

ANNOTATED MINUTES

Tuesday, January 26, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

WORK SESSION

Chair Beverly Stein convened the meeting at 10:03 a.m., with Vice-Chair Diane Linn and Commissioners Sharron Kelley and Serena Cruz present, and Commissioner Lisa Naito arriving at 10:06 a.m.

WS-1 Public Safety Plan Work Session: Review Planning Framework and Proposed Schedule; Introduction of Public Safety Sub-Population Analysis; and Presentation of Jail Population Projection Model Assumptions. Presentations by Carol Ford, Suzanne Riles, Sheriff Dan Noelle, Larry Reilly and Bethany Wurtz.

***CAROL FORD, SUZANNE RILES, JIM CARLSON
SHERIFF DAN NOELLE, LARRY REILLY AND
BETHANY WURTZ PRESENTATIONS AND
RESPONSE TO BOARD QUESTIONS, DISCUSSION
AND SUGGESTIONS. STAFF TO PROVIDE
BOARD WITH ADDITIONAL INFORMATION AND
CURRENT DATA FOR FUTURE WORK SESSION.***

There being no further business, the meeting was adjourned at 12:05 p.m.

Thursday, January 28, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

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

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER LINN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-3)
WAS UNANIMOUSLY APPROVED.**

SHERIFF'S OFFICE

C-1 ORDER: Acknowledgement of Found/Unclaimed Property and Authorization of Transfer for Sale or Disposal

ORDER 99-7.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

C-2 Intergovernmental Agreement 9910364 with the City of Portland, Parks and Recreation, Assisting in the Funding of Boys and Girls Clubs of Portland, North Portland Outreach Pilot Program

DEPARTMENT OF HEALTH

C-3 Budget Modification HD 14 Approving Decreases and Additions in Various Job Classifications in the Corrections Health Budget for an Overall Decrease of .3 FTE all Funded within Current Budget

REGULAR AGENDA
PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

AGING AND DISABILITY SERVICES DEPARTMENT

R-2 Budget Modification ADS 1 Requesting Authorization for Various Expenditures Including Creation of New Positions, Position Reclassifications, Acquisition of Computers, Automobiles, and Miscellaneous Material and Services Expenditures within the Aging and Disability Services Budget, Utilizing Unspent Older Americans Act, Aging Medicaid and Disability Medicaid Title XIX Funds

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER LINN SECONDED, APPROVAL**

OF R-2. DON CALSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-3 RESOLUTION Amending Board Rules for Adoption of Emergency Ordinances

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-3. COMMISSIONER KELLEY AND TOM SPONSLER EXPLANATION. COMMISSIONER LINN AND CHAIR STEIN COMMENTS IN SUPPORT. RESOLUTION 99-8 UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 Second Reading and Possible Adoption of an ORDINANCE Amending MCC 11.15 by Incorporating Standards Implementing Open Space and Emergency/Disaster Response Amendments to the Management Plan for the Columbia River Gorge National Scenic Area, Correcting Certain Errors in the General Management Forest District

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. FOLLOWING EXPLANATION AND REQUEST OF PLANNER PHIL BOURQUIN, COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, AMENDMENT CORRECTING LANGUAGE IN SECTION 2. COMMISSIONER CRUZ EXPLANATION AND COMMENTS IN SUPPORT OF AMENDMENT. COMMISSIONER NAITO COMMENTS IN SUPPORT OF AMENDMENT. COMMISSIONER CRUZ ADVISED THAT THE FRIENDS OF THE GORGE HAVE THREE OTHER AMENDMENTS FOR LATER CONSIDERATION. AMENDMENT UNANIMOUSLY APPROVED. UNANIMOUS BOARD CONSENSUS

IN AGREEMENT TO COMMISSIONER KELLEY'S CLARIFICATION THAT EMERGENCY CLAUSE LANGUAGE BE ADDED TO THE ORDINANCE. ORDINANCE 925 UNANIMOUSLY ADOPTED, AS AMENDED, EFFECTIVE IMMEDIATELY.

R-5 RESOLUTION Authorizing Chair to Execute Documents to Exercise the Option Agreement for County Purchase of U.S. Bank National Association Building and Adjacent Parking Garage Property at 501 SE Hawthorne

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. BOB OBERST EXPLANATION AND RESPONSE TO BOARD QUESTIONS. COMMISSIONER LINN COMMENTS IN SUPPORT OF MOVE TO EAST SIDE. RESOLUTION 99-9 UNANIMOUSLY APPROVED.

Commissioner Naito signed off and the meeting was recessed at 9:55 a.m., and reconvened at 10:15 a.m., with Chair Stein, Vice-Chair Linn and Commissioners Kelley and Cruz present.

NON-DEPARTMENTAL

R-6 Legislative Agenda Update Presented by Gina Mattioda and Susan Lee.

CHAIR STEIN, VICE-CHAIR LINN, DAVE WARREN AND SUSAN LEE PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION INCLUDING LEGISLATIVE AGENDA; TRACKING DRAFT LEGISLATION; COUNTY BUDGET IMPLICATIONS; WILLAMETTE RIVER BRIDGES AND TRANSPORTATION ISSUES.

Chair Stein was excused at 10:40 a.m., with Vice-Chair Linn presiding.

GINA MATTIODA, SHARON ARMSTRONG AND KATLEEN FULLER POE WARREN AND SUSAN LEE PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION INCLUDING OREGON HEALTH PLAN; SAFETY NET CLINICS; IMPACT TO CHILDREN AND

***OTHER CLIENTS; AND CHARTER SCHOOLS
PRINCIPLES.***

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

R-7 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.

NO ONE WISHED TO COMMENT.

There being no further business, the meeting was adjourned at 11:18 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
 Portland, Or 97204-1914
 Phone: (503) 248-3308 FAX (503) 248-3093
 Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500
 Portland, Or 97204-1914
 Phone: (503) 248-5220 FAX (503) 248-5440
 Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
 Portland, Or 97204-1914
 Phone: (503) 248-5219 FAX (503) 248-5440
 Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500
 Portland, Or 97204-1914
 Phone: (503) 248-5217 FAX (503) 248-5262
 Email: lisa.h.naito@co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
 Portland, Or 97204-1914
 Phone: (503) 248-5213 FAX (503) 248-5262
 Email: sharron.e.kelley@co.multnomah.or.us

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

Email: deborah.l.bogstad@co.multnomah.or.us

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

JANUARY 26 & 28, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 am Tuesday Public Safety Plan Work Session
Pg 3	9:30 am Thursday Opportunity for Comment on Non-Agenda Matters
Pg 3	9:40 am Thursday Resolution Amending Board Rules
Pg 3	10:00 am Thursday 2 nd Reading Columbia Gorge NSA Ordinance
Pg 3	10:15 am Thursday Resolution to Exercise Option Agreement for Purchase of U.S. Bank Property
Pg 3	10:45 am Thursday Legislative Update
*	Check the County Web Site: http://www.multnomah.lib.or.us

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

Thursday, 9:30 AM, (LIVE) Channel 30
 Friday, 10:00 PM, Channel 30
 Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
 Television

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REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

C-1 ORDER: Acknowledgement of Found/Unclaimed Property and Authorization of Transfer for Sale or Disposal

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

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NON-DEPARTMENTAL

R-6 Legislative Agenda Update Presented by Gina Mattioda and Susan Lee. 1 HOUR REQUESTED.

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

R-7 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.



LISA H. NAITO
Multnomah County Commissioner, District 3
1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204-1914
Phone (503) 248-5217 Fax (503) 248-5262

MULTNOMAH COUNTY OREGON

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Serena Cruz
Commissioner Sharron Kelley
Board Clerk Deb Bogstad

FROM: Charlotte Comito
Staff to Commissioner Lisa Naito

DATE: January 13, 1999

RE: Telephonic Board Meeting

Commissioner Naito will participate in the January 28th Board meeting by phone. She will be attending an Early Childhood Development Conference out of state.

BOARD OF
COUNTY COMMISSIONERS
99 JAN 13 PM 1:19
MULTNOMAH COUNTY
OREGON

BOGSTAD Deborah L

From: NAITO Lisa H
Sent: Thursday, January 07, 1999 12:05 PM
To: BOGSTAD Deborah L
Cc: CRUZ Serena M; STEIN Beverly E; COMITO Charlotte A; LINN Diane M; KELLEY Sharron E

Deb, I will attend the NACO Justice and Public Safety Conference in Pennsylvania from January 27-31. The Topic is **A National County Strategy to Prevent Violent Crime Through Early Childhood Development**. This looks like a very interesting conference. want to vote at the Board meeting that Thursday by phone from the conference. Thanks!



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

MEMORANDUM

TO: DEBORAH BOGSTAD
Clerk of the Board

FROM: DAN NOELLE 
Sheriff

DATE: December 2, 1998

SUBJECT: FOUND/UNCLAIMED PROPERTY – 98-5

Attached is a listing of found/unclaimed or unidentified property. This property has been in the Sheriff's possession for over 30 days. All attempts to establish the rightful owner(s) of the listed property have proven negative.

To comply with Multnomah County Code 7.70, I am requesting that this listing of property be placed on the Board of County Commissioners' agenda for approval of the transfer of these items to the Department of Environmental Services for sale or disposal as provided for within the listed ordinance.

Attachment

RG/jlz/98-5

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-7

Acknowledgement of Found/Unclaimed Property and Authorization of Transfer for Sale or Disposal

The Multnomah County Board of Commissioners Finds:

- a) The Multnomah County Sheriff's Office has certain property, including money, in its possession; the ownership of which is unknown and which has been unclaimed for thirty days after the property came into its possession
- b) Multnomah County Code Chapter 15.650 directs the Sheriff's office to report the unclaimed property to the Board of Commissioners and to request authorization to dispose of it as provided in the Code
- c) In lieu of a sale of the property under Multnomah County Code Chapter 15.650 to 15.656, the Multnomah County Sheriff's Office, with the approval of the Board of Commissioners, may transfer any portion of the unclaimed property to the County for use by the County

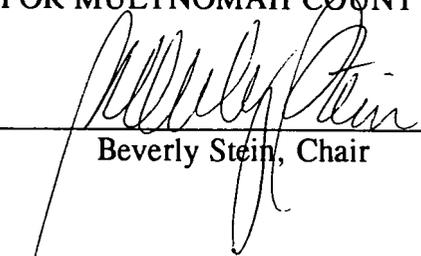
The Multnomah County Board of Commissioners Orders:

1. The Multnomah County Board of Commissioners acknowledges the found/unclaimed property and authorizes the transfer of the items listed on the attached **Multnomah County Sheriff's Office Found/Unclaimed Property for Disposal, List 98-5**, to the Multnomah County Department of Environmental Services for sale or disposal as provided in Multnomah County Code.

Adopted this 28th day of January, 1999.

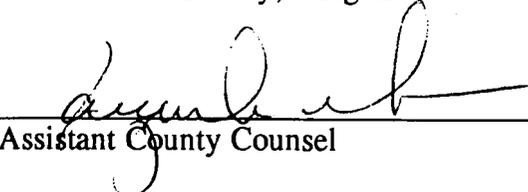


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 

Assistant County Counsel

MULTNOMAH COUNTY
SHERIFF'S OFFICE
FOUND/UNCLAIMED PROPERTY FOR DISPOSAL
LIST 98-5

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
82-25473	\$190.85	General Fund
83-23455	\$46.00	General Fund
88-1398	\$55.00	General Fund
88-1480	\$100.00	General Fund
88-2275	\$806.42	General Fund
88-4884	\$3.40	General Fund
88-11939	\$4,450.00	General Fund
89-2097	\$350.00	General Fund
90-463	\$103.00	General Fund
90-1062	\$45.72	General Fund
90-10051	\$6.91	General Fund
91-1747	\$88.00	General Fund
91-1777	\$300.00	General Fund
91-4211	\$16.00	General Fund
91-5208	\$132.00	General Fund
91-6075	\$200.00	General Fund
91-7854	\$2.38	General Fund
91-8809	\$249.00	General Fund
91-12169	\$90.00	General Fund
92-3273	\$65.45	General Fund
92-3379	\$15.00	General Fund
92-3396	.55	General Fund
92-3654	1.60	General Fund
92-3680	70.00	General Fund
92-6337	83.00	General Fund
92-7713	14.00	General Fund

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
92-7800	‡ 100.00	General Fund
92-9463	104.00	General Fund
92-10719	231.00	General Fund
93-1137	133.31	General Fund
93-1712	133.00	General Fund
93-1935	171.00	General Fund
93-7200	4.00	General Fund
93-8156	300.00	General Fund
93-8449	174.00	General Fund
93-8541	172.00	General Fund
93-9856	.50	General Fund
94-276	5.00	General Fund
94-2174	200.00	General Fund
94-3236	120.00	General Fund
94-3348	.25	General Fund
94-3869	93.00	General Fund
94-3936	5.00	General Fund
94-4312	4.01	General Fund
94-5130	6.34	General Fund
94-5492	1.00	General Fund
94-5513	119.70	General Fund
94-5651	.35	General Fund
94-6448	21.85	General Fund
94-6620	27.00	General Fund
94-6730	148.00	General Fund
94-6902	4.00	General Fund
94-6969	165.00	General Fund

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
94-7009	⌘ 12.00	General Fund
94-7649	979.00	General Fund
94-7921	8.00	General Fund
95-264	141.00	General Fund
95-423	24.00	General Fund
95-739	20.00	General Fund
95-959	.60	General Fund
95-998	1.00	General Fund
95-1256	1.00	General Fund
95-1277	5.00	General Fund
95-1584	100.00	General Fund
95-2025	20.00	General Fund
95-2085	35.73	General Fund
95-2208	1.00	General Fund
95-2261	39.23	General Fund
95-2303	73.00	General Fund
95-2435	70.00	General Fund
95-2513	110.00	General Fund
95-2657	80.00	General Fund
95-2679	620.00	General Fund
95-2795	51.00	General Fund
95-2879	44.00	General Fund
95-3069	190.00	General Fund
95-3112	24.45	General Fund
95-3258	50.00	General Fund
95-3476	15.00	General Fund
95-3637	461.00	General Fund

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
95-3987	\$ 1.00	General Fund
95-4139	5.00	General Fund
95-4275	527.00	General Fund
95-4316	4.94	General Fund
95-4475	851.00	General Fund
95-4766	1.00	General Fund
95-5115	1.47	General Fund
95-5789	40.00	General Fund
95-5903	139.00	General Fund
95-6019	8.00	General Fund
95-6314	262.00	General Fund
95-6745	2.46	General Fund
96-81	111.00	General Fund
96-262	516.00	General Fund
96-341	149.00	General Fund
96-742	20.00	General Fund
96-778	21.00	General Fund
96-897	1.07	General Fund
96-912	20.00	General Fund
96-935	159.00	General Fund
96-1007	496.00	General Fund
96-1354	16.00	General Fund
96-1395	170.00	General Fund
96-1588	228.00	General Fund
96-1942	340.00	General Fund
96-2205	5.00	General Fund
96-2338	5.00	General Fund
96-2343	12.00	General Fund
96-2557	1.29	General Fund

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
96-2671	\$ 206.00	General Fund
96-2678	3.00	General Fund
96-2849	340.00	General Fund
96-3229	38.00	General Fund
96-3252	264.00	General Fund
96-3355	10.06	General Fund
96-3373	729.00	General Fund
96-3969	140.00	General Fund
96-4078	445.00	General Fund
96-4124	1.00	General Fund
96-4136	74.00	General Fund
96-4264	70.00	General Fund
96-4680	165.53	General Fund
96-5099	78.00	General Fund
96-5238	2.00	General Fund
96-5815	7.28	General Fund
96-5966	133.00	General Fund
96-5973	1003.00	General Fund
96-6004	1650.00	General Fund
96-6127	120.00	General Fund
96-6345	690.00	General Fund
96-6887	64.00	General Fund
96-7163	10.00	General Fund
96-7187	10.00	General Fund
97-278	20.00	General Fund
97-690	20.00	General Fund
97-706	20.00	General Fund
97-1243	39.00	General Fund

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
97-2384	\$ 5.00	General Fund
97-3163	245.00	General Fund
97-3764	2.00	General Fund
97-5793	2.00	General Fund
98-1777	5.00	General Fund
98-3001	30.00	General Fund
98-3555	20.00	General Fund
98-5841	<u>20.00</u>	General Fund
	Total: \$23,897.70	

RG/jlz/RG98-05

MEETING DATE: JAN 28 1999

AGENDA NO: C-2

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement with the City of Portland, Parks and Recreation assisting in the funding of Boys and Girls Clubs of Portland, North Portland Outreach Pilot Program.

BOARD BRIEFING

Date Requested: _____

Requested By: _____

Amount of Time Needed: _____

REGULAR MEETING

Date Requested: Next Available

Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services

CONTACT: Lorenzo Poe/Kathy Tinkle

DIVISION: Director's Office

TELEPHONE: 248-3691

BLDG/ROOM: 166/7

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

Intergovernmental Agreement with the City of Portland, Parks and Recreation

SIGNATURES REQUIRED:

2/2/99 ORIGINALS to PATTY DOYLE

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Lorenzo Poe ms

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 JAN 13 PM 5:23
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204-1618
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

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

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe mcs*
Department of Community and Family Services

DATE: December 23, 1998

SUBJECT: Intergovernmental Agreement with the City of Portland, Parks and Recreation

I. Retroactive Statue: The Department of Community and Family Services recommends Board of County Commissioner approval of this Intergovernmental Agreement with the City of Portland for the period September 1, 1998 through June 30, 1999. This agreement was pending final funding negotiations between the County and City.

II. Recommendation/Action Requested: The Department recommends approval of this Intergovernmental Agreement with the City of Portland, Parks and Recreation.

III. Background/Analysis: The Department of Community and Family Services, is collaborating with the Department of Juvenile and Adult Community Justice and the City of Portland to fund the Boys and Girls Clubs of Portland, North Portland Outreach Pilot Program. The program will operate out of James John School located in North Portland. The City of Portland shall administer the program funding.

The program will reach youth ages 6-14, in the predominantly low income St. John's neighborhood. Youth in this locale have typically had limited access to this program. The pilot project is designed to extend Boys and Girls Clubs' successful youth development programs and philosophy to young people outside the immediate area of Clubs.

IV. Financial Impact: The Departments' contribution to this project is \$25,000 and is in the Department budget. The Department of Juvenile and Adult Community Justice is also contributing \$25,000 to the Program. These funds will be processed through Department of Community and Family Services.

V. Legal Issues: None

VI. Controversial Issues: None

VII. Link to Current County Policies: This project is directly linked to the County Urgent Bench Marks to increase high school completion and reduce crime.

VIII. Citizen Participation: Citizens are involved as volunteers interacting with the youth in programs overseen by the Boys and Girls Club.

IX. Other Government Participation: This program is a collaborative effort between the Departments of Community and Family Services and Juvenile and Adult Community Justice and the City of Portland.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM
(See Administrative Procedure CON-1)

Contract #: 9910364

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached

Amendment #: 0

<p align="center">Class I</p> <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<p align="center">Class II</p> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<p align="center">Class III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p align="center">AGENDA # <u>C-2</u> DATE <u>1/28/99</u> <u>DEB BOGSTAD</u> BOARD CLERK</p>
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Department: Community and Family Services Division: Director's Office Date: January 4, 1998
 Originator: Kathy Tinkle Phone: X 26858 Bldg/Rm: 166/7
 Contact: Patty Doyle Phone: X 24418 Bldg/Rm: 166/7

Description of Contract: **This contract provides funding to the City of Portland to assist with the costs of Boys and Girls Clubs of Portland, North Portland Outreach Program.**

RENEWAL: PREVIOUS CONTRACT #(S): _____

RFP/BID: _____ RFP/BID DATE: _____

EXEMPTION _____ EXEMPTION EXPIRATION _____ ORS/AR _____

#/DATE _____ DATE: _____ # _____

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

Contractor <u>City of Portland, Parks and Recreation</u>		Remittance Address _____
Address <u>1120 SW 5th, #1302</u>		(if different) _____
<u>Portland, OR 97204</u>		
Phone <u>823-5123</u>	Payment Schedule / Terms	
Employer ID# or SS# <u>93-6002236</u>	<input checked="" type="checkbox"/> Lump Sum \$ <u>Upon Execution</u>	<input type="checkbox"/> Due on Receipt
Effective Date <u>September 1, 1998</u>	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Termination Date <u>June 30, 1999</u>	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Original Contract Amount \$ <u>50,000</u>	[] Requirements \$ _____	
Total Amt of Previous Amendments \$ <u>-0-</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No	
Amount of Amendment \$ <u>-0-</u>		
Total Amount of Agreement \$ <u>50,000</u>		

REQUIRED SIGNATURES

Department Manager Lorenzo Pae mus DATE 1/5/99
 Purchasing Manager _____ DATE _____
 County Counsel Kathy Tinkle DATE 1/13/99
 County Chair Willy Coir DATE 1/28/99
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

LGFS VENDOR CODE <u>00520</u>						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01								See	Attached		
02											
03											

COMMUNITY AND FAMILY SERVICES DEPARTMENT
 CONTRACT APPROVAL FORM SUPPLEMENT
 Contractor : CITY OF PORTLAND PARKS & RECREATION

Vendor Code : 00520

Fiscal Year : 98/99

Numeric Amendment : 00

Contract Number : 9910364

LINE	FUND	AGEN	ORG CODE	ACTIVIY CODE	OBJECT CODE	REPORTING CATEGORY	LGFS DESCRIPTION	ORIGINAL AMOUNT	AMENDMENT AMOUNT	FINAL AMOUNT	REQT'S ESTIMATE
03	100	022	2758	W36N	6060	0000L <input type="text"/>	Comm Justice JSWA CBI North Portland Outreach Program	\$25,000.00		\$25,000.00	
TOTAL								\$25,000.00	\$0.00	\$25,000.00	\$0.00

COMMUNITY AND FAMILY SERVICES DEPARTMENT
 CONTRACT APPROVAL FORM SUPPLEMENT
 Contractor : CITY OF PORTLAND PARKS & RECREATION

Vendor Code : 00520

Fiscal Year : 98/99

Numeric Amendment : 00

Contract Number : 9910364

LINE	FUND	AGEN	ORG CODE	ACTIVIY CODE	OBJECT CODE	REPORTING CATEGORY	LGFS DESCRIPTION	ORIGINAL AMOUNT	AMENDMENT AMOUNT	FINAL AMOUNT	REQT'S ESTIMATE
02	156	010	0111	W36N	6060	9999L	County General Fund	\$25,000.00		\$25,000.00	
						<input type="text"/>	CBI North Portland Outreach Program				
TOTAL								\$25,000.00	\$0.00	\$25,000.00	\$0.00

THIS CONTRACT is between MULTNOMAH COUNTY, acting by and through its Department of Community and Family Services, hereafter called COUNTY, and the

City of Portland, Parks and Recreation
1120 SW 5th Avenue, #1302
Portland, OR 97204
(503) 823-5123

hereafter called CONTRACTOR.

THE PARTIES AGREE:

1. **DESCRIPTION OF SERVICES.** CONTRACTOR will use these funds to assist in covering the costs of the Boys and Girls Clubs of Portland Metropolitan Area, Outreach Pilot Program, located in the St. Johns area of North Portland at James John School.

The outreach project is designed to extend Boys and Girls Clubs' successful youth development programs and philosophy to young people outside the immediate area of Clubs who may no otherwise have access. Key activities for the Program will include:

- Small group programs (SMART Moves, SMART Girls, Kind in Control, and Torch and Keystone Clubs,
- Power Hour,
- Recreation/Sports/Games, and
- Field Trips.

Overall program goals include:

- To cooperate with community organizations specializing in working with minority populations in each geographic area. Specifically: IRCO, Asian Family Services, El Hispano and OCHA.
- To work with local law enforcement agencies, in particular Portland Police, to reduce juvenile crime by providing positive alternatives.
- To involve Portland Public Schools in expanding efforts to reach pre-teens and their families in community outreach programs.
- To develop a satellite program which can be easily duplicated throughout the metro area to extend Boys and Girls Club's successful programs to more youth.

Objectives for participants in the Program are as follows:

- Club members will be involved in a variety of productive activities after regular school hours which support their social and cultural growth and are safe and supervised.
- Club members will have a greater commitment to their own educational success and regular school attendance.
- Club members will have accurate information, strategies and support to resist gangs and violence.
- Club members will receive information to help them develop necessary skills to resist using tobacco, alcohol, and other drugs.
- Club members will have accurate information to develop necessary skills to resist premature sexual activity.
- Club members will begin to develop a sense of belonging, usefulness, competence and influence.

Reporting: The CONTRACTOR agrees to submit an expenditure report on an every other month basis. The first report is due March 15, 1999. Subsequent reports are due May 15, 1999 and a final report on July 31, 1999. This report shall be submitted to Kathy Tinkle at: 421 SW 6th Avenue, #700, Portland, Oregon 97204.

The CONTRACTOR agrees to provide quarterly utilization reports to Multnomah County Departments of Community and Family Services and Juvenile and Adult Community Justice. Such reports shall include an unduplicated count of the number of program participants. The reports shall also include an unduplicated count of the number of participants in each of the four key program activities. The first report is due April 15, 1999 and the final report is due July 31, 1999.

The contact persons are:
Department of Community and Family Services
Kathy Tinkle
421 SW 6th Avenue, #700
Portland, Oregon 97204
248-3691 ext 26858

Department of Juvenile and Adult Community Justice
Jimmy Brown
1401 NE 68th
Portland, Oregon 97213-4957
248-3748 ext 83748

Boys and Girls Club Contact Person: The CONTRACTOR shall establish a Boys and Girls Club contract person who will maintain regular contact with Jimmy Brown of the Department of Juvenile and Adult Community Justice. Contact is to ensure Department of Juvenile and Adult Community Justice clients have access to program services funded by this Department. Contact may be made via telephone conversations and/or written communications.

2. **COMPENSATION:** CONTRACTOR shall receive a lump sum payment of \$50,000 upon execution of this contract.
3. **TERM.** The CONTRACTOR'S services will begin on September 1, 1998 and terminate when completed but no later than June 30, 1999.
4. **CONTRACT DOCUMENTS.** This Contract consists of this contract document, the Multnomah County Conditions of Intergovernmental Contract, and Attachment A.

MULTNOMAH COUNTY, OREGON

CITY OF PORTLAND, PARKS AND RECREATION

BY Lorenzo Poeschl 1/5/99
Director, Dept of Community & Family Svcs Date

BY _____
Signature Date

BY Beverly Stein 1/28/99
Beverly Stein, Multnomah County Chair Date

Name, (please print)

REVIEWED:
THOMAS SPONSLER, County Counsel
for Multnomah County, Oregon

Title

BY Katie Gaetjens 1/13/99
Katie Gaetjens, Asst. Co. Counsel Date

BY _____
Signature Date

Name, (please print)

**APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**
AGENDA # C-2 DATE 1/28/99
DEB BOGSTAD
BOARD CLERK

Title

MULTNOMAH COUNTY CONTRACT NO. 9910364
CONDITIONS OF INTERGOVERNMENTAL CONTRACT

The attached contract for services between Multnomah County, herein "COUNTY", and CITY OF PORTLAND, PARKS AND RECREATION, herein "CONTRACTOR", is subject to the following:

1. **FUNDS AVAILABLE.** COUNTY certifies that sufficient funds are available and authorized to finance the costs of this agreement. In the event that funds cease to be available to COUNTY in the amounts anticipated, COUNTY may terminate or reduce contract funding accordingly. COUNTY will notify CONTRACTOR as soon as it receives notification from funding source.

2. **INDEPENDENT CONTRACTOR STATUS.** CONTRACTOR is an independent contractor, and neither CONTRACTOR, CONTRACTOR'S subcontractors nor employees are employees of the COUNTY. CONTRACTOR is responsible for all federal, state, and local taxes and fees applicable to payments for services under this agreement.

3. **SUBCONTRACTS AND ASSIGNMENT.** CONTRACTOR shall neither subcontract with others for any of the work prescribed herein, nor assign any of CONTRACTOR's rights acquired hereunder without the prior written consent of COUNTY. The COUNTY is not liable to any third person for payment of any compensation payable to CONTRACTOR as provided in this agreement.

4. **ACCESS TO RECORDS.** The COUNTY'S authorized representatives shall have access to the books, documents, papers, and records of CONTRACTOR which are directly pertinent to this contract for the purpose of making audit, examination, excerpts, and transcripts.

5. **PROPERTY OF COUNTY.** All work performed by CONTRACTOR under this contract shall be the property of the COUNTY.

6. **WORKERS' COMPENSATION INSURANCE**

A. CONTRACTOR shall maintain worker's compensation insurance coverage for all non-exempt workers employed by CONTRACTOR in the performance of the work either as a carrier or insured employer as provided in Chapter 656 of Oregon Revised Statutes. CONTRACTOR shall provide COUNTY with a certificate showing current worker's compensation insurance upon request.

B. If CONTRACTOR'S worker's compensation insurance coverage is due to expire before completion of the work, CONTRACTOR will renew or replace such insurance coverage and provide COUNTY with a certificate of insurance coverage showing compliance with this section.

7. **INDEMNIFICATION**

CONTRACTOR agrees to indemnify, defend, and save harmless COUNTY, the State of Oregon, and other funding sources, and their agents and employees against all liability, loss, and costs arising from actions, suits, claims, or demands attributable to or allegedly attributable to acts or omissions of CONTRACTOR, its

employees, agents, or subcontractors. CONTRACTOR further agrees to defend COUNTY, the state, and other funding sources, their agents and employees, against all suits, actions, or proceedings brought against them in connection with CONTRACTOR'S performance of its duties under this contract. This indemnification is limited to the extent permitted by the Oregon Tort Claim Act and the Oregon Constitution.

8. **ADHERENCE TO LAW.** The CONTRACTOR shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this contract.

9. **NONDISCRIMINATION.** CONTRACTOR shall not unlawfully discriminate against any individual with respect to hiring, compensation, terms, conditions, or privileges of employment, nor shall any person be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity because of such individual's race, color, religion, sex, national origin, age, handicap, or sexual orientation. CONTRACTOR must comply with all applicable provisions of federal, state, and local laws, regulations, and policies concerning nondiscrimination.

10. **EARLY TERMINATION.**

A. This contract may be terminated by mutual consent of both parties or by either party upon thirty (30) days notice in writing and delivered by certified mail or in person.

B. The COUNTY, by written notice of default, may terminate this agreement if CONTRACTOR fails to provide any part of the services described herein within the time specified for completion of that part or any extension thereof.

C. Upon termination before completion of the services, payment of CONTRACTOR shall be prorated to and including the day of termination and shall be in full satisfaction of all claims by CONTRACTOR against COUNTY under this Agreement.

D. Termination under any provision of this paragraph shall not affect any right, obligation, or liability of CONTRACTOR or liability of CONTRACTOR or COUNTY which accrued prior to termination.

11. **FINAL PAYMENT.**

All final requests for payment shall be received within thirty (30) calendar days following the end of this contract term. Final requests for payment documents not received within the specified time frame shall not be processed and the expense shall be the sole responsibility of the CONTRACTOR.

CONTRACT FOR SERVICES 1/4/99
 MULTNOMAH COUNTY COMMUNITY AND FAMILY SERVICES DEPARTMENT

**Attachment A:
 Service Elements and Contract Amounts**

Contractor Name : CITY OF PORTLAND PARKS & RECREATION	Vendor Code: 00520
Contractor Address : 1120 SW 5TH AVENUE #1302 PORTLAND OR 97204	
Telephone : (503)823-5123	Fiscal Year : 98/99
Federal ID # : 93-6002236	

Program Office Name : Director's Office

Service Element Name : CBI North Portland Outreach Program (W36N); St. John's Boys and Girls Club

<u>Mod. #</u>	<u>Begin Date</u>	<u>End Date</u>	<u>Payment Method</u>	<u>Payment Basis</u>	<u># of Units</u>	<u>Unit Description</u>	<u>Unit Rate</u>	<u>Amount</u>
0	9/1/98	6/30/99	On Execution	Lump Sum				\$25,000.00
Total								\$25,000.00

Program Office Name : School Attendance Initiative

Service Element Name : CBI North Portland Outreach Program (W36N); St. John's Boys and Girls Club

<u>Mod. #</u>	<u>Begin Date</u>	<u>End Date</u>	<u>Payment Method</u>	<u>Payment Basis</u>	<u># of Units</u>	<u>Unit Description</u>	<u>Unit Rate</u>	<u>Amount</u>
0	9/1/98	6/30/99	On Execution	Lump Sum				\$25,000.00
Total								\$25,000.00

BUDGET MODIFICATION NO.

HD 14

(For Clerk's Use) Meeting Date JAN 28 1999

Agenda No. C-3

1. REPLACEMENT ON THE AGENDA FOR

DEPARTMENT Health
CONTACT Kathy Innes

(Date)

DIVISION Corrections Health
TELEPHONE 248-3056 x27027
Kathy Page

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

SUGGESTED AGENDA TITLE

(to assist in preparing a description for the printed agenda)

Approve decreases and additions in various job classes in the Corrections Health budget for an overall decrease of .3 FTE. All changes are funded from within the current budget.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

X

Personnel changes are shown in detail on the attached sheet

This action cuts .1 Dentist, .5 Community Health Nurse, .2 Nurse Practitioner, .5 Dental Assistant ; and adds 1 Health Service Administrator.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

99 JAN 20 PM 1:55
MULTNOMAH COUNTY OREGON
CLERK OF COMMISSIONERS

4. CONTINGENCY STATUS

(to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Table with 2 columns: Before modification, After this modification. Rows include: Originated By (Date), Department Director (Date), Plan/Budget Analyst (Date), Employee Services (Date), Board Approval (Date).

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

HD 14

5. ANNUALIZED PERSONNEL CHANGES **HD 14** (Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
					Increase/(Decrease)		
					Fringe	Ins.	
-0.10	9390	0951	Dentist	(10181)	(1828)	(1091)	(13100)
-0.50	6315	0975	Community Health Nur	(23896)	(4292)	(2516)	(30704)
-0.20	6314	0975	Nurse Prac	(11884)	(2026)	(1492)	(15402)
-0.50	6347	0975	Dental Assistant/Recept	(11926)	(2088)	(1575)	(15589)
1.00	9693	0951	Health Svcs Admin	55987	12995	5813	74795
							0
-0.30	TOTAL CHANGE (ANNUALIZED)			(\$1,900)	\$2,761	(\$861)	\$0

6. YEAR PERSONNEL DOLLAR CHANGES **0** (Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
					Increase/(Decrease)		
					Fringe	Ins.	
-0.10	9390	0951	Dentist	(10181)	(1828)	(1091)	(13100)
-0.50	6315	0975	Community Health Nur	(23896)	(4292)	(2516)	(30704)
-0.20	6314	0975	Nurse Prac	(11884)	(2026)	(1492)	(15402)
-0.50	6347	0975	Dental Assistant/Recept	(11926)	(2088)	(1575)	(15589)
1.00	9693	0951	Health Svcs Admin	55987	12995	5813	74795
-0.30	TOTAL CURRENT FISCAL YEAR CHANGES			(\$1,900)	\$2,761	(\$861)	\$0

EXPENDITURE											HD 14	
TRANSACTION EB GM []			TRANSACTION DATE				ACCOUNTING PERIOD				BUDGET FY	
Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	015	0951			5100		45,806	45,806		
		100	015	0951			5500		11,167	11,167		
		100	015	0951			5550		4,722	4,722	61,695	
									0			
		169	015	0975			5100		(47,706)	(47,706)		
		169	015	0975			5500		(8,406)	(8,406)		
		169	015	0975			5550		(5,583)	(5,583)	(61,695)	0
		169	015	0975			7613		61,695	61,695		
									0			
									0			
									0			
		400	070	7522			6520		(861)			
									0			
									0			
									0			
TOTAL EXPENDITURE CHANGE										61,695	0	

REVENUE											HD 14	
TRANSACTION RB GM []			TRANSACTION DATE				ACCOUNTING PERIOD				BUDGET FY	
Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	015	0951			7613		61,695	61,695		
									0			
		400	070	7522			6600		4,722			
		400	070	7522			6610		(5,583)	(861)		
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										60,834	0	



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

HEALTH DEPARTMENT
BUSINESS SERVICES
McCOY BUILDING
426 SW STARK
PORTLAND, OR 97204
PHONE (503) 248-3056

TO: Board of County Commissioners
FROM:  Bill Odgaard
TODAY'S DATE: Jan. 20, 1999
REQUESTED PLACEMENT DATE: Jan. 28, 1999
SUBJECT: Health Budget Modification Number 14

I. Recommendation / Action Requested:

Approve decreases and additions in various job classes in the Corrections Health budget for an overall decrease of .3 FTE. All changes are funded from within the current budget.

II. Background / Analysis:

This action cuts .1 Dentist, .5 Community Health Nurse, .2 Nurse Practitioner, .5 Dental Assistant; and adds 1 Health Service Administrator.

III. Financial Impact: NA

IV. Legal Issues: NA

V. Controversial Issues: NA

VI. Link to Current County Policies: NA

VII. Citizen Participation: NA

VIII. Other Government Participation: NA

BUDGET MODIFICATION NO. ADS #1

(For Clerk's Use) Meeting Date JAN 28 1999
 Agenda No. R-2

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT AGING AND DISABILITY SERVICES DIVISION _____
 CONTACT Don Carlson TELEPHONE 248-3764
 * NAME(S) OF PERSON MAKING PRESENTATION TO BOARD Jim McConnell/Mary Shortall/ Sharon Miller/Rey Espana

SUGGESTED

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

Budget Modification to recognize additional unspent Federal and State revenue from the previous fiscal year and to authorize various expenditures including creation of new positions, position reclasses, acquisition of computers, automobiles, and miscellaneous Material and Services expenditures.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet
 This Bud Mod creates three new positions, reclasses four existing positions and budgets funds for temporary employees for various ADS programs at a total cost of \$122,795. The Bud Mod requests additional funding authority in the amount of \$472,513 to replace 16 cars which were returned to the State, to purchase 95 computers, to support the N4A National Conference, to support the HIV Partnership program, to acquire professional assistance to prepare an Information System Infrastructure Plan, an ADS Strategic Plan, a Quality Case Management Plan, and upgrade the Public Guardian Finance System for Y2K purposes. The funding authorization also includes additional Indirect Cost support for central support services.

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

Since the FY 99 Budget was adopted, the amount of carryover of ADS funds has been determined. The Bud Mod increases the Older Americans Act Title IIIB revenue category by \$93,551, the Aging Medicaid Title XIX category by \$219,929 and the Disability Medicaid Title XIX category by \$281,828 for a total increase in revenue of \$595,308.

