

# **ANNOTATED MINUTES**

Thursday, March 20, 2003 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

*Chair Diane Linn convened the meeting at 9:31 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioner Serena Cruz present, Commissioner Lonnie Roberts excused until 10:30 a.m., and Commissioner Lisa Naito arriving at 9:34 a.m.*

### **CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER CRUZ,  
SECONDED BY COMMISSIONER ROJO, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-5)  
WAS APPROVED, WITH COMMISSIONERS CRUZ,  
ROJO AND LINN VOTING AYE.**

### **DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Glen E Colbert

**RESOLUTION 03-038.**

- C-2 RESOLUTION Authorizing Execution of Deeds for Five Tax Foreclosed Properties Sold At Public Sale

**RESOLUTION 03-039.**

### **COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY**

- C-3 Intergovernmental Revenue Agreement 0310353 with Marion County Children and Families Commission County Collaborative Child Care Development Fund Grant, to Improve Childcare Quality
- C-4 Amendment 3 to Intergovernmental Revenue Agreement 0310330 with the Department of Health and Human Services, Child Care Bureau, Extending the Period of the Grant Award from February 28, 2003 to June 30, 2003

## **SHERIFF'S OFFICE**

- C-5 Amendment 2/Addendum to Interagency Cooperation Agreement with the City of Gresham, Providing Language Detailing Special Investigations Unit (SIU) Overtime

## **REGULAR AGENDA** **PUBLIC COMMENT**

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

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

## **NON-DEPARTMENTAL**

- R-1 PROCLAMATION Proclaiming March 16 through March 22, 2003 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Health Awareness Week in Multnomah County, Oregon

***COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. COMMISSIONER ROJO PRESENTATION AND INTRODUCTIONS INCLUDING HEALTH DEPARTMENT STAFF ROBERT SAUM, DOUG MOON AND TRICIA TILLMAN-REARDON; AND BUSINESS AND COMMUNITY SERVICES STAFF APRIL LEWIS. BILL HANCOCK OF THE COMMUNITY HEALTH COUNCIL EXPLANATION.***

*Commissioner Lisa Naito arrived at 9:34 a.m.*

***DEANNE MAYBERRY OF ELDER RESOURCE ALLIANCE READ PROCLAMATION. COMMISSIONER ROJO INVITED FOLKS TO ATTEND COMMUNITY SPEAK OUT EVENT TONIGHT FROM 5:00 TO 7:00 P.M. AT KAISER TOWN HALL, 3704 NORTH INTERSTATE. CHAIR LINN COMMENTS IN SUPPORT OF PROCLAMATION AND HEALTH DEPARTMENT STAFF. PROCLAMATION 03-040 APPROVED,***

**WITH COMMISSIONERS NAITO, CRUZ, ROJO  
AND LINN VOTING AYE.**

- R-2 2003 Legislative Update Presentation by Gina Mattioda and Stephanie Soden. 15-30 MINUTES REQUESTED.

**GINA MATTIODA, STEPHANIE SODEN AND  
MATT NICE, SPECIAL SESSION SIX UPDATE  
PRESENTATION AND, WITH ASSISTANCE OF  
DAVE BOYER AND KATHY TURNER, RESPONSE  
TO BOARD QUESTIONS AND DISCUSSION ON  
ISSUES INCLUDING REDUCTIONS TO STATE  
COMMISSION ON CHILDREN AND FAMILIES'  
LOCAL STAFFING AND PLANNING; ESTIMATES  
OF IMPACTS TO COMMISSION ON CHILDREN  
FAMILIES AND COMMUNITY, AGING AND  
DISABILITY SERVICES; DEVELOPMENTAL  
DISABILITY; OREGON HEALTH PLAN;  
SHERIFF'S OFFICE; AND DEPARTMENT OF  
COMMUNITY JUSTICE; RESTAURANT  
INSPECTIONS AND LAND USE. DAVE BOYER TO  
PROVIDE BOARD WITH INFORMATION ON  
VIDEO LOTTERY RECEIPTS. FOLLOWING  
DISCUSSION, BOARD CONSENSUS REGARDING  
HB 3156; SB 310; SB 470; HB 3097. GINA  
MATTIODA AND STEPHANIE SODEN TO DRAFT  
POSITION PAPER ON KAFOURY HOUSING BILL  
FOR BOARD REVIEW AND SIGN OFF. NEXT  
LEGISLATIVE UPDATE THURSDAY, APRIL 17,  
2003.**

- R-3 RESOLUTION Submitting to the Voters in a Countywide Election an Ordinance Imposing a Temporary County Personal Income Tax to Benefit Public Schools, Public Safety and Human Services

**COMMISSIONER NAITO MOVED AND  
COMMISSIONER CRUZ SECONDED, APPROVAL  
OF R-3. SCOTT ASPAUGH EXPLANATION,  
INCLUDING NEED FOR MINOR AMENDMENTS  
TO THE BALLOT TITLE AND EXPLANATORY  
STATEMENT FOR THE MAY 20, 2003 ELECTION,  
TO MAKE THEM CONSISTENT WITH THE**

**ORDINANCE LANGUAGE; AND A TYPOGRAPHICAL CORRECTION TO THE INTERNET ADDRESS LISTED ON THE EXPLANATORY STATEMENT. UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER ROJO, AN AMENDMENT ADDING THE WORD "INDEPENDENT" TO THE PERFORMANCE AUDIT WERE MADE TO THE EXPLANATORY STATEMENT AND BALLOT TITLE, AND CORRECTION OF THE INTERNET ADDRESS, WAS APPROVED, WITH COMMISSIONERS NAITO, CRUZ, ROJO AND LINN VOTING AYE. MR. ASPAUGH AND DAVE BOYER EXPLANATION AND RESPONSE TO QUESTIONS OF COMMISSIONERS NAITO, CRUZ AND CHAIR LINN, ADVISING THAT THE TEMPORARY, THREE YEAR 1.25% PERSONAL INCOME TAX MEASURE WOULD RAISE AN ESTIMATED \$135 MILLION ANNUALLY; THAT A MULTNOMAH COUNTY TAXPAYER WITH OREGON TAXABLE INCOME AFTER DEDUCTIONS OF \$30,000 WOULD PAY ABOUT \$21 A MONTH FOR THREE YEARS; THAT THERE WOULD BE EXEMPTIONS AND GRADUATED TAX RATES FOR LOWER INCOME MULTNOMAH COUNTY RESIDENTS; THAT THE MEASURE WOULD PROVIDE FUNDS FOR COUNTY PUBLIC SCHOOLS, HEALTH AND SENIOR SERVICES, AND PUBLIC SAFETY; AND THAT THE TAX WOULD BE REDUCED OR TERMINATED IF THE STATE RESTORES FUNDING FOR COUNTY PUBLIC SCHOOLS, PUBLIC SAFETY, OR HUMAN SERVICES DURING THE NEXT THREE YEARS. DAVE BOYER TO PROVIDE BOARD WITH CHART OF GRADUATED RATES, WHICH WILL ALSO BE POSTED TO THE WEB SITE. CHAIR LINN AND COMMISSIONER NAITO COMMENTS IN APPRECIATION OF THE EFFORTS OF COUNTY ATTORNEY, FINANCE AND CHAIR AND BOARD STAFF. NANCY HAMILTON TESTIMONY IN SUPPORT OF RESOLUTION AND URGING PASSAGE OF THE**



**BALLOT MEASURE TO PROVIDE SCHOOL FUNDING.**

*Commissioner Lonnie Roberts arrived at 10:26 a.m.*

**JULIE CLEVELAND TESTIMONY IN SUPPORT OF RESOLUTION AND IN APPRECIATION FOR THE LANGUAGE FLEXIBILITY WHICH COULD ALLOW A PORTION OF THE FUNDING TO GO TO THE SAUVIE ISLAND SCHOOL. ROBERT BUTLER TESTIMONY IN SUPPORT OF THE RESOLUTION AND IN APPRECIATION FOR THE BOARD'S COURAGE AND BROAD BASED SOLUTION. CHAIR LINN COMMENTS IN SUPPORT OF THE RESOLUTION AND IN SUPPORT OF PASSAGE OF THE BALLOT MEASURE TO THE BENEFIT OF KIDS, COMMUNITY AND FUTURE; TO PROTECT SENIORS AND DISABLED BY PROVIDING FUNDS FOR HOUSING, MEDICATION AND MENTAL HEALTH CRISIS SERVICES; AND TO PROVIDE A SAFER COMMUNITY BY KEEPING OFFENDERS OFF THE STREETS. COMMISSIONER LISA NAITO COMMENTS IN APPRECIATION FOR THE EFFORTS OF CHAIR LINN AND THE BOARD AND IN SUPPORT OF THE RESOLUTION AND BALLOT MEASURE TO PROVIDE FUNDING TO EDUCATE CHILDREN AND A SAFETY NET FOR THE MOST VULNERABLE. RESOLUTION 03-041 UNANIMOUSLY ADOPTED, AS AMENDED.**

**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**

- R-4 First Reading of an ORDINANCE Amending Multnomah County Zoning Code Chapter 33 West Hills Rural Plan Area to Clarify the Criteria Applicable to Development in Areas Designated as Significant Environmental Concern – Wildlife Habitat, Scenic Views, and Streams

**ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING. SUSAN MUIR**

**ACKNOWLEDGED PLANNING COMMISSIONER JULIE CLEVELAND IN THE AUDIENCE. SUSAN MUIR AND CHUCK BEASLEY EXPLANATION. KATHLEEN WORMAN TESTIMONY IN OPPOSITION TO COUNTY LAND USE LAWS WHICH PREVENT HER FROM BUILDING A DWELLING ON HER 22 ACRE WEST HILLS PROPERTY. IN RESPONSE TO A REQUEST OF CHAIR LINN, MS. MUIR EXPLAINED THAT MS. WORMAN HAS BEEN WORKING DILIGENTLY WITH LAND USE STAFF, BUT OTHER THAN SOME MINOR CODE UPDATING, THERE IS LITTLE THE COUNTY CAN DO TO CHANGE MS. WORMAN'S SITUATION AT THIS MID POINT IN THE COUNTY'S 20 YEAR PLAN. CHAIR LINN ENCOURAGED MS. WORMAN TO CONTINUE WORKING WITH MS. MUIR AND TO SPEAK WITH ANDY SMITH OF HER OFFICE. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, APRIL 3, 2003.**

R-5 RESOLUTION Supporting the South Corridor Locally Preferred Alternative (LPA) Transit Investment Strategy

**COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-5. KAREN SCHILLING INTRODUCED DAVE UNSWORTH AND RICHARD BRANDMAN OF METRO. RICHARD BRANDMAN EXPLANATION AND RESPONSE TO BOARD COMMENTS AND DIRECTION OF CHAIR LINN AND COMMISSIONER NAITO REGARDING THE HAWTHORNE BRIDGE. COMMISSIONER ROJO EXPLANATION ADVISING LIGHT RAIL ON THE SELLWOOD BRIDGE WOULD NOT SOLVE ACCESS PROBLEMS; AND THAT THEY ARE DISCUSSING SELLWOOD BRIDGE OPTIONS WITH FEDERAL LEGISLATION. TERRY PARKER TESTIMONY IN SUPPORT OF I-205 MAX LINE COMPLETION. STEVE SATTERLEE OF THE MILWAUKIE-PORTLAND LIGHT RAIL COALITION, TESTIMONY IN SUPPORT OF THE**

**SOUTH CORRIDOR LOCALLY PREFERRED  
ALTERNATIVE. ALETA WOODRUFF,  
VOLUNTEER AND MEMBER OF THE GATEWAY  
PAC, TESTIMONY IN SUPPORT OF A LIGHT RAIL  
LINE FROM GATEWAY REGIONAL CENTER TO  
THE CLACKAMAS TOWN CENTER.  
COMMISSIONER ROJO COMMENTS IN  
APPRECIATION OF THE EFFORTS OF MR.  
BRANDMAN, MR. UNSWORTH AND MS.  
SCHILLING. CHAIR LINN COMMENTS  
REGARDING THE NEED TO ADDRESS THE  
PERCEPTION THAT MOST OF THE FUNDING  
FOR THESE PROJECTS IS NOT LOCAL, BUT  
COMES FROM THE FEDERAL GOVERNMENT.  
RESOLUTION 03-042 UNANIMOUSLY ADOPTED.**

*There being no further business, the meeting was adjourned at 11:23 a.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Diane Linn, Chair**

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Portland, Or 97214

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

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**Maria Rojo de Steffey,**

**Commission Dist. 1**

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

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

**MARCH 20, 2003**

### **BOARD MEETING**

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

|         |  |
|---------|--|
| Pg<br>2 | 9:30 a.m. Proclaiming March 16-22, 2003 Lesbian, Gay, Bisexual and Transgender Health Awareness Week   |
| Pg<br>3 | 9:40 a.m. 2003 Legislative Update  |
| Pg<br>3 | 10:00 a.m. Resolution Submitting to the Voters an Ordinance Imposing a Temporary County Personal Income Tax to Benefit Schools, Public Safety and Human Services |
| Pg<br>3 | 10:30 a.m. First Reading of an Ordinance Amending Multnomah County Zoning Code Chapter 33 West Hills Rural Plan Area   |
| Pg<br>3 | 10:45 a.m. Resolution Supporting South Corridor Locally Preferred Alternative  |
|         | <b>March 27, 2003 Board Meeting Cancelled</b>  |

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

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Thursday, March 20, 2003 - 9:30 AM  
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## **REGULAR MEETING**

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R-2 2003 Legislative Update Presentation by Gina Mattioda and Stephanie Soden. 15-30 MINUTES REQUESTED.

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**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:30 AM**

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R-5 RESOLUTION Supporting the South Corridor Locally Preferred Alternative (LPA) Transit Investment Strategy

# **MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS**

**(Unless otherwise noted, all sessions will be held in the Multnomah Building  
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

The Tuesday, March 11 morning session will be Broadcast Live on Cable Channel 22 (East County subscribers only). The Tuesday, March 11 evening session will be Broadcast Live on Cable Channel 29 (Countywide subscribers). To view media streaming broadcast, log onto <http://www.co.multnomah.or.us/cc/board.html>. Cable coverage and playback information of the April 15 through June 11 sessions will be provided as soon as available. Thursday Meetings will be Broadcast Live on Cable Channel 30 and available via media streaming. **Check Cable Coverage schedule at the end of this document for information on replay dates.**

**Tue, March 4  
9:30 - 10:30 a.m.**

Library

**Tue, March 11  
9:30 - 11:30 a.m.**

Public Hearing on Business Income Tax Reform

**Tue, March 11  
6:00 - 8:00 p.m.**

Public Hearing on Local School, Human Services and  
Public Safety Funding Options

**Tue, April 15  
9:30 - 12:00 p.m.**

Public Safety System  
Adult Corrections  
Juvenile Corrections

**Tue, April 22  
9:30 - 12:00 p.m.**

A & D System

**Thu, May 1  
9:30 - 12:00 p.m.**

**Chair's 2003-2004 Executive Budget Message  
Public Hearing/Consideration of Resolution  
Approving Executive Budget for Submission to  
Tax Supervising and Conservation Commission**

**Tue, May 6  
9:00 - 12:00 p.m.**

Financial Overview  
Central CBAC Chair Presentation  
Public Safety Service Area

# **MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS**

**(Unless otherwise noted, all sessions will be held in the Multnomah Building  
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

**Tue, May 6  
2:00 - 4:00 p.m.**

Individual Department Briefings:  
MCSO  
DCJ  
DA

**Wed, May 7  
9:00 - 12:00 p.m.**

Health and Human Services Service Area

**Wed, May 7  
2:00 - 4:00 p.m.**

Individual Department Briefings  
Health  
Human Services  
OSCP  
CCFC

**Wed, May 7  
6:00 - 8:00 p.m.**

**Public Hearing on the 2003-2004 Multnomah  
County Budget - Multnomah County East  
Building, Sharron Kelley Conference Room, 600  
NE 8th, Gresham**

**Thu, May 8  
9:30 - 12:00 p.m.**

**Public Hearing/Consideration of Approval of the  
2003-2004 Dunthorpe Riverdale Sanitary Service  
District No. 1 Proposed Budget for Submittal to  
Tax Supervising and Conservation Commission  
Public Hearing/Consideration of Approval of the  
2003-2004 Mid County Street Lighting Service  
District No. 14 Proposed Budget for Submittal to  
Tax Supervising and Conservation Commission**

**Tue, May 13  
9:00 - 12:00 p.m.**

General Government Service Area

**Tue, May 13  
2:00 - 4:00 p.m.**

Individual Department Briefings  
DBCS  
Library  
Shared Services  
Non-Departmental



# **MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS**

**(Unless otherwise noted, all sessions will be held in the Multnomah Building  
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

**Wed, May 14  
9:00 - 12:00 p.m.**

**Public Safety Follow Up**

**Wed, May 14  
2:30 - 4:00 p.m.**

**Health and Human Services Follow Up**

**Wed, May 14  
6:00 - 8:00 p.m.**

**Public Hearing on the 2003-2004 Multnomah  
County Budget - Portland Community College,  
Cascade Campus, Student Center Building  
Cafeteria, 705 N Killingsworth, Portland**

**Tue, May 20  
9:00 - 12:00 p.m.**

**Legislative Update  
General Government Follow Up**

**Tue, May 20  
2:00 - 4:00 p.m.**

**(t) General Government Follow Up**

**Wed, May 21  
9:00 - 12:00 p.m.**

**(t) General Government Follow Up**

**Wed, May 21  
2:00 - 4:00 p.m.**

**(t) General Government Follow Up**

**Wed, May 21  
6:00 - 8:00 p.m.**

**Public Hearing on the 2003-2004 Multnomah  
County Budget - Multnomah Building,  
Commissioners Boardroom 100, 501 SE  
Hawthorne, Portland**

**Tue, May 27  
9:00 - 12:00 p.m.**

**School Policy Framework**

**Tue, May 27  
2:00 - 4:00 p.m.**

**If Needed Budget Work Session**

**Wed, May 28  
9:00 - 12:00 p.m.**

**Amendments**

**Wed, May 28  
2:00 - 4:00 p.m.**

**Amendments**

# **MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS**

**(Unless otherwise noted, all sessions will be held in the Multnomah Building  
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

**Tue, June 3  
9:00 - 12:00 p.m.**

**Amendments**

**Tue, June 3  
2:00 - 4:00 p.m.**

**Amendments**

**Wed, June 4  
1:00 - 4:00 p.m.**

**Question Follow Up**

**Thu, June 5  
9:30 - 10:15 a.m.**

**Tax Supervising and Conservation Commission  
Public Hearings on the Multnomah County 2002-  
2003 Supplemental Budget; and the 2003-2004  
Budget - Multnomah Building, Commissioners  
Boardroom 100, 501 SE Hawthorne, Portland**

**Tue, June 10  
9:00 - 12:00 p.m.**

**Amendments**

**Tue, June 10  
2:00 - 4:00 p.m.**

**Amendments**

**Wed, June 11  
9:00 - 12:00 p.m.**

**Amendments**

**Wed, June 11  
2:30 - 4:00 p.m.**

**Amendments**

**Thu, June 12  
9:30 - 12:00 p.m.**

**Public Hearing and Resolution Adopting the 2003-  
2004 Budget for Multnomah County Pursuant to  
ORS 294**

**Public Hearing and Resolution Adopting the 2003-  
2004 Budget for Dunthorpe Riverdale Sanitary  
Service District No. 1**

**Public Hearing and Resolution Adopting the 2003-  
2004 Budget for Mid County Street Lighting  
Service District No. 14 and Making Appropriations**

**Public Hearing and Resolution Adopting the 2003-  
2004 Mt. Hood Cable Regulatory Commission  
Budget**

# **MULTNOMAH COUNTY 2003-2004 BUDGET WORK SESSIONS AND HEARINGS**

**(Unless otherwise noted, all sessions will be held in the Multnomah Building  
Commissioners Boardroom 100, 501 SE Hawthorne, Portland)**

## **CABLE COVERAGE**

### **Multnomah County 2003-2004 Budget Work Sessions and Hearings**

**Cable Channel 22 Available to East County Cable Subscribers Only  
Cable Channels 29 and 30 Available to Countywide Cable Subscribers**

#### **Tuesday March 11, 2003 AM Public Hearing on Business Income Tax Reform**

|            |               |                |                            |
|------------|---------------|----------------|----------------------------|
| <b>Tue</b> | <b>Mar 11</b> | <b>9:30 AM</b> | <b>Channel 22 - LIVE</b>   |
| <b>Wed</b> | <b>Mar 12</b> | <b>8:00 PM</b> | <b>Channel 29 - Replay</b> |
| <b>Thu</b> | <b>Mar 13</b> | <b>8:00 PM</b> | <b>Channel 29 - Replay</b> |
| <b>Sat</b> | <b>Mar 15</b> | <b>6:30 PM</b> | <b>Channel 29 - Replay</b> |
| <b>Mon</b> | <b>Mar 17</b> | <b>8:00 PM</b> | <b>Channel 29 - Replay</b> |

#### **Tuesday March 11, 2003 PM Public Hearing on Local School, Human Services and Public Safety Funding Options**

|            |               |                |                          |
|------------|---------------|----------------|--------------------------|
| <b>Tue</b> | <b>Mar 11</b> | <b>6:00 PM</b> | <b>Channel 29 - LIVE</b> |
|------------|---------------|----------------|--------------------------|

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LONNIE ROBERTS  
Multnomah County Commissioner  
District 4



501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214  
(503) 988-5213 phone  
(503) 988-5262 fax  
e-mail: lonnie.j.roberts@co.multnomah.or.us  
[www.co.multnomah.or.us/cc/ds4/](http://www.co.multnomah.or.us/cc/ds4/)

## **MEMORANDUM**

Date: March 17, 2003

To: Chair Diane Linn  
Commissioner Maria Rojo de Steffey, District 1  
Commissioner Serena Cruz, District 2  
Commissioner Lisa Naito, District 3

From: Heather Schraeder  
Staff Assistant, Commissioner Lonnie Roberts

Re: Notice of Late Arrival

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Commissioner Roberts will be arriving approximately at 10:30am for the March 20, 2003 Board Meeting.

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** C-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 02/24/03

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**Requested Date:** March 20, 2003

**Time Requested:** N/A

**Department:** DBCS

**Division:** Tax Title

**Contact/s:** Gary Thomas

**Phone:** 503-988-3590

**Ext.:** 22591

**I/O Address:** 503/4 Tax Title

**Presenters:** Consent Calendar

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**Agenda Title:** Authorizing the Private Sale of a Tax Foreclosed Property to GLEN E COLBERT.

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

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

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to GLEN E COLBERT. The Department of Business & Community Services recommends that the private sale be approved.

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

The subject property is a vacant strip 17.01 feet wide at the north end and 15.36 feet wide at the south end and approximately 636.42 feet long that came into Multnomah County ownership through the foreclosure of delinquent tax liens on September 22, 1998. The property was made available to government agencies as part of Ordinance 895 and it was requested by and transferred to Multnomah Education Service District on June 1, 1999. At the time that MESD requested the subject property, they were leasing the adjacent property at 1922 NW Division St in Gresham.

The Multnomah Education Service District is no longer leasing the building at 1922 NW Division and consequently no longer has a need for the subject property. The adjacent property owner, Glen Colbert, currently has the property listed for sale and expressed an interest in purchasing the subject property. The subject property has not been used by MESD for any purpose and is in the same condition as when it was transferred. Our office requested that MESD deed the property back to Multnomah County and this process recently took place.

According to Multnomah County Appraisal records, the property was created as the result of a State Map Correction. The property is located adjacent to seven residences that are a part of the Chiaramonte Heights Subdivision and the property that MESD was leasing at 1922 NW Division and a vacant parcel of land. The attached Exhibit A shows the shape, size and location of the property. The attached Exhibit B is an aerial photo of the property. The attached Exhibit C is a photo showing part of the parcel.

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

The Private Sale will allow for the full recovery of delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit D).

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

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

**Required Signatures:**

Department/Agency Director: M. Cecilia Johnson

Date: 02/21/03

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

## R338942

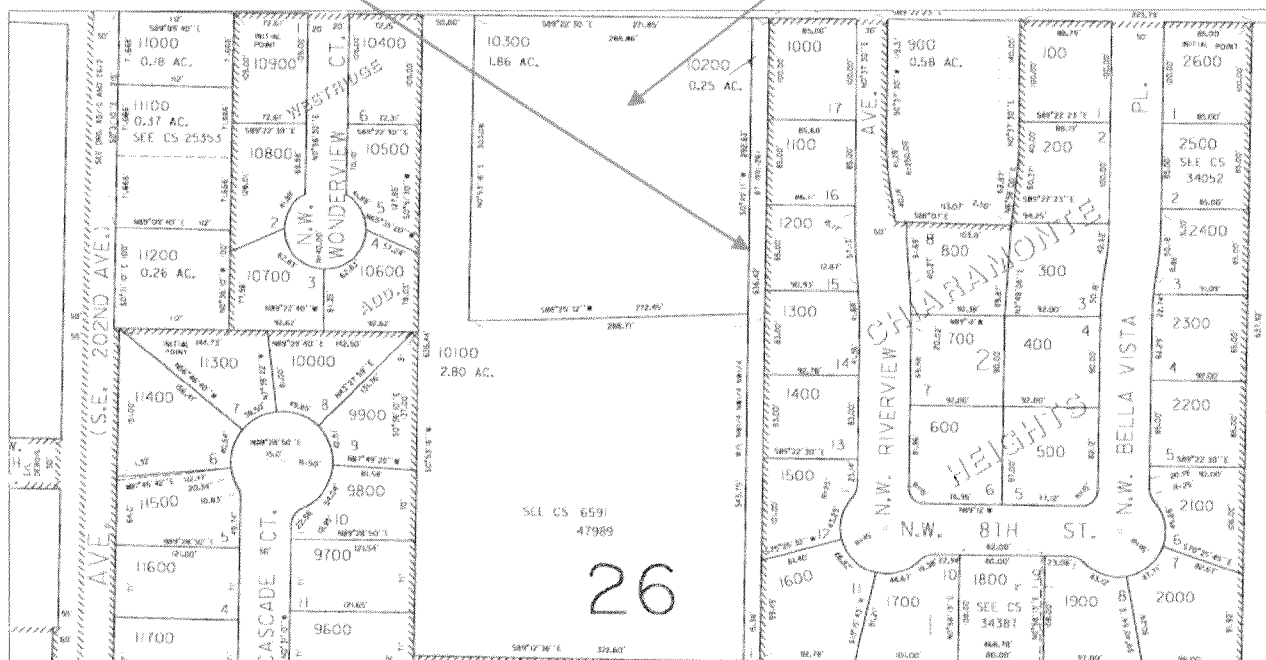


EXHIBIT B





**EXHIBIT C**



**EXHIBIT D  
PROPOSED PROPERTY LISTED FOR PRIVATE SALE  
FISCAL YEAR 2002-03**

**LEGAL DESCRIPTION:**

That part of the following described tract of land lying West of "Chiramonte Heights", a duly recorded plat of Multnomah County and recorded in Plat Book 1199, page 85 on July 17, 1967,

A tract of land in Section 9, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, Multnomah County, Oregon:

Beginning at the Northwest corner of a square 10 acre tract known as the Northeast 10 acres in the Northwest One-Quarter of the Northwest One-Quarter of Section 9, Township 1 South, Range 3 East of the Willamette Meridian running thence along the centerline of NW Division Street (Section Line Road) South 89°57'30" East 468.79 feet; thence South 00°00'37" West 660 feet; thence West 467.94 feet to the Southwest corner of said 10 acre tract; thence North 660 feet to the point of beginning.

Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road)

|                                   |   |
|-----------------------------------|---|
| <b>ADJACENT PROPERTY ADDRESS:</b> | Adjacent to 1922 NW Division, Gresham       |
| <b>TAX ACCOUNT NUMBER:</b>        | R338942                                     |
| <b>GREENSPACE DESIGNATION:</b>    | None  |
| <b>SIZE OF PARCEL:</b>            | Approximately 16.18' x 636.42' (10,890sqft) |
| <b>ASSESSED VALUE:</b>            | \$650.00                                    |

|  |
|--|
| <b>ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE</b> |
|--|

|  |          |
|--|----------|
| BACK TAXES & INTEREST:                 | \$177.61 |
| TAX TITLE MAINTENANCE COST & EXPENSES: | \$-0-    |
| ADVERTISING COST:                      | -0-      |
| RECORDING FEE:                         | \$24     |
| CITY LIENS:                            | -0-      |
| SUB-TOTAL                              | \$201.61 |
| MINIMUM PRICE REQUEST OF PRIVATE SALE  | \$600.00 |

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY**

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

Authorizing Private Sale of Certain Tax Foreclosed Property to GLEN E COLBERT.

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

- a) Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$650 on the County's current tax roll.
- c) Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., 17.01 feet wide at the north end and 15.36 feet wide at the south end and approximately 636.42 feet long, making it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) GLEN E COLBERT has agreed to pay \$600.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

- 1. Upon Tax Title's receipt of the payment of \$600.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GLEN E COLBERT the real property described in the attached Exhibit A.

ADOPTED this 20<sup>TH</sup> day of March 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

That part of the following described tract of land lying West of "Chiramonte Heights", a duly recorded plat of Multnomah County and recorded in Plat Book 1199, page 85 on July 17, 1967,

A tract of land in Section 9, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, Multnomah County, Oregon:

Beginning at the Northwest corner of a square 10 acre tract known as the Northeast 10 acres in the Northwest One-Quarter of the Northwest One-Quarter of Section 9, Township 1 South, Range 3 East of the Willamette Meridian running thence along the centerline of NW Division Street (Section Line Road) South 89°57'30" East 468.79 feet; thence South 00°00'37" West 660 feet; thence West 467.94 feet to the Southwest corner of said 10 acre tract; thence North 660 feet to the point of beginning.

Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road)

**Multnomah County Deed No: D031894**

**Tax Account No.: R338942**

After recording, return to:  
MULNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys GLEN E COLBERT, Grantee, that certain real property, located in Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$600.00.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

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

## **EXHIBIT A (DEED)**

### **Legal Description:**

That part of the following described tract of land lying West of "Chiramonte Heights", a duly recorded plat of Multnomah County and recorded in Plat Book 1199, page 85 on July 17, 1967,

A tract of land in Section 9, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, Multnomah County, Oregon:

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Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road).

**Multnomah County Deed No:** D031894

**Tax Account No.:** R338942

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 03-038**

Authorizing Private Sale of Certain Tax Foreclosed Property to GLEN E COLBERT

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

- a) Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$650 on the County's current tax roll.
- c) Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., 17.01 feet wide at the north end and 15.36 feet wide at the south end and approximately 636.42 feet long, making it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) GLEN E COLBERT has agreed to pay \$600.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$600.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to GLEN E COLBERT the real property described in the attached Exhibit A.

ADOPTED this 20th day of March, 2003.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

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Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road)

**Multnomah County Deed No: D031894**

**Tax Account No.: R338942**



GLEN E COLBERT  
PO BOX 168  
GRESHAM OR 97030-0025

**Deed D031894**

**As Described In Attached Exhibit A.**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

**Diane M. Linn, Chair**

By Sandra Duffy  
Sandra N. Duffy, Assistant County Attorney

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 3 of 4 - Resolution and Deed Authorizing Private Sale

## **EXHIBIT A (DEED)**

### **Legal Description:**

That part of the following described tract of land lying West of "Chiramonte Heights", a duly recorded plat of Multnomah County and recorded in Plat Book 1199, page 85 on July 17, 1967,

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Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road).

**Multnomah County Deed No: D031894**

**Tax Account No.: R338942**

Until a change is requested, all tax statements shall be sent to the following address:

GLEN E COLBERT  
PO BOX 168  
GRESHAM OR 97030-0025

After recording, return to:

MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

**Deed D031894**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys GLEN E COLBERT, Grantee, that certain real property, located in Multnomah County, Oregon more particularly described as follows:

As Described In Attached Exhibit A.

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$600.00.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy, Assistant County Attorney

STATE OF OREGON

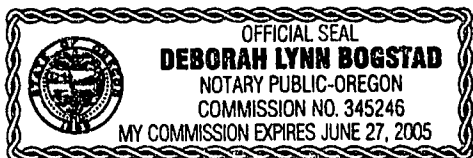
)

COUNTY OF MULTNOMAH

) ss

)

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

## **EXHIBIT A (DEED)**

### **Legal Description:**

That part of the following described tract of land lying West of "Chiramonte Heights", a duly recorded plat of Multnomah County and recorded in Plat Book 1199, page 85 on July 17, 1967,

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Excepting therefrom the North 30 feet being in NW Division Street (Section Line Road).

**Multnomah County Deed No: D031894**

**Tax Account No.: R338942**

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** C-2

**Est. Start Time:** 9:30 AM

**Date Submitted:** 02/28/03

---

**Requested Date:** March 20, 2003

**Time Requested:** N/A

**Department:** DBCS

**Division:** Tax Title

**Contact/s:** Gary Thomas

**Phone:** 503-988-3590

**Ext.:** 22591

**I/O Address:** 503/4 Tax Title

**Presenters:** Consent Calendar

---

**Agenda Title:** Authorizing Execution of Deeds for Five Tax Foreclosed Properties Sold At Public Sale

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

---

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

The Tax Title Section is requesting the Board to approve the public sale of 5 Tax Foreclosed properties that are identified as Auction Properties Nos. 2,6,7,8, and 9.

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

**Auction Property No 2: R177820** – Came into Multnomah County ownership through foreclosure on 9/26/00. Review of the file by the County Attorney showed that proper notification was not given in foreclosure process. Recommendation made to hold for two years per Jossy Case. Property has not been made available to government agencies or AHDP. The subject property is approximately 6,230 square feet in size. Back taxes, interest, and expenses charged against the property total \$21,097. Expenses included

\$11,110 paid to the State Department of Revenue for Senior Citizen Deferral taxes owing against the property.

The highest bidder at the Public Sale for auction property no. 2 R177820 was AK Homes with a purchase price of 43,000.

**Auction Property No 6 R304499** – Came into Multnomah County ownership through foreclosure in September 1999. The property, a small house, was initially occupied by a person, John Newbill, who was purchasing the house from the party that the County foreclosed on and said that he should be given the opportunity to repurchase it. After numerous attempts to have Mr. Newbill leave the property it was finally vacated with the help of the County Sheriff. Shortly after it was vacated a fire occurred and destroyed the house. After obtaining the required testing of the house and disposing of some hazardous materials that were in the backyard the house was demolished in March 2001. The property has not been made available to government agencies and AHDP. There is approximately \$40,000 in City of Portland liens owing against the property. Back taxes, interest, and expenses charged against the property total \$19,901.

The highest bidder at the Public Sale for auction property no. 6 was Vladimir Kilyukh with a purchase price of \$46,500.

**Auction Property No. 7 R314454** – Came into Multnomah County ownership through foreclosure in December 1987. Was offered for sale at a public auction but did not sell. Property sold by private sale on a contract to Fred Miles in March 1989 for \$7,250. Contract cancelled in May 1998 for failure to make payments. Property was made available to government agencies and AHDP in 1999/2000. Parcel is triangular in shape located at the intersection of NE 6<sup>th</sup> Drive and Vancouver Way and adjacent to Sam's Towing. The adjacent owner was using the subject property to park vehicles on until Tax Title had a cable placed around parcel to keep vehicles off. Attempts have been made to enter into a private sale with adjacent owner without success. There is approximately \$10,000 in City of Portland liens against the property. Back taxes, interest, and expenses charged against the property total \$6,287.

The highest bidder at the Public Sale for auction property no. 7 was Jean-Claude Joecelyn with a purchase price of \$46,500.

**Auction Property No. 8 R325633** – Came into Multnomah County ownership through foreclosure in June 1962. Property was made available to government agencies and AHDP in 1993/94. Property is triangular in shape covered with trees and brush and located on NW Morgan RD which is to the south ST Helens RD (Hwy 30). Parcel was on the roll in 1995 for \$5,400 but when reappraised in 1996 value was increased to \$60,000. The property was placed on a public auction for \$60,000 but did not sell. We had the Appraisal Section review the value of the property and after their contact with the County Planning Department it was determined that the subject property is not suitable for the construction or place of a dwelling and was valued as open space. It is currently on the tax roll for \$5,000. Back taxes, interest, and expenses charged against the property total \$858.

The highest bidder at the Public Sale for auction property no. 8 was Robert R Yauger with a purchase price of \$4,500.

**Auction Property No. 9 R339171** – Came into Multnomah County ownership through foreclosure in September 1997. Property was made available to government agencies and AHDP in 1999/2000. Rectangular shaped vacant lot approximately 60' x 139' located along E Powell and adjacent to an operating motel located 750 E Powell in Gresham. A portion of the east part of the parcel is in a shallow ravine with the balance in the paved and gravel covered driveway used by the motel. Back taxes, interest, and expenses charged against the property total \$8,072.

The highest bidder at the Public Sale for auction property no. 9 was Thakorbbhai Patel with a purchase price of \$36,600.

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

The Public Sale will allow for the full recovery of delinquent taxes, fees, and expenses of these five properties. The sale will also reinstate the five properties on the tax roll.

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

No legal issues are expected. The parcels will be sold "As Is" without guarantee of clear title. This property conforms to those policies as outlined in Multnomah County Code Chapter 7.

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

No citizen or government participation is anticipated.

**Required Signatures:**

Department/Agency Director: M. Cecilia Johnson Date: 02/28/03

**Budget Analyst**

By:

Date:

**Dept/Countywide HR**

By:

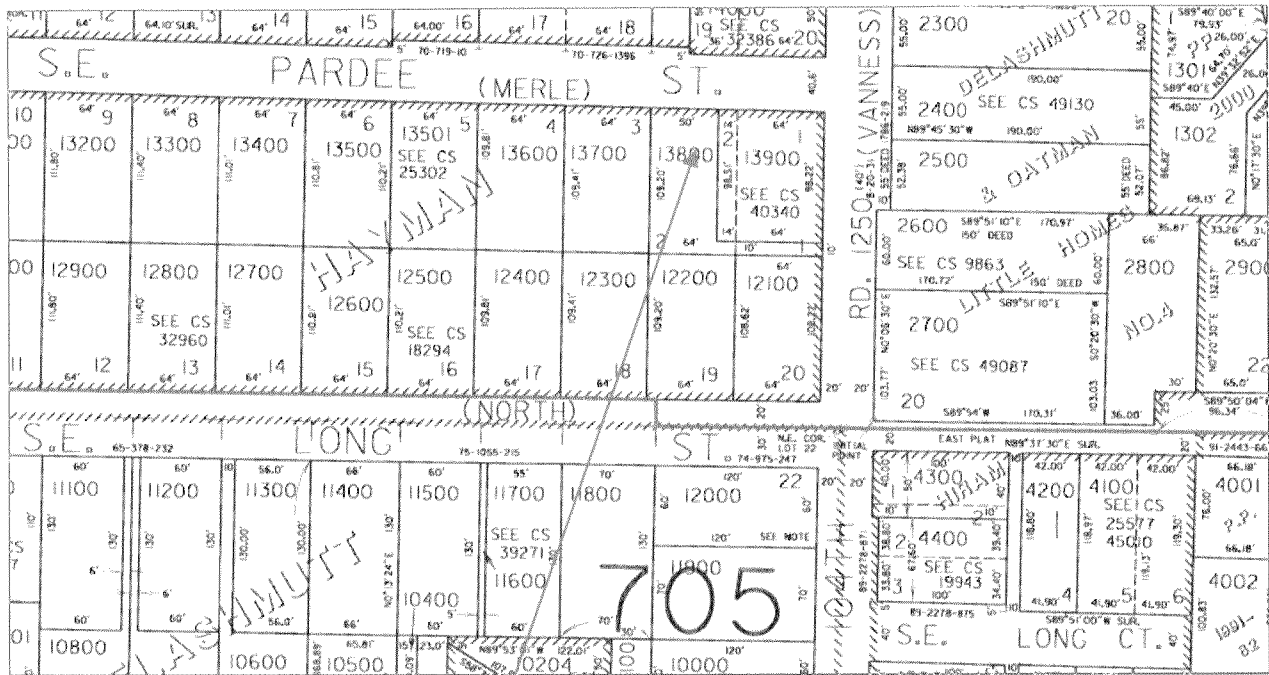
Date:

## Exhibit A

Property No. 2

Tax Account Number: R177820, (R36930-0020)

Location: Between 10330 SE Pardee and 4609 SE 104th



## Subject

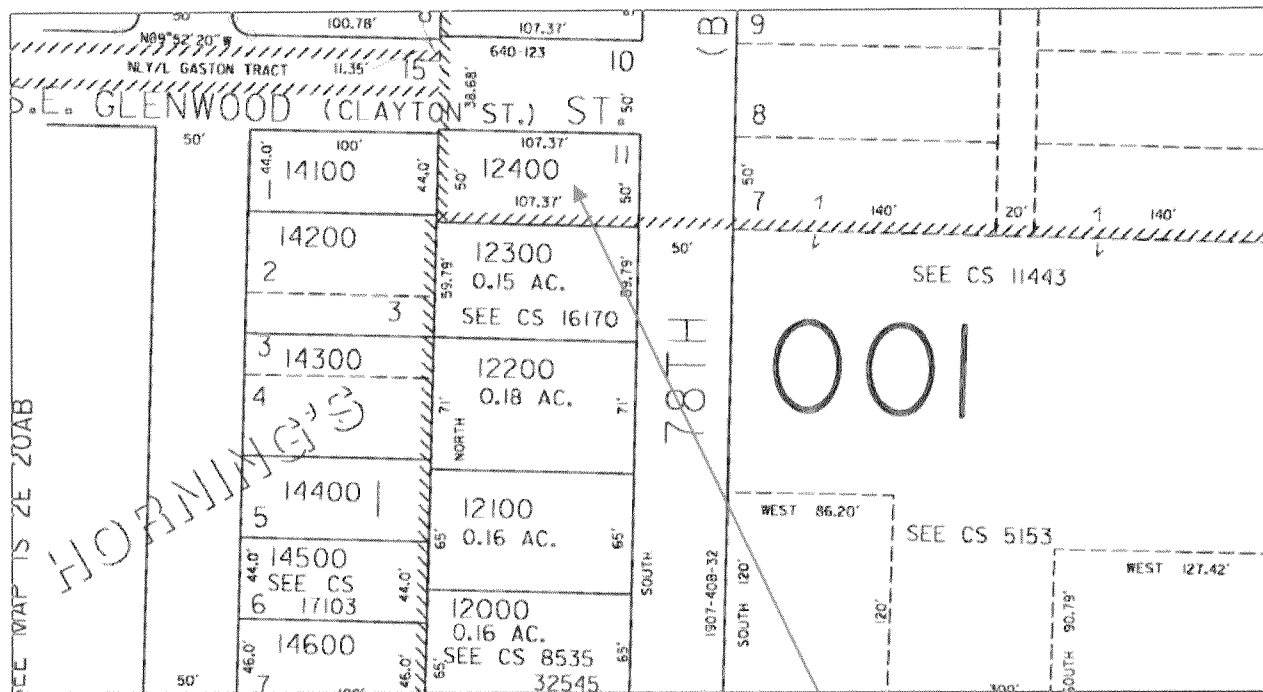




Property No. 6

Tax Account Number: R304499, (R89950-0430)

