's application to the Oregon Department of Energy for Business Energy Tax Credits (BETC) related to the transportation fuel savings produced by signals optimization at each of the County's four arterials. The BETC application project cost will not exceed the amount of the city's payment made to Multnomah County.
- ♦ Upon transfer of road jurisdiction, the County's obligations cease and all obligations and liabilities are transferred to the new jurisdiction.

Signature: 
Name/Title: Diane M. Linn, County Chair
Date: 06.23.05

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY
BY 
ASSISTANT COUNTY ATTORNEY
DATE 6/27/5

For the City of Portland

Tom Potter
Mayor, City of Portland
5/27/05
BY 
AUDITOR
APPROVED AS TO FORM

CITY ATTORNEY

ORDINANCE No. 179250

- * Authorize an Intergovernmental Agreement with Multnomah County for \$80,239 to produce carbon dioxide offsets through traffic signal optimization on four roadways. (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland's Local Action Plan on Global Warming (Resolution No. 35995) establishes a goal of reducing local emissions of greenhouse gases by 10 percent below 1990 levels by 2010, exceeding the seven percent reduction target identified for the United States in the Kyoto Protocol.
2. The Sustainable City Principles direct City elected officials and staff to "use resources efficiently and reduce demand for natural resources, like energy. . ." and "act locally to reduce adverse global impacts of . . . ozone depletion and global warming, and support and implement innovative programs that maintain and promote Portland's leadership as a sustainable city."
3. The Office of Sustainable Development (OSD) has entered into a \$533,000 grant agreement (Ordinance No. 177173) where the Climate Trust, a private non-profit organization, pays OSD and the Office of Transportation to reduce carbon dioxide emissions from vehicles through traffic signal optimization projects on major roadways in Portland and other communities.
4. The Office of Sustainable Development has completed negotiations with Multnomah County Transportation Services to receive up to \$80,239 to optimize traffic signals on four Gresham roadways, and transfer ownership of expected carbon dioxide offsets to the City of Portland.
5. Using funds from the Climate Trust, the Office of Sustainable Development agrees to pay the County for those carbon dioxide credits and transfer ownership to the Climate Trust. Funds in the current year are available in the General Fund, FY 2004-2005 Budget, Office of Sustainable Development, Center Codes 30220036.

NOW, THEREFORE, the Council directs:

- a. The Mayor and Auditor are authorized to execute an Intergovernmental Agreement with Multnomah County for \$80,239 to produce carbon dioxide offsets through traffic signal optimization on four roadways.
- b. The Director of the Office of Sustainable Development is authorized to execute documents transferring the ownership of the carbon dioxide credits arising from this agreement to The Climate Trust.
- c. The Director of the Office of Sustainable Development is authorized to extend this Agreement for up to two years and authorize additional payments of up to \$80,000 for additional roadway signal optimization, if additional Climate Trust funds become available.

179250

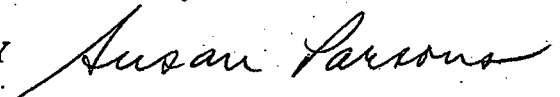
Section 2. The Council declares that an emergency exists because delay in executing the Intergovernmental Agreement will cause delay in meeting conditions of the Climate Trust contract; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: MAY 18 2005

MAYOR TOM POTTER
April 25, 2005
DTooze/AJSH

Gary Blackmer
Auditor of the City of Portland

BY



Deputy



CITY OF PORTLAND

Office of Sustainable Development

ENERGY — GREEN BUILDING — SOLID WASTE & RECYCLING

Tom Potter, Mayor
Susan Anderson, Director

721 NW 9th Ave., #350
Portland OR 97209

Phone: 503-823-7222

Fax: 503-823-5311

pdxosd@ci.portland.or.us

Signal Optimization Project Participation Agreement

1. Background

Traffic signal timing optimization helps reduce traffic congestion, lowers travel times, and reduces fuel use. The fuel savings generate environmental benefits by reducing tailpipe emissions, including emissions of carbon dioxide (CO₂), the primary gas contributing to global climate change.

Because of these CO₂ reductions, The Climate Trust has funds available to support signal-optimization projects that would not otherwise be carried out. Signing this agreement is the first step in accessing those funds.

Signing this agreement does two things:

- ♦ First, the Project Partner transfers ownership of the CO₂ offsets from the signals timing project to The Climate Trust.
- ♦ Second, the Project Partner agrees to ensure that adequate data is available to monitor and verify the CO₂ offsets and authorizes the City of Portland to provide that documentation to The Climate Trust.

2. Transfer of Carbon Dioxide Offsets to The Climate Trust

- A. As the signal system owner and operator, the Project Partner (hereafter referred to as "Partner") agrees irrevocably to transfer any and all rights, title, interests and ownership in and to any and all CO₂ offsets resulting from the signals timing optimization project described in Section 4 to The Climate Trust. The Partner also agrees to sign a Bill of Sale for these CO₂ offsets when the project is complete. The form of the Bill of Sale is attached to this Project Participation Agreement.
- B. For the term of the Participation Agreement, which covers the term of the signal optimization improvements as described in Section 4, the Partner agrees to the following:
- i. The Partner has not and will not register, enroll, take credit for, or otherwise submit the CO₂ offsets to any entity which, now or in the future, registers or gives credit for any CO₂ offsets or credits or any greenhouse gas offsets or credit (an "Agency"), nor will the Partner assist any party other than The Climate Trust in engaging in any of the foregoing activities as they relate to the CO₂ offsets that are subject to this Project Participation Agreement.
 - ii. The Partner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the CO₂ offsets to The Climate Trust or as may be required to register, claim credit for or otherwise submit the CO₂ offsets to an Agency, including, without limitation, the Bill of Sale referred to above.
 - iii. The Partner will supply any and all information, and provide full cooperation, to The Climate Trust and its agents necessary for the monitoring and verification of the CO₂ offsets in accordance with the Monitoring and Verification Plan prepared by the City of Portland and approved by The Climate Trust.
 - iv. The Partner names The Climate Trust as an intended third party beneficiary of this Project Participation Agreement.

- C. Upon transfer of road jurisdiction the Partner's obligations cease and all obligations are transferred to the new jurisdiction.

3. Roles and Responsibilities

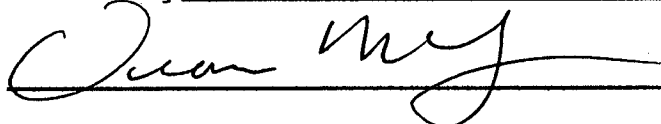
- A. The City of Portland will provide the following support for the signal optimization project described in Section 4:
- approximately \$21,300 in direct funding, with the final amount determined by multiplying the projected number of metric tons of carbon dioxide offsets by \$2.74.
- B. The Partner agrees to provide all other labor, materials, and other resources necessary to complete the signal optimization project described in Section 4. In addition, the Partner agrees to provide the City of Portland copies of any traffic counts, signal timing modeling, invoices, and other reports related to signal timing improvements on the stretch of roadway described in Section 4. The Partner authorizes the City of Portland to share this documentation with The Climate Trust and its agents.

4. Description of the Project

The project will optimize traffic-signal timing on NW/NE Burnside Rd. in Multnomah County, Oregon, from NW/NE/SE Burnside Road from NW Civic Ave to SE Powell Blvd. Timing work began March 1, 2005 and will be completed by May 31, 2005. Over the course of its 10-year life, the project is expected to generate approximately 7,800 metric tons of carbon dioxide offsets.

Project Partner Agency: Multnomah County, Oregon

By [print name and title]: Diane M. Linn, Multnomah County Chair.

Signature:  Date: 06.23.05

City of Portland, acting by and through its Office of Transportation:

By [print name and title]: _____

Signature: _____ Date: _____



CITY OF PORTLAND

Office of Sustainable Development

ENERGY — GREEN BUILDING — SOLID WASTE & RECYCLING

Tom Potter, Mayor
Susan Anderson, Director

721 NW 9th Ave., #350
Portland OR 97209

Phone: 503-823-7222

Fax: 503-823-5311

pdxosd@ci.portland.or.us

Signal Optimization Project Participation Agreement

1. Background

Traffic signal timing optimization helps reduce traffic congestion, lowers travel times, and reduces fuel use. The fuel savings generate environmental benefits by reducing tailpipe emissions, including emissions of carbon dioxide (CO₂), the primary gas contributing to global climate change.

Because of these CO₂ reductions, The Climate Trust has funds available to support signal-optimization projects that would not otherwise be carried out. Signing this agreement is the first step in accessing those funds.

Signing this agreement does two things:

- ♦ First, the Project Partner transfers ownership of the CO₂ offsets from the signals timing project to The Climate Trust.
- ♦ Second, the Project Partner agrees to ensure that adequate data is available to monitor and verify the CO₂ offsets and authorizes the City of Portland to provide that documentation to The Climate Trust.

2. Transfer of Carbon Dioxide Offsets to The Climate Trust

- A. As the signal system owner and operator, the Project Partner (hereafter referred to as "Partner") agrees irrevocably to transfer any and all rights, title, interests and ownership in and to any and all CO₂ offsets resulting from the signals timing optimization project described in Section 4 to The Climate Trust. The Partner also agrees to sign a Bill of Sale for these CO₂ offsets when the project is complete. The form of the Bill of Sale is attached to this Project Participation Agreement.
- B. For the term of the Participation Agreement, which covers the term of the signal optimization improvements as described in Section 4, the Partner agrees to the following:
- i. The Partner has not and will not register, enroll, take credit for, or otherwise submit the CO₂ offsets to any entity which, now or in the future, registers or gives credit for any CO₂ offsets or credits or any greenhouse gas offsets or credit (an "Agency"), nor will the Partner assist any party other than The Climate Trust in engaging in any of the foregoing activities as they relate to the CO₂ offsets that are subject to this Project Participation Agreement.
 - ii. The Partner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the CO₂ offsets to The Climate Trust or as may be required to register, claim credit for or otherwise submit the CO₂ offsets to an Agency, including, without limitation, the Bill of Sale referred to above.
 - iii. The Partner will supply any and all information, and provide full cooperation, to The Climate Trust and its agents necessary for the monitoring and verification of the CO₂ offsets in accordance with the Monitoring and Verification Plan prepared by the City of Portland and approved by The Climate Trust.
 - iv. The Partner names The Climate Trust as an intended third party beneficiary of this Project Participation Agreement.

- C. Upon transfer of road jurisdiction the Partner's obligations cease and all obligations are transferred to the new jurisdiction.

3. Roles and Responsibilities

- A. The City of Portland will provide the following support for the signal optimization project described in Section 4:
- approximately \$8,300 in direct funding, with the final amount determined by multiplying the projected number of metric tons of carbon dioxide offsets by \$2.74.
- B. The Partner agrees to provide all other labor, materials, and other resources necessary to complete the signal optimization project described in Section 4. In addition, the Partner agrees to provide the City of Portland copies of any traffic counts, signal timing modeling, invoices, and other reports related to signal timing improvements on the stretch of roadway described in Section 4. The Partner authorizes the City of Portland to share this documentation with The Climate Trust and its agents.

4. Description of the Project

The project will optimize traffic-signal timing on NW/NE/SE Division Rd. in Multnomah County, Oregon, from NE Hogan Ave to SE 212th Ave. Timing work began March 1, 2005 and be completed by May 31, 2005. Over the course of its 10-year life, the project is expected to generate approximately 3,000 metric tons of carbon dioxide offsets.

Project Partner Agency: Multnomah County, Oregon

By [print name and title]: Diane M. Linn, Multnomah County Chair

Signature: 

Date: 06.23.05

City of Portland, acting by and through its Office of Transportation:

By [print name and title]: _____

Signature: _____ Date: _____



CITY OF PORTLAND

Office of Sustainable Development

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Signal Optimization Project Participation Agreement

1. Background

Traffic signal timing optimization helps reduce traffic congestion, lowers travel times, and reduces fuel use. The fuel savings generate environmental benefits by reducing tailpipe emissions, including emissions of carbon dioxide (CO₂), the primary gas contributing to global climate change.

Because of these CO₂ reductions, The Climate Trust has funds available to support signal-optimization projects that would not otherwise be carried out. Signing this agreement is the first step in accessing those funds.

Signing this agreement does two things:

- ♦ First, the Project Partner transfers ownership of the CO₂ offsets from the signals timing project to The Climate Trust.
- ♦ Second, the Project Partner agrees to ensure that adequate data is available to monitor and verify the CO₂ offsets and authorizes the City of Portland to provide that documentation to The Climate Trust.

2. Transfer of Carbon Dioxide Offsets to The Climate Trust

- A. As the signal system owner and operator, the Project Partner (hereafter referred to as "Partner") agrees irrevocably to transfer any and all rights, title, interests and ownership in and to any and all CO₂ offsets resulting from the signals timing optimization project described in Section 4 to The Climate Trust. The Partner also agrees to sign a Bill of Sale for these CO₂ offsets when the project is complete. The form of the Bill of Sale is attached to this Project Participation Agreement.
- B. For the term of the Participation Agreement, which covers the term of the signal optimization improvements as described in Section 4, the Partner agrees to the following:
- i. The Partner has not and will not register, enroll, take credit for, or otherwise submit the CO₂ offsets to any entity which, now or in the future, registers or gives credit for any CO₂ offsets or credits or any greenhouse gas offsets or credit (an "Agency"), nor will the Partner assist any party other than The Climate Trust in engaging in any of the foregoing activities as they relate to the CO₂ offsets that are subject to this Project Participation Agreement.
 - ii. The Partner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the CO₂ offsets to The Climate Trust or as may be required to register, claim credit for or otherwise submit the CO₂ offsets to an Agency, including, without limitation, the Bill of Sale referred to above.
 - iii. The Partner will supply any and all information, and provide full cooperation, to The Climate Trust and its agents necessary for the monitoring and verification of the CO₂ offsets in accordance with the Monitoring and Verification Plan prepared by the City of Portland and approved by The Climate Trust.
 - iv. The Partner names The Climate Trust as an intended third party beneficiary of this Project Participation Agreement.

- C. Upon transfer of road jurisdiction the Partner's obligations cease and all obligations are transferred to the new jurisdiction.

3. Roles and Responsibilities

- A. The City of Portland will provide the following support for the signal optimization project described in Section 4:
- approximately \$15,000 in direct funding, with the final amount determined by multiplying the projected number of metric tons of carbon dioxide offsets by \$2.74.
- B. The Partner agrees to provide all other labor, materials, and other resources necessary to complete the signal optimization project described in Section 4. In addition, the Partner agrees to provide the City of Portland copies of any traffic counts, signal timing modeling, invoices, and other reports related to signal timing improvements on the stretch of roadway described in Section 4. The Partner authorizes the City of Portland to share this documentation with The Climate Trust and its agents.

4. Description of the Project

The project will optimize traffic-signal timing on SE/NE 181st Ave. in Multnomah County, Oregon, from the west-bound I-84 ramp to SE Yamhill Street. Timing work is expected to begin April 1, 2005 and be completed by May 31, 2005. Over the course of its 10-year life, the project is expected to generate approximately 5,500 metric tons of carbon dioxide offsets.

Project Partner Agency: Multnomah County, Oregon

By [print name and title]: Diane M. Linn, Multnomah County Chair

Signature:  Date: 06.23.05

City of Portland, acting by and through its Office of Transportation:

By [print name and title]: _____

Signature: _____ Date: _____



CITY OF PORTLAND

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Signal Optimization Project Participation Agreement

1. Background

Traffic signal timing optimization helps reduce traffic congestion, lowers travel times, and reduces fuel use. The fuel savings generate environmental benefits by reducing tailpipe emissions, including emissions of carbon dioxide (CO₂), the primary gas contributing to global climate change.

Because of these CO₂ reductions, The Climate Trust has funds available to support signal-optimization projects that would not otherwise be carried out. Signing this agreement is the first step in accessing those funds. Signing this agreement does two things:

- ♦ First, the Project Partner transfers ownership of the CO₂ offsets from the signals timing project to The Climate Trust.
- ♦ Second, the Project Partner agrees to ensure that adequate data is available to monitor and verify the CO₂ offsets and authorizes the City of Portland to provide that documentation to The Climate Trust.

2. Transfer of Carbon Dioxide Offsets to The Climate Trust

- A. As the signal system owner and operator, the Project Partner (hereafter referred to as "Partner") agrees irrevocably to transfer any and all rights, title, interests and ownership in and to any and all CO₂ offsets resulting from the signals timing optimization project described in Section 4 to The Climate Trust. The Partner also agrees to sign a Bill of Sale for these CO₂ offsets when the project is complete. The form of the Bill of Sale is attached to this Project Participation Agreement.
- B. For the term of the Participation Agreement, which covers the term of the signal optimization improvements as described in Section 4, the Partner agrees to the following:
 - i. The Partner has not and will not register, enroll, take credit for, or otherwise submit the CO₂ offsets to any entity which, now or in the future, registers or gives credit for any CO₂ offsets or credits or any greenhouse gas offsets or credit (an "Agency"), nor will the Partner assist any party other than The Climate Trust in engaging in any of the foregoing activities as they relate to the CO₂ offsets that are subject to this Project Participation Agreement.
 - ii. The Partner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the CO₂ offsets to The Climate Trust or as may be required to register, claim credit for or otherwise submit the CO₂ offsets to an Agency, including, without limitation, the Bill of Sale referred to above.
 - iii. The Partner will supply any and all information, and provide full cooperation, to The Climate Trust and its agents necessary for the monitoring and verification of the CO₂ offsets in accordance with the Monitoring and Verification Plan prepared by the City of Portland and approved by The Climate Trust.
 - iv. The Partner names The Climate Trust as an intended third party beneficiary of this Project Participation Agreement.

- C. Upon transfer of road jurisdiction the Partner's obligations cease and all obligations are transferred to the new jurisdiction.

3. Roles and Responsibilities

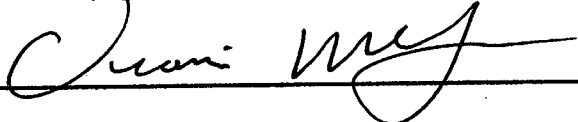
- A. The City of Portland will provide the following support for the signal optimization project described in Section 4:
- approximately \$11,000 in direct funding, with the final amount determined by multiplying the projected number of metric tons of carbon dioxide offsets by \$2.74.
- B. The Partner agrees to provide all other labor, materials, and other resources necessary to complete the signal optimization project described in Section 4. In addition, the Partner agrees to provide the City of Portland copies of any traffic counts, signal timing modeling, invoices, and other reports related to signal timing improvements on the stretch of roadway described in Section 4. The Partner authorizes the City of Portland to share this documentation with The Climate Trust and its agents.

4. Description of the Project

The project will optimize traffic-signal timing on SE Stark St. in Multnomah County, Oregon, from Eastman Parkway to NE Kane Dr. Timing work began March 1, 2005 and be completed by May 31, 2005. Over the course of its 10-year life, the project is expected to generate approximately 4,000 metric tons of carbon dioxide offsets.

Project Partner Agency: Multnomah County, Oregon

By [print name and title]: Diane M. Linn, Multnomah County Chair

Signature:  Date: 06.23.05

City of Portland, acting by and through its Office of Transportation:

By [print name and title]: _____

Signature: _____ Date: _____

BILL OF SALE: SIGNAL OPTIMIZATION CO₂ CREDITS

The undersigned Owner, hereby irrevocably assigns and transfers to The Climate Trust, an Oregon nonprofit corporation, any and all Carbon Dioxide Offsets ("the Carbon Dioxide Offsets") resulting from or related to the energy saving measures ("Measures") described below which have been installed and/or implemented on the Project Arterial described below.

Signal Optimization Measures Implemented on the Project Arterial

The following intersections have been timed to optimize traffic flows with separate timing for morning, midday, and afternoon traffic patterns:

1. SE Stark/Eastman Pkwy
2. SE Stark/NE Cleveland
3. SE Stark/NE 242nd Ave
4. SE Stark/Mt Hood Medical Center
5. SE Stark/NE Hale
6. SE Stark/NE Kane Dr.

Description of the Project Arterial

Six intersections on SE Stark Street from Eastman Parkway to NE Kane Dr., Multnomah County, Oregon.

Owner represents, warrants and covenants that it is the road jurisdiction of record of the Project Arterial described above, and that it has not and will not transfer or attempt to transfer the Carbon Dioxide Offsets to any other person, and it has not and will not grant any other person a security interest or lien in the Carbon Dioxide Offsets.

Owner represents, warrants and covenants that it has not and will not attempt to register, enroll, claim credit for, make any filing with or otherwise submit the Carbon Dioxide Offsets to any agency or entity, governmental or not, which now or in the future, registers, certifies, gives credit for or records any carbon dioxide offsets or credits or any greenhouse gas offsets or credit. Any of the foregoing is referred to in this Bill of Sale as "An Agency".

Owner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the Carbon Dioxide Offsets to The Climate Trust or as may be required to enroll, claim credit for or make any filing with or otherwise submit the Carbon Dioxide Offsets to An Agency.

For purposes of this Bill of Sale, "Carbon Dioxide Offset" means the results of an action implemented to avoid, sequester or displace emissions of carbon dioxide, and the term includes a carbon dioxide offset, carbon dioxide emissions reduction credit, or similar term which is certified, recognized or granted credit by An Agency.

DATED this 23rd day of JUNE, 2005.

Owner

By:

DIANE M. LINN

Its:

MULTNOMAH COUNTY CHAIR

BILL OF SALE: SIGNAL OPTIMIZATION CO₂ CREDITS

The undersigned Owner, hereby irrevocably assigns and transfers to The Climate Trust, an Oregon nonprofit corporation, any and all Carbon Dioxide Offsets ("the Carbon Dioxide Offsets") resulting from or related to the energy saving measures ("Measures") described below which have been installed and/or implemented on the Project Arterial described below.

Signal Optimization Measures Implemented on the Project Arterial

The following intersections on NE/SE 181st Ave., Multnomah County Oregon, have been timed to optimize traffic flows:

1. NE 181st/I-84 west-bound ramp
2. NE 181st/I-84 east-bound ramp
3. NE 181st/NE San Rafael
4. NE 181st/NE Halsey
5. NE 181st/NE Glisan
6. SE 181st/E. Burnside
7. SE 181st/SE Stark St
8. SE 181st/SE Yamhill St

Description of the Project Arterial

Eight intersections on NE/SE 181st Ave from west-bound I-84 Ramp to SE Yamhill Street, Multnomah County, Oregon.

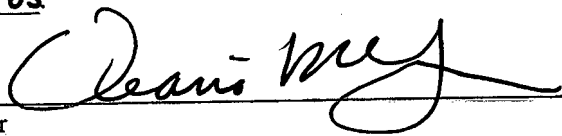
Owner represents, warrants and covenants that it is the road jurisdiction of record of the Project Arterial described above, and that it has not and will not transfer or attempt to transfer the Carbon Dioxide Offsets to any other person, and it has not and will not grant any other person a security interest or lien in the Carbon Dioxide Offsets.

Owner represents, warrants and covenants that it has not and will not attempt to register, enroll, claim credit for, make any filing with or otherwise submit the Carbon Dioxide Offsets to any agency or entity, governmental or not, which now or in the future, registers, certifies, gives credit for or records any carbon dioxide offsets or credits or any greenhouse gas offsets or credit. Any of the foregoing is referred to in this Bill of Sale as "An Agency".

Owner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the Carbon Dioxide Offsets to The Climate Trust or as may be required to enroll, claim credit for or make any filing with or otherwise submit the Carbon Dioxide Offsets to An Agency.

For purposes of this Bill of Sale, "Carbon Dioxide Offset" means the results of an action implemented to avoid, sequester or displace emissions of carbon dioxide, and the term includes a carbon dioxide offset, carbon dioxide emissions reduction credit, or similar term which is certified, recognized or granted credit by An Agency.

DATED this 23RD day of JUNE, 2005


Owner

By: DIANE M. LIND

Its: MULTNOMAH COUNTY CHIEF

BILL OF SALE: SIGNAL OPTIMIZATION CO₂ CREDITS

The undersigned Owner, hereby irrevocably assigns and transfers to The Climate Trust, an Oregon nonprofit corporation, any and all Carbon Dioxide Offsets ("the Carbon Dioxide Offsets") resulting from or related to the energy saving measures ("Measures") described below which have been installed and/or implemented on the Project Arterial described below.

Signal Optimization Measures Implemented on the Project Arterial

The following intersections have been timed to optimize traffic flows with separate timing for morning, midday, and afternoon traffic patterns:

1. Division/NE Hogan
2. Division/NE Cleveland Ave
3. Division/NE Kelly Ave
4. Division/N. Main
5. Division/NW Norman
6. Division/NW Civic Dr
7. Division/SE 212th Ave

Description of the Project Arterial

Seven intersections on NW/NE/SE Division Road from NE Hogan to SE 212th Ave., Multnomah County, Oregon.

Owner represents, warrants and covenants that it is the road jurisdiction of record of the Project Arterial described above, and that it has not and will not transfer or attempt to transfer the Carbon Dioxide Offsets to any other person, and it has not and will not grant any other person a security interest or lien in the Carbon Dioxide Offsets.

Owner represents, warrants and covenants that it has not and will not attempt to register, enroll, claim credit for, make any filing with or otherwise submit the Carbon Dioxide Offsets to any agency or entity, governmental or not, which now or in the future, registers, certifies, gives credit for or records any carbon dioxide offsets or credits or any greenhouse gas offsets or credit. Any of the foregoing is referred to in this Bill of Sale as "An Agency".

Owner agrees to execute such further documents as may be reasonably requested by The Climate Trust to confirm the transfer of the Carbon Dioxide Offsets to The Climate Trust or as may be required to enroll, claim credit for or make any filing with or otherwise submit the Carbon Dioxide Offsets to An Agency.

For purposes of this Bill of Sale, "Carbon Dioxide Offset" means the results of an action implemented to avoid, sequester or displace emissions of carbon dioxide, and the term includes a carbon dioxide offset, carbon dioxide emissions reduction credit, or similar term which is certified, recognized or granted credit by An Agency.

DATED this 23rd day of JUNE, 2006

DiANE Linn
Owner

By: DIANE M Linn

Its: MULTNOMAH County CHAIR



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 06/08/05

BUDGET MODIFICATION: -

Agenda Title: Government Revenue Contract (190 Agreement) 0405125 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

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

Date Requested: June 23, 2005 Time Requested: N/A
Department: Sheriff's Office Division: Enforcement
Contact(s): Brad Lynch
Phone: 503-988-4336 Ext. 84336 I/O Address: 503/350
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Approval of government contract 0405125.

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

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2005 through June 30, 2006.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$165,000.00. This funding has been anticipated and is part of the FY 05/06 budget. (

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

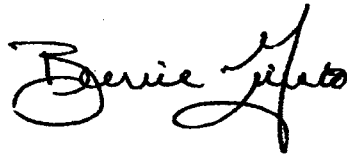
This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signatures

**Department/
Agency Director:**



Date: 06/07/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 0405125
Amendment #:

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

Department: Sheriff's Office Division: Enforcement Date: 06/06/05
 Originator: Chief Deputy Lee Graham Phone: 503-988-4308 Bldg/Rm: 503/350
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Rm: 503/350
 Description of Contract: Provide inmate work crews for illegal dumpsite clean-up.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): 0310512, 0210309, 0110769, 001306
 RFP/BID: RFP/BID DATE: ORS/AR #:
 EXEMPTION #: EXPIRATION DATE:
 Effective DATE: CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling			Remittance address	
Address	600 NE Grand			(If different)	
City/State	Portland, OR			Payment Schedule / Terms	
ZIP Code	97232			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/05	Term Date	06/30/06	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	New Term Date			Original Requirements Amount	\$
Original Contract Amount	\$165,000.00			Total Amt of Previous Amendments	\$
Total Amt of Previous Amendments	\$			Requirements Amount Amendment:	\$
Amount of Amendment	\$			Total Amount of Requirements	\$
Total Amount of Agreement \$	\$165,000.00				

REQUIRED SIGNATURES:

Department Manager	DATE
Purchasing Manager	DATE
County Attorney <i>SEA</i>	DATE 6-6-05
County Chair <i>Chairman</i>	DATE
Sheriff <i>Bernie Givato by LAG</i>	DATE 6-7-05
Contract Administration	DATE

COMMENTS:

APPROVED: MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-2 DATE 06-23-05
 DEBORAH L. BOGSTAD, BOARD CLERK

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010, et seq. and ORS 206.345 between MULTNOMAH COUNTY by and through the Multnomah County Sheriffs Office (COUNTY) and METRO.

RECITALS

WHEREAS, Multnomah County (hereinafter "COUNTY") is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345; and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq.; and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions, related to METRO's purpose and authority, to be performed by the COUNTY through the Multnomah County Sheriffs Office (hereinafter "MCSO"); and

WHEREAS, the COUNTY through the MCSO is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

ILLEGAL DUMPSITE CLEANUP - INMATE WORK CREWS

1. The COUNTY shall provide a minimum of 1.0 FTE and a maximum of 2.0 FTE supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. Sites will only be cleaned up as requested by METRO. The COUNTY further agrees that:
 - (a) Each crew will be supervised by one or more corrections officers trained and experienced in managing inmate work crews;
 - (b) Each work crew will be comprised of sentenced, local inmates eligible for outside public works and who pose a minimal threat to the public;
 - (c) Each work crew vehicle will be radio-equipped, self-contained, and furnished with hand and power tools appropriate for each job; and
 - (d) Each work crew supervisor shall be directed to identify and retain through procedures designed to maintain a defensible chain of custody, any evidence that may lead to a successful prosecution of persons dumping waste illegally.
2. The clean-up of dump sites containing known or suspected hazardous materials is beyond the scope, skill, training, and experience of inmate work crews and that an inmate work crew, including inmates and ASSIGNED PERSONNEL, shall not be required to clean-up any dump site where known or suspected hazardous materials are present. In the event the inmate work crew discovers known or suspected hazardous

materials at a dumpsite, the work crew supervisor shall immediately cease the cleanup activity until such time as the site is inspected and declared or made safe by the appropriate hazardous materials authority.

PERSONNEL MATTERS

3. The COUNTY shall provide for the performance of the duties hereunder a minimum of one (1) and a maximum of two (2) FTE corrections officers. These persons are hereinafter referred to as "ASSIGNED PERSONNEL." For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
4. The COUNTY shall ensure that at least one of the ASSIGNED PERSONNEL has been assigned to perform the duties hereunder for at least the previous six consecutive months. In other words, the COUNTY may replace one of the ASSIGNED PERSONNEL only if the other ASSIGNED PERSONNEL has been assigned to perform the duties hereunder for at least six months.
5. One or more of the corrections officers provided hereunder may be provided by a law enforcement agency other than MCSO. In such event, the other law enforcement agency hereinafter shall be referred to as a "PARTICIPATING AGENCY."
6. The corrections officers provided by MCSO or a PARTICIPATING AGENCY as ASSIGNED PERSONNEL shall be certified in their respective disciplines by the State's Department of Public Safety Standards and Training.
7. The ASSIGNED PERSONNEL provided hereunder by MCSO or a PARTICIPATING AGENCY shall be and remain employees of the COUNTY or PARTICIPATING AGENCY. The ASSIGNED PERSONNEL shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of MCSO. Metro shall nevertheless retain the right, upon request and for cause stated, to have ASSIGNED PERSONNEL removed from assignment under this Agreement and replaced by other ASSIGNED PERSONNEL meeting the requirements of this Agreement.
8. METRO does not assume any liability for the direct payment of any wages, salaries, or other compensation to ASSIGNED PERSONNEL performing services pursuant to the terms of this Agreement or for any other liability not provided for in this Agreement.
9. The COUNTY shall maintain Workers' Compensation insurance coverage for ASSIGNED PERSONNEL, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
10. Matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment regarding ASSIGNED PERSONNEL under this Agreement shall be governed by the provisions of existing collective bargaining agreements between the ASSIGNED PERSONNEL's bargaining unit and their public employer.
11. All labor disputes arising out of this Agreement shall be governed by the provisions of applicable collective bargaining agreements in effect during this Agreement, and the personnel rules of the COUNTY or PARTICIPATING AGENCY.

12. The COUNTY and METRO acknowledge that the ASSIGNED PERSONNEL will be absent from duty for various reasons, including but not limited to vacation, holiday, illness, injury, training, leave of absence, and administrative leave. The COUNTY and METRO also acknowledge that some employee absences are the result of paid leave that the ASSIGNED PERSONNEL earn and are entitled to take. The COUNTY and METRO also acknowledge that some employee absences are the result of actions taken by the employer, with or without the employee's consent. In accordance with the foregoing acknowledgments, the COUNTY and METRO agree that the COUNTY will not be responsible or otherwise obligated to replace any ASSIGNED PERSONNEL who is absent due to paid accrued leave, including but not limited to: vacation, holiday, sick leave or who is absent while participating in training. However, the COUNTY will make a good faith effort to schedule known, projected absences so as to minimize the impact on the COUNTY's ability to perform under this Agreement.

EQUIPMENT PURCHASE, USE AND DISPOSITION

13. Materials and supplies will be purchased for the use of ASSIGNED PERSONNEL as provided hereunder. For the purpose of this Agreement, "materials" includes capital equipment with a unit cost of \$1,000 or more. "Supplies" includes any item with a unit cost of less than \$1,000.
14. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
15. All vehicles and equipment purchased by METRO for use in fulfilling this Agreement, including capital equipment, shall be owned by METRO but under the control of the COUNTY for the COUNTY's use in performing its duties under this Agreement. Such vehicles and equipment shall not be used for any other purpose unless specifically authorized by Metro. The COUNTY and METRO further agree that upon termination of this Agreement, control of all remaining materials and supplies purchased hereunder, including capital equipment, shall revert to METRO.
16. Notwithstanding the provisions of section 17, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY agrees to give METRO notice of the COUNTY's intent to exercise any option that may be granted under this section within 60 days following termination of this Agreement.

CONTRACT COSTS

17. METRO shall pay COUNTY for all costs, services performed, and materials delivered for the term of this Agreement. By February 1 of each year, the MCSO shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year. The actual amount to be paid by METRO will be determined through mutual agreement of the parties prior to each anniversary date of the execution of this Agreement. The amount to be paid by METRO for the term of the Agreement will not exceed ONE HUNDRED SIXTY-FIVE THOUSAND AND NO/100THS DOLLARS (\$165,000.00). This maximum sum includes all fees, costs, and expenses of whatever nature to which COUNTY may become entitled for the term of this Agreement. All costs listed on Exhibit A, which is The Budget for the Agreement prepared by COUNTY, are on a "not to exceed" basis, and shall be billed quarterly for costs incurred, services

performed, and materials delivered during the previous quarter. COUNTY shall submit itemized billings to METRO within 15 days of the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

18. The COUNTY shall indemnify, defend, and hold harmless METRO, its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the ASSIGNED PERSONNEL acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
19. METRO shall indemnify, defend, and hold harmless the COUNTY, its officers, employees, and agents, including ASSIGNED PERSONNEL from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO or its assignees, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

20. While the parties have attempted to make an Agreement anticipating and addressing their concerns, METRO and the COUNTY acknowledge the possibility that a claim, controversy, or dispute may arise out of this Agreement. METRO and the COUNTY agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy, or dispute, including the giving of timely, written notification thereof to the other party.
21. All claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

22. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
23. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
24. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

25. This Agreement shall be effective from the 1st day of July, 2005, and shall run through the 30th day of June 2006, unless extended.
26. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
27. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
28. This Agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than the parties to this Agreement. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

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

MULTNOMAH COUNTY

By: Bernie Giusto
Bernie Giusto, Sheriff

Date: 5-25-05

By: Chai My
County Chair or Designee

Date: 06-23-05

APPROVED AS TO FORM:
Multnomah County Attorney

By: S.E.A.
Assistant County Attorney

Date: 6-6-05

METRO

By: Michael Jordan
Michael Jordan,
Chief Operating Officer

Date: 5/23/05

APPROVED AS TO FORM:
Metro Attorney

By: _____
Paul Garrahan,
Assistant Metro Attorney

Date: _____

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Queue

EXHIBIT A

Metro for 07/01/05 - 06/30/06

	Detectives	Work Crews	Total Metro
	(204,286)	(138,953)	(343,239)
50236 IG-Charges for Svcs			-
50250 Sales to the Public			-
50270 Interest Earnings			-
50280 Fines and Forfeitures			-
50290 Dividends & Rebates			-
50310 Internal Service Reimb			-
50360 Misc. Revenue			-
50370 Dept Indirect Revenue			-
Total Revenues	(204,286)	(138,953)	(343,239)
60000 Permanent	124,696	83,662	208,358
60130 Salary Related Expenses	41,112	27,583	68,695
60135 Non Base Fringe			-
Subtotal	165,808	111,245	277,053
60140 Insurance	28,251	19,467	47,718
60145 Non Base Insurance			-
Total Personnel Costs	194,059	130,712	324,771
60160 Pass Through Payments			-
60170 Professional Services	-	1,200	1,200
60180 Printing			-
60190 Utilities			-
60200 Communications			-
60210 Rentals			-
60220 Repairs & Maintenance			-
60230 Postage			-
60240 Supplies			-
60250 Food			-
60260 Education & Training			-
60270 Local Travel & Mileage			-
60310 Drugs			-
60340 Dues & Subscriptions			-
Total M&S	-	1,200	1,200
60350 Indirect Costs (cntrl)	1,261	857	2,119
60355 Indirect Costs (dptml)	7,277	4,947	12,224
60360 Finance Operations	-	100	100
60365 Human Services Operations	1,688	1,137	2,825
60370 Telecommunications			-
60460 Distribution/Postage			-
Total ISR's	10,227	7,041	17,268
93002 Assess Labor			-
93007 Assess Int Service Exp			-
93019 Assess Shared Svcs			-
Total Budget	204,286	138,953	343,239

	FTE	FTE Sum.	Base	Fringe	Insurance	Total
1136-DEPSHER3LG14-Gaddis	1		62,348.00	20,556.14	14,125.58	97,029.72
1136-DEPSHER3LG14-Gates	1	2	62,348.00	20,556.14	14,125.58	97,029.72
1007-COR OFF 7%-McCallum	0.7		41,012.00	13,522.00	9,664.00	64,198.00
1018-COROFF7%LG20-Faulkner	0.7	1.4	42,650.00	14,061.45	9,803.42	66,514.87
	3.4	3.4	208,358.00	68,695.73	47,718.58	324,772.31



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 06/08/05

BUDGET MODIFICATION: -

Agenda Title: Government Revenue Contract (190 Agreement) 0405126 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

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

Date Requested:	June 23, 2005	Time Requested:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Brad Lynch		
Phone:	503-988-4336	Ext.	84336
I/O Address:	503/350		
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Approval of government contract 0405126.

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

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide general investigative police service to METRO for enforcement of METRO ordinances, including those related to flow control and solid waste management. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2005 through June 30, 2006.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$190,000.00. This funding has been anticipated and is part of the FY 06 budget.

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

This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signatures

**Department/
Agency Director:**



Date: 06/07/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 0405126
Amendment #:

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

Department: Sheriff's Office Division: Enforcement Date: 06/06/05
 Originator: Chief Deputy Lee Graham Phone: 503-988-4308 Bldg/Rm: 503/350
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Rm: 503/350
 Description of Contract: Investigative and enforcement services for flow control and solid waste ordinances.

RENEWAL: ☐ PREVIOUS CONTRACT #(S): 0310512, 0210309, 0110769, 001306
 RFP/BID: RFP/BID DATE: ORS/AR #:
 EXEMPTION #: EXPIRATION DATE:
 Effective DATE: CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling			Remittance address	
Address	600 NE Grand			(If different)	
City/State	Portland, OR			Payment Schedule / Terms	
ZIP Code	97232			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/05	Term Date	06/30/06	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date	New Term Date			Original Requirements Amount	\$
Original Contract Amount	\$190,000.00			Total Amt of Previous Amendments	\$
Total Amt of Previous Amendments	\$			Requirements Amount Amendment:	\$
Amount of Amendment	\$			Total Amount of Requirements	\$
Total Amount of Agreement \$	\$190,000.00				

REQUIRED SIGNATURES:

Department Manager	_____	DATE	_____
Purchasing Manager	_____	DATE	_____
County Attorney	<i>[Signature]</i>	DATE	6-6-05
County Chair	<i>[Signature]</i>	DATE	_____
Sheriff	Bernie Giusta by LAG	DATE	6-7-05
Contract Administration	_____	DATE	_____

COMMENTS:

APPROVED: MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-3 DATE 06-23-05
 DEBORAH L. BOGSTAD, BOARD CLERK

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010, et seq. and ORS 206.345 between MULTNOMAH COUNTY by and through the Multnomah County Sheriffs Office (COUNTY) and METRO.

RECITALS

WHEREAS, Multnomah County (hereinafter "COUNTY") is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345; and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq. and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions, related to METRO's purpose and authority, to be performed by the COUNTY through the Multnomah County Sheriffs Office (hereinafter "MCSO"); and

WHEREAS, the COUNTY through the MCSO is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

INVESTIGATION

1. The COUNTY shall provide general investigative police service to METRO at Metro's direction. Such police service shall include:
 - (a) Enforcement of all duly enacted ordinances of METRO, including those related to flow control investigation and solid waste management;
 - (b) Random and directed surveillance of persons collecting, transporting, storing, treating and disposing of solid and liquid waste to ensure such persons are complying with applicable laws relating to waste management;
 - (c) At METRO's request, investigation, case preparation, and prosecution assistance in cases involving offenses (including, but not limited to fraud, racketeering, and material breach of contract) allegedly committed by vendors, contractors, or subcontractors doing business with METRO or by facilities, firms or individuals subject to METRO ordinances and regulations, or by law or agreement;
 - (d) Investigations of suspected violations of environmental laws, rules, and ordinances; and

- (e) Other general investigative work as requested by Metro.
2. In accordance with ORS 206.345(2), during the existence of this Agreement, the sheriff and the deputies of the sheriff shall exercise such authority as may be vested in them by law or by terms of this Agreement, including full power and authority to cite violators, arrest for violations of applicable criminal laws, and take other enforcement action for violations of all duly enacted ordinances of METRO relating to flow control and waste management.

PERSONNEL MATTERS

3. The COUNTY shall provide for the performance of the duties hereunder two (2) FTE deputy sheriffs. These persons are hereinafter referred to as "ASSIGNED PERSONNEL." For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
4. One or more of the deputy sheriffs provided hereunder may be provided by a law enforcement agency other than MCSO. In such event, the other law enforcement agency hereinafter shall be referred to as a "PARTICIPATING AGENCY."
5. The deputy sheriffs provided as ASSIGNED PERSONNEL shall be certified in their respective disciplines by the State's Department of Public Safety Standards and Training.
6. For ASSIGNED PERSONNEL that have been assigned to METRO for one year or longer, METRO shall pay one-half of personnel costs for absences due to general law enforcement training. Metro shall not pay personnel costs for absences due to specialized law enforcement training that does not relate directly to the services provided under the terms of this Agreement.
7. The ASSIGNED PERSONNEL provided hereunder by MCSO or a PARTICIPATING AGENCY shall be and remain employees of the COUNTY or PARTICIPATING AGENCY. The ASSIGNED PERSONNEL shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of MCSO. Metro shall nevertheless retain the right, upon request and for cause stated, to have ASSIGNED PERSONNEL removed from assignment under this Agreement and replaced by other ASSIGNED PERSONNEL meeting the requirements of this Agreement.
8. METRO does not assume any liability for the direct payment of any wages, salaries, or other compensation to ASSIGNED PERSONNEL performing services pursuant to the terms of this Agreement or for any other liability not provided for in this Agreement.
9. The COUNTY shall maintain Workers' Compensation insurance coverage for ASSIGNED PERSONNEL, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.

10. Matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment regarding ASSIGNED PERSONNEL under this Agreement shall be governed by the provisions of existing collective bargaining agreements between the ASSIGNED PERSONNEL's bargaining unit and their public employer.
11. All labor disputes arising out of this Agreement shall be governed by the provisions of applicable collective bargaining agreements in effect during this Agreement, and the personnel rules of the COUNTY or PARTICIPATING AGENCY.
12. The COUNTY and METRO acknowledge that the ASSIGNED PERSONNEL will be absent from duty for various reasons, including but not limited to vacation, holiday, illness, injury, training, leave of absence, and administrative leave. The COUNTY and METRO also acknowledge that some employee absences are the result of paid leave that the ASSIGNED PERSONNEL earn and are entitled to take. The COUNTY and METRO also acknowledge that some employee absences are the result of actions taken by the employer, with or without the employee's consent. In accordance with the foregoing acknowledgments:
 - (a) Except as provided in subsection (b) below, The COUNTY will not be responsible or otherwise obligated to replace any ASSIGNED PERSONNEL who is absent due to paid accrued leave, including but not limited to: vacation, holiday, sick leave or who is absent while participating in training directly related to the services-required by METRO. However, the COUNTY will make a good faith effort to schedule known, projected absences so as to minimize the impact on the COUNTY's ability to perform under this Agreement.
 - (b) This subsection provides when the COUNTY may invoice METRO, and when METRO shall pay, the personnel costs of an ASSIGNED PERSON in the event the COUNTY or PARTICIPATING AGENCY does not replace such ASSIGNED PERSON when the ASSIGNED PERSON is absent from work. For ASSIGNED PERSONNEL that have been assigned to METRO for six months or longer, METRO shall pay personnel costs for absences due to vacation leave and sick leave, up to a total combined annual maximum of 120 hours. For ASSIGNED PERSONNEL that have been assigned to METRO for less than six months, the COUNTY will not invoice METRO for such personnel costs and METRO shall not pay for such personnel costs. In no event shall the COUNTY invoice METRO, and METRO shall not pay, for such personnel costs due to any kind of absence other than for vacation and sick leave, as provided in this subsection and training as provided in subsection 6 of the agreement.
13. The COUNTY shall rotate the deputy sheriffs assigned to METRO at staggered intervals such that the METRO program does not have both of its deputy sheriffs rotated out of the program within less than one year of each other.

OFFICE SPACE

14. METRO shall provide the ASSIGNED PERSONNEL with sufficient office space, to include payment of costs for utilities, including telephone service, at METRO's premises or at a site mutually agreed upon by the COUNTY and METRO.

EQUIPMENT PURCHASE, USE AND DISPOSITION

15. Materials and supplies will be purchased for the use of ASSIGNED PERSONNEL as provided hereunder. For the purpose of this Agreement, "materials" includes capital equipment with a unit cost of \$1,000 or more. "Supplies" includes any item with a unit cost of less than \$1,000.
16. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
17. All vehicles and equipment purchased by METRO for use in fulfilling this Agreement, including capital equipment, shall be owned by METRO but under the control of the COUNTY for the COUNTY's use in performing its duties under this Agreement. Such vehicles and equipment shall not be used for any other purpose unless specifically authorized by Metro or unless exigent circumstances necessitate the use of such vehicles and equipment for non-Metro related law enforcement activity by ASSIGNED PERSONNEL. The COUNTY shall assume liability for damage to any Metro vehicles or equipment while being used for non-Metro law enforcement-related purposes. Upon termination of this Agreement, control of all remaining materials and supplies purchased hereunder, including capital equipment, shall revert to METRO.
18. Notwithstanding the provisions of section 17, above, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY shall give METRO notice of the COUNTY's intent to exercise any option that may be granted under this section within 60 days following termination of this Agreement.

CONTRACT COSTS

19. METRO shall pay COUNTY for all costs, services performed, and materials delivered for the term of this Agreement. By February 1 of each year, the MCSO shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year. The actual amount to be paid by METRO will be determined through mutual agreement of the parties prior to each anniversary date of the execution of this Agreement. The amount to be paid by METRO for the term of the Agreement will not exceed ONE HUNDRED NINETY THOUSAND AND NO/100THS DOLLARS (\$190,000.00). This maximum sum includes all fees, costs, and expenses of whatever nature to which COUNTY may become entitled for the term of this Agreement. All costs listed on Exhibit A, which is The Budget for the Agreement prepared by COUNTY, are on a "not to exceed" basis, and shall be billed quarterly for costs incurred, services performed, and materials delivered during the previous quarter. COUNTY shall submit itemized billings to METRO within 15 days of the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

20. The COUNTY shall indemnify, defend, and hold harmless METRO, its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the ASSIGNED PERSONNEL acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
21. METRO shall indemnify, defend, and hold harmless the COUNTY, its officers, employees, and agents, including ASSIGNED PERSONNEL from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO or its assignees, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

22. While the parties have attempted to make an Agreement anticipating and addressing their concerns, METRO and the COUNTY acknowledge the possibility that a claim, controversy, or dispute may arise out of this Agreement. METRO and the COUNTY agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy, or dispute, including the giving of timely, written notification thereof to the other party.
23. All claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

24. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
25. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
26. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

27. This Agreement shall be effective from the 1st day of July, 2005, and shall run through the 30th day of June 2006, unless extended.
28. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
29. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
30. This Agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than the parties to this Agreement. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

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

MULTNOMAH COUNTY

By: Bernie Giusto by LAG
Bernie Giusto, Sheriff

Date: 5-25-05

By: [Signature]
County Chair or Designee

Date: 06-23-05

APPROVED AS TO FORM:
Multnomah County Attorney

By: S. E. A.
Assistant County Attorney

Date: 6-6-05

METRO

By: [Signature]
Michael Jordan,
Chief Operating Officer

Date: 5/28/05

APPROVED AS TO FORM:
Metro Attorney

By: [Signature]
Paul Garrahan,
Assistant Metro Attorney

Date: _____

SK:bjl
S:\REM\kraten\Contracts\MCSO\926475 MCSO enf IGA.DOC
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Metro for 07/01/05 - 06/30/06

EXHIBIT A

	Detectives (204,286)	Work Crews (138,953)	Total Metro (343,239)
50236 IG-Charges for Srvcs			-
50250 Sales to the Public			-
50270 Interest Earnings			-
50280 Fines and Forfeitures			-
50290 Dividends & Rebates			-
50310 Internal Service Reimb			-
50360 Misc. Revenue			-
50370 Dept Indirect Revenue			-
Total Revenues	(204,286)	(138,953)	(343,239)
60000 Permanent	124,696	83,662	208,358
60130 Salary Related Expenses	41,112	27,583	68,695
60135 Non Base Fringe			-
Subtotal	165,808	111,245	277,053
60140 Insurance	28,251	19,467	47,718
60145 Non Base Insurance			-
Total Personnel Costs	194,059	130,712	324,771
60160 Pass Through Payments			-
60170 Professional Services	-	1,200	1,200
60180 Printing			-
60190 Utilities			-
60200 Communications			-
60210 Rentals			-
60220 Repairs & Maintenance			-
60230 Postage			-
60240 Supplies			-
60250 Food			-
60260 Education & Training			-
60270 Local Travel & Mileage			-
60310 Drugs			-
60340 Dues & Subscriptions			-
Total M&S	-	1,200	1,200
60350 Indirect Costs (cntrl)	1,261	857	2,119
60355 Indirect Costs (dptml)	7,277	4,947	12,224
60360 Finance Operations	-	100	100
60365 Human Services Operations	1,688	1,137	2,825
60370 Telecommunications			-
60460 Distribution/Postage			-
Total ISR's	10,227	7,041	17,268
93002 Assess Labor			-
93007 Assess Int Service Exp			-
93019 Assess Shared Svcs			-
Total Budget	204,286	138,953	343,239

	FTE	FTE Sum.	Base	Fringe	Insurance	Total
1136-DEPSHER3LG14-Gaddis	1		62,348.00	20,556.14	14,125.58	97,029.72
1136-DEPSHER3LG14-Gates	1	2	62,348.00	20,556.14	14,125.58	97,029.72
1007-COR OFF 7%-McCallum	0.7		41,012.00	13,522.00	9,664.00	64,198.00
1018-COROFF7%LG20-Faulkner	0.7	1.4	42,650.00	14,061.45	9,803.42	66,514.87
	3.4	3.4	208,358.00	68,695.73	47,718.58	324,772.31



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/02/05

BUDGET MODIFICATION: -

Agenda Title: Public Affairs Office Briefing on Activities of the State of Oregon 73rd
Legislative Assembly

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

Date Requested:	June 23, 2005	Time Requested:	15-30 minutes
Department:	Non-Departmental	Division:	Public Affairs Office
Contact(s):	Barb Disciascio		
Phone:	503 988-5800	Ext.	86800
Presenter(s):	Gina Mattioda and/or Stephanie Soden		
I/O Address:	503/600		

General Information

1. What action are you requesting from the Board?

On April 14, the Public Affairs Office will present an analysis of the Ways and Means Co-Chair Budget, which will be released on April 4, 2005. In addition, the office will be seeking Board guidance on legislative bills yet to be determined.

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

Opportunity to brief the board on State of Oregon Legislative activities that impact Multnomah County.

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

None

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

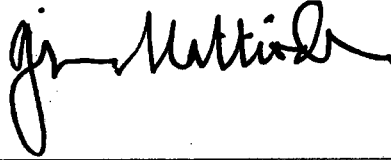
None

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

None

Required Signatures

**Department/
Agency Director:**



Date: 06/02/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: June 23, 2005
Agenda Item #: R-2
Est. Start Time: 9:45 AM
Date Submitted: 05/31/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Approving the Mt. Hood Cable Regulatory Commission Budget for Fiscal Year 2005-2006**

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

Date Requested:	<u>June 23, 2005</u>	Time Requested:	<u>10 min</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Commissioner Serena Cruz</u>
Contact(s):	<u>Julie S. Omelchuck</u>		
Phone:	<u>503.823.4188</u>	Ext.	<u>I/O Address: 106/1305</u>
Presenter(s):	<u>Irma Valdez and Julie S. Omelchuck</u>		

General Information

1. What action are you requesting from the Board?

Adopt Resolution Approving MHCRC FY 2005-2006 Budget.

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

MHCRC is made up of the cities of Fairview, Gresham, Portland, Wood Village, Troutdale and Multnomah County (jurisdictions). Its mission is to:

- Advocate for and protect the public interest in the regulation and development of cable communications systems;
- Monitor and help resolve cable subscriber concerns; and
- Facilitate the planning and implementation of community uses of cable communication technologies that make use of the public right of way.

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

\$17,279	for staffing the MHCRC
\$52,601	in funding for Multnomah Community Television (MCTV)
\$32,416	In funding for Portland Community Media (PCM)
\$102,296	Total

The estimated franchise fee revenue to Multnomah County's general fund is approximately \$39,399 during FY 2005-2006.

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

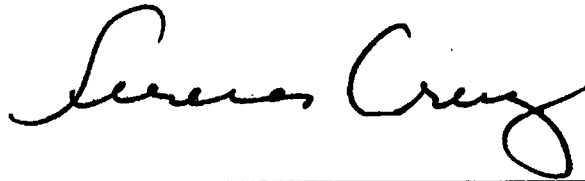
None.

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

MHCRC must obtain budget approval from all participating jurisdictions.

Required Signatures

**Department/
Agency Director:**



Date: 06/06/05

Budget Analyst:

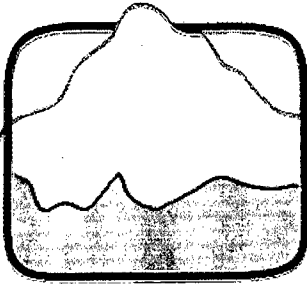
Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MT. HOOD CABLE REGULATORY COMMISSION

1120 SW Fifth Ave. #1305 • Portland, OR 97204

Phone: (503) 823-5385 • Fax (503) 823-5370

Email: www.mhcrc.org

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village

May 31, 2005

Deborah Bogstad
Multnomah County
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Deb,

The Mt. Hood Cable Regulatory Commission (MHCRC) presents the enclosed FY2005-06 budget request for Council consideration on Thursday, June 23 and recommends approval. The budget has been extensively reviewed by the MHCRC and by a budget subcommittee of the MHCRC. The MHCRC unanimously approved the budget on May 16, 2005 for submission to each jurisdiction.

Multnomah County appointed MHCRC Commissioner, Irma Valdez, and Julie S. Omelchuck, MHCRC Assistant Director, will attend the meeting to answer any questions the Council may have.

Should you need additional information, please do not hesitate to contact me.

Sincerely,

Rebecca Gibbons
Program Specialist

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving the Mt. Hood Cable Regulatory Commission Budget for Fiscal Year 2005-2006

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was formed by Multnomah County and the cities of Fairview, Gresham, Portland, Troutdale and Wood Village (Cities) to advocate for and protect the public interest in the regulation and development of cable communication systems.
- b. The MHCRC has approved a budget for fiscal year 2005-2006 and forwarded this budget to Multnomah County and the Cities for approval.

The Multnomah County Board of Commissioners Resolves:

1. The Mt. Hood Cable Regulatory Commission budget for fiscal year 2005-2006 is approved.

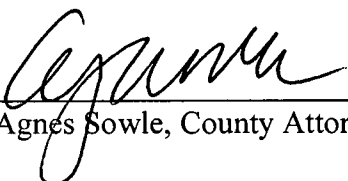
ADOPTED this 23rd day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-112

Approving the Mt. Hood Cable Regulatory Commission Budget for Fiscal Year 2005-2006

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was formed by Multnomah County and the cities of Fairview, Gresham, Portland, Troutdale and Wood Village (Cities) to advocate for and protect the public interest in the regulation and development of cable communication systems.
- b. The MHCRC has approved a budget for fiscal year 2005-2006 and forwarded this budget to Multnomah County and the Cities for approval.

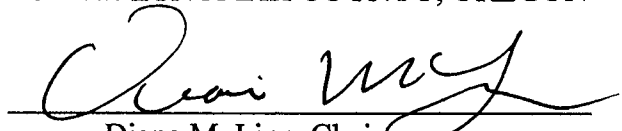
The Multnomah County Board of Commissioners Resolves:

1. The Mt. Hood Cable Regulatory Commission budget for fiscal year 2005-2006 is approved.

ADOPTED this 23rd day of June, 2005.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

Mt. Hood Cable Regulatory Commission

Representing:

City of Portland
City of Fairview

City of Gresham
City of Wood Village

City of Troutdale
Multnomah County

Commission Members

Rich Goheen, Commission Chair

Alan Alexander III
Sue Dicile
Ruth Miles
John Redder
Stan Saunders
Norman Thomas
Irma Valdez

PROPOSED BUDGET FISCAL YEAR 2005-06

Director: David C. Olson

Commission Approved: May 16, 2005

MT. HOOD CABLE REGULATORY COMMISSION

FY 2005-06 PROPOSED BUDGET

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MT. HOOD CABLE REGULATORY COMMISSION

OVERVIEW

The Mt. Hood Cable Regulatory Commission (MHCRC or Commission) was formed by Multnomah County and the cities of Fairview, Gresham, Portland, Troutdale and Wood Village for the purposes of:

- **Advocating for and protecting the public interest in the regulation and development of cable communications systems;**
- **Monitoring and helping resolve cable subscribers' concerns; and,**
- **Facilitating the planning and implementation of community uses of cable communication technologies that make use of the public right of way.**

Each of the Commission member Jurisdictions appoints citizen representatives to the Commission. Over the past year, these citizen appointees have committed hundreds of volunteer hours to fulfill the Commission's mission and to serve the Jurisdictions. They attended approximately 11 Commission meetings and numerous committee meetings, kept abreast of issues of concern to their Jurisdictions, presented information at city council and county commission meetings, and served as liaisons to Portland Community Media (PCM) and Multnomah Community Television (MCTV).

The Commission contracts for staff through a services agreement with the City of Portland. The Commission funds an equivalent of 3.25 full-time staff positions plus related materials, services and overhead. Each of the member Jurisdictions provides a portion of their franchise fees from cable services providers to annually fund the operational expenses of the Commission.

2004 ACCOMPLISHMENTS

Provided Consumer Protection and Complaint Resolution

The MHCRC monitors and enforces various service standards for telephone responsiveness, service outage credits, billing, installation and repair responsiveness, and other consumer protection issues. In 2004, the Commission assisted in the resolution of 167 complaints. The Commission also oversaw enforcement of insurance and bonding issues, technical standards, emergency override requirements, and universal service issues.

Pursued Changes to Comcast's Privacy Policy

Based largely on the MHCRC's objections and efforts to protect subscribers' personal information, Comcast issued a revised national privacy policy in 2004 which the Commission believed was easier to understand. However, the Commission remains concerned that Comcast's new privacy policy gives too much latitude to the Company for releasing personally identifiable information about subscribers to outside entities. Therefore, the Commission is exploring the possibility to recommend stricter local privacy protections.

Confirmed Emergency Alert System Operability

In response to reports from other communities concerning inadequacies in the functionality of the emergency alert systems on their local cable systems, the Commission conducted a technical

analysis of the local cable system's emergency alert system (EAS) capabilities and operations. The Commission confirmed the EAS is working as intended for both analog and digital subscribers in the Commission's franchise areas.

Guided Development of the Community Institutional Network (I-Net)

The MHCRC oversaw the completion of Phase One of the Community Institutional Network (I-Net), including construction of additional sites and ongoing planning for enhancements to the original \$6 million of network infrastructure. The MHCRC has continued to facilitate a partnership with Comcast and the City of Portland's ComNet to interconnect the I-Net to Portland's Integrated Regional Network Enterprise (IRNE) communications system. This partnership has lead to lower or flat costs for higher-speed data connectivity among public facilities throughout Multnomah County including local governments, libraries, K-12 schools, and educational institutions. About 200 public sites are actively using the I-Net for data services including, City of Gresham, City of Fairview, City of Troutdale, City of Portland, Multnomah County, Multnomah Educational Service District and Portland Public Schools. Public and non-profit facilities also use the I-Net for video applications, including at least 14 sites throughout Multnomah County where live video was originated and cablecast over the community access channels.

Funded Projects to Advance Education and Community-Based Technology

The Community Access Capital Grant program had a sixth successful year with the MHCRC overseeing about 14 currently funded projects and granting nearly \$865,000 for new projects and initiatives. The Grant program assists public and non-profit organizations throughout Multnomah County to use technology to meet critical community needs. Newly funded projects in the annual competitive grant round included:

- The Oregon Learning Lab for Information Education (OLLIE), a mobile learning lab loaded with equipment and skilled guides, capable of traveling to schools, community centers, senior centers and libraries with no other access to these multimedia resources.
- Gresham Emergency Management (GEM), using video to educate residents and train providers about emergency preparedness and how to respond in the event of an emergency.
- The Oregon Historical Society Folklife Program's work with a student population (Roosevelt High School) with a high dropout rate to increase their academic achievement and success in the learning environment through research, study and documentation of their culture and traditions through use of multimedia technologies.
- Ethos, a nonprofit dedicated to music education, to bring interactive music education and performances to students throughout Multnomah County through use of digital video technologies.
- Portland Community College's development of new telecourses and creation of an innovative Portland Region Higher Education Network in partnership with Portland State University, and Mt. Hood Community College.
- Reynolds High School to support its Media & Society class, focused on media analysis and use of video technology.
- Portland Public Schools' Spanish language curriculum articulation delivered via video technology into six Middle Schools for inclusion in sixth grade classrooms.

The MHCRC also continued its special I-Net connectivity initiative that provided local governments and schools the equipment and other capital needs to cover unbudgeted expenses to transition to the Institutional Network (I-Net) in order to access network services provided by ComNet. The grant initiative provided necessary equipment for 24 sites throughout Multnomah County. The City of Portland, Multnomah County, MESD (including the five East County school districts), Portland Public Schools and Mt. Hood Community College took advantage of the third round of this special initiative.

Established an On-line Reporting Tool for Grantees

The MHCRC developed and launched a new tool for grantees to file their grant interim and final reports through an on-line report form. The on-line tool allows the grantees to input information, edit it over time and submit the required report to the MHCRC for ongoing grant compliance. In addition, the reporting application collects data from grantees that will be used on an ongoing basis by the MHCRC to evaluate the effectiveness of the grant program.

Partnered with Comcast, PCM and MCTV to Digitize Live Video Origination Capabilities

Many local governments, schools and non-profits use the video transport capabilities of the cable system to provide live coverage of government meetings, sports events, community meetings and other local events. The Commission partnered with Comcast, Portland Community Media and Multnomah Community Television to upgrade the network that transports that video. The new, state-of-the-art, fiber-based system is more reliable, presents higher quality pictures and is easier to use. PCM, MCTV and Portland Public Schools also received mobile units so that events could be covered on the fiber network throughout the County.

Joined Efforts to Protect Local Interests in FCC and Legislative Actions

The MHCRC participated in several Federal Communication Commission and legislative processes in order to advocate for local control and resources derived from private use of the public right of ways.

- Played a leading role in coordinating the Future of Media Town Hall held at the Portland Convention Center. Two FCC Commissioners received public comment about the effects of media concentration and FCC policies. David Olson, MHCRC staff director, presented on a localism panel. About 400 people attended.
- Filed comments in response to the FCC's Notice of Preliminary Rule Making on IP-Enabled Services; the FCC's 4th Inquiry Concerning the Deployment of Advanced Telecommunications Capability; and the FCC's Inquiry into A la Carte services.
- Joined other local governments in initially opposing Senate Bill 150, the Internet Tax Non-Discrimination Act, which resulted in language which protected local government's ability to impose local telecommunications or utility taxes to the provision of telecommunications services, including emerging technologies such as VoIP.

MISSION STATEMENT

The Mt. Hood Cable Regulatory Commission advocates for and protects the public interest in the regulation and development of cable communications systems in Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village; monitors and helps resolve cable subscribers' concerns in these jurisdictions; and participates in the planning and implementation of community use of communications technologies which make use of the public right of way.

GOALS AND OBJECTIVES

Effective: July 1, 2005 – June 30, 2006

The Commission acknowledges that the policy and regulatory work of the Commission is undertaken in a very dynamic communications technology environment. Consequently, the Commission retains flexibility to modify or revise these Goals and Objectives as may be required from time to time.

Goal I: *Effectively administer cable television franchise agreements to serve our member jurisdictions.*

Objectives

1. Identify and address franchise compliance issues in response to and, when possible, prior to cable company actions.
2. Provide consumer protection for citizens and subscribers in cable television matters by helping to resolve complaints, enforcing customer service standards and addressing other consumer-related franchise compliance issues.
3. Analyze changes in technology and the mergers of telecommunications and cable companies in order to inform the jurisdictions and other stakeholders about how those changes may affect consumers and the local public benefits of the franchise agreements.
4. Pursue regulatory and legal processes to ensure fair compensation and correct accounting for franchise fee payments under franchises regarding use of right-of-way by Cable Company to deliver converged and bundled services (cable TV, internet and telephone).
5. Analyze Voice over Internet Protocol (VoIP) service provision by Comcast, and advise Jurisdictions on local authority and options.
6. Undertake steps to implement MHCRC determinations regarding a clearer definition of "cable service business activity" under Comcast's 2004 Privacy Policy for situations where the company shares a subscriber's personally identifiable information.
7. Develop an extension or renewal process for the West Portland Franchise, which expires December 31, 2007.

Goal II: *Ensure access to and use of current and new services available through the cable system technology by citizens, local governments and community institutions.*

Objectives

1. Conduct annual, competitive grant-making processes for the Community Access Capital Grant program to support the development of public, educational and governmental uses of cable system technology in a way that ensures that the grant funds are distributed in accordance with the grant purpose and criteria.
2. Assess stakeholder and community needs and develop special grant initiatives or funding tiers that respond to identified needs.
3. Monitor projects that have received grant funding to ensure compliance with the project goals and objectives and accountability for grant funds.
4. Streamline and automate the capital grant Notice of Funds and Guidelines in order to simplify the application process.
5. Manage and oversee Community Institutional Network (I-Net) planning within available funds in order to leverage this public resource as a low cost, high quality tool for public organizations to communicate, inform and deliver services to their constituencies.
6. Manage access provider contracts with Portland Community Media and Multnomah Community Television.
7. Allocate capital funds for Portland Community Media and Multnomah Community Television.
8. Oversee implementation of subscribers receiving listings of PEG Access programming on the cable system.
9. Explore creative public and community opportunities arising through local adoption of digital technology for both content development and distribution.
10. Collaborate with organizations, at the federal, state and local levels, to advocate for the community's access to cable system technology.
11. Encourage development and deployment of broadband services using cable system technology including high speed internet access, on an open, accessible and nondiscriminatory basis throughout the franchise areas.

Goal III: *Communicate, educate and respond in a timely and accurate manner to our jurisdictions, cable subscribers and the general public regarding communications technology policy and regulatory issues.*

Objectives

1. Communicate in a way which supports the following priority criteria: A) jurisdiction officials and key jurisdiction staff are informed about communications technology policy and regulatory issues and understand what is at stake; and B) interested stakeholders view the Commission as an important source of information.

2. Support our member jurisdictions in implementing FCC rules and federal laws related to cable and telecommunications.
3. Provide recommendations, if necessary, to the Jurisdictions to update the Intergovernmental Agreement (IGA) regarding the Commission's roles and responsibilities in light of changes in regulations and/or service delivery by communication providers.

Goal IV: *Advocate for continued local authority regarding cable franchises and use of the public rights of way by communication providers.*

Objectives

1. Continue cross-jurisdictional collaborations for information-sharing and coordinated strategies on issues of common concern.
2. Participate in national discussions regarding the potential re-write of telecommunications and cable legislation in order to advocate for and preserve existing and new public interest benefits.
3. Respond to any 2005 State legislative changes regarding cable and telecommunications issues.
4. Participate in litigation and FCC proceedings on behalf of our jurisdictions' and citizens' interests.
5. Participate in statewide committees or groups who address local government authority, management and control of public rights of way.
6. Advocate for open, nondiscriminatory access to cable system broadband technology.

Goal V: *Operate the Cable Regulatory Office and the Commission efficiently and effectively.*

Objectives

1. Fulfill Intergovernmental Agreement and Rules of Procedure administrative responsibilities.
2. Plan and conduct Commission meetings in a way that respects the volunteer nature of Commission positions and is in accordance with Oregon Open Meeting laws.
3. Continue annual strategic planning and evaluation.
4. Present an annual budget request to the Jurisdictions that supports the Commission's mission and respects the Jurisdictions' budget considerations.

BUDGET OVERVIEW

According to the Intergovernmental Agreement (IGA) among the member Jurisdictions which created the MHCRC, the Commission must gain approval of its annual budget by every member Jurisdiction. The MHCRC's Finance Committee, comprised of three Commissioners, developed a detailed FY 2005-06 budget in consultation with its staff. On May 16, 2005, the Commission approved the proposed budget to forward to the Jurisdictions for consideration. The MHCRC provides the proposed budget to the Cities' and County's staff in advance of the City Councils' and the County Commission's consideration of the budget.

The Commission's Budget contains two budget documents: a Financial Summary and the Line Item Budget. The Budget also provides four appendixes that include more detailed information.

FINANCIAL SUMMARY

The Commission's FY 2005-06 Financial Summary is presented on page 9. A large portion of the Commission's overall resources are funds collected from the cable company and the expenditures are the disbursement of those funds to the member Jurisdictions, the community access providers (Portland Community Media (PCM) and Multnomah Community Television (MCTV)) and Community Access Capital Grant recipients. These disbursements are governed by the IGA and by the cable services franchises.

The amount of Commission resources from year to year are dependent on the gross revenues of the cable company since franchise fees, the Community Access Capital Grant fund revenues and the Access Corporation Capital fund revenues are based on a percentage of the company's gross revenues. In the upcoming fiscal year, no increase is projected in the company's gross revenues due to the sluggish growth reflected during the current fiscal year.

The Commission's Revenue Resources include:

First, the Commission collects all cable services franchise fee revenue for Gresham, Troutdale, Fairview, Wood Village and Multnomah County. The total projected revenues are \$969,863 in FY 2005-06;

Second, the MHCRC collects funds from the City of Portland for its share of the Commission's operating budget;

Third, the Commission administers two programs funded by two percent of Comcast's gross revenues totaling over \$1.9 million: Access Corporation Capital Fund and the Community Access Capital Grant Fund; and

Fourth, the beginning fund balance and the interest on Commission funds.

Expenditures include:

First, franchise fee payments to the Jurisdictions. The franchise fee payments to the Jurisdictions are the total amount of franchise fees the MHCRC collects on behalf of Gresham, Troutdale, Fairview, Wood Village and Multnomah County less the amount each Jurisdiction contributes to the Commission's Operating Budget and the community access payments to MCTV and PCM in accordance with the IGA.

Second, all MHCRC member jurisdictions contribute a portion of franchise fees to the Commission's Operating Budget (\$389,312). This is a four percent increase from the current year budget. The net contribution totals \$382,806, after deducting the balance of the FY 2003-04 budget (\$6,506). Each Jurisdiction's net contribution is outlined below:

Gresham	\$83,635	Fairview	\$6,916
Troutdale	\$13,743	Wood Village	\$3,119
Multnomah County	\$17,279	Portland	\$258,114

The proportional funding allocation is based on the methodology adopted by the MHCRC. Greater detail is available on the cost allocation worksheet which appears in Appendix Two.

Third, community access and access corporation capital payments to MCTV and PCM for operational and capital budgets of the community programming centers in East Multnomah County and Portland. These payments are made in accordance with the IGA and the cable services franchise agreements.

Fourth, the Community Access Capital Grant program. These expenditures support the annual grant program.

FINANCIAL SUMMARY FY 2005-06

RESOURCES	2002-03 Actual	2003-04 Actual	2004-05 Adopted	2004-05 Revised	2005-06 Proposed
Beginning Balance	2,965,146	2,357,680	2,262,486	2,240,271	1,633,898
E. County Franch. Fees	843,146	873,421	922,482	917,870	918,328
Multnomah West Franch. Fees	44,841	49,181	51,028	51,028	54,027
Portland Share of Operating Bud.	219,006	226,460	248,292	248,292	258,114
Franchising Deposit	38,480	0	0		
Interest	61,957	27,961	26,000	28,000	31,508
Community Access Grant Capital Revenue	889,542	920,245	972,330	977,623	969,491
Access Corporation Capital Revenue	907,627	916,251	972,330	977,623	969,491
Total Resources	\$5,969,745	\$5,371,199	\$5,454,948	\$5,440,706	\$4,834,857
REQUIREMENTS					
EXPENDITURES					
Franchise Fee Balance to Jurisdictions	233,385	246,623	279,723	279,723	264,250
Compliance Revenues to Jurisdiction	250,000	0	0		0
Community Access Pmts, E. County(MCTV)	505,887	524,052	553,489	550,722	550,997
Community Access Pmts, Mult. West (PCM)	26,905	29,507	30,617	30,617	32,416
MHCRC Operating Budget	380,127	356,629	374,498	374,498	389,312
Community Access Capital Grants, Personnel	57,758	57,768	57,870	57,870	68,595
Community Access Capital Grants / I-Net M&S	45,766	82,420	94,694	94,694	80,557
Franchising: Renewal & Overbuilds	700	3,750	0		0
Community Access Capital Grants	1,117,041	759,425	850,000	850,000	850,000
Grants Encumbrances	-	-	493,366	538,181	663,874
Access Corporation Capital	994,496	893,752	996,330	996,330	969,491
Access Corporation Capital -Live Origination		177,000			
Contingency Reserve -Discretionary	0	0	34,173	34,173	34,173
Total Expenditures	\$3,612,065	\$3,130,926	\$3,764,760	\$3,806,808	\$3,903,665
Ending Balance *	2,357,680	2,240,271	1,690,188	1,633,898	931,192
Total Requirements	\$5,969,745	\$5,371,197	\$5,454,948	\$5,440,706	\$4,834,857

* Actual ending fund balances through fiscal year 2003-04 conform to the Comprehensive Annual Financial Report (CAFR) of the City of Portland.

LINE ITEM BUDGET - SUMMARY

The Commission's FY 2005-06 Line Item Budget provides detail of the expenditures included in the Financial Summary.

The proposed budget retains the current staffing level of 3.25 full-time equivalent staff positions. This staffing level allows the Commission to maintain its core programs, which include:

- ☐ **Monitoring and enforcing cable franchises;**
- ☐ **Administering the Community Access Capital Grant program;**
- ☐ **Implementing the Community Institutional Network;**
- ☐ **Overseeing community access resources;**
- ☐ **Advocating for the Jurisdictions at the State Legislature and the PUC proceedings;**
and
- ☐ **Providing sound financial management.**

The total FY 2005-06 proposed expenditures is \$3,903,665. The total consists of expenditures funded by dedicated revenues either under the IGA or the franchise agreement in the amount of \$3,514,353, and \$389,312 in Commission's operating expenditures funded by Jurisdictional contributions from the franchise fees.

LINE ITEM BUDGET -SUMMARY
FISCAL YEAR 2005-06

Expenditure Classification	Actual FY 2002-03	Actual FY 2003-04	Adopted FY 2004-05	Proposed FY 2005-06
511000 Employees	215,264	236,068	235,882	243,407
517000 Benefits	83,295	73,525	77,652	86,077
559300 HR I/A				
Total Personal Services	\$298,558	\$309,593	\$313,534	\$329,484
521000 Professional Services	93,528	78,027	87,800	78,000
Pass Through - Capital Grants	1,891,589	1,677,081	1,846,330	1,819,491
529000 Miscellaneous Services	2,242	1,469	3,000	2,500
Pass Through - Accss Corp. MCTV & Jurisd.	850,424	800,182	863,829	847,663
531000 Office Supplies	855	742	900	1,100
532000 Operating Supplies	2,479	3,845	3,800	3,700
541000 Education	2,425	1,565	1,800	1,200
542000 Local Travel	0	0	300	300
543000 Out-of-Town Travel	2,871	8,316	3,900	2,950
549000 Miscellaneous	9,256	16,207	13,195	7,665
Total External Materials & Svcs	\$2,855,667	\$2,587,434	\$2,824,854	\$2,764,569
551000 Fleet Services	277	0	312	104
552000 Printing/Distribution	7,559	6,228	9,649	7,172
553000 Facilities Services	22,550	22,308	21,958	22,724
554000 Communications	3,647	3,311	3,909	Consolidated in IT
555000 Data Processing	11,631	12,063	6,254	Consolidated in IT
554000 Information Technology (IT)	N/A	N/A	N/A	15,094
556000 Insurance	14,322	14,624	9,140	9,994
559300 Human Resources	N/A	N/A	3,849	3,728
558312 Legal Advice	4,509	7,500	9,200	9,476
Total Internal Materials & Svcs	\$64,496	\$66,033	\$64,271	\$68,292
Total Materials & Services	\$2,920,163	\$2,653,467	\$2,889,125	\$2,832,861
575707 Capital Grant Transfer to Comnet	219,948	153,096	0	0
572101 General Fund Overhead	7,645	14,772	13,666	15,875
572101 Transfer to GF (Compliance)	165,750	0	0	0
571100 Contingency	0	0	547,095	725,445
Total Other	393,343	167,868	560,761	741,320
Total	\$3,612,064	\$3,130,928	\$3,763,420	\$3,903,665
Professional Services		Miscellaneous Services		
Operating Budget	16,000	Operating Budget		2,500
Capital Fund Admin	62,000			
Total	78,000	Total		2,500
Pass Through Payments		Pass Through Payments		
Community Access Capital Grants FY 05-06	850,000	Comm. Access , E.C.(MCTV)		550,997
Community Access Capital (PCM/MCTV)	969,491	Franchise Fee Balance to Jurisd.		264,250
		Comm. Access, Mult. W (PCM)		32,416
Total Pass Through-Prof. Svcs.	1,819,491	Total Pass Through Misc. Svcs.		847,663
Total Pass Through Payments				\$2,667,154

APPENDIX ONE

FY 2005-06 BUDGET DETAIL

The Budget Detail includes three documents: the MHCRC Operating Budget, the MHCRC Operating Budget with PEG and I-Net expenditures less PEG grants and Pass Through Payments, and an Operating Budget Line Item Detail.

Operating Budget

This document presents the MHCRC's "Operating Budget" funded by contributions of the member Jurisdictions. The Commission's proposed budget is up four percent from the current fiscal year budget.

A detail of each Jurisdiction's contribution is included in Appendix Two.

MHCRC Operating Budget with PEG and I-Net

This document includes the administrative budget for managing the PEG grants and I-Net in addition to the MHCRC's "Operating Budget" funded by contributions of the member Jurisdictions.

MHCRC Operating Budget Line Item Detail

This document is the highest level of detail of MHCRC's Operating Budget including the I-Net and PEG administrative expenditures. In this document, individual expenditures are itemized within each line item.

Please note: The expenditures under the Grants/I-Net column are funded by revenues dedicated, either in the IGA or the franchise agreements, to a particular use (pass through payments, access corporation capital and grants).

COMMISSION OPERATING BUDGET
Funded by Jurisdictions
FY 2005-06

Acct.	Title	FY 2003-04 Actual	FY 2004-05 Adopted	FY 2005-06 Proposed
5110	Employees	192,019	192,812	193,757
5170	Benefits	59,806	62,851	67,944
Personnel Services		\$251,825	\$255,663	\$261,701
5210	Professional Services	11,621	13,500	16,000
5290	Miscellaneous Services	1,049	2,700	2,500
5310	Office Supplies	742	900	1,100
5320	Operating Supplies	3,752	3,800	3,700
5410	Education	1,565	1,800	1,200
5420	Local Travel	0	300	300
5430	Out-of-Town Travel	5,729	3,900	2,950
5490	Miscellaneous	13,906	11,395	6,165
External Materials and Services		\$38,364	\$38,295	\$33,915
5510	Fleet Services	0	312	104
5520	Print/Distribution	5,380	7,649	5,725
5530	Facilities Services	19,616	17,614	17,901
5540	Communications Services	2,947	3,320	Consolidated in IT
5550	Data Processing Services	7,608	3,432	Consolidated in IT
5540	Information Technology (IT)	N/A	N/A	12,498
5560	Insurance	12,849	7,333	7,815
559300	Human Resources	N/A	3,086	2,916
558312	Legal Advice	5,000	6,200	6,476
Internal Services		\$53,400	\$48,946	\$53,435
572101	GF Overhead	13,041	10,962	12,863
575101	COLA	n/a	In Contingency	11,000
571100	Contingency	n/a	19,556	16,398
Cable Fund Services		\$ 13,041	\$ 30,518	\$ 40,261
Total		\$356,630	\$373,422	\$389,312

COMMISSION OPERATING BUDGET WITH PEG AND I-NET
(Less PEG GRANTS AND PASS THROUGH PAYMENTS *)
EXPENDITURES
FY 2005-06

Acct.	Title	FY 2004-05 Adopted	FY 2005-06 Proposed
5110	Employees	235,882	243,407
5170	Benefits	77,652	86,077
Personnel Services		\$313,534	\$329,484
5210	Professional Services	87,800	78,000
5290	Miscellaneous Services	3,000	2,500
5310	Office Supplies	900	1,100
5320	Operating Supplies	3,800	3,700
5410	Education	1,800	1,200
5420	Local Travel	300	300
5430	Out-of-Town Travel	3,900	2,950
5490	Miscellaneous	13,195	7,665
External Materials and Services		\$114,695	\$97,415
5510	Fleet Services	312	104
5520	Print/Distribution	9,649	7,172
5530	Facilities Services	21,958	22,724
5540	Communications Services	3,909	Consolidated in IT
5550	Data Processing Services	6,254	Consolidated in IT
5540	Information Technology (IT)	N/A	15,094
5560	Insurance	9,140	9,994
559300	Human Resources	3,849	3,728
558312	Legal Advice	9,200	9,476
Internal Services		\$64,271	\$68,292
572101	Overhead	13,666	15,875
571100	COLA	In Contingency	11,000
571100	Contingency	19,556	16,398
571100	Contingency Reserve-Discretionary	0	34,173
Cable Fund Services		\$ 33,222	\$ 77,446
TOTAL		\$525,722	\$572,637
Total funded by dedicated PEG resources		\$ 152,299	\$ 149,152
Total funded by Jurisdictions		\$ 373,423	\$ 389,312

*** Dedicated funds and resources:**

1. Community Access Capital Grants
2. Access Corporation Capital

3. Franchise fee balance and other revenues to Jurisdictions
4. Community Access Payments to PCM and MCTV

OPERATING BUDGET LINE ITEM DETAIL
Proposed

		..... FY 2005-06 .....			..... FY 2004-05		
Line Item	Description	Commission Operation	Grant / I-Net	Total	Commission Operation	Grants / I-Net	Total
5110	<i>Employees :</i>						
	Director 0.50	48,769	2,032	50,801	48,490	1,500	49,990
	Dep. Director 0.45	36,250	2,314	38,564	36,333	1,514	37,847
	Financial Analyst 0.50	25,402	10,886	36,288	28,455	7,114	35,569
	Program Manager 0.80	39,725	21,391	61,116	38,311	20,629	58,940
	Program Specialist 1.00	43,611	13,027	56,638	41,223	12,313	53,536
	Total 3.25	\$193,757	\$49,650	\$243,407	\$192,812	\$43,070	\$235,882
5170	<i>Benefits:</i>						
	Director	14,868	619	15,487	13,989	433	14,422
	Dep. Director	12,543	801	13,344	11,156	465	11,621
	Financial Analyst	9,038	3,874	12,912	9,360	2,340	11,700
	Program Manager	14,313	7,707	22,020	12,914	6,953	19,867
	Program Specialist	17,182	5,132	22,314	15,432	4,610	20,042
	Total	\$67,944	\$18,133	\$86,077	\$62,851	\$14,801	\$77,652
	Personnel Services, Total	\$261,701	\$67,783	\$329,484	\$255,663	\$57,871	\$313,534
5210	<i>Professional Services:</i>						
	Engineering Tech. Services 500		49,000	49,500	1,000	65,000	66,000
	I-Net / Grant Out Reach		8,000	8,000	0	7,000	7,000
	Financial Service - MHCRC	12,000	5,000	17,000	9,000	2,000	11,000
	MHCRC and Staff Retreat	3,500	0	3,500	3,500	300	3,800
	Total	\$16,000	\$62,000	\$78,000	\$13,500	\$74,300	\$87,800
5290	<i>Miscellaneous Services :</i>						
	Temp. Clerical Suppt 1,500		0	1,500	1,500	0	1,500
	Mail Delivery Service 1,000		0	1,000	1,200	300	1,500
	Total	\$2,500	0	\$2,500	\$2,700	\$300	\$3,000
5310	Office Supplies	\$ 1,100	\$ -	\$1,100	\$ 900	0	\$900
5320	<i>Operating Supplies:</i>						
	Printer, Fax, & other supplies 1,500		0	1,500	1,800	0	1,800
	Software Upgrade 700		0	700	500	0	500
5350	Data Processing Equip.(Computers)	1,500		1,500	1,500		1,500
	Total	\$3,700	\$0	\$3,700	\$3,800	0	\$3,800
5410	<i>Education:</i>						
	Computer Training 400		0	400	600	0	600
	Cable Regulatory Training 800		0	800	1,200	0	1,200
	Total	\$1,200	\$0	\$1,200	\$1,800	0	\$1,800

OPERATING BUDGET LINE ITEM DETAIL
Proposed

		FY 2005-06			FY 2004-05		
Line Item	Description	Commission Operation	Grant / I-Net	Total	Commission Operation	Grants / I-Net	Total
5420	Local Travel	300	0	300	300	0	300
5430	Out of Town Travel	\$2,950	\$0	\$2,950	\$3,900	0	\$3,900
5490	Miscellaneous:						
	NATO - Membership	875	0	875	1,000	0	1,000
	ACM - Membership	500	0	500	500	0	500
	Grantmakers of Oregon	0	1,000	1,000	0	1,000	1,000
	Subscriptions:						
	Multichannel News	950	0	950	800	0	800
	Telecommunity	0	0	0	5,000	0	5,000
	Oregonian	80	0	80	80	0	80
	Gresham Outlook	50	0	50	50	0	50
	Aspen Publishers	260	0	260	160	0	160
	Law Journal Press	300	0	300	300	0	300
	Cable Monitor	0	0	0	455	0	455
	Precursor	250	0	250	200	0	200
	West Group	300	0	300	250	0	250
	Lexis Nexis	900	0	900	800	0	800
	Parking; MHCRC & Customers	1,100	0	1,100	1,200	300	1,500
	Refreshments for MHCRC meetings	600	500	1,100	600	500	1,100
	Total	\$6,165	\$1,500	\$7,665	\$11,395	\$1,800	\$13,195
	Total, External M & S	\$33,915	\$63,500	\$97,415	\$38,295	\$76,400	\$114,695
	<i>Internal Service:</i>						
5510	Fleet Services	104	0	104	312	0	312
5520	Print/Distribution	5,725	1,447	7,172	7,649	2,000	9,649
5530	Facilities Services	17,901	4,823	22,724	17,614	4,344	21,958
5540	Communications Services:	These services are consolidated in IT services					
	Assigned Equipment				2,387	589	2,976
	Telecomm., Billable				933	0	933
5550	Data Processing Services:						
	Corporate Applications				810	200	1,010
	Bureau Specific Services				2,622	2,622	5,244
5,540	Information Technology (IT)	12,498	2,596	15,094	..... New line item for 05-06		
5560	Insurance/Worker's Comp.	7,815	2,179	9,994	7,333	1,807	9,140
559300	Human Resources	2,916	812	3,728	3,086	763	3,849
558312	Legal Advice	6,476	3,000	9,476	6,200	3,000	9,200
	Total, Internal Svcs	\$53,435	\$14,857	\$68,292	\$48,946	\$15,325	\$64,271
572101	Overhead	12,863	3,012	15,875	10,962	2,704	13,666
571100	COLA	11,000		11,000			
571100	Contingency	16,398	0	16,398	19,556	0	19,556
	Total Other	\$40,261	\$3,012	\$43,273	\$30,518	\$2,704	\$33,222
	Operating Budget	\$389,312			\$373,422		
	Dedicated Fund Resources		\$149,152			\$ 152,299	
	Total			\$538,464			\$525,722

APPENDIX TWO

COST ALLOCATION BY JURISDICTION

All member Jurisdictions contribute to the operation of the MHCRC. For FY 2005-06, the Commission used the funding methodology adopted by the Jurisdictions. The methodology is based on an agreed upon shared percentage of the Commission's operating costs between Portland and the East County Jurisdictions. The East County share is then allocated among Fairview, Gresham, Troutdale, Wood Village and Multnomah County based on the number of cable subscribers in each Jurisdiction.

**BUDGET ALLOCATION BY JURISDICTION
COMMISSION OPERATING BUDGET
FY 2005-06**

Operating Budget Total: \$ 389,312

JURISDICTION		FY 2004-05 Adopted	FY 04-05 %%	FY 2005-06 Proposed	FY 2005-06 %%	Credit Balance FY 03-04	Net Juris. Appr.
Portland	Subscriber Distribution	\$248,605	66.3%	\$258,114	66.3%	0	\$ 258,114
<u>E. County</u>	No. Of Subs Perc. Distr.						
Gresham	19,554 67.1%	\$84,628	22.6%	\$87,975	22.6%	\$4,340	\$83,635
Multnomah Co.	4,043 13.9%	\$17,498	4.7%	\$18,190	4.7%	\$911	\$17,279
Troutdale	3,218 11.0%	\$13,927	3.7%	\$14,478	3.7%	\$735	\$13,743
Fairview	1,621 5.6%	\$7,016	1.9%	\$7,293	1.9%	\$377	\$6,916
Wood Village	725 2.5%	\$3,138	0.8%	\$3,262	0.8%	\$143	\$3,119
E. County Total	29,161 100.0%	\$126,207	33.7%	\$ 131,198	33.7%	\$ 6,506	\$ 124,692
Total		\$374,812	100.0%	\$389,312	100.0%	\$ 6,506	\$ 382,806

**MT HOOD CABLE REGULATORY COMMISSION
CABLE SUBSCRIBERSHIP**

Jurisdictions	Jul-03	Jul-04	FY 2005-06 Distribution	Percentage Incr./Decr
<u>E. County</u>				
Gresham	19,205	19,554	67.1%	1.8%
Multnomah Co. + W. Multn.	4,048	4,043	13.9%	-0.1%
Troutdale	3,230	3,218	11.0%	-0.4%
Fairview	1,676	1,621	5.6%	-3.3%
Wood Village	644	725	2.5%	12.6%
E. County Total	28,803	29,161	100.0%	1.2%
Portland	112,358	114,549		2.0%
Total MHCRC Subscribers	141,161	143,710		1.8%
<p style="text-align: center;"><u>Source: Comcast Subscriber Penetration Report</u> July-03 July-04</p>				

APPENDIX THREE

FRANCHISE FEE REVENUE AND DISBURSEMENT DETAIL

FRANCHISE FEE REVENUES AND DISBURSEMENTS
FY 2005-06
PROPOSED

Jurisdictions	Franchise Fees	Net Contrib. To MHCRC Op. Bud.	MCTV	PCM	Payments to Jurisdictions
PORTLAND	GF Appropriation	258,114		\$741,828	
GRESHAM	645,416	83,635	387,250		174,531
MULTNOMAH CO., EAST	87,668	17,279	52,601		17,788
MULTNOMAH CO., WEST	54,027	N/A	N/A	32,416	21,611
TROUTDALE	107,242	13,743	64,345		29,154
FAIRVIEW	55,910	6,916	33,546		15,448
WOOD VILLAGE	22,093	3,119	13,256		5,718
Total, East County	\$972,356	\$124,692	\$550,997	\$32,416	\$264,250
Total	-	\$382,806	-	\$774,244	-

FY 2005-06 Budget less FY 2003-04 Credit Balance

Jurisdictions	FY 2005-06 Proposed	Credit Balance FY 03-04 Budg.	Net Contrib. to MHCRC . Budg.
PORTLAND	258,114	0	258,114
GRESHAM	87,975	4,340	83,635
MULTNOMAH CO., EAST	18,190	911	17,279
TROUTDALE	14,478	735	13,743
FAIRVIEW	7,293	377	6,916
WOOD VILLAGE	3,262	143	3,119
Sub Total, East County	\$131,197	\$6,506	\$124,692
Total	\$389,312	\$6,506	\$382,806

FRANCHISE FEE BALANCE TO JURISDICTIONS:

	FY 02-03	FY 03-04	FY 04-05	FY 05-06	Increase/ (decr)
Jurisdictions	Actual	Actual	Projection	Projection	FY 04-05 vs 05-06
GRESHAM	151,745	162,718	185,736	174,531	(\$11,205)
MULTNOMAH CO., EAST	16,602	16,588	20,647	17,788	(\$2,859)
MULTNOMAH CO., WEST	17,936	19,672	20,411	21,611	\$1,200
TROUTDALE	27,127	27,465	30,790	29,154	(\$1,636)
FAIRVIEW	14,585	14,498	16,778	15,448	(\$1,330)
WOOD VILLAGE	5,389	5,682	5,361	5,718	\$357
	\$233,384	\$246,623	\$279,723	\$264,250	(\$15,473)

APPENDIX FOUR

ACCESS DISBURSEMENT DETAIL (MCTV AND PCM)

The Commission administers two contracts with the community access providers that serve the Jurisdictions. Attachment One presents the FY 2005-06 budget for Multnomah Community Television (MCTV). MCTV serves the East Multnomah County area. Attachment Two presents the FY 2005-06 budget for Portland Community Media (PCM). PCM serves the City of Portland area.

The access providers receive funding for both operations and capital expenditures. The majority of PCM's operational resources is based on a contract between PCM and the City of Portland and is not included in the MHCRC's budget. MCTV receives operational resources, in accordance with the IGA that created the Commission, based on 60 percent of the franchise fees for the East County area. Both organizations receive access corporation capital funding from franchise resources dedicated for this use.

A summary chart of Access Resources is included below.

1. MCTV:	Community Access Payment:	
	60 % of East County Cable Franchise Fees	\$ 550,997
	<u>Access Corporation Capital</u>	<u>\$ 442,509</u>
	Total	\$ 993,506
2. PCM:	Community Access Payment:	
	City of Portland General Fund	\$ 756,355
	60% of West Multnomah County	\$ 32,416
	<u>Access Corporation Capital</u>	<u>\$ 526,982</u>
	Total	\$1,315,753

Attachment 1

MULTNOMAH COMMUNITY TELEVISION BUDGET

FISCAL YEAR 2005-06

MULTNOMAH COMMUNITY TELEVISION FY 2005-06 BUDGET NARRATIVE

Multnomah Community Television, East Metro's truly local television, pursues its mission of building community through media by promoting broad participation in civic and cultural life through the effective use and understanding of community media. A non-profit organization, MCTV provides East Metro residents, community organizations, local governments, and schools free and low cost access to the medium of television, media literacy training and video production. MCTV and citizen-produced programming is distributed to over 65% of East Metro households and over 400,000 households in the region. MCTV produces city council meetings and work sessions and other government and community meetings as well as programming used as educational and informational tools at meetings, community forums and classroom settings.

WHAT WE DO

MCTV produces and facilitates programming with many diverse partners and on wide-ranging topics. MCTV partnered with over 200 community organizations and facilitated over 3000 hours of programming in FY 2004-05, including:

- Live and taped coverage of East Metro local governments, including planning commission meetings and budget and special hearings as well as the Rockwood Water PUD, and Metro.
- Programs focussing on emergency preparedness produced in cooperation with the Gresham Emergency Management.
- Working with educational partners in East Multnomah County to produce programs on academic and extracurricular activities in local schools, coverage of school board meetings and programs on school safety.
- Provided the only regular electronic media coverage of the East Metro area.
- Increasing citizen involvement through programs such as *Speak Out*, a live call-in for individuals to share information and raise issues of concern, and *Community Hotline*, a live call-in program where community organizations provide information and answer questions about their services.
- Development and deployment of the Oregon Learning Lab for Information and Education (OLLIE,) a mobile facility for use by schools and community groups that provides access to training and tools to use technology to improve learning and build community.

- Coverage of local community events such as the *Celebration of Cultures*, the Gresham Area Chamber of Commerce's benefit breakfast, Gresham's *Teddy Bear Parade*, *Senior Showcase*, and *Rose City News*.

HOW WE DO IT

MCTV makes these services possible through training, access to equipment, staff support and program production. For the past several years, use of MCTV facilities and hours of programming produced at MCTV has increased; these trends continued this year continued. In FY 2005-06, MCTV will:

- Offer training to 750 people in 135 classes
- Produce and facilitate more than 3000 hours of programming by, for and about East Metro, its residents and their concerns and issues
- Have 300 volunteers give 10,000 hours of their time to MCTV and the community
- Loan equipment to community members who are creating programming for and about the East Metro area for more than 2,000 days
- Provide more than 75 hours of staff assistance and support to the public each week, an annual total of more than 3900 hours.

PREPARING FOR THE FUTURE

In FY 2004-5 MCTV completed the development of its strategic plan, based on information gathered from a community needs assessment. Strategic directions set by MCTV include:

- Building community through media by incorporating a broadened range of media tools, including diversified delivery systems, and serving as a community gathering space for opportunities for face-to-face dialogue.
- Innovating in our practices and processes by challenging ourselves to create new ways of doing business, including expanding partnerships and researching best and emerging practices in the field.
- Catalyzing diverse and responsive programming by facilitating and creating additional community issue forums and other programming that directly responds to East Metro area community needs.

- Improving visibility and awareness by articulating the benefits of MCTV programming and services based on understanding audience/constituent needs and wants.
- Developing partnerships to diversify funding by seeking grant funding, earned income and other opportunities to supplement cable-related resources.
- Making it easy by lowering the technical threshold to aid the participation of diverse individuals, community groups and local governments and creating ways to “meet groups where they are” as a starting point for their involvement.
- Administering and governing with accountability through board and staff development, planning, and financial oversight.

THE NUMBERS

MCTV's non-capital expenditures have remained stable for several years and will remain so in FY 2005-06. However, the Director of the OLLIE project, a collaborative effort between MCTV and Portland Community Media (see above), is a PCM employee and MCTV's share of the Director's salary has been added to the Consulting (6041) line item. MCTV's personnel line has been reduced to balance this expenditure.

Capital expenditures have fluctuated significantly over the past few years due to property acquisition and other expenditures (e.g., architectural fees, building permits) for MCTV's new facility. Construction of the new facility which will be completed in FY 2005-06, began in February 2005.