99 JAN 20 AM 11:56
 CLERK OF COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

Fund Contingency before this modification _____ Date _____
 After this modification _____ Date _____

Originated By <u>Don Carlson</u>	Date <u>1/20/99</u>	Department Director <u>Jim McConnell</u>	Date <u>1-20-99</u>
Plan/Budget Analyst <u>Michael D. Gasp</u>	Date <u>1/20/99</u>	Employee Services <u>Sharon Miller</u>	Date <u>1-20-99</u>
Board Approval <u>Deborah C. Boast</u>	Date <u>1/28/99</u>		

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

ADS #1

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

FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Increase/(Decrease)		
			Fringe	Ins.	
					0
0.00	Prog. Dev. Tech (Reclass)	28,835	5,767	4,320	38,922
0.00	Info Systems Analyst 2 (Reclass)	38,983	7,798	4,320	51,101
0.00	Fiscal Spec. 1 (Reclass)	29,503	5,901	4,320	39,724
0.00	Sen. Program. Dev. Spec. (Reclass)	47,073	9,415	4,320	60,808
					0
1.00	Program Dev. Tech. (New)	29,650	5,930	4,320	39,900
2.00	Case Manager 2 (New)	66,983	13,397	8,640	89,020
2.00	Temporary Employees (New)	68,674	8,241	0	76,915
					0
					0
5.00	TOTAL CHANGE (ANNUALIZED)	309,701	56,449	30,240	396,390

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	CURRENT FY			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Increase/(Decrease)		
			Fringe	Ins.	
	RECLASSES				0
Org. 1998 DSO South East Perm	OA Senior to Prog. Dev. Tech.	6,997	1,399	231	8,627
Org. 1715 Cen. Admin. Perm	FS 2 to Info Analyst 2	411	82	14	507
Org. 1715 Cen. Admin. Perm	FA to Fiscal Spec. 1	2,714	543	90	3,347
Org. 1711 Plan & Sp. Proj. Perm	PDS to Sen. Prog. Dev. Spec.	5,078	1,016	168	6,262
	NEW PERMANENT				0
Org. 1998 DSO South East Perm	Add 1 Prog. Dev. Tech. (6 mos.)	14,825	2,965	2,160	19,950
Org. 1995 DSO East Perm	Add 1 Case Manager 2 (6 mos.)	16,746	3,349	2,160	22,255
Org. 1920 ASO West Perm	Add 1 Case Manager 2 (6 mos.)	16,746	3,349	2,160	22,255
	TEMPORARY				0
Org. 1711 Plan & Sp. Proj. Temp	1 Prog. Dev. Specialist (6 mos.)	17,393	2,087	574	20,054
Org. 1715 Cen. Admin. Temp	1 Admin Analyst (6 mos.)	16,944	2,034	560	19,538
					0
TOTAL CURRENT FISCAL YEAR CHANGES		97,854	16,824	8,117	122,795

BUDGET MODIFICATION NO. ADS #1

Expenditure

Transaction E (x)

TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____

BUDGET FY: 1998-99

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description	
		Materials and Services -- Miscellaneous									
156	11	1711			6110	10,000	25,000	15,000		Strategic Plan Assistance	
156	11	1731			6110	30,000	75,000	45,000		Quality Case Mgmt. Assistance	
156	11	1715			6110	25,000	80,000	55,000		Info System Plan and Pub. Guardian System Y2K Update Assistance	
156	11	1715			6060	41,466	66,466	25,000		Support for N4A Conference	
156	11	1810			6060	150,226	160,226	10,000		Outreach to Hispanic and Native American Elders	
156	11	1992			6060	0	10,000	10,000		HIV Partnership Support	
									160,000		
		Materials and Services -- Computers									
156	11	1731			6230	1,290	69,215	67,925		Purchase 55 PC's	
156	11	1992			6230	1,200	33,310	32,110		Purchase 26 PC's	
156	11	1715			6230	26,136	55,076	28,940		Purchase 14 PC's and miscellaneous PC parts	
									128,975		
		Materials and Services -- Indirect Costs									
156	11	1711			7100	11,665	12,801	1,136		Indirect Rate on Eligible Increases	
156	11	1715			7100	29,744	32,767	3,023		"	
156	11	1731			7100	5,982	7,242	1,260		"	
156	11	1751			7100	43,996	44,066	70		"	
156	11	1910			7100	41,608	41,954	346		"	
156	11	1915			7100	37,765	38,111	346		"	
156	11	1920			7100	28,223	29,191	968		"	
156	11	1925			7100	31,273	31,619	346		"	
156	11	1930			7100	47,180	47,526	346		"	
156	11	1940			7100	41,235	41,546	311		"	
156	11	1992			7100	6,954	7,024	70		"	
156	11	1995			7100	62,416	63,108	692		Indirect Rate on Eligible Increases	
156	11	1996			7100	42,297	42,712	415		"	
156	11	1998			7100	46,295	47,504	1,209		"	
									10,538		

		Capital Outlay -- Equipment								
156	11	1992			8400	10,200	183,200	173,000		Purchase of 16 cars
									173,000	
									472,513	Total M&S/CO Expenditure Change

BUDGET MODIFICATON NO: ADS #1

Revenue

Transaction R (x) TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: 1998-99

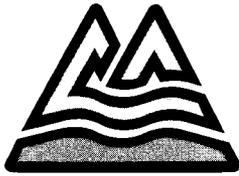
Fund	Agency	Organ-ization	Activity	Reporting Category	Revenue	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
156	11	1710			2064	408,994	469,032	60,038		Older Americans Act Title IIIB
156	11	1711			2064	193,392	216,905	23,513		
156	11	1750			2064	230,693	240,693	10,000		
					Subtotal	833,079	926,630	93,551	93,551	
156	11	1710			2609	819,450	894,767	75,317		Aging Medicaid Title XIX
156	11	1711			2609	123,616	142,555	18,939		
156	11	1731			2609	0	100,685	100,685		
156	11	1750			2609	482,671	482,741	70		
156	11	1900			2609	8,217,250	8,242,168	24,918		
					Subtotal	9,642,987	9,862,916	219,929	219,929	
156	11	1750			2636	0	13,500	13,500		Disability Medicaid Title XIX
156	11	1990			2636	7,761,187	8,029,515	268,328		
					Subtotal	7,761,187	8,043,015	281,828	281,828	
									595,308	Total Revenue Change

BUDGET MODIFICATION NO: ADS #1

BUDGET FY: 1998-99

		Transactions for Insurance						
Expenditure:								
400	070	7522		6580		8,117		
Revenue:								
400	070	7522		6602		8,117		
		Transactions for Indirect						
Expenditure:								
100	075	9120		7700		10,538		
Revenue:								
100	075	7410		6602		10,538		

Bumod1A.xls



MULTNOMAH COUNTY OREGON

AGING AND DISABILITY SERVICES
AREA AGENCY ON AGING
421 S.W. 5TH, 3RD FLOOR
PORTLAND, OREGON 97204
HELPLINE: (503) 248-3646 ADMINISTRATION: 248-3620
TTY: 248-3683 FAX: 248-3656

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

Date: January 20, 1999

To: Board of County Commissioners

From: Jim McConnell *JMV*
Mary Shortall *MS*
Sharon Miller *shw*
Rey Espana *RE*

Re: Aging and Disability Services Department Budget Modification # 1

I. Recommendation / Action Requested:

The Department requests approval of Budget Modification, ADS # 1, as explained in this Staff Report.

II. Background / Analysis:

This requested Budget Modification recognizes as revenue and programs for expenditure unspent Federal and State funds from the prior fiscal year. ADS receives most of its funding (approximately 88%) from sources other than Multnomah County. Most of ADS revenue comes from three sources through the State of Oregon. The major source is Title XIX Medicaid funds and the two other sources are Federal Older Americans Act funds and State Oregon Project Independence money. The State budgets these funds on a biennium basis. The unspent funds can be utilized from one fiscal year to the next during the biennium. As shown in Table 1 attached, ADS has determined that it has approximately \$655,149 of unspent funds from these primary State and Federal funding sources. This Bud Mod recognizes receipt of \$595,308 of the above-described revenue and programs for expenditure an equal amount as described below in this Staff Report. Also, the State changes its funding allocations from time to time as it receives additional resources. ADS has been informed that it will receive a substantial allocation of Title XIX Medicaid resources during the later part of the current fiscal year. As a result, ADS will return to the BCC during this fiscal year for additional Budget Modification proposals to program additional revenue and expenditures.

The expenditure requests in this Budget Modification cover a variety of organizational units and purposes as described below.

Personal Services Requests

The Bud Mod includes requests to reclassify four positions, create three new positions and budget funds for two temporary positions. The total amount of the increased expenditure authority is \$122,795. The specifics of the personal service requests are as follows:

- For the Southeast Disability Branch, the request is to reclassify an Office Assistant Senior position to a Program Development Technician and create a new Program Development Technician position. The work of these positions has been defined to a level commensurate with the new position. The persons in these positions will be working on the quality assurance part of the ADS case management system. They will serve the entire 10 branch system and will audit case management files to assure that case managers are meeting all the various Federal and State requirements. The estimated cost of these positions for this fiscal year is \$28,577.
- For the Central Administration division, the request is to reclassify a vacant Fiscal Analyst 2 position to an Information Systems Analyst 2 position, reclassify a Fiscal Assistant position to a Fiscal Specialist 1 position and budget funds for a temporary Administrative Analyst. Workload priorities require the hiring of an additional information services person and the job of the current fiscal assistant has been changed sufficiently to warrant the reclass to a higher level. The temporary position is needed to assist with the N4A National Conference to be held in Portland in July 1999. The estimated cost of these positions for this fiscal year is \$23,392.
- For the Planning and Special Projects Division, the request is to reclassify a Program Development Specialist position to a Senior Program Development Specialist and budget funds for a temporary Program Development Specialist position. The reclass is necessary because the duties and responsibilities of the position have expanded since it was created in the FY 99 budget process. The Senior PDS will have the responsibility for the coordination and production of the ADS Strategic Plan. The temporary PDS will work on the Medicare Plus Choice program. The estimated cost for these positions for this fiscal year is \$26,316.
- For each of the East Disability Services and West Aging Services Branches, the request is to create a new Case Manager 2 position. These positions will be used to create a mentoring program for the Disability and Aging case management function. The mentoring program is needed to increase the training opportunities for newly hired case managers. Early and better training of new employees will enable case managers to effectively manage a full case load of clients in a more timely fashion. The estimated cost for these positions for this fiscal year is \$44,510.

Materials and Services -- Miscellaneous

The Bud Mod requests an additional \$160,000 of funding authority for several miscellaneous Materials and Services expenditures as follows:

- For the Planning and Special Projects division, the request is for professional assistance to complete the ADS Strategic Plan. It has been four years since the last Strategic Plan was prepared. Updates have been done annually, but it is time to undertake a full planning process. The professional assistance will be used primarily in doing an environmental scan involving as many of the external (to ADS) interest groups and citizens as possible. The

estimated cost of this assistance for this fiscal year is \$15,000. In addition, \$10,000 will be used to enhance the ADS outreach program for Hispanics and Native Americans. This will be done, primarily through a revision to the contract with Portland Impact.

- For the Aging Services Administration unit, the request is for professional assistance to develop a Quality Case Management Plan for ADS. The project includes development of standards of care for case managers to meet to provide quality services to clients. The total cost of this program is \$60,000 of which \$15,000 is already budgeted. The estimated additional cost for this fiscal year is \$45,000.
- For the Disability Services Administration unit, the request is for \$10,000 to be the ADS support for the HIV Partnership Project. The Partnership is a consortium of public, private and non-profit agencies that provide financial support for the program. The work of the Partnership includes case management services to persons with HIV and AIDS. The ADS support will be for clients who are eligible for Medicaid funding.
- For the Central Administration division, the request is for professional assistance to 1) develop an Information System Infrastructure Plan for ADS, and 2) to update a Public Guardian client financial system for Y2K purposes. Also, the request is to provide cash assistance to the N4A National Conference that is being held in Portland in July 1999. The estimated cost for these purposes this fiscal year is \$80,000.

Materials and Services – Computers

The Bud Mod requests an additional \$128,975 in funding authority to purchase 95 personal computers and miscellaneous computer parts. With this purchase and the 110 personal computers acquired through the Flat Fee program, ADS will have replaced all of the old 486 PC's. This purchase is part of the ADS effort to connect all of the 10 branches to the County Wide Area Network and upgrade the computing infrastructure to operate new case management software.

Materials and Services – Indirect Costs

The Bud Mod requests an additional \$10,538 in funding authority for the indirect costs associated with the expenditures included in the Bud Mod. This expenditure will go to the General Fund to pay for the additional central support service costs associated with the increased program expenditures.

Capital Outlay – Equipment

The Bud Mod requests an additional \$173,000 in funding authority to purchase 16 vehicles for the Disability Services branches. A requirement of the transfer of this program from the State was the return of the 16 State owned vehicles. This expense was budgeted during the prior fiscal year, but the purchase was not finalized until July, which is in the current fiscal year. Part of the carryover funds are specified to pay for this expense during this fiscal year.

Revenue Considerations

Upon closing of the ADS accounts for FY 98 the carryover in certain Federal and State funds is determined to be \$655,149. The Department requests that the Board increase the budgeted amount of revenue by \$595,308. The specific funding categories and amounts are as follows:

- Older Americans Act Title IIIB funds by \$92,069.
- Aging Medicaid Title XIX funds by \$215,946.
- Disability Medicaid Title XIX funds by \$287,293.

Programming of the remainder of the unspent Federal and State funds may be included in a subsequent Bud Mod to be brought to the Board for consideration and approval.

III. Financial Impact:

This request adds \$595,308 to the Aging and Disability expenditure authority in the State and Federal Fund. The request also is to increase the budgeted amount of revenue in the Aging and Disability Title XIX categories and the OAA Title IIIB category to total the same amount of expenditure authority. This request also increases the revenue and expenditure authority in the General Fund by \$10,538 to account for the Indirect charges to the ADS expenditures in the Federal and State Fund. Similarly, the request increases the revenue and expenditure authority in the Insurance Fund to cover the increased Insurance charges resulting from the increased ADS salary expenditures in the Federal and State Fund.

IV. Legal Issues:

None

V. Controversial Issues:

None

VI. Link to Current County Policies:

The County has entered into an IGA with the State of Oregon to assume local responsibility for the administration of disability programs. Approval of the Bud Mod will further the effort to carry out that decision, particularly as it affects the return of the State-owned vehicles. Also, the County has approved the Strategic Plan for Information Technology (SPIT). The purchase of personal computers is in conformance with and an effort to carry out the policies in the SPIT.

On September 10, 1998 the Board adopted Resolution No. 98-130 expressing support for the N4A National Conference to be held in Portland during July 1999. Approval of the Bud Mod will further the effort to carryout the intent of the resolution.

VII. Citizen Participation:

The Executive Committees for both the Elders in Action and the Disability Services Advisory Council have reviewed and approved the Bud Mod.

VIII. Other Government Participation:

The State of Oregon has allocated the funds to the Department, which facilitates this request.

TABLE 1

ADS UNSPENT FLEXIBLE FUNDS AVAILABLE FOR PROGRAMMING IN FY 99
 (As of September 30, 1998)

BUDGET SUMMARY	OAA IIIB	OPI	COUNTY	COUNTY MATCH	MATCHED MEDICAID	ASD UNMATCHED MEDICAID	DSD UNMATCHED MEDICAID	TOTAL MEDICAID	TOTAL FLEX FUNDS
Revised Allocations Available FY 99	953,654	1,072,946	2,093,010	1,353,094	3,480,019	8,236,037	7,952,900	19,668,956	25,141,660
Total Programmed in Adopted FY 99 Budget	843,034	1,031,732	2,093,010	1,353,094	3,212,861	8,236,037	7,716,743	19,165,641	24,486,511
Subtotal Available	110,620	41,214	0	0	267,158	0	236,157	503,315	655,149
Total in Bud Mod #1	93,551	0	0	0	265,600 *	0	236,157	501,757	595,308
Balance to Program in FY 99	17,069	41,214	0	0	1,558	0	0	1,558	59,841

* Of this amount, \$219,929 is programmed for Aging Services and \$45,671 for Disability Services.

ADS Flex Funds.xls

MEETING DATE: JAN 28 1999
AGENDA NO: R-3
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Amending Board Rules for Adoption of Emergency Ordinances

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: January 28, 1999
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Departmental DIVISION: Commissioner Sharron Kelley
CONTACT: Robert Trachtenberg TELEPHONE #: 248-5213
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Sharron Kelley or Robert Trachtenberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution Amending Board Rules for Adoption of Emergency Ordinances

2/2/99 copies to Sharron Kelley, Robert Trachtenberg
& Tom Spawler

SIGNATURES REQUIRED:

Sharron Kelley (RT)

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____

99 JAN 20 AM 10:02
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

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

TO: Board of County Commissioners
FROM: Commissioner Sharron Kelley
RE: Resolution Amending Board Rules for Adoption of Emergency Ordinances
Today's Date: January 20, 1999

Requested Placement Date: January 28, 1999

I. Recommendation / Action Requested

Approve Resolution allowing a majority of the Board to adopt an emergency ordinance at second reading.

II. Background / Analysis

Section 5.50 of the County Charter states that an emergency ordinance may take effect on the date of adoption, and a non-emergency ordinance takes effect 30-days after adoption. The current Board Rules allow an emergency ordinance to be adopted at one reading upon unanimous consent of all Board members present. Under the Board Rules, an ordinance that contains an emergency clause takes effect immediately on passage. However, if a majority of the Board supports the ordinance but the vote is not unanimous, the ordinance may be adopted in two readings and take effect on the 30th day after the second reading.

For example, at the first reading of R-7 on January 14, 1999 (Emergency Disaster Response Amendments to the Management Plan for the Columbia River Gorge National Scenic Area), the ordinance was supported by a 3-2 vote, and the emergency clause did not take effect (delaying the date for the Veggan family to seek a permit under the ordinance to save their home).

This Resolution would change the rules on the second reading of such ordinances, allowing the addition of an emergency clause setting an immediate effective date, even if the ordinance is only supported by a majority of the Board of Commissioners. It would allow the Emergency Response Amendments to the Management Plan for the Columbia River Gorge National Scenic Area to take effect on the second reading.

II. Financial Impact

N/A

III. Legal Issues

See Section II.

V. Controversial Issues

None known at this time

VI. Link to Current County Policies

In the near future, the Clerk and County Counsel will be filing a Resolution completely rewriting the Board Rules. If this change is adopted, it will be incorporated in that Resolution.

VII. Citizen Participation

Public testimony is allowed at the Board hearing on this Resolution.

VIII. Other Government Participation

None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-8

Amending Board Rules for Adoption of Emergency Ordinances

The Multnomah County Board of Commissioners Finds:

a. Chapter III, Section 3.50(1) of the Multnomah County Home Rule Charter, as amended, provides that the Board adopt and publish rules for the conduct of its meeting.

b. Resolution 97-65, the previously adopted and published rules, is in need of revision.

The Multnomah County Board of Commissioners Resolves:

Board Rules Section 11(F)-(H) are hereby amended as follows:

F. A non-emergency ordinance shall take effect 30 days following Board approval unless the ordinance prescribes a later effective date or the ordinance is referred to the voters.

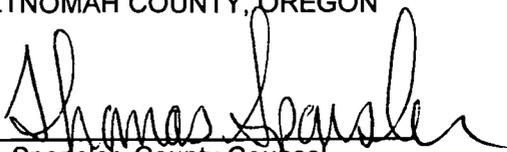
G. A proposed ordinance containing an emergency clause may be introduced, read once and put on its final passage at a single meeting upon unanimous consent of all Board members present. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance [may] **shall** be scheduled for a second reading. [and may at that] **At the second** reading, **the proposed ordinance may** be approved as **either an emergency or** a non-emergency ordinance by majority vote.

H. A proposed ordinance containing an emergency clause shall take effect immediately upon passage.

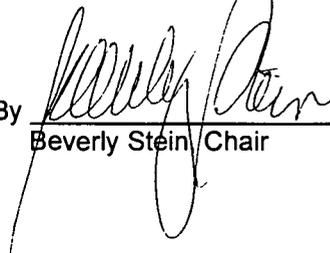
DATED this 28th day of January, 1999.



REVIEWED 7/8
THOMAS SPONSLER, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON


Thomas Sponsler, County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Chair

Meeting Date: JAN 14 1999 JAN 28 1999
Agenda No: R-7 R-4
Est. Start Time: 10:30 AM 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing on an Ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District. **C 12-98**

BOARD BRIEFING Date Requested:
Amt. of Time Needed:
Requested By:

REGULAR MEETING Date Requested: January 14, 1998
Amt. of Time Needed: 10 Min.

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Robert Hall **TELEPHONE:** 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Phillip Bourquin

ACTION REQUESTED

Informational Only Policy Direction Approval Other

SUGGESTED AGENDA TITLE

Public Hearing on an Ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District.

1129199 certified true copy faxed to JONATHAN WOLBERTY © THE COLUMBIA RIVER GORGE COMMISSION. 1129199 COPIES TO BCC, BOB HALL, PAUL BOURQUIN, SANDY DUFFY. SIGNATURES REQUIRED & ORDINANCE Distribution list

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 JAN 9 AM 9:01

Elected Official: _____

or

Department Manager: KBlaire Nicholas



MULTNOMAH COUNTY PLANNING DEPARTMENT
STAFF REPORT

C 12-98

TO: Board of County Commissioners

FROM: Planning Staff

TODAY'S DATE: December 8, 1998

HEARING DATE: January 14, 1998

RE: Planning Commission hearing on an ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District.

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District and declaring an emergency.

II. Background/ Analysis:

During the winter of 1996, several catastrophic natural events occurred within the Gorge NSA. Local and Interstate highways were blocked, as was also a major rail line, houses were destroyed and riverbanks eroded threatening private property and public facilities. *The Management Plan for the Columbia River Gorge National Scenic Area* provided no process by which emergency response activities could be undertaken without a minimum 79 day site review. Consequently, many response actions were conducted without any review of their potential impact on the scenic, cultural, natural or recreational resources of the NSA. While many of those actions were necessary to maintain interstate commerce, protect life, and restore vital public services, all were in violation of the guidelines of the Management Plan.

The Columbia River Gorge Commission recognized this fault in the Management Plan and has recently amended the Plan to allow for restoration and enhancement of Open Space lands, and to allow for emergency/disaster response actions necessary to protect life, property and vital public services under a modified Site Review process. That process creates a pre-response notification process which solicits input from concerned agencies and individuals prior to or during any activity, followed by a post-response site review to insure mitigation of any adverse impacts of the response activity.

The open space enhancement and emergency/disaster provisions of the Management Plan, however, can not be utilized within the Multnomah County portion of the Columbia River Gorge National

Scenic Area until County Code is amended to include standards implementing those provisions.

Original zoning maps for the NSA presented to the County by the US Forest Service Scenic Area Office in 1992 indicated there was no land in the County designated General Management Small Woodland with a 40 acre minimum lot size. Consequently, no zoning provisions were created to accommodate that Management Plan designation. Those maps have recently been found to be incorrect for a group of properties in the Dodson/Warrendale area. According to official Management Plan documents held by the Forest Service, seven properties indicated on the 1992 maps as being General Management Small Woodland with a 20 acre minimum lot size are actually designated General Management Small Woodland with a 40 acre minimum lot size. A GGF-40 zoning district needs to be developed to allow appropriate uses of those properties. Also, existing GGF-40 properties (General Management Commercial Forest Land) need to be redesignated GGF-80 to reflect an 80 acre minimum lot size as required by the Management Plan.

It is recommended these provisions be incorporated into the Code on an emergency basis to provide the greatest window of opportunity for any properties effected by a disastrous event, and to bring our General Management Small Woodland and Commercial Forest Land districts in immediate compliance with the Management Plan.

III. Financial Impact:

None.

IV Legal Issues:

None.

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

It has been County policy to fully implement all of the provisions of the Management Plan for the Columbia River National Scenic Area. This ordinance would implement the most recent Gorge Commission amendments of that Plan and correct an error in the General Management Forest districts.

VII Citizen Participation:

Notice of Planning Commission hearings on all proposed ordinance amendments are published in the Oregonian newspaper and consistent with law. Public testimony is accepted at all Planning Commission hearings regarding ordinance amendments.

VIII. Other Government Participation:

The Columbia River Gorge Commission has been informed of these proposed changes and recommendations of its staff have been incorporated in the ordinance.

IX. PROPOSED CODE AMENDMENTS

See attached.

R E S O L U T I O N
MULTNOMAH COUNTY PLANNING COMMISSION

WHEREAS, The Columbia River Gorge Commission has amended the Management Plan for the Columbia River Gorge National Scenic Area to allow for restoration and enhancement of Open Space lands;

WHEREAS, The Columbia River Gorge Commission has amended the Management Plan for the Columbia River Gorge National Scenic Area to allow for emergency/disaster response actions necessary to protect life, property and vital public services under a modified Site Review process;

WHEREAS, The open space enhancement and emergency/disaster provisions of the Management Plan can not be utilized within the Multnomah County portion of the Columbia River Gorge National Scenic Area until County Code is amended to include standards implementing those provisions;

WHEREAS, The Gorge Commission has indicated certain General Management Forest standards of County Code do not comply with controlling guidelines of the Management Plan and require revision;

WHEREAS, On December 7, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard. At the close of that hearing, the Planning Commission recommended adoption of new zoning standards to implement the open space enhancement and emergency/disaster response provisions of the Management Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of the National Scenic Area along with certain modifications of the General Management forest zones.

NOW, THEREFORE, BE IT RESOLVED that the Multnomah County Planning Commission recommends adoption of the attached Zoning Code amendments by the Board of County Commissioners.


John Ingle, *Vice Chairman*

December 7, 1998

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

1
2
3
4
5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River Gorge
7 National Scenic Area, correcting certain errors in the General Management Forest District, and
8 declaring an emergency.

9 SECTION I. FINDINGS

- 10 (A) The Columbia River Gorge Commission has amended the Management Plan for the Columbia
11 River Gorge National Scenic Area to allow for restoration and enhancement of Open Space
12 lands.
- 13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to allow
14 for emergency/disaster response actions necessary to protect life, property and vital public ser-
15 vices under a modified Site Review process.
- 16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan can
17 not be utilized within the Multnomah County portion of the Columbia River Gorge National
18 Scenic Area until County Code is amended to include standards implementing those provisions.
- 19 (D) The Gorge Commission has indicated certain General Management Forest standards of County
20 Code do not comply with controlling guidelines of the Management Plan and require revision.
- 21 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
22 interested persons were given an opportunity to appear and be heard. At the close of that hear-
23 ing, the Planning Commission recommended adoption of new zoning standards to implement
24 the open space enhancement and emergency/disaster response provisions of the Management
25 Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of
26 the National Scenic Area along with certain modifications of the General Management forest
27 zones.

28

1 SECTION II. AMENDMENT OF MCC 11.15

2 Multnomah County Code Chapter 11.15 is amended as follows:

3 1. MCC 11.15.3556 is amended by adding the following definitions:

4 **Emergency/Disaster:** A sudden unexpected occurrence, either the result of human or natural
5 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
6 life, health, property, essential public services, or the environment.

7 **Emergency/Disaster Response:** Actions involving any development (such as new structures,
8 grading, or excavation) or vegetation removal that must be taken immediately in response to
9 an emergency/disaster event (as defined above). Emergency/disaster response actions not
10 involving any structural development or ground-disturbance (such as use of emergency trans-
11 port vehicles, communications activities or traffic control measures) are not included in this
12 definition and are not affected by these provisions.

13 **Restoration:** A human activity that returns a resource from a disturbed or altered condition to a
14 previous, less disturbed or less altered condition. This definition does not modify or eliminate
15 the definition **Restoration (wetlands)** which applies only to wetlands.

16 2. MCC 11.15.3562(B) and (C) is replaced with the following

17 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treat-
18 ed as an existing use or structure if an application for replacement is filed within two years
19 of the date of the disaster/emergency event pursuant to the provisions of MCC .3836.

20 (1) In kind replacement of an existing use or structure in the same location shall be subject
21 only to compliance with standards for protection of scenic resources involving color,
22 reflectivity, and landscaping.

23 (2) Replacement of an existing use or structure by the same type of use or structure in a dif-
24 ferent location or with a different size shall be subject to MCC .3800 through .3834 to
25 minimize adverse effects on scenic, cultural, natural, and recreation resources.

26 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure dis-
27 continued for any reason for more than one year shall be subject to the regulations of MCC
28 .3550 through .3834. Except as otherwise provided, an existing use or structure may be

1 replaced within one year of discontinuation if used for the same purpose at the same loca-
2 tion. This includes replacing an existing mobile home with a framed residence.

3 3. The following subsections are added to read, Actions taken in response to an emergency/disas-
4 ter event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

5 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3656(B)(7); .3656(C)(6); .3676(A)(5);
6 .3676(B)(4); .3700(E); .3726(E); .3750(A)(4); and .3750(B)(4).

7 4. The following subsections are added to read, Placement of structures necessary for continued
8 public safety, or the protection of private property or essential public services damaged during
9 an emergency/disaster event. This includes replacement of temporary structures erected during
10 such events with permanent structures performing an identical or related function. Land use
11 proposals for such structures shall be submitted within 12 months following an emergency/dis-
12 aster event.

13 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(C)(5); .3678(A)(7);
14 .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).

15 5. All existing Code references to GGF-40 are changed to read GGF-80 and all properties cur-
16 rently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80 and
17 the conversion table of that exhibit is amended by changing the conversion of F-1 from
18 GGF-40 to GGF-80 and adding a conversion of GGF-40 for F-3(40).

19 6. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF-40, one single-
20 family dwelling on a legally created parcel upon enrollment in the state's forest assessment pro-
21 gram. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family
22 dwelling. In either case, the location of a dwelling shall comply with MCC .3584 and MCC
23 .3586. A declaration shall be signed by the landowner and recorded into county deed records
24 specifying that the owners, successors, heirs and assigns of the subject parcel are aware that
25 adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands
26 designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.

27 7. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-~~40~~80, a mobile home in
28 conjunction with a timber operation, upon a finding that security personnel are required to pro-

1 tect equipment associated with a harvest operation or the subject forest land from fire. The
2 mobile home must be removed upon completion of the subject harvest operation or the end of
3 the fire season. The placement of the mobile home is subject to MCC .3584 and .3586.

4 8. MCC .3634(A)(14) is added to read: Land divisions on lands designated GGF-80 when all
5 resultant lots satisfy a minimum lot size of 80 acres and it is found:

6 (a) The land division will facilitate forest management, or

7 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
8 resources.

9 9. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or 80
10 acres in size or larger in a GGF-40, a land division creating parcels smaller than the designated
11 minimum parcel size, subject to the provisions of MCC .3570(B).

12 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3) and
13 (4), the minimum lot size shall be according to the short-title zone district designation on the
14 Zoning Map as follows:

15 GGF-20 20 acres

16 GGF-40 40 acres

17 GGF-80 80 acres

18 GSF-40 40 acres

19 11. MCC 3656(A)(2) is replaced as follows: Actions taken in response to an emergency/disaster
20 event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

21 12. MCC 11.15.3656(D) is amended to read:

22 (D) The following uses are allowed ~~on~~ on land designated GSO without review:

23 (1) ~~The maintenance, repair, and operation of existing dwellings, structures, trails, roads,~~
24 ~~railroads, and utility facilities may occur without review.~~

25 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
26 pursuant to the provisions of MCC .3836.

27 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for pur-
28 poses of public safety or placement of structures for public safety.

1 14. MCC 11.15.3658(B) is amended to read:

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

3 (1) Existing quarries may continue operation if they are determined to be consistent with
4 standards to protect scenic, cultural, natural and recreation resources pursuant to MCC
5 .3664.

6 (2) Placement of structures necessary for continued public safety, or the protection of pri-
7 vate property or essential public services damaged during an emergency/disaster event.
8 This includes replacement of temporary structures erected during such events with per-
9 manent structures performing an identical or related function. Land use proposals for
10 such structures shall be submitted within 12 months following an emergency/disaster
11 event.

12 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

13 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
14 soil, fish and wildlife habitat restoration and enhancements.

15 16. MCC 11.15.3658(D) is added to read:

16 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
17 soil, fish and wildlife habitat restoration and enhancements.

18 17. MCC 11.15.3728 is amended to read:

19 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

20 (B) Placement of structures necessary for continued public safety, or the protection of private
21 property or essential public services damaged during an emergency/disaster event. This
22 includes replacement of temporary structures erected during such events with permanent
23 structures performing an identical or related function. Land use proposals for such structures
24 shall be submitted within 12 months following an emergency/disaster event.

25 18. MCC 11.15.3836 is added to read:

26 **Responses to an Emergency/Disaster Event**

27 Responses to an emergency/disaster event are allowed in all zoning districts within the

28 Columbia River Gorge National Scenic Area when in compliance with the following standards:

1 (A) General standards for all response activities.

2 (1) Following emergency/disaster response actions, best management practices (BMPs) to
3 prevent sedimentation and provide erosion control shall be utilized whenever disaster
4 response actions necessitate vegetation removal, excavation, and/or grading. BMPs may
5 include but are not limited to: use of straw bales, slash windrows, filter fabric fences,
6 sandbags, straw cover, jute netting, etc.

7 (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check
8 dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one
9 year following an emergency event. If it can be demonstrated that the continued use of
10 these devices is necessary to protect life, property, public services or the environment,
11 an extension of no more than two years may be granted by the Planning Director, or the
12 Forest Service for federal agency actions.

13 (3) The new exploration, development (extraction or excavation), and production of mineral
14 resources, used for commercial, private or public works projects, shall not be conducted
15 as an emergency/disaster response activity.

16 (4) No spoils resulting from grading or excavation activities shall be deliberately deposited
17 into a wetland, stream, pond, lake, or riparian area within the National Scenic Area
18 (NSA) as a part of an emergency/disaster response action. The only exception to this is
19 for construction of a fire line during a wildfire, where avoiding the aquatic area or its
20 buffer zone has been considered and determined to not be possible without further jeop-
21 ardizing life or property.

22 (B) Notification Requirements

23 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556, are
24 allowed in all GMA and SMA land use designations, subject to the following notifica-
25 tion requirements.

26 (a) Notification of an emergency/disaster response activity shall be submitted either
27 within 48 hours of the commencement of a response action, or by the next business
28 day following the start of such an action, whichever is sooner. Notification shall be

1 submitted by the party conducting an emergency/disaster response activity or their
2 representatives. In the case of multiple responding parties, the first party to respond
3 shall provide the required notification, unless, upon mutual agreement of responding
4 parties, another responder elects to assume this responsibility.

5 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notifi-
6 cation occurs by telephone, a hard copy of the notification shall be submitted by
7 mail or in person within 7 days.

8 (c) Notification shall be furnished to the Planning Director, or the Forest Service for fed-
9 eral agency actions.

10 (d) At a minimum, the following information shall be required at the time of notifica-
11 tion:

12 (i) Nature of emergency/disaster event.

13 (ii) Description of emergency/disaster response activities and magnitude of response
14 actions to be taken, if applicable (such as extent of earth movement, erection of
15 structures, etc.).

16 (iii) Location of emergency/disaster response activities.

17 (iv) Estimated start and duration of emergency/disaster response activities.

18 (v) Contact person and phone number for the parties conducting emergency/disaster
19 response actions.

20 (e) Repair and maintenance of an existing serviceable structure to its previously autho-
21 rized and undamaged condition are not subject to the above referenced notification
22 requirements.

23 (2) Upon notification of an emergency/disaster response action, the Planning Director or the
24 Forest Service shall, as soon as possible:

25 (a) Review their natural resource inventory data and notify the contact person for the
26 emergency/disaster response actions of all inventoried natural resource sites, and
27 their buffers, that are within or adjacent to the response area or that may be adverse-
28 ly affected by response activities;

1 (b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster
2 response actions, to provide that agency an opportunity to consult with responding
3 agencies during the event, and;

4 (c) Notify the Forest Service (except when the Forest Service is the notifying agency),
5 State Historic Preservation Office (SHPO), and the Tribal governments of all emer-
6 gency/disaster response activities. The Forest Service will review their cultural
7 resource inventory data and notify the contact person for the emergency/disaster
8 response action as soon as possible of all inventoried cultural resource sites, or their
9 buffers, that are within, or adjacent to, emergency/disaster response areas.

10 (3) Upon notification of a response action, the Forest Service shall, as soon as possible,
11 offer the services of a resource advisor to the agency(ies) conducting the response
12 action. The resource advisor will provide on-site advice to minimize impacts to
13 resources from emergency/disaster response actions.

14 (C) Post-Emergency/Disaster Response Site Review Application Requirements

15 (1) Within 30 days following notification, a post-emergency/disaster response application
16 shall be submitted by the party conducting the response action to the Planning Director,
17 or Forest Service for federal agency actions. In the case of an event with multiple
18 responding parties, the agency providing initial notification as required herein shall sub-
19 mit the application. An exception to this may occur if another responding party, by
20 mutual agreement with the other respondents, elects to submit the application. Requests
21 to extend this submittal deadline may be made in writing and shall include the reason
22 why an extension is necessary. Extensions shall not exceed 30 days in duration and no
23 more than two (2) extensions shall be granted.

24 (2) Post-emergency/disaster response applications shall only address development activities
25 conducted during an emergency/disaster response. Applications shall specify if develop-
26 ment placed during an emergency/disaster event is permanent or temporary. Applicants
27 shall be responsible for operations under their control and that of other responders, upon
28 mutual agreement. Responders not agreeing to have another responder address their

1 actions shall be responsible to submit an application for those actions.

2 (3) Emergency/disaster response actions not involving structural development or ground
3 disturbance with mechanized equipment are exempt from these requirements, except for
4 those actions within 500' of a known cultural resource (as determined in the notification
5 process).

6 (4) Applications shall include the following information:

7 (a) Applicant's name and address.

8 (b) Location of emergency/disaster response.

9 (c) A written description of the emergency/disaster response, including any structures
10 erected, excavation or other grading activities, or vegetation removal.

11 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing
12 greater detail. The map shall include:

13 (i) North arrow and scale.

14 (ii) Boundaries, dimensions and size of subject parcel(s).

15 (iii) Topography at a contour interval sufficient to describe the terrain of the project
16 site.

17 (iv) Bodies of water, watercourses, and significant landforms.

18 (v) Existing roads and structures.

19 (vi) New structures placed and any vegetation removal, excavation or grading result-
20 ing from the response actions.

21 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
22 event encompassing an area greater than one square mile. In such cases, a clear
23 sketch map of the entire response action area shall be provided. In addition, a map
24 of 1"=200' or a scale providing greater detail shall be provided that shows a section
25 of the response area exemplifying the specific actions taken.

26 (D) Post-Emergency/Disaster Response Site Review

27 All applications for post-emergency/disaster response Site Review shall be processed pur-
28 suant to the procedural provisions of MCC .3810 and evaluated for compliance with the

1 standards of MCC .3836(E).

2 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

3 Actions taken in all land use designations that are in response to an emergency/disaster
4 event shall be reviewed for compliance with the following standards:

5 (1) Scenic Resources

6 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
7 scenic resources are not adversely affected. Such actions shall be rendered visually
8 subordinate in their landscape setting as seen from key viewing areas to the greatest
9 extent practicable, except for actions located in the Corbett Rural Center zoning dis-
10 trict.

11 (b) Vegetation shall be used to screen or cover road cuts, structural development, land-
12 form alteration, and areas denuded of vegetation, as a result of emergency/disaster
13 response actions.

14 (c) Areas denuded of vegetation as a result of emergency/disaster response actions shall
15 be revegetated with native plant species to restore the affected areas to its pre-
16 response condition to the greatest extent practicable. Revegetation shall occur as
17 soon as practicable, but no later than one year after the emergency/disaster event. An
18 exception to the one year requirement may be granted upon demonstration of just
19 cause, with an extension of up to one year.

20 (d) The painting, staining or use of other materials on new structural development shall
21 be used to ensure that the structures are non-reflective, or of low reflectivity, and
22 visually subordinate in their landscape setting as seen from key viewing areas,
23 unless the structure is fully screened from key viewing areas by existing topographic
24 features.

25 (e) Additions to existing structures, resulting from a emergency/disaster response action,
26 which are smaller in total height, bulk or area than the existing structures may be the
27 same color as the existing development. Additions larger than the existing develop-
28 ment shall be visually subordinate in their landscape setting as seen from key view-

1 ing areas to the greatest extent practicable.

2 (f) Spoil materials associated with grading, excavation and slide debris removal activi-
3 ties in relation to an emergency/disaster response action, shall either be:

4 (i) Removed from the NSA or deposited at a site within the NSA where such depo-
5 sition is, or can be, allowed, or

6 (ii) Contoured, to the greatest extent practicable, to retain the natural topography, or
7 a topography which emulates that of the surrounding landscape.

8 (2) Cultural Resources and Treaty Rights

9 (a) To the greatest extent practicable, emergency/disaster response actions shall not
10 adversely affect cultural resources. Emergency/disaster response actions shall not
11 affect Tribal treaty rights.

12 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic sur-
13 vey is necessary within three days after receiving notice that a post-emergency land
14 use application has been received by the Planning Director.

15 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
16 comply with the standards of MCC .3818(D)(1).

17 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
18 describe any adverse effects to historic resources resulting from an
19 emergency/disaster response action. Historic surveys shall document the loca-
20 tion, form, style, integrity, and physical condition of historic buildings and struc-
21 tures. Such surveys shall also include original photographs, if available, and
22 maps, and should use archival research, blueprints, and drawings as necessary.

23 (c) Following the submittal of a post-emergency land use application, in addition to
24 other public notice requirements that may exist, the Planning Director shall notify
25 the Tribal governments when:

26 (i) A reconnaissance survey is required, or

27 (ii) Cultural resources exist in the project area.

28 All such notices shall include a copy of the site plan required by MCC

1 .3836(C)(4)(d).

2 Tribal governments shall have 15 calendar days from the date a notice is sent to sub-
3 mit written comments. Written comments should describe the nature and extent of
4 any cultural resources that exist in the project area or treaty rights that exist in the
5 project area and how they have been affected, and identify individuals with specific
6 knowledge about them. The Planning Director shall send a copy of all comments to
7 the Gorge Commission.

8 (d) When written comments are submitted in compliance with (C) above, the project
9 applicant shall offer within five calendar days to meet with the interested persons.

10 The five day consultation period may be extended upon agreement between the pro-
11 ject applicant and the interested persons. A report shall be prepared by the Planning
12 Director following the consultation meeting. Consultation meetings and reports shall
13 comply with the standards of MCC .3818(C) and .3592.

14 (e) If cultural resources are discovered within the area disturbed by emergency response
15 actions, the project applicant shall have a qualified professional conduct a survey to
16 gather enough information to evaluate the significance of the cultural resources and
17 what effects the action had on such resources. The survey and evaluation shall be
18 documented in a report that follows the standards of MCC .3818(D)(2), (F) and (G).