Location: Adjacent to 6717 SE 78<sup>TH</sup>



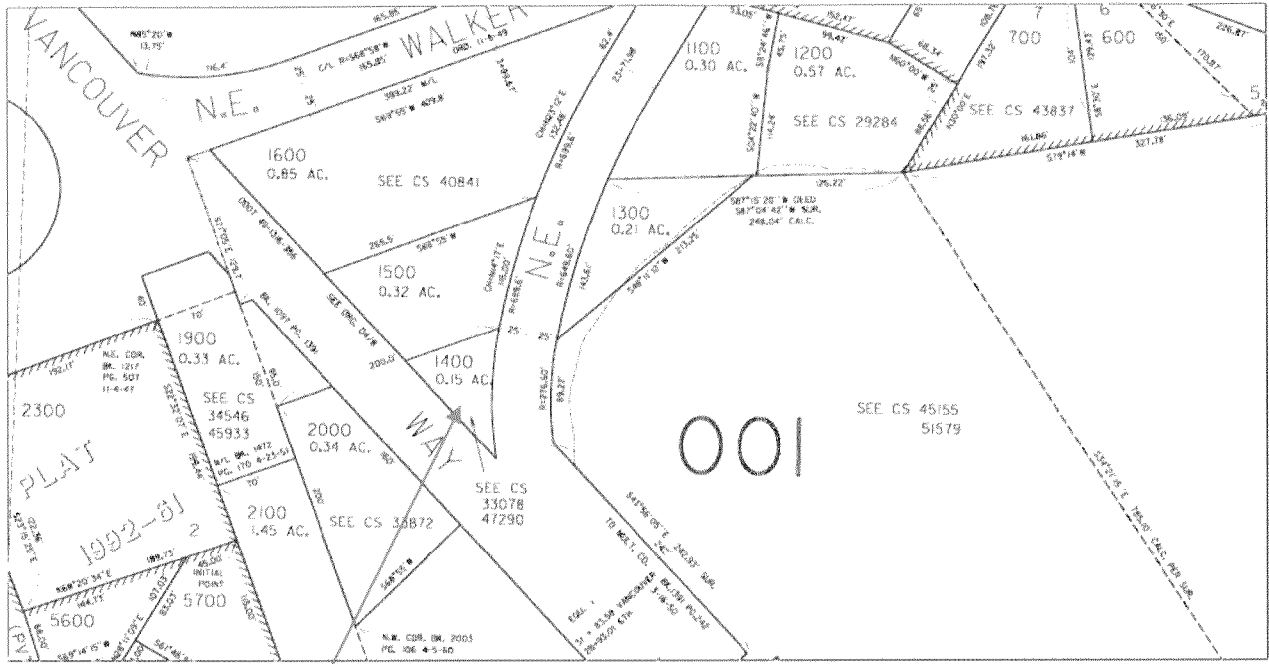
Subject



Auction Property No. 7

Tax Account Number: R314454 (R94103-2190)

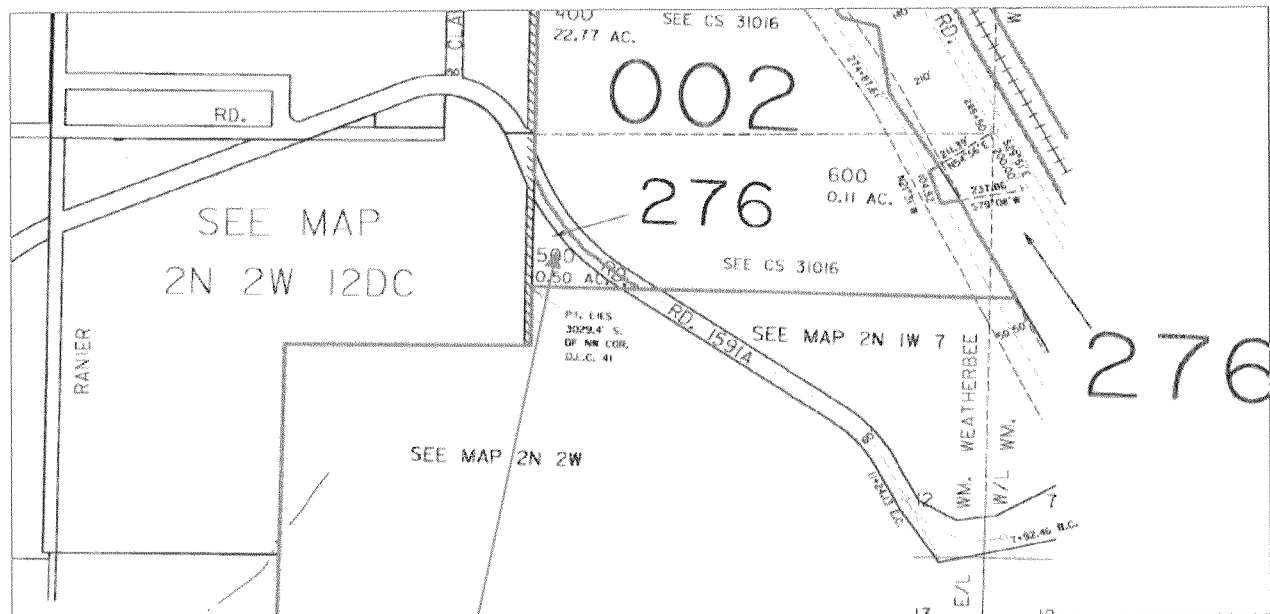
Location: Intersection of NE 6<sup>th</sup> DR and Vancouver Way – Triangular Shaped



Auction Property No. 8

Tax Account Number: R325633, (R97212-0080)

Adjacent to 19010 NW Morgan Rd – Sloping and Brush Covered

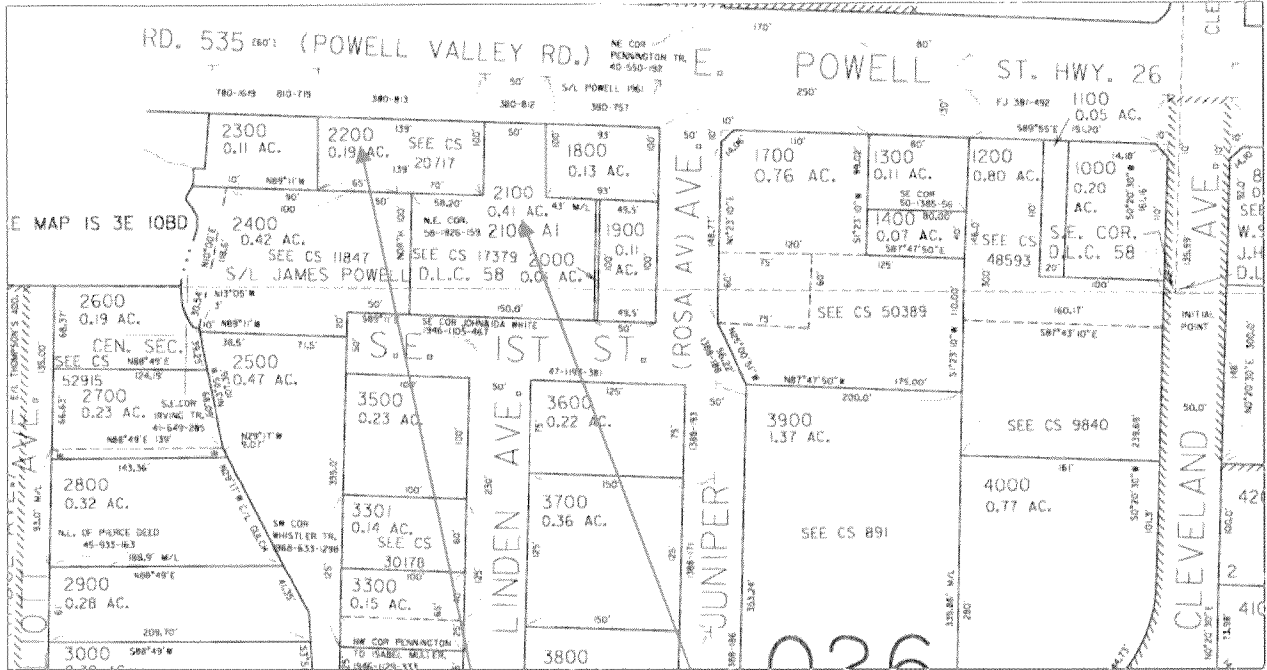




Auction Property No. 9

Tax Account Number: R339171, (R99310-3460)

Location: Adjacent to 750 E Powell, Gresham –Part of parking lot to an adjacent motel



Subject

750 E Powell Blvd  
Golden Knight Motel



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Authorizing Execution of Deeds for Five Tax Foreclosed Properties Sold At Public Sale.

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

- a. On February 25, 2003, Multnomah County conducted a public auction and sale of tax-foreclosed properties including the five properties (properties) that are identified as Auction Properties Nos. 2, 6, 7, 8, and 9 and more particularly described in the attached Exhibit A incorporated by this reference.
- b. The public sale of the properties was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. The Purchaser identified in Exhibit A was the highest bidder for each property at the public sale held on February 25, 2003. The County has received all sums due and owing from the sale of these properties.
- d. On the day of sale, the Sheriff delivered to each successful bidder/purchaser, a Certificate of Sale containing a particular description of the property sold, the whole purchase price and the amount paid in cash for the property.
- e. The Tax Title Division has prepared and attached for the Board's consideration and approval a deed for each property sold.

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

1. With respect to the five properties, the Chair is authorized to execute the attached Deeds to each Purchaser identified in Exhibit A for the specific property purchased at the Public Sale held on February 25, 2003.

ADOPTED this 3rd day of April 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

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

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

## **Exhibit A (RESOLUTION)**

### **Auction Property No. 2.:**

**Legal Description:** S 10' OF LOT 1, S 10' OF E 14' & W 50' OF LOT 2, HAYMAN, in the City of Portland, Multnomah County, Oregon.

**Multnomah County Deed No.:** D031900

**Tax Account No.:** R-36930-0020 / 177820

**Purchaser:** AK HOMES

**Purchase Price:** \$43,000

### **Auction Property No. 6:**

**Legal Description:** LOT 11, BLOCK 3 WESTON, in the City of Portland, Multnomah County, Oregon

**Multnomah County Deed No.:** D031895

**Tax Account No.:** R-89950-0430 / R304499

**Purchaser:** VLADIMIR KILYUKH

**Purchase Price:** \$46,500

### **Auction Property No. 7:**

**Legal Description:** See attached Exhibit A-1

**Multnomah County Deed No.:** D031896

**Tax Account No.:** R-94103-2190 / R314454

**Purchaser:** JEAN-CLAUDE JOECELYN

**Purchase Price:** \$9,000

### **Auction Property No. 8:**

**Legal Description:** See attached Exhibit A-2

**Multnomah County Deed No.:** D031899

**Tax Account No.:** R-97212-0080 / R325633

**Purchasers:** ROBERT R YAUGER

**Purchase Price:** \$4,500

### **Auction Property No. 9:**

**Legal Description:** See attached Exhibit A-3

**Multnomah County Deed No.:** D031898

**Tax Account No.:** R-99310-3460 / R339171

**Purchaser:** THAKORBHAI PATEL & HITENDRA T PATEL

**Purchase Price:** \$36,600

## **EXHIBIT A-1 (RESOLUTION)**

### **Property No.:7**

All that portion of the following described tract in the John Switzler Donation Land Claim in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, lying Northerly of North Vancouver Way in the County of Multnomah and State of Oregon:

A tract of land in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1½ acre tract conveyed to Edwin H. Carvell by the Warren Packing Company and recorded September 9, 1938, in Deed Book 465, at Page 232; thence North 39° 43' West 360.1 feet to the point of beginning of property to be described;

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15° 12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68° 55' West 200 feet, more or less, to the East line of the Portland Electric Power Company's right of way; thence South 21° 05' East along the East line of said right of way 492.7 feet; thence North 23° 02' East 239.2 feet, more or less, to the point of beginning

**Tax Account No.:R314454**

## **EXHIBIT A-2 (RESOLUTION)**

### **Property No.:8**

#### **Legal Description:**

Beginning in the west line of Wm & Hannah M Weatherbee DLC, Section 12 2N, 2W, 45.90 chains south of the northwest corner of said DLC being also the northwest corner of 150-acre tract of land owned by Andrew Smith; thence north 89° 59' east 379.4'; thence north 65° 31' west 110.35' to beginning of curve; thence on curve to right with a radius of 453.26'; through an arc of 37° 10' a distance of 294'; thence north 28° 21' west of 161.52' to an intersection with the west line of said Weatherbee DLC; thence south 1° 17' east along the west side of said DLC 385.05' to beginning. Except 0.67 acres in road.

**Tax Account No.:R325633**

## **EXHIBIT A-3 (RESOLUTION)**

### **Property No.:9**

#### **Legal Description:**

A tract of land in the Northeast quarter of Section 10, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the South line of SE Powell Blvd., which is 260 feet East of its intersection with the Northerly projection of the West line of Ridge Avenue according to the plat of THOMPSON'S ADDITION TO GRESHAM; thence S89°11' East along said South Street Line, 139 feet to the Northwest corner of a tract of land described in a deed to Olive M. Johnson recocrded December 23 1952 in PS Deed Book 1576, page 196; thence South along the line of said deeded tract, at right angles to the South line of SE Powell Blvd., to a line 100 feet South of said street line when measured parallel with the West line of said Ridge Avenue; thence N89°11' West parallel with the South line of SE Powell Blvd., 139 feet, more or less, to the East line of the tract of land conveyed to Elmus R. Splawn, et us, by deed recorded July 7, 1948 in PS Deed Book 1275, page 581; thence North along said East line 100 feet to the point of beginning.

Except that Northerly portion acquired by the State Highway Commission by Condemnation Proceedings No. 380813, filed June 15, 1972 in the Circuit Court, State of Oregon, Multnomah County.

**Tax Account No.:R339171**



After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to AK HOMES Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$43,000.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd day of April 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandy N. Duffy, Assistant County Attorney

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

This Deed was acknowledged before me this 3rd day of April 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 5 of 12 Resolution and Deed for Public Sale

VLADIMIR KILYUKH  
1407 SE 135<sup>TH</sup> AVE  
PORTLAND OR 97233

Page 6 of 12 Resolution and Deed for Public Sale

After recording return to:  
MULTNOMAH COUNTY TAX TITLE  
503/4/TT

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JEAN-CLAUDE JOECELYN Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$9000.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd day of April 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

By Sandra Duffy  
Sandy N. Duffy, Assistant County Attorney

This Deed was acknowledged before me this 3rd day of April 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 7 of 12 Resolution and Deed for Public Sale

## **EXHIBIT A-1 (DEED)**

### **Property No.:7**

All that portion of the following described tract in the John Switzler Donation Land Claim in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, lying Northerly of North Vancouver Way in the County of Multnomah and State of Oregon:

A tract of land in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1½ acre tract conveyed to Edwin H. Carvell by the Warren Packing Company and recorded September 9, 1938, in Deed Book 465, at Page 232; thence North 39° 43' West 360.1 feet to the point of beginning of property to be described;

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15° 12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68° 55' West 200 feet, more or less, to the East line of the Portland Electric Power Company's right of way; thence South 21° 05' East along the East line of said right of way 492.7 feet; thence North 23° 02' East 239.2 feet, more or less, to the point of beginning

**Tax Account No.:R314454**

ROBERT R YAUGER  
1627 SE ELLIOTT  
PORTLAND OR 97214

Deed D031899

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ROBERT R YAUGER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

As shown in Exhibit A-2

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$4,500.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd day of April 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandy N. Duffy, Assistant County Attorney

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

This Deed was acknowledged before me this 3rd day of April 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

## **EXHIBIT A-2 (DEED)**

**Property No.:8**

**Legal Description:**

Beginning in the west line of Wm & Hannah M Weatherbee DLC, Section 12 2N, 2W, 45.90 chains south of the northwest corner of said DLC being also the northwest corner of 150-acre tract of land owned by Andrew Smith; thence north  $89^{\circ} 59'$  east 379.4'; thence north  $65^{\circ} 31'$  west 110.35' to beginning of curve; thence on curve to right with a radius of 453.26'; through an arc of  $37^{\circ} 10'$  a distance of 294'; thence north  $28^{\circ} 21'$  west of 161.52' to an intersection with the west line of said Weatherbee DLC; thence south  $1^{\circ} 17'$  east along the west side of said DLC 385.05' to beginning. Except 0.67 acres in road.

**Tax Account No.:R325633**

After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THAKORBHAI PATEL & HITENDRA T PATEL, Grantees, that certain real property, located in, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$36,600.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 3rd day of April 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

By Sandra Duffy  
Sandy N. Duffy, Assistant County Attorney

This Deed was acknowledged before me this 3rd day of April 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Page 11 of 12 Resolution and Deed for Public Sale

## **EXHIBIT A-3 (DEED)**

### **Property No.:9**

#### **Legal Description:**

A tract of land in the Northeast quarter of Section 10, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the South line of SE Powell Blvd., which is 260 feet East of its intersection with the Northerly projection of the West line of Ridge Avenue according to the plat of THOMPSON'S ADDITION TO GRESHAM; thence S89°11' East along said South Street Line, 139 feet to the Northwest corner of a tract of land described in a deed to Olive M. Johnson recocrded December 23 1952 in PS Deed Book 1576, page 196; thence South along the line of said deeded tract, at right angles to the South line of SE Powell Blvd., to a line 100 feet South of said street line when measured parallel with the West line of said Ridge Avenue; thence N89°11' West parallel with the South line of SE Powell Blvd., 139 feet, more or less, to the East line of the tract of land conveyed to Elmus R. Splawn, et us, by deed recorded July 7, 1948 in PS Deed Book 1275, page 581; thence North along said East line 100 feet to the point of beginning.

Except that Northerly portion acquired by the State Highway Commission by Condemnation Proceedings No. 380813, filed June 15, 1972 in the Circuit Court, State of Oregon, Multnomah County.

**Tax Account No.:R339171**



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 03-039**

Authorizing Execution of Deeds for Five Tax Foreclosed Properties Sold At Public Sale

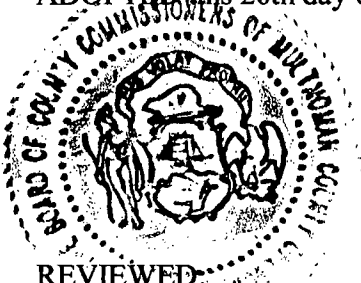
**The Multnomah County Board of Commissioners Finds:**

- a. On February 25, 2003, Multnomah County conducted a public auction and sale of tax-foreclosed properties including the five properties (properties) that are identified as Auction Properties Nos. 2, 6, 7, 8, and 9 and more particularly described in the attached Exhibit A incorporated by this reference.
- b. The public sale of the properties was conducted consistent with the requirements of ORS 275.110 to 275.250 and MCC Chapter 7.
- c. The Purchaser identified in Exhibit A was the highest bidder for each property at the public sale held on February 25, 2003. The County has received all sums due and owing from the sale of these properties.
- d. On the day of sale, the Sheriff delivered to each successful bidder/purchaser, a Certificate of Sale containing a particular description of the property sold, the whole purchase price and the amount paid in cash for the property.
- e. The Tax Title Division has prepared and attached for the Board's consideration and approval a deed for each property sold.

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

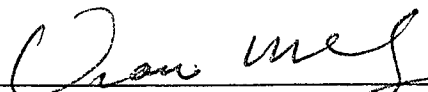
1. With respect to the five properties, the Chair is authorized to execute the attached Deeds to each Purchaser identified in Exhibit A for the specific property purchased at the Public Sale held on February 25, 2003.

ADOPTED this 20th day of March, 2003.

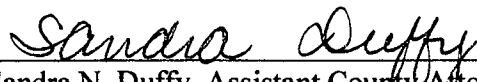


REVIEWED:  
AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

By

  
\_\_\_\_\_  
Sandra N. Duffy, Assistant County Attorney

## **Exhibit A (RESOLUTION)**

### **Auction Property No. 2:**

**Legal Description:** S 10' OF LOT 1, S 10' OF E 14' & W 50' OF LOT 2, HAYMAN, in the City of Portland, Multnomah County, Oregon.

**Multnomah County Deed No.:** D031900

**Tax Account No.:** R-36930-0020 / 177820

**Purchaser:** AK HOMES

**Purchase Price:** \$43,000

### **Auction Property No. 6:**

**Legal Description:** LOT 11, BLOCK 3 WESTON, in the City of Portland, Multnomah County, Oregon

**Multnomah County Deed No.:** D031895

**Tax Account No.:** R-89950-0430 / R304499

**Purchaser:** VLADIMIR KILYUKH

**Purchase Price:** \$46,500

### **Auction Property No. 7:**

**Legal Description:** See attached Exhibit A-1

**Multnomah County Deed No.:** D031896

**Tax Account No.:** R-94103-2190 / R314454

**Purchaser:** JEAN-CLAUDE JOECELYN

**Purchase Price:** \$9,000

### **Auction Property No. 8:**

**Legal Description:** See attached Exhibit A-2

**Multnomah County Deed No.:** D031899

**Tax Account No.:** R-97212-0080 / R325633

**Purchasers:** ROBERT R YAUGER

**Purchase Price:** \$4,500

### **Auction Property No. 9:**

**Legal Description:** See attached Exhibit A-3

**Multnomah County Deed No.:** D031898

**Tax Account No.:** R-99310-3460 / R339171

**Purchaser:** THAKORBHAI PATEL & HITENDRA T PATEL

**Purchase Price:** \$36,600

## **EXHIBIT A-1 (RESOLUTION)**

### **Property No.:7**

All that portion of the following described tract in the John Switzler Donation Land Claim in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, lying Northerly of North Vancouver Way in the County of Multnomah and State of Oregon:

A tract of land in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1½ acre tract conveyed to Edwin H. Carvell by the Warren Packing Company and recorded September 9, 1938, in Deed Book 465, at Page 232; thence North 39° 43' West 360.1 feet to the point of beginning of property to be described;

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15° 12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68° 55' West 200 feet, more or less, to the East line of the Portland Electric Power Company's right of way; thence South 21° 05' East along the East line of said right of way 492.7 feet; thence North 23° 02' East 239.2 feet, more or less, to the point of beginning

**Tax Account No.:R314454**

## **EXHIBIT A-2 (RESOLUTION)**

### **Property No.:8**

#### **Legal Description:**

Beginning in the west line of Wm & Hannah M Weatherbee DLC, Section 12 2N, 2W, 45.90 chains south of the northwest corner of said DLC being also the northwest corner of 150-acre tract of land owned by Andrew Smith; thence north 89° 59' east 379.4'; thence north 65° 31' west 110.35' to beginning of curve; thence on curve to right with a radius of 453.26'; through an arc of 37° 10' a distance of 294'; thence north 28° 21' west of 161.52' to an intersection with the west line of said Weatherbee DLC; thence south 1° 17' east along the west side of said DLC 385.05' to beginning. Except 0.67 acres in road.

**Tax Account No.:R325633**

## **EXHIBIT A-3 (RESOLUTION)**

### **Property No.:9**

#### **Legal Description:**

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Beginning at a point in the South line of SE Powell Blvd., which is 260 feet East of its intersection with the Northerly projection of the West line of Ridge Avenue according to the plat of THOMPSON'S ADDITION TO GRESHAM; thence S89°11' East along said South Street Line, 139 feet to the Northwest corner of a tract of land described in a deed to Olive M. Johnson recorded December 23 1952 in PS Deed Book 1576, page 196; thence South along the line of said deeded tract, at right angles to the South line of SE Powell Blvd., to a line 100 feet South of said street line when measured parallel with the West line of said Ridge Avenue; thence N89°11' West parallel with the South line of SE Powell Blvd., 139 feet, more or less, to the East line of the tract of land conveyed to Elmus R. Splawn, et us, by deed recorded July 7, 1948 in PS Deed Book 1275, page 581; thence North along said East line 100 feet to the point of beginning.

Except that Northerly portion acquired by the State Highway Commission by Condemnation Proceedings No. 380813, filed June 15, 1972 in the Circuit Court, State of Oregon, Multnomah County.

**Tax Account No.:R339171**

Until a change is requested, all tax statements shall  
be sent to the following address:  
AK HOMES  
11433 SE IDYLLWILD CT  
CLACKAMAS OR 97015

After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

**Deed D031900**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to AK HOMES Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

S 10' OF LOT 1, S 10' OF E 14' & W 50' OF LOT 2, HAYMAN

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$43,000.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                                 )  
  ) ss  
COUNTY OF MULTNOMAH                     )

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/05

Until a change is requested, all tax statements shall  
be sent to the following address:  
VLADIMIR KILYUKH  
1407 SE 135<sup>TH</sup> AVE  
PORTLAND OR 97233

After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

**Deed D031895**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to VLADIMIR KILYUKH Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

LOT 11, BLOCK 3, WESTON

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$46,500.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

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BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                                 )  
  ) ss  
COUNTY OF MULTNOMAH                     )

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

---

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

Until a change is requested, all tax statements shall  
be sent to the following address:  
JEAN-CLAUDE JOECELYN  
10202 N LEONARD  
PORTLAND OR 97203

After recording return to:  
MULTNOMAH COUNTY TAX TITLE  
503/4/TT

**Deed D031896**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JEAN-CLAUDE JOECELYN Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

As described in Exhibit A-1

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$9000.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                                 )  
  ) ss  
COUNTY OF MULTNOMAH                     )

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/05

## **EXHIBIT A-1 (DEED)**

### **Property No.:7**

All that portion of the following described tract in the John Switzler Donation Land Claim in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, lying Northerly of North Vancouver Way in the County of Multnomah and State of Oregon:

A tract of land in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1½ acre tract conveyed to Edwin H. Carvell by the Warren Packing Company and recorded September 9, 1938, in Deed Book 465, at Page 232; thence North 39° 43' West 360.1 feet to the point of beginning of property to be described;

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15° 12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68° 55' West 200 feet, more or less, to the East line of the Portland Electric Power Company's right of way; thence South 21° 05' East along the East line of said right of way 492.7 feet; thence North 23° 02' East 239.2 feet, more or less, to the point of beginning

**Tax Account No.:R314454**



After recording return to:  
MULTNOMAH COUNTY TAX TITLE  
503/4

## **EXHIBIT A-2 (DEED)**

**Property No.:8**

**Legal Description:**

Beginning in the west line of Wm & Hannah M Weatherbee DLC, Section 12 2N, 2W, 45.90 chains south of the northwest corner of said DLC being also the northwest corner of 150-acre tract of land owned by Andrew Smith; thence north 89° 59' east 379.4'; thence north 65° 31' west 110.35' to beginning of curve; thence on curve to right with a radius of 453.26'; through an arc of 37° 10' a distance of 294'; thence north 28° 21' west of 161.52' to an intersection with the west line of said Weatherbee DLC; thence south 1° 17' east along the west side of said DLC 385.05' to beginning. Except 0.67 acres in road.

**Tax Account No.:R325633**

Until a change is requested, all tax statements shall  
be sent to the following address:

THAKORBHAI PATEL &  
HITENDRA T PATEL  
750 E POWELL BLVD  
GRESHAM OR 97030

After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

**Deed D031898**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THAKORBHAI PATEL & HITENDRA T PATEL, Grantees, that certain real property, located in, Multnomah County, Oregon more particularly described as follows:

As shown in Exhibit A-3

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

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

STATE OF OREGON

)  
) ss

COUNTY OF MULTNOMAH

)

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

---

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

## **EXHIBIT A-3 (DEED)**

### **Property No.:9**

#### **Legal Description:**

A tract of land in the Northeast quarter of Section 10, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the South line of SE Powell Blvd., which is 260 feet East of its intersection with the Northerly projection of the West line of Ridge Avenue according to the plat of THOMPSON'S ADDITION TO GRESHAM; thence S89°11' East along said South Street Line, 139 feet to the Northwest corner of a tract of land described in a deed to Olive M. Johnson recorded December 23 1952 in PS Deed Book 1576, page 196; thence South along the line of said deeded tract, at right angles to the South line of SE Powell Blvd., to a line 100 feet South of said street line when measured parallel with the West line of said Ridge Avenue; thence N89°11' West parallel with the South line of SE Powell Blvd., 139 feet, more or less, to the East line of the tract of land conveyed to Elmus R. Splawn, et us, by deed recorded July 7, 1948 in PS Deed Book 1275, page 581; thence North along said East line 100 feet to the point of beginning.

Except that Northerly portion acquired by the State Highway Commission by Condemnation Proceedings No. 380813, filed June 15, 1972 in the Circuit Court, State of Oregon, Multnomah County.

**Tax Account No.:R339171**


AK HOMES  
11433 SE IDYLLWILD CT  
CLACKAMAS OR 97015

**Deed D031900**

S 10' OF LOT 1, S 10' OF E 14' & W 50' OF LOT 2, HAYMAN

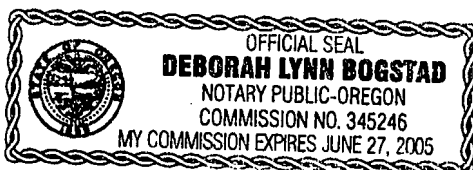
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



  
Diane M. Linn, Chair

By Sandra Duffy  
Sandra N. Duffy, Assistant County Attorney

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



VLADIMIR KILYUKH  
1407 SE 135<sup>TH</sup> AVE  
PORTLAND OR 97233

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

JEAN-CLAUDE JOECelyn  
10202 N LEONARD  
PORTLAND OR 97203

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

## **EXHIBIT A-1 (DEED)**

### **Property No.:7**

All that portion of the following described tract in the John Switzler Donation Land Claim in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, lying Northerly of North Vancouver Way in the County of Multnomah and State of Oregon:

A tract of land in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as beginning at the Northeast corner of that 1½ acre tract conveyed to Edwin H. Carvell by the Warren Packing Company and recorded September 9, 1938, in Deed Book 465, at Page 232; thence North 39° 43' West 360.1 feet to the point of beginning of property to be described;

Commencing at the point so located; thence along a curve to the right whose long chord bears North 15° 12' West 322.6 feet and whose radius is 391 feet, the distance along the curve being 331.7 feet; thence South 68° 55' West 200 feet, more or less, to the East line of the Portland Electric Power Company's right of way; thence South 21° 05' East along the East line of said right of way 492.7 feet; thence North 23° 02' East 239.2 feet, more or less, to the point of beginning

**Tax Account No.:R314454**



After recording return to:  
MULTNOMAH COUNTY TAX TITLE  
503/4

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

## **EXHIBIT A-2 (DEED)**

**Property No.:8**

**Legal Description:**

Beginning in the west line of Wm & Hannah M Weatherbee DLC, Section 12 2N, 2W, 45.90 chains south of the northwest corner of said DLC being also the northwest corner of 150-acre tract of land owned by Andrew Smith; thence north  $89^{\circ} 59'$  east 379.4'; thence north  $65^{\circ} 31'$  west 110.35' to beginning of curve; thence on curve to right with a radius of 453.26'; through an arc of  $37^{\circ} 10'$  a distance of 294'; thence north  $28^{\circ} 21'$  west of 161.52' to an intersection with the west line of said Weatherbee DLC; thence south  $1^{\circ} 17'$  east along the west side of said DLC 385.05' to beginning. Except 0.67 acres in road.

**Tax Account No.:R325633**


After recording return to:  
MULTNOMAH CO TAX TITLE  
503/4/TT

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THAKORBHAI PATEL & HITENDRA T PATEL, Grantees, that certain real property, located in, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$36,600.

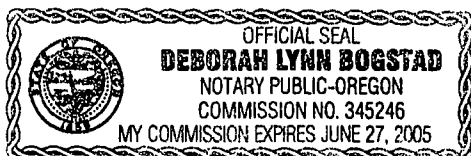
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 20th day of March 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



  
Diane M. Linn, Chair

By Sandra Duffy  
Sandra N. Duffy, Assistant County Attorney

This Deed was acknowledged before me this 20th day of March 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



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

## **EXHIBIT A-3 (DEED)**

**Property No.:9**

**Legal Description:**

A tract of land in the Northeast quarter of Section 10, Township 1 South, Range 3 East of the Willamette Meridian, in the City of Gresham, County of Multnomah and State of Oregon, described as follows:

Beginning at a point in the South line of SE Powell Blvd., which is 260 feet East of its intersection with the Northerly projection of the West line of Ridge Avenue according to the plat of THOMPSON'S ADDITION TO GRESHAM; thence S89°11' East along said South Street Line, 139 feet to the Northwest corner of a tract of land described in a deed to Olive M. Johnson recorded December 23 1952 in PS Deed Book 1576, page 196; thence South along the line of said deeded tract, at right angles to the South line of SE Powell Blvd., to a line 100 feet South of said street line when measured parallel with the West line of said Ridge Avenue; thence N89°11' West parallel with the South line of SE Powell Blvd., 139 feet, more or less, to the East line of the tract of land conveyed to Elmus R. Splawn, et us, by deed recorded July 7, 1948 in PS Deed Book 1275, page 581; thence North along said East line 100 feet to the point of beginning.

Except that Northerly portion acquired by the State Highway Commission by Condemnation Proceedings No. 380813, filed June 15, 1972 in the Circuit Court, State of Oregon, Multnomah County.

**Tax Account No.:R339171**

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** C-3

**Est. Start Time:** 9:30 AM

**Date Submitted:** 02/25/03

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**Requested Date:** March 20, 2003

**Time Requested:** N/A

**Department:** Non-Departmental

**Division:** CCFC

**Contact/s:** Aimée Ortiz / Elana Emlen

**Phone:** 503 988-4149      **Ext.:** 85859      **I/O Address:** 166/1075

**Presenters:** Consent Calendar

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**Agenda Title:** Intergovernmental Revenue Agreement 0310353 with Marion County Children & Families Commission.

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

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

The Commission on Children, Families & Community (CCFC) recommends Board of County Commissioner (BCC) approve the revenue agreement with Marion County Children & Families Commission.

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

This agreement is to establish a relationship between the fiscal agent, Marion County, and Multnomah County for the 6 County Collaborative Child Care Development Fund Grant. The purpose of the grant is to improve childcare quality for over 65% of Oregon's children under the age of 13.

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

This revenue agreement does not have fiscal impact for Multnomah County in FY03. It just establishes a relationship between the county and the fiscal agent.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

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

N/A

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

N/A

**Required Signatures:**

**Department/Agency Director:** Sue Cameron

**Date:** 02/21/03

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

Contract #: **0310353**

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

Amendment #: **0**

| Class I   | Class II   | Class III  |
|---|--|--|
| <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000<br><input type="checkbox"/> Expenditure<br><input checked="" type="checkbox"/> Revenue<br><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) | <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)<br><input type="checkbox"/> PCRB Contract<br><input type="checkbox"/> Maintenance Agreement<br><input type="checkbox"/> Licensing Agreement<br><input type="checkbox"/> Construction<br><input type="checkbox"/> Grant<br><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) | <input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000<br><input type="checkbox"/> Expenditure<br><input type="checkbox"/> Revenue<br><div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY<br/>BOARD OF COMMISSIONERS</b><br/>                     AGENDA # <u>C-3</u> DATE <u>03-20-03</u><br/>                     DEB BOGSTAD, BOARD CLERK                 </div> |

|                                     |   |                                |
|-------------------------------------|---|--------------------------------|
| Department: <u>Non-Departmental</u> | Division: <u>Commission on Children, Families &amp; Community</u> | Date: <u>February 21, 2003</u> |
| Originator: <u>Elana Emlen</u>      | Phone: <u>85859</u>   | Bldg/Rm: <u>166/1075</u>       |
| Contact: <u>Aimée Ortiz</u>         | Phone: <u>84149</u>   | Bldg/Rm: <u>166/1075</u>       |

Description of Contract **This agreement is to establish a relationship between the fiscal agent, Marion County, and Multnomah County for the 6 County Collaborative Child Care Development Fund Grant. The purpose of the grant is to improve childcare quality for over 65% of Oregon's children under the age of 13.**

|   |                                    |        |
|---|------------------------------------|--------|
| RENEWAL: <input type="checkbox"/>   | PREVIOUS CONTRACT #(S): <u>N/A</u> |        |
| RFP/BID   | RFP/BID DATE                       |        |
| EXEMPTION   | EXEMPTION EXPIRATION               | ORS/AR |
| #/DATE:   | DATE:                              | #      |
| CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply) |                                    |        |

|   |  |
|---|--|
| Contractor <b>Marion County Children &amp; Families Commission</b><br>Address <b>PO Box 14500</b><br><b>Salem, OR 97309</b><br>Phone <b>(503) 588-7975</b><br>Employer ID# or SS# <b>93-6002307</b><br>Effective Date <b>January 1, 2003</b><br>Termination Date <b>June 30, 2003</b><br>Original Contract Amount \$ <b>0</b><br>Total Amt of Previous Amendments \$ <b>0</b><br>Amount of Amendment \$ <b>0</b><br>Total Amount of Agreement \$ <b>0</b> | Remittance Address _____<br>(If different) _____<br>Payment Schedule / Terms<br><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt<br><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30<br><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other<br><input type="checkbox"/> Requirements \$ _____<br>Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--|

**REQUIRED SIGNATURES**

|  |                     |
|--|---------------------|
| Department Manager <u><i>Sue Camen</i></u> | DATE <u>2-21-03</u> |
| Purchasing Manager _____                   | DATE _____          |
| County Counsel <u><i>Kate Smith</i></u>    | DATE <u>3/02/03</u> |
| County Chair <u><i>Chris Smith</i></u>     | DATE <u>3-20-03</u> |
| Sheriff _____                              | DATE _____          |
| Contract Administration _____              | DATE _____          |

| SAP CUSTOMER NUMBER: <b>201238</b> |      |        |     |         |          | DEPT REFERENCE |         |         |                  |        |         |
|------------------------------------|------|--------|-----|---------|----------|----------------|---------|---------|------------------|--------|---------|
| LINE #                             | FUND | AGENCY | ORG | SUB ORG | ACTIVITY | OBJ/ REV       | SUB OBJ | REP CAT | LGFS DESCRIPTION | AMOUNT | INC DEC |
| 01                                 |      |        |     |         |          |                |         | See     | Attached         |        |         |
| 02                                 |      |        |     |         |          |                |         |         |                  |        |         |



Marion County  
OREGON

**INTERGOVERNMENTAL AGREEMENT**  
between  
Marion County  
and  
**MULTNOMAH COUNTY**

Marion County  
Children &  
Families  
Commission



**1. AGREEMENT**

This Agreement is by and between MARION COUNTY, a political subdivision of the State of Oregon, through its Children and Families Commission, and MULTNOMAH COUNTY, a political subdivision of the State of Oregon, through its Commission on Children, Families & Community.

Whereas, the Marion County Children and Families submitted a Child Care Development Grant Proposal, in collaboration with the Multnomah County, Clackamas County, Washington County, Lane County and Jackson County Commissions on Children and Families;

Whereas, the Child Care Development Grant was awarded, in the amount of **\$900,000**, for 2002-2005 to the Marion County, Multnomah County, Clackamas County, Washington County, Lane County and Jackson County Commissions on Children and Families;

Whereas, the Marion County Children and Families Commission has agreed to be the fiscal agent for the grant award;

Whereas, Marion County is entering into agreements with Multnomah County, Clackamas County, Washington County, Lane County and Jackson County Commissions on Children and Families, which will establish obligations of all counties for fulfilling the terms of the grant award;

Whereas, Marion County is entering into a contract with Metro Child Care Resource and Referral, hereafter called Metro, to complete an inventory of child care provider training resources in Multnomah, Washington and Clackamas counties, and to research and pilot a benefit enhancement program in those three counties;

Whereas, this agreement is entered into for the purpose of improving childcare quality for over 65% of Oregon's children under the age of 13 years old, now, therefore,

The Counties of Marion and Multnomah agree as follows:

**2. INDEPENDENT CONTRACTOR STATUS**

This contract is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership joint venture or association.



### 3. SCOPE OF WORK

The purpose of this agreement is to define the obligations of Multnomah County and Marion County in the collaborative 6-county Child Care Development Grant project. There are three components to the project:

- a. A compensation study within the six-counties to include centers, group homes and family child care
- b. Wage and benefits enhancements; and
- c. Professional development.

#### **The Multnomah County Commission on Children, Families and Community shall:**

1. Participate in the 6-county grant coordination, contributing to developing the Request for Proposals for the wage, benefits and turnover rate study, sharing information on child care provider training opportunities, and participating in project oversight.
2. Participate in the steering committee to develop the scope of work for the contract between Marion County and Metro to research and pilot the benefits enhancement program and to inventory training opportunities. Multnomah County Commission on Children, Families & Community staff will coordinate with Washington and Clackamas County staff to provide oversight for this portion of the grant project.
3. During years two and three (July 1, 2003 – June 30, 2005), Multnomah County Commission on Children, Families & Community will use funds allocated from this grant to enhance the training opportunities for child care providers within Multnomah County.

### 4. TERM AND TERMINATION

- 4.1 The parties agree that the term of this agreement shall be from January 1, 2003 through June 30, 2003, at which time this agreement shall be automatically renewed from year to year, through June 30, 2005 unless terminated or amended as provided herein.
- 4.2 This agreement may be terminated by mutual consent of both parties or by either party upon thirty (30) days notice in writing and delivered by mail or in person to the addresses shown under notices herein. Any such termination of this agreement shall be without prejudice to any obligations or liabilities of either party already accrued prior to such termination.
- 4.3 Marion County may terminate this agreement immediately upon receiving notice that grant funds are adversely affected resulting in loss of money to continue this contract.

### 6. COMPENSATION

Multnomah County will receive \$0, for year one of the grant. Payment shall be made upon the execution of this agreement.

### 7. FUNDS AVAILABLE AND AUTHORIZED

Marion County certifies that at the time this contract was executed, sufficient funds were available and authorized for expenditure to finance the costs of goods and/or services to be provided in this contract.

## 8. AMENDMENTS

The terms of this agreement shall not be waived, altered, modified, changed, supplemented, or amended in any manner whatsoever except by written instrument signed by the parties.

## 9. COMPLIANCE WITH APPLICABLE LAWS

The parties agree that both shall comply with all federal, state, and local laws and ordinances applicable to the work to be done under this agreement. The parties agree that this agreement shall be administered and construed under the laws of the state of Oregon.

## 10. NONDISCRIMINATION

In the performance of this Agreement, the parties agree to comply with all applicable civil rights and rehabilitation statutes and administrative regulation of the United States of America, the State of Oregon, and their respective administrative agencies.

## 11. HOLD HARMLESS

11.1 Each party agrees to waive, forgive, and acquit any and all claims it may otherwise have against the other and the officers, employees, and agents of the other, for or resulting from damage or loss, provided that this discharge and waiver shall not apply to claims by one party against any officer, employee, or agent of the other arising from such person's malfeasance in office, willful or wanton neglect of duty, or actions outside the course and scope of his or her official duties.

11.2 Each party shall insure or self-insure and be independently responsible for the risk of its own liability for claims within the scope of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

## 14. FORCE MAJEURE

The parties shall not be held responsible for delay or default caused by fire, riot, acts of God, and war which was beyond his or her reasonable control.

## 15. MERGER CLAUSE

The parties concur and agree that this agreement constitutes the entire agreement between the parties. No waiver, consent modification or change to the terms of this agreement shall bind either party unless in writing and signed by both parties. There are no understandings, agreements, or representation, oral or written not specified herein regarding this agreement. Parties, by the signatures below of their authorized representatives, hereby agree to be bound by its term and conditions.

## 16. NOTICES

- 16.1 Any legal notice required to be given to Multnomah County under this Agreement shall be sufficient if given, in writing, by first class mail to: Multnomah County Commission on Children and Families, 421 SW Sixth Avenue, Suite 1075, Portland, Oregon 97204, and addressed to the attention of the Director.
- 16.2 Any legal notice required to be given to Marion County under this agreement shall be sufficient if given, in writing, by first class mail to Marion County Children and Families Commission, PO Box 14500, Salem, OR 97309 and addressed to the attention of the Director.

## 17. CONTACT PERSONS UNDER THIS AGREEMENT:

### FOR Multnomah COUNTY

Susan Cameron, Ex. Director  
Multnomah County CCF  
421 SW Sixth Avenue, Suite 1075  
Portland, OR 97204  
(503)988-3897

### FOR MARION COUNTY:

Dan Murphy, Director  
Marion County CFC  
PO Box 14500  
Salem, OR 97309  
(503) 588-7975

## SIGNATURES

This contract and any changes, alterations, modifications, or amendments to it shall not be effective until approved by the appropriate representative of the parties hereto.

In witness whereof, the parties hereto have caused this agreement to be executed on the date set forth below.