PROPOSED MCTV BUDGET FY 2005-06

		ACTUAL 2002-03	ACTUAL 2003-04	BUDGET 2004-05	PROPOSED BUDGET 2005-06		
INCOME:							
4130	Franchise Fees, Multnomah	\$ 505,887	\$ 524,052	\$ 553,489	\$ 550,997	Franchise Fees, Multnomah	
4140	PCA Educational Services Support	40,193	35,000	0	0	PCA Educational Services Support	
4090	Interest	498	683	400	600	Interest	
4270	Activity Fees/Fees for Service	11,313	19,828	30,000	30,000	Activity Fees/Fees for Service	
4200	Other	11,249	4,730	10,000	10,000	Other	
4172	Capital Funds	438,497	396,784	435,436	442,509	Capital Funds	
4162	Investment Fund Withdrawal	208,861	38,000	287,000	294,500	Investment Fund Withdrawal	
4182	Loan Proceeds	572,000		614,000	460,000	Loan Proceeds	
	TOTAL OPERATING INCOME	\$ 1,788,498	\$ 1,019,077	\$ 1,930,325	\$ 1,788,606	TOTAL OPERATING INCOME	
		ACTUAL 2002-03	ACTUAL 2003-04	BUDGET 2004-05	PROPOSED BUDGET 2005-06		
EXPENSES:						EXPENSES:	
Personnel							
7020	Full-Time Salaries	\$ 448,685	\$ 441,672	\$ 463,231	\$ 467,216	Full-Time Salaries	
7030	Part-Time Salaries	54,162	59,336	54,435	54,976	Part-Time Salaries	
7050	Taxes & Fringe Benefits	154,129	144,321	168,442	143,100	Taxes & Fringe Benefits	
	Total Personal Services	\$ 656,976	\$ 645,328	\$ 686,108	\$ 665,292	Total Personal Services	
Operations							
6020	Accounting	\$ 12,765	\$ 14,395	\$ 14,750	\$ 15,500	Accounting	
6041	Consulting	9,135	12,255	10,000	25,526	Consulting	
6051	Dues & Subscriptions	8,953	4,615	11,000	10,885	Dues & Subscriptions	
6060	Educational Program Acquisition	0	0	200	300	Educational Program Acquisition	
6061	Education & Training	8,629	13,298	9,500	8,935	Education & Training	
6062	Business Meals/Related	1,535	2,434	2,250	2,500	Business Meals/Related	
6063	Ed. Tuition Reimbursement	360	0	200	0	Ed. Tuition Reimbursement	
6064	Events	0	0	1,000	1,000	Events	
6070	Food	6,241	7,412	8,000	8,000	Food	
6080	Graphics	0	0	500	2,500	Graphics	
6100	Insurance	35,456	36,714	37,500	37,500	Insurance	
6110	Janitorial	5,885	7,020	7,500	7,500	Janitorial	
6130	Legal	4,475	612	4,000	4,000	Legal	
6131	Local Travel & Mileage	2,007	2,059	2,750	1,037	Local Travel & Mileage	
6140	Maintenance Supplies	1,338	2,492	4,000	958	Maintenance Supplies	
		ACTUAL 2002-03	ACTUAL 2003-04	BUDGET 2004-05	PROPOSED BUDGET 2005-06		
6160	Office Supplies	3,284	4,200	3,750	1,871	Office Supplies	
6161	Operation Supplies	5,850	7,789	4,500	3,410	Operation Supplies	
6170	Personnel Recruitment	189	716	2,000	1,000	Personnel Recruitment	
6171	Phones	7,305	7,116	8,250	7,500	Phones	
6172	Postage	6,609	7,130	7,500	7,000	Postage	
6173	Printing	7,758	9,443	9,000	4,300	Printing	
6174	Marketing/Promotion	4,270	5,573	7,500	2,461	Marketing/Promotion	
6190	Repairs & Maintenance	3,366	3,097	2,500	1,616	Repairs & Maintenance	
6200	Rent, Utilities, Maintenance	42,240	42,324	32,630	33,053	Rent, Utilities, Maintenance	
6211	Travel	1,934	2,808	3,500	4,900	Travel	
6230	Vehicle Maintenance	126	525	500	500	Vehicle Maintenance	
	Total Materials & Services	\$ 179,710	\$ 194,026	\$ 194,780	\$ 193,751	Total Materials & Services	
Capital							
		ACTUAL 2002-03	ACTUAL 2003-04	BUDGET 2004-05	PROPOSED BUDGET 2005-06		
8001	Misc. Debt Expense	\$ 4,000	\$ 12,647				
8002	Books	276	72	250	175	Books	

PROPOSED MCTV BUDGET FY 2005-06

8003	Maintenance Supplies	11,816	0	500	2,954	Maintenance Supplies
8004	Office Supplies	867	761	1,750	407	Office Supplies
8005	Operation Supplies	1,765	1,289	1,750	764	Operation Supplies
8006	Repairs & Maintenance	4,301	0	500	1,200	Repairs & Maintenance
8007	Videotape	1,067	6,329	7,500	500	Videotape
8008	Debt Reduction	58,911	0	0	0	Debt Reduction
8009	Interest on Debt	3,224	0	20,000	0	Interest on Debt
8011	Interest Short Term Loan	18,757	24,523	19,000	28,428	Interest on Line of Credit
8013	Interest Long Term Loan		0	0	32,005	Interest Long Term Loan
8014	Debt Reduction - Short Term Loan		8,950	0	31,899	Debt Reduction - Short Term Loan
8015	Debt Reduction - Long Term Loan		0	0	5,646	Debt Reduction - Long Term Loan
8020	Building	737,250	211,185	783,801	678,363	Building
8021	Property Taxes	4,519	4,257	4,385	0	Property Taxes
8030	Leasehold Improvements	6,201	0	0	0	Leasehold Improvements
8040	Office Equipment	686	3,991	35,000	20,000	Office Equipment
8050	Office Furnishings	0	0	75,000	10,000	Office Furnishings
8060	Production & Maintenance Equip	12,175	9,965	100,000	98,639	Production & Maintenance Equip.
8080	Equipment Search in Progress		0		0	Equipment Search in Progress
	Total Capital	\$ 865,815	\$ 283,967	\$ 1,049,436	\$ 910,980	Total Capital
	TOTAL OPERATING EXPENSE	\$ 1,702,501	\$ 1,123,322	\$ 1,930,325	\$ 1,770,023	TOTAL OPERATING EXPENSES

Attachment 2

PORTLAND COMMUNITY MEDIA

FISCAL YEAR 2005-06

May 5, 2005

Rich Goheen, Chair
Mt Hood Cable Regulatory Commission
1120 SW Fifth Ave., Suite 1305
Portland, OR 97204

Dear Rich,

Enclosed is the operating and capital budgets for Portland Community Media for FY 2005-2006 as approved by the Board of Directors.

The budget was drafted with the following assumptions:

1. City of Portland operational funding, \$756,355.00.
2. PCM's investment fund revenues will continue to support the development/fundraising department, outreach and marketing and partially compensate for city funding reductions
3. Fundraising will increase support for special projects such as "Ollie" and "Adventures in Television"
4. PCM will generate additional revenue through production services, grant writing, and space rental in the newly acquired building.

Capital funds will be used to improve and expand PCM's building space, HVAC systems and the implementation of a major technology assessment plan.

PCM appreciates the ongoing support of the MHCRC and looks forward to working with the Commission in the future as community media evolves in our community.

If you have any questions please feel free to contact me.

Sincerely,

Carl Kucharski
Executive Director

Cc: David Olson, Julie Omelchuck, Sebastian Rodriques

TO: FINANCE COMMITTEE
FROM: CARL KUCHARSKI, EXECUTIVE DIRECTOR
DATE: APRIL 14, 2005
SUBJECT: FY 2005-2006 BUDGET

Introduction

This is the budget proposal for FY 2005 -2006. The budget proposal contains three sections: Operational Budget Narrative; Budget Figures with Historical Information; and, Detailed Capital Budget.

Operational Budget Narrative

There are five major operational objectives proposed for FY 2005-2006 based upon PCM's current services and resources, the outcomes of the needs assessments, other available cable franchise resources, and the level of city funding:

- 1) To provide government access production and program services on CityNet 30;
- 2) To provide public access services within the first-come, first-served philosophy on at least one access channel throughout the city;
- 3) To continue to implement the service improvement plan and revision of the media education curriculum;
- 4) To continue to focus PCM's service's on:
 - A) Neighborhoods, Neighborhood Councils, and Neighborhood Organizations and Associations
 - B) Nonprofit and Community Organizations
 - C) Youth Media Training; and,
- 5) To continue support of PCM's development and fundraising activities to raise additional revenue and resources.

Revenue

There are new items and variations in revenue for the coming fiscal year including:

- Full city operational funding @ \$756,355.00
- Acct 4301 reflects MCTV's support of the salary and benefits of the OLLIE Coordinator
- Acct 4355 shows an increased effort to raise grant funds for OLLIE and general operating expenses
- Acct 4410 includes \$10,000.00 in revenue from the sale of energy credits through the new Energy Efficiency Project, and \$7,800.00 from general fundraising activities
- Acct 4581 increases dubbing revenue due to new capabilities for CD and DVD duplications
- Acct 4812 projects the revenue from temporary space of rental in the Life Center building for up to one year
- Acct 4998 applies interest, earnings, and dividends from the Investment Fund to operational expenses
- Use of funds from the Community Projects Fund will not be itemized until the funds are needed to underwrite expenses for the service improvement plan

Expenses

These are the highlights of the annual expenses:

- Acct 5000 reflects all of the operational expenses for 19.5 FTEs and funds for On-Call employees for specialty or fill in work for vacation and sick days; PCM is estimating that more than \$58,000 in salaries are eligible to be funded through the Capital Fund and so are itemized in that section of the budget
- Acct 5300 includes a significant increase in funding for staff development education as a means to further implement the service improvement plan
- Acct 6001 is a prorated share of funds to reimburse MCTV for access services which it performs in our service area
- Acct 6090 includes funds for 1) the TACS contract which includes the Transition Manager's contract of services, 2) professional grant writing services, and 3) professional board planning and development services
- Acct 6703 shows a major decrease in expenditures because telephone services were changed
- Acct 6720 funds PCM membership in the Alliance For Communications Democracy by use of funds from the Investment Fund
- Acct 7621 is a new account for the electrical use in the Life Center building
- Acct 9000 funds all insurance needs for equipment, property and buildings including the Life Center building

There is Net Income Before Depreciation of \$5,306.00

The Budget Figures with Historical Information and, Detailed Capital Budget are attached.

Portland Community Media

CAPITAL BUDGET

FY 2005-2006

The city funding for access capital is \$526,982.00. The current proposed capital budget continues PCM's focus on:

- design and construct new facility
- improving HVAC systems in current facility
- establishing production sites and equipment for programming from remote neighborhood locations, and
- improving outreach and programming opportunities through nonprofits, schools, and youth as operational priorities.

CAPITAL BUDGET DETAIL

Public Access

SCALA	\$45,000	
Replacement Editing Switchers	\$18,000	
Subtotal		\$63,000.00

Neighborhood Projects

Production and Transmission Equipment		
Subtotal		\$50,000.00

Playback

Channel ID System	\$ 5,000	
Playback Decks – Replacements	\$10,000	
Subtotal		\$15,000.00

Current Building and Parking Lot

HVAC Replacement Unit	\$20,000	
Subtotal		\$20,000.00

New Building

Design, architectural, construction, financing	\$225,884	
Loan Expense	\$ 17,500	
Subtotal		\$243,384.00

Administration

Computers and Office Machines/Copier	\$15,000	
Technology Assessment Plan Implementation	\$50,000	
Revised ACCPAC Accounting System	\$ 2,000	
Subtotal		\$67,000.00

Personnel

Expenses related to capital projects for the following:

Executive Director		
Managing Director		
Finance Director		
Engineer		
Subtotal		\$58,598.00

Contingency

Subtotal		\$10,000.00
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TOTAL		\$526,982.00
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**PORTLAND COMMUNITY MEDIA
OPERATING & CAPITAL BUDGETS 2003-2006**

Present Account #		ACTUAL 2002-2003	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
REVENUE:					
4000	Contract City Portland	767,492	748,278	741,827	756,355
4005	Franchise Mult. West	26,905	26,164	30,617	32,416
4100	Special Projects	8,410	25,000	25,000	22,500
4200	Community Service	6,530		15,000	12,500
4300	Training Income	16,095	21,000	22,000	22,000
4301	Income - MCTV Ollie				18,900
4325	Adventures In TV			30,000	20,000
4350	CMRD		8,000		
4355	Grant Revenues			30,000	47,500
4400	Board Community Fund Raising			20,000	
4410	Misc Income	5,947	1,000		17,800
4412	Damages paid for equipment	15			
4580	Tape / Disk Sales	18,539	20,500	23,000	23,000
4581	Dubbing	2,989	5,920	2,000	26,000
4700	Contract Interest - Delauney				
4710	Checking Acct. Interest	3,642	7,000	5,000	1,000
4715	Investment Fund Income	2,478			
4800	Interest Investments	2,545			
4805	Interest USB Bonds/Notes	29,932			
4810	Dividends Investment	484			
4811	Earnings Domini Investments	1,909			
4812	Lease Revenues				12,000
4820	Interest - Internal				
4830	Gain of Sale	(33,409)			
4831	Unrealized Gain / Loss	19,435			
4908	PEG Capital grant-Sound track				
4909	Capital Grant income	566,635	496,968	536,893	526,982
4998	Investment Funds Used		85,482	85,482	119,835
	TOTAL REVENUE	1,446,572	1,445,312	1,566,819	1,658,788

Present Account #		ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
EXPENSES:					
STAFF RELATED					
5000	Payroll Wages	481,034	522,348	579,782	644,407
5100	Payroll Taxes	46,916	54,323	60,877	78,726
5110	Pension Contributions	12,686	11,500	18,620	19,609
5111	Medical & Dental Insurance	60,126	64,638	68,250	73,032
5112	Life & Disability Insurance	5,742	6,346	6,500	6,000
5200	Employee Recruitment	311	2,000	1,000	1,000
5300	Training & Education - Staff	9,259	10,000	10,000	20,500
5350	Training & Education - Board	1,550		-	

5400	Travel - local	124	500	500	200
5401	Travel - out of town	4,066	4,000	3,000	5,000
5500	Payroll Service	2,954	2,400	3,000	3,600
5501	Crew Food	663	700	1,000	1,500
5999	Payroll transfers-production				
	Subtotal	625,432	678,755	752,529	853,574

Present Account #	GENERAL OVERHEAD	ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
6001	MCTV Education Dist.	40,193	40,781	39,850	40,647
6010	Accounting Audit	10,999	9,000	10,000	8,000
6011	Audit Inventory			500	500
6020	Legal	928	5,000	5,000	2,000
6080	Computer Consulting	13,396	5,000	3,000	2,000
6090	Professional Services-admin	5,693	3,000	4,000	29,630
6100	CMRD Expenses		8,000		
6125	Adventures In TV			30,000	10,000
6150	Annual Report			500	
6151	Needs Assessment	14,297		5,000	
6152	Board Planning	4,000			1,000
6178	News letter-community connect		2,000	2,400	3,600
6179	News letter-tecno times				
6200	Office Supplies	4,605	5,000	7,000	6,600
6290	Charity Contribution				
6300	Printing - Outside	355	2,000	2,000	2,000
6301	Printing - Inside	3,562	3,100	3,000	4,000
6400	Postage & Shipping	1,920	3,000	4,000	4,000
6410	Miscellaneous Expenses	2,716		2,000	1,500
6500	Vehicle Fuel	2,571	3,300	4,000	4,000
6505	Vehicle Parking	633	750	1,000	1,450
6580	Video Tapes	26,096	32,000	35,000	20,000
6581	Dubbing				500
6582	Tee shirts for re-sale				
6672	Advertising & Promo	175	10,000	15,000	5,000
6701	Pagers & Cell Phones	5,861	5,000	4,000	4,000
6702	Internet Access	2,245	5,000	4,000	2,000
6703	Telephone Local	10,396	7,000	8,000	8,000
6708	Interest Miscellaneous	9		100	
6709	Interest - credit cards				
6710	Computer Software	1,440	700	3,000	
6715	Bank Charges	2,099	1,800	1,800	3,000
6720	Dues & Subscriptions	3,899	4,000	4,000	3,000
6729	Fees	3,731		2,000	2,000
6730	Fees/Video/Entry Fees	250	1,000	1,000	500
6800	Hospitality	3,895	2,000	5,000	10,000
	Subtotal	165,966	158,431	206,150	178,927

Present Account	ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
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EQUIPMENT RELATED

7000	Repair - parts	3,294	6,000	5,000	5,000
7005	Repair- Headend Expense	1,268		1,000	500
7010	Repair - small tools	2,334	500	500	1,000
7015	Repair - sub-contractor	20,638	30,000	28,000	18,000
7016	Repair City Council Chambers	1,999		2,000	1,000
7020	Replacement bulbs	1,096	3,000	3,000	2,500
7030	Replacement batteries	1,362	1,500	1,500	1,500
	Subtotal	31,990	41,000	41,000	29,500

Present Account		ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
#	BUILDING RELATED				

7500	Janitor Service	4,817	2,000	1,500	2,500
7510	Janitorial Supplies	2,563	3,000	2,500	1,500
7620	Electricity	21,526	17,000	14,000	14,000
7621	Electricity Building # 2				6,000
7635	Garbage Removal	912	1,500	1,500	1,000
7640	Other Utilities	2,310	2,500	3,000	1,000
7645	Natural Gas	821	2,000	1,500	1,500
7650	Vehicle Maintenance	692	2,000	3,000	2,000
7660	Landscape Maintenance	2,295	800	800	1,200
7670	Building Maintenance	5,042	3,000	4,000	3,000
7680	Security Service	1,238	700	800	800
	Subtotal	42,216	34,500	32,600	34,500

Present Account		ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
#	DIRECT VIDEO PRODUCTION				

8030	Script Writer				
8040	On air talent				
8050	Videographer				
8060	Photographic Services				
8070	Graphic Design				
8071	Closed Caption				
8072	Audio Sweeten / Outsourced studio time				
8111	Cable Signal Distrib-Teleconf site fees				
8121	Equipment Rental				
8201	Props	76			
8666	Software Association/Oregon				
	Subtotal	76	-	-	-

Present Account		ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET 2005-2006
#	OWNERSHIP COSTS				

9000	Insurance - liability	26,984	26,600	27,000	30,000
9100	Bad debts				
9820	Interest expense-self financed	4,941			
	Contingency				

Subtotal	31,925	26,600	27,000	30,000
TOTAL	897,604	939,286	1,059,279	1,126,501

Present Account #		ACTUAL 2002-03	ACTUAL 2003-2004	BUDGET 2004-2005	PROPOSED BUDGET
	CAPITAL EXPENSE:				
1630	Production equipment	555,998	496,968	536,893	526,982
1640	Playback equipment				
	TOTAL CAPITAL EXPENSE	555,998	496,968	536,893	526,982
	TOTAL EXPENSES	1,453,602	1,436,254	1,596,172	1,653,483



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/15/05
Agenda Item #: R-3
Est. Start Time: 9:55 AM
Date Submitted: 06/15/05

Agenda Title: RESOLUTION Authorizing Acceptance of Comcast Corporation as Substitute Guarantor of Cable Franchise Performance

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

Date Requested: June 23, 2005 Time Requested: 5 min
Department: Non-Departmental Division: Commission District 2
Contact(s): Serena Cruz, Commissioner District 2
Phone: 503-988-5219 Ext. I/O Address: 503/600
Presenter(s): Julie S. Omelchuck, Program Mgr, MHCRC and Irma Valdez, MHCRC County Rep

General Information

1. What action are you requesting from the Board?

Approve Resolution accepting the substitution of Comcast Corporation for TCI West, Inc. as cable franchise guarantor.

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

The Mt. Hood Cable Regulatory Commission (MHCRC) was created by intergovernmental agreement to carry out cable regulation and administration on behalf of Multnomah County and the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village (Jurisdictions). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.

Each franchise administered by the MHCRC has guaranty provisions. The former TCI franchises in west Portland and west Multnomah County rely on TCI West, Inc. as guarantor. When the former Paragon franchises in east Portland and east Multnomah County were transferred to Comcast in 2002, TCI West succeeded TWI Cable, Inc. (a Time Warner entity) as guarantor of the east

franchises. Under the terms of the transfer, in the event the stockholders' equity of TCI West fell below \$500 million, Comcast agreed to notify the Jurisdictions within 150 days of the end of the year in which this occurred, and simultaneously identify and provide a substitute guarantor with the same or greater equity. The substitute guarantor is subject to approval by the Jurisdictions.

In the course of our review of franchisee financial statements earlier this year, it became evident that TCI West, Inc. may no longer be an appropriate entity to carry forward the obligation to serve as franchise guarantor for the MHCRC cable franchises. After some preliminary discussions, Comcast staff identified Comcast Holdings Corporation as a potentially appropriate substitute guarantor for the various local franchises. MHCRC staff sent a letter to Comcast (dated October 8, 2004) containing specific information requests regarding Comcast Holdings Corporation.

On December 2, 2004 Comcast replied to the staff letter and proposed Comcast Corporation as the appropriate substitute guarantor of the local franchises. Comcast provided an organizational chart showing the legal and ownership structure from local franchisees to the parent entity, Comcast Corporation. MHCRC Staff, legal counsel and MHCRC financial consultant, Mike Katz, have thoroughly reviewed the information provided by Comcast and believe Comcast Corporation, the ultimate parent corporation, meets or exceeds all guarantor requirements under the local franchises

On January 24, 2005, the MHCRC adopted Resolution No. 2005-01 recommending that the Jurisdictions consent to the substitution of Comcast Corporation for TCI West, Inc. as franchise guarantor under the respective franchise agreements...

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

None

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

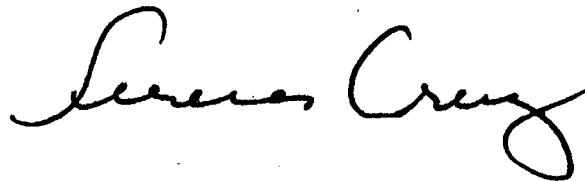
None.

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

MHCRC adopted Res. 2005-01 recommending the substitution. Under the IGA all jurisdictions must consent.

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

**AUTHORIZING ACCEPTANCE OF COMCAST CORPORATION AS SUBSTITUTE
GUARANTOR OF CABLE FRANCHISE PERFORMANCE**

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by Intergovernmental Agreement (dated December 24, 1992) to carry out cable regulation and administration on behalf of Multnomah County and the cities of Gresham, Fairview, Portland, Troutdale, and Wood Village ("the Jurisdictions"). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with potential or proposed transfers or changes in ownership or control of any cable franchisee of the Jurisdictions.
- b. Multnomah County entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River (West Multnomah franchise agreement). The County approved an ownership transfer of the West Multnomah franchise agreement to AT&T Comcast Corporation (Comcast or Franchisee) by Resolution 02-089 on June 13, 2002. TCI West is the guarantor of the West Multnomah franchise agreement.
- c. On February 18, 1998, by Resolution 98-18, Multnomah County approved a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River (East Multnomah franchise agreement). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast by Resolution 02-089 on June 13, 2002. Under the terms of the transfer, TCI West succeeded TWI Cable, Inc. (a Time Warner entity) as guarantor of the East Multnomah franchise agreement.
- d. Due to changes in corporate structure and financing, TCI West, Inc. is no longer an appropriate entity to carry forward the obligation to serve as franchise guarantor for the MHCRC cable franchises.
- e. Under the terms of the 2002 Comcast transfer and applicable franchise provisions, in the event the stockholders' equity of TCI West falls below \$500 million, as demonstrated by audited financial statements, Comcast is required to identify and provide a substitute guarantor with the same or greater level of stockholders' equity as TCI West. The substitute guarantor is subject to approval by the Jurisdictions.

- f. In a letter dated December 2, 2004, to the MHCRC, Comcast proposed that Comcast Corporation, the ultimate parent corporation of the local franchisees, serve as substitute guarantor for TCI West, Inc.
- g. The MHCRC reviewed the proposal to substitute Comcast Corporation for TCI West, Inc. and recommended that the proposal be accepted by the MHCRC and its Jurisdictions, pursuant to MHCRC Resolution No. 2005-01, passed by the MHCRC January 24, 2005.
- h. The Board has determined that the substitution is acceptable inasmuch as the stockholders' equity of Comcast Corporation, as of its most recent annual audited financial statements, exceeds the stockholders' equity that TCI West, Inc. was required to maintain under the respective franchise agreements

The Multnomah County Board of Commissioners Resolves:

- 1. Based on the proposal of Comcast dated December 2, 2004 and the recommendation of the MHCRC contained in MHCRC Res. No. 2005-01, attached as Exhibit A, the Board accepts Comcast Corporation as successor to TCI West, Inc. as franchise guarantor pursuant to Section 25.3 of the East and West Multnomah cable franchise agreements.

ADOPTED this 23rd day of June 2005.

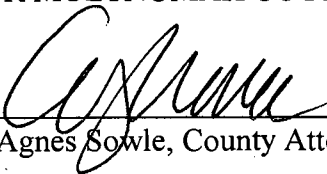
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

Exhibit A

**Before the
Mt. Hood Cable Regulatory Commission
1120 SW Fifth Avenue #1305
Portland, OR 97204**

Recommend MHCRC Jurisdictions accept)	
Comcast Corporation as substitute guarantor	)	Res. No. 2005-01
of franchisee performance	)	Adopted by the Commission:
in MHCRC-administered	)	January 24, 2005
cable franchises)	

Section 1. Findings.

- 1.1 Authority. The Mt. Hood Cable Regulatory Commission ("Commission" or "MHCRC") was created by intergovernmental agreement to carry out cable regulation and administration on behalf of Multnomah County and the cities of Portland, Gresham, Troutdale, Fairview, and Wood Village ("Jurisdictions"). Each of the Jurisdictions is a franchising authority within the meaning of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").
- 1.2 Guaranty. Each franchise administered by the Mt. Hood Cable Regulatory Commission has guaranty provisions. The former TCI franchises in West Portland and West Multnomah County rely on TCI West, Inc. as guarantor. When the former Paragon franchises in east Portland and east Multnomah County were transferred to Comcast in 2002, TCI West succeeded TWI Cable, Inc. (a Time Warner entity) as guarantor of the east franchises.
- 1.3 TCI West transition. Comcast did not provide audited financial statements for TCI West, Inc. for 2003 as is required under applicable franchise provisions. Discussions with Comcast staff and Comcast correspondence indicate that TCI West, Inc. may no longer be an appropriate entity to carry forward the obligation to serve as franchise guarantor for the MHCRC cable franchises.
- 1.4 Substitute Guarantor for TCI West. Under the terms of the 2002 transfer and applicable franchise provisions, in the event the stockholders' equity of TCI West falls below \$500 million, as demonstrated by audited financial statements, Comcast is required to identify and provide a substitute guarantor with the same or greater level of stockholders' equity as TCI West. The substitute guarantor is subject to approval by the Jurisdictions.
- 1.5 Comcast Corporation proposed as substitute Guarantor. In a letter dated December 2, 2004, (Exhibit A) Comcast has proposed that Comcast Corporation, the ultimate parent corporation of the local franchisees, serve as substitute guarantor for TCI West, Inc.
- 1.6 Review by staff and KFA Services. Commission staff and the Commission's financial counsel KFA Services ("KFA") have reviewed the proposal to substitute Comcast

Exhibit A

Corporation for TCI West, Inc. and recommend that the proposal be accepted by the MHCRC and the Jurisdictions.

NOW, THEREFORE IT IS RESOLVED:

Section 2.

- 2.1 Based on the proposal of Comcast dated December 2, 2004, with attached corporate organization chart, as attached hereto as Exhibit A, the Commission has reviewed the proposal that Comcast Corporation succeed TCI West, Inc. as franchise guarantor for all cable franchises administered by the MHCRC and has determined that the substitution is acceptable inasmuch as the stockholders' equity of Comcast Corporation, as of its most recent annual audited financial statements, exceeds the stockholders' equity that TCI West, Inc. was required to maintain under the respective franchise agreements.
- 2.2 The MHCRC recommends that the Jurisdictions consent to the substitution of Comcast Corporation for TCI West, Inc. as franchise guarantor under the terms of the respective franchise agreements.
- 2.3 MHCRC staff is directed to transmit this recommendation for action by each MHCRC Jurisdiction as appropriate.

RESOLVED BY THE COMMISSION on January 24, 2005.

R.C. Goheen, Chair

Reviewed by:

Ben Walters, Legal Counsel

EXHIBIT:

December 2, 2004 letter from Comcast, attaching organization chart

Exhibit A

**EXHIBIT A TO MHCRC RES 2005-01
(page 1)**

December 2, 2004

Mr. David Olson
Director
Office of Cable Communications & Franchise Management
1120 SW Fifth Avenue, Room 1305
Portland, OR 97204

Via E-mail & USPS

Re: Comcast Corporation Substitute Guarantor

Dear David:

This letter is in response to your request for additional information concerning Comcast's desire to use a substitute guarantor for TCI West, Inc. for the West Portland and West Multnomah County franchises. Initially, we suggested using Comcast Holdings Corporation as the guarantor, however, after further review Comcast Corporation appears to be the more appropriate entity to serve in that role. Specifically, you have asked us to provide an organizational chart showing the legal and ownership structure from the local franchisees (Comcast of Oregon II, Inc. and Comcast of Illinois/Ohio/Oregon, LLC) to the parent entity, Comcast Corporation and the percentage ownership of each subsidiary by each parent entity in the ownership chain.

The attached organization chart provides the legal ownership structure for each of the local franchisees. The chart also indicates the percentage of ownership for each of the subsidiaries, up to the parent company, Comcast Corporation.

You also requested information on what cable systems or geographic areas are owned or controlled by Comcast as stated in the most recent SEC10k filing. As indicated in the organizational chart, Comcast Corporation is the parent company for the local franchisees. Comcast Corporation's consolidated cable operations serve 21.5 million subscribers in 35 states.

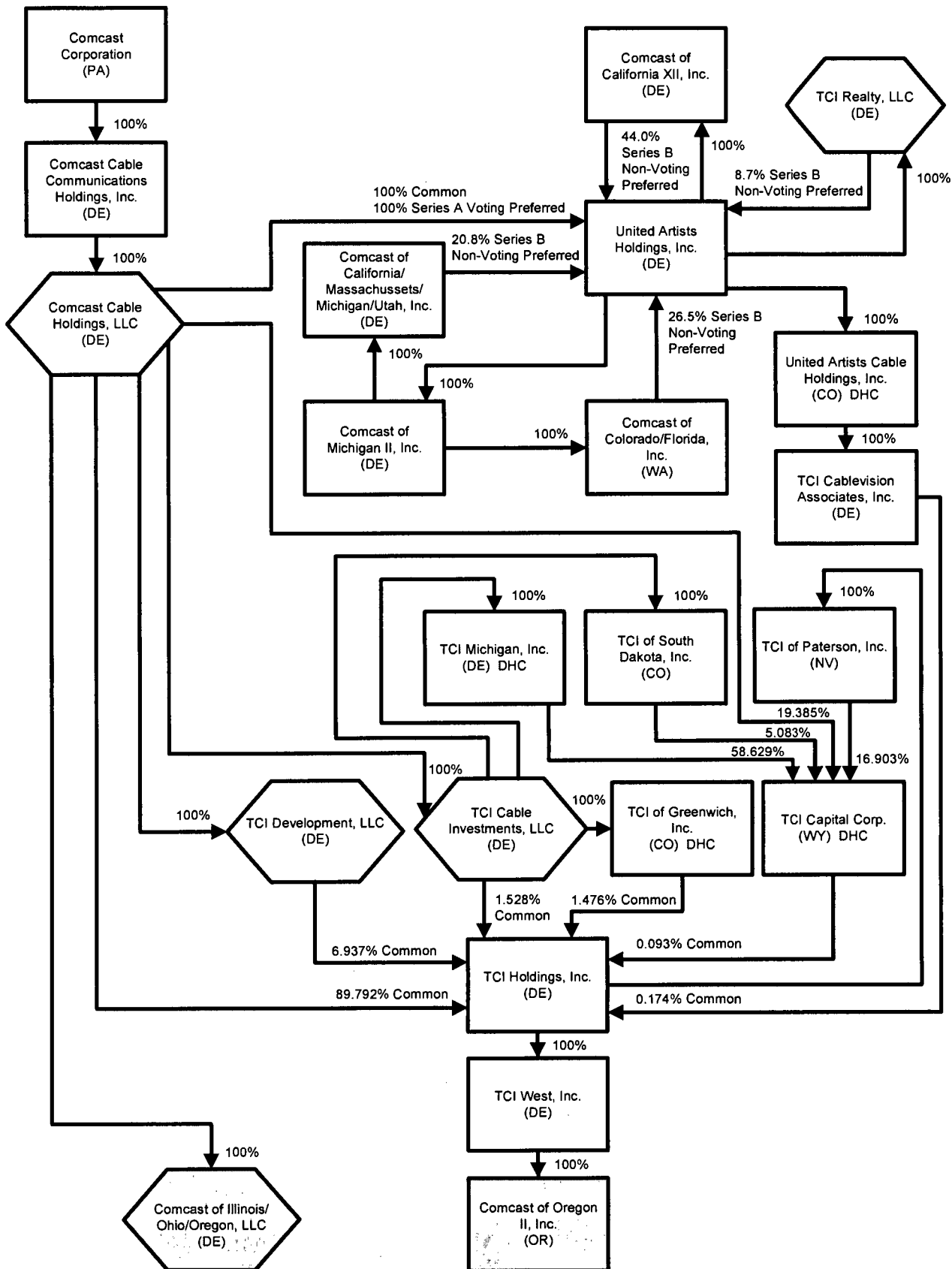
Please feel free to contact me at 503-605-6352 with any further questions.

Cordially,

Kevin Bell
Senior Director, Government Affairs

Cc: Curt Henninger, Comcast
Debbie Luppold, Comcast

Exhibit A
EXHIBIT A TO MHCRC RES 2005-01
(page 2)



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO.05-113

Authorizing Acceptance of Comcast Corporation as Substitute Guarantor of Cable Franchise Performance

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by Intergovernmental Agreement (dated December 24, 1992) to carry out cable regulation and administration on behalf of Multnomah County and the cities of Gresham, Fairview, Portland, Troutdale, and Wood Village ("the Jurisdictions"). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with potential or proposed transfers or changes in ownership or control of any cable franchisee of the Jurisdictions.
- b. Multnomah County entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River (West Multnomah franchise agreement). The County approved an ownership transfer of the West Multnomah franchise agreement to AT&T Comcast Corporation (Comcast or Franchisee) by Resolution 02-089 on June 13, 2002. TCI West is the guarantor of the West Multnomah franchise agreement.
- c. On February 18, 1998, by Resolution 98-18, Multnomah County approved a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River (East Multnomah franchise agreement). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast by Resolution 02-089 on June 13, 2002. Under the terms of the transfer, TCI West succeeded TWI Cable, Inc. (a Time Warner entity) as guarantor of the East Multnomah franchise agreement.
- d. Due to changes in corporate structure and financing, TCI West, Inc. is no longer an appropriate entity to carry forward the obligation to serve as franchise guarantor for the MHCRC cable franchises.
- e. Under the terms of the 2002 Comcast transfer and applicable franchise provisions, in the event the stockholders' equity of TCI West falls below \$500 million, as demonstrated by audited financial statements, Comcast is required to identify and provide a substitute guarantor with the same or greater level of stockholders' equity as TCI West. The substitute guarantor is subject to approval by the Jurisdictions.

- f. In a letter dated December 2, 2004, to the MHCRC, Comcast proposed that Comcast Corporation, the ultimate parent corporation of the local franchisees, serve as substitute guarantor for TCI West, Inc.
- g. The MHCRC reviewed the proposal to substitute Comcast Corporation for TCI West, Inc. and recommended that the proposal be accepted by the MHCRC and its Jurisdictions, pursuant to MHCRC Resolution No. 2005-01, passed by the MHCRC January 24, 2005.
- h. The Board has determined that the substitution is acceptable inasmuch as the stockholders' equity of Comcast Corporation, as of its most recent annual audited financial statements, exceeds the stockholders' equity that TCI West, Inc. was required to maintain under the respective franchise agreements

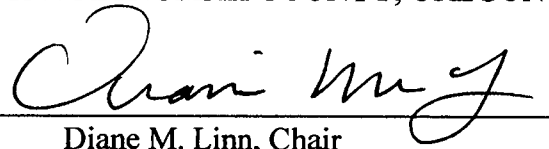
The Multnomah County Board of Commissioners Resolves:

- 1. Based on the proposal of Comcast dated December 2, 2004 and the recommendation of the MHCRC contained in MHCRC Res. No. 2005-01, attached as Exhibit A, the Board accepts Comcast Corporation as successor to TCI West, Inc. as franchise guarantor pursuant to Section 25.3 of the East and West Multnomah cable franchise agreements.

ADOPTED this 23rd day of June 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

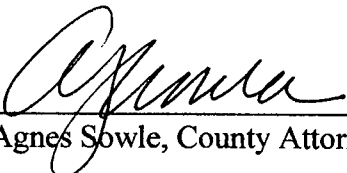
By 
Agnes Sowle, County Attorney

Exhibit A

**Before the
Mt. Hood Cable Regulatory Commission
1120 SW Fifth Avenue #1305
Portland, OR 97204**

Recommend MHCRC Jurisdictions accept)	
Comcast Corporation as substitute guarantor	)	Res. No. 2005-01
of franchisee performance	)	Adopted by the Commission:
in MHCRC-administered	)	January 24, 2005
cable franchises)	

Section 1. Findings.

- 1.1 Authority. The Mt. Hood Cable Regulatory Commission ("Commission" or "MHCRC") was created by intergovernmental agreement to carry out cable regulation and administration on behalf of Multnomah County and the cities of Portland, Gresham, Troutdale, Fairview, and Wood Village ("Jurisdictions"). Each of the Jurisdictions is a franchising authority within the meaning of the Cable Television Consumer Protection and Competition Act of 1992 ("1992 Cable Act").
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- 1.6 Review by staff and KFA Services. Commission staff and the Commission's financial counsel KFA Services ("KFA") have reviewed the proposal to substitute Comcast

Exhibit A

Corporation for TCI West, Inc. and recommend that the proposal be accepted by the MHCRC and the Jurisdictions.

NOW, THEREFORE IT IS RESOLVED:

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- 2.1 Based on the proposal of Comcast dated December 2, 2004, with attached corporate organization chart, as attached hereto as Exhibit A, the Commission has reviewed the proposal that Comcast Corporation succeed TCI West, Inc. as franchise guarantor for all cable franchises administered by the MHCRC and has determined that the substitution is acceptable inasmuch as the stockholders' equity of Comcast Corporation, as of its most recent annual audited financial statements, exceeds the stockholders' equity that TCI West, Inc. was required to maintain under the respective franchise agreements.
- 2.2 The MHCRC recommends that the Jurisdictions consent to the substitution of Comcast Corporation for TCI West, Inc. as franchise guarantor under the terms of the respective franchise agreements.
- 2.3 MHCRC staff is directed to transmit this recommendation for action by each MHCRC Jurisdiction as appropriate.

RESOLVED BY THE COMMISSION on January 24, 2005.

R.C. Goheen, Chair

Reviewed by:

Ben Walters, Legal Counsel

EXHIBIT:

December 2, 2004 letter from Comcast, attaching organization chart

Exhibit A

**EXHIBIT A TO MHCRC RES 2005-01
(page 1)**

December 2, 2004

Mr. David Olson
Director
Office of Cable Communications & Franchise Management
1120 SW Fifth Avenue, Room 1305
Portland, OR 97204

Via E-mail & USPS

Re: Comcast Corporation Substitute Guarantor

Dear David:

This letter is in response to your request for additional information concerning Comcast's desire to use a substitute guarantor for TCI West, Inc. for the West Portland and West Multnomah County franchises. Initially, we suggested using Comcast Holdings Corporation as the guarantor, however, after further review Comcast Corporation appears to be the more appropriate entity to serve in that role. Specifically, you have asked us to provide an organizational chart showing the legal and ownership structure from the local franchisees (Comcast of Oregon II, Inc. and Comcast of Illinois/Ohio/Oregon, LLC) to the parent entity, Comcast Corporation and the percentage ownership of each subsidiary by each parent entity in the ownership chain.

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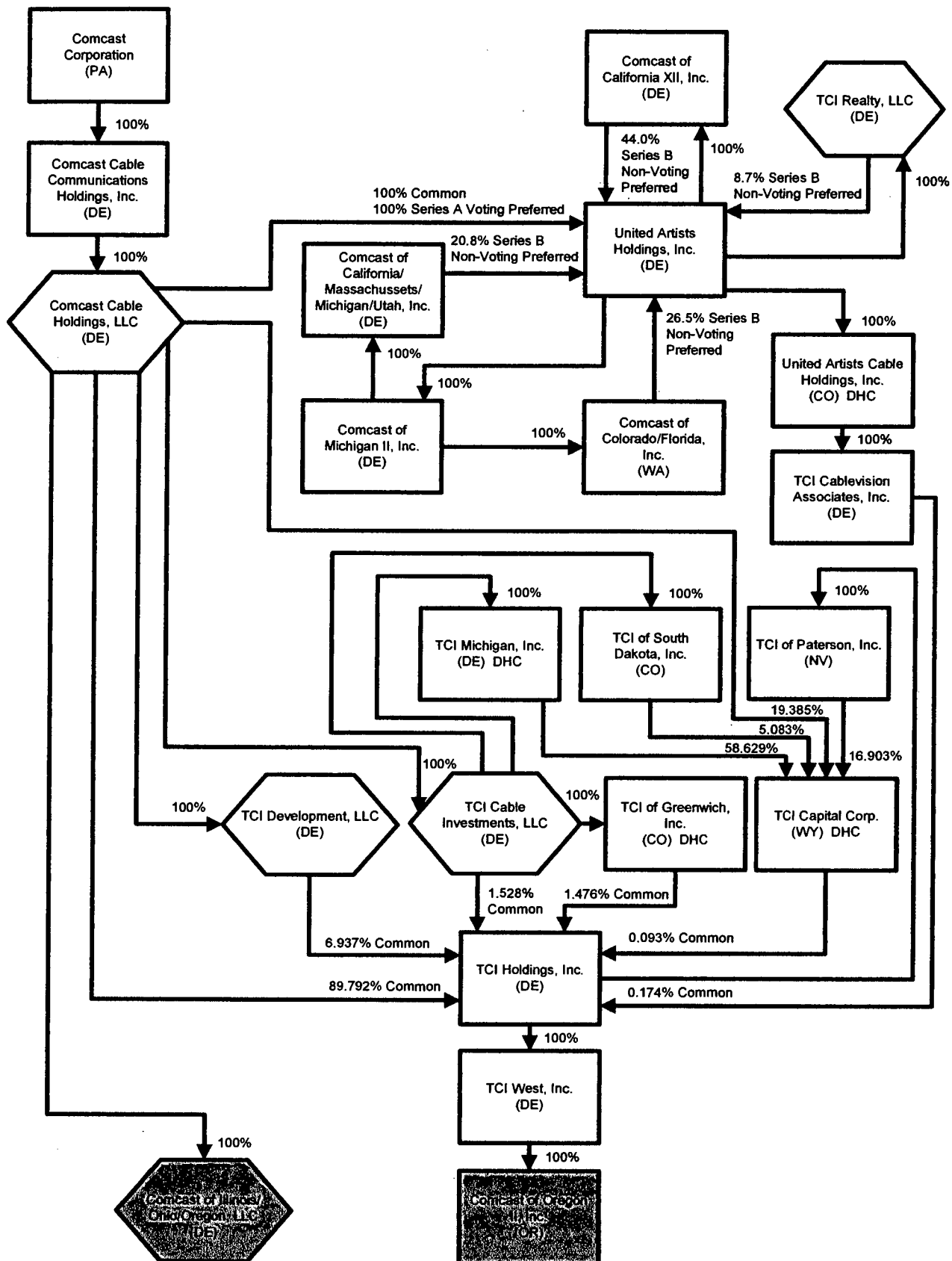
You also requested information on what cable systems or geographic areas are owned or controlled by Comcast as stated in the most recent SEC10k filing. As indicated in the organizational chart, Comcast Corporation is the parent company for the local franchisees. Comcast Corporation's consolidated cable operations serve 21.5 million subscribers in 35 states.

Please feel free to contact me at 503-605-6352 with any further questions.

Cordially,

Kevin Bell
Senior Director, Government Affairs

Cc: Curt Henninger, Comcast
Debbie Luppold, Comcast





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-4
Est. Start Time: 10:00 AM
Date Submitted: 06/15/05

Agenda Title: RESOLUTION Approving Amendment to East County Cable Franchise Agreement with AT&T Comcast Corporation to Include All Unincorporated Multnomah County

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

Date Requested:	June 23, 2005	Time Requested:	5 min.
Department:	Non-Departmental	Division:	Commission District 2
Contact(s):	Serena Cruz, Commissioner District 2		
Phone:	503-988-5219	Ext.	I/O Address: 503/600
Presenter(s):	Julie S. Omelchuck, Program Mgr, MHCRC and Irma Valdez, MHCRC County Rep		

General Information

1. What action are you requesting from the Board?

Approve resolution amending East County Cable Franchise Agreement With Comcast Corporation to Include All Unincorporated Multnomah County

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

The Multnomah County franchise agreement with AT&T Comcast Corporation (Comcast), for areas of the County located west of the Willamette River, expires July 1, 2005. The area includes about 1,450 subscribers. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by intergovernmental agreement to carry out cable regulation and administration on behalf of Multnomah County and the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village (Jurisdictions). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.

The Multnomah County franchise agreement with AT&T Comcast Corporation (Comcast), for areas

of the County located west of the Willamette River, expires July 1, 2005. The area includes about 1,450 subscribers. Since October 2004, MHCRC staff and Comcast have been discussing options to include this small area within the context of a franchise with a larger subscriber base. The two possibilities discussed were the West Portland franchise and the East Multnomah franchise. MHCRC Staff and Comcast have agreed that extending the East Multnomah franchise to include all unincorporated areas throughout the County made the most sense.

Essentially, West Multnomah cable subscribers and community stakeholders would see no change in services with one exception. Currently, the West Multnomah franchise includes a flat fee of \$1 per month for PEG capital support. The East Multnomah franchise includes a PEG fee based on three percent of the company's gross revenues. Comcast itemizes this fee on cable subscribers' bills which amounts to approximately \$1.32 for standard cable service. Therefore, starting with the July 1 billing cycle, subscribers in the West Multnomah area would see an increase in this itemized fee of about \$.32 (more or less depending on service level).

In December 2004, MHCRC staff met with Multnomah County Commissioner Serena Cruz (the County's liaison to the MHCRC) to brief her and receive feedback about the proposed approach for the west Multnomah area. MHCRC Staff also informed her of the potential increase in the PEG fee. Commissioner Cruz supported the approach and believed it would provide consistent services and regulatory protections for all residents of the County. MHCRC Staff also has briefed the County's MHCRC representative, Irma Valdez, as the issues progressed.

The MHCRC unanimously recommended that the County extend the East Multnomah franchise agreement to incorporate all of unincorporated Multnomah County on May 16, 2005, by MHCRC Resolution No. 2005-03. MHCRC staff and Comcast have acknowledged that a process to evaluate an upgrade of the cable system serving areas west of the Willamette River have not been undertaken, and any such evaluation would still occur within the context of the broader upgrade evaluation and certification process for the Westside cablesystem under Section 11A of the franchise agreement for West Portland. This agreement is incorporated as a condition in Comcast's acceptance of this resolution.

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

None

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

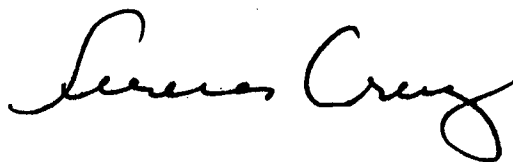
None

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

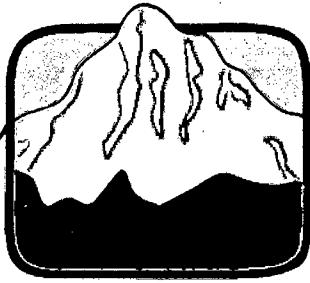
N/A

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05



MT. HOOD CABLE REGULATORY COMMISSION

1120 SW Fifth Ave. #1305 • Portland, OR 97204

Phone: (503) 823-5385 • Fax (503) 823-5370

Email: www.mhcr.org

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale and Wood Village

COVER SHEET - AGENDA ITEM #10

For Commission Meeting: May 16, 2005

**“Resolution 2005-03: Amending the East Multnomah Cable Services Franchise
to extend to all unincorporated areas of Multnomah County”**

Recommendation:

Staff recommends that the Commission approve Resolution 2005-03 recommending that Multnomah County amend its East Multnomah franchise agreement to extend to all unincorporated Multnomah County areas.

Background:

The Multnomah County franchise agreement, for areas of the County located west of the Willamette River, expires July 1, 2005. The area includes about 1,450 subscribers. Since October 2004, staff and Comcast have been discussing options to include this small area within the context of a franchise with a larger subscriber base. The two possibilities discussed were the West Portland franchise and the East Multnomah franchise. Staff and Comcast have agreed that extending the East Multnomah franchise to include all unincorporated areas throughout the County made the most sense.

Essentially, West Multnomah cable subscribers and community stakeholders would see no change in services with one exception. Currently, the West Multnomah franchise includes a flat fee of \$1 per month for PEG capital support. The East Multnomah franchise includes a PEG fee based on three percent of the company's gross revenues. Comcast itemizes this fee on cable subscribers' bills which amounts to approximately \$1.32 for standard cable service. Therefore, starting with the July 1 billing cycle, subscribers in the West Multnomah area would see an increase in this itemized fee of about \$.32 (more or less depending on service level).

In December 2004, staff met with Multnomah County Commissioner Serena Cruz (the County's liaison to the MHCRC) to brief her and receive feedback about the proposed approach for the west Multnomah area. Staff also informed her of the potential increase in the PEG fee. Commissioner Cruz supported the approach and believed it would provide consistent services and regulatory protections for all residents of the County. Staff also has briefed the County's MHCRC representative, Irma Valdez, as the issues progressed.

If the MHCRC were to accept the staff recommendation, staff and the MHCRC legal counsel would work with the County's legal counsel to draft documents for County Commission consideration and Comcast acceptance. The MHCRC would present the recommendation to the County Commission during the same meeting as consideration of the MHCRC proposed budget in June.

Attachment: Draft Res. 2005-03

Prepared by: Julie S. Omelchuck
May 10, 2005

**Before the Mt. Hood Cable Regulatory Commission
1211 SW Fifth Avenue, Room 1305
Portland, OR 97204**

Recommending Amendments to	)	Resolution No. 2005-03
Cable Services Franchise	)	Adopted: May 16, 2005
To Extend the East Multnomah County)	
Franchise to Incorporate all of)	
Unincorporated Multnomah County)	

Section 1. Findings.

- 1.1 The Mt. Hood Cable Regulatory Commission ("Commission" or "MHCRC") was created by Intergovernmental Agreement (dated December 24, 1992) ("IGA") to carry out cable regulation and administration on behalf of Multnomah County and the cities of Portland, Gresham, Troutdale, Fairview, and Wood Village ("the Jurisdictions"). Among other things, the Commission acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.
- 1.2 Multnomah County ("County") entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997 and expiring on July 1, 2005, in order for the company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River ("West Multnomah franchise agreement"). The County approved an ownership transfer of the West Multnomah franchise agreement to Comcast Corporation on June 13, 2002.
- 1.3 The County entered into a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998 and expiring on December 31, 2010, in order for the company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River ("East Multnomah franchise agreement"). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast Corporation on June 13, 2002.
- 1.4 The Commission has determined that the public interest would be served by providing consistency among cable services and public benefits provided for in applicable cable franchise provisions for all Multnomah County residents.
- 1.5 The Commission has determined that amending the current East Multnomah franchise agreement to encompass those portions of unincorporated Multnomah County now covered by the West Multnomah franchise agreement upon expiration would serve these public interest goals.

- 1.6 The Commission staff and Comcast have discussed and agreed on the proposed amendments to the East Multnomah franchise agreement to extend the service area under this franchise to include all of unincorporated Multnomah County.
- 1.7 The Commission staff and Comcast also acknowledge that a process to evaluate the upgrade of the cable system serving areas west of the Willamette River has not yet been undertaken and that any evaluation of the cable system for the service areas currently covered by the West Multnomah franchise would still occur within the context of the broader upgrade evaluation and certification process for the Westside cablesystem under Section 11A of the franchise agreement for West Portland.

Section 2. NOW, THEREFORE THE COMMISSION RESOLVES:

- 2.1 The Commission recommends that the Multnomah County Commission amend its cable services franchise currently applicable to unincorporated Multnomah County east of the Willamette River to apply throughout the County, including areas under the West Multnomah cable services franchise which expires July 1, 2005. The specific amendments recommended by the Commission are set out below.
- 2.2 The Commission recommends that the Multnomah County Commission amend Section 3.30 of the East Multnomah cable services franchise agreement as follows:

3.30 "Franchise Area" means the territory within the boundaries of the cities of Fairview, Wood Village, Troutdale, and Gresham, together with all territory within the boundaries of Multnomah County ~~east of the Willamette River and the Multnomah Channel~~ not included within the territory of any incorporated city. ~~This definition of the Franchise Area includes all of Sauvie Island and any territory east of the Willamette River which is surrounded by the City of Portland.~~

ADOPTED BY THE COMMISSION on May 16, 2005.

R. C. Goheen, Chair

Reviewed by:

Benjamin Walters, Legal Counsel

Written acceptance.

(1) Within _____ days after passage of this ordinance by the City Council, Transferee and its parent corporations shall file a written acceptance of this ordinance. The acceptance shall be in the form attached hereto as Exhibit A. Transferee and its parent corporations shall file such written acceptance with the City's Office of Cable Communications and Franchise Management (MHCRC office).

(2) Such acceptance (Exhibit A) shall be unqualified and shall be construed to be an acceptance of all the terms, conditions and restrictions contained in this ordinance.

(3) Transferee's failure, refusal or neglect to file such written acceptance within such time shall constitute an abandonment and rejection of the rights and privileges conferred hereby.

c. Denial of transfer application. If for any reason Transferee fails, refuses or neglects to file the written acceptance as provided in Subsection b, the City of Portland (Jurisdiction) denies Transferee's request for a change in control of the Paragon/Portland (Paragon/Multnomah) franchise.

City Auditor
City of Portland, City Hall
1220 SW Fifth Avenue
Portland, OR 97204

This is to advise the City of Portland, Oregon (the "City") that _____
(Grantee) hereby accepts the terms and provisions of Ordinance No. _____, passed by the City
Council on the _____ day of _____, _____ granting a
temporary, revocable permit to the Grantee. In consideration for the benefits to be received thereunder,
Paragon unqualifiedly agrees to abide by each and every term of such permit.

BY

TITLE

DATE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Amendment to East County Cable Franchise Agreement With AT&T Comcast Corporation to Include All Unincorporated Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by intergovernmental agreement (dated 12/24/92 and amended March 1998) to carry out cable regulation and administration on behalf of Multnomah County and the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village (Jurisdictions). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.
- b. Multnomah County entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River (West Multnomah franchise agreement). The County approved an ownership transfer of the West Multnomah franchise agreement to AT&T Comcast Corporation (Comcast or Franchisee) by Resolution 02-089 on June 13, 2002. The West Multnomah franchise agreement expires on July 1, 2005.
- c. On February 18, 1998, by Resolution 98-18, Multnomah County approved a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River (East Multnomah franchise agreement). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast by Resolution 02-089 on June 13, 2002. The East Multnomah franchise agreement expires on December 31, 2010.
- d. In anticipation of the expiration of the West Multnomah franchise agreement, the MHCRC and its staff have been negotiating on behalf of Multnomah County for renewal of the franchise. In these negotiations, MHCRC staff and Comcast's representatives discussed amending the East Multnomah franchise agreement to extend the service area to include all of unincorporated Multnomah County. MHCRC staff and Comcast's representatives agreed upon proposed amendments to carry out this extension and acknowledged that:
 - a process to evaluate the upgrade of the cable system serving areas west of the Willamette River has not yet been undertaken, and
 - any evaluation of the cable system upgrade for service areas currently covered by the West Multnomah County franchise would still occur within the context of the broader upgrade evaluation and certification process for the Westside cable system under Section 11A of the franchise agreement for West Portland.

- e. At a public hearing on May 16, 2005, the MHCRC considered staff's recommendation and determined that amending the East Multnomah franchise agreement to encompass all unincorporated Multnomah County would serve the public interest and provide for uniformity and consistency among cable services and public benefits for all residents of unincorporated Multnomah County.
- f. On May 16, 2005, the MHCRC unanimously recommended that Multnomah County amend the East Multnomah franchise agreement to include unincorporated Multnomah County west of the Willamette River, including areas under the West Multnomah cable services franchise that expires July 1, 2005.

The Multnomah County Board of Commissioners Resolves:

- 1. Effective July 1, 2005, subject to the conditions set out in the acceptance form attached as Exhibit A to this resolution, Multnomah County approves the following amendment to Section 3.30 of the East Multnomah franchise agreement entered into between Multnomah County and KBL Multnomah Cablesystems, LP., as transferred to AT&T Comcast Corporation by Resolution 02-089 (language stricken is deleted):

"Franchise Area" means the territory within the boundaries of the cities of Fairview, Wood Village, Troutdale, and Gresham, together with all territory within the boundaries of Multnomah County ~~east of the Willamette River and the Multnomah Channel~~ not included within the territory of any incorporated city. ~~This definition of the Franchise Area includes all of Sauvie Island and any territory east of the Willamette River which is surrounded by the City of Portland.~~

- 2. Written Acceptance.
 - a. Within 30 days after adoption of this resolution, Franchisee and Franchisee's guarantor, (TCI West, Inc. or Comcast Corporation, the ultimate parent corporation of the local franchisee as substitute guarantor for TCI West, Inc.) must file a written, executed acceptance of this resolution. The acceptance must be in the form attached as Exhibit A filed with Multnomah County, with a duplicate to be sent to the Office of Cable Communications and Franchise Management as staff for the MHCRC.
 - b. Such executed acceptance must be unqualified and must be construed to be an acceptance of all the terms, conditions and restrictions contained therein.
 - c. The failure, refusal or neglect by Franchisee and Franchisee's guarantor to file such written acceptance by such time will constitute an abandonment and rejection of the rights and privileges conferred by this resolution.

3. If for any reason Franchisee and Franchisee's guarantor refuse or neglect to file the written acceptance as provided above, the amendment to the East Multnomah franchise agreement will then be deemed denied without further action by any party.

ADOPTED this 23rd day of June 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Agnes Sowle, County Attorney

**EXHIBIT A
ACCEPTANCE**

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

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1. Franchisee acknowledges that:
 - a process to evaluate the upgrade of the cable system serving areas west of the Willamette River has not yet been undertaken as required under Section 11A of the West Multnomah franchise agreement referenced in the resolution that is the subject of this Acceptance, and
 - any evaluation of the cable system upgrade for service areas west of the Willamette River would still occur within the context of the broader upgrade evaluation and certification process for the Westside cable system under Section 11A of the franchise agreement for West Portland.
2. Franchisee and Franchisee's guarantor specifically acknowledge and expressly accept that Multnomah County does not waive and expressly reserves all legal rights and authority in regard to any and all non compliance under the applicable franchises that may now exist or may later be discovered to have existed during the term of the franchises, even if prior to the amendments authorized by the resolution that is the subject of this Acceptance.

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Franchisee:

AT&T COMCAST CORPORATION

BY _____
NAME _____
TITLE _____

State of _____)
County of _____) ss.

This Acceptance was acknowledged before me on the ____ day of _____, 2005,
by _____ as _____, a duly authorized
officer of AT&T COMCAST CORPORATION.

Notary Public for _____
My Commission Expires _____

Franchisee's Guarantor:

COMCAST CORPORATION

BY _____
NAME _____
TITLE _____

State of _____)
County of _____) ss.

This Acceptance was acknowledged before me on the ____ day of _____, 2005,
by _____ as _____, a duly authorized
officer of AT&T COMCAST CORPORATION.

Notary Public for _____
My Commission Expires _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-114

Approving Amendment to East County Cable Franchise Agreement with AT&T Comcast Corporation to Include All Unincorporated Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by intergovernmental agreement (dated 12/24/92 and amended March 1998) to carry out cable regulation and administration on behalf of Multnomah County and the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village (Jurisdictions). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.
- b. Multnomah County entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River (West Multnomah franchise agreement). The County approved an ownership transfer of the West Multnomah franchise agreement to AT&T Comcast Corporation (Comcast or Franchisee) by Resolution 02-089 on June 13, 2002. The West Multnomah franchise agreement expires on July 1, 2005.
- c. On February 18, 1998, by Resolution 98-18, Multnomah County approved a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River (East Multnomah franchise agreement). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast by Resolution 02-089 on June 13, 2002. The East Multnomah franchise agreement expires on December 31, 2010.
- d. In anticipation of the expiration of the West Multnomah franchise agreement, the MHCRC and its staff have been negotiating on behalf of Multnomah County for renewal of the franchise. In these negotiations, MHCRC staff and Comcast's representatives discussed amending the East Multnomah franchise agreement to extend the service area to include all of unincorporated Multnomah County. MHCRC staff and Comcast's representatives agreed upon proposed amendments to carry out this extension and acknowledged that:
 - a process to evaluate the upgrade of the cable system serving areas west of the Willamette River has not yet been undertaken, and
 - any evaluation of the cable system upgrade for service areas currently covered by the West Multnomah County franchise would still occur within the context of the broader upgrade evaluation and certification process for the Westside cable system under Section 11A of the franchise agreement for West Portland.

- e. At a public hearing on May 16, 2005, the MHCRC considered staff's recommendation and determined that amending the East Multnomah franchise agreement to encompass all unincorporated Multnomah County would serve the public interest and provide for uniformity and consistency among cable services and public benefits for all residents of unincorporated Multnomah County.
- f. On May 16, 2005, the MHCRC unanimously recommended that Multnomah County amend the East Multnomah franchise agreement to include unincorporated Multnomah County west of the Willamette River, including areas under the West Multnomah cable services franchise that expires July 1, 2005.

The Multnomah County Board of Commissioners Resolves:

- 1. Effective July 1, 2005, subject to the conditions set out in the acceptance form attached as Exhibit A to this resolution, Multnomah County approves the following amendment to Section 3.30 of the East Multnomah franchise agreement entered into between Multnomah County and KBL Multnomah Cablesystems, LP., as transferred to AT&T Comcast Corporation by Resolution 02-089 (language stricken is deleted):

"Franchise Area" means the territory within the boundaries of the cities of Fairview, Wood Village, Troutdale, and Gresham, together with all territory within the boundaries of Multnomah County ~~east of the Willamette River and the Multnomah Channel~~ not included within the territory of any incorporated city. ~~This definition of the Franchise Area includes all of Sauvie Island and any territory east of the Willamette River which is surrounded by the City of Portland.~~

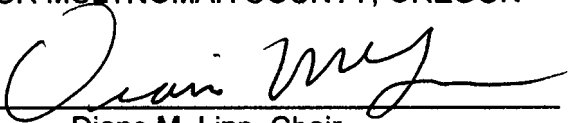
- 2. Written Acceptance.
 - a. Within 30 days after adoption of this resolution, Franchisee and Franchisee's guarantor, (TCI West, Inc. or Comcast Corporation, the ultimate parent corporation of the local franchisee as substitute guarantor for TCI West, Inc.) must file a written, executed acceptance of this resolution. The acceptance must be in the form attached as Exhibit A filed with Multnomah County, with a duplicate to be sent to the Office of Cable Communications and Franchise Management as staff for the MHCRC.
 - b. Such executed acceptance must be unqualified and must be construed to be an acceptance of all the terms, conditions and restrictions contained therein.
 - c. The failure, refusal or neglect by Franchisee and Franchisee's guarantor to file such written acceptance by such time will constitute an abandonment and rejection of the rights and privileges conferred by this resolution.

3. If for any reason Franchisee and Franchisee's guarantor refuse or neglect to file the written acceptance as provided above, the amendment to the East Multnomah franchise agreement will then be deemed denied without further action by any party.

ADOPTED this 23rd day of June 2005.

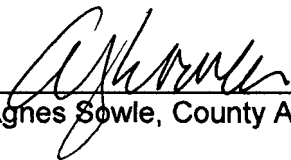


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

**EXHIBIT A
ACCEPTANCE**

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

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1. Franchisee acknowledges that:
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Franchisee:

AT&T COMCAST CORPORATION

BY _____
NAME _____
TITLE _____

State of _____)
County of _____) ss.

This Acceptance was acknowledged before me on the ____ day of _____, 2005,
by _____ as _____, a duly authorized
officer of AT&T COMCAST CORPORATION.

Notary Public for _____
My Commission Expires _____

Franchisee's Guarantor:

COMCAST CORPORATION

BY _____
NAME _____
TITLE _____

State of _____)
County of _____) ss.

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by _____ as _____, a duly authorized
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Notary Public for _____
My Commission Expires _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RECEIVED
JUN 21 2005

RESOLUTION NO. 05-114

OFFICE OF CABLE COMMUNICATIONS
(CITY OF PORTLAND)

Approving Amendment to East County Cable Franchise Agreement with AT&T Comcast Corporation to Include All Unincorporated Multnomah County

The Multnomah County Board of Commissioners Finds:

- a. The Mt. Hood Cable Regulatory Commission (MHCRC) was created by intergovernmental agreement (dated 12/24/92 and amended March 1998) to carry out cable regulation and administration on behalf of Multnomah County and the Cities of Portland, Gresham, Troutdale, Fairview and Wood Village (Jurisdictions). Among other things, the MHCRC acts in an advisory capacity to the Jurisdictions in connection with cable franchise renewals, extensions and expirations.
- b. Multnomah County entered into a cable services franchise agreement with TCI Cablevision of Oregon, Inc., effective July 1, 1997, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located west of the Willamette River (West Multnomah franchise agreement). The County approved an ownership transfer of the West Multnomah franchise agreement to AT&T Comcast Corporation (Comcast or Franchisee) by Resolution 02-089 on June 13, 2002. The West Multnomah franchise agreement expires on July 1, 2005.
- c. On February 18, 1998, by Resolution 98-18, Multnomah County approved a cable services franchise agreement with KBL Multnomah Cablesystems, LP., effective May 23, 1998, authorizing the cable company to construct, operate and maintain a cable system in the areas of unincorporated Multnomah County located east of the Willamette River (East Multnomah franchise agreement). The County approved an ownership transfer of the East Multnomah franchise agreement to Comcast by Resolution 02-089 on June 13, 2002. The East Multnomah franchise agreement expires on December 31, 2010.
- d. In anticipation of the expiration of the West Multnomah franchise agreement, the MHCRC and its staff have been negotiating on behalf of Multnomah County for renewal of the franchise. In these negotiations, MHCRC staff and Comcast's representatives discussed amending the East Multnomah franchise agreement to extend the service area to include all of unincorporated Multnomah County. MHCRC staff and Comcast's representatives agreed upon proposed amendments to carry out this extension and acknowledged that:
 - a process to evaluate the upgrade of the cable system serving areas west of the Willamette River has not yet been undertaken, and
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- e. At a public hearing on May 16, 2005, the MHCRC considered staff's recommendation and determined that amending the East Multnomah franchise agreement to encompass all unincorporated Multnomah County would serve the public interest and provide for uniformity and consistency among cable services and public benefits for all residents of unincorporated Multnomah County.
- f. On May 16, 2005, the MHCRC unanimously recommended that Multnomah County amend the East Multnomah franchise agreement to include unincorporated Multnomah County west of the Willamette River, including areas under the West Multnomah cable services franchise that expires July 1, 2005.

The Multnomah County Board of Commissioners Resolves:

1. Effective July 1, 2005, subject to the conditions set out in the acceptance form attached as Exhibit A to this resolution, Multnomah County approves the following amendment to Section 3.30 of the East Multnomah franchise agreement entered into between Multnomah County and KBL Multnomah Cablesystems, LP., as transferred to AT&T Comcast Corporation by Resolution 02-089 (language stricken is deleted):

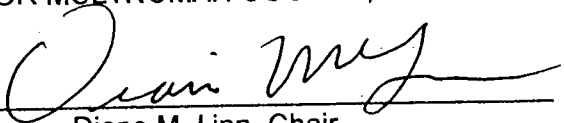
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ADOPTED this 23rd day of June 2005.

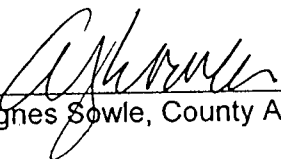


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

**EXHIBIT A
ACCEPTANCE**

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

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Franchisee:

AT&T COMCAST CORPORATION

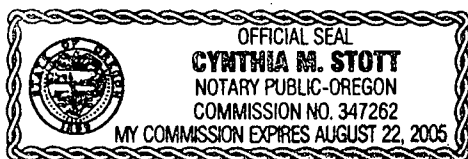
BY Curt Henninger

NAME CURT HENNINGER

TITLE SENIOR VICE PRESIDENT

State of Oregon)
County of Washington) ss.

This Acceptance was acknowledged before me on the 22nd day of July, 2005, by Curt Henninger as _____, a duly authorized officer of AT&T COMCAST CORPORATION.



Cynthia M. Stott
Notary Public for Oregon
My Commission Expires Aug 22, 2005

Franchisee's Guarantor:

COMCAST CORPORATION

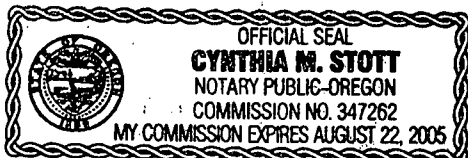
BY Curt Henninger

NAME CURT HENNINGER

TITLE SENIOR VICE PRESIDENT

State of Oregon)
County of Washington) ss.

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Cynthia M. Stott
Notary Public for Oregon
My Commission Expires Aug 22, 2005



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-5
Est. Start Time: 10:05 AM
Date Submitted: 06/15/05

BUDGET MODIFICATION: -

RESOLUTION Accepting the Portland Children's Investment Fund Allocation Plan for After School and Mentoring Programs, and Providing Advice and Counsel to the City of Portland Concerning the Recommendations, and
Agenda Title: Providing Advice and Counsel to the City of Portland Concerning the Recommendations

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

Date Requested: June 23, 2005 **Time Requested:** 15 minutes
Department: Non-Departmental **Division:** Commissioner Lisa Naito
Contact(s): Terri Naito
Phone: 503 988-5217 **Ext.** 84105 **I/O Address:** 503/600
Presenter(s): Commissioner Lisa Naito, Lisa Pellegrino, Children's Investment Fund

General Information

1. What action are you requesting from the Board?

Request by Commissioner Naito that the Board of County Commissioners accepts the recommendations of the Children's Initiative Fund Allocation Committee and provide advice and counsel concerning the Children's Levy Allocation Plan for After School and Mentoring Programs.

It is recommended that the Board approve the Resolution to accept the Allocation Plan.

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

In 2002 the citizens of the City of Portland passed a five-year property tax levy to fund children's programs within the City. The City of Portland and Multnomah County entered into an intergovernmental agreement to ensure that the funds received from the levy are allocated in a manner complementary with a coordinated, comprehensive plan and to ensure accountability and equity throughout the system. As part of the agreement the City of Portland created the Allocation

Fund Committee which provides citizen oversight of the Levy, and makes recommendations regarding allocation of Levy revenues via an Allocation Plan. The Board of County Commissioners Board, through its expertise and experience in children's policy and administration, provides the City Council with advice and counsel regarding the Allocation Plan. The Board approved and provided counsel on three earlier rounds of allocations. Round one targeted early childhood care and education programs, round two allocations focused on programs serving abused and neglected children. Round three concentrated on after school and mentoring programs.

The Allocation Fund Committee decided to issue a fourth round of funding in 2005 for several reasons: tax receipts for FY04/05 were higher than expected leading to availability of additional funds. Also, the Committee had previously decided that all grants would end on June 30, 2008. As a result, funding was distributed over an extended period of several months during the first year of operations, resulting essentially in "excess" funds that were collected but not allocated during FY 03/04.

This fourth round of allocations will again concentrate on after school and mentoring programs.

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

There is currently no fiscal impact to County government and administration; however, there may be individual departmental impacts according to the specific allocation recommendations of the Plan.

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

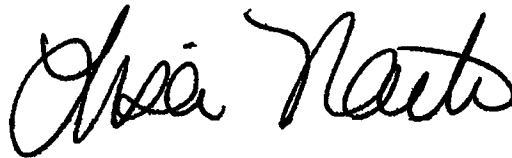
No legal issues are involved. Policy issues are not expected.

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

This is a multi-jurisdictional effort that has involved many community stakeholders.

Required Signatures

**Department/
Agency Director:**



Date: 6/15/05

Budget Analyst:

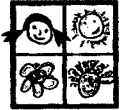
Date:

Department HR:

Date:

Countywide HR:

Date:



portland children's investment fund

Request for Investment in After School and Mentoring Programs

I. Guidelines and Requirements

Introduction

In November 2002, Portland voters passed Measure 26-33, known as the Portland Children's Initiative. The measure established the Portland Children's Investment Fund (CHIF). Depending upon annual tax receipts, CHIF will invest up to \$10 million per year beginning in fiscal year 2003/2004 and ending in fiscal year 2007/2008 to support proven programs in the City of Portland that help prepare young children for school, prevent child abuse and neglect, and provide safe and constructive before and after school alternatives and mentoring relationships for children.

The CHIF seeks to increase the capacity for selected programs to deliver services and to implement proven programs/promising practices, thereby improving outcomes for young people and for the community. These improved outcomes may be reflected in increased school success and graduation rates, decreased juvenile crime and substance abuse rates, and lower rates of child maltreatment.

Objective of this Request for Investment (RFI)

The CHIF is being implemented in several phases. In the fourth phase, currently underway through this Request for Investment, the CHIF will invest in before and after-school programs and mentoring programs that promote academic achievement, reduce the number of juveniles victimized by crime and increase graduation rates.

Community Input

In March 2004, the CHIF hosted a Community Gathering of approximately 120 people to identify the following:

- High priority community needs
- Barriers that must be addressed to reach more children with needed services
- Best practices for engaging identified populations in before and after school programs
- Appropriate program level outcomes

A summary of the prioritized community needs and service gaps and the highest priority barriers to reaching more children in both the after-school and mentoring program areas is attached hereto as Exhibit A.

Funding Guidelines

Available Funding and Funding Limitations

Approximately \$2,000,000 will be available for a 36-month period. Of the \$2,000,000 available, \$1,000,000 will be invested in applicant organizations with revenues for the last closed fiscal year of \$1,000,000 or less. The remaining \$1,000,000 in available funds will be invested in applicant organizations with revenues for the last closed fiscal year of more than \$1,000,000. Individual investments will be capped at \$500,000 per year, per organization.

Applicants must demonstrate that CHIF funding will comprise no more than 30% of the applicant's revenues for its last closed fiscal year. Applicants must include any funding they are currently receiving from CHIF, as well as the funding they are requesting pursuant to this RFI in calculating this amount.

If the applicant for funds under this RFI has previously received CHIF funding for after-school and/or mentoring programs through grants funded as of July 1, 2004, and the applicant's fiscal year is July through June, CHIF will use the current operating year revenue total to calculate maximum funding available to the applicant. In this case, CHIF will consider only confirmed sources of revenue.

Designation of Applicant

Applicants must designate whether they are applying for CHIF funds as a mentoring program or as a before and/or after-school program in the Program Description section of the Application. If a single organization intends to apply for funding to deliver both types of services, two separate applications must be submitted.

Summer Program Funding For After-School Programs Excluded

CHIF funds cannot be used to support the summer portion of year round after-school programs UNLESS the summer program is scheduled after a summer school program at an accredited educational institution. Year-round funding is available for mentoring programs.

Eligible Service Population for Before and/or After-School Programs

CHIF funding for before and/or after-school programs may only be used to serve children in the 4th through 8th grades.

Mentoring Program Requirements

Mentoring program applicants may serve children aged 5-18. Mentoring program applicants must demonstrate that they provide a consistent, structured, stable relationship between a child and a caring role model that:

- Involves regular, personal, face-to-face meetings, AND
- Is focused on developing the character, capabilities and confidence of the young person, AND
- Has duration of commitment of one academic year or longer.

Mentoring program applicants must demonstrate that they are **EITHER** members of Oregon Mentors or meet Oregon Mentors' Quality Assurance Standards Nos. 4 through 8 in the attached Exhibit B.

Targets for Investment

The CHIF intends to focus its investments on services that address the achievement gap, that serve low income families and children or those who otherwise could not afford to participate in after-school programs, and on culturally competent and culturally specific services. Programs providing services outside these focus areas will also be considered.

Duration of Investment

CHIF funding is available for 36 months of service provision beginning July 1, 2005 and ending June 30, 2008.

City of Portland Residency

All beneficiaries of CHIF investments (i.e. children served) must be residents of the City of Portland.

Eligible Forms of Assistance

Proposed programs should directly serve children and families.

City of Portland Rules and Guidelines

Funded organizations will be required to follow City of Portland EEO hiring guidelines and contracting rules¹, provide proof of liability, automobile and workers compensation insurance and provide additional assurances as required by CHIF staff.

Connection of Program to Relevant Community and School Plans

The CHIF is interested in whether and how the program proposed by the applicant is connected to existing community and school plans such as school district strategic plans, individual school improvement plans, and Multnomah County's School Aged Policy Framework. The CHIF is also interested in whether and how the applicant organization will collaborate with existing service providers at school sites if the applicant proposes to deliver services at a school site(s).

In a maximum of one page, identify community, school and/or school district plans relevant to delivery of the proposed program, and describe how the proposed services fit into relevant plans. If applicable, describe how the applicant organization will collaborate with existing service providers at individual school sites.

¹ PCC 3.100.005 provides in part: It is unlawful to discriminate on the basis of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation or source of income in programs, activities, services, benefits, and employment whether carried out by the City of Portland, directly or through a contractor or any other entity with whom the City of Portland arranges to carry out its programs and activities except as allowed by federal law, rules and regulations.

Application Components

Application Cover Sheet

Applicants must include a complete application coversheet using the form attached in Exhibit C.

Application Data Summary Form

Applicants must complete and submit the Application Data Summary Form (Exhibit D). Definitions and Instructions for filling out this form can be found in Exhibit E.

Narrative Response and Formatting Requirements

Applicants must submit responses to each numbered section and lettered subsection of the RFI. Narrative responses must be formatted as follows:

- One-inch margins on each page
- No less than 12-point type
- Page number and program name listed at the bottom of each page
- Comply with page limits listed for each section

Required Attachments

All applicants must submit the Checklist of Required Enclosures (Exhibit F) with the following documents:

- Proof of 501(c)(3) status (where applicable)
- Detailed Year 1, Year 2, and Year 3 proposed program budget including sources and uses for all funds using the attached budget form in Exhibit G.
- Annual organization-wide budgets for the applicant's current fiscal year, and for the applicant's most recent closed fiscal year. Budgets should include sources and uses for all funds.
- If the applicant has an annual budget for the last closed fiscal year of more than \$1 million, the applicant must submit a recent audited financial statement. If the applicant has an annual budget for the last closed fiscal year of less than \$1 million, the applicant is not required to submit an audited financial statement with the application, but will be required to obtain an audit prior to receiving any funding from CHIF.
- If the applicant is proposing to deliver services at school sites, the applicant must include a letter of support from the school(s) in which the applicant proposes to operate.

Failure to submit required enclosures may disqualify the application from consideration.

Application Process

Bidders' Conference

CHIF will hold a Bidders' Conference on March 17 from 3-5 pm in the Auditorium (2nd Floor) of the Portland Building located at 1120 SW 5th Avenue, Portland, OR. The bidders conference is not mandatory, but it is highly recommended that all potential applicants attend. The purpose of the Bidders' Conference is to review the requirements and necessary forms for the RFI, and answer any questions from potential applicants regarding the application components and/or process. Questions and answers from the bidders' conference will be available at www.childrensinvestmentfund.org within 5 business days after the Bidders' Conference.

Application Submission

Applications will be due at 5 pm on April 13, 2005. Applicants may submit their completed application electronically to Lisa Pellegrino the following email address: epellegrino@ci.portland.or.us. All attachments to the application must also be submitted electronically.

Alternatively, applicants may submit completed applications on a compact disc by delivering the compact disc to 319 SW Washington Ave., Ste. 310, Portland, OR 97204. All attachments to the application must be included on the compact disc.

No paper applications will be accepted and all applications must be received in person or electronically by 5 pm.

Applicant Interviews (Required)

All applicants will be required to attend an Allocation Committee Meeting on April 26, 2005. At this meeting, members of the Allocation Committee will ask applicants any questions they have identified after reviewing the applications. The meeting will be voice or video recorded. Both the Committee's questions and applicants' answers to the questions will be transmitted in writing to the review committees along with the full written application. Reviewers will be permitted to use the information provided in these interviews in scoring applications.

Review and Scoring

Each proposal will be scored by review committees composed of volunteers from CHIF's Evaluation Advisory Committee, the academic community, the business community, private foundation staff, government agency staff, non-profit staff and the community. These individuals will read, review, and score each proposal based on the criteria defined in the following Application Directions and on the applicant's responses to oral questions posed by the Allocation Committee.

The Allocation Committee is composed of one City of Portland Commissioner, one Multnomah County Commissioner, one representative of the business community, and two citizens with expertise in children's issues.

Funding Decisions

The Allocation Committee will make funding recommendations on May 31, 2005, solicit input on these recommendations from the Multnomah County Commission and submit final recommendations to the Portland City Council for consideration. Final funding decisions shall be made at the sole discretion of the Portland City Council. The offering of this RFI does not constitute a commitment to fund by the City of Portland or the CHIF.

Notification

The CHIF intends to notify all applicants of the results of the selection process promptly upon the decision of the City Council. It is anticipated that notification will occur no later than June 21, 2005, with contracts to begin on or about July 1, 2005.

Applicants selected for funding will receive written confirmation of selection. Funds will be available for use by selected projects after contract agreements with the City of Portland have been executed.

Questions or Comments

Questions or comments about this Request for Investment may be addressed to Lisa Pellegrino, Program Director, at epellegrino@ci.portland.or.us or 971.230.0352 ext. 310.

II. Application Directions

Rating Criteria and Instructions

Applicants must respond to each of the following numbered sections. Each numbered section below is worth a portion of 100 possible points. Please be clear and specific in your responses and assure that you have responded to all parts of the question. Applicants who fail to address a portion of the question will receive fewer points.

PLEASE USE A SEPARATE PAGE(S) FOR EACH RESPONSE AND LABEL EACH RESPONSE WITH THE SECTION TITLE AND NUMBER.

1. Program Description (20 points)

Please answers all subparts and label your responses to correspond to the appropriate subpart. [4 page maximum]

A. Program Details

Describe the proposed program and all of its components. Please include the following in your description:

- **Number Served:** The number of children you propose to serve with CHIF funds.
- **Capacity Increase:** How CHIF funds will increase the capacity of your program. Specifically address whether you are proposing to increase the number of children you are serving in a current program, proposing a new program, or proposing to enhance services to children you are currently serving. If applicable, delineate the number of new children CHIF funds will serve, as well as the number of children currently served for which you are seeking CHIF funding.
- **Current Service:** The number of children the program is currently serving (if not proposing a new program).
- **Description of Services:** A description of the services the children will receive. If applicable, please include a description of any services designed to raise the academic achievement of students who do not currently meet state academic benchmarks.
- **Service Intensity:** The hours of service you expect to deliver per child per month.
- **Cost per Child:** The cost per child per month for the service. If the program includes several components (e.g. a service enhancement and a capacity increase to serve more children; or different after school services at elementary schools and middle schools), please provide the cost per child per month for each component.
- **Duration of Service:** The total duration of the service e.g the academic year; 8 week session; until goals reached, average of 4 months.
- **Mentoring Programs Only:** If the proposed program is a mentoring program, the program description must demonstrate that the applicant provides a consistent, structured, stable relationship between a child and

a caring role model that involves regular, personal, face-to-face meetings, is focused on developing the character, capabilities and confidence of the young person, and has a duration of commitment of one academic year or longer.

Example: XYZ Mentoring program delivers one-on-one mentoring by volunteer high school students to middle school students. Mentoring activities include academic tutoring, recreational activities, and community service activities designed to improve academic performance, create a stable relationship in the student's life, and create opportunities for students to give to their communities. The duration of the mentors' commitment to students is one academic year at minimum. Each middle school student will receive 4 hours of mentoring per month. The cost per child per month is \$ABC. XYZ currently serves 25 children in its mentoring program. CHIF funds will allow XYZ to serve an additional 25 children per year (total 75), thereby increasing capacity 100%.

B. Community Need

Identify the community need and/or service gap from the appropriate program area list in Exhibit A that the applicant proposes to address, and describe how the program will meet the identified need of, or fill the identified service gap for the target population. Describe how the proposed program will overcome the barriers to meeting community needs that are identified in the appropriate program area list contained in Exhibit A.

C. Target Population and Geographic Service Area

Identify the target population and geographic area the program proposes to serve. If applicable, discuss whether and how the program provides services to low-income children and families. Describe how the applicant intends to reach out to the target population and recruit program participants. If you plan to deliver services at school sites, please list each of these sites. For your information, Exhibit J provides a list of all Portland area schools and their affiliation with the SUN schools program.

D. Family Involvement

Describe whether and how the proposed program involves the families of the participants.

E. Mentoring Programs Only

CHIF seeks to assure that applicants for funding for mentoring programs meet quality standards maintained by Oregon Mentors. Applicants can demonstrate that they meet Oregon Mentors Quality Assurance Standards 4 through 8 **EITHER** by demonstrating that they are a member of Oregon Mentors, or by describing in a maximum of 4 pages, how the applicant assures that it meets these standards. The Quality Assurance Standards are attached hereto as Exhibit B. Oregon Mentors' Quality Assurance Standards can also be found at www.oremotors.org.

Applicants will not receive points for their response to this request. Reviewers will only determine whether the applicant's proposal complies with Quality Assurance Standards Nos. 4-8.

Required Enclosures

If the applicant is proposing to deliver services at school sites, the applicant must include a letter of support from the schools in which the applicant proposes to operate.

2. Program Effectiveness and Evaluation (30 points)

The CHIF's goals in this investment round are to provide safe and constructive before and/or after-school alternatives for children, promote academic achievement, reduce the number of juveniles victimized by crime and increase graduation rates. In order to assure that funded programs contribute to the achievement of these high level outcomes, the CHIF is interested in investing in programs that can demonstrate that program participants achieve some or all of the following outcomes:

- School attendance improves or the number of unexcused absences decreases.
- Reading and math skills improve.
- Grades improve.
- Behavior referrals decrease.
- The developmental assets of program participants increases. A list of the 40 Developmental Assets based on the Search Institute's research is attached as Exhibit H for reference. The CHIF is most interested in assets related to caring adult relationships, positive attitudes toward school, and involvement in community.

A. Proven Programs/Promising Practices Model

The CHIF will invest in proven programs and promising practices shown to be effective in improving the lives of children and/or families. **Guidelines for defining "Proven Programs/Promising Practices" are attached as Exhibit I.**

In a maximum of 2 pages, please present and briefly discuss evidence of the program's effectiveness in producing positive outcomes for children and/or families. Applicants should describe and demonstrate how the program incorporates proven components and/or uses a proven model. The CHIF is most interested in evidence that supports the proposed program's ability to produce the positive outcomes listed above. Sources of evidence can include:

- Research literature
- Program reports that demonstrate past performance
- Program evaluations
- Journal articles or other sources

Please provide a bibliography of all sources cited or referred to in the body of your response. The bibliography does not count toward the page limit.

B. Data Collection and Evaluation

In a maximum of 2 pages, please provide the information requested below. In order to make the proposal easier to read and score, the narrative should follow the structure outlined below. Each section should include the titles listed below.

1. Program Outcomes

Describe which outcomes from the list above you will track, as well as any additional outcomes you will track. Please state the program outcomes in terms of the percentage of the children served that you expect to achieve each outcome that you track. Be sure to include the baseline measures you will use per outcome.

Example: 75% of children served will improve attendance in school during the time they participate in the program. Baseline is previous year's school attendance rate of children served.

2. Program Participation

Describe how you will track participation rates of children in your program and what the minimum level of participation of a student will be before outcomes will be tracked for the student.

Example: We track the program attendance rate for all students who enter XYZ after-school program. Students must participate in the program at least 50% of the days we offer services in order for us collect outcome data on the student.

3. Data Collection

State how and when you will collect data on the outcomes you are tracking.

Example: We collect school attendance data on program participants when they exit the program. We then obtain historical and current attendance rates for program participants from the student's school.

4. Measuring Progress

State how you will measure progress toward outcomes. If you have a logic model for program inputs and outcomes, please include it with your response to this question.

Example: We compare students' attendance rates from the previous school year to their current attendance rates during participation in our program. We look for changes, particularly improvements, in students' school attendances rates while they are participating in our program.

We understand some organizations have limited capacity to evaluate and report outcomes. Proposals should include provisions for as much of the information requested above as possible.

3. Program Budget, Budget Narrative and Cost Effectiveness (20 points)

A. Budget

All applicants must submit a detailed Year 1, Year 2 and Year 3 proposed program budget including sources and uses for all funds using the attached budget form in Exhibit G. Administrative costs are allowable based upon the following sliding scale:

- 5% for organizations with FY 2003-04 Annual Budgets over \$5 million;
- 8 % for organizations with FY 2003-04 Annual Budgets between \$2 million and \$4,999,999;
- 10% for organizations with FY 2003-04 Annual Budgets under \$2 million.
- Administrative expenses must be broken down by line item. Allowable administrative costs can include, but are not limited to the following: insurance, bookkeeping, accounting services, payroll, administrative support salaries, prorated administrative postage, janitorial services.

The following expenses will not be reimbursed by the CHIF:

- Out of town travel (unless training is required for a funded project);
- Computers;
- Phone systems or other significant office equipment;
- Fundraising expenses;
- Fees or dues to a statewide, national or international organization;
- Depreciation;
- Interest;
- Expenses categorized as "other" or otherwise not delineated.

Although not required, applicants are STRONGLY ENCOURAGED to seek and to provide evidence of matching funds and leveraged resources, which will maximize the effective delivery of the proposed proven program. There are no restrictions on the type of match or leverage that will be considered.

B. Cost Effectiveness and Budget Justification

Please provide the following information in narrative format in a maximum of 4 pages. In order to make the proposal easier to read and score, the narrative should follow the structure outlined below and each section should include the titles listed below.

Salaried and Hourly Personnel

List the job title, staff member name, (if known), part time or full time status, and percentage of that time working on the CHIF funded program. Indicate how this person is essential to the proposed program and why it is necessary for CHIF to pay this person's salary. List the salary or the hourly rate of pay for each position. List any fringe benefits and taxes related to the position.

Contracted Services

Please identify any community organization(s) that are proposed to receive funds as subcontractors under this proposal and briefly describe what services they will provide. Please break down how subcontractor funds will be spent. For any staff positions that will be funded through the subcontract, please include the position titles, percentage full-time equivalent that will be paid for with CHIF funds, and the hourly pay rate for each position.

Program Materials and Supplies

Please indicate what types of materials and supplies you will purchase for your program with CHIF funds and why they are necessary for the proposed work.

Other Program Expenses

Other program expenses can include, but are not limited to, prorated audit expenses incurred during contract term, rent, equipment leases, utilities, phone, and internet access expenses. Please provide a justification for each line item.

Evaluation Expenses

Applicants can charge up to 5% of their program cost for evaluation expenses. Please breakdown evaluation expenses you are requesting CHIF fund. If staff and or subcontractors are listed, describe their duties and explain why their time is necessary for data collection and/or evaluation.

Administrative Expenses

Please provide an explanation of all prorated administrative items listed here. Justify all staff positions listed here, showing the percentage FTE included in the funding request for CHIF and explaining the position responsibilities.

Other Program Funding

Please detail other sources of funding including the name of the organization, the amount of the funding, whether the funding has been committed or the request is pending, funding period and a brief description of how these funds will be used.

Non-Monetary Resources

Please provide a description of the resources that your organization owns or has access to through in-kind support that will contribute tot the success of the program. Examples include computers, facilities, program space, equipment, vehicles, volunteers, etc. Please also describe any elements of partnerships or collaborative relationships that the applicant believes enhances its cost-effectiveness e.g. donated or subsidized facilities, donations of staff time, location at a SUN Community School that provides a coordinator for extended day programs etc.

Required Enclosures

A detailed Year 1, Year 2 and Year 3 proposed program budget including sources and uses of all funds using the budget form attached as Exhibit G.

4. Organizational Capacity (15 points)

The CHIF is interested in investing in organizations that have sufficient capacity to successfully implement and maintain a cost effective, proven program. In a maximum of 2 pages, describe the organization's capacity to implement the proposed program including the following:

- Evidence of organizational track record of providing the type of service or actual service for which you are requesting CHIF funding.
- Evidence of organizational track record of providing services to the population you intend to serve with CHIF funds.
- A list of key staff involved in delivery of the proposed program, and their qualifications. At a minimum, all staff you are proposing CHIF fund must be listed.
- A description of how the proposed program fits into the organization's short and long-term strategic plans, and how the organization's current operations will be impacted by receipt of the requested CHIF funds.

Required Enclosures

- Annual organization-wide budgets for the current operating fiscal year, and the most recent closed fiscal year that include sources and uses of all funds. Please clearly state the starting and ending months of the organization's fiscal year.
- Recent audited financial statement if applicant has a budget for the last closed fiscal year of more than \$1 million.

5. Culturally Competent Services and Culturally Specific Organizations (15 points)

The CHIF is interested in funding organizations that deliver culturally competent services.

The CHIF is particularly interested in funding organizations that are culturally specific in the populations they serve as well as the services they provide. If the applicant considers itself to be culturally specific, please note this in your response to this section.

In a maximum of 2 pages, please respond to the questions and requests for information below. In order to make the proposal easier to read and score, the narrative should follow the structure outlined below and each section should include the titles listed below.

Definition of Cultural Competence: A society or organization that values diversity and provides for the full acceptance of cultural differences by establishing environments, resources, and supports that incorporate the strengths of different cultural groups in the design and implementation of public policy is culturally competent.

A. Service Delivery

1. Client Demographics

Describe the demographic characteristics of the population served by your organization in 2004 or the last closed fiscal year. Variables can include race, ethnicity, primary language spoken, income level, sexual orientation, developmental disability, physical disability, and any other uniquely identifiable population, etcetera.

Example:

Race

- 90% were white/Caucasian
- 10% were Other

Ethnicity

- 30% were Russian
- 30% were Latino
- 40% were Anglo/American

Primary Language

- 30% spoke Russian
- 20% spoke Spanish
- 10% spoke a variety of Mexican/Central American indigenous dialects
- 40% spoke English

Income Level

- 60% of children served were eligible for free or reduced price lunch

2. Staff Training

Describe how the organization trains staff to deliver culturally competent services to the cultural groups it serves. How frequently did staff attend cultural competency training last year? What effects did training have on service delivery?

3. Program Materials and Resources

Does the organization use program and resource materials based in the language and customs of the population(s) it serves? If so, describe the types of materials that are translated and/or adapted to be culturally relevant to the service population. Please specify which languages materials are translated into.

4. Client participation and service completion

Does the organization monitor participation rates and program completion rates for all participating cultural groups? If so, describe how it does so and what actions it takes if/when it is evident that certain cultural groups are not participating in or completing services in similar ratios to other client groups.

B. Staff and Governance

Please supply the following statistics about the organization's staff and board members from the last calendar year:

Percentage of the following people in the organization who identify with culturally diverse groups, as defined by demographics such as race, ethnicity, primary language spoken, income level, sexual orientation, disability, and any other uniquely identifiable population, etcetera:

- Program staff
- Administrative staff (senior management, executives, support staff)
- Board members

C. Community Engagement

1. Outreach to Culturally Diverse Groups

How does the organization recruit members of diverse cultural groups to participate in services? How does the organization recruit members of diverse cultural groups as employees, board members and volunteers? How does the organization assure that its outreach methods are culturally relevant and competent?

2. Serving as a Resource for other Providers

Does the organization serve as cultural resource for training, program consultation, program services, etcetera to help strengthen the cultural competence of other service providers in the community? If so, describe how it does so.

Investments by the Portland Children's Investment Fund

October 1, 2003 - June 30, 2006

Total Funds Invested to Date: \$15,928,468

Early Childhood Organizations & Programs Funded to Date	Total Number of Children Served	Total Number of Families Served	Two Year Grant Award
EARLY CHILDHOOD EDUCATION/DEVELOPMENT/HEALTH			
Albertina-Kerr Center-- expanded mental health services to special needs children and support for families; citywide	24		\$222,020
Albina Early Head Start-- expanded Early Head Start classroom and home-based services; N/NE Portland	72		\$670,000
Child Care Improvement Project-- expanded network support for small child care providers; SW Portland	150		\$197,750
Cascade Aids Project-- expanded case management services to HIV-affected and infected children; citywide	220		\$60,000
Early Head Start of Portland-- expanded Early Head Start classroom; N/NE Portland	60		\$592,000
Friendly House Child Care-- expanded child care/preschool services; NW Portland	48		\$124,314
Housing Authority of Portland-- expanded early literacy sessions with children/families in housing developments; citywide	75	30	\$80,000
Immigration & Refugee Community Organization-- new parent education with limited English-speaking immigrants; citywide	480	200	\$498,905
Insight Teen Parent Program-- expanded home visit-parent education-case management for teen parents; citywide	185	100	\$195,246
Morrison Child & Family Svcs Listos Para Aprender-- expanded Healthy Start services to Latino families; citywide		250	\$696,260
Morrison Child & Family Svcs-- expanded mental health support services for children/families living in poverty; citywide	900	72	\$871,572
Mt. Hood Community College-- expanded Head Start classroom in Gateway Children's Center; SE Portland	76		\$499,628
Native American Rehabilitation Association-- expanded development screenings for children and parent education; citywide	85	110	\$165,000
Neighborhood House-- expanded home visit-early Oregon Pre-kindergarten; SE Portland	60	48	\$523,421
Oregon Council for Hispanic Advancement-- expanded outreach and info/referral of child health for Latino families; citywide	1,750		\$192,194
Peninsula Children's Center Child Care-- expanded childcare subsidies for families in poverty; N/NE Portland	20		\$130,000
Portland Community College Child Care-- expanded childcare and parent education at Sylvania campus; SW Portland	100	168	\$228,369
Portland Impact-- expanded home visit-parent education-case management; citywide	220		\$280,390
Portland Public Schools Head Start-- expanded Head Start classroom with Kelly Center; SE Portland	68		\$467,674
TOTAL EARLY CHILDHOOD	4,593	978	\$6,694,743

Investments by the Portland Children's Investment Fund

October 1, 2003 - June 30, 2006

Child Abuse Prevention/ Intervention Organizations & Programs Fund to Date	Total Number of Children Served	Total Number of Families Served	Two Year Grant Award
CHILD ABUSE PREVENTION & INTERVENTION (Early Childhood)			
Christie School Receiving Center-- expanded emergency shelter care for victims of child abuse/neglect; citywide	476		\$300,000
Community Advocates-- expanded intervention services for children of victims of domestic violence; citywide		90	\$129,923
Catholic Charities-- expanded intervention services for children of victims of domestic violence; citywide		40	\$63,075
Children's Relief Nursery-- expanded classroom based therapeutic care and parent support for victims of child abuse; citywide	100	32	\$496,688
Salvation Army- Women's West-- expanded intervention services for children of victims of domestic violence; citywide		70	\$154,332
Volunteers of America-- expanded classroom based therapeutic care and parent support for victims of child abuse; citywide	116	116	\$367,228
CHILD ABUSE PREVENTION & INTERVENTION (School-aged Youth)			
Big Brothers Big Sisters-- new mentoring program for children in the foster care system; citywide	103		\$148,500
LifeWorks NorthWest-Family &Community Alliance-- expanded case management for families at risk for child abuse; citywide		180	\$201,850
LifeWorks NorthWest-Youth Support Team-- expanded multisystemic therapy for youth at risk for child abuse; N/NE/SE Portland	174		\$181,354
Metamorphosis Project-- expanded substance abuse and mental health treatment for homeless youth; citywide	450		\$364,136
Native American Rehabilitation Association (NARA)-- expanded parent education, case management and outreach; citywide	1,000	35	\$235,000
TOTAL CHILD ABUSE PREVENTION/INTERVENTION	2,419	563	\$2,642,086

*Note: Total invested in child abuse is based on 18-month investments for 5 of the 11 programs. If annualized, child abuse prevention investments total \$3,019,032

Investments by the Portland Children's Investment Fund

October 1, 2003 - June 30, 2006

After School and Mentoring Organizations & Programs Funded to Date	Total Number of Children Served	Total Number of Families Served	Two Year Grant Award
MENTORING			
Friends of the Children-- expand long-term mentoring program from kindergarten through high school; citywide	284-300		\$500,000
Big Brothers Big Sisters of Metro Portland-- expand community-based, one-on-one mentoring program; N, NE, Outer SE Portland	300		\$300,000
The Boys and Girls Aid Society-- expand community-based mentoring; outer SE Portland	35		\$200,000
Portland Impact, Inc.-- expand mentoring at 5 elementary schools and add services at 3 other existing schools; NE, SE Portland	127		\$205,672
Metropolitan Family Services-- expand mentoring for low-achieving students at 10 elementary schools; N, NE, Outer-SE Portland	270		\$256,217
The Bridge Builders--expand mentoring for higher education program for African American high schoolers; citywide	75		\$113,000
Oregon Council for Hispanic Advancement-- initiate mentoring program for Latino middle schoolers; N, NE, Outer-SE Portland	140	70	\$364,594
Trillium Family Services Foundation, Inc.-- initiate family mentoring program for children grades K - 3; N, NE, SE Portland	90		\$100,000
<i>Subtotal Mentoring</i>	<i>1037</i>	<i>70</i>	<i>\$2,039,483</i>
AFTER-SCHOOL			
Self Enhancement, Inc.--expand after-school services for children grades 4 - 8, serves primarily African-Americans; N, NE Portland	150	150	\$671,730
IRCO-- new after-school program for immigrants/refugees at 3 schools, including home visits and bilingual parent outreach; SE	250		\$542,384
LifeWorks NorthWest--after-school programs to middle schoolers in 4 Portland public housing sites; N, NE, SE, SW Portland	200		\$316,795
Tears of Joy Theatre-- expand arts-based, after-school program; N, NE Portland	560		\$100,000
Campfire USA-- expand after-school academic and recreational program; Outer SE Portland	75		\$435,621
Boys and Girls Club-- expand after-school services and new mental health counseling in Club sites; N, NE, Outer SE Portland	150		\$360,000
Oregon Health Career Center-- provide after-school science program at all 36 SUN Community Schools in Portland; citywide	2,820		\$140,000
Native American Youth Association-- expand cultural and sports after-school program for Native American students; citywide	400		\$220,000
Open Meadow-- replicate after-school academic program for middle school students, focus on students of color; N Portland	80-88	32	\$430,000
Ethos Inc.-- expand after-school music program to serve 5 new elementary schools; N, NE Portland	300		\$200,000
Portland Public Schools-- expand SUN Community School program to serve 3 new schools; SW, NE and inner SE Portland	1,355		\$540,000
Portland Opportunities Industrialization Center--new after-school program at alternative school; N Portland	80		\$218,680
<i>Subtotal After School</i>	<i>6340</i>	<i>182</i>	<i>\$4,175,210</i>
TOTAL AFTER SCHOOL AND MENTORING	7,377	252	\$6,214,693

Short Program Summaries

Applicants Recommended for Funding

Big Brothers Big Sisters

Applicant requests CHIF funds to expand its Latino Mentoring Initiative to serve Latino children in either its community based or school based mentoring programs.

Boys and Girls Aid Society

Applicant proposes to expand a gender-specific after school program serving 7th – 8th grade girls, and to offer a new gender-specific after school program serving 7th – 8th grade boys.

Chess for Success

Applicant proposes to expand its after-school chess program to serve 5 new schools in outer-SE Portland, and to offer an enhanced service to the children it currently serves.

Community Cycling Center

Applicant proposes to expand its after-school Bike Safety Club program to 10 SUN schools in North and Southeast Portland.

Friends of the Children

Applicant proposes to offer service enhancements to the 328 children it is currently serving in its mentoring program. Funds will support in-school tutoring, a Teen Space program at applicant's facility to serve as a resource and recreational center for teen mentees, and a Fridays at Friends program to provide recreational activities.

Girls Inc. of NW Oregon

Applicant proposes to offer 3 after-school programs aimed specifically at girls at 10 schools in North, Northeast, Southwest and Southeast Portland.

Portland House of Umoja

Applicant proposes to provide a culturally specific after-school program African American and Latino 4th-8th graders living in North and Northeast Portland. The after school program includes homework assistance, tutoring, focus area activities, and parent support.

Portland Impact

Applicant proposes to expand the SUN program to 4th and 5th grade students at Whitman Elementary School. Children will receive access to all SUN services: extended day activities, family engagement, parent organizing, individual/group/family support, and community and business involvement.

