

# **ANNOTATED MINUTES**

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

## **SPECIAL BOARD MEETING**

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

### **CONSENT CALENDAR**

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

### **SHERIFF'S OFFICE**

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

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

**DEPARTMENT OF SUPPORT SERVICES**

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

***RESOLUTION 99-222.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

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

***ORDER 99-223.***

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

***RESOLUTION 99-224.***

**DEPARTMENT OF HEALTH**

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

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

## **REGULAR AGENDA**

## **PUBLIC COMMENT**

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

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

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

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

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

## **NON-DEPARTMENTAL**

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

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

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

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

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

**DEPARTMENT OF SUPPORT SERVICES**

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

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

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

---

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

## **BUDGET WORK SESSION**

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

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

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

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

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

**Deborah L. Bogstad**

Deborah L. Bogstad



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

#### **Beverly Stein, Chair**

1120 SW Fifth Avenue, Suite 1515

Portland, Or 97204-1914

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

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

#### **Diane Linn, Commission Dist. 1**

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

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

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

#### **Serena Cruz, Commission Dist. 2**

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

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

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

#### **Lisa Naito, Commission Dist. 3**

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

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

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

#### **Sharron Kelley, Commission Dist. 4**

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

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

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

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

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

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

**NOVEMBER 16, 1999**

### **BOARD MEETINGS**

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

Pg. 2	9:30 a.m. Tuesday Special Board Meeting - 18 Consent Calendar Items
Pg. 4	9:30 a.m. Tuesday Resolution Adopting Child Receiving Center Siting Advisory Committee Recommendations
Pg. 4	9:45 a.m. Tuesday Resolution Opposing Restrictions of Local Control
Pg. 4	10:00 a.m. Tuesday Resolution Adopting 99-00 Supplemental Budget
Pg. 4	10:05 a.m. Tuesday DES Emerging Budget Issues Work Session
Pg. 5	<b>Board Meeting Cancellation Notice</b>
*	Board Meets November 23, 29, 30, 1999 & December 2, 7, 9, 14, 15, 16 1999

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

**Tuesday, 9:30 AM, (LIVE) Channel 30**

Thursday, 9:30 AM, Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community  
Television

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

## **SPECIAL BOARD MEETING**

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

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

- C-1 Budget Modification MCSO 01 Approving Reclassification of an Enforcement Sergeant Position to an Enforcement Lieutenant Position to Match the Duties of the Position as Assigned
- C-2 Dispenser Class A Liquor License Renewal for MULTNOMAH FALLS LODGE, 515 Scenic Highway and Columbia Gorge, Bridal Veil
- C-3 Package Store Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 East Crown Point Highway, Troutdale
- C-4 Package Store Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-5 Package Store Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-6 Package Store Liquor License Renewal for ROCKY POINT MARINA, 23586 NW St Helens Highway, Portland
- C-7 Package Store With Pumps Liquor License Renewal for CORBETT COUNTRY MARKET, 36801 East Historic Columbia River Highway, Corbett
- C-8 Package Store With Pumps Liquor License Renewal for TENLY'S JACKPOT FOOD MART, 28210 SE Orient Drive, Gresham
- C-9 Restaurant Liquor License Renewal for BIG BEARS CROWN POINT MARKET, 31815 East Crown Point Highway, Troutdale
- C-10 Retail Malt Beverage Liquor License Renewal for BOTTOMS UP!, 16900 NW St Helens Road, Portland

C-11 Retail Malt Beverage Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham

C-12 Retail Malt Beverage Liquor License Renewal for SPRINGDALE TAVERN, 32302 East Crown Point Highway, Corbett

C-13 Retail Malt Beverage Liquor License Renewal for WILD WOOD GOLF COURSE, 21881 NW St Helens Road, Portland

#### **DEPARTMENT OF SUPPORT SERVICES**

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

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES**

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

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

#### **DEPARTMENT OF HEALTH**

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

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

#### **REGULAR AGENDA**

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

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

#### **DEPARTMENT OF ENVIRONMENTAL SERVICES - 9:30 AM**



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

**NON-DEPARTMENTAL - 9:35 AM**

- R-3 RESOLUTION Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102nd and E. Burnside Site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process
- R-4 RESOLUTION Opposing Multilateral Agreement on Investment Provisions that Unfairly Restrict Local Control

**DEPARTMENT OF SUPPORT SERVICES - 10:00 AM**

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

---

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

**BUDGET WORK SESSION**

- WS-1 Emerging Budget Issues for FY 2000-2001: Department of Environmental Services. Presented by Larry Nicholas, Mike Oswald, Invited Others. 1.5 HOURS REQUESTED.



## **MULTNOMAH COUNTY COMMISSIONERS** **BOARD MEETING CANCELLATION NOTICE**

Thursday, November 18, 1999

AOC Conference - No Board Meeting

Thursday, November 25, 1999

Thanksgiving - Offices Closed

Tuesday, December 21, 1999

Briefing Meeting Cancelled

Thursday, December 23, 1999

Regular Meeting Cancelled

Tuesday, December 28, 1999

No Meeting Scheduled

Thursday, December 30, 1999

Regular Meeting Cancelled

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



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

## MULTNOMAH COUNTY OREGON

### MEMORANDUM

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

FROM: Charlotte Comito  
Staff to Commissioner Lisa Naito

DATE: October 28th, 1999

RE: Board Briefing Absence

Commissioner Naito will not be able to attend the November 16<sup>th</sup> Board Briefing as she will be out of town attending the annual Association of Counties Conference in Seaside, Oregon.

11/16/99

(Comito drove  
back from Seaside  
for Board meeting)

99 OCT 29 AM 8:27  
MULTNOMAH COUNTY  
OREGON  
COUNTY ADMINISTRATOR

## BUDGET MODIFICATION NO.

MCSO #01(For Clerk's Use) Meeting Date NOV 16 1999Agenda No. C-1

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT Sheriff's Office  
CONTACT Larry AabDIVISION \_\_\_\_\_  
TELEPHONE 251-2489

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD \_\_\_\_\_

SUGGESTEDAGENDA TITLE

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

Request Approval of reclassification of Enforcement Sergeant position to Enforcement Lieutenant position

(Estimated Time Needed on the Agenda)

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

☒ X

Personnel changes are shown in detail on the attached sheet

This modification will reclass an existing Enforcement Sergeant position to an Enforcement Lieutenant position. \$6,657 will be transferred from the general fund overtime budget to cover additional costs. There are no net expenditures.

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

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

Fund Contingency before this modification \_\_\_\_\_

Date \_\_\_\_\_

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

MCSD #01

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

## 6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

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

BudMod1.xls

MCSO #01

Budmod

EXPENDITURE												
TRANSACTION EB GM [ ]			TRANSACTION DATE					ACCOUNTING PERIOD				BUDGET FY
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase	Subtotal	Description
		100	025	3730			5100	34,317	39,799	5,482		Permanent
							5500	10,249	11,403	1,154		Fringe
							5550	4,330	4,352	22		Insurance
		100	025	3102			5300	82,424	77,474	(4,950)		Overtime
							5500	146,266	144,999	(1,267)		Fringe
							5550	94,002	93,561	(441)		Insurance
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL EXPENDITURE CHANGE										0	0	
REVENUE												
TRANSACTION RB GM [ ]			TRANSACTION DATE					ACCOUNTING PERIOD				BUDGET FY
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase	Subtotal	Description
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										0	0	

## DEPARTMENT REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties and related information of the position (please do not copy from the class specification) on the Multnomah County Job Description form. The Job Description form and a supplemental guide are also available on-line through the MINT (County's Intranet site), [http://dss.co.multnomah.or.us/hr/hr\\_forms/index.htm](http://dss.co.multnomah.or.us/hr/hr_forms/index.htm). At this point you can fill out the request on-line or print out a copy of the form for draft purposes, etc.

2. Forward the final completed Request form and Job Description, (plus an organizational chart) 106/1430, Jennifer Huntsman, Classification/Compensation Analyst. The Classification/Compensation Unit will forward copies of the information to the appropriate union representative, if applicable.

State the proposed classification title: Enforcement Lieutenant (9705)

4. Is this a new position? ☒ Yes ☐ No

5. If this is an existing position, state the name of the incumbent or current classification:

~~WASANT~~

6. Proposed effective date of change: August 2, 1999

Hiring Manager: Undersheriff Mel Hedgpeth

Phone Number: 251-2523

Date: August 5, 1999

Department/Division: ~~SWAN'S Office~~

\*\*\*\*\*  
Action: ☒ Approved as submitted.  
☐ Approved for classification title.  
☐ Denied (for Reclassification Requests only)

Reason(s) for Denial: \_\_\_\_\_

Analyst Name: \_\_\_\_\_

Date: 8-17-99

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

---

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,  
Sheriff

TODAY'S DATE: 11/3/99

REQUESTED PLACEMENT DATE: November 11, 1999

---

RE: BUDGET MODIFICATION REQUESTING AUTHORIZATION TO RECLASSIFY 1  
SERGEANT POSITION TO LIEUTENANT

I. Recommendation/Action Requested:

Request Board to approve the reclassification of 1 Sergeant position to Lieutenant to match the duties of the position as assigned.

II. Background/Analysis:

As the agency has grown, the responsibility involved in ensuring professional standards through internal affairs investigations has increased. In addition, duties such as work place intervention and investigations have created a need for an increased level of supervision. As a result, the Employee Services Division examined the position of Internal Affairs Unit Manager and recommended the position be reclassified from a Sergeant to a Lieutenant.

III. Financial Impact:

This reclassification is effective November 29, 1999 and will cost \$6,657. Additional annualized costs for the position will be \$9,010 and will be absorbed in the agency's base line budget.



IV. Legal Issues:

None Known

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Multnomah County Personnel Division

MEETING DATE: NOV 16 1999

AGENDA #: C-2

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: \_\_\_\_\_

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Dispenser Class A License Renewal application for:

Multnomah Falls Lodge  
Scenic Highway & Columbia Gorge  
Bridal Veil, OR 97010

The backgrounds have been checked on applicant: Richard A. Buck and no criminal history can be found on the above. He is current with Assessment and Taxation. He is compliant with current land use ordinances.

11/16/99 original to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT MANAGER: B. Elliott 18568 /Sergeant Brett Elliott

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

NOV - 8 PM 1:04  
CLERK OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

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

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

<b>License Type:</b> Dispenser Class A	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R08370A	<b>421/212</b>
--	--------------------	--------------------------	---------------------	----------------

DA-1106  
 MULTNOMAH FALLS CO INC  
 MULTNOMAH FALLS CO INC  
 PO BOX 367  
 TROUTDALE OR 97060

**Licensee(s)** MULTNOMAH FALLS CO INC

**Server Education Designee(s)**  
 BUCK RICHARD

**Tradename** MULTNOMAH FALLS LODGE  
 S/S SCENIC HWY & COLUMBIA GORG  
 BRIDAL VEIL OR 97010

**Instructions:**

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

Operational Questions:	Responses:										
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number. <b>NO</b>	Name _____ SS# _____										
(2) Please list a daytime phone number.	Phone Number: <b>503-695-2376</b>										
(3) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td align="center" colspan="5"><b>NONE</b></td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	<b>NONE</b>				
Name	Offense	Date	City/State	Result							
<b>NONE</b>											
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of <b>NO LESS THAN \$300,000</b> . Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company <b>SAFECO Insurance Co.</b> Policy # <b>BA2226826</b>										
(5) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES - EXPLAIN: <b>PARTNERS: HAROLD BUCK, Kyle Smith, Kathryn Luman</b>										
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - EXPLAIN:										
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES - EXPLAIN:										

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

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/16/99

Signed: [Signature] Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Dispenser Class A	400.00
Server Education student fee	2.60
<b>TOTAL FEE TO PAY</b> >>>>PLEASE PAY THIS AMOUNT <<<<	<b>402.60</b>
<b>Late Fees</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 100.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 160.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Richard A Buck	[Signature]	10/14/99	543-60-8826	8-6-50

## **BARNETT Rick J**

---

**From:** SWAIN Savana G  
**Sent:** Friday, November 05, 1999 8:34 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWALS: FOLLOW UP

no taxes due on this business

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 8:49 AM  
**To:** KILMARTIN Patrice M  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWALS: FOLLOW UP

### **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 8:18 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWALS

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

Multnomah Falls Co Inc.  
D.b.a. Multnomah Falls Lodge  
515 Scenic Highway & Columbia Gorge  
Bridal Veil, Or 97010

Manager: Richard A Buck  
DOB: 080650

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

Thank you

**BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Thursday, October 21, 1999 11:31 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

The Multnomah County Land Use Planning Division has reviewed its records and would support Renewal of the OLCC License. Thank you for the opportunity to comment on this review.

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 8:42 AM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Multnomah Falls Co Inc.  
D.b.a. Multnomah Falls Lodge  
515 Scenic Highway & Columbia Gorge  
Bridal Veil, Or 97010

Manager: Richard A Buck  
DOB: 080650

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-3

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Big Bear Crown Point Market  
31815 E. Crown Point Highway  
Troutdale, OR 97060

The background(s) have been checked on applicants Phillip J. DuFresne and Judy K. DuFresne and an arrest was found on Judy DuFresne. On 02/13/99 she was arrested by Troutdale PD for DUI and is currently on Diversion. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 ORIGINAL to RICK BARNETT

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott 18568 /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

CLERK OF  
COUNTY COMMISSIONERS  
NOV - 9 PM 3:05  
MULTI-COUNTY  
OREGON

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

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

License Type: Package Store	District: 1	County/City: 2600	RO#: R00236A	421/203
-----------------------------	-------------	-------------------	--------------	---------

**BIG BEARS CROWN POINT MARKET INC**  
 31815 E CROWN POINT HWY  
 TROUTDALE OR 97060

Licensee(s) **BIG BEARS CROWN POINT MARKET INC**

Tradename **BIG BEARS CROWN POINT MARKET**  
 31815 E CROWN POINT HWY  
 TROUTDALE OR 97060

**Instructions:**

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

Operational Questions:	Responses:										
(1) Please list a daytime phone number.	Phone Number: <u>503-695-2255</u>										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>Judy Dufresne</td> <td>DUI</td> <td>2/13/99</td> <td>ORE</td> <td>DIVERSION</td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	Judy Dufresne	DUI	2/13/99	ORE	DIVERSION
Name	Offense	Date	City/State	Result							
Judy Dufresne	DUI	2/13/99	ORE	DIVERSION							
(3) Will anyone share in the profits who is not a licensee <u>of this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

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

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/16/99  
 Signed: Beverly Stein Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

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

Print Name	Signature	Date	Social Security #	Date of Birth
Phillip J. Dufresne	<i>Phillip J. Dufresne</i>	10-26-99	543-48-9303	11-28-44
Judy K. Dufresne	<i>Judy K. Dufresne</i>	10-26-99	543-54-1223	7-19-46
			S	

## **BARNETT Rick J**

---

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

The following are names of Businesses and their tax status.

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

NO TAXES OWING

Springdale Tavern  
32302 E Crown Point Hwy

NO TAXES OWING

Big Bear Crown Point Market  
31815 E Crown Point Hwy

NO TAXES OWING



## **BARNETT Rick J**

---

**From:** KIENHOLZ Don D  
**Sent:** Friday, November 05, 1999 4:05 PM  
**To:** BARNETT Rick J  
**Subject:** OLCC License Renewal

I did a background check on the following two address and neither have any landuse issues that need to be resolved.

1. Plainview Grovery  
11800 NW Cornelius Pass Rd.  
Portland, OR 97321

Owner: Steven A Linden

2. Big Bear Crown Point Market Inc.  
31815 E Crown PPoint Hwy  
Troutdale, OR 97060

Owners: Phillip and Judy DuFresne

MEETING DATE: NOV 16 1999

AGENDA #: C-4

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: \_\_\_\_\_

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Cracker Barrel Grocery  
15005 NW Sauvie Island Road  
Portland, Oregon 97231

The background(s) have been checked on applicants: Kae Mun Yom and Chong Su Yom and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

*1/16/99 Original to Rick Barnett*

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:

*B. Elliott*

/Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
99 NOV -4 AM 8:28  
MULTI-COUNTY  
OREGON

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

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

<b>License Type: Package Store</b>	<b>District: 1</b>	<b>County/City: 2600</b>	<b>RO#: R00281A</b>	<b>421/203</b>
------------------------------------	--------------------	--------------------------	---------------------	----------------

**YOM KAE MUN**  
**15005 NW SAUVIE ISLAND RD**  
**PORTLAND OR 97231**

**Licensee(s) YOM KAE MUN**  
**YOM CHONG SU**

**Tradename CRACKER BARREL GROCERY**  
**15005 NW SAUVIE ISLAND RD**  
**PORTLAND OR 97231**

**Instructions:**

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

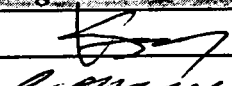
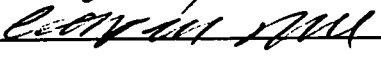
Operational Questions:	Responses:										
(1) Please list a daytime phone number.	Phone Number: <u>621-3960</u>										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td colspan="5"> </td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result					
Name	Offense	Date	City/State	Result							
(3) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

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

The County of MULTNOMAH recommends that this license be GRANTED X REFUSED    on (date) 11/16/99

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

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

Print Name	Signature	Date	Social Security #	Date of Birth
YOM, KAE MUN		10-21-99	540-06-1925	7-24-41
YOM, CHONG SU		10-21-99	541-04-2665	1-17-40

**BARNETT Rick J**

---

**From:** KILMARTIN Patrice M  
**Sent:** Thursday, October 28, 1999 1:55 PM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

**Mr. Barnett -**

***All taxes are paid and no tax is due for 99/2000 on the personal property owned by Kae Mun and Chong Su Yom, DBA Cracker Barrel Grocery (P417400).***

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 12:44 PM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Cracker Barrel Grocery  
15005 NW Sauvie Island Rd  
Portland, Or 97231

Owners: Kae Mun Yom                      Chong Su Yom  
DOB:    072441                      011740

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

Thank you

**BARNETT Rick J**

---

**From:** RAPPOLD Kerry F  
**Sent:** Monday, November 01, 1999 11:04 AM  
**To:** LABERGE Evalyn J  
**Cc:** BARNETT Rick J  
**Subject:** OLCC License Renewals

Evalyn:

There are no land use concerns (violations, permits) with the following businesses:

Cracker Barrel Grocery  
15005 NW Sauvie Island Road

Pleasant Home Saloon  
31637 SE Dodge Park Blvd.

Kerry Rappold  
Planner  
Land Use Planning Division

MEETING DATE: NOV 16 1999

AGENDA #: C-5

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: \_\_\_\_\_

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Plainview Grocery  
11800 NW Cornelius Pass Road  
Portland, Oregon 97231

The background(s) have been checked on applicant: Steven A. Linden and no criminal history can be found on the above. He is current with Assessment and Taxation. He is compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

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

DEPARTMENT MANAGER: B. Elliott 11/16/99 /Sergeant Brett Elliott

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

99 NOV -8 PM 4:02  
MULTICOUNTY  
OREGON  
CLERK OF  
COURT

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

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

License Type: <b>Package Store</b>	District: <b>1</b>	County/City: <b>2600</b>	RO#: <b>R00285A</b>	421/203
------------------------------------	--------------------	--------------------------	---------------------	---------

**LINDEN STEVEN A**  
11800 NW CORNELIUS PASS RD  
PORTLAND OR 97231

Licensee(s) **LINDEN STEVEN A**

Tradename **PLAINVIEW GROCERY**  
11800 NW CORNELIUS PASS RD  
PORTLAND OR 97231

**Instructions:**

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

Operational Questions:	Responses:										
(1) Please list a daytime phone number.	Phone Number: <b>503-645-1697</b>										
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Name</th> <th style="width: 15%;">Offense</th> <th style="width: 15%;">Date</th> <th style="width: 15%;">City/State</th> <th style="width: 10%;">Result</th> </tr> </thead> <tbody> <tr> <td colspan="5" style="height: 40px;"></td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result					
Name	Offense	Date	City/State	Result							
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

<b>Endorsement</b> - Please take this form to your local governing body that is listed below before you return it to the OLCC.	
The County of MULTNOMAH recommends that this license be GRANTED <input checked="" type="checkbox"/> REFUSED <input type="checkbox"/> on (date) <b>11/16/99</b>	
Signed:	Title of Signer <b>BEVERLY STEIN, MULTNOMAH COUNTY CHAIR</b>

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

Print Name	Signature	Date	Social Security #	Date of Birth
<b>Steven A. Linden</b>		<b>10-14-99</b>	<b>540-52-9329</b>	<b>3-12-47</b>

**BARNETT Rick J**

---

**From:** KILMARTIN Patrice M  
**Sent:** Monday, October 18, 1999 1:47 PM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LICENSE RENEWAL

**Mr. Barnett -**

**Steve Linden, DBA Plainview Grocery owes no delinquent personal or real property tax on any of his 5 accounts at this time. He has historically paid his property tax in a timely manner and the 99/2000 tax payment is not due until 11/15/99.**

**Please let me know if you require printouts of his accounts to document these facts.**

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

**From:** BARNETT Rick J  
**Sent:** Friday, October 15, 1999 10:08 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LICENSE RENEWAL

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

Plainview Grocery  
11800 NW Cornelius Pass Rd  
Portland, Or 97231

Owner: Steven A Linden  
DOB: 031247

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

Thank You



**BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Friday, November 05, 1999 11:49 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LICENSE RENEWAL: 3RD REQUEST PLAINVIEW

We have reviewed our land use records and have no objection to to the issuance of the OLCC license renewal for this address.

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

**From:** BARNETT Rick J  
**Sent:** Friday, November 05, 1999 11:21 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LICENSE RENEWAL: 3RD REQUEST PLAINVIEW

## **3rd REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 8:51 AM  
**To:** BOURQUIN Phillip M  
**Subject:** RE: OLCC LICENSE RENEWAL: FOLLOW UP

## **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Friday, October 15, 1999 9:41 AM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LICENSE RENEWAL

The below has applied to our office of an OLCC liquor license renewal. Please inform this office if the named business is in compliance with current Land Use Ordinances.

Plainview Grocery  
11800 NW Cornelius Pass Rd  
Portland, Or 97231

Owner: Steven A Linden  
Dob: 031247

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

Thank you.