MARION COUNTY:

  
Signature

Daniel Murphy, Director  
Marion County Children and Families

1-03-03  
Date

MULTNOMAH COUNTY:

  
Signature

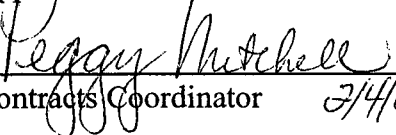
Sue Cameron  
Name (type and/or print)

Executive Director  
Title

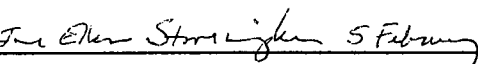
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Date

93-6002309  
Tax ID#

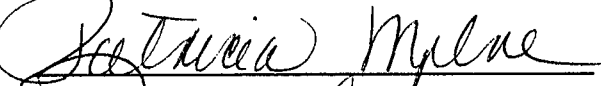
Approved as to form

  
Contracts Coordinator 2/4/03

Approved as to form

 5 February 2003  
Legal Counsel

Board of Commissioners:

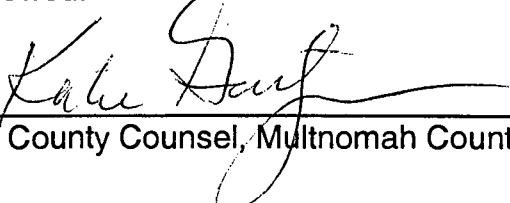
  
Commissioner

  
Commissioner

  
Commissioner

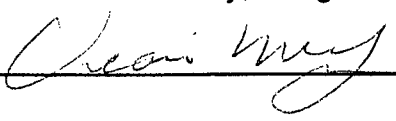
2/5/03  
Date

Reviewed:

By:   
County Counsel, Multnomah County

Date: 3/02/03

Board of County Commissioners  
For Multnomah County, Oregon

By:   
Name: Diane M. Linn

Date: 03-20-03

# AGENDA PLACEMENT REQUEST

BUD MOD #:

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** C-4

**Est. Start Time:** 9:30 AM

**Date Submitted:** 02/25/03

---

**Requested Date:** March 20, 2003

**Time Requested:** N/A

**Department:** Non-Departmental

**Division:** CCFC

**Contact/s:** Aimée Ortiz / Elana Emlen

**Phone:** 503 988-4149

**Ext.:** 85859

**I/O Address:** 166/1075

**Presenters:** Consent Calendar

---

**Agenda Title:** Intergovernmental Revenue Agreement 0310330 Amendment No. 3 with the Department of Health & Human Services, Child Care Bureau.

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

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

The Commission on Children, Families & Community (CCFC) recommends Board of County Commissioner (BCC) approve Amendment No. 3 of the revenue agreement with the Department of Healthy and Human Services, Child Care Bureau.

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

This amendment extends the period of the grant award from February 28, 2003 to June 30, 2003.

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

This amendment does not have a fiscal impact for Multnomah County.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

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

N/A

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

N/A

**Required Signatures:**

**Department/Agency Director:** Sue Cameron

**Date:** 02/21/03

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

Contract #: **0310330**

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

Amendment #: **3**

| Class I   | Class II   | Class III  |
|---|--|--|
| <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000<br><input type="checkbox"/> Expenditure<br><input type="checkbox"/> Revenue<br><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) | <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)<br><input type="checkbox"/> PCRB Contract<br><input type="checkbox"/> Maintenance Agreement<br><input type="checkbox"/> Licensing Agreement<br><input type="checkbox"/> Construction<br><input type="checkbox"/> Grant<br><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) | <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000<br><input type="checkbox"/> Expenditure<br><input checked="" type="checkbox"/> Revenue<br><div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY<br/>BOARD OF COMMISSIONERS</b><br/> <b>AGENDA # C-4 DATE 03-20-03</b><br/> <b>DEB BOGSTAD, BOARD CLERK</b> </div> |

|                                     |   |                                |
|-------------------------------------|---|--------------------------------|
| Department: <u>Non-Departmental</u> | Division: <u>Commission on Children, Families &amp; Community</u> | Date: <u>February 21, 2003</u> |
| Originator: <u>Elana Emlen</u>      | Phone: <u>85859</u>   | Bldg/Rm: <u>166/1075</u>       |
| Contact: <u>Aimée Ortiz</u>         | Phone: <u>84149</u>   | Bldg/Rm: <u>166/1075</u>       |

Description of Contract **This Early Learning Opportunities Act revenue agreement amendment with the U.S. Department of Health & Human Services extends the grant period through 06/30/03.**

|  |                                   |        |
|--|-----------------------------------|--------|
| RENEWAL: <input type="checkbox"/>  | PREVIOUS CONTRACT #(S) <u>N/A</u> |        |
| RFP/BID  | RFP/BID DATE                      |        |
| EXEMPTION  | EXEMPTION EXPIRATION              | ORS/AR |
| #/DATE   | DATE                              | #      |
| CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply) |                                   |        |

|  |  |
|--|--|
| Contractor <b>US Dept. of Health &amp; Human Services</b>  | Remittance Address   |
| Address <b>330 C Street, S.W.<br/>Washington, DC 20447</b> | (If different) _____   |
| Phone <b>202-690-6243</b>                                  | Payment Schedule / Terms   |
| Employer ID# or SS# _____                                  | <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt                     |
| Effective Date <b>September 30, 2001</b>                   | <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30                              |
| Termination Date <b>June 30, 2003</b>                      | <input checked="" type="checkbox"/> Other \$ <u>Quarterly Draw down</u> <input type="checkbox"/> Other |
| Original Contract Amount \$ <b>\$880,672.00</b>            |  |
| Total Amt of Previous Amendments \$ <b>0</b>               | <input type="checkbox"/> Requirements \$ _____   |
| Amount of Amendment \$ <b>0</b>                            |  |
| Total Amount of Agreement \$ <b>\$880,672.00</b>           | Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No                                      |

**REQUIRED SIGNATURES**

|   |                     |
|---|---------------------|
| Department Manager <u><i>Sue Camen</i></u>  | DATE <u>2-21-03</u> |
| Purchasing Manager <u><i>Katie Saul</i></u> | DATE <u>3/02/03</u> |
| County Counsel <u><i>Chris Jones</i></u>    | DATE <u>3-20-03</u> |
| County Chair _____                          | DATE _____          |
| Sheriff _____                               | DATE _____          |
| Contract Administration _____               | DATE _____          |

| SAP CUSTOMER CODE 300170<br>FUND #: 32028 |      |        |     |         |          | DEPT REFERENCE WBS: CCFC ECCECELOA<br>G/L: 50170 |         |         |                  |        |         |
|---|------|--------|-----|---------|----------|--|---------|---------|------------------|--------|---------|
| LINE #                                    | FUND | AGENCY | ORG | SUB ORG | ACTIVITY | OBJ/ REV   | SUB OBJ | REP CAT | LGFS DESCRIPTION | AMOUNT | INC DEC |
| 01  |      |        |     |         |          |  |         |         |                  |        |         |
| 02  |      |        |     |         |          |  |         |         |                  |        |         |

1. RECIPIENT

SAI NUMBER:

FEB 11 2003

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**  
**ADMINISTRATION FOR CHILDREN AND FAMILIES**  
**FINANCIAL ASSISTANCE AWARD**

**PMS DOCUMENT NUMBER:**  
 90L00013/01

|   |  |   |  |   |  |   |  |
|---|--|---|--|---|--|---|--|
| <b>1. AWARDING OFFICE:</b><br>ACYF/Child Care Bureau  |  | <b>2. ASSISTANCE TYPE:</b><br>Discretionary Grant       |  | <b>3. AWARD NO.:</b><br>90L00013/01   |  | <b>4. AMEND. NO.:</b><br>3              |  |
| <b>5. TYPE OF AWARD:</b><br>SERVICE   |  | <b>6. TYPE OF ACTION:</b><br>Extension                  |  | <b>7. AWARD AUTHORITY:</b><br>20 USC 9401   |  |   |  |
| <b>8. BUDGET PERIOD:</b><br>09/30/2001 THRU 06/30/2003  |  | <b>9. PROJECT PERIOD:</b><br>09/30/2001 THRU 06/30/2003 |  |   | <b>10. CAT NO.:</b><br>93577   |   |  |
| <b>11. RECIPIENT ORGANIZATION:</b><br>Early Childhood Care and Education Council of Multnomah<br>Commission on Children, Families and Community<br>421 SW 6th Avenue<br>Portland OR 97204 1620<br>Kathy Turner, Executive Director (505) 988-3897 |  |   |  |   | <b>12. PROJECT / PROGRAM TITLE:</b><br>Multnomah County Components of Early Learning |   |  |
| <b>13. COUNTY:</b>  |  | <b>14. CONGR. DIST:</b>                                 |  | <b>15. PRINCIPAL INVESTIGATOR OR PROGRAM DIRECTOR:</b><br>Elana Emlen, (505) 988-5859 |  |   |  |
| <b>16. APPROVED BUDGET:</b>   |  |   |  | <b>17. AWARD COMPUTATION:</b>   |  |   |  |
| Personnel..... \$ 1,264   |  |   |  | A. NON-FEDERAL SHARE..... \$ 174,104 16.51 %  |  |   |  |
| Fringe Benefits..... \$ 588   |  |   |  | B. FEDERAL SHARE..... \$ 880,672 83.49 %  |  |   |  |
| Travel..... \$ 2,184  |  |   |  |   |  |   |  |
| Equipment..... \$ 0   |  |   |  | <b>18. FEDERAL SHARE COMPUTATION:</b>   |  |   |  |
| Supplies..... \$ 500  |  |   |  | A. TOTAL FEDERAL SHARE..... \$ 880,672  |  |   |  |
| Contractual..... \$ 0   |  |   |  | B. UNOBLIGATED BALANCE FEDERAL SHARE..... \$  |  |   |  |
| Facilities/Construction..... \$ 0   |  |   |  | C. FED. SHARE AWARDED THIS BUDGET PERIOD.. \$ 880,672                                 |  |   |  |
| Other..... \$ 876,136   |  |   |  | <b>19. AMOUNT AWARDED THIS ACTION:</b> \$ 0   |  |   |  |
| Direct Costs..... \$ 880,672  |  |   |  | <b>20. FEDERAL \$ AWARDED THIS PROJECT PERIOD:</b> \$ 880,672                         |  |   |  |
| Indirect Costs..... \$ 0  |  |   |  | <b>21. AUTHORIZED TREATMENT OF PROGRAM INCOME:</b>                                    |  |   |  |
| At % of \$  |  |   |  | ADDITIONAL COSTS  |  |   |  |
| In Kind Contributions..... \$ 0   |  |   |  | <b>22. APPLICANT EIN:</b><br>1-936002309-B2   |  | <b>23. PAYEE EIN:</b><br>1-936002309-B2 |  |
| <b>Total Approved Budget(**)</b> \$ 880,672   |  |   |  | <b>24. OBJECT CLASS:</b><br>41.51   |  |   |  |

**25. FINANCIAL INFORMATION:****26. REMARKS:**

This grant is paid by the Payment Management System (PMS) See attached payment info.  
 All previous terms and conditions remain in effect.(\*\*)Reflects only federal share of approved budget.  
 This amendment is issued to approve a four month no cost extension to June 30, 2003 as requested by  
 the grantee in letter dated December 12, 2002. (Total extension is 4 months).

**27. SIGNATURE - ACF GRANTS OFFICER****DATE:****28. SIGNATURE(S) CERTIFYING FUND AVAILABILITY**

Sylvia M. Johnson

1/30/03

TaWanda R. Goodman

**29. SIGNATURE AND TITLE - PROGRAM OFFICIAL(S)****DATE:**

Joan E. Ohi, Commissioner, ACYF

1/31/03



# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** C-5

**Est. Start Time:** 9:30 AM

**Date Submitted:** 03/12/03

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**Requested Date:** March 20, 2003

**Time Requested:** N/A

**Department:** Sheriff's Office

**Division:** Enforcement

**Contact/s:** Dave Braaksma

**Phone:** 503 988-4415

**Ext.:** 84415

**I/O Address:** 503/350/Braaksma

**Presenters:** Consent Calendar

---

**Agenda Title:** Addendum to Government Agreement Between MCSO and the City of Gresham detailing Special Investigations Unit (SIU) Overtime

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

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1. **What action are you requesting from the Board? What is the department/agency recommendation?** Approval of Contract Addendum
2. **Please provide sufficient background information for the Board and the public to understand this issue.** This addendum outlines the Gresham Police Department's obligations regarding the payment of overtime to their officers participating in the interagency Special Investigations Unit. The original SIU agreement was signed and has been in place since September of 1998.
3. **Explain the fiscal impact (current year and ongoing).**  
There is no fiscal impact to the County.
4. **Explain any legal and/or policy issues.**  
The County Attorney has reviewed this document

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

**Required Signatures:**

Department/Agency Director: *Sheriff Bernard Giusto* Date: 2/21/03

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 800399  
Amendment #: 2

| CLASS I   | CLASS II   | CLASS III   |
|---|--|---|
| <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)<br><input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000<br><input type="checkbox"/> Expenditure<br><input type="checkbox"/> Revenue<br><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) | <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)<br><input type="checkbox"/> PCRB Contract<br><input type="checkbox"/> Maintenance Agreement<br><input type="checkbox"/> Licensing Agreement<br><input type="checkbox"/> Construction<br><input type="checkbox"/> Grant<br><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) | <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000<br><input type="checkbox"/> Expenditure<br><input type="checkbox"/> Revenue<br><br><div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY<br/>BOARD OF COMMISSIONERS</b><br/>                     AGENDA # <u>C-5</u> DATE <u>03-20-03</u><br/>                     DEB BOGSTAD, BOARD CLERK                 </div> |

Department: Sheriff Division: Enforcement Date: 02/21/03  
 Originator: Dave Braaksma Phone: 988-4415 Bldg/Rm: 503/350  
 Contact: Lee Graham Phone: 988-4308 Bldg/Rm: 503/350

Description of Contract: Amend original contract to include language detailing Gresham Personnel overtime

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 Attorney's Office, the City of Gresham</u> |   | Remittance address _____                |  |
| Address <u>1333 Eastman Parkway</u>                           |   | (If different) _____                    |  |
| <u>Gresham, OR 97030-3813</u>                                 |   |   |  |
| Attn: <u>Bonnie Plane, Administrative Supervisor</u>          |   |   |  |
| Phone <u>503-618-2313</u>                                     |   | Payment Schedule / Terms                |  |
| Employer ID# or SS# _____                                     | <input type="checkbox"/> Lump Sum \$ _____                        | <input type="checkbox"/> Due on Receipt |  |
| Effective Date <u>Upon Final Signature</u>                    | <input type="checkbox"/> Monthly \$ _____                         | <input type="checkbox"/> Net 30         |  |
| Termination Date <u>June 30, 2004</u>                         | <input type="checkbox"/> Other \$ _____                           | <input type="checkbox"/> Other          |  |
| Original Contract Amount \$ <u>-0-</u>                        | <input type="checkbox"/> Requirements Not to Exceed \$ _____      |   |  |
| Total Amt of Previous Amendments \$ <u>-0-</u>                | Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No |   |  |
| Amount of Amendment \$ _____                                  |   |   |  |
| Total Amount of Agreement \$ <u>-0-</u>                       |   |   |  |

**REQUIRED SIGNATURES:**

Department Manager \_\_\_\_\_ DATE \_\_\_\_\_

Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_

(Class II Contracts Only)

County Counsel [Signature] DATE 2/27/03

County Chair [Signature] DATE 3-20-03

Sheriff [Signature] DATE 2/21/03

Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

(Class I, Class II Contracts only)

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

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

**ADDENDUM TO INTERAGENCY COOPERATION AGREEMENT**  
**City of Gresham Contract No. 364**  
**Special Investigations Unit**

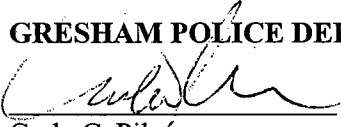
The parties agree that for Fiscal Years 2002/2003 and 2003/2004, Gresham Police Department shall incur all overtime costs for Gresham Police personnel assigned to the Special Investigations Unit of the Multnomah County Sheriff Office as part of their normal duty assignment, unless funds are received from a case which has been adopted by an outside agency, and related overtime costs have been reimbursed from that agency to Multnomah County Sheriff Office. If funds are received, overtime, including operation overtime as defined in this agreement, as well as any other overtime worked by Gresham Police Department personnel in support of the Special Investigations Unit shall be reimbursed to the Gresham Police Department.

Special Investigations Unit supervisors agree to closely monitor overtime authorization for the Gresham Officer assigned to the Unit and will make a reasonable effort to keep operational overtime limited to \$ 8,000.00 for the fiscal year. The supervisors will communicate with the Gresham Police Department Investigations Division Lieutenant, or his designee, regarding monthly expenditures.

This addendum is not intended to limit the obligations of either Gresham Police Department or Multnomah County Sheriff Office to pay all overtime as required by law. Nor is this addendum intended to alter any other provision of this agreement.

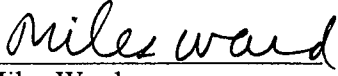
It is so agreed.

**GRESHAM POLICE DEPARTMENT**

  
Carla C. Piluso  
City of Gresham Chief of Police

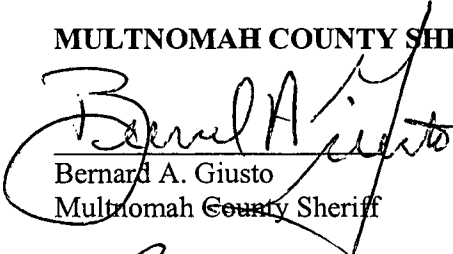
Dated this 10<sup>th</sup> day of February 2003

Approved as to form:

  
Miles Ward  
Senior Assistant City Attorney

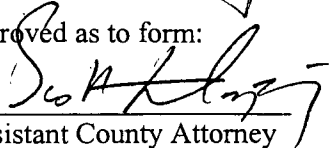
Dated this 11<sup>th</sup> day of February 2003

**MULTNOMAH COUNTY SHERIFF'S OFFICE**

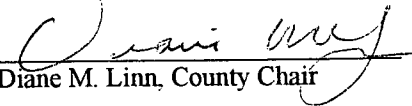
  
Bernard A. Giusto  
Multnomah County Sheriff

Dated this 20 day of February 2003

Approved as to form:

  
(Assistant County Attorney)

Dated this 27 day of February 2003

By:   
Diane M. Linn, County Chair

Date: 3.20.03

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** R-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 03/11/03

---

**Requested Date:** March 20, 2003

**Time Requested:** 8 minutes

**Department:** Non-Departmental

**Division:** Commissioner District 1

**Contact/s:** David Martinez

**Phone:** 503-988-6796

**Ext.:** 86796

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

**Presenters:** Bill Hancock, Multnomah County Community Health Council  
Deanne Mayberry, Elder Resource Alliance

---

**Agenda Title:** Proclamation Proclaiming March 16 through March 22, 2003 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Health Awareness Week in Multnomah County, Oregon

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

---

1. **What action are you requesting from the Board? What is the department/agency recommendation?** Approval
2. **Please provide sufficient background information for the Board and the public to understand this issue.**

March 16<sup>th</sup> – March 22<sup>nd</sup> has been designated as Lesbian, Gay, Bisexual, and Transgender (LGBT) Health Awareness Week by the National Coalition for LGBT Health. The proclamation will be a part of a local effort to recognize and participate in this national effort.

3. **Explain the fiscal impact (current year and ongoing).** None

4. Explain any legal and/or policy issues. None
5. Explain any citizen and/or other government participation that has or will take place.

Representatives from the Multnomah County Health Department, Multnomah County Community Health Council, Basic Rights Oregon, Multnomah County Commission on Children, Families and Community, Multnomah County Aging and Disability Services, and Sexual Minority Youth Recreation Center have been part of proclamation development and planned community event.

**Required Signatures:**

Department/Agency Director: Maria Rojo de Steffey Date: 03/11/03

**Budget Analyst**

By:

Date:

**Dept/Countywide HR**

By:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. \_\_\_\_\_**

Proclaiming March 16 through March 22, 2003 as Proclaiming March 16 through March 22, 2003 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Health Awareness Week in Multnomah County, Oregon

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

- a. Multnomah County Health Department is committed to protecting and promoting the health of all the citizens of Multnomah County and thereby improving the health and well being of the lesbian, gay, bisexual and transgender individuals and communities through leadership, care services, education, and community partnerships;
- b. Millions in the LGBT communities nationwide lack access to quality health care; are disparately affected by health issues such as alcohol, tobacco and drug use, HIV, depression, youth suicide, and the local LGBT community is lacking the statistics and institutional capacity to research, assess, or define it's own health;
- c. Historically the LGBT communities around the nation and here locally have time and time again found strength, resiliency and creativity in the promotion of its own health and well-being;
- d. Multnomah County Health Department is a valued part of the LGBT community and a participating member of the National Lesbian, Gay, Bisexual and Transgender Health Coalition;
- e. The week of March 16 - 22, 2003, the National Coalition for Lesbian, Gay, Bisexual and Transgender Health is committed to raising public awareness of the unique health concerns of LGBT communities, educating the LGBT communities about health issues pertaining to their unique circumstances, and educating medical and health care professionals areas of cultural competency with regard to LGBT health;

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

The week of March 16 through March 22, 2003 as **LGBT Health Awareness Week** in Multnomah County, Oregon. We urge all county residents to join us in this observance.

ADOPTED this 20th day of March, 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair



## MULTNOMAH COUNTY OREGON

March 13, 2003

### **Week-long activities to focus on sexual minority health**

Contact: Tricia Tillman-Reardon, Health Department, 503-988-3674, or 503-703-7559  
David Martinez, Staff Assistant to Commissioner Maria Rojo de Steffey  
503-988-6796

Local advocates will join a national effort to raise awareness about health concerns and disparities among Lesbian, Gay, Bisexual, and Transgender (LGBT) communities by proclaiming March 16 through March 22, 2003 as LGBT Health Awareness Week. Multnomah County Commissioner Maria Rojo de Steffey will introduce the proclamation at the Board of County Commissioners Meeting, March 20, 2003 at 9:30 am. The Board meeting is held in the first floor Board Room of the Multnomah Building, 501 SE Hawthorne Boulevard in Portland.

"It is a pleasure to be part of a national effort recognizing the unique health needs of the LGBT community," said Commissioner Rojo de Steffey. "I applaud the efforts of the Multnomah County Health Department and our community partners in coordinating this important effort."

A "Community Speak OUT" is scheduled to create a public forum for voicing concerns about health and sharing information on maintaining good health.

**Community Speak OUT**  
**Thursday, March 20, 2003**  
**5:00 pm to 7:00 pm**  
**Kaiser Town Hall**  
**3704 N. Interstate**  
**Portland, Oregon**

Objectives for LGBT Health Awareness Week are to:

- Raise awareness of the unique health concerns, as well as the very real health disparities, among LGBT communities.
- Educate the LGBT communities about the health issues that affect our lives in significant ways.
- Provide community health centers, local organizations, and community representatives with tools to amplify the national campaign at the local level.
- Educate medical and health care professionals in the area of cultural competency with regard to LGBT health.

"The Multnomah County Health Department is committed to the health of every citizen in this county," states Lillian Shirley, RN, MPH, MPA, Director of Multnomah County Health Department. "It is important that we acknowledge the health issues faced by members of sexual minority communities, listen to the community's concerns, and acknowledge the ways they promote their health and well-being."

For more information, visit the National Coalition for LGBT Health website at [www.lgbthealth.net](http://www.lgbthealth.net).

###

Public Affairs Office  
501 SE Hawthorne Blvd, Suite 600  
Portland, Oregon 97214  
(503) 988-6800 phone  
(503) 988-6801 fax



National Lesbian, Gay, Bisexual, and Transgender  
(LGBT)

Health Awareness Week  
March 16-22, 2003

our community. our health.

Take Charge of  
Your Health Today!

National LGBT Health Awareness Week  
March 16-22, 2003

Find out more at [www.lgbthealth.net](http://www.lgbthealth.net)!

Cancer ■ Domestic Violence ■ Smoking  
Mental Health ■ HIV ■ Hepatitis Immunization  
Nutrition and Weight ■ Sexual Health

A Project of



National Coalition for LGBT Health

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Multnomah County Commissioner  
Maria Rojo de Steffey invites you to celebrate  
National LGBT Health Awareness Week

## Community Speak OUT

Thursday, March 20, 2003

Kaiser Town Hall

3704 N. Interstate, Portland

5:00 – 7:00 p.m.



For more information, contact: Tricia Tillman @ 503.988.3674 or Doug Moon @

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 03-040**

Proclaiming March 16 through March 22, 2003 as Lesbian, Gay, Bisexual, and Transgender (LGBT) Health Awareness Week in Multnomah County, Oregon

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

- a. Multnomah County Health Department is committed to protecting and promoting the health of all the citizens of Multnomah County and thereby improving the health and well being of the lesbian, gay, bisexual and transgender individuals and communities through leadership, care services, education, and community partnerships;
- b. Millions in the LGBT communities nationwide lack access to quality health care; are disparately affected by health issues such as alcohol, tobacco and drug use, HIV, depression, youth suicide, and the local LGBT community is lacking the statistics and institutional capacity to research, assess, or define it's own health;
- c. Historically the LGBT communities around the nation and here locally have time and time again found strength, resiliency and creativity in the promotion of its own health and well-being;
- d. Multnomah County Health Department is a valued part of the LGBT community and a participating member of the National Lesbian, Gay, Bisexual and Transgender Health Coalition;
- e. The week of March 16 - 22, 2003, the National Coalition for Lesbian, Gay, Bisexual and Transgender Health is committed to raising public awareness of the unique health concerns of LGBT communities, educating the LGBT communities about health issues pertaining to their unique circumstances, and educating medical and health care professionals areas of cultural competency with regard to LGBT health;


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

The week of March 16 through March 22, 2003 as **LGBT Health Awareness Week** in Multnomah County, Oregon. We urge all county residents to join us in this observance.

ADOPTED this 20th day of March, 2003.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

|                              |                       |
|------------------------------|-----------------------|
| <b>Board Clerk Use Only:</b> |                       |
| <b>Meeting Date:</b>         | <b>March 20, 2003</b> |
| <b>Agenda Item #:</b>        | <b>R-2</b>            |
| <b>Est. Start Time:</b>      | <b>9:45 AM</b>        |
| <b>Date Submitted:</b>       | <b>01/15/03</b>       |

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**Requested Date:** March 20, 2003

**Time Requested:** 15-30 minutes

**Department:** Non-Departmental

**Division:** Public Affairs Office

**Contact/s:** Barb Disciascio

**Phone:** 503 988-6800

**Ext.:** 86800

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

**Presenters:** Gina Mattioda and Stephanie Soden

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**Agenda Title:** 2003 Legislative Briefing Update

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

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

No action requested. Board briefing only.

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

During the legislative session, the Public Affairs Office provides regularly scheduled updates to the Board of County Commissioners in the form of Board Briefings. These briefings are intended to keep the Board informed of legislative activities of potential interest or impact to Multnomah County, and for the Public Affairs Office to obtain direction from the Board.

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

No fiscal impact.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

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

No legal or policy issues are expected during regularly scheduled monthly briefings.

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

N/A

**Required Signatures:**

**Department/Agency Director:**

*Gina Mattioda*

**Date: 01-13-03**



# 2003 Legislative Agenda



## Board of County Commissioners Legislative Briefing

March 20, 2003

Prepared by the Multnomah County Public Affairs Office

### Special Session Six Update

On March 5, 2003, Governor Kulongoski signed into law the Special Session Six legislative package to rebalance the 2001-03 state budget. Approximately \$500 million was included in the package through use of reserves, borrowing, and new cuts to programs. Some program cuts that occurred after the failure of Measure 28 were restored. In addition, an ending balance reserve of \$125 million was established.

### New program cuts

The Legislature chose to restore several programs that lost funding with Measure 28's failure. An estimated \$15 million in new cuts were included in the package. Below is a list of the new program cuts that directly impact Multnomah County:

- \$283,704 statewide reduction to State Commission on Children and Families' local staffing and planning. **This impacts MCCFC by an estimated \$7,881.**
- \$850,000 statewide reduction to State Commission on Children and Families' Children, Youth & Families and Great Start grants. **This impacts MCCFC by an estimated \$148,924.**
- \$4 million in funds to support statewide smoking cessation programs. \$2 million funds statewide cessation efforts and \$2 million funds statewide evaluation. **This impacts Multnomah County's Health Department by an estimated \$452,650 in cessation and \$298,988 in evaluation.**

In addition, the across-the-board cuts to Community Corrections that were identified by the Governor in response to the December revenue shortfall were implemented in the Sixth Special Session. These cuts were postponed until the Governor could get Legislative authority. **The impact to the Sheriff's Office is estimated to be \$253,719. The Department of Community Justice is impacted at an estimate of \$483,917.**

### Threats

The Department of Community Justice lost an estimated \$171,000 in Oregon Criminal Justice Commission juvenile crime prevention grants, however the Criminal Justice Commission has agreed to backfill the loss in grants with federal dollars. Other cuts that were considered, such as Oregon Youth Authority diversion and prevention funds and Multnomah County Gang Transition Services funds, were not included in the final cut list.

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Public Affairs Office  
Page Two**

Program restorations

Some programs that were cut in either the November Emergency Board or from Measure 28's failure were restored by the Legislature in Special Session Six. They include:

- OHP Standard prescription coverage (including mental health drugs)
- Two drug classes in the Medically Needy program: HIV and anti-rejection medications
- Senior and disabled eligibility levels 10-14
- Community mental health programs for children

An estimated 100,000 low-income Oregonians are expected to benefit from the OHP prescription drug coverage. These restorations have a significant positive impact on the county's health and human services programs.

Partial program restorations and reimbursements

- State police crime labs
- Indigent defense
- January 28 special election costs

Local revenues

The Legislature identified revenues dedicated to local governments to be used to cover any additional shortfalls should the May revenue forecast reflect further declines in income tax revenues. The threshold set by the Legislature is \$150 million. If the threshold is met, \$1.9 million in statewide video lottery revenues earmarked for counties for economic development and other projects will be tapped. According to the Legislative Fiscal Office (LFO), **Multnomah County stands to have its final 2001-03 biennial payment withheld, reflecting \$572,790 less in expected revenues.**

In addition, \$5.4 million in statewide cigarette tax revenues dedicated to cities, counties, and senior and disabled transportation services will be utilized by the Legislature should the May revenue forecast meet the \$150 million threshold. **LFO estimates that Multnomah County would lose a projected amount of \$344,238.**

Other revenues

Other revenue sources were tapped by the Legislature in Special Session Six. The Legislature used \$112 million from the Education Stability Fund that was established in May 2002.

**Status Report on Pending Legislation**

The Public Affairs Office is monitoring a host of bills that have been introduced in the Legislature. Following is a list of bills and a brief status report on where each is in the

**Legislative Briefing  
Public Affairs Office  
Page Three**

legislative process, in addition to a recommendation for Board position by the Public Affairs Office (PAO).

**HB 3156 – transfers local authority of food inspection, education, consultation and enforcement from counties to the restaurant industry.**

The Health Department's Environmental Health Division has serious concerns with this bill in its current form. It has been assigned to the House Health and Human Services committee. The PAO understands a workgroup will be formed to work on the bill. PAO recommends the Board take a potential position in opposition to HB 3156.

**SB 310 – requires county to take action on permit within Columbia River Gorge National Scenic Area.**

At the request of the Senate Water and Land Use Chair Ted Ferrioli (R-John Day), Interim Planning Director Susan Muir provided information on the permitting process in Multnomah County on March 17. The bill was drafted to ensure the permitting process among counties in the Gorge, particularly Multnomah County, follow the state's 150-day timeline. The bill was passed out of committee on March 19. The PAO will continue to monitor SB 310 and recommends that the Board remain neutral on this bill.

**SB 470 – prohibits retaliation by county against community mental health and developmental disabilities program that requests mediation or takes action to address contract dispute between county and program.**

Sponsored by Sen. Frank Shields (D-Portland) and others, SB 470 is the result of a developmental disability contract termination in Multnomah County that is currently under litigation. Legal counsel for the Association of Oregon Counties (AOC) outlined a series of concerns for the Senate Human Resources Committee on March 12. County Human Services staff and County Attorney's Office were present for the hearing. The committee chair asked that a workgroup be formed to work further on the bill. Multnomah County and AOC will participate in the workgroup discussions. PAO recommends the Board take a position in opposition to SB 470.

**Multnomah County Legislative Agenda bills**

- **Increase the DUII assessment fee**  
HB 2221 – increases the DUII assessment fee from \$90 to \$130, effective July 1, 2003. This bill passed the House of Representatives by 56-1. It has not yet been referred by the Senate President to a committee.



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Public Affairs Office  
Page Four**

- **Mental health equity**

Sponsored by Sen. Charlie Ringo (D-Portland) and Sen. Bev Clarno (R-Bend), SB 636 modifies the funding formula for local mental health programs. PAO recommends that the Board take a position in opposition to SB 636.

- **Increase the tax on beer and wine**

Several proposals have been drafted to increase the tax on beer and wine in Oregon. They have been referred to either the House Revenue Committee or Business, Labor and Consumer Affairs Committee with subsequent referrals to Ways and Means. No public hearings have been scheduled to date. The following bills include increases on beer and wine:

- **HB 2804** sponsored by Rep. Tom Butler (R-Ontario) – distributes revenue to counties for alcohol and drug abuse and mental health preventive, early intervention and treatment services and for local public health services.
- **HB 2837** sponsored by Rep. Max Williams (R-Tigard) – distributes to DHS for funding Oregon Health Plan mental health and chemical dependency services
- **HB 3097** sponsored by Rep. Steve March (D-Portland) – distribution not specified in bill
- **HB 3258** sponsored by Rep. Jackie Dingfelder (D-Portland) and Sen. Bill Morrisette (D-Springfield) – distributes tax to medically needy program and to counties for prevention and treatment of drug and alcohol dependency, prevention and treatment of mental illness, and law enforcement related to alcohol and drug dependency and mental illness.

The PAO will continue to keep the Board of Commissioners and other county elected officials informed through monthly board briefings, Capitol News, and email communications. Please feel free to contact either Gina Mattioda (pager 503-202-5321) or Stephanie Soden (pager 503-921-4617) for more information.

## CURRENT ESTIMATES OF IMPACTS FROM SPECIAL SESSION VI

| Agency | Program   | Amount                  | Impact   |
|--------|---|-------------------------|--|
| CCFC   | Admin staffing and planning   | \$-7,881                | Reduce local staffing and planning: General Fund by 50% effective April 1, 2003.   |
| CCFC   | Locally Invested Grant Flexible Funds (Great Start and Children Youth & Family) | \$-148,924              | Reduce Children, Youth & Families and Great Start.   |
| ADS    | Medicaid Long-Term Care (level 10-11)   | \$102,855               | Restored. 969 people restored in levels 10-11. Estimated a restoration of 15 Case managers <sup>2</sup> and 5 OA2s and 1 manager. (Ongoing 03-05 ~\$411k)                                  |
| ADS    | Medically Needy   | (indirect)              | Restored partially. Pharmacy benefit for HIV & transplant patients <u>only</u> . Service from the state until the end of the FY03.   |
| DD     | Semi-Independent Living and Vocational Services                                 | \$2,728,575             | Restored. 273 clients total: SILP with 60 and Vocational with 213 clients.   |
| DD     | Brokerages and Family Support Services  | \$2,024,567             | Restored. 576 individuals: Brokerage with 400 clients and 176 clients in Family Support.   |
| DD     | Case Management   | --                      | Restored. 39.5 Case Managers with an average caseload of 78.   |
| DCJ    | CJC juvenile crime prevention grants  | \$136,264               | Restored. These cuts were restored through a Federal grant.  |
| OHP    | Pharmacy benefit  | (indirect)              | Restoration of eliminated prescription-drug benefits to the approximately 100,000 clients in the OHP "Standard" program. This legislation restores that benefit until the end of the FY03. |
| PD     | Indigent Defense  | (indirect)<br>\$162,999 | Restored partially. New A&B property felonies will be defended/prosecuted.   |

**Total Direct  
Restoration\***

**\$4,835,456**

\*This does not include indirect amounts for Medically Needy, OHP, or Indigent Defense.



# Capitol News

A source of legislative information for Multnomah County  
by the Public Affairs Office



**March 2003**

## Special Session Six Update

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## **Status Report on Pending Legislation**

The Public Affairs Office is monitoring a host of bills that have been introduced in the Legislature. Following is a list of bills and a brief status report on where each is in the legislative process, as well as the position the Board took on each bill.

**HB 3156 – transfers local authority of food inspection, education, consultation and enforcement from counties to the restaurant industry.**

The Health Department's Environmental Health Division has serious concerns with this bill in its current form. It is scheduled for a public hearing on March 31 in the House Health and Human Services Committee. Although a workgroup has been formed to work on the bill, the Board of Commissioners decided to oppose HB 3156 in its current form.

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was passed out of committee on March 19. The Board chose to remain neutral on SB 310.

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**Multnomah County Legislative Agenda**

- **Increase the DUII assessment fee**  
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- **HB 3258** sponsored by Rep. Jackie Dingfelder, D-Portland and Sen. Bill Morrisette, D-Springfield – distributes tax to medically needy program, counties for prevention and treatment of drug and alcohol dependency, prevention and treatment of mental illness, and law enforcement related to alcohol and drug dependency and mental illness.

**Next Legislative Briefing**

The Public Affairs Office is scheduled to present the next legislative briefing to the Board of Commissioners on Thursday, April 17, 2003. Call 503-988-6800 for more information.

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** R-3

**Est. Start Time:** 10:00 AM

**Date Submitted:** 03/13/03

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**Requested Date:** 3/20/03

**Time Requested:** 30 minutes

**Department:** Non-Departmental

**Division:** Chair's Office

**Contact/s:** John Ball, Becca Uherbelau

**Phone:** 503 988-3308

**Ext.:** 83308

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

**Presenters:** Chair Linn, Dave Boyer, Scott Aspaugh and Others

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**Agenda Title:** Referral of Special Ordinance establishing Temporary County Personal Income Tax to Benefit Public Schools, Public Safety and Human Services

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

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1. **What action are you requesting from the Board? What is the department/agency recommendation?** Referral of an ordinance that would establish a County Personal Income tax dedicated to schools, public safety, and human services.
2. **Please provide sufficient background information for the Board and the public to understand this issue.** The Multnomah County charter provides the Board of Commissioners a wide range of local taxing authority. Current discussion, and a companion resolution, has led the County Board to pursue the referral of a temporary Multnomah County personal income tax to fund schools, law enforcement, and human services. However, as the County does not currently levy a personal income tax, the Multnomah County code will require establishment of a new chapter that will enact such a tax. This ordinance would be the enacting mechanism for a proposed personal income tax. It is anticipated that the Board will refer this ordinance to the voters for their consideration.
3. **Explain the fiscal impact (current year and ongoing).** Estimated revenue generated by a personal income tax revenue currently is \$125 million.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

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

Multnomah County has the authority to consider, adopt or refer a wide range of tax policies. Legal and policy issues include: referral of proposal to voters, election dates and procedures, ballot title and explanatory statement, tax burdens for businesses and individuals in Multnomah County, revenue needs of schools, public safety and human services, impacts of actions proposed by members of the state legislature, impacts of current state revenue forecasts, distribution of any locally levied tax funds to all schools throughout Multnomah County on an appropriate basis, consistent standards of accountability for school funds and all districts, amounts to be distributed among schools, public safety, and human services, effective term of local revenue measures, costs of public services and relative tax burdens in urban jurisdictions.

**5. Explain any citizen and/or other government participation that has or will take place.** This ordinance is a companion technical document to the Resolution on School funding, public safety, and human services adopted by the County Board of

Commissioners on March 13, 2003. That resolution established the policy direction and priorities for which this proposed draft ordinance is the companion. That resolution was publicly released via email on Tuesday, March 3 to the Ad-Hoc school funding committee, public safety and human services supporters, business representatives, the Portland City Council and Auditor, the Multnomah County Sheriff, the Multnomah County District Attorney, and the County Board of Commissioners and Auditor. This draft resolution was publicly discussed during a joint work session of the Multnomah County Board of Commissioners and the Portland City Council on March 5, 2003 and made available for public distribution. A public hearing was held on the resolution on March 6<sup>th</sup>. Additional hearings are currently scheduled for March 11 and March 13. In addition, County Chair Diane Linn and Portland Mayor Vera Katz co-chair the Ad-hoc group on school funding, which includes parents, school districts, other elected officials and their staffs. These are open meetings attended by the public at large as well. Multnomah County held a briefing on school funding and other services on February 18<sup>th</sup>, 2003, a hearing on Commissioner Naito's proposed "Daughter of 28" on February 20, a joint work session with the Portland City Council on March 5, and a public hearing on March 6.

**Required Signatures:**

**Department/Agency Director:**



**Date: 03/13/03**

**County Attorney**

**By:** \_\_\_\_\_

**Date:**

**Budget Analyst**

**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**



**CAPTION:**

**THREE-YEAR INCOME TAX FOR SCHOOLS, HUMAN SERVICES, PUBLIC SAFETY**

**(10)**

**QUESTION:**

*Should Multnomah County enact three-year 1.25% income tax for county schools, health and senior care and public safety?*

(20-counting %)

**SUMMARY:**

The state has cut funds for county schools, health and senior services and public safety. School districts have cut programs and instructional days. Senior citizens and low income families have lost necessary medications and housing assistance. Inmates have been released from jail early.

This measure enacts a three year 1.25% County income tax for services such as:

- Teachers, programs and instructional days for Multnomah County public schools, including Centennial, Corbett, David Douglas, Gresham-Barlow, Parkrose, Portland, Reynolds, Riverdale Districts;
- Prescription drug benefits for low income seniors;
- Restore housing and independent living assistance for the elderly and disabled;
- Health and mental health care for low income people;
- Reduce early release of inmates;
- Offender drug and alcohol treatment.

Taxable incomes less than \$--- (single filers), \$-- (joint filers) are exempt. 'Taxable income' is Oregon taxable income (after deductions) of Multnomah County residents.

This measure will raise an estimated \$135 million annually. Performance audits will be conducted. The only administrative costs are for tax collection.

(159)

**03/19/03 2:50 FINAL**

**EXPLANATORY STATEMENT:**

State funding for schools in Multnomah County have been severely cut. The County has also suffered cuts to local services. This measure allows Multnomah County to assist county public schools with their funding gaps and restores some of the local services cut.

The Measure will provide funds for county public schools, health and senior services, and public safety. It enacts a temporary, three year 1.25% personal income tax.

About 75% of revenues from this measure will provide funds for the 2003-2004, 2004-2005, and 2005-2006 school years. Multnomah County schools may use the funds only for:

- Retaining teacher positions to maintain or improve student-teacher ratios;
- Maintaining instructional days to help ensure a full, 180 day school year;
- Funding programs and services that prepare students for college and the workforce;
- Communicating with citizens about achievement and accounting for the use of these tax dollars.

The County Auditor will conduct independent performance audits on funds generated by this measure.

This measure creates a School Efficiency and Quality Advisory Council to review expenditures by county school districts. It will include parents, educators, taxpayers, and business, labor, and government leaders. It will oversee the new local tax revenues for the benefit of students.

About 25% of revenues from this measure will provide funds for health care, mental health, senior services, and public safety. These funds will be used for:

- Housing and living assistance to seniors and the disabled;
- Prescription drug assistance for low-income seniors;
- Emergency mental health services;
- Health, mental health and addiction treatment for offenders to help reduce recidivism;
- Prosecution of, identity theft, stolen vehicles, theft, vandalism, criminal trespass and possession of a controlled substance;
- Support for community courts;
- Restoration of jail beds;

- Juvenile justice and gang services - day reporting center, juvenile diversion, skill development, probation, gang outreach, receiving center/homeless youth;
- Community supervision of adult offenders;
- Restore alcohol and drug treatment for repeat offenders.

If the State reduces funding for county schools, public safety, or human services, the County Board of Commissioners will consider immediate termination of this County income tax.

If the State restores funding for county public schools, public safety, or human services during the next three years, the Board will consider immediate termination or reduction this tax.

Beginning with the 2003-2004 fiscal year, all revenues generated from this tax are subject to independent reviews by the County Auditor. Any time after July 1, 2003, the County Auditor may audit the revenues generated from this income tax or any program that receives funds from this tax.

The measure will raise an estimated \$135 million annually. A taxpayer with Oregon taxable income (after deductions) of \$30,000 would pay about \$31 a month for three years as a result of this measure.

For more information, visit Multnomah County's website at:  
<http://www.co.multnomah.or.us>

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Submitting to the Voters in a Countywide Election an Ordinance Imposing a Temporary County Personal Income Tax to Benefit Public Schools, Public Safety and Human Services

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

- a. On March 13, 2003, the Board adopted Resolution 03-037 relating to local school, human services and public safety funding options.
- b. This Resolution implements the Board's intent as stated in Resolution 03-037 to refer a measure to the voters to enact a temporary 1.25% income tax on Multnomah County residents for local public schools, public safety and human services.

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

1. The Measure described in the proposed Ordinance (Exhibit A) is referred to the electors of Multnomah County for the May 20, 2003 election. The Ordinance enacts a three year income tax on Multnomah County residents.
2. The Ordinance (Exhibit A) Ballot Title (Exhibit B), and the Explanatory Statement (Exhibit C) are adopted and made part of this Resolution. The Ordinance, Ballot Title, and Explanatory Statement shall be printed substantially in the form set forth.
3. The Measure and the Ballot Title and Explanatory Statement for the Measure are certified to the Director of Multnomah County Division of Elections.