REAP Youth Program

Applicant proposes to expand a mentoring and in-school suspension program to 9th through 12th graders at David Douglas, Franklin and Grant high schools. Applicant also proposes to expand a culturally specific enrichment program for students in Franklin and Grant High Schools.

Start Making a Reader Today

Applicant requests CHIF funds to expand its book and reading mentoring program to 4 additional schools located in North, Northeast and Southeast Portland. Applicant recruits adult volunteers to read with mentees twice per week, and provides books to take home for each mentee

Urban League of Portland

Applicant proposes to deliver a new culturally specific mentoring program to African American and African high school students in North and Northeast Portland.

Organization	Funded Amount
Urban League	\$115,621
Friends of the Children	\$164,466
Portland Impact	\$315,000
Boys and Girls Aid Society	\$220,000
SMART	\$150,718
Girls Inc. of NW Oregon	\$166,366
Big Brothers, Big Sisters	\$263,565
Chess for Success	\$101,250
Community Cycling Center	\$180,000
House of Umoja	\$150,000
REAP	\$150,000

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Acceptance of the Portland Children's Investment Fund Allocation Plan for After School and Mentoring Programs, and Providing Advice and Counsel to the City of Portland Concerning the Recommendations.

The Multnomah County Board of Commissioners Finds:

- a. In 2002 the citizens of the City of Portland authorized a five-year property tax levy to fund proven children's programs within the City.
- b. The City of Portland and Multnomah County entered into an intergovernmental agreement to make certain that the funds received from the Levy are allocated in a manner complementary with a coordinated and comprehensive plan, and to ensure accountability and equity throughout the system.
- c. As part of the agreement the City of Portland created the Children's Investment Fund Allocation Committee to provide citizen oversight of the Levy, and to allocate Levy revenues via an Allocation Plan.
- d. Furthermore, the Board of County Commissioners (BCC), through its expertise and experience in children's policy and administration, provides the City Council with advice and counsel. In the past, the BCC has made recommendations regarding allocations for early childhood care and education, for abused and neglected children and for after school and mentoring programs. The BCC is now making recommendations for additional After School and Mentoring Programs.

The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the attached Allocation Plan for After School and Mentoring Programs from the City of Portland's Children's Investment Fund Allocation Committee.
2. Furthermore, the Board forwards the Plan, with a recommendation for adoption, to the Portland City Council for its consideration.

ADOPTED this 23rd day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-115

Accepting the Portland Children's Investment Fund Allocation Plan for After School and Mentoring Programs, and Providing Advice and Counsel to the City of Portland Concerning the Recommendations

The Multnomah County Board of Commissioners Finds:

- a. In 2002 the citizens of the City of Portland authorized a five-year property tax levy to fund proven children's programs within the City.
- b. The City of Portland and Multnomah County entered into an intergovernmental agreement to make certain that the funds received from the Levy are allocated in a manner complementary with a coordinated and comprehensive plan, and to ensure accountability and equity throughout the system.
- c. As part of the agreement the City of Portland created the Children's Investment Fund Allocation Committee to provide citizen oversight of the Levy, and to allocate Levy revenues via an Allocation Plan.
- d. Furthermore, the Board of County Commissioners (BCC), through its expertise and experience in children's policy and administration, provides the City Council with advice and counsel. In the past, the BCC has made recommendations regarding allocations for early childhood care and education, for abused and neglected children and for after school and mentoring programs. The BCC is now making recommendations for additional After School and Mentoring Programs.

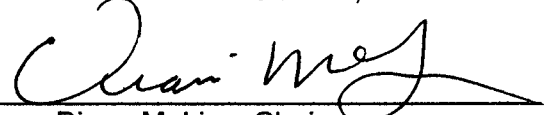
The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the attached Allocation Plan for After School and Mentoring Programs from the City of Portland's Children's Investment Fund Allocation Committee.
2. Furthermore, the Board forwards the Plan, with a recommendation for adoption, to the Portland City Council for its consideration.

ADOPTED this 23rd day of June, 2005.

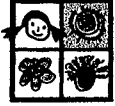


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney



portland children's investment fund

On May 31, 2005, the Allocation Committee of the Children's Investment Fund voted to fund the following after-school and mentoring programs in the amounts specified below:

Urban League	\$115,621
Friends of the Children	\$164,466
Portland Impact	\$315,000
Boys and Girls Aid Society	\$220,000
SMART	\$150,718
Girls Inc. of NW Oregon	\$166,366
Big Brothers, Big Sisters	\$263,565
Chess for Success	\$101,250
Community Cycling Center	\$180,000
House of Umoja	\$150,000
REAP	\$150,000



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # R-6 DATE 6-23-05

DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/23/05

Agenda Item #: R-6

Est. Start Time: 10:20 AM

Date Submitted: 06/06/05

BUDGET MODIFICATION: NOND - 06-01

Budget Modification NOND-06-01 Increasing Deputy County Attorney
Agenda Title: Pay Range as Recommended by Compensation Study Report

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

Date Requested:	<u>June 23, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Agnes Sowle</u>		

General Information

1. What action are you requesting from the Board?

To approve a pay range increase for the Deputy County Attorney classification from Range 133 to Range 135 as recommended in the attached Deputy County Attorney Compensation Study Report dated May 31, 2005.

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

In FY 2002-2003, the Assistant County Attorney classification pay ranges were adjusted upward. The pay range of the Deputy County Attorney was not reviewed or adjusted at that time. The upward adjustment reduced the range midpoint difference between the Deputy County Attorney and the Assistant County Attorney, Sr. to 5%. The recommended difference according to World At Work is 15 – 25%.

The changed pay relationship and the belief that the Deputy County Attorney's pay range was not at market rates, led the County Attorney to request a compensation study. The study was conducted by Dave Bower, C. C. P. - HR Classification and Compensation Unit, Multnomah County. The study reviewed available market data for the classification of Deputy County Attorney, and reviewed

internal pay relationships with subordinates, superior, and professional peers. The classification contains one full-time and one half-time incumbents.

The purpose of the study was to address the following issues:

1. Determine if the pay range for Deputy County Attorney is competitive with the labor market.
2. Adjust the pay rate to reflect the County's compensation philosophy.

The study found that the County's pay structure should be adjusted to increase the pay range of Deputy County Attorney from Range 133 to Range 135. This recommendation was arrived at through comparison of market data and a review of internal pay relationships.

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

None

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.

This is a non-represented classification. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?
There is no revenue change, this is a housekeeping budget modification.
- What budgets are increased/decreased?
The County Attorney's base pay budget is increased and its temporary budget is decreased, for no net change to the County Attorney's budget
- What do the changes accomplish?
Adjustment of pay range consistent with County Policy.
- Do any personnel actions result from this budget modification? Explain.
The change increases the Deputy County Attorney pay range from Range 133 to Range 135.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
These costs are covered within the County Attorney's FY 2006 budget.
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

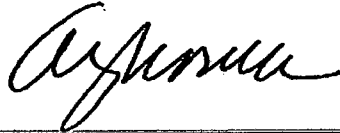
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: NOND - 06-01

Required Signatures

Department/
Agency Director:



Date: 06/01/05

Budget Analyst:



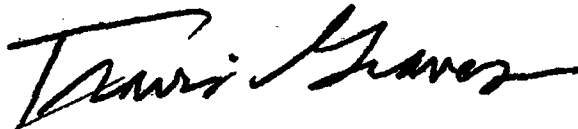
Date: 06/06/05

Department HR:



Date: 06/01/05

Countywide HR:



Date: 06/06/05

Budget Modification: Nond 06-01

EXPENDITURES & REVENUES

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

Line 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	10-01	3500		107001		60000	1,385,406	1,388,381	2,975		Base
2	10-01	3500		107001		60130	423,519	424,428	909		Fringe
3	10-01	3500		107001		60140	259,644	259,822	178		Insurance
4	10-01	3500		107001		60110	30,000	25,938	(4,062)		Temporary
5								0			
6								0			
7								0			
8								0			
9								0			
10								0			
11								0			
12								0			
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21								0			
22								0			
23								0			
24								0			
25								0			
26								0			
27								0			
28								0			
29								0			
									0	0	Total - Page 1
									0	0	GRAND TOTAL

5. ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	9631	61023	Deputy County Attorney	701170	1.00	2,975	909	179	4,063
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					1.00	2,975	909	179	4,063

6. CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate 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	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3500	9631	61023	Deputy County Attorney	701170	1.00	2,975	909	179	4,063
									0
									0
									0
									0
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									0
									0
									0
									0
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									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					1.00	2,975	909	179	4,063

Multnomah County

Deputy County Attorney

Compensation Study

Final Report on the Study

Submitted
By
Dave Bower

May 31, 2005

Deputy County Attorney

Compensation Study Report

May 31, 2005

Executive Summary

The County Attorney requested a compensation study of the Deputy County Attorney classification on March 31, 2005. The Study was completed in May 2005. The study found that the County's pay structure should be adjusted to increase the pay range of Deputy County Attorney from Range 133 to Range 135. This recommendation was arrived at through comparison of market data and a review of internal pay relationships.

Background:

This report summarizes the findings and conclusions of a classification & compensation study conducted by Dave Bower, C. C. P. - HR Classification and Compensation Unit, Multnomah County. The study reviewed available market data for the classification of Deputy County Attorney, and reviewed internal pay relationships with subordinates, superior, and professional peers. The classification contains one full-time and one half-time incumbents.

In FY 2002-2003, the Assistant County Attorney classification(s) pay ranges were adjusted upward. The pay range of the Deputy County Attorney was not reviewed or adjusted at that time. The upward adjustment reduced the range midpoint difference between the Deputy County Attorney and the Assistant County Attorney, Sr. to 5%. The recommended difference according to World At Work is 15 – 25%.

The changed pay relationship and the belief that the Deputy County Attorney's pay range was not at market rates, led the County Attorney to request a compensation study.

Purpose:

The purpose of the study was to address the following issues:

1. Determine if the pay range for Deputy County Attorney is competitive with the labor market.
2. Adjust the pay rate to reflect the County's compensation philosophy.

Methodology

Regional jurisdictions were surveyed seeking job matches. Two external matches were found. No external survey data for the classification was available. Market data was used to identify the County salary range nearest the market. This rate was used to

conduct an internal equity review with the Chief Deputy District Attorney job class (The nearest internal comparable).

COMPENSATION PLAN

The following pay structures are recommended :

<u>CLASS</u>	<u>JCN</u>	<u>PSG</u>	<u>Annual Minimum</u>	<u>Annual Maximum</u>	<u>Bi- monthly Minimum</u>	<u>Bi- monthly Mid point</u>	<u>Bi- monthly Maximum</u>
Deputy County Attorney	9631	135	\$76,204	\$106,769	\$3,175	\$3,811	\$4,448

Market pay comparisons were made with the City of Portland and the City of Beaverton. Matches were not available for any surrounding county. The average mid-point for the market was \$90,709 per year. The nearest midpoint in the county pay structure is range 135 (\$91,486).

An internal equity comparison was made between the Chief Deputy DA and Deputy County Attorney. This required deviation from the normal practice of comparing range midpoints. Chief Deputy DA is an elected official's staff and, and does not have an established salary range. The top of the Deputy County Attorney range was compared to the pay rate for Chief Deputy DA. After adjustments for PERS contributions and estimated value of interest to the retirement account, the recommended rate for Deputy County Attorney is 4% less at the top of the range.

Revision of the pay range to 135 would establish a 15% differential between the Deputy County Attorney and the Assistant County Attorney, Sr. Since the Deputy does have supervisory responsibility when the County Attorney is absent, this would be consistent with best practices recommended by World at Work. Moving the Deputy above range 135 would not be supported by market data and would reduce the midpoint differential Deputy County Attorney and County Attorney to less than 10%. This pay relationship would not be consistent with best practice.

Subject to Board of County Commissioners approval, the effective date for revising the pay range of County Deputy Attorney from pay range 133 to pay range 135 is July 1, 2005.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 6-23-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-7
Est. Start Time: 10:22 AM
Date Submitted: 06/09/05

BUDGET MODIFICATION: -

Agenda Title: Authorization to Appeal *Lakeside-Scott v. Multnomah County, et al*

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

Date Requested:	<u>June 23, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Jenny Morf</u>		
Phone:	<u>503 988.3138</u>	Ext.	<u>83138</u>
	I/O Address: <u>503/500</u>		
Presenter(s):	<u>Jenny Morf</u>		

General Information

1. **What action are you requesting from the Board?**
Authorization to file an appeal with the 9th Circuit in the *Lakeside-Scott* case
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Several claims were tried before a jury, and the jury found liability on one claim.
3. **Explain the fiscal impact (current year and ongoing).**
Reduction of damages awarded by jury.
4. **Explain any legal and/or policy issues involved.**
As briefed in recent executive session.
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 06/09/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 6-23-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-8
Est. Start Time: 10:25 AM
Date Submitted: 05/27/05

BUDGET MODIFICATION: DCHS - 26

**Budget Modification DCHS-26 Reclassifying an Existing Office Assistant 2
Position to an Administrative Secretary in Developmental Disabilities
Services Division, as Determined by the Class/Comp Unit of Central**

Agenda Title: Human Resources

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

Date Requested:	<u>06/23/05</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Developmental Disabilities</u>
Contact(s):	<u>Nancy Wilton</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>24776</u>
	I/O Address:		<u>166/7</u>
Presenter(s):	<u>Mary Overgaard & Rex Surface</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-26.

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

An employee requested a reclassification of their existing position (Office Assistant 2) to an Administrative Assistant. Class/Comp reviewed the submitted job duties and determined that Administrative Secretary was the best fit for the position. The position provides administrative support and staff assistance for the DDSD Management team, including data collecting and reporting, development of systems and forms, project progress tracking and reporting, meeting set-up and note taking. The position also serves as backup for criminal history checks.

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

For the current fiscal year, the reclassification is budget neutral. The pay range for an Office Assistant 2 (\$26,684 - \$32,802) is within the pay range of an Administrative Secretary (\$31,821 - \$39,192). As the person progresses beyond top of the old range, personnel costs will increase, as the pay scale is higher.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- What revenue is being changed and why?
N/A
- What budgets are increased/decreased?
N/A
- What do the changes accomplish?
Approval of reclassification decision from Class/Comp.
- Do any personnel actions result from this budget modification? Explain.
Reclassification of an Office Assistant 2 position to an Administrative Secretary.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
N/A
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 26

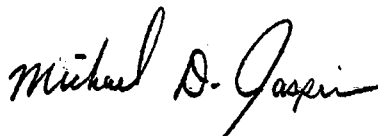
Required Signatures

**Department/
Agency Director:**



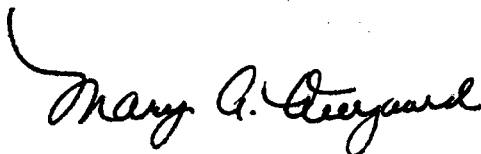
Date: 05/24/05

Budget Analyst:



Date: 05/27/05

Department HR:



Date: 05/23/05

Countywide HR:

Date:

ANNUALIZED PERSONNEL CHANGE

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6001	63225	Office Assistant 2	709032	(1.00)	(32,072)	(9,243)	(9,787)	(51,102)
20-50	6005	63225	Administrative Secretary	709032	1.00	32,072	9,243	9,787	51,102
									0
									0
									0
									0
									0
									0
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									0
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									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

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.

EFFECTIVE 9/22/04

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6001	63225	Office Assistant 2	709032	(0.75)	(24,054)	(6,932)	(7,340)	(38,326)
20-50	6005	63225	Administrative Secretary	709032	0.75	24,054	6,932	7,340	38,326
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	0	0	0	0



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS
& COMMUNITY SERVICES
HUMAN RESOURCES
CLASS/COMP UNIT

MULTNOMAH BUILDING
501 SE HAWTHORNE BLVD. Suite 400
PO BOX 14700
PORTLAND OR 97293-0700

PHONE (503) 988-5015 x24422
FAX (503) 988-3048
TDD (503) 988-5170

3.30.05

To: Lois Bailor 166/4
From: Leon Oswalt Central HR, Class/Comp 503/4
Subject: Reclassification Request # 210

A request for reclassification of position # 00709032 was received 032205. The current classification is Office Assistant 2, JCN 6001. The requested classification is Administrative Assistant, JCN 6054. The position's duties were also compared to the Administrative Secretary classification. The presented job duties and descriptions and the County classification documents have been analyzed. We have determined that the position best fits within the Administrative Secretary classification.

The position is reclassified, subject to Board of Commissioners approval. Under County Personnel Rule 5-50-030, the incumbent will be reclassified with it, as the incumbent has performed the duties of an ADMINISTRATIVE SECRETARY for at least six months.

Summary of position purpose and main job functions.

Provide administrative support and staff assistance for the DDS Management team, including data collection and reporting, development of systems and forms, project progress tracking and reporting, meeting set-up and minute taking. Maintain a data collection and reporting system of 1-1 meeting results. Administer payroll for a staff of 80, and educate staff on systems and policies. Monitor and report on short-term diversion emergency funds for the Division. Coordinate training, special project coverage, and community partner meetings. Create information brochures, handouts and instructional materials. Type correspondence, and book conference rooms. Coordinate staffing for the reception desk. Serve as back up for criminal history checks.

Review of class specifications

Current Class OFFICE ASSISTANT 2

Class Definition To perform a wide variety of general clerical duties as required in assigned department.

Distinguishing Characteristics Type and proofread a variety of documents including general correspondence, agendas, reports, memos, subpoenas, and statistical charts from rough draft, Dictaphone recordings, forms, copy, notes, transcribing machine recordings or verbal instruction. Perform a wide variety of clerical work including filing, billing, checking, coding, and recording information; contact the public, other agencies, witnesses, and others by phone or mail to give, receive, or confirm information. Act as a receptionist; answer the telephone and assist the general public, providing information on departmental and County policies and procedures as required; refer calls to appropriate

department personnel; serve as switchboard operator for the County; answer incoming calls; transfer to proper party; take accurate messages.

Prepare information and data for statistical and financial reports; maintain a variety of statistical records; check and tabulate basic numerical data; prepare simple statistical reports.... Perform record keeping for various funds and expenditures... resolve errors in orders received and invoices.... Receive, sort and distribute incoming and outgoing correspondence; issue, receive, type and process various applications...; receive and verify cash payments received in person and in the mail; verify amount received and account number and record in manual and automated files; balance and reconcile cash amounts; maintain and process cash records.

Fit analysis for class. This is not a good classification for this position. This position has grown out of the variety of clerical duties of this class, into the administrative area.

Proposed Class

ADMINISTRATIVE ASSISTANT

Class Definition

Provide paraprofessional administrative and staff assistance to a department or division. Varied administrative duties with the majority of the position performing at least three of the following: budget preparation and monitoring, developing and interpreting policies, administering payroll and personnel policies/procedures, researching issues, analyzing data, evaluating procedures and developing improved processes, preparing reports, special projects, and coordination of varied events such as conferences and large training sessions or meetings for staff. The work is usually concentrated in a specific operational area, requiring knowledge of that department or division's programs and operations. May perform limited clerical duties such as ordering office supplies, typing, filing, scheduling of meetings, reception and copying.

Distinguishing Characteristics

This class is the journey level in the Administrative series. It is distinguished from the Administrative Secretary job class by more emphasis on administrative duties and less emphasis on typical clerical tasks, with no more than 25 percent of the position's duties clerical in nature. The majority of the duties are a variety of administrative and research tasks that assist and extend the capabilities of their manager and other professional staff... Assist in the development of parts of the department or division budget, including drafting budget narrative, making estimates of the amount of funds needed; gathers data, and prepare budget forms... Monitor budget expenditures by reconciling the monthly budget report to the known expenditures... Prepare Budget Modification documents for signature by department manager to show how funds will be reallocated or to document need for additional funds.... Review the effectiveness and efficiency of procedures and revises them as needed. Develop procedures, systems and forms necessary to complete work and ensure efficient flow of information, workflow, and delivery of services within the agency and between agencies. Coordinate contracted training or staff evaluation activities; plan, prepare and present workshops for agency staff, clients or the public; write and edit information pamphlets, training handouts, instructional materials and other publications explaining agency services or to explain new laws, processes or procedures. Handle special projects for manager involving research, analysis, coordination and/or synthesis of information.... Provide limited office support in the form of typing, data entry, reception, purchasing office supplies, filing, faxing, and copying and so on.

Fit analysis for class

The position being reviewed does provide admin support for the division management team. The time allocation of clerical duties for positions within this classification is a maximum of 25%. This position has near 40% of clerical duties, including the time sheet / payroll processing and inquiry response, miscellaneous keyboarding, data entry and retrieval, and trainings support as well as.

Class Specifications

ADMINISTRATIVE SECRETARY

Class Definition

Perform a variety of highly responsible and complex secretarial and administrative duties.

Distinguishing Characteristics

Screen calls, visitors, and mail; respond to sensitive requests for information and assistance. Provide information and assistance to County staff and the public in researching information related to department or division policies. Participate and assist in the administration of the office to which assigned. Research, compile, analyze, and summarize data for special projects and various comprehensive reports; prepare or direct the preparation of administrative reports... Prepare and revise various operating procedures, rules, and regulations

upon request; develop and revise office forms and report format, as well as report preparation procedures.

Perform a wide variety of complex and responsible duties for an administrator; independently respond to letters and general correspondence of a routine nature. Initiate and maintain a variety of files and records for information such as payroll, attendance, budget, production and cost records; maintain manuals and update resource materials; organize and maintain complex technical filing systems. Type and proofread a wide variety of reports, letters, memos, and statistical charts; type from rough draft, verbal instruction, or transcribe machine recordings; independently compose correspondence related to responsibilities assigned. Order and maintain office supplies; order stationary, business cards, and supplies for administrative office staff as required; perform general secretarial and clerical work; process personnel, payroll, and purchasing information. May manage office support functions; direct the work activities of assigned clerical personnel; prioritize and coordinate work assignments; review work for accuracy.

Fit analysis for class

This is a good fit for the position and the class. It is a mixture of Administrative Support and the higher skilled clerical duties. This class reflects the individual initiative needed for the incumbent in the position, and the technical clerical skills.

Reclassification Details:

The effective date of the reclassification is 092204. Your step increase date will remain 11/01 of each year.

Because the position is represented, the Local 88 Collective Bargaining Agreement (Article 15, IV.C) determines the salary level and step increase date.

Date		Class/JCN	Pay Scale Group	Pay Rate	Pay Step	Union
092204	Old	Office Assistant 2 6001	9	15.71	8	88
092304	Reclass	Administrative Secretary 6005	15	15.71	2	88
110104	Step	Administrative Secretary 6005	15	16.18	3	88

If you have questions, please contact me at extension 24422.

cc: AFSCME Local 88
Supervisor of Position
Position HR Manager
HR Maintainer
File Copy

Patrice Botsford 166/4
Mary Overgaard 166/7
Pauline Reed 166/7



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 06-23-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-9
Est. Start Time: 10:30 AM
Date Submitted: 06/03/05

BUDGET MODIFICATION: -

Agenda Title: 2005-2007 Community Corrections Intergovernmental Agreement

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

Date Requested:	<u>June 23, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u></u>
Contact(s):	<u>Robb Freda-Cowie</u>		
Phone:	<u>503-988-5820</u>	Ext.	<u>85820</u>
I/O Address:	<u>305/250</u>		
Presenter(s):	<u>Joanne Fuller and Steve Liday</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice requests the Board's approval of the 2005-2007 Intergovernmental Agreement (IGA) for the County Corrections Grant with the Oregon Department of Corrections.

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

The County Corrections Grant provides grant-in-aid to counties to supervise, sanction and treat adult offenders on parole and post-prison supervision; supervise and locally sanction offenders sentenced to one year or less in prison (the local control population); and support the efforts of the Local Public Safety Coordinating Council (LPSCC).

The attached IGA executes Multnomah County's County Corrections Grant for the 2005-2007 biennium. It also contains the Department of Community Justice's 2005-2007 Community Corrections Plan. The plan describes adult supervision, sanction, and treatment system enhancements that have been made over the last two years, as well as changes planned for the 2005-

2007 biennium. The Community Corrections Plan also outlines system services funded through all revenues, including state Community Corrections grant funding, County General Fund, supervision fees, and grants.

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

Until the state budget is passed, it is unclear how much in community corrections funding Multnomah County will receive through this IGA with the Department of Corrections for the 2005-2007 biennium. Depending on the potential outcome, the county could receive from \$39,810,077 (under the Governor's proposed budget, which cut community corrections by approximately \$9 million) to \$43,548,494 (as proposed under the House Co-chair's budget). Even under the most favorable state budget scenario, the county will still face a reduction in community corrections funds, because our share of the overall state-wide caseload has declined from 27.5% during the last biennium to 22.8% this biennium.

See attached chart for a breakdown of potential cuts by department.

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

The community corrections plan was developed in accordance with the requirements of ORS 423.525 and 423.535, which require a community corrections plan as part of each county's application for state funding. 423.560 specifies that each local public safety coordinating council is to develop and recommend a community corrections plan to the Board of County Commissioners (a letter of transmittal from LPSCC is attached). In addition, the Oregon Department of Corrections (DOC) and the statutes referenced above require that the community corrections plan for the 2005-2007 include a letter of approval from the county governing board.

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

The Community Corrections plan reflects the priorities of the Multnomah County the Board of County Commissioners, the Local Public Safety Coordinating Council and the LPSCC Court Work Group. It has been approved by LPSCC.

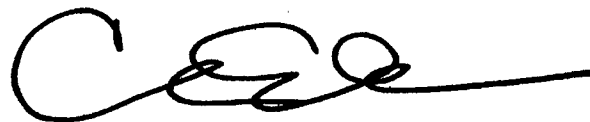
Required Signatures

**Department/
Agency Director:**



Date: 03/27/05

Budget Analyst:



Date: 06/03/05

Department HR:

Date: _____

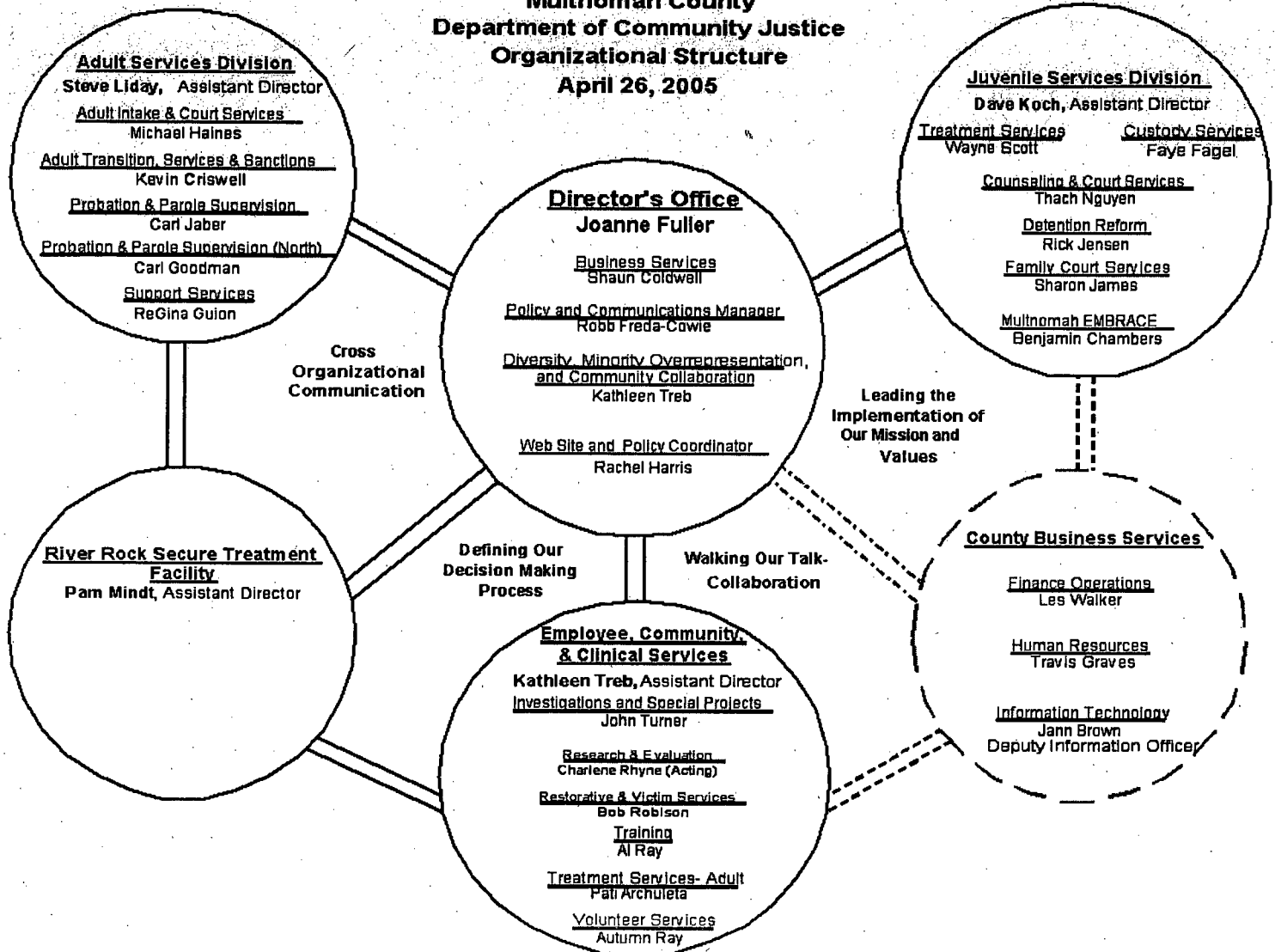
Countywide HR:

Date: _____

**COUNTY COMMUNITY CORRECTIONS
2005-2007 BIENNIUM COMMUNITY CORRECTIONS PLAN**

Department of Corrections 2575 Center St. NE Salem, OR 97310	<i>For Office Use Only</i> Date Received: Time Received:	
County : Multnomah County	Date: June 15, 2005	
Address: Multnomah County Department of Community Justice 501 SE Hawthorne Blvd. Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Community Corrections Director/Manager: Joanne Fuller Address: 501 SE Hawthorne Blvd Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Sheriff: Bernie Giusto Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: sheriff@mcso.us		
Jail Manager: Tim Moore Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: timothy.a.moore@mcso.us		
Supervisory Authority: Joanne Fuller, Community Corrections Director Address: 501 SE Hawthorne Blvd Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Supervisory Authority: Bernie Giusto, Sheriff Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: sheriff@mcso.us		
LPSCC Contact: Judith Shiprack, Coordinator Address: 501 SE Hawthorne Blvd., Suite 600 Portland Oregon 97214 Telephone: 503.988.5894 Fax: 503.988.5262 E-mail: Judith.C.Shiprack@co.multnomah.or.us		
BUDGET:		
State Grant Funds	\$52,279,288	
County General Funds:	\$200,814,315	
Supervision Fees	\$2,113,116	
Client Fees	\$356,000	
Parole Hearings	\$91,158	
Other Funds	\$1,827,656	
Inmate Welfare Release Subsidy Funds	\$136,548	
Total Budget:	\$257,618,081	

**Multnomah County
Department of Community Justice
Organizational Structure
April 26, 2005**



PROGRAM DESCRIPTION

Program Name: Administration / Director's Office

Program Purpose: The Director's office provides leadership and policy, program and fiscal direction to the Department of Community Justice (DCJ) and ensures that DCJ is accountable to county residents, the Board of County Commissioners and public safety system partners.

Program Description: The Director's office is responsible for daily operational management of a large urban community justice agency that is responsible for supervising 9,000 adult probationers and parolees, over 1,000 youth on formal and informal community supervision and a 180-bed juvenile detention facility. The Director's office sets departmental policy and oversees budget-setting priorities and fiscal management of over \$70 million in county, state, federal and private grant funds. It is also responsible for collaborating with partner agencies in government and in the community to develop coordinated public safety policies and services. The Director's office provides information to the Board of County Commissioners and the public about DCJ's work and coordinates efforts to make the Department more culturally diverse and competent in its services and its work environment.

Program Objectives:

- The Director's office is closely aligned with the county's accountability strategies.
- The Director's office is responsible for educating and informing the public about DCJ services, results and their impact on the community.
- It is also responsible for providing leadership that strengthens workforce competencies, including efforts to integrate supervision methods that are consistent with evidence-based practices and to make our workforce more culturally responsive and competent.
- Finally, the office manages the department budget and programs in ways that hold down costs in the public safety system and deliver services more effectively.

Method(s) of Evaluation:

Not applicable

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,932,816
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
X County General Fund	\$1,932,816
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Adult Services Division (ASD)

Program Purpose: This program provides leadership and direction for all supervision of 9,000 adult offenders. This includes implementing evidence based practices, managing risk, creating service standards, coordination with public safety system and ensuring the safety of Parole and Probation Officers.

Program Description: Senior Managers are responsible for setting policy, quality control, and implementation of evidence based practices that reduce crime. They ensure integration with other public safety partners through: Local Public Safety Coordinating Council; Criminal Justice Advisory Council; Oregon Association of Community Corrections Directors; Department of Corrections (DOC). The Safety/Training Manager is responsible for the development, implementation and oversight of trainings that ensures officer safety. Regular qualification and certifications meet departmental and legal mandates for sworn staff.

Program Objectives: The preparation and enforcement of policies, procedures, systems and practices, which evidence demonstrates reduces crime, is critical in order to hold approximately 9,000 offenders accountable and is directly linked to public safety priorities and reduced crime. Oregon Department of Corrections data prepared in November, 2004 reflects a probation recidivism rate of 23.3% and the parole/post prison rate of 27.8% for Multnomah County. The average statewide rates are 25.1% and 31.2%, respectively. The department's adult recidivism rate for parolees has lowered from 37.9% to 27.8% (over 10%) for the last 10 years.

The objectives for ASD are:

1. Make continual progress towards lowering recidivism average for probation and post-prison offenders, 25.1% (State) versus 23.3% (Multnomah County) for probation and 31.2% (State) versus 27.8% (Multnomah County) for post-prison.
2. Implement at least 60% of the recommendations produced by the department's Research and Evaluation Unit.
3. Increase the number of officer safety trainers from 12 to 20 (60%) to maintain critical certification/qualifications in order to prevent injuries and maintain our level of expertise and efficiency.

Method(s) of Evaluation:

- DOC data is supplied bi-annually for DCJ trend analysis. This analysis will be done by DCJ Research & Evaluation.
- Year-end review by DCJ Research & Evaluation to outline recommendations and follow through.
- The Continuum of Force coordinator will supply year-end list of officer safety trainers and identify those who are new trainers.
- DCJ Research & Evaluation will collect these data noted in the program objectives and report on the performance measure.

Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
X State Grant-in-Aid	\$ 132,533 _____
X County General Fund	\$ 2,768,670 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration/Business Services

Program Purpose: The DCJ Business Services section provides administrative and business support to the department. Services include budget development, analysis and tracking; grants management; accounts receivable; medicaid billing and purchasing.

Program Description: Business Services supports the department to maintain sound financial management through developing a balanced budget that meets Oregon Budget Law and the County's policies; following accounting practices established by the County's Chief Financial Officer; spending within budget and for the programs authorized by the Board of County Commissioners; participating in cross-County teams, such as the Administrative Services Managers and the Finance Users group.

Program Objectives: The Department of Community Justice is funded by a variety of federal, state, local and grant fund sources. One of the primary responsibilities of the Business Services section is to ensure that the budget for the department is balanced and legal and that spending stays within the limits and program areas that were authorized by the Board of County Commissioners. Accounting procedures follow County policy.

Performance Measures/Program Outcomes/Program Outputs:

Not applicable.

Method(s) of Evaluation:

Not applicable.

SB 267 Eligible: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$ 3,008,144 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration/Employee and Community and Clinical Services

Program Purpose: Through collaborative contracting, victim services, volunteer management and an effective Website, the Department of Community Justice (DCJ) reaches out to the community. Appropriate background investigations of the people we hire, training of our staff, and leadership development assist DCJ with maintaining staff devoted to keeping the community safe.

Program Description: This support Division includes the majority of staff who provide administrative support to both the Juvenile and Adult Divisions. A few highlights include:

- 1) Background Investigations of all potential employees (180 last year).
- 2) Coordination of technical and professional training necessary to keep quality employees and meet statutory requirements (10,150 hours of in-house staff development or 18.5 hrs per employee).
- 3) Management of 211 volunteers who contributed more then \$320,000 of time.
- 4) System improvements regarding community building and victims services.
- 5) Maintenance of a highly used web-site (top ten sites for the county).
- 6) Program Development and contract compliance for approximately 15 million dollars of contracts.

Program Objectives: Public safety cannot be achieved without investing in both our community and our employees. By hiring the right people, giving them the tools they need to do their job and partnering with our community members we can best meet our mission of changing behavior and keeping the community safe.

Performance Measures/Program Outcomes/Program Outputs:

Not applicable.

Method(s) of Evaluation:

Not applicable.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input type="checkbox"/> County General Fund	\$2,835,564 _____
<input checked="" type="checkbox"/> Other(Housing Authority of Portland _____)	\$ 30,000 _____
<input checked="" type="checkbox"/> Other(Byrne Grant _____)	\$ 24,703 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration/Information Services															
Program Purpose: The Department of Community Justice (DCJ) Information Services program supports the computer hardware, software, supplies and maintenance needs of the department that are not provided by County Information Technology.															
Program Description: The DCJ Information Services program supports the purchase and maintenance of computer equipment, peripheral devices, supplies and software to meet department operational and staff needs. Examples include printers, PDA's, scanners, digital cameras, laser and inkjet replacement cartridges, and statistical software. Maintenance of hardware and software is also provided such as repairing printers and supporting specialized software like digital dictation and client computer learning systems.															
Program Objectives: This program is necessary to operate and maintain required technologies and tools for the department.															
Method(s) of Evaluation: Not applicable.															
SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$ 7,768,614 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input type="checkbox"/> State Grant-in-Aid	\$ _____	<input checked="" type="checkbox"/> County General Fund	\$ 7,768,614 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> State Grant-in-Aid	\$ _____														
<input checked="" type="checkbox"/> County General Fund	\$ 7,768,614 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: PRSP/Recog Program

Program Purpose: This Unit performs functions critical to the effective operation of our local criminal justice system by assisting the courts in making prompt and fair jail release decisions, and by supervising released defendants who are awaiting court hearings. During 2004, staff interviewed an average of 1,325 defendants in jail each month (15,900 annually), while Pretrial supervision annually supervised 1,200 offenders released on their own recognizance and awaiting court hearings.

Program Description: The Pre-trial Supervision Program (PRSP) provides two essential services: interviewing arrested defendants in jail (Recog staff) and supervising defendants released pre-trial (Pre-trial staff). Recog staffs the jail 24 hours/7 days per week interviewing all defendants in jail with a pending charge. They obtain specific information before deciding whether to release someone prior to court. This is critical in order to minimize unnecessary use of jail beds, while protecting victims, witnesses and the community. PRSP case managers supervise defendants released on their own recognizance and work closely with judges, district attorneys, defense attorneys, and other criminal justice partners. PRSP averages 350 defendants at any one time (1,200 yearly) with an average supervision time of 3.5 months. A primary goal is to get defendants to show up to court.

Program Objectives: PRSP contributes to safer communities, reducing criminal behavior, and providing an effective public safety system. A pre-trial assessment tool is used to determine which offenders would benefit from release without sacrificing community safety. All others remain in custody. This system provides a method of sorting offenders in a manner that results in community safety coupled with reduced costs. This unit also manages cases in ways that have been shown to be more effective at lowering new criminal activity than traditional case management (Andrew, 1994). Recog provides coverage for Parole and Probation Officers coordinating the process of holding probation violators in jail.

Performance Measures/Program Outcomes/Program Outputs:

- Recog: interview 100% of all newly arrested defendants within 3 to 5 hours of being booked into jail.
- Pretrial: ensure that at least 80% of defendants released to Pretrial supervision will attend future court hearings.

Method(s) of Evaluation:

- Data will be collected by exception to the mandated 3 to 5 hours.
- A random sample of defendants from PRSP and Recog will be selected to hand tabulate this measure.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 1,325 individuals are interviewed for jail release each month. 450 individuals are on pretrial supervision each month.	Type of offender served: <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control <input checked="" type="checkbox"/> OTHER OFFENDERS: <u>Pre-trial Offenders</u> Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid <input checked="" type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____)	\$ _____ \$ 5,366,040 _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

PROGRAM DESCRIPTION

Program Name: Felony Field Supervision

Program Purpose: Adult Field Services felony supervision enhances community safety by changing the criminal behavior of 3,800 individuals who have been placed on felony probation supervision and 3,800 offenders released from prison for parole supervision. DCJ's parolee re-offense rate is 4% below the state average.

Program Description: Felony supervision uses research-based methods while collaborating with community organizations, law enforcement, treatment providers, and criminal justice partners. Offenders (including pre-released inmates) go through a centralized intake and are assessed for their community risk and needs that drive their criminal behavior (4,200 annually). Offenders are referred to housing, employment, financial, and educational assistance. Five field offices supervise high and medium-risk offenders. Specialized units work with gangs, sex offenders, mentally ill, female only, and high risk/dangerous offenders. Supervision includes surveillance, office and home visits, contacts with family, associates, treatment providers, and collaboration with police agencies. The Reduced Supervision Team monitors 2,400 offenders assessed as having a low chance of committing new crimes. The unit monitors police contacts and new crimes, reassigning offenders to higher supervision if warranted.

Program Objectives: This program supports Safety priorities by using research based supervision tactics, sanctions, and services that monitor offender behavior based on the findings of Andrews (1994), while case management policies are supported by research (Latessa, Gornich, and Evans 2002). Field supervision provides offenders opportunities to change their criminal behavior while using sanctions (including jail or revocation) to help ensure community safety. Research demonstrates that identifying and intervening on the factors contributing to re-offending are most effective. These strategies include changing offender's antisocial attitudes, beliefs, behaviors, and associates, reducing or eliminating substance abuse, and increasing offender self-control, self-management and problem solving skills (Andrews 1994). These strategies have been incorporated into staff's daily work with offenders. This approach works: the three-year re-conviction rate for paroled felons in the County is 27.8% (the statewide average is 31%).

Performance Measures/Program Outcomes/Program Outputs:

95% of offenders transitioning from prison will report for supervision within 1 day.
75% of probationers and 70% of parolees will not commit new crimes.

Method(s) of Evaluation:

- Intake will supply the performance outcome data to DCJ Research & Evaluation.
- Biannual recidivism data from DOC will supply percentages for measuring the program outcomes.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 7,626 felony offenders that includes felons in specialized programs.	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$ 22,904,498 _____
<input checked="" type="checkbox"/> County General Fund	\$ 1,121,254 _____
<input checked="" type="checkbox"/> Other(Supervision Fees _____)	\$ 1,800,000 _____
<input checked="" type="checkbox"/> Other(Client Fees _____)	\$ 10,000 _____
<input checked="" type="checkbox"/> Other(Going Home Grant _____)	\$ 441,844 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Adult Field Supervision Support

Program Purpose: Adult Field Supervision Support includes the Local Control (LC) unit. LC annually supervises 2,000 felons sentenced to 12 months or less of Local Control moving offenders between jail and jail alternatives. These felons are being jailed locally instead of being sent to prison. LC also conducts parole hearings for offenders in violation of their supervision and imposes sanctions. Both of these functions are required by law. The combined efforts of timely hearings and alternative custody sanctions to jail accounts for 39,000 fewer jail bed days used each year or a savings of over \$4 million.

Program Description: The LC unit supervises offenders sentenced to prison for 12 months or less, but serve their sentence locally. Working with the Sheriff's Office, LC has the legal authority to issue arrest warrants and has jurisdiction over the supervision conditions for these felons. Staff develop jail release plans, monitor offenders from jail to community-based sanctions, supervise and transfer offenders to community supervision. LC notifies victims when offenders leave jail. Offenders who violate their parole have the legal right to a hearing to determine if a violation has occurred. Hearings Officers conduct local parole hearings, and apply consequences. They can order jail releases, recommend revocation of offenders to prison or jail, and make other recommendations to releasing authorities, while using proven practices (Andrews 1994).

Program Objectives: The LC and Parole Hearings unit is instrumental in holding offenders accountable by providing fair and objective investigations, parole hearings, incarcerating offenders when it is appropriate, and actively supervising offenders with practices that research has shown to reduce future re-offending. (Andrews, 1994). This unit works in collaboration with the Sheriff's Office, treatment providers and the community to maximize county resources and eliminate duplication. Structured community placements such as electronic monitoring, intensive supervision and residential treatment save the county \$1 million dollars in jail bed costs each year. Providing timely local parole hearings using proven practices saves an additional \$3 million dollars annually in jail bed costs.

Performance Measures/Program Outcomes/Program Outputs:

- Continue to conduct hearings within an average of 7.5 days of the receipt of the hearings packet.

Method(s) of Evaluation:

- Local Control database will supply the program outcome data to DCJ Research & Evaluation.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes XX No	
Monthly Average to be Served: 26 PSI's per month. 192 Local Control (1145) offenders. 127 hearings per month.	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$2,143,473 _____
<input checked="" type="checkbox"/> County General Fund	\$2,786,850 _____
<input checked="" type="checkbox"/> Other (Parole Hearings _____)	\$ 91,158 _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Mandated Treatment for Medium Risk Offenders

Program Purpose: Since 1994, 60% of offenders arrested in Multnomah County test positive for alcohol or illegal drugs (Chauvet, Nice 2004). The program would provide targeted substance treatment for adult offenders who are a medium risk to re-offend. Medium-risk offenders currently do not have targeted treatment. The program will work closely with treatment providers to conduct assessments, facilitate access to treatment, and monitor progress of these offenders in treatment and in the community. This program will begin this biennium.

Program Description: This program will serve 150 adult offenders on parole or probation who have been assessed as a medium risk to re-offend. The team will focus on offenders whose substance abuse has contributed significantly to their criminal behavior. They will facilitate access to alcohol and drug treatment, and interventions with the intent of addressing the risk factors that lead to future criminal activity.

Program Objectives: Effective interventions targeted at this population of abusers are critical to maintaining safe neighborhoods and reducing criminal activity. The combination of supervision and community-based treatment are the most effective interventions in changing behavior (Johnson, Hubbard, Latessa 2000). This program will provide for a continuum of supervision, sanctions and services targeted at holding offenders accountable, changing behavior, reducing drug abuse and drug-related crimes. Individualizing treatment services and interventions based on objective assessment of offender risk and need is effective in reducing criminal behavior and substance abuse (Andrews 1997). The program holds offenders accountable, promotes agency collaboration, and provides treatment services to an under-served offender population.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the number of arrests before treatment against the number of arrests that occur 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation (R&E) will run successful clients in DSS-Justice for computation of reduction percentage.
- Contracts data will be supplied to R&E to compute the client performance measure.
- Contracts data will be supplied to R&E to compute the client performance measure.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 150 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision Local Control Risk Level <input type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,637,356 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: High Risk Drug Unit

Program Purpose: 66% of all adult offenders arrested test positive for illegal drugs (Knight 2002). The High Risk Drug Unit (HRDU) is designed to reduce drug use, increase treatment success and prevent further arrests for drug related activities for over 300 high-risk drug using adult offenders (420 annually) by taking an aggressive approach toward involving offenders in treatment, actively supervising and expecting them to change criminal behavior.

Program Description: This program works closely with treatment agencies to get offenders into treatment as soon as possible. HRDU understands that it takes a concerted effort and the coordination of community treatment agencies, the courts and law enforcement to provide the best conditions for addiction and behavior change as well as holding offenders accountable. Unit staff use supervision and case management practices that are supported by Andrews (1994) research as being effective. Andrews' research supports the primary objective of supervision, which is to manage the case in a way that holds the offender accountable, reduces criminal activity and provides an opportunity to change behavior.

Program Objectives: In Multnomah County 64% of those booked into jail test positive for one drug and 25% for multiple drugs (ADAM 2000). Recent research shows that punishment is unlikely to change behavior, but alcohol and drug abuse treatment that also addresses criminal behavior can reduce the number of new crimes committed (Andrews 1994). HRDU targets the highest risk drug offenders and holds them accountable through active community supervision, applying consequences when needed, and using evidence based services (Andrews 1994) designed to change behavior and reduce new crimes. HRDU works in collaboration with treatment providers, the community and law enforcement, holds offenders accountable and fosters recovery from alcohol and drug abuse among offenders.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders will not re-offend through re-conviction.
- 45% of referred offenders will engage in treatment.
- 85% of offenders will not re-offend through drug crime re-convictions.

Method(s) of Evaluation:

- Bi-annual recidivism data from DOC will provide data for measuring program outcomes.
- CIS Treatment module will supply data for measuring program outcomes.
- Bi-annual recidivism data from DOC will provide data for measuring program outcomes.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 325 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,242,006 _____
<input checked="" type="checkbox"/> County General Fund	\$ 333,542 _____
<input checked="" type="checkbox"/> Other(Local Law Enforcement Block Grant____)	\$ 164,780 _____
<input checked="" type="checkbox"/> Other(UCLA Integrated Substance Abuse Grant)	\$ 176,873 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Sex Offender Services

Program Purpose: The Sex Offender Treatment and Management Program provides comprehensive services for the supervision, treatment and management of 900 sexual offenders to increase community safety, decrease sexual victimization, and reduce new criminal activity.

Program Description: The Adult Sex Offender Treatment Management Program supervises 900 sexual offenders of which approximately 200 have been identified as predatory. High and medium risk offenders are actively supervised in one of five field offices with lower risk cases assigned to a Reduced Supervision Caseload. The program requires a comprehensive offender evaluation and assessment of sexual behaviors, as well as sex offender specific treatment offered by 32 approved community providers. Ongoing polygraph examinations help determine sexual history and monitor compliance with treatment and supervision. Occasionally, pharmacological (drug) treatment is also used to reduce deviant sexual arousal.

Program Objectives: The program has a direct effect on community safety and offender accountability. Research indicates that offenders who attend and cooperate with treatment are less likely to re-offend than those who reject treatment (Center for Sex Offender Management); effective sex offender treatment interventions can reduce sexual recidivism by 8% (Hall, 1995); sex offenders who fail to complete treatment are at increased risk for both sexual and general recidivism (Hanson & Bussiere, 1998 & 2004); and managing offenders who are amenable to treatment and supervised intensely within the community following an appropriate term of incarceration can help prevent future victimization while saving taxpayers substantial imprisonment costs (Lotke, 1996). Research indicates the use of polygraph exams is associated with a reduction in re-offense rates (Grubin, Parsons, Sosnowski & Wilcox, 2002). Pharmacological treatment has shown to be effective for individuals who suffer from hypersexuality and/or significant levels of deviant arousal (Hanson & Bussiere, 1998 & 2004).

Performance Measures/Program Outcomes/Program Outputs:

- On July 1, 2004, the Department of Community Justice began collecting baseline data from the Multnomah County Sex Offender Treatment Progress Report to guide the development of performance measures that examines treatment impact/effectiveness on an offender's behavior over time. DCJ is also collecting arrest and conviction data on offenders that relate to both sexual and non-sexual offenses during treatment.

Method(s) of Evaluation:

- Bi-annual recidivism data is supplied to the department by DOC.
- Contracts data will be sent to DCJ Research & Evaluation for measuring program outcomes.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 933 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$517,808 _____
<input checked="" type="checkbox"/> County General Fund	\$809,438 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Supervision – Misdemeanor Field Supervision

Program Purpose: Adult Field Services misdemeanor supervision monitors 1,300 probationers who committed person to person crimes. Most of these offenders have violent (including domestic violence), DUII and sex-offending histories. Probation supervision works: nearly 75% do not re-offend within three years of their offense.

Program Description: Misdemeanor probation supervision protects the public by supervising offender behavior in the community and punishing violations of probation conditions. The offender changes his behavior through planning his life, attending treatment and learning new non-criminal skills. While these offenders were convicted of misdemeanors, they represent a serious risk to the community. Of the 1,300 misdemeanor probationers: 509 are domestic violence (DV) offenders, 47 are Driving Under the Influence (DUII) offenders, 52 are sex offenders, 38 are mentally ill offenders and 6 are gang offenders. DV and DUII offenders are supervised in specialized units. All of the other misdemeanor offenders are a local responsibility.

Program Objectives: This program protects the public by using evidence-based practices to hold misdemeanor offenders accountable and reduce their re-offenses. Probation officers (POs) monitor the compliance of high and medium risk offenders with their supervision conditions, and apply proportional consequences (including jail or revocation) when necessary to help ensure community safety. POs require offenders to receive treatment and other behavior-change services that reduce drug and alcohol abuse and change antisocial attitudes and actions. Research shows that this balanced approach between supervision, sanctions and behavior-change services reduces re-offending, while incarceration alone actually increases re-offending (Andrews, 1994). State corrections data indicates that probation supervision works: nearly 75% of Multnomah County misdemeanor probationers do not re-offend within three years of their offense. Adult Field Services experienced an overall 25.1% probation re-arrest rate.

Performance Measures/Program Outcomes/Program Outputs:

- For the next biennium, 75% of misdemeanor cases will not commit new crimes.

Method(s) of Evaluation:

- A random sample of misdemeanor cases will be selected and recidivism data will be collected by hand.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 1,448 offenders that include misdemeanants in specialized supervision programs.	Type of offender served: <input checked="" type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid <input checked="" type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____)	\$ _____ \$3,986,316 _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____

Program Name: Other Programs/DUII Supervision

Program Purpose: Oregon had over 200 alcohol-related traffic fatalities in 2003. The Driving Under the Influence of Intoxicants (DUII) Supervision unit targets 100 of the most chronic adult DUII offenders (160 annually), and combines alcohol treatment and community supervision to promote safer streets and neighborhoods by holding offenders accountable and reducing drinking and driving.

Program Description: Chronic DUII offenders (three or more prior convictions) often have been unresponsive to previous treatment and criminal justice interventions, and remain a high public safety risk. DUII Supervision refers each of these offenders to evidence based treatment that focuses on long-term changes including reducing the chances of new criminal activity, especially drinking and driving. Probation officers (POs) work closely with treatment providers and monitor offender progress in treatment. POs develop action plans with each offender to address the problems in an offender's life that contribute to his or her driving while intoxicated and other criminal behavior. Staff also respond to concerns about continued alcohol and drug use among these offenders from community members.

Program Objectives: The Chronic DUII program saves lives and prevents alcohol related driving crimes by holding chronic DUII offenders accountable for their actions using evidence-based consequences. Research by Andrews (1994) shows that alcohol and drug treatment that also addresses criminal behavior reduces the commission of new crimes. The most effective DUII interventions combine education, counseling and monitoring (Wells-Parker&Bangert-Downs, et al. 1995). The Chronic DUII program adheres to research driven practices (Andrews, 1994). It requires offenders to engage in appropriate treatment, monitors offender behavior and responds to neighborhood concerns. Program outcome data shows that this program is working: 70% of these high-risk, chronic DUII offenders did not re-offend last year. The program holds offenders accountable, works closely with criminal justice and community partners, and promoting alcohol and drug treatment for offenders.

Performance Measures/Program Outcomes/Program Outputs:

- 75% of offenders will enter treatment.
- 75% of offenders will not commit new crimes.

Method(s) of Evaluation:

- Biannual recidivism data is supplied to the department by DOC.

SB 267 Eligible: _____ Yes <u>XX</u> No			
Monthly Average to be Served: 115 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor		
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <input checked="" type="checkbox"/> State Grant-in-Aid <input type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) </td> <td style="width: 50%; vertical-align: top;"> <div style="text-align: right;">\$ \$412,335 _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> </td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid <input type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____)	<div style="text-align: right;">\$ \$412,335 _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div>
<input checked="" type="checkbox"/> State Grant-in-Aid <input type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____)	<div style="text-align: right;">\$ \$412,335 _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div> <div style="text-align: right;">\$ _____</div>		

Program Name: Other Programs/Enhanced Bench Probation

Program Purpose: The Enhanced Bench Program (EBP) monitors police contacts of over 2,900 adult offenders who have a history of Driving Under the Influence of Intoxicants (DUII) and reports these police contacts to the judge who is monitoring the case. The offenders are not placed on formal probation. This is supervision by the judge only and is called bench probation.

Program Description: Offenders are entered into a statewide computer system known as the Law Enforcement Data System (LEDS) after being placed on Enhanced Bench Probation. If an offender has any police contact, the Enhanced Bench staff are notified and they research the nature of the contact. Staff generate a report to the judge summarizing the police contact, and the nature of the police contact (the offender's activities including drinking and driving behaviors or new criminal activity). More than 5,400 DUII cases have been placed on Enhanced Bench probation since the program began in 1999.

Program Objectives: Drinking and driving is a significant public safety concern. Mothers Against Drunk Driving estimated 6,000 alcohol-related accidents occurred in 2000, killing 188 and injuring 1,900 people in Oregon. The unit's ability to monitor the activities of over 2,900 DUII offenders represents an invaluable service to the court system and to public safety. The judges rely on the 1,000 annual reports summarizing contact between offenders and police to effectively supervise these cases. This program is instrumental in holding bench probationers accountable by serving as a valuable connection between law enforcement and the courts. The strong collaboration between this program, the courts and law enforcement has a direct effect on public safety.

Performance Measures/Program Outcomes/Program Outputs:

- Monitor 2,900 DUII cases each month and produce 1,000 reports to the courts annually.
- Collect \$160,000 in offender fees each year.

Method(s) of Evaluation:

- EBP has a database that will compute the performance measures.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 2,900 offenders	Type of offender served: <input checked="" type="checkbox"/> Bench Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input type="checkbox"/> County General Fund	\$ _____
<input checked="" type="checkbox"/> Other(Supervision Fees _____)	\$313,116 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Domestic Violence Unit

Program Purpose: The Domestic Violence (DV) Unit promotes safety of DV victims and strives to stop further domestic violence. This program supervises 650 offenders (1,130 annually) convicted of domestic violence misdemeanors and felonies, and monitors 150 first time offenders who have pled guilty to a DV misdemeanor crime but have the opportunity to have their record expunged if they successfully complete the conditions of the court.

Program Description: The goal of the DV unit is to stop domestic violence by holding offenders accountable for their actions, providing offenders opportunities for positive change and protecting victims from continued violence. This program supervises 650 misdemeanor and felony offenders on formal probation. This includes close collaboration with treatment programs, holding offenders accountable, and developing housing, employment and education contacts. Home visits and office visits ensure offenders comply with their probation conditions and ensure victim safety. Staff work closely with victims to develop treatment, safe housing, and safety plans. The Deferred Sentencing program is a separate part of the unit. Its goal is to stop domestic violence with first-time offenders by monitoring each offender's compliance with treatment, the law, victim contact and other directives ordered by the Court. Staff provide court reports on each offender's progress. If the offender successfully completes the program, the offender's DV conviction is expunged from their record and they are not placed on formal probation. The Deferred Sentencing Program oversees 150 offenders.

Program Objectives: This program holds offenders accountable for their actions as well as its strong collaborative efforts with treatment, victim and criminal justice organizations. The program uses research based supervision tactics, sanctions, and services that help monitor the offenders' compliance with their supervision conditions (Andrew, 1994). Its supervision strategies provide offenders with opportunities to change their criminal behavior by addressing factors where research has shown that making changes will be followed by a reduced rate of new crimes (Andrews, 1994).

Performance Measures/Program Outcomes/Program Outputs:

- 70% of the offenders will not commit new non-Domestic Violence crimes.
- 70% of the offenders will not commit new Domestic Violence crimes

Method(s) of Evaluation:

- One year post-DV supervision exit arrest data will be compiled by the DCJ Research & Evaluation Unit which will allow for the computation of percentage of offenders who do not commit new crimes, either DV or non-DV.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 850 offenders This information was extracted from DOC data.	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$ 786,024 _____
<input checked="" type="checkbox"/> County General Fund	\$1,899,044 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Family Services Unit

Program Purpose: The Family Services Unit (FSU) enhances community safety by providing probation supervision to whole families to protect children and lessen law-breaking across generations. FSU supervises 200 adult offenders who have children younger than 7 years old as well as 30 adult offenders and 43 juvenile offenders who live in the same household. This integration of supervision, child welfare assistance, housing, social and health services, and drug abuse treatment is designed to address the whole family's criminal issues.

Program Description: FSU is a unique program that works within a multi-disciplinary team comprised of professionals from Child Welfare, Health Services, the Department of Corrections, and Mental Health. The Family Support Project reduces female offender recidivism through child welfare, probation collaboration in treatment, and accountability. FSU supports the county's innovative one judge/one family model. The court sends all felony probation child abuse, abandonment and neglect cases, and cases where adult offenders are parenting juvenile probationers, to be supervised by one judge. The judge in turn works closely with one Probation Officer at FSU, who coordinates the intervention with the entire family.

Program Objectives: FSU supports the Safety priority by using prevention and intervention strategies with juveniles that reduce re-offending and assist in keeping youth out of the adult system. A study conducted by RAND (1996) showed that parent training, graduation incentives, and supervision of delinquents reduces inter-generational crime. Adults and juveniles at FSU are supervised and sanctioned through evidence-based methods that research has demonstrated to be effective in changing behavior and reducing re-offending (Andrews 1994). The program is built on the concept of cooperation and collaboration with other agencies and utilizing shared planning and strategies to impact public safety, resource allocation, and social service services. The program also supports the Education priority by ensuring and developing success for parents to be an appropriate caregiver in their children's lives. This provides the first step for children to be ready to learn.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders will not re-offend by re-conviction.
- 90% of all newborns born to parents under supervision at FSU will be born drug free.

Method(s) of Evaluation:

- Bi-annual recidivism data from DOC will provide the data for measuring the program outcome..
- The birth outcome data will be supplied by the Health Department nurses who work in FSU.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 301 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,731,022 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Drug Diversion Program

Program Purpose: 66% of all offenders arrested test positive for illegal drugs (Knight 2002). Drug diversion (STOP court) contributes to safety by providing outpatient treatment and supervision to nearly 900 adult offenders each year. Independent studies show drug diversion (STOP court) saves the county approximately \$1,400 per offender and results in reduced arrests (NPC Research 2003).

Program Description: The STOP Drug Court is for people charged with Possession of a Controlled Substance treating over 900 drug offenders each year. Offenders who successfully complete treatment and the conditions of the Court are not convicted of the charge. The treatment program works closely with the court to provide mental health and drug treatment, employment resources, housing referrals, mentoring and long-term follow-up services. Offenders may go to court once a week during the first phases of their recovery from addiction decreasing to one time per month as they stabilize.

Program Objectives: There is a well-researched link between drug and alcohol abuse and criminal behavior. Knight (2002) indicated that 66% of all offenders arrested test positive for illegal drugs. In 1996, the Department of Justice suggests that nationally 36% of adult offenders were under the influence of alcohol at the time of their offense. The Drug Court is one part of the continuum of treatment that contributes to an effective Public Safety System. Many of the people in Drug Court are not on supervision with the Department of Community Justice. This program provides an opportunity for people charged with illegal drugs to get treatment, be held accountable and hopefully not further penetrate the Public Safety System. This program provides drug treatment assistance, collaborating with public and community agencies to use county resources wisely and holds people accountable for their actions.

Performance Measures/Program Outcomes/Program Outputs:

- 50% of engaged clients will successfully complete services.
- 100% of client's drug tests were negative during the last 30 days of treatment.

Method(s) of Evaluation:

- DCJ contracts data will provide program outcome data to DCJ Research & Evaluation.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 309 offenders	Type of offender served: Offenders placed on drug diversion. <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,466,000 _____
<input checked="" type="checkbox"/> Other (Client Diversion Fees _____)	\$ 20,000 _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Community Service – formal supervision

Program Purpose: The Community Service Program (CS) works with 1,399 formally supervised offenders annually to assist with their court mandated obligations to perform community work. Offenders work in parks, assist non-profit agencies and community clean up projects resulting in 26,585 hours annually of unpaid community service.

Program Description: Community Service provides the courts and Parole and Probation Officers (POs) with a cost effective method to hold offenders accountable and allow them pay back their obligation to the community through unpaid work. Judges sentence offenders to community service as a condition of probation and POs can order offenders to complete community service as a consequence of a probation violation. 108 non-profit community organizations use offenders for non-paid work and CS sends work crews to parks to perform routine maintenance. This is a much less costly consequence than jail beds for appropriate offenders.

Program Objectives: CS contributes to safety by providing the courts and the POs with a productive and low cost alternative to jail while allowing offenders the chance to give back to the community. 26,585 hours were performed in the community last year (\$199,397 worth of labor). 129,826 hours were ordered saving the equivalent of 8,114 jail bed days or \$892,255 in annual jail costs. By using CS as a sanction over jail, more jail space is available for more dangerous criminals while the livability of the community is increased through offender volunteer services. Offenders are being held accountable.

Performance Measures/Program Outcomes/Program Outputs:

- 53,170 hours of community service will be delivered over the next biennium.
- \$398,000 of unpaid offender services will be contributed to the community through CS annually.
- This program is expected to coordinate 5,600 cases with a contribution of 106,400 non-paid offender hours over the next biennium.

Method(s) of Evaluation:

- SPIN data (DCJ database) will be analyzed by Kathy Zimmerman and total number of hours of service delivery will be reported to DCJ Research & Evaluation. DCJ Research & Evaluation will apply hourly wage to hours of community service to compute unpaid work dollars.

SB 267 Eligible: _____ Yes <u>XX</u> No																						
Monthly Average to be Served: 239 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor																					
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 10%; text-align: right;">\$1,020,937</td> <td style="width: 40%; border-bottom: 1px solid black;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$ 62,518</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(Client Fees_____)</td> <td style="text-align: right;">\$ 6,000</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(City of Portland Parks & Recreation_____)</td> <td style="text-align: right;">\$ 183,920</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(City of Portland, Water Bureau_____)</td> <td style="text-align: right;">\$ 80,000</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$</td> <td style="border-bottom: 1px solid black;"></td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$</td> <td style="border-bottom: 1px solid black;"></td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,020,937		<input checked="" type="checkbox"/> County General Fund	\$ 62,518		<input checked="" type="checkbox"/> Other(Client Fees_____)	\$ 6,000		<input checked="" type="checkbox"/> Other(City of Portland Parks & Recreation_____)	\$ 183,920		<input checked="" type="checkbox"/> Other(City of Portland, Water Bureau_____)	\$ 80,000		<input type="checkbox"/> Other(_____)	\$		<input type="checkbox"/> Other(_____)	\$	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,020,937																					
<input checked="" type="checkbox"/> County General Fund	\$ 62,518																					
<input checked="" type="checkbox"/> Other(Client Fees_____)	\$ 6,000																					
<input checked="" type="checkbox"/> Other(City of Portland Parks & Recreation_____)	\$ 183,920																					
<input checked="" type="checkbox"/> Other(City of Portland, Water Bureau_____)	\$ 80,000																					
<input type="checkbox"/> Other(_____)	\$																					
<input type="checkbox"/> Other(_____)	\$																					

PROGRAM DESCRIPTION

Program Name: Other Programs/Community Service – Community Court and Bench Probation

Program Purpose: The adult Community Service Program (CS) assists each year 1,280 offenders who are supervised directly by a judge to complete their court ordered obligations of community work. CS is responsible for coordinating community work sites, supervising each offender's community service, and providing offender status reports to the court. The court ordered community work results in 25,900 hours of unpaid work that benefits the community.

Program Description: The adult Community Service Program (CS) assists each year 1,280 offenders who are supervised directly by a judge to complete their court ordered obligations of community work. CS is responsible for coordinating community work sites, supervising each offender's community service, and providing offender status reports to the court. The court ordered community work results in 25,900 hours of unpaid work that benefits the community.

Program Objectives: CS holds offenders accountable for their actions and uses evidence-based practices. Data show that community sanctions reduce recidivism and enhance public safety (Oregon Department of Corrections, 2002). CS connects offenders to the community exposing them to positive social values. CS exemplifies cost-efficient cooperation and collaboration between courts, corrections, and public and private agencies. The community service sentence plays a significant role in the criminal justice system offering a productive alternative to jail. The savings to the County of 25,900 hours of community service performed is the equivalent of 1,844 jail bed days. At \$110/jail day, this equates to an annual savings of \$202,813 in jail costs. The maintenance and clean-up that offenders perform also contributes to a healthy and safe environment.

Performance Measures/Program Outcomes/Program Outputs:

- 25,900 hours of community service will be delivered annually.
- \$194,000 worth of unpaid work will be provided to the community.

Method(s) of Evaluation:

- SPIN data (DCJ database) will be analyzed by Kathy Zimmerman and total number of hours of service delivery will be reported to DCJ Research & Evaluation. DCJ Research & Evaluation will apply hourly wage to hours of community service to compute unpaid work dollars.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 114 offenders	Type of offender served: <input checked="" type="checkbox"/> Bench Probation and Community Court <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,080,172 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Day Reporting Center

Program Purpose: The Day Reporting Center (DRC) is a cost-effective program that holds over 600 violent and drug-addicted adult parole and probation violators accountable for their actions, providing counseling, school and work programs that prevent new crimes. DRC is an alternative consequence for probation and parole violations to a costlier jail sanction (annual jail savings of \$924,000). Offenders completing DRC have 39% fewer arrests, use fewer drugs and have higher employment.

Program Description: Successful parole and probation outcomes depend on a combination of community supervision, sanction and service programs that address offender violations and change anti-social behavior (Andrews, 1994). DRC is a non-residential sanction and skill-building program for adult offenders who have violated their supervision conditions, or who are coming from prison. DRC takes high and medium-risk offenders out of the community each day and provides structured activities that address the problems that propel their criminal activity, such as drug abuse, criminal thinking, inadequate job skills, a lack of stability and pro-social supports. DRC provides counseling that helps offenders make better choices, helps them prepare for drug treatment, teaches them how to be self-sufficient and to succeed in daily living. Offenders are also tested for drug use. POs rely heavily on DRC as a non-jail sanction option to change behavior.

Program Objectives: DRC is an evidence-based program that works: a 2003 study shows that DRC reduces offender arrests by 39%, decreases drug use and increases employment (Rhyne, 2003). A state corrections study concluded that community sanctions that include treatment (like DRC) are more effective in preventing re-offending than jail (ODOC, 2002). As a sanction, DRC holds offenders accountable and applies appropriate consequences; DRC serves only high and medium risk offenders and it provides a range of interventions that address the risks and needs of each offender (stop drug use, increase literacy, reduce unemployment, get job skills training and find basic housing). DRC is also a key part of a balanced and cost effective safety system. Probation and parole officers need a range of effective sanctions (in addition to or in combination with jail) to hold offenders accountable. DRC is also less than 10% the cost of jail.

Performance Measures/Program Outcomes/Program Outputs:

- 61% of participants will be arrest free one year after completing DRC.
- Increase percentage of offenders who maintain program involvement from 64% to 70%.
- The expected result for the next biennium is to increase length of involvement by 30 to 45 days in order to increase successful completion of program. This will result in fewer new arrests, more linkages to outside systems and prevents unemployment, poverty and homelessness.

Method(s) of Evaluation:

- DCJ Research & Evaluation will compute percentage of participants who are arrest free one-year post DRC exit.
- DRC database will provide data to DCJ Research & Evaluation to compute percentage of offenders who maintain program involvement.
- DRC database will provide data to DCJ Research & Evaluation to compute percentage of average length of program involvement.

SB 267 Eligible: DRC conducts cognitive restructuring groups. These activities are SB 267 eligible.

Monthly Average to be Served:

180 offenders

Type of offender served:

☒ Probation

☒ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☒ High ☒ Medium ☐ Low ☐ Limited

Gender

☒ Men ☒ Women

Crime Category

☒ Felony ☒ Misdemeanor

Funding Sources:

☒ State Grant-in-Aid

\$2,027,090 _____

☒ County General Fund

\$ 915,262 _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Electronic Monitoring

Program Purpose: Electronic monitoring is a program that is expected to begin this biennium. Electronic Monitoring (EM) uses electronic ankle bracelets and global positioning satellite technology to detain offenders in their home rather than in jail. EM is a reliable and cost-effective method to sanction offenders, enhance community safety and preserve costly jail beds for more dangerous offenders, and reduce matrix jail releases.

Program Description: EM enables the county to utilize a supervision violation sanction other than jail to detain offenders in their home, on a scale equal to 45 defendants or offenders per day. EM provides a means to incapacitate and punish offenders; expand supervision condition sentencing options for Judges; and more closely monitor offenders in the community with a portion of the costs being paid by the offender. Working together with the Judges, Board of Parole and the District Attorney will enhance the potential success of offenders placed on EM. This technology results in a jail bed cost avoidance in year one of \$1,313,000, and up to \$1,806,000 per year annualized.

Program Objectives: EM holds offenders accountable and enhancing community safety; promoting partnerships within the criminal justice system; preserving costly jail beds and reducing the impact of matrix releases. EM enables offenders to maintain employment, remain involved in various forms of treatment (including alcohol/drug and mental health); and continue ties to family and other community support systems. EM data from 2002 reflects an 85% success rate for offenders completing the program. Of the EM failures, 78% were disciplinary returns; few were rearrested for new crimes (Nykerk,C.,2003,MCSO).

Performance Measures/Program Outcomes/Program Outputs:

- An average of 45% utilization during the first 6 months due program development, implementation and staffing. This equates to an average of 20 offenders within the program at any given time.
- An average of 75% utilization during the second 6 months. This equates to an average of 34 offenders within the program at any given time.

Method(s) of Evaluation:

- DCJ Research & Evaluation will analyze contract database to determine utilization statistics and offender population.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 60 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$673,580 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Londer Learning Center

Program Purpose: Londer Learning Center (LLC) protects public safety by reducing arrests among 1,000 medium and high-risk adult offenders who are school dropouts, increasing their employability and literacy, and changing their criminal thinking and behavior. LLC is the only program targeting offenders to improve reading and math skills, obtain GEDs and make better decisions. Data show that LLC reduces arrests by 58%.

Program Description: PO's and treatment providers refer nearly 1,000 high and medium risk adult offenders to the LLC for instruction in reading, math and writing, GED preparation and testing, English as a Second Language and group counseling aimed at helping offenders correct their criminal thinking. LLC offers instruction consistent with proven practices effective in reading and adult learning, working closely with A&D community treatment providers. More than 60% of offenders who access LLC read at or below an 8th grade level. Their learning problems are compounded by substance abuse. LLC actively collaborates with community agencies to increase the employability of offenders whose criminal history and lack of education pose barriers to finding employment. U.S. Office of Vocational and Adult Education (2003) identified LLC as 1 of 12 national models for adult learning due to its holistic approach and collaboration with POs, alcohol and drug providers, and employment agencies.

Program Objectives: Evidence shows that LLC lowers crime and contributes to a safer community: LLC participants have fewer parole violations, fewer new arrests, and greater employment earnings (Finnegan,1994). In the two years after LLC, participants had 58% fewer arrests than they did in the two years prior to LLC (Rhyne,2001). LLC uses evidence-based, cost-effective and innovative programs that hold high and medium risk offenders responsible by using appropriate interventions. Research shows that low levels of education and vocational achievement are factors in criminal behavior (Gendreau,2002) and that programs can reduce the chances of offenders committing new crimes if they target criminal thinking (Andrews,1997). LLC addresses precisely these crime-producing factors.

Performance Measures/Program Outcomes/Program Outputs:

- 56% of offenders who enter the program will successfully complete criminal thinking groups.
- 52% who enter basic education will complete successfully.
- 95 offenders will obtain employment through community agencies.

Method(s) of Evaluation:

- Londer Learning Center database will provide data for these performance measures. Percentages will be reported to DCJ Research & Evaluation.

SB 267 Eligible: <u>XX</u> Yes <u> </u> No	
Monthly Average to be Served: 154 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,453,020 _____
<input checked="" type="checkbox"/> County General Fund	\$ 86,040 _____
<input checked="" type="checkbox"/> Other (Portland Community College _____)	\$ 119,886 _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Mental Health Services

Program Purpose: About 5% of the U.S. population has a serious mental illness, and yet 16% of the state prison and local jail population have this diagnosis. Some mentally ill people pose threats to the public. The Department of Community Justice (DCJ) provides funding for services to assist Parole and Probation Officers (POs) in keeping up to 200 adult mentally ill people each year stable and free from committing additional crimes.

Program Description: The purpose of the program is to assist POs to get the necessary mental health services for adult offenders. Most offenders access the traditional mental health services. However, there are some limited services that are key to public safety but are not available for this population without DCJ's assistance. This program provides its services through: 1) Mental Health Evaluation-only for offenders who cannot access regular evaluations fast enough, and pose a serious risk to the community. Evaluation workers work with POs to determine the best way to get the offender to comply with court orders. 2) Three contracted staff work with sixty offenders by getting them ready for community treatment. They help get emergency medical, food, shelter and clothing. 3) Ten residential beds of Dual Diagnosis Alcohol and Drug treatment for offenders who have not been successful in other treatment because of their mental health condition are located at the Residential Integrated Treatment Services (RITS) operated through Cascadia Behavioral Health.

Program Objectives: Many of the offenders who repeatedly go to jail have mental illnesses. Almost 25% of jail bookings for the highest users of the jail are because of violations of supervision. Without these services, many mentally ill offenders would not be stabilized, may not comply with their court orders and would end up in jail on supervision violations and possibly new crimes. This program saves jail beds and contributes to a safer community through providing treatment. These services provide a continuum of social services, collaborate and coordinate to conserve resources, providing mental health treatment for offenders and hold offenders accountable.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders under supervision will not recidivate as measured by re-conviction.

Method(s) of Evaluation:

- DOC produces bi-annual recidivism reports that contain these data.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 218 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$ 151,216 _____
<input checked="" type="checkbox"/> County General Fund	\$1,694,054 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Men's Residential Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Roman, 2001). This program contracts for 92 beds of residential drug and alcohol treatment for high-risk adult offenders, the majority of whom are male. These beds would serve a minimum of 195 offenders annually who require intensive treatment to reduce drug use and criminal behavior. This is a decrease of 38 beds from the current system.

Program Description: These 92 residential treatment beds will be reserved for high and medium-risk offenders in order to reduce criminality and drug use. Although the length of treatment varies by individuals, the majority of the facilities have up to six-month programs. This base offer retains treatment beds for four Spanish-speaking men, and one person with a Native American background. Treatment addresses criminality, addiction and mental health issues; referrals to services not offered by the treatment provider, relapse prevention counseling, connections to alumni and self-help groups, and regular communication and coordination with the Probation and Parole Officer.

Program Objectives: Residential treatment is one of the primary strategies for addressing addiction. During 2003, 73% of adult male arrestees tested positive for drugs when put in a Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes involve drug use on the part of the perpetrator and sometimes the victim. Research has shown that treatment reduces recidivism among offenders who are addicted.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the number of arrests before treatment against the number of arrests that occur 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in DSS-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

SB 267 Eligible: <u>XX</u> Yes <u> </u> No	
Monthly Average to be Served: 182 male offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$6,673,478 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Women's Residential Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Roman, 2001). There are approximately 1700 women on formal probation or parole in Multnomah County. This program contracts for 45 beds of residential drug and alcohol treatment for high-risk females. These beds would serve a minimum of 90 women and their children annually who require intensive treatment to reduce drug use and criminal behavior.

Program Description: These 45 residential treatment beds will be reserved for high and medium risk women, all beds located at one treatment facility. This treatment is designed specifically for women in the criminal justice system. More women than men are considered dually diagnosed (meaning both alcohol and drug, and a mental health diagnosis) and this program has almost fifteen years of experience with this population. Treatment addresses criminality, addiction and mental health issues, parenting, healthy relationships, employment issues, relapse prevention counseling, connections to alumni and self-help groups, and regular communication and coordination with the Probation and Parole Officer.

Program Objectives: Residential treatment is one of the primary interventions used in substance abuse treatment. During 2003, 85% of adult female arrestees tested positive for drugs when put in a Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes involve drug use on the part of the perpetrator and sometimes the victim. Research has shown that treatment reduces recidivism among offenders who are addicted.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the arrest rates prior to treatment against the arrest rates 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in Department of Social Service-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: <u>XX</u> Yes <u> </u> No	
Monthly Average to be Served: 65 female offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High Medium Low Limited Gender <input type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$3,223,528 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Outpatient Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Romani, 2001). At any time, 160 offenders (500 annually) who are classified as a high risk to commit new a crime attend contracted evidence based outpatient treatment 1-3 times weekly.

Program Description: Services are provided through contracts with 8 nonprofit alcohol and drug treatment providers. The programs use a research based treatment approach that addresses both criminality and addiction. The emphasis is on learning skills that support a lifestyle free of crime and addiction. Programs provide comprehensive services that include mental health, referrals to housing, job development, relapse prevention counseling, connections to alumni and self-help groups. Treatment programs link treatment with Probation Officer's expectations.

Program Objectives: This program provides an effective intervention model by treating offenders for their alcohol, drug and mental health problems and collaborating with community programs to maximize county resources. During 2002, 68.7% of adult males tested positive for drugs at booking in the Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes (including domestic violence), 60% to 80% of child abuse and neglect cases, 50% to 70% of theft and property crimes, and 75% of drug dealing or manufacturing offenses involve drug use on the part of the perpetrator, and sometimes the victim as well. Research shows that the right treatment, including outpatient treatment, reduces crime. The Department of County Human Services and Department of Community Justice work cooperatively to maintain system of treatment services.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the number of arrests before treatment against the number of arrests that occur 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in DSS-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

SB 267 Eligible: <u>XX</u> Yes <u> </u> No															
Monthly Average to be Served: 160 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$309,084 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$925,100 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(State Mental Health Grant _____)</td> <td style="text-align: right;">\$423,892 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$309,084 _____	<input checked="" type="checkbox"/> County General Fund	\$925,100 _____	<input checked="" type="checkbox"/> Other(State Mental Health Grant _____)	\$423,892 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$309,084 _____														
<input checked="" type="checkbox"/> County General Fund	\$925,100 _____														
<input checked="" type="checkbox"/> Other(State Mental Health Grant _____)	\$423,892 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Substance Abuse/River Rock Secure Residential A&D Facility and Community Aftercare

Program Purpose: River Rock (RR) is a secure 60-bed residential Alcohol/Drug treatment program serving high-risk to re-offend adult males involved in the criminal justice system who have failed other community treatment. These offenders' felony convictions may prohibit them from participating in community non-profit treatment. This program offer involves residential treatment for six months of intensive treatment addressing a number of issues including alcohol and drug abuse, and criminal behavior. This program is scheduled to operate six months between July 1 and the December 31, 2005.

Six months of the River Rock (RR) program involves outpatient treatment, transitional housing and support services. These services provide an opportunity for clients to continue to address their personal recovery as well as develop stable housing and a community support system.

Program Description: RR is a six-month secure residential alcohol/drug treatment program. An additional six months of community treatment, transitional housing and support services are available to clients through a separate RR program offer. RR's goal is the reduction of criminal behavior through treatment that addresses both addiction and criminal attitudes and behavior. RR's six-month residential treatment focuses on increasing positive attitudes and behaviors, increasing pro-social activities, reducing chemical dependencies, increasing self-management skills and increasing positive relationships with family and community members. This program offer is interconnected with RR's community care component and covers the costs of residential care and the services provided through the six-month residential program.

RR also includes six months of community outpatient treatment, transitional housing, and support services. During the six months of community outpatient treatment, residents are connected with mentors, housing, employment, on-going services and access to community self help. This program description is interconnected with RR's residential component.

Program Objectives: Recent research shows that punishment is unlikely to change criminal behavior, but alcohol and drug treatment that also addresses criminal behavior can reduce the commission of new crimes (Latessa 1991). In Multnomah County, 64% of those booked into jail test positive for one drug and 25% for multiple drugs (ADAM 2000). Research demonstrates that intervention services that address both criminal thinking and chemical dependency reduce arrests of program participants (Rhyne, 2004). Intensive treatment, i.e. a six-twelve month residential program, is most cost effective for high-severity cases (Griffith, 1999). Programs that address the reduction of both chemical dependency and criminal behavior are critical to the safety of our communities. RR holds offenders accountable, and assures fair and equitable treatment.

Performance Measures/Program Outcomes/Program Outputs:

- RR is collecting a baseline this year of the percentage of offenders released from RR who remain arrest-free one year from treatment termination.
- The percentage of offenders who evidence a decrease in criminal thinking as measured by pre- and post-treatment change scores in the Criminal Sentiments Scale.

Method(s) of Evaluation:

- DCJ Research & Evaluation will compute this measure.
- DCJ contracts data will be used by DCJ Research & Evaluation to compute this measure.

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

River Rock will be serving 50 clients in the residential program between July and the end of December 2005.

Type of offender served:

☒ Probation
☒ Parole / Post-Prison Supervision
☒ Local Control

Risk Level

☒ High ☒ Medium Low Limited

Gender

☒ Men ☐ Women

Crime Category

☒ Felony ☒ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☒ Other(Client Foodstamp Benefits_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$3,475,534 _____

\$ 48,000 _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Transitional Services Unit - Housing

Program Purpose: The Transitional Services Unit (TSU) links over 1,000 recently released, high-risk and violent offenders (including mentally ill and predatory sex offenders) to short and long-term housing at the Medford and other residences managed by community partners. By stabilizing their shelter needs, TSU housing decreases the chance these dangerous offenders will re-offend, increases their compliance with post-prison supervision and helps parole officers monitor their whereabouts. TSU Housing works: 73% of offenders in housing did not re-offend.

Program Description: TSU Housing provides short and long-term housing to dangerous and disabled offenders newly released from prison who are homeless or whose housing poses public safety concerns. Each day, TSU Housing provides shelter to an average of 279 offenders (1,000 per year). TSU Housing develops a long-term housing plan for every offender housed in transitional placement. TSU works closely with community providers such as Central City Concern (which operates the Medford Hotel) to make appropriate housing placements, share information and coordinate services. When appropriate and necessary, TSU refers offenders to residences where offenders are monitored by case managers and provided support services aimed at changing criminal behavior, such as drug abuse relapse prevention and group counseling to alter criminal thinking.

Program Objectives: Research has shown that connecting offenders to housing reduces the risk of committing new crimes. As Petersilia (2003) notes, "Housing and homelessness affect recidivism (re-arrest rates)...and parolees' homelessness influences overall crime rates in the community." TSU Housing promotes safety in a way that is closely aligned with county safety principles and strategies. Using evidence-based approaches and innovative partnerships with community housing organizations, TSU Housing reduces re-offenses among extremely high-risk offenders by targeting homelessness and related factors that destabilize an offender's living situation and spur new criminal activity. Data shows that TSU Housing works: last year 73% of the offenders on TSU Housing's caseload did not re-offend.

Performance Measures/Program Outcomes/Program Outputs:

- 78% of high risk, high need offenders will have their cases closed successfully (i.e., offenders are complying with conditions of supervision, following through with the case plan, finding work or receiving benefits, and have no new convictions)

Method(s) of Evaluation:

- DCJ contracts database will supply data for this measure.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: 279 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor														
Funding Sources: <table border="0" style="width: 100%;"> <tr> <td><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="text-align: right;">\$2,221,945 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$2,089,150 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(Inmate Welfare Release Subsidy Funds)</td> <td style="text-align: right;">\$ 136,548 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$2,221,945 _____	<input checked="" type="checkbox"/> County General Fund	\$2,089,150 _____	<input checked="" type="checkbox"/> Other(Inmate Welfare Release Subsidy Funds)	\$ 136,548 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$2,221,945 _____														
<input checked="" type="checkbox"/> County General Fund	\$2,089,150 _____														
<input checked="" type="checkbox"/> Other(Inmate Welfare Release Subsidy Funds)	\$ 136,548 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Transitional Services Unit – Offender Services

Program Purpose: Transitional Services Unit (TSU) Offender Services stabilizes 2,600 high-risk and violent adult offenders (including psychopaths and predatory sex offenders) who are newly released from prison or jail, and prepares them to return to the community, avoid re-offending and comply with post-prison supervision. TSU provides dangerous or disabled offenders housing, medical benefits, and access to mental health and drug treatment. 95% of TSU's high-risk offenders comply with supervision during the time they are receiving TSU services.

Program Description: TSU offender services provide re-entry planning up to 120 days prior to release for high risk and/or special needs offenders from every Oregon prison and county jails. Once in the community, TSU works with offenders for the first 90 days after their release and links them to basic services, such as housing, food, clothing, mental health and drug abuse treatment and transportation, that stabilize the offender and lower the risk he will violate parole. Pre-release plans are tailored to address the risks each offender poses and problems in his life that spur his criminal activity. TSU assists vulnerable offenders, such as mentally, developmentally and physically disabled or elderly, in addition to violent offenders and predatory sex offenders. TSU also helps offenders stay on medications, obtain disability benefits, and conduct job searches.

Program Objectives: TSU is a cost-effective, evidence-based program that protects the public by connecting extremely dangerous or vulnerable offenders with drug abuse and mental health treatment, housing and other services that lower an offender's risk of re-offending. Research shows that offenders who have access to supportive services and housing at re-entry (when they are mostly likely to re-offend) have a much lower re-arrest rate, lower drug use and a greater likelihood of employment (Vera Institute of Justice (2004), Corporation for Supportive Housing (2004)). TSU data is consistent with these findings: while the overall abscond rate among high-risk offenders is 15%, the abscond rate of offenders in TSU is three times less (around 5%). TSU also helps safety system components work together in ways that are cost-effective: for example, the Joint Access to Benefits (JAB) program is a collaborative TSU innovation that helps offenders qualify for federal disability benefits that cover mental health services, psychiatric medications and other care.

Performance Measures/Program Outcomes/Program Outputs:

- 80% of case plans will be closed successfully (e.g., no new convictions, complying with supervision conditions and completing case plan goals).
- 90% of the applications submitted to JAB will be approved.

Method(s) of Evaluation:

- SPIN (DCJ Database) will supply DCJ Research & Evaluation data for measuring the program outcomes.
- TSU collects the JAB data and will report to DCJ Research & Evaluation.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 650 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$196,780 _____
<input checked="" type="checkbox"/> County General Fund	\$920,444 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Research and Evaluation

Program Purpose: The Research and Evaluation (R&E) Unit analyzes and reports on issues critical to the Department (DCJ) including program planning, quality improvement, and assessing program impacts. Results are presented to DCJ management, staff and the Board. R&E also develops and reports performance measures for all department programs, services, and contracts.

Program Description: The R&E Unit supports the departmental principle of information-based decision-making by: a) conducting process and outcome evaluations of programs and initiatives, b) presenting research and evaluation studies orally and in writing to internal and external stakeholders, c) providing support for routine and periodic management reporting, and d) making recommendations regarding departmental priorities supported by the research and evaluative process. All of these tasks are conducted in a manner consistent with the American Evaluation Association's (AEA) 'Guiding Principles for Evaluators.'

Program Objectives: R&E responsibilities are critical for holding programs and services accountable. Accountability is accomplished by providing data to assess program impacts, guide program development, and support legislative mandates (e.g., S.B. 267). R&E works closely with management and staff to ensure their assignments address the mission and goals of the department. The R&E supervisor also serves on the departmental management team so that the R&E Unit can be aware of any new initiatives being considered and then provide timely input regarding research on best practices. In this way, the department's decisions can be based on data and program development and implementation based on solid research evidence.

Performance Measures/Program Outcomes/Program Outputs:

- 80% of departmental requests for studies/analyses/reports will be completed on time (based on a date agreed upon by R&E Unit and staff member making the request).
- 80% of DCJ staff that complete an annual satisfaction survey will report a positive experience after working with the R&E Unit. These measures will track the R&E Unit's ability to support the department through the sharing of timely, practical, and high quality information contributing to improved offender outcomes over time (e.g., program completion, reduced recidivism).

Method(s) of Evaluation:

- DCJ Research & Evaluation will collect and analyze data for these performance measures.

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$ _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$565,786</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(Byrne Grant _____)</td> <td style="text-align: right;">\$ 34,674</td> </tr> <tr> <td><input type="checkbox"/> Other(Robert Wood Johnson Reclaiming Futures Grant _____)</td> <td style="text-align: right;">\$ 39,084</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input type="checkbox"/> State Grant-in-Aid	\$ _____	<input checked="" type="checkbox"/> County General Fund	\$565,786	<input checked="" type="checkbox"/> Other(Byrne Grant _____)	\$ 34,674	<input type="checkbox"/> Other(Robert Wood Johnson Reclaiming Futures Grant _____)	\$ 39,084	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> State Grant-in-Aid	\$ _____														
<input checked="" type="checkbox"/> County General Fund	\$565,786														
<input checked="" type="checkbox"/> Other(Byrne Grant _____)	\$ 34,674														
<input type="checkbox"/> Other(Robert Wood Johnson Reclaiming Futures Grant _____)	\$ 39,084														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Supervision / Corrections Health

Program Purpose: Corrections Health provides health services for adults incarcerated in County correctional facilities.

Program Description: Correctional health care encompasses a basic level of services provided to all individuals booked into the County jail:

- Screening at booking to identify health problems that require immediate attention.
- Communicable disease screening for tuberculosis, sexually transmitted infections, etc.
- Emergency response; medication management; treatment of mental health problems; suicide prevention; continuity of care; referral to specialty services when indicated.
- Health education regarding a variety of problems including chronic, complex medical and psychiatric problems.
- Corrections Health has invaluable partnerships with the Sheriffs Office, Community Justice, and County Human Services that aid in addressing coexisting medical, psychiatric, behavioral, and criminal issues.
- Jail health services protect the larger community by early identification and treatment of communicable diseases, proactive risk management and liability reduction, and cost containment through effective management.
- The right to health care in jail is legally mandated under Federal and State law. When an individual is arrested and incarcerated, the obligation for health care falls upon the government as a matter of constitutional law, enforceable under the U.S. Constitution's 8th Amendment and the 14th Amendment's due process clause. Failure to provide health care amounts to deliberate indifference to serious medical needs. State laws (ORS 169.076) further delineate standards for local correctional facilities.

Program Objectives:

Corrections Health serves many of the community's most vulnerable citizens – the medically indigent and chronically mentally ill, many of whom seek basic health care services from the most expensive and least efficient sources - hospital emergency departments. Assisting these underserved clients to more appropriate health services is a great benefit to the community.

Method(s) of Evaluation:

- 40,000+intake medical screenings; no change anticipated for the next year.
- 17,000+requests for health care services in custody; no change anticipated for the next year.
- 10,000+physician and nurse practitioner visits; no change anticipated for the next year.
- Specific measures include review of intake screening, health assessments, emergency response, special needs treatment planning, and suicide prevention.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible:

Yes XX No

Monthly Average to be Served:

490 offenders

Type of offender served:

☒ Probation

☒ Parole / Post-Prison Supervision

☒ Local Control

Risk Level

☒ High ☒ Medium ☒ Low ☒ Limited

Gender

☒ Men ☒ Women

Crime Category

☒ Felony ☒ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☒ Other(Charges to Inmates)

☒ Other(Fees for Photocopies)

☐ Other

☐ Other

☐ Other

\$

\$25,605,104

\$ 320,000

\$ 60,000

\$

\$

\$

PROGRAM DESCRIPTION

Program Name: Supervision / Local Control Jail Beds															
Program Purpose: To incarcerate offenders sentenced to 12 months or less.															
Program Description: Offenders sentenced to 12 months or less serve at least 30 days in the Multnomah County Jail.															
Program Objectives: Address public safety concerns, hold offenders accountable for their behavior, and provide time/place to assess offender for appropriateness for community supervision.															
Method(s) of Evaluation: Monthly data extracted from SWIS and DOC reports indicating the number of offenders in jail and number of jail bed days served.															
SB 267 Eligible: _____ Yes XX No															
Monthly Average to be Served: 331 offenders	Type of offender served: <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">X State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$ 16,368,498</td> </tr> <tr> <td>X County General Fund</td> <td style="text-align: right;">\$ 112,679,564</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		X State Grant-in-Aid	\$ 16,368,498	X County General Fund	\$ 112,679,564	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
X State Grant-in-Aid	\$ 16,368,498														
X County General Fund	\$ 112,679,564														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Supervision / Local Control Monitoring Program

Program Purpose: The Multnomah County Sheriff's Office Local Control Monitoring Program is responsible for the identification of Local Control offenders and their movement from jail to community programming.

Program Description: Program staff meet regularly with the Adult Community Justice Local Control unit to staff cases for appropriate placement in the community based on thorough assessment and careful balancing of public safety and offender rehabilitation interests.

Program Objectives:

Free up jail beds, provide cost effective measure for local supervision of offenders, providing resources to assist offender in transition back to community.

Method(s) of Evaluation:

Monthly data extracted from SWIS and DOC reports indicating the number of offenders placed in community supervision and number of days served in community supervision. Also, tracking the return rates from various placement sites.

SB 267 Eligible: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 	
Monthly Average to be Served:	Type of offender served: <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$ <u>694,331</u>
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration / Local Public Safety Coordinating Council

Program Purpose: The Public Safety Coordinating Council (LPSCC) coordinates agencies and jurisdictions responsible for public safety.

The Executive Committee includes Federal, State, County, City, Schools and other public safety stakeholders at the top leadership levels. These members attend regularly, in person not through proxy, to share issues and solve them together. In addition to the Executive Committee, standing workgroups and ad-hoc issue groups meet to research, plan, and coordinate system responses.

Program Description: The mission of the Public Safety Council (LPSCC) is to coordinate local criminal justice policy, and plan for the use of state and local resources to serve local offenders. Because the mission is inherently dynamic, the program must be nimble to pursue changing needs in difficult budget times. LPSCC has two part-time staff; an Executive Director and an Assistant. Staff research issues as assigned, coordinate the agenda, meetings, and work products of the Executive Committee, the Mentally Ill in Criminal Justice subcommittee, and track the agendas and work products, as well as attend meetings of, the Criminal Justice Advisory Committee (CJAC), and the Alcohol and Drug Subcommittee.

Program Objectives: LPSCC achieves shared planning and strategies. LPSCC's DSS-J Policy Committee achieves system-wide data access to guide decision making and evaluate outcomes. LPSCC researches racial over-representation, and addresses its causes. Gang prevention/intervention; workgroups that involve community members; and alcohol and drug prevention/intervention are primary to LPSCC's scope of work.

Method(s) of Evaluation: LPSCC holds meetings and produce reports. Changes result such as increased bail amounts in Domestic Violence cases; "streams of offenders" priorities in use of system resources.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
X State Grant-in-Aid	\$392,041 _____
<input type="checkbox"/> County General Fund	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

2005-2007 Multnomah County Community Corrections Plan

LPSGC Members	Title
Lisa Naito	Commissioner District 3, Multnomah County
Public Safety Council Chair	
Mike H. Balter	Executive Director, Boys & Girls Aid Society
Judith C. Shiprack	Director, Public Safety Coordinating Council
Arwen J. Bird	Citizen, Survivors Advocating for an Effective System
Pat Burk	Portland Public Schools
Robyn Cole	Program Director, Oregon Youth Authority
Serena Cruz	Commissioner District 2, Multnomah County
Professor Bill H. Feyerherm	Vice Provost- Research & Dean of Graduate Studies, PSU
Derrick Foxworth	Chief of Police, Portland Police Bureau
Judge Julie Frantz	Chief Criminal Judge, Multnomah County Courts
Joanne Fuller	Director, Department of Community Justice
Bernie A. Giusto	Multnomah County Sheriff
Judith Hadley	Public member
Travis Hampton	Lieutenant, Oregon State Police
Mr. Jim D. Hennings	Executive Director, Metropolitan Public Defender
Art Hendricks	Crime Prevention Program Mgr., Office Neighborhood Involvement
Tom Potter	Mayor, City of Portland
Judge Dale Koch	Presiding Judge, Multnomah County Courts
Sam Adams	Portland City Council
Diane Linn	Chair, Multnomah County Board of County Commissioners
Judy-Ellen Low	St. Andrews Law Center
Maggie Miller	Executive Director, Citizens Crime Commission
Lillian Shirley	Director, Multnomah County Health Department
Karin Immergut	U. S. Attorney
Carla Piluso	Chief of Police, City of Gresham
Patricia Pate	Director, Multnomah County Department of County Human Services
Lorenzo T. Poe	Director, Multnomah County Office of School and Community Partnerships
Lonnie Roberts	Multnomah County Commission District 4
Chiquita M. Rollins	Coordinator, Domestic Violence Prevention
Edward L. Schmitt	Superintendent, Multnomah Education Service District
Michael D. Schrunk	District Attorney, Multnomah County
Tiana Tozer	Senior Associate, Robertson, Grosswiler & Co.
John Ball	Chief of Staff, Multnomah County Chair's Office
Michael Ware	Public Member

05/12/05

05/16/05

**Multnomah County Community Corrections Budget Summary
2005-2007 Biennium
Community Corrections State Grant Funds**

Program Name	State Grant Funds	Inmate Welfare Release Subsidy Fund	County/Other Funds	Total
Administration/Director's Office			1,932,816	1,932,816
Adult Services Division	132,533		2,768,670	2,901,203
Administration/Business Services			3,008,144	3,008,144
Administration -- Employee, Community and Clinical Services			2,890,267	2,890,267
Administration/Information Services			7,768,614	7,768,614
PRSP/Recog Program			5,366,040	5,366,040
Felony Field Supervision	22,904,498		3,373,098	26,277,596
Adult Field Supervision Support	2,143,473		2,878,008	5,021,481
Mandated Treatment for Medium Risk Offenders			1,637,356	1,637,356
High Risk Drug Unit	1,242,006		675,195	1,917,201
Sex Offender Services	517,808		809,438	1,327,246
Supervision/Misdemeanor Field Supervision			3,986,316	3,986,316
Other Programs -- DUII Supervision	412,335			412,335
Other Program/Enhanced Bench Probation			313,116	313,116
Other Programs/Domestic Violence Unit	786,024		1,899,044	2,685,068
Other Programs -- Family Services Unit			1,731,022	1,731,022
Other Programs/Drug Diversion Program			1,486,000	1,486,000
Other Programs/Community Service -- Formal Supervision	1,020,937		332,438	1,353,375
Other Programs/Community Service -- Community Court & Bench Probation			1,080,172	1,080,172
Day Reporting Center	2,027,090		915,262	2,942,352
Other Programs/Electronic Monitoring			673,580	673,580
Other Programs/Lender Learning Center	1,453,020		205,926	1,658,946
Other Programs/Mental Health Services	151,216		1,694,054	1,845,270

**Multnomah County Community Corrections Budget Summary
2005-2007 Biennium
Community Corrections State Grant Funds**

Program Name	State Grant Funds	Inmate Welfare Release Subsidy Fund	County/Other Funds	Total
Substance Abuse/Men's Residential Treatment			6,673,478	6,673,478
Substance Abuse/Women's Residential Treatment			3,223,528	3,223,528
Substance Abuse/Outpatient Treatment	309,084		1,348,992	1,658,076
Substance Abuse/River Rock Secure Residential A&D Facility & Aftercare			3,523,534	3,523,534
Transitional Services Unit/Housing	2,221,945	136,548	2,089,150	4,447,643
Transitional Services Unit/Offender Services	196,780		920,444	1,117,224
Research & Evaluation			639,544	639,544
Supervision/Corrections Health			25,985,104	25,985,104
Supervision/Local Control Jail Beds	16,368,498		112,679,564	129,048,062
Supervision/Local Control Monitoring Program			694,331	694,331
Administration/Local Public Safety Coordinating Council	392,041			392,041
Fund Total	52,279,288	136,548	205,202,245	257,618,081

**Community Corrections Sanctions and Services
Types and Monthly Average Served 2005-2007**

County	Corrections/ Work Center	Cognitive	CSW/Wrk Crw	Day Reporting Center	Domestic Violence	Drug Court	Electronic Home Detention	Employment	Intensive Supervision
Baker									
Benton									
Clackamas									
Clatsop									
Columbia									
Coos									
Crook									
Curry									
Deschutes									
Douglas									
Grant									
Harney									
Hood River									
Jackson									
Jefferson									
Josephine									
Klamath/Lake									
Lane									
Lincoln									
Linn									
Malheur									
Marion									
Multnomah	N/A	349	239	180	355	309	60	196	86
Polk									
Tillamook									
Gill/Sher/Whee									
Umatilla/Morrow									
Union/Wallowa									
Wasco									
Washington									
Yamhill									

**Community Corrections Sanctions and Services
Types and Monthly Average Served 2005-2007**

County	Jail	Mental Health	Polygraph	Sex Offender Treatment	Subsidy	Substance Abuse - Inpatient	Substance Abuse - Outpatient	Transition	Urinalysis
Baker									
Benton									
Clackamas									
Clatsop									
Columbia									
Coos									
Crook									
Curry									
Deschutes									
Douglas									
Grant									
Harney									
Hood River									
Jackson									
Jefferson									
Josephine									
Klamath/Lake									
Lane									
Lincoln									
Linn									
Malheur									
Marion									
Multnomah	345	152	133	379	650	390	789	279	423
Polk									
Tillamook									
Gill/Sher/Whee									
Umatilla/Morrow									
Union/Wallowa									
Wasco									
Washington									
Yamhill									

**Community Corrections Sanctions and Services
Types and Monthly Average Served 2005-2007**

County	Other	Other	Other	Comments
Baker				
Benton				
Clackamas				
Clatsop				
Columbia				
Coos				
Crook				
Curry				
Deschutes				
Douglas				
Grant				
Harney				
Hood River				
Jackson				
Jefferson				
Josephine				
Klamath/Lake				
Lane				
Lincoln				
Linn				
Malheur				
Marion				
Multnomah				ISP=Special Supervision Team
Polk				
Tillamook				
Gill/Sher/Whee				
Umatilla/Morrow				
Union/Wallowa				
Wasco				
Washington				
Yamhill				

BOGSTAD Deborah L

From: FREDA-COWIE Robb
Sent: Thursday, June 16, 2005 12:01 PM
To: BOGSTAD Deborah L
Subject: FW: 2005-2005 CCA Plan

Deb:

We have updated the information contained in the Community Corrections Plan which is scheduled to be heard at next Thursday's Board hearing. These documents reflect revised figures we received from the Sheriff's office and Corrections Health. Please include these documents when they are posted on-line with the agenda packet. Thanks!