19 (f) A mitigation plan shall be prepared by the project applicant if the affected cultural
20 resources are significant. The mitigation plan shall be prepared according to the
21 information, consultation, and report standards of MCC .3818(J) and (K).

22 (g) The Planning Director shall submit a copy of all reconnaissance and historic survey
23 reports and treaty rights protection plans to the SHPO and the Tribal governments.
24 Survey reports shall include measures to mitigate adverse effects to cultural
25 resources resulting from emergency/disaster response actions. The SHPO and Tribal
26 governments shall have 15 calendar days from the date a survey report is mailed to
27 submit written comments to the Planning Director. The Director shall record and
28 address all written comments in the Site Review decision.

1 (h) The Planning Director shall make a final decision on whether the emergency/disaster
2 response actions are consistent with the applicable cultural resource goals, policies,
3 and guidelines. If the final decision contradicts the comments submitted by the
4 SHPO, or those submitted by a Tribal government regarding treaty rights, the
5 Director shall justify how an opposing conclusion was reached.

6 (i) The cultural resource protection process may conclude when it has been determined
7 that Tribal treaty rights have not been not affected and one of the following condi-
8 tions exists:

9 (i) The emergency/disaster response action does not require a reconnaissance or his-
10 toric survey, or a reconnaissance survey demonstrates that no cultural resources
11 are known to exist in the project area, and no substantiated concerns were voiced
12 by interested persons within 15 calendar days of the date that a notice was
13 mailed.

14 (ii) The emergency/disaster response action avoided cultural resources that exist in
15 the project area.

16 (iii) Adequate mitigation measures to affected cultural resources have been developed
17 and will be implemented.

18 (iv) A historic survey demonstrates that emergency/disaster response actions, and
19 associated development, had no effect on historic buildings or structures
20 because:

21 (A) The SHPO concluded that the historic buildings or structures are clearly not
22 eligible, as determined by using the criteria in the *National Register Criteria*
23 *for Evaluation (36 CFR 60.4)*, or

24 (B) The emergency/disaster response actions did not compromise the historic or
25 architectural character of the affected buildings or structures, or compromise
26 features of the site that are important in defining the overall historic character
27 of the affected buildings or structures, as determined by the guidelines and
28 standards in The Secretary of the Interior's *Standards for Rehabilitation [U.S.*

1 *Department of the Interior 1990]* and The Secretary of the Interior's
2 *Standards for Historic Preservation Projects [U.S. Department of the*
3 *Interior 1983].*

4 (3) Natural Resources

5 (a) To the greatest extent practicable, emergency/disaster response actions shall not
6 adversely affect natural resources.

7 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or
8 areas, and sites containing rare plants, shall be the same as those established in MCC
9 .3824(F).

10 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

11 (A) Emergency/disaster response actions occurring within a buffer zone of wet-
12 lands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon
13 Department of Fish and Wildlife. These areas are also referred to in this sec-
14 tion as aquatic areas. State biologists will help determine if emergency/disas-
15 ter response actions have affected or have a potential to affect these aquatic
16 areas or their buffer zones. State biologists shall respond within 15 days of
17 the date the application is mailed.

18 (B) When emergency/disaster response activities occur within wetlands, streams,
19 ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant
20 shall demonstrate the following:

21 (1) All reasonable measures have been applied to ensure that the response
22 actions have resulted in the minimum feasible alteration or destruction of
23 the functions, existing contours, vegetation, fish and wildlife resources,
24 and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

25 (2) Areas disturbed by response activities and associated development will
26 be rehabilitated to the maximum extent practicable.

27 (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
28 buffers will be offset through mitigation and restoration to the greatest extent

1 practicable. Mitigation and restoration efforts shall use native vegetation, and
2 restore natural functions, contours, vegetation patterns, hydrology and fish
3 and wildlife resources to the maximum extent practicable.

4 (D) If the Planning Director, in consultation with the Oregon Department of Fish
5 and Wildlife, determines that the emergency/disaster response actions had
6 minor effects on the aquatic area or its buffer zone that could be eliminated
7 with simple modifications, a letter shall be sent to the project applicant that
8 describes the effects and measures that need to be taken to eliminate them.
9 The state biologist, or a Forest Service natural resource advisor (as available)
10 in consultation with the state biologist, shall visit the site in order to make
11 this determination. If the project applicant accepts these recommendations,
12 the Planning Director shall incorporate them into the Site Review decision
13 and the aquatic area protection process may conclude.

14 (E) Unless addressed through D above, mitigation and restoration efforts shall be
15 delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the stan-
16 dards of MCC .3824(G). Rehabilitation Plans shall also satisfy the following:

- 17 (1) Plans shall include a plan view and cross-sectional drawing at a scale that
18 adequately depicts site rehabilitation efforts. Plans will illustrate final site
19 topographic contours that emulate the surrounding natural landscape.
20 (2) Planting plans shall be included that specify native plant species to be
21 used, specimen quantities, and plant locations.
22 (3) The project applicant shall be responsible for the successful rehabilitation
23 of all areas disturbed by emergency/disaster response activities.

24 (ii) *Wildlife Habitat*

25 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
26 tive wildlife area or site, shall be reviewed by the Oregon Department of Fish
27 and Wildlife. State wildlife biologists will help determine if emergency/disas-
28 ter response actions have affected or have a potential to affect a sensitive

1 wildlife area or site.

2 (B) Site plans for emergency/disaster response sites shall be submitted by the
3 Planning Director to the Oregon Department of Fish and Wildlife for review
4 as required by MCC .3826(D)(1) and (2). The department shall respond with-
5 in 15 days of the date the application is mailed.

6 (C) The wildlife protection process may terminate if the Planning Director, in
7 consultation with the Oregon Department of Fish and Wildlife, determines:
8 (1) The sensitive wildlife area or site was not active, or
9 (2) The emergency/disaster response did not compromise the integrity of the
10 wildlife area or site or occurred at a time when wildlife species are not
11 sensitive to disturbance.

12 (D) If the Planning Director, in consultation with the Oregon Department of Fish
13 and Wildlife, determines that the emergency/disaster response activities had
14 minor effects on the wildlife area or site that could be eliminated with simple
15 modifications, a letter shall be sent to the project applicant that describes the
16 effects and measures that need to be taken to eliminate them. The state
17 wildlife biologist, or a Forest Service natural resource advisor (as available)
18 in consultation with the state wildlife biologist, shall visit the site in order to
19 make this determination. If the project applicant accepts these recommenda-
20 tions, the Planning Director shall incorporate them into the Site Review deci-
21 sion and the wildlife protection process may conclude.

22 (E) If the Planning Director, in consultation with the Oregon Department of Fish
23 and Wildlife, determines that the emergency/disaster response activities had
24 adverse effects on a sensitive wildlife area or site, the project applicant shall
25 prepare a Wildlife Management Plan. Wildlife Management Plans shall satis-
26 fy the standards of MCC .3826(E). Upon completion of the Wildlife
27 Management Plan, the Planning Director shall:

28 (i) Submit a copy of the Wildlife Management Plan to the Oregon

1 Department of Fish and Wildlife for review. The department will have 15
2 days from the date that a management plan is mailed to submit written
3 comments to the Planning Director;

4 (ii) Record any written comments submitted by the Oregon Department of
5 Fish and Wildlife in the Site Review decision. Based on these comments,
6 the Planning Director shall make a final decision on whether the pro-
7 posed use would be consistent with the wildlife policies and guidelines. If
8 the final decision contradicts the comments submitted by the Oregon
9 Department of Fish and Wildlife, the Director shall justify how an oppos-
10 ing conclusion was reached.

11 (iii) Require the project applicant to revise the wildlife management plan as
12 necessary to ensure that the proposed use would not adversely affect a
13 sensitive wildlife area or site.

14 *(iii) Deer and Elk Winter Range*

15 Any fencing permanently erected within deer and elk winter range, as a result of
16 an emergency/disaster response, shall satisfy the standards of MCC .3826(F).

17 *(iv) Rare Plants*

18 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
19 tive plant, shall be reviewed by the Oregon Natural Heritage Program. State
20 heritage staff will help determine if emergency/disaster response actions have
21 occurred within the buffer zone of a rare plant.

22 (B) Site plans for emergency/disaster response sites shall be submitted to the
23 Oregon Natural Heritage Program by the Planning Director. State natural her-
24 itage staff will, within 15 days from the date the application is mailed, identi-
25 fy the location of the affected plants and delineate a 200 foot buffer zone on
26 the applicant's site plan.

27 (C) The rare plant protection process may conclude if the Planning Director, in
28 consultation with the Oregon Natural Heritage Program, determines that

1 emergency/disaster response activities occurred outside of a rare plant buffer
2 zone.

3 (D) If the Planning Director, in consultation with the Oregon Natural Heritage
4 Program, determines that the emergency/disaster response activities had
5 minor effects on rare plants or the rare plant buffer zone, a letter shall be sent
6 to the project applicant that describes the effects and measures that need to
7 be taken to eliminate them. The state natural heritage staff, or a Forest
8 Service natural resources advisor (as available) in consultation with the state
9 natural heritage staff, shall visit the site in order to make this determination.
10 If the project applicant accepts these recommendations, the Planning Director
11 shall incorporate them into the Site Review decision and the rare plant pro-
12 tection process may conclude.

13 (E) If emergency/disaster response activities occurred within a rare plant buffer
14 zone that had adverse affects on rare plants or their buffer zone, the project
15 applicant shall prepare a protection and rehabilitation plan, that meets the
16 standards of MCC .3828(E).

17 (F) The Planning Director shall submit a copy of all protection and rehabilitation
18 plans to the Oregon Natural Heritage Program for review. The state natural
19 heritage program will have 15 days from the date the protection and rehabili-
20 tation plan is mailed to submit written comments to the Planning Director.

21 (G) The Planning Director shall record any written comments submitted by the
22 Oregon Natural Heritage Program in the Site Review decision. Based on
23 these comments, the Director shall make a final decision on whether the pro-
24 posed use would be consistent with the rare plant policies and guidelines. If
25 the final decision contradicts the comments submitted by the Oregon Natural
26 Heritage Program, the Director shall justify how an opposing conclusion was
27 reached.

28 (H) The Planning Director shall require the project applicant to revise the protec-

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tion and rehabilitation plan as necessary to ensure that the proposed use would not adversely affect a rare plant site.

(v) *Recreational Resources*

(A) To the greatest extent practicable, emergency/disaster response actions shall not adversely affect recreational resources.

(B) Mitigation measures shall be implemented to mitigate any adverse effects on existing recreation resources caused by emergency/disaster response activities to the maximum extent practicable.

SECTION V. ADOPTION

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

ADOPTED THIS _____ day of _____, 1999, being the date of its reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy

Sandra N. Duffy, Chief Assistant Counsel



PRESTON GATES & ELLIS LLP
ATTORNEYS

Edward J. Sullivan

January 14, 1999

Mr. Phil Bourquin
Department of Environmental Services
Division of Planning and Development
Multnomah County
2115 S.E. Morrison Street
Portland, OR 97214

Ms. Beth Englander
Friends of the Columbia Gorge
319 SW Washington, Suite 301
Portland, Or. 97204

Re: Gorge Emergency Disaster/Response Ordinance

Dear Beth and Phil:

On behalf of my clients, Mel and Joyce Veggen, I want to thank you for your efforts to work with me to find a solution to their problem regarding the continuation of the use of the Veggen home on the banks of the Sandy River.

Following an extended discussion, it appeared we all agreed that the Veggen home could qualify for relief under the terms of the above ordinance proposal which will come before the Board of County Commissioners of Multnomah County tomorrow morning. The basis of this conclusion was that the storm event of late December, 1998 was such that water exceeded the high water mark at that point on the Sandy River by seven feet or more and further severely undermined the foundation of the house.

The position of the Friends, as I understand it, comes with certain qualifications. First, the Friends believe development approved under the ordinance should follow approval of the ordinance by the Gorge Commission and the Secretary of Agriculture. Second, the Friends believe that scenic values must be protected by an approved plan. (We noted that we had submitted such a plan, that the County planning staff had found it to meet the current ordinance provisions, and that the Veggens would abide by that approved plan.) Third, the Friends want assurances that the fish habitat values of the river at this site are protected by the use of a fish biologist to provide an evaluation and mitigation of the possible adverse impacts of construction at the site. (We assured the Friends that we would undertake such an evaluation and, if necessary, mitigation.)

As I mentioned at the meeting, my clients and I appreciated all the work by you and your colleagues and their insight into the present and proposed ordinances. I trust this letter reflects the result of that work and insight. If I have incompletely or inaccurately stated the results of our meeting, please do not hesitate to call me immediately at (503) 226-5727.

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Mr. Phil Bourquin
January 14, 1999
Page 2

I look forward to presenting this position to the Board of Commissioners tomorrow.

Very truly yours,

PRESTON GATES & ELLIS LLP

By 
Edward J. Sullivan

EJS:ejs

cc: clients
Bob Slyh, P.E.

K:\39316\00001\EJS\EJS_L30C4

FRIENDS OF THE COLUMBIA GORGE

To: Multnomah County Board of Commissioners
Fr: Michael Lang, Conservation Director
Re: Proposed Amendments for Emergency/Disaster Response Activities
Date: January 14, 1999

Thank you for the opportunity to comment on proposed amendments to Multnomah County's Code governing lands within the Columbia River Gorge National Scenic Area. I would like to focus my comments on the proposed emergency/disaster response amendments.

The proposed amendments will allow actions necessary to respond to emergencies and disasters while attempting to avoid or minimize adverse effects to scenic, natural, cultural and recreation resources. The amendments will allow actions to occur, without prior review, which are either regulated or prohibited by the Columbia River Gorge National Scenic Area Act (Act). The amendments establish a process by which after-the-fact review, mitigation and restoration will occur.

These proposed changes stem from amendments to the management plan for the National Scenic Area adopted by the Gorge Commission in the spring of 1998. Previously, the management plan did not specifically allow for emergency actions necessary to respond to significant threats to public health, safety, property or the environment and did not contain a process for after-the-fact review and restoration. The only emergency actions that would be affected by the amendments are those normally reviewed for consistency with the National Scenic Area ordinance or actions that are outright prohibited by that ordinance.

In order for the Gorge Commission to approve a plan amendment, it must determine that a significant change in circumstances has occurred within the scenic area requiring the amendment of the plan. In addition, the management plan may only be amended if the proposed amendments are consistent with the purposes and standards of the Act and there are no practicable alternatives to the proposed amendments.

Floods and landslides have been an important factor in shaping the Columbia River Gorge that we know today. The floods of 1996 were the most significant natural event to occur since the passage of the National Scenic Area Act in 1986. The 1996 floods and landslides revealed that the management plan lacked provisions for addressing emergency/disaster responses, after-the-fact review and restoration. This event provided the basis for the Gorge Commission to adopt the emergency/disaster response amendments.

In recognition that the emergency/disaster response amendments would allow actions to take place, prior to review by planning staff, that could result in damage to resources protected by the Act, the Commission staff and interested parties that participated in drafting these amendments made a considerable effort to craft narrow definitions for emergency/disaster events and appropriate responses. The definition of "emergency/disaster" is limited to "sudden unexpected occurrences... necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment." Emergency/disaster responses are confined to actions "that must be taken immediately in response to an emergency/disaster event."

The process outlined in the amendment before you is one of the seven original proposals considered in a series of stakeholder meetings held in 1997. These proposals included, but were not limited to, the following:

1. Allowing emergency responses to proceed without notification and without development review. (Rejected because it would be inconsistent with the purposes and standards of the Act)
2. Notification required, no development review. (Rejected because it would be inconsistent with the Act)
3. Notification required, development waiver issued, no development review required. (Rejected because it would not allow immediate responses to bona fide disasters)
4. Notification required, emergency permit issued, post development review. (Rejected because it would not allow immediate responses to bona fide disasters)
5. Regular scenic area review. (Rejected because it would not allow immediate responses)

(Please refer to the enclosed Gorge Commission memorandum for a more complete discussion of these alternatives)

In total, four of the seven proposals were rejected because they would not allow for an immediate response to a significant and imminent disaster.

Overall, this amendment can only be considered consistent with the purposes of the Act if mitigation and restoration efforts are consistently applied to the maximum extent practicable. If mitigation and restoration actions are only recommended, or responsible parties do not have funding to carry out the mitigation or restoration, then the practical result of the proposed amendments will counter the primary purpose of the Act, which is to protect and enhance the scenic, natural, cultural and recreation resources of the scenic area.

These issues are being raised in an effort to prevent this amendment from being used as a loophole in the National Scenic Area Act. Unless access to this process is carefully limited and mitigation and restoration of resources is required, it will allow land uses and development to occur that would normally violate laws protecting our national treasure, the Columbia River Gorge, from unplanned and inappropriate development.

County ordinances must be consistent with the management plan. However, county ordinances may vary from the plan when the ordinances are stronger, or more protective, than the provisions of the plan. With this fact in mind, Friends would like to recommend the following amendments.

1. The proposed amendments will not protect scenic resources on Special Management Area (SMA) Open Space lands or on federal forest lands within SMA woodland settings. MCC 11.15.3816 (D) (1), (2), (3) (SMA Scenic Review Criteria) require new developments and land uses in these landscapes to comply with the Visual Quality Objective "VQO" of "retention", which means to be screened from key viewing areas. The proposed amendment imposes a weaker standard of scenic resources protection, requiring new uses and developments to be visually subordinate in all zones and landscapes, with the exception of certain developed setting that are exempted.

The standards of the Act require the protection and enhancement of open spaces. (Section 6, d.(3)) Open space is defined to include significant scenic areas. The proposed amendment is inconsistent with the standards of the Act because it reduces protection of scenic resources on SMA open space lands.

The proposed amendment should be changed to maintain the same level of protection in SMA forest and open space zones as currently provided in the Scenic Area ordinance.

Recommendation: Page ten, line ten, add -- and SMA Open Space and federal forest zones within SMA woodland settings. SMA Open Space and federal forest zones within SMA woodland settings must comply with the VQO of retention to the extent practicable.

2. One year is adequate time to submit an application.

Language amending the deadline for applying to replace a use or structure damaged or destroyed by a disaster event from one year to two years should be removed from the amendments. (Page 2, line 18) The current deadline for replacing a use or structure that is damaged or destroyed is one year. Landowners then have two years to complete development and are eligible for a one-year extension. This adds up to four years to replace uses. One year is ample time to submit an application to replace a use damaged or destroyed by fire or other disaster event

Recommendation: On page two, line eighteen, delete "two" and add "one".

3. Require timely public notification of emergency/disaster responses.

MCC 11.15.3810 (B) (6) requires notification of landowners within 500 feet of a subject parcel involved in a development application within ten days of receipt of the application. Language in the proposed amendments will allow land uses and development to immediately occur that may violate the purposes and standards of the National Scenic Area Act without any requirement to notify neighboring landowners or other interested parties until 30 to 90 days after the actions were taken. (Page 9, line 28) There is no reason why planning agencies cannot notify the public promptly upon notification by the emergency respondent. The public has a right to know when a decision is being made to circumvent laws to protect clean water and other public resources.

Recommendation: On page eight, between lines nine and ten, insert the following:
(d) Notify other interested parties consistent with MCC 11.15.3810 (B)

Thank you very much for considering these comments and recommendations.

MEMORANDUM

TO: Gorge Commissioners

FROM: Brian Litt, Senior Planner
Troy Alan Doss, Planner

SUBJECT: October 14 Work session on status of proposed emergency/disaster response plan amendment.

At the October 14th Gorge Commission meeting, Commission staff will conduct a work session regarding the proposed emergency/disaster response plan amendment. During this work session, staff will summarize the input gathered from stakeholders during a series of meetings held over the last few months. Staff will also present several plan amendment alternatives addressing emergency/disaster response activities in the Scenic Area. Following this work session, staff will begin the process of developing a final plan amendment proposal. A plan amendment application should be submitted to the Commission in November of this year.

INTRODUCTION

Over the last several months the Gorge Commission's staff have held a series of meetings to gather information from stakeholders to assist in developing a proposed disaster response plan amendment. These stakeholders include representatives of various government agencies charged with emergency management, resource protection and response, transportation, and planning. Representatives from public utilities and telecommunications companies, and the two major railroads operating in the Scenic Area were also represented. Commission staff have also reviewed various ordinances, regulations and policies regarding emergency/disaster response actions used by regulatory agencies in Oregon, Washington and other parts of the country.

Based on the input received and information collected from stakeholders, several alternative approaches for how the plan amendment could address disaster response actions have been developed by staff. These alternatives were sent to all stakeholders and presented at a meeting held on September 29, 1997. The document sent to the stakeholders addressed the following items:

- Possible definitions for emergency/disaster events and responses
- Draft alternatives for addressing immediate emergency/disaster response projects
- Approaches for addressing post-emergency construction and reconstruction.

The stakeholder meeting began with a brief synopsis of the purpose of the meeting, a recap of the previous stakeholder meetings, and an explanation of the plan amendment criteria and process. This was followed by a presentation of each plan amendment alternative. A description of each of the alternatives presented is provided below. A summary of the input gathered from the stakeholders on these alternatives is also included.

DRAFT PLAN AMENDMENT ALTERNATIVES

What Constitutes An Emergency/Disaster and Subsequent Response Activities?

The Management Plan does not contain a definition of what constitutes an emergency or disaster. Therefore it would be necessary to add a definition to the glossary as part of this plan amendment. The following definition was derived following a review of how various other regulatory agencies define the term "emergency":

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment.

The following definition of what constitutes an emergency response activity was also submitted for consideration:

Emergency/Disaster Response: Actions¹ that must be taken immediately in response to a sudden unexpected occurrence, either the result of human or natural forces, to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment.

Stakeholders have generally accepted that a clear definition of "emergency" needs to be included as a part of this amendment. The definition as proposed seemed acceptable to most stakeholders, although some mentioned it might be best to make a distinction between an emergency vs. a disaster.

¹The term "actions" in this draft definition refers to structural development (such as retaining walls, culverts, etc.) or significant ground-disturbing activities (such as construction of a fire or access road). It does not refer to communications, transportation of people or equipment, road or area closures, or other similar activities that may occur during emergency/disaster events. These latter activities would not be affected by any of the draft alternatives.

Alternatives for the Review of Emergency/Disaster Response Project

Staff developed the following seven plan amendment alternatives for consideration. Each alternative would allow activities that must be taken immediately in response to a sudden unexpected occurrence, either the result of human or natural forces, to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment. The input gathered from the stakeholders on these alternatives is also included.

Alternative A: No Notification or Development Review Required

This alternative would allow emergency response activities as a use allowed outright in all land use designations (GMA and SMA) in response to an emergency/disaster event. Applicants would not be required to notify the Gorge Commission or applicable planning department that response activities are being conducted. A Scenic Area consistency review would not be required.

Pros: Allows for immediate emergency response activities.

Cons: This alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternative B: Notification Required, No Development Review Required

This alternative would allow activities in response to an emergency event contingent upon a requirement that applicants notify the Gorge Commission or applicable planning department of emergency response activities prior to, or immediately following, the commencement of such activities. A Scenic Area consistency review would not be required.

Pros: Allows for immediate emergency response activities. Notification alerts Gorge Commission or applicable planning department that activities being conducted are in response to an emergency/disaster event and are not subject to further review.

Cons: This alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternatives A and B were noted for allowing immediate responses to emergency incidents. Although these alternatives were favored by a few stakeholders, these alternatives were noted by others as lacking resource protection measures and for potentially being inconsistent with the standards and purposes of the Scenic Act.

Alternative C: Notification Required, Development Waiver Issued, No Development Review Required

This alternative would allow emergency response activities following notification and issuance of a development waiver prior to the commencement of work. A waiver would consist of a form letter acknowledging that the Gorge Commission, or applicable county planning department, are waiving the review of development activities taken in response to an emergency/disaster event. The waiver would include a description of the development and emergency event necessitating the response activity. Waivers would be issued as soon as possible after notification is received. Waivers would only be issued to those projects required to address an emergency/disaster event.

Pros: Would allow determination that an emergency response activity is consistent with the Management Plan's definition regarding such activities.

Cons: This alternative may, in some instances, cause temporary delay in emergency response activities pending notification and issuance of a waiver. Furthermore, the alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternative C was not well received by the stakeholders mostly because it prevented emergency response activities until a development waiver is issued by planning staff. Several stakeholders noted that such an approach could turn manageable emergency events into disasters.

Alternative D: Notification Required, Post-Emergency Development Review Required

With this alternative applicants would be required to notify the Gorge Commission or applicable planning department that response activities are being conducted prior to, or immediately following the commencement of emergency response activities. Only those activities necessary to respond to an emergency/disaster event would be allowed to take place without initial review under this approach. Additionally, the applicant would then need to submit a land use application for a post-emergency development review within 30-45 days after a notice is issued.

During a post-emergency development review, response activities would be reviewed for consistency with new Management Plan guidelines specific to after-the-fact review of emergency response activities. These new guidelines would be applied to ensure that any adverse impacts to resources resulting from emergency actions would be mitigated and, if necessary and feasible, restoration activities would occur. These after-the-fact guidelines would differ substantively from current Management Plan guidelines in several key respects.

Existing guidelines are oriented to address potential impacts of proposed developments, and their application may result in relocation, redesign, or denial of a project. The post-emergency development review, conversely, focuses on mitigating actual impacts of work already completed. By the very nature of after-the-fact review, relocation or redesign of work already done may not be as feasible as it is with proposed work. It is likely that such guidelines may require a degree of flexibility and latitude beyond regular Management Plan review.

Pros: Allows for immediate response activities. A post-emergency development review would ensure that response activities are consistent with the Scenic Area Act and applicable Management Plan guidelines (specifically, scenic, natural, cultural, and recreation resource guidelines). A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Would not initially prevent actions which may be inconsistent with the Scenic Act, despite the post-emergency development review. Furthermore, such actions could be difficult or impossible to mitigate after-the-fact.

This alternative was noted as the preferred alternative by a majority of stakeholders participating in the September 29th meeting. However, the stakeholders provided several suggestions and concerns about this alternative. Some participants suggested that planning staff should be notified as soon as time allows, while one noted that 24 hour advance notice prior to the commencement of work was appropriate. It was also suggested that planners should provide technical assistance to emergency response crews by immediately reviewing resource inventory data about specific work sites as soon as notification is received. Significant resource impacts could be avoided if responding crews were warned of sensitive resources within their work areas. Stakeholders also suggested that the post-emergency development review period be expedited to the greatest extent feasible. One stakeholder proposed a streamline review process similar to a SEPA Determination of Non-Significance checklist whereby decisions could be issued quickly if resource impacts were absent.

After-the-fact resource impact mitigation and restoration was noted as a major area of concern by several stakeholders. Specifically, a few participants stated that they are charged solely with responding to emergency/disaster events and have no statutory authority to conduct activities involving the mitigation of resource impacts resulting from their response activities. Several stakeholders also noted that response activities are often conducted on private lands. These stakeholders stated that private land owners should not be required to mitigate impacts resulting from someone else's emergency response activities. These concerns are important and will need to be further explored by staff.

Alternative E: Notification Required, Emergency Permit Issued, Post Emergency Development Review Required

This alternative would allow emergency response activities following notification of work and the issuance of a conditional emergency permit. In some situations, response activities could be allowed to occur before notification or the issuance of an emergency permit (e.g. when an event occurs on a weekend, or in the event of a fire). Emergency permits would be valid for a short period of time (e.g. 30 days) and would require that response activities begin immediately (e.g. within 5 days). Before an emergency permit could be issued, a minimal amount of basic information regarding the proposed activities would need to be furnished by the applicant. Emergency permits would restrict an emergency response to that necessary to respond immediately to an emergency incident. Additionally, the applicant would then need to submit a land use application for a post-emergency development review within 30-45 days after the emergency permit is issued.

During a post-emergency development review, response activities would be reviewed for consistency with new Management Plan guidelines specific to the after-the-fact review of emergency response activities. These new guidelines would be applied to ensure that any adverse impacts to resources resulting from emergency actions would be mitigated and, if necessary and feasible, restoration activities would occur. These after-the-fact guidelines would differ substantively from current Management Plan guidelines in several key respects. The existing guidelines are oriented to address potential impacts of proposed developments, and their application may result in relocation, redesign, or denial of a project. The post-emergency development review, conversely, focuses on mitigating actual impacts of work already completed. By the very nature of after-the-fact review, relocation, redesign of work already done may not be as feasible as it is with proposed work. It is likely that such guidelines may require a degree of flexibility and latitude beyond regular Management Plan review.

Pros: Emergency permits would set some basic parameters for response activities addressing resource protection and consistency with the Act, to the extent practicable. A post-emergency development review would ensure that response activities are consistent with the Scenic Area Act and applicable Management Plan guidelines (specifically, scenic, natural, cultural and recreation resource guidelines). A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Emergency permit requirement could delay response activities until permit is issued in some situations. Furthermore, despite emergency permits and post-emergency review, impacts resulting from emergency response activities could be difficult to mitigate after-the-fact.

Alternative F: Notification Required, Emergency Permit Issued, Regular Scenic Area Review Required

The following alternative would allow emergency response activities following notification of work and the issuance of a conditional emergency permit. Formal review of the response activities would be delayed for a predetermined time period (e.g. 30-45) and would involve a typical Scenic Area consistency review (subject to current Management Plan guidelines regarding scenic, natural, cultural and recreation resources). Only activities required to address an emergency/disaster event would qualify for this allowance.

Pros: Emergency permits would set some basic parameters for response activities addressing resource protection and consistency with the Act, to the extent practicable. A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Emergency permit requirement could delay response activities until permit is issued in some situations. Current Management Plan guidelines address potential impacts of proposed development up-front and require mitigation before development activities begin. Thus, it would not always be possible to approve an emergency response activity after-the-fact based on these guidelines. Furthermore, current Management Plan guidelines may result in the denial of certain emergency development activities, requiring restoration of the project site to its pre-disaster configuration.

Alternative G: Regular Scenic Area Approval Required

The following alternative would maintain the current status of the Management Plan. Emergency activities would not be defined in the Management Plan. Emergency response activities would need to be reviewed and approved in the same manner as all other land use proposals within the Scenic Area.

Pros: Would ensure that response activities are consistent with the Scenic Act and Management Plan.

Cons: Does not allow immediate emergency response activities that go beyond repair and maintenance. Application of the existing guidelines could also result in the denial of some proposed emergency response activities.

Alternatives E through G were noted as being too restrictive and inconsistent with the intent of the proposed plan amendment. Specifically, the emergency permit requirement of Alternative E was said to be a burden to the agencies responding to an emergency event as well as the planners reviewing the response activities. Alternative F was noted as being flawed as it could result in the denial of projects that are inconsistent with the current

Management Plan land use guidelines. Alternative G was rejected by all stakeholders as it would maintain the current review standard which does not allow emergency response activities until a full Scenic Area review is conducted.

Post-Emergency Reconstruction and Construction

The draft alternatives described above address: 1) actions that must be taken immediately during an emergency/disaster event; and 2) mitigating the possible effects of such actions on Gorge resources. The following two sections address construction and reconstruction of structures that may occur in the aftermath of, but not during, an emergency/disaster event.

Reconstruction

The Management Plan contains some language, although limited, addressing the replacement of uses damaged or destroyed by a disaster. Specifically, the Management Plan allows for an abbreviated review for the replacement of existing uses damaged or destroyed by fire only. The Management Plan could be amended to address the replacement of uses within the GMA and SMA damaged or destroyed by various emergency/disaster events as follows (new wording underlined, strikeouts through existing wording that would be deleted):

Replacement In Kind: Any use or structure damaged or destroyed by ~~fire~~ 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 1 year. Such uses shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity, and landscaping.

Replacement Not In Kind: Replacement of an existing use or structure, including those damaged or destroyed by disaster or an emergency event, by a use or structure different in purpose, size, or scope shall be subject to the policies and guidelines in the Management Plan to minimize adverse effects on scenic, cultural, natural, and recreation resources.

Pros: Allows for the replacement of existing uses damaged by various disaster or emergency events. Additionally, this language could be added to the Management Plan for any of the above-described alternatives.

Cons: Does not address new development (development not replacing an existing use) necessary to mitigate a continued hazard resulting from a disaster/emergency event.

Alternative Approaches: Detailed discussion of alternative approaches for addressing post-emergency reconstruction is not included in this document. However, it should be noted that two other alternatives could be considered for this subject: 1) not amending existing plan provisions (reconstruction other than that associated with structures destroyed by fire would

go through the standard review process); or 2) allowing post-emergency reconstruction as a use allowed outright. The first alternative allows abbreviated review only for fire-related damage. The second option, while facilitating post-emergency reconstruction, provides no avenue to address potential resource impacts from such activity, especially where the reconstruction differs in size or location from the original structure.

Construction

It may also be necessary to construct new structures to protect life, property or vital services after an emergency/disaster event which do not involve the reconstruction or replacement of a pre-existing use. This may involve a permanent structure replacing a temporary measure used as a "stopgap" during an actual emergency event. Other situations may involve building a new structure to mitigate a secondary hazard caused after an initial disaster event is over. For example, it may be necessary to build a new retaining wall adjacent to a public road to contain slope movement resulting from an earlier fire or flood event. This type of development would not be addressed in Alternatives A-G described above, as they deal with activities undertaken immediately during actual emergency events. Additional provisions (discussed below) addressing follow-up, long-term actions taking place after an event is over may need to be included in the proposed amendment.

Under the existing Management Plan guidelines, such a new structure might not be an allowed use in the land use designation in which it is located, or might be inconsistent with some of the existing resource protection guidelines. Therefore, the amendment may need to include a provision allowing such uses within land use designations where they are not currently allowed. Such provisions might also require that resource impacts are mitigated to the maximum extent practicable, and that the approved structure be the least-impacting alternative from an array of alternative approaches.

Alternative Approaches: Detailed discussion of alternative approaches for addressing post-emergency construction has not been included in this document. However, it should be noted that two other alternatives could be considered for this subject: 1) not amending existing plan provisions; or 2) allowing post-emergency construction as a use allowed outright. Under the first option, some structures that may be necessary for public safety could be found inconsistent with existing guidelines. The second option provides no opportunity to mitigate potential resource impacts of such construction.

Stakeholders generally accepted the proposals in the two sections above. However, several stakeholders stated that the Management Plan's definition of "repair and maintenance" also need to be amended. Specifically, many stakeholders stated that the current definition is too narrow and that it does not allow for upgrades to undersized facilities to meet current state/federal standards. It was noted that undersized facilities, such as culverts, can be a contributing factor in an emergency incident. It was also suggested that the proposed amendment should allow upgrades regardless of whether an emergency has occurred or not.

ADDITIONAL STAKEHOLDER COMMENTS AND CONCERNS

Stakeholders have provided additional comments and concerns about the proposed plan amendment. Specifically, some stakeholders believe the plan amendment should address "imminent threats" to life and property. It was noted that such threats are a form of emergency which could have significant adverse impacts to life, health and property. An example of an imminent threat would be where water is rapidly rising behind a blocked culvert passing under a roadway. Should the water pressure become too high the roadway could be lost. This is an example of an imminent threat to life and property.

Some stakeholders, specifically county planners, stated that notification of work could take the form of a telephone call, fax or letter, and that the applicable planning authority should be allowed to determine what form notification should take. It was also suggested that notification could be further expedited if planners were part of the Incident Command System.

CONCLUSION

The participation of stakeholders has greatly assisted the Commission's staff in the development of the proposed plan amendment alternatives. It should be noted that all of the concerns, comments, and suggestions provided will be considered before a final plan amendment application is developed. Regardless of which alternative is finally chosen, a considerable amount of detail will need to go into the preparation of an application for the proposed plan amendment.

EPAALT.8

“

That's going to be a violation of not only county ordinance but of federal and state rules as well.

Rick McIntire, associate planner with Clackamas County's Department of Transportation and Development

”



“

I'm not real sure what the permit requirements are.

Mark Wattles, chairman and chief executive officer of Hollywood Video

”



DOUG BEGHEL/The Oregonian

A rock wall, visible in a photo taken earlier this month, rings the Willamette River property between Oregon City and Canby where Mark Wattles, founder of Hollywood Entertainment Corp., is building a home. Regulators are investigating whether the rock wall violates federal, state or county environmental laws.

Rock wall in Willamette catches eye of regulators

Hollywood Video's chief must halt riverside work for review of permit needs and environmental effects

By **BRENT HUNSBERGER**
of The Oregonian staff

CANBY — Last month, without the knowledge of environmental regulators, workers building Mark Wattles' \$5 million mansion laid a ring of boulders several feet high in the Willamette River to stabilize what the video magnate says is a rapidly dwindling riverbank.

On Friday, after inquiries by The Oregonian, federal and state officials ordered the Hollywood Entertainment Corp. founder to stop construction so they can investigate whether he violated federal and state environmental laws governing waterways. Clackamas

County officials also plan to check whether the structure meets codes regulating grading, flood-plain activity and development along the Willamette River Greenway.

"If they created a wall, a cofferdam and backfilled behind it, we would not approve of that, and neither would" the U.S. Army Corps of Engineers, said Rick McIntire, associate planner with Clackamas County's Department of Transportation and Development, "That's going to be a violation of not only county ordinance but of federal and state rules as well."

Officials from the corps, the Division of State Lands and the county say they have no permits on file for such work. Wattles says he didn't know permits were

required.

"You've got bank stabilization going on all over the place," said Wattles, chairman and chief executive officer of the nation's second-largest video-store chain, Hollywood Video. "I'm not real sure what the permit requirements are."

Environmental regulators admit they have a tough time keeping up with development in Oregon's rivers, streams, wetlands and oceanfronts.

Work permit requests to the Division of State Lands have more than doubled since flooding in 1996. The number of applications to the corps has jumped from about 450 in 1992 to more than 1,400 last year, said Richard Rose, enforcement project manager with the corps in Portland.

"It's just climbed for the sky," Rose said. "It's not like every time the workload doubles, you get a doubling of money."

Violation reports also have risen, which officials chalk up to a growing awareness of threats to state waterways and vulnerable fish runs.

"People are concerned," said Paul Cleary, state lands director. "When people place rock walls or riprap in a river, it can adversely impact property owners downstream."

Federal, state and county officials will spend the

Please turn to **WATTLES, Page C3**

NEWS FOLLOW



Whatever happened to ... ? What became of ... ? What have I forgotten about ... ? Here is an update:

TOZER STILL ON A ROLL

Almost everywhere Tiana Tozer goes these days in the Reno, Nev., area, she walks

... tation, but at 19 she was looking at years of operations and therapy. And learning to function in a wheelchair.

Readers might remember the Blue Cross-Blue Shield advertisements on television, when Tozer, in a green Oregon letter jacket, rolled across a basketball court and tossed in a layup. "I'm going to walk again," she said with regularity since then. "I'm going to

... Reno, where she is an account manager for an outdoor wear manufacturer. "I have a sports chair. I don't use it to go to church. I don't use it at the office.

"I use it at the mall, and I take it on trips, case I need it."

1 **BEFORE THE BOARD OF COUNTY COMMISSIONERS**

2 **FOR MULTNOMAH COUNTY, OREGON**

3 **ORDINANCE NO. _____**

4
5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River
7 Gorge National Scenic Area, correcting certain errors in the General Management Forest
8 District, and declaring an emergency.

9 **SECTION I. FINDINGS**

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the
11 Columbia River Gorge National Scenic Area to allow for restoration and enhancement of
12 Open Space lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to
14 allow for emergency/disaster response actions necessary to protect life, property and vital
15 public services under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan
17 can not be utilized within the Multnomah County portion of the Columbia River Gorge
18 National Scenic Area until County Code is amended to include standards implementing
19 those provisions.

20 (D) The Gorge Commission has indicated certain General Management Forest standards of
21 County Code do not comply with controlling guidelines of the Management Plan and
22 require revision.

23 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
24 interested persons were given an opportunity to appear and be heard. At the close of that
25 hearing, the Planning Commission recommended adoption of new zoning standards to
26 implement the open space enhancement and emergency/disaster response provisions of the
 Management Plan for the Columbia River Gorge National Scenic Area for the Multnomah

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River
7 Gorge National Scenic Area, correcting certain errors in the General Management Forest
8 District.

9 **SECTION I. FINDINGS**

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the
11 Columbia River Gorge National Scenic Area to allow for restoration and enhancement of
12 Open Space lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to
14 allow for emergency/disaster response actions necessary to protect life, property and vital
15 public services under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan
17 can not be utilized within the Multnomah County portion of the Columbia River Gorge
18 National Scenic Area until County Code is amended to include standards implementing
19 those provisions.

20 (D) The Gorge Commission has indicated certain General Management Forest standards of
21 County Code do not comply with controlling guidelines of the Management Plan and
22 require revision.