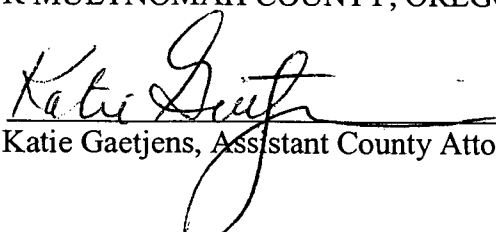
ADOPTED this 20<sup>th</sup> day of March 2003.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Katie Gaetjens, Assistant County Attorney

## EXHIBIT A

### BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

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

Temporary Personal Income Tax for Public Schools, Public Safety and Human Services

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

- a. Oregon Constitution Article VI, section 10 grants county voters authority to adopt a county charter.
- b. Multnomah County Charter Section 2.10 grants the county legislative authority "over matters of county concern to the fullest extent permitted by the constitutions and laws of the United States and the State of Oregon." Multnomah County has authority to enact laws taxing incomes to pay for county services required for the health, safety and welfare of the people of the county.
- c. An income tax of 1.25% of Oregon taxable income will provide needed funds for public schools, public safety and human services.

**Multnomah County Voters Ordain as follows:**

**SECTION 1. DEFINITIONS.**

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

**ADMINISTRATOR.** The Multnomah County Finance Director.

**RESIDENT.** An individual who files a resident Oregon income tax return from Multnomah County.

**TAXABLE INCOME.** Taxable income under Oregon law.

**SECTION 2. INCOME TAX.**

A. A tax of 1.25% is imposed on Oregon taxable income for residents of Multnomah County. For single filers, \$2,500 of taxable income is exempt. For joint filers, \$5,000 of

taxable income is exempt. The net revenues will be paid to the County General Fund for distribution by the Board of County Commissioners for services such as:

- Teachers' salaries, programs and instructional days for Multnomah County public schools, including Centennial, Corbett, David Douglas, Gresham-Barlow, Parkrose, Portland, Reynolds, Riverdale Districts;
- Prescription drug benefits for low income seniors;
- Restoration of housing and independent living assistance for the elderly and disabled;
- Health and mental health care for low income people;
- Reduction of early release of inmates;
- Offender drug and alcohol treatment.

B. This tax will be effective from January 1, 2003, through December 31, 2005.

### **SECTION 3. PERFORMANCE AUDITS.**

Independent performance audits will be conducted on the use of funds generated by this measure.

### **SECTION 4. REVIEW COMMITTEE.**

A School Efficiency and Quality Advisory Council is created to review expenditures by county school districts of funds generated by this ordinance. The Chair, with approval of the Board, will appoint the council members. Membership will include parents, educators, taxpayers, and business, labor, and government leaders.

### **SECTION 5. PAYMENT OF TAX.**

Payment of this tax is due on April 15<sup>th</sup> or the closest following business day.

### **SECTION 6. ADMINISTRATOR DUTIES.**

A. **Receipt.** The Administrator will receive the tax imposed by this ordinance from the taxpayers, keep accurate records, and report all monies received.

B. **Collection.** The Administrator will collect and enforce payment of all taxes owing to the county.

C. **Rulemaking.** The Administrator will adopt administrative rules to implement this tax. Rules adopted will be consistent with the rules of the Oregon Department of Revenue regarding personal income tax.

D. **Contracting.** The Administrator may contract with public or private agencies, as necessary, to implement this ordinance.

#### **SECTION 7. OTHER PROVISIONS.**

A. **Savings Clause.** If any part of this ordinance, or any tax against any individual or group is found unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity will affect only that part of this ordinance or tax and will not affect or impair any other provisions of this tax or ordinance.

B. If the State reduces base funding allocation for county schools, public safety, or human services during the next three years, the County Board of Commissioners will consider immediate termination of this tax.

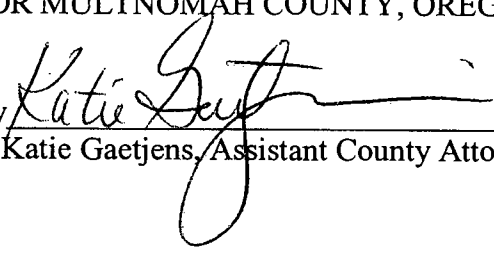
C. If the State restores funding for county public schools, public safety, or human services during the next three years, the County Board of Commissioners will consider immediate reduction or termination of this tax.

D. This ordinance takes effect immediately upon enactment by Multnomah County voters at the election called for May 20, 2003.

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Katie Gaetjens, Assistant County Attorney

## EXHIBIT B

### BALLOT TITLE

#### CAPTION:

THREE-YEAR INCOME TAX FOR SCHOOLS, HUMAN SERVICES, PUBLIC SAFETY

#### QUESTION:

*Should Multnomah County enact three-year 1.25% income tax for county schools, health and senior care and public safety?*

#### SUMMARY:

The state has cut funds for county schools, health and senior services and public safety. School districts have cut programs and instructional days. Senior citizens and low income families have lost necessary medications and housing assistance. Inmates have been released from jail early.

This measure enacts a three year 1.25% County income tax for services such as:

- Teachers, programs and instructional days for Multnomah County public schools, including Centennial, Corbett, David Douglas, Gresham-Barlow, Parkrose, Portland, Reynolds, Riverdale Districts;
- Prescription drug benefits for low income seniors;  
Restore housing and independent living assistance for the elderly and disabled;  
Health and mental health care for low income people;
- Reduce early release of inmates;  
Offender drug and alcohol treatment.

For single filers, \$2,500 of taxable income is exempt. For joint filers, \$5,000 of taxable income is exempt. 'Taxable income' is taxable income under Oregon law (after deductions) of Multnomah County residents.

This measure will raise an estimated \$135 million annually. Performance audits will be conducted. The only administrative costs are for tax collection.



## EXHIBIT C

### EXPLANATORY STATEMENT:

State funding for schools in Multnomah County have been severely cut. The County has also suffered cuts to local services. This measure allows Multnomah County to assist county public schools with their funding gaps and to restore some of the local services cut.

The Measure will provide funds for county public schools, health and senior services, and public safety. It enacts a temporary, three year 1.25% personal income tax.

About 75% of revenues from this measure will provide funds for the 2003-2004, 2004-2005, and 2005-2006 school years. Multnomah County schools may use the funds only for:

- Retaining teacher positions to maintain or improve student-teacher ratios;
- Maintaining instructional days to help ensure a full, 180 day school year;
- Funding programs and services that prepare students for college and the workforce;
- Communicating with citizens about achievement and accounting for the use of these tax dollars.

Performance audits will be conducted on funds generated by this measure.

This measure creates a School Efficiency and Quality Advisory Council to review expenditures by county school districts. It will include parents, educators, taxpayers, and business, labor, and government leaders. It will oversee the new local tax revenues for the benefit of students.

About 25% of revenues from this measure will provide funds for health care, mental health, senior services, and public safety. These funds will be used for:

- Housing and living assistance to seniors and the disabled;
- Prescription drug assistance for low-income seniors;
- Emergency mental health services;
- Health, mental health and addiction treatment for offenders to help reduce recidivism;
- Prosecution of identity theft, stolen vehicles, theft, vandalism, criminal trespass and possession of controlled substances;
- Support for community courts;
- Restoration of jail beds;
- Juvenile justice and gang services - day reporting center, juvenile diversion, skill development, probation, gang outreach, receiving center/homeless youth;

## EXHIBIT C

- Community supervision of adult offenders;
- Restore alcohol and drug treatment for repeat offenders.

If the State reduces base funding allocation for county schools, or funding for public safety or human services, the County Board of Commissioners will consider immediate termination of this County income tax.

If the State restores funding for county public schools, public safety, or human services during the next three years, the Board will consider immediate termination or reduction this tax.

Beginning with the 2003-2004 fiscal year, all revenues generated from this tax are subject to independent reviews by the County Auditor. Any time after July 1, 2003, the County Auditor may audit the revenues generated from this income tax or any program that receives funds from this tax.

The measure will raise an estimated \$135 million annually. A taxpayer with Oregon taxable income (after deductions) of \$30,000 would pay about \$21 a month for three years as a result of this measure. This estimated payment takes into account changes in deductions on federal and state taxes.

For more information, visit Multnomah County's website at:  
<http://www.co.multnomah.or.us>

**EXHIBIT B**

**BALLOT TITLE**

**CAPTION:**

**MEASURE NO. \_\_\_\_\_**

**THREE-YEAR INCOME TAX FOR SCHOOLS, HUMAN SERVICES, PUBLIC SAFETY**

**QUESTION:**

*Should Multnomah County enact three-year 1.25% income tax for county schools, health and senior care and public safety?*

**SUMMARY:**

The state has cut funds for county schools, health and senior services and public safety. School districts have cut programs and instructional days. Senior citizens and low income families have lost necessary medications and housing assistance. Inmates have been released from jail early.

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Restore housing and independent living assistance for the elderly and disabled;  
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The Measure will provide funds for county public schools, health and senior services, and public safety. It enacts a temporary, three year 1.25% personal income tax.

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Performance audits will be conducted on funds generated by this measure.

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- Prosecution of identity theft, stolen vehicles, theft, vandalism, criminal trespass and possession of controlled substances;
- Support for community courts;
- Restoration of jail beds;
- Juvenile justice and gang services - day reporting center, juvenile diversion, skill development, probation, gang outreach, receiving center/homeless youth;

## EXHIBIT C

- Community supervision of adult offenders;
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**EXHIBIT B**

**BALLOT TITLE**

**CAPTION:**

**MEASURE NO. \_\_\_\_\_**

**THREE-YEAR INCOME TAX FOR SCHOOLS, HUMAN SERVICES, PUBLIC SAFETY**

**QUESTION:**

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The state has cut funds for county schools, health and senior services and public safety. School districts have cut programs and instructional days. Senior citizens and low income families have lost necessary medications and housing assistance. Inmates have been released from jail early.

This measure enacts a three year 1.25% County income tax for services such as:

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This measure will raise an estimated \$135 million annually. Independent ~~P~~performance audits will be conducted. The only administrative costs are for tax collection.

"corrections  
for  
consistency"

## EXHIBIT C

### EXPLANATORY STATEMENT:

State funding for schools in Multnomah County have been severely cut. The County has also suffered cuts to local services. This measure allows Multnomah County to assist county public schools with their funding gaps and to restore some of the local services cut.

The Measure will provide funds for county public schools, health and senior services, and public safety. It enacts a temporary, three year 1.25% personal income tax.

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Independent Performance audits will be conducted on funds generated by this measure.

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- Housing and living assistance to seniors and the disabled;
- Prescription drug assistance for low-income seniors;
- Emergency mental health services;
- Health, mental health and addiction treatment for offenders to help reduce recidivism;
- Prosecution of identity theft, stolen vehicles, theft, vandalism, criminal trespass and possession of controlled substances;
- Support for community courts;
- Restoration of jail beds;

#1 .

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

---

Please complete this form and return to the Board Clerk

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

MEETING DATE: 3/20/03  
SUBJECT: School tax funding

AGENDA NUMBER OR TOPIC: R-3

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

NAME: Nancy Hamilton

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

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

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

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

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

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

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

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



#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 3/20/03

SUBJECT: Income tax resolution

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: Julie Cleveland

ADDRESS: 27448 NW St Helens Rd

CITY/STATE/ZIP: Scappoose OR 97056

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: S.I. School

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

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

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

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

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 3-20-03  
SUBJECT: Pers Inc Tax - Mult

AGENDA NUMBER OR TOPIC: R-3

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

NAME: ROBERT BUTLER

ADDRESS: 824 SW 18

CITY/STATE/ZIP: PORTLAND, OR 97205

PHONE: \_\_\_\_\_ DAYS: 222-4949 EVES: \_\_\_\_\_

EMAIL: butlerbrokers@aol.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: guest. net

WRITTEN TESTIMONY: Verbal

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

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

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

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 03-041**

Submitting to the Voters in a Countywide Election an Ordinance Imposing a Temporary County Personal Income Tax to Benefit Public Schools, Public Safety and Human Services

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

- a. On March 13, 2003, the Board adopted Resolution 03-037 relating to local school, human services and public safety funding options.
- b. This Resolution implements the Board's intent as stated in Resolution 03-037 to refer a measure to the voters to enact a temporary 1.25% income tax on Multnomah County residents for local public schools, public safety and human services.

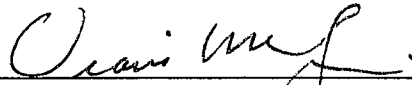
**The Multnomah County Board of Commissioners Resolves:**

1. The Measure described in the proposed Ordinance (Exhibit A) is referred to the electors of Multnomah County for the May 20, 2003 election. The Ordinance enacts a three year income tax on Multnomah County residents.
2. The Ordinance (Exhibit A) Ballot Title (Exhibit B), and the Explanatory Statement (Exhibit C) are adopted and made part of this Resolution. The Ordinance, Ballot Title, and Explanatory Statement shall be printed substantially in the form set forth.
3. The Measure and the Ballot Title and Explanatory Statement for the Measure are certified to the Director of Multnomah County Division of Elections.

ADOPTED this 20<sup>th</sup> day of March 2003.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Katie Gaetjens, Assistant County Attorney

## EXHIBIT A

### BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

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

Temporary Personal Income Tax for Public Schools, Public Safety and Human Services

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

- a. Oregon Constitution Article VI, section 10 grants county voters authority to adopt a county charter.
- b. Multnomah County Charter Section 2.10 grants the county legislative authority "over matters of county concern to the fullest extent permitted by the constitutions and laws of the United States and the State of Oregon." Multnomah County has authority to enact laws taxing incomes to pay for county services required for the health, safety and welfare of the people of the county.
- c. An income tax of 1.25% of Oregon taxable income will provide needed funds for public schools, public safety and human services.

#### **Multnomah County Voters Ordain as follows:**

##### **SECTION 1. DEFINITIONS.**

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

**ADMINISTRATOR.** The Multnomah County Finance Director.

**RESIDENT.** An individual who files a resident Oregon income tax return from Multnomah County.

**TAXABLE INCOME.** Taxable income under Oregon law.

##### **SECTION 2. INCOME TAX.**

A. A tax of 1.25% is imposed on Oregon taxable income for residents of Multnomah County. For single filers, \$2,500 of taxable income is exempt. For joint filers, \$5,000 of

taxable income is exempt. The net revenues will be paid to the County General Fund for distribution by the Board of County Commissioners for services such as:

- Teachers' salaries, programs and instructional days for Multnomah County public schools, including Centennial, Corbett, David Douglas, Gresham-Barlow, Parkrose, Portland, Reynolds, Riverdale Districts;
- Prescription drug benefits for low income seniors;
- Restoration of housing and independent living assistance for the elderly and disabled;
- Health and mental health care for low income people;
- Reduction of early release of inmates;
- Offender drug and alcohol treatment.

B. This tax will be effective from January 1, 2003, through December 31, 2005.

### **SECTION 3. PERFORMANCE AUDITS.**

Independent performance audits will be conducted on the use of funds generated by this measure.

### **SECTION 4. REVIEW COMMITTEE.**

A School Efficiency and Quality Advisory Council is created to review expenditures by county school districts of funds generated by this ordinance. The Chair, with approval of the Board, will appoint the council members. Membership will include parents, educators, taxpayers, and business, labor, and government leaders.

### **SECTION 5. PAYMENT OF TAX.**

Payment of this tax is due on April 15<sup>th</sup> or the closest following business day.

### **SECTION 6. ADMINISTRATOR DUTIES.**

A. **Receipt.** The Administrator will receive the tax imposed by this ordinance from the taxpayers, keep accurate records, and report all monies received.

B. **Collection.** The Administrator will collect and enforce payment of all taxes owing to the county.

C. **Rulemaking.** The Administrator will adopt administrative rules to implement this tax. Rules adopted will be consistent with the rules of the Oregon Department of Revenue regarding personal income tax.

D. **Contracting.** The Administrator may contract with public or private agencies, as necessary, to implement this ordinance.

## **SECTION 7. OTHER PROVISIONS.**

A. **Savings Clause.** If any part of this ordinance, or any tax against any individual or group is found unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity will affect only that part of this ordinance or tax and will not affect or impair any other provisions of this tax or ordinance.

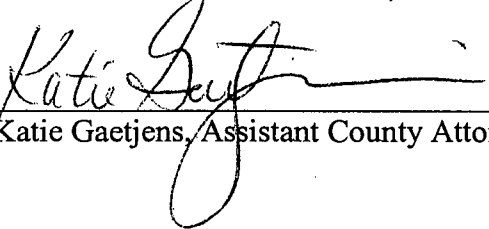
B. If the State reduces base funding allocation for county schools, public safety, or human services during the next three years, the County Board of Commissioners will consider immediate termination of this tax.

C. If the State restores funding for county public schools, public safety, or human services during the next three years, the County Board of Commissioners will consider immediate reduction or termination of this tax.

D. This ordinance takes effect immediately upon enactment by Multnomah County voters at the election called for May 20, 2003.

REVIEWED:

AGNES SOWLE, ACTING COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Katie Gaetjens, Assistant County Attorney

**EXHIBIT B**

**BALLOT TITLE**

**CAPTION:**

**MEASURE NO. 26-48**

THREE-YEAR INCOME TAX FOR SCHOOLS, HUMAN SERVICES, PUBLIC SAFETY

**QUESTION:**

*Should Multnomah County enact three-year 1.25% income tax for county schools, health and senior care and public safety?*

**SUMMARY:**

The state has cut funds for county schools, health and senior services and public safety. School districts have cut programs and instructional days. Senior citizens and low income families have lost necessary medications and housing assistance. Inmates have been released from jail early.

This measure enacts a three year 1.25% County income tax for services such as:

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This measure will raise an estimated \$135 million annually. Independent performance audits will be conducted. The only administrative costs are for tax collection.

## **EXHIBIT C**

### **EXPLANATORY STATEMENT:**

State funding for schools in Multnomah County have been severely cut. The County has also suffered cuts to local services. This measure allows Multnomah County to assist county public schools with their funding gaps and to restore some of the local services cut.

The Measure will provide funds for county public schools, health and senior services, and public safety. It enacts a temporary, three year 1.25% personal income tax.

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- Prosecution of identity theft, stolen vehicles, theft, vandalism, criminal trespass and possession of controlled substances;
- Support for community courts;
- Restoration of jail beds;



## EXHIBIT C

- Juvenile justice and gang services - day reporting center, juvenile diversion, skill development, probation, gang outreach, receiving center/homeless youth;
- Community supervision of adult offenders;
- Restore alcohol and drug treatment for repeat offenders.

If the State reduces base funding allocation for county schools, or funding for public safety or human services, the County Board of Commissioners will consider immediate termination of this County income tax.

If the State restores funding for county public schools, public safety, or human services during the next three years, the Board will consider immediate termination or reduction this tax.

Beginning with the 2003-2004 fiscal year, all revenues generated from this tax are subject to independent reviews by the County Auditor. Any time after July 1, 2003, the County Auditor may audit the revenues generated from this income tax or any program that receives funds from this tax.

The measure will raise an estimated \$135 million annually. A taxpayer with Oregon taxable income (after deductions) of \$30,000 would pay about \$21 a month for three years as a result of this measure. This estimated payment takes into account changes in deductions on federal and state taxes.

For more information, visit Multnomah County's website at:  
<http://www.co.multnomah.or.us>

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** R-4

**Est. Start Time:** 10:30 AM

**Date Submitted:** 02/21/03

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**Requested Date:** March 20, 2003

**Time Requested:** 15 min.

**Department:** DBCS

**Division:** Land Use Planning

**Contact/s:** Chuck Beasley

**Phone:** 503-988-3043 **Ext.:** 22610 **I/O Address:** 455/116

**Presenters:** Chuck Beasley

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**Agenda Title:** First Reading of an Ordinance Amending Multnomah County Zoning Code Chapter 33, West Hills Rural Plan Area, to clarify and reduce the approval criteria that are applicable to development in areas designated as Significant Environmental Concern – Wildlife Habitat, Scenic Views, and Streams.

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

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

Adopt the Planning Commission recommendation to amend zoning code Chapter 33, the West Hills Rural Area, to make it clear that the "general" SEC approval criteria in section 33.4555 do not apply to applications for development in areas that are protected for wildlife habitat, streams, scenic views, or wetlands. This is because the zoning code contains approval criteria within each of these code sections, 33.4560 Criteria for Approval of SEC-w Permit – Significant Wetlands, 33.4565 Criteria for Approval of SEC-v Permit – Scenic Views, 33.4570 Criteria for Approval of SEC-h Permit – Wildlife Habitat, and 33.4575 Criteria for Approval of SEC-s Permit – Streams.

The recommendation is to remove the language in 33.4525(A) from the code and re-number that section as shown on page 2 of PC-03-001 Exhibit 3, and to remove section 33.4555 on pages 3 and 4 of the same exhibit.

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

**Problem:** In the past, an interpretation that the general SEC criteria in section 33.4555 are applicable to all SEC permits in the West Hills plan area, whether in the SEC-h, SEC-s, SEC-v, or SEC-w areas, was made. Since the code is not completely clear on this point, staff has been applying these “general” criteria to all applications since that time regardless of the resource being protected. The results of this approach are:

- The SEC ordinance for the West Hills is being implemented in a way that was not intended. Staff has listened to the tape of the September 12, 1994 Planning Commission hearing on the SEC zoning code restructuring. It is clear from the explanation given by staff of how the SEC overlay zone would work, that when resources were specifically evaluated through the rural plan process, they would be protected under specific ordinance sections and the general criteria of MCC 11.15.6420 (now numbered as MCC 33.4555) would not apply. See PC-03-001 Exhibit 1.
- It imposes a requirement to satisfy approval criteria that are directed toward a natural resource that is either not present on the property or was not found to be significant as required under Goal 5. For example, through this interpretation, the criterion in 33.4555(F) that requires significant fish and wildlife habitats to be protected becomes applicable to areas designated as having only scenic resources in SEC-v (view) areas. The applicant should not be required to protect resources that have not been found significant, and should not need to address this criterion.
- In areas where Goal 5 resources have been found to be significant, the “general” criteria are duplicative of the code criteria intended to protect the resource. For example, the general criterion to “protect significant fish and wildlife habitat” is redundant for areas that must address the SEC-s (streams) or SEC-h (wildlife habitat) approval criteria. This is because the measures and approval criteria needed to protect streams and wildlife habitat are listed in the SEC-s or SEC-h sections of the SEC code.
- Inclusion of the broadly worded general approval criteria in decisions may expose applicants to unnecessary risk of appeal.

**Background:** This situation stems from the evolution of the County’s Statewide Planning Goal 5 protection program as implemented by the zoning code. The SEC overlay zone was first adopted in 1977 through Ord. 148, and was the County’s first approach to resource protection.

The County and State Goal 5 protection program has changed since 1977 to focus on discrete resources. The changes to the SEC general approval criteria over the 26 years

since adoption have been relatively minor, while the new Goal 5 program in the West Hills is focused on protecting the specific resources of wildlife habitat, streams, and views. PC-03-001 Exhibit 2. includes an analysis intended to show that these general criteria by and large do not address a protected resource, or that there are substantially similar protection measures in the newer resource-specific zoning code criteria.

Section 33.4525 "Applicable Approval Criteria" was added to the code as MCC 11.15.6409 in 1994 (Ord. 801). This section (see "Exhibit A" attached to PC-03-001 Exhibit 1.) specifies criteria applicable to the general SEC overlay zones, and to the newer resource-specific overlays. Prior to 1994, there was no need to indicate which code section applied because with the exception of wetlands, which were added as a discrete resource in 1990, the general criteria applied to the generalized SEC overlay. As indicated above, staff stated in the 1994 hearing that the general criteria in 11.15.6420 would only continue to apply to resources which had already been designated as significant, but would not apply to the West Hills rural plan area where resources had been given a more "precise look" in that process.

Attachments to this staff report:

- Ordinance Adopting Proposed Amendments.
- PC-03-001 Exhibit 1: 9/12/94 Staff report to Planning Commission and amendments to SEC code in "Exhibit A."
- PC-03-001 Exhibit 2: Analysis of General Approval Criteria.
- PC-03-001 Exhibit 3: Current West Hills SEC code with proposed amendments.
- Planning Commission Resolution in PC-03-001

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

This code amendment as proposed, will result in a reduction in staff time and county resources for permit processing, and will require less time for applicants to prepare their applications. The potential for appeal and the associated un-captured costs to the county is also reduced.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

If grant application/notice of intent, explain:

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

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

This proposal has the effect of reducing unintended application of regulations. No legal or policy issues have been identified.

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

Amendments have been initiated by the Planning Director. The Planning Commission conducted a public hearing on February 3, 2002 after general public notice. No public testimony was received on this item. Notice of this amendment was sent to the Department of Land Conservation and Development on 2/4/03. The county has not received any comment to date.

**Required Signatures:**

Department/Agency Director:

Date:

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

*Handwritten signature: M. Cecilia Johnson*  
*Handwritten date: 2/21/03*

## PC-03-001 Exhibit 1.

This exhibit contains a partial transcript of testimony by staff, Gordon Howard, at the September 12, 1994 Planning Commission hearing, on the subject of the restructuring of the SEC zoning code for the West Hills Rural Area Plan. The statement most pertinent to applicability of the "general" SEC approval criteria in 33.4555 (then 11.15.6420) is the paragraph on page two that is underlined in bold font. The entire staff report is included here for context/clarity. A copy of the portion of Exhibit A. that is the subject of this testimony is attached here.

"Item 4 (on the agenda) deals with the first 6 pages of Exhibit A in C 10-94, the proposed code amendments of the Significant Environmental Concern SEC zone overlay. Starts on page 1 and goes all the way onto page 6 up to 11.15.6424 Criteria for approval of SEC-v permit, that's a later topic. The first six pages are the more general SEC overlay zone.

First of all, I'd like to just briefly go over what these changes are. Starting on page 1, the first change clarifies that areas that are scenic waterways in the County, new item .6404(C) on the right column, that means the Sandy River in Multnomah County, clarifies that it goes through a County review process as well as the State of Oregon Parks and Recreation Department review. Also eliminating language regarding streams which is no longer applicable in this section because we've added a new streams section.

On the second page, in terms of section 11.15.6408 which starts on the left hand side of the page and goes through onto the right hand side, you can see there is a significant addition of language there which is the general application requirements for the SEC permit that must be approved if a property is designated with this overlay zone. And the material is needed for all of the permits involved, and then as we get into each section there is specific requirements to be submitted for wildlife areas, scenic areas, streams areas, but this is applicable to all of those overlay designations.

Going on to the next section, the applicable approval criteria. There are a couple of key items here. (Goes back to discuss exceptions for existing uses.) Going down to the bottom of page 2, 11.15.6409 Applicable Approval Criteria we have a potential problem is there properties in the West Hills where, if this is approved, will have several overlay zones applied to them. For instance a property could theoretically have a scenic view overlay, a wildlife habitat overlay, and a streams overlay, and subsection (C) at the top of page 3 answers the question of what do you do when you have different conflicting criteria. In that case what would be done is to try to comply with each of those criteria as nearly as possible. We could find no way to get a more clear and objective standard than that when you try mesh them together to find a common sense solution which meets the criteria for all of the designated resources on the site.

And then finally another important point, D and E, if a site is designated 2A or 3A, which means its protected and conflicting resources are not allowed, a proposed development would have to comply with all of the approval criteria. However, for resources designated 3C which is what we're talking about, the West Hills wildlife, streams, and scenic areas, the approval criteria would be used to determine the most appropriate location and size and scope of the proposed development, but shall not be used to prohibit the use. It's the intention of this proposed ordinance amendments it would not be used to prohibit a use. If someone had a lot for instance and the entire lot was covered in a stream area we would not say a person cannot build there, we would look for the best location on that site that best meets the criteria we're talking about. This is not the intent to prohibit a permitted use from the underlying zone, which may be rural residential, commercial forest use, whatever through this process. The point of these regulations would be to limit the uses in terms of trying to find the best location on the site, other kinds of things that will minimize the impacts of the proposed use, the conflicting use on the resource that we're talking about.

Going on in terms of the next changes on page 4, and there we have 11.15.6420 talks about criteria for approval of an SEC permit. These are the existing, the things that are not underlined here are the existing criteria for SEC zoned areas of the County right now. And what's going to happen if this is approved is that this would apply to very limited areas of the County that haven't been through the rural plan process. Areas such as big game habitat areas designated in the eastern part of the County, Government Island, the Sandy River gorge protected area. So really, this language here would apply to areas that are still SEC zoned but have not gone through the rural area plan process for a more precise look. And so far as you know, the only rural area plan we've gone are going through it's the West Hills.

And then 11.15.6420 on page 5, talks about the criteria for approval of the significant wetlands. And once again those are wetlands that are already protected by the comprehensive plan and applies mainly to areas on Sauvie Island that are deemed to be significant and were inventoried and protected back in 1990. So really, those are dealing with existing SEC areas that would remain outside the West Hills and there aren't any really significant changes to the rules there.

So that really concludes my comments on the item 4. on your agenda which is the amendments to the zoning code to restructure the SEC district. And going on to item 5. through 9. deal with the specifics of wildlife, stream resources and scenic views. And that concludes my comments."

## PROPOSED CODE AMENDMENTS

### Significant Environmental Concern SEC

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#### 11.15.6400 Purposes

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

~~[(C) Any building, structure, or physical improvement within 100 feet of the normal high water level of a Class I stream, as defined by the State of Oregon Forest Practice Rules, shall require an SEC permit under MCC .6412, regardless of the zoning designation of the site.]~~

(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.

#### 11.15.6402 Area Affected

Except as otherwise provided in MCC .6404 or MCC .6406, this subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

#### 11.15.6406 Exceptions

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;

(B) Except as provided in MCC .6420(C), the propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

#### 11.15.6404 Uses – SEC Permit Required

(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use, or change or alteration of a use, except as provided in MCC .6406, shall be subject to an SEC permit. ~~[The excavation of any archaeological site shall require an SEC permit, under MCC .6412, regardless of the zoning designation of the site.]~~

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.



~~[(F)] Activities regulated pursuant to the provisions of ORS 390.805 to 390.925 on lands designated as scenic waterways under the Oregon Scenic Waterways System;~~

~~[(G)] (F)~~ The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

~~[(H)] (G)~~ The maintenance and repair of existing flood control facilities; and

~~[(H)] (H)~~ Maintenance of uses legally existing on ~~[the effective date of this Chapter]~~ (effective date of this ordinance); provided, however, that any change, expansion or alteration of such use shall require an SEC permit as provided herein~~;~~ and]

~~[(J)] Those Class 1 streams located:~~

~~(1) Within mineral and aggregate resource areas designated "2A", "3A" or "3C" by a Statewide Planning Goal 5 Economic, Social, Environmental and Energy analysis, or~~

~~(2) Within the Willamette River Greenway.]~~

### 11.15.6408 Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428 and shall be filed as follows:

(A) For a Permitted Use or a Use Under Prescribed Conditions, in the manner provided in MCC .8210(B); and

(B) For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in

the manner provided in MCC .8210 and .8215.

(C) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

### 11.15.6409 Applicable Approval Criteria

(A) The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.

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

nation, as follows:

| <u>zoning<br/>designation</u>   | <u>approval<br/>criteria</u> |
|---------------------------------|------------------------------|
| <u>SEC-w (wetlands)</u>         | <u>MCC .6422</u>             |
| <u>SEC-v (scenic views)</u>     | <u>MCC .6424</u>             |
| <u>SEC-h (wildlife habitat)</u> | <u>MCC .6426</u>             |
| <u>SEC-s (streams)</u>          | <u>MCC .6428</u>             |

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.

(E) For Goal 5 resources designated "3-C", the approval criteria shall be used to determine the most appropriate location, size and scope of a proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use.

#### **11.15.6410 SEC Permit – Required Findings**

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428.

#### **11.15.6412 Decision by Planning Director**

(A) A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.

(B) The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.

(C) Within ten business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.

(D) A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6414 Decision by a Hearings Officer**

(A) A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.

(B) Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.

(C) The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.

#### **11.15.6416 Appeals**

(A) A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.

(B) A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.

## 11.15.6418 Scope of Conditions

- (A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable ~~[policies of the Comprehensive Plan]~~ criteria of MCC .6420 through .6428 and any other requirements specified in the Goal 5 protection program for the affected resource. Said conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting.
- (B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

## 11.15.6420 Criteria for Approval of SEC Permit

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.
- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.
- (C) The harvesting of timber on lands designated SEC shall be conducted in a manner which will insure that natural, scenic, and watershed qualities will be maintained to the greatest extent practicable or will be restored within a brief period of time.
- (D) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with

the need to preserve and protect areas of environmental significance.

- (E) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.
- (F) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- (G) Significant fish and wildlife habitats shall be protected.
- (H) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.
- (I) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

~~[(J) Extraction of aggregates and minerals, the depositing of dredge spoils, and similar activities permitted pursuant to the provisions of MCC .7105 through .7640, shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, historical or archaeological features, vegetation, erosion, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.]~~

~~[(K)]~~ (J) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

~~[(L) Significant wetland areas shall be protected as provided in MCC .6422.]~~

~~[(M)]~~ (K) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the environmental character.

~~[(N)]~~ (L) The quality of the air, water, and

land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

~~[(P)]~~ (M) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

~~[(P)]~~ (N) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.

~~[(Q)]~~ (O) The applicable policies of the Comprehensive Plan shall be satisfied.

#### 11.15.6420 Criteria for Approval of SEC-w Permit - Significant Wetlands

*Significant wetlands* consist of those areas designated as *Significant* on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

(A) In addition to other SEC Permit submittal requirements, the application shall also include:

- (1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed ~~[structures, roads,]~~ watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;
- (2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and

wildlife habitat;

- (3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;
- (4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;
- (5) Detailed Mitigation Plans as described in subsection (D), if required;
- (6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) ~~[In addition to the criteria listed in MCC 6372-4]~~ The applicant shall demonstrate that the proposal:

- (1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;
- (2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;
- (3) Will not cause significant degradation of groundwater or surface-water quality;
- (4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities

that need not be conducted in the wetland;

- (5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

- (1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

- (2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

- (3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);
- (2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

- (3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);

- (4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

- (a) On the site of the impacted wetland, with the same kind of resource;
- (b) Off-site, with the same kind of resource;
- (c) On-site, with a different kind of resource;
- (d) Off-site, with a different kind of resource.

#### **11.15.6424 Criteria for Approval of SEC-v Permit - Significant Scenic Views**

Significant scenic resources consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

Identified Viewing Areas are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas include:

Bybee-Howell House  
Virginia Lakes  
Sauvie Island Wildlife Refuge  
Kelly Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island

Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be partially visible, but is not visually dominant in relation to its surroundings.

### Analysis/Applicability of General Approval Criteria to Specific Resources

The table below contains an analysis of each of the “general” approval criteria as to its’ applicability to the protected resource and the extent to which it is addressed in the SEC-w, v, h, or s sections of the code. Staff concludes from this that most of the general criteria are addressed through the protection program for each resource in that they have similar or equivalent criteria, or that the general criteria do not apply to the resource. The terms “yes” and “no” under each resource heading indicate whether the subject of a criterion is relevant to the resource. For example, the table indicates that criterion 1 is not applicable to areas designated as SEC-v.

|    | SEC General Criteria<br>33.4555   | SEC-w<br>wetlands | SEC-v<br>scenic views | SEC-h<br>habitat | SEC-s<br>streams | Comment   |
|----|---|-------------------|-----------------------|------------------|------------------|---|
| 1. | The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.             | Yes               | No                    | No               | Yes              | SEC-w 33.4560(B)(4) requires 50’ buffer area, and (C)(1) requires “no practical alternatives test”.<br>No equivalent in SEC-s 33.4575. Does not agree with the approach in West Hills to allow development within 300’ of streams when there is “no net impact” to stream function. |
| 2. | Agricultural land and forest land shall be preserved and maintained for farm and forest use.  | No                | No                    | No               | No               | Not related to Goal 5 resource protection.  |
| 3. | A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance. | Yes               | Yes                   | Yes              | Yes              | Generally applicable to any development. SEC-w 33.4560(C)(1) is similar. In SEC-s, the “balancing” is already done, it allows development in exchange for mitigation. Difficult to implement.   |
| 4. | Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.   | Yes               | Yes                   | Yes              | Yes              | Applicable in all resource areas to only one kind of use. Not needed since all development is subject to SEC-w, h, v, or s permit.  |

|    | SEC General Criteria<br>33.4555  | SEC-w<br>wetlands | SEC-v<br>scenic views | SEC-h<br>habitat | SEC-s<br>streams | Comment   |
|----|--|-------------------|-----------------------|------------------|------------------|---|
| 5. | The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.   | No                | No                    | No               | No               | Not related to Goal 5 resource protection.  |
| 6. | Significant fish and wildlife habitats shall be protected.   | No                | No                    | Yes              | Yes              | Generally applicable to all resources. Not useful in protecting those resources.          |
| 7. | The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.      | Yes               | No                    | No               | Yes              | Equivalent criterion is SEC-w 33.3460(D).<br>Equivalent criterion is SEC-s 33.4575(D)(1). |
| 8. | Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.   | No                | No                    | No               | No               | Not applicable to the listed resources.   |
| 9. | Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions. | Yes               | No                    | No               | Yes              | SEC-w 33.4560(B) is equivalent.<br>SEC-s 33.4575 (D) and (E) are similar.                 |

|     | SEC General Criteria<br>33.4555   | SEC-w<br>wetlands | SEC-v<br>scenic views | SEC-h<br>habitat | SEC-s<br>streams | Comment  |
|-----|---|-------------------|-----------------------|------------------|------------------|--|
| 10. | Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.                                     | Yes               | Yes                   | Yes              | Yes              | Erosion for most development is addressed through GEC/HDP.<br>SEC-w 33.4560(B) req. similar.<br>SEC-v 33.4565(B) req. vegetation retention.<br>SEC-h 33.4570(B) req. development in cleared area first.<br>SEC-s 33.4575(E)(5) req. erosion control. |
| 11. | The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.   | Yes               | No                    | Yes              | Yes              | Repetitive of the purpose of the criteria in SEC-w, , and s. Adds ambient noise levels to the list of elements to consider. Vague, difficult to implement.   |
| 12. | The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.  | No                | Yes                   | No               | No               | Only applies to SEC-v areas. 33.4565(C) requires "visual subordination." Not needed.   |
| 13. | An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible. | Yes               | No                    | Yes              | Yes              | SEC-w 33.4560(B)(2) adverse impacts and (C) no practical alternative are equivalent.<br>SEC-h 33.4570(B)(1) and (C)(3) address vegetation retention.<br>SEC-s 33.4575 allows vegetation removal in stream areas subject to mitigation.               |
| 14. | The applicable policies of the Comprehensive Plan shall be satisfied  | No                | No                    | No               | No               | Plan policies are implemented through the zoning code for these resources. Not needed.   |
|     |   |                   |                       |                  |                  |  |



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Amended, 09/26/2002; Ord. 953 §2,  
Reorg&Renum, 11/30/2000)

#### **SIGNIFICANT ENVIRONMENTAL CONCERN**

##### **§ 33.4500- PURPOSES**

The purposes of the Significant Environmental Concern subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

##### **§ 33.4505 AREA AFFECTED**

Except as otherwise provided in MCC 33.4510 or MCC 33.4515, this subsection shall apply to those lands designated SEC on the Multnomah County Zoning Map.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

##### **§ 33.4510 USES; SEC PERMIT REQUIRED**

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

(B) Any excavation or any removal of materials of archaeological, historical, prehistorical or anthropological nature shall be conducted under the conditions of an SEC permit, regardless of the zoning designation of the site.

(C) Activities proposed for lands designated as scenic waterways under the Oregon Scenic Waterways System shall be subject to an SEC permit in addition to approval from the Oregon Parks and Recreation Department.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 990,

##### **§ 33.4515 EXCEPTIONS**

An SEC permit shall not be required for the following:

(A) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(G) The maintenance and repair of existing flood control facilities;

(H) Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;

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(I) All type A Home Occupations;

(J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4520 APPLICATION FOR SEC PERMIT

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4555- .4560 through 33.4575.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4555- .4560 through 33.4575.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4525 APPLICABLE APPROVAL CRITERIA

~~(A) The approval criteria in MCC 33.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

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

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

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

(BE) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(CD) For Goal 5 resources designated "2A" or "3A", a proposed development must comply

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with the approval criteria in order to be approved.

(DE) For Goal 5 resources designated "3C", the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4530 SEC PERMIT - REQUIRED FINDINGS

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 33.4555 4560 through 33.4575.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4550 SCOPE OF CONDITIONS

(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable criteria of MCC 33.4555 4560 through 33.4575 and any other requirements specified in the Goal 5 protection program for the affected resource. Said conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting, timing of construction and related activities.

(B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4555 ~~CRITERIA FOR APPROVAL OF SEC PERMIT~~

~~The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:~~

~~(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.~~

~~(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.~~

~~(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.~~

~~(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.~~

~~(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.~~

~~(F) Significant fish and wildlife habitats shall be protected.~~

~~(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.~~

~~(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.~~

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~~(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.~~

~~(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.~~

~~(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.~~

~~(L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.~~

~~(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.~~

~~(N) The applicable policies of the Comprehensive Plan shall be satisfied.~~

(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4560 CRITERIA FOR APPROVAL OF SEC-W PERMIT - SIGNIFICANT WETLANDS

*Significant wetlands* consist of those areas designated as *Significant* on aerial photographs of a scale of 1 inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

(A) In addition to other SEC Permit submittal requirements, the application shall also include:

(1) A site plan drawn to scale showing the wetland boundary as determined by a

documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;

(2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

(5) Detailed Mitigation Plans as described in subsection (D), if required;

(6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) The applicant shall demonstrate that the proposal:

(1) Is water-dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands

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inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) Will not cause significant degradation of groundwater or surface-water quality;

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 33.4560 (A);

(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 33.4560 (B) (2);

(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

(a) On the site of the impacted wetland, with the same kind of resource;

(b) Off-site, with the same kind of resource;

(c) On-site, with a different kind of resource;

(d) Off-site, with a different kind of resource.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4565 CRITERIA FOR APPROVAL OF SEC-V PERMIT -SIGNIFICANT SCENIC VIEWS

(A) Definitions:

(1) *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

(2) *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

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|                               |            |          |
|-------------------------------|------------|----------|
| Bybee-Howell                  |            | House    |
| Virginia                      |            | Lakes    |
| Sauvie                        | Island     | Wildlife |
| Kelley                        |            | Refuge   |
| Smith                         | Point      | Park     |
| and                           | Bybee      | Lakes    |
| Highway                       |            | 30       |
| The                           | Multnomah  | Channel  |
| The                           | Willamette | River    |
| Public roads on Sauvie Island |            |          |

(3) *Visually subordinate* means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

(B) In addition to the information required by MCC 33.4520, an application for development in an area designated SEC-v shall include:

- (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;
- (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;
- (3) A list of identified viewing areas from which the proposed use would be visible; and,
- (4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be *visually subordinate*. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) Limiting structure height to remain below the surrounding forest canopy level.

(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

- (a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

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(Ord. 997, Repealed and Replaced, 10/31/2002;  
Ord. 953 §2, Reorg&Renum, 11/30/2000)

#### § 33.4570 CRITERIA FOR APPROVAL OF SEC-H PERMIT -WILDLIFE HABITAT

1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;
2. The facility is necessary for public service; and
3. The break in the skyline is the minimum necessary to provide the service.