AGENDA #: \_\_\_\_\_ NOV 16 1999

ESTIMATED START TIME: C-6

(Above space for Board Clerk's Use Only)

9:30

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal application for:

Rocky Point Marina  
23586 NW St. Helens Highway  
Portland, OR 97231

The background(s) have been checked on applicants Richard Tonneson and Janis Johnson-Tonneson and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

*11/16/99 original to Rick Barnett*

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott 11/16/99 /Sergeant Brett Elliott

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

BOARD OF  
COUNTY COMMISSIONERS  
99 NOV - 9 PM 3:04  
MULTNOMAH COUNTY  
OREGON

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

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

<b>License Type:</b> Package Store	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R26109A	<b>421/203</b>
------------------------------------	--------------------	--------------------------	---------------------	----------------

**ROCKY POINTE MARINA, LLC**  
 23586 NW ST. HELENS HWY  
 PORTLAND OR 97231

**Licensee(s)** ROCKY POINTE MARINA, LLC

**Tradename** ROCK POINTE MARINA  
 23586 NW ST. HELENS HWY  
 PORTLAND OR 97231

**Instructions:**

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

<b>Operational Questions:</b>	<b>Responses:</b>																				
(1) Please list a daytime phone number. <u>503-543-7003</u>	Phone Number: <u>503 543-7003</u>																				
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width:20%;">Name</th> <th style="width:20%;">Offense</th> <th style="width:20%;">Date</th> <th style="width:20%;">City/State</th> <th style="width:20%;">Result</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Offense	Date	City/State	Result															
Name	Offense	Date	City/State	Result																	
(3) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:																				
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:																				

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

The County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/16/99

Signed: [Signature] Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

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

Print Name	Signature	Date	Social Security #	Date of Birth

**BARNETT Rick J**

---

**From:** SWAIN Savana G  
**Sent:** Friday, November 05, 1999 8:37 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

no taxes due

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 11:49 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Rock Pointe Marina  
23586 NW St. Helens Hwy  
Portland, Or 97231

Owners: Richard H Tonneson	Janis Johnson-Tonneson
DOB: 022037	010838

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

Thank you

## **BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Friday, November 05, 1999 11:59 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP ROCKY POINTE

We have reviewed our land use records and have no objection to to the issuance of the OLCC license renewal for this address.

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

**From:** BARNETT Rick J  
**Sent:** Friday, November 05, 1999 11:39 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP ROCKY POINTE

### **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 12:04 PM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Rocky Pointe Marina  
23586 NW St Helens Hwy  
Portland, Or 97231

Owners: Richard h Tonneson                      Janis Johnson-Tonneson  
DOB: 022037                                      010838

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-7

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

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

Corbett Country Market  
36801 E. Historic Columbia River Highway  
Corbett, OR 97019

The background(s) have been checked on applicants Susan D. Larsen and William O'Leigh and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 original to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT MANAGER: Brett Elliott 11/30/99 /Sergeant Brett Elliott

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

CLERK OF DISTRICT COURT  
99 NO. -3 PM 3:05  
CLERK OF DISTRICT COURT  
OREGON

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

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

<b>License Type:</b> Package Store with Pumps	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R00351A	<b>421/203</b>
---	--------------------	--------------------------	---------------------	----------------

**LARSEN LEIGH ENTERPRISES, INC**  
 36801 E HIST. COLUMBIA RVR HWY  
 CORBETT, OR 97019

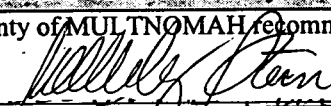
**Licensee(s)** LARSEN LEIGH ENTERPRISES, INC

**Tradename** CORBETT COUNTRY MARKET  
 36801 E HIST. COLUMBIA RVR HWY  
 CORBETT, OR 97019

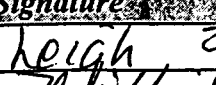
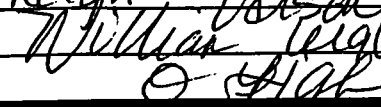
**Instructions:**

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

<b>Operational Questions:</b>	<b>Responses:</b>
(1) Please list a daytime phone number.	Phone Number: 695-2234
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result  none
(3) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(5) Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE).	\$ 30 000

<b>Endorsement</b> - Please take this form to your local governing body that is listed below before you return it to the OLCC.	
The County of MULTNOMAH recommends that this license be GRANTED <input checked="" type="checkbox"/> REFUSED <input type="checkbox"/> on (date) 11/16/99	
Signed:  Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR	

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

<b>Print Name</b>	<b>Signature</b>	<b>Date</b>	<b>Social Security #</b>	<b>Date of Birth</b>
Susan D Larsen		10-31-99	540 682601	3-19-53
William O. Leigh		10-31-99	542 804391	9-5-58

**BARNETT Rick J**

---

**From:** SWAIN Savana G  
**Sent:** Monday, November 08, 1999 10:10 AM  
**To:** BARNETT Rick J  
**Subject:** FW: OLCC LIQUOR LICENSE RENEWAL: 3RD FOLLOW UP CORBETT COUNTRY

no taxes due .

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

**From:** KILMARTIN Patrice M  
**Sent:** Monday, November 08, 1999 8:51 AM  
**To:** SWAIN Savana G  
**Subject:** FW: OLCC LIQUOR LICENSE RENEWAL: 3RD FOLLOW UP CORBETT COUNTRY

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

**From:** BARNETT Rick J  
**Sent:** Monday, November 08, 1999 8:38 AM  
**To:** KILMARTIN Patrice M  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: 3RD FOLLOW UP CORBETT COUNTRY

## **3RD REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Friday, November 05, 1999 11:41 AM  
**To:** KILMARTIN Patrice M  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP CORBETT COUNTRY

## **FOLLOW REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 12:59 PM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Corbett Country Market / Larsen Leigh Enterprises Inc.  
36801 E Hist. Columbia Rvr Hwy  
Corbett, Or 97019

Owners: Susan D Larsen                      William O Leigh  
DOB:    031953                                  090558

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

Thank you



## **BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Friday, November 05, 1999 12:00 PM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP CORBETT MARKET

We have reviewed our land use records and have no objection to to the issuance of the OLCC license renewal for this address.

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

**From:** BARNETT Rick J  
**Sent:** Friday, November 05, 1999 11:45 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP CORBETT MARKET

### **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 1:07 PM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Corbett Country Market / Larsen Leigh Enterprises Inc.  
36801 E Hist. Columbia Rvr Hwy  
Corbett, Or 97019

Owners: Susan D Larsen	William O Leigh
DOB: 031953	090558

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-8

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: \_\_\_\_\_

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

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

Tenly's Jackpot Food Mart  
28210 SE Orient Drive  
Gresham, Oregon 97080

The background(s) have been checked on applicants: My Ly Le, Hien Ly Le and Ly Phoung Le and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:

B. Elliott 18568

/Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

99 NOV -8 PM 1:04  
MULTI-COUNTY  
OREGON  
COUNTY COMMISSIONERS

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

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

<b>License Type:</b> Package Store with Pumps	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R19229A	<b>421/203</b>
---	--------------------	--------------------------	---------------------	----------------

LE, LY MY  
 28210 SE ORIENT DRIVE  
 GRESHAM OR 97080

**Licensee(s)** LE, LY MY  
 LE, LY HIEN  
 LE, LY PHUONG

**Tradename** TENLY'S JACKPOT FOODMART  
 28210 SE ORIENT DRIVE  
 GRESHAM OR 97080


**Instructions:**

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

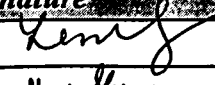
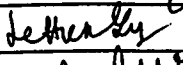
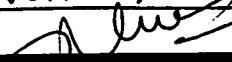
Operational Questions:	Responses:										
(1) Please list a daytime phone number.	Phone Number: ( 503 ) 653 2931										
(2) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td align="center" colspan="5">N / A</td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	N / A				
Name	Offense	Date	City/State	Result							
N / A											
(3) Will anyone share in the profits who is not a licensee of this <u>business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(5) Package Store Licenses with Gas Pumps: Report actual grocery inventory at cost (DO NOT INCLUDE BEER OR WINE).	\$ 4905.97										

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

The County of MULTNOMAH recommends that this license be GRANTED X REFUSED    on: (date) 11/16/99

Signed:  Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

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

Print Name	Signature	Date	Social Security #	Date of Birth
LE, MY LY		10/09/99	542 37 7829	05/07/59
LE, HIEN LY		10/09/99	542 37 9165	02/04/73
LE, PHUONG LY		10/09/99	542 37 9732	09/15/70

## **BARNETT Rick J**

---

**From:** SWAIN Savana G  
**Sent:** Friday, November 05, 1999 8:35 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP

no taxes due on this business

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 8:46 AM  
**To:** KILMARTIN Patrice M  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW UP

### **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 10:16 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Tenly's Jackpot Foodmart  
28210 se Orient Dr.  
Gresham, Or 97080

Owners: My Ly le	Hien Ly Le	Ly Phoung Le
DOB: 050759	020473	091570

If you have question please contact Rick Barnett at 251-2441 or Evalyn LaBerge at 251-2458

Thank you

## **BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Wednesday, November 03, 1999 9:35 AM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW

We have reviewed our land use records and have no objection to to the issuance of the OLCC license renewal at this address.

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 8:36 AM  
**To:** BOURQUIN Phillip M  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: FOLLOW

### **FOLLOW UP REQUEST**

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 11:34 AM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Tenly's Jackpot Foodmart  
28210 SE Orient Dr.  
Gresham, Or 97080

Owners: My Ly Le	Hien Ly Le	Ly Phoung Le
DOB: 050759	020473	091570

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-9

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Restaurant License Renewal application for:

Big Bear Crown Point Market  
31815 E. Crown Point Highway  
Troutdale, OR 97060

The background(s) have been checked on applicants Phillip J. DuFresne and Judy K. DuFresne and an arrest was found on Judy DuFresne. On 02/13/99 she was arrested by Troutdale PD for DUI and is currently on Diversion. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott 18568 /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

99 NOV - 3 PM 3:00  
CLERK'S OFFICE  
OREGON

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

**NEED  
SVED**

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

<b>License Type:</b> Restaurant	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R00236B	<b>421/205</b>
---------------------------------	--------------------	--------------------------	---------------------	----------------

**BIG BEARS CROWN POINT MKT INC**  
**31815 E CROWN POINT HWY**  
**TROUTDALE OR 97060**

**Licensee(s) BIG BEARS CROWN POINT MKT INC**

**Server Education Designee(s)**  
**DUFRESNE, PHILLIP J**

**Tradename BIG BEAR CROWN POINT MARKET**  
**31815 E CROWN POINT HWY**  
**TROUTDALE OR 97060**

**Instructions:**

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

Operational Questions:	Responses:															
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number.	Name _____ SS# _____															
(2) Please list a daytime phone number.	Phone Number: <u>503-695-2255</u>															
(3) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>Judy Dufresne</td> <td>DUI</td> <td>2/13/99</td> <td>ORE</td> <td>Dikerson</td> </tr> <tr> <td>None</td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	Judy Dufresne	DUI	2/13/99	ORE	Dikerson	None				
Name	Offense	Date	City/State	Result												
Judy Dufresne	DUI	2/13/99	ORE	Dikerson												
None																
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of <b>NO LESS THAN \$300,000</b> . Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company _____  Policy # _____															
(5) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:															
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:															
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:															

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

County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/16/99

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

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Restaurant		200.00
Server Education student fee		2.60
TOTAL FEE TO PAY	====>PLEASE PAY THIS AMOUNT<====	202.60
<b>Late Fees</b>		
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000		Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.		Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Phillip J. Dufresne	<u>Phillip J. Dufresne</u>	10-26	543-48-9303	11-28-49
Judy K. Dufresne	<u>Judy K. Dufresne</u>	10-26	543-54-1223	7-19-46

## **BARNETT Rick J**

---

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

The following are names of Businesses and their tax status.

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

NO TAXES OWING

Springdale Tavern  
32302 E Crown Point Hwy

NO TAXES OWING

Big Bear Crown Point Market  
31815 E Crown Point Hwy

NO TAXES OWING



## **BARNETT Rick J**

---

**From:** KIENHOLZ Don D  
**Sent:** Friday, November 05, 1999 4:05 PM  
**To:** BARNETT Rick J  
**Subject:** OLCC License Renewal

I did a background check on the following two address and neither have any landuse issues that need to be resolved.

1. Plainview Grovery  
11800 NW Cornelius Pass Rd.  
Portland, OR 97321

Owner: Steven A Linden

2. Big Bear Crown Point Market Inc.  
31815 E Crown POint Hwy  
Troutdale, OR 97060

Owners: Phillip and Judy DuFresne

MEETING DATE: NOV 16 1999

AGENDA #: C-10

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Retail Malt Beverage License Renewal application for:

Bottoms Up!  
16900 NW St. Helens Road  
Portland, OR 97231

The background(s) have been checked on applicants Glen Anderson and Chong Anderson and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott 11/16/99 /Sergeant Brett Elliott

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

NOV 10 PM 2:04  
CLERK OF SUPERIOR COURT  
CLATSOP COUNTY  
OREGON

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

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

<b>License Type:</b> Retail Malt Beverage	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R02213A	<b>421/201</b>
---	--------------------	--------------------------	---------------------	----------------

**CGR, INC.**  
 16900 NW ST HELENS RD  
 PORTLAND OR 97231

**Licensee(s)** CGR, INC.

**Server Education Designee(s)**  
 ANDERSON, CHONG  
 ANDERSON, GLEN

**Tradename** **BOTTOMS UP!**  
 16900 NW ST HELENS RD  
 PORTLAND OR 97231

**Instructions:**

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

Operational Questions:	Responses:										
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number. <u>NO</u>	Name _____ SS# _____										
(2) Please list a daytime phone number. <u>503-621-9844</u>	Phone Number: <u>503-621-9115</u>										
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td align="center" colspan="5">N/A</td> </tr> </tbody> </table>	Name	Offense	Date	City/State	Result	N/A				
Name	Offense	Date	City/State	Result							
N/A											
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of <b>NO LESS THAN \$300,000</b> . Please list Insurance/Bonding Company and Policy/ID # and attach <u>insurance certificate listing the OLCC as a certificate holder</u> .	Insurance/Bonding Company <u>SCHAUERMAN INSURANCE</u>  Policy # <u>CPS197854</u>										
(5) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:										

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

County of MULTNOMAH recommends that this license be GRANTED ☒ REFUSED ☐ on (date) 11/16/99

Signed: [Signature] Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Retail Malt Beverage		200.00
Server Education student fee		2.60
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<		202.60
<b>Late Fees</b>		
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000		Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.		Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
GLEN ANDERSON	[Signature]	10-27-99	538-64-3180	3-23-67
CHONG ANDERSON	[Signature]	10-28-99	541-64-4738	2-28-43

**BARNETT Rick J**

---

**From:** HUFF Deborah R

**Sent:** Monday, November 08, 1999 11:52 AM

**To:** BARNETT Rick J

Bottoms Up!

16900 NW St Helens Rd

Portland, OR 97231

Taxes are current.

Debi Huff

Senior Office Assistant

11/8/99

**BARNETT Rick J**

---

**From:** BOURQUIN Phillip M  
**Sent:** Monday, November 08, 1999 2:05 PM  
**To:** BARNETT Rick J  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: BOTTOMS UP!

We (Land Use Planning Division) have reviewed our land use records and have ~~no~~ objection to the issuance of the OLCC license renewal for this address.

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

**From:** BARNETT Rick J  
**Sent:** Monday, November 08, 1999 11:30 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL: BOTTOMS UP!

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

☺Bottoms-Up! -----  
16900 NW St Helens Rd  
Portland, Or 97231

Owners: Glen Anderson	Chong Anderson
DOB: 032267	022843

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-11

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: \_\_\_\_\_

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Retail Malt Beverage License Renewal application for:

Pleasant Home Saloon  
31637 SE Dodge Park Road  
Gresham, Oregon 97280

99 NOV -4 AM 8:28  
CLERK OF COUNTY  
OREGON

The background(s) have been checked on applicant: Clifford W. Loftin and no criminal history can be found on the above. He is current with Assessment and Taxation. He is compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:

*B. Elliott*

/Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

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

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

License Type: Retail Malt Beverage	District: 1	County/City: 2600	RO#: R14183A	421/201
------------------------------------	-------------	-------------------	--------------	---------

CW LOFTIN INC  
31637 SE DODGE PARK BLVD  
GRESHAM OR 97030

Licensee(s) CW LOFTIN INC

Server Education Designee(s)  
LOFTIN CLIFFORD

Tradename PLEASANT HOME SALOON  
31637 SE DODGE PARK BLVD  
GRESHAM OR 97030

**Instructions:**

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

Operational Questions:	Responses:										
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number.	Name _____ SS# _____										
(2) Please list a daytime phone number.	Phone Number: (503) 663-2626										
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width: 100%;"><thead><tr><th>Name</th><th>Offense</th><th>Date</th><th>City/State</th><th>Result</th></tr></thead><tbody><tr><td colspan="5" style="height: 100px;">(Evergard)</td></tr></tbody></table>	Name	Offense	Date	City/State	Result	(Evergard)				
Name	Offense	Date	City/State	Result							
(Evergard)											
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of NO LESS THAN \$300,000. Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company <u>West Port Insurance Co.</u> Policy # <u>E15 3601700286</u>										
(5) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES & EXPLAIN:										
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES & EXPLAIN:										
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES & EXPLAIN:										

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

County of MULTNOMAH recommends that this license be GRANTED X REFUSED \_\_\_\_\_ on (date) 11/16/99

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

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Retail Malt Beverage		200.00
Server Education student fee		2.60
TOTAL FEE TO PAY	>>>>PLEASE PAY THIS AMOUNT <<<<	202.60
Late Fees		
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000		Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.		Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Clifford W. Loftin	<i>Clifford W. Loftin</i>		542-43-2560	4/21/43

**BARNETT Rick J**

---

**From:** KILMARTIN Patrice M  
**Sent:** Thursday, October 28, 1999 1:47 PM  
**To:** BARNETT Rick J  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

**Mr. Barnett -**

***All taxes are paid and none are due for 99/2000 for the personal property owned by C W Loftin Inc, DBA Pleasant Home Saloon (P426148).***

**- pk**

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

**From:** BARNETT Rick J  
**Sent:** Thursday, October 21, 1999 11:43 AM  
**To:** KILMARTIN Patrice M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Pleasant Home Saloon  
31637 SE Dodge Park Blvd  
Gresham, Or 97030

Owner: Clifford W Loftin  
DOB: 042143

If you have question please contact Rick Barnett at 251-2441 or Evalyn LaBerge at 251-2458.

Thank you



**LABERGE Evalyn J**

---

**From:** RAPPOLD Kerry F  
**Sent:** Monday, November 01, 1999 11:04 AM  
**To:** LABERGE Evalyn J  
**Cc:** BARNETT Rick J  
**Subject:** OLCC License Renewals

Evalyn:

There are no land use concerns (violations, permits) with the following businesses:

Cracker Barrel Grocery  
15005 NW Sauvie Island Road

Pleasant Home Saloon  
31637 SE Dodge Park Blvd.

Kerry Rappold  
Planner  
Land Use Planning Division

MEETING DATE: NOV 16 1999

AGENDA #: C-12

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Retail Malt Beverage License Renewal application for:

Springdale Tavern  
32302 E. Crown Point Highway  
Corbett, OR 97019

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

11/16/99 original to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott 11/16/99 /Sergeant Brett Elliott

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

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

BOARD OF  
COUNTY COMMISSIONERS  
99 NOV -9 PM 3:00  
MULTI-COUNTY  
OREGON

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

**NEED  
SVED**

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

License Type: <b>Retail Malt Beverage</b>	District: <b>1</b>	County/City: <b>2600</b>	RO#: <b>R00283A</b>	421/201
---	--------------------	--------------------------	---------------------	---------

**LEWIS WAYNE H**  
32302 E CROWN PT HWY  
CORBETT OR 97019

Licensee(s) **LEWIS WAYNE H**

Server Education Designee(s)

Tradename **SPRINGDALE TAVERN**  
32302 E CROWN PT HWY  
CORBETT OR 97019

**Instructions:**

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

Operational Questions:	Responses:
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number.	Name _____ SS# _____
(2) Please list a daytime phone number.	Phone Number: <b>695-2636</b>
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name _____ Offense _____ Date _____ City/State _____ Result _____
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of <b>NO LESS THAN \$300,000</b> . Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company <b>YOST INS.</b> Policy # _____
(5) Will anyone share in the profits who is not a licensee of <u>this business</u> ? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES EXPLAIN: _____
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES EXPLAIN: _____
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES EXPLAIN: _____

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

County of **MULTNOMAH** recommends that this license be GRANTED ☒ REFUSED ☐ on (date) **11/16/99**

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

License Fees and Late Fee Schedule & Amounts - Do not mail cash.		Dollar Amount (\$)
License Fee for Retail Malt Beverage		200.00
Server Education student fee		2.60
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<		202.60
Late Fees		
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000		Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.		Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Wayne H. Lewis	<i>W.H. Lewis</i>	10/19/99	540-36-1647	9-15-46

## **BARNETT Rick J**

---

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

The following are names of Businesses and their tax status.

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

NO TAXES OWING

Springdale Tavern  
32302 E Crown Point Hwy

NO TAXES OWING

Big Bear Crown Point Market  
31815 E Crown Point Hwy

NO TAXES OWING

## **BARNETT Rick J**

---

**From:** TOKOS Derrick I  
**Sent:** Wednesday, November 03, 1999 1:01 PM  
**To:** BARNETT Rick J  
**Subject:** FW: OLCC LIQUOR LICENSE RENEWAL

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

**From:** TOKOS Derrick I  
**Sent:** Wednesday, November 03, 1999 12:50 PM  
**To:** BOURQUIN Phillip M  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL

No land use concerns on this parcel. We have no objection to the renewal.

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

**From:** BOURQUIN Phillip M  
**Sent:** Wednesday, November 03, 1999 12:41 PM  
**To:** TOKOS Derrick I  
**Subject:** FW: OLCC LIQUOR LICENSE RENEWAL

Derrick - Please verify if any Land Use issues exist and let Rick know if we would have any objection to the renewal.

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

**From:** BARNETT Rick J  
**Sent:** Wednesday, November 03, 1999 12:24 PM  
**To:** BOURQUIN Phillip M  
**Subject:** OLCC LIQUOR LICENSE RENEWAL

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

Sprigdale Tavern  
32302 E Crown Pt Hwy  
Corbett, Or 97019

Owner: Wayne H Lewis  
DOB: 091546

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

Thank you

MEETING DATE: NOV 16 1999

AGENDA #: C-13

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

## AGENDA PLACEMENT FORM

SUBJECT: OLCC LICENSE RENEWAL

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

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

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

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

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

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

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

PERSON MAKING PRESENTATION: Deputy Susan Gates

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

This is an OLCC Retail Malt Beverage License Renewal application for:

Wildwood Golf Course  
21881 NW St. Helens Road  
Portland, OR 97231

The background(s) have been checked on applicants Bill O'Meara and Kay O'Meara and no criminal history can be found on the above. They are current with Assessment and Taxation. They are compliant with current land use ordinances.