Robb Freda-Cowie
Policy and Communications Manager
Multnomah County Department of Community Justice
501 SE Hawthorne Blvd., Suite 250
Portland, OR 97214
(503) 988-5820
Fax: (503) 988-6895

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

From: WALKER Lester A
Sent: Thursday, June 16, 2005 9:13 AM
To: LIDAY Steve G; FREDA-COWIE Robb; TURNER John
Cc: ORTIZ Aimee; COLDWELL Shaun M
Subject: 2005-2005 CCA Plan

These versions reduce to the Sheriff's Office DOC and general fund, incorporates Mandated Treatment for Medium Risk Offenders into Field Felony Supervision, and adjusts the Corrections Health to reflect only SB1145 offenders based on the monthly average of 311 offenders. This version has total DOC funding at last biennium's amount of \$47,018,499. Questions, comments, let me know.

6/16/2005

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Tuesday, June 21, 2005 7:00 AM
To: BOGSTAD Deborah L
Subject: RE: 2005-2005 CCA Plan

Yes.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

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

From: BOGSTAD Deborah L
Sent: Thursday, June 16, 2005 2:59 PM
To: SOWLE Agnes; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz; Andy Smith; Carol WESSINGER; Chuck Martin; Darcy Miles; Delma FARRELL; Gary Walker; Iris BELL; John Ball; Joseph BAESSLER; Judith Shiprack; Kathryn GORDON; Kristen WEST; Laura BAUM; Mary Carroll; Matthew LASHUA; Mike BEARD; Rob FUSSELL; Robert Walker; Shelli Romero; Tara BOWEN-BIGGS; Terri Naito
Cc: FREDIA-COWIE Robb; FULLER Joanne
Subject: FW: 2005-2005 CCA Plan

Hi All!

I'm forwarding you Robb Freda-Cowie's email received this afternoon regarding an updated Community Corrections Plan and Budget Summary – R-9 on the June 23, 2005 Board meeting agenda. The Board packets were printed and distributed prior to my getting this email, however the updated documents have been added to the Weekly Board Agenda Packet folder on your G drive and on the web.

Commissioners, the plan is 67 pages long and I've already expended a ream of paper on this submission so would you mind just viewing the updated electronic documents? Since the originally submitted documents were distributed and posted to the web, I believe the Commissioners will need to move approval of the updated plan. Agnes, do you concur? Thank you so much.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: FREDIA-COWIE Robb
Sent: Thursday, June 16, 2005 12:01 PM

6/22/2005

To: BOGSTAD Deborah L
Subject: FW: 2005-2005 CCA Plan

Deb:

We have updated the information contained in the Community Corrections Plan which is scheduled to be heard at next Thursday's Board hearing. These documents reflect revised figures we received from the Sheriff's office and Corrections Health. Please include these documents when they are posted on-line with the agenda packet. Thanks!

Robb Freda-Cowie
Policy and Communications Manager
Multnomah County Department of Community Justice
501 SE Hawthorne Blvd., Suite 250
Portland, OR 97214
(503) 988-5820
Fax: (503) 988-6895

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

From: WALKER Lester A
Sent: Thursday, June 16, 2005 9:13 AM
To: LIDAY Steve G; FREDA-COWIE Robb; TURNER John
Cc: ORTIZ Aimee; COLDWELL Shaun M
Subject: 2005-2005 CCA Plan

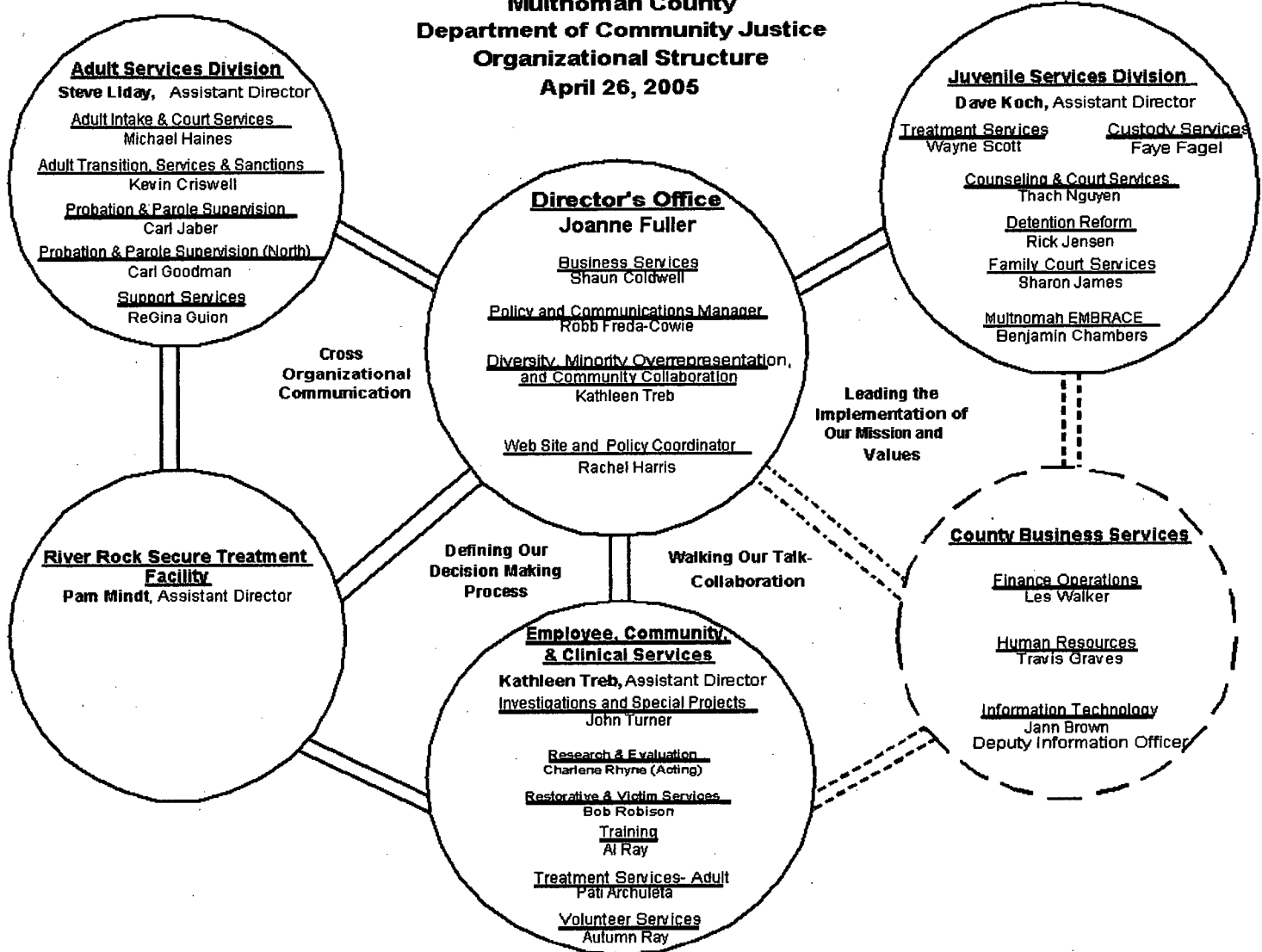
These versions reduce to the Sheriff's Office DOC and general fund, incorporates Mandated Treatment for Medium Risk Offenders into Field Felony Supervision, and adjusts the Corrections Health to reflect only SB1145 offenders based on the monthly average of 311 offenders. This version has total DOC funding at last biennium's amount of \$47,018,499. Questions, comments, let me know.

6/22/2005

COUNTY COMMUNITY CORRECTIONS
2005-2007 BIENNIUM COMMUNITY CORRECTIONS PLAN

Department of Corrections 2575 Center St. NE Salem, OR 97310	<i>For Office Use Only</i>	
	Date Received:	
	Time Received:	
County : Multnomah County	Date:	June 15, 2005
Address: Multnomah County Department of Community Justice 501 SE Hawthorne Blvd. Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Community Corrections Director/Manager: Joanne Fuller Address: 501 SE Hawthorne Blvd Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Sheriff: Bernie Giusto Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: sheriff@mcso.us		
Jail Manager: Tim Moore Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: timothy.a.moore@mcso.us		
Supervisory Authority: Joanne Fuller, Community Corrections Director Address: 501 SE Hawthorne Blvd Suite 250 Portland, Oregon 97214 Telephone: 503.988.3701 Fax: 503.988.6895 E-mail: joanne.fuller@co.multnomah.or.us		
Supervisory Authority: Bernie Giusto, Sheriff Address: 501 SE Hawthorne Blvd, Suite 350 Portland, Oregon 97214 Telephone: 503.988.4300 Fax: 503.988.4320 E-mail: sheriff@mcso.us		
LPSCC Contact: Judith Shiprack, Coordinator Address: 501 SE Hawthorne Blvd., Suite 600 Portland Oregon 97214 Telephone: 503.988.5894 Fax: 503.988.5262 E-mail: Judith.C.Shiprack@ co.multnomah.or.us		
BUDGET:		
State Grant Funds		\$47,018,499
County General Funds:		\$79,075,855
Supervision Fees		\$2,113,116
Client Fees		\$36,000
Parole Hearings		\$91,158
Other Funds		\$1,767,656
Inmate Welfare Release Subsidy Funds		\$136,548
Total Budget:		\$130,238,832

**Multnomah County
Department of Community Justice
Organizational Structure
April 26, 2005**



PROGRAM DESCRIPTION

Program Name: Administration / Director's Office

Program Purpose: The Director's office provides leadership and policy, program and fiscal direction to the Department of Community Justice (DCJ) and ensures that DCJ is accountable to county residents, the Board of County Commissioners and public safety system partners.

Program Description: The Director's office is responsible for daily operational management of a large urban community justice agency that is responsible for supervising 9,000 adult probationers and parolees, over 1,000 youth on formal and informal community supervision and a 180-bed juvenile detention facility. The Director's office sets departmental policy and oversees budget-setting priorities and fiscal management of over \$70 million in county, state, federal and private grant funds. It is also responsible for collaborating with partner agencies in government and in the community to develop coordinated public safety policies and services. The Director's office provides information to the Board of County Commissioners and the public about DCJ's work and coordinates efforts to make the Department more culturally diverse and competent in its services and its work environment.

Program Objectives:

- The Director's office is closely aligned with the county's accountability strategies.
- The Director's office is responsible for educating and informing the public about DCJ services, results and their impact on the community.
- It is also responsible for providing leadership that strengthens workforce competencies, including efforts to integrate supervision methods that are consistent with evidence-based practices and to make our workforce more culturally responsive and competent.
- Finally, the office manages the department budget and programs in ways that hold down costs in the public safety system and deliver services more effectively.

Method(s) of Evaluation:

Not applicable

SB 267 Eligible:

____ Yes **XX** No

Monthly Average to be Served:
N/A

Type of offender served: N/A

- ☐ Probation
☐ Parole / Post-Prison Supervision
☐ Local Control

Risk Level

- ☐ High ☐ Medium ☐ Low ☐ Limited

Gender

- ☐ Men ☐ Women

Crime Category

- ☐ Felony ☐ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

X County General Fund

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$1,932,816

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Adult Services Division (ASD)

Program Purpose: This program provides leadership and direction for all supervision of 9,000 adult offenders. This includes implementing evidence based practices, managing risk, creating service standards, coordination with public safety system and ensuring the safety of Parole and Probation Officers.

Program Description: Senior Managers are responsible for setting policy, quality control, and implementation of evidence based practices that reduce crime. They ensure integration with other public safety partners through: Local Public Safety Coordinating Council; Criminal Justice Advisory Council; Oregon Association of Community Corrections Directors; Department of Corrections (DOC). The Safety/Training Manager is responsible for the development, implementation and oversight of trainings that ensures officer safety. Regular qualification and certifications meet departmental and legal mandates for sworn staff.

Program Objectives: The preparation and enforcement of policies, procedures, systems and practices, which evidence demonstrates reduces crime, is critical in order to hold approximately 9,000 offenders accountable and is directly linked to public safety priorities and reduced crime. Oregon Department of Corrections data prepared in November, 2004 reflects a probation recidivism rate of 23.3% and the parole/post prison rate of 27.8% for Multnomah County. The average statewide rates are 25.1% and 31.2%, respectively. The department's adult recidivism rate for parolees has lowered from 37.9% to 27.8% (over 10%) for the last 10 years.

The objectives for ASD are:

1. Make continual progress towards lowering recidivism average for probation and post-prison offenders, 25.1% (State) versus 23.3% (Multnomah County) for probation and 31.2% (State) versus 27.8% (Multnomah County) for post-prison.
2. Implement at least 60% of the recommendations produced by the department's Research and Evaluation Unit.
3. Increase the number of officer safety trainers from 12 to 20 (60%) to maintain critical certification/qualifications in order to prevent injuries and maintain our level of expertise and efficiency.

Method(s) of Evaluation:

- DOC data is supplied bi-annually for DCJ trend analysis. This analysis will be done by DCJ Research & Evaluation.
- Year-end review by DCJ Research & Evaluation to outline recommendations and follow through.
- The Continuum of Force coordinator will supply year-end list of officer safety trainers and identify those who are new trainers.
- DCJ Research & Evaluation will collect these data noted in the program objectives and report on the performance measure.

Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">X State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$ 132,533 _____</td> </tr> <tr> <td>X County General Fund</td> <td style="text-align: right;">\$ 2,768,670 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		X State Grant-in-Aid	\$ 132,533 _____	X County General Fund	\$ 2,768,670 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
X State Grant-in-Aid	\$ 132,533 _____														
X County General Fund	\$ 2,768,670 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
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<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Administration/Business Services

Program Purpose: The DCJ Business Services section provides administrative and business support to the department. Services include budget development, analysis and tracking; grants management; accounts receivable; medicaid billing and purchasing.

Program Description: Business Services supports the department to maintain sound financial management through developing a balanced budget that meets Oregon Budget Law and the County's policies; following accounting practices established by the County's Chief Financial Officer; spending within budget and for the programs authorized by the Board of County Commissioners; participating in cross-County teams, such as the Administrative Services Managers and the Finance Users group.

Program Objectives: The Department of Community Justice is funded by a variety of federal, state, local and grant fund sources. One of the primary responsibilities of the Business Services section is to ensure that the budget for the department is balanced and legal and that spending stays within the limits and program areas that were authorized by the Board of County Commissioners. Accounting procedures follow County policy.

Performance Measures/Program Outcomes/Program Outputs:

Not applicable.

Method(s) of Evaluation:

Not applicable.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$ 3,008,144 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration/Employee and Community and Clinical Services

Program Purpose: Through collaborative contracting, victim services, volunteer management and an effective Website, the Department of Community Justice (DCJ) reaches out to the community. Appropriate background investigations of the people we hire, training of our staff, and leadership development assist DCJ with maintaining staff devoted to keeping the community safe.

Program Description: This support Division includes the majority of staff who provide administrative support to both the Juvenile and Adult Divisions. A few highlights include:

- 1) Background Investigations of all potential employees (180 last year).
- 2) Coordination of technical and professional training necessary to keep quality employees and meet statutory requirements (10,150 hours of in-house staff development or 18.5 hrs per employee).
- 3) Management of 211 volunteers who contributed more then \$320,000 of time.
- 4) System improvements regarding community building and victims services.
- 5) Maintenance of a highly used web-site (top ten sites for the county).
- 6) Program Development and contract compliance for approximately 15 million dollars of contracts.

Program Objectives: Public safety cannot be achieved without investing in both our community and our employees. By hiring the right people, giving them the tools they need to do their job and partnering with our community members we can best meet our mission of changing behavior and keeping the community safe.

Performance Measures/Program Outcomes/Program Outputs:

Not applicable.

Method(s) of Evaluation:

Not applicable.

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: N/A	Type of offender served: N/A <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
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<input type="checkbox"/> State Grant-in-Aid	\$ _____														
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<input checked="" type="checkbox"/> Other(Housing Authority of Portland _____)	\$ 30,000														
<input checked="" type="checkbox"/> Other(Byrne Grant _____)	\$ 24,703														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Administration/Information Services

Program Purpose: The Department of Community Justice (DCJ) Information Services program supports the computer hardware, software, supplies and maintenance needs of the department that are not provided by County Information Technology.

Program Description: The DCJ Information Services program supports the purchase and maintenance of computer equipment, peripheral devices, supplies and software to meet department operational and staff needs. Examples include printers, PDA's, scanners, digital cameras, laser and inkjet replacement cartridges, and statistical software. Maintenance of hardware and software is also provided such as repairing printers and supporting specialized software like digital dictation and client computer learning systems.

Program Objectives: This program is necessary to operate and maintain required technologies and tools for the department.

Method(s) of Evaluation:

Not applicable.

SB 267 Eligible: _____ Yes XX No

Monthly Average to be Served:
N/A

Type of offender served: N/A

- ☐ Probation
☐ Parole / Post-Prison Supervision
☐ Local Control

Risk Level

- ☐ High ☐ Medium ☐ Low ☐ Limited

Gender

- ☐ Men ☐ Women

Crime Category

- ☐ Felony ☐ Misdemeanor

Funding Sources:

- ☐ State Grant-in-Aid
☒ County General Fund

- ☐ Other(_____)
☐ Other(_____)
☐ Other(_____)
☐ Other(_____)
☐ Other(_____)

\$ _____
 \$ 7,768,614 _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____
 \$ _____

PROGRAM DESCRIPTION

Program Name: PRSP/Recog Program

Program Purpose: This Unit performs functions critical to the effective operation of our local criminal justice system by assisting the courts in making prompt and fair jail release decisions, and by supervising released defendants who are awaiting court hearings. During 2004, staff interviewed an average of 1,325 defendants in jail each month (15,900 annually), while Pretrial supervision annually supervised 1,200 offenders released on their own recognizance and awaiting court hearings.

Program Description: The Pre-trial Supervision Program (PRSP) provides two essential services: interviewing arrested defendants in jail (Recog staff) and supervising defendants released pre-trial (Pre-trial staff). Recog staffs the jail 24 hours/7 days per week interviewing all defendants in jail with a pending charge. They obtain specific information before deciding whether to release someone prior to court. This is critical in order to minimize unnecessary use of jail beds, while protecting victims, witnesses and the community. PRSP case managers supervise defendants released on their own recognizance and work closely with judges, district attorneys, defense attorneys, and other criminal justice partners. PRSP averages 350 defendants at any one time (1,200 yearly) with an average supervision time of 3.5 months. A primary goal is to get defendants to show up to court.

Program Objectives: PRSP contributes to safer communities, reducing criminal behavior, and providing an effective public safety system. A pre-trial assessment tool is used to determine which offenders would benefit from release without sacrificing community safety. All others remain in custody. This system provides a method of sorting offenders in a manner that results in community safety coupled with reduced costs. This unit also manages cases in ways that have been shown to be more effective at lowering new criminal activity than traditional case management (Andrew, 1994). Recog provides coverage for Parole and Probation Officers coordinating the process of holding probation violators in jail.

Performance Measures/Program Outcomes/Program Outputs:

- Recog: interview 100% of all newly arrested defendants within 3 to 5 hours of being booked into jail.
- Pretrial: ensure that at least 80% of defendants released to Pretrial supervision will attend future court hearings.

Method(s) of Evaluation:

- Data will be collected by exception to the mandated 3 to 5 hours.
- A random sample of defendants from PRSP and Recog will be selected to hand tabulate this measure.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

1,325 individuals are interviewed for jail release each month.

450 individuals are on pretrial supervision each month.

Type of offender served:

☐ Probation

☐ Parole / Post-Prison Supervision

☐ Local Control

X OTHER OFFENDERS: Pre-trial Offenders

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

X Men X Women

Crime Category

X Felony X Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

X County General Fund

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$ 5,366,040 _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Felony Field Supervision

Program Purpose: Adult Field Services felony supervision enhances community safety by changing the criminal behavior of 3,800 individuals who have been placed on felony probation supervision and 3,800 offenders released from prison for parole supervision. DCJ's parolee re-offense rate is 4% below the state average.

Program Description: Felony supervision uses research-based methods while collaborating with community organizations, law enforcement, treatment providers, and criminal justice partners. Offenders (including pre-released inmates) go through a centralized intake and are assessed for their community risk and needs that drive their criminal behavior (4,200 annually). Offenders are referred to housing, employment, financial, and educational assistance. Five field offices supervise high and medium-risk offenders. Specialized units work with gangs, sex offenders, mentally ill, female only, and high risk/dangerous offenders. Supervision includes surveillance, office and home visits, contacts with family, associates, treatment providers, and collaboration with police agencies. The Reduced Supervision Team monitors 2,400 offenders assessed as having a low chance of committing new crimes. The unit monitors police contacts and new crimes, reassigning offenders to higher supervision if warranted.

Program Objectives: This program supports Safety priorities by using research based supervision tactics, sanctions, and services that monitor offender behavior based on the findings of Andrews (1994), while case management policies are supported by research (Latessa, Gornich, and Evans 2002). Field supervision provides offenders opportunities to change their criminal behavior while using sanctions (including jail or revocation) to help ensure community safety. Research demonstrates that identifying and intervening on the factors contributing to re-offending are most effective. These strategies include changing offender's antisocial attitudes, beliefs, behaviors, and associates, reducing or eliminating substance abuse, and increasing offender self-control, self-management and problem solving skills (Andrews 1994). These strategies have been incorporated into staff's daily work with offenders. This approach works: the three-year re-conviction rate for paroled felons in the County is 27.8% (the statewide average is 31%).

Performance Measures/Program Outcomes/Program Outputs:

95% of offenders transitioning from prison will report for supervision within 1 day.
75% of probationers and 70% of parolees will not commit new crimes.

Method(s) of Evaluation:

- Intake will supply the performance outcome data to DCJ Research & Evaluation.
- Biannual recidivism data from DOC will supply percentages for measuring the program outcomes.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

7,626 felony offenders that includes felons in specialized programs.

Type of offender served:

☒ Probation
☒ Parole / Post-Prison Supervision
☐ Local Control

Risk Level

☒ High ☒ Medium ☒ Low ☒ Limited

Gender

☒ Men ☒ Women

Crime Category

☒ Felony ☐ Misdemeanor

Funding Sources:

<input checked="" type="checkbox"/> State Grant-in-Aid	\$ 17,971,078
<input checked="" type="checkbox"/> County General Fund	\$ 2,758,610
<input checked="" type="checkbox"/> Other(Supervision Fees_____)	\$ 1,800,000
<input checked="" type="checkbox"/> Other(Client Fees_____)	\$ 10,000
<input checked="" type="checkbox"/> Other(Going Home Grant_____)	\$ 441,844
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Adult Field Supervision Support

Program Purpose: Adult Field Supervision Support includes the Local Control (LC) unit. LC annually supervises 2,000 felons sentenced to 12 months or less of Local Control moving offenders between jail and jail alternatives. These felons are being jailed locally instead of being sent to prison. LC also conducts parole hearings for offenders in violation of their supervision and imposes sanctions. Both of these functions are required by law. The combined efforts of timely hearings and alternative custody sanctions to jail accounts for 39,000 fewer jail bed days used each year or a savings of over \$4 million.

Program Description: The LC unit supervises offenders sentenced to prison for 12 months or less, but serve their sentence locally. Working with the Sheriff's Office, LC has the legal authority to issue arrest warrants and has jurisdiction over the supervision conditions for these felons. Staff develop jail release plans, monitor offenders from jail to community-based sanctions, supervise and transfer offenders to community supervision. LC notifies victims when offenders leave jail. Offenders who violate their parole have the legal right to a hearing to determine if a violation has occurred. Hearings Officers conduct local parole hearings, and apply consequences. They can order jail releases, recommend revocation of offenders to prison or jail, and make other recommendations to releasing authorities, while using proven practices (Andrews 1994).

Program Objectives: The LC and Parole Hearings unit is instrumental in holding offenders accountable by providing fair and objective investigations, parole hearings, incarcerating offenders when it is appropriate, and actively supervising offenders with practices that research has shown to reduce future re-offending. (Andrews, 1994). This unit works in collaboration with the Sheriff's Office, treatment providers and the community to maximize county resources and eliminate duplication. Structured community placements such as electronic monitoring, intensive supervision and residential treatment save the county \$1 million dollars in jail bed costs each year. Providing timely local parole hearings using proven practices saves an additional \$3 million dollars annually in jail bed costs.

Performance Measures/Program Outcomes/Program Outputs:

- Continue to conduct hearings within an average of 7.5 days of the receipt of the hearings packet.

Method(s) of Evaluation:

- Local Control database will supply the program outcome data to DCJ Research & Evaluation.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

26 PSI's per month.
192 Local Control (1145)
offenders.
127 hearings per month.

Type of offender served:

X Probation
X Parole / Post-Prison Supervision
X Local Control
Risk Level
X High X Medium X Low X Limited
Gender
X Men X Women
Crime Category
X Felony ☐ Misdemeanor

Funding Sources:

X State Grant-in-Aid	\$2,143,473	_____
X County General Fund	\$2,786,850	_____
X Other (Parole Hearings _____)	\$ 91,158	_____
<input type="checkbox"/> Other (_____)	\$	_____
<input type="checkbox"/> Other (_____)	\$	_____
<input type="checkbox"/> Other (_____)	\$	_____
<input type="checkbox"/> Other (_____)	\$	_____

PROGRAM DESCRIPTION

Program Name: High Risk Drug Unit

Program Purpose: 66% of all adult offenders arrested test positive for illegal drugs (Knight 2002). The High Risk Drug Unit (HRDU) is designed to reduce drug use, increase treatment success and prevent further arrests for drug related activities for over 300 high-risk drug using adult offenders (420 annually) by taking an aggressive approach toward involving offenders in treatment, actively supervising and expecting them to change criminal behavior.

Program Description: This program works closely with treatment agencies to get offenders into treatment as soon as possible. HRDU understands that it takes a concerted effort and the coordination of community treatment agencies, the courts and law enforcement to provide the best conditions for addiction and behavior change as well as holding offenders accountable. Unit staff use supervision and case management practices that are supported by Andrews (1994) research as being effective. Andrews' research supports the primary objective of supervision, which is to manage the case in a way that holds the offender accountable, reduces criminal activity and provides an opportunity to change behavior.

Program Objectives: In Multnomah County 64% of those booked into jail test positive for one drug and 25% for multiple drugs (ADAM 2000). Recent research shows that punishment is unlikely to change behavior, but alcohol and drug abuse treatment that also addresses criminal behavior can reduce the number of new crimes committed (Andrews 1994). HRDU targets the highest risk drug offenders and holds them accountable through active community supervision, applying consequences when needed, and using evidence based services (Andrews 1994) designed to change behavior and reduce new crimes. HRDU works in collaboration with treatment providers, the community and law enforcement, holds offenders accountable and fosters recovery from alcohol and drug abuse among offenders.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders will not re-offend through re-conviction.
- 45% of referred offenders will engage in treatment.
- 85% of offenders will not re-offend through drug crime re-convictions.

Method(s) of Evaluation:

- Bi-annual recidivism data from DOC will provide data for measuring program outcomes.
- CIS Treatment module will supply data for measuring program outcomes.
- Bi-annual recidivism data from DOC will provide data for measuring program outcomes.

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: 325 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$1,242,006 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$ 333,542 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(Local Law Enforcement Block Grant_____)</td> <td style="text-align: right;">\$ 164,780 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(UCLA Integrated Substance Abuse Grant)</td> <td style="text-align: right;">\$ 176,873 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,242,006 _____	<input checked="" type="checkbox"/> County General Fund	\$ 333,542 _____	<input checked="" type="checkbox"/> Other(Local Law Enforcement Block Grant_____)	\$ 164,780 _____	<input checked="" type="checkbox"/> Other(UCLA Integrated Substance Abuse Grant)	\$ 176,873 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,242,006 _____														
<input checked="" type="checkbox"/> County General Fund	\$ 333,542 _____														
<input checked="" type="checkbox"/> Other(Local Law Enforcement Block Grant_____)	\$ 164,780 _____														
<input checked="" type="checkbox"/> Other(UCLA Integrated Substance Abuse Grant)	\$ 176,873 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Sex Offender Services

Program Purpose: The Sex Offender Treatment and Management Program provides comprehensive services for the supervision, treatment and management of 900 sexual offenders to increase community safety, decrease sexual victimization, and reduce new criminal activity.

Program Description: The Adult Sex Offender Treatment Management Program supervises 900 sexual offenders of which approximately 200 have been identified as predatory. High and medium risk offenders are actively supervised in one of five field offices with lower risk cases assigned to a Reduced Supervision Caseload. The program requires a comprehensive offender evaluation and assessment of sexual behaviors, as well as sex offender specific treatment offered by 32 approved community providers. Ongoing polygraph examinations help determine sexual history and monitor compliance with treatment and supervision. Occasionally, pharmacological (drug) treatment is also used to reduce deviant sexual arousal.

Program Objectives: The program has a direct effect on community safety and offender accountability. Research indicates that offenders who attend and cooperate with treatment are less likely to re-offend than those who reject treatment (Center for Sex Offender Management); effective sex offender treatment interventions can reduce sexual recidivism by 8% (Hall, 1995); sex offenders who fail to complete treatment are at increased risk for both sexual and general recidivism (Hanson & Bussiere, 1998 & 2004); and managing offenders who are amenable to treatment and supervised intensely within the community following an appropriate term of incarceration can help prevent future victimization while saving taxpayers substantial imprisonment costs (Lotke, 1996). Research indicates the use of polygraph exams is associated with a reduction in re-offense rates (Grubin, Parsons, Sosnowski & Wilcox, 2002). Pharmacological treatment has shown to be effective for individuals who suffer from hypersexuality and/or significant levels of deviant arousal (Hanson & Bussiere, 1998 & 2004).

Performance Measures/Program Outcomes/Program Outputs:

- On July 1, 2004, the Department of Community Justice began collecting baseline data from the Multnomah County Sex Offender Treatment Progress Report to guide the development of performance measures that examines treatment impact/effectiveness on an offender's behavior over time. DCJ is also collecting arrest and conviction data on offenders that relate to both sexual and non-sexual offenses during treatment.

Method(s) of Evaluation:

- Bi-annual recidivism data is supplied to the department by DOC.
- Contracts data will be sent to DCJ Research & Evaluation for measuring program outcomes.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 933 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$517,808 _____
<input checked="" type="checkbox"/> County General Fund	\$809,438 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Supervision – Misdemeanor Field Supervision

Program Purpose: Adult Field Services misdemeanor supervision monitors 1,300 probationers who committed person to person crimes. Most of these offenders have violent (including domestic violence), DUII and sex-offending histories. Probation supervision works: nearly 75% do not re-offend within three years of their offense.

Program Description: Misdemeanor probation supervision protects the public by supervising offender behavior in the community and punishing violations of probation conditions. The offender changes his behavior through planning his life, attending treatment and learning new non-criminal skills. While these offenders were convicted of misdemeanors, they represent a serious risk to the community. Of the 1,300 misdemeanor probationers: 509 are domestic violence (DV) offenders, 47 are Driving Under the Influence (DUII) offenders, 52 are sex offenders, 38 are mentally ill offenders and 6 are gang offenders. DV and DUII offenders are supervised in specialized units. All of the other misdemeanor offenders are a local responsibility.

Program Objectives: This program protects the public by using evidence-based practices to hold misdemeanor offenders accountable and reduce their re-offenses. Probation officers (POs) monitor the compliance of high and medium risk offenders with their supervision conditions, and apply proportional consequences (including jail or revocation) when necessary to help ensure community safety. POs require offenders to receive treatment and other behavior-change services that reduce drug and alcohol abuse and change antisocial attitudes and actions. Research shows that this balanced approach between supervision, sanctions and behavior-change services reduces re-offending, while incarceration alone actually increases re-offending (Andrews, 1994). State corrections data indicates that probation supervision works: nearly 75% of Multnomah County misdemeanor probationers do not re-offend within three years of their offense. Adult Field Services experienced an overall 25.1% probation re-arrest rate.

Performance Measures/Program Outcomes/Program Outputs:

- For the next biennium, 75% of misdemeanor cases will not commit new crimes.

Method(s) of Evaluation:

- A random sample of misdemeanor cases will be selected and recidivism data will be collected by hand.

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

1,448 offenders that include misdemeanants in specialized supervision programs.

Type of offender served:

☒ Probation
 Parole / Post-Prison Supervision
 Local Control

Risk Level

☒ High ☒ Medium ☒ Low ☒ Limited

Gender

☒ Men ☒ Women

Crime Category

☐ Felony ☒ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☐ Other()

☐ Other()

☐ Other()

☐ Other()

☐ Other()

\$ _____

\$3,986,316 _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

Program Name: Other Programs/DUII Supervision

Program Purpose: Oregon had over 200 alcohol-related traffic fatalities in 2003. The Driving Under the Influence of Intoxicants (DUII) Supervision unit targets 100 of the most chronic adult DUII offenders (160 annually), and combines alcohol treatment and community supervision to promote safer streets and neighborhoods by holding offenders accountable and reducing drinking and driving.

Program Description: Chronic DUII offenders (three or more prior convictions) often have been unresponsive to previous treatment and criminal justice interventions, and remain a high public safety risk. DUII Supervision refers each of these offenders to evidence based treatment that focuses on long-term changes including reducing the chances of new criminal activity, especially drinking and driving. Probation officers (POs) work closely with treatment providers and monitor offender progress in treatment. POs develop action plans with each offender to address the problems in an offender's life that contribute to his or her driving while intoxicated and other criminal behavior. Staff also respond to concerns about continued alcohol and drug use among these offenders from community members.

Program Objectives: The Chronic DUII program saves lives and prevents alcohol related driving crimes by holding chronic DUII offenders accountable for their actions using evidence-based consequences. Research by Andrews (1994) shows that alcohol and drug treatment that also addresses criminal behavior reduces the commission of new crimes. The most effective DUII interventions combine education, counseling and monitoring (Wells-Parker&Bangert-Downs, et al. 1995). The Chronic DUII program adheres to research driven practices (Andrews, 1994). It requires offenders to engage in appropriate treatment, monitors offender behavior and responds to neighborhood concerns. Program outcome data shows that this program is working: 70% of these high-risk, chronic DUII offenders did not re-offend last year. The program holds offenders accountable, works closely with criminal justice and community partners, and promoting alcohol and drug treatment for offenders.

Performance Measures/Program Outcomes/Program Outputs:

- 75% of offenders will enter treatment.
- 75% of offenders will not commit new crimes.

Method(s) of Evaluation:

- Biannual recidivism data is supplied to the department by DOC.

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: 115 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$ \$412,335 _____</td> </tr> <tr> <td><input type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$ \$412,335 _____	<input type="checkbox"/> County General Fund	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$ \$412,335 _____														
<input type="checkbox"/> County General Fund	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

Program Name: Other Programs/Enhanced Bench Probation

Program Purpose: The Enhanced Bench Program (EBP) monitors police contacts of over 2,900 adult offenders who have a history of Driving Under the Influence of Intoxicants (DUII) and reports these police contacts to the judge who is monitoring the case. The offenders are not placed on formal probation. This is supervision by the judge only and is called bench probation.

Program Description: Offenders are entered into a statewide computer system known as the Law Enforcement Data System (LEDS) after being placed on Enhanced Bench Probation. If an offender has any police contact, the Enhanced Bench staff are notified and they research the nature of the contact. Staff generate a report to the judge summarizing the police contact, and the nature of the police contact (the offender's activities including drinking and driving behaviors or new criminal activity). More than 5,400 DUII cases have been placed on Enhanced Bench probation since the program began in 1999.

Program Objectives: Drinking and driving is a significant public safety concern. Mothers Against Drunk Driving estimated 6,000 alcohol-related accidents occurred in 2000, killing 188 and injuring 1,900 people in Oregon. The unit's ability to monitor the activities of over 2,900 DUII offenders represents an invaluable service to the court system and to public safety. The judges rely on the 1,000 annual reports summarizing contact between offenders and police to effectively supervise these cases. This program is instrumental in holding bench probationers accountable by serving as a valuable connection between law enforcement and the courts. The strong collaboration between this program, the courts and law enforcement has a direct effect on public safety.

Performance Measures/Program Outcomes/Program Outputs:

- Monitor 2,900 DUII cases each month and produce 1,000 reports to the courts annually.
- Collect \$160,000 in offender fees each year.

Method(s) of Evaluation:

- EBP has a database that will compute the performance measures.

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

2,900 offenders

Type of offender served:

☒ Bench Probation

☐ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

☐ Men ☐ Women

Crime Category

☐ Felony ☐ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☐ County General Fund

☒ Other(Supervision Fees _____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$ _____

\$313,116 _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Domestic Violence Unit

Program Purpose: The Domestic Violence (DV) Unit promotes safety of DV victims and strives to stop further domestic violence. This program supervises 650 offenders (1,130 annually) convicted of domestic violence misdemeanors and felonies, and monitors 150 first time offenders who have pled guilty to a DV misdemeanor crime but have the opportunity to have their record expunged if they successfully complete the conditions of the court.

Program Description: The goal of the DV unit is to stop domestic violence by holding offenders accountable for their actions, providing offenders opportunities for positive change and protecting victims from continued violence. This program supervises 650 misdemeanor and felony offenders on formal probation. This includes close collaboration with treatment programs, holding offenders accountable, and developing housing, employment and education contacts. Home visits and office visits ensure offenders comply with their probation conditions and ensure victim safety. Staff work closely with victims to develop treatment, safe housing, and safety plans. The Deferred Sentencing program is a separate part of the unit. Its goal is to stop domestic violence with first-time offenders by monitoring each offender's compliance with treatment, the law, victim contact and other directives ordered by the Court. Staff provide court reports on each offender's progress. If the offender successfully completes the program, the offender's DV conviction is expunged from their record and they are not placed on formal probation. The Deferred Sentencing Program oversees 150 offenders.

Program Objectives: This program holds offenders accountable for their actions as well as its strong collaborative efforts with treatment, victim and criminal justice organizations. The program uses research based supervision tactics, sanctions, and services that help monitor the offenders' compliance with their supervision conditions (Andrew, 1994). Its supervision strategies provide offenders with opportunities to change their criminal behavior by addressing factors where research has shown that making changes will be followed by a reduced rate of new crimes (Andrews, 1994).

Performance Measures/Program Outcomes/Program Outputs:

- 70% of the offenders will not commit new non-Domestic Violence crimes.
- 70% of the offenders will not commit new Domestic Violence crimes

Method(s) of Evaluation:

- One year post-DV supervision exit arrest data will be compiled by the DCJ Research & Evaluation Unit which will allow for the computation of percentage of offenders who do not commit new crimes, either DV or non-DV.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 850 offenders This information was extracted from DOC data.	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$ 786,024 _____
<input checked="" type="checkbox"/> County General Fund	\$1,899,044 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Family Services Unit

Program Purpose: The Family Services Unit (FSU) enhances community safety by providing probation supervision to whole families to protect children and lessen law-breaking across generations. FSU supervises 200 adult offenders who have children younger than 7 years old as well as 30 adult offenders and 43 juvenile offenders who live in the same household. This integration of supervision, child welfare assistance, housing, social and health services, and drug abuse treatment is designed to address the whole family's criminal issues.

Program Description: FSU is a unique program that works within a multi-disciplinary team comprised of professionals from Child Welfare, Health Services, the Department of Corrections, and Mental Health. The Family Support Project reduces female offender recidivism through child welfare, probation collaboration in treatment, and accountability. FSU supports the county's innovative one judge/one family model. The court sends all felony probation child abuse, abandonment and neglect cases, and cases where adult offenders are parenting juvenile probationers, to be supervised by one judge. The judge in turn works closely with one Probation Officer at FSU, who coordinates the intervention with the entire family.

Program Objectives: FSU supports the Safety priority by using prevention and intervention strategies with juveniles that reduce re-offending and assist in keeping youth out of the adult system. A study conducted by RAND (1996) showed that parent training, graduation incentives, and supervision of delinquents reduces inter-generational crime. Adults and juveniles at FSU are supervised and sanctioned through evidence-based methods that research has demonstrated to be effective in changing behavior and reducing re-offending (Andrews 1994). The program is built on the concept of cooperation and collaboration with other agencies and utilizing shared planning and strategies to impact public safety, resource allocation, and social service services. The program also supports the Education priority by ensuring and developing success for parents to be an appropriate caregiver in their children's lives. This provides the first step for children to be ready to learn.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders will not re-offend by re-conviction.
- 90% of all newborns born to parents under supervision at FSU will be born drug free.

Method(s) of Evaluation:

- Bi-annual recidivism data from DOC will provide the data for measuring the program outcome..
- The birth outcome data will be supplied by the Health Department nurses who work in FSU.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 301 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$1,731,022 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Drug Diversion Program

Program Purpose: 66% of all offenders arrested test positive for illegal drugs (Knight 2002). Drug diversion (STOP court) contributes to safety by providing outpatient treatment and supervision to nearly 900 adult offenders each year. Independent studies show drug diversion (STOP court) saves the county approximately \$1,400 per offender and results in reduced arrests (NPC Research 2003).

Program Description: The STOP Drug Court is for people charged with Possession of a Controlled Substance treating over 900 drug offenders each year. Offenders who successfully complete treatment and the conditions of the Court are not convicted of the charge. The treatment program works closely with the court to provide mental health and drug treatment, employment resources, housing referrals, mentoring and long-term follow-up services. Offenders may go to court once a week during the first phases of their recovery from addiction decreasing to one time per month as they stabilize.

Program Objectives: There is a well-researched link between drug and alcohol abuse and criminal behavior. Knight (2002) indicated that 66% of all offenders arrested test positive for illegal drugs. In 1996, the Department of Justice suggests that nationally 36% of adult offenders were under the influence of alcohol at the time of their offense. The Drug Court is one part of the continuum of treatment that contributes to an effective Public Safety System. Many of the people in Drug Court are not on supervision with the Department of Community Justice. This program provides an opportunity for people charged with illegal drugs to get treatment, be held accountable and hopefully not further penetrate the Public Safety System. This program provides drug treatment assistance, collaborating with public and community agencies to use county resources wisely and holds people accountable for their actions.

Performance Measures/Program Outcomes/Program Outputs:

- 50% of engaged clients will successfully complete services.
- 100% of client's drug tests were negative during the last 30 days of treatment.

Method(s) of Evaluation:

- DCJ contracts data will provide program outcome data to DCJ Research & Evaluation.

SB 267 Eligible:

_____ Yes **XX** No

Monthly Average to be Served:

309 offenders

Type of offender served: Offenders placed on drug diversion.

☐ Probation

☐ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

X Men X Women

Crime Category

☐ Felony ☐ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

X County General Fund

X Other(Client Diversion Fees _____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$1,466,000 _____

\$ 20,000 _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Community Service – formal supervision

Program Purpose: The Community Service Program (CS) works with 1,399 formally supervised offenders annually to assist with their court mandated obligations to perform community work. Offenders work in parks, assist non-profit agencies and community clean up projects resulting in 26,585 hours annually of unpaid community service.

Program Description: Community Service provides the courts and Parole and Probation Officers (POs) with a cost effective method to hold offenders accountable and allow them pay back their obligation to the community through unpaid work. Judges sentence offenders to community service as a condition of probation and POs can order offenders to complete community service as a consequence of a probation violation. 108 non-profit community organizations use offenders for non-paid work and CS sends work crews to parks to perform routine maintenance. This is a much less costly consequence than jail beds for appropriate offenders.

Program Objectives: CS contributes to safety by providing the courts and the POs with a productive and low cost alternative to jail while allowing offenders the chance to give back to the community. 26,585 hours were performed in the community last year (\$199,397 worth of labor). 129,826 hours were ordered saving the equivalent of 8,114 jail bed days or \$892,255 in annual jail costs. By using CS as a sanction over jail, more jail space is available for more dangerous criminals while the livability of the community is increased through offender volunteer services. Offenders are being held accountable.

Performance Measures/Program Outcomes/Program Outputs:

- 53,170 hours of community service will be delivered over the next biennium.
- \$398,000 of unpaid offender services will be contributed to the community through CS annually.
- This program is expected to coordinate 5,600 cases with a contribution of 106,400 non-paid offender hours over the next biennium.

Method(s) of Evaluation:

- SPIN data (DCJ database) will be analyzed by Kathy Zimmerman and total number of hours of service delivery will be reported to DCJ Research & Evaluation. DCJ Research & Evaluation will apply hourly wage to hours of community service to compute unpaid work dollars.

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

239 offenders

Type of offender served:

X Probation

X Parole / Post-Prison Supervision

X Local Control

Risk Level

X High X Medium X Low X Limited

Gender

X Men X Women

Crime Category

X Felony X Misdemeanor

Funding Sources:

X State Grant-in-Aid

\$1,020,937

X County General Fund

\$ 62,518

X Other(Client Fees)

\$ 6,000

X Other(City of Portland Parks & Recreation)

\$ 183,920

X Other(City of Portland, Water Bureau)

\$ 80,000

☐ Other()

\$

☐ Other()

\$

PROGRAM DESCRIPTION

Program Name: Other Programs/Community Service – Community Court and Bench Probation

Program Purpose: The adult Community Service Program (CS) assists each year 1,280 offenders who are supervised directly by a judge to complete their court ordered obligations of community work. CS is responsible for coordinating community work sites, supervising each offender's community service, and providing offender status reports to the court. The court ordered community work results in 25,900 hours of unpaid work that benefits the community.

Program Description: The adult Community Service Program (CS) assists each year 1,280 offenders who are supervised directly by a judge to complete their court ordered obligations of community work. CS is responsible for coordinating community work sites, supervising each offender's community service, and providing offender status reports to the court. The court ordered community work results in 25,900 hours of unpaid work that benefits the community.

Program Objectives: CS holds offenders accountable for their actions and uses evidence-based practices. Data show that community sanctions reduce recidivism and enhance public safety (Oregon Department of Corrections, 2002). CS connects offenders to the community exposing them to positive social values. CS exemplifies cost-efficient cooperation and collaboration between courts, corrections, and public and private agencies. The community service sentence plays a significant role in the criminal justice system offering a productive alternative to jail. The savings to the County of 25,900 hours of community service performed is the equivalent of 1,844 jail bed days. At \$110/jail day, this equates to an annual savings of \$202,813 in jail costs. The maintenance and clean-up that offenders perform also contributes to a healthy and safe environment.

Performance Measures/Program Outcomes/Program Outputs:

- 25,900 hours of community service will be delivered annually.
- \$194,000 worth of unpaid work will be provided to the community.

Method(s) of Evaluation:

- SPIN data (DCJ database) will be analyzed by Kathy Zimmerman and total number of hours of service delivery will be reported to DCJ Research & Evaluation. DCJ Research & Evaluation will apply hourly wage to hours of community service to compute unpaid work dollars.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

114 offenders

Type of offender served:

☒ Bench Probation and Community Court

☐ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

☒ Men ☒ Women

Crime Category

☐ Felony ☐ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$1,080,172 _____

\$ _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Day Reporting Center

Program Purpose: The Day Reporting Center (DRC) is a cost-effective program that holds over 600 violent and drug-addicted adult parole and probation violators accountable for their actions, providing counseling, school and work programs that prevent new crimes. DRC is an alternative consequence for probation and parole violations to a costlier jail sanction (annual jail savings of \$924,000). Offenders completing DRC have 39% fewer arrests, use fewer drugs and have higher employment.

Program Description: Successful parole and probation outcomes depend on a combination of community supervision, sanction and service programs that address offender violations and change anti-social behavior (Andrews, 1994). DRC is a non-residential sanction and skill-building program for adult offenders who have violated their supervision conditions, or who are coming from prison. DRC takes high and medium-risk offenders out of the community each day and provides structured activities that address the problems that propel their criminal activity, such as drug abuse, criminal thinking, inadequate job skills, a lack of stability and pro-social supports. DRC provides counseling that helps offenders make better choices, helps them prepare for drug treatment, teaches them how to be self-sufficient and to succeed in daily living. Offenders are also tested for drug use. POs rely heavily on DRC as a non-jail sanction option to change behavior.

Program Objectives: DRC is an evidence-based program that works: a 2003 study shows that DRC reduces offender arrests by 39%, decreases drug use and increases employment (Rhyne, 2003). A state corrections study concluded that community sanctions that include treatment (like DRC) are more effective in preventing re-offending than jail (ODOC, 2002). As a sanction, DRC holds offenders accountable and applies appropriate consequences; DRC serves only high and medium risk offenders and it provides a range of interventions that address the risks and needs of each offender (stop drug use, increase literacy, reduce unemployment, get job skills training and find basic housing). DRC is also a key part of a balanced and cost effective safety system. Probation and parole officers need a range of effective sanctions (in addition to or in combination with jail) to hold offenders accountable. DRC is also less than 10% the cost of jail.

Performance Measures/Program Outcomes/Program Outputs:

- 61% of participants will be arrest free one year after completing DRC.
- Increase percentage of offenders who maintain program involvement from 64% to 70%.
- The expected result for the next biennium is to increase length of involvement by 30 to 45 days in order to increase successful completion of program. This will result in fewer new arrests, more linkages to outside systems and prevents unemployment, poverty and homelessness.

Method(s) of Evaluation:

- DCJ Research & Evaluation will compute percentage of participants who are arrest free one-year post DRC exit.
- DRC database will provide data to DCJ Research & Evaluation to compute percentage of offenders who maintain program involvement.
- DRC database will provide data to DCJ Research & Evaluation to compute percentage of average length of program involvement.

SB 267 Eligible: DRC conducts cognitive restructuring groups. These activities are SB 267 eligible.

Monthly Average to be Served:

180 offenders

Type of offender served:

☒ Probation

☒ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☒ High ☒ Medium ☐ Low ☐ Limited

Gender

☒ Men ☒ Women

Crime Category

☒ Felony ☒ Misdemeanor

Funding Sources:

☒ State Grant-in-Aid

\$2,027,090 _____

☒ County General Fund

\$ 915,262 _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Electronic Monitoring

Program Purpose: Electronic monitoring is a program that is expected to begin this biennium. Electronic Monitoring (EM) uses electronic ankle bracelets and global positioning satellite technology to detain offenders in their home rather than in jail. EM is a reliable and cost-effective method to sanction offenders, enhance community safety and preserve costly jail beds for more dangerous offenders, and reduce matrix jail releases.

Program Description: EM enables the county to utilize a supervision violation sanction other than jail to detain offenders in their home, on a scale equal to 45 defendants or offenders per day. EM provides a means to incapacitate and punish offenders; expand supervision condition sentencing options for Judges; and more closely monitor offenders in the community with a portion of the costs being paid by the offender. Working together with the Judges, Board of Parole and the District Attorney will enhance the potential success of offenders placed on EM. This technology results in a jail bed cost avoidance in year one of \$1,313,000, and up to \$1,806,000 per year annualized.

Program Objectives: EM holds offenders accountable and enhancing community safety; promoting partnerships within the criminal justice system; preserving costly jail beds and reducing the impact of matrix releases. EM enables offenders to maintain employment, remain involved in various forms of treatment (including alcohol/drug and mental health); and continue ties to family and other community support systems. EM data from 2002 reflects an 85% success rate for offenders completing the program. Of the EM failures, 78% were disciplinary returns; few were rearrested for new crimes (Nykerk, C., 2003, MCSO).

Performance Measures/Program Outcomes/Program Outputs:

- An average of 45% utilization during the first 6 months due program development, implementation and staffing. This equates to an average of 20 offenders within the program at any given time.
- An average of 75% utilization during the second 6 months. This equates to an average of 34 offenders within the program at any given time.

Method(s) of Evaluation:

- DCJ Research & Evaluation will analyze contract database to determine utilization statistics and offender population.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

60 offenders

Type of offender served:

X Probation

X Parole / Post-Prison Supervision

X Local Control

Risk Level

X High X Medium X Low Limited

Gender

X Men X Women

Crime Category

X Felony X Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☐ Other()

☐ Other()

☐ Other()

☐ Other()

☐ Other()

\$

\$673,580

\$

\$

\$

\$

\$

PROGRAM DESCRIPTION

Program Name: Other Programs/Londer Learning Center

Program Purpose: Londer Learning Center (LLC) protects public safety by reducing arrests among 1,000 medium and high-risk adult offenders who are school dropouts, increasing their employability and literacy, and changing their criminal thinking and behavior. LLC is the only program targeting offenders to improve reading and math skills, obtain GEDs and make better decisions. Data show that LLC reduces arrests by 58%.

Program Description: PO's and treatment providers refer nearly 1,000 high and medium risk adult offenders to the LLC for instruction in reading, math and writing, GED preparation and testing, English as a Second Language and group counseling aimed at helping offenders correct their criminal thinking. LLC offers instruction consistent with proven practices effective in reading and adult learning, working closely with A&D community treatment providers. More than 60% of offenders who access LLC read at or below an 8th grade level. Their learning problems are compounded by substance abuse. LLC actively collaborates with community agencies to increase the employability of offenders whose criminal history and lack of education pose barriers to finding employment. U.S. Office of Vocational and Adult Education (2003) identified LLC as 1 of 12 national models for adult learning due to its holistic approach and collaboration with POs, alcohol and drug providers, and employment agencies.

Program Objectives: Evidence shows that LLC lowers crime and contributes to a safer community: LLC participants have fewer parole violations, fewer new arrests, and greater employment earnings (Finnegan, 1994). In the two years after LLC, participants had 58% fewer arrests than they did in the two years prior to LLC (Rhyne, 2001). LLC uses evidence-based, cost-effective and innovative programs that hold high and medium risk offenders responsible by using appropriate interventions. Research shows that low levels of education and vocational achievement are factors in criminal behavior (Gendreau, 2002) and that programs can reduce the chances of offenders committing new crimes if they target criminal thinking (Andrews, 1997). LLC addresses precisely these crime-producing factors.

Performance Measures/Program Outcomes/Program Outputs:

- 56% of offenders who enter the program will successfully complete criminal thinking groups.
- 52% who enter basic education will complete successfully.
- 95 offenders will obtain employment through community agencies.

Method(s) of Evaluation:

- Londer Learning Center database will provide data for these performance measures. Percentages will be reported to DCJ Research & Evaluation.

SB 267 Eligible: <u>XX</u> Yes _____ No	
Monthly Average to be Served: 154 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$1,453,020 _____
<input checked="" type="checkbox"/> County General Fund	\$ 86,040 _____
<input checked="" type="checkbox"/> Other (Portland Community College _____)	\$ 119,886 _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____
<input type="checkbox"/> Other (_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Other Programs/Mental Health Services

Program Purpose: About 5% of the U.S. population has a serious mental illness, and yet 16% of the state prison and local jail population have this diagnosis. Some mentally ill people pose threats to the public. The Department of Community Justice (DCJ) provides funding for services to assist Parole and Probation Officers (POs) in keeping up to 200 adult mentally ill people each year stable and free from committing additional crimes.

Program Description: The purpose of the program is to assist POs to get the necessary mental health services for adult offenders. Most offenders access the traditional mental health services. However, there are some limited services that are key to public safety but are not available for this population without DCJ's assistance. This program provides its services through: 1) Mental Health Evaluation-only for offenders who cannot access regular evaluations fast enough, and pose a serious risk to the community. Evaluation workers work with POs to determine the best way to get the offender to comply with court orders. 2) Three contracted staff work with sixty offenders by getting them ready for community treatment. They help get emergency medical, food, shelter and clothing. 3) Ten residential beds of Dual Diagnosis Alcohol and Drug treatment for offenders who have not been successful in other treatment because of their mental health condition are located at the Residential Integrated Treatment Services (RITS) operated through Cascadia Behavioral Health.

Program Objectives: Many of the offenders who repeatedly go to jail have mental illnesses. Almost 25% of jail bookings for the highest users of the jail are because of violations of supervision. Without these services, many mentally ill offenders would not be stabilized, may not comply with their court orders and would end up in jail on supervision violations and possibly new crimes. This program saves jail beds and contributes to a safer community through providing treatment. These services provide a continuum of social services, collaborate and coordinate to conserve resources, providing mental health treatment for offenders and hold offenders accountable.

Performance Measures/Program Outcomes/Program Outputs:

- 70% of offenders under supervision will not recidivate as measured by re-conviction.

Method(s) of Evaluation:

- DOC produces bi-annual recidivism reports that contain these data.

2005-2007 Multnomah County Community Corrections Plan

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

218 offenders

Type of offender served:

X Probation

X Parole / Post-Prison Supervision

X Local Control

Risk Level

X High X Medium X Low X Limited

Gender

X Men X Women

Crime Category

X Felony X Misdemeanor

Funding Sources:

X State Grant-in-Aid

\$ 151,216

X County General Fund

\$1,694,054

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Men's Residential Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Roman, 2001). This program contracts for 92 beds of residential drug and alcohol treatment for high-risk adult offenders, the majority of whom are male. These beds would serve a minimum of 195 offenders annually who require intensive treatment to reduce drug use and criminal behavior. This is a decrease of 38 beds from the current system.

Program Description: These 92 residential treatment beds will be reserved for high and medium-risk offenders in order to reduce criminality and drug use. Although the length of treatment varies by individuals, the majority of the facilities have up to six-month programs. This base offer retains treatment beds for four Spanish-speaking men, and one person with a Native American background. Treatment addresses criminality, addiction and mental health issues; referrals to services not offered by the treatment provider, relapse prevention counseling, connections to alumni and self-help groups, and regular communication and coordination with the Probation and Parole Officer.

Program Objectives: Residential treatment is one of the primary strategies for addressing addiction. During 2003, 73% of adult male arrestees tested positive for drugs when put in a Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes involve drug use on the part of the perpetrator and sometimes the victim. Research has shown that treatment reduces recidivism among offenders who are addicted.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the number of arrests before treatment against the number of arrests that occur 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in DSS-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

SB 267 Eligible: <u>XX</u> Yes _____ No	
Monthly Average to be Served: 182 male offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid <input checked="" type="checkbox"/> County General Fund <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____) <input type="checkbox"/> Other(_____)	<div style="text-align: right;"> \$ _____ \$6,673,478 _____ \$ _____ \$ _____ \$ _____ \$ _____ \$ _____ </div>

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Women's Residential Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Roman, 2001). There are approximately 1700 women on formal probation or parole in Multnomah County. This program contracts for 45 beds of residential drug and alcohol treatment for high-risk females. These beds would serve a minimum of 90 women and their children annually who require intensive treatment to reduce drug use and criminal behavior.

Program Description: These 45 residential treatment beds will be reserved for high and medium risk women, all beds located at one treatment facility. This treatment is designed specifically for women in the criminal justice system. More women than men are considered dually diagnosed (meaning both alcohol and drug, and a mental health diagnosis) and this program has almost fifteen years of experience with this population. Treatment addresses criminality, addiction and mental health issues, parenting, healthy relationships, employment issues, relapse prevention counseling, connections to alumni and self-help groups, and regular communication and coordination with the Probation and Parole Officer.

Program Objectives: Residential treatment is one of the primary interventions used in substance abuse treatment. During 2003, 85% of adult female arrestees tested positive for drugs when put in a Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes involve drug use on the part of the perpetrator and sometimes the victim. Research has shown that treatment reduces recidivism among offenders who are addicted.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the arrest rates prior to treatment against the arrest rates 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in Department of Social Service-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

SB 267 Eligible: <u>XX</u> Yes _____ No	
Monthly Average to be Served: 65 female offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High Medium Low Limited Gender <input type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$3,223,528 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Substance Abuse/Outpatient Treatment

Program Purpose: Continued abstinence from illegal drug use can produce a 40%-75% reduction in crime (e.g. Harrell and Roman, 2001). At any time, 160 offenders (500 annually) who are classified as a high risk to commit new a crime attend contracted evidence based outpatient treatment 1-3 times weekly.

Program Description: Services are provided through contracts with 8 nonprofit alcohol and drug treatment providers. The programs use a research based treatment approach that addresses both criminality and addiction. The emphasis is on learning skills that support a lifestyle free of crime and addiction. Programs provide comprehensive services that include mental health, referrals to housing, job development, relapse prevention counseling, connections to alumni and self-help groups. Treatment programs link treatment with Probation Officer's expectations.

Program Objectives: This program provides an effective intervention model by treating offenders for their alcohol, drug and mental health problems and collaborating with community programs to maximize county resources. During 2002, 68.7% of adult males tested positive for drugs at booking in the Multnomah County jail. A National Institute of Justice report indicates that more than 50% of violent crimes (including domestic violence), 60% to 80% of child abuse and neglect cases, 50% to 70% of theft and property crimes, and 75% of drug dealing or manufacturing offenses involve drug use on the part of the perpetrator, and sometimes the victim as well. Research shows that the right treatment, including outpatient treatment, reduces crime. The Department of County Human Services and Department of Community Justice work cooperatively to maintain system of treatment services.

Performance Measures/Program Outcomes/Program Outputs:

- There will be a 60% reduction in arrests for clients successfully completing residential treatment as measured by comparing the number of arrests before treatment against the number of arrests that occur 1 year after treatment;
- 60% of engaged clients will successfully complete Alcohol and Drug residential services;
- 60% of clients will demonstrate a significant reduction in anti-social thinking as measured by the Criminal Sentiment Scale-M (CSS-M).

Method(s) of Evaluation:

- DCJ Research & Evaluation will run successful clients in DSS-Justice for computation of the arrest reduction percentage.
- DCJ contracts data will be supplied to DCJ Research & Evaluation to compute this program outcome measure.

SB 267 Eligible: <u>XX</u> Yes _____ No															
Monthly Average to be Served: 160 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High Medium Low Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$309,084 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$925,100 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other(State Mental Health Grant _____)</td> <td style="text-align: right;">\$423,892 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$309,084 _____	<input checked="" type="checkbox"/> County General Fund	\$925,100 _____	<input checked="" type="checkbox"/> Other(State Mental Health Grant _____)	\$423,892 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$309,084 _____														
<input checked="" type="checkbox"/> County General Fund	\$925,100 _____														
<input checked="" type="checkbox"/> Other(State Mental Health Grant _____)	\$423,892 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Substance Abuse/River Rock Secure Residential A&D Facility and Community Aftercare

Program Purpose: River Rock (RR) is a secure 60-bed residential Alcohol/Drug treatment program serving high-risk to re-offend adult males involved in the criminal justice system who have failed other community treatment. These offenders' felony convictions may prohibit them from participating in community non-profit treatment. This program offer involves residential treatment for six months of intensive treatment addressing a number of issues including alcohol and drug abuse, and criminal behavior. This program is scheduled to operate six months between July 1 and the December 31, 2005.

Six months of the River Rock (RR) program involves outpatient treatment, transitional housing and support services. These services provide an opportunity for clients to continue to address their personal recovery as well as develop stable housing and a community support system.

Program Description: RR is a six-month secure residential alcohol/drug treatment program. An additional six months of community treatment, transitional housing and support services are available to clients through a separate RR program offer. RR's goal is the reduction of criminal behavior through treatment that addresses both addiction and criminal attitudes and behavior. RR's six-month residential treatment focuses on increasing positive attitudes and behaviors, increasing pro-social activities, reducing chemical dependencies, increasing self-management skills and increasing positive relationships with family and community members. This program offer is interconnected with RR's community care component and covers the costs of residential care and the services provided through the six-month residential program.

RR also includes six months of community outpatient treatment, transitional housing, and support services. During the six months of community outpatient treatment, residents are connected with mentors, housing, employment, on-going services and access to community self help. This program description is interconnected with RR's residential component.

Program Objectives: Recent research shows that punishment is unlikely to change criminal behavior, but alcohol and drug treatment that also addresses criminal behavior can reduce the commission of new crimes (Latessa 1991). In Multnomah County, 64% of those booked into jail test positive for one drug and 25% for multiple drugs (ADAM 2000). Research demonstrates that intervention services that address both criminal thinking and chemical dependency reduce arrests of program participants (Rhyne, 2004). Intensive treatment, i.e. a six-twelve month residential program, is most cost effective for high-severity cases (Griffith, 1999). Programs that address the reduction of both chemical dependency and criminal behavior are critical to the safety of our communities. RR holds offenders accountable, and assures fair and equitable treatment.

Performance Measures/Program Outcomes/Program Outputs:

- RR is collecting a baseline this year of the percentage of offenders released from RR who remain arrest-free one year from treatment termination.
- The percentage of offenders who evidence a decrease in criminal thinking as measured by pre- and post-treatment change scores in the Criminal Sentiments Scale.

Method(s) of Evaluation:

- DCJ Research & Evaluation will compute this measure.
- DCJ contracts data will be used by DCJ Research & Evaluation to compute this measure.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

River Rock will be serving 50 clients in the residential program between July and the end of December 2005.

Type of offender served:

X Probation
X Parole / Post-Prison Supervision
X Local Control

Risk Level

X High X Medium Low Limited

Gender

X Men ☐ Women

Crime Category

X Felony X Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

X County General Fund

X Other(Client Foodstamp Benefits_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

☐ Other(_____)

\$ _____

\$3,475,534 _____

\$ 48,000 _____

\$ _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Transitional Services Unit - Housing

Program Purpose: The Transitional Services Unit (TSU) links over 1,000 recently released, high-risk and violent offenders (including mentally ill and predatory sex offenders) to short and long-term housing at the Medford and other residences managed by community partners. By stabilizing their shelter needs, TSU housing decreases the chance these dangerous offenders will re-offend, increases their compliance with post-prison supervision and helps parole officers monitor their whereabouts. TSU Housing works: 73% of offenders in housing did not re-offend.

Program Description: TSU Housing provides short and long-term housing to dangerous and disabled offenders newly released from prison who are homeless or whose housing poses public safety concerns. Each day, TSU Housing provides shelter to an average of 279 offenders (1,000 per year). TSU Housing develops a long-term housing plan for every offender housed in transitional placement. TSU works closely with community providers such as Central City Concern (which operates the Medford Hotel) to make appropriate housing placements, share information and coordinate services. When appropriate and necessary, TSU refers offenders to residences where offenders are monitored by case managers and provided support services aimed at changing criminal behavior, such as drug abuse relapse prevention and group counseling to alter criminal thinking.

Program Objectives: Research has shown that connecting offenders to housing reduces the risk of committing new crimes. As Petersilia (2003) notes, "Housing and homelessness affect recidivism (re-arrest rates)...and parolees' homelessness influences overall crime rates in the community." TSU Housing promotes safety in a way that is closely aligned with county safety principles and strategies. Using evidence-based approaches and innovative partnerships with community housing organizations, TSU Housing reduces re-offenses among extremely high-risk offenders by targeting homelessness and related factors that destabilize an offender's living situation and spur new criminal activity. Data shows that TSU Housing works: last year 73% of the offenders on TSU Housing's caseload did not re-offend.

Performance Measures/Program Outcomes/Program Outputs:

- 78% of high risk, high need offenders will have their cases closed successfully (i.e., offenders are complying with conditions of supervision, following through with the case plan, finding work or receiving benefits, and have no new convictions)

Method(s) of Evaluation:

- DCJ contracts database will supply data for this measure.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 279 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input checked="" type="checkbox"/> State Grant-in-Aid	\$2,221,945 _____
<input checked="" type="checkbox"/> County General Fund	\$2,089,150 _____
<input checked="" type="checkbox"/> Other(Inmate Welfare Release Subsidy Funds_)	\$ 136,548 _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Transitional Services Unit – Offender Services

Program Purpose: Transitional Services Unit (TSU) Offender Services stabilizes 2,600 high-risk and violent adult offenders (including psychopaths and predatory sex offenders) who are newly released from prison or jail, and prepares them to return to the community, avoid re-offending and comply with post-prison supervision. TSU provides dangerous or disabled offenders housing, medical benefits, and access to mental health and drug treatment. 95% of TSU's high-risk offenders comply with supervision during the time they are receiving TSU services.

Program Description: TSU offender services provide re-entry planning up to 120 days prior to release for high risk and/or special needs offenders from every Oregon prison and county jails. Once in the community, TSU works with offenders for the first 90 days after their release and links them to basic services, such as housing, food, clothing, mental health and drug abuse treatment and transportation, that stabilize the offender and lower the risk he will violate parole. Pre-release plans are tailored to address the risks each offender poses and problems in his life that spur his criminal activity. TSU assists vulnerable offenders, such as mentally, developmentally and physically disabled or elderly, in addition to violent offenders and predatory sex offenders. TSU also helps offenders stay on medications, obtain disability benefits, and conduct job searches.

Program Objectives: TSU is a cost-effective, evidence-based program that protects the public by connecting extremely dangerous or vulnerable offenders with drug abuse and mental health treatment, housing and other services that lower an offender's risk of re-offending. Research shows that offenders who have access to supportive services and housing at re-entry (when they are mostly likely to re-offend) have a much lower re-arrest rate, lower drug use and a greater likelihood of employment (Vera Institute of Justice (2004), Corporation for Supportive Housing (2004)). TSU data is consistent with these findings: while the overall abscond rate among high-risk offenders is 15%, the abscond rate of offenders in TSU is three times less (around 5%). TSU also helps safety system components work together in ways that are cost-effective: for example, the Joint Access to Benefits (JAB) program is a collaborative TSU innovation that helps offenders qualify for federal disability benefits that cover mental health services, psychiatric medications and other care.

Performance Measures/Program Outcomes/Program Outputs:

- 80% of case plans will be closed successfully (e.g., no new convictions, complying with supervision conditions and completing case plan goals).
- 90% of the applications submitted to JAB will be approved.

Method(s) of Evaluation:

- SPIN (DCJ Database) will supply DCJ Research & Evaluation data for measuring the program outcomes.
- TSU collects the JAB data and will report to DCJ Research & Evaluation.

SB 267 Eligible: _____ Yes <u>XX</u> No															
Monthly Average to be Served: 650 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor														
Funding Sources: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><input checked="" type="checkbox"/> State Grant-in-Aid</td> <td style="width: 50%; text-align: right;">\$196,780 _____</td> </tr> <tr> <td><input checked="" type="checkbox"/> County General Fund</td> <td style="text-align: right;">\$920,444 _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> <tr> <td><input type="checkbox"/> Other(_____)</td> <td style="text-align: right;">\$ _____</td> </tr> </table>		<input checked="" type="checkbox"/> State Grant-in-Aid	\$196,780 _____	<input checked="" type="checkbox"/> County General Fund	\$920,444 _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____	<input type="checkbox"/> Other(_____)	\$ _____
<input checked="" type="checkbox"/> State Grant-in-Aid	\$196,780 _____														
<input checked="" type="checkbox"/> County General Fund	\$920,444 _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														
<input type="checkbox"/> Other(_____)	\$ _____														

PROGRAM DESCRIPTION

Program Name: Research and Evaluation

Program Purpose: The Research and Evaluation (R&E) Unit analyzes and reports on issues critical to the Department (DCJ) including program planning, quality improvement, and assessing program impacts. Results are presented to DCJ management, staff and the Board. R&E also develops and reports performance measures for all department programs, services, and contracts.

Program Description: The R&E Unit supports the departmental principle of information-based decision-making by: a) conducting process and outcome evaluations of programs and initiatives, b) presenting research and evaluation studies orally and in writing to internal and external stakeholders, c) providing support for routine and periodic management reporting, and d) making recommendations regarding departmental priorities supported by the research and evaluative process. All of these tasks are conducted in a manner consistent with the American Evaluation Association's (AEA) 'Guiding Principles for Evaluators.'

Program Objectives: R&E responsibilities are critical for holding programs and services accountable. Accountability is accomplished by providing data to assess program impacts, guide program development, and support legislative mandates (e.g., S.B. 267). R&E works closely with management and staff to ensure their assignments address the mission and goals of the department. The R&E supervisor also serves on the departmental management team so that the R&E Unit can be aware of any new initiatives being considered and then provide timely input regarding research on best practices. In this way, the department's decisions can be based on data and program development and implementation based on solid research evidence.

Performance Measures/Program Outcomes/Program Outputs:

- 80% of departmental requests for studies/analyses/reports will be completed on time (based on a date agreed upon by R&E Unit and staff member making the request).
- 80% of DCJ staff that complete an annual satisfaction survey will report a positive experience after working with the R&E Unit. These measures will track the R&E Unit's ability to support the department through the sharing of timely, practical, and high quality information contributing to improved offender outcomes over time (e.g., program completion, reduced recidivism).

Method(s) of Evaluation:

- DCJ Research & Evaluation will collect and analyze data for these performance measures.

SB 267 Eligible:

____ Yes XX No

Monthly Average to be Served:

N/A

Type of offender served: N/A

☐ Probation

☐ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

☐ Men ☐ Women

Crime Category

☐ Felony ☐ Misdemeanor

Funding Sources:

☐ State Grant-in-Aid

☒ County General Fund

☒ Other (Byrne Grant _____)

☐ Other (Robert Wood Johnson Reclaiming Futures Grant _____)

☐ Other (_____)

☐ Other (_____)

☐ Other (_____)

\$ _____

\$565,786 _____

\$ 34,674 _____

\$ 39,084 _____

\$ _____

\$ _____

\$ _____

PROGRAM DESCRIPTION

Program Name: Supervision / Corrections Health

Program Purpose: Corrections Health provides health services for adults incarcerated in County correctional facilities.

Program Description: Correctional health care encompasses a basic level of services provided to all individuals booked into the County jail:

- Screening at booking to identify health problems that require immediate attention.
- Communicable disease screening for tuberculosis, sexually transmitted infections, etc.
- Emergency response; medication management; treatment of mental health problems; suicide prevention; continuity of care; referral to specialty services when indicated.
- Health education regarding a variety of problems including chronic, complex medical and psychiatric problems.
- Corrections Health has invaluable partnerships with the Sheriffs Office, Community Justice, and County Human Services that aid in addressing coexisting medical, psychiatric, behavioral, and criminal issues.
- Jail health services protect the larger community by early identification and treatment of communicable diseases, proactive risk management and liability reduction, and cost containment through effective management.
- The right to health care in jail is legally mandated under Federal and State law. When an individual is arrested and incarcerated, the obligation for health care falls upon the government as a matter of constitutional law, enforceable under the U.S. Constitution's 8th Amendment and the 14th Amendment's due process clause. Failure to provide health care amounts to deliberate indifference to serious medical needs. State laws (ORS 169.076) further delineate standards for local correctional facilities.

Program Objectives:

Corrections Health serves many of the community's most vulnerable citizens – the medically indigent and chronically mentally ill, many of whom seek basic health care services from the most expensive and least efficient sources - hospital emergency departments. Assisting these underserved clients to more appropriate health services is a great benefit to the community.

Method(s) of Evaluation:

- 40,000+intake medical screenings; no change anticipated for the next year.
- 17,000+requests for health care services in custody; no change anticipated for the next year.
- 10,000+physician and nurse practitioner visits; no change anticipated for the next year.
- Specific measures include review of intake screening, health assessments, emergency response, special needs treatment planning, and suicide prevention.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served: 331 offenders	Type of offender served: <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input checked="" type="checkbox"/> High <input checked="" type="checkbox"/> Medium <input checked="" type="checkbox"/> Low <input checked="" type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$5,197,022 _____
<input checked="" type="checkbox"/> Other(Charges to Inmates _____)	\$ _____
<input type="checkbox"/> Other(Fees for Photocopies _____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Supervision / Local Control Jail Beds

Program Purpose: To incarcerate offenders sentenced to 12 months or less.

Program Description: Offenders sentenced to 12 months or less serve at least 30 days in the Multnomah County Jail.

Program Objectives:

Address public safety concerns, hold offenders accountable for their behavior, and provide time/place to assess offender for appropriateness for community supervision.

Method(s) of Evaluation:

Monthly data extracted from SWIS and DOC reports indicating the number of offenders in jail and number of jail bed days served.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

331 offenders

Type of offender served:

☐ Probation

☐ Parole / Post-Prison Supervision

☒ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

☒ Men ☒ Women

Crime Category

☒ Felony ☐ Misdemeanor

Funding Sources:

☒ State Grant-in-Aid

\$ 16,041,129

☒ County General Fund

\$ 11,349,186

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

☐ Other()

\$

PROGRAM DESCRIPTION

Program Name: Supervision / Local Control Monitoring Program

Program Purpose: The Multnomah County Sheriff's Office Local Control Monitoring Program is responsible for the identification of Local Control offenders and their movement from jail to community programming.

Program Description: Program staff meet regularly with the Adult Community Justice Local Control unit to staff cases for appropriate placement in the community based on thorough assessment and careful balancing of public safety and offender rehabilitation interests.

Program Objectives:

Free up jail beds, provide cost effective measure for local supervision of offenders, providing resources to assist offender in transition back to community.

Method(s) of Evaluation:

Monthly data extracted from SWIS and DOC reports indicating the number of offenders placed in community supervision and number of days served in community supervision. Also, tracking the return rates from various placement sites.

SB 267 Eligible: _____ Yes <u>XX</u> No	
Monthly Average to be Served:	Type of offender served: <input type="checkbox"/> Probation <input type="checkbox"/> Parole / Post-Prison Supervision <input checked="" type="checkbox"/> Local Control Risk Level <input type="checkbox"/> High <input type="checkbox"/> Medium <input type="checkbox"/> Low <input type="checkbox"/> Limited Gender <input checked="" type="checkbox"/> Men <input checked="" type="checkbox"/> Women Crime Category <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor
Funding Sources:	
<input type="checkbox"/> State Grant-in-Aid	\$ _____
<input checked="" type="checkbox"/> County General Fund	\$ <u>694,331</u>
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____
<input type="checkbox"/> Other(_____)	\$ _____

PROGRAM DESCRIPTION

Program Name: Administration / Local Public Safety Coordinating Council

Program Purpose: The Public Safety Coordinating Council (LPSCC) coordinates agencies and jurisdictions responsible for public safety.

The Executive Committee includes Federal, State, County, City, Schools and other public safety stakeholders at the top leadership levels. These members attend regularly, in person not through proxy, to share issues and solve them together. In addition to the Executive Committee, standing workgroups and ad-hoc issue groups meet to research, plan, and coordinate system responses.

Program Description: The mission of the Public Safety Council (LPSCC) is to coordinate local criminal justice policy, and plan for the use of state and local resources to serve local offenders. Because the mission is inherently dynamic, the program must be nimble to pursue changing needs in difficult budget times. LPSCC has two part-time staff; an Executive Director and an Assistant. Staff research issues as assigned, coordinate the agenda, meetings, and work products of the Executive Committee, the Mentally Ill in Criminal Justice subcommittee, and track the agendas and work products, as well as attend meetings of, the Criminal Justice Advisory Committee (CJAC), and the Alcohol and Drug Subcommittee.

Program Objectives: LPSCC achieves shared planning and strategies. LPSCC's DSS-J Policy Committee achieves system-wide data access to guide decision making and evaluate outcomes. LPSCC researches racial over-representation, and addresses its causes. Gang prevention/intervention; workgroups that involve community members; and alcohol and drug prevention/intervention are primary to LPSCC's scope of work.

Method(s) of Evaluation: LPSCC holds meetings and produce reports. Changes result such as increased bail amounts in Domestic Violence cases; "streams of offenders" priorities in use of system resources.

SB 267 Eligible:

_____ Yes XX No

Monthly Average to be Served:

N/A

Type of offender served: N/A

☐ Probation

☐ Parole / Post-Prison Supervision

☐ Local Control

Risk Level

☐ High ☐ Medium ☐ Low ☐ Limited

Gender

☐ Men ☐ Women

Crime Category

☐ Felony ☐ Misdemeanor

Funding Sources:

☒ State Grant-in-Aid

\$392,041 _____

☐ County General Fund

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

☐ Other(_____)

\$ _____

2005-2007 Multnomah County Community Corrections Plan

LPSCC Members	Title
Lisa Naito	Commissioner District 3, Multnomah County
Public Safety Council Chair	
Mike H. Balter	Executive Director, Boys & Girls Aid Society
Judith C. Shiprack	Director, Public Safety Coordinating Council
Arwen J. Bird	Citizen, Survivors Advocating for an Effective System
Pat Burk	Portland Public Schools
Robyn Cole	Program Director, Oregon Youth Authority
Serena Cruz	Commissioner District 2, Multnomah County
Professor Bill H. Feyerherm	Vice Provost- Research & Dean of Graduate Studies, PSU
Derrick Foxworth	Chief of Police, Portland Police Bureau
Judge Julie Frantz	Chief Criminal Judge, Multnomah County Courts
Joanne Fuller	Director, Department of Community Justice
Bernie A. Giusto	Multnomah County Sheriff
Judith Hadley	Public Member
Travis Hampton	Lieutenant, Oregon State Police
Mr. Jim D. Hennings	Executive Director, Metropolitan Public Defender
Art Hendricks	Crime Prevention Program Mgr., Office Neighborhood Involvement
Tom Potter	Mayor, City of Portland
Judge Dale Koch	Presiding Judge, Multnomah County Courts
Sam Adams	Portland City Council
Diane Linn	Chair, Multnomah County Board of County Commissioners
Judy-Ellen Low	St. Andrews Law Center
Maggie Miller	Executive Director, Citizens Crime Commission
Lillian Shirley	Director, Multnomah County Health Department
Karin Immergut	U. S. Attorney
Carla Piluso	Chief of Police, City of Gresham
Patricia Pate	Director, Multnomah County Department of County Human Services
Lorenzo T. Poe	Director, Multnomah County Office of School and Community Partnerships
Lonnie Roberts	Multnomah County Commission District 4
Chiquita M. Rollins	Coordinator, Domestic Violence Prevention
Edward L. Schmitt	Superintendent, Multnomah Education Service District
Michael D. Schrunk	District Attorney, Multnomah County
Tiana Tozer	Senior Associate, Robertson, Grosswiler & Co.
John Ball	Chief of Staff, Multnomah County Chair's Office
Michael Ware	Public Member

05/16/05

05/16/05

Multnomah County Community Corrections Budget Summary
2005-2007 Biennium
Community Corrections State Grant Funds

Program Name	State Grant Funds	Inmate Welfare Release Subsidy Fund	County/Other Funds	Total
Administration/Director's Office			1,932,816	1,932,816
Adult Services Division	132,533		2,768,670	2,901,203
Administration/Business Services			3,008,144	3,008,144
Administration -- Employee, Community and Clinical Services			2,890,267	2,890,267
Administration/Information Services			7,768,614	7,768,614
PRSP/Recog Program			5,366,040	5,366,040
Felony Field Supervision	17,971,078		5,010,454	22,981,532
Adult Field Supervision Support	2,143,473		2,878,008	5,021,481
High Risk Drug Unit	1,242,006		675,195	1,917,201
Sex Offender Services	517,808		809,438	1,327,246
Supervision/Misdemeanor Field Supervision			3,986,316	3,986,316
Other Programs -- DUI Supervision	412,335			412,335
Other Program/Enhanced Bench Probation			313,116	313,116
Other Programs/Domestic Violence Unit	786,024		1,899,044	2,685,068
Other Programs -- Family Services Unit			1,731,022	1,731,022
Other Programs/Drug Diversion Program			1,486,000	1,486,000
Other Programs/Community Service -- Formal Supervision	1,020,937		332,438	1,353,375
Other Programs/Community Service -- Community Court & Bench Probation			1,080,172	1,080,172
Day Reporting Center	2,027,090		915,262	2,942,352
Other Programs/Electronic Monitoring			673,580	673,580
Other Programs/Lender Learning Center	1,453,020		205,926	1,658,946
Other Programs/Mental Health Services	151,216		1,694,054	1,845,270
Substance Abuse/Men's Residential Treatment			6,673,478	6,673,478

**Multnomah County Community Corrections Budget Summary
2005-2007 Biennium
Community Corrections State Grant Funds**

Program Name	State Grant Funds	Inmate Welfare Release Subsidy Fund	County/Other Funds	Total
Substance Abuse/Women's Residential Treatment			3,223,528	3,223,528
Substance Abuse/Outpatient Treatment	309,084		1,348,992	1,658,076
Substance Abuse/River Rock Secure Residential A&D Facility & Aftercare			3,523,534	3,523,534
Transitional Services Unit/Housing	2,221,945	136,548	2,089,150	4,447,643
Transitional Services Unit/Offender Services	196,780		920,444	1,117,224
Research & Evaluation			639,544	639,544
Supervision/Corrections Health			5,197,022	5,197,022
Supervision/Local Control Jail Beds	16,041,129		11,349,186	27,390,315
Supervision/Local Control Monitoring Program			694,331	694,331
Administration/Local Public Safety Coordinating Council	392,041			392,041
Fund Total	47,018,499	136,548	83,083,785	130,238,832



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-10
Est. Start Time: 10:35 AM
Date Submitted: 05/23/05

BUDGET MODIFICATION: -

Second Reading and Possible Adoption of an ORDINANCE to Consider Amendments to the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Changes that the Gorge Commission Made to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)

Agenda Title:

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

Date Requested:	June 23, 2005	Time Requested:	5 mins
Department:	Business and Community Services	Division:	Land Use & Transportation
Contact(s):	Derrick Tokos/Karen Schilling		
Phone:	503-988-3043	Ext.	22682
	I/O Address:		455/116
Presenter(s):	Derrick Tokos		

General Information

1. What action are you requesting from the Board?

Approve amendments to the County Comprehensive Framework Plan, Chapter 38 of the Multnomah County Code and zoning maps to implement the revised Management Plan for the Scenic Area. Planning Commission resolutions recommending approval of the proposed revisions, staff reports discussing the specific changes and copies of the amended documents are enclosed. Some additional changes are being made to address comments from the Forest Service and Gorge Commission. The Planning Commission recognized the need for this and staff is working with the County Attorney's Office to incorporate these changes into a final version for agenda packets. An abbreviated staff report is also being prepared. This work is partially funded with a technical assistance grant from the State that requires it be completed by June 30, 2005.

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

The purpose of this "National Scenic Area Compliance Project" is to update the Multnomah County Code to implement recent changes to the National Scenic Area Management Plan, develop a policy document to explain the relationship between the county code and Plan, and to create better informational materials to assist the public. County zoning maps are also being updated to reflect prior changes to land use designations for lands offered, but not purchased, by the Forest Service under Section 8(o) of the Scenic Area Act. The revised Management Plan changed the land use designation for Multnomah Falls, expanding the public recreation zoning east of the site. This change involves public property and some railroad right-of-way and is the only new revision to a land use designation in the County.

Multnomah County is one of six counties in Oregon and Washington that are within the Columbia River Gorge National Scenic Area. Portions of the County that are within this area are subject to the policies and guidelines of the Management Plan for the Scenic Area which regulates land uses to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the gorge.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan at least once every 10 years to determine if it needs to be revised. The Commission started their first 10 year review in the spring of 2001, and after a lengthy public process adopted a revised Plan on April 27, 2004. As required under the Act, the Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Plan to the County on September 8, 2004. From this date the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which our Board did on October 21, 2004) and 9 months to update its plans and ordinances (June of 2005).

Lawsuits challenging the decisions of the Gorge Commission and Secretary of Agriculture have been filed with the Oregon Court of Appeals and federal district court in Portland. They take issue with new land use rules in the Management Plan for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Considering the litigation, the Board of Commissioners asked staff to defer implementation of these particular provisions of the Plan under the premise that it is not a wise use of resources or fair to citizens to initiate a legislative process that might later be amended or overturned as a result of legal challenges. This approach is explained in the October 2004 letter from the Board to the Gorge Commission (attached).

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

There are no fiscal impacts attributed to these amendments.

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

The legal issue relates to the litigation, which is addressed with the Board's letter to the Gorge Commission. Proposed amendments are consistent with the direction given in the letter.

The Management Plan allows the County to be more restrictive if it demonstrates that by doing so it is being more protective of gorge resources. The County cannot be less restrictive. Proposed amendments are more restrictive to the extent necessary to carry out the Board's objective in the implementation letter. That is the amendments do not include the new Management Plan language for commercial events and fish processing and retain the requirement that development "minimize visibility" as viewed from significant scenic vantage points. By regulating commercial events and

fish processing, the Gorge Commission recognized that these uses could adversely impact scenic, natural, cultural, or recreational resources of the gorge. By not allowing them the County ensures that these resources will not be impacted. Requiring development "minimize visibility" as viewed from significant scenic viewpoints has proven to be effective at ensuring that development is visually subordinate to the natural landscape and Gorge Commission staff agrees that retaining it in our code provides greater protection to scenic resources.

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

Ensuring effective and meaningful public involvement has been a primary goal of this project and County staff, with the assistance of consultants David Evans and Associates, Inc., have actively sought feedback from citizens regarding how the County can best implement the revised Management Plan.

Two public workshops have been held in Corbett. At the first meeting, held December 8, 2004, county staff and the consultants presented an overview of the purpose and objectives of the project, reviewed the changes that the Gorge Commission made to the Management Plan, and discussed the implementation process, including opportunities for public involvement. The second workshop, held March 30, 2005, was an open house to provide the public an opportunity to learn about how the County proposes to implement the changes that the Gorge Commission made to the Management Plan. Handouts and summaries of the proposed code revisions, attached to this report, were available at the open house and distributed to the public.

A Citizen Advisory Committee (CAC) was formed after the initial public workshop to assist staff and the consultants by providing feedback on revisions to County rules and informational handouts. Applications were distributed at the first workshop and those interested in volunteering were asked to fill out an interest form and return it to the County Public Affairs Office. Twelve applications were received and 10 members chosen. Seven of the ten members reside in the Scenic Area. County staff and the consultants met with CAC members five times, over a two month period. While CAC members were not asked to vote on final recommendations; they agreed to have their comments and issues attributed and tracked. This was done in an "Issue Bin" that includes staff feedback, follow-up actions, and a resolution for each item.

Summaries of the public workshops and CAC meetings are posted on the Multnomah County website, at http://www.co.multnomah.or.us/dbcs/LUT/land_use/nsacompliancepage.shtml. Materials that were presented and discussed are also available. Advance notice of the CAC meetings and workshops were published in the Oregonian and Gresham Outlook. The CAC meetings were also advertised on Multnomah County cable access. To facilitate turnout and participation at the workshops, the County mailed postcards advertising the events to landowners within the National Scenic Area and to gorge agencies.

Two Planning Commission meetings were held to public hearings in Corbett to consider the proposed amendments. Notice of the hearings was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 05/20/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
PH. (503) 988-3043 Fax (503) 988-3389
www.co.multnomah.or.us/dbcs/LUT/land_use

June 8, 2005

Staff Report

Multnomah County Board of Commissioners Public Hearing
National Scenic Area Compliance Project (File #PC-04-011)

I. Introduction

The purpose of the National Scenic Area Compliance Project is to update the Multnomah County Code to implement recent changes to the National Scenic Area Management Plan, develop a policy document to explain the relationship between the county code and Plan, and to create better informational materials to assist the public. The County is also updating its zoning maps to reflect changes to land use designations for lands offered, but not purchased by the Forest Service under Section 8(o) of the Scenic Area Act. The Management Plan changed the land use designation for Multnomah Falls, expanding the public recreation zoning east of the site. **This change involves public property and some railroad right-of-way and is the only new revision to a land use designation in Multnomah County.**

II. Background

Multnomah County is one of six counties in Oregon and Washington that are within the Columbia River Gorge National Scenic Area. Portions of the County within this area are subject to the policies and guidelines of the Management Plan for the Scenic Area, which regulates land uses to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the gorge.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001, and after a lengthy public process adopted a revised Plan on April 27, 2004. As required under the Act, the Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Plan to the County on September 8, 2004. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which our Board did on October 21, 2004) and 9 months to update its plans and ordinances (June of 2005).

Lawsuits challenging the decisions of the Gorge Commission and Secretary of Agriculture have been filed with the Oregon Court of Appeals and federal district court

in Portland. They take issue with new land use rules in the Management Plan for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Considering the litigation, the Board of Commissioners asked staff to defer implementation of these particular provisions of the Plan under the premise that it is not a wise use of resources or fair to citizens to initiate a legislative process that might later be amended or overturned as a result of legal challenges. This approach is explained in the October 2004 letter from the Board to the Gorge Commission (Exhibit A1).

III. Summary of Public Involvement

Ensuring effective and meaningful public involvement has been a primary goal of this project and County staff, with the assistance of consultants David Evans and Associates, Inc., have actively sought feedback from citizens regarding how the County can best implement the revised Management Plan.

Two public workshops have been held in Corbett. At the first meeting, held December 8, 2004, county staff and the consultants presented an overview of the purpose and objectives of the project, reviewed the changes that the Gorge Commission made to the Management Plan, and discussed the implementation process, including opportunities for public involvement. The second workshop, held March 30, 2005, was an open house to provide the public an opportunity to learn about how the County proposes to implement the changes that the Gorge Commission made to the Management Plan. Handouts and summaries of the proposed code revisions, attached to this report, were available at the open house and distributed to the public.

A Citizen Advisory Committee (CAC) was formed after the initial public workshop to assist staff and the consultants by providing feedback on revisions to County rules and informational handouts. Applications were distributed at the first workshop and those interested in volunteering were asked to fill out an interest form and return it to the County Public Affairs Office. Twelve applications were received and 10 members chosen. Seven of the ten members reside in the Scenic Area. A list of the citizens that participated on the CAC and summary of the materials they reviewed is enclosed (Exhibit A2). County staff and the consultants met with CAC members five times, over a two month period. While CAC members were not asked to vote on final recommendations; they agreed to have their comments and issues attributed and tracked. This was done in an "Issue Bin" that includes staff feedback, follow-up actions, and a resolution for each item (Exhibit A3).

Summaries of the public workshops and CAC meetings are posted on the Multnomah County website, at http://www.co.multnomah.or.us/dbcs/LUT/land_use/nsacompliancepage.shtml. Materials that were presented and discussed are also available. Advance notice of the CAC meetings and workshops were published in the Oregonian and Gresham Outlook. The CAC meetings were also advertised on Multnomah County cable access. To facilitate turnout and participation at the workshops, the County mailed postcards advertising the events to landowners within the National Scenic Area and to gorge agencies.

In addition to this hearing before the Board of Commissioners, two Planning Commission meetings were held in Corbett to consider the proposed amendments. Notice of the hearings was published in the Oregonian newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area.

IV. Project Constraints

Chapter 38 of the Multnomah County Code contains the rules regulating development in the County portion of the National Scenic Area. Where the revised Management Plan is stricter than these regulations, the County must revise its code to adopt the new rules. Where the Management Plan is less stringent, the County may elect to not implement, partially implement, or propose a new method of implementation that provides greater resource protection.

Considering these constraints, the County has three basic options for updating its land use code:

- Incorporate language from the Management Plan directly into the code; or
- Include changes in a more limited or prescriptive fashion as long as the alternative language is neutral, or more protective of gorge resources (natural, scenic, cultural, and recreational resources); or
- Choose not to adopt certain changes if the existing language, or lack thereof, is more protective.

V. New Rural Area Plan for the National Scenic Area

While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a “gap” in policy direction that is addressed with this new document. The new Rural Area Plan explains how the County conducts land use planning in the Scenic Area; identifies various sources of the County’s authority; and identifies and describes the roles of the various agencies that the County partners with in carrying out its land use planning responsibilities. The Management Plan does not require this document. However, we recommend that it be adopted for the reasons mentioned.

Key policies contained in this document include recognition that:

- Statewide Planning Goals do not apply in the National Scenic Area, since the legislature has determined that Management Plan achieves, on balance, the same objectives as the Goals.
- Metro’s proposed Goal 5 fish and wildlife protection program is not applicable in the National Scenic Area unless the Gorge Commission finds it to be consistent with the Management Plan.
- Multnomah County and the City of Troutdale should consider entering into an agreement to specify how the Management Plan is to be implemented in the portion of the City that is

within the National Scenic Area, so that both jurisdictions are not implementing land use regulations for that area.

- Land use regulations in the County's Hillside Development district are necessary to protect geologic resources and avoid hazards, both of which are purposes of the Management Plan.

In order to make this Rural Area Plan a part of the County Comprehensive Framework Plan, it is necessary to amend Policy 41 of the Framework Plan. Policy 41 contains the County's existing land use planning policies for the Scenic Area.

VI. Revisions to County Zoning Maps

Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations conflict with County adopted zoning maps. An oversized map showing County equivalents for the Forest Service designations will be presented at the hearing. This is the same map that is referenced in the Planning Commission resolution recommending the Board adopt these changes.

The revised Management Plan modified the boundary of one land use designation in Multnomah County. The change expands the Public Recreation land use designation east of Multnomah Falls. This change is specific to public land, except for a small amount of railroad right-of-way. An inset map showing where the change is to be made is include on the map that will be available at the hearing.

VII. Changes to Chapter 38 of the Multnomah County Code

Chapter 38 of the County Code for the National Scenic Area is broken up into eight (8) distinct parts, as follows:

- Part 1: General Provisions
- Part 2: Planning Authority
- Part 3: Administration and Procedures
- Part 4: Zoning Districts
- Part 5: Special Districts – Off-Street Parking, Planned Development, Hillside Development
- Part 6: Approval Criteria
- Part 7: Special Uses – Approval Criteria and Submittal Requirements
- Part 8: Variances and Land Divisions

Revisions to Parts 1, 3, 4, and 7 were presented to the Planning Commission at an April 18, 2005 hearing. Parts 2, 5, 6, and 8, along with some additional revisions to Part 7, were considered later, at the Commission's May 2, 2005 meeting. Staff reports and summary sheets available at each of these hearings discuss the changes in detail. Copies of the codes, with item by item

explanations of the changes, were also provided. A brief summary of the revisions to each part of the code is as follows:

Part 1, General Provisions, has been updated to incorporate new and revised definitions, rules for existing and discontinued uses, and the sign code for the scenic area. In working with the CAC, staff identified some definitions that needed clarification and a few additional terms that needed to be defined. Changes to the sign code and rules for existing/discontinued uses have been incorporated more or less verbatim from the Management Plan. Some provisions from Part 1 were relocated to a new Part 7 of the code for organizational purposes.

Part 2, Authority, has been updated to incorporate policy statements from the new Rural Area Plan. A new section was also added to clarify the different responsibilities of agencies in the gorge as it relates to the application of the County code.

Part 3, Administration and Procedures, has been revised to include the Management Plan's new "Expedited Development Review Process." The County approach differs from the Management Plan in that it overlaps the comment and appeal periods described in the Plan to create the potential for a more streamlined review. Other significant revisions to this part of the code include, changes to the rules for expiration of permits, permit extensions, and interpretations. New vested rights language and standards for reapplication under less stringent regulations were also added. Other than streamlining the Expedited Development Review Process, revisions to this part of the code match the changes in the revised Management Plan.

Part 4, Zoning Districts, has been updated and reorganized in line with the Management Plan, with Allowed Uses and the new category of Expedited Uses being broken out and listed separately. Some new uses have been added and others have been reclassified to expedited, standard or conditional review. The revised Management Plan does not eliminate any uses, but does place constraints on some such as a square footage cap for structures accessory to dwellings.

The County is not proposing to implement new land uses for Commercial Events and Fish Processing. The Management Plan requires site review for these uses to ensure that they do not adversely impact scenic, cultural, natural, and recreational resources of the gorge. By not incorporating these uses into its code, the County ensures that these resources are not impacted, providing greater protection as allowed by the Management Plan.

Part 5, Special Districts, includes the County's Off-Street Parking, Planned Development, and Hillside Development codes. A minor change has been made to the Parking code to allow gravel surfaces for non-residential review uses. The Planned Development code has been updated to correct the list of allowed uses and the purpose section of the Hillside Development code has been revised to be clear that it implements the Management Plan by protecting geologic resources and avoiding hazards. The exemption section of the Hillside Development code has also been clarified.

Part 6, Approval Criteria, has been revised to incorporate changes to scenic criteria contained in the revised Management Plan. The revised Management Plan eliminates the requirement that

development be sited to minimize visibility from key viewing areas, replacing it with language that development achieve visual subordination. This change to the Plan is being litigated and the County is choosing to keep the existing language until the legal challenge is resolved (ref: MCC 38.7035(B)(6)). Requiring development be sited to minimize its visibility from key viewing areas has proven effective in ensuring that visual subordination is achieved. By retaining the standard, the County is providing greater protection to scenic resources, as allowed by the Management Plan.