(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

(E) The approval authority may impose conditions of approval on an SEC-v permit in accordance with MCC 33.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

(A) In addition to the information required by MCC 33.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:

- (1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;

For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A *non-forested "cleared"* area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

- (2) Location of existing and proposed structures;

- (3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

- (4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

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#### (B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

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

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

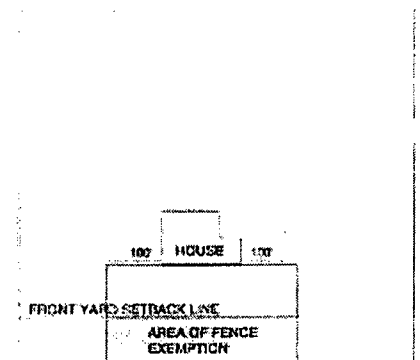
(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the

development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE 33.4570A  
FENCE

#### EXEMPTION AREA



(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

| Scientific Name                          | Common Name                     |
|--|---------------------------------|
| <i>Chelidonium majus</i>                 | Lesser celandine                |
| <i>Cirsium arvense</i>                   | Canada Thistle                  |
| <i>Cirsium vulgare</i>                   | Common Thistle                  |
| <i>Clematis ligusticifolia</i>           | Western Clematis                |
| <i>Clematis vitalba</i>                  | Traveler's Joy                  |
| <i>Conium maculatum</i>                  | Poison hemlock                  |
| <i>Convolvulus arvensis</i>              | Field Morning-glory             |
| <i>Convolvulus nyctagineus</i>           | Night-blooming Morning-glory    |
| <i>Convolvulus sepium</i>                | Lady's nightcap                 |
| <i>Cortaderia selloana</i>               | Pampas grass                    |
| <i>Crataegus sp. except C. douglasii</i> | hawthorn, except native species |
| <i>Cytisus scoparius</i>                 | Scotch broom                    |
| <i>Daucus carota</i>                     | Queen Ann's Lace                |
| <i>Elodea densa</i>                      | South American Water-weed       |
| <i>Equisetum arvense</i>                 | Common Horsetail                |
| <i>Equisetum telemateia</i>              | Giant Horsetail                 |



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| Scientific Name               | Common Name               |
|-------------------------------|---------------------------|
| <i>Erodium cicutarium</i>     | Crane's Bill              |
| <i>Geranium roberianum</i>    | Robert Geranium           |
| <i>Hedera helix</i>           | English Ivy               |
| <i>Hypericum perforatum</i>   | St. John's Wort           |
| <i>Ilex aquafolium</i>        | English Holly             |
| <i>Laburnum watereri</i>      | Golden Chain Tree         |
| <i>Lemna minor</i>            | Duckweed, Water Lentil    |
| <i>Loentodon autumnalis</i>   | Fall Dandelion            |
| <i>Lythrum salicaria</i>      | Purple Loosestrife        |
| <i>Myriophyllum spicatum</i>  | Eurasian Watermilfoil     |
| <i>Phalaris arundinacea</i>   | Reed Canary grass         |
| <i>Poa annua</i>              | Annual Bluegrass          |
| <i>Polygonum coccineum</i>    | Swamp Smartweed           |
| <i>Polygonum convolvulus</i>  | Climbing Binaweed         |
| <i>Polygonum sachalinense</i> | Giant Knotweed            |
| <i>Prunus laurocerasus</i>    | English, Portugese Laurel |
| <i>Rhus diversiloba</i>       | Poison Oak                |
| <i>Rubus discolor</i>         | Himalayan Blackberry      |
| <i>Rubus laciniatus</i>       | Evergreen Blackberry      |
| <i>Senecio jacobaea</i>       | Tansy Ragwort             |
| <i>Solanum dulcamara</i>      | Blue Bindweed             |
| <i>Solanum nigrum</i>         | Garden Nightshade         |
| <i>Solanum sarrachoides</i>   | Hairy Nightshade          |
| <i>Taraxacum officinale</i>   | Common Dandelion          |
| <i>Utricularia vulgaris</i>   | Common Bladderwort        |
| <i>Urtica dioica</i>          | Stinging Nettle           |
| <i>Vinca major</i>            | Periwinkle (large leaf)   |
| <i>Vinca minor</i>            | Periwinkle (small leaf)   |
| <i>Xanthium spinosum</i>      | Spiny Cocklebur           |
| various genera                | Bamboo sp.                |

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and

will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.

(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.

(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.

(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.

(Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

### PC-03-001 Exhibit 3.

#### § 33.4575 CRITERIA FOR APPROVAL OF SEC-S PERMIT -STREAMS

##### (A) Definitions:

(1) *Protected Streams* consist of those streams which have been found through a Goal 5 ESEE analysis to be either "2- A", "3- A", or "3- C", are identified as protected in the Comprehensive Framework Plan, and are designated SEC-s on the Multnomah County Sectional Zoning Maps.

(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) *Stream Conservation Area* – An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575 (B) through (E).

(B) Except for the following exempt uses, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 33.4575 (C) through (E).

(1) Forest practices conducted under the Forest Practices Act

(2) Planting of native vegetation

(3) Agricultural uses

(4) Maintenance, but not expansion, of existing developments

(5) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width

(6) Single utility poles necessary to provide service to the local area

(C) In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

(1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;

(2) A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (E) (5) below;

(5) A detailed Mitigation Plan as described in subsection (D), if required; and

(6) A description of how the proposal meets the approval criteria listed in subsection (D) below.

(D) For stream resources designated "3-C" the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood

### PC-03-001 Exhibit 3.

storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

(a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);

(b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);

(d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

#### (E) Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.

(2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

(3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area.

(4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

(5) Satisfaction of the erosion control standards of MCC 33.5520.

(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

(7) Demonstration of compliance with all applicable state and federal permit requirements.

(F) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site. (Ord. 997, Repealed and Replaced, 10/31/2002; Ord. 953 §2, Reorg&Renum, 11/30/2000)

**DECISION OF THE  
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of recommending adoption of an       )  
Ordinance that amends MCC Chapter 33, West       )  
Hills Rural Plan Area, to clarify criteria applicable       )  
to development in areas designated as Significant       )  
Environmental Concern-Wildlife Habitat, Scenic       )  
Views, and Streams.       )

**RESOLUTION  
PC-03-001**

**WHEREAS,** The Planning Commission is authorized by Multnomah County Code Chapter 33.0140 to recommend to the Board of County Commissioners the adoption or revision of Zoning Ordinances to implement the Multnomah County Comprehensive Plan; and

**WHEREAS,** The Planning Commission agrees that clarification of the West Hills Significant Environmental Concern (SEC) ordinance is needed to ensure that applicants are not required to demonstrate compliance with approval criteria which were not intended to apply to development in areas designated as containing wildlife habitat, scenic views, and streams; and

**WHEREAS,** The partial transcript of the staff report on September 12, 1994 that explains how the SEC zoning code would be restructured under amendments proposed at that time, together with the exhibit showing the proposed amendments, is clear evidence of the legislative intent to not apply the "general" criteria in MCC 33.4555 to areas designated as containing wildlife habitat, scenic views, and streams; and

**WHEREAS,** The general criteria in MCC 33.4555 were first adopted in 1977 under Ord. 148 to protect areas then designated as significant resources, and there are no areas within the West Hills Rural Plan area that were protected under this and subsequent protection programs that utilized the general criteria in MCC 33.4555; and

**WHEREAS,** The Planning Commission recognizes that the needed clarification can either be accomplished by the language changes to MCC 33.4525 proposed by staff, or by both amending MCC 33.4525 and deleting the general criteria in 33.4555, and that on balance, removal of the general criteria is more consistent with the resource protection program for the West Hills;

**NOW, THEREFORE BE IT RESOLVED** that the ordinance changing the language in MCC 33.4525 together with deleting the general criteria of MCC 33.4555 in order to clarify the intent of the resource protection program for the West Hills Rural Plan area is hereby recommended for adoption by the Board of County Commissioners.

Approved this 3rd day of February, 2003

  
John Ingle, Chair  
Multnomah County Planning Commission

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Amending Multnomah County Zoning Code Chapter 33 West Hills Rural Plan Area to Clarify the Criteria Applicable to Development in Areas Designated as Significant Environmental Concern – Wildlife Habitat, Scenic Views, and Streams

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

- a. Multnomah County Code Chapter 33 West Hills Significant Environmental Concern (SEC) needs to be amended to clarify the applicable criteria to ensure that applicants are not required to demonstrate compliance with approval criteria which were not intended to apply to development in areas designated as containing wildlife habitat, scenic views, and streams.
- b. The partial transcript of the staff report on September 12, 1994 that explains how the SEC overlay zone would be restructured under amendments proposed at that time, together with the exhibit which consisted of the overlay zone code showing the proposed amendments, is clear evidence of the legislative intent to not apply the “general” criteria in MCC 33.4555 to areas designated as containing wildlife habitat, scenic views, and streams.
- c. The general criteria in MCC 33.4555 were first adopted in 1977 under Ord. 148 to protect areas then designated as significant resources, and there are no areas within the West Hills Rural Plan area that were protected under this and subsequent protection programs that utilized the general criteria in MCC 33.4555.
- d. The Multnomah County Planning Commission recommended to the Board a proposal to clarify the applicable criteria by amending the language in MCC 33.4525 and by deleting the general criteria in 33.4555 as the approach which is most consistent with the resource protection program for the West Hills Plan area.

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

**Multnomah County Ordains as follows:**

**Section 1.** MCC § 33.4525 is amended as follows:

**§ 33.4525      Applicable Approval Criteria**

(A) ~~The approval criteria in MCC 33.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

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

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

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

(CB) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(DC) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.

(ED) For Goal 5 resources designated "3C", the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

**Section 2.** MCC § 33.4555 is deleted as follows:

**~~§ 33.4555 — Criteria for Approval of SEC Permit~~**

~~The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on Multnomah~~

~~County sectional zoning maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:~~

~~(A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.~~

~~(B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.~~

~~(C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.~~

~~(D) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.~~

~~(E) The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.~~

~~(F) Significant fish and wildlife habitats shall be protected.~~

~~(G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.~~

~~(H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.~~

~~(I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.~~

~~(J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.~~

~~(K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.~~

~~(L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.~~



~~(M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of the natural vegetation, shall be retained in a natural state to the maximum extent possible.~~

~~(N) The applicable policies of the Comprehensive Plan shall be satisfied.~~

**Section 3.** MCC §§ 33.4520, 33.4530 and 33.4550 are amended to correct references as follows:

**§ 33.4520      Application for SEC Permit**

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC 33.4555 4560 through 33.4575.

(A) An application for an SEC permit shall include the following:

(1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC 33.4555 4560 through 33.4575.

(2) A map of the property showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;

(c) Contour lines and topographic features such as ravines or ridges;

(d) Proposed fill, grading, site contouring or other landform changes;

(e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) Location and width of existing and proposed roads, driveways, and service corridors.

**§ 33.4530      SEC Permit - Required Findings**

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC 33.4555 4560 through 33.4575.

**§ 33.4550      Scope of Conditions**

(A) Conditions of approval of an SEC permit, if any, shall be designed to bring the application into conformance with the applicable criteria of MCC 33.4555-4560 through 33.4575 and any other requirements specified in the Goal 5 protection program for the affected resource. Said conditions may relate to the locations, design, and maintenance of existing and proposed improvements, including but not limited to buildings, structures and use areas, parking, pedestrian and vehicular circulation and access, natural vegetation and landscaped areas, fencing, screening and buffering, excavations, cuts and fills, signs, graphics, and lighting, timing of construction and related activities.

(B) Approval of an SEC permit shall be deemed to authorize associated public utilities, including energy and communication facilities.

FIRST READING:

March 20, 2003

SECOND READING AND ADOPTION:

April 3, 2003

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandra N. Duffy, Deputy County Attorney

#1.

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

---

Please complete this form and return to the Board Clerk

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

MEETING DATE: 3/20/03

SUBJECT: Mult. Co. Land Use Planning

AGENDA NUMBER OR TOPIC: R 4

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Kathleen Worman

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: Warren, OR 97146

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: Mult Co Rural dwelling criteria

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

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

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

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

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

# AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** March 20, 2003

**Agenda Item #:** R-5

**Est. Start Time:** 10:45 AM

**Date Submitted:** 02/21/03

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**Requested Date:** March 20, 2003

**Time Requested:** 30 minutes

**Department:** DBCS

**Division:** Land Use & Transportation Program

**Contact/s:** Karen Schilling

**Phone:** 503-988-5050

**Ext.:** 29635 **I/O Address:** 455/2<sup>nd</sup> Floor

**Presenters:** Richard Brandman, Metro; and Karen Schilling

---

**Agenda Title:** RESOLUTION Supporting the South Corridor Locally Preferred Alternative (LPA) Transit Investment Strategy

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

---

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

Approval of Resolution Supporting the South Corridor Locally Preferred Alternative (LPA). The department recommends approval of the resolution.

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

The South Corridor Locally Preferred Alternative (LPA) is the recommended project and design options for a transit corridor that will be moved forward by the region into the next phases of project development. The South Corridor Study Policy Committee (a committee of elected and appointed officials from jurisdictions within the corridor) narrowed the list of alternatives to be studied in the South Corridor Project Supplemental Draft Environmental Impact Statement (SDEIS). At the conclusion of the public

comment period, the Committee recommended a Locally Preferred Alternative. The LPA recommends a two-phased major transit investment strategy for the South Corridor, with the I-205 light rail transit project as the Phase 1 Locally Preferred Alternative followed by the Milwaukie light rail transit project in Phase 2. The LPA report is attached as Exhibit A.

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

There is no fiscal impact to the County.

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

**If a budget modification, explain:**

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

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

**If a contingency request, explain:**

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

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

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

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

There are no legal issues at this time.

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

Citizen participation has occurred through open houses, presentations to neighborhood associations, and a Metro website for the South Corridor. Affected jurisdictions have been participating in Technical and Policy Committees to study the alternatives. The Policy Committee held two public hearings prior to making a recommendation on the Locally Preferred Alternative.

**Required Signatures:**

Department/Agency Director:

*2/20/23*  
*McCallia Johnson*

Date: 2/21/23

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

KSRJ4145.DOC (TRANPLRPG520)

# South Corridor Project Update



**Multnomah County Commission**  
**March 20, 2003**



# Policy Committee

- ◆ Decisions about the project have been guided by the South Corridor Policy Committee:
  - ✱ Brian Newman (chair), Metro Councilor
  - ✱ Jim Bernard, Mayor of City of Milwaukie
  - ✱ Jim Francesconi, Commissioner City of Portland
  - ✱ Alice Norris, Mayor of Oregon City
  - ✱ Maria Rojo de Steffey, Commissioner Multnomah County
  - ✱ Bill Kennemer, Commissioner Clackamas County
  - ✱ Kay Van Sickel, Regional Manager ODOT
  - ✱ Fred Hansen, General Manager TriMet



# South Corridor History

- ◆ South Corridor is an outgrowth of the South/North Project
- ◆ Initial South Corridor alternatives were based on input from "listening post" held after 1998 vote
- ◆ Non-Light Rail Study
- ◆ Light rail added as result of significant community support



# SDEIS Overview

- ◆ Six alternatives studied in the Supplemental Draft Environmental Impact Statement (SDEIS)
  - ✱ No-Build
  - ✱ Bus Rapid Transit (BRT)
  - ✱ Busway
  - ✱ Milwaukie Light Rail (LRT)
  - ✱ I-205 Light Rail (LRT)
  - ✱ Combined Light Rail (Milwaukie and I-205)
- ◆ SDEIS compares impacts, benefits and costs



# Public Involvement Process

- ◆ Attended hundreds of community meetings over the past 18-months
- ◆ Held workshops, open houses and other events
- ◆ Canvassed areas likely to be impacted
- ◆ Distributed several newsletters to 8,000 households and businesses



# SDEIS Public Comment period

- ◆ 61-days from December to Feb. 7
- ◆ Held 3 open houses and 2 public hearings
- ◆ Received over 300 comments
  - ✱ Supportive of I-205 LRT with Portland Mall Alignment and Milwaukie LRT with Caruthers Bridge
  - ✱ No support for Busway and BRT
  - ✱ Identified some outstanding concerns





Clackamas County / Milwaukie / Portland  
Multnomah County  
Metro / Oregon City / TriMet / ODOT

**Recommended Locally  
Preferred Alternative**

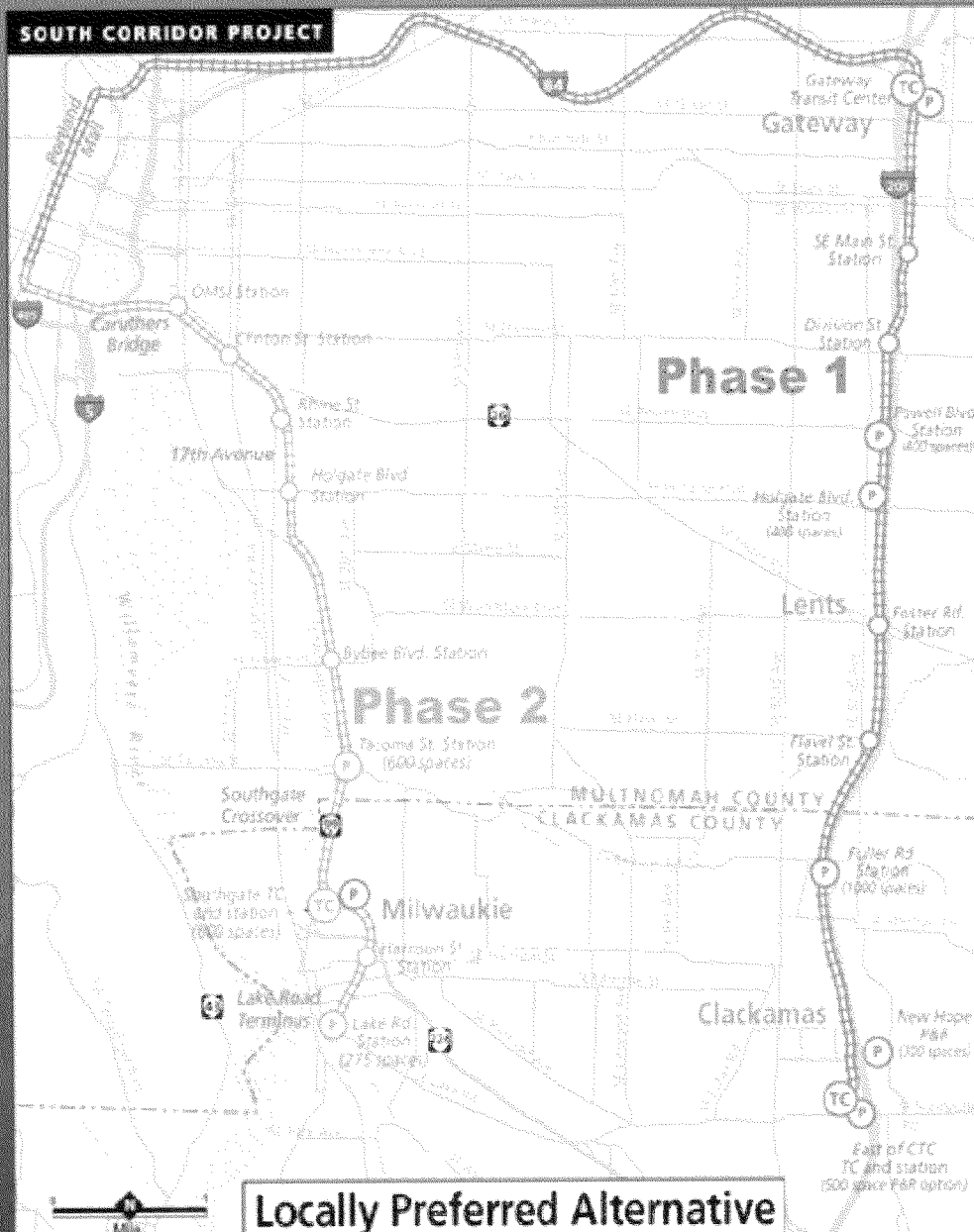


# LPA Recommendation

- ◆ Policy Committee deliberation included:
  - ✱ Technical analysis in SDEIS
  - ✱ Financing plans
  - ✱ Public Comments



# Recommendation

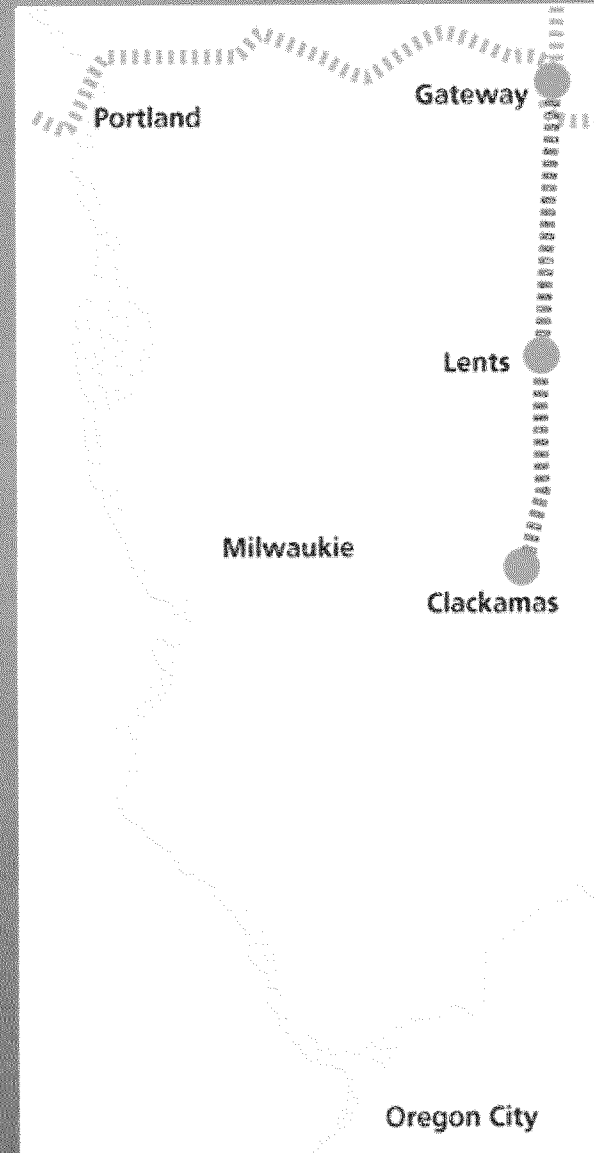


## Two-phased project

- First project: I-205 light rail
- Second project: Milwaukie light rail
- To be constructed sequentially

# Phase 1: I-205

- I-205 Light Rail with Portland Mall Alignment and PSU Terminus
- Other options, in case of financial shortfall:
  - Build shorter terminus at SW Main Street
  - Use the existing Cross Mall alignment



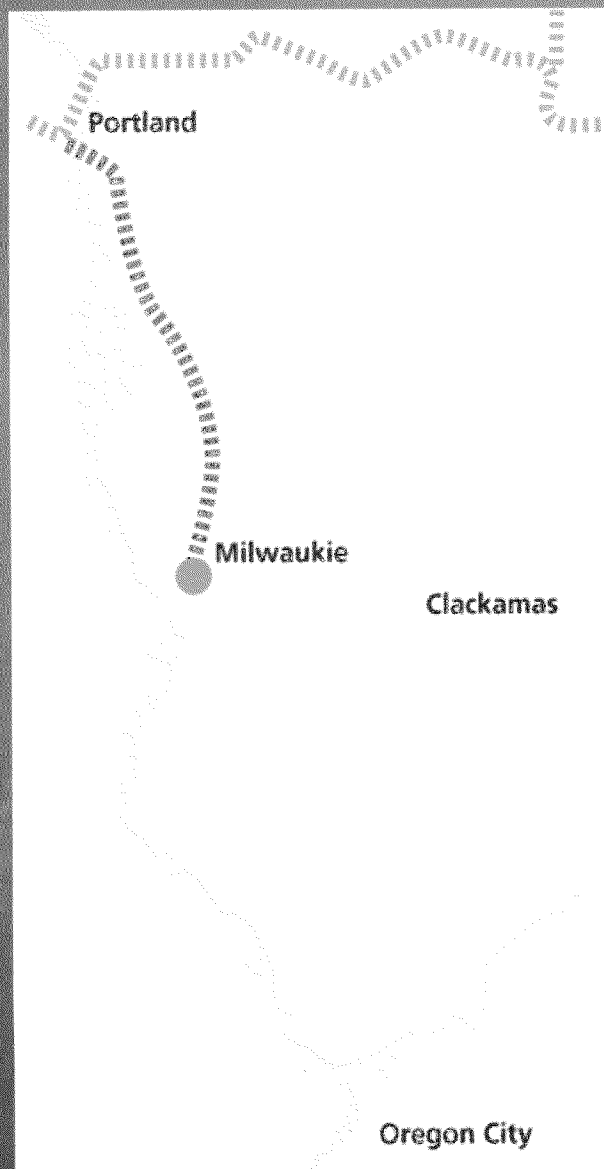


# Phase 1: I-205

- ✓ Ridership. Highest ridership
- ✓ Cost. Lowest light rail cost
- ✓ Environmental impacts. Few impacts
- ✓ Land use. Connects two regional centers and a town center
- ✓ Neighborhoods. Few impacts to existing neighborhoods while providing good transit service
- ◆ Right-of-way. Utilizes land set-aside during freeway construction

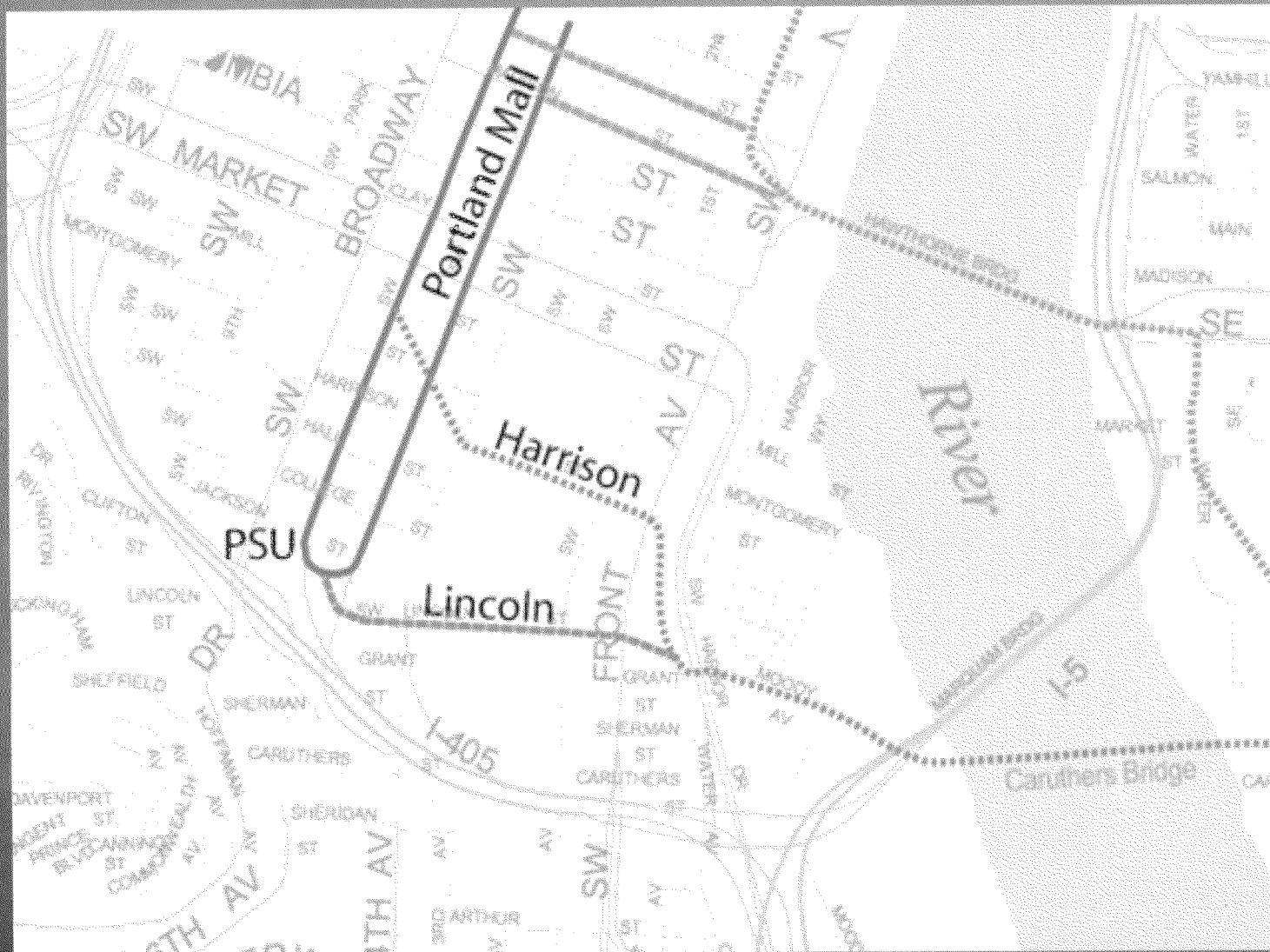


## Phase 2: Milwaukie light rail



- ✓ Milwaukie light rail with Caruthers Bridge
- ✓ In case of financial shortfall, use the Hawthorne Bridge
- ✓ Finance plan will be developed
- ✓ Construction will follow I-205

# River Crossing Options





# River Crossing Options

## ◆ Hawthorne Bridge

- ✱ Traffic issues
- ✱ Doesn't serve PSU and North Macadam
- ✱ Bridge lifts affect reliability
- ✱ Concerns from Multnomah County

## ／ Caruthers Bridge

- ✱ Selected as the LPA in 1998
- ✱ Serves PSU and North Macadam
- ✱ Fixed span bridge with new ped/bike connection
- ✱ More expensive (\$100m to PSU)



# Next Steps



SOUTH  
CORRIDOR  
PROJECT

Transportation  
Alternatives

Clackamas County / Milwaukie / Portland  
Multnomah County  
Metro / Oregon City / TriMet / ODOT



# Adoption of the LPA

- ◆ Consideration by local jurisdictions in March and April
- ◆ Consideration by TPAC on March 28 and JPACT on April 10
- ◆ Adoption of the LPA by Metro Council on April 17



# I-205 light rail Next Steps

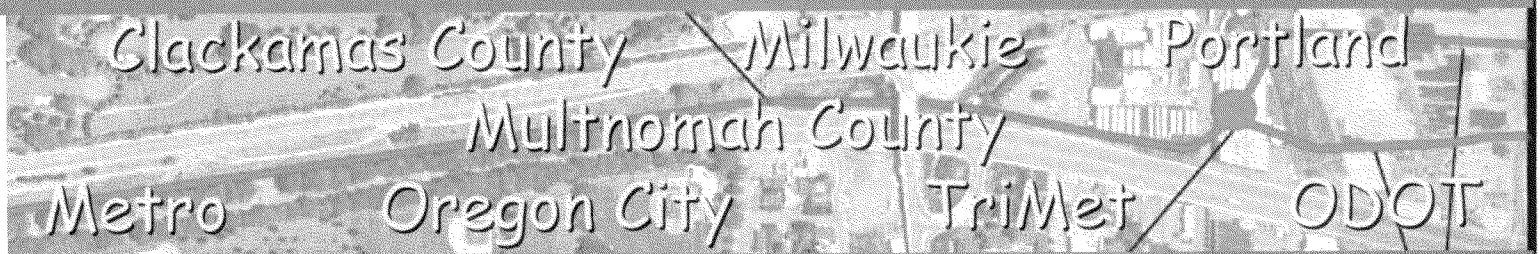
- ◆ Complete additional design and environmental work for I-205 with the Portland Mall (Spring 2004)
- ◆ Continue public involvement efforts along I-205 and in downtown Portland
- ◆ Complete finance plan
- ◆ Begin construction (2006)
- ◆ Begin operation (2008/2009)



# Milwaukie light rail Next Steps

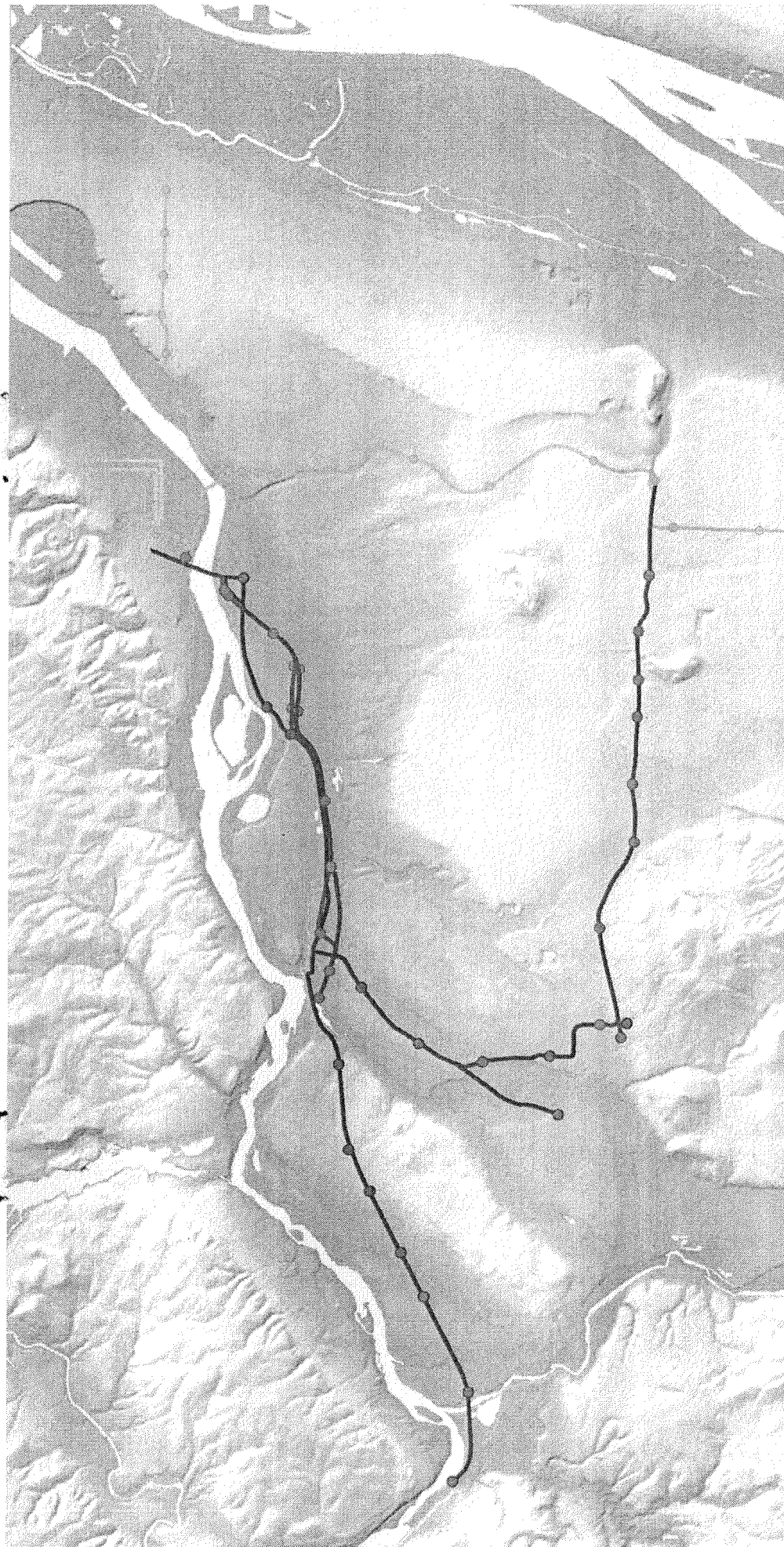
- ◆ Begin construction of park-and-ride at Southgate and relocate on-street Milwaukie Transit Center (phase 1)
- ◆ Complete additional design and environmental work
- ◆ Continue to coordinate with Multnomah County on river crossing plans
- ◆ Complete financial plan
- ◆ Begin construction after completion of I-205





# Questions and answers





# **SOUTH CORRIDOR PROJECT**

**Locally Preferred  
Alternative Report and  
Recommendation**

*(Policy Committee  
Adopted Draft)*

**February 2003**



**METRO**  
PEOPLE PLACES  
OPEN SPACES



U.S. Department  
of Transportation  
Federal Transit Administration  
Federal Highway Administration

# **South Corridor Project**

## **Locally Preferred Alternative Report**

*Adopted Recommendation by the  
South Corridor Project Policy Committee*

February 13, 2003

**Metro**

*The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Transit Administration (FTA). The opinions, findings and conclusions expressed in this report are not necessarily those of the FTA.*

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## **S. SUMMARY**

This document presents the implementation strategy and the Locally Preferred Alternative (LPA) recommendation for transit improvements within the South Corridor. This recommendation is based on information documented in the *South Corridor Project Supplemental Draft Environmental Impact Statement* (Metro: December 2002), the *South/North Corridor Project Draft Environmental Impact Statement* (Metro: February 1998), the *South/North Transit Corridor Study Locally Preferred Strategy Final Report* (Metro: July 1998), the *Downtown Light Rail Systems Analysis* (TriMet and Metro: December 2002) and from public input received during the public comment period as documented in the *South Corridor Project Public Comment Report* (Metro, February 2003).

### **S.1 South Corridor Strategy**

A two-phased major transit investment strategy is recommended for the South Corridor. The implementation of the I-205 LRT Alternative is recommended as the initial LPA, to be followed by the implementation of the Milwaukie LRT Alternative. While the South Corridor strategy recommends implementation of both the I-205 and Milwaukie light rail alignments, the two light rail projects would be constructed sequentially because sufficient local and federal dollars to construct both alignments concurrently have not been identified.

Pursuant to this LPA, TriMet will submit an application including all appropriate New Starts documentation to the Federal Transit Administration (FTA) to advance the I-205 project and Portland Mall into Preliminary Engineering (PE) and to initiate the South Corridor I-205 Project Final Environmental Impact Statement (FEIS). Based on consultation with the Federal Transit Administration (FTA), Metro and TriMet will also immediately undertake an amendment to the *South Corridor SDEIS* to update environmental and transportation analyses for the Portland Mall LRT alignment. Because an amendment is required to the SDEIS, the Portland Mall LRT alignment section of the I-205 LRT Project has the status of Preliminary Locally Preferred Alternative (PLPA) until the amended SDEIS is completed and a final LPA decision is made. The Portland Mall alignment will then be included in the South Corridor I-205 Project FEIS.

Following completion of the South Corridor I-205 Project FEIS, adoption of a finance plan for the Milwaukie project and the resolution of issues related to the Willamette River crossing, Metro and TriMet will prepare New Starts rating materials and an application to FTA to advance the Milwaukie project into Preliminary Engineering. This application will include any segment(s) of the Portland Mall not constructed with the I-205 project and also initiate the South Corridor Milwaukie Project Final Environmental Impact Statement. The South Corridor strategy is defined as follows:

#### **A. Gateway to Clackamas Regional Center**

##### **I-205 Light Rail Alternative, including:**

- East of CTC Transit Center Terminus Option.
- Downtown LRT Alignment (Preliminary LPA recommendation, to be finalized subsequent to amended SDEIS):

Preferred: Advance Portland Mall LRT alignment between the Steel Bridge and Portland State University (PSU) with I-205 LRT Alignment

Fall-back options: (1) Portland Mall LRT alignment between the Steel Bridge and SW Main Street or (2) the existing SW 1<sup>st</sup> Avenue/Cross Mall alignment as identified in the I-205 SDEIS Alternative.

## **B. Milwaukie to Portland**

**Milwaukie Light Rail Alternative, including:**

- Lake Road Terminus.
  - 17<sup>th</sup> Avenue Design Option.
  - Southgate Crossover Design Option.
  - Portland Mall (Preliminary LPA recommendation, pending future amended SDEIS): Complete remaining segment(s) of the Portland Mall light rail alignment if not completed with the I-205 project as part of Phase 1.
  - Willamette River Crossing Alignment (Preliminary LPA recommendation, pending future amended SDEIS):
    - Preliminary Preferred: Caruthers Bridge and SW Lincoln Street to PSU/Mall Alignment.
- Fall-back options: (1) Caruthers Bridge with the Harrison Alignment, or (2) Hawthorne Bridge river crossing with (a) a SW Main/Madison connection to a Portland Mall LRT alignment or (b) the existing SDEIS SW 1<sup>st</sup> Avenue to Steel Bridge alignment.

## **C. Milwaukie to Oregon City**

**Implement Limited Bus Rapid Transit (BRT) Improvements** and park-and-ride lots incrementally in accordance with priorities in TriMet's *Transit Investment Plan*.

## **D. Milwaukie to Clackamas Regional Center**

No-Build Alternative. Maintain local bus service in this segment.

## **S.2 Locally Preferred Alternative Status**

As stated above, the I-205 LRT Project is recommended to be the initial LPA for the South Corridor, to be followed by the Milwaukie LRT Alternative as the next LPA. Upon consultation with FTA, the Downtown Portland sections of the LPA alignments will have Preliminary LPA status until additional environmental work is completed.

### **A. I-205 LRT Project**

**I-205 LRT Alignment.** The I-205 LRT Project includes two new LRT alignments, Clackamas Regional Center to Gateway via I-205 and the downtown Portland Mall from the Steel Bridge to Portland State University. Because the I-205 LRT alignment was evaluated through the *South Corridor SDEIS*, the Locally Preferred Alternative (LPA) designation is based on current environmental and transportation analysis. Because the LPA for the I-205 LRT Project's I-205 alignment was based on a current and active federal environmental document, it is recognized by the Federal Transit Administration (FTA) as meeting their guidelines for the definition of an LPA, and no further environmental work is required prior to the *South Corridor I-205 Light Rail Project Final Environmental Impact Statement (FEIS)*.

**Portland Mall LRT alignment.** The LPA decision on the Portland Mall LRT alignment should be referred to as a Preliminary Locally Preferred Alternative (PLPA). The FTA makes this distinction because the Portland Mall alignment was not included in the *South Corridor SDEIS* alternatives, and the previous federal environmental document that evaluated a Portland Mall light rail alignment (South/North DEIS) is over five years old and in need of updating. Rather than proceeding directly into the FEIS, the Portland Mall alignment will be documented and evaluated in an amendment to the SDEIS. At the completion of the amended SDEIS for the Portland Mall alignment, a final LPA decision will be made.

### **B. Milwaukie LRT Project**

The South Corridor Strategy's next LPA would require a distinction similar to the I-205 Project LPA. Environmental work on the Willamette River crossing and Mall connection alignment sections of the Milwaukie LRT Alternative will need to be updated as well and will be the subject of a future second amendment to the South Corridor SDEIS. The Milwaukie LRT alignment, based on the current South Corridor SDEIS, meets FTA guidelines for an LPA. The Caruthers Bridge and Lincoln Street alignment recommendations should be referred to as a Preliminary LPA recommendation, requiring a second amendment to the South Corridor SDEIS and subsequent final LPA decision.

## **S.3 Major Transit Investment Strategy Phasing Plan**

As detailed in Section 4 of this LPA report, financial considerations require that the two light rail projects be built sequentially. Below is a summary of the two phases, followed by a more detailed description of each phase.

- **Phase 1** will be the I-205 Light Rail Project including light rail on the Portland Mall, as well as the following transit improvements in Milwaukie; 1) construction of a Southgate park-and-ride lot scheduled to begin construction in Fall 2003, and 2) relocation of the existing on-street Milwaukie transit center to the Southgate area pending resolution of design and environmental issues detailed in this report.
- **Phase 2** will be the Milwaukie Light Rail Project, which will be advanced following completion of the I-205 FEIS, adoption of a finance plan for the project and the resolution of issues related to the Willamette River crossing.

### **S.3.1 Phase 1: Construct I-205 and Portland Mall Light Rail and Implement Transit Improvements in the McLoughlin Corridor**

Phase 1 would include construction of I-205 Light Rail Project between the Gateway regional center and Clackamas regional center and construction of the Portland Mall light rail alignment. Concurrent with Phase 1, construct a Southgate park-and-ride lot and relocate the existing on-street Milwaukie transit center to the Southgate area as early as practical pending resolution of environmental and design issues.



## **A. I-205 LRT Project**

Undertake engineering and environmental studies required to seek a federal funding contract for the I-205 LRT Project during 2005. Pursuant to this LPA decision, staff will:

- Update environmental and transportation analyses for the Portland Mall Preliminary LPA alignment with an *Amended South Corridor SDEIS* as required by FTA, to be followed by a final LPA decision,
- Submit an application including all appropriate New Starts documentation to the Federal Transit Administration (FTA) to advance the I-205 Project including the Portland Mall Preliminary LPA into Preliminary Engineering (PE), and
- Initiate the *South Corridor I-205 Project Final Environmental Impact Statement (FEIS)*,
- Identify project elements during Preliminary Engineering that can be eliminated, deferred or value engineered to reduce project costs consistent with the project finance plan. In addition, project staff would work with City of Portland bureaus to identify methods of reducing utility-related costs.
- Undertake activities to finalize the capital and operating finance plan for the project by the time the FEIS is published.

## **B. Activities to be undertaken concurrently with Phase 1: Milwaukie Transit Center and Park and Ride lot.**

- Concurrent with Phase 1, continue to address outstanding issues associated with Milwaukie light rail between downtown Portland and downtown Milwaukie including Willamette River crossing issues.
- Concurrent with Phase 1, construct a Southgate Park-and-Ride lot (construction is scheduled to start in Fall 2003), and subsequently relocate the existing on-street transit center in downtown Milwaukie to the Southgate area, after resolution of design and environmental issues identified in this report.