23 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
24 interested persons were given an opportunity to appear and be heard. At the close of that
25 hearing, the Planning Commission recommended adoption of new zoning standards to
26 implement the open space enhancement and emergency/disaster response provisions of the
Management Plan for the Columbia River Gorge National Scenic Area for the Multnomah

1 County portion of the National Scenic Area along with certain modifications of the General
2 Management forest zones.

3
4 **SECTION II. AMENDMENT OF MCC 11.15**

5 Multnomah County Code Chapter 11.15 is amended as follows:

- 6 1. MCC 11.15.3556 is amended by adding the following definitions:

7 ***Emergency/Disaster:*** A sudden unexpected occurrence, either the result of human or natural
8 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
9 life, health, property, essential public services, or the environment.

10 ***Emergency/Disaster Response:*** Actions involving any development (such as new
11 structures, grading, or excavation) or vegetation removal that must be taken immediately
12 in response to an emergency/disaster event (as defined above). Emergency/disaster
13 response actions not involving any structural development or ground-disturbance (such as
14 use of emergency transport vehicles, communications activities or traffic control
15 measures) are not included in this definition and are not affected by these provisions.

16 ***Restoration:*** A human activity that returns a resource from a disturbed or altered condition
17 to a previous, less disturbed or less altered condition. This definition does not modify or
18 eliminate the definition ***Restoration (wetlands)*** which applies only to wetlands.

- 19 2. MCC 11.15.3562(B) and (C) is replaced with the following

20 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be
21 treated as an existing use or structure if an application for replacement is filed within
22 two years of the date of the disaster/emergency event pursuant to the provisions of MCC
23 .3836.

24 (1) In kind replacement of an existing use or structure in the same location shall be
25 subject only to compliance with standards for protection of scenic resources
26 involving color, reflectivity, and landscaping.

(2) Replacement of an existing use or structure by the same type of use or structure in a

1 different location or with a different size shall be subject to MCC .3800 through
2 .3834 to minimize adverse effects on scenic, cultural, natural, and recreation
3 resources.

4 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure
5 discontinued for any reason for more than one year shall be subject to the regulations of
6 MCC .3550 through .3834. Except as otherwise provided, an existing use or structure
7 may be replaced within one year of discontinuation if used for the same purpose at the
8 same location. This includes replacing an existing mobile home with a framed residence.

9 3. The following subsections are added to read, Actions taken in response to an
10 emergency/disaster event as defined in MCC .3566 pursuant to the provisions of MCC
11 .3836.

12 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3656(B)(7); .3656(C)(6); .3676(A)(5);
13 .3676(B)(4); .3700(E); .3726(E); .3750(A)(4); and .3750(B)(4).

14 4. The following subsections are added to read, Placement of structures necessary for
15 continued public safety, or the protection of private property or essential public services
16 damaged during an emergency/disaster event. This includes replacement of temporary
17 structures erected during such events with permanent structures performing an identical or
18 related function. Land use proposals for such structures shall be submitted within 12 months
19 following an emergency/disaster event.

20 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(C)(5);
21 .3678(A)(7); .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).

22 5. All existing Code references to GGF-40 are changed to read GGF- 80 and all properties
23 currently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80
24 and the conversion table of that exhibit is amended by changing the conversion of F-1 from
25 GGF-40 to GGF- 80 and adding a conversion of GGF- 40 for F-3(40).

26 6. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF -40, one
single-family dwelling on a legally created parcel upon enrollment in the state's forest

1 assessment program. Upon a showing that a parcel cannot qualify, a parcel is entitled to one
2 single-family dwelling. In either case, the location of a dwelling shall comply with MCC
3 .3584 and MCC .3586. A declaration shall be signed by the landowner and recorded into
4 county deed records specifying that the owners, successors, heirs and assigns of the subject
5 parcel are aware that adjacent and nearby operators are entitled to carry on accepted farm or
6 forest practices on lands designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.

7 7. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-40~~80~~, a mobile home in
8 conjunction with a timber operation, upon a finding that security personnel are required to
9 protect equipment associated with a harvest operation or the subject forest land from fire.
10 The mobile home must be removed upon completion of the subject harvest operation or the
11 end of the fire season. The placement of the mobile home is subject to MCC .3584 and
12 .3586.

13 8. MCC .3634(A)(14) is added to read: Land divisions on lands designated GGF -80 when all
14 resultant lots satisfy a minimum lot size of 80 acres and it is found:
15 (a) The land division will facilitate forest management, or
16 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
17 resources.

18 9. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or
19 80 acres in size or larger in a GGF-40, a land division creating parcels smaller than the
20 designated minimum parcel size, subject to the provisions of MCC .3570(B).

21 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3)
22 and (4), the minimum lot size shall be according to the short-title zone district designation
23 on the Zoning Map as follows:

- 24 GGF-20 20 acres
25 GGF-40 40 acres
26 GGF-80 80 acres
GSF-40 40 acres

1 11. MCC 3656(A)(2) is replaced as follows: Actions taken in response to an emergency/disaster
2 event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

3 12. MCC 11.15.3656(D) is amended to read:

4 (D) The following uses are allowed Θ on land designated GSO without review:

5 (1) ~~€~~The maintenance, repair, and operation of existing dwellings, structures, trails,
6 roads, railroads, and utility facilities may occur without review.

7 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
8 pursuant to the provisions of MCC .3836.

9 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for
10 purposes of public safety or placement of structures for public safety.

11 14. MCC 11.15.3658(B) is amended to read:

12 (B) The following uses may be allowed Θ on lands designated GGO-GW:

13 (1) Existing quarries may continue operation if they are determined to be consistent with
14 standards to protect scenic, cultural, natural and recreation resources pursuant to
15 MCC .3664.

16 (2) Placement of structures necessary for continued public safety, or the protection of
17 private property or essential public services damaged during an emergency/disaster
18 event. This includes replacement of temporary structures erected during such events
19 with permanent structures performing an identical or related function. Land use
20 proposals for such structures shall be submitted within 12 months following an
21 emergency/disaster event.

22 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

23 Restoration and enhancement structures and/or activities including vegetation, scenic,
24 cultural, soil, fish and wildlife habitat restoration and enhancements.

25 16. MCC 11.15.3658(D) is added to read:

26 Restoration and enhancement structures and/or activities including vegetation, scenic,
cultural, soil, fish and wildlife habitat restoration and enhancements.

1 17. MCC 11.15.3728 is amended to read:

2 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

3 (B) Placement of structures necessary for continued public safety, or the protection of
4 private property or essential public services damaged during an emergency/disaster
5 event. This includes replacement of temporary structures erected during such events
6 with permanent structures performing an identical or related function. Land use
7 proposals for such structures shall be submitted within 12 months following an
8 emergency/disaster event.

9 18. MCC 11.15.3836 is added to read:

10 **Responses to an Emergency/Disaster Event**

11 Responses to an emergency/disaster event are allowed in all zoning districts within the
12 Columbia River Gorge National Scenic Area when in compliance with the following
13 standards:

14 (A) General standards for all response activities.

15 (1) Following emergency/disaster response actions, best management practices (BMPs)
16 to prevent sedimentation and provide erosion control shall be utilized whenever
17 disaster response actions necessitate vegetation removal, excavation, and/or grading.
18 BMPs may include but are not limited to: use of straw bales, slash windrows, filter
19 fabric fences, sandbags, straw cover, jute netting, etc.

20 (2) Structures or development installed or erected for a temporary use (e.g. sandbags,
21 check dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed
22 within one year following an emergency event. If it can be demonstrated that the
23 continued use of these devices is necessary to protect life, property, public services
24 or the environment, an extension of no more than two years may be granted by the
25 Planning Director, or the Forest Service for federal agency actions.

26 (3) The new exploration, development (extraction or excavation), and production of
mineral resources, used for commercial, private or public works projects, shall not be

1 conducted as an emergency/disaster response activity.

2 (4) No spoils resulting from grading or excavation activities shall be deliberately
3 deposited into a wetland, stream, pond, lake, or riparian area within the National
4 Scenic Area (NSA) as a part of an emergency/disaster response action. The only
5 exception to this is for construction of a fire line during a wildfire, where avoiding
6 the aquatic area or its buffer zone has been considered and determined to not be
7 possible without further jeopardizing life or property.

8 (B) Notification Requirements

9 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556,
10 are allowed in all GMA and SMA land use designations, subject to the following
11 notification requirements.

12 (a) Notification of an emergency/disaster response activity shall be submitted either
13 within 48 hours of the commencement of a response action, or by the next
14 business day following the start of such an action, whichever is sooner.
15 Notification shall be submitted by the party conducting an emergency/disaster
16 response activity or their representatives. In the case of multiple responding
17 parties, the first party to respond shall provide the required notification, unless,
18 upon mutual agreement of responding parties, another responder elects to assume
19 this responsibility.

20 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If
21 notification occurs by telephone, a hard copy of the notification shall be
22 submitted by mail or in person within 7 days.

23 (c) Notification shall be furnished to the Planning Director, or the Forest Service for
24 federal agency actions.

25 (d) At a minimum, the following information shall be required at the time of
26 notification:

(i) Nature of emergency/disaster event.

1 (ii) Description of emergency/disaster response activities and magnitude of
2 response actions to be taken, if applicable (such as extent of earth movement,
3 erection of structures, etc.).

4 (iii) Location of emergency/disaster response activities.

5 (iv) Estimated start and duration of emergency/disaster response activities.

6 (v) Contact person and phone number for the parties conducting
7 emergency/disaster response actions.

8 (e) Repair and maintenance of an existing serviceable structure to its previously
9 authorized and undamaged condition are not subject to the above referenced
10 notification requirements.

11 (2) Upon notification of an emergency/disaster response action, the Planning Director or
12 the Forest Service shall, as soon as possible:

13 (a) Review their natural resource inventory data and notify the contact person for the
14 emergency/disaster response actions of all inventoried natural resource sites, and
15 their buffers, that are within or adjacent to the response area or that may be
16 adversely affected by response activities;

17 (b) Notify the Oregon Department of Fish and Wildlife of all noticed
18 emergency/disaster response actions, to provide that agency an opportunity to
19 consult with responding agencies during the event, and;

20 (c) Notify the Forest Service (except when the Forest Service is the notifying
21 agency), State Historic Preservation Office (SHPO), and the Tribal governments
22 of all emergency/disaster response activities. The Forest Service will review their
23 cultural resource inventory data and notify the contact person for the
24 emergency/disaster response action as soon as possible of all inventoried cultural
25 resource sites, or their buffers, that are within, or adjacent to, emergency/disaster
26 response areas.

(3) Upon notification of a response action, the Forest Service shall, as soon as possible,

1 offer the services of a resource advisor to the agency(ies) conducting the response
2 action. The resource advisor will provide on-site advice to minimize impacts to
3 resources from emergency/disaster response actions.

4 (C) Post-Emergency/Disaster Response Site Review Application Requirements

5 (1) Within 30 days following notification, a post-emergency/disaster response
6 application shall be submitted by the party conducting the response action to the
7 Planning Director, or Forest Service for federal agency actions. In the case of an
8 event with multiple responding parties, the agency providing initial notification as
9 required herein shall submit the application. An exception to this may occur if
10 another responding party, by mutual agreement with the other respondents, elects to
11 submit the application. Requests to extend this submittal deadline may be made in
12 writing and shall include the reason why an extension is necessary. Extensions shall
13 not exceed 30 days in duration and no more than two (2) extensions shall be granted.

14 (2) Post-emergency/disaster response applications shall only address development
15 activities conducted during an emergency/disaster response. Applications shall
16 specify if development placed during an emergency/disaster event is permanent or
17 temporary. Applicants shall be responsible for operations under their control and that
18 of other responders, upon mutual agreement. Responders not agreeing to have
19 another responder address their actions shall be responsible to submit an application
20 for those actions.

21 (3) Emergency/disaster response actions not involving structural development or ground
22 disturbance with mechanized equipment are exempt from these requirements, except
23 for those actions within 500' of a known cultural resource (as determined in the
24 notification process).

25 (4) Applications shall include the following information:

26 (a) Applicant's name and address.

(b) Location of emergency/disaster response.

- 1 (c) A written description of the emergency/disaster response, including any
2 structures erected, excavation or other grading activities, or vegetation removal.
- 3 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale
4 providing greater detail. The map shall include:
- 5 (i) North arrow and scale.
- 6 (ii) Boundaries, dimensions and size of subject parcel(s).
- 7 (iii) Topography at a contour interval sufficient to describe the terrain of the
8 project site.
- 9 (iv) Bodies of water, watercourses, and significant landforms.
- 10 (v) Existing roads and structures.
- 11 (vi) New structures placed and any vegetation removal, excavation or grading
12 resulting from the response actions.
- 13 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
14 event encompassing an area greater than one square mile. In such cases, a clear
15 sketch map of the entire response action area shall be provided. In addition, a
16 map of 1"=200' or a scale providing greater detail shall be provided that shows a
17 section of the response area exemplifying the specific actions taken.

18 (D) Post-Emergency/Disaster Response Site Review

19 All applications for post-emergency/disaster response Site Review shall be processed
20 pursuant to the procedural provisions of MCC .3810 and evaluated for compliance with
21 the standards of MCC .3836(E).

22 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

23 Actions taken in all land use designations that are in response to an emergency/disaster
24 event shall be reviewed for compliance with the following standards:

25 (1) Scenic Resources

- 26 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
scenic resources are not adversely affected. Such actions shall be rendered

1 visually subordinate in their landscape setting as seen from key viewing areas to
2 the greatest extent practicable, except for actions located in the Corbett Rural
3 Center zoning district.

4 (b) Vegetation shall be used to screen or cover road cuts, structural development,
5 landform alteration, and areas denuded of vegetation, as a result of
6 emergency/disaster response actions.

7 (c) Areas denuded of vegetation as a result of emergency/disaster response actions
8 shall be revegetated with native plant species to restore the affected areas to its
9 pre-response condition to the greatest extent practicable. Revegetation shall
10 occur as soon as practicable, but no later than one year after the
11 emergency/disaster event. An exception to the one year requirement may be
12 granted upon demonstration of just cause, with an extension of up to one year.

13 (d) The painting, staining or use of other materials on new structural development
14 shall be used to ensure that the structures are non-reflective, or of low
15 reflectivity, and visually subordinate in their landscape setting as seen from key
16 viewing areas, unless the structure is fully screened from key viewing areas by
17 existing topographic features.

18 (e) Additions to existing structures, resulting from a emergency/disaster response
19 action, which are smaller in total height, bulk or area than the existing structures
20 may be the same color as the existing development. Additions larger than the
21 existing development shall be visually subordinate in their landscape setting as
22 seen from key viewing areas to the greatest extent practicable.

23 (f) Spoil materials associated with grading, excavation and slide debris removal
24 activities in relation to an emergency/disaster response action, shall either be:

25 (i) Removed from the NSA or deposited at a site within the NSA where such
26 deposition is, or can be, allowed, or

(ii) Contoured, to the greatest extent practicable, to retain the natural topography,

1 or a topography which emulates that of the surrounding landscape.

2 (2) Cultural Resources and Treaty Rights

3 (a) To the greatest extent practicable, emergency/disaster response actions shall not
4 adversely affect cultural resources. Emergency/disaster response actions shall not
5 affect Tribal treaty rights.

6 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic
7 survey is necessary within three days after receiving notice that a post-
8 emergency land use application has been received by the Planning Director.

9 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
10 comply with the standards of MCC .3818(D)(1).

11 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
12 describe any adverse effects to historic resources resulting from an
13 emergency/disaster response action. Historic surveys shall document the
14 location, form, style, integrity, and physical condition of historic buildings
15 and structures. Such surveys shall also include original photographs, if
16 available, and maps, and should use archival research, blueprints, and
17 drawings as necessary.

18 (c) Following the submittal of a post-emergency land use application, in addition to
19 other public notice requirements that may exist, the Planning Director shall
20 notify the Tribal governments when:

21 (i) A reconnaissance survey is required, or

22 (ii) Cultural resources exist in the project area.

23 All such notices shall include a copy of the site plan required by MCC
24 .3836(C)(4)(d).

25 Tribal governments shall have 15 calendar days from the date a notice is sent to
26 submit written comments. Written comments should describe the nature and
extent of any cultural resources that exist in the project area or treaty rights that

1 exist in the project area and how they have been affected, and identify
2 individuals with specific knowledge about them. The Planning Director shall
3 send a copy of all comments to the Gorge Commission.

4 (d) When written comments are submitted in compliance with (C) above, the project
5 applicant shall offer within five calendar days to meet with the interested
6 persons. The five day consultation period may be extended upon agreement
7 between the project applicant and the interested persons. A report shall be
8 prepared by the Planning Director following the consultation meeting.
9 Consultation meetings and reports shall comply with the standards of MCC
10 .3818(C) and .3592.

11 (e) If cultural resources are discovered within the area disturbed by emergency
12 response actions, the project applicant shall have a qualified professional conduct
13 a survey to gather enough information to evaluate the significance of the cultural
14 resources and what effects the action had on such resources. The survey and
15 evaluation shall be documented in a report that follows the standards of MCC
16 .3818(D)(2), (F) and (G).

17 (f) A mitigation plan shall be prepared by the project applicant if the affected
18 cultural resources are significant. The mitigation plan shall be prepared
19 according to the information, consultation, and report standards of MCC .3818(J)
20 and (K).

21 (g) The Planning Director shall submit a copy of all reconnaissance and historic
22 survey reports and treaty rights protection plans to the SHPO and the Tribal
23 governments. Survey reports shall include measures to mitigate adverse effects to
24 cultural resources resulting from emergency/disaster response actions. The
25 SHPO and Tribal governments shall have 15 calendar days from the date a
26 survey report is mailed to submit written comments to the Planning Director. The
Director shall record and address all written comments in the Site Review

1 decision.

2 (h) The Planning Director shall make a final decision on whether the
3 emergency/disaster response actions are consistent with the applicable cultural
4 resource goals, policies, and guidelines. If the final decision contradicts the
5 comments submitted by the SHPO, or those submitted by a Tribal government
6 regarding treaty rights, the Director shall justify how an opposing conclusion was
7 reached.

8 (i) The cultural resource protection process may conclude when it has been
9 determined that Tribal treaty rights have not been not affected and one of the
10 following conditions exists:

11 (i) The emergency/disaster response action does not require a reconnaissance or
12 historic survey, or a reconnaissance survey demonstrates that no cultural
13 resources are known to exist in the project area, and no substantiated
14 concerns were voiced by interested persons within 15 calendar days of the
15 date that a notice was mailed.

16 (ii) The emergency/disaster response action avoided cultural resources that exist
17 in the project area.

18 (iii) Adequate mitigation measures to affected cultural resources have been
19 developed and will be implemented.

20 (iv) A historic survey demonstrates that emergency/disaster response actions, and
21 associated development, had no effect on historic buildings or structures
22 because:

23 (A) The SHPO concluded that the historic buildings or structures are clearly
24 not eligible, as determined by using the criteria in the *National Register*
25 *Criteria for Evaluation (36 CFR 60.4)*, or

26 (B) The emergency/disaster response actions did not compromise the historic
or architectural character of the affected buildings or structures, or

1 compromise features of the site that are important in defining the overall
2 historic character of the affected buildings or structures, as determined by
3 the guidelines and standards in The Secretary of the Interior's *Standards*
4 *for Rehabilitation [U.S. Department of the Interior 1990]* and The
5 Secretary of the Interior's *Standards for Historic Preservation Projects*
6 *[U.S. Department of the Interior 1983]*.

7 (3) Natural Resources

8 (a) To the greatest extent practicable, emergency/disaster response actions shall not
9 adversely affect natural resources.

10 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites
11 or areas, and sites containing rare plants, shall be the same as those established in
12 MCC .3824(F).

13 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

14 (A) Emergency/disaster response actions occurring within a buffer zone of
15 wetlands, streams, pond, lakes or riparian areas shall be reviewed by the
16 Oregon Department of Fish and Wildlife. These areas are also referred to
17 in this section as aquatic areas. State biologists will help determine if
18 emergency/disaster response actions have affected or have a potential to
19 affect these aquatic areas or their buffer zones. State biologists shall
20 respond within 15 days of the date the application is mailed.

21 (B) When emergency/disaster response activities occur within wetlands,
22 streams, ponds, lakes, riparian areas, or the buffer zones of these areas,
23 the applicant shall demonstrate the following:

24 (1) All reasonable measures have been applied to ensure that the response
25 actions have resulted in the minimum feasible alteration or
26 destruction of the functions, existing contours, vegetation, fish and
 wildlife resources, and hydrology of wetlands, streams, ponds, lakes,

1 or riparian areas.

2 (2) Areas disturbed by response activities and associated development
3 will be rehabilitated to the maximum extent practicable.

4 (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
5 buffers will be offset through mitigation and restoration to the greatest
6 extent practicable. Mitigation and restoration efforts shall use native
7 vegetation, and restore natural functions, contours, vegetation patterns,
8 hydrology and fish and wildlife resources to the maximum extent
9 practicable.

10 (D) If the Planning Director, in consultation with the Oregon Department of
11 Fish and Wildlife, determines that the emergency/disaster response
12 actions had minor effects on the aquatic area or its buffer zone that could
13 be eliminated with simple modifications, a letter shall be sent to the
14 project applicant that describes the effects and measures that need to be
15 taken to eliminate them. The state biologist, or a Forest Service natural
16 resource advisor (as available) in consultation with the state biologist,
17 shall visit the site in order to make this determination. If the project
18 applicant accepts these recommendations, the Planning Director shall
19 incorporate them into the Site Review decision and the aquatic area
20 protection process may conclude.

21 (E) Unless addressed through D above, mitigation and restoration efforts
22 shall be delineated in a Rehabilitation Plan. Rehabilitation Plans shall
23 satisfy the standards of MCC .3824(G). Rehabilitation Plans shall also
24 satisfy the following:

25 (1) Plans shall include a plan view and cross-sectional drawing at a scale
26 that adequately depicts site rehabilitation efforts. Plans will illustrate
final site topographic contours that emulate the surrounding natural

1 landscape.

2 (2) Planting plans shall be included that specify native plant species to be
3 used, specimen quantities, and plant locations.

4 (3) The project applicant shall be responsible for the successful
5 rehabilitation of all areas disturbed by emergency/disaster response
6 activities.

7 *(ii) Wildlife Habitat*

8 (A) Emergency/disaster response actions occurring within 1,000 feet of a
9 sensitive wildlife area or site, shall be reviewed by the Oregon
10 Department of Fish and Wildlife. State wildlife biologists will help
11 determine if emergency/disaster response actions have affected or have a
12 potential to affect a sensitive wildlife area or site.

13 (B) Site plans for emergency/disaster response sites shall be submitted by the
14 Planning Director to the Oregon Department of Fish and Wildlife for
15 review as required by MCC .3826(D)(1) and (2). The department shall
16 respond within 15 days of the date the application is mailed.

17 (C) The wildlife protection process may terminate if the Planning Director, in
18 consultation with the Oregon Department of Fish and Wildlife,
19 determines:

20 (1) The sensitive wildlife area or site was not active, or

21 (2) The emergency/disaster response did not compromise the integrity of
22 the wildlife area or site or occurred at a time when wildlife species are
23 not sensitive to disturbance.

24 (D) If the Planning Director, in consultation with the Oregon Department of
25 Fish and Wildlife, determines that the emergency/disaster response
26 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

1 applicant that describes the effects and measures that need to be taken to
2 eliminate them. The state wildlife biologist, or a Forest Service natural
3 resource advisor (as available) in consultation with the state wildlife
4 biologist, shall visit the site in order to make this determination. If the
5 project applicant accepts these recommendations, the Planning Director
6 shall incorporate them into the Site Review decision and the wildlife
7 protection process may conclude.

8 (E) If the Planning Director, in consultation with the Oregon Department of
9 Fish and Wildlife, determines that the emergency/disaster response
10 activities had adverse effects on a sensitive wildlife area or site, the
11 project applicant shall prepare a Wildlife Management Plan. Wildlife
12 Management Plans shall satisfy the standards of MCC .3826(E). Upon
13 completion of the Wildlife Management Plan, the Planning Director
14 shall:

15 (i) Submit a copy of the Wildlife Management Plan to the Oregon
16 Department of Fish and Wildlife for review. The department will
17 have 15 days from the date that a management plan is mailed to
18 submit written comments to the Planning Director;

19 (ii) Record any written comments submitted by the Oregon Department
20 of Fish and Wildlife in the Site Review decision. Based on these
21 comments, the Planning Director shall make a final decision on
22 whether the proposed use would be consistent with the wildlife
23 policies and guidelines. If the final decision contradicts the comments
24 submitted by the Oregon Department of Fish and Wildlife, the
25 Director shall justify how an opposing conclusion was reached.

26 (iii) Require the project applicant to revise the wildlife management plan
as necessary to ensure that the proposed use would not adversely

1 affect a sensitive wildlife area or site.

2 *(iii) Deer and Elk Winter Range*

3 Any fencing permanently erected within deer and elk winter range, as a result
4 of an emergency/disaster response, shall satisfy the standards of MCC
5 .3826(F).

6 *(iv) Rare Plants*

7 (A) Emergency/disaster response actions occurring within 1,000 feet of a
8 sensitive plant, shall be reviewed by the Oregon Natural Heritage
9 Program. State heritage staff will help determine if emergency/disaster
10 response actions have occurred within the buffer zone of a rare plant.

11 (B) Site plans for emergency/disaster response sites shall be submitted to the
12 Oregon Natural Heritage Program by the Planning Director. State natural
13 heritage staff will, within 15 days from the date the application is mailed,
14 identify the location of the affected plants and delineate a 200 foot buffer
15 zone on the applicant's site plan.

16 (C) The rare plant protection process may conclude if the Planning Director,
17 in consultation with the Oregon Natural Heritage Program, determines
18 that emergency/disaster response activities occurred outside of a rare
19 plant buffer zone.

20 (D) If the Planning Director, in consultation with the Oregon Natural
21 Heritage Program, determines that the emergency/disaster response
22 activities had minor effects on rare plants or the rare plant buffer zone, a
23 letter shall be sent to the project applicant that describes the effects and
24 measures that need to be taken to eliminate them. The state natural
25 heritage staff, or a Forest Service natural resources advisor (as available)
26 in consultation with the state natural heritage staff, shall visit the site in
order to make this determination. If the project applicant accepts these

1 recommendations, the Planning Director shall incorporate them into the
2 Site Review decision and the rare plant protection process may conclude.

3 (E) If emergency/disaster response activities occurred within a rare plant
4 buffer zone that had adverse affects on rare plants or their buffer zone,
5 the project applicant shall prepare a protection and rehabilitation plan,
6 that meets the standards of MCC .3828(E).

7 (F) The Planning Director shall submit a copy of all protection and
8 rehabilitation plans to the Oregon Natural Heritage Program for review.
9 The state natural heritage program will have 15 days from the date the
10 protection and rehabilitation plan is mailed to submit written comments
11 to the Planning Director.

12 (G) The Planning Director shall record any written comments submitted by
13 the Oregon Natural Heritage Program in the Site Review decision. Based
14 on these comments, the Director shall make a final decision on whether
15 the proposed use would be consistent with the rare plant policies and
16 guidelines. If the final decision contradicts the comments submitted by
17 the Oregon Natural Heritage Program, the Director shall justify how an
18 opposing conclusion was reached.

19 (H) The Planning Director shall require the project applicant to revise the
20 protection and rehabilitation plan as necessary to ensure that the proposed
21 use would not adversely affect a rare plant site.

22 (v) *Recreational Resources*

23 (A) To the greatest extent practicable, emergency/disaster response actions
24 shall not adversely affect recreational resources.

25 (B) Mitigation measures shall be implemented to mitigate any adverse effects
26 on existing recreation resources caused by emergency/disaster response
activities to the maximum extent practicable.

DRAFT

1 **SECTION V. EFFECTIVE DATE**

2 This ordinance shall become effective thirty days following Board adoption.

3 ADOPTED this 28th day of January, 1999, being the date of its second reading before
4 the Board of County Commissioners of Multnomah County.

5
6 **BOARD OF COUNTY COMMISSIONERS**
7 **FOR MULTNOMAH COUNTY, OREGON**

8
9 _____
10 **Beverly Stein, Chair**

11 **REVIEWED:**

12
13 **THOMAS SPONSLER, COUNTY COUNSEL**
14 **FOR MULTNOMAH COUNTY, OREGON**

DRAFT

15
16 **By** _____
17 **Sandra N. Duffy, Chief Assistant Counsel**

DRAFT

1 **SECTION V. ADOPTION**

2 This ordinance, being necessary for the health, safety, and general welfare of the people
3 of Multnomah County, an emergency is declared and the ordinance shall take effect upon its
4 execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

5 ADOPTED this 28th day of January, 1999, being the date of its second reading before
6 the Board of County Commissioners of Multnomah County.

7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **FOR MULTNOMAH COUNTY, OREGON**

10
11 _____
12 **Beverly Stein, Chair**

13 **REVIEWED:**

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15 **THOMAS SPONSLER, COUNTY COUNSEL**
16 **FOR MULTNOMAH COUNTY, OREGON**

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9 FOR MULTNOMAH COUNTY, OREGON

10
11 _____
12 Beverly Stein, Chair

13 REVIEWED:

14
15 THOMAS SPONSLER, COUNTY COUNSEL
16 FOR MULTNOMAH COUNTY, OREGON

17
18 By *Sandra N. Duffy*

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7 **FOR MULTNOMAH COUNTY, OREGON**

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10 **Beverly Stein, Chair**

11 **REVIEWED:**

12
13 **THOMAS SPONSLER, COUNTY COUNSEL**
14 **FOR MULTNOMAH COUNTY, OREGON**

15
16 By *Sandra N. Duffy*
17 **Sandra N. Duffy, Chief Assistant Counsel**

NSA Emergency/Disaster Ordinance
with Revisions Proposed by the
Columbia River Gorge Commission Staff

Columbia River Gorge Commission

From: Columbia River Gorge Commission
Sent: Wednesday, January 27, 1999 4:13 PM
Subject: RE: Proposed changes to emerg/disaster

Bob,

I've just finished reviewing the county's draft ordinance amendment. As we discussed on the phone, there are three items where the county's draft ordinance differs from the plan amendment language. I'd recommend changing the wording on these before final county adoption, if possible. Here they are:

1. MCC 11.15.3562(B), page 2: The plan amendment allows replacements in kind and at the same location to be treated as existing uses if an application is filed within two years of the disaster. The county ordinance provision broadens this to allow replacements at a different location and of a different size to be treated as existing uses if an application is filed in two years. Adding the phrase "in kind and in the same location" to line 18, after the word "replacement" would make the ordinance provision identical to the plan amendment language.
2. MCC 3656(B)(7) and 3656(C)(6), page 3: To allow this use without review on all lands designated SMA-Open Space, citation should read MCC 3656(B)(2). This also requires that MCC 3656(B) be renumbered as MCC 3656(B)(1). Those typos are based on the numbering system in the Open Space chapter prior to ordinance amendments of 1996. (You've covered lands designated GMA-Open Space on page 4, line 19).
3. MCC 3658(C)(5), page 3: To address lands designated SMA Open Space, this citation should read (E)(5), not (C)(5). See line 13.
4. Item (d), page 12: Word order on line 9 should be changed to read: "applicant shall offer to meet within five calendar days with the interested person." As written now, this line could be read to have a different meaning, regarding the time required to arrange a consultation meeting, versus the time within which the actual meeting must occur.

One more thing: the proposed new language you sent me regarding item 4 looks consistent with the Management Plan.

Please call me if you have any question about these items.

Brian

From: HALL Robert N
Sent: Wednesday, January 27, 1999 11:58 AM
To: 'crgc@gorge.net'
Subject: Proposed changes to emerg/disaster

Brian,

Here's what's being considered by one Board staff member:

New PROPOSED NEW Section II. Amendment of MCC 11.15 (only part 4)[changes in bold]:

4. The following subsections are added to read, 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

BOGSTAD Deborah L

From: TRACHTENBERG Robert J
Sent: Wednesday, January 27, 1999 11:45 AM
To: LINN Diane M; CRUZ Serena M; STEIN Beverly E; NAITO Lisa H
Cc: BUSSE Kathy A; BOURQUIN Phillip M; HALL Robert N; MUIR Susan L; LITWAK Jeff;
SPONSLER Thomas; FORD Carol M; BOGSTAD Deborah L; DIMEN Jason M; KELLEY Sharron
E; MARCH Steve J
Subject: R-4 NSA Ordinance

Sharron spoke this morning with Jonathan Doherty, Executive Director of the Columbia River Gorge Commission. If the Board adopts this ordinance on Thursday, and sends a fax that day certifying its adoption, it will go out with their packet and can be heard by the Gorge Commission on February 9 (instead of March 9).

Gorge Staff has already started reviewing the version that passed first reading. Any changes to the ordinance would complicate that review and could result in no decision at the hearing on February 9. The other caveat is that if Gorge staff see some problem with the ordinance, there may not be a decision on February 9 unless our planning staff is able to immediately address that concern.

BOGSTAD Deborah L

From: DIMEN Jason M
Sent: Wednesday, January 27, 1999 12:20 PM
To: BOGSTAD Deborah L
Subject: FW: New proposed clarification language R4

From: MARCH Steve J
Sent: Wednesday, January 27, 1999 10:41 AM
To: BUSSE Kathy A; BOURQUIN Phillip M; HALL Robert N
Cc: DINGLER Lynn; CARROLL Mary P; CRUZ Serena M; DIMEN Jason M; TRACHTENBERG Robert J
Subject: New proposed clarification language R4

Below is the revised clarifications based on comments I have received. Please let me know today if you have any problems with the clarification of intent for subsection 4 on page 3 of 21. Thanks.

New PROPOSED NEW Section II. Amendment of MCC 11.15 (only part 4)[changes in bold]:

4. The following subsections are added to read, 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.

BOGSTAD Deborah L

From: MARCH Steve J
Sent: Wednesday, January 27, 1999 1:39 PM
To: LINN Diane M; CRUZ Serena M; STEIN Beverly E; NAITO Lisa H; TRACHTENBERG Robert J
Cc: BUSSE Kathy A; BOURQUIN Phillip M; HALL Robert N; MUIR Susan L; LITWAK Jeff; SPONSLER Thomas; FORD Carol M; BOGSTAD Deborah L; DIMEN Jason M; KELLEY Sharron E
Subject: RE: R-4 NSA Ordinance

We could send a copy of the proposed language for that one section for their review, thus there would be adequate time for their staff to comment or consider the language. I believe, in as much most of the proposed language was taken directly from Title 3, that it would pass their muster.

From: TRACHTENBERG Robert J
Sent: Wednesday, January 27, 1999 11:45 AM
To: LINN Diane M; CRUZ Serena M; STEIN Beverly E; NAITO Lisa H
Cc: BUSSE Kathy A; BOURQUIN Phillip M; HALL Robert N; MUIR Susan L; LITWAK Jeff; SPONSLER Thomas; FORD Carol M; BOGSTAD Deborah L; DIMEN Jason M; KELLEY Sharron E; MARCH Steve J
Subject: R-4 NSA Ordinance

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FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

1
2
3
4
5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River Gorge
7 National Scenic Area, correcting certain errors in the General Management Forest District, and
8 declaring an emergency.

9 SECTION I. FINDINGS

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the Columbia
11 River Gorge National Scenic Area to allow for restoration and enhancement of Open Space
12 lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to allow
14 for emergency/disaster response actions necessary to protect life, property and vital public ser-
15 vices under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan can
17 not be utilized within the Multnomah County portion of the Columbia River Gorge National
18 Scenic Area until County Code is amended to include standards implementing those provisions.

19 (D) The Gorge Commission has indicated certain General Management Forest standards of County
20 Code do not comply with controlling guidelines of the Management Plan and require revision.

21 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
22 interested persons were given an opportunity to appear and be heard. At the close of that hear-
23 ing, the Planning Commission recommended adoption of new zoning standards to implement
24 the open space enhancement and emergency/disaster response provisions of the Management
25 Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of
26 the National Scenic Area along with certain modifications of the General Management forest
27 zones.

28

1 SECTION II. AMENDMENT OF MCC 11.15

2 Multnomah County Code Chapter 11.15 is amended as follows:

3 1. MCC 11.15.3556 is amended by adding the following definitions:

4 **Emergency/Disaster:** A sudden unexpected occurrence, either the result of human or natural
5 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
6 life, health, property, essential public services, or the environment.

7 **Emergency/Disaster Response:** Actions involving any development (such as new structures,
8 grading, or excavation) or vegetation removal that must be taken immediately in response to
9 an emergency/disaster event (as defined above). Emergency/disaster response actions not
10 involving any structural development or ground-disturbance (such as use of emergency trans-
11 port vehicles, communications activities or traffic control measures) are not included in this
12 definition and are not affected by these provisions.

13 **Restoration:** A human activity that returns a resource from a disturbed or altered condition to a
14 previous, less disturbed or less altered condition. This definition does not modify or eliminate
15 the definition **Restoration (wetlands)** which applies only to wetlands.

16 2. MCC 11.15.3562(B) and (C) is replaced with the following

17 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treat-
18 ed as an existing use or structure if an application for replacement in kind and in the same
19 location is filed within two years of the date of the disaster/emergency event pursuant to the
20 provisions of MCC .3836.

21 (1) In kind replacement of an existing use or structure in the same location shall be subject
22 only to compliance with standards for protection of scenic resources involving color,
23 reflectivity, and landscaping.

24 (2) Replacement of an existing use or structure by the same type of use or structure in a dif-
25 ferent location or with a different size shall be subject to MCC .3800 through .3834 to
26 minimize adverse effects on scenic, cultural, natural, and recreation resources.

27 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure dis-
28 continued for any reason for more than one year shall be subject to the regulations of MCC

- 1 .3550 through .3834. Except as otherwise provided, an existing use or structure may be
2 replaced within one year of discontinuation if used for the same purpose at the same loca-
3 tion. This includes replacing an existing mobile home with a framed residence.
43. The following subsections are added to read, Actions taken in response to an emergency/disas-
5 ter event as defined in MCC .3566 pursuant to the provisions of MCC .3836.
6 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3676(A)(5); .3676(B)(4); .3700(E);
7 .3726(E); .3750(A)(4); and .3750(B)(4).
84. The following subsections are added to read, Placement of structures necessary for continued
9 public safety, or the protection of private property or essential public services damaged during
10 an emergency/disaster event. This includes replacement of temporary structures erected during
11 such events with permanent structures performing an identical or related function. Land use
12 proposals for such structures shall be submitted within 12 months following an emergency/dis-
13 aster event.
14 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(E)(5); .3678(A)(7);
15 .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).
165. All existing Code references to GGF-40 are changed to read GGF-80 and all properties cur-
17 rently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80 and
18 the conversion table of that exhibit is amended by changing the conversion of F-1 from
19 GGF-40 to GGF-80 and adding a conversion of GGF-40 for F-3(40).
206. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF-40, one single-
21 family dwelling on a legally created parcel upon enrollment in the state's forest assessment pro-
22 gram. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family
23 dwelling. In either case, the location of a dwelling shall comply with MCC .3584 and MCC
24 .3586. A declaration shall be signed by the landowner and recorded into county deed records
25 specifying that the owners, successors, heirs and assigns of the subject parcel are aware that
26 adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands
27 designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.
287. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-~~40~~80, a mobile home in

1 conjunction with a timber operation, upon a finding that security personnel are required to pro-
2 tect equipment associated with a harvest operation or the subject forest land from fire. The
3 mobile home must be removed upon completion of the subject harvest operation or the end of
4 the fire season. The placement of the mobile home is subject to MCC .3584 and .3586.

5 8. MCC .3634(A)(14) is added to read: Land divisions on lands designated GGF-80 when all
6 resultant lots satisfy a minimum lot size of 80 acres and it is found:

7 (a) The land division will facilitate forest management, or

8 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
9 resources.

10 9. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or 80
11 acres in size or larger in a GGF-40, a land division creating parcels smaller than the designated
12 minimum parcel size, subject to the provisions of MCC .3570(B).

13 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3) and
14 (4), the minimum lot size shall be according to the short-title zone district designation on the
15 Zoning Map as follows:

16 GGF-20 20 acres

17 GGF-40 40 acres

18 GGF-80 80 acres

19 GSF-40 40 acres

20 11. MCC .3656 is amended by replacing (A)(2) as follows: Actions taken in response to an emer-
21 gency/disaster event as defined in MCC .3566 pursuant to the provisions of MCC .3836. And
22 by amending (B) as follows:

23 (B) On lands designated GSO:

24 (1) The maintance, repair, and operation of existing dwellings, structures, trails, roads, railroads,
25 and utility facilities may occur without review.

26 (2) Actions taken in response to an emergency/disaster event as defined in MCC .3566 pursuant
27 to the provisions of MCC .3836.