11/16/99 ORIGINAL to Rick Barnett

### SIGNATURES REQUIRED:

ELECTED  
OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: Brett Elliott /Sergeant Brett Elliott

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

98 NOV 10 PM 2:04  
CLATSOP COUNTY  
OREGON  
CLERK OF COUNTY COMMISSIONERS

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

**NEED  
SVED**

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

<b>License Type:</b> Retail Malt Beverage	<b>District:</b> 1	<b>County/City:</b> 2600	<b>RO#:</b> R20457A	<b>421/201</b>
---	--------------------	--------------------------	---------------------	----------------

**O'MEARA BILL**  
 21881 NW ST HELENS RD  
 PORTLAND OR 97231

**Licensee(s)** O'MEARA BILL  
 O'MEARA KAY

**Server Education Designee(s)**

**Tradename** WILD WOOD GOLF COURSE  
 21881 NW ST HELENS RD  
 PORTLAND OR 97231

**Instructions:**

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

Operational Questions:	Responses:																				
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number.	Name _____ SS# _____																				
(2) Please list a daytime phone number.	Phone Number: _____																				
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	Name	Offense	Date	City/State	Result															
Name	Offense	Date	City/State	Result																	
(4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of <b>NO LESS THAN \$300,000</b> . Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder.	Insurance/Bonding Company _____  Policy # _____																				
(5) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____																				
(6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____																				
(7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: _____																				

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

County of MULTNOMAH recommends that this license be GRANTED X REFUSED \_\_\_\_\_ on (date) 11/16/99

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

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Retail Malt Beverage	200.00
Server Education student fee	2.60
<b>TOTAL FEE TO PAY</b> >>>>PLEASE PAY THIS AMOUNT<<<<	<b>202.60</b>
<b>Late Fees:</b>	
IF Renewal Application Is Received After December 13, 1999 but before January 01, 2000	Add 50.00 To Total Due
IF Renewal Application Is Received On or After January 01, 2000.	Add 80.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
Bill O'meara	<u>Bill O'meara</u>	11-4-99	542-84-1135	9-6-60
Kay O'meara	<u>Kay O'meara</u>	11-4-99	542-76-5554	7-26-61

## **BARNETT Rick J**

---

**From:** ARMSTRONG, Sean,G  
**Sent:** Monday, November 08, 1999 11:55 AM  
**To:** BARNETT Rick J

Wild Wood Golf Course

William O'meara--- No Taxes owed

Kay O'Meara--- No Taxes Owed



## BARNETT Rick J

---

**From:** BOURQUIN Phillip M  
**Sent:** Monday, November 08, 1999 2:05 PM  
**To:** BARNETT Rick J  
**Cc:** BOGSTAD Deborah L  
**Subject:** RE: OLCC LIQUOR LICENSE RENEWAL: WILD WOOD

We (Land Use Planning Division) have reviewed our land use records and have no objection to the issuance of the OLCC license renewal for this address.

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

**From:** BARNETT Rick J  
**Sent:** Monday, November 08, 1999 11:09 AM  
**To:** BOURQUIN Phillip M  
**Cc:** BOGSTAD Deborah L  
**Subject:** OLCC LIQUOR LICENSE RENEWAL: WILD WOOD

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

Wild Wood Golf Course  
21881 NW St Helens Rd  
Portland, Or 97231

Owners: William O'Meara Kay O'Meara  
DOB: 090660 072661

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

Thank you

NOV 16 1999

MEETING DATE: NOV 04 1999  
AGENDA NO: UC-2 C-14  
ESTIMATED START TIME: 9:30  
9:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing Advance Distribution of Property Tax Funds to Districts  
Receiving \$50,000 or less

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

REGULAR MEETING: DATE REQUESTED: November 12, 1999  
AMOUNT OF TIME NEEDED: 3 to 5 minutes

DEPARTMENT: DSS DIVISION: Finance

CONTACT: Dave Boyer TELEPHONE #: 248-3903  
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Dave Boyer

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Resolution authorizing advance distribution of funds from the County General Fund to property taxing districts as allowed under ORS 311.392.

11/14/99 copies to Dave Boyer

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT \_\_\_\_\_  
MANAGER: Dave Boyer

CLERK OF  
COUNTY COMMISSIONERS  
99 NOV - 2 PM 1:52  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON

## COUNTY COMMISSIONERS

## DEPARTMENT OF SUPPORT SERVICES FINANCE DIVISION

BEVERLY STEIN, CHAIR  
DIANE LINN, DISTRICT #1  
SERENA CRUZ, DISTRICT #2  
LISA NAITO, DISTRICT #3  
SHARRON KELLEY, DISTRICT #4

DIRECTORS OFFICE  
ACCOUNTS PAYABLE  
GENERAL LEDGER  
PAYROLL  
TREASURY  
LAN ADMINISTRATION

PORTLAND BUILDING  
1120 SW FIFTH AVE, SUITE 1430  
PO BOX 14700  
PORTLAND, OR 97293-0700  
PHONE (503) 248-3312  
FAX (503) 248-3292

CONTRACTS  
MATERIEL MANAGEMENT  
PURCHASING

FORD BUILDING  
2505 SE 11TH 1ST FLOOR  
PORTLAND, OR 97202  
PHONE (503) 248-5111  
FAX (503) 248-3252  
TDD (503) 248-5170

## MEMORANDUM

TO: Board of County Commissioners

FROM: Dave Boyer, Finance Director *DB*

DATE: November 2, 1999

Requested Placement Date: November 4, 1999

SUBJECT: Advance Distribution of Property Tax Funds to Districts Receiving  
\$50,000 or Less

### I. Recommendation/Action Requested:

Adopt Resolution authorizing the advance distribution of property tax levies that are \$50,000 or less.

### II. Background/Analysis:

Under ORS 311.392, the County is authorized to pay, in advance, the total property tax levies, less the 3 percent discount, to districts if it is more economical to do so.

The County has historically used the provision to advance pay districts. We have determined that it is more efficient to pay all districts with a levy of \$50,000 or less rather than maintain separate accounts for each district for the next nine to ten years.

This advance payment impacts 18 taxing districts. The total levy amount of \$211,835 is reduced by \$6,355 (3 percent discount) for a total advance of \$205,480.

Board of County Commissioners  
November 2, 1999  
Page 2

III. Financial Impact:

No financial impact to the County. The \$205,480 property tax advance will be collected by the County.

IV. Legal Issues:

None.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

Is consistent with County policy.

VII. Citizen Participation:

None.

VIII. Other Government Participation:

None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

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

The Multnomah County Board of County Commissioners Finds:

- a. ORS 311.392 allows for the advance distribution of property tax monies from the County General Fund to taxing districts if, in the discretion of the County, it is more economical to do so.

The Multnomah County Board of Commissioners Resolves:

1. The Director of Finance is authorized to distribute funds prior to December 1, 1999 in advance, to those various tax levying districts whose annual levies are \$50,000 or less for the fiscal year 1999-00. In addition, the Director of Finance is ordered to deduct from the levy the three percent discount, which would have been given had all the taxes been paid by November 15, 1999.
2. All taxes advanced by the Multnomah County General Fund will be reimbursed to the Multnomah County General Fund when collected.

ADOPTED this 4th day of November, 1999.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John Thomas, Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-222

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

The Multnomah County Board of County Commissioners Finds:

- a. ORS 311.392 allows for the advance distribution of property tax monies from the County General Fund to taxing districts if, in the discretion of the County, it is more economical to do so.

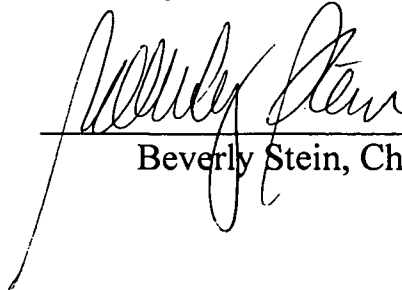
The Multnomah County Board of Commissioners Resolves:

1. The Director of Finance is authorized to distribute funds prior to December 1, 1999 in advance, to those various tax levying districts whose annual levies are \$50,000 or less for the fiscal year 1999-00. In addition, the Director of Finance is ordered to deduct from the levy the three percent discount, which would have been given had all the taxes been paid by November 15, 1999.
2. All taxes advanced by the Multnomah County General Fund will be reimbursed to the Multnomah County General Fund when collected.

ADOPTED this 16th day of November, 1999.

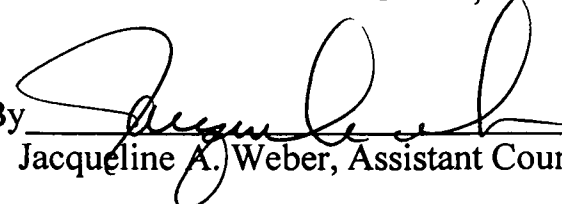


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Jacqueline A. Weber, Assistant County Counsel

Meeting Date: NOV 16 1999  
Agenda No: C-15  
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Final Order before the Board of County Commissioners regarding a modification to the Hearing Officer's decision on **WRG 6-98 & HV 16-98.**

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

**REGULAR MEETING** Date Requested: November 16, 1999  
Amt. of Time Needed: 5 minutes

**DEPARTMENT:** DES **DIVISION:** Land Use Planning  
**CONTACT:** Tricia Sears **TELEPHONE:** 248-3043  
**BLDG/ROOM:** 455 / 116

**PERSON(S) MAKING PRESENTATION:** Stuart Farmer

**ACTION REQUESTED**

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

**SUGGESTED AGENDA TITLE**

Final Order before the Board of County Commissioners regarding a modification to the Hearing Officer's decision on **WRG 6-98 & HV 16-98.**

11/16/99 copies to Tricia Sears

**SIGNATURES REQUIRED**

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** K. Blanton

99 NOV 10 AM 8:43  
CLERK OF BOARD OF COUNTY COMMISSIONERS  
WILLAMETTE COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY

ORDER NO. 99-223

Affirming the Hearings Officer Decision to Deny HV 16-98 and WRG 6-98.

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

- a. On September 1, 1999 the Multnomah County Hearings Officer denied the Major Variance, HV 16-98, and the Willamette River Greenway, WRG 6-98, applications for the retroactive request to have structures located within the required 30-foot rear yard setback of the Multiple Use Agriculture (MUA-20) zone on the subject parcel.
- b. On October 28, 1999, the Multnomah County Board of Commissioners held a De Novo Hearing regarding the appeal of the Hearings Officer's Decision denying HV 16-98 and WRG 6-98.

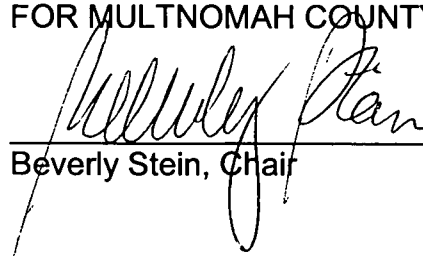
**The Multnomah County Board of Commissioners Orders:**

1. The Hearings Officer's findings of fact and conclusions in the decision dated September 1, 1999 denying the Major Variance, HV 16-98, and the Willamette River Greenway, WRG 6-98, are hereby UPHELD and AFFIRMED, except that "Finding and Conclusion" no. 21 (page 8) of the Hearings Officer Decision is stricken from the Decision.
2. The findings of fact and conclusions in the Staff Report issued June 29, 1999 and the Supplemental Staff Report issued August 11, 1999 are AFFIRMED and ADOPTED by reference as specified in the Hearings Officer's Decision issued September 1, 1999.

APPROVED this 16th day of November, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By   
Jeffrey B. Litwak, Assistant County Counsel





DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION  
1600 SE 190<sup>TH</sup> AVENUE  
PORTLAND, OREGON 97233  
(503) 248-3043 FAX: (503) 248-3389

---

## HEARINGS OFFICER'S DECISION ON APPEAL

---

---

### Major Variance and Willamette Greenway Permit

---

**File Number:** HV 16-98 & WRG 6-98  
**Applicant:** Bayard Mentrum, Architect  
**Appellant:** Karen Carey, Owner Sauvie Island Moorage by Bayard Mentrum  
**Location:** 17505 NW Sauvie Island Road, Portland, Oregon  
**Zoning:** Multiple Use Agriculture (MUA-20) and Willamette River Greenway (WRG)

CLATSOP COUNTY  
PLANNING SECTION

50 SEP -7 PM 1:28

---

### APPEAL

On June 29, 1999, the Planning Director issued a decision denying an application for approval of encroachments for approval of a Major Variance and Willamette River Greenway permit. On July 9, 1999, Bayard Mentrum filed an appeal of the Planning Director's decision. The Notice of Appeal indicates that Mr. Mentrum filed the appeal on behalf of the property owner, Karen Carey. The grounds of appeal, as summarized by the Hearings Officer are:

1. Trash Enclosures/Portals. Staff erred in finding that the trash enclosures are within 30 feet of the ordinary high water mark. While the portal and trash enclosures are 15 feet from the property line they are more than 30' from the high water mark. The trash enclosures adjoin the portals, as shown on the prior, approved plan and allow easy access by trash haulers and residents of the moorage. The owners have improved the appearance of the trash enclosures and the enclosures are screened from the river. It is logical to leave the portals where they are based on its relation to the pedestrian bridges and trash enclosures. The owners obtained a building permit for the portals and enclosures before they were constructed and thought this was all they needed.
2. Stone Monument Sign. "The site is narrow and the entry drives drop off quite steeply. The sign was located within the front yard setback so it could be seen from Sauvie Island Road rather than down the hill and obscured. There is a wide shoulder on the

road and I again drove out of the road by the sign and could easily see both directions down the road without sticking out into the pavement. The owners have stated that no one has complained about not being able to see both directions because of the curves in the roadway. The owners have again improved the appearance of the project without endangering the life and safety of anyone. We feel that if anyone from planning drove up the driveway by the sign they would see it does not block any vision clearance areas. Drivers used to go off the road on the curve going southeast on Reeder Road and now they see the sign and avoid this danger."

3. Driveway to Storage Units. "A 10-foot wide asphalt drive was changed from the original 4-foot wide sidewalk to allow trucks to back down the drive to load and unload in the storage areas over the garages. This driveway will only be used when someone is moving in or out of the storage units and there is clear visibility to the entry drive. Staff states in there [sic] administrative decision, that hazard conditions may exist, but no one has complained to the owners about a problem and I personally drove through the sign and could easily see both directions and I suggest someone from planning do the same before passing judgment."

Under the County's procedures ordinance, the hearings officer's review is limited to the issues set forth in the notice of appeal.

#### **NATURE OF DECISIONS APPEALED**

The WRG permit application is essentially a request for the approval of a site plan that would replace the site plan approval granted in 1997 in Case DR 7-96/WRG 8-96/HV 21-96.

The Major Variance application is a request for permission to place structures within 15' of the rear property line. Approval of the request would effectively modify Condition of Approval 7 of DR 7-96/WRG 8-96/HV 21-96 to allow the trash recycle area to be located within the 30-foot rear yard.

#### **DECISION**

The hearings officer **AFFIRMS** the administrative decision issued by the Planning Director, with the following modifications:

1. Approve a modification of the 1996 site plan, WRG 8-96, as proposed by the site plan for WRG 6-98, to allow the Appellant to retain the existing 10' wide boat garage access driveway and monument signs in their current location. All other modifications proposed by the WRG 6-98 site plan are denied.
2. Approve a modification of the 1996 site plan, WRG 8-96, as proposed by the site plan for WRG 6-98, to allow the applicant to retain the monument sign and walls in the clear vision area triangle in its current location. Both walls must, however, be reduced

in height so that they are less than three feet in height. The sign height must be lowered no later than sixty days after this decision becomes final.

The listed modifications are the only modifications allowed. All other revisions proposed in WRG 6-98 to the site plan and design review application approved in Multnomah County Case WRG 8-96/DR 7-96/HV 21-96 are DENIED.

## **FINDINGS AND CONCLUSIONS**

The hearings officer makes the following findings and conclusions of law in support of the above decision:

### **Monument Walls**

1. The portion of the appeal that requests a variance to place the monument sign within the 30' front yard setback was withdrawn by attorney Larry Epstein on behalf of Grant Johnson and Sauvie Island Moorage Company, Inc. in a letter dated August 17, 1999. County Staff Planner Tricia R. Sears and the applicant have agreed that a variance is not necessary as signs may be placed in the 30' front yard of the subject property due to the provisions of MCC .7964(F). This means that it is possible for the hearings officer to allow the applicant to leave the entrance monument sign in its current location, provided both monument walls (one on each side of the driveway) are lowered to comply with County site distance regulations. Those regulations require that both walls must be less than three feet in height.
2. In the current case, Sauvie Island Moorage, Inc. proposes that the County approve a new site plan for the moorage to replace the moorage site plan approved by the County in 1997 (WRG8-96/DR7-96/HV21-96). The County denied that request. The 1997 approved site plan, however, shows the monument walls in a different location on the moorage property than agreed to by the moorage and County staff. The hearings officer, therefore, approves that portion of the current site plan (WRG6-98) that shows the monument walls in their current location. The hearings officer does not, however, approve the current height of the structures and will require that the walls be lowered, as promised by the applicant. As the walls pose potential conflicts with vehicle sight distance, the applicant lower the wall no later than sixty days after this decision is final.

### **Driveway**

3. The applicant built a driveway between the boat storage buildings and Sauvie Island Road, in a location where the 1997 site plan called for the construction of a pedestrian walkway. In the current matter, County staff denied approval of an amendment to the 1997 plan due to safety concerns. Thereafter the applicant obtained a professional engineering analysis of site safety from the MacKenzie Group. The engineer's report found that the driveway would not pose a safety hazard due to the low volume of

traffic that will use the entry, the even more infrequent use of the storage building driveway and the fact that there is good visibility at the intersection of the driveways. Based upon the engineering report, County staff recommended that the applicant be allowed to retain the driveway, as presently constructed. As the conclusions of the engineering report were not rebutted, the hearings officer accepts the finds and will allow a modification of the approved site plan to include the 10'-wide, boat storage building driveway.

### **Impact of 1997 Approval**

4. The appellant argued that the 1997 County approval of DR 7-96/WRG 8-96/HV 21-96 allowed it to site the portals and trash enclosures in their current location and that the site plan showed a 30-foot setback between the shoreline and "the structures." The appellant's attorney further claims "one finger needs to be wagged in the direction of staff who failed to undertake a sufficiently thorough analysis of the 1997 application to identify the setback problem before the structures in question were built, only to spring the issue on the applicant during the inspection process. The appellant and his attorney are clearly in error on this point. Condition 7 of the 1997 decision specifically required that the trash enclosures comply with the 30-foot setback. The 1997 site plan also clearly shows that the gate/portal will be located 30' from the property line, not 30' from the river. The site plan plainly shows a 30' setback and uses the property line to calculate setbacks. The appellant's architect used the same type of line on all four of the property boundaries making it clear that the line on the site plan near the river is the property line. The 1997 site plan shows a line between the property line and at the gate/portal. The line includes a crosshatched line at the property line and gate/portal structure and the notation "30' SETBK" and "30'" immediately adjacent to the crosshatched line. The plan also plainly shows that the portal was intended to be located at the back of the parking spaces, not at the front of the spaces where the portal and trash enclosure are currently located.

### **Variance Arguments**

5. Mr. Epstein provided the County with a number of very well presented arguments to support approval of a variance to the 30' rear yard setback requirement imposed by the MUA-10 zoning district. Variance applications are, however, disfavored by the law and the facts of this case simply do not fit the requirements for variance approval. As a result, the hearings officer must uphold staff's denial of the variance application.
6. The appellant offers two circumstances or conditions to justify approval of the variance: the narrowness of the Sauvie Island Moorage property and the fact that the use is a moorage. Under the County's approval criteria one or the other must present "practical difficulties" in complying with the County's setback requirements for the MUA-10 zoning district. The conditions must also "not apply generally to other property in the same vicinity or district."

7. The main obstacle that prevents approval of the variance application is the fact that the unusual conditions and circumstances cited by Mr. Epstein do not prevent the property owner from complying with the law. As documented by County staff and conceded by the applicant/appellant, there is room on the subject property to place the portal and garbage structure enclosures in a location that complies with the County setback rules. Multnomah County interprets its variance criteria to require the denial of variances to allow development in the most suitable area of a property where it is possible to develop in another less convenient area of the property, absent a showing the alternate location is "unduly restrictive." Evans v. Multnomah County, 34 Or LUBA \_\_\_\_ (LUBA No. 96-198)(1997).
8. The rejection by the County of "convenience" as a reason for the approval of a variance is consistent with the reasoning of Oregon Court of Appeals decisions that hold that "[v]ariations traditionally have been considered escape valves to allow property owners relief from zoning restrictions which, when applied to particular land, have the result of making that land completely unusable, or usable only with extraordinary effort." Erickson v. City of Portland, 9 Or App 256, 261, 496 P2d 726, 729 (1972). In the case of the Sauvie Island Moorage, the property is usable without "extraordinary effort." The structures can be placed in the locations required by the County code and this may be accomplished with about the same amount of effort that the structures can be placed in the current, nonconforming location.
9. A portal and trash enclosure 15' closer to Sauvie Island Road than where presently located is, admittedly, less convenient a location for the structures from the point of view of the moorage owner and moorage residents. Moving the structures will make it difficult or impossible for the moorage users to use the area between the portal and trash enclosure for parking and driving uses. It will also require residents to walk an additional 15' to dispose of their garbage. This does not, however, make the setback requirement "unduly restrictive" or capable of compliance only with "extraordinary effort." It also does not make the portals "functionless," as claimed by the appellant's attorney. The portals were originally designed and planned for a site further inland. Certainly the appellant's architect would not have shown the portals in such a location if such a location is, in fact, functionless.
10. The specific needs of marinas make it logical and efficient to apply different setbacks to the rear yards of a property, adjacent to the river, when the distance between the property line and riverbank is small. The "practical difficulties" requirement is not, however, met when the purpose of the variance is facilitate the best and most efficient and complete utilization of a property. Lovell v. Planning Commission of City of Independence, 37 Or App 3, 5-7, 586 P2d 99 (1978)(better utilization of a site is not a practical difficulty).
11. The portals identify the entrances to the gangways. By placing the portals as close to the edge of the bank as possible, it is possible for residents to begin descending immediately after passing through the portal and this is certainly most convenient and

efficient. As argued by Mr. Epstein, this arrangement "makes sense." Portals may, however, be located further back in the parking area (15' more is needed), behind the setback line. The area between the portal and the top of the gangway may be fenced to provide a walkway area between the portal structure and the top of the gangway. This arrangement will, in the opinion of the hearings officer, be less attractive but not infeasible.

12. The narrowness of Sauvie Island Moorage lot and the County's yard requirements present physical limitations upon the amount of development that may occur on the moorage property. The narrowness does not, however, prevent the applicant from meeting the rear yard setback requirements of the MUA-20 zone. The narrowness of the moorage lot also has a much lesser impact on a moorage use than on any other use in the zoning district. The moorage owner uses the river, not the lot, as the location for homes and is not required to locate homes behind the required yards. This conclusion is illustrated by the following facts: The moorage lot is only 5.56 acres, far smaller than the 20-acre minimum lot sized required by the MUA-20 zone but supports 46 home sites. A similarly situated property owner who wished to place a single family dwelling on such a small site would be limited to a maximum of one or two dwellings (two dwellings if each of the two parcels that make up the 5.56 acres were qualified as a lot of record). The siting of the one or two houses would be strictly limited by the 30' setbacks that apply to both the front and rear of the lot, in parts of the lot to a 30' wide area.<sup>1</sup>
13. The fact that the use proposed is a moorage use does not prevent compliance with the yard requirements of the MUA-10 zoning district. The moorage's use of the river as for home sites simply makes a riverside trash and portal location logical, appealing and convenient for owners of floating homes.
14. A marina use has not been proven to be a circumstance or condition "that does not apply generally to other property in the same vicinity or district." The appellant's own evidence shows that there are at least two other moorages (Channel Island Marina and Bridge View Marina) in close proximity of the subject property.
15. The specific needs of marinas may justify an exception to the rear yard setbacks of the County's zoning ordinance. The proper avenue for making such a change is, however, through the legislative process. Lovell v. Planning Commission of City of Independence, 37 Or App 3, 586 P2d 99 (1978); Hill v. Marion County Board of Commissioners, 12 Or App 242, 506 P2d 519 (1973). This is particularly true, where as here, the difficulties posed by the rear yard setback apply to an entire class of land use (marinas).