## **C. Activities to be undertaken concurrently with Phase 1: Milwaukie to Oregon City Transit Improvements**

- Concurrent with Phase 1, implement an incremental approach for select BRT and park-and-ride improvements between Milwaukie and Oregon City with transit service continuing to the Clackamas Community College. TriMet should include improved transit service concepts for SE McLoughlin Boulevard in their *Transit Investment Plan* process.

### **S.3.2 Phase 2: Construct Milwaukie LRT**

Following completion of the South Corridor I-205 Project FEIS, adoption of a finance plan for the Milwaukie project and the resolution of issues related to the Willamette River crossing, Metro, TriMet and partner jurisdictions would:

A. Undertake engineering and environmental studies required to seek a federal funding contract for the Milwaukie LRT Project including a Caruthers Bridge Willamette River crossing or fallback options. Metro, TriMet and partner jurisdictions will initiate the process by:

- Updating environmental and transportation analyses for the Willamette River crossing and connection to the Portland Mall through an Amended South Corridor SDEIS;
- Preparing New Starts rating materials and an application to FTA to advance the Milwaukie project including any segment(s) of the Portland Mall not constructed with the I-205 project into PE; and
- Initiating the *South Corridor Milwaukie Project Final Environmental Impact Statement* and any other environmental review required for the Willamette River crossing.

B. Complete PE, environmental analysis and construction of Portland Mall segments that were not completed as part of the I-205 LRT Project during Phase 1 of the South Corridor strategy.








C. Complete the funding plan for the Milwaukie LRT Project.

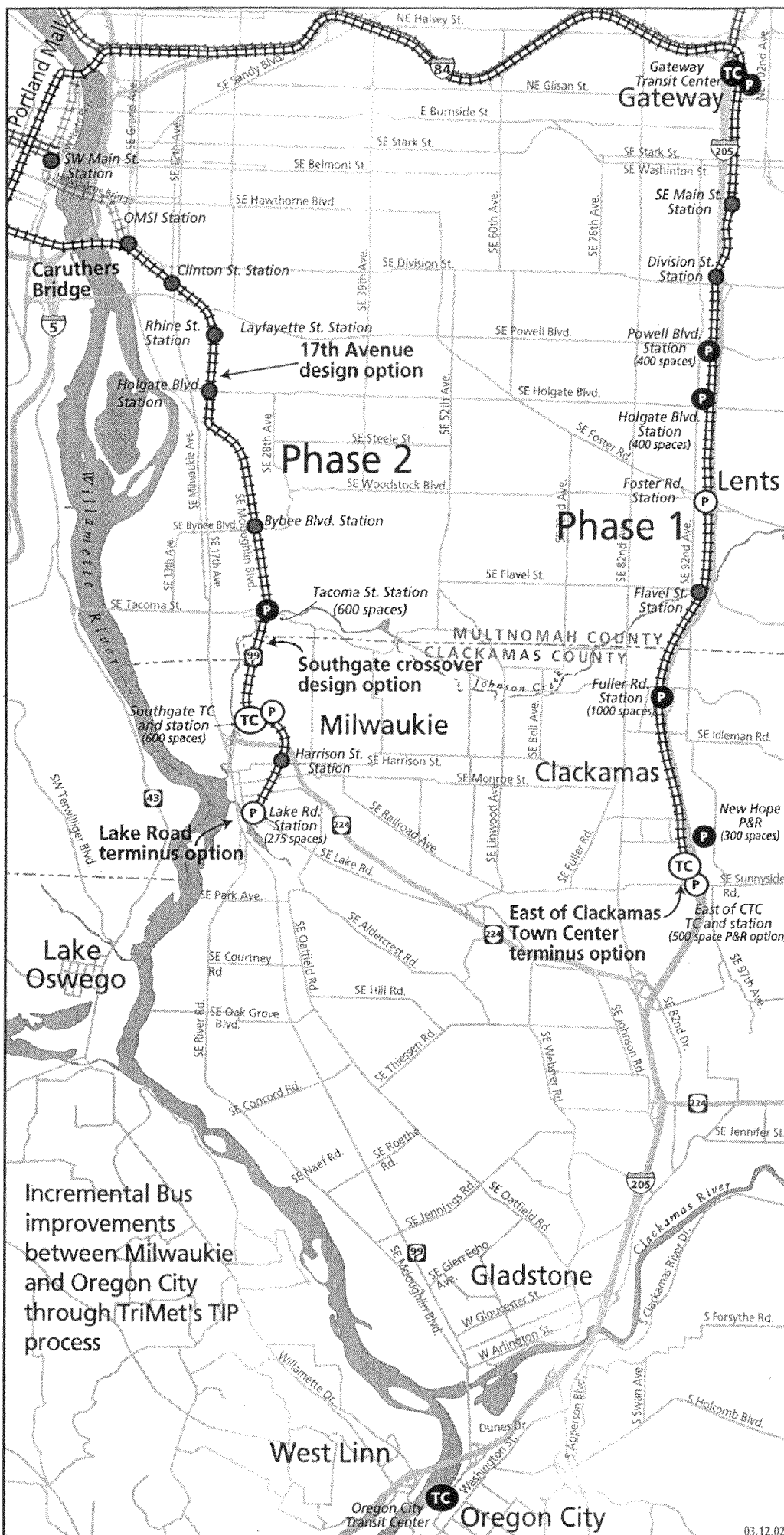
The South Corridor Strategy and phasing plan are further detailed in the body of this report, including the rationale for selecting the strategy and a more specific accounting of issues requiring further analysis.

# Locally Preferred Alternative

# DRAFT

## LEGEND

-  Light Rail and station
-  Bus Rapid Transit and station
-  Existing Light Rail
-  Transit Center Option
-  Park & Ride Option
-  Local bus stop improvements
-  County Line



## **1. INTRODUCTION**

### **1.1 Locally Preferred Alternative Report Purpose**

The purpose of the Locally Preferred Alternative report is to provide documentation for the South Corridor major transit investment strategy including the choice of a Locally Preferred Alternative (LPA) and design options that will be moved forward by the region into the next phases of project development. The LPA is the basis of subsequent project activities such as development of Preliminary Engineering, the preparation of the South Corridor Project Final Environmental Impact Statement (FEIS), preparation of the project finance plan and amendment of the South/North Project Land Use Final Order (LUFO).

### **1.2 Project History**

The *South Corridor Project Supplemental Draft Environmental Impact Statement (SDEIS)* is a supplement to the original *South/North Corridor Project DEIS*. A brief history is included here, to provide context for the current LPA decision. In July 1998, the Metro Council adopted the Locally Preferred Strategy (LPS) for the South/North Corridor Project that included a light rail line between Clackamas Regional Center, Milwaukie, and Downtown and the Portland Mall via a new Caruthers Bridge. The LPS alignment would then cross the Steel Bridge and travel through North Portland, then over the Columbia River into Vancouver. In November 1998, local voters did not re-approve a 1994 funding measure that would have provided local funding for the project. In early 1999, community and business leaders requested that TriMet and Metro evaluate a new light rail alignment on Interstate Avenue in the north part of the Corridor which is documented in the *North Corridor Interstate MAX Supplemental Draft and Final Environmental Impact Statements*. The South/North LPS was amended to reflect the changes for the Interstate Max Project.

In the southern portion of the corridor, from 1999 to 2000, the South Corridor Transportation Alternatives Study (SCTAS) examined eight alternatives that intentionally did not include light rail in the South Corridor. Based on the findings in the *South Corridor Project Evaluation Report* (Metro: October 2000), the South Corridor Study Policy Committee (a committee of elected and appointed officials from jurisdictions within the corridor) narrowed the list of alternatives to be studied further in the South Corridor Project SDEIS. Most notably, after hearing from citizen groups from southeast Portland, Milwaukie and Clackamas County, the Policy Committee decided that the SDEIS should examine both a reduced cost Milwaukie Light Rail Alternative and an I-205 Light Rail Alternative. At the same time, the South Corridor Policy Committee directed staff to examine other potential river crossing options with the Milwaukie Light Rail Alternative and other downtown Portland alignments for both the Milwaukie and I-205 light rail alternatives. This analysis was documented in the *Downtown Light Rail System Analysis* (TriMet and Metro: December 2002).

### **1.3 South Corridor SDEIS Distribution and Public Comment**

The *South Corridor Project Supplemental Draft Environmental Impact Statement* was distributed on December 13, 2002, and notice of availability was published in the *Federal Register* on December 20, 2002. Early results of this document were also circulated and discussed at three community open houses (December 9, 10, 11, 2002). The 61-day local public comment period ended on February 7, 2003 and included numerous neighborhood meetings and two public hearings. The South Corridor Project Policy Committee has made the initial recommendation for the Locally Preferred Alternative

(LPA) for the South Corridor. This *South Corridor Project Locally Preferred Alternative Report* documents the amendment to the South/North Project LPS. It documents the decision defining the I-205 Project as the Locally Preferred Alternative and the first construction segment, to be followed by the Milwaukie Light Rail Project.

#### **1.4 South Corridor LPA Decision Process**

The South Corridor LPA recommendation was made by the South Corridor Project Policy Committee on February 13, 2003. It will be considered by local jurisdictions, ODOT and TriMet, the Joint Policy Advisory Committee on Transportation (JPACT) and by the Metro Council (See Figure 1.4-1). The final LPA decision will be made by the Metro Council after consideration of:

- A) Public comments on the South Corridor SDEIS made during the public hearings and as documented in the *South Corridor Project Public Comment Report* (Metro, February 2003);
- B) Data and analysis included in the *South Corridor Project Supplemental Draft Environmental Impact Statement* (Metro, December 2002) and the *Downtown Light Rail System Analysis* (TriMet and Metro, December 2002);
- C) Consistency with the study purpose and need and the project's adopted goals and objectives, and
- D) Consideration of recommendations from the following committees and jurisdictions, scheduled on the following dates:
  - The Clackamas County Board of Commissioners on March 19, 2003
  - The City of Oregon City Commission March 19, 2003
  - The Multnomah County Board of Commissioners on March 20, 2003
  - The City of Oregon City Commission March 19, 2003
  - The TriMet Board of Directors on March 26, 2003.
  - The Milwaukie City Council on April 1, 2003
  - The City of Portland Council on March 19, 2003
  - The TriMet Board of Directors on March 26, 2003.
  - The Joint Policy Advisory Committee on Transportation on April 10, 2003.
  - Metro Council on April 17, 2003.

The resolutions adopted by the bodies listed above are contained in Appendices B – J of this report.

## South Corridor Project Locally Preferred Alternative Process

### SDEIS Public Comment Period

Dec 9

Feb 7

Open Houses  
12/9, 12/10, 12/11

Public Hearings  
1/29, 2/4

### Project Recommendation

Feb 13

Policy Committee  
Draft recommendation  
2/13

### Jursidictional Recommendations

March

Multnomah County 3/20  
Clackamas County 3/19  
City of Milwaukie 4/1  
Oregon City 3/19  
City of Portland 3/19  
TriMet Board 3/27

### Adoption

TPAC

JPACT 4/10

Metro Council ★  
4/17



## 2. ALTERNATIVES CONSIDERED

The purpose of this section is to provide a brief description of the six alternatives that were examined in the *South Corridor Project Supplemental Draft Environmental Impact Statement (SDEIS)* (Metro: December, 2002) and the Willamette River crossing options and downtown Portland light rail alignments studied in the *Downtown Light Rail Systems Analysis* (Metro and TriMet: December, 2002). For a complete description of these alternatives, please see the *South Corridor SDEIS*, Chapter 2 Alternatives Considered and the *Downtown Light Rail Systems Analysis* report.

### 2.1 South Corridor Project SDEIS Alternatives

Except for the No-Build Alternative, each of the alternatives includes design options, which are relatively small variations in the proposed alignment and/or other characteristic of an alternative (e.g., park-and-ride lots).

**A. No-Build Alternative** The transit service network, related transit facilities and roadway improvements included in the No-Build Alternative are consistent with the *2000 Regional Transportation Plan (RTP)* 2020 financially constrained transit and road network (Metro: adopted August 2000). The transit capital improvements in the No-Build Alternative would be included in all other alternatives.

**B. Bus Rapid Transit (BRT) Alternative** would provide improved bus operations, reliability and travel time for a modest capital investment. BRT would operate between Downtown Portland, Milwaukie, and Oregon City, as well as between Milwaukie and the Clackamas Regional Center.

**C. Busway Alternative** provides higher level of reliability and improved travel times through primarily exclusive bus operations in a separate guideway from downtown Portland to Milwaukie and the Clackamas regional center. A BRT connection from Oregon City would enter the busway in Milwaukie.

**D. Milwaukie Light Rail Alternative** provides a direct high-capacity rail transit connection between downtown Portland and Milwaukie on exclusive right-of-way. BRT would connect from Oregon City and the Clackamas regional center and transfer to light rail at the Milwaukie Transit Center.

**E. I-205 Light Rail Alternative** provides a direct high-capacity rail transit connection between Downtown Portland and the Gateway and Clackamas regional centers via the existing east-west light rail alignment to Gateway and an extension primarily along existing reserved right-of-way on I-205 from Gateway to the Clackamas regional center. BRT would connect Downtown Portland to Milwaukie and Oregon City.

**F. Combined Light Rail Alternative** provides direct high-capacity rail transit connections between Downtown Portland and Milwaukie and between Downtown Portland and Clackamas regional center via the Gateway regional center. BRT would connect Milwaukie with Oregon City.



## **2.2 Downtown Portland River Crossing and Alignment Options**

The South Corridor Project Policy Committee directed staff to examine other potential river crossing alignments and downtown rail alignments, and assess the train capacity and system reliability of the current Cross Mall alignment. The results are documented in the *Downtown Light Rail Systems Analysis* report. The alignments analyzed in this study are listed below:

### **A. River Crossings and Downtown Alignment Combinations with Milwaukie LRT:**

- Hawthorne Bridge with 1<sup>st</sup> Avenue alignment to the Steel Bridge (SDEIS option);
- Hawthorne Bridge with a SW Main/Madison alignment to the Portland Mall alignment and to the Steel Bridge;
- Hawthorne Bridge with a 1<sup>st</sup> Avenue alignment to the Cross Mall;
- Caruthers Bridge with a Harrison alignment to the Portland Mall;
- Caruthers Bridge with a Lincoln alignment to the Portland Mall with or without grade separation over SW Harbor Way; and
- Ross Island Bridge alignments to the Portland Mall.

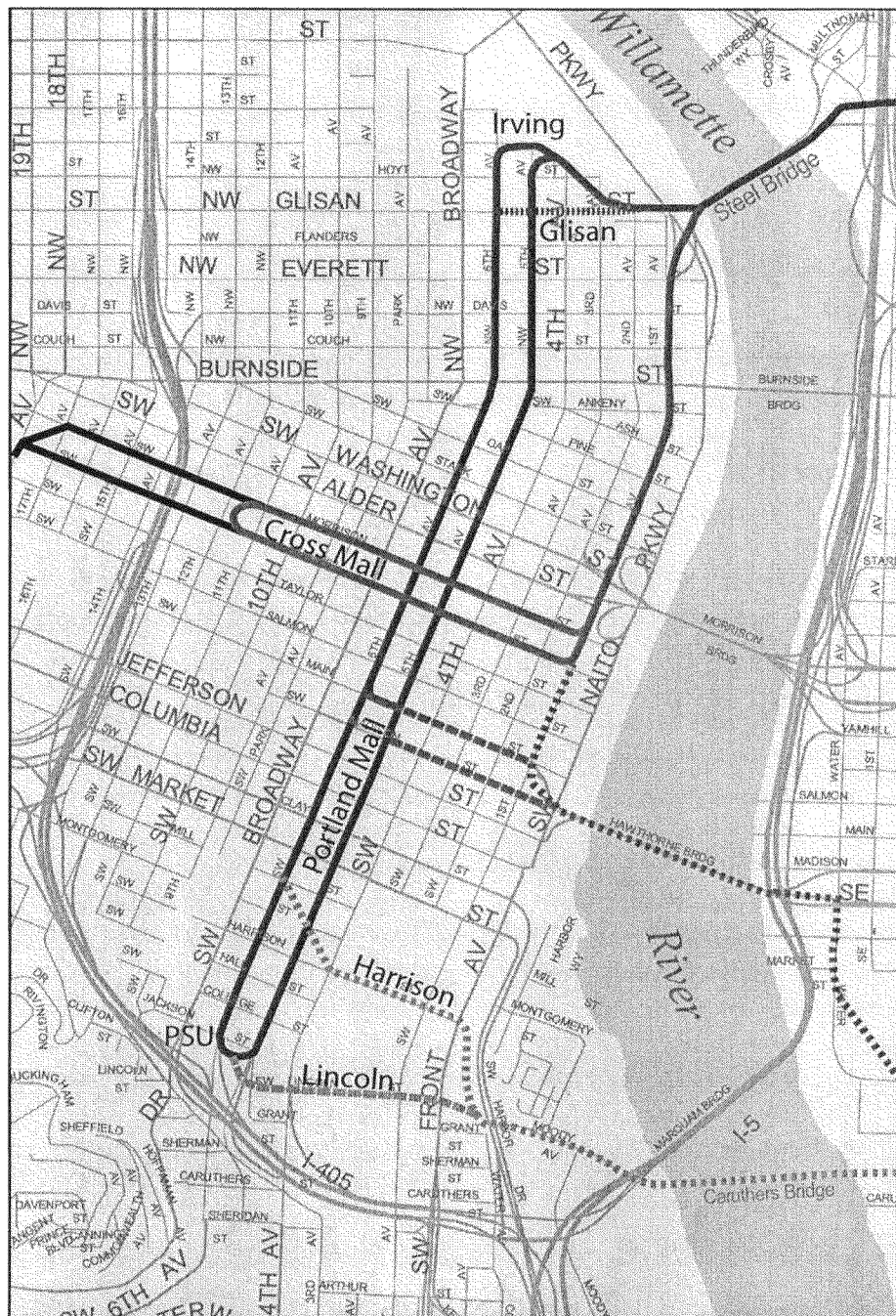
### **B. Downtown Alignment Combinations with I-205 LRT Alternative:**

- I-205 with the Cross Mall alignment;
- I-205 with a Portland Mall alignment to Main Street; and
- I-205 LRT Alternative with Portland Mall alignment to PSU.

## **2.3 Downtown Portland Light Rail Operations and Capacity Analysis**

The Policy Committee directed staff to evaluate the long-term capacity and operating reliability of the existing Cross Mall LRT alignment (SW 1<sup>st</sup> Avenue, SW Morrison and SW Yamhill streets) and to develop measures to improve reliability and increase capacity. The *Downtown Light Rail Systems Analysis* report documents the analysis and found that there is a limit of 30 trains that can operate per hour in each direction on the existing Cross Mall alignment without significant modifications. In the year 2020, the I-205 Light Rail Alternative operating on the Cross Mall in combination with the existing lines and service growth would equal 33 trains per hour.

Operations on the track section between SW 1<sup>st</sup> and SW 11<sup>th</sup> Avenues on SW Yamhill and Morrison streets would create the most significant constraint on system capacity. As volumes approached the limit, delays and service quality reductions could be expected. A delayed train could affect other trains that are following and the system would have less ability to recover. To mitigate for this potential impact, five system modifications were examined. Although one of these (signal timing modifications) held promise to increase capacity to allow for the additional trains associated with the I-205 project, service quality on the Cross Mall would still be reduced as the number of trains per hour approaches the theoretical limit of 30 trains per hour. Therefore, an additional alignment in downtown Portland should be considered for the long-term growth of the system.



### South Corridor Downtown Light Rail Alignments

~ Transit Mall Alignment

~ Cross Mall Alignment



0 500 1000  
FEET

~ Caruthers Alignments

~ Harrison

~ Lincoln

~ Hawthorne Bridge

~ SDEIS Option

~ Main and Madison



### 3. DESCRIPTION OF THE LOCALLY PREFERRED ALTERNATIVE

#### 3.1 Clackamas to Gateway: I-205 Light Rail Alternative

##### A. Phasing

The I-205 LRT Project would be implemented as Phase 1 of the South Corridor major transit investment strategy.

##### B. Rationale for Selection

- **The I-205 Alternative would have the highest transit ridership** of all the Alternatives for this segment, and would carry over 33,000 trips in 2020, the highest of any individual alternative considered in the SDEIS;
- **I-205 LRT Alternative would save transit travel time;** 12 minutes between the Rose Quarter Transit Center and the Clackamas Town Center Transit Center compared to the No-Build Alternative;
- **I-205 LRT would support the 2040 growth concept** by offering high capacity transit connections between the Gateway regional center and the Clackamas regional center while serving the Lents town center as well as connecting directly to the Central City;
- **The I-205 LRT Alternative would provide excellent opportunities for transit oriented development** in support of the Region 2040 Plan in the Gateway regional center, Lents Town Center and at the Clackamas Regional Center;
- **With construction of I-205 in the late 1970s, right-of-way was established for a high capacity transit improvement** for much of the alignment. Because of the existing right-of-way, I-205 LRT could be constructed with minimal residential and business displacements, property acquisition and related costs; and
- **I-205 LRT would provide regional connections** to the airport, Gresham, downtown Portland, the Lloyd District, Beaverton, Hillsboro and other areas served by the regional light rail system.

##### C. Issues to be Addressed by Staff

- **Foster Road/Lents Town Center design issues.** Based on input from the Federal Highway Administration, the potential 150-space surface park-and-ride lot under I-205 at SE Foster Road was eliminated from the I-205 Alternative. Prior to and during the PE/FEIS phase, staff should continue to work with the Lents neighborhood and the Lents Urban Renewal Advisory Committee to determine a location for the station and park-and-ride that supports the community vision of the Lents Town Center while maintaining good station access and bus connections. Staff should continue to coordinate with the City of Portland, Portland Development Commission (PDC) and the Lents community on potential design refinements in the Lents Town Center. These design refinements could include a relocated station, joint-use parking structures and improved pedestrian facilities.
- **Holgate Boulevard Station.** Staff should continue to consult with the City of Portland and the Lents community to determine if a park-and-ride at Holgate is compatible with the surrounding land uses and is acceptable to neighbors.
- **Flavel Street Station.** Staff should work with the City of Portland Parks Bureau and Bureau of Environmental Services (BES) to resolve issues related to the Johnson Creek floodplain and the

at-grade crossing of the Springwater Trail. Appropriate mitigation or engineering changes including moving or redesigning stations should be considered in balance with project costs.

- **Fuller Road/Johnson Creek Boulevard Design Issues.** The Fuller Road park-and-ride and station may need to be refined to address concerns related to intersection access at Johnson Creek Boulevard. Alternative park-and-ride and station locations should be investigated. Staff should work with Clackamas County and neighborhoods in refining the light rail alignment and park-and-ride lot design in this vicinity prior to and during the PE/FEIS phase. Both the LRT alignment and the park-and-ride facility should be located to minimize the potential impact to future I-205/Johnson Creek Boulevard interchange improvements. TriMet should work with ODOT and Clackamas County to ensure that the light rail design is compatible with a variety of potential interchange configurations and with economic development opportunities in the area under the Clackamas Urban Renewal plans.
- **Continue to Allow for Future Highway Expansion.** Staff should continue to work with ODOT to refine the current I-205 Light Rail alignment design to make minor modifications necessary to address FHWA/ODOT concerns about future expansion of the freeway.
- **LRV and Ruby Junction Expansion Financing.** Staff should develop long-term plan and funding strategy to purchase light rail vehicles and expand Ruby Junction to address the future fleet needs of the I-205 alignment.
- **Noise and vibration.** Staff should undertake further detailed noise and vibration analysis for the I-205 alignment with specific attention to the area between SE Foster Road and SE Johnson Creek Boulevard. This work should be coordinated with ODOT to ensure that construction of the LRT line would not lessen the effectiveness of the ODOT existing or planned noise mitigation.
- **Identify Potential Cost Reductions.** Staff should analyze ways to lower cost of the I-205 Alternative by eliminating or postponing project elements. These items could include park-and-ride lots, park-and-ride capacity and types, stations, cost efficient engineering methods, vehicles or the expansion of the Ruby Junction maintenance and storage facility. These potential cost reductions should be sensitive to community needs and the project's objectives.
- **Address community concerns.** Neighborhood, community and urban renewal groups along the I-205 alignment have raised concerns about noise and vibration impacts, traffic, safety and security, property acquisition, visual screen and landscaping. Staff and community members should seek to find solutions that can be funded with the project budget while meeting community needs and as justified by more detailed environmental analysis during the FEIS process.

### **3.1.1 Preferred Clackamas Town Center Terminus design option: East of the Clackamas Town Center.**

#### **A. Alternatives Considered**

Two design options were considered for the terminus of the I-205 LRT alignment:

- North of Clackamas Town Center, along Monterey Avenue, and
- East of the Clackamas Town Center, parallel to and west of the I-205 Freeway.

#### **B. Rationale for Selection**

- **Better park-and-ride access.** The East of the Town Center Terminus Option could provide 500 to 1,000 park-and-ride space capacity at the station;

- **Better access to jobs.** This option would result in 1,490 more employees located within a quarter mile of a light rail station;
- **This option would create a more direct future alignment** if light rail were to be extended to the east or south from the Clackamas Town Center;
- **East option favored by Clackamas Town Center.** As owner of the site of either transit center, the Clackamas Town Center management supports this option as it fits well with future mall expansion plans; and
- **This option would affect fewer prime commercial parking spaces** at the Clackamas Town Center while increasing overall accessibility.

### C. Issues to be Addressed by Staff

- **Pedestrian connection.** A clear and protected pedestrian connection from the transit center to the mall entrance should be developed;
- **Clarify bus access.** Bus access to the transit center that minimizes bus delay and increases bus reliability from SE Monterey and SE Sunnyside Road should be developed;
- **Transit supportive development.** Clackamas County should re-examine the adopted Clackamas Regional Center Plan and make changes that acknowledge and maximize the benefit of the new transit center location for active transit supportive uses around the station and supports the area's designation as a regional center in the Region 2040 growth concept; and
- **Auto and bus access.** Staff should work with Clackamas County and the Clackamas Town Center management to develop plans for auto and bus access to and from the transit center and park-and-ride site.

### 3.1.2 Preliminary Preferred Downtown Portland Light Rail Alignment: Portland Mall from Steel Bridge to Portland State University

The LPA decision on the Portland Mall LRT alignment should be referred to as a Preliminary Locally Preferred Alternative (PLPA). The FTA makes this distinction because the Portland Mall alignment was not included in the *South Corridor SDEIS* alternatives, and the previous federal environmental document that evaluated a Portland Mall light rail alignment (South/North DEIS) is over five years old and in need of updating. Rather than proceeding directly into the FEIS, the Portland Mall alignment will be documented and evaluated in an amendment to the SDEIS. At the completion of the amended SDEIS for the Portland Mall alignment, a final LPA decision will be made.

### A. Alignments Considered

Two alignments were developed for the I-205 Light Rail Alternative in Downtown Portland. These alignments include service either on the existing Cross Mall or on the Portland Mall. The Cross Mall alignment was examined in the SDEIS while the Portland Mall alignment was selected as the LPA in 1998 after study in the South/North Project DEIS. Issues related to the Portland Mall alignment were also documented in the *Downtown Light Rail Systems Analysis* (TriMet and Metro: December 2002).

With the I-205 Cross Mall alignment, trains would enter downtown Portland over the Steel Bridge and would use the existing tracks on SW First Avenue and SW Morrison streets with trains turning around on SW 11<sup>th</sup> Avenue and returning on SW Yamhill Street. With the Portland Mall alignment,

trains would enter using the Steel Bridge and would require new tracks on either NW Glisan or NW Irving streets to access 5<sup>th</sup> and 6<sup>th</sup> avenues. This alignment would extend to either PSU at SW Jackson Street or SW Main Street depending on the results of the finance plan.

## **B. Rationale for Preliminary Preference**

- **The Portland Mall alignment would ensure improved service quality on both downtown LRT alignments** by providing greater capacity and reliability on second alignment in downtown Portland in addition to the Cross Mall.
- **Light rail on the Portland Mall reinforces 30 years of transportation and land use policy.** Since the adoption of the 1972 Downtown Plan, the Portland City Council has continuously reaffirmed that the Portland Mall is the preferred location for a light rail alignment. Public and private investment decisions have been made in downtown over the last 30 years that support transit access on SW 5<sup>th</sup> and 6<sup>th</sup> avenues and auto and truck access along SW 4<sup>th</sup> and SW Broadway.
- **The Portland Mall alignment would directly serve important Downtown destinations** alignment including Union Station and Portland State University;
- **The Cross Mall Alignment would limit service expansion ability** and would eventually decrease service quality with the addition of trains needed for system growth;
- **The Portland Mall was selected as the South/North Corridor Project LPA in 1998** after significant public and technical analysis;
- **The Portland Mall alignment received considerable public support** during the South Corridor public comment period, especially from the downtown community; and
- **Construction of light rail on the Portland Mall would be concurrent with the Mall Rehabilitation Project**, which is needed to facilitate the City of Portland's desired retail strategy.

## **C. Caveat**

If financial resources are not available for a Portland Mall Alignment with a terminus at Portland State University, then a shorter terminus at SW Main Street should be considered. If there is a greater financial shortfall, then the SDEIS option using SW First Avenue and SW Morrison and Yamhill streets should be considered.

The selection of the Portland Mall Alignment will be dependent upon additional environmental work and public process.

## **D. Issues to be Addressed by Staff**

- **Update environmental analysis.** Staff will update environmental and transportation analyses for the Portland Mall Preliminary LPA alignment by preparing an *Amended South Corridor SDEIS* as required by FTA, to be followed by a final LPA decision,
- **North Entry Study.** There are two routes that could connect the Steel Bridge to the Portland Mall. The Glisan Option would use the off-ramp from the Steel Bridge to NW 5<sup>th</sup> and 6<sup>th</sup> avenues with a common station located between NW 2<sup>nd</sup> and 3<sup>rd</sup> avenues. The Irving option, which was included in the 1998 LPS, would require a new ramp from the Steel Bridge parallel to the railroad tracks that lead to Union Station. This option would proceed to Union Station and turn on NW Irving Street where the alignment would connect onto the Portland Mall. Staff

should work with the business, residential and non-profit communities to determine the best alignment in the North Entry to downtown Portland that balances cost, travel times and property impacts with the benefit of serving Union Station.

- **Configuration of the Portland Mall.** The Portland Business Alliance and others have called for continuous auto access (an auto through-lane) along SW 5<sup>th</sup> and 6<sup>th</sup> avenues as part of a strategy to revitalize the retail environment. This configuration along with the adopted Portland Mall configuration of light rail and buses sharing the center lane will be examined. Staff should continue to work with the City of Portland, downtown businesses, residents and transit riders to determine the best configuration of the Portland Mall considering the needs of retail establishments, pedestrians, auto circulation and transit (bus and light rail).
- **Terminus in Downtown Portland.** There are two potential termini options in downtown Portland with the I-205 LRT Alternative with the Portland Mall Design Option. One option is to extend to Portland State University at SW Jackson Street and the other option is to turn trains around at SW Main Street. Providing service to PSU and its 25,000 students would allow direct light rail access to one of the region's largest attractor of transit trips and would allow TriMet the flexibility to store trains in downtown Portland for special events and to service heavy loadings during peak periods. The Main Street terminus would save approximately \$51 million (2006\$) and should be considered if the financial plan does not identify adequate funding for the alignment to PSU.

### **3.2 Portland to Milwaukie: Milwaukie Light Rail**

#### **A. Phasing**

Milwaukie LRT Project will be implemented in Phase 2 of the South Corridor major transit investment strategy. As a part of Phase 1, the construction of a Southgate park-and-ride lot (to begin in Fall 2003) and the relocation of the existing on-street Milwaukie transit center to the Southgate area will begin as early as practical pending resolution of environmental and design issues.

#### **B. Rationale for Selection**

- **In 2020, Milwaukie LRT would have the highest number of transit trips in this segment of any alternative, adding over 20,000 light rail trips in addition to I-205 light rail for a combined total of over 53,000 daily light rail trips in the South Corridor;**
- **The Milwaukie LRT Alternative would provide the fastest travel time of any of the Alternatives between Milwaukie and downtown Portland;**
- **LRT station areas would provide excellent opportunities for transit oriented development in southeast Portland and in downtown Milwaukie;**
- **Milwaukie LRT would provide better neighborhood transit service than the BRT or Busway Alternatives, by providing accessible, high-capacity transit service to Southeast Portland neighborhoods, Milwaukie and downtown Portland;**
- **The Milwaukie LRT Alternative has generated significant community support in Milwaukie, southeast Portland and downtown Portland. For example, the Milwaukie Neighborhood Leaders have actively engaged their community and City Council over a period of two years in a grass-roots effort to identify light rail alignments that fit with community goals;**
- **The Milwaukie LRT Alternative would have fewer environmental and displacement impacts than the Busway Alternative; and**



- **Milwaukie LRT would be compatible with and would augment the regional light rail transit system** offering direct service to downtown Portland, the Rose Quarter and north Portland as well as easy transfers to the Blue and Red Lines between Hillsboro, downtown Gresham and the Portland Airport.

### **C. Issues to be Addressed by Staff**

- **Update Environmental Analysis.** Environmental work on the Willamette River crossing and Mall connection alignment sections of the Milwaukie LRT Alternative will need to be updated and will be the subject of a future second amendment to the South Corridor SDEIS. The Milwaukie LRT alignment, based on the current South Corridor SDEIS, meets FTA guidelines for an LPA. The Caruthers Bridge and Lincoln Street alignment recommendations should be referred to as a Preliminary LPA recommendation, requiring a second amendment to the South Corridor SDEIS and subsequent final LPA decision.
- **Water Quality and Hydrology.** Develop detailed designs for storage and treatment of stormwater along the alignment and from the stations and park-and-ride facilities;
- **Park and Ride Access.** Staff will continue to develop and evaluate options for increasing park and ride opportunities along the Milwaukie LRT alignment to better accommodate demand and minimize neighborhood parking impacts;
- **Displacements.** Continue to work with potentially impacted property owners to help them to understand the process of property acquisition;
- **Traffic Issues.** Explore modifications to SE Water Avenue (in the vicinity of SE Clay Street and OMSI) to ensure that autos queuing from the freight and passenger railroad (UP) tracks east of SE Water Avenue would not block the light rail tracks. Work with City of Portland traffic engineers to ensure that the proposed light rail crossing of SE 11th and 12th Avenues allows for adequate traffic operations; and
- **Truck issues.** Work with Milwaukie North Industrial area business owners and jurisdiction staff to ensure that truck access, movements and loading needs for adjacent businesses are addressed.

### **3.2.1 Preferred Brooklyn Design Option: 17<sup>th</sup> Avenue**

#### **A. Alternatives Considered**

Two design options were evaluated in this segment:

- **West of Union Pacific Railroad (UPRR)**, with the alignment located adjacent to the UPRR parallel to the Brooklyn Yards, and;
- **17<sup>th</sup> Avenue**, with the alignment along the western edge of 17<sup>th</sup> Avenue through the Brooklyn Neighborhood.

#### **B. Rationale for Selection**

- **17<sup>th</sup> Avenue stations would be closer to the Brooklyn Neighborhood** and provide better station environments and pedestrian access than with the West of Brooklyn Yard Design Option;
- **The 17<sup>th</sup> Avenue Design Option would serve more transit supportive land uses** located along SE 17<sup>th</sup> Avenue compared to the West of Brooklyn Yard Design Option;
- **The 17<sup>th</sup> Avenue Option would avoid displacements to large employers;**
- **The 17<sup>th</sup> Avenue Option would avoid railroad property** which would otherwise be an impediment to timely and cost-effective implementation; and

- **The 17<sup>th</sup> Avenue Option is strongly supported by the Brooklyn neighborhood.**

### **C. Issues to be Addressed by Staff**

- **Displacements and property impacts.** Work diligently to minimize potential displacements and property impacts with this design option.
- **Truck movements.** Continue to work with businesses and property owners to refine designs to allow for truck turning movements necessary to serve adjacent businesses.
- **Center Street Bus Operations Facility.** Work to identify solutions to parking loss and impacts to bus storage and operations at the TriMet's Center Street facility.

## **3.2.2 Preferred Milwaukie Design Option: Southgate Crossover**

### **A. Alternatives Considered**

Two design options were considered for Milwaukie:

- **Tillamook Branch Design Option**, which would locate light rail adjacent to the Tillamook Branch railroad from the Tacoma Station to a transit center and LRT station located at the Waldorf School. This option would have no Southgate park-and-ride, transit center or LRT station.
- **Southgate Crossover Design Option**, which would follow McLoughlin Blvd south from the Tacoma LRT Station to a 600-space Southgate Park and Ride, Transit Center and LRT station. The alignment would then cross to the east to join with the Tillamook Branch alignment.

### **B. Rationale for Selection**

- **Impacts to the Waldorf School site and a limited capacity for transit operations are drawbacks of Tillamook Branch Design Option.** The Milwaukie Transit Center would be located at the Southgate site with the Southgate Crossover Design Option. The Southgate Transit Center site is a preferred location over the Waldorf School Transit Center site with the Tillamook Branch Line Design Option.
- **The Southgate Crossover alignment would result in more transit ridership** due to an additional station and park-and-ride and a more convenient transit center location that could better accommodate increases in transit service than the other options.
- **The Southgate Crossover would provide better access to jobs and residents**, providing access to 1,500 more jobs and 50 more residents within a quarter-mile of a light rail station than the Tillamook Branch design option.
- **The Southgate Crossover would allow for additional park-and-ride capacity** (600-space structured lot at Southgate) compared to the Tillamook Branch design option.

### **C. Issues to be Addressed by Staff**

- **Relocate the on-street Milwaukie Transit Center** to the Southgate site as early as practical during Phase 1. In order for the this project to proceed in phase 1, the following issues need to be resolved:
  - *Environmental Review:* additional environmental review as may be required by the FTA. TriMet has received environmental clearance for a park-and-ride lot at this location and will proceed initially with this project.

- *Bus Routing and Transit Operations*: Review with involved communities and constituents required bus rerouting and identify changes in bus operations necessary to cost-effectively implement the new transit center site.
- *Capital Funding*: Identify the capital funding sources to fund the transit center component.
- **Traffic and Freight Mobility**. Work to address traffic and truck access issues along the Southgate Crossover, especially on SE Main Street, SE Milport Street and SE Mailwell Drive and the SE Milport intersection with SE McLoughlin Boulevard.
- **Waldorf School**. Work with the Waldorf School to ensure safety at the station and for the alignment in the vicinity of the school.
- **Displacements and property impacts**. Work to minimize displacements and property impacts with this design option.

### 3.2.3 Preferred Milwaukie Terminus Design Option: Lake Road Terminus

#### A. Alternatives Considered

Two termini locations were evaluated for the Milwaukie LRT Alternative:

- **Waldorf School Terminus** (formerly known as Milwaukie Middle School Terminus), with a station and transit center on the Tillamook Branch railroad alignment located south of Harrison Street and east of the school, and;
- **Lake Road Terminus**, with a station and park and ride structure further south along the Tillamook Branch railroad alignment at the intersection with Lake Road.

#### B. Rationale for Selection

- **The Lake Road Terminus Option provides an additional station in downtown Milwaukie** serving the southern portion of the downtown with access to Milwaukie High School.
- **The Lake Road Terminus Option provides an additional 275 structured park-and-ride spaces** that would capture auto trips prior to going through downtown Milwaukie.
- **The Lake Road Terminus Option would provide better access to jobs and residents**, resulting in 1,710 more residents and 1,410 employees located within a quarter mile of a light rail station than the Waldorf School Terminus option.

#### C. Issues to be Addressed by Staff

- **Interim terminus option**. Consider a shorter interim terminus at the Waldorf School if financial plans are not adequate to fund the extension of light rail to the Lake Road terminus. A bus transit center would not be located at the Waldorf School with this interim terminus option.
- **Bus access**. Refine bus service and access to the SE Lake Road light rail station during the PE/FEIS phase of the project.
- **Displacements**. Work with property and business owners at the site of the park-and-ride garage to help them understand the acquisition process.
- **Access to Lake Road Park-and-Ride Lot**. Consider an alternative garage access point for the Lake Road Station Park-and-Ride lot.

### 3.2.4 Preliminary Preferred Willamette River Crossing: Caruthers Bridge

#### A. Alternatives Considered

The South Corridor Policy Committee directed that a low cost Milwaukie Light Rail Alternative be studied in the SDEIS and that other potential river crossing alignments for the Milwaukie Alternative be studied in a parallel study, the *Downtown Light Rail Systems Analysis* (TriMet and Metro, December 2002).

Three Willamette River Crossing locations were examined during these processes: the existing Hawthorne Bridge, a new Caruthers Bridge and a new Ross Island Bridge.

The Hawthorne Bridge alignment would require inbound trains to use the SW Water Avenue ramp on the east side and cross from the inside lanes to the outside lanes of the Hawthorne Bridge where trains would operate in mixed traffic across the bridge. On the west side of the bridge, inbound trains would cross back to the center lanes and would turn onto SW First Avenue and continue north connecting to the Interstate Max line. New traffic signals on both ends of the Hawthorne Bridge would impact traffic. The frequent lifts of the Hawthorne Bridge would cause transit reliability issues. Downtown Portland businesses do not support this alignment because riders would be required to transfer or walk to get to the Portland Mall and many downtown Portland destinations.

Additional alignments with the Hawthorne Bridge crossing were also examined. These alignments include the Hawthorne Bridge with a Main and Madison connection to the Portland Mall and the Hawthorne Bridge with a connection via First Avenue to the Cross Mall.

The Caruthers Bridge alignment would be located directly south of the Marquam Bridge and would connect OMSI to SW River Parkway on the west bank. This alignment was selected as part of the Locally Preferred Alternative in 1998. This bridge would be a fixed span bridge to eliminate reliability issues due to bridge openings and would be constructed to allow for bike and pedestrian connections from the greenways on both banks of the Willamette. Connections from the Caruthers Bridge to the Portland Mall would be via either SW Lincoln or Harrison streets.

A new bridge located north or south of the existing Ross Island Bridge would impact a number of historic resources, would not serve OMSI and the Central Eastside Industrial District and would impact the Corbett-Terwilliger-Lair Hill Neighborhood

## **B. Rationale for Preferred Preference**

- **The Caruthers Bridge alignment would provide better access** to PSU, South Auditorium and South Waterfront areas than the Hawthorne Bridge Alignment
- **The Caruthers Bridge would provide more reliable service.** The frequent openings of the Hawthorne Bridge would affect light rail service reliability where the Caruthers would be a fixed span bridge.
- **Delays to traffic and buses would occur on Hawthorne Bridge.** Light rail trains would have to cross from the outside lanes to the inside on both ends of the bridge.
- **The Hawthorne Bridge would require significant modifications** that could result in closures of the bridge, which would affect auto commuters and Hawthorne area businesses.
- **Traffic on the Hawthorne Bridge could delay light rail and bus service.**
- **The Caruthers Bridge was selected as part of the South/North DEIS Locally Preferred Alternative in 1998** after significant public discussion.

- **Many groups have opposed the Hawthorne Bridge alignment** during the South Corridor public comment period.
- **The Caruthers Bridge has been supported** during the South Corridor public comment period.

### **C. Caveat**

If the financial plan cannot accommodate the Caruthers Bridge Alignment, then the Hawthorne Bridge with a Main/Madison Street Alignment to the Transit Mall should be moved forward. If the financial resources are not available for the Hawthorne Bridge with the Main and Madison alignment, then the alignment studied in the SDEIS on SW First Avenue should be moved forward.

## **3.2.5 Preferred Alignment Connecting Caruthers Bridge to Portland Mall: Lincoln Alignment**

### **A. Alternatives Considered**

The **Harrison Alignment** was selected in 1998 as the South/North LPA alignment due to cost, travel time, ridership and public input. Currently, Portland Streetcar Inc. is in Preliminary Engineering for the extension of streetcar service from PSU to the North Macadam area via SW Harrison Street. The compatibility of operating streetcar and light rail on the same alignment was investigated, as were the differences between construction methods. The conclusions were that operating streetcar and light rail on the same tracks would negatively impact both modes. In addition, since light rail has more restrictive grade requirements and different station clearances than the streetcar, modifications to the tracks and stations would be required, disrupting streetcar service. Finally, if both modes were operating on the same tracks both modes would need to pre-empt traffic signals resulting in significant traffic delays at SW Naito Parkway. Finally, if both modes operate on the same tracks with stations and signals, the ultimate capacity of each is significantly reduced.