28

1 12. MCC 11.15.3656(D) is amended to read:

2 (D) The following uses are allowed ~~on~~ on land designated GSO without review:

3 (1) ~~The maintenance, repair, and operation of existing dwellings, structures, trails, roads,~~
4 ~~railroads, and utility facilities may occur without review.~~

5 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
6 pursuant to the provisions of MCC .3836.

7 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for pur-
8 poses of public safety or placement of structures for public safety.

9 14. MCC 11.15.3658(B) is amended to read:

10 (B) The following uses may be allowed ~~on~~ on lands designated GGO-GW:

11 (1) Existing quarries may continue operation if they are determined to be consistent with
12 standards to protect scenic, cultural, natural and recreation resources pursuant to MCC
13 .3664.

14 (2) Placement of structures necessary for continued public safety, or the protection of pri-
15 uate property or essential public services damaged during an emergency/disaster event.
16 This includes replacement of temporary structures erected during such events with per-
17 manent structures performing an identical or related function. Land use proposals for
18 such structures shall be submitted within 12 months following an emergency/disaster
19 event.

20 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

21 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
22 soil, fish and wildlife habitat restoration and enhancements.

23 16. MCC 11.15.3658(D) is added to read:

24 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
25 soil, fish and wildlife habitat restoration and enhancements.

26 17. MCC 11.15.3728 is amended to read:

27 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

28 (B) Placement of structures necessary for continued public safety, or the protection of private

1 property or essential public services damaged during an emergency/disaster event. This
2 includes replacement of temporary structures erected during such events with permanent
3 structures performing an identical or related function. Land use proposals for such structures
4 shall be submitted within 12 months following an emergency/disaster event.

5 18. MCC 11.15.3836 is added to read:

6 **Responses to an Emergency/Disaster Event**

7 Responses to an emergency/disaster event are allowed in all zoning districts within the
8 Columbia River Gorge National Scenic Area when in compliance with the following standards:

9 (A) General standards for all response activities.

10 (1) Following emergency/disaster response actions, best management practices (BMPs) to
11 prevent sedimentation and provide erosion control shall be utilized whenever disaster
12 response actions necessitate vegetation removal, excavation, and/or grading. BMPs may
13 include but are not limited to: use of straw bales, slash windrows, filter fabric fences,
14 sandbags, straw cover, jute netting, etc.

15 (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check
16 dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one
17 year following an emergency event. If it can be demonstrated that the continued use of
18 these devices is necessary to protect life, property, public services or the environment,
19 an extension of no more than two years may be granted by the Planning Director, or the
20 Forest Service for federal agency actions.

21 (3) The new exploration, development (extraction or excavation), and production of mineral
22 resources, used for commercial, private or public works projects, shall not be conducted
23 as an emergency/disaster response activity.

24 (4) No spoils resulting from grading or excavation activities shall be deliberately deposited
25 into a wetland, stream, pond, lake, or riparian area within the National Scenic Area
26 (NSA) as a part of an emergency/disaster response action. The only exception to this is
27 for construction of a fire line during a wildfire, where avoiding the aquatic area or its
28 buffer zone has been considered and determined to not be possible without further jeop-

1 ardizing life or property.

2 (B) Notification Requirements

3 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556, are
4 allowed in all GMA and SMA land use designations, subject to the following notifica-
5 tion requirements.

6 (a) Notification of an emergency/disaster response activity shall be submitted either
7 within 48 hours of the commencement of a response action, or by the next business
8 day following the start of such an action, whichever is sooner. Notification shall be
9 submitted by the party conducting an emergency/disaster response activity or their
10 representatives. In the case of multiple responding parties, the first party to respond
11 shall provide the required notification, unless, upon mutual agreement of responding
12 parties, another responder elects to assume this responsibility.

13 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notifi-
14 cation occurs by telephone, a hard copy of the notification shall be submitted by
15 mail or in person within 7 days.

16 (c) Notification shall be furnished to the Planning Director, or the Forest Service for fed-
17 eral agency actions.

18 (d) At a minimum, the following information shall be required at the time of notifica-
19 tion:

20 (i) Nature of emergency/disaster event.

21 (ii) Description of emergency/disaster response activities and magnitude of response
22 actions to be taken, if applicable (such as extent of earth movement, erection of
23 structures, etc.).

24 (iii) Location of emergency/disaster response activities.

25 (iv) Estimated start and duration of emergency/disaster response activities.

26 (v) Contact person and phone number for the parties conducting emergency/disaster
27 response actions.

28 (e) Repair and maintenance of an existing serviceable structure to its previously autho-

1 rized and undamaged condition are not subject to the above referenced notification
2 requirements.

3 (2) Upon notification of an emergency/disaster response action, the Planning Director or the
4 Forest Service shall, as soon as possible:

5 (a) Review their natural resource inventory data and notify the contact person for the
6 emergency/disaster response actions of all inventoried natural resource sites, and
7 their buffers, that are within or adjacent to the response area or that may be adverse-
8 ly affected by response activities;

9 (b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster
10 response actions, to provide that agency an opportunity to consult with responding
11 agencies during the event, and;

12 (c) Notify the Forest Service (except when the Forest Service is the notifying agency),
13 State Historic Preservation Office (SHPO), and the Tribal governments of all emer-
14 gency/disaster response activities. The Forest Service will review their cultural
15 resource inventory data and notify the contact person for the emergency/disaster
16 response action as soon as possible of all inventoried cultural resource sites, or their
17 buffers, that are within, or adjacent to, emergency/disaster response areas.

18 (3) Upon notification of a response action, the Forest Service shall, as soon as possible,
19 offer the services of a resource advisor to the agency(ies) conducting the response
20 action. The resource advisor will provide on-site advice to minimize impacts to
21 resources from emergency/disaster response actions.

22 (C) Post-Emergency/Disaster Response Site Review Application Requirements

23 (1) Within 30 days following notification, a post-emergency/disaster response application
24 shall be submitted by the party conducting the response action to the Planning Director,
25 or Forest Service for federal agency actions. In the case of an event with multiple
26 responding parties, the agency providing initial notification as required herein shall sub-
27 mit the application. An exception to this may occur if another responding party, by
28 mutual agreement with the other respondents, elects to submit the application. Requests

1 to extend this submittal deadline may be made in writing and shall include the reason
2 why an extension is necessary. Extensions shall not exceed 30 days in duration and no
3 more than two (2) extensions shall be granted.

4 (2) Post-emergency/disaster response applications shall only address development activities
5 conducted during an emergency/disaster response. Applications shall specify if develop-
6 ment placed during an emergency/disaster event is permanent or temporary. Applicants
7 shall be responsible for operations under their control and that of other responders, upon
8 mutual agreement. Responders not agreeing to have another responder address their
9 actions shall be responsible to submit an application for those actions.

10 (3) Emergency/disaster response actions not involving structural development or ground
11 disturbance with mechanized equipment are exempt from these requirements, except for
12 those actions within 500' of a known cultural resource (as determined in the notification
13 process).

14 (4) Applications shall include the following information:

15 (a) Applicant's name and address.

16 (b) Location of emergency/disaster response.

17 (c) A written description of the emergency/disaster response, including any structures
18 erected, excavation or other grading activities, or vegetation removal.

19 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing
20 greater detail. The map shall include:

21 (i) North arrow and scale.

22 (ii) Boundaries, dimensions and size of subject parcel(s).

23 (iii) Topography at a contour interval sufficient to describe the terrain of the project
24 site.

25 (iv) Bodies of water, watercourses, and significant landforms.

26 (v) Existing roads and structures.

27 (vi) New structures placed and any vegetation removal, excavation or grading result-
28 ing from the response actions.

1 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
2 event encompassing an area greater than one square mile. In such cases, a clear
3 sketch map of the entire response action area shall be provided. In addition, a map
4 of 1"=200' or a scale providing greater detail shall be provided that shows a section
5 of the response area exemplifying the specific actions taken.

6 (D) Post-Emergency/Disaster Response Site Review

7 All applications for post-emergency/disaster response Site Review shall be processed pur-
8 suant to the procedural provisions of MCC .3810 and evaluated for compliance with the
9 standards of MCC .3836(E).

10 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

11 Actions taken in all land use designations that are in response to an emergency/disaster
12 event shall be reviewed for compliance with the following standards:

13 (1) Scenic Resources

14 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
15 scenic resources are not adversely affected. Such actions shall be rendered visually
16 subordinate in their landscape setting as seen from key viewing areas to the greatest
17 extent practicable, except for actions located in the Corbett Rural Center zoning dis-
18 trict.

19 (b) Vegetation shall be used to screen or cover road cuts, structural development, land-
20 form alteration, and areas denuded of vegetation, as a result of emergency/disaster
21 response actions.

22 (c) Areas denuded of vegetation as a result of emergency/disaster response actions shall
23 be revegetated with native plant species to restore the affected areas to its pre-
24 response condition to the greatest extent practicable. Revegetation shall occur as
25 soon as practicable, but no later than one year after the emergency/disaster event. An
26 exception to the one year requirement may be granted upon demonstration of just
27 cause, with an extension of up to one year.

28 (d) The painting, staining or use of other materials on new structural development shall

1 be used to ensure that the structures are non-reflective, or of low reflectivity, and
2 visually subordinate in their landscape setting as seen from key viewing areas,
3 unless the structure is fully screened from key viewing areas by existing topographic
4 features.

5 (e) Additions to existing structures, resulting from a emergency/disaster response action,
6 which are smaller in total height, bulk or area than the existing structures may be the
7 same color as the existing development. Additions larger than the existing develop-
8 ment shall be visually subordinate in their landscape setting as seen from key view-
9 ing areas to the greatest extent practicable.

10 (f) Spoil materials associated with grading, excavation and slide debris removal activi-
11 ties in relation to an emergency/disaster response action, shall either be:

12 (i) Removed from the NSA or deposited at a site within the NSA where such depo-
13 sition is, or can be, allowed, or

14 (ii) Contoured, to the greatest extent practicable, to retain the natural topography, or
15 a topography which emulates that of the surrounding landscape.

16 (2) Cultural Resources and Treaty Rights

17 (a) To the greatest extent practicable, emergency/disaster response actions shall not
18 adversely affect cultural resources. Emergency/disaster response actions shall not
19 affect Tribal treaty rights.

20 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic sur-
21 vey is necessary within three days after receiving notice that a post-emergency land
22 use application has been received by the Planning Director.

23 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
24 comply with the standards of MCC .3818(D)(1).

25 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
26 describe any adverse effects to historic resources resulting from an
27 emergency/disaster response action. Historic surveys shall document the loca-
28 tion, form, style, integrity, and physical condition of historic buildings and struc-

1 tures. Such surveys shall also include original photographs, if available, and
2 maps, and should use archival research, blueprints, and drawings as necessary.

3 (c) Following the submittal of a post-emergency land use application, in addition to
4 other public notice requirements that may exist, the Planning Director shall notify
5 the Tribal governments when:

6 (i) A reconnaissance survey is required, or

7 (ii) Cultural resources exist in the project area.

8 All such notices shall include a copy of the site plan required by MCC
9 .3836(C)(4)(d).

10 Tribal governments shall have 15 calendar days from the date a notice is sent to sub-
11 mit written comments. Written comments should describe the nature and extent of
12 any cultural resources that exist in the project area or treaty rights that exist in the
13 project area and how they have been affected, and identify individuals with specific
14 knowledge about them. The Planning Director shall send a copy of all comments to
15 the Gorge Commission.

16 (d) When written comments are submitted in compliance with (C) above, the project
17 applicant shall offer to meet within five calendar days with the interested persons.

18 The five day consultation period may be extended upon agreement between the pro-
19 ject applicant and the interested persons. A report shall be prepared by the Planning
20 Director following the consultation meeting. Consultation meetings and reports shall
21 comply with the standards of MCC .3818(C) and .3592.

22 (e) If cultural resources are discovered within the area disturbed by emergency response
23 actions, the project applicant shall have a qualified professional conduct a survey to
24 gather enough information to evaluate the significance of the cultural resources and
25 what effects the action had on such resources. The survey and evaluation shall be
26 documented in a report that follows the standards of MCC .3818(D)(2), (F) and (G).

27 (f) A mitigation plan shall be prepared by the project applicant if the affected cultural
28 resources are significant. The mitigation plan shall be prepared according to the

1 information, consultation, and report standards of MCC .3818(J) and (K).

2 (g) The Planning Director shall submit a copy of all reconnaissance and historic survey
3 reports and treaty rights protection plans to the SHPO and the Tribal governments.
4 Survey reports shall include measures to mitigate adverse effects to cultural
5 resources resulting from emergency/disaster response actions. The SHPO and Tribal
6 governments shall have 15 calendar days from the date a survey report is mailed to
7 submit written comments to the Planning Director. The Director shall record and
8 address all written comments in the Site Review decision.

9 (h) The Planning Director shall make a final decision on whether the emergency/disaster
10 response actions are consistent with the applicable cultural resource goals, policies,
11 and guidelines. If the final decision contradicts the comments submitted by the
12 SHPO, or those submitted by a Tribal government regarding treaty rights, the
13 Director shall justify how an opposing conclusion was reached.

14 (i) The cultural resource protection process may conclude when it has been determined
15 that Tribal treaty rights have not been not affected and one of the following condi-
16 tions exists:

17 (i) The emergency/disaster response action does not require a reconnaissance or his-
18 toric survey, or a reconnaissance survey demonstrates that no cultural resources
19 are known to exist in the project area, and no substantiated concerns were voiced
20 by interested persons within 15 calendar days of the date that a notice was
21 mailed.

22 (ii) The emergency/disaster response action avoided cultural resources that exist in
23 the project area.

24 (iii) Adequate mitigation measures to affected cultural resources have been developed
25 and will be implemented.

26 (iv) A historic survey demonstrates that emergency/disaster response actions, and
27 associated development, had no effect on historic buildings or structures
28 because:

1 (A) The SHPO concluded that the historic buildings or structures are clearly not
2 eligible, as determined by using the criteria in the *National Register Criteria*
3 *for Evaluation (36 CFR 60.4)*, or

4 (B) The emergency/disaster response actions did not compromise the historic or
5 architectural character of the affected buildings or structures, or compromise
6 features of the site that are important in defining the overall historic character
7 of the affected buildings or structures, as determined by the guidelines and
8 standards in The Secretary of the Interior's *Standards for Rehabilitation [U.S.*
9 *Department of the Interior 1990]* and The Secretary of the Interior's
10 *Standards for Historic Preservation Projects [U.S. Department of the*
11 *Interior 1983]*.

12 (3) Natural Resources

13 (a) To the greatest extent practicable, emergency/disaster response actions shall not
14 adversely affect natural resources.

15 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or
16 areas, and sites containing rare plants, shall be the same as those established in MCC
17 .3824(F).

18 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

19 (A) Emergency/disaster response actions occurring within a buffer zone of wet-
20 lands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon
21 Department of Fish and Wildlife. These areas are also referred to in this sec-
22 tion as aquatic areas. State biologists will help determine if emergency/disas-
23 ter response actions have affected or have a potential to affect these aquatic
24 areas or their buffer zones. State biologists shall respond within 15 days of
25 the date the application is mailed.

26 (B) When emergency/disaster response activities occur within wetlands, streams,
27 ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant
28 shall demonstrate the following:

1 (1) All reasonable measures have been applied to ensure that the response
2 actions have resulted in the minimum feasible alteration or destruction of
3 the functions, existing contours, vegetation, fish and wildlife resources,
4 and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

5 (2) Areas disturbed by response activities and associated development will
6 be rehabilitated to the maximum extent practicable.

7 -- (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
8 buffers will be offset through mitigation and restoration to the greatest extent
9 practicable. Mitigation and restoration efforts shall use native vegetation, and
10 restore natural functions, contours, vegetation patterns, hydrology and fish
11 and wildlife resources to the maximum extent practicable.

12 (D) If the Planning Director, in consultation with the Oregon Department of Fish
13 and Wildlife, determines that the emergency/disaster response actions had
14 minor effects on the aquatic area or its buffer zone that could be eliminated
15 with simple modifications, a letter shall be sent to the project applicant that
16 describes the effects and measures that need to be taken to eliminate them.
17 The state biologist, or a Forest Service natural resource advisor (as available)
18 in consultation with the state biologist, shall visit the site in order to make
19 this determination. If the project applicant accepts these recommendations,
20 the Planning Director shall incorporate them into the Site Review decision
21 and the aquatic area protection process may conclude.

22 (E) Unless addressed through D above, mitigation and restoration efforts shall be
23 delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the stan-
24 dards of MCC .3824(G). Rehabilitation Plans shall also satisfy the following:

25 (1) Plans shall include a plan view and cross-sectional drawing at a scale that
26 adequately depicts site rehabilitation efforts. Plans will illustrate final site
27 topographic contours that emulate the surrounding natural landscape.

28 (2) Planting plans shall be included that specify native plant species to be

1 used, specimen quantities, and plant locations.

2 (3) The project applicant shall be responsible for the successful rehabilitation
3 of all areas disturbed by emergency/disaster response activities.

4 *(ii) Wildlife Habitat*

5 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
6 tive wildlife area or site, shall be reviewed by the Oregon Department of Fish
7 and Wildlife. State wildlife biologists will help determine if emergency/disas-
8 ter response actions have affected or have a potential to affect a sensitive
9 wildlife area or site.

10 (B) Site plans for emergency/disaster response sites shall be submitted by the
11 Planning Director to the Oregon Department of Fish and Wildlife for review
12 as required by MCC .3826(D)(1) and (2). The department shall respond with-
13 in 15 days of the date the application is mailed.

14 (C) The wildlife protection process may terminate if the Planning Director, in
15 consultation with the Oregon Department of Fish and Wildlife, determines:
16 (1) The sensitive wildlife area or site was not active, or
17 (2) The emergency/disaster response did not compromise the integrity of the
18 wildlife area or site or occurred at a time when wildlife species are not
19 sensitive to disturbance.

20 (D) If the Planning Director, in consultation with the Oregon Department of Fish
21 and Wildlife, determines that the emergency/disaster response activities had
22 minor effects on the wildlife area or site that could be eliminated with simple
23 modifications, a letter shall be sent to the project applicant that describes the
24 effects and measures that need to be taken to eliminate them. The state
25 wildlife biologist, or a Forest Service natural resource advisor (as available)
26 in consultation with the state wildlife biologist, shall visit the site in order to
27 make this determination. If the project applicant accepts these recommenda-
28 tions, the Planning Director shall incorporate them into the Site Review deci-

1 sion and the wildlife protection process may conclude.

2 (E) If the Planning Director, in consultation with the Oregon Department of Fish
3 and Wildlife, determines that the emergency/disaster response activities had
4 adverse effects on a sensitive wildlife area or site, the project applicant shall
5 prepare a Wildlife Management Plan. Wildlife Management Plans shall satis-
6 fy the standards of MCC .3826(E). Upon completion of the Wildlife
7 Management Plan, the Planning Director shall:

8 (i) Submit a copy of the Wildlife Management Plan to the Oregon
9 Department of Fish and Wildlife for review. The department will have 15
10 days from the date that a management plan is mailed to submit written
11 comments to the Planning Director;

12 (ii) Record any written comments submitted by the Oregon Department of
13 Fish and Wildlife in the Site Review decision. Based on these comments,
14 the Planning Director shall make a final decision on whether the pro-
15 posed use would be consistent with the wildlife policies and guidelines. If
16 the final decision contradicts the comments submitted by the Oregon
17 Department of Fish and Wildlife, the Director shall justify how an oppos-
18 ing conclusion was reached.

19 (iii) Require the project applicant to revise the wildlife management plan as
20 necessary to ensure that the proposed use would not adversely affect a
21 sensitive wildlife area or site.

22 *(iii) Deer and Elk Winter Range*

23 Any fencing permanently erected within deer and elk winter range, as a result of
24 an emergency/disaster response, shall satisfy the standards of MCC .3826(F).

25 *(iv) Rare Plants*

26 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
27 tive plant, shall be reviewed by the Oregon Natural Heritage Program. State
28 heritage staff will help determine if emergency/disaster response actions have

1 occurred within the buffer zone of a rare plant.

2 (B) Site plans for emergency/disaster response sites shall be submitted to the
3 Oregon Natural Heritage Program by the Planning Director. State natural her-
4 itage staff will, within 15 days from the date the application is mailed, identi-
5 fy the location of the affected plants and delineate a 200 foot buffer zone on
6 the applicant's site plan.

7 — (C) The rare plant protection process may conclude if the Planning Director, in
8 consultation with the Oregon Natural Heritage Program, determines that
9 emergency/disaster response activities occurred outside of a rare plant buffer
10 zone.

11 (D) If the Planning Director, in consultation with the Oregon Natural Heritage
12 Program, determines that the emergency/disaster response activities had
13 minor effects on rare plants or the rare plant buffer zone, a letter shall be sent
14 to the project applicant that describes the effects and measures that need to
15 be taken to eliminate them. The state natural heritage staff, or a Forest
16 Service natural resources advisor (as available) in consultation with the state
17 natural heritage staff, shall visit the site in order to make this determination.
18 If the project applicant accepts these recommendations, the Planning Director
19 shall incorporate them into the Site Review decision and the rare plant pro-
20 tection process may conclude.

21 (E) If emergency/disaster response activities occurred within a rare plant buffer
22 zone that had adverse affects on rare plants or their buffer zone, the project
23 applicant shall prepare a protection and rehabilitation plan, that meets the
24 standards of MCC .3828(E).

25 (F) The Planning Director shall submit a copy of all protection and rehabilitation
26 plans to the Oregon Natural Heritage Program for review. The state natural
27 heritage program will have 15 days from the date the protection and rehabili-
28 tation plan is mailed to submit written comments to the Planning Director.

1 (G) The Planning Director shall record any written comments submitted by the
2 Oregon Natural Heritage Program in the Site Review decision. Based on
3 these comments, the Director shall make a final decision on whether the pro-
4 posed use would be consistent with the rare plant policies and guidelines. If
5 the final decision contradicts the comments submitted by the Oregon Natural
6 Heritage Program, the Director shall justify how an opposing conclusion was
7 reached.

8 (H) The Planning Director shall require the project applicant to revise the protec-
9 tion and rehabilitation plan as necessary to ensure that the proposed use
10 would not adversely affect a rare plant site.

11 *(v) Recreational Resources*

12 (A) To the greatest extent practicable, emergency/disaster response actions shall
13 not adversely affect recreational resources.

1 (B) Mitigation measures shall be implemented to mitigate any adverse effects on
2 existing recreation resources caused by emergency/disaster response activi-
3 ties to the maximum extent practicable.

4 SECTION V. ADOPTION

5 This ordinance, being necessary for the health, safety, and general welfare of the people of
6 Multnomah Multnomah County, an emergency is declared and the ordinance shall take effect upon
7 its execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

8 First reading January 14, 1999.

9 ADOPTED this 28th day of January, 1999, being the date of its second reading before the
10 Board of County Commissioners of Multnomah County.

11

12

13

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

14

15

16

By _____

17

Beverly Stein, Chair

18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL

20 FOR MULTNOMAH COUNTY, OREGON

21

22 By _____

23 Sandra N. Duffy, Chief Assistant Counsel

24

25

26

27

28

NSA Emergency/Disaster Ordinance
with Revisions Proposed by the
Columbia River Gorge Commission Staff
&
Commissioner Naito

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River Gorge
7 National Scenic Area, correcting certain errors in the General Management Forest District, and
8 declaring an emergency.

9 **SECTION I. FINDINGS**

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the Columbia
11 River Gorge National Scenic Area to allow for restoration and enhancement of Open Space
12 lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to allow
14 for emergency/disaster response actions necessary to protect life, property and vital public ser-
15 vices under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan can
17 not be utilized within the Multnomah County portion of the Columbia River Gorge National
18 Scenic Area until County Code is amended to include standards implementing those provisions.

19 (D) The Gorge Commission has indicated certain General Management Forest standards of County
20 Code do not comply with controlling guidelines of the Management Plan and require revision.

21 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
22 interested persons were given an opportunity to appear and be heard. At the close of that hear-
23 ing, the Planning Commission recommended adoption of new zoning standards to implement
24 the open space enhancement and emergency/disaster response provisions of the Management
25 Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of
26 the National Scenic Area along with certain modifications of the General Management forest
27 zones.

28

1 SECTION II. AMENDMENT OF MCC 11.15

2 Multnomah County Code Chapter 11.15 is amended as follows:

3 1. MCC 11.15.3556 is amended by adding the following definitions:

4 **Emergency/Disaster:** A sudden unexpected occurrence, either the result of human or natural
5 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
6 life, health, property, essential public services, or the environment.

7 **Emergency/Disaster Response:** Actions involving any development (such as new structures,
8 grading, or excavation) or vegetation removal that must be taken immediately in response to
9 an emergency/disaster event (as defined above). Emergency/disaster response actions not
10 involving any structural development or ground-disturbance (such as use of emergency trans-
11 port vehicles, communications activities or traffic control measures) are not included in this
12 definition and are not affected by these provisions.

13 **Restoration:** A human activity that returns a resource from a disturbed or altered condition to a
14 previous, less disturbed or less altered condition. This definition does not modify or eliminate
15 the definition **Restoration (wetlands)** which applies only to wetlands.

16 2. MCC 11.15.3562(B) and (C) is replaced with the following

17 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treat-
18 ed as an existing use or structure if an application for replacement in kind and in the same
19 location is filed within two years of the date of the disaster/emergency event pursuant to the
20 provisions of MCC .3836.

21 (1) In kind replacement of an existing use or structure in the same location shall be subject
22 only to compliance with standards for protection of scenic resources involving color,
23 reflectivity, and landscaping.

24 (2) Replacement of an existing use or structure by the same type of use or structure in a dif-
25 ferent location or with a different size shall be subject to MCC .3800 through .3834 to
26 minimize adverse effects on scenic, cultural, natural, and recreation resources.

27 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure dis-
28 continued for any reason for more than one year shall be subject to the regulations of MCC

1 .3550 through .3834. Except as otherwise provided, an existing use or structure may be
2 replaced within one year of discontinuation if used for the same purpose at the same loca-
3 tion. This includes replacing an existing mobile home with a framed residence.

4 3. The following subsections are added to read, Actions taken in response to an emergency/disas-
5 ter event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

6 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3676(A)(5); .3676(B)(4); .3700(E);
7 .3726(E); .3750(A)(4); and .3750(B)(4).

8 4. The following subsections are added to read, Placement of Structures necessary for continued
9 public safety, or the protection of essential public services or protection of private or public
10 existing structures, utility facilities, roadways, driveways, accessory uses and exterior improve-
11 ments damaged during an emergency/disaster event. This includes replacement of temporary
12 structures erected during such events with permanent structures performing an identical or relat-
13 ed function. Land use proposals for such structures shall be submitted within 12 months follow-
14 ing an emergency/disaster event. Applicants are responsible for all other applicable local, state
15 and federal permitting requirements.

16 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(E)(5); .3678(A)(7);
17 .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).

18 5. All existing Code references to GGF-40 are changed to read GGF-80 and all properties cur-
19 rently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80 and
20 the conversion table of that exhibit is amended by changing the conversion of F-1 from
21 GGF-40 to GGF-80 and adding a conversion of GGF-40 for F-3(40).

22 6. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF-40, one single-
23 family dwelling on a legally created parcel upon enrollment in the state's forest assessment pro-
24 gram. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family
25 dwelling. In either case, the location of a dwelling shall comply with MCC .3584 and MCC
26 .3586. A declaration shall be signed by the landowner and recorded into county deed records
27 specifying that the owners, successors, heirs and assigns of the subject parcel are aware that
28 adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands

1 designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.

27. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-~~40~~80, a mobile home in
3 conjunction with a timber operation, upon a finding that security personnel are required to pro-
4 tect equipment associated with a harvest operation or the subject forest land from fire. The
5 mobile home must be removed upon completion of the subject harvest operation or the end of
6 the fire season. The placement of the mobile home is subject to MCC .3584 and .3586.

78. MCC .3634(A)(14) is added to read: Land divisions on lands designated-GGF-80 when all
8 resultant lots satisfy a minimum lot size of 80 acres and it is found:

- 9 (a) The land division will facilitate forest management, or
- 10 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
11 resources.

129. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or 80
13 acres in size or larger in a GGF-40, a land division creating parcels smaller than the designated
14 minimum parcel size, subject to the provisions of MCC .3570(B).

15 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3) and
16 (4), the minimum lot size shall be according to the short-title zone district designation on the
17 Zoning Map as follows:

18	GGF-20	20 acres
19	GGF-40	40 acres
20	<u>GGF-80</u>	<u>80 acres</u>
21	GSF-40	40 acres

22 11. MCC .3656 is amended by replacing (A)(2) as follows: Actions taken in response to an emer-
23 gency/disaster event as defined in MCC .3566 pursuant to the provisions of MCC .3836. And
24 by amending (B) as follows:

- 25 (B) On lands designated GSO:
 - 26 (1) The maintance, repair, and operation of existing dwellings, structures, trails, roads, railroads,
27 and utility facilities may occur without review.
 - 28 (2) Actions taken in response to an emergency/disaster event as defined in MCC .3566 pursuant

1 to the provisions of MCC .3836.

2

3 12. MCC 11.15.3656(D) is amended to read:

4 (D) The following uses are allowed ⊖ on land designated GSO without review:

5 (1) ~~⊖The maintenance, repair, and operation of existing dwellings, structures, trails, roads,~~
6 ~~railroads, and utility facilities may occur without review.~~

7 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
8 pursuant to the provisions of MCC .3836.

9 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for pur-
10 poses of public safety or placement of structures for public safety.

11 14. MCC 11.15.3658(B) is amended to read:

12 (B) The following uses may be allowed ⊖ on lands designated GGO–GW:

13 (1) Existing quarries may continue operation if they are determined to be consistent with
14 standards to protect scenic, cultural, natural and recreation resources pursuant to MCC
15 .3664.

16 (2) Placement of Structures necessary for continued public safety, or the protection of
17 essential public services or protection of private or public existing structures, utility
18 facilities, roadways, driveways, accessory uses and exterior improvements damaged dur-
19 ing an emergency/disaster event. This includes replacement of temporary structures
20 erected during such events with permanent structures performing an identical or related
21 function. Land use proposals for such structures shall be submitted within 12 months
22 following an emergency/disaster event. Applicants are responsible for all other applica-
23 ble local, state and federal permitting requirements.

24 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

25 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
26 soil, fish and wildlife habitat restoration and enhancements.

27 16. MCC 11.15.3658(D) is added to read:

28 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,

1 soil, fish and wildlife habitat restoration and enhancements.

2 17. MCC 11.15.3728 is amended to read:

3 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

4 (B) Placement of Structures necessary for continued public safety, or the protection of essential
5 public services or protection of private or public existing structures, utility facilities, road-
6 ways, driveways, accessory uses and exterior improvements damaged during an emer-
7 gency/disaster event. This includes replacement of temporary structures erected during such
8 events with permanent structures performing an identical or related function. Land use pro-
9 posals for such structures shall be submitted within 12 months following an emergency/dis-
10 aster event. Applicants are responsible for all other applicable local, state and federal per-
11 mitting requirements.

12 18. MCC 11.15.3836 is added to read:

13 **Responses to an Emergency/Disaster Event**

14 Responses to an emergency/disaster event are allowed in all zoning districts within the
15 Columbia River Gorge National Scenic Area when in compliance with the following standards:

16 (A) General standards for all response activities.

17 (1) Following emergency/disaster response actions, best management practices (BMPs) to
18 prevent sedimentation and provide erosion control shall be utilized whenever disaster
19 response actions necessitate vegetation removal, excavation, and/or grading. BMPs may
20 include but are not limited to: use of straw bales, slash windrows, filter fabric fences,
21 sandbags, straw cover, jute netting, etc.

22 (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check
23 dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one
24 year following an emergency event. If it can be demonstrated that the continued use of
25 these devices is necessary to protect life, property, public services or the environment,
26 an extension of no more than two years may be granted by the Planning Director, or the
27 Forest Service for federal agency actions.

28 (3) The new exploration, development (extraction or excavation), and production of mineral

1 resources, used for commercial, private or public works projects, shall not be conducted
2 as an emergency/disaster response activity.

3 (4) No spoils resulting from grading or excavation activities shall be deliberately deposited
4 into a wetland, stream, pond, lake, or riparian area within the National Scenic Area
5 (NSA) as a part of an emergency/disaster response action. The only exception to this is
6 for construction of a fire line during a wildfire, where avoiding the aquatic area or its
7 buffer zone has been considered and determined to not be possible without further jeop-
8 ardizing life or property.

9 (B) Notification Requirements

10 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556, are
11 allowed in all GMA and SMA land use designations, subject to the following notifica-
12 tion requirements.

13 (a) Notification of an emergency/disaster response activity shall be submitted either
14 within 48 hours of the commencement of a response action, or by the next business
15 day following the start of such an action, whichever is sooner. Notification shall be
16 submitted by the party conducting an emergency/disaster response activity or their
17 representatives. In the case of multiple responding parties, the first party to respond
18 shall provide the required notification, unless, upon mutual agreement of responding
19 parties, another responder elects to assume this responsibility.

20 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notifi-
21 cation occurs by telephone, a hard copy of the notification shall be submitted by
22 mail or in person within 7 days.

23 (c) Notification shall be furnished to the Planning Director, or the Forest Service for fed-
24 eral agency actions.

25 (d) At a minimum, the following information shall be required at the time of notifica-
26 tion:

27 (i) Nature of emergency/disaster event.

28 (ii) Description of emergency/disaster response activities and magnitude of response

1 actions to be taken, if applicable (such as extent of earth movement, erection of
2 structures, etc.).

3 (iii) Location of emergency/disaster response activities.

4 (iv) Estimated start and duration of emergency/disaster response activities.

5 (v) Contact person and phone number for the parties conducting emergency/disaster
6 response actions.

7 — (e) Repair and maintenance of an existing serviceable structure to its previously autho-
8 rized and undamaged condition are not subject to the above referenced notification
9 requirements.

10 (2) Upon notification of an emergency/disaster response action, the Planning Director or the
11 Forest Service shall, as soon as possible:

12 (a) Review their natural resource inventory data and notify the contact person for the
13 emergency/disaster response actions of all inventoried natural resource sites, and
14 their buffers, that are within or adjacent to the response area or that may be adverse-
15 ly affected by response activities;

16 (b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster
17 response actions, to provide that agency an opportunity to consult with responding
18 agencies during the event, and;

19 (c) Notify the Forest Service (except when the Forest Service is the notifying agency),
20 State Historic Preservation Office (SHPO), and the Tribal governments of all emer-
21 gency/disaster response activities. The Forest Service will review their cultural
22 resource inventory data and notify the contact person for the emergency/disaster
23 response action as soon as possible of all inventoried cultural resource sites, or their
24 buffers, that are within, or adjacent to, emergency/disaster response areas.

25 (3) Upon notification of a response action, the Forest Service shall, as soon as possible,
26 offer the services of a resource advisor to the agency(ies) conducting the response
27 action. The resource advisor will provide on-site advice to minimize impacts to
28 resources from emergency/disaster response actions.

1 (C) Post-Emergency/Disaster Response Site Review Application Requirements

2 (1) Within 30 days following notification, a post-emergency/disaster response application
3 shall be submitted by the party conducting the response action to the Planning Director,
4 or Forest Service for federal agency actions. In the case of an event with multiple
5 responding parties, the agency providing initial notification as required herein shall sub-
6 mit the application. An exception to this may occur if another responding party, by
7 mutual agreement with the other respondents, elects to submit the application. Requests
8 to extend this submittal deadline may be made in writing and shall include the reason
9 why an extension is necessary. Extensions shall not exceed 30 days in duration and no
10 more than two (2) extensions shall be granted.

11 (2) Post-emergency/disaster response applications shall only address development activities
12 conducted during an emergency/disaster response. Applications shall specify if develop-
13 ment placed during an emergency/disaster event is permanent or temporary. Applicants
14 shall be responsible for operations under their control and that of other responders, upon
15 mutual agreement. Responders not agreeing to have another responder address their
16 actions shall be responsible to submit an application for those actions.

17 (3) Emergency/disaster response actions not involving structural development or ground
18 disturbance with mechanized equipment are exempt from these requirements, except for
19 those actions within 500' of a known cultural resource (as determined in the notification
20 process).

21 (4) Applications shall include the following information:

22 (a) Applicant's name and address.

23 (b) Location of emergency/disaster response.

24 (c) A written description of the emergency/disaster response, including any structures
25 erected, excavation or other grading activities, or vegetation removal.

26 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing
27 greater detail. The map shall include:

28 (i) North arrow and scale.

1 (ii) Boundaries, dimensions and size of subject parcel(s).

2 (iii) Topography at a contour interval sufficient to describe the terrain of the project
3 site.

4 (iv) Bodies of water, watercourses, and significant landforms.

5 (v) Existing roads and structures.

6 (vi) New structures placed and any vegetation removal, excavation or grading result-
7 ing from the response actions.

8 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
9 event encompassing an area greater than one square mile. In such cases, a clear
10 sketch map of the entire response action area shall be provided. In addition, a map
11 of 1"=200' or a scale providing greater detail shall be provided that shows a section
12 of the response area exemplifying the specific actions taken.

13 (D) Post-Emergency/Disaster Response Site Review

14 All applications for post-emergency/disaster response Site Review shall be processed pur-
15 suant to the procedural provisions of MCC .3810 and evaluated for compliance with the
16 standards of MCC .3836(E).

17 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

18 Actions taken in all land use designations that are in response to an emergency/disaster
19 event shall be reviewed for compliance with the following standards:

20 (1) Scenic Resources

21 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
22 scenic resources are not adversely affected. Such actions shall be rendered visually
23 subordinate in their landscape setting as seen from key viewing areas to the greatest
24 extent practicable, except for actions located in the Corbett Rural Center zoning dis-
25 trict.

26 (b) Vegetation shall be used to screen or cover road cuts, structural development, land-
27 form alteration, and areas denuded of vegetation, as a result of emergency/disaster
28 response actions.

1 (c) Areas denuded of vegetation as a result of emergency/disaster response actions shall
2 be revegetated with native plant species to restore the affected areas to its pre-
3 response condition to the greatest extent practicable. Revegetation shall occur as
4 soon as practicable, but no later than one year after the emergency/disaster event. An
5 exception to the one year requirement may be granted upon demonstration of just
6 cause, with an extension of up to one year.

7 (d) The painting, staining or use of other materials on new structural development shall
8 be used to ensure that the structures are non-reflective, or of low reflectivity, and
9 visually subordinate in their landscape setting as seen from key viewing areas,
10 unless the structure is fully screened from key viewing areas by existing topographic
11 features.

12 (e) Additions to existing structures, resulting from a emergency/disaster response action,
13 which are smaller in total height, bulk or area than the existing structures may be the
14 same color as the existing development. Additions larger than the existing develop-
15 ment shall be visually subordinate in their landscape setting as seen from key view-
16 ing areas to the greatest extent practicable.

17 (f) Spoil materials associated with grading, excavation and slide debris removal activi-
18 ties in relation to an emergency/disaster response action, shall either be:

19 (i) Removed from the NSA or deposited at a site within the NSA where such depo-
20 sition is, or can be, allowed, or

21 (ii) Contoured, to the greatest extent practicable, to retain the natural topography, or
22 a topography which emulates that of the surrounding landscape.

23 (2) Cultural Resources and Treaty Rights

24 (a) To the greatest extent practicable, emergency/disaster response actions shall not
25 adversely affect cultural resources. Emergency/disaster response actions shall not
26 affect Tribal treaty rights.

27 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic sur-
28 vey is necessary within three days after receiving notice that a post-emergency land

1 use application has been received by the Planning Director.

2 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
3 comply with the standards of MCC .3818(D)(1).

4 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
5 describe any adverse effects to historic resources resulting from an
6 emergency/disaster response action. Historic surveys shall document the loca-
7 tion, form, style, integrity, and physical condition of historic buildings and struc-
8 tures. Such surveys shall also include original photographs, if available, and
9 maps, and should use archival research, blueprints, and drawings as necessary.

10 (c) Following the submittal of a post-emergency land use application, in addition to
11 other public notice requirements that may exist, the Planning Director shall notify
12 the Tribal governments when:

13 (i) A reconnaissance survey is required, or

14 (ii) Cultural resources exist in the project area.

15 All such notices shall include a copy of the site plan required by MCC
16 .3836(C)(4)(d).

17 Tribal governments shall have 15 calendar days from the date a notice is sent to sub-
18 mit written comments. Written comments should describe the nature and extent of
19 any cultural resources that exist in the project area or treaty rights that exist in the
20 project area and how they have been affected, and identify individuals with specific
21 knowledge about them. The Planning Director shall send a copy of all comments to
22 the Gorge Commission.

23 (d) When written comments are submitted in compliance with (C) above, the project
24 applicant shall offer to meet within five calendar days with the interested persons.