---

<sup>1</sup> These findings assume that a variance to the 150' setback would be granted. Otherwise, no home could be sited on the subject property.

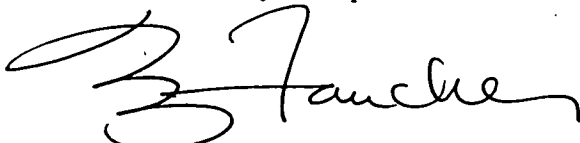
- 
16. Mr. Epstein has argued that the County has adopted an interpretation of the term "practical difficulties" in its recent decision of the Protassy appeal (HV 7-98, CU 4-98) and that the staff decision is inconsistent with that approval. Mr. Epstein insists that the County must provide a reasonable basis for imposing an inconsistent interpretation. The reasonable basis for reaching a different conclusion in the Protassy case, however, is that the facts of that case are distinguishable from the moorage case. In the Protassy case, the location of mature walnut trees and the location and width of the right-of-way made it impossible to build the 20' roadway required by County codes. In the moorage case, the setback requirements do not prevent the applicant from building a portal and a trash enclosure and meeting the 30' setback.
  17. The findings adopted by the Board of Commissioners in the Protassy matter indicate that self-created difficulties (planting new walnut trees) and difficulties that are capable of correction (moving telephone poles) are not "practical difficulties" that support approval of a variance. The Board found that cut and fill activities related to roadway construction merited a greater variance than approved by the hearings officer but did not undercut these findings.
  18. The applicant's attorney has argued that the hearings officer should adopt an interpretation of the "practical difficulties" requirement that allows the hearings officer to approve a variance when physical conditions make it more safe and "convenient" to apply a lesser legal requirement. The gist of the attorney's argument is that it is more convenient and logical for the marina and its users to place the trash enclosures and portals in their existing location than in the location required by the County code. This is clearly not the interpretation adopted in the Protassy decision.
  19. Mr. Epstein has argued that the hearings officer must approve the variance with conditions of approval if it is possible to do so. This argument is based upon SB 1184, a bill that was passed by the 1999 Oregon Legislature. That law is not effective until October 23, 1999. It, therefore, does not apply to this decision. Furthermore, even if SB 1184 were effective, it would not require approval of the variance application. SB 1184 requires the County to approve a land use application if the application can be made to be consistent with County land use regulations by the imposition of conditions of approval. Clearly, no condition of approval would change the fact that the moorage application does not qualify for approval of a variance. Additionally, a variance is, itself, a request to be allowed to disregard the County's land use regulations. Approval of the variance would result in noncompliance with the MUA-20 zoning district's 30' rear yard requirement.
  20. Mr. Epstein asked that the hearings officer interpret the term "practical difficulties." Such an interpretation is not needed, however, because the hearings officer has determined that neither of the practical difficulties asserted by the appellant (narrow lot width and marina use) meet other critical requirements of the variance approval criteria or require the siting proposed by the applicant.

---

### **Impact of Hearings Officer's Decision**

21. The denial of the variance application and modified site plan application leave the appellant with an approved site plan that requires that the portals and trash enclosures be located where required by the 1997 site plan. It is not permissible for the applicant to leave the trash enclosure in its current location and to simply remove the roof. The current location is not the location authorized by the 1997 decision. The prior site plan made specific provisions regarding the appropriate location for the trash/recycling enclosure and those requirements continue to apply. The 1997 decision included a design review process, as well as a WRG review. The approval relied upon the fact that the trash enclosure would be placed at least 30' from the property line to determine compliance with design review criteria. The 1997 decision also specifically prohibited the appellant from placing the trash recycle area within the 30-foot setback area. Given the fact that the WRG setback is 150 feet, a 30-foot setback already marks a significant departure from the standards that would otherwise apply to the subject property.
22. The approval of portions of the appellant's 1998 site plan modification, as outlined in the Decision section above, does not relieve the appellant of its obligation to comply with the landscaping requirements of the 1997 decision and to otherwise comply with the requirements of the 1997 decision.

DATED this 1<sup>st</sup> day of September 1999.



**Liz Fancher, Hearings Officer**

### **NOTICE -- Appeal to the Board of County Commissioners:**

The Hearings Officer's Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the Transportation and Land Use Planning division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An appeal must comply with all procedural requirements prescribed by the Multnomah County Code, including completion of a Notice of Review and payment of a fee of \$500.00 plus a \$3.50 per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the Planning Office at 1600 SE 190<sup>TH</sup> Avenue, Portland, Oregon, or you may call 503-248-3043 for additional instructions.

---





**Multnomah County**  
**Land Use Planning Division**  
**1600 SE 190<sup>th</sup> Avenue**  
**Portland, OR 97233**  
**Phone: (503)248-3043 Fax: (503)248-3389**  
**E-mail: land.use.planning@co.multnomah.or.us**

**PUBLIC NOTICE AND ADMINISTRATIVE DECISION**

**June 29, 1999**

**MAJOR VARIANCE and WILLAMETTE RIVER GREENWAY**  
**File Nos. HV 16-98 and WRG 6-98**

**PROPOSAL:** The applicant has requested retroactive approval for Major Variance and Willamette River Greenway applications. The applicant has built structures in violation of the previous approvals granted for the site under case files HV 21-96, WRG 8-96, and DR 7-96 in a March 28, 1997 decision issued by Multnomah County. First, the applicant requests approval for encroachment into the required 30-foot front yard setback of the MUA-20 zone. The applicant has constructed a sign within 15 feet of the property line. Second, the applicant also requests approval for encroachment into the required 30-foot setback from the property line for the trash enclosures and portals. Third, the applicant has violated other provisions of the original plans and those are detailed within this decision document.

**LOCATION:** 17505 NW Sauvie Island Road, Portland.  
T2N, R1W, Section 17, Tax Lots 40 and 42.  
R#97117-0400 and R#971770420.  
See attached map.

**ZONING:** Multiple Use Agriculture (MUA-20) and Willamette River Greenway (WRG).

**APPLICANT:** Bayard Mentrum, Architect  
503 NW Irving, #210A  
Portland, OR 97209

**OWNER:** Karen Carey, Sauvie Island Moorage  
P.O. Box 10858  
Portland, OR 97296-0858

**DECISION:** **DENY THE REQUEST** for retroactive approval of the encroachments into the required 30-foot front yard setback of the MUA-20 zoning district and into the 30-foot rear yard setback. The applicant has not carried the burden for meeting the Variance Approval Criteria in Section .8505 et seq. and the Willamette River Greenway criteria in Section .6301 et seq.

## **FINDINGS AND CONCLUSIONS:**

### **Applicant:**

Letter from applicant dated November 16, 1998 and submitted to Multnomah County March 17, 1999.

Enclosed please find the documents requested for the inventory and reconciliation process. As you may know, Sauvie Island Moorage was constructed nearly forty year (sic) ago, and reached its present configuration thirty-six years ago. Documents from that period are difficult to come by, reflecting an era before the Department of Environmental Quality, LCDC, and the Willamette River Greenway.

You will find a Department of State Lands lease, but the Corps of Engineers permits were not required in the 1950's for conversion log rafts to floating homes. Included is a permit for the update of our piling. The permit clearly presented them with the opportunity to review our existence (the piling work stretched the entire length of the moorage). They and the other necessary agencies all approved.

We have operated our own wastewater treatment plant under the National Pollutant Discharge Elimination System, which is administrated in Oregon by the Department of Environmental Quality. Our permit number is 2958-J.

Likewise, our water system is regulated under Federal Clean Drinking Water Act, but is administered by Multnomah County's Health Department. It is a public water system – PWS number 4101209. I could find no representative documents in our files, other than extensive testing results. Verification of our compliance is only a department away.

These documents have been requested as part of other activities at the planning office. We have received emergency services from Fire District #30 since its inception, and Willamette River Greenway issues where addressed during our recent construction (sic). Documentation for both will be found in those files.

Of great concern to us is the question of how many structures Sauvie Island Moorage will be said to contain. We have had as many as fifty-five homes here at the moorage, but on the statutory inventory date, we had considerably less.

We have had fifty numbered spaces at the moorage since the mid 60's. They have not always been full, but as you can see from the accompanying photo (Northern Lights, PO90 6-29-CE from 1987) there are fifty homes. Forty-eight can be counted along the front, and two on the back (one at the end and one near the center). There are two boat wells visible as well.

Also to be considered:

Fire District #30 was providing emergency services to the moorage when the photo was taken.

At the request of the Department of Environmental Quality, our sewerage facilities where serving not only our own needs but of two additional moorages. Sixty-seven homes were on the system, in addition to the bath, toilet and laundry facilities for a neighboring sail boat moorage. Fifty homes is not a challenge.

The Division of State Lands characterizes Sauvie Island Moorage as a "Floating Home Residential Community Moorage 55 Homes + boat moorage." (See chart Exhibit 'A').

### **Staff:**

Case File: HV 16-98 and WRG 6-98

Date Mailed: June 29, 1999

Staff Planner: Tricia R. Sears

(503)-248-3043

**Definitions:**

**Major Variance:** A request to modify a dimensional requirement by more than 25 percent. A Major Variance requires the applicant to demonstrate compliance with the approval criteria, plus consent from all property owners within 100 feet of the subject property. A request for a variance where the applicant is unable to obtain the necessary property owner consent *must* be considered by the Hearings Officer at a Public Hearing.

**Lot Lines:** The lines bounding a lot, but not the lines bounding the private driveway portion of a flag lot.

**Related cases:**

GEC 25-96, WRG 8-96, DR 7-96, HV 21-96, GEC 19-97, AR 1-98.

**Exhibits:**

- #1: Applicant Site Plan for HV 16-98 and WRG 6-98.
- #2: Applicant Site Plan for DR 7-96, WRG 8-96, and HV 21-96.
- #3: Vision Clearance Area diagram from Section .7982 (NN).
- #4: Multnomah Channel Moorage/ Marina Inventory 1997/98 for Sauvie Island Moorage.
- #5: Letter from the City of Portland to Karen Carey of Sauvie Island Moorage, dated February 25, 1999.

**Comment:**

**Zoning:**

The subject parcels, R#97177-0400 and R#97177-0420, are zoned Multiple Use Agriculture (MUA-20). The two parcels total 5.56 acres in size. The site is zoned with a Willamette River Greenway designation. In addition, the subject parcels contain a pre-existing Community Service designation. The use of the subject parcels as a houseboat moorage occurred prior to the establishment of zoning on the site. The existing use at the time was thus indicated on Multnomah County maps as "CS". This mark distinguishes parcels with pre-existing (to zoning) uses on the site. Parcels with the "CS" mark are considered non-conforming use parcels unless otherwise noted. Please see the History section of the Staff Comment section for additional information. The previous land use cases for this site have been noted above.

**Variance:**

The applicant has provided a completed copy of the Property Owner Consent of Variance Request as required by Section .8515(A)(1)(a). Pursuant to Section .8515, "All owners of record of property within 100 feet of the subject property grant their consent to the variance according to the procedures of MCC .8515(B)(1) and (2)." The signatures on the form indicate that adjacent property owners "acknowledge that we have been informed of a variance request regarding the subject property" and "that we have reviewed a site plan which shows the development as proposed." In addition, persons signing the consent form agree to the following statement, "By signing this document, we hereby give our consent for approval of the requested variance."

When the completed copy of the Property Owner Consent of Variance Request is submitted with the variance application, the Major Variance decision is an administrative process. In this case, the applicant has submitted a photocopy of the Property Owner Consent of Variance Request dated December 19, 1996. The applicant also submitted a Property Owner Consent of Variance Request form to Multnomah County on October 5, 1998. 1996 form was the consent form the applicant submitted for the case files DR 7-96, WRG 8-96, and HV 21-96 (issued as one decision by Multnomah County on March 28, 1997). In October 1998, shortly after the submittal of WRG 6-98 and HV 16-98, Staff verified the "owners of record within 100 feet of the subject property" were the same property

owners as identified on the Owner Consent form. The site plan submitted for HV 16-98 and WRG 6-98 is different than the plan submitted in 1996 for DR 7-96, WRG 8-96, and HV 21-96. The applicant is thus providing the form as proof the adjacent property owners have reviewed the new plan for the retroactive approval request for the 1998 applications. Further Staff comments are located in the Variance criteria.

#### History:

The Sauvie Island Moorage is a houseboat moorage established prior to 1977. A Houseboat moorage is a listed use under Section .2132 (B)(9) of the MUA-20 zoning district. Section .2150 states that a Conditional Use listed in MCC .2132, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of Section .8805, provided that "Any alteration of such Conditional Use not listed in MCC .2132 shall be subject design review pursuant to the provisions of MCC .7805 through .7865."

The property owner of Sauvie Island Moorage has provided documents in an effort to comply with the Houseboat Moorage and Marina inventory and reconciliation process with Multnomah County Land Use Planning.

Policy 10 of the Sauvie Island/ Multnomah Channel Rural Area Plan (SI/ MC RAP) establishes the process for determining the status of existing moorages and marinas in Multnomah County. Under Policy 10, "That area occupied by Happy Rock Moorage, Sauvie Island Moorage, Parker Moorage and Mayfair Moorage by included within the area where houseboats are currently permitted under Policy 26." In addition, "That the moorages within Policy 26 and the existing Happy Rock, Sauvie Island, Parker and Mayfair moorage sites are to be treated as permitted (permitting continuation of the use and level of intensity in existence as of the Multnomah County Moorage Report Listing of Floathouses and Watercraft as of July 1, 1997 produced by the Department of Assessment and Taxation and reconciled through supplemental information provided by the moorage owner if..."

The Houseboat Moorage/ Marina Inventory on file with Multnomah County Land Use Planning lists Sauvie Island Moorage with 46 houseboats. The physical inventory of Sauvie Island Moorage occurred on January 5, 1998. The property owner, Grant Johnson, submitted a letter dated November 16, 1998 and it was received at the County on March 17, 1999. The letter stated the number of houseboats on the site as 50. Mr. Johnson does not specify that 50 houseboats were in existence at the site on July 1, 1997. Mr. Johnson states, "We have has as many as fifty-five homes here at the moorage, but on the statutory inventory date, we had considerably less."

At this time, Staff makes the finding that 46 houseboats were in existence as of the July 1, 1997 deadline established by Policy 10 of the SI/ MC RAP. The applicant has not provided detailed information to show the exact number of houseboats in existence on the site on July 1, 1997. *Therefore, Sauvie Island Moorage can be deemed in compliance with Policy 10 of SI/ MC RAP with 46 houseboats established as the use and intensity of the site.*

The applicant received approval for changes to the existing Sauvie Island Moorage in a decision issued March 28, 1997 for DR 7-96, WRG 8-96, and HV 21-96. Under that decision that applicant proposed to construct a pump house, two two-story garage/ storage buildings, and other structures such as trash facilities. The findings within the March 28, 1997 decision state the structures (described above) were considered "accessory and incidental to the use of the site for a houseboat moorage." A Condition of Approval, #1, was established in that decision to require the property owners to place a deed restriction on the property for the use of the garage/ storage facilities for the tenants of the moorage only. The structures cannot be rented or leased for mini-storage facilities, such an action would be a separate, new use to the site and would require a Conditional Use application.

Subsequent to the issuance of building permits for the approval granted under DR 7-96, WRG 8-96, and HV 21-96, the property owner (or person representing the property owner) violated the Conditions of Approval and the approved site plan. The following items are found to be in violation of the approved site plan and land use approval issued March 28, 1997.

- Two trash facilities are shown on the site plan (referred to as the east and the west trash areas). The east facility was not approved under the March 28, 1997 decision.
- Both the trash facilities are located 15 feet from the property line. The required setback for a structure in the MUA-20 zone is 30 feet. In the 1997 decision, the applicant showed the west trash facility as a small, attached portion to the west portal. That area was shown 30 feet from the property line.
- In addition, Condition of Approval #7 in the 1997 decision specified "The trash recycle area shall not be located within the 30-ft. setback or required landscape area. The area may be relocated to within the gate portal/ trash enclosure or adjacent to the pump house. Prior to issuance of a building permit, the applicant shall submit a revised site plan showing the new proposed location for the trash recycle area for staff review and approval." The trash recycle area is currently located 15 feet from the property line.
- The property owner has constructed a free-standing sign 15 feet from the front property line. The approved plans from the 1997 decision show the proposed sign to be constructed 30 feet from the front property line in accordance with the required MUA-20 setback standard. The sign is in a different location than the approved site plan shows from the March 28, 1997 decision. The 1997 decision included plans that showed the vision clearance triangle for the proposed sign. The 1998 case files submitted by the applicant include a site plan showing vision clearance for the now existing sign. In both sets of case files, the sign is shown to be outside of the vision clearance triangle. The existing sign, located 15 feet from the front property line, is located within the vision clearance triangle.
- The site plan submitted for HV 16-98 and WRG 6-98 illustrates a 10-foot driveway adjacent to the two garage structures (the garages were built in accordance with the approved 1997 plans). The approved site plans from 1997 show a 4-foot wide asphalt walk.
- The landscape plan has not been fully implemented as shown on the approved plans.

Staff has denied the applicant's request to reduce the front yard setback from the required 30-foot setback from the property line to 15 feet. The request to exceed the required setback by more than 25% is considered a Major Variance. According to Section .8505, "A Major Variance shall be granted only when all of the following criteria are met." The Variance Approval Criteria #1-4 have been addressed by the applicant. Criteria #1, #2, and #3 have not been met, hence the request for the Variance is denied. Please see Staff comments for further evaluation of the Variance Approval Criteria.

Staff has denied the applicant request to reduce the rear yard setback from the required 30-foot setback. Again, Staff has made findings that the Major Variance criteria of Section .8505 have not been met.

The applicant provided a very brief narrative addressing the Comprehensive Plan Policies 13, 14, 22, 37, 38, and 40 as required. The applicant submitted all of the required Service Provider forms. Staff requested the applicant address the Comprehensive Plan Policies under Item #14 of the October 27, 1998 letter of incompleteness from Staff to the applicant and to the property owner.

Staff is appalled by the property owner's and applicant's disregard for compliance with the plans as approved under the March 28, 1997 decision for DR 7-96, WRG 8-96, and HV 21-96. The applicant has already received a Major Variance, primarily based on site constraints. Subsequently, the plans were not completed as approved. Staff points out that a variance an exception to the rule. The variance application is a request for an exception to a rule in the Multnomah County Code. Staff has additional comments under the criteria.

Staff conducted a site visit to Sauvie Island Moorage on March 17, 1999. Site photos are in the case file for HV 16-98. The applications for HV 16-98 and WRG 6-98 were deemed incomplete on October 27, 1998. The applicant submitted additional materials on March 4, 1999 and March 17, 1999. The applications were deemed complete on June 22, 1999.

Please see the Staff responses to the criteria below.

**Multnomah County Code:**

**Multiple Use Agriculture (MUA-20)**

**11.15.2122 Purposes**

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

**11.15.2124 Area Affected**

MCC .2122 to .2150 shall apply to those lands designated MUA-20 on the Multnomah County Zoning Map.

Staff: The subject parcels, R#97117-0400 and R#97117-0420, are zoned MUA-20 and designated as part of the Willamette River Greenway.

**11.15.2126 Uses**

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.

Staff: The property owner and applicant, for case files HV 16-98 and WRG 6-98, have submitted these applications with a request for retroactive approval for the site work described herein. The construction of the sign in violation of the required setback; the construction of two rather than one trash facility; the construction of the trash facilities and the portals within the required setback; and the construction of a 10-foot driveway rather than a 4-foot walkway, are considered actions that violate the approved site plans for the March 28, 1997 decision for DR 7-96, WRG 8-96, and HV 21-96.

**11.15.2134 Accessory Uses**

**(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982. *[Amended 1986, Ord. 543 § 2]***

Staff: The applicant received approval for a free-standing sign on the site. The approval was granted as follows in the March 28, 1997 decision document under Condition of Approval #9, "The proposed signage for Sauvie Island Moorage shall be consistent with the design details submitted and

comply with the vision clearance requirement as shown on the revised site plan stamped December 31, 1996."

The site plan referenced is in case file HV 21-96 and shows a free-standing sign located outside the vision clearance area (as drawn by the architect) of the entry way at that time (the 1997 plan shows the sign on the one way entrance to the site). The 1997 approved plan shows the one way entry to the site and that lane is now the exit from the site (marked egress on the March 17, 1999 plan). The applicant states, as written on the site plan submitted March 17, 1999, "If we moved signs 30' from the property line they would be too far downhill to be seen by vision clearance."

Staff notes that the plan submitted for the 1996 for DR 7-96, WRG 8-96, and HV 21-96 also shows the vision clearance triangle with the sign outside of the vision clearance area. In summary, the applicant showed in the original plans that the sign would be outside of the vision clearance area. Then the applicant submitted a 1999 plan that shows the now existing sign as outside of the vision clearance area. Staff has measured the vision clearance area triangles for each side of the intersection of the driveway and NW Sauvie Island Road. Neither the original drawing nor the 1999 drawing would put the sign outside of the vision clearance area. Section .7982 (NN) is the vision clearance area diagram. It is included in this report as Exhibit #3.

The site plan drawing, attached as Exhibit #1, shows the road and the property line inaccurately drawn for the site. For example, NW Sauvie Island Road is shown as 65 feet wide from edge to edge of the pavement. The site plan also illustrates an area 30 feet wide from the edge of the road pavement to the property line.

The applicant has constructed the free-standing sign in a different location than approved, located the sign within the vision clearance area of the entry way, and built at a distance in violation of the required 30-foot front yard property line. The sign is 15 feet from the front property line. See also the Staff and applicant narrative for the Variance criteria.

A copy of the site plan for HV 16-98 and WRG 6-98 is attached as Exhibit #1. A copy of the site plan approved under DR 7-96, WRG 8-96, and HV 21-96 is attached as Exhibit #2. A copy of the Vision Clearance Area definition and diagram is shown as Exhibit #3.

*The application does not meet the criterion.*

**(B) Off-street parking and loading;**

**Staff:** The applicant site plan show, dated March 17, 1999, does not show the required amount of parking has been provided for the site. The site plan submitted by the applicant shows that 27 parking spaces have been provided on the west portion of the site plan; the area adjacent to the parking garages. The applicant shows the east portion of the site with a box entitled "existing parking" but does not state the current number of parking spaces. The applicant narrative does not address the amount of parking available on the entire site. Staff visited the site on March 17, 1999 but did not count the number of existing parking spaces. In the Staff letter to the applicant and to the property owner dated October 27, 1998, regarding the incompleteness of the application materials, Staff requested additional information on the number of parking spaces under Item #11. Because of the lack of information from the applicant, Staff cannot make the finding the application meets the requirement for parking standards. Since Staff cannot make the finding the application meets the parking standards, the application does not meet the standards.

*The application does not meet the criterion.*

- (C) Type A home occupations pursuant to the definition and restrictions of MCC 11.15.0010; and [Amended 1990, Ord. 900 § III]**

**Staff:** A home occupation application has not been submitted by the applicant. As was stated under the Staff comment section, the Sauvie Island Moorage is a houseboat moorage established prior to 1977. A Home Occupation permit is not required for this site, thus the criterion is not applicable.