The **Lincoln Alignment** for light rail would avoid the issues with the Harrison Alignment. This alignment would cross over the intersection of SW River Parkway and SW River Drive at grade and would cross over SW Harbor Drive and the Harrison Street Extension on new structure. The alignment would cross SW Naito Parkway and SW First Avenue at-grade as the alignment continues up SW Lincoln Street. A station could be located between SW 2<sup>nd</sup> and 3<sup>rd</sup> avenues. The alignment would continue to SW 5<sup>th</sup> and 6<sup>th</sup> avenues where it would tie into the Portland Mall LRT alignment.

### **B. Rationale for Selection**

- **Combining light rail and streetcar on Harrison could create operational difficulties.** The Portland Streetcar will likely use the Harrison Alignment and analysis has shown that operations could be difficult on a shared alignment. Either modifying Harrison streetcar tracks to accommodate light rail or building the streetcar to light rail standards would be expensive, and could result in a non-optimal shared LRT/Streetcar alignment.
- **The Lincoln Alignment could allow for a better station in the South Auditorium Area.**

### **C. Caveat**

Additional engineering and design work is needed to ensure that the Lincoln Alignment will not effect I-405 exit and entrance ramps. If Lincoln Street proves not to be a viable option, then the Harrison Alignment should remain as a fallback option.

#### **D. Issues to be Addressed by Staff**

- **Update Environmental Analysis.** As noted above, the selection of the Caruthers Bridge with the Lincoln Street Alignment would likely require additional environmental work on the Willamette River crossing and will be the subject of a future second amendment to the South Corridor SDEIS.
- **Connection from the Caruthers Bridge to PSU.** Finalize the alignment from the west end of the Caruthers Bridge to PSU. Proceed with additional work needed on the Lincoln Alignment at 1) SW 5th and 6th avenues and 2) at SW River Parkway and SE River Drive where the alignment would ramp to cross SW Harbor Drive. Staff should work with ODOT and FHWA to ensure that access to and from the I-405 is not impeded.
- **Financial plan.** Continue to develop plans for the Caruthers Bridge for inclusion in the project. The Harrison Street alignment should be retained as a fallback option until a financial plan is adopted that accommodates the Caruthers Bridge.

### **3.3 Milwaukie to Oregon City: Develop Incremental BRT-type Improvements**

#### **A. Phasing**

Concurrent with Phase 1, implement an incremental approach for select BRT and park-and-ride improvements between Milwaukie and Oregon City with transit service continuing to the Clackamas Community College. TriMet should include improved transit service concepts for SE McLoughlin Boulevard in their *Transit Investment Plan* process.

#### **B. Rationale**

It is recommended to proceed with incremental implementation of bus service and BRT-type elements in this segment. TriMet should include improved transit service concepts for McLoughlin Boulevard in their Transit Investment Plan process. This process should evaluate park-and-ride sites, bus stop improvements, pedestrian facilities and other service enhancements for implementation in cooperation with Milwaukie, Clackamas County and Oregon City. Service improvements to the Clackamas Community College southeast of Oregon City should also be considered. When light rail is implemented between Portland and Milwaukie, additional bus service improvements between Milwaukie, Oregon City and Clackamas Community College should be evaluated.

### **3.4 Milwaukie to Clackamas: No-Build - Maintain Local Bus Service**

#### **A. Rationale**

With both I-205 and Milwaukie LRT lines implemented in the corridor, local bus service would be maintained or improved in this segment. The trips in this segment traveling through to central Portland would either travel east to access I-205 Light Rail or travel west to access Milwaukie Light Rail. With this service concept, BRT-type treatments, which facilitate transit travel through this segment, would not be needed.

As the I-205 and Milwaukie LRT alignments move toward implementation, TriMet should work with the neighborhoods in this segment (along with the City of Milwaukie and Clackamas County) to explore improvements to the local bus service in this segment. Improvements could include new routes, route modifications and improved service frequency.



## 4. PROJECT PHASING

While the previous sections of this report document the merits of implementing the I-205 LRT and Milwaukie LRT extensions along with the Portland Mall, this section addresses the need to phase implementation of the alignments and defines the proper sequencing for doing so.

### 4.1 Funding Considerations

#### 4.1.1 Funding Context

The need for sequencing the two LRT extensions is addressed by assessing the viability of implementing the Combined LRT Alternative, which presumes that the I-205 LRT and Milwaukie LRT extensions would be concurrently implemented. As reported in the SDEIS, the “Fixed Guideway Opening Day” capital cost in year of expenditure dollars (YOES) for the Combined LRT Alternative would be approximately \$800 million. The inclusion of the Caruthers Bridge/Mall LRT alignment in downtown Portland (per the LPA) would increase the capital cost of the Combined LRT Alternative by an additional \$249. In addition, the annual LRT operating cost of the Combined LRT alternative is estimated to be \$13.3 million (2002\$) in the year 2020.

#### 4.1.2 FTA Statutory Requirements

FTA administers a discretionary federal funding program for LRT projects (alternatively called Section 5309 funds or New Start funds). FTA only permits light rail extensions to proceed to Final Design and to receive a Full Funding Grant Agreement if they are determined to be consistent with FTA’s financial capacity policy. Section 5309(e)(1)(C) of the federal transit code requires that a grantee receiving a New Start funding grant must demonstrate that the project is “supported by an acceptable degree of local financial commitment, including evidence of stable and dependable financing resources to construct, maintain and operate the system or extension.”

Pursuant to FTA policy promulgated in response to the above statute, each South Corridor Project must meet two financial criteria to be eligible for a New Start funding grant:

- **Financial Condition.** Satisfactory financial condition means that the grantee (i.e. TriMet) can pay its current operations, capital and vehicle/facility replacement program costs from existing revenues.
- **Financial Capability.** Satisfactory financial capability means the grantee’s ability to meet its expansion costs in addition to its existing operations from project revenues.

#### 4.1.3 Implications of Concurrent Construction of Milwaukie and I-205 LRT Projects

The Combined LRT Alternative could not comply with the above criteria and, therefore, cannot be eligible for a federal New Start grant because:

- **The Region could not commit an amount of local funding sufficient for the Combined LRT Alternative within the schedule required to secure a federal funding contract by March 2005.** An LRT project must have completed at least 60 percent of its Final Design in order to be eligible for a federal funding contract. For a project the size of the Combined LRT Alternative, it



could easily take a year from the start of Final Design to achieve the 60 percent threshold. However, FTA will not permit an LRT project to commence Final Design, unless the local funds for building and operating the project are fully committed.

- **By approximately February 2004 the region would have to demonstrate to FTA a fully committed, dependable source of \$419.0 million to \$524.5 million of non-Section 5309 funds (i.e. local and federal formula funds);** depending on whether a 60% or 50% "New Start" share was to be pursued. Based on financial capacity analyses, it currently appears that the region may be able to secure commitments for up to \$180 million of local and locally controlled federal formula funds by the time required. This is well under the amount required for the full Combined Alternative.
- **The region could not reasonably expect to secure sufficient federal funds within the 4 to 5 year construction period to ensure judicious financial management.** The federal share of the Combined LRT Alternative would be \$524.5 million to \$629.4 million in Section 5309 New Start funds, depending on whether a 50% or 60% "New Start" share was to be pursued. Assuming it would take five years to receive the federal funds, the Combined LRT Alternative would have to receive, on average, \$104.9 to \$125.9 million per year in Section 5309 New Start funds to secure its entire federal allotment. Based on past experience, it appears reasonable that TriMet could receive about \$80 million per year in federal New Start funding for all of the projects under contract. TriMet could not implement an interim borrowing program to accommodate this degree of deferred federal funding without seriously jeopardizing the remainder of its program.
- **TriMet could not accommodate the increased operating funds required to implement the Combined LRT Alternative in one phase, while continuing to operate and maintain the remainder of the transit system.** Cash flow analyses of TriMet's operating budget prepared for the SDEIS indicated that the entirety of TriMet's proposed payroll tax would have to be dedicated to the Combined LRT Alternative for about a decade to meet this requirement if the full Combined Light Rail Alternative were built in one phase without further resources. This would be inconsistent with the Transit Improvement Plan that underlies the proposal for the payroll tax increase.
- **For the reasons stated above, the Region could not demonstrate to FTA the financial capability to construct and operate the Combined LRT Alternative in one phase.** Consequently, it is recommended that a two-phase implementation strategy be undertaken. While some minor overlapping may be possible, these two phases would generally be sequential.

#### **4.2 Phase 1 of the South Corridor Major Transit Investment Strategy: I-205 LRT Project including the Portland Mall and Transit Improvements in the McLoughlin Corridor**

With the project savings to be identified during Preliminary Engineering, it is estimated that an I-205 LRT Project that includes a Mall alignment in downtown Portland between the Steel Bridge and Portland State University (PSU) would cost \$450 million (in YOES). Assuming a 60% New Start share, the maximum practical share given current FTA practice, this would require \$180 million in non-New Start funds. This is an amount that the region potentially will be able to commit by early 2004 (of that total, \$35 million is uniquely available for the I-205 LRT Project and \$25 million for the Portland Mall alignment due to the sources of these funds).

The required \$270 million of New Start funds, assuming a 60% share, would be reasonably obtainable over a 4-5 year period in increments of \$80m or less per year, and would not require an excessive interim borrowing program. In addition, with the proposed payroll tax increase, the operating costs of the I-205 LRT Project can be met while implementing the remainder of TriMet's Transit Improvement Program. Consequently, it appears that an I-205 LRT (with Portland Mall) Project could comply with FTA's financial capacity policy.

The greater the length of the Portland Mall Alignment that is constructed as part of the I-205 LRT Project, the easier it will be to implement the Milwaukie LRT Project. The Steel Bridge to PSU mall alignment discussed above represents the longest mall alignment possible with the I-205 LRT Project. However, it requires substantial local match that may not be possible to secure within the project schedule. While all reasonable efforts should be undertaken to secure sufficient funds for the Portland Mall alignment to PSU, a secondary, less expensive, option should be maintained that incorporates a Portland Mall alignment between the Steel Bridge and SW Main Street as part of the I-205 LRT Project. If this secondary option is pursued, the Portland Mall alignment between SW Main Street and PSU may be incorporated in the Milwaukie LRT Project, in the second phase of the project. In addition, if dictated by a larger local funding shortfall, a tertiary, least expensive option should be maintained that defers the entire Portland Mall alignment to the second phase of the project.

Construction of a Southgate park and ride lot in Milwaukie and relocation of the on-street transit center in downtown Milwaukie to the Southgate area is anticipated to use a mix of local and federal funds other than Section 5309 New Starts funds. Pending programming in TriMet's *Transit Investment Plan*, incremental implementation of BRT-style improvements between Milwaukie and Oregon City would be funded with a mix of local and federal funds other than Section 5309 New Starts funds.

#### **4.3 Phase 2 of the South Corridor major transit investment strategy: Milwaukie LRT Project**

Without a Mall alignment (as reported in the SDEIS), the Milwaukie LRT Project would cost approximately \$418 million (in YOES), if constructed as the first phase (i.e. between 2004 and 2008). Assuming a 60% New Start share, the amount of local funds (including formula federal funds) required to be committed to the Project by early 2004 would be approximately \$167.2 million. Based on analyses to date, this is almost \$50 million more than is currently available or the maximum that may be obtainable for a Milwaukie LRT (and no mall alignment) Project within the project schedule.

If constructed as the first phase of the project, a Milwaukie LRT Project that uses the Hawthorne Bridge and includes a Portland Mall alignment to the Steel Bridge would cost \$578 million. The costs would rise to \$666 million if it included the desired Caruthers Bridge to Steel Bridge alignment. These mall alignment options add between \$44 million and \$103 million to the local share deficit.

Consequently, a new funding source would be required for the Project. The Metro Transportation Investment Task Force has proposed a funding measure that incorporates GO bond funds for the Milwaukie LRT Project. Given the Oregon constitutional requirement for 50% voter turnout, such an election would only be practical during a general election (i.e. November 2004 or 2006). If

successful, the ability to commit these funds to the project would occur from one to three years after the time such a commitment would be required to start Final Design (early 2004).

With Milwaukie LRT being pursued as a second phase, the capital cost of the Milwaukie LRT Project depends on (i) the added inflationary costs associated with the later construction date and (ii) the extent of the downtown Portland alignment incorporated in the I-205 LRT Project:

- If the I-205 LRT Project incorporates a Portland Mall alignment to PSU, as desired, the Milwaukie LRT Project would cost \$514 million including the desired Caruthers Bridge to PSU alignment.
- If the I-205 LRT Project incorporates a Portland Mall alignment to SW Main Street, the Milwaukie LRT Project would cost \$ 566 million including the desired Caruthers Bridge to SW Main Street alignment, or, if sufficient funds are not available for the Caruthers Bridge alignment, \$478 million for the Hawthorne Bridge to SW Main Street to Portland Mall alignment.
- If the I-205 LRT Project does not incorporate any Portland Mall improvements, the Milwaukie LRT Project would cost \$666 million for the desired Caruthers Bridge to Steel Bridge alignment, or, if sufficient funds are not available for the Caruthers Bridge alignment, \$578 million for the secondary option of Hawthorne Bridge to SW Main/Madison Street to Mall to Steel Bridge alignment, or, if no funds are available for a Mall alignment, \$418 million for the tertiary option of not having any mall alignment (as in the SDEIS).

Depending on the amount of funding incorporated in a General Obligation (G.O.) bond election for the project, each of the above options and sub-options could be feasible. Moreover, reasonable design options exist if a lower amount of local funding is secured.

To maximize the opportunity for the Milwaukie LRT Project, steps should be undertaken in Phase 1 to begin to implement capital and transit service improvements in the Milwaukie corridor. In particular, the park-and-ride at the old Southgate Theater site should be implemented in Phase 1, followed by the relocation of the current on-street transit center to the Southgate area as early as practical pending resolution of environmental and design issues.

#### **4.4 Overall Phasing Recommendation**

Given the findings reported above, the following phased implementation plan is proposed for the South Corridor major transit investment strategy:

- **Implement the I-205 LRT Project as the first phase of the South Corridor major transit investment strategy** using existing local funds, including locally controlled federal formula funds, and federal discretionary "New Start" funds.
- **As part of the I-205 LRT Project, incorporate the maximum affordable Portland Mall alignment in downtown Portland.** The desired alignment would run from the Steel Bridge to PSU. If sufficient local funding is not available, implement a Steel Bridge to S.W. Main Street alignment as a secondary option, and no Mall alignment (as set forth in the SDEIS) as the tertiary option.

- **During Phase 1, Implement Transit Improvements in Milwaukie.** In Phase 1, construct a Southgate Park-and-Ride lot (construction is scheduled to start in Fall 2003), and relocate the existing on-street transit center in downtown Milwaukie to the Southgate area, pending resolution of environmental and design issues.
- **Implement the Milwaukie LRT Project as the second phase of the South Corridor major transit investment strategy,** using GO Bond funds (requiring voter approval) and federal discretionary "New Start" funds.
- **The downtown alignment component of the Milwaukie LRT Project depends on the downtown alignment incorporated in the I-205 LRT Project.** However, the downtown component should be based on the following priorities: (a) the Caruthers Bridge, which is most desired, (b) the Hawthorne Bridge to SW Main Street to Mall alignment, as the secondary option, and (b) no Mall alignment (as set forth in the SDEIS) as the tertiary option; depending on the amount of local funds secured for the Project.
- **Continue to address transit issues between Milwaukie and Oregon City.** During Phase 1, subject to evaluation in TriMet's *Transit Investment Plan*, begin incremental implementation of limited Bus Rapid Transit (BRT) and park-and-ride improvements from Milwaukie to Oregon City.

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 3/20/02

SUBJECT:

SOUTH CORRIDOR

AGENDA NUMBER OR TOPIC:

R5 SOUTH CORRIDOR

FOR: X

AGAINST: X

THE ABOVE AGENDA ITEM

NAME:

TERRY PARKER

ADDRESS:

1527 NE 65TH AV

CITY/STATE/ZIP:

PORTLAND OR 97213

PHONE:

DAYS:

503 2848742

EVES:

SAME

EMAIL:

FAX:

SPECIFIC ISSUE:

SOUTH CORRIDOR

WRITTEN TESTIMONY:

yes

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

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

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

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

Testimony by Terry Parker

The policy committee that recommended the current two-phase proposal once again has politicians in a high priced candy store, wanting to buy everything they see, and in the process, expecting to raise taxes to cover their sweet tooth. How much does the public have to bleed for political candy? How can Multnomah County fleece the taxpayers to make schools the top priority, and then agree there is enough money for even one phase of this project? Taxpayers need a permanent "do not cross" line in the sand.

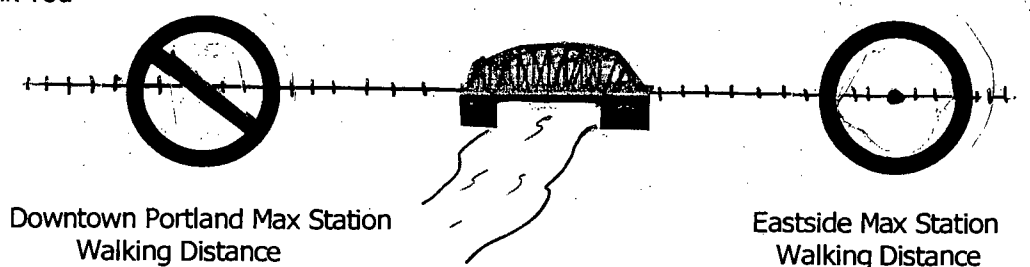
In principal, I support completing the long planned I-205 Max line, an alignment set aside when the freeway was constructed. But, it is a total waste of taxpayer dollars to put Max on the Transit Mall, when a perfectly good, less expensive First Avenue alignment exists. How can Portland promote walking as an alternative, but make a double standard exception for downtown Max riders, drawing diagonal lines through the mapped walking distance circles for downtown Max stations only? A transit jam already exists during some peak periods on the mall. Placing Max on the transit mall is a short-term option that will have the mall over capacity, and the alignment obsolete in less than 20 years. Words of wisdom to avoid a mega-jam; "get it off the mall, or don't build it at all". The Max tracks, stations and vehicles are part of a regional system, but the aesthetics of the Mall are strictly local. I totally doubt the Portland downtown community exclusively, is willing to pay the entire local match to rebuild all the window dressing on the mall.

All phases of the South Corridor Project must be bare bones transportation related only, not involving art or designer streetscapes, unless local storefront owners are willing to pay for them. The need for better transit in the South Corridor is far greater than the need to realign tracks downtown. The Milwaukie line, using the Hawthorne Bridge, and a First Avenue run through to Interstate Max, must take priority over any last minute back room ~~wish~~ deal placing Max on the transit mall, and building a new Max only bridge. If long term, the Hawthorne Bridge can not be used for Max due to so called traffic disruption, absolutely no consideration must be given to running any kind of a fixed rail trolley system across the Broadway Bridge. Both bridges have similar traffic counts of up to 25 to 30 thousand motor vehicles a day, and both bridges have the same number of motor vehicle lanes. If a new bridge is needed, it should be a new higher capacity Hawthorne Bridge. Any realignment of Max downtown must become phase three, and only take place after an in-depth non-bias long term study with city wide citizen involvement.

Finally, just like bicycles must start paying their own way, the majority of local match funds for new Max lines must come from transit users, not the property tax. Given Tri-Met's annual passenger revenues of 53.193 million dollars, adding a 10 percent surcharge to transit fares, about a dime a ride, would raise over 5.3 million dollars a year. That would exceed over 100 million dollars during the length of a 20-year bond cycle. Increased ridership from the new service would cover the interest. This must do, start it immediately, type of funding is not new. User based surcharges to fund capitol projects already exist on everything from Blazer tickets to events at the Expo Center, where the lack of parking may force some large events to move out.

In closing, this project must be guided by three directives; the efficient use of funds choosing the lowest cost rail options and routes, keep it a one at a time transportation project only, and like the private transit companies that preceded Tri-Met, require payment from the transit users.

Thank You



#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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MEETING DATE: 3/20/03

SUBJECT: SOUTH CORRIDOR LPA

AGENDA NUMBER OR TOPIC: R-5

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

NAME: STEVE SATTERLEE - MILWAUKIE-PORTLAND LIGHT RAIL COALITION

ADDRESS: 1023 NE HANCOCK ST

CITY/STATE/ZIP: PORTLAND, OR 97212

PHONE: DAYS: 503-869-6958 EVES: 503-281-1504

EMAIL: SSATT@TELEPORT.COM FAX: \_\_\_\_\_

SPECIFIC ISSUE: SUPPORT SOUTH CORRIDOR LOCALLY

PREFERRED ALTERNATIVE

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

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

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

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

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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MEETING DATE: 03.20.03

SUBJECT: Lite Rail 1-205

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: Alta C. Headneff

ADDRESS: 2143 NE 95 Place

CITY/STATE/ZIP: Portland, OR 97220

PHONE: DAYS: 503-252-7564 EVES: same

EMAIL: ~ FAX: ~

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

WRITTEN TESTIMONY: The Gateway PAC

stands in back of the Lite

Rail Line from the Gateway

Regional Center to the Clackamas

Tower Center

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

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

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

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



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 03-042**

Supporting the South Corridor Locally Preferred Alternative (LPA) Transit Investment Strategy

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

- a. In July 1998, Metro adopted a Locally Preferred Strategy for the South/North Corridor Project for a light rail line between Clackamas, Milwaukie, and to Downtown Portland and then through North Portland over the Columbia River into Vancouver.
- b. In November 1998 local voters did not re-approve a 1994 funding measure for the Project. In early 1999, community and business leaders requested TriMet and Metro to evaluate a new light rail alignment on Interstate Avenue in the north part of the Corridor.
- c. From 1999 to 2000, the South Corridor Transportation Alternatives Study examined eight alternatives that intentionally did not include light rail in the South Corridor. The South Corridor Study Policy Committee (Committee) (elected and appointed officials from jurisdictions within the corridor) narrowed the list of alternatives to be studied further in the South Corridor Project Supplemental Draft Environmental Impact Statement (SDEIS).
- d. The SDEIS was published jointly by Metro and the Federal Transit Authority. After hearing from citizen groups from southeast Portland, Milwaukie and Clackamas County, the Committee decided that SDEIS should examine both a reduced cost Milwaukie Light Rail Alternative and an I-205 Light Rail Alternative.
- e. Following conclusion of the public comment period for the SDEIS, the Committee recommended a Locally Preferred Alternative (LPA) attached as Exhibit A, to move forward to Preliminary Engineering and the Final EIS.
- f. The LPA amends the South/North Corridor Locally Preferred Strategy adopted by Multnomah County Resolution No. 98-97 on July 16, 1998.
- g. The recommended LPA includes a two-phased, major transit investment strategy for the South Corridor, defining the I-205 Light Rail Project as the Locally Preferred Alternative for Phase 1, to be followed by the Milwaukie Light Rail Project in Phase 2.

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

1. The Board Supports Metro's adoption of a two-phased major transit investment strategy for the South Corridor, with the I-205 light rail transit project as the Phase 1 Locally Preferred Alternative followed by the Milwaukie light rail transit project in Phase 2, as described in Exhibit A.

ADOPTED this 20th day of March, 2003.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

THOMAS SPONSER, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

Matthew O. Ryan, Assistant County Attorney

# **South Corridor Project**

## **Locally Preferred Alternative Report and Recommendation**

***Policy Committee Adopted Draft***  
*(subject to editorial revisions)*

February 13, 2003

**Metro**

*The preparation of this report was financed in part by the U.S. Department of Transportation, Federal Transit Administration (FTA). The opinions, findings and conclusions expressed in this report are not necessarily those of the FTA.*

♻ Printed on 30% recycled post-consumer paper.

## **S. SUMMARY**

This document presents the implementation strategy and the Locally Preferred Alternative (LPA) recommendation for transit improvements within the South Corridor. These recommendations are based on information documented in the *South Corridor Supplemental Draft Environmental Impact Statement* (Metro: December 2002), the *South/North Draft Environmental Impact Statement* (Metro: February 1998), the *South/North Locally Preferred Strategy Report* (Metro July 1998), the *Downtown Light Rail Systems Analysis Study* (TriMet and Metro: December 2002) and from public input received during the public comment period as documented in the *South Corridor Public Comment Document* (Metro, February 2003).

### **S.1 South Corridor Strategy**

A two-phased major transit investment strategy is recommended for the South Corridor. The implementation of the I-205 LRT Alternative is recommended as the initial LPA, to be followed by the implementation of the Milwaukie LRT Alternative. While the South Corridor strategy recommends implementation of both the I-205 and Milwaukie light rail alignments, the two light rail projects would be constructed sequentially because sufficient local and federal dollars to construct both alignments concurrently have not been identified.

Pursuant to this LPA, TriMet will submit an application including all appropriate New Starts documentation to the Federal Transit Administration (FTA) to advance the I-205 project and Portland Mall into Preliminary Engineering (PE) and to initiate the *South Corridor I-205 Project Final Environmental Impact Statement* (FEIS).

Following completion of the South Corridor I-205 Project FEIS, adoption of a finance plan for the Milwaukie project and the resolution of issues related to the Willamette River crossing, Metro and TriMet will prepare New Starts rating materials and an application to FTA to advance the Milwaukie project into Preliminary Engineering. This application will include any segment(s) of the Portland Mall not constructed with the I-205 project and also initiate the *South Corridor Milwaukie Project Final Environmental Impact Statement*. The South Corridor strategy is defined as follows:

#### **A. Gateway to Clackamas Regional Center**

##### **I-205 Light Rail Alternative, including**

- ✗ East of CTC Transit Center Terminus Option
- ✗ Downtown LRT Alignment
  - Preferred: Advance Portland Mall LRT alignment between the Steel Bridge and Portland State University (PSU) with I-205 LRT Alignment
  - Fall-back options: (1) Portland Mall LRT alignment between the Steel Bridge and SW Main Street or (2) the existing SW 1<sup>st</sup> Avenue/Cross Mall alignment as identified in the I-205 SDEIS Alternative.

## **B. Milwaukie to Portland**

### **Milwaukie Light Rail Alternative, including**

- ✍ Lake Road Terminus
- ✍ 17<sup>th</sup> Avenue Design Option
- ✍ Southgate Crossover Design Option
- ✍ Portland Mall: Complete remaining segment(s) of the Portland Mall light rail alignment if not completed with the I-205 project as part of Phase 1.
- ✍ Willamette River Crossing Alignment
  - Preferred: Caruthers Bridge and SW Lincoln Street to PSU/Mall Alignment.
- ✍ Fall-back options: (1) Caruthers Bridge with the Harrison Alignment, or (2) Hawthorne Bridge river crossing with (a) a SW Main/Madison connection to a Portland Mall LRT alignment or (b) the existing SDEIS SW 1<sup>st</sup> Avenue to Steel Bridge alignment.

## **C. Milwaukie to Oregon City**

**Implement Limited Bus Rapid Transit (BRT) Improvements** and park-and-ride lots incrementally in accordance with priorities in TriMet's *Transit Investment Plan*.

## **D. Milwaukie to Clackamas Regional Center**

- ✍ **No-Build Alternative.** Maintain local bus service in this segment.

## **S.2 Major Transit Investment Strategy Phasing Plan**

As detailed in Section 4 of this LPA report, financial considerations require that the two light rail projects be built sequentially. Below is a summary of the two phases, followed by complete descriptions of each phase.

- ✍ **Phase 1** will be the I-205 Light Rail Project including light rail on the Portland Mall, as well as the following transit improvements in Milwaukie; 1) construction of a Southgate park-and-ride lot scheduled to begin construction in Fall 2003, and 2) relocation of the existing on-street Milwaukie transit center to the Southgate area pending resolution of design and environmental issues detailed in this report.
- ✍ **Phase 2** will be the Milwaukie Light Rail Project, which will be advanced following completion of the I-205 FEIS, adoption of a finance plan for the project and the resolution of issues related to the Willamette River crossing.

## **S2.1 Phase 1: Construct I-205 and Portland Mall Light Rail and Implement Transit Improvements in the McLoughlin Corridor**

Phase 1 would include construction of I-205 Light Rail Project between the Gateway regional center and Clackamas regional center, construction of the Portland Mall light rail alignment, and construction of a Southgate park-and-ride lot and relocation of the existing on-street Milwaukie transit center to the Southgate area. During Phase 1, the following activities will occur:

- ✍ Undertake engineering and environmental studies required to seek a federal funding contract for the I-205 LRT Project during 2005. Pursuant to this LPA decision, staff will:
  - Submit an application including all appropriate New Starts documentation to the Federal Transit Administration (FTA) to advance the I-205 Project and Portland Mall into Preliminary Engineering (PE)
  - Initiate the *South Corridor I-205 Project Final Environmental Impact Statement* (FEIS) and;
  - Initiate an amendment to the *South Corridor SDEIS* to include the Portland Mall.
- ✍ Identify project elements during Preliminary Engineering that can be eliminated, deferred or value engineered to reduce project costs consistent with the project finance plan. In addition, project staff would work with City of Portland bureaus to identify methods of reducing utility-related costs.
- ✍ Undertake activities to finalize the capital and operating finance plan for the project by the time the FEIS is published.
- ✍ Construct a Southgate Park-and-Ride lot (construction is scheduled to start in Fall 2003), and subsequently relocate the existing on-street transit center in downtown Milwaukie to the Southgate area, after resolution of design and environmental issues identified in this report.
- ✍ During Phase 1, outstanding issues associated with Milwaukie light rail between downtown Portland and downtown Milwaukie including Willamette River crossing issues will continue to be addressed.
- ✍ Implement an incremental approach for select BRT and park-and-ride improvements between Milwaukie and Oregon City with transit service continuing to the Clackamas Community College. TriMet should include improved transit service concepts for SE McLoughlin Boulevard in their *Transit Investment Plan* process.

### **S.2.2 Phase 2: Construct Milwaukie LRT**

Following completion of the South Corridor I-205 Project FEIS, adoption of a finance plan for the Milwaukie project and the resolution of issues related to the Willamette River crossing, Metro, TriMet and partner jurisdictions would:

- ✍ Undertake engineering and environmental studies required to seek a federal funding contract for the Milwaukie LRT Project including a Caruthers Bridge Willamette River crossing or fallback options. Metro, TriMet and partner jurisdictions will initiate the process by:
  - Preparing New Starts rating materials and an application to FTA to advance the Milwaukie project including any segment(s) of the Portland Mall not constructed with the I-205 project into PE and;
  - Initiate the *South Corridor Milwaukie Project Final Environmental Impact Statement* and any other environmental review required for the Willamette River crossing.
- ✍ Complete PE, environmental analysis and construction of Portland Mall segments that were not completed as part of the I-205 LRT Project during Phase 1 of the South Corridor strategy
- ✍ Complete the funding plan for the Milwaukie LRT Project.

The South Corridor Strategy and phasing plan are further detailed in the body of this report, including the rationale for selecting the strategy and a more specific accounting of issues requiring further analysis.

# Locally Preferred Alternative

## DRAFT

### LEGEND



Light Rail and station



Bus Rapid Transit and station



Existing Light Rail



Transit Center Option



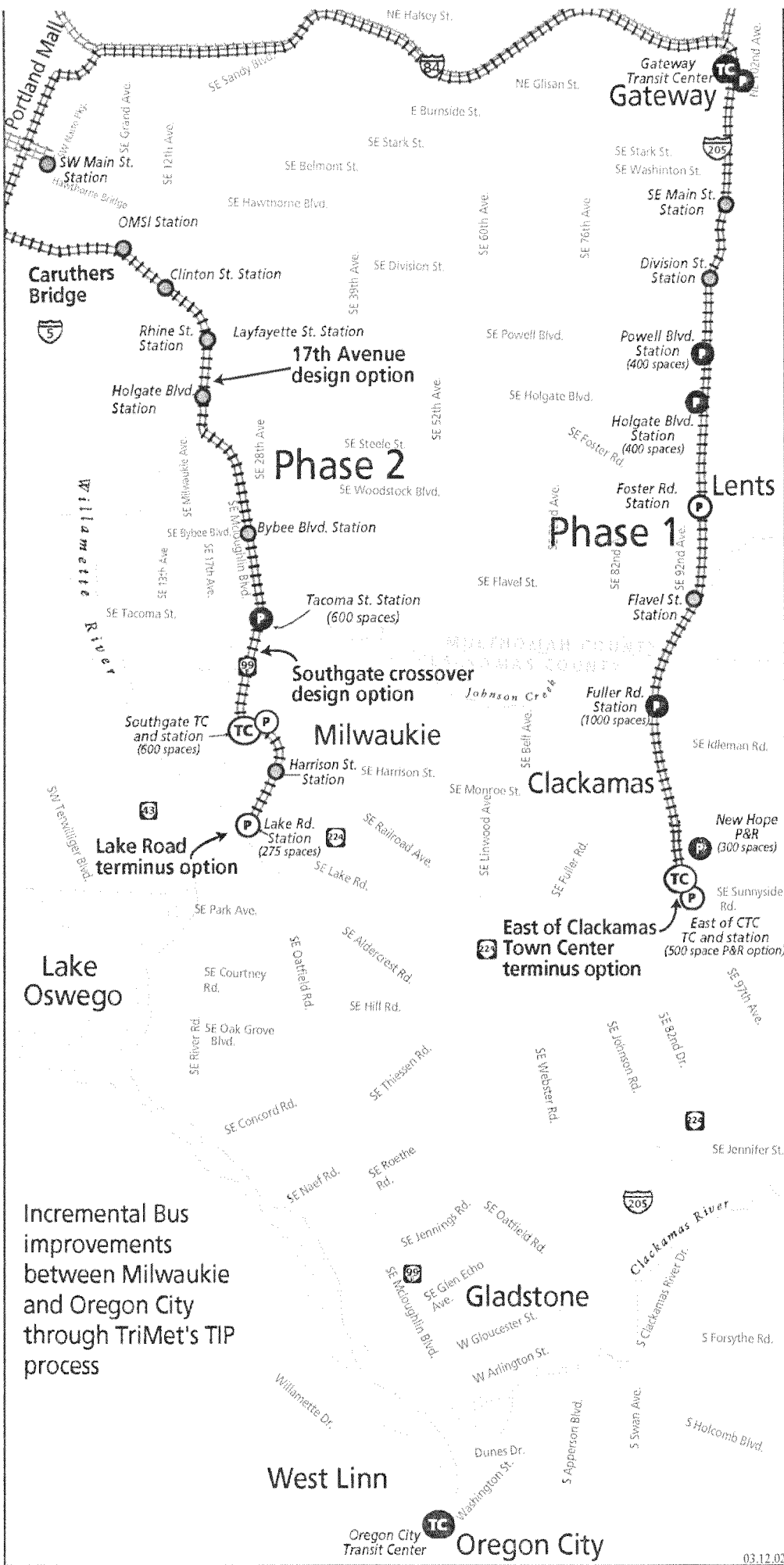
Park & Ride Option



Local bus stop improvements



County Line



Incremental Bus improvements between Milwaukie and Oregon City through TriMet's TIP process



# **1. INTRODUCTION**

## **1.1 Locally Preferred Alternative Report Purpose**

The purpose of the Locally Preferred Alternative report is to provide documentation for the South Corridor major transit investment strategy recommendation including the choice of a Locally Preferred Alternative (LPA) and design options that should be moved forward by the region into the next phases of project development. The LPA will be the basis of subsequent project activities such as development of Preliminary Engineering, the preparation of the *South Corridor Project Final Environmental Impact Statement* (FEIS), preparation of the project finance plan and amendment of the South/North Project Land Use Final Order (LUFO).

## **1.2 Project History**

The *South Corridor Project Supplemental Draft Environmental Impact Statement* (SDEIS) is a supplement to the original *South/North Transit Corridor DEIS*. A brief history is included here, to provide context for the current LPA decision. In July 1998, the Metro Council adopted the Locally Preferred Strategy (LPS) for the South/North Corridor Project that was a light rail line between Clackamas regional center, Milwaukie, and to Downtown and the Portland Mall via a new Caruthers Bridge. The LPS alignment would then cross the Steel Bridge and travel through North Portland, then over the Columbia River into Vancouver. In November 1998, local voters did not re-approve a 1994 funding measure that would have provided local funding for the project. In early 1999, community and business leaders requested that TriMet and Metro evaluate a new light rail alignment on Interstate Avenue in the north part of the Corridor which is documented in the *North Corridor Interstate MAX Supplemental Draft and Final Environmental Impact Statements*. The South/North LPS was amended to reflect the changes for the Interstate Max Project.

In the southern half of the corridor, from 1999 to 2000, the South Corridor Transportation Alternatives Study (SCTAS) examined eight alternatives that intentionally did not include light rail in the South Corridor. Based on the findings in the *South Corridor Project Evaluation Report* (Metro: October 2000), the South Corridor Study Policy Committee (a committee of elected and appointed officials from jurisdictions within the corridor) narrowed the list of alternatives to be studied further in the South Corridor SDEIS. Most notably, after hearing from citizen groups from southeast Portland, Milwaukie and Clackamas County, the Policy Committee decided that the SDEIS should examine both a reduced cost Milwaukie Light Rail Alternative and an I-205 Light Rail Alternative. At the same time, the South Corridor Policy Committee directed staff to examine other potential river crossing options with the Milwaukie Light Rail Alternative and other downtown Portland alignments for both the Milwaukie and I-205 light rail alternatives. This analysis was documented in the *Downtown Light Rail System Analysis* (TriMet and Metro: December 2002).

### 1.3 South Corridor SDEIS Distribution and Public Comment

The *South Corridor Supplemental Draft Environmental Impact Statement* was distributed on December 13, 2002, and notice of availability was published in the *Federal Register* on December 20, 2002. Early drafts of this document were also circulated and discussed at three community open houses (December 9, 10, 11, 2002). The 61-day local public comment period ended on February 7, 2003 and included scores of neighborhood meetings and two public hearings. The South Corridor Project Policy Committee will make the initial recommendation for the Locally Preferred Alternative (LPA) for the South Corridor. This *South Corridor Locally Preferred Alternative Report* will document the April 2003 amendment to the South/North Project LPS. It will also document the Metro Council's action defining the I-205 Project as the Locally Preferred Alternative and the first construction segment, to be followed by the Milwaukie Light Rail Project

### 1.4 South Corridor LPA Decision Process (*TO BE REVISED*)

The South Corridor LPA recommendation will be considered by the South Corridor Policy Committee on February 13, 2003, the Joint Policy Advisory Committee on Transportation (JPACT) on April 10, 2003 and by the Metro Council on April 17, 2003 (See Figure 1.4-1). The decision to amend the LPS will be made after consideration of:

- 1) Public comments on the South Corridor SDEIS made during the public hearings and as documented in the *South Corridor Project Public Comment Report* (Metro, February 2003);
- 2) Data and analysis included in the *South Corridor Project Supplemental Draft Environmental Impact Statement* (Metro, December 2002) and the *South Corridor Downtown Light Rail System Analysis Study* (TriMet, December 2002); and
- 3) The project's adopted goals and objectives, and consistency with the study purpose and need.
- 4) Consideration of recommendations from the following committees and jurisdictions is scheduled on the following dates:

- ✍ The South Corridor Project Policy Committee on February 13, 2003.
- ✍ The Portland City Council on **TBD**
- ✍ The Milwaukie City Council, on April 1, 2003
- ✍ The Clackamas County Board of Commissioners on March 19, 2003.
- ✍ Oregon City Commission March 19, 2003
- ✍ The Multnomah County Board of Commissioners on March 20, 2003
- ✍ The TriMet Board of Directors on March 26, 2003.
- ✍ Oregon Transportation Commission, **TBD**
- ✍ The Joint Policy Advisory Committee on Transportation on April 10, 2003.
- ✍ Metro Council Adoption on April 17, 2003.

The staff reports and resolutions by the above elected bodies are contained in Appendices B – J of this report.

## South Corridor Project Locally Preferred Alternative Process

### SDEIS Public Comment Period

Dec 9

Open Houses  
12/9, 12/10, 12/11

Public Hearings  
1/29, 2/4

Feb 7

### Project Recommendation

Feb 13

Policy Committee  
Draft recommendation  
2/13

### Jursldictional Recommendations

March

Multnomah County 3/20  
Clackamas County 3/19  
City of Milwaukie 4/1  
Oregon City TBD  
City of Portland TBD  
TriMet Board 3/27

### Adoption

TPAC

JPACT 4/10

Metro Council  
4/17



## 2. ALTERNATIVES CONSIDERED

The purpose of this section is to provide a description of the six alternatives that were examined in the *South Corridor Supplemental Draft Environmental Impact Statement (SDEIS)* (Metro: December, 2002) and the Willamette River crossing options and downtown Portland light rail alignments documented in the *Downtown Light Rail Systems Analysis* (Metro and TriMet: December, 2002). For a complete description of these alternatives, please see the *South Corridor SDEIS*, Chapter 2, Alternatives Considered.

### 2.1 South Corridor SDEIS Alternatives

Except for the No-Build Alternative, each of the alternatives includes design options, which are relatively small variations in the proposed alignment and/or other characteristic of an alternative (e.g., a park-and-ride lot).

- ✧ **No-Build Alternative.** The transit service network, related transit facilities and roadway improvements included in the No-Build Alternative are consistent with the *2000 Regional Transportation Plan (RTP)* 2020 financially constrained transit and road network (Metro: adopted August 2000). The transit capital improvements in the No-Build Alternative would be included in all other alternatives.
- ✧ **Bus Rapid Transit (BRT) Alternative** provides improved bus operations, reliability and travel time for a modest capital investment. BRT would operate between Downtown Portland, Milwaukie, and Oregon City, as well as between Milwaukie and the Clackamas regional center.
- ✧ **Busway Alternative** provides higher level of reliability and improved travel times through primarily exclusive bus operations in a separate guideway from downtown Portland to Milwaukie and the Clackamas regional center. A BRT connection from Oregon City would enter the busway in Milwaukie.
- ✧ **Milwaukie Light Rail Alternative** provides a direct high-capacity rail transit connection between downtown Portland and Milwaukie on exclusive right-of-way. BRT lines would connect from Oregon City and the Clackamas regional center and transfer to light rail at the Milwaukie Transit Center.
- ✧ **I-205 Light Rail Alternative** provides a direct high-capacity rail transit connection between Downtown Portland and the Gateway and Clackamas regional centers via the existing east-west light rail alignment to Gateway and an extension primarily along existing reserved right-of-way on I-205 from Gateway to the Clackamas regional center. BRT would connect Downtown Portland to Milwaukie and Oregon City.
- ✧ **Combined Light Rail Alternative** provides direct high-capacity rail transit connections between Downtown Portland and Milwaukie and between Downtown Portland and Clackamas regional center via the Gateway regional center. BRT would connect Milwaukie with Oregon City.