The proposed code also differs from the Management Plan by describing the analysis needed to show that development is "compatible" with nearby development (ref: MCC 38.7035(A)(2)). The changes are necessary to clarify a standard that has led to several recent appeals and the proposed language provides applicant's guidance as to how to address the standard, a concept that the Citizen Advisory Committee supported.

Standards for the protection of natural and recreation resources have been updated to match changes in the Management Plan. Changes to the natural resource criteria were largely to make the rules for GMA and SMA areas more similar. New criteria in the Management Plan for the review of expedited uses have been added to this part of the code.

Part 7, Special Uses, is a new section to the code that includes specific approval criteria from the revised Management Plan for Agricultural Buildings, Resource Enhancement Projects, and Disposal Sites for Spoils Materials from Public Road Maintenance activities. Several provisions from Part 1 of the code were relocated to part 7 for organizational purposes. The changes are consistent with the revised Management Plan.

Part 8, Variances and Land Divisions, includes a staff amendment to allow minor variances to be reviewed as major variances when the applicant cannot obtain consent from all of the adjacent owners. Existing language does not allow a minor variance to proceed through the review process without 100 percent owner consent even though a major variance can, under the same circumstances. New language has also been added to codify a longstanding practice of allowing land owners to combine unplatted properties by recording a deed that describes the property as a single unit of land.

The revised Management Plan contains new property line adjustment criteria that have been incorporated into this section of the code. The new standards distinguish between applications that are eligible for expedited review and those that require full review. They also vary by zoning designation. Generally, the new rules provide greater flexibility for land owners to use property line adjustments to resolve boundary disputes, while ensuring that adjustments are not being done for the purpose of reconfiguring property so that it can be further divided. Most of the language in this section matches what is contained in the revised Management Plan.

VIII. Revisions made since the Planning Commission Hearings

The Planning Commission's recommendation of approval included the caveat that concerns raised in letters from the Forest Service and Gorge Commission be addressed. They also asked that staff work with the Gorge Commission on revising fire flow standards in the gorge to better

recognize the service requirements of the fire districts. Rural Fire Protection District #14, which serves the Corbett Area, weighed in on this issue in a letter dated May 26, 2005 (Exhibit A4).

Most of the changes recommended by the Gorge Commission and Forest Service were minor and technical in nature. The more significant ones relate to language regarding consolidation of lots, the scenic standard for compatibility, definition for repair, and the fire flow issue. Each is discussed in a Gorge Commission letter received June 7, 2005 (Exhibit A5). Changes referenced in the letter (which is inadvertently dated May 20, 2005) have been incorporated into the draft ordinance. Revisions referenced in the Forest Service letter, dated June 7, 2005 have also been addressed (Exhibit A6).

The revision related to fire flow exempts properties from Management Plan requirements if they are within a fire district. This is justified for reasons indicated in the District's letter and because the County adopted optional provisions of the State Building Code to provide a consistent set of fire flow standards for all unincorporated areas in the County. Those standards, prepared in coordination with each of the County's fire districts, require a minimum continuous flow of 500 gallons per minute (for homes and accessory buildings under 3,600 sf) that can be achieved through a combination of methods as described in the ordinance (MCC 29.003(C)). These flow requirements far exceed what is required in the Management Plan, therefore it appropriate that they be used in lieu of the existing language.

IX. Recommendation

Considering the above, staff recommends that the Board of Commissioners accept the Planning Commission recommendations and adopt an ordinance implementing the Revised Management Plan for the Columbia River Gorge National Scenic Area by:

- 1. Amending Chapter 38 of the Multnomah County Code to implement changes in the revised Management Plan for the Columbia River Gorge National Scenic Area;**
- 2. Modifying Policy 41 of the Comprehensive Framework Plan to incorporate, by reference, the new Rural Area Plan Policy document; and**
- 3. Updating County zoning maps to show expanded public recreation zoning adjacent to Multnomah Falls and to reflect General Management Area land use designations that the Forest Service has applied to properties not purchased as part of the Section 8(o) process.**

Staff Contact:

Derrick Tokos, Multnomah County Land Use Planning Division, (503) 988-3043

Exhibits:

- A1. Letter from the Chair dated October 21, 2004
- A2. Summary of the Citizen Advisory Committee Process

A3. Issue Bin

A4. Letter from Multnomah County Rural Fire Protection District #14, dated May 26, 2005

A5. Gorge Commission letter received June 7, 2005 (inadvertently dated May 20, 2005)

A6. U.S. Forest Service letter dated June 7, 2005

Handouts

While not an item that the Board of Commissioners needs to take action on, a primary goal of this project has been to improve the quality of the informational materials that the County provides the public to make it easier for them to understand scenic area rules and know what is needed for them to develop their property. To this end, County staff and the consultants worked with the CAC to develop new handouts. Several handouts have been developed, each speaking to different aspects of development in the gorge. Their titles are as follows:

Handout #1: Introduction to Use and Development of Property

Handout #2: Use Tables

Handout #2a: Common Uses for Private Property

Handout #2b: Common Public or other Uses

Handout #3: Allowed Uses

Handout #4: Expedited Development Review Process

Handout #5: Site Review Process

Handout #6: Designing for Approval

Handout #7: National Scenic Area Process Flowchart

Draft copies of the handouts were distributed at the public workshop in Corbett and at the Planning Commission hearings. They are also available on the County website. Staff will have copies of these handouts at the hearing.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1064

Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, the County Comprehensive Plan, Zoning Ordinance, and Maps to Implement Gorge Commission Changes to the Management Plan for the Columbia River Gorge National Scenic Area (The National Scenic Area Compliance Project)

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

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County is committed to implementing revisions to the Management Plan for the Columbia River Gorge National Scenic Area, as outlined in a letter to the Gorge Commission from the Multnomah County Board of Commissioners, dated October 21, 2004 (Attachment 1).
- b. Section 7, of the Scenic Area Act requires counties that choose to implement the Management Plan, to adopt ordinances that are consistent with the revised Management Plan within nine (9) months of date it was delivered. The Plan was delivered to the County on September 8, 2004, the County must adopt an implementing ordinance in June of 2005.
- c. Multnomah County held two public workshops in Corbett, on December 8, 2004 and March 30, 2005, and formed a Citizen Advisory Committee (CAC) to provide feedback on the proposed revisions. While the CAC did not provide a recommendation to the County Planning Commission, their comments were attributed and tracked in an "Issue Bin" document presented to the Planning Commission along with the staff report.
- d. Proposed amendments to Chapter 38 of the Multnomah County Code are a product of the work with the CAC and effectively implement corresponding sections of the revised Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- e. While the Management Plan is the primary land use planning and policy document for the National Scenic Area, it does not expressly cover all land use regulations administered by the County. This has led to a "gap" in policy direction that is addressed with a new Rural Area Plan for the National Scenic Area (Attachment 2). The new Rural Area Plan serves an important role by explaining how the County conducts land use planning in the Scenic Area; identifying various sources of the County's authority; and describing the roles of the various agencies that the County partners with in carrying out it's land use planning responsibilities. Policy 41 of the Comprehensive Framework Plan contains the County's existing land use planning policies for the Scenic Area and must be amended to make the Rural Area Plan a part of the Comprehensive Framework Plan (Attachment 3).
- f. Section 8(o) of the Scenic Area Act authorized the U.S. Forest Service to acquire Special Management Area lands within three years of the date the agency received a bona fide sales offer. When the agency failed to purchase property, they were required to change the land use designation to one or more appropriate General Management Area designations. This de facto rezoning of properties by the Forest Service was done by letter and has caused confusion as the new designations

conflict with County adopted zoning maps. The map attached as Attachment 4 shows County equivalents for the designations given by the Forest Service. The County maps need to be updated to reflect these designations to eliminate any confusion as to the land use rules that apply to these properties.

g. The Planning Commission held a public hearing on April 18, 2005 at which amendments to Parts 1, 3, and 4 of Chapter 38 of the Multnomah County Code and new Part 7, were considered and recommended to the Board of Commissioners. At the second public hearing, held May 2, 2005, the Commission considered the balance of the revisions to County rules necessary to implement the revised Management Plan. All interested persons were given an opportunity to appear and be heard at these hearings.

g.h. Notice of a June 16, 2005, hearing to be held before the Board of County Commissioners to consider the proposed amendments was published in the Oregonian newspaper and a direct mailing of the notice was made to affected property owners.

Multnomah County Ordains as follows:

Section 1. The new Rural Area Plan for the National Scenic Area (Attachment 2) and amended Policy 41 of the Comprehensive Framework Plan (Attachment 3) are adopted.

Section 2. The County zoning maps are amended to reflect the General Management Area land use designations as shown on Attachment 4.

MCC CHAPTER 38 AMENDMENTS
Columbia River Gorge National Scenic Area

Part 1 – General Provisions

Section 3. **§ 38.000- is amended as follows:**

38.0000- Purposes

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge.

Section 4. **§ 38.0010 is amended as follows:**

38.0010 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, including those proposed by state or federal agencies, in the Columbia River Gorge National Scenic Area except for the uses listed in MCC 38.2000-1000 through 38.3295; when considered under the applicable approval provisions of this Chapter.

Section 5. § 38.0015 is amended as follows:

As used in MCC Chapter 38, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A)-(1) Accepted agricultural practice: A mode of operation that is common to farms or ranches of similar nature, necessary for the operation of such farms or ranches to obtain a profit in money, and customarily utilized in conjunction with agricultural use.

(2) Accessory structure/building: ~~A building or structure or detached building whose use of which is incidental and subordinate to that of the main use of the property, and that which is located on the same parcel as the main building or use. The term "detached" means that the main building and accessory building do not share a common wall. An accessory building connected to the main building by a breezeway is a detached building.~~

Accessory use: A use or activity that is a subordinate part of a primary use and that clearly is incidental to a primary use on a site.

(3) Active wildlife site: A wildlife site that has been used within the past five years by a sensitive wildlife species.

Addition: An extension or increase in the floor area or height of an existing building.

(4) Agency official: The federal, state, or local agency head or designee who has authority over a proposed project.

Agricultural specialist (Special Management Area): A person such as a county extension agent with a demonstrated knowledge of farming operations, and a demonstrated ability to interpret and recommend methods to implement regulations pertaining to agriculture. Such abilities are usually obtained through a combination of higher education and experience.

(5) Agricultural structure/building: A structure or building located on a farm or ranch and used in the operation for the storage, repair and maintenance of farm equipment, and supplies, or for the raising and/or storage of crops and livestock. This includes, but is not limited to: barns, silos, workshops, equipment sheds, greenhouses, orchard wind machines, processing facilities, storage bins and structures.

* * *

(3) Bio-diversity (Special Management Area): A diversity of biological organisms at the genetic, species, ecosystem, and landscape levels.

* * *

(6) Building: A structure used or intended to support or shelter any use or occupancy. Buildings have a roof supported by columns or walls. They include, but are not limited to, dwellings, garages, barns, sheds and shop buildings.

* * *

Canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which one layer of a tree canopy blocks sunlight or obscures the sky as measured from below.

(4) Cascadian architecture: (Special Management Area): A style of building design typically characterized by exterior use of native rock, exposed log or rough hewn timbers, steep roof pitches, and rustic appearing ornamentation and materials.

* * *

(7) Cleareut: A created opening of one 1 acre or more.

* * *

(15) Created opening (Special Management Area): ~~A created forest opening with less than 80 percent crown cover closure of trees averaging less than 20 feet tall. A created forest opening with less than 40 percent average canopy closure of overstory trees and less than 60 percent average canopy closure of understory trees averaging less than 5 inches diameter at breast height for coniferous forests and less than 25 percent total canopy cover for oak woodlands. This definition does not include agricultural fields.~~

* * *

(4) Developed recreation: Recreational opportunities characterized by high-density use on specific sites requiring facilities installation. Density of use, amount of site development, and type of recreation site can vary widely across the spectrum of recreation activities.

Developed road prism (Special Management Area): The area of the ground associated with a particular road and containing the road surface, ditch, shoulder, retaining walls, or other developed features. Does not include the natural appearing portions of cut and fill slopes.

* * *

(9) Dwelling unit: A single unit designed for occupancy by one family and having not more than one cooking area or kitchen.

Earth materials: Any rock, natural soil or any combination thereof. Earth materials do not include non-earth or processed materials, including, but not limited to, construction debris (e.g., concrete, asphalt, wood), organic waste (e.g., cull fruit, food waste) and industrial byproducts (e.g., slag, wood waste).

(E)-(1) Effect on Treaty Rights: To bring about a change in, to influence, to modify, or to have a consequence to Indian treaty or treaty related rights in the Treaties of 1855, executed between the individual Indian tribes and the Congress of the United States as adjudicated by the Federal courts, with the Nez Perce, Umatilla, Warm Springs and Yakima tribes.

* * *

Ephemeral streams (Special Management Area): streams that contain flowing water only during, and for a short duration after, precipitation events

(6) Ethnography: The descriptive and analytic study of the culture of a particular group by an ethnographer. An ethnographer seeks to understand a group through interviews with its members and often through living in and observing it.

~~(7) Existing use or structure: A legally established use that existed before February 6, 1993. "Legally established" means established in accordance with the law in effect at the time of establishment. Any use or structure that was legally established. "Legally established" means:~~

~~(a) the landowner or developer obtained applicable land use and building permits and complied with land use regulations and other laws that were in effect at the time the use or structure was established, or that were in effect at the time the landowner or developer corrected an improperly established use or structure;~~

~~(b) the use or structure was initially operated or constructed according to those applicable permits, land use regulations and other laws, or has been operated or constructed according to permits obtained to correct an improperly established use or structure; and~~

~~(c) any changes to the original use or structure must comply with all applicable permit requirements, land use regulations and other laws that were in effect at the time the change was established.~~

* * *

Finished grade: See "grade, finished"

(2) Fire break: A break in ground cover fuels, adjacent to and surrounding buildings.

Floor area: The area included within the surrounding exterior walls of a building or portion thereof. The floor area of a building or a portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.

Footprint: The area that falls directly beneath and shares the same perimeter as a structure. This includes covered porches.

* * *

(4) Forest health (SMA): A measure of the robustness of forest ecosystems. Forests are deemed healthy when they have capacity across the landscape for renewal, for the maintenance of wildlife habitats, for recovery from a wide range of disturbances, and for retention of their resilience.

Forest practice (SMA): Any activity conducted on or directly pertaining to forested land and relating to forest ecosystem management including but not limited to growing, thinning, or removing live or dead forest tree or shrub species, road and trail construction, reforestation, fertilizing, brush control, prevention of wildfire, and suppression of diseases and insects. The removal of hazardous trees is excluded. Uses that include establishment, management or harvest of Christmas trees, nursery stock, or fiber producing tree species requiring intensive cultivation (irrigation, fertilization, etc.) and a harvest rotation of 12 years or less are considered agricultural uses.

(5) Forest products: Commodities harvested from a forest, including, but not limited to, timber products, boughs, mushrooms, pine cones, and huckleberries.

(6) Forest practices (General Management Area): Those activities related to the growing and harvesting of forest tree species as defined by the Oregon Forest Practices Act.

Forest stand structure (Special Management Area): The number, types and spacing of tree species, tree sizes, and canopy layers contained in a stand of trees.

(A) * *

Grade, natural: The undisturbed elevation of the ground level of a property before any excavation or construction operations.

Grade, finished: The final elevation of the ground level of a property after construction is completed.

(2)-Grading: Any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Hazard tree (SMA): A tree with a structural defect that will predictably result in whole or partial failure within 1.5 tree lengths of a road or maintained development. A defective tree is hazardous only when its failure could result in danger to people or damage to structures, vehicles, or other property.

(H) (1)-Height of building: ~~The vertical distance from the grade to the highest point of the roof. The greatest vertical distance between the point of lowest finished grade adjoining any exterior wall of a building and the highest point of the roof, such as the highest coping or parapet of a flat roof, the highest deck line of a mansard roof, or the highest ridge of a hip, gable, gambrel, shed or other pitched roof.~~

* * *

(2)-Indian tribal government: The governing bodies of the Nez Perce Tribe (Nez Perce Tribal Executive Committee), the Confederated Tribes of the Umatilla Indian Reservation (Board of Trustees), the Confederated Tribes of the Warm Springs Reservation of Oregon (Tribal Council), and the Confederated Tribes and Bands of the Yakima Indian Nation (Tribal Council).

(3)-Indian tribes: The Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Indian Nation, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

* * *

(2)-Key viewing area: Those portions of important public roads, parks or other vantage points within the Scenic Area from which the public views Scenic Area landscapes. They include:

(a) **General Management Area** and **Special Management Area**:

* * *

(b) **Special Management Area** only:

* * *

(4)-Lot line adjustment: ~~See "property line adjustment." The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.~~

Maintenance: Ordinary upkeep or preservation of a serviceable structure affected by wear or natural elements. Maintenance does not change the original size, scope, configuration or design of a structure.

Maintenance includes, but is not limited to, painting and refinishing, regrouting masonry, patching roofs, grading gravel roads and road shoulders, cleaning and armoring ditches and culverts, filling potholes, controlling vegetation within rights-of-way, removing trees and other roadside hazards within rights-of-way, and testing and treating utility poles.

* * *

Mosaic (SMA): The dispersal of overstory and understory leave trees in irregularly spaced clumps of varying sizes throughout an irregularly shaped created forest opening.

* * *

Natural grade: see "grade, natural."

(A) * *

Navigable (river or lake): Those waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

New cultivation: Any operation that would cultivate land that has not been cultivated or has lain idle for more than 5 years.

(5) Non-profit organization: An organization whose non-profit status has been approved by the U.S. Internal Revenue Service.

Not visually evident (Special Management Area): A visual quality standard that provides for development or uses that are not visually noticeable to the casual visitor. Developments or uses shall only repeat form, line, color, and texture that are frequently found in the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not be noticeable.

~~(G)~~ (1) Old growth (Special Management Area): A forest stand usually at least 180-220 years old with moderate to high canopy closure; a multi-layered, multi-species canopy dominated by large overstory trees; high incidence of large trees, some with broken tops and other indications of old and decaying wood (decadence); numerous large snags, and heavy accumulations of wood, including large logs on the ground. Any 10 acre or greater stand of trees with the following characteristics:

~~(a) Contains mature and overmature trees in the overstory and is well into the mature growth state;~~

~~(b) In coniferous forests, will usually contain a multilayered canopy and trees of several age classes;~~

~~(c) In coniferous forests, standing dead trees and down material are present; and~~

~~(d) Evidence of activity by man may be present, but such activity has not significantly altered the other characteristics of the stand.~~

* * *

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

(4)-Ordinary high water mark: The mark on all streams, ponds, and lakes where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a vegetative character distinct from that of the abutting upland. In any area where the ordinary high water mark cannot be found, the line of mean high water shall substitute.

Operational (Special Management Area): For new agricultural use, an agricultural use shall be deemed operational when the improvements and investments described in the Stewardship Plan are in place on the parcel.

Overstory (Special Management Area): For forest practices, the tall or mature trees that rise above the shorter or immature understory trees.

(P)-(1)-Parcel:

(a) Any unit of land parcel legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel. Any unit of land, satisfying all applicable land division and zoning regulations in effect on the date of creation, created and separately described by a lawful sales contract, deed, partition map or plat, or subdivision plat;

(b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.

(c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.

(bd) A unit of land shall not be considered a separate parcel simply because it:

1. Is a unit of land created solely to establish a separate tax account;
2. Lies in different counties;
3. Lies in different sections or government lots;
4. Lies in different zoning designations; or
5. Is dissected by a public or private road.

Parking area: Any public or private area, under or outside of a structure, designed and used for the standing, maneuvering, and circulation of motor vehicles including parking lots, garages, private driveways, and legally designated areas of private streets.

(2) Partial retention: A visual quality objective that provides for management activities which may be evident but must remain visually subordinate to the characteristic landscape. Activities may repeat

form, line, color, or texture common to the characteristic landscape but changes in their qualities of size, amount, intensity, direction, pattern, etc., shall remain visually subordinate to the characteristic landscape.

(A) * *

Previously disturbed: An area of land where the natural surface has been graded, excavated, paved and/or graveled.

Primary structure: A structure or combination of structures of chief importance or function on a site. In general, the primary use of the site is carried out in a primary structure.

Primary use: An activity or combination of activities of chief importance on the site. The main purpose for which the land or structures is intended, designed, or ordinarily used. A site may have more than one primary use.

* * *

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

* * *

Property line adjustment: The transfer of a portion of a parcel from one owner to the owner of an adjacent parcel resulting in no increase in the number of parcels.

(a) keep the area clear of vegetation (e.g., shoulders, utility yards),

(b) limit the height and type of vegetation (e.g., utility rights-of-way), and/or

(c) establish and retain non-native vegetation (e.g., landscaped medians, rest area grounds).

(6) Rehabilitation (natural resource): A human activity that returns a wetland, stream, buffer area, or other sensitive area disturbed during construction of a permitted use to its natural or preconstruction condition.

Remnant old forest (Special Management Area): Large trees in the overstory that are well into the mature growth state (older than 180 years).

~~**(7) Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included.~~

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size of a portion of a building to be repaired is allowed if required to comply with building codes, provided it does not require additional excavation.

Repair includes, but is not limited to, reroofing a building, replacing damaged guardrails, reconstructing a rotten deck or porch, replacing a broken window or door, replacing a utility pole and associated anchors, replacing a section of broken water or sewer line, replacing a damaged or

defective utility line, reconstructing a portion of a building damaged by fire or a natural event, and replacing railroad ties or rails.

* * *

(11) Retention: A visual quality objective that provides for management activities not visually evident to the casual visitor. Management activities may only repeat form, line, color, and texture frequently found in the characteristic landscape.

* * *

(19) Streams:

(a) Areas where surface water produces a defined channel or bed, including bedrock channels, gravel beds, sand and silt beds, springs and defined-channel swales. The channel or bed does not have to contain water year-round. They do not include irrigation ditches, canals, storm or surface-water runoff structures, or other artificial watercourses unless they are used to convey streams naturally occurring prior to construction in such watercourses.

(b) Streams are categorized into two classes: perennial streams and intermittent streams. A perennial stream is one that flows year-round during years of normal precipitation. An intermittent stream flows only part of the year, or seasonally, during years of normal precipitation.

(20) Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures. All buildings are structures.

Submit: To deliver a document (e.g., land use application, written comment) to a reviewing agency's office by personal delivery, commercial delivery, mail, fax, or E-mail. When a document must be submitted within a specified period, it must arrive at the reviewing agency's office by the close of business on the last day of the specified period.

(A) * *

Thinning (Special Management Area): A forest practice intended to create favorable conditions for the continued growth of trees within an existing stand of trees. A thinning becomes a forest opening in coniferous forests when the average canopy closure of the overstory layer is zero or less than 40 percent and the understory layer is less than 60 percent average canopy closure of trees averaging less than 5 inches diameter at breast height. A thinning becomes a forest opening in oak woodlands when the total average canopy closure is less than 25 percent.

Total canopy closure (Special Management Area): For forest practices, the percentage measuring the degree to which all layers of the tree canopy combine together to block sunlight or obscure the sky as measured from below.

* * *

Treatment (Special Management Area): For forest practices, a site-specific operation that carries out the forest management objectives for an area.

* * *

Understory (Special Management Area): For forest practices, the shorter or immature trees below the tall or mature overstory trees.

* * *

Vested right: The right to develop or continue to develop a use, development or structure that was reviewed and approved pursuant to this Management Plan.

~~(V)(1)~~ **Viewshed:** A landscape unit seen from a Key Viewing Area.

~~(2)~~ **Visual Quality Objective (VQO):** A set of visual management goals established by the U.S. Forest Service to achieve a desired visual objective. These objectives include retention and partial retention, and others in the Mt. Hood and Gifford Pinchot National Forest Plans.

~~(3)~~ **Visually subordinate:** The relative visibility of a structure or use where that structure or use does not noticeably contrast with the surrounding landscape, as viewed from a specified vantage point (generally a Key Viewing Area). Structures which are visually subordinate may be partially visible, but are not visually dominant in relation to their surroundings. Visually subordinate forest practices in the Special Management Area shall repeat form, line, color, or texture common to the natural landscape, while changes in their qualities of size, amount, intensity, direction, pattern, etc., shall not dominate the natural landscape setting.

* * *

(3) Wetlands: Areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to normally support a prevalence of vegetation typically adapted for life in saturated soil conditions. This does not include riparian areas, rivers, streams, and lakes. The exact location of wetlands boundaries shall be delineated ~~using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).~~

* * *

Winery: An agricultural facility used for processing grapes into wine, including laboratories, processing areas, offices, and storage areas. A winery is distinct from a wine sales/tasting room; each of these uses must be explicitly reviewed and approved.

Wine sales/tasting room: A facility that is accessory to a winery and used for tasting and retail sales of wine, including interior space (e.g., wine bar, sitting room) and exterior space (e.g., patio, veranda). A wine sales/tasting room shall not be used for preparing or serving meals or hosting weddings, receptions or other commercial events. A wine sales/tasting room is distinct from a winery; each of these uses must be explicitly reviewed and approved.

* * *

Section 6. **§ 38.0030 is amended as follows:**

38.0030 Existing Uses and Discontinued Uses

(A) Right to Continue Existing Uses and Structures: Any existing use or structure may continue so long as it is used in the same manner and for the same purpose, except as otherwise provided.

(B) Replacement of Existing Structures Not Damaged or Destroyed by Disaster: Except as provided in (C) below, an existing structure may be replaced if a complete land use application for a

replacement structure is submitted to the reviewing agency within one year of the date the use of the original structure was discontinued. The replacement structure shall comply with the following standards:

(1) The replacement structure shall be used in the same manner and for the same purpose as the original structure.

(2) The replacement structure may have a different size and/or location than the original structure. An existing mobile home may be replaced with a framed residence and an existing framed residence may be replaced with a mobile home.

(3) The replacement structure shall be subject to the scenic, cultural, recreation and natural resources provisions; the treaty rights provisions; and the land use designations provisions involving agricultural buffer zones, approval criteria for fire protection, and approval criteria for siting of dwellings on forest land.

(4) The use of the original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the one year time frame.

(C) Replacement of Existing Structures Damaged or Destroyed by Disaster: An existing structure damaged or destroyed by fire, flood, landslide or other similar disaster may be replaced if a complete land use application for a replacement structure is submitted to the reviewing agency within two years of the date the original structure was damaged or destroyed. The replacement structure shall comply with the following standards:

(1) The replacement structure shall be used in the same manner and for the same purpose as the original structure. An existing mobile home may be replaced with a framed residence.

(2) The replacement structure shall be in the same location as the original structure. An exception may be granted and the replacement structure may be sited in a different location if the following conditions exist:

(a) A registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the disaster made the original building site physically unsuitable for reconstruction.

(b) The new building site is no more visible from key viewing areas than the original building site. An exception may be granted if a registered civil engineer, registered geologist, or other qualified and licensed professional hired by the applicant demonstrates the subject parcel lacks alternative building sites physically suitable for construction that are no more visible from key viewing areas than the original building site.

(c) The new building site complies with the cultural resources, natural resources, and treaty rights protection provisions.

(3) The replacement structure shall be the same size and height as the original structure, provided:

(a) The footprint of the replacement structure may be up to 10 percent larger than the footprint of the original structure.

(b) The walls of the replacement structure shall be the same height as the walls of the original structure unless a minor increase is required to comply with standards in the current jurisdictional building code.

(4) The replacement structure shall only be subject to the following scenic resources standards:

(a) The replacement structure shall comply with the scenic resources provisions regarding color and reflectivity. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable.

(b) Decks, verandas, balconies and other open portions of the original structure shall not be rebuilt as enclosed (walls and roof) portions of the replacement structure.

(c) In the General Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate) to the maximum extent practicable, provided:

1. Except as provided in 2, below, the percent of the replacement structure screened by vegetation as seen from key viewing areas shall not exceed the percent of the original structure that was screened by vegetation as seen from key viewing areas. Coniferous vegetation shall be replaced with coniferous vegetation and deciduous vegetation shall be replaced with deciduous vegetation unless the applicant chooses to use all coniferous vegetation.

2. In situations where the original structure was approved under Scenic Area regulations (e.g., Final Interim Guidelines, land use ordinance), the percent of the replacement structure screened by vegetation shall comply with any conditions of approval that required a landowner to preserve existing vegetation and/or plant and maintain new vegetation to screen the original structure as seen from key viewing areas.

3. To help determine how much vegetation may be required under 1, and 2, above, land use applications shall include all available documentation (photographic or otherwise) on the amount and type of vegetation that screened the original structure from key viewing areas. At a minimum, development review decisions shall include findings that address the following:

a. The percent of original structure facing each key viewing area that was screened by coniferous vegetation, for each key viewing area from which the structure was visible.

b. The percent of original structure facing each key viewing area that was screened by deciduous vegetation, for each key viewing area from which the structure was visible.

c. Elevation drawings showing the replacement structure and the amount of coniferous and deciduous vegetation that would screen the structure from key viewing areas in 10 years.

4. The height of any new trees shall not be required to exceed 5 feet.

5. The time frame for achieving visual subordination shall be 10 years or less from the commencement of construction.

(d) In the Special Management Area, the replacement structure shall comply with the scenic resources provisions regarding landscaping. These provisions shall be applied to achieve the applicable scenic standard (visually subordinate or not visually evident) to the maximum extent practicable, provided:

1. The Scenic Resources Implementation Handbook shall be utilized to determine approvable species and minimum approvable sizes of new trees planted (based on average growth rates expected for approvable species).

2. The height of any new trees shall not be required to exceed 5 feet.

3. The time frame for achieving the applicable scenic standard (visually subordinate or not visually evident) shall be 10 years.

(5) The replacement structure shall be subject to (B)(1) and (B)(2) above if it would not comply with (C)(2) and (C)(3) above.

(6) The original structure shall be considered discontinued if a complete land use application for a replacement structure is not submitted within the two year time frame.

(D) Changes to Existing Uses and Structures: Except as otherwise provided, any change to an existing use or modification to the exterior of an existing structure shall be subject to review and approval pursuant to this Management Plan.

Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085.

(A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.

(B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within two years of the date of the disaster/emergency event pursuant to the provisions of MCC 38.7090.

(1) In-kind replacement of an existing use or structure in the same location shall be subject only to compliance with standards for protection of scenic resources involving color, reflectivity, and landscaping.

(2) Replacement of an existing use or structure by the same type of use or structure in a different location or with a different size shall be subject to MCC 38.7000 through 38.7085 to minimize adverse effects on scenic, cultural, natural, and recreation resources.

~~(C) Except as provided in (B) above, replacement or reestablishment of a use or structure discontinued for any reason for more than one year shall be subject to the regulations of MCC 38.0000 through 38.0110, 38.2000 through 38.3295, and 38.7000 through 38.7085. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location. This includes replacing an existing mobile home with a framed residence.~~

(D1) Expansion of Existing Commercial and Multifamily Residential Uses: In the Special Management Area, existing commercial and multi-family residential uses may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(E2) Expansion of Existing Industrial Uses in the General Management Area: Existing industrial uses in the General Management Area may expand as necessary for successful operation on the Dedicated Site, subject to MCC 38.0045. Expansion beyond the Dedicated Site is prohibited.

(F3) Conversion of Existing Industrial Uses in the General Management Area: In the General Management Area, existing industrial uses may convert to less intensive uses, subject to MCC 38.0045. A less intensive use is a commercial, recreation or residential use with fewer adverse effects upon scenic, cultural, natural and recreation resources.

(G4) Existing Development or Production of Mineral Resources in the General Management Area: In the General Management Area, existing development or production of mineral resources may continue unless the Gorge Commission determines that the uses adversely affect the scenic, cultural, natural or recreation resources of the Scenic Area. These uses will be considered discontinued and subject to MCC 38.0000 through 38.0110, 38.2000-1000 through 38.3295, and 38.7000 through 38.7085 if:

(1a) The mined land has been reclaimed naturally or artificially to a point where it is revegetated to 50 percent of its original cover (considering both basal and canopy) or has reverted to another beneficial use, such as grazing. Mined land shall not include terrain which was merely leveled or cleared of vegetation; or

(2b) The site has not maintained a required state permit; or

(3c) The site has not operated legally within 5 years prior to February 6, 1993, the date of adoption of the Management Plan.

(H5) Uses involving the exploration, development or production of sand, gravel or crushed rock in the Special Management Area may continue when:

(1a) The sand, gravel, or crushed rock is used for construction or maintenance of roads used to manage or harvest forest products in the Special Management Area; and

(2b) A determination by the U.S. Forest Service finds that the use does not adversely affect the scenic, cultural, natural or recreation resources.

(E) Discontinuance of Existing Uses and Structures: Except as provided in (C) and (C)(6) above, any use or structure that is discontinued for one (1) year or more shall not be considered an existing use or

structure. Proof of intent to abandon is not required to determine that an existing use or use of an existing structure has been discontinued.

(1) Multiple Uses: An existing use or structure with more than one legally established use may discontinue one of the uses without discontinuing the others.

(2) Change in Use: An existing use or structure shall become discontinued if the use or use of the structure changes.

(F) Discontinued Uses and Structures: Re-establishment or replacement of any use or structure that has been discontinued shall be subject to all applicable policies and guidelines in the Management Plan, including, but not limited to, guidelines for land use designations and scenic, cultural, recreation and natural resources.

(I) Except as otherwise provided, whether a use has a vested right to continue will be determined by the Oregon law on vested rights.

Section 7. § 38.0035 is added as follows:

38.0035 Expedited Review Use Applications – Submittal Requirements

Applications for uses eligible for expedited review shall include:

(A) The information required for review and conditional use applications listed in MCC 38.0045(A)(1) and (2) and (B).

(B) Elevation drawings if the proposed development would be visible from a key viewing area. The drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

Section 8. § 38.0040 is deleted as follows:

38.0040 Review Uses

The following Review Uses may be permitted when allowed by the district and found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7000 through 38.7085:

(A) Land Divisions

(1) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(a) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(b) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

~~(c) Adjustment of the boundary between two or more contiguous parcels which does not result in the creation of an additional parcel may be allowed if none of the parcels larger than the minimum parcel size before the adjustment becomes smaller than the specified minimum parcel size after the adjustment.~~

~~(B) Temporary Health Hardship Dwelling — the temporary placement of a mobile home in the General Management Area may be granted when:~~

~~(1) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.~~

~~(2) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.~~

~~(3) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.~~

~~(4) A permit may be issued for a 2-year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.~~

~~(5) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.~~

~~(6) A new permit may be granted upon a finding that a family hardship continues to exist.~~

~~(C) Private Docks~~

~~(1) New docks shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.~~

~~(a) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.~~

~~(b) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.~~

~~(D) Home Occupations and Cottage Industries in Rural Centers~~

~~Home occupations and cottage industries may be established as authorized in various districts consistent with the following:~~

~~(1) A home occupation may employ only residents of the home.~~

~~(2) A cottage industry may employ up to three outside employees.~~

~~(3) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.~~

~~(4) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.~~

~~(5) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.~~

~~(6) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.~~

~~(7) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.~~

~~(8) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.~~

~~(9) Parking not associated with residential use shall be screened from Key Viewing Areas.~~

~~(10) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.0040 (E).~~

~~(E) Bed and Breakfast Inns in Rural Centers~~

~~Bed and breakfast inns may be established as authorized in various districts subject to the following:~~

~~(1) Guests may not occupy a facility for more than 14 consecutive days.~~

~~(2) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.~~

~~(3) Parking areas shall be screened so as to not be visible from Key Viewing Areas.~~

Section 9. § 38.0045 is amended as follows::

38.0045 Review and Conditional Use Applications – Submittal Requirements

*** * ***

(A) The following additional information shall be submitted for all review and conditional uses:

(1) A list of Key Viewing Areas from which the proposed use would be visible.

(2) A map of the project area. The map shall be drawn to scale. The scale of the map shall be large enough to allow the reviewing agency to determine the location and extent of the proposed use and evaluate its effects on scenic, cultural, natural, and recreation resources. The map shall be prepared at a scale of 1 inch equals 100 feet (1:1,200), or a scale providing greater detail. If a parcel is very large, the map does not have to show the entire parcel. Rather, it may show only

those portions of the parcel affected by the proposed use. The map shall include the following elements:

* * *

(3) Elevation drawings shall show the appearance of proposed structures and shall include natural grade, finished grade, and the geometrical exterior of at least the length and width of structures as seen from a horizontal view. Elevation drawings shall be drawn to scale.

(4) In the General Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes between 10 and 30 percent shall include a grading plan. In the Special Management Area, all applications for structural development involving more than 100 cubic yards of grading with slopes greater than 10 percent (except trails) shall include a grading plan. Grading plans shall include the following:

(a) A map of the site, prepared at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with contour intervals of at least 5 feet, including:

1. Natural and finished grades

2. Location of all areas to be graded, with cut banks and fill slopes delineated.

3. Estimated dimensions of graded areas.

(b) A narrative description (may be submitted on the grading plan site map and accompanying drawings) of the proposed grading activity, including:

1. Its purpose

2. An estimate of the total volume of material to be moved.

3. The height of all cut banks and fill slopes.

4. Provisions to be used for compactions, drainage, and stabilization of graded areas. (Preparation of this information by a licensed engineer or engineering geologist is recommended.)

5. A description of all plant materials used to revegetate exposed slopes and banks, including the species, number, size, and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

6. A description of any other interim or permanent erosion control measures to be used.

(B) Supplemental information will be required for:

(1) Forest practices in the Special Management Area,

(2) Production and development of mineral resources in the General Management Area,

(3) Proposed uses visible from Key Viewing Areas, and

(4) Proposed uses located near cultural resources, wetlands, streams, ponds, lakes, riparian areas, sensitive wildlife habitat, and sensitive plant sites.

~~(C) In addition to any other required notice, the Planning Director shall notify the four Indian tribal governments, LCDC, SHPO, the Gorge Commission and the Forest Service of all applications for Conditional Uses.~~

Section 10. § 38.0065 is amended as follows:

38.0065 Variances from Setbacks and Buffers within the General Management Area

Variances from setbacks and buffers within the General Management Area, except those required by MCC 38.7080, shall be classified and processed pursuant to MCC 38.7600 and 38.7605 through 38.7610, subject to the following approval criteria:

(A) When setbacks or buffers for the protection of scenic, cultural, natural, recreation, agricultural or forestry resources overlap or conflict, the setbacks or buffers may be varied upon a demonstration that:

- (1) A setback or buffer specified to protect one resource would cause the proposed use to fall within a setback or buffer specified in the plan to protect another resource; and
- (2) Variation from the specified setbacks or buffer would, on balance, best achieve the protection of the affected resources.

(B) A setback or buffer specified for protection of scenic, cultural, natural, recreation, agricultural or forestry resources may be varied in order to allow a residence to be built on a parcel of land upon a demonstration that:

- (1) The land use designation otherwise authorizes a residence on the tract;
- (2) No site exists on the tract (all contiguous parcels under the same ownership) on which a residence could be placed practicably in full compliance with the setback or buffer;
- (3) The variance from the specified setback or buffer is the minimum necessary to allow the residence.

(C) The Approval Authority may grant a variance to the General Management Area setback and buffer requirements of MCC 38.7080, upon a finding that the following conditions exist:

- (1) The proposed project is a public use, resource-based recreation facility providing or supporting either recreational access to the Columbia River and its tributaries, or recreational opportunities associated with a Scenic Travel Corridor;
- (2) All reasonable measures to redesign the proposed project to comply with required setbacks and buffers have been explored, and application of those setbacks and buffers would prohibit a viable recreation use of the site as proposed;

(3) Resource impacts have been mitigated to less than adverse levels through design provisions and mitigation measures; and

(4) The variance is the minimum necessary to accommodate the use.

(D) The Approval Authority may grant a variance of up to 10 percent to the standards of General Management Area Recreation Intensity Class 4 for parking and campground units upon demonstration that:

(1) Demand and use levels for the proposed activity(s), particularly in the area where the site is proposed, are high and expected to remain so and/or increase. Statewide Comprehensive Outdoor Recreation Plan (SCORP) data and data from Scenic Area recreation demand studies shall be relied upon to meet this criterion in the absence of current applicable studies.

(2) The proposed use is dependent on resources present at the site.

(3) Reasonable alternative sites, including those in nearby Urban Areas, offering similar opportunities have been evaluated and it has been demonstrated that the proposed use cannot be adequately accommodated elsewhere.

(4) The proposed use is consistent with the goals, objectives and policies in the Management Plan.

(5) Through site design and/or mitigation measures, the proposed use can be implemented without adversely affecting scenic, natural or cultural resources, and adjacent land uses.

(6) Through site design and/or mitigation measures, the proposed use can be implemented without affecting treaty rights.

Section 11. § 38.0080 is amended as follows:

38.0080 Signs

~~(A) Signs in a GMA shall be allowed pursuant to the following provisions:~~

~~(1) All signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these standards.~~

~~(a) The support structure shall be unobtrusive and have low visual impact.~~

~~(b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.~~

~~(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.~~

~~(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.~~

~~(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (A) (1).~~

~~(3A) The following signs may be permitted without review in the General Management Area, and in the Special Management Area subject to MCC 38.0080 (AE) (1):~~

~~(a) Ordinary repair and maintenance of signs.~~

~~(1b) Election signs which are not displayed for more than 60 days. Removal must be accomplished within 30 days of election day.~~

~~(2e) "For Sale" signs not greater than 1" square feet. Removal must be accomplished within 30 days of close of sale.~~

~~(3d) Temporary construction site identification, public service company, safety or information signs not greater than 32 square feet. Exceptions may be granted for public highway signs necessary for public safety and consistent with the Manual for Uniform Traffic Control Devices. Removal must be accomplished within 30 days of project completion.~~

~~(4e) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided:~~

~~(a) such signs are not greater than 6 square feet in the General Management Area and the Special Management Area Open Space zone district.~~

~~(b) signs are not greater than 2 square feet in all Special Management zones, except the Open Space zone district.~~

~~(5f) Temporary signs advertising civil, social, or political gatherings and activities not exceeding 12 square feet. Removal must be accomplished within 30 days of the close of the event.~~

~~(6g) Signs posted by governmental jurisdictions giving notice to the public. Such signs shall be no larger than that required to convey the message intended.~~

~~(7h) In the General Management Area, signs associated with the use of a building or buildings shall be placed flat on the outside walls of buildings, not on roofs or marquees.~~

~~(4) Other signs not addressed or expressly prohibited by this section may be permitted without review.~~

~~(5) Any sign which does not conform with subsections (1) through (4) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:~~

~~(a) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (1) through (4).~~

~~(b) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.~~

(B) All other signs not listed in MCC 38.0080(A) or prohibited as listed in MCC 38.0080(C) may be permitted under an expedited review process subject to MCC 38.0080(D) in the General Management Area and (E) in the Special Management Area.

(8C) Prohibited Signs

(16) Except for signs along public highways necessary for public safety, traffic control or road construction which are consistent with the Manual for Uniform Traffic Control Devices, the following signs are prohibited in the General Management Area:

- (a) Luminous signs or those with intermittent or flashing lights. These include neon signs, fluorescent signs, light displays and other signs which are internally illuminated, exclusive of seasonal holiday light displays.
- (b) New billboards.
- (c) Signs with moving elements.
- (d) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle.

(2) The following signs are prohibited in the Special Management Area:

- (a) Advertising billboards.
- (b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.
- (c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.
- (d) Interpretative signs on Interstate 84.

(AD) Signs in a General Management Area shall be ~~allowed~~ permitted under an expedited review process pursuant to the following provisions:

(1) All new signs must meet the following standards unless they conflict with the Manual for Uniform Traffic Control Devices for public safety, traffic control or highway construction signs. In such cases, the standards in the Manual for Uniform Traffic Control Devices shall supersede these standards.

- (a) The support structure shall be unobtrusive and have low visual impact.
- (b) Lettering colors with sufficient contrast to provide clear message communication shall be allowed. Colors of signs shall blend with their setting to the maximum extent practicable.

(c) Backs of all signs shall be unobtrusive, non-reflective, and blend in with the setting.

(d) Spot lighting of signs may be allowed where needed for night visibility. Backlighting is not permitted for signs.

(2) Business identification or facility entry signs located on the premises may be allowed, subject to MCC 38.0080 (A) (1).

(DE) Signs in an Special Management Area shall be allowed-permitted under an expedited review process pursuant to the following provisions:

~~(1) New signs shall be allowed as specified in the applicable land use designation.~~

~~(12) No sign shall be erected or placed in such a manner that it may interfere with, be confused with, or obstruct the view of any traffic sign, signal or device.~~

~~(32) Pre-existing signs are allowed to continue provided no changes occur in size, structure, color, or message.~~

~~(43) Except for signs allowed withouto review, Aall new signs shall meet the following standards, and be consistent with the Manual for Uniform Traffic Control Devices:~~

(a) Signs shall be maintained in a neat, clean and attractive condition.

(b) The character and composition of sign materials shall be harmonious with the landscape and/or related to and compatible with the main structure upon which the sign is attached.

(c) Signs shall be placed flat on the outside walls of buildings, not on roofs or marquees.

(d) Signs shall be unobtrusive and have low contrast with the setting and not result in sign clutter or other negative visual effect.

(e) The visual impact of the support structure shall be minimized.

(f) Outdoor sign lighting shall be used for purposes of illumination only, and shall not be designed for, or used as, an advertising display, except for road safety signs.

(g) Backs of all signs shall be visually unobtrusive, nonreflective, and blend in with the setting.

(h) Sign internal illumination or backlighting shall not be permitted except for highway construction, warning or safety.

~~(5) Temporary signs shall be permitted without review when in compliance with subsection (4) above and the following:~~

~~(a) One political sign per parcel road frontage. The sign shall be no greater than 12 square feet in area and displayed for no more than 60 calendar days. Removal must be accomplished within 30 days of election day.~~

~~(b) A "For Sale" sign not greater than 12" square feet, removal must be accomplished within 30 days of close of sale.~~

~~(c) One temporary construction site identification sign which is not greater than 32 square feet. Removal must be accomplished within 30 days of project completion.~~

~~(d) Signs providing direction to and announcement of temporary garage/yard sales provided placement duration does not exceed three days and the signs are not greater than two square feet in area.~~

~~(e) Signs, not exceeding 12 square feet and placed no longer than 10 days in advance of the event, advertising civil, social, or political gatherings and activities. Removal must be accomplished within 30 days of the close of the event.~~

~~(f) Signs of public service companies indicating danger and/or service and safety information. Removal must be accomplished upon project completion.~~

(64) Public signs shall meet the following standards in addition to subsections (1) through (53) above:

(a) The Graphic Sign System provides design standards for public signs in and adjacent to public road rights-of-way. All new and replacement public signs, except those transportation, regulatory, guide and warning signs allowed outright shall conform to the guidelines in this system. Types of signs addressed include recreation site entry, ~~route marker~~, interpretive, ~~guide, directional, and urban area entry~~ specific service signs, destination and distance signs, variable message signs, or signs that bridge or area cantilevered over the road surface.

(b) Signs located outside public road rights-of-way are encouraged to be designed in such a way as to be consistent with similar purpose signs described in the Graphic Signing System.

(c) Signs posted by governmental jurisdictions giving notice to the public shall be no larger than that required to convey the message intended.

(75) Signs for public and commercial recreation facilities, home occupations, cottage industries, and commercial uses shall meet the following standards in addition to subsections (1) through (53) of this section:

~~(a) Signs posted on private property warning the public against trespassing, danger from animals, the private nature of a road, driveway or premise, or signs prohibiting or otherwise controlling fishing or hunting, provided such signs are not greater than two square feet.~~

(ba) Any sign advertising or relating to a business which is discontinued for a period of 30 consecutive days shall be presumed to be abandoned and shall be removed within 30 days thereafter, unless permitted otherwise by the jurisdictional authority.

(eb) Any signs relating to, or advertising, a business shall be brought into conformance with these sign standards prior to any expansion or change in use which is subject to review.

(dc) Off-site and on-site directional signs on approach roads to recreational facilities may be permitted. Name and interpretive signs may be permitted on-site, but should be kept to the minimum required to achieve the purpose(s) of the facilities.

(ed) Commercial recreation businesses approved in conjunction with a recreational facility may have a name sign not exceeding 16 square feet.

(fe) Recreation developments may be permitted one on-premise name sign at each principal entrance. Such signs are encouraged to be of a low profile, monument type, and shall conform to the Graphic Sign System.

(6) Sign clutter and other negative visual effects from excessive signs along all roads and highways, and at parking lots and recreation facilities, shall be reduced.

(8) Prohibited Signs

(a) Advertising billboards.

(b) Signs that move or give the appearance of moving, except signs used for highway construction, warning or safety.

(c) Portable or wheeled signs, or signs on parked vehicles where the sign is the primary use of the vehicle, except for signs used for highway construction, warning or safety.

(d) Interpretative signs on Interstate 84.

(5F) Any sign in the General Management Area which does not conform with subsections (1) through (4)(A) and (D) and has existed prior to adoption of the Management Plan shall be considered non-conforming and subject to the following:

(a1) Alteration of existing non-conforming signs shall comply with MCC 38.0080 (A) (1) through (4)(A) and (D).

(b2) Any non-conforming sign used by a business must be brought into conformance concurrent with any expansion or change in use which requires a development permit.

Section 12. § 38.0110 is amended as follows:

38.0110 Indian Tribal Treaty Rights and Consultation

(A) If a substantive written comment regarding tribal rights is received during the comment period provided in MCC 38.0530 (B) or (C) from an Indian tribal government, the applicant shall offer to meet with the affected tribal government within 10 calendar days. The 10 day consultation period may be extended upon agreement between the project applicant and the tribal government. If a substantive written comment is received on an expedited review preliminary decision, then the application will be reviewed using the full Type II process and no longer eligible for expedited review.

* * *

Part 2 – Planning Authority General Provisions

Section 13. § 38.0200- is amended as follows:

38.0200- Definitions.

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

~~(A)~~ *Board* means Board of County Commissioners of Multnomah County, Oregon.

~~(B)~~ *Commission* means the Planning Commission established under this chapter.

~~(C)~~ *Comprehensive plan* or *plan* shall have the meaning set forth in subsection (4) of ORS 197.015; shall be directed to the elements listed in the statewide use planning goals opted pursuant to ORS 197.240; shall include framework, development and operational plans based on an inventory and cultural data; shall be prepared under the supervision of the Director of the Land Use Planning Division and may include maps, a text, or both.

Gorge Commission means Columbia River Bi-State Gorge Commission.

Section 14. § 38.0205 is amended as follows:

38.0205 Policy and purpose.

* * *

(B) Therefore, in accordance with ORS chapter 197 and 215 and the County Charter, the Board has determined that all decisions made by Multnomah County with respect to County development shall be predicated upon a comprehensive plan adopted and revised in the manner described in this chapter.

(1) The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan, provides the policy basis for Multnomah County Code Chapter 38.

(2) Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan.

(3) Multnomah County shall adopt provisions that vary from the Management Plan when it deems that the provisions are more protective of the resources in the Scenic Area.

(C) Multnomah County recognizes the Gorge Commission's responsibility for revising the Management Plan and its authority to serve as the appeals board for Multnomah County Scenic Area land use decisions.

(D) Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan and the Land and Resource Management Plan for the Mt. Hood National Forest.

(E) Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for all projects on federal lands in the Scenic Area.

(F) Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

(G) Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan to achieve, on balance, the objectives of the Statewide Planning Goals.

(H) Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan or the City and County enter into an agreement that establishes how the Management Plan is to be implemented in this portion of the City..

Section 15. § 38.0207 is added as follows:

38.0207 Authority

Multnomah County must regulate land uses for compliance with the Columbia River Gorge National Scenic Area Act. The Scenic Area Act gives certain federal, Indian tribe, state, and local agencies authority in the Scenic Area, and considering provisions of the Act, ORS chapter 196, 197 and 215, the County Charter, the Board understands those authorities to be as follows:

(A) Gorge Commission:

(1) The Gorge Commission has authority to develop and adopt land use and resource protection policy through the Management Plan.

(2) The Gorge Commission has authority to serve as the appeals board for Scenic Area land use decisions issued by Multnomah County.

(3) The Gorge Commission has authority to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan.

(4) The Gorge Commission has authority to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan.

(B) U.S. Forest Service:

(1) The U.S. Forest Service has authority to review and issue a determination of consistency with the Management Plan for projects on federal lands. The U.S. Forest Service has authority to review land use and development actions of federal agencies for consistency with the Management Plan. The U.S. Forest Service shall provide copies of applications for projects on federal land to Multnomah County for comment.

(2) Federal resource specialists shall provide resource review for projects on federal lands.

(3) The U.S. Forest Service has authority to consult with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the Special Management Area on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.

(4) The U.S. Forest Service has authority to continue to acquire Special Management Area and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.

(5) The U.S. Forest Service provides fish and wildlife resource information to counties and the Gorge Commission.

(6) The U.S. Forest Service provides historic resource information to counties and the Gorge Commission.

(C) Indian Tribes:

(1) The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

(2) Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

(3) Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

(D) Multnomah County:

(1) Multnomah County has the authority to implement the Management Plan for Scenic Area lands within its jurisdiction.

(2) Multnomah County has authority from the Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and by the Secretary of Agriculture in the Special Management Area).

(3) Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

(4) Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

(5) The County may adopt provisions in its land use ordinance that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or

federal laws not regulated by the Columbia River Gorge National Scenic Area Act. Such provisions shall not conflict with the Act.

(6) The County has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan.

(7) Multnomah County has authority to review applications for developments or uses on non-federal land with the Scenic Area. Multnomah County shall provide a copy of the application to The U.S. Forest Service for comment.

(8) The City of Troutdale has not enacted an ordinance to implement the Management Plan, and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Act to enforce its implementing ordinance in those portions of the city within the National Scenic Area.

Part 3 - Administration And Procedures

Section 16. § 38.0530 is amended as follows:

38.0530 Summary of decision making processes.

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

Permit Type	I	II	<u>II</u> <u>Expedited</u>	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	<u>(Planning Director)</u>	(Hearings Officer)	(Legislative)
Allowed Uses¹	X				
<u>Expedited Uses</u>					
Review Uses		X	X		
Conditional Uses				X	
Zone Code Text Changes (Initiated by County only)					X
Variance		X		X	
Extension of Decision		X			
Property Line Adjustments		X			
Planned Unit Developments				X	
Land Divisions					
• Subdivision				X	
• Major Partition		X			
• Minor Partition		X			

Permit Type	I	II	<u>II</u> <u>Expedited</u>	III	PC
Initial Approval Body:	(Not a "land use decision")	(Planning Director)	(<u>Planning Director</u>)	(Hearings Officer)	(Legislative)
<u>Lot Consolidation</u> (same ownership; undeveloped)	X				
Revocation of Decisions				X	
Zoning Code Interpretations		X			
Hillside Development Permit		X			
Floodplain Development	X				
Grading and Erosion Control	X				
Street and Property Addressing	X				
<u>Final Plat Approval</u>	X				
<u>¹ Although an Allowed Use by itself does not require a Type I permit, zoning approval of a building permit application for such a use is a Type I review.</u>					

Permit Types

* * *

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are typically assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses, and it's relationship to scenic, natural, cultural and recreational resources of the area. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements.

(1) For development eligible for Expedited Review, upon receipt of a complete application, the Planning Director issues a preliminary decision and sends the application including the decision and an invitation to comment to the Gorge Commission; U.S. Forest Service; the Indian tribal governments; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days. If no comments are received, the Planning Director's decision shall become final at the close of business on the 14th day after the date on the preliminary decision. If substantive written comments are received, the Planning Director shall either modify the decision to address the comments and re-issue it for a 14-day appeal period or re-direct the application to full review in MCC 38.0530 (B) (2) if comments establish that the proposed development is not eligible for expedited review for reasons listed under MCC 38.7100. The Planning Director's decision is appealable to the County Hearings Officer. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

(2) For all permit types except development eligible for expedited review. Upon receipt of a complete application, notice of application and an invitation to comment is are mailed to the Gorge Commission; the U.S. Forest Service; the Indian tribal governments; the State Historic Preservation Office; the Cultural Advisory Committee; and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed, except for comments regarding Cultural Resources, which will be accepted for 20 days after the notice is mailed. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to the Columbia River Gorge Commission within 30 days after the decision is final. The decision is final the day the decision is signed by the Hearings Officer.

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

* * *

Section 17. § 38.0570 is amended as follows:

38.0570 Pre-application conference meeting.

(A) Prior to submitting an A pre-application conference is optional for uses eligible for Type II expedited review. For all other for a Type II or Type III applications, the applicant shall schedule and attend a pre-application conference with County staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Planning Director and may include a filing fee, notice to neighbors, neighborhood organizations, and other organizations and agencies.

* * *

Section 18. § 38.0600 is amended as follows:

38.0600 Completeness review.

(A) Type II or Type III applications shall be reviewed according to the standards in effect on the date an applicant submits a complete land use application to the County. Incomplete applications shall not be reviewed. A complete application is one that the County determines meets the requirements of this Chapter for:

(1) a complete application form,

(2) a complete site plan, and

(3) all applicable information specified in this Chapter.

~~(AB)~~ Upon submission of a Type II or Type III application, the Planning Director shall date stamp the application form and verify that the appropriate application fee has been submitted. Within 30 days of receipt of the application, for all Type II and III permits except development eligible for expedited review, the Planning Director should review the application, evaluate whether the application is sufficiently complete to mail out for comment, and issue to the applicant a completeness letter. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. If not sufficiently complete, the Planning Director shall advise the applicant what information must be submitted to make the application sufficiently complete.

~~(BC)~~ For all Type II and III permits except development eligible for expedited review, Upon receipt of a letter indicating the application is not sufficiently complete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Planning Director shall again verify whether the application, as augmented, is complete. For permits processed with expedited review, County staff should review the application and evaluate whether the application is sufficiently complete at the time the application is submitted. Each such review and verification shall follow the procedure in subsection ~~(AB)~~ of this section.

~~(CD)~~ For all Type II and III permits except those reviewed with the expedited process, An applicant shall file within 30 days of the mailing of the initial completeness letter, a statement accepting the 180 day time period to complete the application. Failure of an applicant to accept the 180 day time period to complete the application within 30 days of the mailing of the completeness letter will constitute a refusal to complete the application. Where an applicant refuses to complete an application the County will take no action, reject the application and return all materials to the applicant.

~~(DE)~~ The approval criteria and standards which control the County's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Section 19. § 38.0620 is amended as follows:

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

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

newspaper of general circulation within the County at least 20 days prior to the hearing. For all Type II and III hearings except development reviewed with the expedited process, the County shall provide and publish notice of hearing at least 20 days prior to hearing. For development reviewed with the expedited process, the County shall provide and publish notice of the hearing at least 14 days prior to the hearing. Notice of the hearing shall include the following information:

* * *

Section 20. § 38.0660 is amended as follows:

38.0660 Conditions of approval and notice of decision.

* * *

(D) Notice of decision for Type II and Type III decisions except expedited review decisions. The County shall send, by first class mail, a notice of all decisions rendered under a Type II or Type III process. For Type II or Type III decisions, to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and to the Gorge Commission. The notice of decision shall include the following information:

* * *

(E) For all decisions on development eligible for Expedited review, the preliminary decision becomes final at the close of business on the 14th day after the date on the preliminary decision if no comments are received. The notice of decision shall include the following information:

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that a person receiving comment has 14 days to make comment which must be directed to the applicable approval criteria. Failure to provide comments during this period will preclude a right to appeal.

(6) A statement that the decision is final at the close of the comment period unless comments are received;

(F) If comments are received on a preliminary decision on development eligible for Expedited review, the Planning Director may modify the preliminary decision and issue a notice. The notice of decision shall include, in addition to §38.0660 (E) (1)–(6), response to comments and a description of how the decision has been modified based on the comments.

(1) The file number and effective date of decision;

(2) The name of the applicant, owner and appellant (if different);

(3) The street address or other easily understood location of the subject property;

(4) A brief summary of the decision, and if an approval, a description of the permitted use approved;

(5) A statement that the decision is final at the close of the appeal period unless appealed, and description of the requirements for perfecting an appeal;

(6) A statement that a person receiving notice cannot appeal a Type II decision directly to the Columbia River Gorge Commission unless all local appeals are exhausted.

(EG) Modification of Conditions. Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

Section 21. § 38.0690 is amended as follows:

38.0690 Expiration of a Type II or Type III decision.

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

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

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

(A) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that does not include a structure shall expire two years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. For land divisions, “established” means the final deed or plat has been recorded with the county recorder or auditor.

(B) Any Type II or Type III land use approval issued pursuant to this Chapter for a use or development that includes a structure shall expire as follows:

(1) When construction has not commenced within two years of the date the final decision, or

(2) When the structure has not been completed within two years of the date of commencement of construction.

(3) As used in (B)(1), commencement of construction shall mean actual construction of the foundation or frame of the approved structure. For utilities and developments without a frame or foundation, commencement of construction shall mean actual construction of support structures

for an approved above ground utility or development or actual excavation of trenches for an approved underground utility or development. For roads, commencement of construction shall mean actual grading of the roadway.

(4) As used in (B)(2), completion of the structure shall mean:

(a) completion of the exterior surface(s) of the structure and

(b) compliance with all conditions of approval in the land use approval.

(C) Expiration under (A) or (B) above is automatic. Failure to give notice of expiration shall not affect the expiration of a Type II or III approval.

(D) Notwithstanding Consistent with Subsection (A) of this section, the decision maker may set forth in the written decision, specific instances or time periods when a permit expires.

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

(F) Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the County, the expiration period shall not begin until all subsequent appeals are resolved. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

(G) The laws of the State of Oregon concerning vested rights shall not apply in the Columbia River Gorge National Scenic Area. A person has a vested right for as long as the land use approval does not expire.

Section 22. § 38.0700 is amended as follows:

38.0700 Extension of Type II or Type III decisions.

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

(B) A request for extension of the time frames in §38.0700 (D)(1), (D)(2), and (E) shall be submitted in writing before the applicable expiration date.

(C) Approval or denial of a request for extension shall state the reason why events beyond the control of the applicant warrant an extension.

(D) The Planning Director may grant one 12-month extension to any approved decision if it determines that events beyond the control of the applicant prevented:

(1) The commencement of the use or development within two years of the decision for a land use approval that does not include a structure; or

(2) commencement of construction within two years of the decision for a land use approval issued for a use or development that includes a structure; or

(E) The Planning Director may also grant one 12-month extension if it determines that events beyond the control of the applicant prevented the completion of the structure within two years of the date of the commencement of construction for a land use approval that includes a structure, when the structure has been commenced.

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

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

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

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

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

Section 23. § 38.0740 is amended as follows:

38.0740 Interpretations.

(A) The Planning Director shall have the authority to decide all questions of interpretation or applicability to specific properties within Multnomah County of any provision of the Management Plan for the Columbia River Gorge National Scenic Area (Management Plan), rural area plan, or other land use code. Any interpretation of a provision of the Management Plan, rural area plan or other land use code shall consider applicable provisions of the Management Plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. The Planning Director shall strive to apply the land use code in a uniform manner and interpret the code and the Management Plan in a way that is consistent with how the language is applied throughout the National Scenic Area, except when the County has adopted more restrictive provisions. A request for an interpretation shall be processed as a Type II application.

* * *

Section 24. § 38.0765 is added as follows:

38.0765 Applying New Less-Stringent Regulations to Development Approved Under Prior MCC Chapter 38 Regulations.

A landowner may submit a land use application to alter conditions of approval for an existing use or structure approved under prior Scenic Area regulations, subject to the following standards:

(A) The applicant shall apply for the same development that was reviewed in the original decision.

(B) The development shall remain in its current location.

(C) The County shall review the land use application under the same process (Type II or Type III) as the original decision and send notice of the application to agencies and other parties entitled to receive notice under the current MCC Chapter 38 regulations.

(D) The County shall review the entire development to ensure that it would fully comply with all the current MCC Chapter 38 standards.

(E) The County shall issue a new decision that supersedes the original decision.

(F) The new decision may remove or revise original conditions of approval or add new conditions of approval to ensure full compliance with the current MCC Chapter 38 regulations.

Part 4 – Zoning Districts

Section 25. § 38.1000* is added as follows:

38.1000* PART 4 - ZONING DISTRICTS

38.1000- General Management Area and Special Management Area

The Columbia River Gorge National Scenic Area Act ("Act") divides the Columbia River Gorge National Scenic Area into two categories of land: General Management Area (GMA) and Special Management Area (SMA). The Act authorizes the Columbia River Gorge Commission to plan for the GMA and U.S. Department of Agriculture, Forest Service to plan for the SMA. GMA lands are shown on Multnomah County zoning maps with the prefix "GG" and SMA lands are shown as "GS". These prefixes are followed by a letter and/or numerals identifying the specific type of zoning (e.g. GGA-20 for GMA Agriculture, GSO for SMA Open Space, etc.)

Section 26. § 38.1005 is added as follows:

§ 38.1005 Allowed Uses

(A) The following uses may be allowed without review in all zone districts except General Management Area Open Space (GGO, GGO-GW, and GGO-SP) and Special Management Area Open Space (GSO) zone districts.

(1) In the General Management Area, agricultural uses except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. For this guideline, cultivation and vegetation removal may be allowed in conjunction with a home garden.

(2) In the Special Management Area, agricultural uses within previously disturbed and regularly worked fields or areas.

(3) Forest practices in the General Management Area that do not violate conditions of approval for other approved uses and developments.

(4) Accessory structures 60 square feet or less in area and 10 feet or less in height, unless within the buffer zone of a wetland, stream, pond, lake or riparian area. This category does not include fences, outdoor lights, retaining walls, flagpoles, transportation facilities, or utility facilities.

(5) Wire-strand or woven-wire fences used for gardens, yards, livestock, and similar uses less than or equal to 500 feet in length and less than or equal to 10 feet in height that are accessory to an existing dwelling, provided woven-wire fences are brown or black if visible from key viewing areas. Height is measured from the ground to the top wire.

(6) Wire-strand fences less than or equal to 48 inches in height that are outside deer and elk winter range as delineated in the Gorge Commission/U.S. Forest Service natural resource inventories or determined by an appropriate federal or state agency. Height is measured from the ground to the top wire. This category does not include fences associated with transportation facilities or utility facilities.

(7) Flagpoles that are accessory to the principal building on a parcel, provided the height of the flagpole is less than or equal to the height of the highest ridge line or parapet of the principal building.

(8) In the General Management Area, wind machines for frost control in conjunction with agricultural use.

(B) The following uses may be allowed without review in all zone districts:

(1) Repair, maintenance and operation of existing structures, including, but not limited to, dwellings, agricultural structures, trails, roads, railroads, and utility facilities.

(2) Replace existing safety or protective structures, including guardrails, access control fences and gates, barriers, energy attenuators, safety cables, and traffic signals and controllers, provided the replacement structures are (a) the same location and size as the existing structures and (b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."

(3) Replace existing traffic detection devices, vehicle weighing devices, and signal boxes, provided the replacement structures are

(a) the same location and size as the existing structures and

(b) the same building materials as the existing structures, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management

Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(4) New raised pavement markers, guide posts, object markers, inlay markers, and pavement markings and striping.

(5) Permanent public regulatory, guide, and warning signs, except those excluded below, provided

(a) the signs comply with the Manual for Uniform Traffic Control Devices and

(b) the support structures and backs of all signs are dark brown with a flat, non-reflective finish. This category does not include specific service signs; destination and distance signs; variable message signs; or signs that bridge or are cantilevered over the road surface.

(6) Extensions of existing guardrails less than or equal to 50 feet in length and new guardrail ends for existing guardrails, provided the guardrails and guardrail ends are

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of materials that match the existing structure, natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(7) New guardrails and guardrail ends (this category does not include jersey barriers), provided the structures are:

(a) located inside rights-of-way that have been disturbed in the past and

(b) constructed of natural wood, weathering steel (e.g., Corten), or materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled “Scenic Travel Corridors.”

(8) In the General Management Area, replace and/or expand existing culverts, provided the entity or person owning or operating the culvert shall obtain all necessary federal and state permits that protect water quality and fish and wildlife habitat before construction.

(9) In the Special Management Area, replace and/or expand existing culverts for ephemeral streams or ditches, provided the visible ends of culverts shall be dark and non-reflective.

(10) Resurface or overlay existing paved roads, provided the activity does not (a) increase the width of a road, (b) disturb the toe of adjacent embankments, slopes or cut banks, or (c) change existing structures or add new structures.

(11) Apply dust abatement products to non-paved road surfaces.

(12) Grade and gravel existing road shoulders, provided the activity does not

(a) increase the width of a road,

(b) disturb the toe of adjacent embankments, slopes or cut banks, or

(c) change existing structures or add new structures.

(13) Replace the superstructure of bridges (e.g., decks, beams) for bridges less than or equal to 30 feet in length and less than or equal to 1,000 square feet in area. This category does not include guardrails or the substructure of bridges (e.g., foundations, abutments).

(14) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided no excavation would extend beyond the depth and extent of the original excavation.

(15) Replace or modify existing underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past or co-locate new underground utility facilities with existing underground facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided

(a) no excavation would extend more than 12 inches beyond the depth and extent of the original excavation,

(b) no ditch for linear facilities would be more than 24 inches wide,

(c) no excavation for non-linear facilities would exceed 10 cubic yards, and

(d) no recorded archaeological site is located within 500 feet of the development. To comply with (d) the entity or person undertaking the development shall contact the Oregon State Historic Preservation Office and obtain a letter or other document stating no recorded archaeological site is located within 500 feet of the development.

(16) Replace existing aboveground and overhead utility facilities including towers, pole/tower-mounted equipment, cables and wires, anchors, pad-mounted equipment, service boxes, pumps, valves, pipes, water meters, and fire hydrants, provided the replacement facilities would have

(a) the same location and size as the existing facilities and

(b) the same building materials as the existing facilities, or building materials that are dark brown with a flat, non-reflective finish, or building materials consistent with the Historic Columbia River Highway Master Plan for the Historic Columbia River Highway or a scenic highway corridor strategy for Interstate 84 prepared according to the General Management Area policies in the section of the Scenic Resources chapter of the Management Plan titled "Scenic Travel Corridors."

(17) Replace existing utility poles, provided the replacement poles are

(a) located within 5 feet of the original poles,

(b) no more than 5 feet taller and 6 inches wider than the original poles, and

(c) constructed of natural wood, weathering steel (e.g., Corten), materials that match the original poles, or materials that are dark brown with a flat, non-reflective finish.

(18) New whip antennas for public service less than or equal to 8-feet in height and less than or equal to 2 inches in diameter, cables, wires, transformers, and other similar equipment, provided all such structures are on existing utility poles or towers.

Section 27. §38.1010 is added as follows:

38.1010 Expedited Uses

(A) The following development may be reviewed using the expedited process listed in MCC 38.0530(B), and are permitted when found to satisfy the applicable approval criteria pursuant to the provisions of MCC 38.7100.

(1) Except in Open Space zoning districts, accessory structures between 60 and 200 square feet in area and 10 feet or less in height. Only one accessory building per parcel may be allowed under this guideline, regardless of whether the parcel already includes an accessory building(s). Additional accessory buildings shall be subject to full review. This category does not include decks, fences, outdoor lights, retaining walls, transportation facilities, or utility facilities.

(2) Additions and covered decks for existing buildings, provided the existing building is at least 500 square feet in area and the addition or covered deck is no larger than 200 square feet in area and no taller than the height of the existing building. Only one addition and one covered deck per parcel may be allowed under this guideline, regardless of whether the parcel already includes an addition or covered deck.

(3) Rail, solid or semi-solid fences accessory to existing dwellings less than or equal to 6 feet in height and less than or equal to 100 feet in length.

(4) Wire-strand fences other than those allowed outright, provided the fence complies with MCC 38.7065 (F) if it is inside deer and elk winter range as delineated in the Gorge Commission/U.S. Forest Service natural resource inventories or determined by an appropriate federal or state agency.

(5) In the General Management Area, woven-wire fences for agricultural use that would enclose 80 acres or less.

(6) Decks that are (a) uncovered, (b) attached and accessory to existing dwellings, and (c) 500 square feet or less in area and 30 inches or less in height above existing grade.

(7) Road closure gates.

(8) Signs, other than those allowed outright.

(9) Outdoor lights.

(10) Air, weather, water and other similar research and monitoring facilities, provided the facilities are attached to existing structures or are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(11) Property line adjustments in General Management Area zoning districts, except GGO, GG-PR, and GG-CR that would not result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(12) Property line adjustments in the Special Management Area, subject to MCC 38.7970.

(13) Demolition of structures that are less than 50 years old, including wells, septic tanks and fuel tanks.

(14) Decommission non-paved roads, including ripping the road surface, barriers, and revegetation.

(15) Trail reconstruction involving up to 1,000 feet of trail re-route.

(16) The following transportation facilities, provided they are not a part of larger construction or reconstruction projects (which shall be reviewed as a whole):

(a) New guardrails and guardrail ends, other than those allowed outright, and new wire-strand and woven-wire access control fences. This category does not include jersey barriers.

(b) New traffic detection devices, vehicle weighing devices, and signal boxes less than or equal to 120 square feet in size and less than or equal to 12 feet in height. This category does not include signs.

(c) Pave existing dirt and gravel roads, provided the activity does not increase the width of the road or disturb the toe of adjacent embankments, slopes or cut banks.

(d) New weather, air, traffic or other monitoring equipment attached to existing structures or that are less than or equal to 120 square feet in size and less than or equal to 12 feet in height.

(17) New underground utility facilities located inside road, utility or railroad rights-of-way or easements that have been disturbed in the past, provided:

(a) No ditch for linear facilities would be more than 36 inches wide and

(b) No excavation for non-linear facilities would exceed 20 cubic yards

(18) Modify existing aboveground and overhead utility facilities or develop new aboveground and overhead utility facilities including building and equipment foundations, poles, transformers,

conduit, fencing, pumps, valves, pipes, and water meters, provided the development would be less than or equal to 120 square feet in area and less than or equal to 12 feet in height.

(19) Replace existing aboveground and overhead utility facilities including building and equipment foundations, poles, transformers, conduit, fencing, pumps, valves, pipes, and water meters, provided the replacement facilities would be in the same location as and no more than 15 percent larger than the physical size of the existing facilities.

(20) New antennas and associated support structures necessary for public service on existing wireless communication poles and towers other than those allowed outright, provided the size is the minimum necessary to provide the service.

(21) Replace an existing mobile home in a mobile home space within a mobile home park, provided:

(a) The mobile home to be replaced, the mobile home space and the mobile home park are existing uses, as defined in MCC 38.0015 (E)(7);

(b) The replacement mobile home shall be in the same location as the mobile home to be replaced;

(c) The height of the replacement mobile home shall be no more than 20 percent greater than the mobile home to be replaced, and

(d) The mass and footprint of the replacement mobile home shall be no more than 100 percent greater than a single-wide mobile home to be replaced or no more than 25 percent greater than a double-wide mobile home to be replaced.

(22) Retaining walls accessory to existing dwellings less than or equal to 2 feet in height (of exposed surface area) and less than or equal to 100 feet in length.

(23) In Special Management Area zoning districts, wind machines for frost control in conjunction with agricultural use.

Section 28. § 38.2000* is amended as follows:

38.2000* PART 4--ZONING DISTRICTS--FOREST DISTRICTS - GGF and GSF

Section 29. § 38.2020 is amended as follows:

38.2020 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGF and GSF without review.

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

(1) Forest practices that do not violate conditions of approval for other approved uses.

~~(2) Agricultural use, except new cultivation.~~

~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

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

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

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

~~(2) Maintenance, repair, and operation of existing dwellings, signs, structures, trails, roads, railroads, and utility facilities.~~

~~(3) Accessory structures of less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 30. **§ 38.2023 is added as follows:**

38.2023 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGF and GSF, pursuant to MCC 38.7100.

Section 31. **§ 38.2025 is amended as follows:**

38.2025 Review Uses

(A) The following uses may be allowed on lands designated GGF, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) On lands designated GGF– 20 and GGF– 40, one single-family dwelling on a legally created parcel upon enrollment in the state’s forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of a dwelling shall comply with MCC 38.0085-7305 and MCC 38.00957315. A declaration shall be signed by the landowner and recorded into county deed records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators

are entitled to carry on accepted farm or forest practices on lands designated GGF– 20, GGF– 40, GGF– 80, GGA– 20 and GGA– 40.

(2) One single-family dwelling if found to be in conjunction with and would substantially contribute to the current agricultural use of a farm pursuant to MCC 38.2225 (A) (5). The siting of the dwelling shall comply with MCC 38.00857305.

(3) The following Temporary Uses:

* * *

(c) On lands designated GGF– 80, a mobile home in conjunction with a timber operation, upon a finding that security personnel are required to protect equipment associated with a harvest operation or the subject forest land from fire. The mobile home must be removed upon completion of the subject harvest operation or the end of the fire season. The placement of the mobile home is subject to MCC 38.0085-7305 and 38.00957315.

(4) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(5) Agricultural structures, except buildings in conjunction with agricultural use, as defined in MCC 38.0015, subject to the standards of MCC 38.00857305.

(6) Agricultural buildings in conjunction with current agricultural use, and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to the standards of MCC 38.7305 and MCC 38.7340.

(67) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.73200040-(B), MCC 38.0085-7305 and 38.00957315.

(78) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (9) or (10). Accessory buildings greater than 60 square feet in floor area and/or exceeding 18 feet in height as measured at the roof peaks; subject to MCC 38.0085 and 38.0095.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(10) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to MCC 38.7305 and MCC 38.7315 and the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(811) A second single-family dwelling for a farm operator's relative, subject to MCC 38.2225 (A) (8), MCC 38.0085-7305 and 38.00957315.

(912) Private roads serving a residence, subject to MCC 38.0085-7305 and 38.00957315.

(4013) Recreation development, subject MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(414) Construction or reconstruction of roads or modifications not in conjunction with forest use or practices.

(4215) Agricultural labor housing upon a showing that:

* * *

(4316) New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

(4417) The following uses when found to comply with MCC 38.00907310:

* * *

(c) Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.

(d) Wine sales/tasting rooms, in conjunction with an on-site winery.

(de) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(ef) Aquiculture.

(fg) Boarding of horses.

(gh) Temporary portable asphalt/batch plants related to public road projects, not to exceed 6 months.

~~(1518) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements. Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

(1619) Land divisions on lands designated GGF- 80 when all resultant lots satisfy a minimum lot size of 80 acres and it is found:

* * *

(20) Land divisions on lands designated GGF- 20 when all resultant lots satisfy a minimum lot size of 20 acres and on lands designated GGF-40 when all resultant lots satisfy a minimum lot size of 40 acres.

(21) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(22) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(23) Docks and boat houses, subject to MCC 38.7325.

(24) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(B) The following uses may be allowed on lands designated GSF pursuant to MCC 38.0530 (B) when the use or development will be sited to minimize the loss of land suitable for the production of forest products and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

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

(2) Forest practices in accordance with a site plan for forest practices application approved by the Oregon Department of Forestry, or other designated forest practices review agency, including the requirements in MCC 38.7370 following:

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

~~1. Boundary of proposed commercial forest practice.~~

- ~~2. Location of proposed rock or aggregate sources.~~
- ~~3. Timber types.~~
- ~~4. Harvest units.~~
- ~~5. Silvicultural prescriptions.~~
- ~~6. Road and structure construction and/or reconstruction design.~~
- ~~7. Major skid trails, landings, and yarding corridors.~~
- ~~8. Commercial firewood cutting areas.~~
- ~~9. Existing and proposed rock pit development plans.~~
- ~~10. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.~~

(b) ~~A discussion of slash disposal methods.~~

(c) ~~A reforestation plan as reviewed by the appropriate state forest practices agency.~~

(3) Railroads, road construction or reconstruction.

(4) Silvicultural nurseries.

(5) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries. Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

(6) One single family dwelling on a parcel of 40 contiguous acres or larger if an approved Forest Management Plan demonstrates that such dwelling shall be necessary for and accessory to forest uses. The Forest Management Plan shall demonstrate the following:

* * *

(7) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2025 (B)(8) or MCC 38.2025 (B)(9).

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a

parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(9) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(10) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to the guidelines for hardship dwellings in MCC 38.7320.

(11) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(12) Docks and boathouses, subject to MCC 38.7325.

(13) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(14) Clearing trees for new agricultural use, subject to MCC 38.7365.

(15) Temporary portable facility for the processing of forest products.

(16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(C) As used in Subsection (B), the following terms shall have the following meanings:

~~(4)~~ *Necessary for* – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act.

Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

~~(2) Accessory to~~ – As applied to forest management dwellings, a dwelling that is incidental and subordinate to the main forest use.

~~(a) Accessory structures over 60 square feet.~~

~~(b) Temporary portable facility for the processing of forest products.~~

~~(c) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements. Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

Section 32. § 38.2030 is amended as follows:

38.2030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and ~~38.0075 (B)~~7300:

(1) Structures associated with hunting and fishing operations.

(2) Towers and fire stations for forest fire protection.

(3) On parcels 40 acres in size or larger in a GGF– 20 or 80 acres in size or larger in a GGF– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to the provisions of MCC ~~38.0050 (B)~~7360.

(4) Life Estates on lands designated GGF– 20, pursuant to MCC ~~38.0070~~7355.

(5) The following uses when found to comply with MCC ~~38.0090~~7310:

(a) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC ~~38.0050 (C)~~7330.

(b) Bed and breakfast inns in single-family dwellings, pursuant to MCC 38.0050 ~~(D)~~ 7335, and provided that the residence:

* * *

(8) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to compliance with MCC 38.7350.

(9) Exploration, development, and production of mineral and geothermal resources, subject to MCC 38.7035.

(B) The following conditional uses may be allowed on lands designated GSF, pursuant to the provisions of MCC 38.0045.

* * *

(8) Home occupations or cottage industries pursuant to MCC 38.0050 ~~(C)~~ 7330.

(9) Disposal sites managed and operated by the Oregon Department of Transportation or the Multnomah County Public Works Department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities within the Scenic Area, subject to MCC 38.7350.

(10) Agricultural product processing and packaging, upon a demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the products as measured by volume, weight, or value.

(11) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Section 33. § 38.2205 is amended as follows:

38.2205 Area Affected

MCC 38.2200 through 38.2295 shall apply to those areas designated GGA and GSA on the Multnomah County Zoning Map. County GGA-20 zoning implements Small-Scale Agriculture 20-acre and 40-acre land use designations shown on Gorge Commission maps or established pursuant to Section 8(o) of the Columbia River Gorge National Scenic Area Act.

Section 34. § 38.2220 is amended as follows:

38.2220 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGA and GSA without review.

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

~~(1) Agricultural use, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground disturbing activity, except new cultivation.~~

~~(2) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(3) Repair, maintenance, and operation of existing structures, trails, roads, railroads and utility facilities.~~

~~(4) Buildings less than 60 square feet in floor area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

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

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

~~(1) New agricultural uses as defined in MCC 38.0015, including actions implementing a Wildlife Habitat Conservation and Management Plan not involving ground disturbing activity, and except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair and operation of existing dwellings, structures, agricultural buildings, trails, roads, railroads, and utility facilities.~~

~~(3) Accessory structures less than 60 square feet in area and less than 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 35. § 38.2223 is added as follows:

38.2223 Expedited Uses.

The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA, pursuant to MCC 38.7100.

Section 36. § 38.2225 is amended as follows:

38.2225 Review Uses

(A) The following uses may be allowed on lands designated GGA pursuant to the provisions of MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065, and 38.7070.

(2) Agricultural structures, except buildings in conjunction with agricultural use.

(3) Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(4) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in MCC 38.2225 (A)(5) or MCC 38.2225 (A)(6).

(5) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(6) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(47) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.0040 (B) 7320.

(58) On lands designated GGA- 40, a single family dwelling in conjunction with agricultural use, upon a demonstration that:

* * *

(69) On lands designated GGA- 40, a second single-family dwelling in conjunction with agricultural use when the dwelling would replace an existing dwelling which is included in, or is eligible for inclusion in, the National Register of Historic Places based on the criteria for use in

evaluating the eligibility of cultural resources contained in the *National Register Criteria for Evaluation* (36 CFR Part 60.4), and it meets one or more of the following:

* * *

(~~7~~10) On lands designated GGA– 20, a single family dwelling on any legally existing parcel.

(~~8~~11) On lands designated GGA– 40, a single family dwelling for an agricultural operator's relative provided that:

* * *

(~~9~~12) Construction, reconstruction or modifications of roads not in conjunction with agriculture.

(~~10~~13) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources.

(~~11~~14) Agricultural labor housing upon a showing that:

* * *

(~~12~~15) Land divisions when all resulting parcels satisfy the minimum lot size standards of MCC 38.2260.

(~~13~~16) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(17) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(18) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(19) Docks and boathouses, subject to MCC 38.7325.

(20) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(B) The following uses may be allowed on lands designated GSA– 40 pursuant to MCC 38.0530 (B), provided that the use or development will be sited to minimize the loss of land suitable for the production of agricultural crops or livestock and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

(12) Forest uses and practices as allowed in MCC 38.2025 (B).

(23) A single-family dwelling on a parcel of 40 or more contiguous acres when necessary for and accessory to agricultural use as determined by MCC 38.2225 (A) (58) (a) through (c).

(4) Agricultural structures, except buildings, in conjunction with agricultural use.

(5) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(6) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in 38.2225 (B)(7) or 38.2225(B)(8) below.

(7) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel less than or equal to 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(8) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel larger than 10 acres in size are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 2,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The footprint of any individual accessory building shall not exceed 1,500 square feet.

(c) The height of any individual accessory building shall not exceed 24 feet.

(3) Accessory structures, greater than 60 square feet.

(49) Farm labor housing on a parcel with an existing dwelling and agricultural buildings upon a showing that:

(a) The proposed housing or building is necessary and accessory to a current agricultural use and a showing that the operation is a commercial agricultural enterprise as determined by MCC 38.2225 (A) (58) (c).

- (b) The housing ~~or building~~ shall be seasonal unless it is shown that an additional full-time dwelling is necessary for the current agricultural use. Seasonal use shall not exceed nine months.
- (c) The housing ~~or building~~ shall be located to minimize the conversion of lands capable of production of farm crops and livestock and shall not force a significant change in or significantly increase the cost of accepted agricultural uses employed on nearby lands devoted to agricultural use.
- (510) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
- (611) Aquiculture.
- (712) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (813) Road and railroad construction and reconstruction.
- (914) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. Those projects may include new structures (e.g. fish ladders, sediment barriers) and/or activities (e.g. closing and revegetating unused roads, recontouring abandoned quarries). ~~Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects, including actions implementing a Wildlife Habitat Conservation and Management Plan involving ground disturbing activity.~~
- (1015) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.
- (16) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.
- (17) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.
- (18) Docks and boathouses, subject to MCC 38.7325.
- (19) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 37. § 38.2230 is amended as follows:

38.2230 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and ~~38.0075 (A) 7300.~~

(1) Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.

(2) Wineries, in conjunction with on-site viticulture, upon a showing that processing ~~and sales of~~ wine is from grapes grown on the subject farm or in the local region.

(3) Wine sales/tasting rooms, in conjunction with an on-site winery.

(34) Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.

(45) Exploration, development and production of mineral and geothermal resources subject to MCC 38.7035.

(56) Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.

(67) Aquiculture.

(78) Recreation development, subject to MCC 38.7080 and The Recreation Development Plan (Management Plan, Part III, Chapter 1).

(89) Boarding of horses.

(910) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.

(1011) Non-profit, environmental learning or research facilities.

(112) Expansion of existing schools or places of worship.

(1213) Cluster Developments, pursuant to MCC 38.0050 (B) 7360.

(1314) Structures associated with hunting and fishing operations.

(1415) Towers and fire stations for forest fire protection.

(~~4516~~) On lands designated GGA– 40, on a parcel which was legally created and existed prior to November 17, 1986, a single-family dwelling not in conjunction with agricultural use upon a demonstration that:

* * *

(c) The dwelling shall be set back from any abutting parcel designated GGA, as required in MCC 38.0060, or any abutting parcel designated GGF, as required in MCC 38.0095~~7315~~;

* * *

(17) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation generated by routine or emergency/disaster public road maintenance activities with the Scenic Area, subject to compliance with MCC 38.7350.

(~~4618~~) On parcels 40 acres or larger in GGA– 20 or 80 acres or larger in GGA– 40, a land division creating parcels smaller than the designated minimum parcel size, subject to MCC 38.0050(~~B~~)7360.

(~~4719~~) Life estates, pursuant to MCC 38.0070~~7355~~.

(~~4820~~) Utility facilities and railroads necessary for public service upon a finding that:

* * *

(~~4921~~) Home occupations or cottage industries in existing residential or accessory structures, subject to MCC 38.0050(~~C~~)7330.

(~~2022~~) Bed and breakfast inns in single-family dwellings, subject to MCC 38.0050(~~D~~)7335 and provided that the residence:

* * *

(B) The following conditional uses may be allowed on lands designated GSA, pursuant to the provisions of MCC 38.0045 and 38.0075~~7300~~.

* * *

(5) Public Recreation, commercial recreation, interpretive and educational developments and uses consistent with MCC 38.7085.

* * *

(7) Home occupations and cottage industries pursuant to MCC 38.0050(~~C~~)7330. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(8) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places approved under MCC 38.0050(~~D~~)7335. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(9) Disposal sites managed and operated by the Oregon Department of Transportation, or the Multnomah County public works department for earth materials and any intermixed vegetation

generated by routine or emergency/disaster public road maintenance activities with the Scenic Area, subject to compliance with MCC 38.7350.

(10) Fish hatcheries and aquiculture facilities.

(11) Towers and fire stations for forest fire protection.

Section 38. § 38.2420 is amended as follows:

38.2420 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGRC with review. following uses are allowed on all lands designated GGRC without review:

(A) Agricultural use, except new cultivation.

(B) Forest practices that do not violate conditions of approval for other approved uses.

(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.

(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.

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

Section 39. § 38.2423 is added as follows:

38.2423 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGRC, pursuant to MCC 38.7100.

Section 40. § 38.2425 is amended as follows:

38.2425 Review Uses

The following uses may be allowed on lands designated GGRC, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(A) A single-family dwelling on a legally created parcel.

(B) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (C) below. Buildings greater than 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

(C) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet.

~~(D)~~ The temporary use of a mobile home in the case of a family hardship, pursuant to MCC 38.0040
~~(B)7320.~~

~~(E)~~ Duplexes.

~~(F)~~ New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

~~(G)~~ Land divisions, subject to MCC 38.2460.

~~(H)~~ Rural service commercial and tourist commercial uses limited to 5,000 square feet of floor area per building or use.

* * *

~~(I)~~ Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

~~(J)~~ Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to 38.7970.

~~(K)~~ Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

~~(L)~~ Agricultural structures, except buildings, in conjunction with agricultural use.

~~(M)~~ Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

~~(N)~~ Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(O) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 41. § 38.2430 is amended as follows:

38.2430 Conditional Uses

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

* * *

(K) Travelers accommodations, bed and breakfast inns pursuant to MCC 38.0040 ~~(E)~~ 7335.

(L) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040 ~~(D)~~ 7330.

Section 42. § 38.2620 is amended as follows:

38.2620 Allowed Uses

~~(A) The following uses listed in MCC 38.1005(B) are allowed on all lands designated GGO, GGO-GW, GSO and GSGO-SP without review:~~

~~(1) Repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

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

~~(1) The repair, maintenance, operation and improvement of existing structures, trails, roads, railroads, utility facilities and hydro facilities.~~

~~(2) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 43. § 38.2623 is added as follows:

38.2623 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGO, GGO-GW, GSO, AND GSO-SP, pursuant to MCC 38.7100.

Section 44. § 38.2625 is amended as follows:

38.2625 Review Uses

(A) The following uses may be allowed on lands designated GGO, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(3) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(34) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(45) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(6) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(7) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(8) Property line adjustments, subject to 38.7970.

(B) The following uses are allowed on land designated GGO-GW, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(8) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(9) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(10) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Property line adjustments, subject to 38.7970.

(12) Continued operation of existing quarries, if they are determined to be consistent with guidelines to protect scenic, cultural, natural, and recreation resources.

(C) The following uses are allowed on land designated GGO-SP, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

* * *

(7) Repair, maintenance, operation, and improvement of existing structures, trails, roads, railroads, utility facilities, and hydroelectric facilities.

(8) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(9) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(10) Property line adjustments, subject to 38.7970.

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

~~(1) Existing quarries may continue operation if they are determined to be consistent with standards to protect scenic, cultural, natural and recreation resources pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.~~

~~(2) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.~~

~~(3) Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.~~

(E) The following uses may be allowed on lands designated GSO, pursuant to MCC 38.0530 (B), when consistent with an open space plan approved by the U.S. Forest Service and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Changes in existing uses including reconstruction, replacement, and expansion of existing structures and transportation facilities, except for commercial forest practices.

(2) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include vegetation management and forest practices (subject to MCC 38.7370 for the restoration of forest health,

new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries). Restoration and enhancement structures and/or activities including vegetation, scenic, cultural, soil, fish and wildlife habitat restoration and enhancements.

(3) Low intensity recreation uses and developments including educational and interpretive facilities, consistent with MCC 38.7085.

* * *

(6) Demolition of structures that are 50 or more years old, including wells, septic tanks, and fuel tanks.

(7) Treatment of noxious weeds shall be permitted without completion of an SMA Open Space plan when the following criteria have been met:

(a) Noxious weed infestation is new and eradication is still viable.

(b) Delayed or deferred treatment could have widespread or major adverse impacts to one or more of the following resources:

1. Displacement of native and traditionally gathered plants;

2. Degradation of wildlife habitat and forage;

3. Degradation or loss of agricultural uses of land, such as cropland or livestock forage;

4. Limitation of recreational use.

Removal of timber, rocks or other materials for purposes of public safety or placement of structures for public safety.

(E) For federal land, treatment effects have been thoroughly evaluated in an environmental assessment.

Section 45. § 38.2820 is amended as follows:

38.2820 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GG-PR, GG-CR and GS-PR without review.

~~(A) The following uses are allowed on all lands designated GG-PR and GG-CR without review:~~

~~(1) Forest practices that do not violate conditions of approval for other approved development.~~

~~(2) Repair, maintenance and operation of existing structures, trails, roads, railroads, and utility facilities.~~

~~(3) Agricultural uses, except for new cultivation.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

~~(B) The following uses are allowed on all lands designated GS-PR without review:~~

~~(1) Agricultural use, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.~~

~~(2) Maintenance, repair, and operation of existing dwellings, structures, trails, roads, railroads, utility facilities, and public recreation facilities.~~

~~(3) Accessory structures less than 60 square feet in area and 18 feet in height measured at the roof peak.~~

~~(4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.~~

Section 46. § 38.2823 is added as follows:

38.2823 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GG-PR, GS-PR, and GG-CR, pursuant to MCC 38.7100.

Section 47. § 38.2825 is amended as follows:

38.2825 Review Uses

(A) The following uses are allowed on all lands designated GG-PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.0075 ~~(E)~~ 7300, and the standards of MCC 38.7000 through 38.7085:

(a) ~~Residences and accessory structures, limited to one~~ One single-family dwelling for each parcel legally created prior to adoption of the Management Plan. Exceptions may be considered only upon demonstration that more than one residence is necessary for management of a public park.

(b) ~~Agricultural buildings. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.~~

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, except buildings, in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(ef) Utility transmission, transportation, communication and public works facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(i) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.~~0075-7300~~ (E) (3).

(3) Property line adjustments, subject to MCC 38.7970.

(34) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements

(B) The following uses are allowed on all lands designated GG– CR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) The following uses may be allowed, subject to compliance with MCC 38.~~0075-7300~~ (F) and the standards of MCC 38.7000 through 38.7085:

(a) ~~Residences and accessory structures limited to one~~ One single-family dwelling for each lot or parcel legally created prior to adoption of the Management Plan.

(b) ~~Agricultural buildings. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (c) below.~~

(c) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

1. The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

2. The height of any individual accessory building shall not exceed 24 feet.

(d) Agricultural structures, except buildings, in conjunction with agricultural use.

(e) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(ef) Utility transmission, transportation and communication facilities.

(g) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(h) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(i) Docks and boathouses, subject to MCC 38.7325.

(j) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(2) Land divisions, subject to compliance with MCC 38.0075-7300(E).

(3) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(4) Property line adjustments, subject to MCC 38.7970.

(C) The following uses are allowed on all lands designated GS– PR pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) Forest uses and practices as allowed in MCC 38.2025 (B), except (B)(8) and (B)(9).

(2) Public trails, consistent with MCC 38.7085.

(3) All dwellings and accessory structures larger than 60 square feet. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (4) below.

(4) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(45) Road and railroad construction and reconstruction.

(56) Structures or vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects. Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation, an/or natural resources subject to MCC 38.7345. Those projects may include new structures (e.g. closing and revegetating unused roads, recontouring abandoned quarries).

(67) Agricultural uses as allowed in MCC 38.2225(B), except (B)(7) and B(8).

(78) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.

(10) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(11) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(12) Docks and boathouses, subject to MCC 38.7325.

Section 48. § 38.2830 is amended as follows:

38.2830 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, ~~38.0075-7300~~ 7300 (E) and 38.7080 (E) (1) and (3) through (7):

* * *

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, ~~38.0075-7300~~ 7300 (E) and 38.7080 (E) (1) and (3) through (7):

* * *

(C) The following conditional uses may be allowed on lands designated GS– PR, pursuant to the provisions of MCC 38.0045 and 38.7085:

* * *

(4) ~~A~~ One single family residence on a parcel 40 contiguous acres or larger, when found to be necessary for the management of:

(a) An agricultural use pursuant to MCC 38.2225 (B) ~~(23)~~;

* * *

(5) Home occupations and cottage industries, pursuant to ~~MCC 38.0040-(D)7330~~.

(6) Exploration, development, and production of sand, gravel, or crushed rock for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products.

(7) Fish hatcheries and aquiculture facilities.

(8) Towers and fire stations for forest fire protection.

(9) Community facilities and non-profit facilities related to forest resource management or agricultural resource management.

(10) Expansion of existing non-profit group camps, retreat or conference center.

(11) Bed and Breakfast inns in single-family dwellings, pursuant to MCC 38.7335, and provided that the residence is included in, or eligible for inclusion in, the National Register of Historic Places. The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

(12) Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.

Section 49. § 38.3020 is amended as follows:

38.3020 Allowed Uses

The uses listed in MCC 38.1005 are allowed on land designated GGR and GSR without review.

(A) The following uses are allowed on all lands designated GGR without review:

- (1) Agricultural use, except new cultivation.
- (2) Forest practices that do not violate conditions of approval for other approved uses.
- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.
- (4) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.
- (5) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.

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

- (1) Agricultural uses, as defined in MCC 38.0015, except where there would be potential impact to cultural or natural resources.
- (2) Maintenance, repair, and operation of dwellings, signs, structures, existing trails, roads, railroads, and utility facilities.
- (3) Accessory structures of less than 60 square feet in area and 18 feet in height measured at the roof peak.
- (4) Actions taken in response to an emergency/disaster event as defined in MCC 38.0015 pursuant to the provisions of MCC 38.7090.

Section 50. § 38.3023 is added as follows:

38.3023 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGR and GSR, pursuant to MCC 38.7100.

Section 51. § 38.3025 is amended as follows:

38.3025 Review Uses

(A) The following uses may be allowed on lands designated GGR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created parcel.

(a) If the subject parcel is located adjacent to lands designated GGA or GGF, the use shall comply with the buffer requirements of MCC 38.0060; and

(b) If the subject parcel is located is adjacent to lands designated GGF, the placement of a dwelling shall also comply with the fire protection standards of MCC 38.00857305.

(2) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(34) The temporary use of a mobile home in the case of a family hardship, subject to MCC 38.0040 (B)7320.

(45) Construction or reconstruction of roads.

(56) New cultivation, subject to compliance with MCC 38.7045, 38.7055, 38.7060, 38.7065 and 38.7070.

(67) Land divisions, pursuant to the provisions of MCC 38.0040 (A).

(78) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(9) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(10) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(11) Agricultural structures, except buildings, in conjunction with agricultural use.

(12) Agricultural buildings in conjunction with current agricultural use and, if applicable, proposed agricultural use that a landowner would initiate within one year and complete within five years, subject to MCC 38.7340.

(13) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(14) Docks and boathouses, subject to MCC 38.7325.

(15) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(B) The following uses may be allowed on lands designated GSR, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied:

(1) One single-family dwelling per legally created lot or consolidated parcel, subject to the standards of MCC 38.00857305.

(2) Accessory structures over 60 square feet. Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed in (3) below.

(3) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel are subject to the following additional standards:

(a) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(b) The height of any individual accessory building shall not exceed 24 feet.

(34) Road and railroad construction and reconstruction.

(45) Forest practices, pursuant to the provisions of MCC 38.2025 (B).

(56) Placement of Structures necessary for continued public safety, or the protection of essential public services or protection of private or public existing structures, utility facilities, roadways,

driveways, accessory uses and exterior improvements damaged during an emergency/disaster event. This includes replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals for such structures shall be submitted within 12 months following an emergency/disaster event. Applicants are responsible for all other applicable local, state and federal permitting requirements.

(7) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(8) On a parcel of 40 acres or greater with an existing dwelling, the temporary use of a mobile home in the case of a family hardship, subject to MCC 38.7320.

(9) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(10) Demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

(11) Docks and boathouses, subject to MCC 38.7325.

(12) New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use is subject to MCC 38.7365.

Section 52. § 38.3030 is amended as follows:

38.3030 Conditional Uses

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.0075-7300 (C):

(1) An accredited child care center on land designated GGR– 2.

* * *

(4) Expansion of existing primary or middle schools on land purchased prior to June 8, 1999. For purposes of this section, existing schools means public schools that existed prior to adoption of the original Management Plan on October 15, 1991.

(45) Utility facilities and railroads.

(56) Fire stations.

(67) Recreation development, subject to the Recreation Intensity Classes of MCC 38.7080.

(78) Community parks and playgrounds, consistent with the standards of the National Park and Recreation Society regarding the need for such facilities.

(89) On parcels 10 acres or larger designated GGR- 5, or 20 acres or larger designated GGR- 10, a land division creating new parcels smaller than the designated minimum parcel size, subject to the provisions of MCC 38.0050-(B)7360.

(910) Home occupations and cottage industries pursuant to MCC 38.0050-(C)7330.

(1011) Bed and breakfast inns in single family dwellings on lands designated GGR- 5 or GGR- 10, pursuant to 38.0050-(D)7335.

(12) Wineries, in conjunction with onsite viticulture, upon a showing that processing of wine is from grapes grown on the subject farm or in the local region.