- (D) Other structures or uses customarily accessory or incidental to any use permitted or approved in this district; and**

**Staff:** The applicant proposed accessory structures under the previous applications for DR 7-96, WRG 8-96, and HV 21-96. Such structures included trash facilities and portals. Also, in accordance with provisions of Section .2150, the moorage is considered conforming and not subject to the provisions of Section .8805. Alterations to Conditional Uses listed in Section .2132 are subject to the provisions of .7895 to .7865. See also the History section of the Staff Comment section of this report. The retroactive applications, HV 16-98 and WRG 6-98, are for the sign, the trash facilities, and the portals. Also, a 10-foot wide driveway was constructed instead of the 4-foot wide walkway shown on the 1996 plans. Based on the Staff findings in the 1997 decision, structures are accessory and incidental to the houseboat moorage. The structures are located on the site in violation of the required 30-foot front yard setback and the required 30-foot rear yard setback of the MUA-20 zone. Other sections of this decision include additional Staff findings as required by the applicable criteria.

\* \* \*

#### **11.15.2138 Dimensional Requirements**

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.**

**Staff:** The two parcels of the subject applications, HV 16-98 and WRG 6-98, total 5.56 acres in size. The subject parcels are smaller than the required minimum lot size of the MUA-20 zone. Section .2142 (B) provides the standard for the Lot of Record and the parcels of the Sauvie Island Moorage meet the Lot of Record requirements. See also Section .2142 (B). The application meets the criterion.

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.**

**Staff:** The Right-of-Way division does not require additional dedication at this time. For questions regarding street dedication, contact Alan Young at (503)-248-3582.

- (C) Minimum Yard Dimensions - Feet**

**Front   Side   Street Side   Rear**

**30      10      30      30**



**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

*[Amended 1984, Ord. 428 § 2]*

**Staff:** The applicant has constructed the trash facilities and the portals on the subject parcel in violation of the required 30-foot rear yard setback. The applicant has constructed the free-standing sign in violation of the required 30-foot front yard setback. The applicant did NOT construct the structures in accordance with the approved site plan from the decision document and case file materials from DR 7-96, WRG 8-96, and HV 21-96. The applicant did receive approval under HV 21-96 to not meet the 150-foot required setback from the ordinary low waterline. See also the Variance criteria and the Willamette River Greenway criteria.

*The application does not meet the criterion.*

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys or similar structures may exceed the height requirement if located at least 30 feet from any property line.
- (F) *[Added 1990, Ord. 643 § 2; Repealed 1994, Ord. 804 § III]*

**11.15.2142 Lot of Record**

\* \* \*

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

**Staff:** According to maps on file at Multnomah County, the existing lot has remained been in the same shape and size since at least 1977. The zoning designation of the parcel in 1977 was EFU-38/ WRG/ CS. The lot is 5.56 acres in size and thus would be smaller in size than required by the zoning designation. At the current time, the parcel is zoned MUA-20/ WRG/ CS. The parcel is considered a Lot of Record in accordance with this requirement.

\* \* \*

**11.15.8505 Variance Approval Criteria**

- (A) The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met. A Minor Variance shall met criteria (3) and (4).
  - (1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and

**topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.**

**Applicant:** A building setback of 150 feet from the ordinary waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for building and structures in conjunction with water related or a water dependent use. The variance is requested for the trash and recycle enclosures, which were originally attached to the entry portals to the floating homes. The easterly trash enclosure was detached from the portal because of the rise in the grade. The portal needs to remain at the existing level to connect to the bridge to the floating homes and there is not enough room at the hill to build the trash enclosure. The portals and trash enclosure are located outside the 30 foot setback to the ordinary water level line and are still convenient to the home owners.

The original plan showed smaller trash enclosures but the requirements from the Trash and Recycle company requires the size now shown to meet the number of residences. The trash enclosure is screened completely from the river and most of the parking lot. The separation from the entry portal to the trash makes a more pleasing entrance to the homes for residences and visitors. See photos 9, 17, and 18 to view the portals and enclosures.

**Staff:** The applicant discusses the site constraints of meeting the 150-foot building setback from the ordinary low waterline of the Willamette River. The applicant mentions the trash enclosures and the portals are within the 30-foot setback "to the ordinary water level line". The applicant and property owner obtained the approval to construct structures within the 150-foot ordinary low waterline from the river. That approval was obtained under the March 28, 1997 decision for DR 7-96, WRG 8-96, and HV 21-96. It is clear that the applicant has not fully addressed the circumstances as to why the 30-foot rear yard setback cannot be met. Staff notes the applicant has already constructed the structures such as the trash enclosures and portals in violation of the required setback and in violation of the previously approved setbacks granted under the March 28, 1997 decision for DR 7-96, WRG 8-98, and HV 21-96.

In addition, the applicant has constructed a free-standing sign within 15 feet of the front property line. This is in violation of the 30-foot front yard setback requirement of the MUA-20 zone. The sign is located within the vision clearance area as defined by Section .7982 (NN). See Exhibit #3. The sign was constructed in a different location than the location approved under DR 7-96, WRG 8-96, and HV 21-96.

A 10-foot wide driveway was constructed on the site adjacent to the garages while the site plan approved in the March 28, 1997 decision shows a 4-foot wide asphalt walkway was supposed to be constructed.

The applicant has not demonstrated that a condition or circumstance applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. Note that the criteria states, "A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district" (emphasis added). The applicant narrative provides a brief comment "there is not enough room at the hill to build the trash enclosure" as justification for locating the structures within the required setbacks. Other locations on the site could accommodate the trash enclosure and the free-standing sign. Staff points out that a variance application is a request for an exception to a rule; a rule in the Multnomah County Code. Sauvie Island Moorage was granted approval for a Major Variance in the March 28, 1997 decision for DR 7-96, WRG 8-96, and HV 21-96.

Structures were then built in violation of the approved plans. Staff finds the applicant has not established a condition or circumstance on the land that does not apply to other properties and that limits the site to the extent that an alternate location, within the required setbacks, could be used.

*The application does not meet the criteria.*

- (2) **The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.**

**Applicant:** A variance is also required for the project entry stone monument sign is designated as entry only and is located within the property line and within the 30 foot front yard setback. Because the monument is entry only the site visibility zone is not required. See photos 1, 2, and 5 to view the sign monument which creates a strong presence to the project and a quality project first impression. The grades of the hillside would not allow the sign setback 30 feet and still be viewable as the entry way from Sauvie Island Road.

**Staff:** Staff points out that the applicant has constructed the sign 15 feet from the front property line rather than 30 feet as required as the front yard setback of the MUA-20 zone. In addition, the location of the sign is shown on the existing site plan and the photos at the entry way. The previously submitted site plan, as the approved site plan from the March 28, 1997 decision document on DR 7-97, WRG 8-96, and HV 21-96, illustrates the sign to be located on the now exit (previous entry) lane. The site plan also showed the vision clearance area of the driveway and showed the sign to be located outside of that area, as required in Section .7964. The applicant states that the "site visibility zone" does not need to be included on the site plan for the entry lane. Multnomah County Code does not specify exemptions for the entry and exit lane vision clearance areas. Section .7964 (C) states, "No sign may be located within a vision clearance area defined in subsection C.2." Subsection (C)(2) states, "Vision clearance areas are triangular shaped areas located at the intersection of any combination of rights-of-way, private roads, alleys or driveways."

The applicant constructed the trash facilities and the portals in violation of the approved site plan from DR 7-96, WRG 8-96, and HV 21-96 issued on March 28, 1997. The structures were constructed 15 feet from the rear yard property line. The required setback from the rear property line to a structure is 30 feet in the MUA-20 zone as established in Section .2138, Dimensional Requirements.

The applicant constructed a 10-foot driveway adjacent to the garages on the west side of the site. The approved site plan from the March 28, 1997 decision showed a 4-foot wide asphalt pathway instead of a driveway. This change violates the approved plan. In addition, the driveway intersects with the entry way to the site from NW Sauvie Island Road. Staff is concerned about the visibility of the site in this area.

To remain in compliance with the required 30-foot front yard and 30-foot rear yard setbacks does not restrict the use of the subject property to a greater extent than other properties in the vicinity or district. A variance is an exception to a regulation. The applicant has failed to demonstrate that the subject property is constrained to a greater extent than other properties in the vicinity by the zoning district requirement of a 30-foot front yard setback and a 30-foot rear yard setback. In addition, the applicant does not provide an explanation as to how meeting the 30-foot setback requirements from the front and rear yards would restrict or constrain the property to greater degree than it restricts other properties in the vicinity or district. The site

plan provides other places, for example, to locate the free-standing sign outside of the vision clearance area but visible from the public road. The site plan attached to the decision as Exhibit #1 illustrates the site abuts NW Sauvie Island Road for several hundred feet. The applicant does not provide evidence that this property is required to meet a setback that other properties in the vicinity are not required to meet.

*The application does not meet the criteria.*

- (3) **The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affects the appropriate development of adjoining properties.**

**Applicant:** We have enclosed signed statements from all the required neighbors stating that they approve the project. We have also provided a letter from the Drainage Improvement Co. stating that the proposed structures do not adversely affect the levee. Therefore we feel this proves that the variance will not adversely affect the property or public welfare, including the neighbors.

**Staff:** The applicant has provided a copy of the Property Owner Consent to Variance Request form with the required property signatures. The decision for HV 16-98 and WRG 6-98 is an administrative decision process for the two cases. The applicant has submitted this form for HV 16-98 and WRG 6-98 as the proof of the adjacent property owners' consent to the variance request submitted September 30, 1998. The adjacent property owners should have seen the plan for HV 16-98 and WRG 6-98 and thus can be considered to have consented to the variance request. Section .8515 requires, "All owners of record within 100 feet of the subject property grant their consent to the variance."

Hazardous conditions may exist on the site. The monument sign is located 15 feet from the front yard property line (in a vision clearance area). A 10-foot driveway running east/ west exists and merges with the entry drive. The site has unsafe conditions that may be materially detrimental to the public welfare or injurious to persons and property in the vicinity.

The authorization of this variance may be materially detrimental to the public welfare or injurious to the property in the vicinity or district in which the property is located, or adversely affect the development of adjoining properties. The applicant and property owners have shown a blatant disregard for the requirements of Multnomah County and in particular, the requirements established in the previously approved plan issued March 28, 1997 for DR 7-96, WRG 8-98, and HV 21-96. Major Variance requests are typically granted for projects with extraordinary on-site circumstances. The applicant obtained approval for an exception to the rule under the 1997 decision and subsequently violated the approved plans. Based on the application materials submitted and based on research of the parcels, Staff found the application has not met Variance Approval Criteria #1 and #2.

*The application does not meet the criteria.*

- (4) **The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.**

**Applicant:** No statement submitted.

**Staff:** The granting of this variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone. The application has not met Variance Approval Criteria #1, #2, and #3. The application meets criterion (A)(4).

**(B) A variance shall be void if the Planning Director finds that no substantial construction or substantial expenditure of funds has occurred on the affected property within 18 months after the variance is granted. That determination shall be processed as follows:**

- (1) Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.**
- (2) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:**
  - (a) Final Design Review approval has been granted under MCC .7845 on the total project, if appropriate; and**
  - (b) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).**
- (3) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.**
- (4) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.**

*[Amended 1990, Ord. 643 § 2]*

*[Amended 1985, Ord. 462 § 2]*

## **Willamette River Greenway**

### **11.15.6350 Purposes**

**The purposes of the Willamette River Greenway subdistrict are to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River; to implement the County's responsibilities under ORS 390.310 to 390.368; to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of lands within the Greenway.**

### **11.15.6352 Area Affected**

**MCC .6350 through .6374 shall apply to those lands designated WRG on the Multnomah**

## **County Zoning Map.**

**Staff:** The subject parcels, R#97117-0400 and R#97117-0420, are zoned with the Willamette River Greenway designation.

### **11.15.6354 Uses – Greenway Permit Required**

All uses permitted under the provisions of the underlying district are permitted on lands designated WRG; provided, however, that any development, change of use or intensification of use, except as provided in MCC .6358, shall be subject to a Greenway Permit issued under the provisions of MCC .6362.

### **11.15.6360 Greenway Permit Application**

An application for a Greenway Permit shall address the elements of the Greenway Design Plan 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);
- (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 Greenway Permit Application shall be combined with the required application for the proposed action and filed in the manner provided in subsections MCC .8210 and .8215.

### **11.15.6362 WRG Permit – Required Findings**

A decision on a Greenway Permit application shall be based upon findings of compatibility with the elements of the Greenway Design plan listed in MCC .6372.

### **11.15.6364 Decision by Planning Director**

- (A) A decision on a Greenway Permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director. The Director may approve the permit, disapprove it, or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan or necessary to assure compatibility with the elements of the Greenway Design Plan. Such 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, exterior colors, and lighting.  
*[Amended 1990, Ord. 643 § 2]*
- (B) Within ten business days following receipt of a completed Greenway Permit application, the Planning Director shall file a decision with the Director of the Department of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.
- (C) A decision by the Planning Director on a Greenway 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 elements of the Greenway Design Plan.

**11.15.6372      Greenway Design Plan**

**The elements of the Greenway Design Plan are:**

- (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and the river.**

**Applicant:** Large quantities of rock fill has left the bank nearly vertical from water to bank crest. Little vegetation survives on the bank beyond a few vines and scattering of small plants. At the top of the crest there is a row of trees including many hand planted maples and other non indigenous trees with the remainder being cottonwoods. This existing vegetation will not be modified. Perhaps 15 percent of the land is covered with trees and we intend to leave them in place. The same areas that have been used for parking and storage will continue to be used as such. The trash enclosures have not affected the bank vegetation as they were built very close to the old trash enclosures.

**Staff:** The applicant has submitted the same response for WRG 6-98 as was submitted for WRG 8-96. Staff made findings of compliance with the criteria in the March 28, 1997 decision issued for DR 7-96, WRG 8-96, and HV 21-96. Staff notes for the purposes of this application, the applicant has not established the landscape plan as shown in the 1997 decision. In that sense, the applicant has not provided the maximum possible landscaped area between the use of the site and the river.

*Therefore, the application does not meet the criterion.*

- (B) Reasonable public access to and along the river shall be provided by appropriate legal means to the greatest possible degree and with emphasis on urban and urbanizable areas.**

**Applicant:** Access to the recreational areas will be enhanced because of the better looking, safer structures that provide storage for water related private boats and household items. The terms of the State Wetlands lease under the moorage operate call for denying public access only for safety and security – a policy agreeable to the owners of the site.

**Staff:** The site of the Sauvie Island Moorage provides public access to the river. The site is zoned with a rural designation of Multiple Use Agriculture (MUA-20). However, the site contains many residences as noted by the Multnomah Channel Moorage/ Marina Inventory 1997/98 and the letter from Grant Johnson dated November 16, 1998. The application meets the criterion.

- (C) Developments shall be directed away from the river to the greatest possible degree, provided, however, that lands in other than rural and natural resource districts may continue in urban uses.**

**Applicant:** The new trash enclosures are completely screened from the waterway and are relatively small 10 foot by 16 foot.

**Staff:** The applicant has constructed the trash facilities and the portals within 15 feet of the rear property line and hence closer to the river. The applicant has built the structures in violation of the approved plans issued under the decision for DR 7-96, WRG 8-96, HV 21-96 on March 28, 1997. The applicant has not completed the landscape plan as shown in the 1997 decision. The applicant

has not directed the development activity away from the river to the greatest possible degree. Nor has the applicant provided the vegetative screening shown in the 1997 decision.

*The application does not meet the criterion.*

**(D) Agricultural lands shall be preserved and maintained for farm use.**

**Applicant:** This land is not agricultural and has not been for 50 years or more.

**Staff:** The subject parcels of the Sauvie Island Moorage are not used for agricultural activities. This criterion is not applicable to this application.

**(E) The harvesting of timber, beyond the vegetative fringes, shall be conducted in a manner which shall insure that the natural scenic qualities of the Greenway will be maintained to the greatest extent practicable or will be restored within a brief period of time on those lands inside the Urban Growth Boundary.**

**Applicant:** There will be no harvesting of timber on the property.

**Staff:** The subject parcels of the Sauvie Island Moorage are not used for the harvesting of timber. This criterion is not applicable to this application.

**(F) Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflicts with farm uses.**

**Applicant:** See B.

**Staff:** The site is not used for farm use and the continued use of the site as a houseboat moorage will not be in conflict with the use of adjacent parcels for agriculture activities. Recreational needs can be satisfied by the public and private use of the site to access the river. The applicant will comply with the criterion to satisfy recreational needs in a manner consistent with the carrying capacity of the land.

**(G) Significant fish and wildlife habitats shall be protected.**

**Applicant:** All existing fish and wildlife habitats will not be affected.

**Staff:** The subject parcels are not identified as part of the Sensitive Big Game Wintering Areas. The proposed alterations to the site, alterations in which the applicant requests retroactive approval for the work outlined within this decision, will not alter the existing impact to the fish and wildlife habitat areas on and adjacent to the subject parcels. The fish and wildlife habitat areas will be protected. The application meets the criterion.

**(H) Significant natural and scenic areas and viewpoints and vistas shall be preserved.**

**Applicant:** A residential floating home moorage fronts the entire site along the channel. As most of the homes are two story and the channel is somewhat narrow, the view from the water consists largely



of the homes. Above and beyond the homes are the trees that line the bank, which in their season obscure the site based structures.

**Staff:** The proposed alterations that the applicant requests retroactive approval for include the new location of the free-standing sign, the trash facilities, and the portals. In addition, the applicant constructed a 10-foot wide driveway instead of the 4-foot wide asphalt walkway shown on the plans in the March 28, 1997 decision. The alterations to the site plan as described within this decision, will not alter the preservation of the significant natural and scenic areas, or the viewpoints and vistas. The application meets the criterion.

- (I) Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

**Applicant:** No statement submitted.

**Staff:** The applicant has submitted completed Service Provider forms from the Sauvie Island Volunteer Fire Department and the Multnomah County Sheriff's Department. The application meets the criterion.

- (J) The natural vegetation along the river, lakes, wetlands and streams shall be enhanced and protected to the maximum extent practicable to assure scenic quality, protection from erosion, screening of uses from the river, and continuous riparian corridors.**

*[Amended 1990, Ord. 643 § 2]*

**Applicant:** See H similar.

**Staff:** Again, the applicant has provided the same narrative used in the application for the 1996 case file WRG 8-96. The proposed applications, HV 16-98 and WRG 6-98, submitted September 30, 1998 are for retroactive approval of the changes made to the site. The applicant's proposed changes have already been constructed on the site. The alterations will not impact the river or the natural vegetation on the site. The applicant has not fully implemented the landscape plan from the March 28, 1997 decision. However, the criterion is specific to the natural vegetation, the riparian corridor, and the protection of the site from erosion. The application meets the criterion.

- (K) Extraction of known aggregate deposits may be permitted, pursuant to the provisions of MCC .7105 through .7640, when economically feasible and when conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, safety, and to guarantee necessary reclamation.**

**Applicant:** No existing aggregate deposits will be distributed on site.

**Staff:** The site does not contain aggregate deposits that will be extracted. The criterion is not applicable to this application.

- (L) Areas of annual flooding, flood plains, water areas and wetlands shall be preserved in their natural state to the maximum possible extent to protect the water retention, overflow and natural functions.**

**Applicant:** Areas of flooding will be preserved in their natural state including the existing rip rap and shoreline vegetation. The levee will not be affected by the new construction.

**Staff:** The applicant has used the 1996 narrative statement (as they have throughout the WRG criteria) to address the criterion. The site work accomplished by the applicant is in violation of the approved March 28, 1997 decision. However, the alterations to the plan are similar to the approved plans and with that in mind, the changes allow the site to maintain the preservation of the natural state of the site. The site will be preserved in the maximum possible extent to protect the water retention, overflow, and natural functions. The application meets the criterion.

**(M) Significant wetland areas shall be protected as provided in MCC .6376.**

*[Amended 1990, Ord. 643 § 2]*

**Applicant:** There are no significant wetland areas on the site.

**Staff:** Multnomah County maps show the parcel does not contain significant wetlands. The site does contain significant riparian corridor habitat, as noted under Section (J) above. The application meets the criterion.

**(N) Areas of ecological, scientific, historical or archaeological significance shall be protected, preserved, restored, or enhanced to the maximum extent possible.**

*[Renumbered 1990, Ord. 643 § 2]*

**Applicant:** Any artifacts have long been safely capped by the Army Corps of Engineers during construction of the Island dike and the site is not listed for Archaeological digs.

**Staff:** The applicant states the areas of archaeological significance will be protected. In addition, the applicant shall protect the ecological, historical, and scientific significance of the site to the maximum extent possible.

**(O) Areas of erosion or potential erosion shall be protected from loss by appropriate means which are compatible with the character of the Greenway. *[Renumbered 1990, Ord. 643 § 2]***

**Applicant:** We intend to plant all areas of new excavation outside the buildings and paving with native plants to provide erosion control. All existing planting will remain intact.

**Staff:** The site work has already been done and the applicant received approval for two Grading and Erosion Control permits, GEC 25-96 and GEC 19-97. If the applicant is required to move the structures in order to comply with the 1997 decision then the installation appropriate erosion control measures will be required. The application meets the criterion.

**(P) The quality of the air, water and land resources in and adjacent to the Greenway shall be preserved in development, change of use, or intensification of use of land designated WRG. *[Renumbered 1990, Ord. 643 § 2]***

**Applicant:** There is no change of use on the site and the runoff and rain drains will be installed in new City of Portland approved soakage trenches, which is a great improvement over the existing setup.

**Staff:** The applicant installed the surface water mechanisms as required. The quality of the air, water, and land resources in and adjacent to the Greenway will be preserved even with the alterations and hence violation, of the previously approved site plan. The application meets the criterion.

- (Q) A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use. [Renumbered 1990, Ord. 643 § 2]**

**Applicant:** See the proposed variance information.

**Staff:** The applicant received approval under DR 7-96, WRG 8-96, and HV 21-96 for a Major Variance to the requirement to meet the 150-foot setback from the ordinary low waterline of the Willamette River to a building. The March 17, 1999 site plan illustrates the two garages on the west side of the site were built as approved and within approximately 100 feet of the ordinary low waterline of the Willamette River. The applicant's request for retroactive approval is for the structures (free-standing sign, trash facilities, and portals) constructed in violation of the 30-foot front yard and the 30-foot rear yard setback requirements. In addition, Staff has found other violations of the site plan approved in the March 28, 1997 decision. The application does meet the criterion of (Q) based on the prior approval as described above.

- (R) Any development, change of use or intensification of use of land classified WRG, shall be subject to design review, pursuant to MCC .7805 through .7865, to the extent that such design review is consistent with the elements of the Greenway Design Plan.**

*[Renumbered 1990, Ord. 643 § 2]*

**Applicant:** We are submitting for design review for the new replacement structures to an existing use.

**Staff:** The applicant has used the 1996 narrative for the 1998 land use applications. The applicant has submitted case files HV 16-98 and WRG 6-98 as requests for retroactive land use approval for the alterations to the site. The free-standing sign, the trash facilities, and the portals have been constructed in violation of the 30-foot required front and rear yard setbacks of the MUA-20 zone. The applicant has also built a 10-foot wide driveway instead of a 4-foot asphalt walkway shown as on the 1997 plans. The applicant has not submitted a Design Review application. The applicant will be required to submit for the application in accordance with the Code requirements.