25 The five day consultation period may be extended upon agreement between the pro-
26 ject applicant and the interested persons. A report shall be prepared by the Planning
27 Director following the consultation meeting. Consultation meetings and reports shall
28 comply with the standards of MCC .3818(C) and .3592.

- 1 (e) If cultural resources are discovered within the area disturbed by emergency response
2 actions, the project applicant shall have a qualified professional conduct a survey to
3 gather enough information to evaluate the significance of the cultural resources and
4 what effects the action had on such resources. The survey and evaluation shall be
5 documented in a report that follows the standards of MCC .3818(D)(2), (F) and (G).
- 6 (f) A mitigation plan shall be prepared by the project applicant if the affected cultural
7 resources are significant. The mitigation plan shall be prepared according to the
8 information, consultation, and report standards of MCC .3818(J) and (K).
- 9 (g) The Planning Director shall submit a copy of all reconnaissance and historic survey
10 reports and treaty rights protection plans to the SHPO and the Tribal governments.
11 Survey reports shall include measures to mitigate adverse effects to cultural
12 resources resulting from emergency/disaster response actions. The SHPO and Tribal
13 governments shall have 15 calendar days from the date a survey report is mailed to
14 submit written comments to the Planning Director. The Director shall record and
15 address all written comments in the Site Review decision.
- 16 (h) The Planning Director shall make a final decision on whether the emergency/disaster
17 response actions are consistent with the applicable cultural resource goals, policies,
18 and guidelines. If the final decision contradicts the comments submitted by the
19 SHPO, or those submitted by a Tribal government regarding treaty rights, the
20 Director shall justify how an opposing conclusion was reached.
- 21 (i) The cultural resource protection process may conclude when it has been determined
22 that Tribal treaty rights have not been not affected and one of the following condi-
23 tions exists:
- 24 (i) The emergency/disaster response action does not require a reconnaissance or his-
25 toric survey, or a reconnaissance survey demonstrates that no cultural resources
26 are known to exist in the project area, and no substantiated concerns were voiced
27 by interested persons within 15 calendar days of the date that a notice was
28 mailed.

- 1 (ii) The emergency/disaster response action avoided cultural resources that exist in
2 the project area.
- 3 (iii) Adequate mitigation measures to affected cultural resources have been developed
4 and will be implemented.
- 5 (iv) A historic survey demonstrates that emergency/disaster response actions, and
6 associated development, had no effect on historic buildings or structures
7 because:
- 8 (A) The SHPO concluded that the historic buildings or structures are clearly not
9 eligible, as determined by using the criteria in the *National Register Criteria*
10 *for Evaluation (36 CFR 60.4)*, or
- 11 (B) The emergency/disaster response actions did not compromise the historic or
12 architectural character of the affected buildings or structures, or compromise
13 features of the site that are important in defining the overall historic character
14 of the affected buildings or structures, as determined by the guidelines and
15 standards in The Secretary of the Interior's *Standards for Rehabilitation [U.S.*
16 *Department of the Interior 1990]* and The Secretary of the Interior's
17 *Standards for Historic Preservation Projects [U.S. Department of the*
18 *Interior 1983]*.

19 (3) Natural Resources

- 20 (a) To the greatest extent practicable, emergency/disaster response actions shall not
21 adversely affect natural resources.
- 22 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or
23 areas, and sites containing rare plants, shall be the same as those established in MCC
24 .3824(F).
- 25 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*
- 26 (A) Emergency/disaster response actions occurring within a buffer zone of wet-
27 lands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon
28 Department of Fish and Wildlife. These areas are also referred to in this sec-

1 tion as aquatic areas. State biologists will help determine if emergency/disaster
2 response actions have affected or have a potential to affect these aquatic
3 areas or their buffer zones. State biologists shall respond within 15 days of
4 the date the application is mailed.

5 (B) When emergency/disaster response activities occur within wetlands, streams,
6 ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant
7 shall demonstrate the following: —

8 (1) All reasonable measures have been applied to ensure that the response
9 actions have resulted in the minimum feasible alteration or destruction of
10 the functions, existing contours, vegetation, fish and wildlife resources,
11 and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

12 (2) Areas disturbed by response activities and associated development will
13 be rehabilitated to the maximum extent practicable.

14 (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
15 buffers will be offset through mitigation and restoration to the greatest extent
16 practicable. Mitigation and restoration efforts shall use native vegetation, and
17 restore natural functions, contours, vegetation patterns, hydrology and fish
18 and wildlife resources to the maximum extent practicable.

19 (D) If the Planning Director, in consultation with the Oregon Department of Fish
20 and Wildlife, determines that the emergency/disaster response actions had
21 minor effects on the aquatic area or its buffer zone that could be eliminated
22 with simple modifications, a letter shall be sent to the project applicant that
23 describes the effects and measures that need to be taken to eliminate them.
24 The state biologist, or a Forest Service natural resource advisor (as available)
25 in consultation with the state biologist, shall visit the site in order to make
26 this determination. If the project applicant accepts these recommendations,
27 the Planning Director shall incorporate them into the Site Review decision
28 and the aquatic area protection process may conclude.

- 1 (E) Unless addressed through D above, mitigation and restoration efforts shall be
2 delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the stan-
3 dards of MCC .3824(G). Rehabilitation Plans shall also satisfy the following:
4 (1) Plans shall include a plan view and cross-sectional drawing at a scale that
5 adequately depicts site rehabilitation efforts. Plans will illustrate final site
6 topographic contours that emulate the surrounding natural landscape.
7 (2) Planting plans shall be included that specify native plant species to be
8 used, specimen quantities, and plant locations.
9 (3) The project applicant shall be responsible for the successful rehabilitation
10 of all areas disturbed by emergency/disaster response activities.

11 *(ii) Wildlife Habitat*

- 12 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
13 tive wildlife area or site, shall be reviewed by the Oregon Department of Fish
14 and Wildlife. State wildlife biologists will help determine if emergency/disas-
15 ter response actions have affected or have a potential to affect a sensitive
16 wildlife area or site.
- 17 (B) Site plans for emergency/disaster response sites shall be submitted by the
18 Planning Director to the Oregon Department of Fish and Wildlife for review
19 as required by MCC .3826(D)(1) and (2). The department shall respond with-
20 in 15 days of the date the application is mailed.
- 21 (C) The wildlife protection process may terminate if the Planning Director, in
22 consultation with the Oregon Department of Fish and Wildlife, determines:
23 (1) The sensitive wildlife area or site was not active, or
24 (2) The emergency/disaster response did not compromise the integrity of the
25 wildlife area or site or occurred at a time when wildlife species are not
26 sensitive to disturbance.
- 27 (D) If the Planning Director, in consultation with the Oregon Department of Fish
28 and Wildlife, determines that the emergency/disaster response activities had

1 minor effects on the wildlife area or site that could be eliminated with simple
2 modifications, a letter shall be sent to the project applicant that describes the
3 effects and measures that need to be taken to eliminate them. The state
4 wildlife biologist, or a Forest Service natural resource advisor (as available)
5 in consultation with the state wildlife biologist, shall visit the site in order to
6 make this determination. If the project applicant accepts these recommenda-
7 tions, the Planning Director shall incorporate them into the Site Review deci-
8 sion and the wildlife protection process may conclude.

9 (E) If the Planning Director, in consultation with the Oregon Department of Fish
10 and Wildlife, determines that the emergency/disaster response activities had
11 adverse effects on a sensitive wildlife area or site, the project applicant shall
12 prepare a Wildlife Management Plan. Wildlife Management Plans shall satis-
13 fy the standards of MCC .3826(E). Upon completion of the Wildlife
14 Management Plan, the Planning Director shall:

15 (i) Submit a copy of the Wildlife Management Plan to the Oregon
16 Department of Fish and Wildlife for review. The department will have 15
17 days from the date that a management plan is mailed to submit written
18 comments to the Planning Director;

19 (ii) Record any written comments submitted by the Oregon Department of
20 Fish and Wildlife in the Site Review decision. Based on these comments,
21 the Planning Director shall make a final decision on whether the pro-
22 posed use would be consistent with the wildlife policies and guidelines. If
23 the final decision contradicts the comments submitted by the Oregon
24 Department of Fish and Wildlife, the Director shall justify how an oppos-
25 ing conclusion was reached.

26 (iii) Require the project applicant to revise the wildlife management plan as
27 necessary to ensure that the proposed use would not adversely affect a
28 sensitive wildlife area or site.

1 (iii) *Deer and Elk Winter Range*

2 Any fencing permanently erected within deer and elk winter range, as a result of
3 an emergency/disaster response, shall satisfy the standards of MCC .3826(F).

4 (iv) *Rare Plants*

5 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
6 tive plant, shall be reviewed by the Oregon Natural Heritage Program. State
7 heritage staff will help determine if emergency/disaster response actions have
8 occurred within the buffer zone of a rare plant.

9 (B) Site plans for emergency/disaster response sites shall be submitted to the
10 Oregon Natural Heritage Program by the Planning Director. State natural her-
11 itage staff will, within 15 days from the date the application is mailed, identi-
12 fy the location of the affected plants and delineate a 200 foot buffer zone on
13 the applicant's site plan.

14 (C) The rare plant protection process may conclude if the Planning Director, in
15 consultation with the Oregon Natural Heritage Program, determines that
16 emergency/disaster response activities occurred outside of a rare plant buffer
17 zone.

18 (D) If the Planning Director, in consultation with the Oregon Natural Heritage
19 Program, determines that the emergency/disaster response activities had
20 minor effects on rare plants or the rare plant buffer zone, a letter shall be sent
21 to the project applicant that describes the effects and measures that need to
22 be taken to eliminate them. The state natural heritage staff, or a Forest
23 Service natural resources advisor (as available) in consultation with the state
24 natural heritage staff, shall visit the site in order to make this determination.
25 If the project applicant accepts these recommendations, the Planning Director
26 shall incorporate them into the Site Review decision and the rare plant pro-
27 tection process may conclude.

28 (E) If emergency/disaster response activities occurred within a rare plant buffer

1 zone that had adverse affects on rare plants or their buffer zone, the project
2 applicant shall prepare a protection and rehabilitation plan, that meets the
3 standards of MCC .3828(E).

4 (F) The Planning Director shall submit a copy of all protection and rehabilitation
5 plans to the Oregon Natural Heritage Program for review. The state natural
6 heritage program will have 15 days from the date the protection and rehabili-
7 - tation plan is mailed to submit written comments to the Planning Director.

8 (G) The Planning Director shall record any written comments submitted by the
9 Oregon Natural Heritage Program in the Site Review decision. Based on
10 these comments, the Director shall make a final decision on whether the pro-
11 posed use would be consistent with the rare plant policies and guidelines. If
12 the final decision contradicts the comments submitted by the Oregon Natural
13 Heritage Program, the Director shall justify how an opposing conclusion was
14 reached.

15 (H) The Planning Director shall require the project applicant to revise the protec-
16 tion and rehabilitation plan as necessary to ensure that the proposed use
17 would not adversely affect a rare plant site.

18 *(v) Recreational Resources*

19 (A) To the greatest extent practicable, emergency/disaster response actions shall
20 not adversely affect recreational resources.

1 (B) Mitigation measures shall be implemented to mitigate any adverse effects on
2 existing recreation resources caused by emergency/disaster response activi-
3 ties to the maximum extent practicable.

4 **SECTION V. ADOPTION**

5 This ordinance, being necessary for the health, safety, and general welfare of the people of
6 Multnomah Multnomah County, an emergency is declared and the ordinance shall take effect upon
7 its execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

8 First reading January 14, 1999.

9 ADOPTED this 28th day of January, 1999, being the date of its second reading before the
10 Board of County Commissioners of Multnomah County.

11

12

13

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

14

15

16

By _____

17

Beverly Stein, Chair

18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL

20 FOR MULTNOMAH COUNTY, OREGON

21

22 By _____

23 Sandra N. Duffy, Chief Assistant Counsel

24

25

26

27

28

NSA Emergency/Disaster Ordinance
with Revisions Proposed by the
Columbia River Gorge Commission Staff
&
Commissioner Naito

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 925

1
2
3
4
5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River Gorge
7 National Scenic Area, correcting certain errors in the General Management Forest District, and
8 declaring an emergency.

9 SECTION I. FINDINGS

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the Columbia
11 River Gorge National Scenic Area to allow for restoration and enhancement of Open Space
12 lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to allow
14 for emergency/disaster response actions necessary to protect life, property and vital public ser-
15 vices under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan can
17 not be utilized within the Multnomah County portion of the Columbia River Gorge National
18 Scenic Area until County Code is amended to include standards implementing those provisions.

19 (D) The Gorge Commission has indicated certain General Management Forest standards of County
20 Code do not comply with controlling guidelines of the Management Plan and require revision.

21 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
22 interested persons were given an opportunity to appear and be heard. At the close of that hear-
23 ing, the Planning Commission recommended adoption of new zoning standards to implement
24 the open space enhancement and emergency/disaster response provisions of the Management
25 Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of
26 the National Scenic Area along with certain modifications of the General Management forest
27 zones.

28

1 SECTION II. AMENDMENT OF MCC 11.15

2 Multnomah County Code Chapter 11.15 is amended as follows:

3 1. MCC 11.15.3556 is amended by adding the following definitions:

4 ***Emergency/Disaster:*** A sudden unexpected occurrence, either the result of human or natural
5 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
6 life, health, property, essential public services, or the environment.

7 ***Emergency/Disaster Response:*** Actions involving any development (such as new structures,
8 grading, or excavation) or vegetation removal that must be taken immediately in response to
9 an emergency/disaster event (as defined above). Emergency/disaster response actions not
10 involving any structural development or ground-disturbance (such as use of emergency trans-
11 port vehicles, communications activities or traffic control measures) are not included in this
12 definition and are not affected by these provisions.

13 ***Restoration:*** A human activity that returns a resource from a disturbed or altered condition to a
14 previous, less disturbed or less altered condition. This definition does not modify or eliminate
15 the definition ***Restoration (wetlands)*** which applies only to wetlands.

16 2. MCC 11.15.3562(B) and (C) is replaced with the following

17 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treat-
18 ed as an existing use or structure if an application for replacement in kind and in the same
19 location is filed within two years of the date of the disaster/emergency event pursuant to the
20 provisions of MCC .3836.

21 (1) In kind replacement of an existing use or structure in the same location shall be subject
22 only to compliance with standards for protection of scenic resources involving color,
23 reflectivity, and landscaping.

24 (2) Replacement of an existing use or structure by the same type of use or structure in a dif-
25 ferent location or with a different size shall be subject to MCC .3800 through .3834 to
26 minimize adverse effects on scenic, cultural, natural, and recreation resources.

27 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure dis-
28 continued for any reason for more than one year shall be subject to the regulations of MCC

- 1 .3550 through .3834. Except as otherwise provided, an existing use or structure may be
2 replaced within one year of discontinuation if used for the same purpose at the same loca-
3 tion. This includes replacing an existing mobile home with a framed residence.
43. The following subsections are added to read, Actions taken in response to an emergency/disas-
5 ter event as defined in MCC .3566 pursuant to the provisions of MCC .3836.
6 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3676(A)(5); .3676(B)(4); .3700(E);
7 .3726(E); .3750(A)(4); and .3750(B)(4).
84. The following subsections are added to read, Placement of Structures necessary for continued
9 public safety, or the protection of essential public services or protection of private or public
10 existing structures, utility facilities, roadways, driveways, accessory uses and exterior improve-
11 ments damaged during an emergency/disaster event. This includes replacement of temporary
12 structures erected during such events with permanent structures performing an identical or relat-
13 ed function. Land use proposals for such structures shall be submitted within 12 months follow-
14 ing an emergency/disaster event. Applicants are responsible for all other applicable local, state
15 and federal permitting requirements.
- 16 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(E)(5); .3678(A)(7);
17 .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).
185. All existing Code references to GGF-40 are changed to read GGF-80 and all properties cur-
19 rently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80 and
20 the conversion table of that exhibit is amended by changing the conversion of F-1 from
21 GGF-40 to GGF-80 and adding a conversion of GGF-40 for F-3(40).
226. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF-40, one single-
23 family dwelling on a legally created parcel upon enrollment in the state's forest assessment pro-
24 gram. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family
25 dwelling. In either case, the location of a dwelling shall comply with MCC .3584 and MCC
26 .3586. A declaration shall be signed by the landowner and recorded into county deed records
27 specifying that the owners, successors, heirs and assigns of the subject parcel are aware that
28 adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands

- 1 designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.
27. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-~~40~~80, a mobile home in
3 conjunction with a timber operation, upon a finding that security personnel are required to pro-
4 tect equipment associated with a harvest operation or the subject forest land from fire. The
5 mobile home must be removed upon completion of the subject harvest operation or the end of
6 the fire season. The placement of the mobile home is subject to MCC .3584 and .3586.
78. MCC .3634(A)(14) is added to read: Land divisions on lands designated GGF-80 when all
8 resultant lots satisfy a minimum lot size of 80 acres and it is found:
- 9 (a) The land division will facilitate forest management, or
10 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
11 resources.
129. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or 80
13 acres in size or larger in a GGF-40, a land division creating parcels smaller than the designated
14 minimum parcel size, subject to the provisions of MCC .3570(B).
- 15 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3) and
16 (4), the minimum lot size shall be according to the short-title zone district designation on the
17 Zoning Map as follows:
- | | | |
|----|---------------|-----------------|
| 18 | GGF-20 | 20 acres |
| 19 | GGF-40 | 40 acres |
| 20 | <u>GGF-80</u> | <u>80 acres</u> |
| 21 | GSF-40 | 40 acres |
- 22 11. MCC .3656 is amended by replacing (A)(2) as follows: Actions taken in response to an emer-
23 gency/disaster event as defined in MCC .3566 pursuant to the provisions of MCC .3836. And
24 by amending (B) as follows:
- 25 (B) On lands designated GSO:
26 (1) The maintance, repair, and operation of existing dwellings, structures, trails, roads, railroads,
27 and utility facilities may occur without review.
- 28 (2) Actions taken in response to an emergency/disaster event as defined in MCC .3566 pursuant

1 to the provisions of MCC .3836.

2

3 12. MCC 11.15.3656(D) is amended to read:

4 (D) The following uses are allowed ~~Θ~~ on land designated GSO without review:

5 (1) ~~¶~~The maintenance, repair, and operation of existing dwellings, structures, trails, roads,
6 railroads, and utility facilities may occur without review.

7 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
8 pursuant to the provisions of MCC .3836.

9 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for pur-
10 poses of public safety or placement of structures for public safety.

11 14. MCC 11.15.3658(B) is amended to read:

12 (B) The following uses may be allowed ~~Θ~~ on lands designated GGO–GW:

13 (1) Existing quarries may continue operation if they are determined to be consistent with
14 standards to protect scenic, cultural, natural and recreation resources pursuant to MCC
15 .3664.

16 (2) Placement of Structures necessary for continued public safety, or the protection of
17 essential public services or protection of private or public existing structures, utility
18 facilities, roadways, driveways, accessory uses and exterior improvements damaged dur-
19 ing an emergency/disaster event. This includes replacement of temporary structures
20 erected during such events with permanent structures performing an identical or related
21 function. Land use proposals for such structures shall be submitted within 12 months
22 following an emergency/disaster event. Applicants are responsible for all other applica-
23 ble local, state and federal permitting requirements.

24 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

25 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
26 soil, fish and wildlife habitat restoration and enhancements.

27 16. MCC 11.15.3658(D) is added to read:

28 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,

1 soil, fish and wildlife habitat restoration and enhancements.

2 17. MCC 11.15.3728 is amended to read:

3 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

4 (B) Placement of Structures necessary for continued public safety, or the protection of essential
5 public services or protection of private or public existing structures, utility facilities, road-
6 ways, driveways, accessory uses and exterior improvements damaged during an emer-
7 gency/disaster event. This includes replacement of temporary structures erected during such
8 events with permanent structures performing an identical or related function. Land use pro-
9 posals for such structures shall be submitted within 12 months following an emergency/dis-
10 aster event. Applicants are responsible for all other applicable local, state and federal per-
11 mitting requirements.

12 18. MCC 11.15.3836 is added to read:

13 **Responses to an Emergency/Disaster Event**

14 Responses to an emergency/disaster event are allowed in all zoning districts within the
15 Columbia River Gorge National Scenic Area when in compliance with the following standards:

16 (A) General standards for all response activities.

17 (1) Following emergency/disaster response actions, best management practices (BMPs) to
18 prevent sedimentation and provide erosion control shall be utilized whenever disaster
19 response actions necessitate vegetation removal, excavation, and/or grading. BMPs may
20 include but are not limited to: use of straw bales, slash windrows, filter fabric fences,
21 sandbags, straw cover, jute netting, etc.

22 (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check
23 dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one
24 year following an emergency event. If it can be demonstrated that the continued use of
25 these devices is necessary to protect life, property, public services or the environment,
26 an extension of no more than two years may be granted by the Planning Director, or the
27 Forest Service for federal agency actions.

28 (3) The new exploration, development (extraction or excavation), and production of mineral

1 resources, used for commercial, private or public works projects, shall not be conducted
2 as an emergency/disaster response activity.

3 (4) No spoils resulting from grading or excavation activities shall be deliberately deposited
4 into a wetland, stream, pond, lake, or riparian area within the National Scenic Area
5 (NSA) as a part of an emergency/disaster response action. The only exception to this is
6 for construction of a fire line during a wildfire, where avoiding the aquatic area or its
7 buffer zone has been considered and determined to not be possible without further jeop-
8 ardizing life or property.

9 (B) Notification Requirements

10 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556, are
11 allowed in all GMA and SMA land use designations, subject to the following notifica-
12 tion requirements.

13 (a) Notification of an emergency/disaster response activity shall be submitted either
14 within 48 hours of the commencement of a response action, or by the next business
15 day following the start of such an action, whichever is sooner. Notification shall be
16 submitted by the party conducting an emergency/disaster response activity or their
17 representatives. In the case of multiple responding parties, the first party to respond
18 shall provide the required notification, unless, upon mutual agreement of responding
19 parties, another responder elects to assume this responsibility.

20 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notifi-
21 cation occurs by telephone, a hard copy of the notification shall be submitted by
22 mail or in person within 7 days.

23 (c) Notification shall be furnished to the Planning Director, or the Forest Service for fed-
24 eral agency actions.

25 (d) At a minimum, the following information shall be required at the time of notifica-
26 tion:

27 (i) Nature of emergency/disaster event.

28 (ii) Description of emergency/disaster response activities and magnitude of response

1 actions to be taken, if applicable (such as extent of earth movement, erection of
2 structures, etc.).

3 (iii) Location of emergency/disaster response activities.

4 (iv) Estimated start and duration of emergency/disaster response activities.

5 (v) Contact person and phone number for the parties conducting emergency/disaster
6 response actions.

7 (e) Repair and maintenance of an existing serviceable structure to its previously autho-
8 rized and undamaged condition are not subject to the above referenced notification
9 requirements.

10 (2) Upon notification of an emergency/disaster response action, the Planning Director or the
11 Forest Service shall, as soon as possible:

12 (a) Review their natural resource inventory data and notify the contact person for the
13 emergency/disaster response actions of all inventoried natural resource sites, and
14 their buffers, that are within or adjacent to the response area or that may be adverse-
15 ly affected by response activities;

16 (b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster
17 response actions, to provide that agency an opportunity to consult with responding
18 agencies during the event, and;

19 (c) Notify the Forest Service (except when the Forest Service is the notifying agency),
20 State Historic Preservation Office (SHPO), and the Tribal governments of all emer-
21 gency/disaster response activities. The Forest Service will review their cultural
22 resource inventory data and notify the contact person for the emergency/disaster
23 response action as soon as possible of all inventoried cultural resource sites, or their
24 buffers, that are within, or adjacent to, emergency/disaster response areas.

25 (3) Upon notification of a response action, the Forest Service shall, as soon as possible,
26 offer the services of a resource advisor to the agency(ies) conducting the response
27 action. The resource advisor will provide on-site advice to minimize impacts to
28 resources from emergency/disaster response actions.

1 (C) Post-Emergency/Disaster Response Site Review Application Requirements

2 (1) Within 30 days following notification, a post-emergency/disaster response application
3 shall be submitted by the party conducting the response action to the Planning Director,
4 or Forest Service for federal agency actions. In the case of an event with multiple
5 responding parties, the agency providing initial notification as required herein shall sub-
6 mit the application. An exception to this may occur if another responding party, by
7 mutual agreement with the other respondents, elects to submit the application. Requests
8 to extend this submittal deadline may be made in writing and shall include the reason
9 why an extension is necessary. Extensions shall not exceed 30 days in duration and no
10 more than two (2) extensions shall be granted.

11 (2) Post-emergency/disaster response applications shall only address development activities
12 conducted during an emergency/disaster response. Applications shall specify if develop-
13 ment placed during an emergency/disaster event is permanent or temporary. Applicants
14 shall be responsible for operations under their control and that of other responders, upon
15 mutual agreement. Responders not agreeing to have another responder address their
16 actions shall be responsible to submit an application for those actions.

17 (3) Emergency/disaster response actions not involving structural development or ground
18 disturbance with mechanized equipment are exempt from these requirements, except for
19 those actions within 500' of a known cultural resource (as determined in the notification
20 process).

21 (4) Applications shall include the following information:

22 (a) Applicant's name and address.

23 (b) Location of emergency/disaster response.

24 (c) A written description of the emergency/disaster response, including any structures
25 erected, excavation or other grading activities, or vegetation removal.

26 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing
27 greater detail. The map shall include:

28 (i) North arrow and scale.

1 (ii) Boundaries, dimensions and size of subject parcel(s).

2 (iii) Topography at a contour interval sufficient to describe the terrain of the project
3 site.

4 (iv) Bodies of water, watercourses, and significant landforms.

5 (v) Existing roads and structures.

6 (vi) New structures placed and any vegetation removal, excavation or grading result-
7 ing from the response actions.

8 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
9 event encompassing an area greater than one square mile. In such cases, a clear
10 sketch map of the entire response action area shall be provided. In addition, a map
11 of 1"=200' or a scale providing greater detail shall be provided that shows a section
12 of the response area exemplifying the specific actions taken.

13 (D) Post-Emergency/Disaster Response Site Review

14 All applications for post-emergency/disaster response Site Review shall be processed pur-
15 suant to the procedural provisions of MCC .3810 and evaluated for compliance with the
16 standards of MCC .3836(E).

17 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

18 Actions taken in all land use designations that are in response to an emergency/disaster
19 event shall be reviewed for compliance with the following standards:

20 (1) Scenic Resources

21 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
22 scenic resources are not adversely affected. Such actions shall be rendered visually
23 subordinate in their landscape setting as seen from key viewing areas to the greatest
24 extent practicable, except for actions located in the Corbett Rural Center zoning dis-
25 trict.

26 (b) Vegetation shall be used to screen or cover road cuts, structural development, land-
27 form alteration, and areas denuded of vegetation, as a result of emergency/disaster
28 response actions.

1 (c) Areas denuded of vegetation as a result of emergency/disaster response actions shall
2 be revegetated with native plant species to restore the affected areas to its pre-
3 response condition to the greatest extent practicable. Revegetation shall occur as
4 soon as practicable, but no later than one year after the emergency/disaster event. An
5 exception to the one year requirement may be granted upon demonstration of just
6 cause, with an extension of up to one year.

7 (d) The painting, staining or use of other materials on new structural development shall
8 be used to ensure that the structures are non-reflective, or of low reflectivity, and
9 visually subordinate in their landscape setting as seen from key viewing areas,
10 unless the structure is fully screened from key viewing areas by existing topographic
11 features.

12 (e) Additions to existing structures, resulting from a emergency/disaster response action,
13 which are smaller in total height, bulk or area than the existing structures may be the
14 same color as the existing development. Additions larger than the existing develop-
15 ment shall be visually subordinate in their landscape setting as seen from key view-
16 ing areas to the greatest extent practicable.

17 (f) Spoil materials associated with grading, excavation and slide debris removal activi-
18 ties in relation to an emergency/disaster response action, shall either be:

19 (i) Removed from the NSA or deposited at a site within the NSA where such depo-
20 sition is, or can be, allowed, or

21 (ii) Contoured, to the greatest extent practicable, to retain the natural topography, or
22 a topography which emulates that of the surrounding landscape.

23 (2) Cultural Resources and Treaty Rights

24 (a) To the greatest extent practicable, emergency/disaster response actions shall not
25 adversely affect cultural resources. Emergency/disaster response actions shall not
26 affect Tribal treaty rights.

27 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic sur-
28 vey is necessary within three days after receiving notice that a post-emergency land

1 use application has been received by the Planning Director.

2 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
3 comply with the standards of MCC .3818(D)(1).

4 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
5 describe any adverse effects to historic resources resulting from an
6 emergency/disaster response action. Historic surveys shall document the loca-
7 tion, form, style, integrity, and physical condition of historic buildings and struc-
8 tures. Such surveys shall also include original photographs, if available, and
9 maps, and should use archival research, blueprints, and drawings as necessary.

10 (c) Following the submittal of a post-emergency land use application, in addition to
11 other public notice requirements that may exist, the Planning Director shall notify
12 the Tribal governments when:

13 (i) A reconnaissance survey is required, or

14 (ii) Cultural resources exist in the project area.

15 All such notices shall include a copy of the site plan required by MCC
16 .3836(C)(4)(d).

17 Tribal governments shall have 15 calendar days from the date a notice is sent to sub-
18 mit written comments. Written comments should describe the nature and extent of
19 any cultural resources that exist in the project area or treaty rights that exist in the
20 project area and how they have been affected, and identify individuals with specific
21 knowledge about them. The Planning Director shall send a copy of all comments to
22 the Gorge Commission.

23 (d) When written comments are submitted in compliance with (C) above, the project
24 applicant shall offer to meet within five calendar days with the interested persons.

25 The five day consultation period may be extended upon agreement between the pro-
26 ject applicant and the interested persons. A report shall be prepared by the Planning
27 Director following the consultation meeting. Consultation meetings and reports shall
28 comply with the standards of MCC .3818(C) and .3592.

- 1 (e) If cultural resources are discovered within the area disturbed by emergency response
2 actions, the project applicant shall have a qualified professional conduct a survey to
3 gather enough information to evaluate the significance of the cultural resources and
4 what effects the action had on such resources. The survey and evaluation shall be
5 documented in a report that follows the standards of MCC .3818(D)(2), (F) and (G).
- 6 (f) A mitigation plan shall be prepared by the project applicant if the affected cultural
7 resources are significant. The mitigation plan shall be prepared according to the
8 information, consultation, and report standards of MCC .3818(J) and (K).
- 9 (g) The Planning Director shall submit a copy of all reconnaissance and historic survey
10 reports and treaty rights protection plans to the SHPO and the Tribal governments.
11 Survey reports shall include measures to mitigate adverse effects to cultural
12 resources resulting from emergency/disaster response actions. The SHPO and Tribal
13 governments shall have 15 calendar days from the date a survey report is mailed to
14 submit written comments to the Planning Director. The Director shall record and
15 address all written comments in the Site Review decision.
- 16 (h) The Planning Director shall make a final decision on whether the emergency/disaster
17 response actions are consistent with the applicable cultural resource goals, policies,
18 and guidelines. If the final decision contradicts the comments submitted by the
19 SHPO, or those submitted by a Tribal government regarding treaty rights, the
20 Director shall justify how an opposing conclusion was reached.
- 21 (i) The cultural resource protection process may conclude when it has been determined
22 that Tribal treaty rights have not been not affected and one of the following condi-
23 tions exists:
- 24 (i) The emergency/disaster response action does not require a reconnaissance or his-
25 toric survey, or a reconnaissance survey demonstrates that no cultural resources
26 are known to exist in the project area, and no substantiated concerns were voiced
27 by interested persons within 15 calendar days of the date that a notice was
28 mailed.

1 (ii) The emergency/disaster response action avoided cultural resources that exist in
2 the project area.

3 (iii) Adequate mitigation measures to affected cultural resources have been developed
4 and will be implemented.

5 (iv) A historic survey demonstrates that emergency/disaster response actions, and
6 associated development, had no effect on historic buildings or structures
7 because:

8 (A) The SHPO concluded that the historic buildings or structures are clearly not
9 eligible, as determined by using the criteria in the *National Register Criteria*
10 *for Evaluation (36 CFR 60.4)*, or

11 (B) The emergency/disaster response actions did not compromise the historic or
12 architectural character of the affected buildings or structures, or compromise
13 features of the site that are important in defining the overall historic character
14 of the affected buildings or structures, as determined by the guidelines and
15 standards in *The Secretary of the Interior's Standards for Rehabilitation [U.S.*
16 *Department of the Interior 1990]* and *The Secretary of the Interior's*
17 *Standards for Historic Preservation Projects [U.S. Department of the*
18 *Interior 1983]*.

19 (3) Natural Resources

20 (a) To the greatest extent practicable, emergency/disaster response actions shall not
21 adversely affect natural resources.

22 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or
23 areas, and sites containing rare plants, shall be the same as those established in MCC
24 .3824(F).

25 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

26 (A) Emergency/disaster response actions occurring within a buffer zone of wet-
27 lands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon
28 Department of Fish and Wildlife. These areas are also referred to in this sec-

1 tion as aquatic areas. State biologists will help determine if emergency/disas-
2 ter response actions have affected or have a potential to affect these aquatic
3 areas or their buffer zones. State biologists shall respond within 15 days of
4 the date the application is mailed.

5 (B) When emergency/disaster response activities occur within wetlands, streams,
6 ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant
7 shall demonstrate the following:

8 (1) All reasonable measures have been applied to ensure that the response
9 actions have resulted in the minimum feasible alteration or destruction of
10 the functions, existing contours, vegetation, fish and wildlife resources,
11 and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

12 (2) Areas disturbed by response activities and associated development will
13 be rehabilitated to the maximum extent practicable.

14 (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
15 buffers will be offset through mitigation and restoration to the greatest extent
16 practicable. Mitigation and restoration efforts shall use native vegetation, and
17 restore natural functions, contours, vegetation patterns, hydrology and fish
18 and wildlife resources to the maximum extent practicable.

19 (D) If the Planning Director, in consultation with the Oregon Department of Fish
20 and Wildlife, determines that the emergency/disaster response actions had
21 minor effects on the aquatic area or its buffer zone that could be eliminated
22 with simple modifications, a letter shall be sent to the project applicant that
23 describes the effects and measures that need to be taken to eliminate them.
24 The state biologist, or a Forest Service natural resource advisor (as available)
25 in consultation with the state biologist, shall visit the site in order to make
26 this determination. If the project applicant accepts these recommendations,
27 the Planning Director shall incorporate them into the Site Review decision
28 and the aquatic area protection process may conclude.

- 1 (E) Unless addressed through D above, mitigation and restoration efforts shall be
2 delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the stan-
3 dards of MCC .3824(G). Rehabilitation Plans shall also satisfy the following:
4 (1) Plans shall include a plan view and cross-sectional drawing at a scale that
5 adequately depicts site rehabilitation efforts. Plans will illustrate final site
6 topographic contours that emulate the surrounding natural landscape.
7 (2) Planting plans shall be included that specify native plant species to be
8 used, specimen quantities, and plant locations.
9 (3) The project applicant shall be responsible for the successful rehabilitation
10 of all areas disturbed by emergency/disaster response activities.

11 *(ii) Wildlife Habitat*

- 12 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
13 tive wildlife area or site, shall be reviewed by the Oregon Department of Fish
14 and Wildlife. State wildlife biologists will help determine if emergency/disas-
15 ter response actions have affected or have a potential to affect a sensitive
16 wildlife area or site.
- 17 (B) Site plans for emergency/disaster response sites shall be submitted by the
18 Planning Director to the Oregon Department of Fish and Wildlife for review
19 as required by MCC .3826(D)(1) and (2). The department shall respond with-
20 in 15 days of the date the application is mailed.
- 21 (C) The wildlife protection process may terminate if the Planning Director, in
22 consultation with the Oregon Department of Fish and Wildlife, determines:
23 (1) The sensitive wildlife area or site was not active, or
24 (2) The emergency/disaster response did not compromise the integrity of the
25 wildlife area or site or occurred at a time when wildlife species are not
26 sensitive to disturbance.
- 27 (D) If the Planning Director, in consultation with the Oregon Department of Fish
28 and Wildlife, determines that the emergency/disaster response activities had

1 minor effects on the wildlife area or site that could be eliminated with simple
2 modifications, a letter shall be sent to the project applicant that describes the
3 effects and measures that need to be taken to eliminate them. The state
4 wildlife biologist, or a Forest Service natural resource advisor (as available)
5 in consultation with the state wildlife biologist, shall visit the site in order to
6 make this determination. If the project applicant accepts these recommenda-
7 tions, the Planning Director shall incorporate them into the Site Review deci-
8 sion and the wildlife protection process may conclude.

9 (E) If the Planning Director, in consultation with the Oregon Department of Fish
10 and Wildlife, determines that the emergency/disaster response activities had
11 adverse effects on a sensitive wildlife area or site, the project applicant shall
12 prepare a Wildlife Management Plan. Wildlife Management Plans shall satis-
13 fy the standards of MCC .3826(E). Upon completion of the Wildlife
14 Management Plan, the Planning Director shall:

- 15 (i) Submit a copy of the Wildlife Management Plan to the Oregon
16 Department of Fish and Wildlife for review. The department will have 15
17 days from the date that a management plan is mailed to submit written
18 comments to the Planning Director;
- 19 (ii) Record any written comments submitted by the Oregon Department of
20 Fish and Wildlife in the Site Review decision. Based on these comments,
21 the Planning Director shall make a final decision on whether the pro-
22 posed use would be consistent with the wildlife policies and guidelines. If
23 the final decision contradicts the comments submitted by the Oregon
24 Department of Fish and Wildlife, the Director shall justify how an oppos-
25 ing conclusion was reached.
- 26 (iii) Require the project applicant to revise the wildlife management plan as
27 necessary to ensure that the proposed use would not adversely affect a
28 sensitive wildlife area or site.

1 (iii) *Deer and Elk Winter Range*

2 Any fencing permanently erected within deer and elk winter range, as a result of
3 an emergency/disaster response, shall satisfy the standards of MCC .3826(F).

4 (iv) *Rare Plants*

5 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
6 tive plant, shall be reviewed by the Oregon Natural Heritage Program. State
7 heritage staff will help determine if emergency/disaster response actions have
8 occurred within the buffer zone of a rare plant.

9 (B) Site plans for emergency/disaster response sites shall be submitted to the
10 Oregon Natural Heritage Program by the Planning Director. State natural her-
11 itage staff will, within 15 days from the date the application is mailed, identi-
12 fy the location of the affected plants and delineate a 200 foot buffer zone on
13 the applicant's site plan.

14 (C) The rare plant protection process may conclude if the Planning Director, in
15 consultation with the Oregon Natural Heritage Program, determines that
16 emergency/disaster response activities occurred outside of a rare plant buffer
17 zone.

18 (D) If the Planning Director, in consultation with the Oregon Natural Heritage
19 Program, determines that the emergency/disaster response activities had
20 minor effects on rare plants or the rare plant buffer zone, a letter shall be sent
21 to the project applicant that describes the effects and measures that need to
22 be taken to eliminate them. The state natural heritage staff, or a Forest
23 Service natural resources advisor (as available) in consultation with the state
24 natural heritage staff, shall visit the site in order to make this determination.
25 If the project applicant accepts these recommendations, the Planning Director
26 shall incorporate them into the Site Review decision and the rare plant pro-
27 tection process may conclude.

28 (E) If emergency/disaster response activities occurred within a rare plant buffer

1 zone that had adverse affects on rare plants or their buffer zone, the project
2 applicant shall prepare a protection and rehabilitation plan, that meets the
3 standards of MCC .3828(E).

4 (F) The Planning Director shall submit a copy of all protection and rehabilitation
5 plans to the Oregon Natural Heritage Program for review. The state natural
6 heritage program will have 15 days from the date the protection and rehabili-
7 tation plan is mailed to submit written comments to the Planning Director.

8 (G) The Planning Director shall record any written comments submitted by the
9 Oregon Natural Heritage Program in the Site Review decision. Based on
10 these comments, the Director shall make a final decision on whether the pro-
11 posed use would be consistent with the rare plant policies and guidelines. If
12 the final decision contradicts the comments submitted by the Oregon Natural
13 Heritage Program, the Director shall justify how an opposing conclusion was
14 reached.

15 (H) The Planning Director shall require the project applicant to revise the protec-
16 tion and rehabilitation plan as necessary to ensure that the proposed use
17 would not adversely affect a rare plant site.

18 *(v) Recreational Resources*

19 (A) To the greatest extent practicable, emergency/disaster response actions shall
20 not adversely affect recreational resources.

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1 (B) Mitigation measures shall be implemented to mitigate any adverse effects on
2 existing recreation resources caused by emergency/disaster response activi-
3 ties to the maximum extent practicable.