(13) Wine sales/tasting rooms in conjunction with an on-site winery, under the following conditions:

(a) The use shall comply with MCC 38.7330, with the following exceptions:

1. The use may employ an unlimited number of outside employees.

2. The wine sales/tasting room may include interior and/or exterior space, provided the combined interior and exterior spaces shall not exceed 1,000 square feet.

3. The interior space may be located in an existing building or in a new building or addition to an existing building constructed for the primary purpose of housing the wine sales/tasting room.

4. The exterior space may be a veranda, patio, or other similar type of structure.

(B) The following conditional uses may be allowed on lands designated GSR, pursuant to the provisions of MCC 38.0045 and 38.0075-7300 (C):

* * *

(4) Home occupations and cottage industries pursuant to MCC 38.0050-(C)7330.

(5) Bed and breakfast inns in structures that are included in, or eligible for inclusion in, the National Register of Historic Places, pursuant to 38.0050-(D)7335.

Section 53. § 38.3220 is amended as follows:

38.3220 Allowed Uses

The uses listed in MCC 38.1005 following uses are allowed on all lands designated GGC without review:

(A) Agricultural use, except new cultivation.

(B) Forest practices that do not violate conditions of approval for other approved uses.

(C) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.

~~(D) Buildings less than 60 square feet in area and not exceeding 18 feet in height measured at the roof peak, which are accessory to a dwelling.~~

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

Section 54. § 38.3223 is added as follows:

38.3223 Expedited Uses

The uses listed in MCC 38.1010 may be allowed on land designated GGC, pursuant to MCC 38.7100.

Section 55. § 38.3225 is amended as follows:

38.3225 Review Uses

The following review uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

(A) A ~~One~~ single-family dwelling on a legally created parcel, pursuant to MCC 38.0530 (B) and upon findings that the NSA Site Review standards of MCC 38.7000 through 38.7085 have been satisfied.

* * *

(C) Accessory structures for an existing or approved dwelling that are not otherwise allowed outright, eligible for the expedited development review process, or allowed as accessory buildings larger than 200 square feet in area or 10 feet in height.

(D) Accessory building(s) larger than 200 square feet in area or taller than 10 feet in height for a dwelling on any legal parcel, subject to the following standards:

(1) The combined footprints of all accessory buildings on a single parcel shall not exceed 1,500 square feet in area. This combined size limit refers to all accessory buildings on a parcel, including buildings allowed without review, existing buildings and proposed buildings.

(2) The height of any individual accessory building shall not exceed 24 feet

(E) Resource enhancement projects for the purpose of enhancing scenic, cultural, recreation and/or natural resources, subject to MCC 38.7345. These projects may include new structures (e.g., fish ladders, sediment barriers) and/or activities (e.g., closing and revegetating unused roads, recontouring abandoned quarries).

(F) Property line adjustments that would result in the potential to create additional parcels through subsequent land divisions, subject to MCC 38.7970.

(G) Additions to existing buildings greater than 200 square feet in area or greater than the height of the existing building.

(H) Docks and boathouses, subject to MCC 38.7325.

(D) Removal/demolition of structures that are 50 or more years old, including wells, septic tanks and fuel tanks.

Section 56. **§ 38.3230 is amended as follows:**

38.3230 Conditional Uses

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.0075 ~~(D)~~7300:

* * *

(E) Home occupations or cottage industries in an existing residence or accessory structure, pursuant to MCC 38.0040 ~~(D)~~7330.

Part 5- Special Districts

Section 57. **§ 38.4180 is amended as follows:**

38.4180 Improvements

(A) Surfacing

(1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with either gravel or two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable ~~and dustless~~ surface capable of carrying a wheel load of 4,000 pounds.

* * *

Section 58. **§ 38.4190 is amended as follows:**

38.4190 Signs

Signs, pursuant to the provisions of MCC 38-00850080.

Section 59. **§ 38.4315 is amended as follows:**

38.4315 Development Plan and Program Contents

(A) The preliminary Development Plan and Program shall consist of plans, maps or diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative descriptive of the program elements.

* * *

(2) Program Elements.

(a) A narrative statement of the goals and objectives of the planned development.

(b) Tables showing overall density of any proposed residential development and showing density by dwelling types and intensity of any supporting commercial, industrial or other employment uses.

* * *

Section 60. § 38.4360 is amended as follows:

38.4360 Permitted Uses

In ~~an underlying residential~~ the GGRC district, the following uses may be permitted in a Planned Development:

* * *

Section 61. § 38.5500- is amended as follows:

38.5500- Purposes

The purposes of the Hillside Development and Erosion Control subdistrict are to protect geologic resources and avoid hazards, ensure that grading on unstable or steep slopes does not derade geologic resources; to promote the public health, safety and general welfare, and minimize public and private losses due to earth movement hazards in specified areas and minimize erosion and related environmental damage in unincorporated Multnomah County. This subdistrict is intended to:

(A) Protect human life;

(B) Preserve stability of geologic features;

~~(B)~~ (C) Protect property and structures;

~~(C)~~ (D) Minimize expenditures for rescue and relief efforts associated with earth movement failures;

~~(D)~~ (E) Control erosion, production and transport of sediment; and

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

Section 62. § 38.5510 is amended as follows:

38.5510 Exempt Land Uses and Activities

The following are exempt from the provisions of this Chapter:

* * *

(B) General Exemptions – 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:

* * *

(3) The volume of soil or earth materials to be stored, in conjunction with the project, is 50 cubic yards or less; and,

* * *

Part 6 – Approval Criteria

Section 63. **§ 38.7000* is amended as follows:**

38.7000* PART 6 - SITE REVIEW; VARIANCES; LAND DIVISIONS – Site Review APPROVAL CRITERIA

Section 64. **§ 38.7000- is amended as follows:**

38.7000- Purposes

This part of the code contains approval criteria for development subject to review in the National Scenic Area. The purposes of these criteria are to ensure that development is undertaken in a manner that National Scenic Area Site Review are to preserve, protects and/or provides for the enhancement of the scenic, natural, cultural and recreational values of the Columbia River Gorge National Scenic Area and to assure that development occurs in a manner which is compatible with the unique qualities of the Gorge.

Section 65. **§ 38.7015 is amended as follows:**

38.7015 Application for NSA Site Review and Conditional Use Review

An application for NSA Expedited Development Review, Site Review or Conditional Use Review shall address the applicable criteria for approval, under MCC 38.7035 through 38.70907100.

Section 66. **§ 38.7020 is amended as follows:**

38.7020 Required Findings

A decision on an application for NSA Expedited Development Review, Site Review or Conditional Use Review shall be based upon findings of consistency with the criteria for approval specified in MCC 38.7035 through 38.7085-7100~~or 38.7090~~ as applicable.

Section 67. § 38.7035 is amended as follows:

38.7035 GMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the General Management Area of the Columbia River Gorge National Scenic Area:

(A) All Review Uses and Conditional Uses:

(1) New buildings and roads shall be sited and designed to retain the existing topography and reduce necessary grading to minimize grading activities to the maximum extent practicable.

(2) New buildings shall be ~~generally consistent with the~~ compatible with the general scale (height, dimensions and visible mass) and size of similar buildings that existing nearby development (e.g. dwellings to dwellings). Expansion of existing development shall comply with this guideline to the maximum extent practicable. For purposes of applying this standard, the term nearby generally means buildings within ¼ mile of the parcel on which development is proposed.

(3) New vehicular access points to the Scenic Travel Corridors shall be limited to the maximum extent practicable, and access consolidation required where feasible.

(4) ~~Project applicants~~ Property owners shall be responsible for the proper maintenance and survival of any required vegetation.

(5) For all proposed development, the determination of compatibility with the landscape setting shall be based on information submitted in the site plan.

(6) For all new production and/or development of mineral resources and expansion of existing quarries, a reclamation plan is required to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable.

~~Such a plan shall be approved by the appropriate state agency for uses under their jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, such reclamation plans shall include:~~

~~* * *~~

(7) All reclamation plans for new quarries or expansion of existing quarries shall be sent to the appropriate state reclamation permitting agency for review and comment. The state agency shall have 30 calendar days from the date a reclamation plan is mailed to submit written comments on the proposal. State agency comments shall address the following:

(a) Whether the proposed mining is subject to state reclamation permit requirements;

(b) If subject to state jurisdiction, whether an application has been received for a state reclamation permit, and if, so, the current status of the application; and

(c) For uses subject to state jurisdiction, any issues or concerns regarding consistency with state reclamation requirements, or any suggested modifications to comply with state reclamation requirements.

The Planning Director may request technical assistance from state agencies on reclamation plans for proposed mining not within the state agency's jurisdiction.

(B) All Review Uses and Conditional Uses topographically visible from Key Viewing Areas:

(1) ~~Size, height, shape, color, reflectivity, landscaping, siting or other aspects of proposed development shall be evaluated to ensure that such~~ Each development is ~~shall be~~ visually subordinate to its setting as seen from Key Viewing Areas.

(2) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard ~~visual subordination should~~ shall be proportionate to its potential visual impacts as seen from Key Viewing Areas. Primary Decisions shall include written findings addressing the factors influencing the degree of potential visual impact including but not limited to: the amount of area of the building site exposed to Key Viewing Areas, the degree of existing vegetation providing screening, the distance from the building site to the Key Viewing Areas it is visible from, the number of Key Viewing Areas it is visible from, and the linear distance along the Key Viewing Areas from which the building site is visible (for linear Key Viewing Areas, such as roads). Written reports on determination of visual subordination and final conditions of approval shall include findings addressing each of these factors. Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to siting (location of development on the subject property, building orientation, and other elements); retention of existing vegetation; design (color, reflectivity, size, shape, height, architectural and design details and other elements); and new landscaping.

(3) Determination of potential visual effects and compliance with visual subordination policies shall include consideration of the cumulative effects of proposed developments.

(4) ~~For all buildings, roads or mining and associated activities proposed on lands visible from Key Viewing Areas, the following supplemental site plan information shall be submitted in addition to the site plan requirements in MCC 38.0045 (A) (2) and 38.7035 (A) (5) for mining and associated activities: applications for all buildings visible from key viewing areas shall include a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used; number, size, locations of plantings; and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes).~~

~~(a) For buildings, a description of the proposed building(s)' height, shape, color, exterior building materials, exterior lighting, and landscaping details (type of plants used, number, size, locations of plantings, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes); and~~

~~(b) Elevation drawings showing the appearance of proposed building(s) when built and surrounding final ground grades, for all buildings over 400 square feet in area.~~

(5) For proposed mining and associated activities on lands visible from Key Viewing Areas, in addition to submittal of plans and information pursuant to MCC 38.7035 (A) (5) and subsection (4) above, project applicants shall submit perspective drawings of the proposed mining areas as seen from applicable Key Viewing Areas.

(6) ~~New buildings or roads development~~ shall be sited on portions of the subject property which minimize visibility from Key Viewing Areas, unless the siting would place such development in a buffer specified for protection of wetlands, riparian corridors, sensitive plants, sensitive wildlife sites or conflict with the protection of cultural resources. In such situations, development shall comply with this standard to the maximum extent practicable.

(7) ~~In siting new buildings and roads, use of existing topography and vegetation to screen such development from Key Viewing Areas shall be prioritized over other means of achieving visual subordination, such as planting of new vegetation or use of artificial berms to screen the development from Key Viewing Areas. New development shall be sited using existing topography and/or existing vegetation as needed to achieve visual subordination from key viewing areas.~~

(8) Existing tree cover screening proposed development from key viewing areas shall be retained as specified in MCC 38.7035(C).

(89) Driveways and buildings shall be designed and sited to minimize ~~grading activities and~~ visibility of cut banks and fill slopes from Key Viewing Areas.

(910) The exterior of buildings on lands seen from Key Viewing Areas shall be composed of nonreflective materials or materials with low reflectivity, unless the structure would be fully screened from all Key Viewing Areas by existing topographic features. The *Scenic Resources Implementation Handbook* includes a list of recommended exterior materials. These recommended materials and other materials may be deemed consistent with this code, including those that meet recommended thresholds in the “visibility and Reflectivity Matrices” in the Implementation Handbook. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure visual subordination. Recommended square footage limitations for such surfaces are provided for guidance in the Implementation Handbook

(1011) Exterior lighting shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(12) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors.

(1113) Additions to existing buildings smaller in total square area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be of colors specified in the landscape setting for the subject property.

(1214) Rehabilitation of or modifications to existing significant historic structures shall be exempted from visual subordination requirements for lands seen from Key Viewing Areas. To be eligible for such exemption, the structure must be included in, or eligible for inclusion in, the National Register of Historic Places or be in the process of applying for a determination of

significance pursuant to such regulations. Rehabilitation of or modifications to such historic structures shall be consistent with National Park Service regulations for historic structures.

(4315) The silhouette of new buildings shall remain below the skyline of a bluff, cliff or ridge as seen from Key Viewing Areas. Variances may be granted if application of this standard would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use, and may be applied only after all reasonable efforts to modify the design, building height, and site to comply with the standard have been made.

(4416) An alteration to a building built prior to November 17, 1986, which already protrudes above the skyline of a bluff, cliff or ridge as seen from a Key Viewing Areas, may itself protrude above the skyline if:

* * *

(17) The following standards shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) shall be required only when there is no other means to make the development visually subordinate from key viewing areas. Alternate sites shall be considered prior to using new landscaping to achieve visual subordination. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is required, it shall be used to supplement other techniques for achieving visual subordination.

(c) Vegetation planted for screening purposes shall be of sufficient size to make the development visually subordinate within five years or less of commencement of construction.

(d) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicant. The property owner(s), and their successor(s) in interest are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(e) The Scenic Resources Implementation Handbook includes recommended species for each landscape setting consistent with MCC 38.7035(C) and the minimum recommended sizes for tree plantings (based on average growth rates expected for recommended species).

(18) Conditions regarding new landscaping or retention of existing vegetation for new developments on land designated GMA Forest shall meet both scenic guidelines and the fuel break requirements of MCC 38.7305(A).

(4519) New main lines on lands visible from Key Viewing Areas for the transmission of electricity, gas, oil, other fuels, or communications, except for connections to individual users or small clusters of individual users, shall be built in existing transmission corridors unless it can be demonstrated that use of existing corridors is not practicable. Such new lines shall be underground as a first preference unless it can be demonstrated to be impracticable.

(1620) New communication facilities (antennae, dishes, etc.) on lands visible from Key Viewing Areas, which require an open and unobstructed site shall be built upon existing facilities unless it can be demonstrated that use of existing facilities is not practicable.

(1721) New communications facilities may protrude above a skyline visible from a Key Viewing Area only upon demonstration that:

* * *

(1822) Overpasses, safety and directional signs and other road and highway facilities may protrude above a skyline visible from a Key Viewing Area only upon a demonstration that:

* * *

(1923) Except for water-dependent development and for water-related recreation development, development shall be set back 100 feet from the ordinary high water mark of the Columbia River below Bonneville Dam, and 100 feet from the normal pool elevation of the Columbia River above Bonneville Dam, unless the setback would render a property unbuildable. In such cases, variances to the setback may be authorized.

(2024) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.

(2125) All proposed structural development involving more than 100 cubic yards of grading on sites visible from Key Viewing Areas ~~and which slope between 10 and 30 percent~~ shall include submittal of a grading plan. This plan shall be reviewed by the Planning Director for compliance with Key Viewing Area policies. The grading plan shall include the following:

* * *

(2226) Expansion of existing quarries and new production and/or development of mineral resources proposed on sites more than 3 miles from the nearest Key Viewing Areas from which it is visible may be allowed upon a demonstration that:

(a) The site plan requirements for such proposals pursuant to this chapter have been met;

(b) The area to be mined and the area to be used for primary processing, equipment storage, stockpiling, etc. associated with the use would be visually subordinate as seen from any Key Viewing Areas; and

(c) A reclamation plan to restore the site to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved. ~~The plan shall be approved by the applicable state agency with jurisdiction, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction.~~ At minimum, a reclamation plans shall comply with MCC 38.7035 (A) (5); and

* * *

(2327) Unless addressed by subsection (22) above, new production and/or development of mineral resources may be allowed upon a demonstration that:

* * *

(c) A reclamation plan to restore the area to a natural appearance which blends with and emulates surrounding landforms to the maximum extent practicable has been approved by the Oregon Department of Geology and Mineral Industries, or approved by the Planning Director with technical assistance from applicable state agencies for uses not under state agency jurisdiction. At minimum, the reclamation plan shall comply with MCC 38.7035 (A) ~~(56)~~ and ~~(7)~~.

~~(2428)~~ An interim time period to achieve compliance with visual subordination requirements for expansion of existing quarries and development of new quarries located more than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the date of approval.

~~(2529)~~ An interim time period to achieve compliance with full screening requirements for new quarries located less than 3 miles from the nearest visible Key Viewing Area shall be established prior to approval. The interim time period shall be based on site-specific topographic and visual conditions, but shall not exceed 1 year beyond the date of approval. Quarrying activity occurring prior to achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

~~(26) Compliance with specific approval conditions to achieve visual subordination (such as landscaped screening), except mining and associated activities, shall occur within a period not to exceed 2 years after the date of development approval.~~

(C) All Review Uses and Conditional Uses within the following landscape settings, regardless of visibility from KVAs:

(1) Pastoral

~~(a) New development shall be compatible with the general scale (height, dimensions, overall mass) of development in the vicinity. Expansion of existing development shall meet this standard to the maximum extent practicable.~~

~~(b)~~ Accessory structures, outbuildings and accessways shall be clustered together as much as possible, particularly towards the edges of existing meadows, pastures and farm fields.

~~(c)~~ In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

1. Except as is necessary for site development or safety purposes, the existing tree cover screening the development from Key Viewing Areas shall be retained.
2. Vegetative landscaping shall, where feasible, retain the open character of existing pastures and fields.

3. At least half of any trees planted for screening purposes shall be species native to the setting or commonly found in the area. Such species include fruit trees, Douglas fir, Lombardy poplar (usually in rows), Oregon white oak, bigleaf maple, and black locust (primarily in the eastern Gorge). The Scenic Resources Implementation Handbook includes recommended minimum sizes.

4. At least one-quarter of any trees planted for screening shall be coniferous for winter screening.

~~5. Structures' exteriors shall be dark and either natural or earth-tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(~~dc~~) Compatible recreation uses include resource-based recreation uses of a very low or low-intensity nature, occurring infrequently in the landscape.

(2) Coniferous Woodland

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(~~ba~~) Structure height shall remain below the forest canopy level.

(~~eb~~) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

1. Except as is necessary for construction of access roads, building pads, leach fields, etc., the existing tree cover screening the development from Key Viewing Areas shall be retained.

2. At least half of any trees planted for screening purposes shall be species native to the setting. Such species include: Douglas fir, grand fir, western red cedar, western hemlock, bigleaf maple, red alder, ponderosa pine and Oregon white oak, and various native willows (for riparian areas). The Scenic Resources Implementation Handbook includes recommended minimum sizes.

3. At least half of any trees planted for screening purposes shall be coniferous to provide winter screening.

~~4. Structures' exteriors shall be either natural or earthtone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(~~dc~~) Compatible recreation uses include resource-based recreation uses of varying intensities. Typically, outdoor recreation uses should be low-intensity, and include trails, small picnic areas and scenic viewpoints. Some more intensive recreation uses, such as campgrounds, may occur. They should be scattered, interspersed with large areas of undeveloped land and low-intensity uses.

(3) Rural Residential

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) Existing tree cover shall be retained as much as possible, except as is necessary for site development, safety purposes, or as part of forest management practices.

(eb) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

* * *

~~4. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(dc) Compatible recreation uses include should be limited to small community park facilities, but occasional low-intensity resource-based recreation uses (such as small scenic overlooks) may be allowed.

* * *

(5) Residential

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

* * *

~~5. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(eb) Compatible recreation uses are limited to community park facilities.

(6) Village

(a) New development in this setting is exempt from the color and siting requirements of MCC 38.7035(B) ~~shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity, but not necessarily visually subordinate. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

* * *

(d) New vehicular access points to the scenic travel corridors shall be limited to the maximum extent practicable, and access consolidation shall be required where feasible.

(de) New development proposals and expansion of existing development shall be encouraged to follow planned unit development approaches, featuring consolidated access, commonly-shared landscaped open areas, etc.

(ef) New commercial, institutional or multi-family residential uses fronting a Scenic Travel Corridor shall comply with the following landscape requirements:

* * *

(fg) The use of building materials reinforcing the Village Setting's character, such as wood, logs or stone, and reflective of community desires, should be encouraged.

(gh) Architectural styles characteristic of the area (such as 1½ story dormer roof styles in Corbett), and reflective of community desires, should be encouraged. Entry signs should be consistent with such architectural styles.

(hi) Design features which create a "pedestrian friendly" atmosphere, such as large shop windows on the ground floor of commercial buildings, porches along ground floors with street frontage, etc. should be encouraged.

(ij) Pedestrian walkways and bicycle paths should be encouraged and integrated into new developments wherever feasible.

(jk) Where feasible, existing tree cover of species native to the region or commonly found in the area shall be retained when designing new development or expanding existing development.

(kl) Compatible recreation uses may include community parks serving the recreation needs of local residents, and varying intensities of other recreation uses.

(7) River Bottomlands

~~(a) New development shall be compatible with the general scale (height, dimensions and overall mass) of development in the vicinity. Expansion of existing development shall comply with this standard to the maximum extent practicable.~~

(ba) In portions of this setting visible from Key Viewing Areas, the following standards shall be employed to achieve visual subordination for new development and expansion of existing development:

* * *

~~4. Structures' exteriors shall be dark and either natural or earth tone colors unless specifically exempted by MCC 38.7035 (B) (11) and (12).~~

(eb) Compatible recreation uses depend on the degree of natural resource sensitivity of a particular site. In the most critically sensitive River Bottomlands, very low-intensity uses which do not impair wetlands or special habitat requirements may be compatible.

* * *

(D) All Review Uses and Conditional Uses within scenic travel corridors:

* * *

(6) New production and/or development of mineral resources proposed within one-quarter mile of the edge of pavement of a Scenic Travel Corridor may be allowed upon a demonstration that full visual screening of the site from the Scenic Travel Corridor can be achieved by use of existing topographic features or existing vegetation designed to be retained through the planned duration of the proposed project. An exception to this may be granted if planting of new vegetation in the vicinity of the access road to the mining area would achieve full screening. If existing vegetation is partly or fully employed to achieve visual screening, over 75 percent of the tree canopy area shall be coniferous species providing adequate winter screening. Mining and associated primary processing of mineral resources is prohibited within 100 feet of a Scenic Travel Corridor, as measured from the edge of pavement, except for access roads. Compliance with full screening requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2428~~).

(7) Expansion of existing quarries may be allowed pursuant to MCC 38.7035 (B) (~~2425~~). Compliance with visual subordination requirements shall be achieved within time frames specified in MCC 38.7035 (B) (~~2327~~).

Section 68. § 38.7040 is amended as follows:

38.7040 SMA Scenic Review Criteria

The following scenic review standards shall apply to all Review and Conditional Uses in the Special Management Area of the Columbia River Gorge National Scenic Area with the exception of rehabilitation or modification of historic structures eligible or on the National Register of Historic Places when such modification is in compliance with the national register of historic places guidelines:

(A) All Review Uses and Conditional Uses visible from KVAs. This section shall apply to proposed development on sites topographically visible from KVAs:

(1) New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.

(2) The required SMA scenic standards for all development and uses are summarized in the following table.

REQUIRED SMA SCENIC STANDARDS		
<u>LANDSCAPE SETTING</u>	<u>LAND USE DESIGNATION</u>	<u>SCENIC STANDARD</u>
<u>Coniferous Woodland,</u> <u>Oak-Pine Woodland</u>	<u>Forest (National Forest Lands),</u> <u>Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>River Bottomlands</u>	<u>Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Gorge Walls, Canyonlands, Wildlands</u>	<u>Forest, Agriculture, Public</u> <u>Recreation, Open Space</u>	<u>NOT VISUALLY EVIDENT</u>
<u>Coniferous Woodland,</u> <u>Oak-Pine Woodland</u>	<u>Forest, Agriculture, Residential,</u> <u>Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>
<u>Residential</u>	<u>Residential</u>	<u>VISUALLY SUBORDINATE</u>

<u>Pastoral</u>	<u>Forest, Agriculture, Public Recreation, Open Space</u>	<u>VISUALLY SUBORDINATE</u>
<u>River Bottomlands</u>	<u>Forest, Agriculture, Public Recreation</u>	<u>VISUALLY SUBORDINATE</u>

(3) In all landscape settings, scenic standards shall be met by blending new development with the adjacent natural landscape elements rather than with existing development.

(4) Proposed developments or land use shall be sited to achieve the applicable scenic standards. Development shall be designed to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics. When screening of development is needed to meet the scenic standard from key viewing areas, use of existing topography and vegetation shall be given priority over other means of achieving the scenic standard such as planting new vegetation or using artificial berms.

(5) The extent and type of conditions applied to a proposed development or use to achieve the scenic standard shall be proportionate to its degree of visibility from key viewing areas.

(a) Decisions shall include written findings addressing the Primary factors influencing the degree of visibility, including but not limited to:

1. The amount of area of the building site exposed to key viewing areas,
2. The degree of existing vegetation providing screening,
3. The distance from the building site to the key viewing areas from which it is visible,
4. The number of key viewing areas from which it is visible, and
5. The linear distance along the key viewing areas from which the building site is visible (for linear key viewing areas, such as roads).

(b) Conditions may be applied to various elements of proposed developments to ensure they are visually subordinate to their setting as seen from key viewing areas, including but not limited to:

1. Siting (location of development on the subject property, building orientation, and other elements),
2. Retention of existing vegetation,
3. Design (color, reflectivity, size, shape, height, architectural and design details and other elements), and
4. New landscaping.

(6) Sites approved for new development to achieve scenic standards shall be consistent with guidelines to protect wetlands, riparian corridors, sensitive plant or wildlife sites and the buffer zones of each of these natural resources, and guidelines to protect cultural resources.

~~(47) Proposed developments shall not protrude above the line of a bluff, cliff, or skyline as seen from Key Viewing Areas.~~

~~(2) Size, scale, shape, color, texture, siting, height, building materials, lighting, or other features of a proposed structure shall be visually subordinate in the landscape and have low contrast in the landscape.~~

~~(3) Colors shall be used in a manner so that developments are visually subordinate to the natural and cultural patterns in the landscape setting. Colors for structures and signs should be slightly darker than the surrounding background.~~

~~(48) Structure height shall remain below the average tree canopy height of the natural vegetation adjacent to the structure, except if it has been demonstrated that compliance with this standard is not feasible considering the function of the structure.~~

~~(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~

(9) The following guidelines shall apply to new landscaping used to screen development from key viewing areas:

(a) New landscaping (including new earth berms) to achieve the required scenic standard from key viewing areas shall be required only when application of all other available guidelines in this chapter is not sufficient to make the development meet the scenic standard from key viewing areas. Development shall be sited to avoid the need for new landscaping wherever possible.

(b) If new landscaping is necessary to meet the required standard, existing on-site vegetative screening and other visibility factors shall be analyzed to determine the extent of new landscaping, and the size of new trees needed to achieve the standard. Any vegetation planted pursuant to this guideline shall be sized to provide sufficient screening to meet the scenic standard within five years or less from the commencement of construction.

(c) Landscaping shall be installed as soon as practicable, and prior to project completion. Applicants and successors in interest for the subject parcel are responsible for the proper maintenance and survival of planted vegetation, and replacement of such vegetation that does not survive.

(d) The Scenic Resources Implementation Handbook shall include recommended species for each landscape setting consistent with the Landscape Settings Design Guidelines in this chapter, and minimum recommended sizes of new trees planted (based on average growth rates expected for recommended species).

(10) Unless expressly exempted by other provisions in this chapter, colors of structures on sites visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The *Scenic Resources Implementation Handbook* will include a recommended palette of colors as dark or darker than the colors in the shadows of the natural features surrounding each landscape setting

(11) The exterior of buildings on lands seen from key viewing areas shall be composed of non-reflective materials or materials with low reflectivity. The *Scenic Resources Implementation Handbook* will include a recommended list of exterior materials. These recommended materials and other materials may be deemed consistent with this guideline, including those where the specific application meets approval thresholds in the "Visibility and Reflectivity Matrices" in the *Implementation Handbook*. Continuous surfaces of glass unscreened from key viewing areas shall be limited to ensure meeting the scenic standard. Recommended square footage limitations for such surfaces will be provided for guidance in the *Implementation Handbook*.

(612) Any exterior lighting shall be sited, limited in intensity, shielded or hooded in a manner that prevents lights from being highly visible from Key Viewing Areas and from noticeably contrasting with the surrounding landscape setting except for road lighting necessary for safety purposes.

(713) Seasonal lighting displays shall be permitted on a temporary basis, not to exceed three months duration.

~~(8) Reflectivity of structures and site improvements shall be minimized.~~

~~(9) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).~~

~~(10) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.~~

~~(B) New developments and land uses shall be evaluated to ensure that scenic resources are not adversely affected, including cumulative effects, based on visibility from Key Viewing Areas.~~

~~(C) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.~~

~~(DB) New land uses or developments shall comply with the following: The following shall apply to all lands within SMA landscape settings regardless of visibility from KVAs (includes areas seen from KVAs as well as areas not seen from KVAs):~~

(1) Gorge Walls, and Canyonlands and Wildlands: New developments and land uses shall retain the overall visual character of the natural appearing landscape.

~~(a) New developments and land uses shall meet the VQO of retention as seen from Key Viewing Areas.~~

~~(ba)~~ Structures, including signs, shall have a rustic appearance, use non-reflective materials, and have low contrast with the surrounding landscape and be of a Cascadian architectural style.

~~(eb)~~ Temporary roads ~~must~~ shall be promptly closed and revegetated.

~~(dc)~~ New utilities ~~must~~ shall be below ground surface, where feasible.

~~(ed)~~ Use of plant species non-native to the Columbia River Gorge shall not be allowed.

~~(f) Exterior colors of structures shall be dark earthtones that will result in the structure having low contrast with the surrounding landscape.~~

(2) Coniferous Woodlands and Oak-Pine Woodland: Woodland areas shall retain the overall appearance of a woodland landscape. New developments and land uses shall retain the overall visual character of the natural appearance of the Coniferous and Oak/Pine Woodland landscape.

~~(a) New developments and land uses in lands designated Federal Forest or Open Space shall meet the VQO of retention; all other land use designations shall meet the VQO of partial retention as seen from Key Viewing Areas.~~

~~(b) Forest practices on National Forest lands included in the Mt. Hood National Forest Plans shall meet the VQO identified for those lands in those plans.~~

~~(ea)~~ Buildings in the ~~coniferous~~ Coniferous Woodland landscape setting shall be encouraged to have a vertical overall appearance and a horizontal overall appearance in the Oak-Pine Woodland landscape setting.

~~(db)~~ Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(e) Exterior colors of structures in Coniferous Woodland landscape setting shall be dark earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.~~

~~(f) Exterior colors of structures in Oak-Pine Woodland landscape setting shall be earth-tone colors which will result in low contrast with the surrounding landscape as seen from the Key Viewing Areas.~~

(3) River Bottomlands: River bottomland shall retain the overall visual character of a floodplain and associated islands.

~~(a) New developments and land uses shall meet the VQO of partial retention, except in areas designated Open Space which shall meet the VQO of retention.~~

~~(ba)~~ Buildings should have an overall horizontal appearance in areas with little tree cover.

(eb) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

~~(d) Exterior colors of structures shall be earth tone or water tone colors which will result in low contrast with surrounding landscape.~~

(4) Pastoral: Pastoral areas shall retain the overall appearance of an agricultural landscape.

~~(a) New developments and forest practices shall meet the VQO of partial retention.~~

(b) The use of plant species common to the landscape setting shall be encouraged. The use of plant species in rows as commonly found in the landscape setting is encouraged.

~~(c) Exterior colors of structures shall be earth tone colors which will result in low contrast with the surrounding landscape.~~

~~(d) Exterior colors of structures may be white, except for the roof, only in the Dodson-Warrendale areas where other white structures are evident in the setting.~~

(5) Residential: The Residential setting is characterized by concentrations of dwellings.

~~(a) New developments and land uses shall meet the VQO of partial retention as seen from Key Viewing Areas.~~

(ba) At Latourell Falls, new buildings shall have an appearance consistent with the predominant historical architectural style.

(eb) Use of plant species native to the landscape setting shall be encouraged. Where non-native plants are used, they shall have native appearing characteristics.

(C) SMA Requirements for KVA Foregrounds and Scenic Routes

(1) All new developments and land uses immediately adjacent to the Historic Columbia River Highway, Interstate 84, and Larch Mountain Road shall be in conformance with state or county scenic route standards.

(2) The following guidelines shall apply only to development within the immediate foregrounds of key viewing areas. Immediate foregrounds are defined as within the developed prism of a road or trail KVA or within the boundary of the developed area of KVAs such as Crown Pt. and Multnomah Falls. They shall apply in addition to MCC 38.7040(A).

(a) The proposed development shall be designed and sited to meet the applicable scenic standard from the foreground of the subject KVA. If the development cannot meet the standard, findings must be made documenting why the project cannot meet the requirements of 38.7040(A) and why it cannot be redesigned or wholly or partly relocated to meet the scenic standard.

(b) Findings must evaluate the following:

1. The limiting factors to meeting the required scenic standard and/or applicable provisions of 38.7040(A).
2. Reduction in project size;
3. Options for alternative sites for all or part of the project, considering parcel configuration and on-site topographic or vegetative screening;
4. Options for design changes including changing the design shape, configuration, color, height, or texture in order to meet the scenic standard.

(c) Form, line, color, texture, and design of a proposed development shall be evaluated to ensure that the development blends with its setting as seen from the foreground of key viewing areas:

1. Form and Line-Design of the development shall minimize changes to the form of the natural landscape. Development shall borrow form and line from the landscape setting and blend with the form and line of the landscape setting. Design of the development shall avoid contrasting form and line that unnecessarily call attention to the development.
2. Color-Color shall be found in the project's surrounding landscape setting. Colors shall be chosen and repeated as needed to provide unity to the whole design.
3. Texture-Textures borrowed from the landscape setting shall be emphasized in the design of structures. Landscape textures are generally rough, irregular, and complex rather than smooth, regular, and uniform.
4. Design-Design solutions shall be compatible with the natural scenic quality of the Gorge. Building materials shall be natural or natural appearing. Building materials such as concrete, steel, aluminum, or plastic shall use form, line color and texture to harmonize with the natural environment. Design shall balance all design elements into a harmonious whole, using repetition of elements and blending of elements as necessary.

(3) Right-of-way vegetation shall be managed to minimize visual impact of clearing and other vegetation removal as seen from Key Viewing Areas. Roadside vegetation management should enhance views out from the highway (vista clearing, planting, etc.).

(4) Encourage existing and require new road maintenance warehouse and stockpile areas to be screened from view from Key Viewing Areas.

(5) Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.

(D) SMA Requirements for areas not seen from KVAs

Unless expressly exempted by other provisions in MCC 38.7040, colors of structures on sites not visible from key viewing areas shall be earth-tones found at the specific site. The specific colors

or list of acceptable colors shall be approved as a condition of approval, drawing from the recommended palette of colors included in the Scenic Resources Implementation Handbook.

(E) For forest practices the following standards shall apply:

- ~~(1) Forest practices must meet the design standards and VQO for the landscape setting designated for the management area.~~
- ~~(2) Not more than 16 percent of each total ownership within a viewshed shall be in created openings at any one time. The viewshed boundaries will be delineated by the Forest Service.~~
- ~~(3) Size, shape, and dispersal of created openings shall maintain the natural patterns in the landscape.~~
- ~~(4) The maximum size of any created opening is 15 acres. In the foreground of Key Viewing Areas, maximum size of created opening will be five acres.~~
- ~~(5) Clearcutting shall not be used as a harvest practice to land designated Federal Forest Lands.~~
- ~~(6) Created opening shall not create a break or opening in the vegetation in the sky line as viewed from a KVA.~~
- ~~(7) Created openings shall be dispersed to maintain at least 400 feet of closed canopy between openings. Closed canopy to be 20 feet tall.~~

Section 69. § 38.7050 is amended as follows:

38.7050 SMA Cultural Resource Review Criteria

(A) The cultural resource review criteria shall be deemed satisfied, except MCC 38.7050 (H), if the U.S. Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC 38.7025 (B).

* * *

(F) The U.S. Forest Service will provide for doing (1) through (5) of subsection (G) below for forest practices and National Forest system lands.

(G) If the U.S. Forest Service or Planning Director determines that a cultural resource survey is required for a new development or land use on all Federal lands, federally assisted projects and forest practices, it shall consist of the following:

(1) Literature Review and Consultation

(a) An assessment of the presence of any cultural resources, listed on the National Register of Historic Places at the national, state or county level, on or within the area of potential direct and indirect impacts.

(b) A search of state and county government, National Scenic Area/U.S. Forest Service and any other pertinent inventories, such as archives and photographs, to identify cultural

resources, including consultation with the State Historic Preservation Office (SHPO) and tribal governments.

(c) Consultation with cultural resource professionals knowledgeable about the area.

(d) If the U.S. Forest Service determines that there no recorded or known cultural resource, after consultation with the tribal governments on or within the immediate vicinity of a new development or land use, the cultural resource review shall be complete.

(e) If the U.S. Forest Service determines that there is the presence of a recorded or known cultural resources, including those reported in consultation with the tribal governments on or within the immediate vicinity of a new development or land use, a field inventory by a cultural resource professional shall be required.

(2) Field Inventory

* * *

(e) The field inventory report shall be presented to the U.S. Forest Service for review.

* * *

(3) Evaluations of Significance

* * *

(d) Recommendations for eligibility of individual cultural resources under National Register Criteria A through D (36 CFR 60.4) shall be completed for each identified resource. The U.S. Forest Service shall review evaluations for adequacy.

* * *

(f) If the U.S. Forest Service determines that the inventoried cultural resources are not significant, the cultural resource review shall be complete.

* * *

(4) Assessment of Effect

(a) For each significant (*i.e.*, National Register eligible) cultural resource inventoried within the area of the proposed development or change in use, assessments of effect shall be completed, using the criteria outlined in 36 CFR 800.9 *Assessing Effects*. Evidence of consultation with tribal governments and individuals with knowledge of the cultural resources of the project area shall be included for subsections (b) through (d) below. The U.S. Forest Service shall review each determination for adequacy and appropriate action.

* * *

(5) Mitigation

* * *

(c) The U.S. Forest Service shall review all mitigation proposals for adequacy.

(H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

* * *

(2) If the discovered material is suspected to be human bone or a burial, the following procedure shall be used:

(a) Stop all work in the vicinity of the discovery.

(b) The applicant shall immediately notify the U.S. Forest Service, the applicant's cultural resource professional, the State Medical Examiner, and appropriate law enforcement agencies.

(c) The U.S. Forest Service shall notify the tribal governments if the discovery is determined to be an Indian burial or a cultural resource.

(d) A cultural resource professional shall evaluate the potential significance of the discovery pursuant to MCC 38.7050 (G) (3) and report the results to the U.S. Forest Service which shall have 30 days to comment on the report.

(3) If the U.S. Forest Service determines that the cultural resource is not significant or does not respond within the 30 day response period, the cultural resource review process shall be complete and work may continue.

(4) If the U.S. Forest Service determines that the cultural resource is significant, the cultural resource professional shall recommend measures to protect and/or recover the resource pursuant to MCC 38.7050 (G) (4) and (5)

Section 70. § 38.7055 is amended as follows:

38.7055 GMA Wetland Review Criteria

(A) The wetland review criteria shall be deemed satisfied if:

* * *

~~(6) The proposed use is one of the following uses, and:~~

~~(a) It is conducted using best management practices;~~

~~(b) It does not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(c) It complies with all applicable federal, state, and county laws:~~

~~1. Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

~~2. Soil, water, and vegetation conservation uses that protect and enhance wetlands acreage and functions.~~

~~3. Low intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing.~~

~~4. Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species.~~

~~5. Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~

~~6. Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~7. Commercial fishing and trapping.~~

~~8. Educational uses and scientific research.~~

~~9. Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~

~~10. Forest practices that do not violate conditions of approval for other approved uses.~~

~~11. Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

(B) If the project site is within a recognized wetland or wetland buffer zone, the applicant shall be responsible for determining the exact location of the wetland boundary. Wetlands boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989), and any subsequent amendments *Corps of Engineers Wetland Delineation Manual* (Wetland Research Program Technical Report Y-87-1, on-line edition, updated through March 21, 1997).

* * *

(C) The following uses may be allowed in wetlands and wetland buffer zones when approved pursuant to the provisions of MCC 38.0045, MCC 38.7055 (E), and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

* * *

(D) Uses not listed in MCC 38.7055 (A) and (C) may be allowed in wetlands and wetlands buffer zones, when approved pursuant to MCC 38.7055 (F) and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

* * *

(F) Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

(1) The proposed use is water-dependent, or is not water-dependent but has no practicable alternative considering all of the following:

* * *

(c) Reasonable attempts have been made to remove or accommodate constraints that caused a project applicant to reject alternatives to the use as proposed. Such constraints include inadequate infrastructure, parcel size, and ~~zone~~ land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan revision pursuant to MCC 38.0710-0100 to demonstrate that practicable alternatives do not exist.

* * *

Section 71. § 38.7060 is amended as follows:

38.7060 GMA Stream, Lake and Riparian Area Review Criteria

~~(A) The following uses are allowed in streams, ponds, lakes, and their buffer zones without Site Review, if they:~~

~~(1) Are conducted using best management practices;~~

~~(2) Do not require structures, grading, draining, flooding, ditching, vegetation removal, or dredging beyond the extent specified below; and~~

~~(3) Comply with all applicable federal, state, and county laws:~~

~~(a) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies;~~

~~(b) Soil, water, and vegetation conservation uses that protect water quality, natural drainage, and fish and wildlife habitat of streams, ponds, lakes, and riparian areas;~~

~~(c) Low intensity recreation uses, including hunting, fishing, trapping, bird watching, hiking, boating, swimming, and canoeing;~~

~~(d) Non-commercial harvesting of wild crops, such as ferns, moss, berries, tubers, tree fruits, and seeds in a manner that does not injure natural plant reproduction or impact sensitive plant species;~~

~~(e) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation and shall require a review use permit. Cultivation and vegetation removal may be allowed in conjunction with a home garden.~~

~~(f) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(g) Commercial fishing and trapping.~~

~~(h) Educational uses and scientific research.~~

~~(i) Navigation aids, including structures covered by Section 17 (a) (3) of the Scenic Area Act.~~

~~(j) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(k) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(BA)~~ The following uses may be allowed in streams, ponds, lakes and riparian areas when approved pursuant to the provisions of MCC 38.0045, MCC 38.7060 ~~(DC)~~, and reviewed under the applicable provisions of MCC 38.7035 through 38.7085:

* * *

~~(EB)~~ Uses not listed in MCC 38.7060 (A) and ~~(B)~~ may be allowed in streams, ponds, lakes, and riparian areas, when approved pursuant to MCC 38.7060 ~~(ED)~~ and reviewed under the applicable provisions of MCC 38.7035 through 38.7085.

~~(DC)~~ Applications for modifications to serviceable structures and minor water-dependent and water-related structures in aquatic and riparian areas shall demonstrate that:

* * *

~~(ED)~~ Applications for all other Review and Conditional Uses in wetlands shall be processed pursuant to the provisions of MCC 38.0045 and shall demonstrate that:

* * *

(3) Measures have been applied to ensure that the proposed use results in minimum feasible impacts to water quality, natural drainage, and fish and wildlife habitat of the affected stream, pond, lake, and/or buffer zone.

As a minimum, the following mitigation measures shall be considered when new uses are proposed in streams, ponds, lakes, and buffer zones:

(a) Construction shall occur during periods when fish and wildlife are least sensitive to disturbance. Work in streams, ponds, and lakes shall be conducted during the periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Department of Fish and Wildlife, 1986~~2000~~) unless otherwise coordinated with and approved by the Oregon Department of Fish and Wildlife.

* * *

~~(FE)~~ Stream, Pond, and Lake Buffer Zones

* * *

(~~GF~~) Rehabilitation and Enhancement Plans

Rehabilitation and enhancement plans shall be prepared when a project applicant is required to rehabilitate or enhance a stream, pond, lake and/or buffer area and shall satisfy the following:

* * *

- (5) A statement indicating sufficient fiscal, administrative, and technical competence to successfully execute and monitor ~~the a~~ rehabilitation and enhancement plan.

Section 72. § 38.7065 is amended as follows:

38.7065 GMA Wildlife Review Criteria

Wildlife Habitat Site Review shall be required for any project within 1,000 feet of sensitive wildlife areas and sensitive wildlife sites (i.e., sites used by sensitive wildlife species).

* * *

~~(A) The following uses may be allowed within 1,000 feet of sensitive wildlife areas and sites without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading, or ditching beyond the extent specified below:~~

~~(1) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.~~

~~(2) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(3) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(4) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

~~(5) Fish and wildlife management uses conducted by federal, state, or Indian tribal resource agencies.~~

(~~BA~~) Field Survey

A field survey to identify sensitive wildlife areas or sites shall be required for:

* * *

- (5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad, or utility corridors, or existing developed utility sites, that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a professional wildlife biologist hired by the project applicant. All sensitive wildlife areas and sites discovered in a project area shall be described and shown on the site plan map.

~~(EB)~~ Uses ~~not listed in MCC 38.7065 (A)~~ may be allowed within 1,000 feet of a sensitive wildlife area or site, when approved pursuant to MCC 38.7065 ~~(DC)~~ and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive wildlife areas and sites are shown on maps provided to the County by the Gorge Commission. State wildlife biologists will help determine if a new use would adversely affect a sensitive wildlife area or site.

~~(DC)~~ Uses that are proposed within 1,000 feet of a sensitive wildlife area or site shall be reviewed as follows:

* * *

(4) If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the proposed use would have only minor effects on the wildlife area or site that could be eliminated through mitigation measures recommended by the state wildlife biologist, or by simply modifying the site plan or regulating the timing of new uses, a letter shall be sent to the applicant that describes the effects and measures needed to eliminate them. If the project applicant accepts these recommendations, the Planning Director will incorporate them into the site review order and the wildlife protection process may conclude.

* * *

~~(ED)~~ Wildlife Management Plans

* * *

~~(FE)~~ New fences in deer and elk winter range

* * *

Section 73. § 38.7070 is amended as follows:

38.7070 GMA Rare Plant Review Criteria

Rare Plant Site Review shall be required for any project within 1,000 feet of endemic plants and sensitive plant species.

* * *

~~(A) The following uses may be allowed within 200 feet of a sensitive plant without review, if they do not involve new structures, vegetation removal, or actions that disturb the ground, such as grading or ditching beyond the extent specified below:~~

~~(1) Low intensity recreation uses, including hunting, fishing, trapping, native plant study, bird watching, boating, swimming, and hiking. Regarding sensitive plants, horseback riding is not considered a low intensity use.~~

~~(2) Agriculture, except new cultivation. Any operation that would cultivate land that has not been cultivated, or has lain idle, for more than 5 years shall be considered new cultivation.~~

~~(3) Ditching, tilling, dredging, or grading conducted solely for the purpose of repairing and maintaining existing irrigation and drainage systems necessary for agriculture, provided that such uses are not undertaken to cultivate lands that have not been cultivated, or have lain idle, for more than 5 years.~~

~~(4) Forest practices that do not violate conditions of approval for other approved uses.~~

~~(5) Repair, maintenance, and operation of existing and serviceable structures, trails, roads, railroads and utility facilities.~~

(BA) Field Survey

A field survey to identify sensitive plants shall be required for:

* * *

(5) Communications, water and sewer, and natural gas transmission (as opposed to distribution) lines, pipes, equipment, and appurtenances. and other project related activities, except when all of their impacts will occur inside previously disturbed road, railroad or utility corridors, or existing developed utility sites that are maintained annually.

Field surveys shall cover all areas affected by the proposed use or recreation facility. They shall be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant. Field surveys shall identify the precise location of the sensitive plants and delineate a 200 foot buffer area. The results of a field survey shall be shown on the site plan map.

~~(CB)~~ Uses ~~not listed in MCC 38.7070 (A)~~ may be allowed within 1,000 feet of a sensitive plant, when approved pursuant to MCC 38.0045, 38.7070 ~~(DC)~~, and reviewed under the applicable provisions of MCC 38.7035 through 38.7085. The approximate locations of sensitive plants are shown on maps provided to the County by the Gorge Commission. Staff with the Oregon Natural Heritage Program will help determine if a new use would invade the buffer zone of sensitive plants.

~~(DC)~~ Uses that are proposed within 1,000 feet of a sensitive plant shall be reviewed as follows:

* * *

(3) New uses shall be prohibited within sensitive plant species buffer areas, ~~except those listed in MCC 38.7070 (A).~~

(4) If a proposed use must be allowed within a sensitive plant buffer area in accordance with formal variance practices, the project applicant shall prepare a protection and rehabilitation plan pursuant to MCC 38.7070 ~~(ED)~~.

* * *

(ED) Protection and Rehabilitation Plans

* * *

(FE) Sensitive Plant Buffer Areas

* * *

Section 74. § 38.7075 is amended as follows:

38.7075 SMA Natural Resource Review Criteria

All new developments and land uses shall be evaluated using the following standards to ensure that the natural resources ~~on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts,~~ are protected from adverse effects. ~~The Forest Service will provide the analysis and evaluation for all projects except those sponsored by non-Forest Service federal and state agencies.~~Comments from state and federal agencies shall be carefully considered.

(A) All Water Resources shall, in part, be protected by establishing undisturbed buffer zones as specified in MCC 38.7075 (2)(a) and (2)(b). These buffer zones are measured horizontally from a wetland, stream, lake, or pond boundary as defined in MCC 38.7075 (2)(a) and (2)(b).

(1) All buffer zones shall be retained undisturbed and in their natural condition, except as permitted with a mitigation plan.

(2) Buffer zones shall be measured outward from the bank full flow boundary for streams, the high water mark for ponds and lakes, the normal pool elevation for the Columbia River, and the wetland delineation boundary for wetlands on a horizontal scale that is perpendicular to the wetlands, stream, pond or lake boundary. On the main stem of the Columbia River above Bonneville Dam, buffer zones shall be measured landward from the normal pool elevation of the Columbia River. The following buffer zone widths shall be required:

(a) A minimum 200 foot buffer on each wetland, pond, lake, and each bank of a perennial or fish bearing stream, some of which can be intermittent.

(b) A 50-foot buffer zone along each bank of intermittent (including ephemeral), non-fish bearing streams.

(c) Maintenance, repair, reconstruction and realignment of roads and railroads within their rights-of-way shall be exempted from the wetlands and riparian guidelines upon demonstration of all of the following:

1. The wetland within the right-of-way is a drainage ditch not part of a larger wetland outside of the right-of-way.

2. The wetland is not critical habitat.

3. Proposed activities within the right-of-way would not adversely affect a wetland adjacent to the right-of-way.

(3) The buffer width shall be increased for the following:

(a) When the channel migration zone exceeds the recommended buffer width, the buffer width shall extend to the outer edge of the channel migration zone.

(b) When the frequently flooded area exceeds the recommended riparian buffer zone width, the buffer width shall be extended to the outer edge of the frequently flooded area.

- (c) When an erosion or landslide hazard area exceeds the recommended width of the buffer, the buffer width shall be extended to include the hazard area.
- (4) Buffer zones can be reconfigured if a project applicant demonstrates all of the following:
- (a) The integrity and function of the buffer zones is maintained.
 - (b) The total buffer area on the development proposal is not decreased.
 - (c) The width reduction shall not occur within another buffer.
 - (d) The buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.
- (5) Requests to reconfigure buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.
- (6) The local government shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the project file. Based on the comments from the state and federal agencies, the local government will make a final decision on whether the reconfigured buffer zones are justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.
- (B) When a buffer zone is disturbed by a new use, it shall be replanted with only native plant species of the Columbia River Gorge.
- (C) The applicant shall be responsible for identifying all water resources and their appropriate buffers.
- (D) Wetlands Boundaries shall be delineated using the following:
- (1) The approximate location and extent of wetlands in the Scenic Area is shown on the National Wetlands Inventory (U. S. Department of the Interior 1987). In addition, the list of hydric soils and the soil survey maps shall be used as an indicator of wetlands.
 - (2) Some wetlands may not be shown on the wetlands inventory or soil survey maps. Wetlands that are discovered by the local planning staff during an inspection of a potential project site shall be delineated and protected.

(3) The project applicant shall be responsible for determining the exact location of a wetlands boundary. Wetlands boundaries shall be delineated using the procedures specified in the '1987 Corps of Engineers Wetland Delineation Manual (on-line Edition)'.

(4) All wetlands delineations shall be conducted by a professional who has been trained to use the federal delineation procedures, such as a soil scientist, botanist, or wetlands ecologist.

(E) Stream, pond, and lake boundaries shall be delineated using the bank full flow boundary for streams and the high water mark for ponds and lakes. The project applicant shall be responsible for determining the exact location of the appropriate boundary for the water resource.

(F) The local government may verify the accuracy of, and render adjustments to, a bank full flow, high water mark, normal pool elevation (for the Columbia River), or wetland boundary delineation. If the adjusted boundary is contested by the project applicant, the local government shall obtain professional services, at the project applicant's expense, or the county will ask for technical assistance from the U.S. Forest Service to render a final delineation.

(G) Buffer zones shall be undisturbed unless the following criteria have been satisfied:

(1) The proposed use must have no practicable alternative as determined by the practicable alternative test. Those portions of a proposed use that have a practicable alternative will not be located in wetlands, stream, pond, lake, and riparian areas and/or their buffer zone.

(2) Filling and draining of wetlands shall be prohibited with exceptions related to public safety or restoration/enhancement activities as permitted when all of the following criteria have been met:

(a) A documented public safety hazard exists or a restoration/ enhancement project exists that would benefit the public and is corrected or achieved only by impacting the wetland in question.

(b) Impacts to the wetland must be the last possible documented alternative in fixing the public safety concern or completing the restoration/enhancement project.

(c) The proposed project minimizes the impacts to the wetland.

(3) Unavoidable impacts to wetlands and aquatic and riparian areas and their buffer zones shall be offset by deliberate restoration and enhancement or creation (wetlands only) measures as required by the completion of a mitigation plan.

(H) Protection of sensitive wildlife/plant areas and sites shall begin when proposed new developments or uses are within 1000 feet of a sensitive wildlife/plant site and/or area. Sensitive Wildlife Areas are those areas depicted in the wildlife inventory and listed in Table 4 of the Management Plan titled "Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge", including all Priority Habitats Table. Sensitive Plants are listed in Table 7 of the Management Plan, titled "Columbia Gorge and Vicinity Endemic Plant Species." The approximate locations of sensitive wildlife and/or plant areas and sites are shown in the wildlife and rare plant inventory.

(I) The local government shall submit site plans (of uses that are proposed within 1,000 feet of a sensitive wildlife and/or plant area or site) for review to the U.S. Forest Service and the appropriate

state agencies (Oregon Department of Fish and Wildlife for wildlife issues and by the Oregon Natural Heritage Program for plant issues).

(J) The U.S. Forest Service wildlife biologists and/or botanists, in consultation with the appropriate state biologists, shall review the site plan and their field survey records. They shall:

(1) Identify/verify the precise location of the wildlife and/or plant area or site.

(2) Determine if a field survey will be required.

(3) Determine, based on the biology and habitat requirements of the affected wildlife/plant species, if the proposed use would compromise the integrity and function of or result in adverse affects (including cumulative effects) to the wildlife or plant area or site. This would include considering the time of year when wildlife or plant species are sensitive to disturbance, such as nesting, rearing seasons, or flowering season.

(4) Delineate the undisturbed 200 ft buffer on the site plan for sensitive plants and/or the appropriate buffer for sensitive wildlife areas or sites, including nesting, roosting and perching sites.

(a) Buffer zones can be reconfigured if a project applicant demonstrates all of the following: (1) the integrity and function of the buffer zones is maintained, (2) the total buffer area on the development proposal is not decreased, (3) the width reduction shall not occur within another buffer, and (4) the buffer zone width is not reduced more than 50% at any particular location. Such features as intervening topography, vegetation, man made features, natural plant or wildlife habitat boundaries, and flood plain characteristics could be considered.

(b) Requests to reduce buffer zones shall be considered if an appropriate professional (botanist, plant ecologist, wildlife biologist, or hydrologist), hired by the project applicant, (1) identifies the precise location of the sensitive wildlife/plant or water resource, (2) describes the biology of the sensitive wildlife/plant or hydrologic condition of the water resource, and (3) demonstrates that the proposed use will not have any negative effects, either direct or indirect, on the affected wildlife/plant and their surrounding habitat that is vital to their long-term survival or water resource and its long term function.

(c) The local government shall submit all requests to re-configure sensitive wildlife/plant or water resource buffers to the U.S. Forest Service and the appropriate state agencies for review. All written comments shall be included in the record of application and based on the comments from the state and federal agencies, the local government will make a final decision on whether the reduced buffer zones is justified. If the final decision contradicts the comments submitted by the federal and state agencies, the local government shall justify how it reached an opposing conclusion.

(K) The local government, in consultation with the State and federal wildlife biologists and/or botanists, shall use the following criteria in reviewing and evaluating the site plan to ensure that the proposed developments or uses do not compromise the integrity and function of or result in adverse affects to the wildlife or plant area or site:

(1) Published guidelines regarding the protection and management of the affected wildlife/plant species. Examples include: the Oregon Department of Forestry has prepared technical papers that include management guidelines for osprey and great blue heron; the Washington Department of Wildlife has prepared similar guidelines for a variety of species, including the western pond turtle, the peregrine falcon, and the Larch Mountain salamander (Rodrick and Milner 1991).

(2) Physical characteristics of the subject parcel and vicinity, including topography and vegetation.

(3) Historic, current, and proposed uses in the vicinity of the sensitive wildlife/plant area or site.

(4) Existing condition of the wildlife/plant area or site and the surrounding habitat and the useful life of the area or site.

(5) In areas of winter range, habitat components, such as forage, and thermal cover, important to the viability of the wildlife must be maintained or, if impacts are to occur, enhancement must mitigate the impacts so as to maintain overall values and function of winter range.

(6) The site plan is consistent with the "Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources" (Oregon Department of Fish and Wildlife 2000).

(7) The site plan activities coincide with periods when fish and wildlife are least sensitive to disturbance. These would include, among others, nesting and brooding periods (from nest building to fledgling of young) and those periods specified.

(8) The site plan illustrates that new developments and uses, including bridges, culverts, and utility corridors, shall not interfere with fish and wildlife passage.

(9) Maintain, protect, and enhance the integrity and function of Priority Habitats (such as old growth forests, talus slopes, and oak woodlands) as listed in the Priority Habitats Table. This includes maintaining structural, species, and age diversity, maintaining connectivity within and between plant communities, and ensuring that cumulative impacts are considered in documenting integrity and function.

<u>PRIORITY HABITATS TABLE</u>	
<u>Priority Habitats</u>	<u>Criteria</u>
<u>Aspen stands</u>	<u>High fish and wildlife species diversity, limited availability, high vulnerability to habitat alteration.</u>
<u>Caves</u>	<u>Significant wildlife breeding habitat, limited availability, dependent species.</u>
<u>Old-growth forest</u>	<u>High fish and wildlife density, species diversity, breeding habitat, seasonal ranges, and limited and declining availability, high vulnerability.</u>
<u>Oregon white oak woodlands</u>	<u>Comparatively high fish and wildlife density, species diversity, declining availability, high vulnerability.</u>
<u>Prairies and steppe</u>	<u>Comparatively high fish and wildlife density, species diversity, important breeding habitat, declining and limited availability, high vulnerability.</u>

<u>Riparian</u>	<u>High fish and wildlife density, species diversity, breeding habitat, movement corridor, high vulnerability, dependent species.</u>
<u>Wetlands</u>	<u>High species density, high species diversity, important breeding habitat and seasonal ranges, limited availability, high vulnerability.</u>
<u>Snags and logs</u>	<u>High fish and wildlife density, species diversity, limited availability, high vulnerability, dependent species.</u>
<u>Talus</u>	<u>Limited availability, unique and dependent species, high vulnerability.</u>
<u>Cliffs</u>	<u>Significant breeding habitat, limited availability, dependent species.</u>
<u>Dunes</u>	<u>Unique species habitat, limited availability, high vulnerability, dependent species.</u>

(L) The wildlife/plant protection process may terminate if the local government, in consultation with the U.S. Forest Service and state wildlife agency or Heritage program, determines (1) the sensitive wildlife area or site is not active, or (2) the proposed use is not within the buffer zones and would not compromise the integrity of the wildlife/plant area or site, and (3) the proposed use is within the buffer and could be easily moved out of the buffer by simply modifying the project proposal (site plan modifications). If the project applicant accepts these recommendations, the local government shall incorporate them into its development review order and the wildlife/plant protection process may conclude.

(M) If the above measures fail to eliminate the adverse affects, the proposed project shall be prohibited, unless the project applicant can meet the Practicable Alternative Test and prepare a mitigation plan to offset the adverse effects by deliberate restoration and enhancement.

(N) The local government shall submit a copy of all field surveys (if completed) and mitigation plans to the U.S. Forest Service and appropriate state agencies.
The local government shall include all comments in the record of application and address any written comments submitted by the state and federal wildlife agency/heritage programs in its development review order. Based on the comments from the state and federal wildlife agency/heritage program, the local government shall make a final decision on whether the proposed use would be consistent with the wildlife/plant policies and guidelines. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(O) The local government shall require the project applicant to revise the mitigation plan as necessary to ensure that the proposed use would not adversely affect a sensitive wildlife/plant area or site.

(P) Soil productivity shall be protected using the following guidelines:

(1) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.

(2) New developments and land uses shall control all soil movement within the area shown on the site plan.

(3) The soil area disturbed by new development or land uses, except for new cultivation, shall not exceed 15 percent of the project area.

(4) Within 1 year of project completion, 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil-stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.

(Q) An alternative site for a proposed use shall be considered practicable if it is available and the proposed use can be undertaken on that site after taking into consideration cost, technology, logistics, and overall project purposes. A practicable alternative does not exist if a project applicant satisfactorily demonstrates all of the following:

(1) The basic purpose of the use cannot be reasonably accomplished using one or more other sites in the vicinity that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(2) The basic purpose of the use cannot be reasonably accomplished by reducing its proposed size, scope, configuration, or density, or by changing the design of the use in a way that would avoid or result in less adverse effects on wetlands, ponds, lakes, riparian areas, wildlife or plant areas and/or sites.

(3) Reasonable attempts were made to remove or accommodate constraints that caused a project applicant to reject alternatives to the proposed use. Such constraints include inadequate infrastructure, parcel size, and land use designations. If a land use designation or recreation intensity class is a constraint, an applicant must request a Management Plan amendment to demonstrate that practicable alternatives do not exist.

(R) The Mitigation Plan shall be prepared when:

(1) The proposed development or use is within a buffer zone (wetland, pond, lakes, riparian areas, wildlife or plant areas and/or sites),

(2) There is no practicable alternative as determined by MCC 38.7075 (Q).

(S) In all cases, Mitigation Plans are the responsibility of the applicant and shall be prepared by an appropriate professional (botanist/ecologist for plant sites, a wildlife/fish biologist for wildlife/fish sites, and a qualified professional for water resource sites).

(T) The primary purpose of this information is to provide a basis for the project applicant to redesign the proposed use in a manner that protects sensitive water resources, and wildlife/plant areas and sites, that maximizes his/her development options, and that mitigates, through restoration, enhancement, and replacement measures, impacts to the water resources and/or wildlife/plant area or site and/or buffer zones.

(U) The applicant shall submit the mitigation plan to the local government. The local government shall submit a copy of the mitigation plan to the U.S. Forest Service, and appropriate state agencies. If the final decision contradicts the comments submitted by the state and federal wildlife agency/heritage program, the local government shall justify how it reached an opposing conclusion.

(V) A project applicant shall demonstrate sufficient fiscal, technical, and administrative competence to successfully execute a mitigation plan involving wetland creation.

(W) Mitigation plans shall include maps, photographs, and text. The text shall:

(1) Describe the biology and/or function of the sensitive resources (e.g. Wildlife/plant species, or wetland) that will be affected by a proposed use. An ecological assessment of the sensitive resource to be altered or destroyed and the condition of the resource that will result after restoration will be required. Reference published protection and management guidelines.

(2) Describe the physical characteristics of the subject parcel, past, present, and future uses, and the past, present, and future potential impacts to the sensitive resources. Include the size, scope, configuration, or density of new uses being proposed within the buffer zone.

(3) Explain the techniques that will be used to protect the sensitive resources and their surrounding habitat that will not be altered or destroyed (for examples, delineation of core habitat of the sensitive wildlife/plant species and key components that are essential to maintain the long-term use and integrity of the wildlife/plant area or site).

(4) Show how restoration, enhancement, and replacement (creation) measures will be applied to ensure that the proposed use results in minimum feasible impacts to sensitive resources, their buffer zones, and associated habitats.

(5) Show how the proposed restoration, enhancement, or replacement (creation) mitigation measures are NOT alternatives to avoidance. A proposed development/use must first avoid a sensitive resource, and only if this is not possible should restoration, enhancement, or creation be considered as mitigation. In reviewing mitigation plans, the local government, appropriate state agencies, and U.S. Forest Service shall critically examine all proposals to ensure that they are indeed last resort options.

(X) At a minimum, a project applicant shall provide to the local government a progress report every 3-years that documents milestones, successes, problems, and contingency actions. Photographic monitoring stations shall be established and photographs shall be used to monitor all mitigation progress.

(Y) A final monitoring report shall be submitted to the local government for review upon completion of the restoration, enhancement, or replacement activity. This monitoring report shall document successes, problems encountered, resource recovery, status of any sensitive wildlife/plant species and shall demonstrate the success of restoration and/or enhancement actions. The local government shall submit copies of the monitoring report to the U.S. Forest Service; who shall offer technical assistance to the local government in helping to evaluate the completion of the mitigation plan. In instances where restoration and enhancement efforts have failed, the monitoring process shall be extended until the applicant satisfies the restoration and enhancement guidelines.

(Z) Mitigation measures to offset impacts to resources and/or buffers shall result in no net loss of water quality, natural drainage, fish/wildlife/plant habitat, and water resources by addressing the following:

(1) Restoration and enhancement efforts shall be completed no later than one year after the sensitive resource or buffer zone has been altered or destroyed, or as soon thereafter as is practicable.

(2) All natural vegetation within the buffer zone shall be retained to the greatest extent practicable. Appropriate protection and maintenance techniques shall be applied, such as fencing, conservation buffers, livestock management, and noxious weed control. Within five years, at least 75 percent of the replacement vegetation must survive. All plantings must be with native plant species that replicate the original vegetation community.

(3) Habitat that will be affected by either temporary or permanent uses shall be rehabilitated to a natural condition. Habitat shall be replicated in composition, structure, and function, including tree, shrub and herbaceous species, snags, pool-riffle ratios, substrata, and structures, such as large woody debris and boulders.

(4) If this standard is not feasible or practical because of technical constraints, a sensitive resource of equal or greater benefit may be substituted, provided that no net loss of sensitive resource functions occurs and provided the County, in consultation with the appropriate State and Federal agency, determine that such substitution is justified.

(5) Sensitive plants that will be destroyed shall be transplanted or replaced, to the maximum extent practicable. Replacement is used here to mean the establishment of a particular plant species in areas of suitable habitat not affected by new uses. Replacement may be accomplished by seeds, cuttings, or other appropriate methods. Replacement shall occur as close to the original plant site as practicable. The project applicant shall ensure that at least 75 percent of the replacement plants survive 3 years after the date they are planted

(6) Nonstructural controls and natural processes shall be used to the greatest extent practicable.

(a) Bridges, roads, pipeline and utility corridors, and other water crossings shall be minimized and should serve multiple purposes and properties.

(b) Stream channels shall not be placed in culverts unless absolutely necessary for property access. Bridges are preferred for water crossings to reduce disruption to hydrologic and biologic functions. Culverts shall only be permitted if there are no practicable alternatives as determined by MCC .38.7075 (Q).

(c) Fish passage shall be protected from obstruction.

(d) Restoration of fish passage should occur wherever possible.

(e) Show location and nature of temporary and permanent control measures that shall be applied to minimize erosion and sedimentation when riparian areas are disturbed, including slope netting, berms and ditches, tree protection, sediment barriers, infiltration systems, and culverts.

(f) Groundwater and surface water quality will not be degraded by the proposed use. Natural hydrologic conditions shall be maintained, restored, or enhanced in such a manner that replicates natural conditions, including current patterns (circulation, velocity, volume, and normal water fluctuation), natural stream channel and shoreline dimensions and materials, including slope, depth, width, length, cross-sectional profile, and gradient.

(g) Those portions of a proposed use that are not water-dependent or that have a practicable alternative will be located outside of stream, pond, and lake buffer zones.

(h) Streambank and shoreline stability shall be maintained or restored with natural revegetation.

(i) The size of restored, enhanced, and replacement (creation) wetlands shall equal or exceed the following ratios. The first number specifies the required acreage of replacement wetlands, and the second number specifies the acreage of wetlands altered or destroyed.

Restoration: 2: 1

Creation: 3: 1

Enhancement: 4: 1

(7) Wetland creation mitigation shall be deemed complete when the wetland is self-functioning for 5 consecutive years. Self-functioning is defined by the expected function of the wetland as written in the mitigation plan. The monitoring report shall be submitted to the local government to ensure compliance. The U.S. Forest Service, in consultation with appropriate state agencies, shall extend technical assistance to the local government to help evaluate such reports and any subsequent activities associated with compliance.

(8) Wetland restoration/enhancement can be mitigated successfully by donating appropriate funds to a non-profit wetland conservancy or land trust with explicit instructions that those funds are to be used specifically to purchase protection easements or fee title protection of appropriate wetlands acreage in or adjacent to the Columbia River Gorge meeting the ratios given above in MCC 38.7075 (Z) (6) (i). These transactions shall be explained in detail in the Mitigation Plan and shall be fully monitored and documented in the monitoring report.

~~(A) Buffer zones shall be undisturbed unless it has been shown that there are no practicable alternatives pursuant to MCC 38.7055 (F) (1), substituting the name of the resource as appropriate. New developments and uses may only be allowed in the buffer zone upon demonstration in the natural resources mitigation plan required by MCC 38.7075 (B) (6) that there would be no adverse effects.~~

~~(B) The applicant's site plan shall include the following additional information to facilitate evaluation for compliance with minimum natural resource protection standards:~~

~~(1) Location of the following sites and areas. The Forest Service will provide this information to the applicant.~~

~~(a) Sites of sensitive wildlife and sensitive plant species.~~

~~(b) Location of riparian and wetland areas. The exact location of the wetland boundaries shall be delineated using the procedures specified in the *Federal Manual for Identifying and Delineating Jurisdictional Wetlands* (Federal Interagency Committee for Wetland Delineation, 1989).~~

~~(2) A description or illustration showing the mitigation measures to control soil erosion and stream sedimentation.~~

~~(3) Site plans shall be submitted to the Forest Service, and the Oregon Department of Fish and Wildlife. The site plan shall be reviewed by the Forest Service in consultation with the appropriate state or federal agency and reviewed and approved by the Planning Director if appropriate.~~

~~(4) Review of the site plan shall consider the following:~~

- ~~(a) Biology and habitat requirements of the flora or fauna of concern.~~
- ~~(b) Historic, current, and proposed uses in the vicinity of sensitive species, including cumulative effects.~~
- ~~(c) Existing condition of the site and the surrounding habitat and the useful life of the site.~~
- ~~(d) Physical characteristics of the subject parcel and vicinity, including topography, vegetation, and soil and hydrological characteristics.~~
- ~~(e) Minimum natural resource protection standards including buffer zones.~~
- ~~(f) Closure of forest practice roads necessary to protect natural resources.~~
- ~~(g) Comments from state and federal agencies.~~

~~(5) Minimum natural resource protection standards include:~~

~~(a) Sites of sensitive wildlife and sensitive plant species.~~

- ~~1. A 200 foot buffer zone shall be created for sensitive plant species.~~
- ~~2. A buffer zone for sites of sensitive wildlife species, such as nesting, roosting and perching sites, as defined by species requirements shall be as determined by the Forest Service biologist in consultation with other state or federal agency biologists.~~

~~(b) Riparian, Wetlands, Parks, and Lakes.~~

- ~~1. Adding any fill or draining of wetlands is prohibited.~~
- ~~2. A minimum 200 foot buffer zone shall be created on the landward side of each wetland, pond or lake; or a wider variance from this requirement shall be determined during the site plan analysis of the wetland or riparian area and those species inhabiting the area as determined by the Forest Service biologist in consultation with state and/or federal agencies;~~
- ~~3. A 200 foot buffer zone shall be created along each fish-bearing and perennial stream.~~
- ~~4. A 50 foot buffer zone shall be created along intermittent streams.~~

~~5. Revegetation shall use only species native to the Columbia River Gorge, and shall provide and maintain habitat diversity beneficial to the fish, wildlife and native plants.~~

~~6. Maintenance, repair, reconstruction and realignment of roads and railroads within their rights of way shall be exempted from the wetlands and riparian standards upon demonstration of the following:~~

~~a. The wetland within the right of way is a drainage ditch not part of a larger wetland outside of the right of way;~~

~~b. The wetland is not critical habitat; and~~

~~c. Proposed activities within the right of way would not adversely affect a wetland adjacent to the right of way.~~

~~7. There shall be no destruction of wetlands except within roads and railroad rights of way as provided in subsection 8 below. There shall be no destruction of riparian areas except for water dependent uses, such as boat ramps, and road construction and reconstruction. Above stated exceptions to riparian destruction policy shall meet minimum natural resource protection standards and be reviewed for meeting resource protection guidelines.~~

~~8. The exact location of wetlands boundaries shall be delineated using the procedures specified in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands *Federal Interagency Committee for Wetland Delineation, 1989*. Changes to this Federal manual would not apply to the Scenic Area unless the National Scenic Area Management Plan has been amended. The approximate location and extent of wetlands in the National Scenic Area is shown on the National Wetlands Inventory (U.S. Fish and Wildlife Service, 1987).~~

~~(c) Fish and Wildlife Habitat:~~

~~1. Structures such as bridges, culverts, and utility corridors shall be designed so as not to impede the passage of fish and wildlife.~~

~~2. New developments and uses shall not interfere with fish passage.~~

~~3. Filling of shallow water fishery habitat shall be allowed only after an analysis showing that no other practicable sites exist. Filling shall only be considered for water dependent uses and mitigation shall be required.~~

~~4. New developments and uses shall occur during periods when fish and wildlife are least sensitive to activities. This would include, among others, nesting and brooding periods (from nest building to fledgling of young), and those periods specified in *Oregon Guidelines for Timing of In-Water Work to Protect Fish and Wildlife Resources* (Oregon Dept. of Fish and Wildlife).~~

~~5. In areas of big game winter range adequate thermal cover shall be maintained as determined by the appropriate state wildlife agency.~~

6. Forest practices shall maintain the following:

a. Six live trees per acre, three of which shall be of the largest tree size available and three of which shall be of various sizes to provide replacements as snags and wildlife trees; and three dead trees per acre, of the largest tree size available; and three down trees per acre in the largest tree size available. All trees shall be unburned.

In areas with mixed oak and conifer stands, at least one of the three dead trees per acre shall be an oak snag of the largest tree size and one additional live conifer per acre of 16 inch dbh (diameter at breast height) or greater, preferably with limbs down to the ground, shall be maintained.

b. Snags and wildlife trees shall be maintained either as clumps or evenly distributed over the forest practice area.

c. Down logs shall be relatively solid and no area greater than two acres in size and capable of supporting forested conditions shall be without a minimum of two down logs.

(d) Bio-diversity:

1. New uses shall avoid disturbance to old-growth forests.

2. Forest practices shall maintain species composition at existing proportions in the activity area.

3. Forest practices in areas with existing oak species, shall maintain a minimum of 25 square feet basal area per acre of oak in areas with predominantly oak trees of one foot dbh or more, or maintain a minimum forty percent oak canopy cover per 40 acres in which 10 trees per acre must be of the largest tree size, in areas with predominantly oak trees less than one foot dbh. No area greater than 10 acres in size and supporting existing oak species, shall be devoid of oak trees.

4. Maintain a mix in age and size of hardwoods in order to provide for vertical diversity and replacement.

5. For revegetation purposes, only plants species native to the Columbia River Gorge shall be encouraged.

(e) Soil productivity:

1. New developments and land uses shall control all soil movement within the area shown on the site plan.

2. The soil area disturbed by new development or land uses shall not exceed 15 percent of the project area.

~~3. Within one year of project completion 80 percent of the project area with surface disturbance shall be established with effective native ground cover species or other soil stabilizing methods to prevent soil erosion until the area has 80 percent vegetative cover.~~

~~4. Forest practices shall maintain the following:~~

~~a. Soil organic matter shall be provided at a minimum of 15 tons per acre and 25 tons per acre of dead and down woody material in the east and west side vegetation communities respectively.~~

~~b. Potential ground disturbance activities shall be designed to minimize disturbance to the soil organic horizon.~~

~~(f) Air and water quality:~~

~~1. Streambank and shoreline stability shall be maintained or restored with natural revegetation.~~

~~2. All new developments shall be carried out to comply with state water quality requirements.~~

~~3. Existing levels of air visibility shall not be degraded. The Scenic Area shall be suited for designation as a Class 1 airshed.~~

~~4. County, state and federal regulations for air and water quality and for pesticide use shall be followed.~~

~~(6) The applicant shall develop a natural resource mitigation plan for all new developments or uses proposed within a buffer zone. The applicant's mitigation plan shall:~~

~~(a) Include existing natural and cultural features.~~

~~(b) Include proposed actions within and adjacent to the buffer zone.~~

~~(c) Include mitigation measures as necessary to comply with the minimum natural resource protection standards and protect natural resources from adverse effects.~~

~~(d) Be prepared by a natural resource specialist as defined.~~

~~(e) Demonstrate mitigation measures which would offset the adverse effects of the proposed new use or developments and which would ensure protection, long term viability, and function of the resource being protected by the buffer zone.~~

~~(7) The natural resource mitigation plan shall be reviewed to ensure the proposed mitigation is adequate and for compliance with minimum natural resource protection standards by the Forest Service in consultation with appropriate state or federal agencies and reviewed and approved by the Planning Director if appropriate.~~

Section 75. § 38.7085 is amended as follows:

38.7085 SMA Recreation Resource Review Criteria

(A) The following shall apply to all new developments and land uses:

* * *

(7) The Planning Director may grant a variance of up to 10 percent to the standards of Recreation Intensity Class 4 for parking and campground units upon demonstration that:

* * *

(d) The proposed use is consistent with the goals, objectives, and policies in ~~this chapter~~the Management Plan, Part I, Chapter 4.

* * *

(g) Mass transportation has been considered and implemented, if feasible~~will be utilized to the maximum feasible extent to relieve parking demand.~~

~~(8) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new high intensity (Recreation Intensity Class 3 or 4) day-use recreation sites, except for sites predominantly devoted to boat access.~~

~~(9)~~ New interpretive or education programs and/or facilities shall follow recommendations of the *Interpretive Strategy for the Columbia River Gorge National Scenic Area.*

~~(10)~~ Proposals to change the Recreation Intensity Class of an area to a different class shall require a Plan Amendment pursuant to MCC 38.0100.

~~(11)~~ A demonstration that the proposed project or use will not generate traffic, either by type or volume, which would adversely affect the Historic Columbia River Highway, shall be required prior to approval.

(B) SMA Recreation Intensity Class Standards. The recreation intensity classes are designed to protect recreation resources by limiting land development and land uses.

* * *

(3) Intensity Class 3

Emphasis is on facilities with design themes emphasizing the natural qualities of the area. Developments are complementary to the natural landscape, yet can accommodate moderate numbers of people.

* * *

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 3) day-use recreation sites, except for sites predominantly devoted to boat access.

(e) All uses permitted in Classes 1 and 2 are permitted in Class 3. The following uses may also be permitted:

* * *

(4) Intensity Class 4

Emphasis is for providing roaded natural, rural, and suburban recreation opportunities with a high level of social interaction.

(a) Permitted uses are those in which people can participate in activities to realize experiences such as socialization, cultural and natural history appreciation, and physical activity.

(b) The maximum design capacity shall not exceed 1000 people at one time on the site. The maximum design capacity for parking areas shall be 200 vehicles. The GMA vehicle capacity level of 250 vehicles shall be allowed if enhancement or mitigation measures of scenic, cultural, or natural resources are approved for at least 20 percent of the site.

(c) Accommodation of facilities for mass transportation (bus parking, etc.) shall be required for all new (Recreation Intensity Class 4) day-use recreation sites, except for sites predominantly devoted to boat races.

(ed) All uses permitted in Classes 1, 2, and 3 are permitted in Class 4.

Section 76. § 38.7090 is amended as follows:

38.7090 Responses to an Emergency/Disaster Event

Responses to an emergency/disaster event are allowed in all zoning districts within the Columbia River Gorge National Scenic Area when in compliance with the following standards:

(A) General standards for all response activities.

* * *

(2) Structures or development installed or erected for a temporary use (e.g. sandbags, check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one year following an emergency event. If it can be demonstrated that the continued use of these devices is necessary to protect life, property, public services or the environment, an extension of no more than two years may be granted by the Planning Director, or the U.S. Forest Service for federal agency actions.

* * *

(B) Notification Requirements

(1) Actions taken in response to an emergency/disaster event, as defined in MCC 38.0015, are allowed in all GMA and SMA land use designations, subject to the following notification requirements.

* * *

(c) Notification shall be furnished to the Planning Director, or the U.S. Forest Service for federal agency actions.

* * *

(2) Upon notification of an emergency/disaster response action, the Planning Director or the U.S. Forest Service shall, as soon as possible:

* * *

(c) Notify the U.S. Forest Service (except when the U.S. Forest Service is the notifying agency), State Historic Preservation Office (SHPO), and the Tribal governments of all emergency/disaster response activities. The U.S. Forest Service will review their cultural resource inventory data and notify the contact person for the emergency/disaster response action as soon as possible of all inventoried cultural resource sites, or their buffers, that are within, or adjacent to, emergency/disaster response areas.

(3) Upon notification of a response action, the U.S. Forest Service shall, as soon as possible, offer the services of a resource advisor to the agency(ies) conducting the response action. The resource advisor will provide on-site advice to minimize impacts to resources from emergency/disaster response actions.

(C) Post-Emergency/Disaster Response Site Review Application Requirements

(1) Within 30 days following notification, a post-emergency/disaster response application shall be submitted by the party conducting the response action to the Planning Director, or U.S. Forest Service for federal agency actions. In the case of an event with multiple responding parties, the agency providing initial notification as required herein shall submit the application. An exception to this may occur if another responding party, by mutual agreement with the other respondents, elects to submit the application. Requests to extend this submittal deadline may be made in writing and shall include the reason why an extension is necessary. Extensions shall not exceed 30 days in duration and no more than two (2) extensions shall be granted.

(2) Post-emergency/disaster response applications shall only address development activities conducted during an emergency/disaster response. Applications shall specify if development placed during an emergency/disaster event is permanent or temporary. The terms "development activities" and "development" include the disposal of any soil materials associated with an emergency/disaster response action. Applicants shall be responsible for operations under their control and that of other responders, upon mutual agreement. Responders not agreeing to have another responder address their actions shall be responsible to submit an application for those actions.

* * *

(E) Post-Emergency/Disaster Response Site Review Approval Criteria

Actions taken in all land use designations that are in response to an emergency/disaster event shall be reviewed for compliance with the following standards:

(1) Scenic Resources

* * *

(f) In the General Management Area, Spoil materials associated with grading, excavation and slide debris removal activities in relation to an emergency/disaster response action, shall either be comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the NSA or

b. ~~d~~Deposited at a site within the NSA where such deposition is, or can be, allowed, or

2. ~~c~~ Contoured, to the greatest extent practicable, to retain the natural topography, or a topography which emulates that of the surrounding landscape.

2. The County shall decide whether an applicant removes the spoil materials (MCC 38.7090(E)(1)(f) 1.a.), deposits the spoil materials (MCC 38.7090(E)(1)(f) 1.b.), or contours the spoils materials (MCC 38.7090(E)(1)(f) 1.c.) The applicant does not make this decision.

3. The County shall select the action in MCC 38.7090(E)(1)(f) 1. that, to the greatest extent practicable, best complies with the provisions in Chapter 38 that protect scenic, cultural, recreation, and natural resources.

4. Disposal sites created according to MCC 38.070(E)(1)(f) 1.b. shall only be used for spoil materials associated with an emergency/disaster response action. Spoil materials from routine road maintenance activities shall not be deposited at these sites.

(g) In the Special Management Area, spoil materials associated with grading, excavation, and slide debris removal activities in relation to an emergency/disaster response action shall comply with the following standards:

1. The spoil materials shall either be:

a. Removed from the NSA, or

b. Deposited at a site within the NSA where such deposition is, or can be, allowed within two years of the emergency.

2. After the spoils materials are removed, the emergency disposal site shall be rehabilitated to meet the scenic standard.

3. All grading (i.e. contouring) shall be completed within 30 days after the spoils materials are removed.

4. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

5. All revegetation shall take place within one (1) year of the date an applicant completes the grading.

6. MCC 38.7090 (E) (1) (g) shall take effect on August 3, 2006, or approval of a disposal site, which ever comes first.

(2) Cultural Resources and Treaty Rights

(a) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect cultural resources. Emergency/disaster response actions shall not affect Tribal treaty rights.

(b) The U.S.D.A Forest Service shall determine if a reconnaissance survey or historic survey is necessary within three days after receiving notice that a post-emergency land use application has been received by the Planning Director.

1. Reconnaissance surveys shall be conducted by the U.S.D.A Forest Service and comply with the standards of MCC 38.7045 (D) (1) and (D)(2)(c).

* * *

(d) When written comments are submitted in compliance with (C) (2) above, the project applicant shall offer to meet within five calendar days with the interested persons. The five day consultation period may be extended upon agreement between the project applicant and the interested persons. A report shall be prepared by the Planning Director following the consultation meeting. Consultation meetings and reports shall comply with the standards of MCC 38.7045 (C) (1) and (2) and 38.0110 (A)(1) and (2).

(e) If cultural resources are discovered within the area disturbed by emergency response actions, the project applicant shall have a qualified professional conduct a survey to gather enough information to evaluate the significance of the cultural resources and what effects the action had on such resources. The survey and evaluation shall be documented in a report that follows the standards of MCC 38.7045 (D) (2)(c) and, (F) and (G).

(f) A mitigation plan shall be prepared by the project applicant if the affected cultural resources are significant. The mitigation plan shall be prepared according to the information, consultation, and report standards of MCC 38.7045 (J) and (K).

* * *

(3) Natural Resources

* * *

(b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or areas, and sites containing rare plants, shall be the same as those established in MCC .7060(F).

1. *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

* * *

e. Unless addressed through d. above, mitigation and restoration efforts shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the standards of MCC .7060~~(G)~~(1) and (2). Rehabilitation Plans shall also satisfy the following:

* * *

2. *Wildlife Habitat*

* * *

b. Site plans for emergency/disaster response sites shall be submitted by the Planning Director to the Oregon Department of Fish and Wildlife for review as required by MCC 38.7065 (~~DC~~) (1) and (2). The department shall respond within 15 days of the date the application is mailed.

* * *

d. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had minor effects on the wildlife area or site that could be eliminated with simple modifications, a letter shall be sent to the project applicant that describes the effects and measures that need to be taken to eliminate them. The state wildlife biologist, or a U.S. Forest Service natural resource advisor (as available) in consultation with the state wildlife biologist, shall visit the site in order to make this determination. If the project applicant accepts these recommendations, the Planning Director shall incorporate them into the Site Review decision and the wildlife protection process may conclude.

e. If the Planning Director, in consultation with the Oregon Department of Fish and Wildlife, determines that the emergency/disaster response activities had adverse effects on a sensitive wildlife area or site, the project applicant shall prepare a Wildlife Management Plan. Wildlife Management Plans shall satisfy the standards of MCC .7065(~~ED~~). Upon completion of the Wildlife Management Plan, the Planning Director shall:

* * *

3. *Deer and Elk Winter Range*

Any fencing permanently erected within deer and elk winter range, as a result of an emergency/disaster response, shall satisfy the standards of MCC 38.7065 (~~FE~~).

4. *Rare Plants*

* * *

e. If emergency/disaster response activities occurred within a rare plant buffer zone that had adverse affects on rare plants or their buffer zone, the project applicant shall prepare a protection and rehabilitation plan, that meets the standards of MCC 38.7070 (~~ED~~).

* * *

Section 77. § 38.7100 is added as follows:

38.7100 Expedited Development Review Criteria

(A) Proposed developments reviewed using the expedited review process shall comply with the following resource protection guidelines:

(1) Scenic

(a) In the General Management Area, the scenic resource protection provisions MCC 38.7100 (A)(1)(b) through (f) shall not apply to woven-wire fences for agricultural use that would enclose 80 acres or less.

(b) The colors of structures topographically visible from key viewing areas shall be dark earth-tones found at the specific site or the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. This guideline shall not apply to additions, which may match the color of existing buildings.

(c) Structures topographically visible from key viewing areas shall use low or non-reflective building materials, including roofing, gutters, vents, and chimneys.

(d) Outdoor lights shall be directed downward and sited, hooded, and shielded such that they are not highly visible from key viewing areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.

(e) Signs shall comply with the applicable sign provisions of MCC 38.0080.

(f) Structures within ½-mile of a key viewing area and topographically visible from the key viewing area shall be sited, screened and/or designed to achieve the applicable scenic standard (e.g., visual subordination, not visually evident).

(2) Cultural

(a) The expedited development review process shall only be used to review proposed development that does not require a reconnaissance survey or historic survey. The Cultural Resources Reconnaissance Survey Criteria in MCC 38.7045(A)(1), (2), and (3) shall be used to determine if a reconnaissance and/or historic survey is required for a proposed development.

(b) The GMA provisions that protect cultural resources in MCC 38.7045(L) and human remains discovered during construction in MCC 38.7045(M) shall be applied as conditions of approval for all development approved under the expedited development review process.

(3) Recreation

The development shall not detract from the use and enjoyment of established recreation sites on adjacent parcels.

(4) Natural

(a) Wetlands, Streams, Rivers, Ponds, and Lakes

The development is outside buffer zones for wetlands, streams, rivers, ponds, and lakes. This guideline shall not apply to lot line adjustments or development located inside road, utility or railroad rights-of-way or easements that have been previously disturbed and regularly maintained.

(b) Sensitive Wildlife and Sensitive Plants

1. The development meets one of the following:

a. The development is at least 1,000 feet from known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range, and turkey habitat) and known sensitive plants; or

b. The development does not disturb the ground or is inside road, utility or railroad rights-of-way or easements or other areas that have been previously disturbed and regularly maintained; or

c. For sensitive wildlife, the development is within 1,000 feet of known sensitive wildlife areas or sites (excluding sensitive aquatic species, deer winter range and turkey habitat), but an appropriate federal or state wildlife agency determines

1) the sensitive wildlife area or site is not active; or

2) the proposed development would not compromise the integrity of the wildlife area or site or occur during the time of the year when wildlife species are sensitive to disturbance.

For sensitive plants, the development is within 1,000 feet of known sensitive plants, but the Oregon Natural Heritage Program or a person with recognized expertise in botany or plant ecology hired by the applicant has determined that the development would be at least 200 feet from the sensitive plants.

2. Development eligible for expedited review shall be exempt from the field surveys for sensitive wildlife in MCC 38.7065 (A) or sensitive plants in MCC 38.7070 (A).

(B) Proposed developments reviewed using the expedited review process shall comply with the following treaty rights protection guidelines:

(1) Proposed developments shall not adversely affect treaty or other rights of any Indian tribe.

(2) The expedited development review process shall cease and the proposed development shall be reviewed using the full development review process if an Indian tribe submits substantive written comments during the comment period that identify the treaty rights that exist in the project vicinity and explain how they would be affected or modified by the proposed development.

(3) Except as provided in MCC 38.7100(B)(2) above, the GMA and SMA treaty rights, and the consultation process discussed in MCC 38.0110 shall not apply to proposed developments reviewed under the expedited review process.

Part 7 – Special Uses

Section 78. § 38.7300* is added as follows:

38.7300* PART 7 – SPECIAL USES – Approval Criteria and Submittal Requirements

Section 79. § 38.0075 is renumbered and amended as follows:

38.0075-7300 Approval Criteria For Review and Conditional Uses

(A) Agriculture

(1) The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and

(2) The use will be sited to minimize the loss of land suitable for the production of crops or livestock..

(B) Forestry

(1) The owners of land designated GGF or GGA within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(2) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(3) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(4) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.0085.

(C) Residential

(1) The proposed use would be compatible with the surrounding area. Review of compatibility shall include impacts associated with the visual character of the area, traffic generation, effects of noise, dust and odors.

(2) The proposed use will not require public services other than those existing or approved for the area.

(3) If the subject parcel is located within 500 feet of lands designated GGA or GGF, new buildings associated with the proposed use shall comply with MCC 38.0060.

(4) If the subject parcel is located within 500 feet of lands designated GGF, new buildings associated with the proposed use shall comply with MCC 38.0085.

(D) Commercial

(1) The proposal is limited to 5,000 square feet of floor area per building or use; and

(2) The proposed use would be compatible with the surrounding areas including review for impacts associated with the visual character of the area, traffic generation and the effects of noise, dust and odors.

(E) Non-Recreation Uses in GG– PR

(1) The proposed use will not interfere with existing or approved public recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc.*

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

(F) Non-Recreation Uses in GG– CR

(1) The proposed use will not interfere with existing or approved commercial recreation uses on the subject property or adjacent lands. Mitigation measures to comply with this criterion may include onsite buffers, seasonal or temporary closures during peak recreation use periods, *etc.*

(2) The proposed use will not permanently commit the majority of the site to a non-recreational use. Careful siting and design of structure and other improvements may be utilized to comply with this criterion.

(3) Land divisions may be allowed upon a demonstration that the proposed land division is necessary to facilitate, enhance or otherwise improve recreational uses on the site.

Section 80. § 38.0085 is renumbered and amended as follows:

38.0085-7305 Approval Criteria for Fire Protection in Forest Zones

(A) All buildings shall be surrounded by a maintained fuel break of ~~60~~50 feet. Hazardous fuels shall be removed within the fuel break area. Irrigated or fire resistant vegetation may be planted within the fuel break. This could include green lawns and low shrubs (less than 24 inches in height). Trees should be spaced greater than 15 feet between the crowns and pruned to remove dead and low (less than 8 feet) branches. Accumulated leaves, needles, and other dead vegetation shall be removed from beneath trees.

(B) Buildings with plumbed water systems shall install at least one standpipe a minimum of 50 feet from the structure.

(C) For properties located outside of a fire district, aA pond, stream, tank or sump with storage of not less than 1,000 gallons, or a well or water system capable of delivering 20 gallons per minute shall be provided. If a well pump is located on-site, the electrical service shall be separate from the dwelling.

(D) Access drives shall be constructed to a minimum of 12 feet in width and not exceed a grade of 12 percent. Turnouts shall be provided at a minimum of every 500 feet. Access drives shall be maintained to a level that is passable to fire equipment. Variances to road standards may be made only after consultation with the local rural fire district and the Oregon Department of Forestry.

(E) Within one year of the occupancy of a dwelling, the Planning Director shall conduct a review of the development to assure compliance with these standards.

(F) Telephone and power supply systems shall be underground whenever possible.

(G) Roofs of structures should be constructed of fire-resistant materials such as metal, fiberglass shingle or tile. Roof materials such as cedar shake and shingle should not be used.

(H) Any chimney or stovepipe on any structure for use with a woodstove or fireplace should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant and should be equipped with a spark arrestor.

(I) All structural projections such as balconies, decks and roof gables should be built with fire resistant materials equivalent to that specified in the Uniform Building Code.

(J) Attic openings, soffit vents, foundation louvers or other ventilation openings on dwellings and accessory structures should be screened with no coarser than 1¼ inch mesh metal screen that is noncombustible and corrosion resistant.

Section 81. § 38.0090 is renumbered and amended as follows:

38.0090-7310 Approval Criteria for Specific Uses

Uses identified in MCC 38.2025 (A) (4417); MCC 38.2030 (A) (5), (6) and (7); and MCC 38.2030 (B) (8) may be allowed only if they meet all of the following criteria:

(A) The owners of land designated GGF-20, GGF-40, GGA-20 or GGA-40 within 500 feet of the perimeter of the subject parcel have been notified of the land use application and have been given at least 10 days to comment prior to a final decision;

(B) The use will not interfere seriously with accepted forest or agricultural practices on nearby lands devoted to resource use;

(C) The use will be sited in such a way as to minimize the loss of forest or agricultural land and to minimize the chance of interference with accepted forest or agricultural practices on nearby lands; and

(D) The use will not significantly increase fire hazard, fire suppression costs or risks to fire suppression personnel and will comply with MCC 38.00857305.

Section 82. § 38.0095 is renumbered and amended as follows:

38.0095-7315 Approval Criteria for Siting of Dwellings on Forest Land

The approval of new dwellings and accessory structures on forest lands shall comply with the following standards:

(A) The dwelling and structures shall be sited on the parcel so that they will have the least impact on nearby or adjoining forest operations. Dwellings shall be set back at least 200 feet from adjacent properties unless locating the proposed development closer to existing development on adjacent lands would minimize impacts on nearby or adjacent forest operations;

(B) The amount of forest land used to site dwellings, structures, access roads and service corridors shall be minimized. The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subsection (A), above; and

(C) Dwellings shall be located to minimize the risks associated with fire. Dwellings should be located on gentle slopes and in any case not on slopes which exceed 40 percent. Narrow canyons and draws should be avoided. Dwellings should be located to minimize the difficulty in gaining access to the structure in the case of fire. Dwellings should be located to make the access roads as short and flat as possible.

(D) A variance to the siting standards of this subsection may be granted pursuant to the provisions of MCC 38.0065.

Section 83. § 38.7320 is added as follows:

38.7320 Temporary Health Hardship Dwelling

Temporary Health Hardship Dwelling – the temporary placement of a mobile home may be granted when:

(A) A family hardship exists where conditions relate to the necessary care for a member of the family occupying the principal dwelling and where medical conditions relate to the infirm or aged.

(B) The hardship dwelling will use the same subsurface sewage disposal system used by the existing dwelling, if the system is adequate to accommodate the additional dwelling, unless the additional dwelling can use an existing public sanitary sewer system.

(C) The hardship dwelling is found to be consistent with the standards for protection of scenic, cultural, natural and recreation resources of MCC 38.7000 through 38.7085.

(D) A permit may be issued for a 2 year period, subject to annual review for compliance with the provisions of this section and any other conditions of approval.

(E) Upon expiration of the permit or cessation of the hardship, whichever comes first, the mobile home shall be removed within 30 days.

(F) A new permit may be granted upon a finding that a family hardship continues to exist.

Section 84. § 38.7325 is added as follows:

38.7325 Private Docks and Boathouses

New docks shall be consistent with applicable standards for protection of scenic, cultural, natural and recreation resources.

(A) New private docks and boathouses serving only one family and one property shall be limited to a maximum of 120 square feet in size.

(B) New private docks and boathouses serving more than one family and property shall be limited to a maximum of 200 square feet in size.

(C) Public docks open and available for public use shall be allowed.

(D) Boathouses may be allowed under 38.7325 (A) and (B) only when accessory to a dwelling and associated with a navigable river or lake.

Section 85. § 38.7330 is added as follows:

38.7330 Home Occupations and Cottage Industries

Home occupations and cottage industries may be established as authorized in various districts consistent with the following:

(A) A home occupation may employ only residents of the home.

(B) A cottage industry may employ up to three outside employees.

(C) No more than 25 percent of the total actual living space of the dwelling may be utilized for the home occupation or cottage industry.

(D) No more than 500 square feet of an accessory structure may be utilized for a home occupation or cottage industry.

(E) There shall be no outside, visible evidence of the home occupation or cottage industry, including outside storage.

(F) Exterior structural alterations to the residence for the home occupation or cottage industry shall not be permitted. New structures shall not be constructed for the primary purpose of housing a home occupation or cottage industry.

(G) No retail sales may occur on the premises, except incidental sales at lodging authorized establishments.

(H) One non-animated, non-illuminated sign, not exceeding 2 square feet in area may be permitted on the subject structure or within the yard containing the home occupation or cottage industry.

(I) Parking not associated with residential use shall be screened from Key Viewing Areas.

(J) A bed and breakfast lodging establishment which is two bedrooms or less is considered a home occupation and shall meet the standards of MCC 38.7335.

Section 86. § 38.7335 is added as follows:

38.7335 Bed and Breakfast Inns

Bed and breakfast inns may be established as authorized in various districts subject to the following:

(A) Guests may not occupy a facility for more than 14 consecutive days.

(B) One non-animated, non-illuminated sign not exceeding 4 square feet in area may be permitted on the structure or within the yard containing the structure.

(C) Parking areas shall be screened so as to not be visible from Key Viewing Areas.

Section 87. § 38.7340 is added as follows:

38.7340 Agricultural Buildings

(A) The size of proposed agricultural buildings shall not exceed the size needed to serve the current agricultural use and, if applicable, the proposed agricultural use.

(B) To explain how (A) above is met, applicants shall submit the following information with their land use application:

(1) A description of the size and characteristics of current agricultural use.

(2) An agricultural plan for any proposed agricultural use that specifies agricultural use (e.g., crops, livestock, products), agricultural areas and acreages (e.g., fields, pastures, enclosures), agricultural structures (e.g., irrigation systems, wind machines, storage bins) and schedules (e.g., plowing, planting, grazing).

(3) A floor plan showing intended uses of the agricultural building (e.g., space for equipment, supplies, agricultural products, livestock).

Section 88. § 38.7345 is added as follows:

38.7345 Resource Enhancement Projects

(A) Applications for resource enhancement projects must describe the goals and benefits of the proposed enhancement project. They must also thoroughly document the condition of the resource before and after the proposed enhancement project.

(B) In addition to other provisions that protect scenic, cultural, recreation, and natural resources, quarry enhancement projects shall comply with the following provisions:

(1) Application Requirements. In addition to other applicable requirements, land use applications for quarry enhancement projects shall include perspective drawings of the site as seen from key viewing areas and a reclamation plan that shall include:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Scenic Resource Standard. Quarry enhancement projects shall restore the site to a natural appearance that blends with and emulates surrounding landforms to the maximum extent practicable.