*The application does not meet the criterion.*

- (S) The applicable policies of the Comprehensive Plan are satisfied. [Added 1990, Ord. 643 § 2]**

**Applicant:** The existing trash and entry enclosures meet the Comprehensive Plan guidelines.

**Staff:** The applicant did not submit a narrative to address the Comprehensive Plan policies. In the letter from Staff to the applicant and the property owner, Staff requested the applicant address Comprehensive Plan Policies 13, 14, 22, 37, 38, and 40. This was noted under Item #14 of the October 27, 1998 letter from Staff. The applicant has submitted the required Service Provide forms.

*The application does not meet the criterion.*

### **Flood Hazard**

#### **11.15.6301 Purposes**

**The purposes of the Flood Hazard District are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas, all in accordance with ORS 215, LCDC Statewide Planning Goal 7 and Multnomah County Framework Plan Policy 14. The regulation of uses within this District is intended to:**

- (A) Protect human life and health;**
- (B) Protect property and structures;**
- (C) Minimize public costs for flood control projects;**
- (D) Minimize public costs of rescue and relief efforts associated with flooding;**
- (E) Minimize business interruptions due to flooding;**
- (F) Minimize damage to public facilities and utilities including water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood hazard areas;**
- (G) Maintain a stable tax base by providing for appropriate use and development of areas of flood hazard;**
- (H) Make the designation of property subject to flood hazards a matter of public record; and**
- (I) Qualify Multnomah County for participation in the National Flood Insurance Program.**

#### **11.15.6303 Area Affected**

**The provisions of MCC .6301 - .6323 shall apply to all areas within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA). These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). These changes are technical in nature and are made in order to reflect new or revised data on base flood elevations, ground elevations, flood control structures or other factors. In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.**

**Staff:** Maps on file at Multnomah County include the FIRM maps and the Floodway maps produced by FEMA. The subject parcels of HV 16-98 and WRG 6-98 are shown on the FIRM maps, community panel #410179-0040B, with areas designated in Zone A and Zone B of the maps. Zone A is the area of 100-year flood and Zone B is the area subject to 100 to 500-year floods. The subject parcels are shown on the Floodway maps with areas in the 100-year flood and areas within the 500-year flood. Section .6317 of the Code applies to this site. The applicant shall provide a step backwater analysis done by a Registered Professional Engineer.

#### **11.15.6305 Uses**

In areas subject to the provisions of this Section, all uses permitted under the provisions of the underlying district may be permitted, subject to the additional requirements and limitations of MCC .6301-6323.

#### **11.15.6315 Development Standards**

The following standards shall apply to all new construction, substantial improvement or other development in areas within the 100-year flood boundary:

\* \* \*

- (I) Land may be exempted from the requirements of MCC .6315 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the subject land is at least one foot above the base flood level. *[Renumbered 1987, Ord. 549 § 2]*

**Staff:** The applicant has submitted a Floodproofing Certificate for Non-Residential Structures. The form is dated 12/2/96 and is the same form submitted for the case files DR 7-96, WRG 6-96, and HV 21-96. The Flood Certificate shows the base flood elevation at 26 feet. The applicant states the buildings are floodproofed to an elevation of 35.4 feet NGVD. The applicant also completed the portion of the Floodproofing Certificate with the following statement, "I certify that based upon development and/ or review of structural design, specifications, and plans for construction that the design and methods of construction are in accordance with accepted standards of practice for meeting the following provisions..." The application meets the criterion.

\* \* \*

#### **11.15.6317 Floodway Requirements**

In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC .6315, shall apply:

No development shall be permitted that would result in any measurable increase in base flood levels. Encroachment is prohibited, including fill, new construction, substantial improvement and other development, unless a detailed step backwater analysis, certified by a Registered Professional Engineer, is provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

**Staff:** The provisions of this Section apply to the subject parcels of HV 16-98 and WRG 6-98. The FEMA Flood Boundary and Floodway Map shows, on community panel # 410179-0040B, that the subject parcels contain areas within the 100-year and the 500-year flood boundary areas. The applicant shall provide a step backwater analysis from a Registered Professional Engineer. The applicant has not submitted a step backwater analysis.

*The application does not meet the criterion.*

### **Comprehensive Plan Policies**

#### **a. Policy No. 13, Air, Water and Noise Quality:**

Case File: HV 16-98 and WRG 6-98

Staff Planner: Tricia R. Sears

Date Mailed: June 29, 1999

21

(503)-248-3043

**Multnomah County, ... Supports efforts to improve air and water quality and to reduce noise levels. ... Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.**

**Applicant:** The project only provides noise from the cars and trucks moving about and the trash enclosure buffers the noise from the river by covering them much more properly than what existed before with just dumpsters sitting on the ground open to view.

**Staff:** During the time of construction of the addition noise may increase slightly and temporarily. No significant impact on air pollution, water quality and noise quality would result from the changes to the site plan, already done, and not in compliance with conditions of approval. Thus, the actions are not in compliance with applicable agencies (eg. Sanitarian, Building Codes).

**b. Policy No. 14, Development Requirements:**

**The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

**A. Slopes exceeding 20%.**

**Staff:** The subject parcel is not identified on Multnomah County's Slope Hazard Map. The subject parcel contains soil types, Burlington fine sandy loam 0 to 8 percent slopes (6B), Sauvie Silt Loam (44) and Sauvie Silt Loam, protected (45) according to the Soil Survey of Multnomah County, Oregon. Slopes on the subject parcel, according to the soil types maps, do not exceed 20%.

**B. Severe soil erosion potential.**

**Staff:** The subject parcel soil is composed of three soil types according to the soils map on file at Multnomah County and identified in (A). Burlington fine sandy loam (6B) and Sauvie silt loam, protected (45) have a slight hazard of erosion and Sauvie silt loam (44) has a high hazard of erosion. The applicant is required to maintain Best Management Practices for erosion control before, during, and after construction.

**C. Land within the 100 year floodplain.**

**Staff:** According to the Flood Insurance Rate Maps (FIRM), the subject parcel is within the floodplain. Please see the Flood Hazard criteria within this decision document.

**D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year.**

**Staff:** According to the Soil Survey of Multnomah County, Oregon soil type 44 has a "water table within a depth of 12 inches during May and June."

**E. A fragipan less than 30 inches from the surface.**

**Staff:** The fragipan of the soils of the subject parcels is not identified in the Soil Survey of Multnomah County, Oregon.

**F. Land subject to slumping, earth slides or movement.**

**Applicant:** We are not building on unstable steep portions of the site and have planted the slopes with erosion control resistant planting. The buildings are located a minimum of one foot above the flood elevation.

**Staff:** According to the Soil Survey of Multnomah County, Oregon the soil type 6B is subject to slumping and soil type 44 is subject to flooding.

**b. Policy No. 22, Energy Conservation:**

**The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. ... The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:**

- A. The development of energy-efficient land uses and practices;**
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;**
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

**Applicant:** The project does not limit energy conservation.

**Staff:** The applicant is not intensifying the use of the site or increasing the density of the site. Sauvie Island Moorage is an existing moorage. Street layouts and lotting patterns are already in place and the applicant does not propose to change them. The applicant does not propose to use renewable energy resources.

**c. Policy No. 37, Utilities:**

**The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:**

**WATER DISPOSAL SYSTEM:**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**

- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

**Applicant:** All utilities have already been approved.

**Staff:** The applicant has submitted the Certification of Water Service form.

**DRAINAGE:**

- E. There is adequate capacity in the storm water system to handle the increased run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, and lakes or alter the drainage on adjacent lands.

**Staff:** The applicant has not submitted a Certification of On-Site Sewage form.

**ENERGY AND COMMUNICATIONS:**

- H. There is an adequate energy supply to handle levels projected by the plan; and
- I. Communications facilities are available.

**Staff:** The application has met the criteria for communications facilities and energy supply.

**c. Policy No. 38, Facilities:**

**The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

**School**

- A. The appropriate school district has had an opportunity to review and comment on the proposal.

**Fire Protection**

- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.

**Police Protection**

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.

**Applicant:** The fire and police all approved the project on the certifications.



**Staff:** The applicant has submitted the Fire District Review Service Provider form signed by the Sauvie Island Volunteer Fire Department. The applicant has also submitted the Police Services form signed by the Multnomah County Sheriff's Department.

**d. Policy No. 40, Development Requirements:**

**The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:**

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.**
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.**
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

**Applicant:** The project allows for bicycle storage and access for pedestrians to the waters edge.

**Staff:** The subject parcel is zoned single-family residential and according to the 1997/98 Multnomah Channel Moorage and Marina Inventory. The applicant states the site has pedestrian and bicycle access.

**Conclusion:**

Based on the findings and conclusions noted above, the applicant has not carried the burden for the retroactive request for approval of a Major Variance to build within 15 feet of the front yard property line and to build with 15 feet of the rear property line at 17505 NW Sauvie Island Road. The applicant also constructed a 10-foot wide driveway instead of a 4-foot wide asphalt walkway. The applicant's request for a Major Variance is **denied**. The application for the Willamette River Greenway is **denied**. This notice was mailed June 29, 1999 in the manner required by ORS 197.763. Opportunity to appeal this decision and have the application considered at a public hearing will be provided until the close of business on July 9, 1999.

**MULTNOMAH COUNTY LAND USE PLANNING CASE FILES WRG 6-98 and HV 16-98:**

By: \_\_\_\_\_  
Tricia R. Sears, Land Use Planner  
For Kathy Busse, Planning Director

**NOTICE:**

**Case File: HV 16-98 and WRG 6-98**

**Date Mailed: June 29, 1999**

**Staff Planner: Tricia R. Sears**

**(503)-248-3043**

State law requires that mailed notice and an opportunity to appeal an Administrative Decision be provided to the applicant and nearby property owners when discretionary or subjective criteria apply to a proposal. **The tentative decision above will become final unless an appeal is filed within 10 days of the date notice is mailed.** If appealed, a public hearing will be scheduled before a Hearings Officer pursuant to Multnomah County Code section 11.15.8290. If not appealed, the decision will become final on the day following the ten-day appeal period. An appeal requires a \$100.00 fee and must state the specific grounds on which it is based. To review the file, or obtain appeal forms or instruction, contact the Multnomah County Land Use Planning Division at (503)-248-3043, business hours are Monday through Friday, 8:00 AM to 4:30 PM. The Land Use Planning office is located at 1600 SE 190<sup>th</sup> Avenue, Portland, OR 97233.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.



DEPARTMENT OF ENVIRONMENTAL SERVICES  
LAND USE PLANNING DIVISION  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233 (503) 248-3043

---

## SUPPLEMENTAL STAFF REPORT

---

This notice concerns a public hearing scheduled to consider the land use case cited and described below.

**Case File:** HV 16-98 and WRG 6-98

**Scheduled Before:** One of the following three County Hearings Officer's:

Joan Chambers  
Liz Fancher  
Deniece Won

**Hearing Date, Time, & Place:** Wednesday, August 18, 1999, at 9:00 AM or soon thereafter  
1600 SE 190<sup>th</sup> Avenue, Columbia Room, Portland, OR 97233.

---

**WHAT:** Bayard Mentrum has filed an appeal of case files HV 16-98 and WRG 6-98. The two land use applications were submitted as retroactive requests for approval of Major Variance and Willamette River Greenway permits. Mentrum's Notice of Appeal cites three points as the grounds for the appeal. Attorney Larry Epstein will represent the property owner and the applicant.

**WHERE:** 17505 NW Sauvie Island Road.  
Tax Lots 40 and 42, Section 17, T2N, R1W, W.M.  
Tax Account R#97117-0400 and R#97117-0420.

**WHO:** *Case File* Bayard Mentrum, Architect  
*Applicant/* 503 NW Irving, #210A.  
*Appellant:* Portland, OR 97209.

*Property Owner:* Karen Carey  
P.O. Box 10858  
Portland, OR 97296-0858.

**Approval Criteria:** Multnomah County Code (MCC) MCC 11.WH.2122 et. seq., Multiple Use Agriculture (MUA-20); MCC 11.15.6350 et seq., Willamette River Greenway; 11.15. 7902 et seq., Signs; MCC 11.15.8505 et seq., Variances; MCC 11.15.8290 et seq., Appeal of Administrative Decision.

## **Public Participation and Hearing Process:**

Application materials are available for inspection at the Land Use Planning office 20 days prior to the hearing, at no cost. Copies may be purchased for 30-cents per page. A **Supplemental Staff Report** and recommendation to the Hearings Officer **will be available 7 days prior to the hearing**. For further information on this case, contact Tricia R. Sears, Staff Planner at (503)-248-3043.

To comment on this proposal, you may write to or call the Land Use Planning office or attend and speak at the hearing. **All interested parties may appear and testify or submit written comment to the Hearings Officer.** All comments should address the approval criteria applicable to the request (outlined below). The hearing procedure will follow the Hearing Officer's *Rules of Procedure* and will be explained at the hearing.

The Hearings Officer may announce a decision at the close of the hearing, or on a later date, or the hearing may be continued to a time certain. A written decision will be mailed to the participants and filed with the Clerk of the Board of County Commissioners usually within ten days of the announcement. A decision by the Hearings Officer may be appealed to the Board of County Commissioners by either the applicant or other participants at the hearing. Appeals must be filed with the Land Use Planning Division within ten days after the decision is mailed. A fee is charged for appeals. Appeal forms are available at 1600 SE 190<sup>th</sup> Avenue, Portland, OR 97233.

Failure to raise an issue in person, or by letter, or failure to provide sufficient specificity to allow the Hearings Officer an opportunity to respond to the issue precludes subsequent appeal to the State Land Use Board of Appeals on that issue.

## **Multnomah County Code Criteria Being Appealed:**

The Notice of Appeal: Administrative Decision submitted by Bayard Mentrum on July 9, 1999 does not specifically cite criteria of the Multnomah County Code for grounds of reversal of the administrative decision. Mentrum, the appellant, provides a narrative to address the three points listed below. The applicant narrative and Staff responses are included within this document. Please see the original NOTICE OF DECISION from July 29, 1999 for all other Code provisions, applicant narrative, and Staff responses.

The appellant lists the following points of appeal:

- 1) Trash enclosures.
- 2) Stone Monument Sign.
- 3) Driveway to Storage Units.

## **Multnomah County Code Appeal Criteria**

### **11.15.8290 Appeal of Administrative Decision by the Planning Director**

- (A) A decision by the Planning Director on an administrative matter made appealable under this Section by ordinance provision, shall be final at the close of business on the tenth calendar day following the filing of the written Decision, Findings and Conclusions with the Director or the Department of Environmental Services, unless prior thereto, the applicant files a Notice of Appeal with the Department, under subsections (B) and (C).

- (B) A Notice of Appeal shall contain:

- (1) The name, address and telephone number of the person filing the Notice;
  - (2) An identification of the decision sought to be reviewed, including the date such decision was filed with the Director of the Department of Environmental Services; and
  - (3) The specific grounds relied on for reversal or modification of the decision.
- (C) A Notice of Appeal shall be accompanied by the required fee, pursuant to MCC .9020.
- (D) Failure to:
- (1) File a Notice of Appeal within the time limit prescribed by subsection (A) above, or
  - (2) Pay the required fee under subsection (C) above, shall be a jurisdictional defect and shall preclude review by the Hearings Officer.
- (E) On receipt of a Notice of Appeal, the Planning Director shall schedule a hearing on the agenda for the next meeting of the Hearings Officer, for which notice can be given under subsection (F), below.
- (F) Notice of hearing on an appeal filed under MCC .8290(A) shall be as required by MCC .8220(A)(1), (2), (3), (5), (6) and (C)(1).

#### **11.15.8295 Procedure on Appeal**

Except as otherwise provided in this Section, proceedings before the Hearings Officer on matters appealed under MCC .8290(A) and appeals therefrom to the Board of County Commissioners shall be conducted according to the provisions of MCC .8230 through .8290.

- (A) A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.
- (B) The provisions of subsection MCC .8230(D) and (E) shall not apply to hearings on appeals filed under MCC .8290(A).
- (C) The findings adopted by the Hearings Officer shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the Notice of Appeal and the criteria on which the Planning Director's decision was required to be based under this Chapter.

#### **June 29, 1999 Decision – Applicable Criteria Found to be Non-Compliant:**

Staff found the application did not meet the following Multnomah County Code (MCC) sections: .2134 (A); .2134 (B); .2138 (C); .8505 (A)(1); .8505 (A)(2); .8505(A)(3); .6372(A); .6372(C); .6372 (R); .6372 (S); and .6317 in the June 29, 1999 decision for HV 16-98 and WRG 6-98.

#### **Staff Planner Site Visits to 17505 NW Sauvie Island Road:**

- 1) March 17, 1999.
- 2) July 11, 1999.

## **List of Exhibits:**

- 1) Reduced copy of applicant site plan from the June 29, 1999 decision on HV 16-98 and WRG 6-98.
- 2) Reduced copy of the applicant site plan for DR 7-96, WRG 8-96, and HV 21-96.
- 3) Same as #2 but with Staff notes.
- 4) Reduced copy of elevation drawings from DR 7-96, WRG 8-96, and HV 21-96.
- 5) Copy of photo of east and west portals and trash enclosures.
- 6) Letter from Larry Epstein faxed on July 29, 1999 to Staff.

## **Applicant Request for Reversal or Modification of the Decision:**

As provided by the applicant, Bayard Mentrup, on July 9, 1999 in the Notice of Appeal: Administrative Decision.

### **1. Trash Enclosures**

On page 10 the Staff comments that the applicant mentions that the trash enclosures and entry portals are within 30 feet of the ordinary water level, but in fact the drawing I, as the applicant, submitted shows that both portals are outside the 30 feet of the ordinary high water line but are 15 feet from the property line. The entry portals are located next to the bridges to the floating homes so people may be able to locate the homes more easily from the bank above. The westerly trash enclosure is located next to the portal as planned for easy access to the home owners without having to cross traffic. The trash enclosure is also located for easy access of the trash haulers. The easterly trash enclosure is detached from the portal because of the steep rise in the land at the bridge location. The owners have greatly improved the appearance of the original trash enclosures and they are screened from the river. No one from the river channel can see the enclosures through the floating homes and trees on the bank. It seems logical to leave the portals where they are if they relate to the pedestrian bridges and locate the trash for convenience to the home owners instead of across the parking lot. The owners did receive a building permit from the City of Portland for the new portals and enclosures before they were constructed and thought this was all they needed.

### **2. Stone Monument Sign**

The site is narrow and the entry drive drop off quite steeply. The sign was located within the front yard setback so it could be seen from Sauvie Island Road rather than down the hill and obscured. There is a wide shoulder on the road and I again drove out of the road by the sign and could easily see both directions down the road without sticking out into the pavement. The owners have stated that no one has complained about not being able to see both directions because of the curves in the roadway. The owners have again improved the appearance of the project without endangering the life and safety of anyone. We feel that if anyone from planning drove up the driveway by the sign they would see it does not block any vision clearance areas. Drivers used to go off the road on the curve going southeast on Reeder Road and now they see the sign and avoid this danger.

### **3. Driveway to Storage Units**

A 10 foot wide asphalt drive was changed from the original 4 foot wide sidewalk to allow trucks to back down the drive to load and unload in the storage areas over the garages. This driveway will only be used when someone is moving in or out of the storage units and there is clear visibility to the entry drive.

Staff states, in there administrative decision, that hazard conditions may exist, but no one has complained to the owners about a problem and I personally drove through the sign and could easily see both directions and I suggest someone from planning do the same before passing judgement.

We have asked for a variance because of the site narrowness and steepness which greatly restricts what may be done. We stated many reasons for the variance in our original application but these were ignored in the decision by stating that the applicant failed to show any reasons for the variance. The neighbors support the changes as a much needed upgrade to the neighborhood and an improvement to the safety and security to the moorage.

The owners realize that they had to adjust these structures on site to gain the most convenient and practical location and have tried hard to improve the moorage appearance and safety for the neighborhood and are disturbed that they are being unfairly punished for these improvements. The owners will be happy to add any more planting deemed necessary by the planning staff.

## **Staff Response to Applicant Points of Appeal:**

### **Intro:**

The Notice of Appeal: Administrative Decision submitted by Bayard Mentrum conveys the architect's frustration with Multnomah County Code requirements for the land use applications submitted by him on behalf of Sauvie Island Moorage. Staff agrees the "improvements" have improved the appearance of Sauvie Island Moorage. Unfortunately, the aesthetics of the structures and the site are only part of the criteria that are applicable to the subject land use applications for WRG 6-98 and HV 16-98. These two applications primarily involve clear and object standards such as setback requirements. For example, a structure in the MUA-20 zone is not allowed to encroach on a rear yard setback without approval of a variance.

The applicant and the property owner are not being "unfairly punished" for the construction actions. The land use decision issued March 28, 1997 for DR 7-96, WRG 8-96, and HV 21-96 was an approval for the application materials submitted at that time. Subsequent to the land use approval, the applicant states the "owners realize that they had to adjust these structures to gain the most convenient and practical location". These adjustments were not in accordance with the approved decision issued March 28, 1997, nor were the adjustments in accordance with the Multnomah County Code. Hence, the site has been considered under violation of the original land use approvals and the Multnomah County Code. Staff issued the administrative decision on for the Major Variance, HV 16-98, and Willamette River Greenway, WRG 6-98, as a denial on June 29, 1999. A copy of the decision may be obtained from the Multnomah County Land Use Planning office. The applicant submitted the Notice of Appeal: Administrative Decision on July 9, 1999.

Staff visited the site on March 17, 1999 and July 11, 1999. Two sets of site visit photos are located in the case file for HV 16-98. In addition, it should be noted that Staff and attorney Larry Epstein have had numerous phone conversations to work through the issues on the two cases.

### **1. Trash Enclosures and Portals**

The site plan, drawn by Bayard Mentrum, for the decision issued March 27, 1997 in DR 7-96, WRG 8-96, and HV 21-96 illustrated the placement of the two "gate portals" 30 feet from the rear property line. The site plan from 1997 illustrates the east and west portals are on the sidewalks for which they serve as entryways. Exhibit #5 contains photos of the east and west portals from a July 11, 1999 site visit.

The Dimensional Standards of the MUA-20 zone, Section .2138, specifically subsection (C), establish the setback requirements for the front (30 feet), rear (30 feet) and side (10 feet) yard setbacks. In the decision issued June 29, 1999, Staff made the finding "does not meet the criterion" under Section .2138 for the application (see page 9 of the decision).

The Staff planner who issued the 1997 decision stated that the portal and the single trash container area were attached to each other, as a single structure, in the original site plan and the elevation drawings. This

statement is substantiated by the site plan from 1997, attached as Exhibit #2, and the elevation drawings, attached as Exhibit #4. The Staff planner stated that the walkway area leading to both structures (the attached portal and trash enclosure) was longer than it exists now. That distance is evident in the difference of placement of the original approved structures and the structures that were built on the site. The walkway would have been 15 feet further into the parking lot and the 1997 site plan illustrates this. The photographs of the site illustrate the current location of the portals and trash enclosures (built as separate structures); see Exhibits #5. The east portal is distinctly detached from the east trash enclosure. The trash enclosure is larger than the approved plan and it includes a roof. The west portal is detached from the west trash enclosure. The west trash enclosure is much larger than the original plan illustrates. The site plan also illustrates the landscape area that was to be established in the area in the front of the now existing west trash enclosure. The west portal was to be placed at the end of the landscaping area. Again, refer to Exhibit #2 and Exhibit #5 for a comparison of the original site plan and the photos of the site as it exists now.