## **2.2 Downtown Portland River Crossing and Alignment Options**

The South Corridor Policy Committee directed staff to examine other potential river crossing alignments, downtown rail alignments and assess the train capacity and system reliability of the current Cross Mall alignment. The results are documented in the *Downtown Light Rail Systems Analysis* (Metro and TriMet: December 2002). The alignments analyzed in this study are detailed below:

### **2.2.1 River Crossings and Downtown Alignment Combinations with Milwaukie LRT**

- ✍ Hawthorne Bridge with 1<sup>st</sup> Avenue alignment to the Steel Bridge (SDEIS option);
- ✍ Hawthorne Bridge with a SW Main/Madison alignment to the Portland Mall alignment and to the Steel Bridge;
- ✍ Hawthorne Bridge with a 1<sup>st</sup> Avenue alignment to the Cross Mall;
- ✍ Caruthers Bridge with a Harrison alignment to the Portland Mall;
- ✍ Caruthers Bridge with a Lincoln alignment to the Portland Mall with or without grade separation over SW Harbor Way; and
- ✍ Ross Island Bridge alignments to the Portland Mall

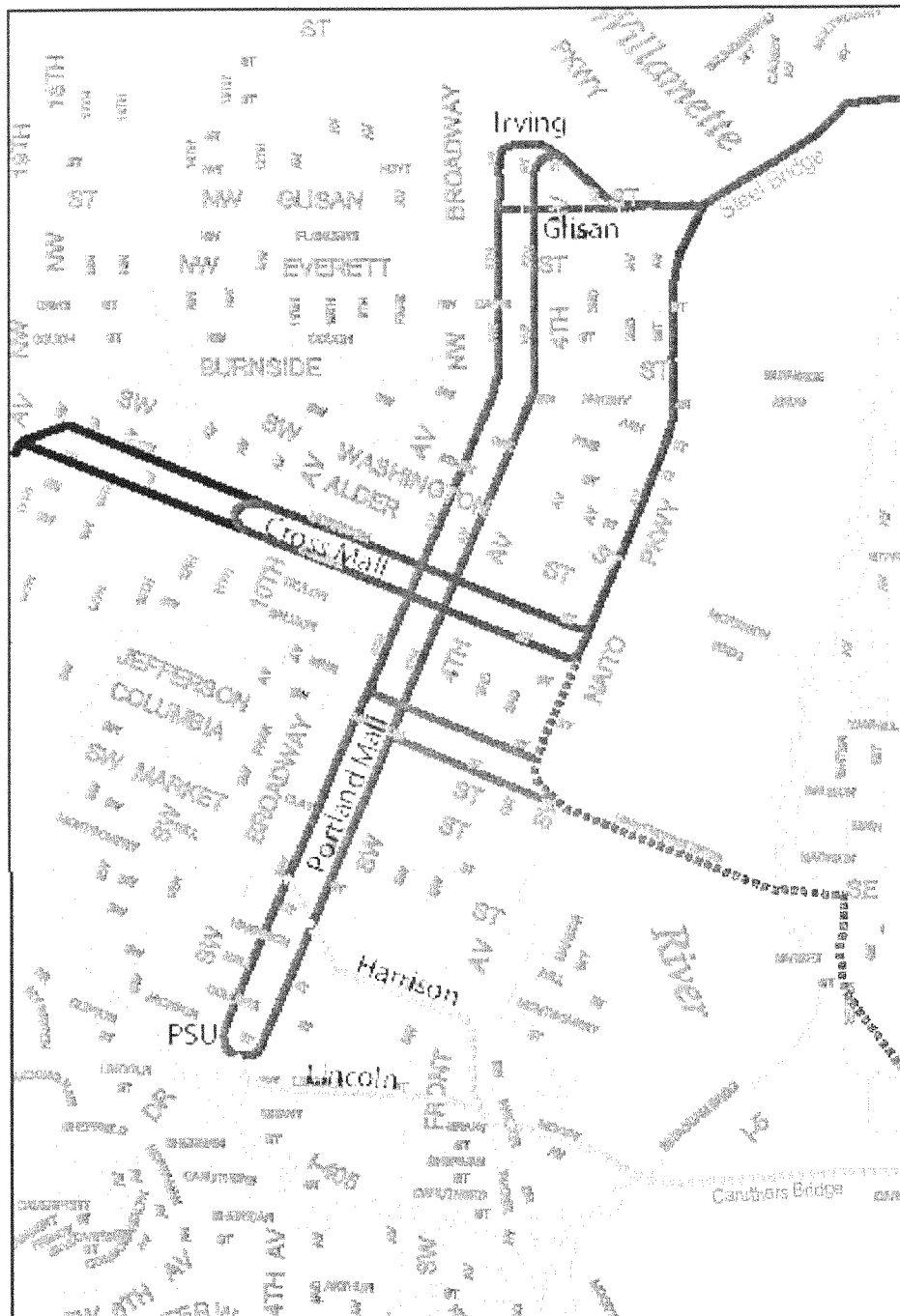
### **2.2.2 Downtown Alignment Combinations with I-205 LRT Alternative**

- ✍ I-205 with the Cross Mall alignment;
- ✍ I-205 with a Portland Mall alignment to Main Street; and
- ✍ I-205 LRT Alternative with Portland Mall alignment to PSU

## **2.3 Downtown Portland Light Rail Operations and Capacity Analysis**

The Policy Committee directed staff to evaluate the long-term capacity and operating reliability of the existing Cross Mall LRT alignment (SW 1st Avenue, SW Morrison and SW Yamhill streets) and to develop measures to improve reliability and increase capacity. The *Downtown Light Rail Systems Analysis* (Metro and TriMet: December 2002) documents the analysis and found that there is a ceiling of 30 trains that can operate per hour in each direction on the existing Cross Mall alignment without significant modifications. In the year 2020, the I-205 Light Rail Alternative operating on the Cross-Mall in combination with the existing lines and service growth would equal 33 trains per hour.

Operations on the track section between SW 1<sup>st</sup> and SW 11<sup>th</sup> Avenues on SW Yamhill and Morrison streets would create the most significant constraint on system capacity. As volumes approach the ceiling, delays and service quality reductions could be expected. A delayed train could affect other trains that are following and the system would have less ability to recover. To mitigate for this potential impact, five system modifications were examined. Although one of these, signal timing modifications, held promise to increase capacity to allow for the additional trains associated with I-205, service quality on the Cross Mall would still be reduced as the number of trains per hour approaches the theoretical limit of 30 trains per hour. Therefore, an additional alignment in downtown Portland should be considered for the long-term growth of the system.



**Figure 2-1 South Corridor Downtown Light Rail Alignments**

Transit Mall Alignment  
Cross Mall Alignment



0 500 1000  
FEET

Caruthers Alignments  
Harrison  
Lincoln  
Hawthorne Bridge  
SDEIS Option  
Main and Madison

### **3. DESCRIPTION OF THE LOCALLY PREFERRED ALTERNATIVE**

#### **3.1 Clackamas to Gateway: I-205 Light Rail**

##### **(a) Phasing**

I-205 LRT Project would be implemented as Phase 1 of the South Corridor major transit investment strategy.

##### **(b) Rationale for Selection**

- ✍ *The I-205 Alternative would have the highest transit ridership* of all the Alternatives for this segment, and would carry over 33,000 trips in 2020, the highest of any individual alternative considered in the SDEIS.;
- ✍ *I-205 LRT Alternative would save transit travel time*; 12 minutes between the Rose Quarter Transit Center and the Clackamas Town Center Transit Center compared to the No-Build Alternative;
- ✍ *I-205 LRT would support the 2040 growth concept* by offering high capacity transit connections between the Gateway regional center and the Clackamas regional center while serving the Lents town center as well as connecting directly to the Central City;
- ✍ *The I-205 LRT Alternative would provide excellent opportunities for transit oriented development* in support of the Region 2040 Plan in the Gateway regional center, Lents Town Center and at the Clackamas Regional Center;
- ✍ *With construction of I-205 in the late 1970s, right-of-way was established for a high capacity transit improvement* for much of the alignment. Because of the existing right-of-way, I-205 LRT could be constructed with minimal residential and business displacements, property acquisition and related costs; and
- ✍ *I-205 LRT would provide regional connections* to the airport, Gresham, downtown Portland, the Lloyd District, Beaverton, Hillsboro and other areas served by the regional light rail system.

##### **(c) Issues to be Addressed by Staff**

- ✍ *Foster Road/Lents Town Center design issues.* Based on input from the Federal Highway Administration, the potential 150-space surface park-and-ride lot under I-205 at SE Foster Road was eliminated from the I-205 Alternative. Prior to and during the PE/FEIS phase, staff should continue to work with the Lents neighborhood and the Lents Urban Renewal Advisory Committee to locate the station and park-and-ride that supports the community vision of the Lents Town Center while maintaining good station access and bus connections. Staff should continue to coordinate with the City of Portland, Portland Development Commission (PDC) and the Lents community on potential design refinements in the Lents Town Center. These design refinements could include a relocated station, joint-use parking structures and improved pedestrian facilities.

- ✧ **Holgate Boulevard Station.** Staff should continue to consult with the City of Portland and the Lents community to determine if a park-and-ride at Holgate is compatible with the surrounding land uses and is acceptable to neighbors.
- ✧ **Flavel Street Station.** Staff should work with the City of Portland Parks Bureau and Bureau of Environmental Services (BES) to resolve issues related to the Johnson Creek floodplain and the at-grade crossing of the Springwater Trail. Appropriate mitigation or engineering changes including moving or redesigning stations should be considered in balance with project costs.
- ✧ **Fuller Road/Johnson Creek Boulevard Design Issues.** The Fuller Road park-and-ride and station may need to be refined to address concerns related to intersection access at Johnson Creek Boulevard. Alternative park-and-ride and station locations should be investigated. Staff should work with Clackamas County and neighborhoods in refining the light rail alignment and park-and-ride lot design in this vicinity prior to and during the PE/FEIS phase. Both the LRT alignment and the park-and-ride facility should be located to minimize the potential impact to future I-205/Johnson Creek Boulevard interchange improvements. TriMet should work with ODOT and Clackamas County to ensure that the light rail design is compatible with a variety of potential interchange configurations and with economic development opportunities in the area under the Clackamas Urban Renewal plans.
- ✧ **Continue to Allow for Future Highway Expansion.** Staff should continue to work with ODOT to refine the current I-205 Light Rail alignment design to make minor modifications necessary to address FHWA/ODOT concerns about future expansion of the freeway.
- ✧ **LRV and Ruby Junction Expansion Financing.** Staff should develop long-term plan and funding strategy to purchase light rail vehicles and expand Ruby Junction to address the future fleet needs of the I-205 alignment.
- ✧ **Noise and vibration.** Staff should undertake further detailed noise and vibration analysis for the I-205 alignment with specific attention to the area between SE Foster Road and SE Johnson Creek Boulevard. This work should be coordinated with ODOT to ensure that construction of the LRT line would not lessen the effectiveness of the ODOT existing or planned noise mitigation.
- ✧ **Identify Potential Cost Reductions.** Staff should analyze ways to lower cost of the I-205 Alternative by eliminating or postponing project elements. These items could include park-and-ride lots, park-and-ride capacity and types, stations, cost efficient engineering methods, vehicles or the expansion of the Ruby Junction maintenance and storage facility. These potential cost reductions should be sensitive to community needs and the project's objectives.
- ✧ **Address community concerns.** Neighborhood, community and urban renewal groups along the I-205 alignment have raised concerns about noise and vibration impacts, traffic, safety and security, property acquisition, visual screen and landscaping. Staff and community members should seek to find solutions that can be funded with the project budget while meeting community needs and as justified by more detailed environmental analysis during the FEIS process.



### **3.1.1 Preferred Clackamas Town Center Terminus design option: East of the Clackamas Town Center.**

#### **(a) Alternatives Considered**

Two design options were considered for the terminus of the I-205 LRT alignment:

- ✗ North of Clackamas Town Center, along Monterey Avenue, and;
- ✗ East of the Clackamas Town Center, parallel to and west of the I-205 Freeway

#### **(b) Rationale for Selection:**

- ✗ ***Better park-and-ride access.*** The East of the Town Center Terminus Option could provide 500 to 1,000 park-and-ride space capacity at the station;
- ✗ ***Better access to jobs.*** This option would result in 1,490 more employees located within a quarter mile of a light rail station;
- ✗ ***This option would create a more direct future alignment*** if light rail were to be extended to the east or south from the Clackamas Town Center;
- ✗ ***East option favored by Clackamas Town Center.*** As owner of the site of either transit center, the Clackamas Town Center management supports this option as it fits well with future mall expansion plans; and
- ✗ ***This option would affect fewer prime commercial parking spaces*** at the Clackamas Town Center while increasing overall accessibility.

#### **(c) Issues to be Addressed by Staff**

- ✗ ***Pedestrian connection.*** A clear and protected pedestrian connection from the transit center to the mall entrance should be developed.
- ✗ ***Clarify bus access.*** Bus access to the transit center that minimizes bus delay and increases bus reliability from SE Monterey and SE Sunnyside Road should be developed.
- ✗ ***Transit supportive development.*** Clackamas County should re-examine the adopted Clackamas Regional Center Plan and make changes that acknowledge and maximize the benefit of the new transit center location for active transit supportive uses around the station and supports the area's designation as a regional center in the Region 2040 growth concept.
- ✗ ***Auto and bus access.*** Staff should work with Clackamas County and the Clackamas Town Center management to develop plans for auto and bus access to and from the transit center and park-and-ride site.

### **3.1.2 Preferred Downtown Portland Light Rail Alignment: Portland Mall from Steel Bridge to Portland State University**

#### **(a) Alignments Considered**

Two alignments were developed for the I-205 Light Rail Alternative in Downtown Portland. These alignments include service either on the existing Cross Mall or on the Portland Mall. The Cross Mall alignment was examined in

the SDEIS while the Portland Mall alignment was selected as the LPA in 1998 after study in the South/North Project DEIS. Issues related to the Portland Mall alignment were also documented in the *Downtown Light Rail Systems Analysis* (TriMet and Metro: December 2002).

With the I-205 Cross Mall alignment, trains would enter downtown Portland over the Steel Bridge and would use the existing tracks on SW First Avenue and SW Morrison with trains turning around on SW 11<sup>th</sup> Avenue and returning on SW Yamhill Street. With the Portland Mall alignment, trains would enter using the Steel Bridge and would require new tracks on either NW Glisan or NW Irving to access 5<sup>th</sup> and 6<sup>th</sup> avenues. This alignment would extend to either PSU at SW Jackson Street or SW Main Street depending on the results of the finance plan.

**(b) Rationale for Selection**

- ✗ ***The Portland Mall alignment would ensure improved service quality on both downtown LRT alignments*** by providing greater capacity and reliability on second alignment in downtown Portland in addition to the Cross Mall.
- ✗ ***Light rail on the Portland Mall reinforces 30 years of transportation and land use policy.*** Since the adoption of the 1972 *Downtown Plan*, the Portland City Council has continuously reaffirmed that the Portland Mall is the preferred location for a light rail alignment. Public and private investment decisions have been made in downtown over the last 30 years that support transit access on SW 5<sup>th</sup> and 6<sup>th</sup> avenues and auto and truck access along SW 4<sup>th</sup> and SW Broadway.
- ✗ ***The Portland Mall alignment would directly serve important Downtown destinations*** alignment including Union Station and Portland State University;
- ✗ ***The Cross Mall Alignment would limit service expansion ability*** and would eventually decrease service quality with the addition of trains needed for system growth;
- ✗ ***The Portland Mall was selected as the South/North Corridor Project LPA in 1998*** after significant public and technical analysis;
- ✗ ***The Portland Mall alignment received considerable public support*** during the South Corridor public comment period, especially from the downtown community; and
- ✗ ***Construction of light rail on the Portland Mall would be concurrent with the Mall Rehabilitation Project***, which is needed to facilitate the City of Portland's desired retail strategy.

**(b) Caveat**

If financial resources are not available for a Portland Mall Alignment with a terminus at Portland State University, then a shorter terminus at SW Main Street should be considered. If there is a greater financial shortfall, then the SDEIS option using SW First Avenue and SW Morrison and Yamhill streets should be considered.

(c) **Issues to be Addressed by Staff**

- ✍ **North Entry Study:** There are two routes that could connect the Steel Bridge to the Portland Mall. The Glisan Option would use the off-ramp from the Steel Bridge to NW 5<sup>th</sup> and 6<sup>th</sup> avenues with a common station located between NW 2<sup>nd</sup> and 3<sup>rd</sup> avenues. The Irving option, which was included in the 1998 LPS, would require a new ramp from the Steel Bridge parallel to the railroad tracks that lead to Union Station. This option would proceed to Union station and turn on NW Irving Street where the alignment would connect onto the Portland Mall. Staff should work with the business, residential and non-profit communities to determine the best alignment in the North Entry to downtown Portland that balances cost, travel times and property impacts with the benefit of serving Union Station.
- ✍ **Configuration of the Portland Mall.** The Portland Business Alliance and others have called for continuous auto access (an auto through-lane) along SW 5<sup>th</sup> and 6<sup>th</sup> avenues as part of a strategy to revitalize the retail environment. This configuration along with the adopted Portland Mall configuration of light rail and buses sharing the center lane will be examined. Staff should continue to work with the City of Portland, downtown businesses, residents and transit riders to determine the best configuration of the Portland Mall considering the needs of retail establishments, pedestrians, auto circulation and transit (bus and light rail).
- ✍ **Terminus in Downtown Portland.** There are two potential termini options in downtown Portland with the I-205 LRT Alternative with the Portland Mall Design Option. One option is to extend to Portland State University at SW Jackson Street and the other option is to turn trains around at SW Main Street. Providing service to PSU and it's 25,000 students would allow direct light rail access to one of the region's largest attractor of transit trips and would allow TriMet the flexibility to store trains in downtown Portland for special events and to service heavy loadings during peak periods. The Main Street terminus would save approximately \$51 million (2006\$) and should be considered if the financial plan does not identify adequate funding for the alignment to PSU.

### 3.2 Portland to Milwaukie: Milwaukie Light Rail

(a) **Phasing**

Milwaukie LRT Project would be implemented in Phase 2 of the South Corridor major transit investment strategy, with the exception of construction of a Southgate park-and-ride lot (to begin in Fall 2003) and relocation of the existing on-street Milwaukie transit center to the Southgate area, which would be implemented as part of Phase 1.

(b) **Rationale for Selection**

- ✧ *In 2020, Milwaukie LRT would have the highest number of transit trips in this segment* of any alternative, adding over 20,000 light rail trips in addition to I-205 light rail for a combined total of over 53,000 daily light rail trips in the South Corridor;
- ✧ *The Milwaukie LRT Alternative would provide the fastest travel time* of any of the Alternatives between Milwaukie and downtown Portland;
- ✧ *LRT station areas would provide excellent opportunities for transit oriented development* in southeast Portland and in downtown Milwaukie;
- ✧ *Milwaukie LRT would provide better neighborhood transit service* than the BRT or Busway Alternatives, by providing accessible, high-capacity transit service to Southeast Portland neighborhoods, Milwaukie and downtown Portland;
- ✧ *The Milwaukie LRT Alternative has generated significant community support* in Milwaukie, southeast Portland and downtown Portland. For example, the Milwaukie Neighborhood Leaders have actively engaged their community and City Council over a period of two years in a grass-roots effort to identify light rail alignments that fit with community goals;
- ✧ *The Milwaukie LRT Alternative would have fewer environmental and displacement impacts* than the Busway Alternative; and
- ✧ *Milwaukie LRT would be compatible with and would augment the regional light rail transit system* offering direct service to downtown Portland, the Rose Quarter and north Portland as well as easy transfers to the Blue and Red Lines between Hillsboro, downtown Gresham and the Portland Airport.

(c) **Issues to be Addressed by Staff:**

- ✧ *Water Quality and Hydrology.* Develop detailed designs for storage and treatment of stormwater along the alignment and from the stations and park-and-ride facilities;
- ✧ *Park and Ride Access.* Staff will continue to develop and evaluate options for increasing park and ride opportunities along the Milwaukie LRT alignment to better accommodate demand and minimize neighborhood parking impacts;
- ✧ *Displacements.* Continue to work with potentially impacted property owners to help them to understand the process of property acquisition;
- ✧ *Traffic Issues.* Explore modifications to SE Water Avenue (in the vicinity of SE Clay Street and OMSI) to ensure that autos queuing from the freight and passenger railroad (UP) tracks east of SE Water Avenue would not block the light rail tracks. Work with City of Portland traffic engineers to ensure that the proposed light rail crossing of SE 11th and 12th Avenues allows for adequate traffic operations; and
- ✧ *Truck issues.* Work with Milwaukie North Industrial area business owners and jurisdiction staff to ensure that truck access, movements and loading needs for adjacent businesses are addressed.

### 3.2.1 Preferred Brooklyn Design Option: 17<sup>th</sup> Avenue

#### (a) Alternatives Considered

Two design options were evaluated in this segment:

- ✗ **West of Union Pacific Railroad (UPRR)**, with the alignment located adjacent to the UPRR parallel to the Brooklyn Yards, and;
- ✗ **17<sup>th</sup> Avenue**, with the alignment along the western edge of 17<sup>th</sup> Avenue through the Brooklyn Neighborhood.

#### (b) Rationale for Selection

- ✗ *17<sup>th</sup> Avenue stations would be closer to the Brooklyn Neighborhood* and provide better station environments and pedestrian access than with the West of Brooklyn Yard Design Option;
- ✗ *The 17<sup>th</sup> Avenue Design Option would serve more transit supportive land uses* located along SE 17<sup>th</sup> Avenue compared to the West of Brooklyn Yard Design Option;
- ✗ *The 17<sup>th</sup> Avenue Option would avoid displacements to large employers*;
- ✗ *The 17<sup>th</sup> Avenue Option would avoid railroad property* which would otherwise be an impediment to timely and cost-effective implementation; and
- ✗ *The 17<sup>th</sup> Avenue Option is strongly supported by the Brooklyn neighborhood.*

#### (c) Issues to be Addressed by Staff

- ✗ *Displacements and property impacts.* Work diligently to minimize potential displacements and property impacts with this design option.
- ✗ *Truck movements.* Continue to work with businesses and property owners to refine designs to allow for truck turning movements necessary to serve adjacent businesses.
- ✗ *Center Street Bus Operations Facility.* Work to identify solutions to parking loss and impacts to bus storage and operations at the TriMet's Center Street facility.

### 3.2.2 Preferred Milwaukie Design Option: Southgate Crossover

#### (a) Alternatives Considered

Two design options were considered for Milwaukie:

- ✗ **Tillamook Branch Design Option**, which would locate light rail adjacent to the Tillamook Branch railroad from the Tacoma Station to a transit center and LRT station located at the Waldorf School. This option would have no Southgate park and ride, transit center or LRT station.
- ✗ **Southgate Crossover Design Option**, which would follow McLoughlin Blvd south from the Tacoma LRT Station to a 600-space Southgate Park and Ride,

Transit Center and LRT station. The alignment would then cross to the east to join with the Tillamook Branch alignment.

**(b) Rationale for Selection**

- ✗ ***Impacts to the Waldorf School site and a limited capacity for transit operations are drawbacks of Tillamook Branch Design Option;*** The Milwaukie Transit Center would be located at the Southgate site with the Southgate Crossover Design Option. The Southgate Transit Center site is a preferred location over the Waldorf School Transit Center site with the Tillamook Branch Line Design Option.
- ✗ ***The Southgate Crossover alignment would result in more transit ridership*** due to an additional station and park-and-ride and a more convenient transit center location that could better accommodate increases in transit service than the other options.
- ✗ ***The Southgate Crossover would provide better access to jobs and residents,*** providing access to 1,500 more jobs and 50 more residents within a quarter-mile of a light rail station than the Tillamook Branch design option.
- ✗ ***The Southgate Crossover would allow for additional park-and-ride capacity*** (600-space structured lot at Southgate) compared to the Tillamook Branch design option.

**(c) Issues to be Addressed by Staff:**

- ✗ ***Relocate the on-street Milwaukie Transit Center to the Southgate site as early as practical during Phase 1.*** In order for the this project to proceed in phase 1, the following issues need to be resolved:
  - ***Environmental Review:*** additional environmental review as may be required by the FTA. TriMet has received environmental clearance for a park and ride lot at this location and will proceed initially with this project.
  - ***Bus Routing and Transit Operations:*** Review with involved communities and constituents required bus rerouting and identify changes in bus operations necessary to cost-effectively implement the new transit center site.
  - ***Capital Funding:*** Identify the capital funding sources to fund the transit center component.
- ✗ ***Traffic and Freight Mobility.*** Work to address traffic and truck access issues along the Southgate Crossover, especially on SE Main Street, SE Milport Street and SE Mailwell Drive and the SE Milport intersection with SE McLoughlin Boulevard.
- ✗ ***Waldorf School.*** Work with the Waldorf School to ensure safety at the station and for the alignment in the vicinity of the school.
- ✗ ***Displacements and property impacts.*** Work to minimize displacements and property impacts with this design option.

### 3.2.3 Preferred Milwaukie Terminus Design Option: Lake Road Terminus

#### (a) Alternatives Considered

Two termini locations were evaluated for the Milwaukie LRT Alternative:

- ✧ **Waldorf School Terminus** (formerly known as Milwaukie Middle School Terminus), with a station and transit center on the Tillamook Branch railroad alignment located south of Harrison Street and east of the school, and;
- ✧ **Lake Road Terminus**, with a station and park and ride structure further south along the Tillamook Branch railroad alignment at the intersection with Lake Road.

#### (b) Rationale for Selection:

- ✧ *The Lake Road Terminus Option provides an additional station in downtown Milwaukie* serving the southern portion of the downtown with access to Milwaukie High School.
- ✧ *The Lake Road Terminus Option provides an additional 275 structured park-and-ride spaces* that would capture auto trips prior to going through downtown Milwaukie.
- ✧ *The Lake Road Terminus Option would provide better access to jobs and residents*, resulting in 1,710 more residents and 1,410 employees located within a quarter mile of a light rail station than the Waldorf School Terminus option.

#### (c) Issues to be Addressed by Staff:

- ✧ *Interim terminus option.* Consider a shorter interim terminus at the Waldorf School if financial plans are not adequate to fund the extension of light rail to the Lake Road terminus. A bus transit center would not be located at the Waldorf School with this interim terminus option.
- ✧ *Bus access.* Refine bus service and access to the SE Lake Road light rail station during the PE/FEIS phase of the project.
- ✧ *Displacements.* Work with property and business owners at the site of the park-and-ride garage to help them understand the acquisition process.
- ✧ *Access to Lake Road Park-and-Ride Lot.* Consider an alternative garage access point for the Lake Road Station Park-and-Ride lot.

### 3.2.4 Preferred Willamette River Crossing: Caruthers Bridge

#### (a) Alternatives Considered

The South Corridor Policy Committee directed that a low cost Milwaukie Light Rail Alternative be studied in the SDEIS and that other potential river crossing alignments for the Milwaukie Alternative be studied in a parallel study, the *Downtown Light Rail Systems Analysis* (TriMet and Metro, December 2002).

Three Willamette River Crossing locations were examined during these processes: the existing Hawthorne Bridge, a new Caruthers Bridge and a new Ross Island Bridge.

The Hawthorne Bridge alignment would require inbound trains to use the SW Water Avenue ramp on the east side and cross from the inside lanes to the outside lanes of the Hawthorne Bridge where trains would operate in mixed traffic across the bridge. On the west side of the bridge, inbound trains would cross back to the center lanes and would turn onto SW First Avenue and continue north connecting to the Interstate Max line. New traffic signals on both ends of the Hawthorne Bridge would impact traffic. The frequent lifts of the Hawthorne Bridge would cause transit reliability issues. Downtown Portland businesses do not support this alignment because riders would be required to transfer or walk to get to the Portland Mall and many downtown Portland destinations.

Additional alignments with the Hawthorne Bridge crossing were also examined. These alignments include the Hawthorne Bridge with a Main and Madison connection to the Portland Mall and the Hawthorne Bridge with a connection via First Avenue to the Cross Mall.

The Caruthers Bridge alignment would be located directly south of the Marquam Bridge and would connect OMSI to SW River Parkway on the west bank. This alignment was selected as part of the Locally Preferred Alternative in 1998. This bridge would be a fixed span bridge to eliminate reliability issues due to bridge openings and would be constructed to allow for bike and pedestrian connections from the greenways on both banks of the Willamette. Connections from the Caruthers Bridge to the Portland Mall would be via either SW Lincoln or Harrison Streets.

A new bridge located north or south of the existing Ross Island Bridge would impact a number of historic resources, would not serve OMSI and the Central Eastside Industrial District and would impact the Corbett-Terwilliger-Lair Hill Neighborhood

**(b) Rationale for Selection**

- ✧ ***The Caruthers Bridge alignment would provide better access to PSU, South Auditorium and South Waterfront areas than the Hawthorne Bridge Alignment***
- ✧ ***The Caruthers Bridge would provide more reliable service.*** The frequent openings of the Hawthorne Bridge would affect light rail service reliability where the Caruthers would be a fixed span bridge.
- ✧ ***Delays to traffic and buses would occur on Hawthorne Bridge.*** Light rail trains would have to cross from the outside lanes to the inside on both ends of the bridge.



- ✗ *The Hawthorne Bridge would require significant modifications that could result in closures of the bridge, which would affect auto commuters and Hawthorne area businesses.*
- ✗ *Traffic on the Hawthorne Bridge could delay light rail service.*
- ✗ *The Caruthers Bridge was selected as part of the South/North DEIS Locally Preferred Alternative in 1998 after significant public discussion.*
- ✗ *The Hawthorne Bridge alignment has been opposed by many groups during the South Corridor public comment period.*
- ✗ *The Caruthers Bridge has been supported during the South Corridor public comment period.*

**(b) Caveat**

If the financial plan cannot accommodate the Caruthers Bridge Alignment, then the Hawthorne Bridge with a Main/Madison Street Alignment to the Transit Mall should be moved forward. If the financial resources are not available for the Hawthorne Bridge with the Main and Madison alignment, then the alignment studied in the SDEIS on SW First Avenue should be moved forward.

**3.2.5 Preferred Alignment Connecting Caruthers Bridge to Portland Mall: Lincoln Alignment**

**(a) Alternatives Considered**

The **Harrison Alignment** was selected in 1998 as the South/North LPA alignment due to cost, travel time, ridership and public input. Currently, Portland Streetcar Inc. is in Preliminary Engineering for the extension of streetcar service from PSU to the North Macadam area via SW Harrison Street. The compatibility of operating streetcar and light rail on the same alignment was investigated, as were the differences between construction methods. The conclusions were that operating streetcar and light rail on the same tracks would negatively impact both modes. In addition, since light rail has more restrictive grade requirements and different station clearances than the streetcar, modifications to the tracks and stations would be required, disrupting streetcar service. Finally, if both modes were operating on the same tracks both modes would need to pre-empt traffic signals resulting in significant traffic delays at SW Naito Parkway. Finally, if both modes operate on the same tracks with stations and signals, the ultimate capacity of each is significantly reduced.

The **Lincoln Alignment** for light rail would avoid the issues with the Harrison Alignment. This alignment would cross over the intersection of SW River Parkway and SW River Drive at grade and would cross over SW Harbor Drive and the Harrison Street Extension on new structure. The alignment would cross SW Naito Parkway and SW First Avenue at-grade as the alignment continues up SW Lincoln Street. A station could be located between SW 2<sup>nd</sup> and 3<sup>rd</sup> avenues. The alignment would continue to SW 5<sup>th</sup> and 6<sup>th</sup> avenues where it would tie into the Portland Mall LRT alignment.

**(b) Rationale for Selection**

- ✍ ***Combining light rail and streetcar on Harrison could create operational difficulties.*** The Portland Streetcar will likely use the Harrison Alignment and analysis has shown that operations could be difficult on a shared alignment. Either modifying Harrison streetcar tracks to accommodate light rail or building the streetcar to light rail standards would be expensive, and could result in a non-optimal shared LRT/Streetcar alignment.
- ✍ ***The Lincoln Alignment could allow for a better station in the South Auditorium Area.***

**(c) Caveat**

Additional engineering and design work is needed to ensure that the Lincoln Alignment will not affect I-405 exit and entrance ramps. If Lincoln Street proves not to be a viable option, then the Harrison Alignment should remain as a fallback option.

**(d) Issues to be Addressed by Staff**

- ✍ ***Connection from the Caruthers Bridge to PSU.*** Finalize the alignment from the west end of the Caruthers Bridge to PSU. Proceed with additional work needed on the Lincoln Alignment at 1) SW 5th and 6th avenues and 2) at SW River Parkway and SE River Drive where the alignment would ramp to cross SW Harbor Drive. Staff should work with ODOT and FHWA to ensure that access to and from the I-405 is not impeded.
- ✍ ***Financial plan.*** Continue to develop plans for the Caruthers Bridge for inclusion in the project. The Harrison Street alignment should be retained as a fallback option until a financial plan is adopted that accommodates the Caruthers Bridge.

**3.3 Milwaukie to Oregon City: Develop Incremental BRT-type Improvements**

**(a) Rationale:**

It is recommended to proceed with incremental implementation of bus service and BRT-type elements in this segment. TriMet should include improved transit service concepts for McLoughlin Boulevard in their Transit Investment Plan process. This process should evaluate park-and-ride sites, bus stop improvements, pedestrian facilities and other service enhancements for implementation in cooperation with Milwaukie, Clackamas County and Oregon City. Service improvements to the Clackamas Community College southeast of Oregon City should also be considered. When light rail is implemented between Portland and Milwaukie, additional bus service improvements between Milwaukie, Oregon City and Clackamas Community College should be evaluated.

### **3.4 Milwaukie to Clackamas: No-Build - Maintain Local Bus Service**

#### **(a) Rationale**

With both I-205 and Milwaukie LRT lines implemented in the corridor, local bus service would be maintained or improved in this segment. The trips in this segment traveling through to central Portland would either travel east to access I-205 Light Rail or travel west to access Milwaukie Light Rail. With this service concept, BRT-type treatments, which facilitate transit travel through this segment, would not be needed.

As the I-205 and Milwaukie LRT alignments move toward implementation, TriMet should work with the neighborhoods in this segment (along with the City of Milwaukie and Clackamas County) to explore improvements to the local bus service in this segment. Improvements could include new routes, route modifications and improved service frequency.

## **4. PROJECT PHASING**

While the previous sections of this report document the merits of implementing the I-205 LRT and Milwaukie LRT extensions along with the Portland Mall, this section addresses the need to phase implementation of the alignments and defines the proper sequencing for doing so.

### **4.1 Funding Considerations**

#### **4.1.1 Funding Context**

The need for sequencing the two LRT extensions is addressed by assessing the viability of implementing the Combined LRT Alternative, which presumes that the I-205 LRT and Milwaukie LRT extensions would be concurrently implemented. As reported in the SDEIS, the “Fixed Guideway Opening Day” capital cost in year of expenditure dollars (YOES) for the Combined LRT Alternative would be approximately \$800 million. The inclusion of the Caruthers Bridge/Mall LRT alignment in downtown Portland (per the LPA) would increase the capital cost of the Combined LRT Alternative by an additional \$249. In addition, the annual LRT operating cost of the Combined LRT alternative is estimated to be \$13.3 million (2002\$) in the year 2020.

#### **4.1.2 FTA Statutory Requirements**

FTA administers a discretionary federal funding program for LRT projects (alternatively called Section 5309 funds or New Start funds). FTA only permits light rail extensions to proceed to Final Design and to receive a Full Funding Grant Agreement if they are determined to be consistent with FTA’s financial capacity policy. Section 5309(e)(1)(C) of the federal transit code requires that a grantee receiving a New Start funding grant must demonstrate that the project is “supported by an acceptable degree of local financial

commitment, including evidence of stable and dependable financing resources to construct, maintain and operate the system or extension.”

Pursuant to FTA policy promulgated in response to the above statute, each South Corridor Project must meet two financial criteria to be eligible for a New Start funding grant:

- ✧ **Financial Condition.** Satisfactory financial condition means that the grantee (i.e. TriMet) can pay its current operations, capital and vehicle/facility replacement program costs from existing revenues.
- ✧ **Financial Capability.** Satisfactory financial capability means the grantee’s ability to meet its expansion costs in addition to its existing operations from project revenues.

#### **4.1.3 Implications of Concurrent Construction of Milwaukie and I-205 LRT Projects**

The Combined LRT Alternative could not comply with the above criteria and, therefore, cannot be eligible for a federal New Start grant because:

- ✧ ***The Region could not commit an amount of local funding sufficient for the Combined LRT Alternative within the schedule required to secure a federal funding contract by March 2005.*** An LRT project must have completed at least 60 percent of its Final Design in order to be eligible for a federal funding contract. For a project the size of the Combined LRT Alternative, it could easily take a year from the start of Final Design to achieve the 60 percent threshold. However, FTA will not permit an LRT project to commence Final Design, unless the local funds for building and operating the project are fully committed.
- ✧ ***By approximately February 2004 the region would have to demonstrate to FTA a fully committed, dependable source of \$419.0 million to \$524.5 million of non-Section 5309 funds (i.e. local and federal formula funds); depending on whether a 60% or 50% “New Start” share was to be pursued. Based on financial capacity analyses, it currently appears that the region may be able to secure commitments for up to \$180 million of local and locally controlled federal formula funds by the time required. This is well under the amount required for the full Combined Alternative.***
- ✧ ***The region could not reasonably expect to secure sufficient federal funds within the 4-5 year construction period to ensure judicious financial management.*** The federal share of the Combined LRT Alternative would be \$524.5 million to \$629.4 million in Section 5309 New Start funds, depending on whether a 50% or 60% “New Start” share was to be pursued. Assuming it would take five years to receive the federal funds, the Combined LRT Alternative would have to receive, on average, \$104.9 to \$125.9 million per year in Section 5309 New Start funds to secure its entire federal allotment. Based on past experience, it appears reasonable that TriMet could receive about \$80 million per year in federal New Start funding for all of the projects

under contract. TriMet could not implement an interim borrowing program to accommodate this degree of deferred federal funding without seriously jeopardizing the remainder of its program.

- ✗ ***TriMet could not accommodate the increased operating funds required to implement the Combined LRT Alternative in one phase, while continuing to operate and maintain the remainder of the transit system.*** Cash flow analyses of TriMet's operating budget prepared for the SDEIS indicated that the entirety of TriMet's proposed payroll tax would have to be dedicated to the Combined LRT Alternative for about a decade to meet this requirement if the full Combined Light Rail Alternative were built in one phase without further resources. This would be inconsistent with the Transit Improvement Plan that underlies the proposal for the payroll tax increase.
- ✗ ***For the reasons stated above, the Region could not demonstrate to FTA the financial capability to construct and operate the Combined LRT Alternative in one phase.*** Consequently, it is recommended that a two-phase implementation strategy be undertaken. While some minor overlapping may be possible, these two phases would generally be sequential.

#### **4.2 Phase 1 of the South Corridor Major Transit Investment Strategy: I-205 LRT Project including the Portland Mall and Transit Improvements in the McLoughlin Corridor**

With the project savings to be identified during Preliminary Engineering, it is estimated that an I-205 LRT Project that includes a Mall alignment in downtown Portland between the Steel Bridge and Portland State University (PSU) would cost \$450 million (in YOES). Assuming a 60% New Start share, the maximum practical share given current FTA practice, this would require \$180 million in non-New Start funds. This is an amount that the region potentially will be able to commit by early 2004. *(Of that total, \$35 million is uniquely available for the I-205 LRT Project and \$25 million for the Portland Mall alignment due to the sources of these funds.)*

The required \$270 million of New Start funds, assuming a 60% share, would be reasonably obtainable over a 4-5 year period in increments of \$80m or less per year, and would not require an excessive interim borrowing program. In addition, with the proposed payroll tax increase, the operating costs of the I-205 LRT Project can be met while implementing the remainder of TriMet's Transit Improvement Program. Consequently, it appears that an I-205 LRT (with Portland Mall) Project could comply with FTA's financial capacity policy.

The greater the length of the Portland Mall Alignment that is constructed as part of the I-205 LRT Project, the easier it will be to implement the Milwaukie LRT Project. The Steel Bridge to PSU mall alignment discussed above represents the longest mall alignment possible with the I-205 LRT Project. However, it requires substantial local match that may not be possible to secure within the project schedule. While all

reasonable efforts should be undertaken to secure sufficient funds for the Portland Mall alignment to PSU, a secondary, less expensive, option should be maintained that incorporates a Portland Mall alignment between the Steel Bridge and SW Main Street as part of the I-205 LRT Project. If this secondary option is pursued, the Portland Mall alignment between SW Main Street and PSU may be incorporated in the Milwaukie LRT Project, in the second phase of the project. In addition, if dictated by a larger local funding shortfall, a tertiary, least expensive option should be maintained that defers the entire Portland Mall alignment to the second phase of the project.

Construction of a Southgate park and ride lot in Milwaukie and relocation of the on-street transit center in downtown Milwaukie to the Southgate area is anticipated to use a mix of local and federal funds other than Section 5309 New Starts funds. Pending programming in TriMet's *Transit Investment Plan*, incremental implementation of BRT-style improvements between Milwaukie and Oregon City would be funded with a mix of local and federal funds other than Section 5309 New Starts funds.

#### **4.3 Phase 2 of the South Corridor major transit investment strategy: Milwaukie LRT Project**

Without a Mall alignment (as reported in the SDEIS), the Milwaukie LRT Project would cost approximately \$418 million (in YOES), if constructed as the first phase (i.e. between 2004 and 2008). Assuming a 60% New Start share, the amount of local funds (including formula federal funds) required to be committed to the Project by early 2004 would be approximately \$167.2 million. Based on analyses to date, this is almost \$50 million more than is currently available or the maximum that may be obtainable for a Milwaukie LRT (and no mall alignment) Project within the project schedule.

If constructed as the first phase of the project, a Milwaukie LRT Project that uses the Hawthorne Bridge and includes a Portland Mall alignment to the Steel Bridge would cost \$578 million. The costs would rise to \$666 million if it included the desired Caruthers Bridge to Steel Bridge alignment. These mall alignment options add between \$44 million and \$103 million to the local share deficit.

Consequently, a new funding source would be required for the Project. The Metro Transportation Investment Task Force has proposed a funding measure that incorporates GO bond funds for the Milwaukie LRT Project. Given the Oregon constitutional requirement for 50% voter turnout, such an election would only be practical during a general election (i.e. November 2004 or 2006). If successful, the ability to commit these funds to the project would occur from one to three years after the time such a commitment would be required to start Final Design (early 2004).

With Milwaukie LRT being pursued as a second phase, the capital cost of the Milwaukie LRT Project depends on (i) the added inflationary costs associated with the later construction date and (ii) the extent of the downtown Portland alignment incorporated in the I-205 LRT Project:

- ✍ If the I-205 LRT Project incorporates a Portland Mall alignment to PSU, as desired, the Milwaukie LRT Project would cost \$514 million including the desired Caruthers Bridge to PSU alignment.
- ✍ If the I-205 LRT Project incorporates a Portland Mall alignment to SW Main Street, the Milwaukie LRT Project would cost \$ 566 million including the desired Caruthers Bridge to SW Main Street alignment, or, if sufficient funds are not available for the Caruthers Bridge alignment, \$478 million for the Hawthorne Bridge to SW Main Street to Portland Mall alignment.
- ✍ If the I-205 LRT Project does not incorporate any Portland Mall improvements, the Milwaukie LRT Project would cost \$666 million for the desired Caruthers Bridge to Steel Bridge alignment, or, if sufficient funds are not available for the Caruthers Bridge alignment, \$578 million for the secondary option of Hawthorne Bridge to SW Main/Madison Street to Mall to Steel Bridge alignment, or, if no funds are available for a Mall alignment, \$418 million for the tertiary option of not having any mall alignment (as in the SDEIS).

Depending on the amount of funding incorporated in a General Obligation (G.O.) bond election for the project, each of the above options and sub-options could be feasible. Moreover, reasonable design options exist if a lower amount of local funding is secured.

To maximize the opportunity for the ilwaukie LRT Project, steps should be undertaken in Phase 1 to begin to implement capital and transit service improvements in the Milwaukie corridor. In particular, the transit center/park-and-ride at the old Southgate Theater site should be implemented in Phase 1, followed by the relocation of the current on-street transit center to the Southgate area pending resolution of environmental and design issues..

#### **4.4 Overall Phasing Recommendation**

Given the findings reported above, the following phased implementation plan is proposed for the South Corridor major transit investment strategy:

- ✍ ***Implement the I-205 LRT Project as the first phase of the South Corridor major transit investment strategy*** using existing local funds, including locally controlled federal formula funds, and federal discretionary “New Start” funds.
- ✍ ***As part of the I-205 LRT Project, incorporate the maximum affordable Portland Mall alignment in downtown Portland.*** The desired alignment would run from the Steel Bridge to PSU. If sufficient local funding is not available, implement a Steel Bridge to S.W. Main Street alignment as a secondary option, and no Mall alignment (as set forth in the SDEIS) as the tertiary option.
- ✍ ***During Phase 1, Implement Transit Improvements in Milwaukie.*** In Phase 1, construct a Southgate Park-and-Ride lot (construction is scheduled to start in Fall

2003), and relocate the existing on-street transit center in downtown Milwaukie to the Southgate area, pending resolution of environmental and design issues.

- ✍ ***Implement the Milwaukie LRT Project as the second phase of the South Corridor major transit investment strategy***, using GO Bond funds (requiring voter approval) and federal discretionary “New Start” funds.
- ✍ ***The downtown alignment component of the Milwaukie LRT Project depends on the downtown alignment incorporated in the I-205 LRT Project.*** However, the downtown component should be based on the following priorities: (a) the Caruthers Bridge, which is most desired, (b) the Hawthorne Bridge to SW Main Street to Mall alignment, as the secondary option, and (b) no Mall alignment (as set forth in the SDEIS) as the tertiary option; depending on the amount of local funds secured for the Project.
- ✍ ***Continue to address transit issues between Milwaukie and Oregon City.*** During Phase 1, subject to evaluation in *TriMet’s Transit Investment Plan*, begin incremental implementation of limited Bus Rapid Transit (BRT) and park-and-ride improvements from Milwaukie to Oregon City.