(3) Natural Resource Standard. Sites shall be replanted using native plants found in the landscape setting or ecoregion to the maximum extent practicable.

(4) Time Frames. The following time frames shall apply to quarry enhancement projects:

(a) All grading (e.g., excavating, filling and re-contouring) shall be completed within one (1) year of the date an applicant begins on-the-ground work.

(b) All landscaping shall be planted within one (1) year of the date an applicant completes the grading.

(c) An applicant may request one one-year extension to the one year grading time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after grading has commenced and before the one year grading time frame has expired.

(d) An applicant may also request one six-month extension to the one (1) year landscaping time frame if a project is unexpectedly delayed by adverse weather or emergency/disaster. Such requests shall be considered an administrative action. An applicant shall submit such a request to the reviewing agency after landscaping has commenced and before the one-year landscaping time frame has expired.

Section 89. § 38.7350 is added as follows:

38.7350 Disposal Sites for Spoil Materials from Public Road Maintenance Activities

(A) Application Requirements. In addition to other applicable requirements, land use applications for disposal sites shall include the same information that applicants are required to submit for expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

(1) A reclamation plan that includes:

(a) A map of the site, at a scale of 1 inch equals 200 feet (1:2,400) or a scale providing greater detail, with 10-foot contour intervals or less, showing pre-reclamation existing grades and post-reclamation final grades; locations of topsoil stockpiles for eventual reclamation use; location of catch basins or similar drainage and erosion control features employed for the duration of the use; and the location of storage, processing, and equipment areas employed for the duration of the use.

(b) Cross-sectional drawings of the site showing pre-reclamation and post-reclamation grades.

(c) Descriptions of the proposed use, in terms of estimated quantity and type of material removed, estimated duration of the use, processing activities, etc.

(d) Description of drainage/erosion control features to be employed for the duration of the use.

(e) A landscaping plan providing for revegetation consistent with the vegetation patterns of the subject landscape setting, indicating species, number, size, and location of plantings for the final reclaimed grade, as well as a description of irrigation provisions or other measures necessary to ensure the survival of plantings.

(2) Perspective drawings of the site as seen from key viewing areas.

(3) Cultural resource reconnaissance and historic surveys, as required by MCC 38.7045 (A). Disposal sites shall be considered a "large-scale use" according to MCC 38.7045 (D)(2).

(4) Written reports of field surveys to identify sensitive wildlife areas or sites and sensitive plants.

(a) Field survey reports identifying sensitive wildlife sites shall:

1. Cover all areas affected by the proposed use or recreation facility;
2. Be conducted by a professional wildlife biologist hired by the project applicant;
3. Describe and show all sensitive wildlife areas and sites discovered in a project area on the site plan map.

(b) Field survey reports identifying sensitive plant sites shall:

1. Cover all areas affected by the proposed use or recreation facility;
2. Be conducted by a person with recognized expertise in botany or plant ecology hired by the project applicant;
3. Identify the precise location of the sensitive plants and delineate a 200-foot buffer zone;
4. Show results on the site plan map.

(B) Siting Standard. The proposed disposal site shall only be approved if the applicant demonstrates it is not practicable to locate the disposal site outside the Scenic Area or inside an Urban Area. At a minimum, the applicant shall submit a feasibility and suitability analysis that compares the proposed disposal site to existing or potential disposal sites located both outside the Scenic Area and inside an Urban Area.

(C) Scenic Resource Standards. Disposal sites shall comply with the same scenic resources protection standards as expansion of existing quarries and production and/or development of mineral resources in the GMA, including, but not limited to:

(1) Sites more than 3 miles from the nearest key viewing area shall be visually subordinate as seen from any key viewing area, according to MCC 38.7035 (B) (25).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall not exceed 3 years beyond the start of on-the-ground activities.

(2) Sites less than 3 miles from the nearest key viewing area shall be fully screened from any key viewing area, according to MCC 38.7035 (B) (26).

An interim period to achieve compliance with this requirement shall be established before approval. The period shall be based on site-specific topographic and visual conditions, but shall

not exceed 1 year beyond the start of on-the-ground activities. Disposal activity occurring before achieving compliance with full screening requirements shall be limited to activities necessary to provide such screening (creation of berms, etc.).

(3) Reclamation plans shall restore the site to a natural appearance that blends with and emulates surrounding landforms and vegetation patterns to the maximum extent practicable.

Section 90. § 38.0070 is renumbered and amended as follows:

38.0070-7355 Approval Criteria for Life Estates

A landowner who sells or otherwise transfers real property on lands designated GGA or GGF may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in MCC 38.0015. A second dwelling may be allowed subject to compliance with MCC 38.7000 to 38.7085, and upon findings that:

(A) The proposed dwelling is in conjunction with agricultural use as determined by MCC 38.2225

(A) (5) (c); or

(B) On lands designated GGF- 20, one single-family dwelling on a legally created parcel upon enrollment in the state's forest assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family dwelling. In either case, the location of the dwelling shall comply with MCC ~~38.0085-7305~~ and ~~38.00957315~~. A declaration shall be signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands designated GGF- 80, GGF- 20, GGA- 40, or GGA- 20.

(C) Upon termination of the life estate, either the original or second dwelling shall be removed.

Section 91. § 38.7360 is added as follows:

38.7360 Cluster Development

(A) A land division in the General Management Area may create parcels smaller than the designated minimum size and may include a bonus, as specified below, in order to cluster new dwellings. Approval of cluster development shall be contingent upon submission of plans specifying dwelling sites and areas of permanent, undeveloped open land. To approve a cluster development, it must be found that clustering new dwellings will provide an opportunity not available through conventional parcel-by-parcel development to site new dwellings:

(1) In areas with screening vegetation or other features which reduce visibility of development as seen from Key Viewing Areas; or

(2) To avoid significant landscape features; or

(3) To protect the existing character of the landscape setting; or

(4) To reduce interference with movement of deer or elk in winter range; or

(5) To avoid areas of known cultural resources; or

(6) To consolidate road access, septic drainfields or other development features in order to reduce impacts associated with grading or ground disturbance; or

(7) To reduce adverse effects to riparian areas, wetlands, natural areas, rare plants, sensitive wildlife sites or other natural resources; or

(8) To increase the likelihood of agricultural or forest management on the undeveloped land left by the cluster development.

(B) Following cluster development, there may be no further division of any resulting parcel for residential purposes until the subject parcel is included within the boundary of an Urban Area. Approval of a cluster development shall include provisions for the permanent protection of open areas. No parcel in a cluster development may be smaller than 1 acre in a GGR- 5 or GGR- 10 or 2 acres in a GGA- 20 or GGF- 20.

(C) Cluster development may create up to 25 percent more parcels (rounded to the nearest whole number) than otherwise allowed by the minimum parcel size on lands designated GGR- 5 or GGR- 10 and up to 50 percent more parcels (rounded to the nearest whole number) on lands designated GGA- 20, GGF- 20, or GGF-40.

(D) At least 75 percent of land subject to a cluster development shall be permanently protected as undeveloped land.

(E) Contiguous parcels in the same ownership or in separate ownership may be consolidated and redivided to take advantage of cluster development bonuses.

Section 92. § 38.7365 is added as follows:

38.7365 Clearing of Trees for Agricultural Use in GSF)

Clearing of trees for agricultural use in GSF is subject to the following:

(A) A Stewardship Plan, in accordance with MCC 38.7375, shall be submitted and deemed complete by the county and submitted to the U.S. Forest Service for review.

(B) Clearing trees for new agricultural use shall be limited to 15 acres.

(C) If the Stewardship Plan proves that MCC 38.7365 (B) is detrimental to the proposed agricultural use, the final size of the clearing shall be determined by the application of MCC 38.7365 (D) below and subject to MCC 38.7365 (I).

(D) After a 30-day public comment period, the U.S. Forest Service shall review the Stewardship Plan using the following criteria:

(1) MCC 38.7370 (B) (1) and (B) (7).

(2) Applicable Cultural, Natural and Recreational Resource criteria in MCC Chapter 38 Part 6.

(3) The Natural Resource Conservation Service (NRCS) soil unit description shall indicate that soils are suitable for the proposed agricultural use. The woodland management tables shall be used as part of the analysis of suitability for both agricultural and forest uses.

(4) The size, shape and pattern on the landscape of the clearing for the new agricultural use shall blend with the surrounding landscape pattern either because the existing pattern includes agricultural openings or because the new agricultural opening is designed to appear natural.

(E) The U.S. Forest Service shall send the review statement to the appropriate county planning office. The U.S. Forest Service shall state whether or not the new agricultural use should proceed including any conditions that are recommended to be required by the county.

(F) The county will accept an application for new agricultural use on forested lands after receipt of a positive review statement from the U.S. Forest Service.

(G) The forest practice portion of the new agricultural use shall not be approved by the state forestry department or county until a decision on the new agricultural use is issued from the county.

(H) The new agricultural use shall be operational within two years of the time frame described in the approved Stewardship Plan.

(I) New agricultural uses with an approved Stewardship Plan requiring more than 15 acres shall attain the final approved size sequentially. After the first 15 cleared acres is operational, each subsequent clearing shall not occur until the previous clearing is operational.

Section 93. § 38.7370 is added as follows:

38.7365 Forest Practices in the Special Management Area

(A) Forest practices permitted as Review Uses in the Special Management Area in accordance with an approved forest practices application (see application requirements) and subject to the additional provisions in this chapter.

(1) The following information, in addition to the site plan requirements of MCC 38.0045 (A) (2) shall be required:

(a) Delineate the following on a recent aerial photo or detailed map.

1. The size, shape, and exact location of the proposed treatment area including any clumps of leave trees to remain. If more than one silvicultural prescription is to be used, code each on the photo.

2. Other important natural features of the subject parcel such as steep areas, streams, wetlands, rock outcrops, etc.

3. Road and structure construction and/or reconstruction location.

4. Location of proposed rock or aggregate sources.

5. Major skid trails, landings, and yarding corridors.

6. Commercial firewood cutting areas.

7. Protection measures for scenic, cultural, natural, and recreation resources, such as road closures.

(b) Describe the existing forest in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(c) Describe how the forest practice will fit into the existing landscape pattern and how it will meet scenic and natural resource standards in MCC 38.7370 (B) and (C).

(d) Written silvicultural prescriptions with projected post-treatment forest condition specified in terms of species, ages, sizes, landscape pattern (including how it fits into the surrounding landscape pattern) and canopy closure for all canopy layers.

(e) Road and structure construction and/or reconstruction design.

(f) Existing and proposed rock pit development plans.

(g) A discussion of slash disposal methods.

(h) A reforestation plan as reviewed by the appropriate state forest practices agency.

(2) As part of the application, flag, stake or mark buffers, any trees or downed wood to be retained or removed (whichever makes the most sense), and areas for placing fill or removing material in preparation for a field visit by the reviewer.

(B) For forest practices in the Special Management Area, the following scenic resource provisions shall apply:

(1) Forest practices shall meet the design guidelines and VOO scenic standards for the applicable landscape setting designated for the management area and zone (See MCC 38.7040(A)).

(2) In the western portion (to White Salmon River) of the SMA Coniferous Woodland Landscape Setting, no more than 8% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. Not more than 16% of each total ownership within. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(3) In the Western portion (to White Salmon River) of the SMA Gorge Walls, Canyonlands and Wildlands Landscape Setting, no more than 4% of the composite KVA viewshed from which the forest practice is topographically visible shall be in created forest openings at one time. The viewshed boundaries shall be delineated by the U.S. Forest Service. The U.S. Forest Service will assist (as available) in calculating and delineating the percentage of the composite KVA viewshed that is in created forest openings at one time.

(4) For all other landscape settings, created forest openings visible at one time shall be within the desired range for the vegetation type as set forth in MCC 38.7370 (C) (1)-(3).

(5) Size, shape, and dispersal of created forest openings shall maintain the desired natural patterns in the landscape as set forth in MCC 38.7370 (C) (1)-(3).

(6) The maximum size of any created forest opening is set forth by the "Desired" vegetation type in the Forest Structure and Pattern Table. The maximum size of any created opening shall be 15 acres. In the foreground of key viewing areas, the maximum size of created opening shall be 5 acres.

(a) If the treatment is proposed to go beyond the above guideline based on forest health or ecosystem function requirements, a Stewardship Plan shall be required.

(b) If the Stewardship Plan proves that the above guideline is detrimental to either forest health or ecosystem function, the size of the created forest opening shall be within the natural range for the vegetation type as listed in the Desired Forest Structure and Pattern Table for each vegetation type, shall not mimic catastrophic fires, and shall maintain scenic standards.

(7) Created forest openings shall not create a break or opening in the vegetation in the skyline as viewed from a key viewing area.

(C) Forest practices in the Special Management Area shall maintain the following in addition to applicable natural resources criteria in MCC 38.7075.

(1) Silvicultural prescriptions shall maintain the desired natural forest stand structures (tree species, spacing, layering, and mixture of sizes) based on forest health and ecosystem function requirements. Forest tree stand structure shall meet the requirements listed in the Desired Forest Structure and Pattern Table for each vegetation type. Forest tree stand structure is defined as the general structure of the forest in each vegetation type within which is found forest openings.

(2) Created forest openings shall be designed as mosaics not to exceed the limits defined as Desired in the Desired Forest Structure and Pattern Table unless proposed as a deviation as allowed in MCC 38.7370 (B) (6).

(3) Snag and down wood requirements shall be maintained or created as listed in the Desired Forest Structure and Pattern Table for each vegetation type.

(4) If the treatment is proposed to deviate from the snag and down wood requirements based on forest health or ecosystem function requirements, a Stewardship Plan shall be required and shall show and prove why a deviation from the snag and down wood requirements is required.

<u>DESIRED FOREST STRUCTURE AND PATTERN</u>								
<u>1</u>	<u>2</u>	<u>3</u>		<u>4</u>		<u>5</u>	<u>6</u>	<u>7</u>
<u>Vegetation Type[#]</u>	<u>Forest Structure (Average % total canopy closure (cc))[*]</u>	<u>Typical Forest Openings Size Disturbance caused</u>		<u>Percent Openings at One Time</u>		<u>Leave Trees</u>	<u>Average Down Wood</u>	<u>Average Snags</u>
		<u>Historic (Natural) Desired</u>		<u>Historic (Natural) Desired</u>		<u>Includes all available remnant old forest</u>	<u>Pieces 30 ft long per acre (scattered)</u>	<u>(Conifers) No. per acre</u> <u>Snags are 20-40 ft in height</u>
<u>West Conifer</u>	<u>60-80% canopy closure</u> <u>Understory layer variable (0-60% of total cc)</u>	<u>Variable sizes with mosaic pattern, irregular shapes</u> <u>Mosaic fire 1-100 acres</u> <u>Catastrophic fire over 100 acres</u>	<u>Retain forested character</u> <u>Allow openings up to 15 acres (up to 5 acres in the foreground of KVAs)</u> <u>All openings 1 acre or less on National Forest land and all Open Space LUD</u> <u>Openings retain 15 - 40 % canopy closure</u>	<u>10%(mosaic fire) up to 55%(catastrophic fire)</u> <u>Intense fire return interval is 300 yrs</u>	<u>Not to exceed 8% for West Coniferous Woodland Landscape Setting and not to exceed 4% for Gorge Walls, Canyonlands and Wildlands Landscape Setting</u> <u>Widely dispersed, variable sized mosaic of irregular shapes blending with existing openings.</u>	<u>Leave 15% of existing trees per acre throughout opening and in clumps.</u> <u>Include 3 trees per acre of the largest size trees available</u>	<u>18 - 25 pieces greater than 20" dbh</u>	<u>10 snags at 10" -20" dbh, and 7 snags greater than 20" dbh</u>

<u>DESIRED FOREST STRUCTURE AND PATTERN</u>								
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>		
<u>East Conifer (Ponder osa Pine/ Douglas fir)</u>	<u>40-80% canopy closure</u> <u>Understo ry layer less than 25% of total cc</u>	<u>Few Openin gs due to low intensit y fires. ¼ to 2 acres</u>	<u>Openings less than 1 acre</u> <u>Openings have 0 - 40% canopy closure</u> <u>Openings widely dispersed</u>	<u>1 - 10%</u>	<u>1 - 10% (% by vegetation type)</u>	<u>No leave trees required</u>	<u>3 - 6 pieces greater than 20" dbh</u>	<u>5 snags at 10"-20" dbh and 3 snags greater than 20" dbh</u>

Map available at the U.S. Forest Service National Scenic Area Office

* Does not apply to openings.

Dbh: Diameter at Breast Height

Section 94. § 38.7375 is added as follows:

38.7375 Stewardship Plan Requirements

The following information, in addition to the applicable portions of the forest practice application requirements above and general site plan requirements in MCC 38.0045 (A) (2) shall be provided:

(A) Outline the long term goals, proposed operations, and future sustainability of the subject parcel.

(B) Describe the time frame and steps planned to reach the long term goals.

(C) For Forest Practices, describe how the proposed activities fit into the long term goals and sustainability of the parcel and/or forest health. The following shall be addressed:

(1) Describe the range of natural conditions expected in the forest _____ in terms of tree species, structure, and landscape pattern.

(2) Describe what the resulting tree species, structure, and landscape pattern will be after the proposed activities.

(3) Give a clear explanation how a deviation from the applicable provisions may better achieve forest health objectives.

(4) Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.

(D) For clearing trees for new agricultural use, the following shall be addressed in addition to MCC 38.7375 (A) and (B) above:

(1) Submit NRCS soil unit description and map for each soil unit affected by the proposed clearing or treatment.

(2) Based on the needs of the operation, give a clear explanation as to the exact size of the clearing needed and how it will meet the natural and scenic requirements set forth in MCC 38.7365 (D).

(3) Describe in sufficient detail for evaluation the proposed agricultural use, the improvements needed on the parcel, time line for its establishment, and its marketability.

(4) Show evidence that an agricultural specialist, such as the county extension agent, has examined and found the proposed agricultural use reasonable and viable.

Part 8 – Variances And Land Divisions

Section 95. **§ 38.7600* is amended as follows:**

38.7600* PART 8 – VARIANCES AND LAND DIVISIONS - Variances

Section 96. **§ 38.7605 is amended as follows:**

38.7605 Variance Classification

* * *

(C) Notwithstanding (B) above, an applicant may seek approval of a variance to a dimensional requirement as a Major Variance, subject to the standards of this section.

Section 97. **§ 38.7705 is amended as follows:**

38.7705 Definitions

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

* * *

Section 98. **§ 38.7725 is amended as follows:**

38.7725 Compliance Required

No land may be divided in the Columbia River Gorge National Scenic Area except in accordance with this Chapter.

(A) Land Divisions within the NSA shall be classified and found to satisfy the applicable approval criteria specified in MCC 38.7700 through 38.8035, subject to the following:

(1) New land divisions, except lot line adjustments, are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan.

(2) All land divisions must consider consolidation of access in order to reduce adverse effects on scenic, cultural, natural and recreation resources.

~~(AB)~~ No person shall create a street for the purpose of dividing land without the approval of a subdivision or partition as provided by this Chapter.

~~(BC)~~ Except as provided in MCC 38.0560, ~~N~~no development permit shall be issued for the improvement or use of any land divided in violation of the provisions of this Chapter, regardless of whether the permit applicant created the violation. A division of land which is contrary to an approved subdivision plat or partition map is a violation of this Chapter.

~~(CD)~~ The requirements of this Chapter shall apply to the applicant for a land division and to the applicant's successors in interest in the land division or any portion thereof.

Section 99. § 38.7730 is added as follows:

38.7730 Consolidation of Unplatted Properties

Lots or parcels created by deed for which a corresponding plat is not recorded may be consolidated by subsequently recording a deed. A subsequently recorded deed that describes two or more unplatted lots or parcels as a single unit of land shall have the effect of vacating the lines separating the properties and consolidating the described real properties into a single parcel, as provided in ORS 92.017.

Section 100. § 38.7740 is added as follows:

38.7740 Undeveloped Subdivisions

A unit of land shall be consolidated with adjacent lands in the same ownership if the subdivision within which it is located is undeveloped pursuant to ORS chapter 92.

Section 101. § 38.7765 is amended as follows:

38.7765 Land Division Categories Distinguished

For the purposes of this Chapter, the land division classifications listed in sections 38.7770 through ~~38.7780-7775~~ are established.

Section 102. § 38.7870 is amended as follows:

38.7870 Time Limit

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

Section 103. § 38.7970 is amended as follows:

38.7970 Property Line Adjustment (Lot Line Adjustment)

(A) In the General Management Area:

(1) Lot line adjustments for parcels in all land use designations except Open Space, Commercial (GGC), Public Recreation (GG-PR, GS-PR), or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment shall not result in the creation of any new parcel(s).

(b) The lot line adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected parcels.

(c) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the lot line adjustment to become less than the minimum parcel size after the lot line adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(d) The lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced in size, except to accomplish one of the following purposes:

1. Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

a. The parcel to be enlarged would not become eligible for a subsequent land division and

b. The amount of land transferred would be the minimum necessary to resolve the issue.

2. Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(e) The lot line adjustment shall not allow the boundary of a parcel designated Large-Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or GGF-80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent provisions (e.g., extending a parcel designated GMA Large-Scale Agriculture [GGA-40] into a parcel designated Rural Center [GGRC] or Residential [GGR, GSR]).

(f) The lot line adjustment shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(g) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

(2) Lot line adjustments for parcels designated Open Space shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources. (Note: There is no specified minimum parcel size for parcels designated Open Space.)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(3) Lot line adjustments for parcels designated Commercial shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(4) Lot line adjustments for parcels designated Public Recreation (GG-PR, GS-PR) or Commercial Recreation (GG-CR) shall comply with the following standards:

(a) The lot line adjustment may be allowed upon demonstration that it is necessary to facilitate, enhance, or otherwise improve recreation uses on the parcel. (Note: There are no specified minimum parcel sizes for parcels designated Public Recreation [GG-PR, GS-PR] or Commercial Recreation [GG-CR].)

(b) The lot line adjustment shall comply with provisions (A)(1)(a), (e), (f), and (g) above.

(B) In the Special Management Area:

(1) The proposed lot line adjustment shall not result in the creation of any new parcel(s).

(2) A lot line adjustment shall not result in a parcel greater than or equal to 40 acres becoming less than 40 acres.

(3) A lot line adjustment shall not result in a parcel less than 40 acres becoming 40 acres or greater.

(4) A parcel that is smaller than 40 acres shall not be reduced in size, except to accomplish one of the following purposes:

(a) Resolve boundary line disputes, correct physical encroachments, provide reasonable access, or meet buffer or set back requirements, provided

1. The parcel to be enlarged would not become 40 acres or greater and

2. The amount of land transferred would be the minimum necessary to resolve the issue.

(b) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes residential development.

(5) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(6) The lot line adjustment shall not result in a parcel that cannot comply with existing resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

~~(A) A property line adjustment is the relocation of a common property line between two abutting properties.~~

~~(B) The Planning Director may approve a property line adjustment between two properties in accordance with MCC 38.0040 (A) (1) (c).~~

~~(C) Property line adjustments shall meet the following additional standards:~~

~~(1) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and~~

~~(2) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.~~

~~(3) The right of way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.~~

~~(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.~~

Section 104. The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission and United States Secretary of Agriculture have acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

June 16, 2005

SECOND READING AND ADOPTION:

June 23, 2005



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney



MULTNOMAH COUNTY OREGON

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DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

October 21, 2004

Anne W. Squier, Chair
Columbia River Gorge Commission
P.O. Box 730
#1 Town and Country Square
White Salmon, WA 98672

Dear Ms. Squier:

On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

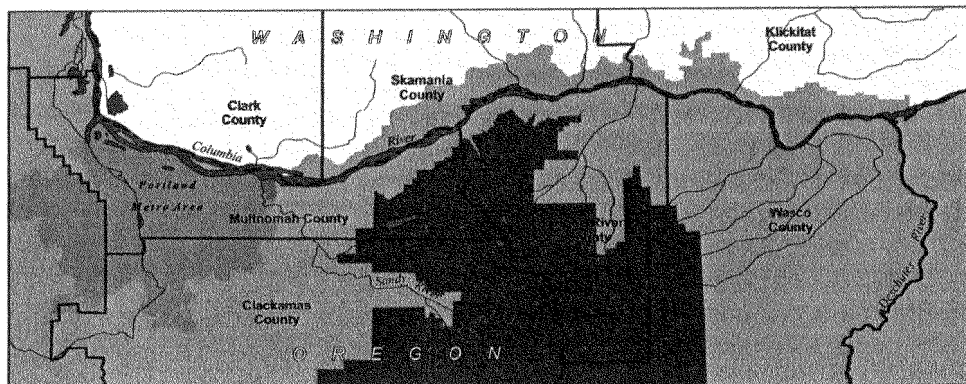
You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

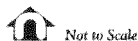
Sincerely,


Diane M. Linn, Chair

Columbia River Gorge National Scenic Area Rural Area Plan Policy Document



- | | | |
|--------------------------|--|-----------------|
| Washington | Portland Metro Area (Metro Regional Government Boundary) | State Boundary |
| Oregon | National Scenic Area | County Boundary |
| Mt. Hood National Forest | Overlap of National Scenic Area and Metro Boundaries | Rivers |



Not to Scale



Prepared for:
Multnomah County
Department of Business and Community Services
Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon

Prepared by:
David Evans and Associates, Inc.
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Financed in part by:
Oregon Department of
Land Conservation & Development

June 2005

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PURPOSE OF THE RURAL AREA PLAN

The purpose of this Rural Area Plan is to guide decision making regarding land use, capital improvements, and physical development of the Multnomah County portion of the Columbia River Gorge National Scenic Area.

INTRODUCTION TO AND OVERVIEW OF THE RURAL AREA PLAN

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area is the guiding policy document for the NSA portion of the County. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan. The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Rural Area Plan and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community.

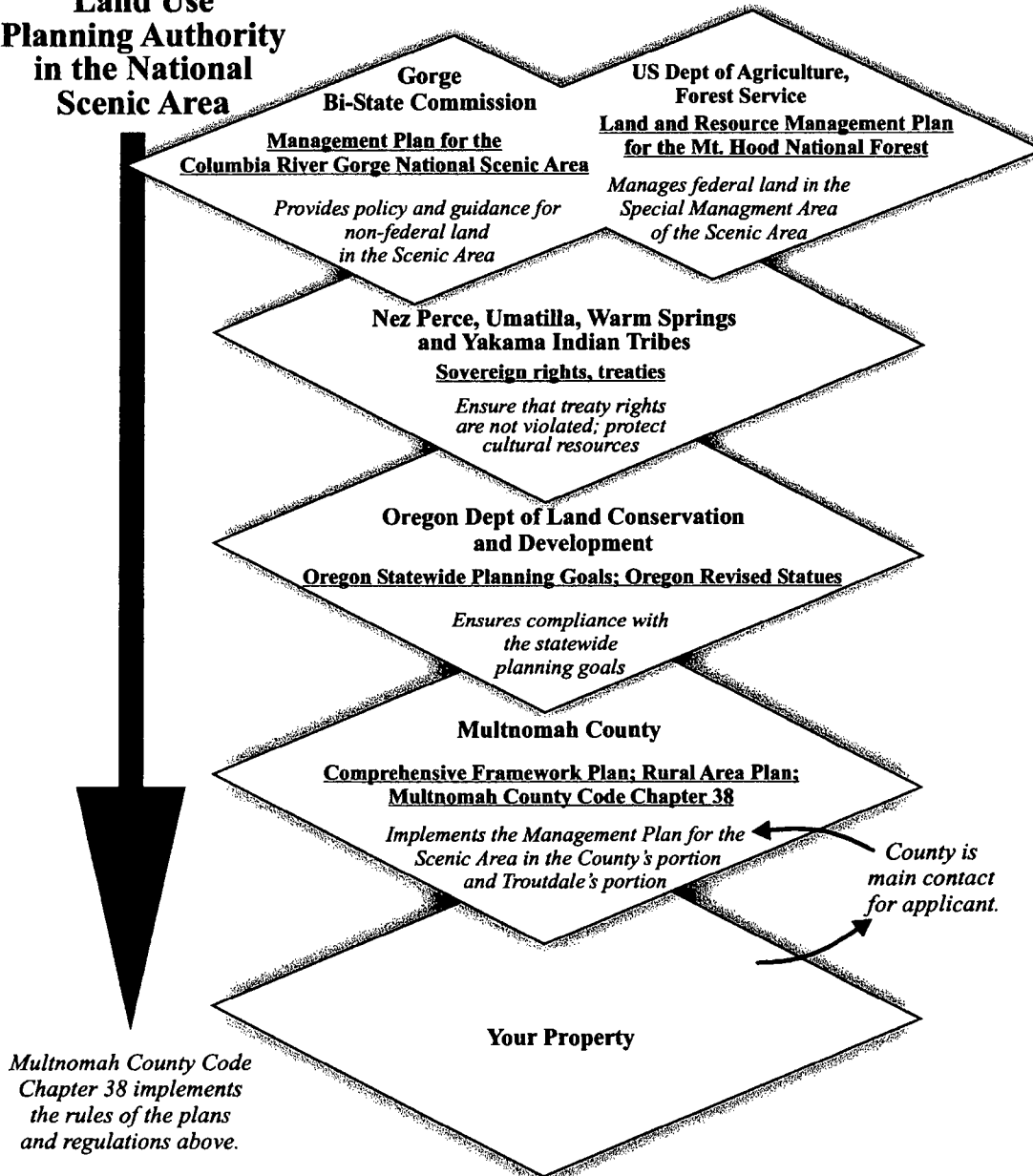
This Rural Area Plan for the Columbia River Gorge National Scenic Area (“Scenic Area”) explains how Multnomah County conducts land use planning in the portion of the Scenic Area within the County. The Scenic Area covers 85 miles along the Columbia River, including portions of Multnomah, Hood River, and Wasco counties in Oregon and Clark, Klickitat, and Skamania counties in Washington, and the Mt. Hood and Gifford Pinchot National Forests.

Rural Area Plan Policy

The purposes of the Columbia River Gorge National Scenic Area Districts are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by encouraging growth to occur in existing urban areas and by allowing future economic development in a manner that protects and enhances the scenic, cultural, recreational, and natural resources of the Gorge

The Rural Area Plan explains the various sources for the County’s authority to administer land use planning in the Scenic Area and identifies the other agencies the County partners with to manage the Scenic Area. The list below shows the heirarchy of authority for land use planning in the Multnomah County portion of the Scenic Area. Agencies are shown in bold, their guiding plans and regulations in *italic*, and their primary responsibility in plain type.

**Land Use
Planning Authority
in the National
Scenic Area**



Introduction to the Columbia River Gorge National Scenic Area Act

U.S. Congress established the Scenic Area with Columbia River Gorge National Scenic Area Act ("the Act"—Public Law 99-663) on November 17, 1986. Congress called for the preparation of a management plan that would treat the portions of six counties in the states of Oregon and Washington as a region. The Congress also established a two-tiered management approach that divides responsibility between the U.S. Department of Agriculture, Forest Service (U.S. Forest Service) and the Columbia River Bi-State Gorge Commission. Congress directed the U.S. Forest Service to prepare land use designations and guidelines for the Special Management Areas (SMA). The SMA includes the region's most sensitive lands, concentrated primarily in the western half of the Scenic Area. Congress authorized the Gorge Commission to plan for General Management Area (GMA) lands, which include agricultural, forestry, and residential uses.

INTRODUCTION TO THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

The Gorge Commission adopted Federal Interim Guidelines for the Scenic Area in 1988 and adopted the Management Plan for the Columbia River Gorge National Scenic Area on October 15, 1991. The U.S. Secretary of Agriculture gave his concurrence of the Management Plan for the Columbia River Gorge National Scenic Area on February 13, 1992.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan for the Columbia River Gorge National Scenic Area at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10-year review in the spring of 2001. After public feedback and testimony, the Gorge Commission adopted a revised Plan on April 27, 2004. As required under the Act, the U.S. Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Management Plan for the Columbia River Gorge National Scenic Area to Multnomah County on September 8, 2004. From this date, the County had 60 days to inform the Gorge Commission if it would be revising its codes to implement the changes (which The Multnomah County Board of Commissioners Chair did on October 21, 2004) and 9 months to update its plans and ordinances. Multnomah County prepared this Rural Area Plan in conjunction with the amendments to Chapter 38 of the Multnomah County Code. As part of the code amendment and Rural Area Plan preparation process, the County held public open houses on December 8, 2004 and March 30, 2005 at the Corbett High School. The County also formed a Citizen's Advisory Committee that met five times in 2005 to provide input on the amendments to the County code and the Rural Area Plan. Meetings were held on January 27, February 10, February 24, March 10, and March 17. The Multnomah County Planning Commission considered the Rural Area Plan at a public hearing on May 2, 2005. The Multnomah County Board of Commissioners considered the Rural Area Plan at a public hearing on June 16, 2005.

RELATIONSHIP OF THE RURAL AREA PLAN TO OTHER EXISTING PLANS AND REGULATIONS

Management Plan for the Columbia River Gorge National Scenic Area

The Management Plan for the Columbia River Gorge National Scenic Area serves as the overall policy document or comprehensive plan that guides the regulations in Multnomah

County Code Chapter 38. The Management Plan for the Columbia River Gorge National Scenic Area regulates land use to ensure that development does not compromise the scenic, cultural, natural, and recreational resources of the Gorge that are of particular value to the nation, and to protect agricultural, forest, and recreation land and open spaces. The Management Plan for the Columbia River Gorge National Scenic Area applies to all six counties in the Scenic Area. The policies and strategies incorporated into this Rural Area Plan are only applicable to the Multnomah County portion of the Scenic Area. In addition, the Rural Area Plan contains specific policy direction for provisions in the Multnomah County Code that are not provided by the Management Plan for the Columbia River Gorge National Scenic Area. The Rural Area Plan is intended to complement the Management Plan for the Columbia River Gorge National Scenic Area and the Multnomah County Comprehensive Framework Plan.

The Multnomah County Comprehensive Framework Plan is the guiding land use planning policy document for the County. The Rural Area Plan is an element of the overall Multnomah County Comprehensive Framework Plan. The Comprehensive Framework Plan applies to all areas of Multnomah County, both in the Scenic Area and not in the Scenic Area. The plan can be changed only if it goes through the process of an official plan amendment. Policy 41 of the Comprehensive Framework Plan is to implement the goals, objectives, policies, guideline elements, and maps of the Management Plan for the Columbia River Gorge National Scenic Area.

The Rural Area Plan, as an element of the Comprehensive Framework Plan, and the Management Plan for the Columbia River Gorge National Scenic Area guide decision making with regard to land use, capital improvements, and physical development of the community. It will be used by the County, other governmental agencies, developers and residents of the area. In the event of a conflict between the Comprehensive Framework Plan, Rural Area Plan and the Management Plan, the policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area will prevail.

Management Plan for the Columbia River Gorge National Scenic Area Policies

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area, in conjunction with the Rural Area Plan as an element of the Comprehensive Framework Plan, serves as the policy document that guides land use regulation in the Scenic Area.

Multnomah County shall amend Chapter 38, Columbia River Gorge National Scenic Area, of the Multnomah County Code as needed to be consistent with the Management Plan for the Columbia River Gorge National Scenic Area.

Land and Resource Management Plan for the Mt. Hood National Forest

The Management Plan for the Columbia River Gorge National Scenic Area and the Mt. Hood Land and Resource Management Plan guide land management on National Forest System land in the Scenic Area. The Rural Area Plan has no relationship to the Land and Resource Management Plan, as the Rural Area Plan does not guide management of federal land, and the Land and Resource Management Plan does not apply to non-federal land.

Land and Resource Management Plan for the Mt. Hood National Forest Policy

Multnomah County recognizes that the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest serve as the policy documents that guide land use management on National Forest System Land in the Scenic Area.

Indian Tribes' Sovereign Rights and Treaties

The legally protected sovereign and treaty rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress. Multnomah County and the Rural Area Plan must observe these rights.

Indian Tribe's Sovereign Rights and Treaties Policy

Ensure that the Multnomah County Code Chapter 38 and its application do not adversely affect treaty or other rights of any Indian tribe.

Oregon Statewide Planning Goals

The foundation of the Oregon land use planning program is a set of 19 Statewide Planning Goals that express the state's policies on land use and on related topics, such as citizen involvement, housing, and natural resources. Oregon's statewide goals are achieved through local comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect. The local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state's Land Conservation and Development Commission. When Land Conservation and Development Commission officially approves a local government's plan, the plan is said to be 'acknowledged.' It then becomes the controlling document for land use in the area covered by that plan.

In enacting ORS 196, the Oregon Legislative Assembly found that the Management Plan for the Columbia River Gorge National Scenic Area achieves on balance the purposes of the Statewide Planning Goals (ORS 196.107(1)). Therefore the County applies the Management Plan for the Columbia River Gorge National Scenic Area in the scenic area rather than the Statewide Planning Goals. The Rural Area Plan, as a complement to the Management Plan for the Columbia River Gorge National Scenic Area, does not directly address the Statewide Planning Goals.

Oregon Revised Statutes

The Oregon State Legislature codified the Scenic Area Act in Oregon Revised Statutes Chapter 196. The statutes establish the relationship of the Gorge Commission; Multnomah, Wasco, and Hood River counties; and the Oregon Land Conservation and Development Commission. The statutes also establish the relationship among the Management Plan for the Columbia River Gorge National Scenic Area, Oregon Statewide Planning Goals, and county plans and ordinances.

Oregon Statewide Planning Goals Policy

Multnomah County recognizes that the Oregon State Legislative Assembly and the Department of Land Conservation and Development consider the Management Plan for the Columbia River Gorge National Scenic Area to achieve, on balance, the objectives of the Statewide Planning Goals.

Multnomah County Comprehensive Framework Plan

The Framework plan establishes goals, policies, and strategies to guide development in the County. Policy 41: Columbia River Gorge National Scenic Area, states that it is the County's policy to implement the goals, objectives, policies, and guideline elements of the Management Plan for the Columbia River Gorge National Scenic Area. The strategy to implement this policy is to amend and apply the zoning districts and review procedures of the zoning code to implement the Management Plan for the Columbia River Gorge National Scenic Area.

Comprehensive Framework Plan Policy

The Rural Area Plan is an element of the Multnomah County Comprehensive Framework Plan, and together with the Management Plan for the Columbia River Gorge National Scenic Area, provides the policy basis for Multnomah County Code Chapter 38.

AUTHORITY IN THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Columbia River Gorge Commission

Through an inter-state compact, the states of Oregon and Washington established the Columbia River Gorge Commission. The Commission is comprised of 12 volunteers. Each County appoints one Commissioner. The Governors of Washington and Oregon each appoint three. One non-voting member is appointed by the U.S. Secretary of Agriculture. Members serve for a period of four years. The two states share the cost of the Gorge Commission's budget and expenditures equally.

The Gorge Commission's activities with respect to Multnomah County include:

- Developing and adopting land use and resource protection policy through the Management Plan for the Columbia River Gorge National Scenic Area.
- Serving as the appeals board for Scenic Area land use decisions issued by Multnomah County. This function serves to increase uniformity of implementation through the six counties and two states in the scenic area.
- Working with Multnomah County and the other five Scenic Area counties who administer the land use ordinances that implement Management Plan for the Columbia River Gorge National Scenic Area.

The Gorge Commission's powers with respect to land use in Multnomah County include:

- The power to disapprove a land use ordinance enacted by Multnomah County if the ordinance is inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

- The power to enact a land use ordinance that sets standards for the use of non-federal land if the County fails to enact land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area.
- The power to consider and decide appeals filed by any person or entity adversely affected by a final action or order of the County relating to the implementation of the National Scenic Area Act.

Multnomah County sends land use applications to the Gorge Commission for its review as part of the County's site review process.

Columbia River Gorge Commission Policy

Multnomah County recognizes the Columbia River Gorge Commission's responsibility for revising the Management Plan for the Columbia River Gorge National Scenic Area and its authority to serve as an appeals board for Multnomah County Scenic Area land use decisions.

U.S. Department of Agriculture, Forest Service

The U.S. Forest Service determines the consistency of projects on federal lands with the Management Plan for the Columbia River Gorge National Scenic Area. The U.S. Forest Service administers the National Forest System lands within the special management areas of Multnomah County in accordance with the Act, the Land and Resource Management Plan for Mt. Hood National Forest (1990), and other laws, rules and regulations applicable to the National Forest System. Multnomah County accepts applications for new development and uses in the SMA on non-federal land and forwards them to the U.S. Forest Service for their review and for certain additional resource information. Multnomah County coordinates with the U.S. Forest Service to obtain technical support with respect to cultural resources, anadromous fisheries, oak woodland and wetlands management on non-federal lands. The U.S. Forest Service also maintains and updates a geographic information systems for use by the counties, Gorge Commission, and U.S. Forest Service.

The U.S. Forest Service's other activities and responsibilities include:

- Assuring that actions on all federal lands are consistent with the Act.
- Concurring on consistency of Management Plan for the Columbia River Gorge National Scenic Area amendments with the Act, and concurring on consistency of SMA ordinances with the Management Plan for the Columbia River Gorge National Scenic Area (authority delegated from the Secretary of Agriculture to the Region 6 Regional Forester).
- Consulting with Indian tribal governments at the government-to-government level to determine the effect of all new development or uses in the SMA on treaty rights. The U.S. Forest Service notifies the County of the determination as part of the review process.
- Continue to acquire SMA and Dodson/Warrendale Special Purchase Unit land through purchase, donation, or land exchange.
- Provide fish and wildlife resource information to counties and the Gorge Commission.
- Provide historic resource information to counties and the Gorge Commission.

- Provide technical assistance in SMA forest practices review for consistency with the Management Plan for the Columbia River Gorge National Scenic Area.

U.S. Forest Service Policies

Multnomah County recognizes the authority of the U.S. Forest Service to manage National Forest System lands in the Scenic Area according to the Management Plan for the Columbia River Gorge National Scenic Area and the Land and Resource Management Plan for the Mt. Hood National Forest.

Multnomah County recognizes the authority of the U.S. Forest Service to determine consistency with the Management Plan for the Columbia River Gorge National Scenic Area for all projects on federal lands in the Scenic Area.

Multnomah County shall foster close cooperation with the U.S. Forest Service in order to coordinate review of development proposals for SMA lands.

Indian Tribes

Four tribal entities with interests in the Scenic Area play an important role in implementing the Management Plan for the Columbia River Gorge National Scenic Area and protecting cultural resources. Tribal trust lands in the Scenic Area are managed by the Nez Perce, Umatilla, Warm Springs, and Yakama Indian tribes.

Treaty rights are defined by the treaties of 1855 between Congress and the Indian tribal governments. These treaties reserved and guaranteed certain aboriginal rights exercised by Indian people since time immemorial. These legally protected rights belong to each Indian tribe and are regulated and enforced by the respective Indian tribal governments. The Indian tribal governments exercise inherent sovereign powers, as limited by treaty or act of Congress.

Indian treaty rights must be observed by the Gorge Commission as well as local and state governments, federal agencies, and private citizens. Indian treaty rights guarantee the exclusive right of taking fish in the streams running through and bordering reservations and the privilege of hunting, gathering roots and berries and pasturing their stock on unclaimed lands (all public lands).

Multnomah County coordinates with the four tribal governments on matters respecting the Scenic Area principally through the notification process. Notices and decisions regarding land use applications in the Scenic Area are copied to all four tribal governments.

Indian Tribes Policies

Multnomah County shall notify the four Indian tribal governments when new uses are proposed on lands where tribal members exercise treaty or other rights.

Indian tribal governments shall have an opportunity to review and comment on new uses that are proposed on lands, or in waters, where tribal members exercise treaty or other rights.

Project applicants shall consult Indian tribal governments that submit substantive comments about proposed uses that may affect or modify treaty or other rights.

Proposed uses that would adversely affect treaty or other rights of any Indian tribe shall be prohibited.

Metro Regional Government Jurisdiction Within Scenic Area

The jurisdictional boundary of the regional government Metro extends into the Scenic Area east of the Sandy River to include about four square miles. Metro is a directly elected regional government that serves more than 1.3 million residents in Clackamas, Multnomah and Washington counties, and the 25 cities in the Portland, Oregon, metropolitan area. Land use related functions which Metro provides are management of the urban growth boundary, regional transportation planning, and development of programs to protect natural resources and water quality. Metro's authority includes the ability to require local government compliance with their adopted programs.

Many of the Metro land use planning functions are implementation of certain Statewide Planning Goals. Examples of those Goals are those that strive to contain sprawl, strive to eliminate barriers to sufficient affordable housing, and developing protections for such "Goal 5" resources as fish and wildlife habitat. In particular Metro has inventoried and mapped the fish and wildlife resources within its jurisdiction, even the area inside the Scenic Area.

To avoid potential conflicting jurisdiction, Multnomah County takes the position that because the Oregon Legislature in ORS 196.107 has determined that the Management Plan achieves the purposes of the Statewide Goals, then the program developed by Metro to protect the fish and wildlife Goal 5 resources under Oregon Administrative Rule 660-023-0080 is not applicable within the Scenic Area.

Metro Jurisdiction Policy

It is the policy of Multnomah County that the Management Plan achieves the purposes of the Statewide Planning Goals, the Management Plan implements the Goal 5 fish and wildlife protection program and Metro ordinances regarding the Goal 5 fish and wildlife protection program do not apply.

Multnomah County

Multnomah County is one of six counties with lands in the Columbia River Gorge Scenic Area. Section 7 of the National Scenic Area Act requires counties to develop land use ordinances consistent with the Management Plan for the Columbia River Gorge National Scenic Area. With adoption of Multnomah County Code Chapter 38 that the Gorge Commission and the Secretary of Agriculture (as delegated to the Regional Forester) for the SMA have found to be consistent with the current Management Plan for the Columbia River Gorge National Scenic Area, the County has the authority to implement the Management Plan for the Columbia River Gorge National Scenic Area for scenic area lands within its jurisdiction. Multnomah County has authority from the Scenic Act to adopt ordinances with provisions that vary from the policies and guidelines in the Management Plan for the Columbia River Gorge National Scenic Area as long as the ordinances provide greater protection for the scenic, cultural, natural, and recreation resources of the Scenic Area (with concurrence by the Gorge Commission and the Secretary of Agriculture for the SMA). The County also has the authority to deny any permit or otherwise refuse to take any action that is inconsistent with the purposes and standards of the Management Plan for the Columbia River Gorge National Scenic Area.

Multnomah County is one of nine counties in the State of Oregon to have a home rule charter. Home rule charters allow voters the power to adopt and amend their own county government organization within certain limits set by the state. An amendment to the Oregon Constitution in 1958 allowed home rule charters. Until that time, counties were considered agents of the state government. The voters of Multnomah County approved a home rule charter on May 24, 1966, which became effective January 1, 1967. The primary organizational change was a governing body consisting of a board of five full-time county commissioners, which is the policy determining body of the county.

The County's home rule charter recognizes the dual role of the county as a unit of local government and as an agency of the state. The charter allows the County to avail itself of local determination in county affairs to the fullest extent possible under the constitution and laws of the state. Chapter II of the charter confers upon the County general powers. The county has authority over matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon, as fully as though each particular power comprised in that general authority were specifically listed in the charter. The charter shall be liberally construed, and each power of the county under the charter shall be construed as a continuing power unless the charter or the grant of the power indicates the contrary.

Multnomah County Authority Policies

Multnomah County shall review and decide upon applications for all permits relating to the use of non-federal land within the Multnomah County portion of the Scenic Area. These permits include all form of land divisions, land use, and legislative enactments and amendments to the Multnomah County Comprehensive Plan and Multnomah County Code.

Multnomah County shall review all development proposals on non-federal land in the Scenic Area for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38.

Multnomah County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems that the provisions are more protective of the resources in the scenic area.

The County may adopt provisions that vary from the Management Plan for the Columbia River Gorge National Scenic Area when it deems they are necessary to protect general health, safety, and welfare or to implement state or federal laws not regulated by the Columbia River Gorge National Scenic Area Act, when not inconsistent with the Management Plan for the Columbia River Gorge National Scenic Area.

City of Troutdale

The portion of the City of Troutdale, east of the Sandy River is within the Columbia River Gorge National Scenic Area. The City has not enacted an ordinance to implement the Management Plan for the Scenic Area and until the City of Troutdale enacts such regulations, Multnomah County is directed by the Scenic Area Act to enforce its implementing ordinance

in this portion of the City. Development proposals affecting land use in this area are reviewed by Multnomah County staff for compliance with Multnomah County Zoning Code Chapter 38, which has been approved by the Gorge Commission. The City of Troutdale enforces its land use regulations, so that development within the area of the city subject to the National Scenic Area regulations is subject to review by both Multnomah County and the City of Troutdale. Such dual review is a burden to applicants and creates potential for conflicts between City regulations and County regulations. The Management Plan for the Columbia River Gorge National Scenic Area allows counties and cities to enter into agreements so that only one jurisdiction is applying a land use ordinance: *A county and a city may enter into an agreement to allow the other to implement a land use ordinance that applies to the city and that has been approved or adopted by the Gorge Commission under Section 8 of the Scenic Area Act.* (Part IV – Administration, Chapter 1: Gorge Commission Role, County Ordinances section, Policy 2) Multnomah County supports this concept and may explore the possibility of developing an agreement with the City of Troutdale.

City of Troutdale Policy

Multnomah County shall review development in the Scenic Area portion of the City of Troutdale for consistency with the Management Plan for the Columbia River Gorge National Scenic Area by applying the standards, criteria, and procedures in Multnomah County Code Chapter 38, until such time that the City of Troutdale adopts an ordinance to implement the Management Plan for the Columbia River Gorge National Scenic Area or the City and County enter into an agreement to specify how the Management Plan is to be implemented in this portion of the City.

ISSUES NOT SPECIFICALLY ADDRESSED IN THE MANAGEMENT PLAN FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

Hillside Development

The Management Plan for the Columbia River Gorge National Scenic Area does not specifically address development on hillside areas, but does have thresholds for when a grading plan is required. The main purpose of the Management Plan for the Columbia River Gorge National Scenic Area's standards related to grading are to minimize the visual impact of large-scale grading. The purpose of the geological features inventory performed for the Management Plan for the Columbia River Gorge National Scenic Area was to determine how to protect features and avoid hazards. However, the Management Plan contains no policy guidance for achieving this purpose. Multnomah County's Hillside Development District meets fulfills this purpose. The Scenic Area in Multnomah County contains significant geologic resources consisting in many cases of steep and unstable hillsides. Inappropriate grading and hillside development in these areas may further destabilize them, threaten geologic resources, endanger public safety, and create liability issues for the County. Outside the Scenic Area, policy direction for these areas originally derived from the Statewide Planning Goal #7, which covers naturally hazardous areas. Multnomah County has mapped hazardous and steep areas. (The maps are based upon geotechnical analysis prepared by Shannon & Wilson, Inc., dated September 30, 1978 and May 31, 1996.) This document provides policy direction to protect geologic resources and public safety through the application of a Hillside Development District. The implementation of grading, hillside development, and erosion control measures in the MCC to protect the resources necessarily

differ from the thresholds established by the Management Plan for the Columbia River Gorge National Scenic Area because they implement the Plan's objective to protect geologic features and avoid hazards versus impacts of grading on scenic, or cultural resources.

Hillside Development Policies

Multnomah County shall endeavor to protect geologic resources in the Scenic Area, particularly to help ensure that grading on unstable and steep slopes does not degrade geologic resources.

Multnomah County shall apply the Hillside Development District in the Scenic Area.

Off-Street Parking and Loading

The Management Plan for the Columbia River Gorge National Scenic Area addresses parking in relationship to protecting scenic resources, and primarily deals with setbacks and screening. It does not provide direction on the many specific standards for parking that a jurisdiction typically regulates. Multnomah County needs to fill this gap by enacting additional off-street parking and loading regulations to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout.

Off-Street Parking and Loading Policy

Multnomah County shall enact standards to reduce traffic congestion associated with specific uses, protect the character of neighborhoods and the function of streets, and to ensure uniform and safe standards for parking lot design and layout. The standards shall regulate the development and maintenance of off-street parking and loading areas, including location, dimensions, design, and minimum number of spaces in the Scenic Area.

Land Divisions

Land divisions in Oregon are governed by Chapter 92—Tentative and Final Approval of Plans; Plats—of the Oregon Revised Statutes (ORS). No land may be subdivided or partitioned except in accordance with ORS 92. Before a plat of any subdivision or partition can be recorded, the county or city having jurisdiction must review and approve the proposed subdivision or partition in accordance with the procedures established by the jurisdiction. The Management Plan for the Columbia River Gorge National Scenic Area provides rules regarding criteria for approving the subdivisions but does not identify how it is to be accomplished. ORS 92 serves this purpose.

The Management Plan for the Columbia River Gorge National Scenic Area regulates land divisions as review uses, so that they must meet the same criteria protecting scenic area resources. New land divisions are not allowed in the Special Management Area, unless the creation of a new parcel will facilitate land acquisition by the federal government to achieve the policies and standards of the Management Plan for the Columbia River Gorge National Scenic Area. Multnomah County's requirements for land divisions ensure that streets connect, lots are developable, pedestrian and bike facilities are provided, utilities are extended logically, and street trees are planted.

Land Divisions Policies

Multnomah County shall enact requirements for land divisions that ensure streets connect, lots are developable, pedestrian and bike facilities are provided, and utilities are extended logically.

The County shall allow the internal lot lines of a group of lots under one ownership to be eliminated and consolidated.

Planned Developments

The Management Plan for the Columbia River Gorge National Scenic Area does not address planned developments. The Management Plan for the Columbia River Gorge National Scenic Area does regulate cluster developments, the purpose of which is to allow creation of lots smaller than the minimum lot size where clustering would provide further protection to resources. Multnomah County needs to provide a means of creating planned environments through the application of flexible and diversified land development standards that will result in better or more efficient development arrangements, make efficient use of resources like energy and land, and of utility networks. Planned developments are broader in scope than cluster developments with respect to conserving a wider range of resources, including the County's investment in infrastructure.

Planned Developments Policy

Multnomah County shall allow for planned development projects in the GGRC zone that use flexible and diversified land development standards that will result in better or more efficient development arrangements, and make efficient use of resources like energy, land, and of utility networks.

Application of the planned development standards shall be allowed in the Rural Center district (GGRC) for duplexes, single family residences, and limited supporting commercial uses.

Variances to Dimensional Standards

The Management Plan for the Columbia River Gorge National Scenic Area regulates variances from resource protection setbacks and buffers. The main purpose of allowing variances is to eliminate conflicts between competing resource protections. In addition to these variances, Multnomah County needs to allow variances to dimensional standards in order to provide flexibility for applicants where there are practical difficulties in application of the standards. The Management Plan for the Columbia River Gorge National Scenic Area explicitly allows counties to grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan for the Columbia River Gorge National Scenic Area. Policy 3 of the County Ordinances section states: *Counties may grant variances to provisions in their land use ordinances that are not required by a policy or guideline in the Management Plan.* (Part IV – Administration, Chapter 1: Gorge Commission Role)

Variances to Dimensional Standards Policy

Multnomah County shall adopt zoning code provisions in Chapter 38 that allow variances to dimensional standards such lot dimensions, setbacks, and building

height in order to provide flexibility for applicants where there are practical difficulties in application of the standards.



MULTNOMAH COUNTY OREGON

**BOARD OF COUNTY COMMISSIONERS
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**DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4**

October 21, 2004

Anne W. Squier, Chair
Columbia River Gorge Commission
P.O. Box 730
#1 Town and Country Square
White Salmon, WA 98672

Dear Ms. Squier:

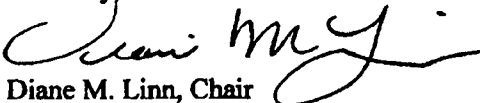
On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

Sincerely,


Diane M. Linn, Chair

EXHIBIT

A1

Multnomah County National Scenic Area Compliance Project

Citizen Involvement Process

Multnomah County values public involvement and input. In that spirit, the County sought volunteers for a Citizen Advisory Committee (CAC) to assist staff by providing feedback on how the County should implement the changes in the revised Management Plan and improve its processes and handouts to better serve the public. Those interested in volunteering were asked to fill out the interest form and return it to the County Public Affairs Office by December 22, 2004. Twelve applications were received and 10 members chosen.

Citizen Advisory Committee

Jeff Bissonnette	Rhett Lawrence
Isabella Chappell	Robert Leipper
Claudia Curran	Eric Lichtenthaler
Sara Grigsby	Lex Loeb
Clair Klock	Angelo Simone

CAC members were not asked to vote on a final recommendation. The CAC was a forum for all voices to be heard and consensus was not sought. Members agreed to have comments and issues attributed and tracked where applicable. These were recorded in an Issue Bin and Comment Sheet. This provided a means of moving appropriate comments and issues forward to the Planning Commission and a means of demonstrating to the CAC what happened to their comments.

Five CAC meetings were held. The table on the following page shows the dates the meetings were held and what was discussed at each meeting. Meeting summaries are available on request. CAC efforts contributed to the continuing success of the County implementation project, including the changes to the County code and the creation of the informational handouts. The County recognizes the participation and input of the CAC members.

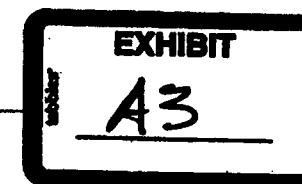


Multnomah County National Scenic Area Compliance Project

Schedule and Topics for CAC Meetings

MTG #	Code section to be reviewed	What will we be discussing?	How much flexibility does the County have in changing the Master Plan revisions in the County Code?
#1 1/27	Definitions MCC Part 4: Zoning Districts	<ul style="list-style-type: none"> Reviewed new or amended definitions to introduce the CAC members to concepts and terminology that was used through the rest of the process. Reviewed amended or new uses that the Master Plan adopted and discussed how they should be incorporated into the County code. 	The County has little flexibility to make changes to the definitions and descriptions of new uses. The County can clarify terms or choose to be more restrictive in terms of when and where uses are allowed and the level of review required.
#2 2/10	MCC Part 3: Administration and Procedures	<ul style="list-style-type: none"> This part of the code deals with the process of reviewing land use applications in the NSA. The CAC looked at proposed process, criteria for approval, and findings that need to be made to approve applications under the new Expedited Review process. 	The County has more latitude to set up the Expedited Review processes. The Master Plan revisions adopted requirements for what information needs to be submitted with an application and a basic general process only.
#3 2/24	MCC Part 1: General Provisions MCC Part 6: Site Review	<ul style="list-style-type: none"> This code section will contain the list of allowed and expedited uses discussed at meeting #1, rules for existing uses, permit expiration, vested rights, additional uses not previously discussed, signs, and approval criteria. This discussion involved the site review process and criteria for approval. 	The County must adopt the provisions of the Master Plan as-is unless there is sufficient justification to either not adopt, or to make changes that are demonstrably more restrictive than the Master Plan.
#4 3/10	Rural Area Plan Policy Document MCC Part 5: Special Districts, Parking, Planned Development, Hillside Development	<ul style="list-style-type: none"> The Rural Area Plan policy document defines the relationships between the County's authority in the NSA and the other plans and agencies with jurisdiction. Because this will deal with activities in the NSA not covered by the Master Plan, it makes sense to discuss issues like variances and land divisions here. 	The County has considerable flexibility because many of these concepts are not specifically referenced in the Master Plan.
#5 3/24	Informational Materials	<ul style="list-style-type: none"> This meeting dealt with the materials developed to explain the County's process for reviewing and approving land use applications in the NSA. 	Total flexibility.

Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments



	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
1	CAC mtg #1	Having input from people who have been through the permitting process. At CAC mtg #2, Claudia noted that some CAC members have been through the process and may not need testimonials from public Bob L noted that staff responsibility to tell Gorge Commission what is not working Isabella C suggested contacting previous applicants Eric L suggested a score sheet like the one staff used	Multiple CAC members January 27, 2005	Will create a survey that members can provide to neighbors to fill out and return Workshop will provide feedback County will use survey with walk-in traffic to get feedback Could use public workshop to get input, pose the question: is this resolving your issues with the process? Could have CAC members solicit input, or have a station specifically addressing the issue	Consultant team and staff working on logistics for the survey. Unlikely that, given time constraints, a mail survey will be possible. Team will rely on feedback from the 2 nd Open House. CAC members have provided valuable input that has been incorporated where possible into the process.	Propose informational materials for adoption that better assist applicants in understanding and complying with the regulations and get feedback from public at March 30, 2005 workshop.
2	CAC mtg #1	Degree of change required for historic or older structures that may not match their character	Angelo Simone January 27, 2005	Likely an opportunity to revisit this under site review/cultural resources Building code requirements are outside the scope of scenic area review	Management Plan requires historic survey for buildings that are more than 50 years old. This was not changed. USFS archaeologist and SHPO review.	Existing process ensures that changes to historic structures do not compromise its character.
3	CAC mtg #1	Consider addressing the punitive atmosphere of code compliance	Lex Loeb January 27, 2005	Important to keep in mind the burden the process places on the applicant as we move through the code	Part of this project is to develop informational materials and an Expedited Review process with the goal of improving applicants' experience in moving through the processes.	Proposed Expedited Review Process and informational materials for adoption that better assist the public in understanding and complying with the regulations.

Note: Issue bin item and comment numbers are not sequential because they are arranged by topic.

Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
4	CAC mtg #1	Consider compensation for costs of complying with the code requirements	Lex Loeb January 27, 2005 Bob Leipper, Email to Derrick Tokos, January 31, 2005	Important to understand that while compliance creates cost burdens on applicants, properties also derive additional value from regulations by being protected from heavy development impacts All jurisdictions have varying degrees of regulations and cost burdens Tax assessment, compensation, application fees are not within the scope of this project	The request is not within the scope of this project.	No further action other than to include comments in this document.
5	CAC mtg #1	Color treatments for small accessory structures: can we consider implementing them? Consistency would be better achieved by property owners knowing <u>exactly</u> what is allowed or not allowed.	Multiple CAC members January 27, 2005 Bob Leipper from email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Standards for these, and other allowed uses, can be established without requiring scenic review, but then compliance becomes a code enforcement issue	The proposed code revisions note that many CAC members were in favor of numeric limits and color requirements for accessory structures.	These points have been included as options for the PC to review.
6	CAC mtg #1	Can we have staff's input on problems with the process?	Multiple CAC members January 27, 2005	Staff conducted a brain-storming session on issues with the code	Notes from staff brain-storming session are included with Mtg #2 packet.	No further action needed.
7	Correspondence	Consistency in application of the code requirements by planning staff: can this be a topic for CAC?	Bob Leipper Email to Derrick Tokos, January 31, 2005	Consistency results from a number of factors. Problems in consistent application of the code because it is unintentionally ambiguous are within the scope of the CAC to address. It's important to keep in mind that additional flexibility in code requirements adds a discretionary element to staff review and decision-making. More defined regulations allow less chance for differences in application. More flexibility allows more risk of differences in interpretation.	Throughout this project, CAC members have debated the trade-off between having regulations that are relatively inflexible (and therefore more predictable and less open to interpretation by staff) and those that are more flexible (allowing for more adaptability to individual projects and sites).	The proposed changes to Chapter 38 reflect this debate in the following areas: (e.g. methodology for scenic compatibility review is being spelled out to provide greater certainty. How development achieves visual subordination still very discretionary).

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
8	Correspondence	Lack of code enforcement: can this be a topic for CAC? “...compliance becomes a code enforcement issue.” Why is this a problem? MC doesn’t even enforce the 60 sf limit so why should an additional criteria be an issue?	Bob Leipper Email to Derrick Tokos, January 31, 2005 Follow-up comment by Bob Leipper in email to Derrick Tokos and Gillian Zacharias on February 24	The CAC can address code enforcement where the code may be allowing particular situations to occur that then end up frequently as enforcement issues. If the code can be amended to stop the situation from occurring that is an appropriate topic. How the County implements code enforcement is outside scope of the CAC.	Enforcement continued to be an issue of discussion throughout the CAC meetings. The County recently overhauled its compliance program. The Management Plan revisions do not impact these changes.	Issues relating to the effectiveness of the compliance program should be evaluated independent of this code update. This issue will be discussed at the Planning Commission Hearings.
		EXPEDITED REVIEW COMMENTS				
9	CAC mtg #2	Expedited Review process may have unintended consequences; may not have talked enough about what those may be. How final will the staff recommendation to the Planning Commission be, would there be opportunities for changing it at that stage?	Sara Grigsby	If there is time at upcoming meetings, we can discuss this further. CAC members could look again at the Expedited Review uses and make some notes about their specific concerns. Ask yourselves: what uses might I be concerned to hear about when I receive preliminary decision document? Is the comment/appeal period sufficient, keeping in mind the goal of an expedited process. It would be helpful to have those comments specifically to submit with the staff report to the Planning Commission at that stage.	No further comments on this topic were received.	Additional comments could still be submitted up until April 18th to be reviewed by Planning Commission.
10	CAC mtg #2	Notice to adjacent property owners should not be less than 750 feet	Group	Makes requirements consistent. Can be implemented this way.	Expedited process included as a modified Type II, which is 750 feet.	PC to review with other changes.
11	CAC mtg #2	Ground disturbance should be defined	Not attributed	Staff can define this.	Ground disturbance will be added to the definitions.	PC to review with other changes.
12	CAC mtg #2	Include a statement that the applicant must sign and that says the information is true	Not attributed	This could be added to the application form.	A line for this has been added to the application form.	PC to review with other changes.
13	CAC mtg #2	Notice packet should include a vicinity map	Not attributed	A vicinity map can be included with the application mailing.	Suggested as part of the application	PC to review with other

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
					package.	changes.
14	CAC mtg #2	Handout should include a paragraph to explain the spirit and purpose of ER	Not attributed	This will be added to the handout.	Done.	PC to review with other changes.
15	CAC mtg #2	Include a list of "red flag" conditions under which ER cannot be used	Not attributed	This will be added to the handout.	Done.	
16	CAC mtg #2	Should include graphics	Not attributed	This can be added; the nature of the graphics to be determined.	Graphics are forthcoming.	
17	CAC mtg #2	Explain how an applicant demonstrates that the subject site is or is not within view from KVA	Not attributed	This will be added. Maps that the County will be receiving from the USFS identify properties that are topographically visible from a particular KVA. These maps are suitable for an initial screening and will be made available as soon as we receive them.	Staff is working with the USFS to obtain these maps. Maps are still being quality controlled. Hope to have a draft for 2 nd public meeting in Corbett.	
18	CAC mtg #2	County could conduct a weekly scheduled group workshop to explain the process and answer questions	Not attributed	County will consider this format.	Will be raised during internal review of project documents.	
		DEFINITIONS				
19	CAC mtg #2	Change term of "retaining wall" to "retaining structure" and setting different height and length thresholds to <2 ft (allowed), 2-4 ft (expedited), >4 ft, building permit.	Bob Leipper	This will be added to the proposed changes for the MCC definitions. The County will adopt the height and length thresholds as given in the revised Management Plan because the suggested thresholds would be less protective of the resources.	Retaining structure to be defined.	PC to review with other changes.
20	Correspondence	Words or phrases still needing definition or clarification are: site, home garden, area, disturb the ground, retaining wall, decks, parking areas, driveways, previously authorized, trails, and	Bob Leipper, Email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff and Consultant will work to include new definitions.	To be defined: Home garden, retaining structure, parking areas. The following common terms do not require definition in the code, as their ordinary meanings	PC to review with other changes.

Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		highly visible.			apply: area, disturb the ground, decks, site, trails. "Previously authorized" is not a term used in the code—it is used only in the definition of repair and maintenance and is clarified there. "Private driveway" is defined in MCC 38.7700 Land Divisions. "Highly visible" is addressed in the Scenic standards in the code.	
21	Correspondence	The burden should be on the applicant to prove his case.		The burden is already on the applicant to provide sufficient information for the decision-makers to make a decision.	No further action needed.	No further action needed.
22	Correspondence	Allow outright any accessory structure up to 200 sf (the limit before a building permit is required) and 10 feet in height when not visible from any KVA and painted a dark earthtone color.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The proposed change is to limit to one, the number of accessory buildings eligible for the expedited review process. Other accessory buildings on a single parcel may be reviewed and permitted as a review use. To deviate from this standard could be interpreted as being less stringent than the Management Plan. This project's goal is not to develop proposed changes to the MP.	Staff will not be carrying this suggestion forward other than to include it in the Issue Bin as a comment.	No further action needed.
23	Correspondence	Decommissioning in-ground oil tanks should be something that is allowed outright; expedited review adds to the cost.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	No further action needed.
24	Correspondence	Allen Young does not presently enforce permit fees for "paving existing dirt and gravel roads" or even for new dirt and gravel roads to existing county roads.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
25	Correspondence	Does it really make sense to regulate only those exterior lights "visible from KVA's" when a person can put in multiple lights and effectively illuminating the surrounding area like a parking lot?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	The County staff's approach at this time is to stay with the current MP and MCC provisions regarding lighting.	No further action needed.	
26	Correspondence	The definition for "wall" is not appropriate for use defining "retaining wall". Suggest defining "retaining structure".	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Staff will revise definitions to address these issues, as discussed above, and in meeting summaries.	Terms to be defined.	PC to review with other changes.
27	Correspondence	The color of the roof of a new house is subject to restrictions; but not in the "repair" definition for an existing house.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Comment noted. As with color for small allowed accessory buildings, instituting color requirements would mean either that it would be only an enforcement (complain-driven) issue, or would require review.	Comment will be added in the comment column in the code revision.	PC to review with other changes.
28	Correspondence	Under new allowed uses, wire strand fences does not address the posts. Why allow colored posts without review?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Wire-strand fences could be further defined to exclude fence posts that are not dark or earth-toned.	Comment will be added in the comment column in the code revision.	
29	Correspondence	An appeal of an expedited review decision should not cost excessively (like over \$20) if anything.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	Fees are not within the scope of this project.	No further action needed.	
30	Correspondence	Under expiration of approvals: Existing building permits are not addressed and should be given the maximum amount of time or grandfathered for an unlimited time period.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February 24, 2005	At the CAC meeting, Derrick Tokos pointed out that with the extended time to complete projects, the total time to complete, including building permits would be 6 years.	No further action needed.	
31	Correspondence	Existing Uses: It should be clearly stated that existing uses or structures which were established before the	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, February	This comment was also made by Mr. Leipper at CAC meeting #3.	Comment will be added in the comment column in the code revision.	PC to review with other changes.

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		county started keeping a record should be allowed as "legally established".	24, 2005			
		SIGNS				
32	CAC mtg #3	Proposal to eliminate size limits on political signs in the SMA is wrong. Size limits should be maintained.	11 out of 12 in favor	There was a mistake in the handout, the size limits are 12 square feet.	No further action needed.	
33	CAC mtg #3	Allowing temporary construction signs up to 32 sf should be okay for safety reasons only.	Claudia Curran	This is not a new addition or change to the MP.	The comment is added to the comment column in the code.	PC to review with other changes.
34	CAC mtg #3	Go back to what the standards were for temporary signs in most cases unless for public safety reasons; what were the reasons for all of the changes to signs anyway?	Angelo Simone	Staff offered to research the reason for the changes to the temporary sign standards.	The comment is added to the comment column in the code.	PC to review with other changes.
	CAC mtg #3	EXISTING & DISCONTINUED USES				
43		Allowing more flexibility siting & sizing of replacements of uses destroyed by disaster.	Various	There was no CAC consensus on this issue.	Lack of consensus will be noted in the comment column in the code revisions.	PC to review with other changes.
44		10 years too long to allow vegetation to grow back for uses destroyed by disaster	Claudia Curran	Comment noted in revisions to Chapter 38.		PC to review with other changes.
		EXPIRATION OF APPROVALS				
45		County staff suggesting decisions be ministerial	Derrick Tokos	No CAC objections.	No further action needed.	
		VESTING				
35	CAC mtg #3	Should state or federal rules should apply to vesting.	Lex Loeb	Mr. Tokos said that typically state vesting rules apply except when dealing with land in the NSA . Staff inclination is to go with the Gorge Commission new vesting language. If somebody believes that the language violates other federal rules or constitutional protections , they will need to take it up with the Gorge Commission.	No further action needed.	

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
		SCENIC STANDARDS				
36	CAC mtg #3	Unsure if development in Corbett should be exempt from KVA standards; perhaps looking for a "vision" or "design guidelines" to improve aesthetics of the area.	Multiple agreement	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
46	CAC mtg #3	Compatibility could include a range, such as size of buildings within 10 to 20% larger than the original structure.	Clair Klock	Comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment is added to the comment column in the code.	PC to review with other changes.
37	Correspondence	Under full review, an applicant should not be able to make unlimited changes to application /plans <u>after</u> the public comment period but before the decision.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	The purpose of the comment period is to allow the applicant to change the plans in response to comments and in accordance with the code. Applicants are not allowed to make wholesale changes. To allow no changes would also defeat the purpose of allowing public comment before the final decision.	No further action needed.	
38	Correspondence	An applicant (full review or expedited) does not have to be truthful in the application or plans.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	This issue was also raised during CAC mtg #2. Staff could incorporate a signature line/statement in the new application.	The comment will be noted as part of staff's presentation of proposed changes to the code.	PC to review with other changes.
40	Correspondence	Re: #3.7. It doesn't make sense to me to burden developed settings with guidelines.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	Staff will note in the proposed Chapter 38 revisions that CAC members were not unanimous on this issue.	The comment will be added to the comment column in the code.	PC to review with other changes.
41	Correspondence	Issue bin, item #19: The face area of a retaining structure (or wall) should correlate to the size limits (face area) of accessory structures.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	See response to #19, above.		
		SMA NATURAL RESOURCE CRITERIA				

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
47	CAC mtg #4	Concerned that the resources will not be protected if owners are allowed to encroach more and more into the resource or the buffer.	Angelo Simone	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
48	CAC mtg #4	Wetland mitigation often does not work and cannot replace destruction of naturally-occurring wetlands. Development within a delineated natural feature should be prohibited.	Clair Klock	CAC comments will be noted in the revised Chapter 38 that will be presented to the PC.	The comment will be added to the comment column in the code.	PC to review with other changes.
49	CAC mtg #4	Issue of who reviews buffer adjustment reports. One solution is to have a trained staff person from the County or a state agency delineate natural features.	Robert Leipper Clair Klock	This issue has been raised with the Gorge Commission and will be raised with submittal of the revised Chapter 38 to the Planning Commission.	This issue will be part of staff's presentation of changes to the code.	PC to review with other changes.
		UNIFORM APPLICATION.				
42	CAC mtg #4	NSA regulations should be uniformly applied within all the counties, has not seemed to be uniform in the past among the counties and among County applications.	All	Several CAC members stated agreement.	This policy may be added to the Rural Area Policy Plan document.	PC to review with other changes.
50	CAC mtg #4	Any meetings among planners of the NSA counties should be open to the public.	Robert Leipper	The suggestion can be raised with the planner group by Multnomah County planners.	CAC members can contact Derrick Tokos to follow up.	
		AGRICULTURAL BLDGS				

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Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
39	Corres- pondence	Re: Handout #3.6: It should be clearly stated that ag buildings are just that: for agricultural purposes.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, March 1, 2005	County code will reflect new MP standards for agricultural buildings.	PC to review with other changes.	
51		Support for the addition of MP provisions to ensure buildings are truly for ag uses	Bob Leipper Clair Klock	See above.	None needed.	
		RESOURCE ENHANCEMENT PROJECTS.				
52	CAC mtg #4	Should have a monitoring requirement added at 5- and 10-year intervals.	Clair Klock	There is currently no monitoring requirement in the code or in the revisions to the MP for resource enhancement projects. Staff will note this as an option.	Comment to be placed in comment column on revised code.	PC to review with other changes.
		DISPOSAL SITES				
53		Support for this and for application to private sector too. Problems with people accepting fill for money on their property.	Clair Klock	Comment can be noted in the revisions to Chapter 38.	Comment to be placed in comment column on revised code.	PC to review with other changes.
		MISCELLANEOUS COMMENTS				
54	CAC mtg #4	Should examine ways to allow more public access to the NSA, particularly bus service since one purpose of the NSA is to allow public access, particularly to key viewing areas. Examine ways to address increasing congestion on I-84 and that may hurt small businesses and hinder recreation.	Lex Loeb Angelo Simone	Mr. Tokos responded that since there are no planned changes to the zoning designations for this revision implementation, there are no proposed changes to traffic impact requirements, such as addressing air quality, or limiting trips. Staff can note these comments.	PC to review with other changes.	
55	CAC mtg #4	Evaluate adding a dust control/abatement provision to the County Code.	Clair Klock	Staff will note this as a comment.	Comment to be placed in comment column on revised code.	PC to review with other changes
56	Corres-	Corrections to meeting #3	Bob Leipper, email	Corrections have been made.	No further action	No further

Multnomah County National Scenic Area Compliance Project
Issue Bin Items and Comments

	When	Topic	Submitted by	Staff Feedback	Following actions	Resolution
	pondence	summary.	to Derrick Tokos and Gillian Zacharias, 3/10/05		needed.	action needed.
57	Correspondence	Does the prohibition against land divisions in the SMA apply to lots converted to GMA? Should be made clearer.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	Whatever the current zoning designation is for a lot, which indicates whether a lot is in the SMA or GMA, only the rules for that designation and management area apply.	No further action needed.	No further action needed.
58	Correspondence	Parking, "where traffic loads are lighter". What is considered lighter?	Bob Leipper, email to Derrick Tokos and Gillian Zacharias, 3/10/05	This description in Handout #4.3 was intended to convey the idea that urban design standards are intended for urban levels of traffic, whereas a gravel surface may be adequate for rural levels of traffic. It is not setting a standard.	No further action needed.	No further action needed.
59	Correspondence	Variance section of Handout #4.3, description of a "takings" is not considered one by LCDC and 1000 Friends.	Bob Leipper, email to Derrick Tokos and Gillian Zacharias,	Comment noted. This handout summarizes code language that already exists.		

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MULTNOMAH COUNTY
RURAL FIRE PROTECTION DISTRICT #14



RECEIVED JUN 3 26

CLERK

May 26, 2005

Mr. Derrick Tokos
Principle Planner
Multnomah County Planning
1600 SE 190th
Portland, OR 97233

Dear Mr. Tokos:

The Board of Directors of Multnomah County Rural Fire Protection District #14 met on May 11, 2005. The Board wishes to express their support for the proposed modifications to 38.7305 Fire Protection in Forest Zones which would require that those standards be applied only outside of organized Fire District. The following is a list of concerns the Board has with the current standard:

****The water tank would not be use by our Fire Department within our District.** We carry 1,000 gallons of water on our trucks. We have immediate backup of our tankers which each carry 3,000 gallons. Our operating protocols identify water sources throughout the district which are used to insure an adequate water resource. The tank would not provide a useful volume of water and would require variance from our standard procedure which could delay and add confusion to fire suppression.

**** There is no requirement for any means to access the tank.** This would require placement of the tank in an accessible location for fire trucks, which would require an adequate roadway be built to the location of the tank. Additionally, there is no requirement for any means to get the water out of the tank in a manner that would work for fire department connections which are not compatible with standard pipe connections. Fire Hose connections would also be larger than house hold plumbing and would place an unnecessary expense on homeowners for something that would not be used.

****A water tank is not consistent with the way our Firefighters are trained.** The key to fire suppression is rapid, consistent response by highly trained firefighters. To say that our standard procedures and training apply everywhere "but not at this house" is not in the best interest of our neighbors within Fire District #14. It would also be one more structure to hinder potential access by firefighters during an emergency event.

****Requires that an unnecessary structure be built within the National Scenic Area.** While a 1,000 gallon storage tank or pond is not a large project, it is an unnecessary structure within the National Scenic Area. As noted above, it would not be used by our Fire Department in the event of an emergency.

BUSINESS PHONE: (503) 695-2272
BACKYARD BURNING: (503) 695-2225
FAX: (503) 695-3473

P.O. BOX



****Places an undue burden on the homeowner.** It places an additional, unnecessary financial burden on the homeowner to build a tank or pond. Additionally, a 20 gallon per minute water pump is not reasonable, practical, or most likely not even possible. The average well pump produces approximately 10 gallons/minutes. It is our understanding that lending institutions require a minimum of 5 gallons /minutes. Having a pump that is too large will continue to cycle on and off very rapidly under normal demand for water, resulting in shortened pump life, erratic water pressure, and potential to outstrip the well's ability to produce water.

****Potential Health Hazard.** An uncovered water tank is a potential breeding ground for mosquitoes and other insects. If the assumption is that the tank will be used as a water source (although it would not be in Fire District #14), than it would have to be uncovered, posing a potential health threat to the community.

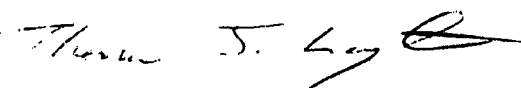
****Potential Safety Hazard.** Fire District #14 spends a lot of time educating the community we serve. We do not want to encourage untrained residents to fight fires on their own. If a fire cannot be extinguished with a fire extinguisher, then we tell them to phone 911 and get away from the fire. We provide training to local residents on use of a fire extinguisher. The proposed requirement would place a false sense of security with the homeowner/resident, which could result in injury or loss of life.

Each project is unique and has its own special problems. Before Fire District #14 signs off on any given project, we assure ourselves that access is appropriate and we are capable of rapid response for fire suppression. We use different tools to assure the best protection for our neighbors, which could include sprinkler systems, removal of vegetation, or special access to facilitate our response.

While we appreciate the need for Fire Safety and access standards, we believe that the proposed requirements are impractical, unnecessary, place a financial hardship on the property owner, and are a potential health and safety hazard. We therefore support your efforts to work with the Gorge commission staff to exclude the requirement for projects within and organized Fire District.

Thank you for your assistance in this effort.

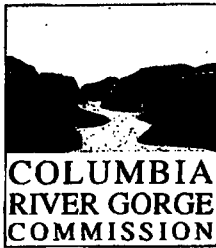
Sincerely,



THOMAS J. LAYTON
Chief

CC: Gorge Commission, Brian Litt Senior Planner
Fire District #14 Board Chairman Leroy Smith

2009 / JUN 26
RECEIVED
FIRE DISTRICT #14



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

May 20, 2005

Derrick Tokos, Principal Planner
Multnomah County Transportation and Land Use Planning Division
1600 SE 190th Ave.
Portland, OR 97233

Dear Derrick:

I have reviewed recent revisions to the draft Multnomah County Ordinance that implement *Revisions to the Management Plan for the Columbia River Gorge National Scenic Area*. These include revisions in the version of the ordinance posted on your website on June 3, 2005. In addition, you e-mailed me proposed revisions to address several comments that were not addressed in the June 3, 2005 website version. Thank you for the many changes you made in response to comments I submitted in letters on April 18, April 29 and May 20, 2005. With a few exceptions noted below, these revisions adequately address Commission staff comments.

As we discussed today, you will either make additional revisions or provide additional supporting information (as specified below) prior to the June 16, 2005 Board of County Commissioners hearing to address the remaining comments.

Missing Provisions

Two topics in the Revisions to the Management Plan are still missing from the County Ordinance and need to be added. They are: 1) SMA/GMA Review Use Guideline 8 regarding protection of recreation resources (Revisions to the Management Plan, page II-159); and 2) consolidation of lots (page II-108).

Consolidation of Lots

With respect to the consolidation guidelines, you indicated you will be adding a guideline to implement Management Plan Guideline 1. You will also be providing supporting information to the Gorge Commission demonstrating the Guideline 2 would not be applicable in Multnomah County, either to existing or prospective subdivisions. We agreed that Guideline 3 is not applicable to Oregon counties pursuant to ORS chapter 92.

Definition of "Repair"

The last sentence of the first paragraph in revised definition of "repair" (MCC 38.0015) should be revised to read: "Up to 10 percent increase in the original size, ~~scope, configuration or design~~ of a portion of a building to be repaired ~~structure~~ is allowed if required to comply with building codes, provided it does not require additional excavation." Revised as such, the 10% increase would only apply to buildings. The Management Plan allows some increase in size of utility poles and extensions of guardrails without review. A size increase of 10% of such structures could be larger than specified in the Plan for such structures. It is my understanding you will be making such revisions.



Compatibility Guideline

I recommend you add language to the first sentence of Guideline 38.7035(A)(2) clarifying what the term "similar buildings" means. I suggest revising the sentence to read: "New buildings shall be compatible with the general scale (height, dimensions, and visible mass) of similar buildings (e.g. dwellings to dwellings) that exist nearby." I also recommend replacing the word "may" in the last sentence with the word "generally" or "usually". It is my understanding you will be making such revisions.

Waiving On-Site Water Storage Requirements on Properties Within Fire Districts in GMA-Forest Zones

The Corbett Fire District has made a compelling case in information they provided the Commission that the on-site water storage requirements of 38.7305(C) need not apply within their district, as they have adequate infrastructure and response capabilities to better provide water for suppressing fires in these areas. The revised language of 38.7305(C) refers to "...properties located outside of a fire district..." You indicated you will provide information regarding whether there are any other fire districts in the County within lands designated GMA Small or Large Woodland or Commercial Forest. Assuming this information shows there are no such districts or that they have similar capacity for providing on-site water for fire suppression, this revision would be consistent with the Management Plan.

With the above minor revisions and additional information, all Commission staff comments will have been adequately addressed. Thanks again for all your hard work and for your responsiveness to Commission staff's comments. Please contact me at Litt@gorgecommission.org or 509-493-3323, ext. 223 if you have any questions.

Sincerely,



Brian Litt
Senior Planner

c: Anne Squier
Virginia Kelly, USFS Scenic Area Office



United States
Department of
Agriculture

Forest
Service

Columbia River Gorge
National Scenic Area

902 Wasco Ave., Suite 200
Hood River, OR 97031
(541) 308-1700
FAX (541) 386-1916

File Code: 1900

Date: June 7, 2005

Derrick Tokos
Multnomah County Land Use Planning Division
1600 SE 190th Ave
Portland, OR 97233

Dear Derrick:

Enclosed are the USDA Forest Service comments on the June 3, 2005 website version of the Multnomah County Ordinance to implement the Revisions to the Management Plan for the Columbia River Gorge National Scenic Area. Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005.

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Therefore, the Forest Service is providing a staff review of the draft ordinance. Our review was limited to the SMA provisions, including joint SMA/GMA provisions.

Please contact me at (541)308-1720 or vkelly@fs.fed.us with any questions.

Sincerely,

... *copy of one* 

VIRGINIA KELLY
Planner

Attachment

Cc: Brian Litt, Columbia River Gorge Commission



Forest Service Comments on
SMA Provisions the
Multnomah County Ordinance to implement the
Revisions to the Management Plan for the Columbia River Gorge National Scenic Area

June 7, 2005

Thank you for the many changes which incorporated our comments of April 15, April 29 and May 2, 2005. The following comments used the documents as available on the Multnomah County website as of June 3, 2005

Per Section 8(j) of the National Scenic Area Act, the Secretary of Agriculture is required to determine consistency of a Special Management Area land use ordinance with the Management Plan. Our review was therefore limited to the SMA provisions, including joint SMA/GMA provisions.

Please tell me where the following Management Plan provisions are located in the ordinance; they need to be included in the ordinance:

- Consolidation of Lots (Management Plan page II-108)
- SMA/GMA Review Uses Guideline 8 (Management Plan page II-159)

Part 1 – General Provisions

Definitions

Repair (email message of June 6, 2005): I propose the following change to the first paragraph of your email proposal of June 6, 2005. I prefer that the 10% increase apply only to buildings. The Management Plan allows some increase in size of utility poles and extension of guardrails without review, and potentially a 10% increase could be larger than specified in the Plan.

Repair: Replacement or reconstruction of a part of a serviceable structure after damage, decay or wear. A repair returns a structure to its original and previously authorized and undamaged condition. It does not change the original size, scope, configuration or design of a structure, nor does it excavate beyond the depth of the original structure. Up to a 10 percent increase in the original size, ~~scope, configuration or design~~ of a portion of a building to be repaired structure is allowed if required to comply with building codes, provided it does not require additional excavation.

Signs

Page 71: MCC 38.0080 (G). The MCC added SMA sign guideline 8 on Plan page II-163, referring to sign clutter, per my April 15 comments. However, now it is not clear that the guideline only applies to the SMA. This guideline should be moved under MCC 38.0080 (E).

Part 4 – Zoning Districts

SMA Forest – GSF

We noted that the ordinance now explicitly includes all SMA Forest Management Plan review uses, except Management Plan Review Use 1.B. (Plan page II-38): “New cultivation or new agricultural use outside of previously disturbed and regularly worked fields or areas. Clearing trees for new agricultural use shall be subject to the additional requirements of 1(W) of this chapter.” However, this use would be allowed in GSF due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B). MCC 38.2225 (B) includes the above referenced guideline.

We note that other SMA Forest Management Plan uses not explicitly listed in GSF are allowed due to MCC 38.2025 (B)(1) which allows the uses of MCC 38.2225 (B).

SMA Agriculture – GSA

Page 31: MCC 38.2223. Minor typo: “The uses listed in MCC 38.1010 may be allowed on land designated GGA and GSA ESA, pursuant to.....”

We note that other SMA Agriculture Management Plan uses not explicitly listed in GSA are allowed due to MCC 38.2225 (B)(2) which allows the uses of MCC 38.2025 (B).

SMA Open Space – GSO

Page 57: MCC 38.2625 (E)(7). MCC added Management Plan Review Use 1.F (Plan page II-59) which allows treatment of noxious weeds without completion of an SMA Open Space plan under certain conditions, but omitted one guideline, F(2)(d), “Limitation of recreational uses.”

SMA Public Recreation– GSPR

Page 68: MCC 38.2830 (C)(11)(a). The Bed and Breakfast guideline should be modified to include the underlined language:

(a) Is included in, or eligible for inclusion in, the National Register of Historic Places; ~~or~~
The use or development shall be compatible with agricultural use. Buffer zones should be considered to protect agricultural practices from conflicting uses.

Page 68: MCC 38.2830 (C)(11)(b). The Bed and Breakfast guideline contains a clause that is not in the Management Plan and must be deleted:

~~(b) Is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

We noted that other SMA Public Recreation Management Plan review uses not explicitly listed in GSPR are allowed due to MCC 38.2825 (C)(1) and (C)(7) which allows the uses of MCC 38.2025(B) and 38.2225 (B).

SMA Residential– GSR

Page 74: MCC 38.3025 (B)(7) and (B)(12). Minor edits: these guidelines have missing references.

Part 6 – Approval Criteria

SMA Scenic Resources

This section is now much more consistent with the Plan, thanks. I have only a few minor comments.

Page 26: MCC 38.7040 (A)(1). The following underlined language should be added (Management Plan page I-33):

“New developments and land uses shall be evaluated to ensure that the scenic standard is met and that scenic resources are not adversely affected, including cumulative effects, based on the degree of visibility from Key Viewing Areas.”

Page 32: MCC 38.7040 (B)(1) (b) and (c): A few minor edits I did not catch before: in each guideline, “must” should be changed to “shall”, since shall is used and defined in the Management Plan.

Page 32: MCC 38.7040 (B)(2) (a): Minor edit: “coniferous landscape setting” should be changed to “Coniferous Woodland landscape setting.”

Page 34: MCC 38.7040 (C): Management Plan guidelines 2 and 3 (page I-40), referring to scenic corridor strategies are omitted from the ordinance. The April 2005 version of the ordinance included a guideline to implement the scenic corridor strategies; this guideline is not in the current (June 2005) version. We ask that the guideline implementing the scenic corridor strategies be added back to the ordinance. (Page 29, guideline (C).(2) of the April version).

“Development along Interstate 84 and the Historic Columbia River Highway shall be consistent with the scenic corridor strategies developed for these roadways.”

Page 29/30: MCC 38.7040 (C)(2)(a) and (b)(1). For clarity, in each guideline we suggest changing the reference to the “previous section” to “requirements of 7040(A)”; the KVA requirements.

SMA Natural Resources

Page 105: MCC 38.7075 (H). This provision also needs a reference to Table 4 in the Management Plan. “Types of Wildlife Areas and Sites Inventoried in the Columbia Gorge”. Table 4 is the Table XX referenced in the Management Plan. In addition, per our letter of March 14, 2005, we would like this provision to have a reference to the “Columbia Gorge and Vicinity Endemic Plant Species” Table (Table 7 in the Management Plan).

Expedited Development Review Criteria

Page 161: MCC 38.7100 (A)(4)(b)(3). I think that referencing 38.0110 (the treaty rights guidelines) is more appropriate here than the references cited.

Part 7 – Special Uses

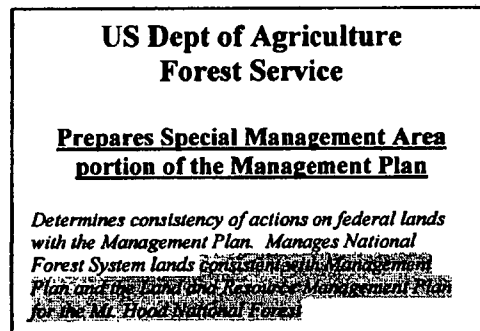
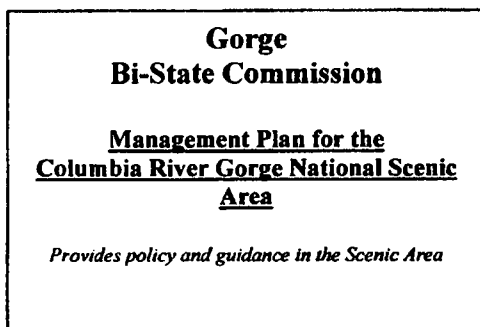
Page 55: MCC 38.7370 (B)(1): For clarity, this guideline could reference MCC 38.7040(A).

Page 61: MCC 38.7375 (C) Stewardship Plan Requirements: Management Plan guideline (3)(c) iv has been omitted and needs to be added (Plan page II-44):

“Give a clear explanation how and why the proposed activities will lead the forest towards its range of natural variability and result in reaching sustainability, resiliency to disturbances.”

Rural Area Plan

I still prefer that the box with the Forest Service recognize the Forest Service role in preparing the SMA portions of the Management Plan, per my emailed graphic of May 19, 2005.



(Could delete the highlighted portions if space needed.)

POLICY 41: COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

In 1986 Congress passed the Columbia River Gorge National Scenic Area Act (Public Law 99-663) which designated 292,600 acres in six counties in the states of Oregon and Washington as a National Scenic Area. Approximately 33,280 acres of that area are within Multnomah County.

The purposes of the Columbia River Gorge National Scenic Area are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future development which supports those purposes. The purposes are implemented by the document entitled *Management Plan for the Columbia River Gorge National Scenic Area* and the Multnomah County document entitled *The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document*.

The Management Plan is organized into five parts. Part I of the Plan addresses land use designations, and the colored map by this title is used in conjunction with this section of the Plan. Individual chapters set forth the goal, objective, policy, and guideline elements for each land use category: agricultural land, forest land, open space, residential land, commercial land, and recreation designations. The land use designation chapters are followed by a chapter on general policies and guidelines that affect all uses in the Scenic Area, regardless of designation.

Part II sets forth goals, objectives, policies, and guidelines for resource protection and enhancement. Individual chapters cover scenic resources, cultural resources, natural resources, and recreation resources. The accompanying landscape settings map is used in conjunction with the scenic resources chapter, and the recreation intensity classes map is used with the chapter in Part II on recreation resources.

Part III outlines an action program, with chapters devoted to the recreation development plan, economic development, enhancement strategies, and interpretation and education. Part IV focuses on the role of the Gorge Commission and the U.S. Forest Service, Indian tribal treaty rights and consultation, and public involvement. Part V consists of a glossary of definitions.

The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is an element of the Multnomah County Comprehensive Framework Plan. The Columbia River Gorge National Scenic Area Rural Area Plan Policy Document is organized into seven parts. The first part states the purpose of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document. The introduction includes the general policy statement. Introduction to the Columbia River Gorge National Scenic Area Act describes the enactment and the establishment of the Gorge Commission. Introduction to the Management Plan For The Columbia River Gorge National Scenic Area lists the chronology of the preparation and revision of the Management Plan for the Columbia River Gorge National Scenic Area and describes the Multnomah County implementation process. The fifth section describes the relationship of the Columbia River Gorge National Scenic Area Rural Area Plan Policy Document to other existing plans and regulations, including the Management Plan for the Columbia River Gorge National Scenic Area, Land and Resource Management Plan for the Mt. Hood National Forest, Indian Tribes rights and treaties, Oregon Statewide Planning Goals, applicable Oregon Revised Statutes, and the Multnomah County Comprehensive Framework Plan. The authority section establishes the authority of the Gorge Commission.

the U.S. Forest Service, the Tribes, Metro, Multnomah County, and the City of Troutdale within the Columbia River Gorge National Scenic Area. The final section establishes policies for issues not specifically addressed in the *Management Plan For The Columbia River Gorge National Scenic Area*. These are the Hillside Development District, off-street parking and loading, land divisions, planned development, and variances to dimensional standards.

The County's policy is to implement the goals, objectives, policies, and guideline elements contained in the *Management Plan for the Columbia River Gorge National Scenic Area* and attendant maps (including any future amendments) for that portion of the County designated by Congress as the Columbia River Gorge National Scenic Area.

Strategy

As a part of the ongoing planning program, the County should amend the Zoning Code to include zoning districts and review procedures which implement the goals, objectives and policies of the Management Plan for the Columbia River Gorge National Scenic Area and its attendant maps.

Attachment 4

KEY TO SECTION 8(o) ZONING CHANGES

	TAX ACCOUNT #	OWNER	LOCATION	ACRES	CURRENT ZONING	CRGC GMA DESIGNATION	COUNTY EQUIVALENT
1	R944280270	Herndon	1N4E28C -00100	3.4	GSA-40	A2-40	GGA-20*
2	R944280110	Annus	1N4E28D -00900	19.09	GSA-40	A2-40	GGA-20*
3	R944280250	McCartney	1N4E28D -01100	5	GSA-40	A2-20	GGA-20
4	R944290050	Chamerlain Hill Ranch (Ulmer)	1N4E29 -00900	96.69	GSA-40	A1-40	GGA-40
5	R944290320	Hummel	1N4E29CC -00100	2	GSA-40	A2-40	GGA-20*
6	R944290230	Darcy	1N4E29CC -00200	5	GSA-40	A2-40	GGA-20*
7	R944290270	Hummel	1N4E29CC -00400	4	GSA-40	A2-40	GGA-20*
8	R945210070	Wellman	1N5E21D -00600	3	GSF-40	F3-20	GGF-20
9	R945220030	TPL Bridal Veil	1N5E22 -00300	0.74	GSPR	F3-20	GGF-20
10	R945220110	TPL Bridal Veil	1N5E22 -00400	13.3	GSPR	F3-20	GGF-20
11	R945220020	TPL Bridal Veil	1N5E22 -00500	0.24	GSPR	F3-20	GGF-20
12	R283300300	TPL Bridal Veil	1N5E22AB -00600	2.87	GSPR	F3-20	GGF-20
13	R945270240	Smith	1N5E27 -00600	2.9	GSF-40	F3-20	GGF-20
14	R945270280	Harlow	1N5E27C -00100	6.64	GSF-40	F3-40	GGF-40
15	R945270220	Leigh	1N5E27C -00200	3.92	GSF-40	F3-40	GGF-40
16	R945270360	Dufresne	1N5E27C -01000	4.39	GSF-40	F3-40	GGF-40
17	R945270200	Van Houten	1N5E27D -00200	9.52	GSF-40	F3-40	GGF-40
18	R945270320	Knotts	1N5E27D -00900	5.5	GSF-40	F3-40	GGF-40
19	R945270190	Martin	1N5E27D -01200	4.7	GSF-40	F3-20	GGF-20
20	R945270260	Davis/Pauli	1N5E27D -01300	11.8	GSF-40	F3-20	GGF-20
21	R945270340	Nulton	1N5E27D -01400	2.4	GSF-40	F3-40	GGF-40
22	R945270150	Martin	1N5E27D -01500	6.3	GSF-40	F3-20	GGF-20
23	R945280100	Clements	1N5E28 -00500	114.58	GSF-40	F3-40	GGF-40
24	R945280300	Gibbons	1N5E28B -00200	0.07	GSF-40	F3-20	GGF-20
25	R945280220	Forner	1N5E28B -00300	12.82	GSF-40	F3-20	GGF-20
26	R945290280	Gibbons	1N5E29A -00100	3.9	GSF-40	F3-20	GGF-20
27	R832302850	Gregg	1N5E30CC -00900	0.57	GSF-40	F3-20	GGF-20
28	R945310640	Twilegar	1N5E31A -02100	7.53	GSF-40	F3-20	GGF-20
29	R945320150	Finney/Windust	1N5E32 -00600	17	GSF-40	F3-20	GGF-20
30	R945330010	Putnam	1N5E33 -00100	40	GSF-40	F3-40	GGF-40
31	R945330150	Angelo	1N5E33B -00100	27.66	GSF-40	F3-40	GGF-40
32	R945330340	Stomps	1N5E33B -00900	8.08	GSF-40	F3-40	GGF-40
33	R945330270	Stomps	1N5E33B -01000	2.97	GSF-40	F3-40	GGF-40
34	R945340030	MacKay	1N5E34 -00900	72.82	GSF-40	F3-40	GGF-40
35	R946020140	Royse	1N6E02B -00500	23.33	GSF-40	F-2	GGF-80*
36	R832301940	Watson	1N5E20C -1500	0.21	GSF-40	F3-40	GGF-40
37	R832300010	Watson	1N5E20C -1600	1.00	GSF-40	F3-40	GGF-40

* Management Plan Land Use Designation Conversions Were Not Available. County Equivalent Shown.

Note: Table Refers to changes by the Forest Service from 1997 - present.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-11
Est. Start Time: 10:40 AM
Date Submitted: 05/27/05

BUDGET MODIFICATION:

Memorandum of Understanding [Non-Expenditure Non-190 Government Contract 0405165] with the Oregon Secretary of State to Assist the Multnomah County Elections Office in Compliance with Help America Vote (HAVA) and Public Law 107.252

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

Date Requested:	June 23, 2005	Time Requested:	5 minutes
Department:	Business and Community Services	Division:	Elections
Contact(s):	John Kauffman		
Phone:	(503) 988-3720	Ext.	24685
I/O Address:	414/1st		
Presenter(s):	John Kauffman, Elections Manager		

General Information

1. What action are you requesting from the Board?

Approval of a Memorandum of Understanding (MOU) between the Oregon Secretary of State and Multnomah County to assist the County Elections Office to comply with Help America Vote (HAVA) and Public Law 107.252

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

The Secretary of State is required to meet a 5% match in funding requirement in order to receive federal funds being held for Oregon for implementation of HAVA. Funds appropriated or expended in the counties for projects directly related to meeting the accessibility requirements of the HAVA law can be used toward meeting the 5% matching funds requirement.