Section .6372 (A) of the Willamette River Greenway application criteria states, "The maximum possible landscaped area, scenic and aesthetic enhancement, open space, or vegetation shall be provided between any use and the river". With the modifications made by the applicant to the site plan approved in the 1997 decision, much of the original landscape plan was not implemented. Exhibits #2 and #5 can be compared for this purpose.

Section .6372 (Q) of the Willamette River Greenway application criteria states, "A building setback line of 150 feet from the ordinary low waterline of the Willamette River shall be provided in all rural and natural resource districts, except for non-dwellings provided in conjunction with farm use and except for buildings and structures in conjunction with a water-related or a water dependent use."

In the 1997 case, the Staff planner granted approval of the applicant's request for a Major Variance to the 150-foot setback from the ordinary low waterline of the Willamette River. The two structures were placed, the east and west portal/ trash enclosure structures, to the furthest point possible to still make the rear property setback and have the structure function as an entryway. Now the structures are separate. The property owner's attorney, Larry Epstein, has proposed, via phone conversation, dismantling the trash enclosures and retaining the portals in their current location.

The Design Review criteria in Section .7850 (A)(7) states, "Buffering and Screening – Areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking, and similar accessory areas and structures shall be designed, located, buffered or screened to minimize adverse impacts on the site and neighboring properties." Screening of the trash facilities is required under this criterion.

The addition of the roof to the trash enclosure makes that a structure that must comply with the 30-foot rear yard setback of the MUA-20 zone, as established in Section. 2318 (C). Dismantling part of it would make it a non-structure and thus it would not be required to meet the required 30-foot setback. One option would be to move the trash enclosure to another location on the site. The site plan illustrates several possible locations. The structure could be retained in its current form in another location that meets the 30-foot setback requirement. Staff notes that other possible locations for the trash enclosures include the pump house building area and other portions of the parking lot. These areas would be screened even more so from the Willamette River.

The variance criteria include the standard for "practical difficulties in the application of the Chapter". Staff believes the existing site includes alternative locations for the placement of the east and west portals and the east and west trash enclosures. As stated in the decision issued June 29, 1999 in Section (A)(1) (page 11), "Staff finds the applicant has not established a condition or circumstance on the land that does not apply to other properties and that limits the site to the extent that an alternative location, within the required setbacks, could be used".



*Staff recommends the Hearings Officer deny the request for the retroactive approval of the Major Variance and Willamette River Greenway applications. Staff recommends the applicant and property owner comply with the 1997 decision and site plan (for the portals and the trash enclosures), or comply with alternatives as recommended by the Hearings Officer.*

## **2. Stone Monument Sign**

Pursuant to conversations with the property owner's attorney, Larry Epstein, and his written correspondence by fax and letter, Epstein proposes to alter the existing sign. See Exhibit #6 for a copy of the letter from Epstein. The property owner has hired Group Mackenzie to evaluate the vision clearance triangle for the existing sign. Epstein states the property owner is willing to alter the sign to comply with the provisions of MCC 11.15.7964 Sign Placement. Subsection (C)(2) includes the statement, "The height of the vision clearance area is from three feet above grade to ten feet above grade." This would render the violation by the existing sign, of Section .7982 (NN) not applicable. It should be noted that under Section .7964(F), "Signs may be erected in required yards and setbacks," a sign can be placed within a required setback. Staff regrets the error stated on page 10 of the June 29, 1999 decision.

*Given the attorney's written and verbal statements offering to alter and relocate the existing free-standing sign, it is likely that for the purposes of the public hearing on the appeal the issue of the placement of the sign will have been resolved (or at least well underway to being resolved).*

## **3. Driveway to Storage Units**

The original 1997 site plan, attached as Exhibit #2, illustrates the sidewalk adjacent to the garages. The applicant built a 10-foot wide road inside of a 4-foot wide asphalt walk. Larry Epstein has stated, via phone conversation and by fax, that Group Mackenzie engineers will evaluate the traffic safety impact of the driveway's proximity to the entryway to the Sauvie Island Moorage. Based on the slope and the proximity Staff stated, in the June 29, 1999 decision, that hazardous conditions may exist. At the time, the applicant did not provide a statement regarding the level of safety of the intersection.

So long as the property owner can provide verification the intersection of the 10-foot wide driveway and the entryway to the site is not a hazardous intersection, Staff is has no issues with allowing the driveway to remain as it currently exists.

*Staff recommends the Hearings Officer evaluate the level safety of the intersection and if it can be found to be a safe intersection, allow the intersection to remain as it currently exists.*

## **Conclusion:**

*Staff: Staff recommends the Hearings Officer make findings on the three points listed above. Staff believes the sign issue discussed in item #2 will be a non-issue by the time of the public hearing. Staff believes the driveway issue can be resolved through an evaluation of the traffic impact of the intersection of the driveway and the entryway to the subject parcels of Sauvie Island Moorage. Staff recommends the Hearings Officer deny the request for the approval of the Major Variance for the portals and trash enclosures because the subject parcels provide alternative sites for placement of the structures and/ or modifications to the structures that would allow the structures to meet the applicable Code provisions. In addition, Staff recommends the Hearings Officer apply the landscaping requirements from the March 28, 1997 decision.*

MEETING DATE: NOV 16 1999  
AGENDA NO: C-16  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's use only)

### AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(s) MAKING PRESENTATION: Consent Calendar

### ACTION REQUESTED:

{ } INFORMATION ONLY { } POLICY DIRECTION {X} APPROVAL { } OTHER

Request approval of deed to contract purchaser, AL BUNNELL, for completion of Contract No. 15496 (Property repurchased by former owner at auction).

Resolution and Deed D001693 attached.

*11/16/99 ORIGINAL DEED & COPIES OF  
ALL TO TAX TITLE*

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER: *kt [Signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 NOV - 8 PM 1:29  
MULTI-COUNTY  
OREGON  
COUNTY COMMISSIONERS

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-224

Authorizing the Execution of Deed D001693 Upon Complete Performance of a Contract with AL BUNNELL

The Multnomah County Board of Commissioners Finds:

- a) On 4/18/90, Multnomah County entered into a county contract 15496 recorded in county deed records at Book 2294 Page 388 with AL BUNNELL for the sale of the real property hereinafter described
- b) The above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:  
  
LOT 9, BLOCK 1, BLACKBERRY BLUFF, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.
2. The County's Division of Assessment and Taxation is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide: (a) that the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies there of shall be returned immediately to the County.

Approved this 16th day of November,

1999.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By

  
BEVERLY STEIN, CHAIR

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By

  
Matthew O. Ryan, Assistant County Counsel

Deed D001693

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to AL BUNNELL, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 9, BLOCK 1, BLACKBERRY BLUFF, a recorded subdivision in the County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in the terms of dollars is \$22,500.

**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 OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

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

AL BUNNELL  
7606 SE 117TH DR  
PORTLAND OR 97266

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 16th day of November, 1999, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY OREGON

By *Beverly Stein*  
BEVERLY STEIN, CHAIR

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By *Matthew O. Ryan*  
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By \_\_\_\_\_  
Kathleen A. Tuneberg, Director

After recording, return to 166/300/Multnomah County Tax Title

STATE OF OREGON

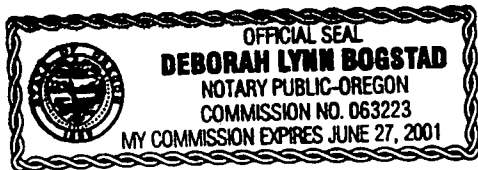
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 16th day of November, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

BUDGET MODIFICATION NO.

HD 2

(For Clerk's Use) Meeting Date NOV 16 1999  
Agenda No. C-17

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT HealthDIVISION Neighborhood HealthCONTACT Kathy InnesTELEPHONE 248-3056 x27027

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Valerie WhittleseySUGGESTEDAGENDA TITLE

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

Approve an increase of 2.3 FTE and \$107,830 dollars in the School Based Clinic budget. The increased funds are provided by an increase in the State of Oregon Health Division's School Based Clinic grant.

(Estimated Time Needed on the Agenda)

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

☒

Personnel changes are shown in detail on the attached sheet

This action adds .83 Program Development Technician, .63 Health Services Specialist, and .16 Nurse Practitioner with \$107,830 of increased State Health Division support for school based clinics. The action also changes the current budgeted FTE by cutting .42 Community Health Nurse and adding .83 Medical Records Tech, .2 Health Services Specialist, and .07 Nurse Practitioner.

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

Adds \$107,830 of State grant funds to the Federal State Fund and \$2,451 of indirect to the General Fund

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

GeneralFund Contingency before this modification 11-10-99 3,253,795

Date

After this modification 3,256,246

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

DEBORAH L. BOGUSTAD11/16/99

William Shirley 11/8/99  
Suzanne S. Kohn 11/28/99

CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
99 NOV 10 AM 11:24



# PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

HD 2

## 5. ANNUALIZED PERSONNEL CHANGES HD 2 (Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

				ANNUALIZED			
Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
					Fringe	Ins.	
-0.67	6315	0451	Community Health Nurs	(34,002)	(8,815)	(1,611)	(44,428)
1.00	6321	0465	Med Rec Tech	30,144	7,599	5,600	43,343
0.20	9696	0465	Health Svcs Spec	5,235	1,320	267	6,822
0.16	6314	0451	Nurse Prac	12,109	3,053	516	15,678
0.09	6315	0461	Community Health Nurs	4,243	1,047	202	5,492
0.07	6314	0461	Nurse Prac	4,747	1,228	175	6,150
0.08	6315	0458	Community Health Nurs	4,019	979	375	5,373
0.08	6315	0459	Community Health Nurs	4,019	979	244	5,242
1.00	6020	0465	Prog Dev Tech	30,061	7,578	5,600	43,239
1.00	9696	0465	Health Svcs Spec	50,100	12,630	4,371	67,101
							0
3.01	TOTAL CHANGE (ANNUALIZED)			\$110,675	\$27,598	\$15,739	\$154,012

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

				CURRENT FY			
Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
					Fringe	Ins.	
-0.67	6315	0451	Community Health Nurs	(34,002)	(8,815)	(1,611)	(44,428)
0.83	6321	0465	Med Rec Tech	25,120	6,333	4,243	35,696
0.20	9696	0465	Health Svcs Spec	5,235	1,320	267	6,822
0.16	6314	0451	Nurse Prac	12,109	3,053	516	15,678
0.09	6315	0461	Community Health Nurs	4,243	1,047	202	5,492
0.07	6314	0461	Nurse Prac	4,747	1,228	175	6,150
0.08	6315	0458	Community Health Nurs	4,019	979	375	5,373
0.08	6315	0459	Community Health Nurs	4,019	979	252	5,250
0.83	6020	0465	Prog Dev Tech	25,051	6,317	5,220	36,588
0.63	9696	0465	Health Svcs Spec	31,997	7,866	4,311	44,174
2.30							
TOTAL CURRENT FISCAL YEAR CHANGES				\$82,538	\$20,307	\$13,950	\$116,795



HD2

EXPENDITURE		TRANSACTION DATE		ACCOUNTING PERIOD		BUDGET FY			
TRANSACTION	EB GM [ ]								
Document			Organ-	Reporting					
Number	Action	Fund	ization	Category	Object	Current	Revised		
			Activity			Amount	Amount		
							Change		
							Increase		
							(Decrease)		
							Subtotal		
							Description		
		156	015	0451		5100	(21,893)		
		156	015	0451		5400	(1,700)		
		156	015	0451		5500	(5,762)		
		156	015	0451		5550	(1,095)	(30,450)	
		156	015	0451		7100	(4,175)		
		156	015	0452		5400	(1,000)	(1,000)	
		156	015	0452		7100	(137)		
		156	015	0453		5400	(1,500)	(1,500)	
		156	015	0453		7100	(206)		
		156	015	0454		5400	(400)	(400)	
		156	015	0454		7100	(55)		
		156	015	0455		5400	(4,000)	(4,000)	
		156	015	0455		7100	(548)		
		156	015	0456		5400	(1,200)	(1,200)	
		156	015	0456		7100	(165)		
		156	015	0457		5400	(4,000)	(4,000)	
		156	015	0457		7100	(548)		
		156	015	0458		5100	4,019		
		156	015	0458		5400	(718)		
		156	015	0458		5500	979		
		156	015	0458		5550	375	4,655	
		156	015	0458		7100	638		
		156	015	0459		5100	4,019		
		156	015	0459		5400	(700)		
		156	015	0459		5500	979		
		156	015	0459		5550	252	4,550	
		156	015	0459		7100	624		
		156	015	0465		5100	87,403		
		156	015	0465		5400	(1,850)		
		156	015	0465		5500	21,836		
		156	015	0465		5550	14,041	121,430	
		156	015	0465		7100	9,803	9,803	Grant paid indirect
		156	015	0465		7100	6,648		
		156	015	0460		5400	(1,000)	(1,000)	
		156	015	0460		7100	(137)		



HD2

		156	015	0461			5100			8,990			
		156	015	0461			5400			(700)			
		156	015	0461			5500		2,275	2,275			
		156	015	0461			5550			377	10,942		
		156	015	0461			7100			1,500			
		100	015	0905			6110			7,352			
		100	075	9120			7700			2,451			
		100	015	0450			7608			3,440		111,270	
									0				
TOTAL EXPENDITURE CHANGE										124,513	107,830		0
REVENUE													
HD 2													
TRANSACTION RB GM [ ]				TRANSACTION DATE				ACCOUNTING PERIOD				BUDGET FY	
Document				Organ-		Reporting		Current	Revised	Change			
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase	(Decrease)	Subtotal	Description
		156	015	0450			2385		97,830	97,830			
		156	015	0465			2385		10,000	10,000		107,830	
									0				
		156	015	0451			7601		(4,175)	(4,175)			General Fund indirect
		156	015	0452			7601		(137)	(137)			General Fund indirect
		156	015	0453			7601		(206)	(206)			General Fund indirect
		156	015	0454			7601		(55)	(55)			General Fund indirect
		156	015	0455			7601		(548)	(548)			General Fund indirect
		156	015	0456			7601		(165)	(165)			General Fund indirect
		156	015	0457			7601			(548)			General Fund indirect
		156	015	0458			7601			638			General Fund indirect
		156	015	0459			7601			624			General Fund indirect
		156	015	0465			7601			6,648			General Fund indirect
		156	015	0460			7601			(137)			General Fund indirect
		156	015	0461			7601			1,500		3,440	General Fund indirect
		100	075	7420			6602			13,243			
									0				
TOTAL REVENUE CHANGE										124,513	111,270		

## Transaction Detail

Trans ID	Type	FY	Description	Process	Date	Category	#	Fund	Agcy	Org	Obj	Rev	Amount	#	Fund	Agcy	Org	Pos	FTE	Amount
bmhd0002	BM	0	Staffing addition of 2.3 FTE, funded by \$107,830 in State of Oregon Health Division's School Based Clinic grant. Also various staffing changes.	No			1	156	015	0451	5100		-21,893	1	156	015	0451	6315	-0.670	-34,002
							2	156	015	0451	5400		-1,700	2	156	015	0465	6321	0.830	25,120
							3	156	015	0451	5500		-5,762	3	156	015	0465	9696	0.200	5,235
							4	156	015	0451	5550		-1,095	4	156	015	0451	6314	0.160	12,109
							5	156	015	0451	7100		-4,175	5	156	015	0461	6315	0.090	4,243
							6	156	015	0452	5400		-1,000	6	156	015	0461	6314	0.070	4,747
							7	156	015	0452	7100		-137	7	156	015	0458	6315	0.080	4,019
							8	156	015	0453	5400		-1,500	8	156	015	0459	6315	0.080	4,019
							9	156	015	0453	7100		-206	9	156	015	0465	6020	0.830	25,051
							10	156	015	0454	5400		-400	10	156	015	0465	9696	0.630	31,997
							11	156	015	0454	7100		-55							
							12	156	015	0455	5400		-4,000							
							13	156	015	0455	7100		-548							
							14	156	015	0456	5400		-1,200							
							15	156	015	0456	7100		-165							
							16	156	015	0457	5400		-4,000							
							17	156	015	0457	7100		-548							
							18	156	015	0458	5100		4,019							
							19	156	015	0458	5400		-718							
							20	156	015	0458	5500		979							
							21	156	015	0458	5550		375							
							22	156	015	0458	7100		638							
							23	156	015	0459	5100		4,019							
							24	156	015	0459	5400		-700							
							25	156	015	0459	5500		979							
							26	156	015	0459	5550		252							
							27	156	015	0459	7100		624							
							28	156	015	0465	5100		87,403							
							29	156	015	0465	5400		-1,850							
							30	156	015	0465	5500		21,836							
							31	156	015	0465	5550		14,041							
							32	156	015	0465	7100		9,803							
							33	156	015	0465	7100		6,648							
							34	156	015	0460	5400		-1,000							
							35	156	015	0460	7100		-137							
							36	156	015	0461	5100		8,990							
							37	156	015	0461	5400		-700							
							38	156	015	0461	5500		2,275							
							39	156	015	0461	5550		377							
							40	156	015	0461	7100		1,500							



# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DIANE LINN  
SERENA CRUZ  
LISA NAITO  
SHARRON KELLEY

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

TO: Board of County Commissioners

FROM: Lillian Shirley *L.S. by [Signature] Acting Director*

TODAY'S DATE: Nov. 8, 1999

REQUESTED PLACEMENT DATE: Nov. 18, 1999

SUBJECT: Health Budget Modification Number 2

## **I. Recommendation / Action Requested:**

Approve an increase of 2.3 FTE and \$107,830 dollars in the School-Based Clinic budget. The increased funds are provided by an increase in the State of Oregon Health Division's School-Based Clinic grant.

## **II. Background / Analysis:**

The School-Based Health Center Program operates twelve sites, with a thirteenth scheduled early in 2000. Last year, the program served 5,346 unduplicated youth for a total of 29,752 visits.

The program is moving into a new service area model in which resources are allocated based on site utilization. The program has begun to re-structure through consolidation and assignment of staff across sites. An emphasis on accurate clinical coding, increased productivity, data analysis, and revenue collections will facilitate effective utilization of funding opportunities such as the expanded Medicaid coverage (FPEP), available through the State Health Division. The additional state dollars will be used to ensure that identified clinical/fiscal accountabilities and outcomes are achieved.

This action adds .83 Program Development Technician, .63 Health Services Specialist, and .16 Nurse Practitioner with \$107,830 of increased State Health Division support for school based clinics. The action also changes the current budgeted FTE by cutting .42 Community Health Nurse and adding .83 Medical Records Tech, .2 Health Services Specialist, and .07 Nurse Practitioner.

## **III. Financial Impact:**

Adds \$107,830 of State grant dollars to the Federal State Fund. Adds \$2,451 of indirect to the General Fund contingency. Although this level of State funding is not assured for next year, the added personnel will facilitate effective collection of new Medicaid revenue, (FPEP) producing additional fee revenue.

## **IV. Legal Issues:** NA

## **V. Controversial Issues:** NA

**VI. Link to Current County Policies:**

Strategic Benchmark: Increase School Completion-School Success

**VII. Citizen Participation: NA**

**VIII. Other Government Participation: NA**

BUDGET MODIFICATION NO.

HD 6

(For Clerk's Use) Meeting Date

NOV 16 1999

Agenda No.

C-18

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT

Health

DIVISION

CONTACT

Kathy Innes

TELEPHONE 248-3056 x27027

\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Kathy Innes

SUGGESTED

AGENDA TITLE

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

Approve increases and decreases in job class in Field Services, HIV Services, and the Safenet budget.

All changes are funded from within the current budget.

(Estimated Time Needed on the Agenda)

## 2. DESCRIPTION OF MODIFICATION

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

X

Personnel changes are shown in detail on the attached sheet

Cuts 1.5 Health Educator, .6 Community Health Nurse, .4 Health Information Specialist 1, and .5 Program Development Technician. Adds .7 Medical Records Technician, .7 Health Services Specialist, .8 Health information Specialist 2, and .7 Program Development Specialist.

## 3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

BOARD OF  
COUNTY COMMISSIONERS  
NOV 10 AM 11:24  
MULTNOMAH COUNTY  
OREGON

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

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

11-10-99

11/16/99

11/10/99

11/19/99



# PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

HD 6

## 5. ANNUALIZED PERSONNEL CHANGES HD 6

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

Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	ANNUALIZED Increase/(Decrease)		TOTAL Increase (Decrease)
					Fringe	Ins.	
-0.80	6315	0472	Community Health Nurs	(37,308)	(9,405)	(5,870)	(52,583)
1.00	6321	0472	Med Rec Tech	29,406	7,413	5,780	42,599
-1.00	6352	0321	Health Educator	(34018)	(8575)	(3822)	(46,415)
1.00	9696	0321	Health Svcs Spec	36240	9136	4868	50,244
-1.00	6352	0053	Health Educator	(36428)	(9641)	(5663)	(51,732)
1.00	6018	0053	Hlth Info Spec 2	30161	7604	5602	43,367
-0.50	6020	0875	Prog Dev Tech	(12891)	(3249)	(2869)	(19,009)
0.50	6019	0875	Hlth Info Spec 1	12891	3249	2869	19,009
-0.90	6019	0875	Hlth Info Spec 1	(25753)	(6492)	(5202)	(37,447)
0.90	6021	0875	Prog Dev Spec	25753	6492	5202	37,447
-0.50	6001	0474	Office Asst 2	(22406)	(5648)	(5323)	(33,377)
0.50	6002	0474	Office Asst/Sr	27206	6858	5499	39,563
							0
0.20	TOTAL CHANGE (ANNUALIZED)			(\$7,147)	(\$2,258)	\$1,071	(\$8,334)

## 6. YEAR PERSONNEL DOLLAR CHANGES

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

				CURRENT FY			
Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
					Fringe	Ins.	
-0.60	6315	0472	Community Health Nurs	(29,994)	(7,561)	(5,787)	(43,342)
0.70	6321	0472	Med Rec Tech	29,994	7,561	5,787	43,342
-0.80	6352	0321	Health Educator	(34018)	(8575)	(3822)	(46,415)
0.70	9696	0321	Health Svcs Spec	34018	8575	3822	46,415
<del>0.80</del>	6018	0053	Hlth Info Spec 2	<del>26774</del>	<del>6749</del>	<del>3964</del>	<del>37,487</del>
-0.70	6352	0053	Health Educator	(26774)	( 6749)	( 3964)	( 37,487)
-0.50	6020	0875	Prog Dev Tech	(12891)	(3249)	(2869)	(19,009)
0.50	6019	0875	Hlth Info Spec 1	12891	3249	2869	19,009
-0.90	6019	0875	Hlth Info Spec 1	(20783)	(5239)	(5202)	(31,224)
0.70	6021	0875	Prog Dev Spec	20783	5239	5202	31,224
-0.50	6001	0479	Office Asst 2	(11278)	(2844)	(2831)	(16,953)
0.50	6002	0310	Office Asst/Sr	11278	2844	2831	16,953
							0
-0.10							
TOTAL CURRENT FISCAL YEAR CHANGES				\$0	\$0	\$0	\$0

## Transaction Detail

Trans ID	Type	FY	Description	Process	Date	Category	#	Fund	Agcy	Org	Obj	Rev	Amount	#	Fund	Agcy	Org	Pos	FTE	Amount
bmhd0006	BM	0	Various staffing changes in Field Services, HIV services, and Safenet funded within current appropriations.	No			1	156	015	0479	5100		-11,278	1	156	015	0472	6315	-0.600	-29,994
							2	156	015	0479	5500		-2,844	2	156	015	0472	6321	0.700	29,994
							3	156	015	0479	5550		-2,831	3	156	015	0321	6352	-0.800	-34,018
							4	156	015	0479	7100		-2,324	4	156	015	0321	9696	0.700	34,018
							5	100	015	0310	5100		11,278	5	156	015	0053	6018	0.800	26,774
							6	100	015	0310	5500		2,844	6	156	015	0053	6352	-0.700	-26,774
							7	100	015	0310	5550		2,831	7	156	015	0875	6020	-0.500	-12,891
							8	100	015	9130	7608		-19,277	8	156	015	0875	6019	0.500	12,891
							9	156	015	0479		7601	-19,277	9	156	015	0875	6019	-0.900	-20,783
							10	400	070	7531		6600	2,831	10	156	015	0875	6021	0.700	20,783
							11	400	070	7531		6602	-2,831	11	156	015	0479	6001	-0.500	-11,278
							12	100	075	7410		6602	-2,324	12	100	015	0310	6002	0.500	11,278
							13	400	070	7531	6580		2,831							
							14	400	070	7531	6580		-2,831							



# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DIANE LINN  
SERENA CRUZ  
LISA NAITO  
SHARRON KELLEY

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

TO: Board of County Commissioners

FROM: Lillian Shirley

TODAY'S DATE: Nov 9, 1999

REQUESTED PLACEMENT DATE: Nov. 18, 1999

SUBJECT: Health Budget Modification Number 6

---

## **I. Recommendation / Action Requested:**

Approve increases and decreases in job class in Field Services, HIV Services, and the Safenet budget. All changes are funded from within the current budget.