4 SECTION V. ADOPTION

5 This ordinance, being necessary for the health, safety, and general welfare of the people of
6 Multnomah Multnomah County, an emergency is declared and the ordinance shall take effect upon
7 its execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

8 First reading January 14, 1999.

9 ADOPTED this 28th day of January, 1999, being the date of its second reading before the
10 Board of County Commissioners of Multnomah County.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By *Beverly Stein*

Beverly Stein, Chair

18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY, OREGON

21

22 By *Sandra N. Duffy*

23 Sandra N. Duffy, Chief Assistant Counsel

24

25

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MEETING DATE: JAN 28 1999
AGENDA NO: R-5
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Concerning the Purchase of 501 SE Hawthorne (US Bank Building)

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: January 28, 1999

AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Environmental Services

DIVISION: Facilities and Property Mgmt.

CONTACT: Bob Oberst

TELEPHONE #: 248-3322

BLDG/ROOM #: 421 / 3rd floor

PERSON(S) MAKING PRESENTATION: Bob Oberst, Larry Nicholas

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution concerning the purchase of 501 SE Hawthorne Blvd., Portland (the US Bank Building) for the purpose of establishing a Multnomah County Administrative Center.

2/2/99 copies to Bob Oberst & John Thomas

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

Larry Nicholas

BOARD OF
COUNTY COMMISSIONERS
99 JAN 21 AM 11:32
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Facilities and Property Management Division,
Department of Environmental Services

DATE: January 21, 1999

RE: Resolution Concerning the Purchase of 501 SE Hawthorne
(US Bank Building)

1. Recommendation/Action Requested:

Approve purchase of 501 SE Hawthorne and adjoining parking garage. The Option to Purchase, for which the County has already spent \$200,000 (to be applied against purchase price in the event of a consummated deal,) expires February 1, 1999, necessitating action by the Board at this time.

2. Background/Analysis:

Multnomah County's administrative functions are located in many different buildings both downtown and on the East Side, some of them in leases and others in buildings with severe deficiencies. The County desires to enhance identity and citizen access, reduce staff travel, share support services, and co-locate (as feasible) officials involved in joint - agency strategic planning. The County also desires to support the efforts of the City of Portland and METRO in catalyzing redevelopment of the historic east Portland business district. See also the subject Resolution.

3. Financial Impact:

Purchase price, not to exceed \$25,052,000. Negotiations are underway to obtain a reduction based on discoveries made about deferred maintenance. Finance

Division indicates a break-even point late in the C.O.P. schedule, with annual savings exceeding \$3,000,000/year after the 20th year.

4. Legal Issues:

None.

5. Controversial Issues:

Commitment of a large sum of money for a building is usually more controversial than continuing a "hidden" status quo or leasing - even if the latter costs as much or more. Major capital investment requires a long-term perspective.

Moving County government out of Downtown (or what will eventually be known as West Downtown) may be controversial to some, but there is precedent in other governments, and it has been supported by public input so far on this building.

6. Link to Current County Policies:

This move supports much better public access to County government and some services, and it supports the "Good Government" goals of efficiency effectiveness within and between agencies. The 1998 Strategic Space Plan recommended that the County "Develop a strategy which addresses the large number of significant leases in the downtown area and the geographic spread of Central County administrative departments."

7. Citizen Participation:

Coordinated by the Public Affairs Office, over 10,000 information flyers were distributed in the building's neighborhood, advertising was placed, and a Public Hearing was held on January 13 at which the public was invited to inquire and make comment about the County's proposed use of the building.

8. Other Government Participation:

The City of Portland has indicated interest in utilizing one or both County floors in the Portland Building. Tri-Met has been contacted about service enhancements to the SE Hawthorne location.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-9

Authorizing Chair to Execute Documents to Exercise the Option Agreement for County Purchase of U.S. Bank National Association Building and Adjacent Parking Garage Property at 501 SE Hawthorne Boulevard, Portland

The Multnomah Board of County Commissioners Finds:

- a. Multnomah County Government Administrative activities will be more effective and efficient if principal elected officials and decision-makers are located, to the extent feasible, in one building rather than many buildings, and served by common support services.
- b. Access by the public to their County Government will be enhanced by locating key officials and agencies in one, easy-to-find location.
- c. Access by many of its citizens to the County, and by the County to other Government partners such as METRO and the State of Oregon, will be enhanced by an Eastside location which remains close enough to Downtown Portland to facilitate continued close interaction with the City of Portland.
- d. The County desires to locate long-term programs in owned, rather than leased, space, to reduce long-term costs and facilitate control of space, per the recommendations in the Multnomah County 1998 Strategic Space Plan. Obtaining an owned building will enable a reduction in long-standing leases.
- e. The opportunity to purchase an appropriate existing building has significant advantages in both cost and schedule compared to buying land, designing, and constructing a new building.
- f. The building and parking garage at 501 SE Hawthorne Boulevard, Portland, represents a rare opportunity to meet the above objectives.
- g. The County's investment in and utilization of the building at 501 SE Hawthorne will help to spur additional redevelopment of the historic East Portland business district, leading to an expanded Central City spanning both sides of the Willamette River.

- h. Following public meetings on December 1, 1998 and December 17, 1998, on December 17, 1998 the Board authorized the Chair to enter into an Option Agreement with U.S. Bank National Association which requires that the option be exercised within 45 days from the date of the Agreement.
- i. In addition to distribution of over 10,000 information flyers in the building's neighborhood and other advertising, on January 13, 1999 a public hearing was held and it appeared to be in the best interest of the public for Multnomah County Government Administrative activities and principal elected officials and decision-makers to be located in one building at 501 SE Hawthorne Boulevard, and served by common support services.

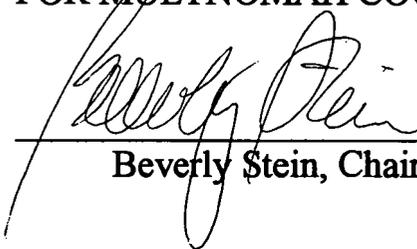
The Multnomah Board of County Commissioners Resolves:

- 1. The Board authorizes the Chair to execute documents to exercise the option agreement to purchase the U.S. Bank National Association Building and Adjacent Parking garage property at 501 SE Hawthorne Boulevard, Portland, for a principal amount not to exceed \$25,052,000.

Adopted this 28th day of January, 1999.

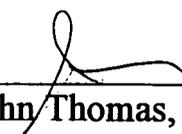


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Assistant County Counsel



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

January 28, 1999

U.S. BANK NATIONAL ASSOCIATION
c/o U.S. Bank Properties Management
2800 East Lake Street, 2nd Floor
Minneapolis, Minnesota 55406
Attn: Bruce MacGregor
Fax #: 612-728-8452

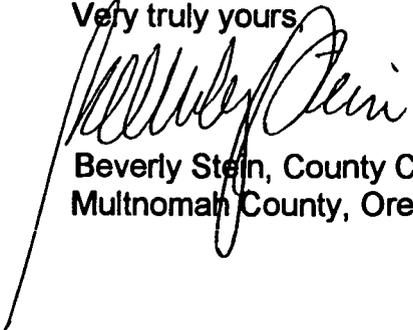
Subject: OPTION AGREEMENT between U.S. BANK NATIONAL
ASSOCIATION and MULTNOMAH COUNTY, December 18, 1998

Dear Mr. MacGregor:

Multnomah County hereby gives notice, pursuant to Section 3 of the subject
OPTION AGREEMENT, as amended, of its exercise of the option to purchase
the property described in said OPTION AGREEMENT.

The additional Option Fee of \$200,000.00 collected funds accompanies this
notice by wire transfer of that amount in accordance with the wiring instructions
received from you on January 27, 1999.

Very truly yours,


Beverly Stein, County Chair
Multnomah County, Oregon

1/26/99

FIRST AMENDMENT TO OPTION AGREEMENT

THIS FIRST AMENDMENT TO OPTION AGREEMENT (the "Amendment") is made this 28 day of January, 1999, between U.S. BANK NATIONAL ASSOCIATION, a national banking association ("Seller"), and MULTNOMAH COUNTY, a political subdivision of the State of Oregon ("Buyer").

RECITALS:

A. Seller and Buyer entered into an Option Agreement dated as of December 18, 1998 (the "Agreement"), for the sale and purchase of the real property located at 501 S.E. Hawthorne in Portland, Oregon and legally described on Exhibit A to the Agreement.

B. Seller and Buyer wish to amend the Agreement on the terms and conditions contained herein.

AGREEMENT:

1. Purchase Price. The second sentence of the Agreement is deleted and replaced with the following text: "If this Option is exercised, then the total purchase price ("Purchase Price") to be paid for the Property shall be US\$24,827,000.00."

2. Exercise of Option. The second sentence of Section 3 of the Agreement is deleted.

3. Closing. The Closing Date of June 30, 1999 in the second line of Section 4 of the Agreement is changed to April 30, 1999.

4. Repairs to Property. Seller shall, at Seller's expense by February 15, 1999, perform the repair and replacement work to the Building specified on Exhibit 2 attached hereto. Buyer will inspect all such repairs and replacements for acceptability by March 1, 1999, and will notify Seller in writing no later than March 10, 1999 of any items noted on Exhibit 2 which have not been performed as of Buyer's inspection. Seller will thereafter work diligently to complete any Exhibit 2 repair or replacement work found non-operational or incomplete by Buyer. Buyer has the right to inspect the Building prior to Closing to ensure that the systems and items so repaired or replaced by Seller are in working order as of the Closing Date.

5. Security. Seller will provide, at Seller's cost, security to the Building up to the day of Closing in the manner that Seller is securing the Building as of the date hereof, which manner is consistent with the security provided to similarly situated buildings in the Portland area.

6. Personal Property Exhibit. The text attached hereto as Exhibit 1 is hereby added to the Agreement as Exhibit F thereto.

7. Agreement Unchanged. Except as amended herein, the Agreement is otherwise unchanged and shall remain in full force and effect.

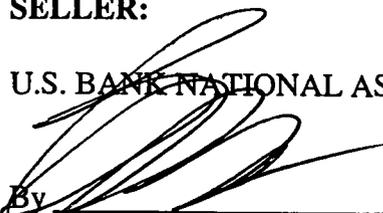
8. Counterparts. This Amendment may be signed in any number of counterparts, each when taken together shall constitute an original document.

EXECUTION:

The parties hereto have executed this Amendment as of the date first stated above.

SELLER:

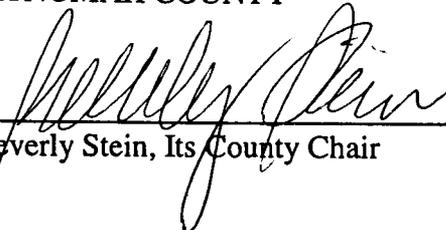
U.S. BANK NATIONAL ASSOCIATION

By 

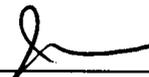
Bruce MacGregor, Its Vice President

BUYER:

MULTNOMAH COUNTY

By 
Beverly Stein, Its County Chair

Reviewed:
Thomas Sponsler, County Counsel for Multnomah
County

By 
Assistant County Counsel

Dated: 1/28, 1999

EXHIBIT 1

Exhibit F (to Option Agreement)
Personal Property

U.S. Bank
Eastside Center
Equipment & Furniture Disposition

OK AS NOTED
1-21-1999

James Day, USB

GENERAL

1. UPS Infrastructure to remain.
2. Generator and fuel storage tank to remain.
3. Fire Alarm system to remain.
4. Premises to be "broom clean".
5. Window coverings to remain.
6. USB does not need to repair holes in walls left by removed artwork or cabinetry or like.
7. USB to provide decision 30 days after the execution of the "Option" whether USB would like to pursue retaining existing site for ATM, otherwise USB to remove ATM machine.
8. FURNITURE:
 - USB to remove all freestanding furniture systems, chairs, file cabinets, and conference tables.
 - USB to remove moveable partition on 3rd floor.
 - USB to remove selected cabinetry from 2nd and 3rd floor "mall rooms".
 - Miscellaneous cabinets, tables, and shelving may remain at USB discretion.
 - White boards remain.
 - Furniture to remain in basement "Engineer's office."
9. ARTWORK: USB to remove all plants and artwork.

TELECOM Rooms

1. Floors 1,2,3,4,5,8: All cabling, racks, patchcords, backboards to remain with building.
2. HUB equipment may be removed at the discretion of U.S. Bank (USB). 30 days after the execution of the "Option", USB shall provide a written statement concerning the disposition of the HUBS. If USB should choose to remove the HUB equipment, then the HUBS shall be removed no later than 15 days following the vacating of the Eastside Center.

BASEMENT

Communications Room

1. USB to remove PBX and Voicemail equipment.
2. USB to remove equipment from cabinets.
- * 3. USB to remove contents of cabinet west of #13. (CABINET I)
4. HUBS to be removed at USB discretion (See note #2 under "Telecom Rooms").
- * 5. Fiberoptics, cabinets, backboards, cable trays, ~~and~~ and racks to remain.
6. Raised flooring to remain.
7. Data-Aire cooling unit to remain.
8. U.S. West equipment and power supplies not by USB.

LAN Room

1. USB to remove all equipment in "data cabinets"
2. USB to remove LAN PC's and their associated racks (not cabinets)
3. USB to remove TELEX equipment and their associated racks.
4. USB to remove "PREDICTIVE DIALER" equipment and its cabinet.
5. USB to remove (2) LUCENT Technology equipment pieces and the associated power supply.
6. USB to remove freestanding furniture.
7. HUBS to be removed at USB discretion (See note #2 under "Telecom Rooms".)
8. All equipment cabinets to remain unless otherwise noted above.
9. (3) air cooling units to remain

"Business Resumption" Room (North End)

1. Data Aire cooling unit and raised flooring to remain.

Mall Room

01/21/99

U.S. Bank
Eastside Center
Equipment & Furniture Disposition

OK AS NOTED

1-21-1999

David King, USB

1. USB to remove paper shredder.
2. Built-in furniture to remain.

• **BASEMENT (continued)**

• **Storage Rooms & Security Back-up Room**

1. USB to remove Room telephones and computer equipment
2. USB to remove copiers and refrigerators.
3. USB to remove grey recycling bins, hand cart, tools, and wet vac.
4. "AMSEC" safe to remain (per Kevin Hensal-USB Security-1/15/99)
5. Pipes, doors, wood trim, insulation, ceiling panels, lights, janitorial tools, polisher, all ladders and moveable wall to remain.
6. High density moveable file system to remain.

• **1ST FLOOR**

1. USB to remove furniture.
2. USB may remove at its discretion the "WHITE" Power files.
3. "Genie" power lift, built-ins, white boards, folding partition, chemicals in storage drums, window coverings, locks, cameras, security system, controllers, building directory, and security desk all to remain.
4. Recycling bins owned by Weyerhaeuser are not USB responsibility.

• **2ND FLOOR**

1. USB to remove 2 pieces of cabinetry; remaining cabinetry to remain.

• **3RD FLOOR**

1. USB to repair opening in ceiling where moveable wall system was removed and patch and paint wall.
2. USB to remove refrigerator and shelving.
3. Cabinetry at kitchenette to remain.

• **4TH FLOOR**

1. All built-in cabinetry to remain.

• **5TH FLOOR**

1. All tables and chairs in cafeteria to remain.
2. All USB kitchen equipment not owned by an "outside vendor" to remain.
3. Glass serving stations to remain.
4. Cash register to remain.
5. Loose pots/pans, trays to remain.
6. Roof terrace tables to remain.
7. Cabinetry built-ins to remain.

• **6TH FLOOR**

1. USB to remove all systems furniture, chairs, reception station and waiting chairs.
2. All oak items (built-in credenzas, desks, tables, and bookcases) to remain.
3. Large conference room table, projection screen, and wood lateral cabinet to remain.
4. Medium and small conference tables to remain.

• **ROOF**

1. Disposition of telephone/cell phone/ receivers and equipment etc. by non-USB owners shall be covered elsewhere.

01/21/99

EXHIBIT 2

Repair Work To Be Performed By Bank

January 25, 1999

US Bank Building Purchase.

Bob, Here are my notes from our discussions. Please incorporate in the final documents as you see fit. Craig.

The negotiating team has reached a tentative agreement. Regarding the building condition and what will be repaired prior to the County taking possession. In a nut shell, the County is acquiring a 1985 Building that works! In other words all of the building's systems will be in good working order, for their age and in an operational condition. The following is a simplistic overview of the issues discussed building component by component.

Roofing and flashing: At or nearing life cycle. Bank is willing to credit a portion of the cost of a new roof on a prorated basis.... IE: 5 years left on a 20 year roof. (Both structures) 100,000

Penthouse East wall: The Bank has agreed that the design of the east penthouse wall area is somewhat in question and at failure. The Bank therefore has agreed to credit the cost of what it would take to provide metal cladding over all the walls and drywall wrapped surfaces. \$125,000

Building controls: Have agreed that the building has problems..... Pneumatic system leaks, compressor problems, air dryers, thermostats, controllers, actuators and perimeter unit controls..... The Bank has agreed to at their expenses:

Clean and flush the system.

Complete re-calibration of all controls.

Rebuild the compressors and air dryer system.

Fix all system leaks and perform a run time test.

Any defective devices will be replaced.

County will inspect as much of the system as it sees fit prior to accepting the system.

Fire Protection Systems. The Bank has agreed that the system must pass a Fire Marshall inspection of the existing systems. In addition the Bank will:

Perform a complete audit of the system, repair any problems.

Perform and pass a 3rd party Appendix 3C test.

Retie all sprinkler controls and alarms back into the building fire alarm system.

County will inspect as much of the system as it sees fit prior to accepting the system.

Building Fire Alarm System: The Bank has also agreed that this system must pass a Fire Marshall inspection. In addition the bank will:

Test and repair all system components.

Return system to complete operational status.

County will inspect as much of the system as it sees fit prior to accepting the system.

Boiler Plant: The Bank has agreed to:

Clean, repair and recalibrate all controls.

Bring all 6 boilers up into a rebuilt condition.

Repair/replace the flue dampers.

County will inspect as much of the system as it sees fit prior to accepting the system.

Hot Water: The Bank has agreed to:

Completely go through both tanks and readjust/recalibrate the controls.

Replace any defective components.

County will inspect as much of the system as it sees fit prior to accepting the system.

Air intakes: The Bank has agreed to:

Completely clean all surfaces from the intakes up to and including the first system coil.
The county will be responsible for dealing with the pest control remedy.

CCTV and Card Access systems. The Bank has agreed to replace all defective components, returning these systems to complete operational status, to the County's satisfaction.

Roll-up Doors, Gates and Lifts: The Bank has agreed to repair and adjust all systems to return them to fully operational status.

Lobby heating system: The Bank agrees to return this system into a fully operational condition.

Trap primers: The Bank will repair or replace as required.

Dishwasher and Garbage Disposal: The Bank has agreed to repair or replace.

All repairs and testing should be completed by the Bank no later than February 15th. The County will re-inspect the systems by March 30th, 1999. The Systems are to be operational at closing and may be re-inspected before closing to verify this.

Once again, the Banks intention was stated as desiring to turn over a building that is operational. Any systems needing repair or replacement prior to the County accepting the Facility will be taken care of by the Bank.

The Bank will continue to provide Building Security up to the day of closing.

OPTION AGREEMENT

THIS OPTION AGREEMENT ("Agreement") is made as of December 18, 1998, between U.S. BANK NATIONAL ASSOCIATION, a national banking association ("Seller"), and MULTNOMAH COUNTY, a political subdivision of the State of Oregon ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. Grant of Option. Seller grants to Buyer the option ("Option") to purchase from Seller, the following property (collectively, "Property"):

- 1.1 Real Property. The real property having an address of 501 S.E. Hawthorne in Portland, Oregon and legally described on Exhibit A attached hereto (the "Land"), together with (1) all buildings, the parking structure and all other improvements constructed or located on the Land, and (2) all easements and rights benefitting or appurtenant to the Land (collectively the "Real Property").
- 1.2 Personal Property. That personal property owned by Seller, if any, situated at the Real Property and used exclusively for operation and maintenance of the Building, as more fully described on Exhibit F attached hereto (the "Personal Property").
- 1.3 Leases. Seller's interests as lessor in the leases identified on attached Exhibit B (collectively, "Leases").
- 1.4 Contracts. Seller's interests in the contracts, if any, identified on attached Exhibit C, (collectively, "Contracts").
- 1.5 Permits, Warranties, Records. Seller's interests in the following items, all of which relate to the Property: transferable permits, if any (the "Permits"); transferable warranties and guaranties, if any (provided that Buyer makes all arrangements for the transfer thereof and pays any transfer fees) (collectively, the "Warranties"); and nonconfidential business records, including real estate taxes, assessments, maintenance, repairs, capital improvements and services (the "Records").

2. Purchase Price and Manner of Payment. In consideration of the granting of this Option, Buyer pays to Seller, and Seller acknowledges receipt of, a non-refundable (subject to Sections 6 and 9 hereof) amount equal to US\$200,000.00 (the "Option Fee"), which Option Fee shall be applied to the Purchase Price at Closing. If this Option is exercised, then the total purchase price ("Purchase Price") to be paid for the Property shall be US\$25,052,000.00. The

Purchase Price shall be payable, by wire transfer or other collected funds acceptable to Seller, on the Closing Date.

3. Exercise of Option. This Option shall be exercised, if at all, by Buyer giving written notice to Seller (accompanied by collected funds in the amount of US\$200,000.00, which funds shall be considered additional Option Fee and shall be applied to the Purchase Price at Closing) exercising this Option on or before 4:00 p.m. Central Standard Time on the date that is forty-five (45) days after the date that the last party hereto executes this Agreement. If Buyer exercises the Option pursuant to this Section, Seller shall deliver the second \$200,000.00 of the Option Fee to Norris, Beggs & Simpson and shall cause such broker to deposit such portion of the Option Fee in an interest bearing account pending Closing. If Buyer fails to exercise this Option as herein provided, then Buyer shall have no further rights in or to the Property, Seller shall retain the initial \$200,000.00 Option Fee payment, and this Option shall thereafter be of no further force or effect. It is acknowledged that time is of the essence, and it shall be presumed Seller shall be prejudiced if Buyer shall fail to meet the time limits for exercise and extension herein provided.

4. Closing. The closing of the purchase and sale contemplated by this Agreement (the "Closing") shall occur on June 30, 1999 (the "Closing Date"). Seller and Buyer acknowledge that the Closing Date is based on Seller's determination of the date by which Seller can vacate the Property and, as such, Seller may accelerate the Closing Date (provided that such date is consistent with Buyer's option rights hereunder) by giving Buyer not less than 30 days' prior written notice of the new closing date. The Closing shall take place by correspondence at 10:00 a.m. local time on the Closing Date at the office of First American Title Insurance Company of Oregon ("Title") in Portland, Oregon. Seller agrees to deliver possession of the Property to Buyer on the Closing Date.

4.1 Seller's Closing Documents. On the Closing Date, Seller shall execute and deliver to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quit Claim Deed conveying the Real Property to Buyer.

4.1.2 Assignment of Leases. An Assignment of Leases, quitclaiming to Buyer all of Seller's right, title and interest in and to the Leases.

4.1.3 Bill of Sale. A Bill of Sale conveying the Personal Property listed on Exhibit F attached hereto to Buyer.

4.1.4 Assignment of Contracts. An Assignment of Contracts, quitclaiming to Buyer all of Seller's right, title and interest in and to the Contracts, if any.

- 4.1.5 Assignment of Permits and Warranties. An Assignment of Permits and Warranties, if any, quitclaiming to Buyer all of Seller's right, title and interest in and to the Permits and Warranties.
- 4.1.6 Original Documents. Original copies of the Permits, Warranties and Records, plus all surveys, soil and engineering tests, plans and specifications for the Property, if and to the extent in Seller's possession.
- 4.1.7 Non-Foreign Affidavit. A non-foreign affidavit, properly executed, containing such information as is required by Internal Revenue Code Section 1445(b)(2) and its regulations.
- 4.1.8 Notice to Tenants. Notices to the tenants under the Leases, advising such tenants of the sale of the Property and directing the tenants to make future lease payments to Buyer at the place designated by Buyer.
- 4.1.9 Other Documents. All other documents reasonably determined by Buyer or Title to be necessary to transfer the Property to Buyer as contemplated by this Agreement.
- 4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and deliver to Seller the following (collectively, "Buyer's Closing Documents"):
- 4.2.1 Purchase Price. Funds representing the unpaid balance of the Purchase Price, by wire transfer or other collected funds acceptable to Seller.
- 4.2.2 Assumption Agreement. An agreement whereby Buyer assumes all of Seller's obligations under the Leases, the Permits and the Contracts that accrue on and after the Closing Date.
- 4.2.3 Other Documents. All other documents reasonably determined by Buyer or Title to be necessary to transfer the Property to Buyer as contemplated by this Agreement.
5. Prorations. Seller and Buyer agree to the following pro-rations and allocations of costs regarding this Agreement:
- 5.1 Title Insurance and Closing Fee. Seller will pay all costs of the Existing Commitment, Updated Commitment and Survey. Buyer will pay all premiums required for the issuance of the title policy issued pursuant to the Title

Commitment. Seller and Buyer will each pay one-half of any closing fee or charge imposed by any closing agent or by Title.

- 5.2 Deed Tax. Seller shall pay all deed and transfer taxes payable in connection with the recording of the deed. Buyer shall pay all fees and taxes payable in connection with Buyer's financing, including any fees or taxes imposed in connection with the execution, delivery and/or recording of any mortgage, deed to secure debt, deed of trust or other security document.
- 5.3 Real Estate Taxes and Special Assessments. General real estate taxes and installments of special assessments due and payable in the tax year immediately preceding the tax year in which the Closing occurs and all prior years will be paid by Seller (a tax year in the state of Oregon consists of the time from July 1 of a given year to June 30 of the following year). General real estate taxes and installments of special assessments due and payable in the tax year in which the Closing occurs shall be prorated by Seller and Buyer as of the Closing Date based upon the tax year. Buyer shall assume all real estate taxes and installments of special assessments due and payable in all tax years following the tax year in which the Closing occurs. For purposes of this Section, real estate taxes and installments of special assessments shall be deemed to be "due and payable" in the last tax year in which such payment can be made without incurring interest or penalties for late payment. Seller may elect, at its sole option, to commence proceedings prior to the Closing Date to contest the real estate taxes and/or special assessments now or hereafter levied against the Property (a "Tax Contest"). Any rebate, refund or reduction of real estate taxes or special assessments for the tax year of the Closing or earlier years resulting from any such Tax Contest, whether received before, on or after the Closing Date, shall be applied first to reimburse Seller for all costs and expenses, including reasonable attorneys' fees and other legal costs, incurred by Seller in connection with such Tax Contest, and the balance, if any, shall be prorated and paid to Seller and Buyer in proportion to the amount of such real estate taxes and assessments originally allocated to each of them pursuant to this Section.
- 5.4 Basic Rents. All basic rent and other charges under the Leases will be prorated as of the Closing Date. If at the Closing Date the tenant under any Lease is delinquent in any payments required of it, then to the extent Buyer receives from such tenant amounts in excess of the payments due Buyer pursuant to this Agreement, Buyer will remit such amounts to Seller. However, Buyer will have no obligation to seek or collect any such payments and will only be obligated to make such payment to Seller after Buyer is fully paid for all amounts due it.

- 5.5 Additional Tenant Amounts. To the extent operating expenses, including real estate taxes and special assessments are chargeable to the tenants under the Leases, Buyer shall pay to Seller on the Closing Date the amount of all such operating expenses prepaid by Seller and which are reimbursable but not yet reimbursed by tenants and Buyer shall thereafter collect and retain all tenant reimbursements. Seller shall transfer to Buyer at the Closing Date and without additional charge all security deposits and interest thereon, prepaid rents and all deposits or prepayments by the tenants with respect to operating expenses.
- 5.6 Other Costs. All other operating costs of the Property shall be allocated between Seller and Buyer as of the Closing Date, so that Seller pays that part of operating costs accruing before the Closing Date, and Buyer pays that part of operating costs accruing from and after the Closing Date.
- 5.7 Attorney's Fees. Each of the parties will pay its own attorney's fees, except that a party defaulting under this Agreement or any Closing Document will pay the reasonable attorney's fees and court costs incurred by the nondefaulting party to enforce its rights hereunder.

6. Title Examination. Seller has furnished to Buyer an existing title insurance commitment issued to Seller by Title (Commitment No. 839213, Supplemental Report), a copy of which is attached hereto as Exhibit D ("Existing Commitment"). Seller has also furnished to Buyer a survey of the Property dated February 2, 1998, prepared by W & H Pacific, a copy of which is attached hereto as Exhibit E (the "Survey"). Buyer acknowledges that Buyer has no objections to the encumbrances shown by such Existing Commitment or to matters disclosed by the Survey ("Permitted Encumbrances"). Seller shall, within 10 days after the date of this Agreement, furnish to Buyer an update to the Existing Commitment showing the Seller as the owner, the Buyer as the insured and the Purchase Price as the insured amount (the "Updated Commitment"). Within 10 days after receiving the Updated Commitment, Buyer will make written objections ("Objections") to the form and/or contents thereof; provided, however, that Buyer may not object to the Permitted Encumbrances. Buyer's failure to make Objections within such time period will constitute waiver of Objections. Seller will have 30 days after receipt of the Objections to cure the Objections, during which period the Closing will be postponed, if necessary. Seller shall not be required to expend any moneys to cure the Objections. If Seller is unable to cure the Objections within such 30-day period, Buyer will have the option to do either of the following:

- 6.1 terminate this Agreement and receive a refund of all Option Fee monies paid to Seller by Buyer; or
- 6.2 waive the Objections and proceed to close.

7. Operation Prior to Closing. During the period from the date that the last party hereto executes this Agreement to the Closing Date (the "Executory Period"), Seller shall operate and maintain the Property in the ordinary course of business in accordance with prudent, reasonable business standards, including the maintenance of adequate liability insurance and insurance against loss by fire, windstorm and other hazards, casualties and contingencies, including vandalism and malicious mischief. Seller shall execute no contracts, leases or other agreements regarding the Property during the Executory Period that are not terminable on or before the Closing Date, without the prior written consent of Buyer, which consent may be withheld by Buyer at its sole discretion.

8. "As Is Sale". Buyer acknowledges its receipt of a copy of the Phase I Environmental Site Assessment dated March 6, 1998 prepared by Braun Intertec for Seller, regarding the Property. Buyer is purchasing the Property based upon its own investigation and inquiry and has not received, and is not relying on, any representation or warranty of Seller as to the Property and is agreeing to accept and purchase the Property "as is, with all faults"; provided, however, that Seller represents that, to Seller's knowledge, there is no litigation, arbitration or administrative hearing pending before any court or any governmental authority that concerns or affects the Property or any portion of it, and that to Seller's knowledge no such proceeding is threatened. For purposes of this Agreement, "Seller's knowledge" shall mean the actual knowledge of Bruce MacGregor, a vice president of Seller.

9. Casualty; Condemnation. If all or any part of the Property is damaged by fire, casualty, the elements or any other cause, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Option Fee monies paid to Seller by Buyer by giving notice within thirty (30) days after Seller's notice. If Buyer shall fail to give the notice, then the parties shall proceed to Closing, and Seller shall assign to Buyer all rights to insurance proceeds resulting from such event. If eminent domain proceedings are threatened or commenced against all or any part of the Real Property, Seller shall immediately give notice to Buyer, and Buyer shall have the right to terminate this Agreement and receive back all Option Fee monies paid to Seller by Buyer by giving notice within thirty (30) days after Seller's notice. If Buyer shall fail to give the notice, then the parties shall proceed to Closing, and Seller shall assign to Buyer all rights to appear in and receive any award from such proceedings.

10. Broker's Commission. Seller and Buyer represent to each other that they have dealt with no brokers, finders or the like in connection with this transaction (other than Norris, Beggs & Simpson, whose commission shall be paid by Seller), and agree to indemnify and hold each other harmless from all claims, damages, costs or expenses of or for any other such fees or commissions resulting from their actions or agreements regarding the execution or performance of this Agreement, and will pay all costs of defending any action or lawsuit brought

to recover any such fees or commissions incurred by the other party, including reasonable attorneys' fees.

11. Assignment. Buyer may not assign its rights under this Agreement without the prior written consent of Seller. Any such assignment will not relieve the assigning party of its obligations under this Agreement.

12. Survival. All of the terms of this Agreement shall survive and be enforceable after the Closing.

13. Notices. Any notice required or permitted hereunder shall be given by personal delivery upon an authorized representative of a party hereto; or if mailed in a sealed wrapper by United States registered or certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized, reputable overnight courier, properly addressed as follows:

If to Seller: U.S. BANK NATIONAL ASSOCIATION
c/o U.S. Bank Properties Management
2800 East Lake Street, 2nd Floor
Minneapolis, Minnesota 55406
Attn: Bruce MacGregor
Fax #: 612/728-8452

If to Buyer: MULTNOMAH COUNTY
Property Management
2505 SE 11th Avenue
Portland, Oregon 97202
Attn: Bob Oberst
Fax #: 503/248-5082

Notices shall be deemed effective on the earlier of the date of receipt by or the date of deposit with one of the delivery agents specified in this Section 13, as aforesaid; provided, however, that if notice is given by deposit, the time for response to any notice by the other party shall commence to run one business day after any such deposit. Any party may change its address for the service of notice by giving notice of such change 10 days prior to the effective date of such change.

14. Miscellaneous. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement, and are not to be considered in interpreting this Agreement. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the

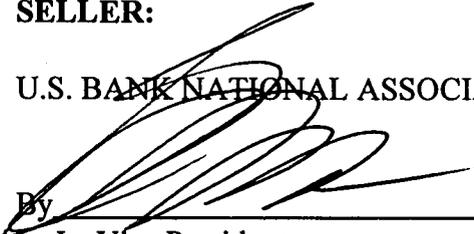
parties regarding the Property. There are no verbal agreements that change this Agreement, and no waiver of any of its terms will be effective unless in a writing executed by the parties. This Agreement binds and benefits the parties and their successors and assigns. This Agreement has been made under the laws of the State of Oregon, and such laws will control its interpretation.

Seller and Buyer have executed this Agreement as of the date first written above.

Dated: December 18, 1998

SELLER:

U.S. BANK NATIONAL ASSOCIATION

By 

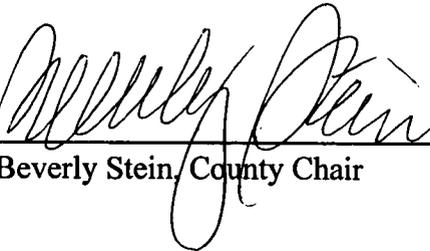
Its Vice President

Dated: December 17, 1998

BUYER:

MULTNOMAH COUNTY, a political subdivision
of the State of Oregon

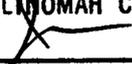
By



Beverly Stein, County Chair

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY

BY



ASSISTANT COUNTY COUNSEL

DATE

12/16/98

EXHIBIT A

Legal Description

Parcel 1:

All of Block 131, HAWTHORNE PARK, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT that part taken for the widening of S.E. Grand Avenue and S.E. Hawthorne Boulevard

Parcel 2:

All of Block 61, STEPHENS ADDITION TO EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT the Northerly 5 feet in S.E. Hawthorne Boulevard, AND FURTHER EXCEPTING any part thereof in S.E. Grand Avenue

EXHIBIT B

Leases

1. US Bancorp Eastside Center Storage Space Rental Agreement dated 8/6/93 between US Bancorp and Interstate Mobilephone Company d/b/a Cellular One
2. License Agreement dated 8/6/93 between US Bancorp and Interstate Mobilephone Company d/b/a Cellular One
3. Air Space Lease dated November 9, 1992 between State of Oregon, as Lessor, and U.S. National Bank of Oregon, as Lessee
4. Lease Agreement dated March 23, 1992 between City of Portland, as Lessor, and United States National Bank of Oregon

EXHIBIT C

Contracts

1. Management Agreement dated December 31, 1997 between U.S. Bancorp, as Owner, and City Center Parking, an Oregon limited partnership, as Operator
2. Installation and Service Agreement dated May 29, 1997 between Honeywell Inc., Home and Building Control, and US Bancorp
3. Complete Maintenance Agreement for Traction Elevators/Hydraulic Elevators between Montgomery Elevator Company and US Bank
4. Janitorial Service Agreement dated October 21, 1991 between Prestige Building Maintenance Company and U.S. Bancorp

EXHIBIT D

Title Commitment



October 29, 1998

Order No. : 839213
Nat'l Acct. No. : 1671
Re : United States National Bank
SUPPLEMENTAL REPORT

Preliminary Title Report

ALTA Owners Stand. Cov.	\$	Premium	\$
ALTA Owners Ext. Cov.	\$OPEN	Premium	\$
ALTA Lenders Stand. Cov.	\$	Premium	\$
ALTA Lenders Ext. Cov.	6	Premium	\$
Indorsement		Premium	\$
Other		Cost	\$
Govt. Serv. Charge		Cost	\$ 35.00

A consolidated statement of all charges and advances in connection with this order will be provided at closing.

First American Title Ins
333 Seventh Street South
Suite 1150
Minneapolis, MN 55402-2421

Attention: Melissa Holley

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

For legal description see Exhibit "A" attached hereto;

and as of October 23, 1998 at 8:00 a.m., title vested in:

UNITED STATES NATIONAL BANK OF OREGON;

Subject to the exceptions, exclusions and stipulations which are ordinarily part of such Policy form and the following:

1. Affirmative coverage may be provided by First American Title Insurance Company as to the following exceptions if sufficient documentation is provided. Any matters disclosed by the extended search will be set forth as exceptions to the title:

(a) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

(b) Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of land or by making inquiry of persons in possession thereof.

(c) Easements, encumbrances, or claims thereof, not shown by the public records, unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims, or title to water.

(d) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

(e) Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.

2. City Liens, if any, of the City of Portland.
Note: There are no liens as of the date of this report.

3. THIS EXCEPTION HAS BEEN ELIMINATED.

4. THIS EXCEPTION HAS BEEN ELIMINATED.

5. THIS EXCEPTION HAS BEEN ELIMINATED.

6. Conditions and Restrictions contained in Land Use Review File No. LUR 93-00338 DZ,
Recorded : July 22, 1993 in Book 2727, page 189

7. Taxes for the year 1998-99:

Tax Amount : \$287,283.99
Unpaid Balance : \$287,283.99, plus interest, if any.
Code No. : 884
Account No. : 36670-0260
(Affects Parcel I)

Taxes for the year 1998-99:

Tax Amount : \$1.69
Unpaid Balance : \$1.69, plus interest, if any.
Code No. : 884
Account No. : 36670-0300
(Affects Air space only - Parcel I)

Taxes for the year 1998-99:

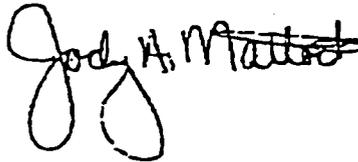
Tax Amount : \$39,184.40
Unpaid Balance : \$39,184.40, plus interest, if any.
Code No. : 884
Account No. : 79400-3820
(Affects Parcel II)

8. Unrecorded leases or periodic tenancies, if any.

Page 3
Order No. 839213

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON



JODY A. MATLOCK
Commercial Title Department Manager
Vice President
(503) 790-7855

JAM:alr

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE
We look forward to assisting you in all of your title and escrow needs

EXHIBIT "A"

PARCEL I:

All of Block 131, HAWTHORNE PARK, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT that part taken for the widening of S.E. Grand Avenue and S.E. Hawthorne Boulevard.

PARCEL II:

All of Block 61, STEPHENS ADDITION TO EAST PORTLAND, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT the Northerly 5 feet in S.E. Hawthorne Boulevard, AND FURTHER EXCEPTING any part thereof in S.E. Grand Avenue.