The Secretary is attempting to identify the costs of county projects that will qualify toward the HAVA matching funds requirement, and this MOU assures that the Secretary and Multnomah County have an understanding of the appropriated or expended funds for projects Multnomah County has identified as meeting the HAVA criteria and properly

document the appropriated or expended funds.

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

The purpose of the memorandum is to identify \$200,000 in appropriated or expended funds for the period of May 2003 through May 2005, used specifically by Multnomah County for projects that assist in bringing Multnomah County into compliance with the Help America Vote Act (HAVA), and Public Law 107.252. The Secretary will properly apply the reported appropriations and expenditures toward the 5% matching funds requirement for HAVA.

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

Multnomah County is required to comply with HAVA and Public Law 107.252. The Secretary of State will apply the County's qualifying appropriations and expenditures that assist in meeting the HAVA accessibility requirements and will report to the Federal Government as required.

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

NA.

Required Signatures

Department/
Agency Director:

Robert A Maestre

Date: 05/26/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☒ Not Attached Contract #: 0405165
Amendment #: 11

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

Department: Business & Community Services Division: Elections Date: 5/26/05
 Originator: John Kauffman Phone: x24685 Bldg/Rm: 414/1st
 Contact: Cathey Kramer Phone: x22589 Bldg/Rm: 455/2nd

Description of Contract: A Memorandum of Understanding (MOU) between the Oregon Secretary of State and Multnomah County to assist the County Elections Office in complying with Help America Vote (HAVA) and Public Law 107.252 through identifying expenditures which qualify for Federal matching funds.

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

Contractor	Oregon Secretary of State		Remittance address	
Address	255 Capitol St NE, Suite 180		(If different)	
City/State	Salem OR		Payment Schedule / Terms	
ZIP Code	97310 - Jeff Morgan, Business Svcs Administrator		<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	(503) 986-2239/Fax: (503) 378-4991		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A		<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	06/23/05	Term Date 06/30/05	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date		New Term Date	Original Requirements Amount	\$
Original Contract Amount	\$	Total Amt of Previous Amendments	\$	
Total Amt of Previous Amendments	\$	Requirements Amount Amendment	\$	
Amount of Amendment	\$	Total Amount of Requirements	\$	
Total Amount of Agreement	\$ \$0			

REQUIRED SIGNATURES:

Department Manager Robert Maestre
 Purchasing Manager [Signature]
 County Attorney [Signature]
 County Chair [Signature]
 Sheriff _____
 Contract Administration _____

DATE 5-26-05
 DATE
 DATE 6/07/05
 DATE
 DATE
 DATE

COMMENTS:

APPROVED: MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-11 DATE 06.23.05
 DEBORAH L. BOGSTAD, BOARD CLERK

MEMORANDUM OF UNDERSTANDING
Between the
Oregon Secretary of State and Multnomah County

Dated: June 23, 2005

The following Memorandum of Understanding (MOU) is entered into this June 23, 2005, by and between the State of Oregon, acting by and through the Oregon Secretary of State (Secretary) and Multnomah County.

1. Purpose

To identify \$200,000 in appropriated or expended funds, for the period of May 2003 through May 2005, used specifically by Multnomah County for projects that will assist in bringing Multnomah County into compliance with the Help America Vote Act (HAVA), and Public Law 107.252.

2. Background

The Secretary is charged with meeting a 5% match in funding requirement in order to receive federal funds being held for Oregon for implementation of HAVA. Funds appropriated or expended in the counties for projects directly related to meeting the accessibility requirements of the HAVA law can be used toward meeting the 5% matching funds requirement. The Secretary is attempting to identify county projects whose costs will qualify toward the HAVA matching funds requirement.

3. Objectives

To assure that the Secretary and Multnomah County have an understanding of the appropriated or expended funds for projects Multnomah County has identified as meeting the HAVA criteria and properly document the appropriated or expended funds.

4. Assumptions

- Multnomah County has accurately accounted for appropriated or expended funds for projects eligible for HAVA matching funds. (See Exhibit A.).
- The Secretary will properly apply the reported appropriations and expenditures toward the 5% matching funds requirement for HAVA.

5. LCCO Responsibilities

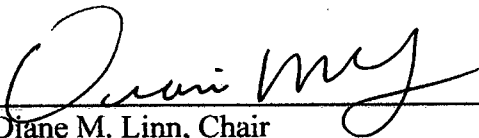
Multnomah County will supply the Secretary with this signed MOU and attach Exhibit A listing appropriated or expended funds scheduled or spent for projects in the pursuit of meeting HAVA accessibility requirements.

6. The Secretary Responsibilities

The Secretary will provide Multnomah County with a fully executed copy of this MOU. The Secretary will apply the appropriations and expenditures made by Multnomah County for projects in the pursuit of meeting HAVA accessibility requirements to the HAVA matching funds requirement and report those to the Federal Government as required by HAVA.

MULTNOMAH COUNTY, OREGON

STATE OF OREGON


Diane M. Linn, Chair
Board of County Commissioners


Jeff Morgan
Business Services Administrator
Oregon Secretary of State

Date: 06/23/05

Date: _____

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON


John Thomas, Assistant County Attorney

Date: 6/07/05

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 06.23.05
DEBORAH L. BOGSTAD, BOARD CLERK

Exhibit A



MULTNOMAH COUNTY OREGON

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES
FACILITIES AND PROPERTY MANAGEMENT DIVISION
401 NORTH DIXON STREET (FIRST FLOOR)
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BOARD OF COUNTY COMMISSIONERS
DIANE 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: May 18, 2005

PROJECT: CP10.04.21

TO: John Kauffman

VERSION: 2

CC: Mary Shultz

FROM: Clark Jurgemeyer

SUBJECT: B414 Elections Building – Spent to Date

CUP – DESIGN PHASE		FUNDING	SPENT-TO-DATE	BALANCE
Number	Description	Budget Cap	2005.05.18	Remaining
CP08.4U	Project Planning	\$ 5,000	\$ 1,891.88	\$ 0
CP08.04.01B	ADA Design	\$ 200,000	\$ 198,730.61	\$ 0
CP08.04.01J	Accelerated Work	\$ 50,000	\$ 38,086.06	\$ 0
CP10.04.21	Elevator Design	\$ 350,000	\$ 35,063.92	\$ 314,936.10
CP10.04.27	AP Design	\$ 25,000	\$ 26,384.27	\$ 0
Combined Total		\$ 630,000	\$ 300,156.74	\$ 314,936.10



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-12
Est. Start Time: 10:45 AM
Date Submitted: 06/15/05

BUDGET MODIFICATION: -

Agenda Title: First Reading and Possible Adoption of an ORDINANCE Amending MCC Chapter 37, Administration and Procedures, to Allow Planning Director to Appeal Certain Hearings Officer Decisions to the Board and Make Technical Corrections, and Declaring an Emergency

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

Date Requested: June 23, 2005 Time Requested: 15 minutes
Department: Non-Departmental Division: Commissioner District 1
Contact(s): Shelli Romero
Phone: (503) 988-4435 Ext. 84435 I/O Address: 503/600
Presenter(s): Karen Schilling, Gary Clifford

General Information

1. What action are you requesting from the Board?

The request is for adoption of proposed amendments to MCC Chapter 37. Chapter 37 is the Administration and Procedures guide for reviewing and processing land use applications. The proposed amendments include technical corrections, amendments to the section on who may initiate a land use application, and adds authority to the Planning Director to appeal a Hearings Officer decision.

Technical corrections include the following:

- The addition of 15 types of land use reviews to the "Approval Process" chart which designates the initial reviewer of a land use application. The reviewer is the Planning Director, Hearings Officer or Planning Commission.
- The addition of a requirement that denial of the major part of a development proposal also

results in denial of all associated more minor parts of the application.

- Adds a deadline for posting notice signs on properties. These signs advise the public of a land use application and include information about upcoming public hearings.

Amendments to who may initiate an application are found at MCC 37.0550, Initiation of Action. The proposal is to amend the description of who may initiate a land use application to also include "a government agency that has the power of eminent domain."

Most of the proposed amendments are added provisions that allow the Planning Director to appeal a land use decision of the county Hearings Officer to a hearing before the Board of County Commissioners (Board). It is anticipated that this provision would be rarely used. At this time all appeals of Hearings Officer decisions must go directly to the State of Oregon Land Use Board of Appeals.

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

Periodically there is the need to evaluate how well the Zoning Code is working and make necessary amendments. MCC Chapter 37 was adopted in the year 2000. These proposed amendments are from experience gained in using the code and an unforeseen State ruling. Adoption of the amendments will improve the administration of all the Rural Area Zoning Codes.

The summary chart in MCC 37.0530 has been found to be a useful tool for staff and the public for finding in one location a listing of the approval process for the different types of land use applications. The chart's usefulness will be improved by the addition of 15 more types of land use reviews.

There is a need to clarify that denial of an application, such as for a Conditional Use or Conditional Use, is also a denial of minor associated applications such as Design Review or Variances. This should add certainty to the entire final decision of the Hearings Officer.

Amendments regarding adding "a government agency that has the power of eminent domain" to the list of who may initiate an application was initially requested by the transportation engineering staff to allow the county to begin land use review proceedings for projects before eminent domain proceedings are completed for easements or land acquisition. Where this may be needed is in situations where other funding sources, such as State or Federal, require a certain amount of progress toward approval of a project and as a result of condemnation delays there may be loss of that funding.

Most of the changes to Chapter 37 are proposed to address a 2003 Land Use Board of Appeals (LUBA) ruling which found that Multnomah County did not have standing before LUBA to appeal a County Hearings Officer decision. The proposed solution to that situation is to allow the Planning Director to appeal Hearings Officer's decisions to the Board of County Commissioners. The Board of Commissioners would hear arguments from the Planning Director and the applicant and would then make the final county decision on the application. The use of such a Code provision by the Planning Director is anticipated to be seldom used as the 2003 LUBA case was the only one appealed in about three years. The code amendments allow a process for the Board to work out policy differences with the Hearings Officer decision prior to and outside the State appeal process.

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

NA.

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

The County Attorney's office was involved in the drafting of most of the proposed amendments and has reviewed the ordinance.

Adding the ability of the Planning Director to appeal a Hearings Officer decision to the Board is a change from the policy adopted by the Board in the year 2000. That policy set up a land use decision process where all appeals of a Hearings Officer decision would only go to the State LUBA review. Appeal hearings after that were no longer heard by the Board. This proposal, because it is foreseen to be used so infrequently is not a major change in that original policy from 2000. The Planning Director's appeal authority would be used in situations involving important errors in the application of county policy or where there may be significant negative impacts to the public.

It was determined by the County Attorney office and the Planning Commission that no regulations are being proposed that further restrict the use of property and no "Ballot Measure 56" notice to property owners was required.

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

The Planning Commission held public hearings on these proposed amendments on October 4, 2004 and November 1, 2004.

Required Signatures

**Department/
Agency Director:**

Maria Pijo de Steffey

Date: 06/15/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY
LAND USE AND TRANSPORTATION PROGRAM
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PH: 503-988-3043 FAX: 503-988-3389
http://www.co.multnomah.or.us/dbcs/LUT/land_use

**STAFF REPORT TO THE BOARD OF COUNTY COMMISSIONERS
FOR THE PUBLIC HEARING ON JUNE 23, 2005**

**PROPOSED AMENDMENTS TO ZONING CODE CHAPTER 37,
ADMINISTRATION AND PROCEDURES**

A PROPOSAL TO ALLOW THE PLANNING DIRECTOR TO APPEAL HEARINGS OFFICER DECISIONS TO THE BOARD OF COUNTY COMMISSIONERS, SOME TECHNICAL CORRECTIONS, AND ADD A PROVISION REGARDING GOVERNMENTS IN THE DESCRIPTION OF WHO MAY INITIATE AN APPLICATION, (CASE PC 04-004).

INTRODUCTION

Periodically it is necessary to amend the Zoning Code when, from experience, there is found the need for technical corrections, improvements in process, a need to clarify confusing provisions, and changes required due to unforeseen circumstances. This staff report combines all of those types of proposed Zoning Code amendments.

There are no proposed changes in the zoning designations of properties or any changes in allowed land uses. Therefore no Ballot Measure 56 notice to property owners is required.

Proposed code changes are shown by the following:

- Language shown by ~~strikethrough~~ is proposed to be deleted.
- Underlined language is proposed to be added.
- Staff comments, if needed, follow the section commented on and are in *bond italic font*.
- Where three astericks * * * are found, they show where code parts are left out.

The proposed amendments in this staff report include both technical improvements and a change to address a Land Use Board of Appeals (LUBA) ruling.

Included is an amended "decision making process chart" that adds 15 types of land use reviews. The chart has proven to be a useful tool for referencing the specific review procedures that a land use application will go through. The additions to the chart should complete the list of review types. Other proposed minor changes include: a requirement that denial of the major part of a development proposal also results in denial of associated reviews; allowance for governments to initiate a land use review of their projects before eminent domain proceedings are completed; and the addition of a deadline for posting signs on properties that advertise the hearing.

Most of the changes to Chapter 37 are proposed to address a 2003 Land Use Board of Appeals (LUBA) ruling which found that Multnomah County did not have standing before LUBA to appeal a County Hearings Officer decision. The proposed solution to that problem is to allow the Planning Director to appeal Hearings Officer's decisions to the Board of County Commissioners. The Board of Commissioners would then hear arguments from the Planning Director and the applicant and would then make the final County decision on the application. The use of such a Code provision by the Planning Director is anticipated to be very rare as the 2003 LUBA case was the only one appealed in about three years.

Proposed Code Amendments to Chapter 37:

§ 37.0530 Summary Of Decision Making Processes.

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

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
Allowed Uses	X				
Review Uses		X			
Conditional Uses			X		
Community Service			X		
Design Review		X			
Plan/Zone Change (single tract) quasi-judicial				X	
<u>Demolition of historic building or structure before 120 day permit delay</u>				X	
Plan/Zone Changes-legislative					X

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Ap- proval Body	(Not a "land use deci- sion")	(Plan ning Direc- tor)	(Hea- rings Offi- cer)	(Plan- ning Com- mis- sion)	(Leg- isla- tive)
Zone Code Text Changes (Initiated by County only)					X
<u>Creation of a parcel/lot not abutting a street</u>			X		
Variance		X			
Non con- forming Uses/Determi- nation of Non con- forming Use		X			
<u>Extensions of Decisions in EFU & CFU Zones (MCC 37.0690); all other Extensions of Decisions</u>	X	X			
Revocation of Decision		X			
Property Line Adjustments		X			
Planned Unit Develop- ments			X		
Land Divi- sions • Subdivi- sion (Category 1 & 2)			X		

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Ap- proval Body	(Not a "land use deci- sion")	(Plan ning Direc- tor)	(Hea- rings Offi- cer)	(Plan- ning Com- mis- sion)	(Leg- isla- tive)
• Major Partition (Category 3 & 4)		X			
• Minor Partition		X			
Significant Environ- mental Con- cern		X			
Hillside De- velopment Permit		X			
Willamette River Green- way		X			
Zoning Code Interpreta- tions		X			
Temporary Permits		X			
Temporary Health Hard- ship		X	X if CU		
Bus Shelter		X			
Lot of Re- cord Deter- mination		X			
Lot of Ex- ception		X			
Exceptions		X			
Post- emergency response to emer- gency/disaste r event		X			

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Ap- proval Body	(Not a "land use dec- sion")	(Plan ning Direc tor)	(Hea rings Offi- cer)	(Plan- ning Com- mis- sion)	(Leg- isla- tive)
<u>All other dis- cretionary decisions</u>		X			
<u>First re- sponse to emer- gency/disaste r event</u>	X				
Grading and Erosion Con- trol	X				
Floodplain Development	X				
Street & Property Ad- dressing	X				
<u>Type A Home Occu- pation</u>	X				

Staff Comments:

1. The change to the "Extension of Decision" line is proposed to address the following requirement in State Administrative Rules:

OAR 660-033-0140(3) Approval of an extension granted under this rule is an administrative decision, is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

2. The change to the land division line is because the land division part of the code uses "categories" of certain land division characteristics rather than the classifications of "subdivision," "major partition," or "minor partition."

3. The addition of "Lot of Exception" as a Type II Permit (Planning Director review) is a change in review from the existing designation as a

Conditional Use in the MUA-20, RR, RC, PH-RC, and OR zones. The corresponding changes in each zoning district is shown in Part I of this report.

4. All other additions to the chart are types of reviews that were left out of the table in 2001.

Permit Types

(A) Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as land use or limited land use decisions. The process requires no notice to any party other than the applicant. The Planning Director's decision is final and not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court.

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

(1) If there is an appeal of the Planning Director's decision, the Hearings Officer shall conduct a public hearing on the application pursuant to MCC 37.0610. After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Multnomah County Board of Commissioners (Board) within 7 days. If there is no appeal by the Planning Director, the signed Hearings Officer decision shall be mailed to those persons entitled to notice of a Type III Permit decision under MCC 37.0660(D). The mailed decision is the County's final decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

(2) If the Planning Director appeals the Hearings Officer decision, then notice of the appeal and public hearing before the Board shall be mailed as required in MCC 37.0640(B)(2). A staff report by the Planning Director shall also be available 14 days before the hearing. The Board of Commissioners shall then conduct a public hearing on the application under the provisions of MCC 37.0615. The Board's decision shall be mailed to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed

decision is the County's final decision on the application and may be appealed to LUBA within 21 days of when the signed decision is mailed. Any person who participated orally or in writing in the proceeding before the Hearings Officer or Board of County Commissioners may appeal the final decision.

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

After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Multnomah County Board of Commissioners (Board) within 7 days. If there is no appeal by the Planning Director, the signed Hearings Officer decision shall be mailed to those persons entitled to notice of a Type III decision under MCC 37.0660(D). The mailed decision is the County's final decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

If the Planning Director appeals the Hearings Officer decision, then notice of the appeal and hearing before the Board shall be mailed as required in MCC 37.0640(B)(2). A staff report by the Planning Director shall also be available 14 days before the hearing. The Board of Commissioners shall then conduct a public hearing on the application under the provisions of MCC 37.0615. The Board's decision shall be mailed to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed decision is the county's final decision on the application and may be appealed to LUBA within 21 days of when the signed decision is mailed.

(D) Type IV decisions include plan amendment and/or zone change applications of an individual parcel or tract. These applications involve substantial discretion and evaluation of subjective approval criteria. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within 750 feet. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. At the evidentiary hearing held before Planning Commission all testimony and evidence relevant to the matter shall be accepted prior to the close of the hearing. If the Planning Commission denies the application, any party who appeared before the Planning Commission either in person or in writing, may appeal the Planning Commission's denial to Board of Commissioners within 14 days after the decision is signed. If no appeal is filed, the Planning Commission's denial shall become final upon the close of business on the last day of the appeal period. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the Board of Commissioners for final consideration. In either case, any review by the Board of Commissioners is ~~recorded~~ de novo, as if new, and all issues relevant to the applicable approval criteria may be considered. The Board of Commission-

ers decision is the County's final decision and is appealable to LUBA within 21 days of when the signed Board order is mailed.

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

§ 37.0540 Assignment Of Decision Makers.

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

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

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. Unless the Planning Director appeals the decision to the Board of Commissioners, the Hearing Officer decision on such an appeal is the County's final decision on a Type II application and is appealable to LUBA. If the Planning Director appeals the decision to the Board of Commissioners, the Board decision is the county's final decision on a Type II application and may be appealed to LUBA.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. Unless the Planning Director appeals the decision to the Board of Commissioners, the Hearings Officer decision is the County's final decision on a Type III application and is appealable to LUBA. If the Planning Director appeals the decision to the Board of Commissioners, the Board decision is the county's final decision on a Type III application and may be appealed to LUBA.

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

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

* * *

§ 37.0550 Initiation of Action.

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

* * *

Staff Comment: This change would allow a road department to get an early start on project reviews before an eminent domain proceeding is completed. This change would allow, for example, a road project which needed a wider right-of-way to get review of its construction design before the land transfer occurred.

§ 37.0610 Hearings Process - Type II Appeals, Type III Or Type IV Applications.

All public hearings on Type II, Type III, or Type IV applications shall be quasi-judicial and comply with the procedures of this section.

* * *

(G) Denial by a Hearings Officer of a Type III decision permit application, such as a Conditional Use or a Community Service Use, shall result in denial of all associated Type II decisions applied for at the same time that are subject to some part of the Type III decision. The Type II decisions for which this applies include, but are not limited to Design Review, Variances, Significant Environmental Concern, Willamette River Greenway, and Hillside Development Permits.

* * *

Staff Comment: The proposed change would make it clearer that denial of an application for the main land use will also result in denial of associated applications. For example, it would not be appropriate to approve a requested variance to a building setback, when the building itself is denied as a conditional use.

§ 37.0615 Review Procedures Before the Board of County Commissioners of an Appeal of a Hearings Officer Decision on a Type II or Type III Permit.

Staff Comment: The following review procedures do not follow the hearing procedures of Oregon Revised Statute 197.763 "Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures" because all those statute requirements have been followed previously before the Hearings Officer. The recommended procedures are a more abbreviated and focused review by the Board and is meant to examine a particular issue found by the Planning Director to be of significant concern. This is different than the purpose of the initial public hearing before the Hearings Officer where arguments concerning all the approval criteria were examined in greater depth and given the time needed to make the required findings.

Review by the Board of County Commissioners (Board) of a Planning Director's appeal of a Hearings Officer decision on a Type II or Type III Permit shall be pursuant to the Multnomah County Home Rule Charter and implementing Rules, with the following additional requirements:

(A) Notice of the hearing shall be given as required by MCC 37.0640(B)(2).

(B) A staff report by the Planning Director shall be available 14 days before the hearing. The scope of argument and information in the staff report shall be limited to the record made before the Hearings Officer.

Staff Comment: The actual date of a Board hearing will vary based upon:

- ***available meeting dates;***
- ***how soon the Planning Director's appeal is filed (can be sooner than the 7 days allowed); and***
- ***Allowing a minimum of 14 days before the hearing for mailing notice of the hearing and having the staff report available.***

(C) Any written testimony submitted by others shall be available 7 days before the hearing. The scope of argument and information in the written testimony shall be limited to the record made before the Hearings Officer and the staff report described in (B) above.

(D) A written response to (C) is not allowed.

(E) The following persons may present oral testimony:

(1) By the applicant (and/or the applicant's representative) and the Planning Director;

(2) Limited to the issues, evidence and arguments on the record that were made before the Hearings Officer;

(3) Limited to 10 minutes of argument on each side, with the provision that the Planning Director may reserve time from that 10 minutes for a rebuttal.

(F) The Board will then deliberate and deliver an oral decision before the end of the hearing. The Board shall then direct staff to prepare an Order and Opinion that reflects the decision and direct the Chair to sign the same. Staff will then mail the signed Order and Opinion to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed decision is the county's final decision on the application and may be appealed to LUBA within 21 days of the date the decision is signed by the Chair.

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

Except for appeals of Hearings Officer decisions by the Planning Director which have different notice requirements in MCC 37.0640(B), N-notice for all public hearings for Type III, IV or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to any County-recognized neighborhood association or identified agency whose territory includes the subject property. The County shall further provide notice at least 20 days prior to a hearing to those

persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish the notice in a newspaper of general circulation within the County at least 20 days prior to the hearing. Notice of the hearing shall include the following information:

* * *

§ 37.0630 Posting Notice Requirements - Type III, Type IV Hearings.

The requirements of this subsection shall apply to Type III and Type IV hearings except those hearings resulting from an appeal of a Hearings Officer decision by the Planning Director.

(A) The County shall supply all of the notices which the applicant is required to post on the subject property, and shall specify the dates the notices are to be posted. The date of posting is 10 days prior to the date of the hearing. Failure to post the notice shall not be a procedural error.

* * *

Staff Comment: Applicants and staff have requested that a date for posting the property be included, even if posting is not mandatory.

§ 37.0640 Appeals.

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

(A) Appeals by applicants or opponents of an application.

~~(1)(A)~~ Type I decisions by the Planning Director are not appealable to any other decision maker within the County.

~~(2)(B)~~ A Notice of Appeal of a Type II decision by the Planning Director or Type IV decision by the Planning Commission must be received in writing by the Land Use Planning Division within 14 calendar days from the date notice of the challenged decision is provided to those entitled to notice. If the County's notice of decision is mailed, any appeal must be received by and at the Land Use Planning Division within 14 calendar days from the date of mailing. Late or improperly filed appeals shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

~~(3)(C)~~ The following must be included as part of the Notice of Appeal:

~~(a)(1)~~ The County's case file number and date the decision to be appealed was rendered.

~~(b)(2)~~ The name, mailing address and daytime telephone number for each appellant.

~~(c)(3)~~ A statement of how each appellant has an interest in the matter and standing to appeal.

~~(d)(4)~~ A statement of the specific grounds for the appeal.

~~(e)(5)~~ The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

~~(4)(D)~~ Standing to Appeal. Those who are entitled to appeal a Type II or Type IV decision include those who are entitled to notice under MCC 37.0620.

~~(5)(E)~~ The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 37.0620. Notice of the appeal hearing shall contain the following information:

~~(a)(1)~~ The case file number and date of the decision being appealed;

~~(b)(2)~~ The time, date and location of the public hearing;

~~(c)(3)~~ The name of the applicant, owner and appellant (if different);

~~(d)(4)~~ The street address or other easily understood location of the subject property;

~~(e)(5)~~ A description of the permit requested and the applicant's development proposal;

~~(f)(6)~~ A brief summary of the decision being appealed and the grounds for appeal listed in the Notice of Appeal;

~~(g)(7)~~ A general explanation of the requirements for participation and the County's hearing procedures.

~~(6)(F)~~ Appeal hearing, scope of review. Appeal hearings to a Hearings Officer shall comply with the procedural requirements of MCC 37.0610. Appeal hearings shall be de novo, as if new, and all issues relevant to the applicable approval criteria may be considered. However, written Planning Director interpretations, pursuant to MCC 37.0740, are to be given deference pursuant to MCC 37.0740(A).

~~(7)(G)~~ The County has the standing to appeal to LUBA any Hearings Officer decision. The County also has standing to intervene in any appeal to LUBA from a County Hearings Officer decision.

(B) Appeals by the Planning Director of Hearings Officer Decisions.

(1) The Planning Director may appeal a Hearings Officer decision on a Type II or Type III Permit to the Board of County Commissioners. That opportunity to appeal the decision is during the 7 days following the signing of the decision by the Hearings Officer.

(2) A Notice of Appeal and Notice of Hearing before the Board of County Commissioners shall be mailed at least 14 days prior to the hearing to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant. The following must be included as part of the Notice of Appeal and Notice of the Hearing (which may be one notice):

(a) The County's case file number and date the decision to be appealed was rendered;

(b) The name, mailing address and daytime telephone number of the Planning Director or designee;

(c) A statement of the specific grounds for the appeal.

(3) Standing to Appeal. An appeal of a Hearings Officer decision on a Type II Permit or Type III Permit may only be filed by the Planning Director to the Board of County Commissioners.

(4) Appeal hearing, scope of review. Appeal hearings to the Board of County Commissioners shall comply with the procedural requirements of MCC 37.0615. The appeal hearing shall be on the record and the Board of Commissioners may substitute its decision for the decision of the Hearings Officer.

* * *

§ 37.0660 Conditions Of Approval And Notice Of Decision.

* * *

(B) The applicant ~~retains~~ has the burden of demonstrating that ~~applications comply the application~~ complies with the approval criteria or ~~can and~~ will comply with the approval criteria through the imposition of conditions of approval. ~~Further, the applicant must file~~ submit evidence demonstrating that an approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

* * *

§ 37.0740 Interpretations.

(A) The Planning Director ~~shall have~~ has the authority to decide all questions of interpretation or applicability to specific properties of any provision of the comprehensive framework plan, rural area plan, or other land use code. Any interpretation of a provision of the comprehensive framework plan, rural area plan or other land use code shall consider applicable provisions of the comprehensive framework plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. ~~A request for an interpretation shall be processed as a Type II application.~~

(B) A person may specifically request an interpretation of a provision in the code. An application for an interpretation shall be processed as a Type II application. The Planning Director may refuse to accept an application for an interpretation if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(C) The Planning Director determination to not accept an application under paragraph (B) of this section is not a land use decision and shall be the county's final decision.

* * *

§ 37.0915 Violations

Any use of land, land division or adjustment to property boundaries or other activity by a person in violation of any provision of:

(A) MCC Chapters 33, 34, 35, 36 and 38; §§ 29.001 —~~29.011~~, ~~29.300~~ through ~~29.325~~ 29.365 and 29.500 through 29.630; or the terms and conditions of any permit issued under those code provisions; or

* * *

Staff Comment: The numbering correction would do the following: add 29.012 and 29.013, the fire apparatus access requirements; add 29.100 through 29.207, the electrical and plumbing codes; and add 29.330 through 29.365, the revised and renumbered Grading and Erosion Control requirements.

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-004

Recommend to the Board of County Commissioners the adoption of an ordinance amending MCC Chapter 37 by adding a provision that allows the Planning Director to appeal Hearings Officer decisions to the Board of County Commissioners and making technical corrections.

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. Periodic review and enactment of amendments of the Zoning Code is needed for technical errors as they are found.
- c. Under the procedures in MCC Chapter 37, a Hearings Officer decision may only be appealed to the State of Oregon Land Use Board of Appeals (LUBA). A particular provision in Chapter 37 allows Multnomah County Policy makers to file an appeal of a Hearings Officer decision with LUBA. However, in 2003 LUBA ruled that there were significant problems with this procedure. The proposed Code changes address the issues raised by LUBA by allowing the Planning Director to appeal a Hearings Officer decision directly to the Board of County Commissioners. During the review by the Board all policy differences with the Hearings Officer decision are then able to be worked out prior to and outside the State appeal system.
- d. It was determined that no regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice). Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Programs web site.
- e. The Planning Commission held public hearings on October 4 and November 1, 2004 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapter 37 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 1st day of November, 2004.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BOGSTAD Deborah L

From: Morasch, Steve [SMorasch@SCHWABE.com]
Sent: Wednesday, June 22, 2005 4:21 PM
To: BOGSTAD Deborah L
Subject: June 23, 2005 Board of Commissioners Hearing, Agenda Item R-12

Importance: High



0259_001.pdf
(42 KB)

As we discussed on the telephone today, please include the attached into the record for the Board of Commissioners hearing tomorrow (Agenda Item R-12 -- proposed amendments to MCC Chapter 37). Thanks!

> <<0259_001.pdf>>

This statement is required by IRS regulations: The advice expressed in this message, if it is an opinion at all, is an opinion limited to the Federal tax issues addressed in it. Additional issues may exist that could affect Federal tax treatment of the transaction or matter that is the subject of this advice, and the advice does not consider or provide a conclusion with respect to any additional issues. With respect to any significant Federal tax issues outside the limited scope of the advice provided, the advice cannot be used by any person for the purpose of avoiding penalties that may be imposed on that person.



SCHWABE, WILLIAMSON & WYATT
ATTORNEYS AT LAW

Main Place, 1111 Main St., Suite 410, Vancouver, WA 98660 | Phone 360-694-7551 | Fax 360-693-5574 | www.schwabe.com

STEVE C. MORASCH

Admitted in Oregon and Washington

Direct Line: (360) 905-1433

E-Mail: smorasch@schwabe.com

June 22, 2005

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

Re: Agenda Item R-12 (Proposed Amendments to Multnomah County Code Chapter
37, Administration and Procedures)

Dear Commissioners:

We represent Kenneth Leroy Larson, Janet Jo Hirsch, Earl G. Larson, Ella M. Larson, and Larson's Moorage (collectively, the "Larsons"). Pursuant to ORS 197.615(2)(a), please provide the undersigned with notice of any final decision rendered in this matter. Also, please include a copy of this letter in the record.

Our clients object to the proposed amendments. We request that the Board of Commissioners reject these amendments and refer the matter back to the Planning Commission for further review and discussion.

Sincerely,

Steve C. Morasch

SCM/tag

Portland, OR 503-222-9881 | Salem, OR 503-339-7712 | Bend, OR 541-749-4044
Seattle, WA 206-622-1711 | Vancouver, WA 360-694-7551 | Washington, DC 202-488-4302

PDX/012345/012345/SCM/1318530.1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1065

Amending MCC Chapter 37, Administration and Procedures, to Allow Planning Director to Appeal Certain Hearings Officer Decisions to the Board and Make Technical Corrections, and Declaring an Emergency

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

Multnomah County Ordains as follows:

Section 1. § 37.0530 is amended as follows:

37.0530 Summary Of Decision Making Processes.

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

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
Allowed Uses	X				
Review Uses		X			
Conditional Uses			X		
Community Service			X		
Design Review		X			
Plan/Zone Change (single tract) quasi-judicial				X	
<u>Demolition of historic building or structure before 120 day permit delay</u>				<u>X</u>	
Plan/Zone Changes-legislative					X
Zone Code Text Changes (Initiated by County <u>county</u> only)					X
<u>Creation of a parcel/lot not abutting a street</u>			<u>X</u>		
Variance		X			
Non-conforming Uses/Determination of Non- conforming Use		X			
<u>Extensions of Decisions in EFU & CFU Zones (MCC 37.0690)</u>	<u>X</u>				
<u>All other Extensions of Decisions</u>		X			

APPROVAL PROCESS					
Permit Type	I	II	III	IV	PC
Initial Approval Body	(Not a "land use decision")	(Planning Director)	(Hearings Officer)	(Planning Commission)	(Legislative)
Revocation of Decision		X			
Property Line Adjustments		X			
Planned Unit Developments			X		
Land Divisions:					
• Subdivision Category 1 & 2			X		
• Major Partition Category 3 & 4		X			
• Minor Partition		X			
Significant Environmental Concern		X			
Hillside Development Permit		X			
Willamette River Greenway		X			
Zoning Code Interpretations		X			
Temporary Permits		X			
Temporary Health Hardship		X	X If CU		
Bus Shelter		X			
Lot of Record Determination		X			
Lot of Exception		X			
Exceptions		X			
Post Emergency response to emergency/disaster event		X			
All other discretionary decisions		X			
First response to emergency/disaster event	X				
Grading and Erosion Control	X				
Floodplain Development	X				
Street & Property Addressing	X				
Type A Home Occupation	X				

Permit Types

(A) Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. Because no discretion is involved, Type I decisions do not qualify as land use or limited land use decisions. The process requires no notice to any party other than the applicant. The Planning Director's decision is final and not appealable by any party through the normal land use process. Type I decisions may only be appealed through a writ of review proceeding to circuit court.

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

(1) If there is an appeal of the Planning Director's decision, the Hearings Officer shall conduct a public hearing on the application pursuant to MCC 37.0610. After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Board within seven days. If there is no appeal by the Planning Director, the signed Hearings Officer decision shall be mailed to those persons entitled to notice of a Type III Permit decision under MCC 37.0660(D). The mailed decision is the county's final decision on the application and may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date the decision is mailed.

(2) If the Planning Director appeals the Hearings Officer decision, then notice of the appeal and public hearing before the Board shall be mailed as required in MCC 37.0640(B)(2). A staff report by the Planning Director shall also be available 14 days before the hearing. The Board shall then conduct a public hearing on the application under the provisions of MCC 37.0615. The Board's decision shall be mailed to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed decision is the county's final decision on the application and may be appealed to LUBA within 21 days of when the signed decision is mailed. Any person who participated orally or in writing in the proceeding before the Hearings Officer or Board may appeal the final decision.

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

After the Hearings Officer issues a signed decision, the Planning Director may appeal the decision to the Board within seven days. If there is no appeal by the Planning Director, the signed Hearings Officer decision shall be mailed to those persons entitled to notice of a Type III decision under MCC 37.0660(D). The mailed decision is the county's final decision on the application and may be appealed to the LUBA within 21 days of the date the decision is mailed.

If the Planning Director appeals the Hearings Officer decision, then notice of the appeal and hearing before the Board shall be mailed as required in MCC 37.0640(B)(2). A staff report by the Planning Director shall also be available 14 days before the hearing. The Board shall then conduct a public hearing on the application under the provisions of MCC 37.0615. The Board's decision shall be mailed to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed decision is the county's final decision on the application and may be appealed to LUBA within 21 days of when the signed decision is mailed.

(D) Type IV decisions include plan amendment and/or zone change applications of an individual parcel or tract. These applications involve substantial discretion and evaluation of subjective approval criteria. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within 750 feet. Notice must be issued at least 20 days pre-hearing, and the staff report must be available at least 7 days pre-hearing. At the evidentiary hearing held before Planning Commission all testimony and evidence relevant to the matter shall be accepted prior to the close of the hearing. If the Planning Commission denies the application, any party who appeared before the Planning Commission either in person or in writing, may appeal the Planning Commission's denial to Board of Commissioners within 14 days after the decision is signed. If no appeal is filed, the Planning Commission's denial shall become final upon the close of business on the last day of the appeal period. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the Board of Commissioners for final consideration. In either case, any review by the Board of Commissioners is recorded de novo, as if new, and all issues relevant to the applicable approval criteria may be considered. The Board's of Commissioners decision is the County's final decision and is appealable to LUBA within 21 days of when the signed Board order is mailed.

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

Section 2. **§ 37.0540 is amended as follows:**

37.0540 Assignment Of Decision Makers.

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

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

(B) Type II Decisions. The Planning Director shall render the initial decision on all Type II permit applications. The Planning Director's decision is the County's final decision unless appealed to the Hearings Officer. Unless the Planning Director appeals the decision to the Board, the Hearing Officer decision on such an appeal is the County's final decision on a Type II application and is

appealable to LUBA. If the Planning Director appeals the decision to the Board, the Board's decision is the county's final decision on a Type II application and may be appealed to LUBA.

(C) Type III Decisions. The Hearings Officer shall render all Type III decisions. Unless the Planning Director appeals the decision to the Board, the Hearings Officer decision is the County's final decision on a Type III application and is appealable to LUBA. If the Planning Director appeals the decision to the Board, the Board's decision is the county's final decision on a Type III application and may be appealed to LUBA.

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

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

Section 3. § 37.0550 is amended as follows:

37.0550 Initiation Of Action.

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the ~~Board of Commissioners~~ Board, Planning Commission, or Planning Director.

Section 4. § 37.0610 is amended as follows:

37.0610 Hearings Process - Type II Appeals, Type III Or Type IV Applications.

All public hearings on Type II, Type III, or Type IV applications shall be quasi-judicial and comply with the procedures of this section.

* * *

(G) Denial by a Hearings Officer of a Type III decision permit application, such as a Conditional Use or a Community Service Use, shall result in denial of all associated Type II decisions applied for at the same time that are subject to some part of the Type III decision. The Type II decisions for which this applies include, but are not limited to Design Review, Variances, Significant Environmental Concern, Willamette River Greenway, and Hillside Development Permits.

Section 5. **A new § 37.0615 is added as follows:**

37.0615 Review Procedures Before the Board of County Commissioners of an Appeal of a Hearings Officer Decision on a Type II or Type III Permit.

Review by the Board of County Commissioners (Board) of a Planning Director's appeal of a Hearings Officer decision on a Type II or Type III Permit shall be pursuant to the Multnomah County Home Rule Charter and implementing Rules, with the following additional requirements:

- (A) Notice of the hearing shall be given as required by MCC 37.0640(B)(2).
- (B) A staff report by the Planning Director shall be available 14 days before the hearing. The scope of argument and information in the staff report shall be limited to the record made before the Hearings Officer.
- (C) Any written testimony submitted by others shall be available 7 days before the hearing. The scope of argument and information in the written testimony shall be limited to the record made before the Hearings Officer and the staff report described in (B) above.
- (D) A written response to (C) is not allowed.
- (E) The following persons may present oral testimony:
 - (1) By the applicant (and/or the applicant's representative) and the Planning Director;
 - (2) Limited to the issues, evidence and arguments on the record that were made before the Hearings Officer;
 - (3) Limited to 10 minutes of argument on each side, with the provision that the Planning Director may reserve time from that 10 minutes for a rebuttal.
- (F) The Board will then deliberate and deliver an oral decision before the end of the hearing. The Board shall then direct staff to prepare an Order and Opinion that reflects the decision and direct the Chair to sign the same. Staff will then mail the signed Order and Opinion to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter. The mailed decision is the county's final decision on the application and may be appealed to LUBA within 21 days of the date the decision is signed by the Chair.

Section 6. **§ 37.0620 is amended as follows:**

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

Except for appeals of Hearings Officer decisions by the Planning Director which have different notice requirements in MCC 37.0640(B), Notice for all public hearings for Type III, IV or an appeal of a Type II application shall conform to the requirements of this section. At least 20 days prior to the hearing, the County shall prepare and send, by first class mail, notice of the hearing to all owners of record, based upon the most recent Multnomah County records, of property within 750 feet of the subject tract and to any County-recognized neighborhood association or identified agency whose territory includes the subject property. The County shall further provide notice at least 20 days prior to a

hearing to those persons who have identified themselves in writing as aggrieved or potentially aggrieved or impacted by the decision prior to the required mailing of such notice. The County shall also publish the notice in a newspaper of general circulation within the County at least 20 days prior to the hearing. Notice of the hearing shall include the following information:

* * *

Section 7. **§ 37.0630 is amended as follows:**

37.0630 Posting Notice Requirements - Type III, Type IV Hearings.

The requirements of this subsection shall apply to Type III and Type IV hearings except those hearings resulting from an appeal of a Hearings Officer decision by the Planning Director.

(A) The County shall supply all of the notices which the applicant is required to post on the subject property, and shall specify the dates the notices are to be posted. The date of posting is ten days prior to the date of hearing. Failure to post the notice shall not be a procedural error.

* * *

Section 8. **§ 37.0640 is amended as follows:**

37.0640 Appeals.

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

(A) Appeals by applicants or opponents of an application.

(1) Type I decisions by the Planning Director are not appealable to any other decision maker within the County.

(B2) A Notice of Appeal of a Type II decision by the Planning Director or Type IV decision by the Planning Commission must be received in writing by the Land Use Planning Division within 14 calendar days from the date notice of the challenged decision is provided to those entitled to notice. If the County's notice of decision is mailed, any appeal must be received by and at the Land Use Planning Division within 14 calendar days from the date of mailing. Late or improperly filed appeals shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(C2) The following must be included as part of the Notice of Appeal:

(1a) The County's case file number and date the decision to be appealed was rendered.

(2b) The name, mailing address and daytime telephone number for each appellant.

(3c) A statement of how each appellant has an interest in the matter and standing to appeal.

(4d) A statement of the specific grounds for the appeal.

(5e) The appropriate appeal fee. Failure to include the appeal fee within appeal period is deemed to be a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

(D4) Standing to Appeal. Those who are entitled to appeal a Type II or Type IV decision include those who are entitled to notice under MCC 37.0620.

(E5) The Land Use Planning Division shall issue notice of the appeal hearing to all parties entitled to notice had the initial decision been subject to a hearing under MCC 37.0620. Notice of the appeal hearing shall contain the following information:

(1a) The case file number and date of the decision being appealed;

(2b) The time, date and location of the public hearing;

(3c) The name of the applicant, owner and appellant (if different);

(4d) The street address or other easily understood location of the subject property;

(5e) A description of the permit requested and the applicant's development proposal;

(6f) A brief summary of the decision being appealed and the grounds for appeal listed in the Notice of Appeal;

(7g) A general explanation of the requirements for participation and the ~~County~~county's hearing procedures.

(F6) Appeal hearing, scope of review. Appeal hearings to a Hearings Officer shall comply with the procedural requirements of MCC 37.0610. Appeal hearings shall be de novo, as if new, and all issues relevant to the applicable approval criteria may be considered. However, written Planning Director interpretations, pursuant to MCC 37.0740, are to be given deference pursuant to MCC 37.0740(A).

(G7) The ~~County~~county has the standing to appeal to LUBA any Hearings Officer decision. The ~~County~~county also has standing to intervene in any appeal to LUBA from a County Hearings Officer decision.

(B) Appeals by the Planning Director of Hearings Officer Decisions.

(1) The Planning Director may appeal a Hearings Officer decision on a Type II or Type III Permit to the Board. That opportunity to appeal the decision is during the seven days following the signing of the decision by the Hearings Officer.

(2) A Notice of Appeal and Notice of Hearing before the Board shall be mailed at least 14 days prior to the hearing to those who submitted written comment, requested the decision in writing or provided oral testimony at a hearing on the matter, and DLCD at the discretion of the applicant. The following must be included as part of the Notice of Appeal and Notice of the Hearing (which may be one notice):

(a) The county's case file number and date the decision to be appealed was rendered;

(b) The name, mailing address and daytime telephone number of the Planning Director or designee;

(c) A statement of the specific grounds for the appeal.

(3) Standing to Appeal. An appeal of a Hearings Officer decision on a Type II Permit or Type III Permit may only be filed by the Planning Director to the Board.

(4) Appeal hearing, scope of review. Appeal hearings to the Board shall comply with the procedural requirements of MCC 37.0615. The appeal hearing shall be on the record and the Board may substitute its decision for the decision of the Hearings Officer.

Section 9. § 37.0660 is amended as follows:

37.0660 Conditions Of Approval And Notice Of Decision.

(A) All ~~County~~county decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

(B) The applicant ~~retains~~has the burden of demonstrating that ~~the~~ applications ~~complies~~comply with the approval criteria or ~~can and will~~ comply with the approval criteria through the imposition of conditions of approval. ~~Further, the applicant must file submit~~ evidence demonstrating that an approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

* * *

Section 10. § 37.0740 is amended as follows:

37.0740 Interpretations.

(A) The Planning Director ~~shall have~~has the authority to decide all questions of interpretation or applicability to specific properties of any provision of the comprehensive framework plan, rural area plan, or other land use code. Any interpretation of a provision of the comprehensive framework plan, rural area plan or other land use code shall consider applicable provisions of the comprehensive framework plan, rural area plan, and the purpose and intent of the ordinance adopting the particular code section in question. ~~A request for an interpretation shall be processed as a Type II application.~~

(B) A person may specifically request an interpretation of a provision in the code. An application for an interpretation shall be processed as a Type II application. The Planning Director may refuse to accept an application for an interpretation if:

(1) The Planning Director determines that the question presented can be decided in conjunction with approving or denying a pending land use action application or if in the Planning Director's judgment the requested determination should be made as part of a decision on an application for a quasi-judicial land use or zone change permit not yet filed; or

(2) The Planning Director determines that there is an enforcement case pending in which the same issue necessarily will be decided.

(C) The Planning Director determination to not accept an application under paragraph (B) of this section is not a land use decision and shall be the county's final decision.

Section 11. **§ 37.0915 is amended as follows:**

37.0915 Violations

Any use of land, land division or adjustment to property boundaries or other activity by a person in violation of any provision of:

(A) MCC Chapters 33, 34, 35, 36 and 38; §§ 29.001 — ~~29.011, 29.330~~ through 29.365 and 29.500 through 29.630; or the terms and conditions of any permit issued under those code provisions; or

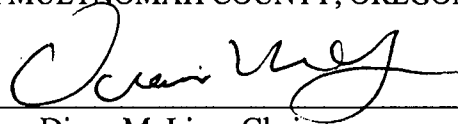
* * *

Section 12. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING AND ADOPTION:

June 23, 2005

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra N. Duffy, Assistant County Attorney

BOGSTAD Deborah L

From: Morasch, Steve [SMorasch@SCHWABE.com]
Sent: Thursday, June 23, 2005 11:54 AM
To: BOGSTAD Deborah L
Subject: RE: June 23, 2005 Board of Commissioners Hearing, Agenda Item R-12

Thanks!

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

From: BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]
Sent: Thursday, June 23, 2005 11:55 AM
To: Morasch, Steve
Subject: RE: June 23, 2005 Board of Commissioners Hearing, Agenda Item R-12

In its regularly scheduled Board Meeting on Thursday, June 23, 2005, the Multnomah County Board of Commissioners, with Chair Diane Linn, Vice-Chair Lisa Naito, Commissioners Serena Cruz and Lonnie Roberts present, and Commissioner Maria Rojo excused, considered R-12: First Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 37, Administration and Procedures, to Allow Planning Director to Appeal Certain Hearings Officer Decisions to the Board and Make Technical Corrections, and Declaring an Emergency. Copies of the complete ordinance were available in the Boardroom. Commissioner Cruz moved and Commissioner Naito seconded, approval of the first reading and adoption of the ordinance. Commissioner Roberts asked and received clarification of the emergency clause; one reading and effective immediately upon adoption rather than 30 days thereafter. Karen Schilling and Gary Clifford, with Assistant County Attorney Sandra Duffy, provided an explanation of the ordinance. No one wished to testify. There were no Board comments. Ordinance 1065 was unanimously adopted.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: Morasch, Steve [mailto:SMorasch@SCHWABE.com]
Sent: Wednesday, June 22, 2005 4:21 PM
To: BOGSTAD Deborah L
Subject: June 23, 2005 Board of Commissioners Hearing, Agenda Item R-12
Importance: High

As we discussed on the telephone today, please include the attached into the record for the Board of Commissioners hearing tomorrow (Agenda Item R-12 -- proposed amendments to MCC Chapter 37). Thanks!

> <<0259_001.pdf>>

This statement is required by IRS regulations: The advice expressed in this message, if it is an opinion at all, is an opinion limited to the Federal tax issues addressed in it. Additional issues may exist that could affect Federal tax treatment of the transaction or matter that is the subject of this advice, and the advice does not consider or provide a conclusion with respect to any additional issues. With respect to any significant Federal tax issues outside the limited scope of the advice provided, the advice cannot be used by any person for the purpose of avoiding penalties that may be imposed on that person.

This statement is required by IRS regulations: The advice expressed in this message, if it is an opinion at all, is an opinion limited to the Federal tax issues addressed in it. Additional issues may exist that could affect Federal tax treatment of the transaction or matter that is the subject of this advice, and the advice does not consider or provide a conclusion with respect to any additional issues. With respect to any significant Federal tax issues outside the limited scope of the advice provided, the advice cannot be used by any person for the purpose of avoiding penalties that may be imposed on that person.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	06/23/05
Agenda Item #:	R-13
Est. Start Time:	11:00 AM
Date Submitted:	06/15/05

BUDGET MODIFICATION:

Agenda Title:	RESOLUTION Approving an Amendment Extending a Real Property Lease and Authorizing County Chair to Execute Lease Amendments and Renewals of a Lease with David Douglas School District No. 40, Landlord, at 2900 SE 122nd Avenue, Portland, Oregon
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Date	June 23, 2005	Time	5 minutes
Requested:		Requested:	
Department:	Non-Departmental	Division:	Chair's Office
Contact(s):	Diane Linn		
Phone:	(503) 988-3308	Ext.	83308
		I/O Address:	503/600
Presenter(s):	Doug Butler, Mike Sublett		

General Information

1. What action are you requesting from the Board?

The Department of Business and Community Services requests the Board approve an Amendment to a real property lease from with David Douglas School District No. 40, Landlord, at 2900 SE 122nd Ave, Portland, OR 97236 extending the term for one year and authorizing the Chair to sign the lease amendment and renewals on behalf of the County.

The Department of Business and Community Services, Facilities and Property Management Division recommends adoption of the Resolution.

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

Multnomah County currently leases 21,610 square feet at the South Powellhurst Building, located at 2900 SE 122nd Ave, Portland, OR 97236 ("Property"), from David Douglas School District No. 40, ("Davis Douglas"). The Lease expires June 30, 2005. Aging & Disability Services, Department of County Human Services, plans to continue programs and to serve clients in the Mid-County area

from the site. Facilities and Property Management Division is developing strategic options for multiple Mid-County programs for the longer term. The proposed Lease Amendment extends the Lease for one year at a rate of \$148,609 per annum and includes two six (6) month options. In addition, Multnomah County's janitorial responsibilities at the Property will shift from outside contractors to contracting directly with David Douglas. Finally, the Lease Amendment recognizes new statewide "Tobacco Free Zone" obligations at school properties under Oregon Department of Education Administrative Order No. ODE 30-2004.

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

From July 1, 2005, through the termination date of June 30, 2006, Multnomah County has a rent obligation of \$148,609, a five percent increase from FY05 to FY06 enumerated in the original lease. In addition, the County will no longer contract outside custodial services and will now contract directly with David Douglas for a .5FTE custodian at a cost of approximately \$26,000 per annum. While this is higher than the current contract amount of approximately \$21,000 per annum, it includes more inclusive services which should reduce maintenance costs and client inconvenience. Both six (6) month options are at \$78,020, a five percent increase from FY 06 to FY 07, also enumerated in the original lease.

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

none

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

none

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05

Budget Analyst:



Date: 06/15/05

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving an Amendment Extending A Real Property Lease And Authorizing County Chair To Execute Lease Amendments And Renewals Of A Lease With David Douglas School District No. 40, Landlord, At 2900 SE 122nd Ave, Portland, OR 97236.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County currently leases 21,610 square feet at the South Powellhurst Building, located at 2900 SE 122nd Ave, Portland, OR 97236 ("Property"), from David Douglas School District No. 40, ("Davis Douglas"). The Lease expires June 30, 2005.
- b. Aging & Disability Services, Department of County Human Services, plans to continue programs and to serve clients in the Mid-County area from the Property. Facilities and Property Management is developing strategic options for multiple Mid-County programs for the longer term.
- c. The proposed Lease Amendment extends the Lease for one year at a rate of \$148,609 per annum and includes two six (6) month options. In addition, Multnomah County's janitorial responsibilities at the Property will shift from outside contractors to contracting directly with David Douglas. Finally, the Lease Amendment recognizes new statewide "Tobacco Free Zone" rules at school properties.
- d. It is in the best interests of the County to amend the Lease on the terms and conditions set forth in the attached Draft Lease Amendment.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the attached Draft Lease Amendment as the basis for a Lease Amendment at the Property effective July 1, 2005. The County Chair is authorized to execute a final Lease Amendment substantially conforming to the terms of the attached Draft.
2. The County Chair is authorized to execute additional amendments to the lease without further Board action.

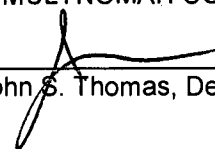
ADOPTED this 23rd day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By  _____
John S. Thomas, Deputy County Attorney

Amendment to Master Lease Agreement

This Amendment to Master Lease Agreement ("Amendment") is entered into by and between DAVID DOUGLAS SCHOOL DISTRICT NO. 40 (the "Lessor") and MULTNOMAH COUNTY (the "Lessee").

The parties recite:

On or about November 14, 2002, the parties entered into a Lease Agreement (the "Lease") by which the District leased to the County property located at 2900 SE 122nd, Portland, Oregon;

By its terms, the Lease expires June 30, 2005. The Lessor and the Lessee have each indicated their willingness to extend the term and conditions of the Lease.

The Parties therefore agree:

1. Section 1, Premises, is amended with the addition of the following: "Lessee will make best efforts to limit its employee and contractor parking to the south side of the Warehouse, while Lessor will make best efforts to limit its employee and contractor parking to the north side of the Warehouse, as identified on *Exhibit A*."
2. Section 2., Signing and Term of Contract, the first sentence is replaced with the following: "The commencement of the Lease shall be July 1, 2005, for a period of one (1) year ending June 30, 2006. There will be two six month options to renew. "
3. Section 3, Rent, is amended by deleting Year 4 and Year 5 with the following:

July 1, 2005 to June 30, 2006:	\$148,609
July 1, 2006 to December 31, 2006:	\$ 78,020
January 1, 2007 to June 30, 2007:	\$ 78,020
4. Section 4, Option to Renew, is deleted and replaced with the following: "This lease may be renewed for two additional six month periods. All terms and conditions during the renewal periods shall be the same except for rent which shall be as shown Section 3. Lessee shall give Lessor not less than 90 days written notice of intent to renew prior to expiration of the lease term or the first option term as the case may be."
5. Section 10, Utilities/Maintenance, is amended by deleting the second sentence of Section 10 and replacing it with the following: "Lessor shall provide, at Lessee's expense, custodial service and interior maintenance for the leased premises."
6. Section 10.2, Full Service Contract, is added as follows: "As provided for in Section 10, Lessor shall be responsible for custodial and maintenance services at the Premises. Lessor shall assume responsibilities identified as those of PHC in *Exhibit C*. The custodial and maintenance costs will be based on an assigned Lessor employee, servicing the Premises at mutually agreeable hours representing the equivalent of a half-time custodian (.5 FTE), such costs not to exceed \$26,335.50 per annum in Year 4."

7. Section 12, Peaceful Existence, is amended with the addition of the following: "Lessee recognizes the Lessor's obligations under Oregon Department of Education Administrative Order No.: ODE 30-2004, mandating Tobacco Free Schools. Lessee recognizes that Lessor may adopt rules which prohibit any employee, contractor, visitor, or other person from smoking, inhaling, dipping, chewing or selling tobacco at any time on or adjacent to the Premises including parking lots."
8. All other conditions of the lease shall remain the same.

Dated this ____ day of _____, 2005.

LESSOR:
DAVID DOUGLAS SCHOOL DISTRICT NO. 40

By: _____
Name: _____

Title: _____

LESSEE:
MULTNOMAH COUNTY, a Political Division of the State
of Oregon

By: _____
Name: _____

Title: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-116

Approving an Amendment Extending a Real Property Lease and Authorizing County Chair to Execute Lease Amendments and Renewals of a Lease with David Douglas School District No. 40, Landlord, at 2900 SE 122nd Avenue, Portland, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County currently leases 21,610 square feet at the South Powellhurst Building, located at 2900 SE 122nd Ave, Portland, OR 97236 ("Property"), from David Douglas School District No. 40, ("Davis Douglas"). The Lease expires June 30, 2005.
- b. Aging & Disability Services, Department of County Human Services, plans to continue programs and to serve clients in the Mid-County area from the Property. Facilities and Property Management is developing strategic options for multiple Mid-County programs for the longer term.
- c. The proposed Lease Amendment extends the Lease for one year at a rate of \$148,609 per annum and includes two six (6) month options. In addition, Multnomah County's janitorial responsibilities at the Property will shift from outside contractors to contracting directly with David Douglas. Finally, the Lease Amendment recognizes new statewide "Tobacco Free Zone" rules at school properties.
- d. It is in the best interests of the County to amend the Lease on the terms and conditions set forth in the attached Draft Lease Amendment.

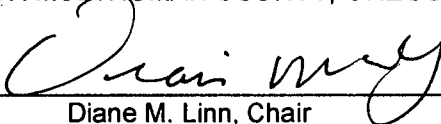
The Multnomah County Board of Commissioners Resolves:

1. The Board approves the attached Draft Lease Amendment as the basis for a Lease Amendment at the Property effective July 1, 2005. The County Chair is authorized to execute a final Lease Amendment substantially conforming to the terms of the attached Draft.
2. The County Chair is authorized to execute additional amendments to the lease without further Board action.


ADOPTED this 23rd day of June, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

Draft Amendment to Master Lease Agreement

This Amendment to Master Lease Agreement ("Amendment") is entered into by and between DAVID DOUGLAS SCHOOL DISTRICT NO. 40 (the "Lessor") and MULTNOMAH COUNTY (the "Lessee").

The parties recite:

On or about November 14, 2002, the parties entered into a Lease Agreement (the "Lease") by which the District leased to the County property located at 2900 SE 122nd, Portland, Oregon;

By its terms, the Lease expires June 30, 2005. The Lessor and the Lessee have each indicated their willingness to extend the term and conditions of the Lease.

The Parties therefore agree:

1. Section 1, Premises, is amended with the addition of the following: "Lessee will make best efforts to limit its employee and contractor parking to the south side of the Warehouse, while Lessor will make best efforts to limit its employee and contractor parking to the north side of the Warehouse, as identified on *Exhibit A*."
2. Section 2, Signing and Term of Contract, the first sentence is replaced with the following: "The commencement of the Lease shall be July 1, 2005, for a period of one (1) year ending June 30, 2006. There will be two six month options to renew. "
3. Section 3, Rent, is amended by deleting Year 4 and Year 5 with the following:

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January 1, 2007 to June 30, 2007:	\$ 78,020
4. Section 4, Option to Renew, is deleted and replaced with the following: "This lease may be renewed for two additional six month periods. All terms and conditions during the renewal periods shall be the same except for rent which shall be as shown Section 3. Lessee shall give Lessor not less than 90 days written notice of intent to renew prior to expiration of the lease term or the first option term as the case may be."
5. Section 10, Utilities/Maintenance, is amended by deleting the second sentence of Section 10 and replacing it with the following: "Lessor shall provide, at Lessee's expense, custodial service and interior maintenance for the leased premises."
6. Section 10.2, Full Service Contract, is added as follows: "As provided for in Section 10, Lessor shall be responsible for custodial and maintenance services at the Premises. Lessor shall assume responsibilities identified as those of PHC in *Exhibit C*. The custodial and maintenance costs will be based on an assigned Lessor employee, servicing the Premises at mutually agreeable hours representing the equivalent of a half-time custodian (.5 FTE), such costs not to exceed \$26,335.50 per annum in Year 4."

7. Section 12, Peaceful Existence, is amended with the addition of the following: "Lessee recognizes the Lessor's obligations under Oregon Department of Education Administrative Order No.: ODE 30-2004, mandating Tobacco Free Schools. Lessee recognizes that Lessor may adopt rules which prohibit any employee, contractor, visitor, or other person from smoking, inhaling, dipping, chewing or selling tobacco at any time on or adjacent to the Premises including parking lots."
8. All other conditions of the lease shall remain the same.

Dated this ____ day of _____, 2005.

LESSOR:
DAVID DOUGLAS SCHOOL DISTRICT NO. 40

By: _____

Name: _____

Title: _____

LESSEE:
MULTNOMAH COUNTY, a Political Division of
the State of Oregon

By: _____

Name: _____

Title: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-14
Est. Start Time: 11:05 AM
Date Submitted: 06/15/05

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Approving Sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc.

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

Date Requested:	June 23, 2005	Time Requested:	15 Minutes
Department:	Business and Community Services	Division:	Facilities & Property Mgmt
Contact(s):	Doug Butler		
Phone:	503 988-6294	Ext.:	86294
		I/O Address:	274/FPM
Presenter(s):	Doug Butler		

General Information

1. What action are you requesting from the Board?

Approving the sale of the Montavilla Building at 211 SE 80th in Portland, Oregon to Unlimited Choices, Inc.

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

The building was built in 1934 as a one story library on land deeded from the City of Portland. The structure was a library until 1982 when library use was discontinued due to a levy failure. The County leased the building to the Oregon State Extension Service who raised the money to add a new first floor and then converted the building for training and administrative use. The Extension Service occupied the Montavilla Building until 2003 at which time budget cuts forced the closure of their Multnomah County office.

The building was declared surplus and the Board directed its sale through Resolution Number 03-144 on October 16, 2003. The County offered the property for sale until a request from the Montavilla Neighborhood Association to consider an alternative caused the Commissioners to direct FPM to suspend its efforts to sell the property. On April 14th, 2005 at a public hearing the Board

directed Facilities staff to continue the sale process.

On April 28th, 2005 Facilities advertised the property to be for sale through an RFP process. Copies of the RFP were sent to all parties who had voiced an interest in the building and an add was placed in the Oregonian. The building was open for viewing four times during the RFP period, during which time two parties came to view the property. The sale period closed at 5:00 PM on Friday May 27th, 2005.

One proposal was received, from Unlimited Choices, Inc., at Facilities by the closing. Montavilla Library, Inc. representatives sent a demand for the County to sell them the property for \$1 dollar.

The Request For Proposals listed three conditions of sale:

- Proposers shall offer a cash price for the property
- Proposers shall provide evidence of discussing their proposal with community organizations. A statement of support from these groups for the purchase by the Proposer is desirable.
- Proposers shall identify the proposed use of the property and to state how the use will contribute to the community.

Unlimited Choices, Inc. submitted a cash offer of \$165,000, letters of support from community organizations, and a description of how their use will contribute to the community.

The Unlimited Choices, Inc. offer was judged by a committee of reviewers, to meet the conditions listed in the RFP.

The Montavilla Library, Inc. demand letter was judged by the committee to be unresponsive to the conditions listed in the RFP.

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

1. Fiscal 05/06 Budget anticipates the sale of the building and only provides for maintenance through the 1st quarter of the fiscal year.
2. Revenue from the sale of the Montavilla Building will accrue to the Capital Improvement Program to help fund the disposition strategy.

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

Multnomah County has clear title to this property and there are no outstanding policy issues to be dealt with.

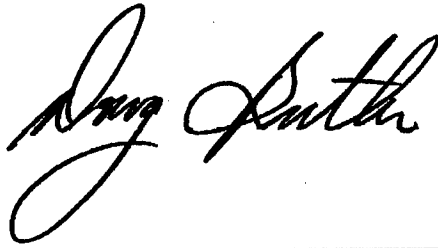
5. Explain any citizen and/or other government participation that has or will take place.

There has been intensive community involvement with the disposition of this property. The property was originally offered for sale in May of 2004. The Board of County Commissioners gave community groups almost a year to develop a viable plan to acquire the property. This effort has not been successful.

Two community churches and a neighbor have submitted letters of support for the sale to Unlimited Choices.

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

STAFF RECOMMEDATION

Montavilla Building Sale

211 SE 80th, Portland, Oregon



Contacts:

Recommendation

Lynn Dingler
(503) 988-5521

Sale Contact

Michael Sublett
(503) 988-4149

**Facilities and Property Management Division
Asset Management Section**

June 13, 2005

1. BACKGROUND

County Commission Actions

On October 16th 2003 the Multnomah County Board of Commissioners declared the Montavilla Building at 211 SE 80th in Portland, Oregon to be surplus property and directed Facilities and Property Management to sell the property (Resolution No. 03-144).

2. HISTORY

The County building at 211 SE 80th was built in 1934 and was operated as the Montavilla Library until 1982 when the branch was closed due to a levy failure. In 1982 the County leased the property to the Oregon State Extension Service. The Extension Service added a new first story and renovated the building. In October 2003 the Extension Service moved out of the building. The building has been vacant since that time.

3. PROPERTY INFORMATION

The title to the subject parcel is vested in Multnomah County, a political subdivision of the State of Oregon.

Location:	211 SE 80th Portland, Oregon 97215
Land Area:	9,250 Sq. Ft.
Building Area:	4,560 Sq. Ft.
Property ID#:	R222453
Legal Description:	Lot 9 & 10, Block 5, Mt. Tabor Villa Annex
Zoning:	Medium Density Residential (R1a)
Appraised Value:	\$345,000

4. REQUEST FOR PROPOSALS TO PURCHASE THE MONTAVILLA BUILDING

Proposal Process:

Facilities & Property Management (FPM) published the Montavilla Request For Proposals on April 28th 2005. Proposals were accepted until Friday, May 27, 2005 at 5:00 p.m

Conditions included in the proposal:

- Proposers shall offer a cash price for the property.
- Proposers shall provide evidence of discussing their proposal with community organizations. A statement of support from these groups for the purchase by the Proposer is desirable.

- Proposers shall identify the proposed use of the property and state how the use will contribute to the community.

Site Visits

Facilities and Property Management staff were available to show the building to interested parties:

- Tuesday, May 3 9 AM
- Thursday, May 5 2 PM
- Tuesday, May 17 10 AM
- Wednesday, May 18 3 PM

Parties Notified of Proposal Opportunity

Twenty parties who had voiced an interest in the property were notified through the mail. The availability of the property and the RFP were posted on the Surplus Property web site. (List is available at Facilities & Property Management.)

5. PROPOSAL ANALYSIS AND RECOMMENDATION

As of 5 PM on Friday, May 27, one proposal to acquire the Montavilla Building was received at the Facilities and Property Management office at 401 N. Dixon in Portland, Oregon. The proposal came from Unlimited, Choices, Inc. (UCI) a non-profit organization (Abridged Attachment #1). Montavilla Library, Inc. submitted a letter challenging the County's ability to sell the property to anyone except them and demanding a sale for \$1 to them (Abridged Attachment #2). Facilities analyzed the proposals with the assistance of County staff. The following is the result of that analysis.

Unlimited Choices, Inc.

RFP Condition - Proposers shall offer a cash price for the property.

Unlimited Choices, Inc's proposal is "to offer Multnomah County the sum of \$165,000.00 for the Montavilla Building in the form of a cashier's check for the full amount at closing."

The property was appraised at \$345,000 in 2003. This value was based on multi-story commercial building "comparables". Facilities staff in consultation with CRESA Partners, a real estate consulting firm, on contract with the County, disagrees with this appraisal and believes the \$165,000 offer represents a fair price under the existing conditions.

1. The Montavilla Building is a "public use" facility located in a medium density residential zone. This makes it very hard to develop meaningful comparables. Using commercial office building comparables for this property, in our opinion, yields an unrealistically high valuation.
2. The appraisal did not take into account the significant need for renovation to the structure.
 - The proposal from UCI identifies \$137,000 in renovations that will be necessary to bring the building up to an acceptable standard.

- CRESA Partners a real estate consulting firm on contract to Multnomah County, has identified \$180,000 in offsets to the property's value. (Attached #3)
3. The appraisal instructions did not include the significant constraints of an RFP disposition process since the assumption was for a market sale. Two of the conditions, to seek support from the neighborhood and to disclose their intended use, are not common in an open market sale and consequently limit private responses.

Finding: Unlimited Choices, Inc. has offered a cash price for the Montavilla Building that meets the condition specified in the RFP.

RFP Condition – Proposers shall provide evidence of discussing their proposal with community organizations. A statement of support from these groups for the purchase by the Proposer is desirable.

Facilities has received two letters supporting the sale of the Montavilla Building to UCI. These letters are from neighborhood churches, one across the street from the building and the other a block away. A neighbor immediately across the street has sent an email in support of the sale. The churches and the neighbor have been involved in the past years attempt to develop a volunteer library. No objections to the sale to UCI have been received. (Letters and e-mail attached #4.)

Finding: Unlimited Choices, Inc. has met the condition of community support specified in the RFP.

RFP Condition – Proposers shall identify the proposed use of the property and state how the use will contribute to the community.

Unlimited Choices assists low income people with physical disabilities by making modifications that allow their clients to stay in their homes. UCI also provides emergency home repair to low income people, fire safety education and equipment to home owners and training and consultation to other housing agencies. The letters of support all noted the community supportive mission of ULI.

Another major community contribution is the proposed upgrading of the building. The building has been allowed to slowly deteriorate. This situation detracts from the neighbors' property and from the community as a whole. Regular maintenance and the additions such as the "eave extension" will add to the perception of care and commitment for the community.

Finding: Unlimited Choices, Inc. has met the condition of contributing to the community specified in the RFP.

Montavilla Library, Inc.

A letter purporting to come from Montavilla Library Inc. and demanding the County sell the Montavilla Building to Montavilla Library Inc. for \$1 dollar also arrived prior to 5 PM on May 27th 2005. This letter was signed by two officers of Montavilla Library, Inc. the community group which proposed a volunteer library in the building. Subsequently, two other Board members of Montavilla Library, Inc. notified FPM that this letter is not

supported by the Board of the Montavilla Library, Inc., one by phone and one by letter. (Letter Attached #5) The County Attorney's office is investigating this situation.

This demand letter was judged to be unresponsive to the terms of the RFP and is not recommended for further consideration.

6. RECOMENDATION

Unlimited Choices, Inc. has met the conditions specified in the Request For Proposals issued by FPM on April 28, 2005. Facilities and Property Management recommends that Multnomah County sell the Montavilla Building at 211 SE 80th in Portland, Oregon to Unlimited Choices, Inc. for \$165,000.

May 25, 2005

Mr. Lynn Dingler, Asset Manager
Multnomah County Facilities and Property Management
401 N. Dixon Street
Portland, Oregon 97227 - 1865

**UNLIMITED
CHOICES, INC.**

"Options for Independent Living"

Dear Mr. Dingler:

Enclosed please find our proposal for the purchase of the Montavilla Building at 211 SE 80th Avenue.

Unlimited Choices, Inc. (UCI) has the IRS designation as a 501c3 corporation with a Federal Tax ID # 94-3098470. We complete an A-133 Federal Audit yearly; a copy of last year's final audit is enclosed for your review.

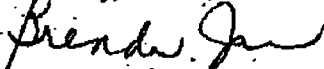
The name Unlimited Choices, the Adapt-A-Home and Mend-A-Home programs as well as all of our materials and database are registered with the US Patent and Trademark Office.

Our mission statement is: To remove barriers and create more affordable, accessible housing for low-income people with physical disabilities; and to provide emergency home repair services for very low-income homeowners through loans and grants. Our slogan is "Options for Independent Living".

UCI has been operating since 1993. Our charitable organization has a track record of professional excellence with a results driven orientation. We have been honored with national, state and local awards. More information may be found at our website, www.unlimitedchoices.org.

Thank you for your consideration of this proposal. If any further information is needed, please give me a call.

Sincerely,



Brenda Jose
Executive Director

Proposal for the Purchase of the Montavilla Building

Unlimited Choices, Inc. (UCI) is a private, non-profit corporation that has provided housing rehabilitation services in the two-state Portland metropolitan area since 1993. Initially, we were pursuing the Morgue, but groups with much deeper pockets forced us to shelve that dream. Therefore, we wish to offer Multnomah County the sum of \$165,000.00 for the Montavilla Building in the form of a cashier's check for the full amount at closing. We understand that the building is being sold "as is" and that we will be responsible for all repairs, maintenance and utilities upon possession.

We are aware that the building is a Class C, but more likely a Class D Commercial property. We are also aware of the fact that this building is in need of major repair and upgrading. It needs a new roof @ \$40,000, eave extensions to prevent further window damage @ \$15,000, new commercial HVAC system @ \$7,000, replace damaged windows @ \$60,000, ADA accessibility modifications @ \$2,500, kitchen sinks, cabinets & appliances @ \$3,500, new flooring @ \$2,500, interior/exterior cleaning and painting @ \$6,500. Most of the siding is LP, the Louisiana-Pacific product that fails by absorbing water and swelling, mildewing and even fostering mushroom growth. This siding will eventually need replacing. This brings the total move-in cost of this building to just over \$300,000. We do not expect the County to make these repairs, maintain the building nor pay the utilities.

UCI representatives have had discussions with neighbors, church officials and one member of the "Save the Montavilla Library" group. All are supportive of the work we do. The neighbors have told us that the issues surrounding the sale of this building have divided the members of the Neighborhood Association and that it will take quite some time to heal these wounds. They are all impressed by the mission, reputation and accomplishments of our agency. They are thrilled that we will be rehabilitating and refurbishing this building that sits in the middle of their community. They are ready for this sale to be finalized. Several have said that they will be sending letters in support of our purchase to the Multnomah County Facilities and Property Management Division.

UCI offers five separate programs regionally to six HUD entitlement jurisdictions in both Oregon and Washington. They are: Adapt-A-Home, offering accessibility modifications to low-income people with physical disabilities; Mend-A-Home, providing emergency home repair to very low-income homeowners; Add-A-Bar, offering minor safety modifications to

seniors; Save-A-Home, a joint project with both the Portland and Vancouver Fire Departments providing fire safety education and equipment installation; and Technical Assistance, offering training and consultation to other housing agencies. All of these programs will be offered from this building, including the trainings to communities and organizations nationwide.

The majority of our funding derives from the HUD CDBG program and UCI program generated income. The jurisdictions with whom we contract to provide our programs are: Multnomah County, City of Gresham, City of Portland, City of Beaverton, City of Vancouver and Clark County. We qualified and work throughout both the States of Washington and Oregon.

Our desire to purchase this building is because we need more space to house our growing agency. UCI began in the home of the two co-founders with a \$40,000 grant from the Multnomah County Community Development Department and resulted in the completion of 20 projects. It has grown into an agency with an annual budget of \$1.2 million with the yearly completion of 350 housing rehabs throughout the region, plus service contracts and technical assistance.

We believe that we offer the community a valuable service by making it possible for a wide variety of people to live independently and with dignity. We provide a service that improves the quality of life for program recipients. The service we provide also saves the taxpayers money by assisting people to remain in their own homes rather than being forced into high-cost nursing or foster homes.

Thank you for your consideration of our proposal. If we have submitted the most compelling bid, we will resurrect the Montavilla Building and do all that we can to assist with neighborhood reconciliation. After all, it will be our neighborhood, too.

#2

1505 SE Madison St.
Portland, OR 97214
Friday, May 27, 2005

Lynn Dingler
Asset Management
Multnomah County Facilities and Property Management
401 N Dixon Street
Portland, OR 97227

Subject: Montavilla Library's "Response to Request for Proposal" and Demand

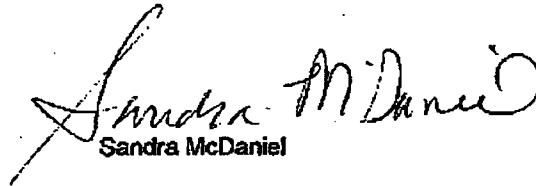
Dear Mr. Dingler:

Montavilla Library contests Multnomah County's ability to sell this property at 211 SE 80 Avenue to anyone except Montavilla Library. We have sought legal advice on the matter and believe we entered into an agreement that Multnomah County would sell the property to the Montavilla Library and no other party. Montavilla has performed on that agreement.

Yours truly,



Maureen Wright



Sandra McDaniel

Enclosures:

3 copies of Montavilla Library "Response to Request for Proposal" for Montavilla Library
Building 211 SE 80 Avenue, Portland, OR

Cc::

Kelly Clark and O'Donnell & Clark LLC
Attorneys

Montavilla Library's Purchase Agreement:

- **In reply to the County's item "Proposers shall offer a cash price for the property:"**

Montavilla Library demands that Multnomah County perform in accordance with the previous purchase agreement between Montavilla Library and Multnomah County consisting of an offer by Multnomah of one dollar and no cents to transfer ownership of 211 SE 80th and acceptance and performance by Montavilla Library as agreed upon by Maureen Wright and Sandra McDaniel and Lynn Dingler, Asset Management, Facilities and Property Management Division, Multnomah County on Third day of December 2004.

Additionally, Montavilla Library requests that the 1934 deed restriction that the historic site be used for "library purposes" be reinstated.

- **In reply to the County's item Montavilla Library's "evidence of discussing [our] proposal with community organizations" is described below.**

Evidence of discussion of Montavilla Library's proposal is on the public record from the Regular Board Meetings of the County Commissioner during the period of May 20, 2004 forward.

The public discussion includes a web site, television and radio broadcasts (including but not limited to public service segments devoted exclusively to the Montavilla Library description of the plans for the first volunteer-operated library in Multnomah County), meetings at regularly scheduled neighborhood, community, business and service groups, and other organizations meetings, door-to-door outreach, and special events.

- **In reply to the County's item Montavilla Library's "proposed use of the property and ... how the use will contribute to the community:"**

The building will be used to create the first volunteer-operated library in Multnomah County. Montavilla Library is modeled after four similar and highly successful volunteer run libraries in Washington County: Gaston, Cedar Mills, Garden Home and North Plains Libraries. All operate with shoe-string budgets. Each started with from one to four volunteers.

Montavilla Volunteer Library is about filling the need for a neighborhood library, old-fashioned community spirit, classic democracy, citizens having a voice in nearby land-uses, the governments' obligation to keep their agreements and contracts with the citizenry, and honoring the 1934 deed restriction that 211 SE 80 Avenue be used for "library purposes."

The neighborhood-based, pedestrian-friendly Montavilla Library will:

- Be the first volunteer-operated library in Multnomah County
- Provide periodicals, books and computers for people unable to afford to buy these resources or unable to go to distant libraries by foot, or on bikes, or by buses
- Act as a community center, gathering place and as a crime prevention tool. When people know each other, they look out for each other.
- Prepare our children for their futures and makes us all better informed citizens
- Improve neighborhood livability and break down barriers of social and economic isolation
- Prevent public health and safety problems like drug abuse, gang-violence, petty crimes and reckless acting out behaviors by providing a constructive and wholesome alternative
- Foster community without boundaries for people of all ages, races, income levels and educational levels, and disabilities
- Provide friendly comfort and warmth for the spirit and the mind
- Allow philanthropists and caring individuals to make a constructive difference through their contributions of time or money
- Help immigrants and non-native English speakers assimilate into a welcoming community
- Offer tutoring to promote literacy
- Offer a safe haven to at-risk youth and isolated senior citizens

CRESA PARTNERS • PORTLAND
Corporate Real Estate Service Advisors



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One SW Columbia Street, Suite 1610
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June 9, 2005

Lynn Dangler
Multnomah County Facilities and Property Management
401 N Dixon
Portland, Oregon

Dear Lynn:

Thank you for taking time recently to allow me to tour the former Montavilla Library and review the November 6, 2003 appraisal. You asked for my professional opinion of value given that offers for the property had come in less than the appraised value. I believe there to be several factors relating specifically to the Montavilla building that would lead to prices lower than the appraisal. The most important factor affecting value may however be the process for sale required by the Board of Commissioners.

The building is in poor condition and has only deteriorated as it has sat vacant. Given its current condition major rehabilitation would be required for use as either office space similar to the comparable in the appraisal or as residential. Rehabilitation of the building as office would likely cost in excess of \$40 per square foot (\$180,000) and remodel of the building to create residential would likely cost in excess of \$60 per square foot (\$275,000). After reviewing the appraisal, I do not feel that the significant cost of rehabilitation was appropriately reflected in the value of the Montavilla building.

The other negative impact on the price of this building is the Request for Proposal process that the Board of Commissioners put in place for the sale of the building. Specifically, the Board required that any buyer provide proof that they have discussed their use with community organizations, that they provide proof of community support if possible, that they identify their proposed use and state how it will benefit the community. There was also a short 30 day exposure to the market before proposals were due.

The appraisal defines Market Value as, "The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus." Implicit in this is also a reasonable time for exposure to the market which the appraisal suggests is six to twelve months. The terms of the RFP process exclude the majority of potential buyers and therefore is not competitive or open.

The Request for Proposal process created by the Board will likely do an excellent job of assuring that the future owners operate the property in a way that benefits the community. As described above, this process does not in any way reflect a sale process required to achieve the commonly accepted definition of Market Value; consequently, when this type of RFP process is used for the sale of any County building a sale price well below Market Value should be expected.

Sincerely,

CRESA Partners

David Reinhart
Principal

ATLANTA
AUSTIN
BELLEVUE
BETHESDA
BIRMINGHAM
BOSTON
CALGARY
CHARLOTTE
CHICAGO
CINCINNATI
CLEVELAND
COLUMBUS
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HALIFAX
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INDIANAPOLIS
IRVINE
KANSAS CITY
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MEMPHIS
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MONTREAL
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PARAMUS
PHILADELPHIA
PHOENIX
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SACRAMENTO
SAN DIEGO
SAN FRANCISCO
SAN JOSE
SEATTLE
ST. LOUIS
TORONTO
TYSONS CORN
VANCOUVER
WASHINGTON
WHITE PLAINS





MONTAVILLA UNITED METHODIST CHURCH

232 S.E. 80th Avenue
Portland, Oregon 97215
PHONES 254-5529, 254-5520

Lynn Dingler
Multnomah County Facilities and Property Management
401 N Dixon Street
Portland, OR 97227

FAX 503-988-5643

Dear Mr. Dingler;

We favor Unlimited Choices as owner of the property across the street from our church. This is the building previously owned by the OSU Extension Service.

Deborah Wright, Operations Director, presented to us their mission and plan for the building. In particular, we were impressed by her acknowledgement of the poor condition of the building and their obvious connections with the building trades due to the mission of Unlimited Choices. We have been concerned that if the building remains, someone clever with repair and maintenance will need to own it.

In addition, we are careful not to disturb the residential neighbors who surround our church. We believe the small staff of Unlimited Choices and their "9 to 5 occupancy" will protect the parking and traffic patterns of this section of Montavilla.

Finally, we think the aging population of Portland makes the mission of Unlimited Choices likely to succeed. Fourteen years of successful operating history is reassuring to us.

Please join us in support of their offer to buy this troublesome building.

The Administrative Council of Montavilla United Methodist Church

Roger Warren 5/25/05
Roger Warren for 16 signers in attendance at our meeting on May 24, 2005

THE PARISH OF SS. PETER AND PAUL

8147 SE Pine Street, Portland, Oregon 97215

(503) 254-8168

angcath@pacifier.com

Office of the Rector

RECEIVED IN ADMIN

May 25, 2005

May 26 2005

Mr. Lynn Dangler
Asset Management
Multnomah County Facilities and Property Management Division
401 North Dixon Street
Portland, O. 97227-1865

Dear Lynn:

I'm writing to you to express my support for the proposal from Unlimited Choices. I understand they wish to acquire and rehab the former Montavilla Library building on SE 80th Street in order to fulfill their mission to low-income people with disabilities as well as seniors.

Mary Stilwell, our Prior, has met with representatives of Unlimited Choices and was deeply impressed by their work for the disabled and senior community. Their mission is focused, modifying homes for differently-abled accessibility, repairing the homes of low-income families, and thus empowering people to live with dignity and self-determination. We support this mission and find it congruent with our own.

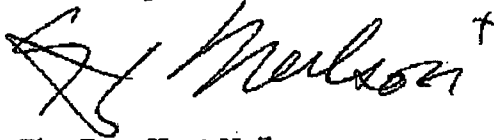
The Unlimited Choices representatives state that they plan to rehabilitate the 80th Street building and make it an appealing asset to the neighborhood. To date, no one group or organization has demonstrated the ability to do that. I think that Unlimited Choices should be given the chance to try, and move us past the present impasse that is leaving the building vacant and slowly deteriorating.

To date, I have steered clear of the neighborhood campaign to restore a library to the 80th Street site. My parishioners and I became disaffected last summer, when we felt our intentions for the site were misrepresented, the neighborhood campaign steadily bred division rather than collaboration, and the confrontational tactics adopted were unproductive and frankly embarrassing. My attempts to bring up these

concerns were brushed aside. An opportunity to build unity and do something together was squandered. Since then I have held my peace so as to not add to the rancorous atmosphere as well as to give the "Save Montavilla Library" people the dignity of a chance to try things their way.

But now I am pleased that a positive and hard-working group like Unlimited Choices has taken an interest in the building, and I would look forward to the positive addition they would make to our neighborhood. I endorse their proposal.

Yours in peace,

A handwritten signature in black ink, appearing to read "Kurt Neilson", with a small cross-like mark at the end of the signature.

The Rev. Kurt Neilson+
Rector, SS. Peter and Paul Episcopal

Cc/file

DINGLER Lynn

From: dan haggerty [wdhagg@yahoo.com]
Sent: Tuesday, May 31, 2005 3:54 PM
To: DINGLER Lynn
Subject: Letter of Support

Lynn.....

It is with great pleasure that I give my support to Unlimited Choices as the new potential owners of the building located at 211 SE 80th Avenue. This past year has been very trying as you all know. The uncertainty has really put a strain on those who live in this community. I was very pleased to hear that Unlimited Choices put in an offer to purchase the building. I have spoken with Deborah Wright who is the operations director for Unlimited Choices. I was very impressed with what her non-profit business provides as a service. Most important to me as a resident is the fact that she live in the area. She also has a deep commitment to ensuring that Unlimited Choices has a positive impact and plays an active roll in our community. Their plans to renovate the building would add to the beauty of the area. Her small staff would minimize the impact to the parking and the traffic in the area.

Speaking with others in the neighbor hood, It seems to me that our community is ready to move on without the library and to move forward with a choice like Unlimited Choices. I truly hope you will consider them.

Thank you,

Dan Haggerty
(503) 998-9511

Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around
<http://mail.yahoo.com>

June 1, 2005
VIA E-MAIL AND REGULAR MAIL

Maureen Wright
President, Montavilla Library
1505 SE Madison Street
Portland, OR 97214

With this letter I formally tender my resignation as a boardmember and officer of the Montavilla Library organization.

Our last board meeting was held on April 18, 2005. In that meeting, the majority of the board clearly stated they had no interest in pursuing a campaign of demand and litigation against the County. It was agreed our desired recourse in pursuing the original goals of establishing a volunteer-run library was to focus on fundraising and volunteerism. You agreed to support this approach. A great deal of work toward that end followed through May 26, 2005.

You were advised of the actions being carried out and were included in correspondence. You chose to withhold communication with at least three active members of the board. Repeated requests for tax status documentation required for soliciting pledges were ignored. You made no response to requests for financial documents. Calls and e-mails to you were not returned between the last board meeting and the May 27, 2005 deadline for bidding on the Montavilla Building.

Following the interim weeks of effort, expense, and measurable success in obtaining pledges, and with no responsive communication from you, it was determined by the remaining four actively involved board members that the amount pledged was not sufficient to make a bid proposal. Lynn Dingler of Asset Management was made aware that Montavilla Library would most likely *not* be submitting a bid package. At the time of that decision, the only consideration for a possible future board meeting was with the intent of disbanding the organization.

Your phone message on Saturday, May 28 was a complete surprise. You advised that you and Sandra McDaniel had submitted a proposal and you requested a board meeting to plan strategy. Inquiry made shortly thereafter to County Facilities and Property Management lead to my determination that your bid was inappropriate and was submitted under the organization name of Montavilla Library.

This action was undertaken by you, independently, without the involvement or approval of the Montavilla Library board. You submitted a letter of contest and a demand purchase agreement in response to the bid proposal. In that response you again restated the litany of historical data and expectations presented to the County for more than a year, to no avail or interest. This substantiates the concern that your agenda is rigid and individualized, outside due process, and seemingly not in the reasonable best interest of the Montavilla Community.

It is regrettable the project failed on many levels, the concept was a good one and the potential community benefits were broad and viable. I enjoyed meeting and working with the very committed people involved in this project. However, as of May 26, 2005, I have, as an individual, disassociated myself from "Montavilla Library" and from any action you have taken upon yourself to pursue.

Further, Soroptimist International of Portland-East Foundation had agreed to act as fiscal agent until Montavilla Library achieved 501(c)(3) status. That status having been personally confirmed by a recent visit to the IRS office, on behalf of the Foundation I hereby also withdraw that support and involvement, in its entirety.

Cheri D. Wonsley
PO Box 33858
Portland, OR 97292-3858

c: Board of Directors, Montavilla Library
Board of Directors, Soroptimist International of Portland-East Foundation
Multnomah County Commission
Multnomah County Facilities and Property Management
O'Donnell & Clark, Attorneys at Law

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 03-144 the Multnomah County Board of County Commissioners declared the Montavilla Building at 211 SE 80th, Portland, Oregon to be a surplus property and directed its sale.
- b. The Montavilla Building was vacated by the Oregon State Extension Service in October 2003. The building has been unoccupied since that time.
- c. The Board suspended the sale process in June of 2004 to give the community time to offer a viable alternative to selling the building.
- d. On April 14, 2005 the Board directed Facilities to sell the building.
- e. On April 28, 2005 Facilities published a request for proposal on the Montavilla Building with a deadline for proposals of May 27, 2005.
- f. There were two proposals to purchase the Montavilla Building received.
- g. The proposal from the Montavilla Library, Inc. proposed the County sell them the property for \$1. Their proposal was judged by the review committee to be unresponsive to the conditions set forth in the RFP.
- h. Unlimited Choices, Inc. submitted a proposal that is judged to be responsive to the conditions set forth in the RFP. Facilities and Property Management staff and a review panel has analyzed this proposal with the following conclusions:
 - 1) Unlimited Choices, Inc. has proposed a cash purchase of the property. This meets the conditions specified in the RFP.
 - 2) Letters and e-mails of support for the sale to Unlimited Choices, Inc. have been received from two neighborhood churches and from one neighbor. This meets the conditions specified in the RFP.
 - 3) The proposed use of the property has been specified and is supportive of the community. This meets the conditions specified in the RFP.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc. for the proposed consideration of \$165,000.
2. The Division of Facilities and Property Management is directed to facilitate the sale of the property.
3. The County Chair is authorized to approve the terms of the sale and to execute all appropriate documents necessary to close the sale

ADOPTED this 23rd day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Deputy 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: June 23 2005

SUBJECT: Montavilla Library Property
211 SE 80 Ave + Citizen involvement
AGENDA NUMBER OR TOPIC: R14 - Sale of Montavilla Library
to unlimited choices

FOR: _____ AGAINST: X THE ABOVE AGENDA ITEM

NAME: Maureen Wright

ADDRESS: 1505 SE MADISON ST

CITY/STATE/ZIP: Portland OR 97214

PHONE: _____ DAYS: 503 233 9383 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: The County has an
obligation to transfer the
property to Montavilla Library
for the first volunteer-operated
library in Mult. Co. Written testimony
to follow

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#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: 6/23/05

SUBJECT: Montavilla Library Property

AGENDA NUMBER OR TOPIC: R-14 Resolution *against sale of Montavilla Library to Unlimited Choices*

FOR: _____ AGAINST: ☒ THE ABOVE AGENDA ITEM

NAME: Sandra McDaniel

ADDRESS: 1435 NE 73rd

CITY/STATE/ZIP: Portland, OR 97213

PHONE: _____

DAYS: 257-3346

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

transfer Montavilla Property for \$1.00 to
Montavilla Volunteer Library

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#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:

6/23/05

SUBJECT:

SALE OF MONTAVILLA BUILDING

AGENDA NUMBER OR TOPIC:

R-14

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME:

BRENDA JOSE / UNLIMITED CHOICES

ADDRESS:

4848 SE DIVISION ST

CITY/STATE/ZIP:

PORTLAND, OR 97206

PHONE:

DAYS: 503-234-6167

EVES: 503-239-9416

EMAIL:

bjose@unlimitedchoices.org

FAX:

503-234-9980

SPECIFIC ISSUE:

SALE OF MONTAVILLA BLDG

WRITTEN TESTIMONY:

HOPEFULLY - THANK YOU FOR
APPROVAL OF SALE TO UNLIMITED CHOICES -
AVAILABLE TO ANSWER QUESTIONS AND/OR
CONCERNS

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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-117

Approving Sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc.

The Multnomah County Board of Commissioners Finds:

- a. By Resolution 03-144 the Multnomah County Board of County Commissioners declared the Montavilla Building at 211 SE 80th, Portland, Oregon to be a surplus property and directed its sale.
- b. The Montavilla Building was vacated by the Oregon State Extension Service in October 2003. The building has been unoccupied since that time.
- c. The Board suspended the sale process in June of 2004 to give the community time to offer a viable alternative to selling the building.
- d. On April 14, 2005 the Board directed Facilities to sell the building.
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- f. There were two proposals to purchase the Montavilla Building received.
- g. The proposal from the Montavilla Library, Inc. proposed the County sell them the property for \$1. Their proposal was judged by the review committee to be unresponsive to the conditions set forth in the RFP.
- h. Unlimited Choices, Inc. submitted a proposal that is judged to be responsive to the conditions set forth in the RFP. Facilities and Property Management staff and a review panel has analyzed this proposal with the following conclusions:
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 - 3) The proposed use of the property has been specified and is supportive of the community. This meets the conditions specified in the RFP.

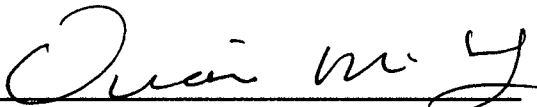
The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sale of the Montavilla Building at 211 SE 80th, Portland, Oregon to Unlimited Choices, Inc. for the proposed consideration of \$165,000.
2. The Division of Facilities and Property Management is directed to facilitate the sale of the property.
3. The County Chair is authorized to approve the terms of the sale and to execute all appropriate documents necessary to close the sale

ADOPTED this 23rd day of June, 2005.



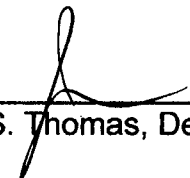
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/23/05
Agenda Item #: R-15
Est. Start Time: 11:20 AM
Date Submitted: 06/15/05

BUDGET MODIFICATION:

RESOLUTION Declaring Intent to Vacate the Right-of-Way (Proposed 242nd/238th Extension) through Multnomah County's Edgefield Property and
Agenda Directing the County Road Official to Prepare a Report as Required under ORS
Title: 368.346

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

Date Requested: June 23, 2005 Time Requested: 10 Minutes
Department: Business and Community Services Division: Facilities & Property Mgmt
Contact(s): Doug Butler
Phone: 503 988-6294 Ext. 86294 I/O Address: 274
Presenter(s): Doug Butler & Lynn Dingle

General Information

1. What action are you requesting from the Board?

Directing the County Road Official to study and report to the Board on the effect of vacating the 242nd and 238th Extension right-of-way (ROW) through the Edgefield property.

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

The Board has approved the sale of the Edgefield property (Resolution 05-056). The 242/238 Extension ROW bisects the western part of the site. The Board has directed the ROW be sold without restriction as part of the Edgefield sale.

The process for vacating a County ROW is specified in ORS 368.026. The Board first authorizes a study on the effect of vacating the ROW on adjoining property owners. Secondly, the Board accepts the study, sets a hearing date and makes the study available to the public. The third step is for the Board to hold a hearing on the vacation and then act to vacate or not.

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

Vacating the ROW will increase the revenue from the sale of the Edgefield property by as much as \$1.8 million dollars.

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

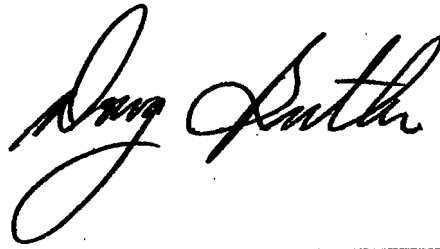
The process for vacating county roads is specified in ORS 368.026. The study of the effect on abutting property is the first step and must be ordered by the Board.

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

As part of approving the sale of the property and the inclusion of the ROW public testimony was heard by the Board. Further testimony will be heard prior to a decision on vacation of the ROW. The right-of-way will be posted, the proposed action will be noticed in local newspapers, and notice will be sent to interested individuals and governments. The City of Troutdale will be asked to take a formal position on the vacation of the ROW.

Required Signatures

**Department/
Agency Director:**



Date: 06/15/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring Intent To Vacate The Right-Of-Way (Proposed 242nd/238th Extension) Through Multnomah County's Edgefield Property And Directing The County Road Official to Prepare A Report as Required Under ORS 368.346

The Multnomah County Board of Commissioners Finds:

- a. The portions of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th, County Road No. 5008, affected by this proposed vacation were established as County Roads by Order 95-111, on May 18th 1995 and recorded at No. 95-97067 in the Multnomah County Deed Records.
- b. The portion of N.E. 242nd Connector, County Road No. 5007 and N.E. 238th, County Road No. 5008, proposed to be vacated, are more particularly described as follows:

SEE ATTACHED EXHIBIT "A".

- c. The above described county roads to be vacated are fully contained within a larger tract of land commonly referred to as the "Edgefield" property.
- d. By the adoption of Resolution Number 04-169, the Board declared the Edgefield property to be surplus and by the adoption of Resolution Number 05-056 the Board also approved the sale of the Edgefield property without any restrictions including the above described road right of way.
- e. In order to realize the greatest revenue from the sale of the Edgefield property the road right-of-way should be vacated.
- f. To initiate the vacation of the above described county roads, the Board must declare its intent to vacate and direct preparation of the road official's report in accordance with ORS 368.346.

The Multnomah County Board of Commissioners Resolves:

1. For the above-stated reasons, the Board declares its intent to vacate the Property described in Exhibit A and directs the Manager of Engineering Services to prepare and file a report with the Board in accordance with ORS 368.346.

ADOPTED this 23rd day of June 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

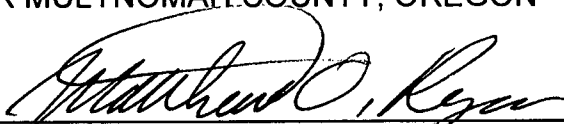

Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

To Multnomah County Board Resolution Declaring Intent To Vacate The Right-Of-Way (Proposed 242nd/238th Extension) Through Multnomah County's Edgefield Property And Directing The County Road Official to Prepare A Report as Required Under ORS 368.346

PROPOSED RIGHT OF WAY PROPERTY TO BE VACATED:

1. All real properties identified in that certain Multnomah County Board Order No. 95-111 recorded at Multnomah County Deed Records No. 95-97067.
2. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97068.
3. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97069.
4. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97070.
5. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97074.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-118

Declaring Intent to Vacate the Right-of-Way (Proposed 242nd/238th Extension) through Multnomah County's Edgefield Property and Directing the County Road Official to Prepare a Report as Required under ORS 368.346

The Multnomah County Board of Commissioners Finds:

- a. The portions of NE 242nd Connector, County Road No. 5007 and NE 238th, County Road No. 5008, affected by this proposed vacation were established as County Roads by Order 95-111, on May 18, 1995 and recorded at No. 95-97067 in the Multnomah County Deed Records.
- b. The portion of NE 242nd Connector, County Road No. 5007 and NE 238th, County Road No. 5008, proposed to be vacated, are more particularly described as follows:

SEE ATTACHED EXHIBIT "A".

- c. The above described county roads to be vacated are fully contained within a larger tract of land commonly referred to as the "Edgefield" property.
- d. By the adoption of Resolution Number 04-169, the Board declared the Edgefield property to be surplus and by the adoption of Resolution Number 05-056 the Board also approved the sale of the Edgefield property without any restrictions including the above described road right of way.
- e. In order to realize the greatest revenue from the sale of the Edgefield property the road right-of-way should be vacated.
- f. To initiate the vacation of the above described county roads, the Board must declare its intent to vacate and direct preparation of the road official's report in accordance with ORS 368.346.

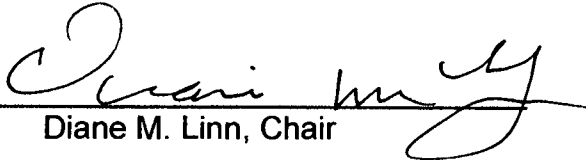
The Multnomah County Board of Commissioners Resolves:

1. For the above-stated reasons, the Board declares its intent to vacate the Property described in Exhibit A and directs the Manager of Engineering Services to prepare and file a report with the Board in accordance with ORS 368.346.

ADOPTED this 23rd day of June 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

To Multnomah County Board Resolution Declaring Intent to Vacate the Right-of-Way (Proposed 242nd/238th Extension) through Multnomah County's Edgefield Property and Directing the County Road Official to Prepare a Report as Required Under ORS 368.346

PROPOSED RIGHT OF WAY PROPERTY TO BE VACATED:

1. All real properties identified in that certain Multnomah County Board Order No. 95-111 recorded at Multnomah County Deed Records No. 95-97067.
2. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97068.
3. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97069.
4. All real properties identified in that certain "Deed of Dedication" recorded at Multnomah County Deed Records No. 95-97070.
5. All real properties identified in that certain "Easement" recorded at Multnomah County Deed Records No. 95-97074.