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (10/17/92)

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- Defects, liens, encumbrances, adverse claims or other matters:
 - created, suffered, assumed or agreed to by the insured claimant;
 - not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - resulting in no loss or damage to the insured claimant;
 - attaching or created subsequent to Date of Policy (except to the extent that this policy insures the priority of the lien of the insured mortgage over any statutory lien for services, labor or material or the extent insurance is afforded herein as to assessments for street improvements under construction or completed at Date of Policy); or
 - resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the insured mortgage.
- Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
- Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage and is based upon usury or any consumer credit protection or truth in lending law.
- Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
- Any claim, which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:
 - the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or
 - the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or
 - the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:
 - to timely record the instrument of transfer; or
 - of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

ALTA OWNER'S POLICY (10/17/92)

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorneys' fees or expenses which arise by reason of:

- (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- (b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
- Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
- Defects, liens, encumbrances, adverse claims or other matters:
 - created, suffered, assumed or agreed to by the insured claimant;
 - not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;
 - resulting in no loss or damage to the insured claimant;
 - attaching or created subsequent to Date of Policy; or
 - resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
- Any claim, which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditor rights laws, that is based on:
 - the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or
 - the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:
 - to timely record the instrument of transfer; or
 - of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

SCHEDULE OF STANDARD EXCEPTIONS

The ALTA standard policy form will contain in Schedule B the following standard exceptions to coverage:

- Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
- Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
- Easements, encumbrances, or claims thereof, not shown by the public records; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
- Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 (10-92)
CORRECTED

MAGK01AP
TI001

*** Query Name - Real Property ***

Page:

Acct Nbr: R-36670-0260

Acct Status:

Source Name/Address

OWNER1 UNITED STATES NAT'L BK OR
MAIL1 111 SW 5TH AV

Situs

501 SE HAWTHORNE BLVD
City: PORTLAND Zip:

Mail:

Seq:

MAIL2 PORTLAND, OREGON 97204

Levy Code: 884 Vchr Action: 203307
Annex: #15894 Division:

Appr St: APPR CODE: K

Msg 1: 60642 \$104,196.90 04/22/92

Msg 2: COM BOE 9106098 C040292

Msg 3:

Book/Page: 2417/1456 Year: 91

Tax Roll Description

Addn: HAWTHORNE PK

Lot

Block

Ratio Code: 371

EXC W 10'

1-5

131

State Ratio Code:

6-8

131

OLD Map: 3131

SID: 1S1E02BC 7200

STATE

*** Query Commercial Characteristics ***

Ratio Code: 371

Appr Dist: 3

Site Sq Ft: 37,050

PS/IL: P:

St Ratio Code:

Neigh Code: 116

Year Appraised: 95

OLD Map:

3131 State ID: 1S1E02BC 7200

Use: OFFICE 3+ STORIES

Apr Stat: Appr Code: K

Improvements Characteristics:

MAIN ACCT NBR: R366700260

Impr Nbr: 1

Class: REINFORCED CONCRETE FRAME

Yr Built: 1985

Nbr Units: 0

Area Sq Ft: 191,2

External Wall: CURTAIN WALLS MASONRY PANELS

Nbr Stories: 6.0

*** Query Value - Real Property ***

Year Cd Date	Description	Land	Imps	Total
95/96 U 09/15/95	REAL MARKET VALUE	509,500	14,725,500	15,235,00
96/97 T 08/21/96	REAL MARKET VALUE	545,200	16,822,700	17,367,90
97/98 T 07/18/97	REAL MARKET VALUE	588,800	17,300,100	17,888,90
	ASSESSED VALUE			13,711,50

*** Query Account Balances ***

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Rat
92/93	0.00	BAL	353,990.65	884	15,250,000	23.212
	0.00	INT	353,990.65	TOTAL	15,250,000	
	0.00	TOTAL				
93/94	0.00	BAL	315,585.05	884	15,250,000	20.694
	0.00	INT	315,585.05	TOTAL	15,250,000	
	0.00	TOTAL				

Acct Nbr: R-36670-0260

Acct Status:

Source Name/Address

OWNR1 UNITED STATES NAT'L BK OR
MAIL1 111 SW 5TH AV

Situs

501 SE HAWTHORNE BLVD
City: PORTLAND Zip:

Seq:

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Rate
94/95	0.00	BAL	280,504.87	884	15,555,000	18.0331
	0.00	INT	280,504.87	TOTAL	15,555,000	
	0.00	TOTAL				
95/96	0.00	BAL	236,733.61	884	15,235,000	15.5388
	0.00	INT	236,733.61	TOTAL	15,235,000	
	0.00	TOTAL				
96/97	0.00	BAL	287,051.43	884	17,367,900	16.5277
	0.00	INT	287,051.43	TOTAL	17,367,900	
	0.00	TOTAL				
97/98	0.00	BAL	271,438.33	884	13,711,500	*****
	0.00	INT	271,438.33	TOTAL	13,711,500	
	0.00	TOTAL				

*** End of Report MAGK122P ***

Acct Nbr: R-36670-0300
 Acct Status: OMITTED ASMT1
 Source Name/Address
 OWNR1 PORTLAND CITY OF (LEASED)
 OWNR2 U S NAT'L BK>

Situs Mail:
 WI/501 SE HAWTHORNE BLVD
 City: PORTLAND Zip: Seq:

MAIL1 1120 SW 5TH AVE #802
 MAIL2 PORTLAND, OREGON 97204

Levy Code: 884 Vchr Action: 92003
 Annex: 158940 Division: 92003
 Appr St: APPR CODE: K

Book/Page: 0000/0000 Year: 92
 Tax Roll Description
 Addn: HAWTHORNE PK Lot Block
 TL 7200 131
 AIR SPACE

Msg 1:
 Msg 2: TAD DIV DIVISION 07239
 Msg 3:
 Ratio Code: 271
 State Ratio Code:
 OLD Map: 3131
 SID: 1S1E02BC 7200 A1
 STATE

----- *** Query Commercial Characteristics *** -----

Ratio Code: 271 Appr Dist: 3 Site Sq Ft: 812 PS/IL:
 St Ratio Code: Neigh Code: 116
 Year Appraised: 95 OLD Map: 3131 State ID: 1S1E02BC 7200 A1
 Use: OFFICE 3+ STORIES Apr Stat: Appr Code: K
 Improvements Characteristics: MAIN ACCT NBR: R366700260
 Impr Nbr: 1 Class: Yr Built: 0
 Nbr Units: 0 Area Sq Ft:

External Wall:

Nbr Stories:

----- *** Query Value - Real Property *** -----

Year Cd Date	Description	Land	Imps	Tot
95/96 U 09/18/95	REAL MARKET VALUE	100		
96/97 T 08/21/96	REAL MARKET VALUE	100		
97/98 T 07/18/97	REAL MARKET VALUE	100		
	ASSESSED VALUE			

----- *** Query Account Balances *** -----

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Re
92/93	0.00	BAL	2.32	884	100	23.23
	0.00	INT	2.32	TOTAL	100	
	0.00	TOTAL				
93/94	0.00	BAL	2.08	884	100	20.63
	0.00	INT	2.08	TOTAL	100	
	0.00	TOTAL				

Acct Nbr: R-36670-0300
Acct Status: OMITTED ASMT1
Source Name/Address
OWNER1 PORTLAND CITY OF (LEASED
OWNER2 U S NAT'L BK>

Situs
WI/501 SE HAWTHORNE BLVD
City: PORTLAND Zip:

Seq:

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Ra
94/95	0.00	BAL	1.81	884	100	18.03
	0.00	INT	1.81	TOTAL	100	
	0.00	TOTAL				
95/96	0.00	BAL	1.56	884	100	15.53
	0.00	INT	1.56	TOTAL	100	
	0.00	TOTAL				
96/97	0.00	BAL	1.65	884	100	16.52
	0.00	INT	1.65	TOTAL	100	
	0.00	TOTAL				
97/98	0.00	BAL	1.74	884	90	*****
	0.00	INT	1.74	TOTAL	90	
	0.00	TOTAL				

*** End of Report MAGK122P ***

Acct Nbr: R-79400-3820
Acct Status:
Source Name/Address
OWNR1 UNITED STATES NAT'L BK OR
MAIL1 111 SW 5TH AV

Situs
WI/501 SE HAWTHORNE BLVD
City: PORTLAND Zip: Seq:

MAIL2 PORTLAND, OREGON 97204

Levy Code: 884 Vchr Action: 922202
Annex: #15894 Division: 922202
Appr St: APPR CODE: K
Msg 1: 61178 \$47,206.56 04/22/92
Msg 2: TAD DIV CONSOLC022393
Msg 3:

Book/Page: 2417/1456 Year: 91
Tax Roll Description

Addn: STEPHENS ADD	Lot	Block	Ratio Code: 371
EXC PT IN STS	1&8	61	State Ratio Code:
EXC PT IN ST	2-4	61	OLD Map: 3231
	5-7	61	SID: 1S1E02CB 8900 STATE

----- *** Query Commercial Characteristics *** -----

Ratio Code: 371	Appr Dist: 3	Site Sq Ft: 39,000	PS/IL: PS
St Ratio Code:	Neigh Code: 116		
Year Appraised: 95	OLD Map: 3231	State ID: 1S1E02CB 8900	
Use: OFFICE 3+ STORIES	Apr Stat: Appr Code: K		
Improvements Characteristics:	MAIN ACCT NBR: R366700260		
Impr Nbr: 1 Class: REINFORCED CONCRETE FRAME		Yr Built: 1986	
	Nbr Units: 0	Area Sq Ft: 111,15	

External Wall: CONCRETE, FORMED Nbr Stories: 3.0

----- *** Query Value - Real Property *** -----

Year Cd Date	Description	Land	Imps	Total
95/96 U 09/15/95	REAL MARKET VALUE	429,000	1,649,000	2,078,000
96/97 T 08/21/96	REAL MARKET VALUE	459,000	1,909,900	2,368,900
97/98 T 07/18/97	REAL MARKET VALUE	495,700	1,944,300	2,440,000
	ASSESSED VALUE			1,870,200

----- *** Query Account Balances *** -----

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Rate
92/93	0.00	BAL	37,908.33	884	1,633,100	23.2121
	0.00	INT	37,908.33	TOTAL	1,633,100	
	0.00	TOTAL				
93/94	0.00	BAL	42,071.10	884	2,033,000	20.694
	0.00	INT	42,071.10	TOTAL	2,033,000	
	0.00	TOTAL				

Acct Nbr: R-79400-3820
Acct Status:
Source Name/Address
OWNR1 UNITED STATES NAT'L BK OR
MAIL1 111 SW 5TH AV

Situs
WI/501 SE HAWTHORNE BLVD
City: PORTLAND Zip:

Seq:

Interest Through: 1/15/98

Year	Amount Due	Desc	Taxes Levied	L/C	Taxable Value	Rate
94/95	0.00	BAL	37,395.24	884	2,073,700	18.0333
	0.00	INT	37,395.24	TOTAL	2,073,700	
	0.00	TOTAL				
95/96	0.00	BAL	32,289.61	884	2,078,000	15.5388
	0.00	INT	32,289.61	TOTAL	2,078,000	
	0.00	TOTAL				
96/97	0.00	BAL	39,152.45	884	2,368,900	16.5271
	0.00	INT	39,152.45	TOTAL	2,368,900	
	0.00	TOTAL				
97/98	0.00	BAL	37,023.24	884	1,870,200	*****
	0.00	INT	37,023.24	TOTAL	1,870,200	
	0.00	TOTAL				

*** End of Report MAGK122P ***



CITY OF
PORTLAND, OREGON
 BUREAU OF PLANNING

BOOK 2727 PAGE 189

Charles Hales, Commissioner
 Robert E. Sorey, Jr., Director
 1120 S.W. 5th St., Room 1002
 Portland, Oregon 97204-1966
 Telephone: (503) 623-7700
 FAX: (503) 623-7800

ADMINISTRATIVE DECISION
FILE NUMBER: LUR 93-00338 DZ
(FISHER FORD/BEN FRANKLIN BUILDING)

General Information

Applicants: US Bancorp
 c/o Beth Beskitt
 111 SW 5th Ave.
 Portland, OR 97204

Represented by: ~~Inter~~ ~~net~~ ~~Com~~ ~~mu~~ ~~n~~ ~~ic~~ ~~o~~ ~~n~~ ~~s~~ ~~C~~o.
 d/d Cellular One
 c/o Spencer E. Van
 4505 NE 24th Ave.
 Portland, OR 97211
 281-8245

Location: Fisher Ford/Ben Franklin Building
 501 SE Hawthorne Blvd. cor Grand Ave.

Legal Description: Lots 1-8, Block 131, Hawthorne Park

Quarter Section: 3131

Neighborhood: Business

Zoning/Designations: EXd, Central Employment with a design overlay

Land-Use Review: Design Review (Type II)

I hereby certify this document to be a complete and exact copy of the original as the same appears on file and of record in my office and in my care and custody.

July 1, 1993

DARANDA CLARK

Auditor of the City of Portland

[Signature]
 Deputy

Proposal: Applicant is proposing to place three cellular telephone antennas on the roof on an existing building located in a d overlay zone. The antennas will be mounted on 8-foot tall support structures and painted to blend with the building. In order to be approved, this proposal must meet the approval criteria of 33.825.060.

Administrative Decision

Approval of site plan and elevations dated April 9, 1993, with the following condition:

- A. Paint antennas to blend into the background

City Government Information TDD (for Hearing & Speech Impaired): (503) 623-6253

Return to City Auditor

JUL 2 2 1993

Administrative Decision
on LUR 93-00538 DZ

Staff Planner: Edgar Washburn, Senior City Planner

Decision rendered by: Edgar Washburn on June 16, 1993

Decision filed June 17, 1993

Decision mailed June 21, 1993

Appealing this decision. This decision may be appealed to the Design Commission, which will hold a public hearing. Appeals must be filed by 4:30 PM on July 6, 1993 at the Permit Center (First Floor, Portland Building) on the forms provided by the Bureau of Planning. An appeal fee of \$50 will be charged. Information and assistance in filing an appeal are available from the Bureau of Planning in the Permit Center or the staff planner on this case. You may review the file on this case at our office on the 10th floor of the Portland Building, 1120 SW Fifth Avenue, Portland, Oregon.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Design Commission is final; any further appeal is to the Oregon Land Use Board of Appeals (LUBA).

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Design Commission an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision. If this decision is not appealed, it will be final on July 7, 1993. It cannot be recorded before that date, but it must be recorded by July 19, 1993, 14 days after it becomes final. If the decision is not recorded, it will be void. The applicant, builder, or a representative can record the decision by going to the City Auditor's office in City Hall, 1220 SW Fifth Avenue, Room 202, Portland, Oregon. The Auditor will charge a fee and will record this decision with the County Recorder. A building or development permit will be issued only after this decision is recorded.

Expiration of this approval. This decision expires three years from the date it is recorded unless:

- A building permit has been issued, or
- The approved activity has begun, or
- In situations involving only the creation of lots, the land division has been recorded.

Applying for your permits. A building permit, occupancy permit, or development permit must be obtained before carrying out this project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed here.
- All applicable development standards, unless specifically exempted as part of this land use review.
- All requirements of the building code.
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the city.

JUL 23 1993

JUL 2 2 1993

095514

Certified Copy of LUR 7.5-00338D2
To Be Recorded

STATE OF OREGON
Multnomah County

I, a Deputy for the Recorder of Comity, in and by
said County, do hereby certify that the within instrument of
writing was received for record and recorded in the records
of said County.

JUL 2 2 1993 - 8 00 AM

MULTNOMAH COUNTY OREGON

in Book BOOK 2727 PAGE 189

Witness my hand and seal of office at this
Recorder of Comity

C. Swick
Deputy

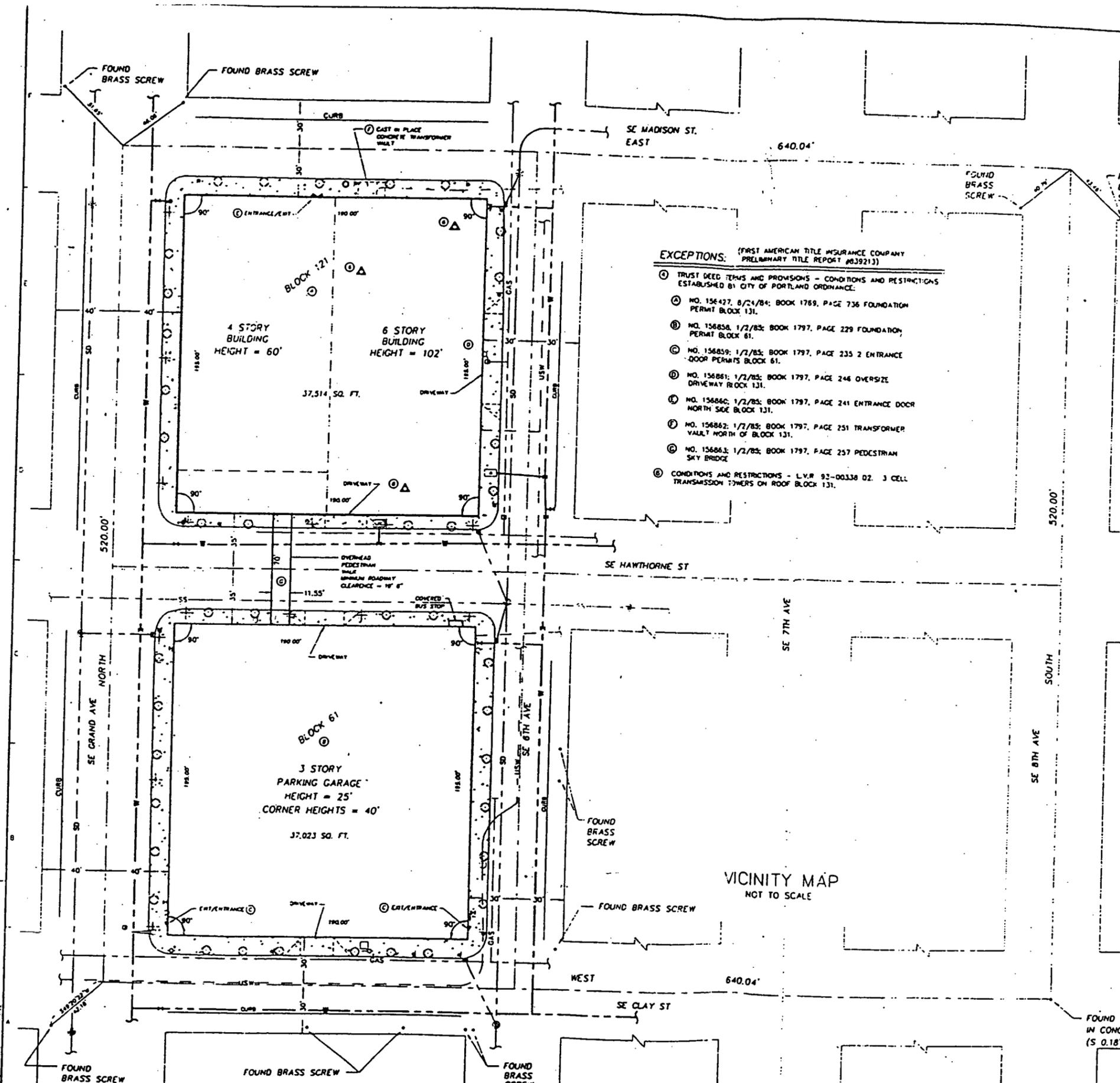
095514

BOOK 2727 PAGE 191

10

EXHIBIT E

Survey



- EXCEPTIONS:** (FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORT #039213)
- Ⓐ TRUST DEED TERMS AND PROVISIONS - CONDITIONS AND RESTRICTIONS ESTABLISHED BY CITY OF PORTLAND ORDINANCE.
 - Ⓑ NO. 156427, 8/24/84; BOOK 1769, PAGE 736 FOUNDATION PERMIT BLOCK 131.
 - Ⓒ NO. 156858, 1/2/85; BOOK 1797, PAGE 229 FOUNDATION PERMIT BLOCK 61.
 - Ⓓ NO. 156859, 1/2/85; BOOK 1797, PAGE 235 2 ENTRANCE DOOR PERMITS BLOCK 61.
 - Ⓔ NO. 156861, 1/2/85; BOOK 1797, PAGE 246 OVERSIZE DRIVEWAY ROCK 131.
 - Ⓕ NO. 156866, 1/2/85; BOOK 1797, PAGE 241 ENTRANCE DOOR NORTH SIDE BLOCK 131.
 - Ⓖ NO. 156862, 1/2/85; BOOK 1797, PAGE 251 TRANSFORMER VAULT NORTH OF BLOCK 131.
 - Ⓗ NO. 156863, 1/2/85; BOOK 1797, PAGE 257 PEDESTRIAN SKY BRIDGE.
 - Ⓘ CONDITIONS AND RESTRICTIONS - L.V.R. 93-00338 02. 3 CELL TRANSMISSION TOWERS ON ROOF BLOCK 131.

VICINITY MAP
NOT TO SCALE

NOTES

1. FLOOD "ZONE C" FIRM COMMUNITY PANEL NO. 410183 0035 C OCTOBER 19, 1982
2. ZONED: EXD - CENTRAL CITY EMPLOYMENT COMMERCIAL WITH A DESIGN OVERLAY
HEIGHT - 200 FT MAX
SET BACKS - 0 FT
DENSITY - N/A FAR - 100%
3. SITE ADDRESS: 501 S.E. HAWTHORNE
4. PARKING (3 STORY PARKING GARAGE)
REGULAR - 218
HANDICAP - 8
COMPACT - 126
TOTAL - 342

UTILITY STATEMENT

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

LEGEND

	BUILDING LINE
	CURB LINE
	CENTER LINE OF RIGHT-OF-WAY
	RIGHT-OF-WAY LINE
	WATER LINE
	SANITARY SEWER LINE
	STORM SEWER LINE
	USW TELEPHONE LINE
	GAS LINE
	PGE POWER LINE
	FOUND MONUMENT AS NOTED
	WATER VALVE
	FIRE HYDRANT
	FIRE CONNECTION/WALL HYDRANT
	GAS VALVE
	SIGN
	POWER POLE
	PEDESTRIAN POST W/BUTTON
	TRAFFIC SIGNAL POLE
	TELEPHONE MANHOLE
	LUMINAIRE
	DECIDUOUS TREE
	CATCH BASIN
	WATER VAULT
	STEEL PLATE
	STORM MANHOLE
	SANITARY MANHOLE
	UTILITY MANHOLE
	CELL TOWER/8' HIGH

LEGAL DESCRIPTION

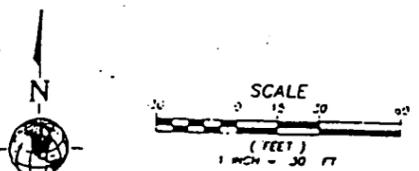
PARCEL 1:
ALL OF BLOCK 131, HAWTHORNE PARK, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, EXCEPT THAT PART TAKEN FOR THE WIDENING OF S.E. GRAND AVENUE AND S.E. HAWTHORNE BOULEVARD.

PARCEL 2:
ALL OF BLOCK 61, STEPHENS ADDITION TO EAST PORTLAND, IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, EXCEPT THE NORTHERLY 5 FEET IN S.E. HAWTHORNE BOULEVARD AND FURTHER EXCEPTING ANY PART THEREOF IN S.E. GRAND AVENUE.

SURVEYOR'S CERTIFICATE

THIS IS TO CERTIFY TO U.S. BANK, A NATIONAL ASSOCIATION, ITS SUCCESSORS AND ASSIGNS THAT THIS MAP OR PLAN AND THE SURVEY ON WHICH IT IS BASED WERE MADE (1) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND ACSM IN 1992, AND INCLUDES ITEMS 1, 2, 3, 4, 7(a), 7(b)(1), 7(c), 8, 10 AND 11 OF TABLE A THEREOF, AND (2) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) OF AN "URBAN" SURVEY.

DATE: 2-3-98
BY: [Signature] OPAN D. ABBOTT
OREGON P.L.S. #1066



8405 SW NIMBUS AVE.
 BEAVERTON, OREGON
 97008-7120
 TEL: (503)888-0456
 FAX: (503)888-0996

W&H
 SURVEYING

U.S. BANK - HAWTHORNE A.L.T.A.
 FOR
 U.S. BANK CORPORATE PROPERTIES
 PORTLAND, OREGON

REG. 2-09-98
 REGISTERED
 PROFESSIONAL
 LAND SURVEYOR
 [Signature]
 OREGON P.L.S. #1066

DATE	BY	APPROVED BY
2/3/98	[Signature]	[Signature]
DATE	BY	APPROVED BY
2/3/98	[Signature]	[Signature]

SHEET 17

EXHIBIT F

Personal Property

MEETING DATE: January 28, 1999
AGENDA #: R-6
ESTIMATED START TIME: 10:45

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: _____

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

REGULAR MEETING: DATE REQUESTED: Thursday, January 28, 1999
AMOUNT OF TIME NEEDED: 1 Hour

DEPARTMENT: Non-Departmental DIVISION: Public Affairs Office

CONTACT: Gina Mattioda TELEPHONE #: 306-5766 or 202-5321
BLDG/ROOM #: 166/1045

PERSON(S) MAKING PRESENTATION: Gina Mattioda and Susan Lee

ACTION REQUESTED:

[] INFORMATIONAL ONLY [x] POLICY DIRECTION [] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

1999 Legislative Agenda Update

SIGNATURES REQUIRED:

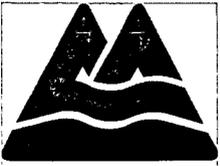
ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Gina Mattioda

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 JAN 20 PM 12:42

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277



Public Affairs Office

MULTNOMAH COUNTY OREGON

421 SW Sixth Avenue, Suite 1045
Portland, Oregon 97204
(503) 736-6800 phone
(503) 736-6801 fax

Board of County Commissioners
Public Affairs Office Discussion of 1999 Legislative Agenda
January 28, 1999

1. Public Affairs Office on the Mint (<http://mint/PAO>): Capitol News and other materials relating to the 1999 Legislature : Information Sharing - Susan Lee
2. Process for tracking legislation for Multnomah County Stakeholders: Information Sharing - Gina Mattioda
3. Follow-up meetings with Multnomah County legislators on County's Legislative Agenda: Status Report – Gina Mattioda
4. Status Report on County's Legislative Agenda: Discussion
 - Preliminary Discussions on Budget Implications – Susan Lee and Dave Warren
 - Update on Dedicated Funding Source for the Willamette River Bridges/Transportation – Susan Lee
 - Enhance Funding for Safety Net Clinics – Gina Mattioda and Sharon Armstrong
 - Continue Oregon Health Plan – Gina Mattioda and Kathleen Fuller-Poe
5. Governor's Charter School Principles – Informational Only - Gina Mattioda and Susan Lee

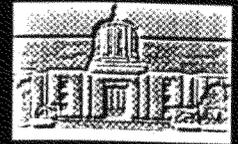
Important Dates:

Association of Oregon Counties (AOC) District 8 Meeting, Monday February 1, 1999 6:00–9:00 p.m., Sweetbrier Inn, Tualatin

AOC Legislative Training, 9:30 a.m.–4:00 p.m. and Reception, 5:30-7:00 p.m. Tuesday February 2, AOC, Salem



MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA



Multnomah County's Board of County Commissioners' ability to remain an accountable and productive local government and provide essential community services hinges on the partnership with the State Legislature. These services range from providing alcohol, drug, and mental health treatment to maintaining the Willamette River Bridges, operating a network of health care safety net clinics, and providing resources to reduce juvenile crime. This legislative agenda underscores our mutual commitment to improving the quality of life for all Oregonians.

Maintain Public Safety. Multnomah County is dedicated to the protection of our community by holding offenders accountable for their actions and by providing them with the necessary skills to become successful citizens. The County has developed several initiatives that promote public safety, reduce juvenile crime, and hold youth and families accountable.

The County endorses the Governor's Juvenile Crime Prevention Strategy and bills that prevent and reduce juvenile crime. The County supports measures that reduce gun violence. Favors legislation supporting year-round school in county juvenile detention facilities. The County requests legislative change to clarify the statutes defining the duties of Probation and Parole Officers. The County asks the Legislature to provide appropriate community corrections and 1145 local control funding that reflects the costs of supervision and community-based programs in the County.

Continue Oregon Health Plan. The Oregon Health Plan is designed to ensure that all people, regardless of ability to pay, have access to quality and affordable health care. The County supports the original intent of the Oregon Health Plan, which strives for universal health care access and controls costs by prioritizing health care services rather than placing limits on eligibility. The County opposes measures that attempt to erode the Plan. The County encourages the Legislature to sustain its level of funding, continue integration of mental health services, and support initiatives that reduce the fragmentation of the alcohol and drug system.

Enhance Funding for Safety Net Clinics. The County has a long history of responding to community health needs by operating a network of primary health care clinics. These clinics provide primary health care to low income residents, the uninsured, and under-insured. Multnomah County applauds the leadership of the 1997 Legislature that allocated resources for the first time to these clinics and calls for the 1999 Legislature to appropriate additional resources to meet the growing need.

Provide a Dedicated Funding Source for the Willamette River Bridges. The County requests that the Legislature provides a funding source for the six Willamette River Bridges owned, maintained and operated by the County. Without funding from the Legislature, federal funding could be in jeopardy. The majority of these bridges are over 70 years old and in need of major capital improvements to extend the bridge service life. The cost to maintain these bridges is high; painting and rehabilitation of the Hawthorne Bridge alone exceeded \$21.8 million. The County has identified a \$225 million capital shortfall over the next 20 years.

Secure Funding for Senior and Disabled Transit. Multnomah County's aging and disabled populations need improved access to public transportation options to seek and maintain employment, receive vital medical care, and obtain nutrition services at congregated meal sites. The County advocates for a long-term state policy on transportation services for mobility-impaired older and disabled citizens.

Increase School Funding. Multnomah County has recognized the critical nature of our schools in meeting our community vision of providing an opportunity for all children to succeed. The County urges the Legislature to embrace this vision by adequately funding school districts at a level that allows them to deliver education services equal or better than in previous years.

Enable Counties to Address Substantial Increase of PERS Liability. Wage growth, high PERS earnings and the passage of the 1995 HB 3349, increased the counties' unfunded PERS liability by \$30 million and increased employers' annual contribution rates. HB 3349 also allowed the State to collect income taxes on PERS benefits. The County requests the Legislature to consider sharing the increased income tax revenues to offset the impact of HB 3349 on local government. In addition, the County supports the proposal by the Municipal Debt Advisory Commission for a statutory change that would increase the current \$5,000 debt limitation, providing the County additional options for managing unfunded liabilities.

Preserve Columbia River Gorge. The County favors increased funding of the Columbia River Gorge Commission and supports a review of the Columbia River Gorge Management Plan to ensure the Commission is performing its functions effectively and efficiently.

Support Living Wages. Multnomah County urges the Legislature to acknowledge the critical work of social service providers by increasing their wages and benefits. The County has taken steps to increase benefits and wages for employees of security and janitorial contracts, but has been unable to take similar steps for employees of social service provider contracts. The County's ability to affect wages of employees of social service provider contracts is limited because the Legislature controls the funding. Adequate funding for these employees would reduce turnover, which is currently over 50%, ensure access to quality services, and prevent early entry into institutions of seniors and persons with disabilities.

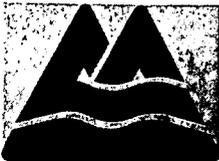
Explore Tax Reform Initiatives. The County asks the Legislature to recognize that Measure 47/50 granting of property tax exemptions now directly reduces local government revenue and services. Property taxes are limited to a 3% increase per year. To curtail the impacts of Measure 47/50, the County seeks support for recommendations of the Association of Oregon Counties' Tax Reform Task Force. These recommendations, considered in the Governor's Tax Policy Phase II Committee include:

- Increase shared revenue to more appropriately balance funding and services between state and local governments.
- Restrict preemption of local revenue and increase local revenue alternatives.
- Provide payment to local governments to compensate for any new property tax exemptions granted by the Legislature.
- Swap portion of property tax base for portion of state personal income tax base.
- Share state revenue gains associated with economic development projects.

Working in Partnership with the Association of Oregon Counties.

Multnomah County together with AOC seeks support for the following issues:

- Establish stable funding for **Assessment and Taxation**, which collects the largest source of funding for county government property taxes
- Secure state funding for **District Attorneys and Court Facilities**
- Increase funding for the maintenance and capital needs of the state's **Transportation** system
- Seek resources for **Economic Development** including urban renewal
- Support the Governor's **Juvenile Crime Prevention Strategy**



Public Affairs Office

MULTNOMAH COUNTY OREGON

421 SW Sixth Avenue, Suite 1045
Portland, Oregon 97204
(503) 736-6800 phone
(503) 736-6801 fax

January 28, 1999

TO: Board of County Commissioners

FR: Gina Mattioda, Director
Public Affairs Office

RE: Enhance Funding for Safety Net Clinics
Continue Oregon Health Plan

Enhance Funding for Safety Net Clinics

Background: The 1997 Legislature allocated \$3.1 million for safety net clinics. During the 97 Session, a coalition of public, private, and community-based providers stressed an appropriation of \$5 to 7 million. Multnomah County worked with Oregon Health Systems in Collaboration (OHSIC) and our regional partners on a RFP to obtain \$1.3 million from the Department of Human Resources. Throughout the Legislative Interim, this coalition worked with DHR to ensure continued and additional resources. Early DHR budget documents shows Office of Medical Assistance Program (OMAP) identifying \$7.3 million for safety net clinics.

Current Legislative Situation: Neither the Governor's proposed budget nor the Senate President's Preliminary State Budget allocate funds for the safety net clinic. The grid on the following page outlines committees and legislators that will deal with not only the safety net clinic issue, but also the Oregon Health Plan.

Impact/Analysis on Current Situation in Multnomah County: Sharon Armstrong, Health Department will provide some initial information and analysis on the impact this issue could have on Multnomah County and the Tri-County area.

Continue Oregon Health Plan

Current Legislative Situation: As in previous sessions, the Oregon Health Plan is targeted with several cuts. The Governor's proposed budget outlines that the following cuts will be restored by the continuation of the "10 cent tobacco tax surcharge."

- Coverage for children and adolescents age 6 – 18 between 100% and 170% of federal poverty level (FPL) **\$9.6 million**
- Coverage for pregnant women and young children (under age 6) between 130/133 % and 170 % of FPL **\$10.8 million**
- Coverage for specific college students **\$3.5 million**
- Reduction in reimbursement for fee-for-service providers **\$5 million**
- Cost-based reimbursement for Type A hospitals **\$0.6 million**
- Resources for culturally competent interpreters **\$2million**

However, below is a sample of items that have been cut in the Governor's proposed budget and have not been restored:

- Eliminate/Reduce Oregon Health Plan benefit package (move line from 574 to 564) **\$4.4 million**
- Change in eligibility date from date of determination rather than date of application **\$4.1 million**

As mentioned earlier, the following grid outlines committees and legislators that will deal with both the safety net funding issue and the Oregon Health Plan: **Bold indicates member represents Multnomah County.**

**LEGISLATIVE AGENDA ISSUE: Enhance Funding for Safety Net Clinics
Continue Oregon Health Plan**

Committees	Jt. Ways & Means Sub: Hum. Res.	Jt. Ways & Means Senate Members	Jt. Ways & Means House Members
Members	Sen. Eileen Qutub:Chair	Sen. Timms: Co Chair	Rep. Leslie Lewis: Co Chair
	Sen. Neil Bryant	Sen. Qutub: Co Chair	Rep. Tom Butler
	Sen. Bill Fisher	Sen. Neil Bryant	Rep. Randy Leonard
	Sen. Frank Shields	Sen. Ted Ferrioli	Rep. Karen Minnis
	Sen. Mae Yih	Sen. Bill Fisher	Rep Rob Patridge
	Rep. Jane Lokan	Sen. Lenn Hannon	Rep. Barbara Ross
	Rep. Barbara Ross	Sen. Rick Metsger	Rep. Kurt Schrader
	Rep. Ken Strobeck	Sen. Cliff Trow	Rep. Ben Westlund
		Sen. Mae Yih	

Impact/Analysis on Current Situation in Multnomah County: Kathleen Fuller-Poe, Health Department will provide some initial information and analysis on the impact this issue could have on Multnomah County.

Governor's
CHARTER SCHOOL PRINCIPLES

1/19/99
DRAFT

Overall Position: Support charter school legislation that enhances the public school system by encouraging new, innovative, and more flexible ways of educating children. No interest in weakening the public school system by converting schools nor by diverting public funds.

Granting Authority: Must apply first to the local school board. Allow for one level of appeal, to the State Board of Education.

Teacher Certification: Support licensure for all professional staff, pursuing greater use of the instructional resources from the community through the alternative forms of licensure available through TSPC (e.g. professional-technical license, license of accomplishment).

Collective Bargaining: Protect the collective bargaining rights of employees, although waivers may be requested of collective bargaining terms, to be negotiated through an expedited process.

Conversion of Private-Religious Schools: No conversion of private nor religious schools.

Standards and Assessments: The Oregon Education Act for the 21st Century standards and assessments must not be waived nor compromised.

Admission/Selection: Support equitable procedures and safeguards on student admission, assure that charter schools will protect nondiscrimination and equal educational opportunities, ensure against racial and ethnic segregation.

Statewide funding: Oppose establishing a separate funding mechanism to fund charter schools directly from the state, maintaining local control.

Maximum and Minimums: Support the need for an appropriate floor number of students to assure that the program can provide a comprehensive educational program. Support setting caps or limits on the maximum amount of students and/or schools to better allow for a more deliberate and planned implementation, evaluation, and expansion of charter schools.

LEGISLATIVE TRAINING

February 2, 1999
9 a.m. - 4 p.m.

Quality Inn
3301 Market St. NE
Salem, OR

TENTATIVE AGENDA

- 9:00 a.m.** **Welcome and Introductions**
- 9:15 a.m.** **How a bill becomes law**
- 9:45 a.m.** **Briefing from Ethics Commission**
- 10:30 a.m.** **Break**
- 11:00 a.m.** **How counties can intersect "the how a bill becomes law"**
process
- noon** **Lunch and Speakers**
 Senate President Brady Adams
 House Speaker Lynn Snodgrass
- 1:30 p.m.** **Second half welcome and introductions**
- 1:45 p.m.** **Tools for successful lobbying during legislative session -**
including pitfalls and behavior(s) to avoid
- 3:00 p.m.** **Break**
- 3:30 p.m.** **Mock hearing and lobbying situations**
- 4:30 p.m.** **Update on Priorities**

RECEPTION

5:30 - 7:00 p.m.

Local Government Center
1201 Court St. NE Room 113
Salem OR 97301

5:30 p.m. **Reception with legislators at Local Government Center**

7:00 p.m. **Dinner with your legislators (optional)**

1999-2001 Governor's Recommended OHP Budget

- **Change eligibility date:** Currently the state pays for medical services received from the Date of Request until the Approval Date on a fee-for-service scale. With this reduction, the County will no longer be reimbursed for services rendered during this time period.

Reductions	Dollars	# Clients Served
State	\$4.1	all new eligible
County	\$.3	3,815

- **Elimination of the CHIP program:** The CHIP program provides insurance for children under the age of 19 up to 170% FPL. These children will no longer be covered.

Reductions	Dollars	# Clients Served
State	\$9.5	16,800 children
County	\$.6	1,053 children

- **Coverage of pregnant women reduced from 170% to 133% FPL:** The PLM program provides insurance for pregnant women and their children up to 170% FPL. Coverage would no longer be provided for those that fall between 134% and 170% FPL.

Reductions	Dollars	# Clients Served
State	\$10.8	4,400 women and children
County	\$.8	305 women and children

- **Impact Elimination of coverage for Pell Grant eligible full time college students.** The state currently provides coverage for this population under the Expansion program. College students would no longer be eligible under the proposal.

Reductions	Dollars	# Clients Served
State	\$3.5	1,700 students
County	\$.2	112 students

County Wide OHP Client Impact Summary

Total Reductions

- \$1.9
- 5,285 Clients
- 21,140 visits

While these reductions are county wide they are equivalent to closing our largest Primary Care clinic, Mid-County Health Center. Interestingly, the Primary Care Division currently provides services to 9,308 self-pay clients for 28,015 visits.

Self pay client demographics as a percent of total visits:

- Average of 3 visits/client/year
- 19% Family Planning
- 2% Well Child
- 19% Maternity Services
- 42% Primary Care
- 70% Hispanic
- 70% Female
- 61% of all visits under 100% poverty level
- 73% require interpretation and 91% of those are in Spanish

SAFETY NET FUNDING

While discussions continue, the current proposed budget does **not** include funding for the safety net clinics. Pending the outcome of the evaluation by OHPPR, the Department of Human Resources identified \$4.5 in general funds for continuing the safety net health clinic program during the 1999-2001 biennium. The \$4.5 million is less than the funds applied for in the 1997 by safety net clinics, but advocates hope the actual amount needed will be determined by the Oregon Health council following receipt of the OHPPR study.

Impact-State wide

- Reduction of \$3.1 in revenues for the next biennium

Impact-Tri-County

- Reduction of 170,000 primary care visits
- Reduction of \$1.3 in revenues for the next biennium

Impact-Multnomah County Primary Care Division

- Loss of two provider teams or 9 FTE's
- Reduction of \$500,000 in FY 99-00 budget
- Clients and visits decrease by 2,200 and 5,500 respectively

Self pay client demographics as a percent of total visits:

- Average of 2.5 visits/client/year
- 19% Family Planning
- 2% Well Child
- 19% Maternity Services
- 42% Primary Care
- 70% Hispanic
- 70% Female
- 61% of all visits under 100% poverty level
- 73% require interpretation and 91% of those are in Spanish