## **II. Background / Analysis:**

This action changes FTE in various job classes in order to bring the budget into conformance with current operational needs. This action cuts 1.5 Health Educator, .6 Community Health Nurse, .4 Health Information Specialist 1, and .5 Program Development Technician. The action adds .7 Medical Records Technician, .7 Health Services Specialist, .8 Health information Specialist 2, and .7 Program Development Specialist.

III. **Financial Impact:** NA

IV. **Legal Issues:** NA

V. **Controversial Issues:** NA

VI. **Link to Current County Policies:** NA

VII. **Citizen Participation:** NA

VIII. **Other Government Participation:** NA



## SPEAKER SIGN UP CARDS

DATE 11-14-88

NAME ROGER TROEN

ADDRESS 4226 N MONTANA AVE

PDX OR 97217

PHONE 287-7895

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC ANIMAL CONTROL R-1

GIVE TO BOARD CLERK

PORTLAND

# ANIMAL ADVOCATES

As a two term past president of the Portland Grade Teachers' Assn and an original member of the Multnomah County Animal Control Advisory Cttee. I have prepared some questions for your newly formed Animal Control Task Force. —These members should be prepared with their answers on the 17<sup>th</sup> of November.

1. What qualifies you for this task force?
2. Do you favor a pet food sales tax?
3. Name one person from Mult. County who has attended any of the last five No-Kill Animal Shelter Conferences.
4. Which Oregon attorney has had the most experience with our animal control agency?
5. What is Garrett Martin's main concern about dogs?
6. What member of the committee founded the N.A.I.A.
7. Name one county agency besides animal control that should not be funded from the general fund.
8. Name the director of animal control who used the internet name "dogbyte."
9. What function of MCAC uses 2/3 of their funds?
10. Name a rejected procedure that would not only save money but would not pit neighbor against neighbor and would also save lives.
11. What state passed a recent law that forbids killing dogs when alternatives are offered.
12. Who chairs the MCACAC currently?
13. How many of the 14 members of this cttee. met this last month?
14. What is the "big bomb" about to fall into someone's lap according to Larry Nicholas?
15. Do you favor printing the E and D list in the Oregonian?
16. List three life-saving innovations at animal control instituted by private citizens.
17. Name the device replaced by sodium pentobarbital.

Now, in at least 300 hundred words describe your last visit to the animal control facility. Give the approximate date.



Roger Troen

In Recognition of Selfless Help in Saving Lives of Dogs and  
Cats on Multnomah County's Animal Control Euthanize and  
Dispose List . . .

These Non-AKC/CFA Papers are Awarded To:

\_\_\_\_\_

In this particular case \_\_\_\_\_

\_\_\_\_\_

was saved on \_\_\_\_\_

Thank you for heeding the injunction to:

*Open your mouth for those unable to speak for  
themselves, in the cause of all such as are  
appointed to destruction. Proverbs 31:8*

Our continuing prayer is:

*Let the groaning and sighing of the prisoner come  
before Thee; according to the greatness of Thy  
power preserve Thou those that are appointed  
to die! Psalms 79:11*

Please know your devotion to these precious beings is not  
only noted here, but in the hereafter.

\_\_\_\_\_

For the Citizen Task Force to End the Killing.

MEETING DATE: NOV 16 1999  
AGENDA NO: R-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement for Broadway Bridge Renovation Projects

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

REGULAR MEETING: DATE REQUESTED: December 2, 1999 November 16, 1999  
AMOUNT OF TIME NEEDED: 2 mins

DEPARTMENT: Environmental Services DIVISION: Transportation

CONTACT: Stan Ghezzi TELEPHONE #: 248-3757 ex.225  
BLDG/ROOM #: 446/bridge

PERSON(S) MAKING PRESENTATION: IAN CANNON or JOHN THUENCTON

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Intergovernmental Agreement contract # 0010837 between O.D.O.T. and Multnomah County for three phases of rehabilitation projects on the Broadway Bridge. Phases 1 and 3 are for mechanical repairs needed to insure drawbridge operation. Phase 2 rehabilitates Broadway Bridge street lighting and Broadway ramp sidewalks.

11/16/99 ORIGINALS to JOHN THUENCTON  
COPIES to CATHY KRAMER

99 NOV -8 AM 10:57  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT Ed. W. for Stan G.  
MANAGER: Larry F. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



**OFFICE MEMORANDUM**  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**  
**Transportation Division - Bridge Section**

**TO:** BOARD OF COUNTY COMMISSIONERS

**FROM:** Stan M. Ghezzi, Bridge Services Manager

**TODAY'S DATE:** November 10, 1999

**REQUESTED PLACEMENT DATE:** November 16, 1999

**RE:** Intergovernmental Agreement for Federal Funding for Broadway Bridge and Approaches Rehabilitation

**I. Recommendation/Action Requested:**

Approve Intergovernmental Agreement with State of Oregon for Federal funding of Broadway Bridge and Approaches Rehabilitation Project

**II. Background/Analysis:**

The Broadway Bridge was originally constructed in 1913. The County proposes a multi-phase rehabilitation program for the bridge. This IGA secures Federal funding for Phases 1, 2, and 3 of this rehabilitation program. The work to be designed and constructed under these three phases includes rehabilitation or replacement of deteriorated components including: mechanical and structural components of the bascule lifting mechanism, the roadway and sidewalk lighting, and the sidewalks on the Broadway Street approach ramp. Completion of the remaining phases of the program will occur through subsequent amendments to this agreement.

**III. Financial Impact:**

The IGA secures \$2,445,600 in Federal funding for Broadway Bridge and Approaches Rehabilitation funneled through Oregon Department of Transportation. \$611,400 County funds will be required as match for project. The total project cost including design engineering, construction, and construction engineering is estimated at \$3,057,000. Funds are already provided in current budget for work during this County fiscal year. Current Willamette River Bridge Fund projections indicate that County matching funds will be available to complete these three phases.



IV. Legal Issues:

No known legal issues.

V. Controversial Issues:

The project may cause or increase traffic congestion during construction. The project may cause inconvenience to cyclists and pedestrians during construction. The project will be constructed while the City of Portland's Lovejoy Street project is in progress. No other controversial issues known.

VI. Link to Current County Policies:

The project advances County's goal of maintaining transportation infrastructure. Lighting and sidewalk rehabilitation will provide improved facility for pedestrians and cyclists.

VII. Citizen Participation:

A public information effort is planned prior to construction.

VIII. Other Government Participation:

Oregon Department of Transportation must approve this IGA and will be partner during design and construction. Oregon Department of Transportation will be contract holder for construction contract. Design of lighting and construction traffic mitigation will involve cooperation with City of Portland bureaus.

cc: Larry Nicholas  
Harold Lasley  
Bridge File/Vance File/SMG

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

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

Contract #: 0010837

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue + <i>MATCHING FUNDS</i> <div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b>                      AGENDA # <u>R-2</u> DATE <u>11/16/99</u>  <b>DEB BOGSTAD</b>  <b>BOARD CLERK</b> </div>

Department: Environmental Services

Division: Transportation

Date: 11/1/99

Originator: Stan Ghezzi

Phone: 248-3757 ex. 225

Bldg/Rm: 446/Bridge

Contact: Cathy Kramer

Phone: 248-5050 x22589

Bldg/Rm: 425/Trans

Description of Contract: Oregon Department of Transportation (O.D.O.T.) Intergovernmental Agreement (IGA) for three phases of Broadway Bridge Rehabilitation projects.

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>Oregon Department of Transportation (O.D.O.T.)</u>		Remittance address	
Address <u>O.D.O.T. - Region 1</u>		(If different)	
<u>123 NW Flanders</u>			
<u>Portland, Or. 97209-4037</u>			
Phone <u>(503) 731-8288</u>		Payment Schedule / Terms	
Employer ID# or SS#		<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Effective Date <u>Upon approval</u>		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Termination Date <u>December 31, 2005</u>		<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Original Contract Amount \$	<u>3,057,000</u>		
Total Amt of Previous Amendments \$	<u>N/A</u>	<input type="checkbox"/> Requirements Not to Exceed \$	
Amount of Amendment \$	<u>N/A</u>		
Total Amount of Agreement \$	<u>3,057,000</u>	Encumber	<input type="checkbox"/> Yes <input type="checkbox"/> No

## REQUIRED SIGNATURES:

Department Manager

DATE

Purchasing Manager

DATE

(Class II Contracts Only)

County Counsel

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

(Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	<u>161</u>	<u>030</u>	<u>6701</u>			<u>8300</u>	<u>02</u>				
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.

Misc. Contracts & Agreements  
No. 17,306

LOCAL AGENCY AGREEMENT  
HIGH PRIORITY PROJECT  
Broadway Bridge and Approaches Rehab. (#6757, 6757A, 6757C)

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and MULTNOMAH COUNTY, hereinafter referred to as "Agency".

**RECITALS**

1. The Broadway Bridge is a part of the County Road System under the jurisdiction and control of Agency
2. Agency and State contemplate a Nine Phase Program for rehabilitating the Broadway Bridge and approaches (Bridge #6757, 6757A & 6757C). The phases are outlined in paragraph No. 1, below. The work necessary to rehabilitate the structure (all phases) will consist of replacing or rehabilitating the anchor and operating struts; lighting; sidewalks; ramp and bridge deck repair or replacement; east span mechanical renovation and replacement of the centerlocks; replacement of the steel lift-span grating; cleaning and painting; and seismic retrofit. The total cost for all nine phases is estimated at \$47,032,000. This agreement addresses Phases 1, 2, and 3.
3. By the authority granted in ORS 190.110, 366.770, and 366.775, State may enter into cooperative agreements with the counties, cities, and units of local government for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

**NOW THEREFORE**, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

Key #'s 11065, 11066 & 11067



## TERMS OF AGREEMENT

1. Under said provisions, Agency has developed, subject to State review and concurrence, a nine phase program for rehabilitating the Broadway Bridge and approaches (Bridge #6757, 6757A & 6757C). The work necessary to rehabilitate the structure will consist of, but not limited to:

- |          |  |
|----------|--|
| Phase 1. | Replace or rehabilitate the anchor and operating struts;   |
| Phase 2. | Replace or rehabilitate bridge and approach ramp lighting and replace or rehabilitate Broadway Ramp sidewalks; |
| Phase 3. | Replace or rehabilitate east span lift machinery and replace or rehabilitate lift span locks;                  |
| Phase 4. | Paint bridge structure below decks;  |
| Phase 5. | Replace or rehabilitate lift span roadway deck;  |
| Phase 6. | Replace or rehabilitate fixed span roadway deck and fixed span sidewalks;                                      |
| Phase 7. | Paint bridge structure above decks;  |
| Phase 8. | Paint Broadway approach ramp   |
| Phase 9. | Perform seismic retrofit.  |

2. This agreement covers phases 1, 2, and 3 (identified above), hereinafter referred to as "project". The estimated cost for the project is \$3,057,000. Completion of the remaining six phases will occur through subsequent amendments to this agreement. The location of the project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.

Agency's pro-rata share of the total project cost is estimated to be \$611,400. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's pro-rata share of the project plus any portion of the project not covered by federal funding. Agency guarantees that adequate Agency funds are or will be available prior to advertisement for the bids to accommodate 110 percent of the engineer's estimate. Prior to the obligation of federal funds for the preliminary engineering and right-of-way portion, or prior to advertisement for bids for the construction portion of the project, Agency reserves the right to delay or delete work if Agency determines that sufficient Agency funding is not available.

3. The project shall be conducted as a part of the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21), Subtitle F, Section 117, High Priority Projects. High Priority Funds dedicated to the Broadway Bridge are limited to an estimated \$8,890,600, subject to annual obligation authority imposed by TEA-21 and the annual appropriations bill, as detailed in the table following. The Federal pro-rata share funding on this project is 80 percent. Agency shall provide the entire match for the High Priority Funds and any portion of the project not covered by federal funding.

M C & A No. 17,306  
MULTNOMAH COUNTY

4. Future phases of the program may be conducted as part of the TEA -21 High Priority Projects (see above) and the Highway Bridge Replacement and Rehabilitation Program (HBRR) per applicable AOC/LOC guidelines. The funding source for future phases of the program shall be identified in amendments to this agreement. The estimates for the total program cost and for this project are subject to change. Agency shall be responsible for all costs in excess of the available federal funds.

BROADWAY BRIDGE

(\$10 Million Fed \$ over 6 yrs)

YEAR	TOTAL FED \$ FOR PROJECT	YEAR'S % ALLOCATION	TOTAL FED \$ FOR YEAR	CUMULATIVE TOTALS	ANTICIPATED LIMITATION FOR THE YEAR	TOTAL FED \$ FOR YEAR W/ LIMITATION	CUMULATIVE TOTALS	20% MATCH	TOTAL DOLLARS
1998	\$ 10,000,000	11%	\$ 1,100,000	\$ 1,100,000	** 89.1%	\$ 980,100	\$ 980,100	\$ 245,025	\$ 1,225,125
1999	\$ 10,000,000	15%	\$ 1,500,000	\$ 2,600,000	** 88.3%	\$ 1,324,500	\$ 2,304,600	\$ 331,125	\$ 1,655,625
2000	\$ 10,000,000	18%	\$ 1,800,000	\$ 4,400,000	89.0%	\$ 1,602,000	\$ 3,906,600	\$ 400,500	\$ 2,002,500
2001	\$ 10,000,000	18%	\$ 1,800,000	\$ 6,200,000	89.0%	\$ 1,602,000	\$ 5,508,600	\$ 400,500	\$ 2,002,500
2002	\$ 10,000,000	19%	\$ 1,900,000	\$ 8,100,000	89.0%	\$ 1,691,000	\$ 7,199,600	\$ 422,750	\$ 2,113,750
2003	\$ 10,000,000	19%	\$ 1,900,000	\$ 10,000,000	89.0%	\$ 1,691,000	\$ 8,890,600	\$ 422,750	\$ 2,113,750
TOTALS		100%	\$ 10,000,000			\$ 8,890,600		\$ 2,222,650	\$ 11,113,250

\*\*

ACTUAL/CONFIRMED LIMITATION FOR THE YEAR

SHADED AREAS INDICATE UNCONFIRMED PROJECTIONS FOR FEDERAL DOLLARS WITH LIMITATION

5. The work is to begin on the date all required signatures are obtained and shall be completed no later than December 31, 2005, on which date this agreement automatically terminates unless extended by a fully executed amendment.

6. This agreement may be terminated by mutual written consent of both parties. Such written consent shall not be unreasonably withheld.

State may terminate this agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

- If Agency fails to provide services called for by this agreement within the time specified herein or any extension thereof.
- If Agency fails to perform any of the other provisions of this agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of

M C & A No. 17,306  
MULTNOMAH COUNTY

written notice from State fails to correct such failures within 10 days or such longer period as State may authorize.

c. If Agency fails to provide payment of its share of the cost of the project.

d. If State fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in the agreement.

e. If Federal or State laws, regulations or guidelines are modified or interpreted in such a way that either the work under this agreement is prohibited or State is prohibited from paying for such work from the planned funding source.

Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

7. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

8. Agency, as a recipient of grant funds, pursuant to this agreement with the State, shall assume sole liability for Agency's breach of the conditions of the grant, and shall, upon Agency's breach of grant conditions that requires the State to return funds to the Federal Highway Administration, the grantor, hold harmless and indemnify the State for an amount equal to the funds received under this agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this agreement.

9. Agency shall enter into and execute this agreement during a duly authorized session of its Board of County Commissioners.

10. This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have

M C & A No. 17,306  
MULTNOMAH COUNTY

been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this agreement shall not constitute a waiver by State of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

Pursuant to Subdelegation Order 5 dated December 17, 1997, the Region Manager approved on March 10, 1999 adding this project as an amendment to the 1998-2001 Statewide Transportation Improvement Program.

The Oregon Transportation Commission on March 18, 1999, approved Subdelegation Order No. 2 in which the Director grants authority to the Executive Deputy Director/Chief Engineer to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program.

APPROVAL RECOMMENDED

By Kay Van Aickel  
Region 1 Manager

STATE OF OREGON, by and through  
its Department of Transportation

By \_\_\_\_\_  
Executive Deputy Director/Chief Engr.

Date \_\_\_\_\_

APPROVED AS TO  
LEGAL SUFFICIENCY

By: \_\_\_\_\_  
Assistant Attorney General

Date \_\_\_\_\_

MULTNOMAH COUNTY, By and  
through its Elected Officials

By Matthew D. Ryan  
Chair

Date November 16, 1999

APPROVED AS TO  
LEGAL SUFFICIENCY

By Matthew D. Ryan  
Agency Attorney

Date 11/8/99

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 11/16/99  
DEB BOGSTAD  
BOARD CLERK

ATTACHMENT NO. 1  
SPECIAL PROVISIONS

AGREEMENT #17,306

1. Agency, or its consultant, shall conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; purchase all necessary right-of-way; obtain all required permits; arrange for all utility relocations or reconstruction; perform all construction engineering, including all required materials testing and quality documentation; and prepare necessary documentation to allow State to make all contractor payments.

2. State may make available Region 1's On-Call PE, Design and Construction Engineering Services consultant for Local Agency Projects upon written request. If Agency chooses to use said services they agree to manage the work done by the consultant and make funds available to the State for payment of those services. All eligible work shall be a federally participating cost and included as part of the total cost of the project.

3. Agency shall, at its own expense, maintain and operate the project upon completion at a minimum level that is consistent with normal depreciation and/or service demand.

4. Maintenance responsibilities shall survive any termination of this agreement.

5. Agency shall design the project to meet the American Association of State Highway and Transportation Officials Standards and Specifications for Highway Bridges, as modified by State's Bridge Section Office Practice Manual.

6. Subject to the limitations and conditions of, and to the extent permitted by, the Oregon Constitution and the Oregon Tort Claims Act (ORS 30.260 et seq.), the Agency and State each shall be solely responsible for any loss or injury caused to third parties arising from Agency's or State's own acts or omissions under the agreement; and Agency or State shall defend, hold harmless, and indemnify the other party to this agreement with respect to any claim, litigation, or liability arising from Agency's or State's own acts or omissions under this agreement.

## **ATTACHMENT NO. 2**

### **STANDARD PROVISIONS**

### **JOINT OBLIGATIONS**

#### **PROJECT ADMINISTRATION**

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will further act for the Agency in other matters pertaining to the project. State and Agency shall actively cooperate in fulfilling the requirements of the Oregon Action Plan. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting for FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

#### **PRELIMINARY & CONSTRUCTION ENGINEERING**

3. State, Agency, or others may perform preliminary and construction engineering. If Agency or others perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal service consultant to perform any work covered by this agreement, Agency and Consultant shall enter into a State reviewed and approved personal service contract process and resulting contract document. State must concur in the contract prior to beginning any work. State's personal service contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279.051, the current State Administrative Rules and ODOT Personal Services Contracting Procedures as approved by the Federal Highway Administration (FHWA). Such personal service contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. Subcontracts shall contain all required provisions of Agency as outlined in the agreement. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or its consultant prior to receiving authorization from State to proceed. Any amendments to such contract(s) also require State's approval.
4. On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency, subject to any limitations imposed by State law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

## REQUIRED STATEMENT FOR USDOT FINANCIAL ASSISTANCE AGREEMENT

5. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of the financial assistance agreement. Upon notification to the Agency of its failure to carry out the approved program, the US Department of Transportation shall impose such sanctions as noted in Title 49, Code of Federal Regulations, Part 23, Subpart E, which sanctions may include termination of the agreement or other measures that may affect the ability of the Agency to obtain future US Department of Transportation financial assistance.
6. The Agency further agrees to comply with all applicable civil rights laws, rules and regulations, including Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
7. The parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, incorporated herein by reference and made a part hereof; Title 49 CFR, Parts 23 and 90, Audits of State and Local Governments; 49 CFR Parts 18 and 24; 23 CFR Part 771; Title 41, USC, Anti-Kickback Act; Title 23, USC, Federal-Aid Highway Act; 42 USC, Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended; provisions of Federal-Aid Policy Guide (FAPG), Title 23 Code of Federal Regulations (23 CFR) 1.11, 710, and 140; and the Oregon Action Plan.

## STATE OBLIGATIONS

### PROJECT FUNDING REQUEST

8. State shall submit a project funding request to the FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and/or construction work for the project. **No work shall proceed on any activity in which federal-aid participation is desired until such approval has been obtained.** The program shall include services to be provided by State, Agency, or others. State shall notify Agency in writing when authorization to proceed has been received from the FHWA. Major responsibility for the various phases of the project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations and the Oregon Action Plan.

## **FINANCE**

9. State shall, in the first instance, pay all reimbursable costs of the project, submit all claims for federal-aid participation to the FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date at any time by submitting a written request. When the actual total cost of the project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal 100 percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the project expenditure account(s) and will be included in the total cost of the project.

## **PROJECT ACTIVITIES**

10. State shall, if the preliminary engineering work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
11. The party responsible for performing preliminary engineering for the project shall, as part of its preliminary engineering costs, obtain all project related permits necessary for the construction of said project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
12. State shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts.
13. Upon State's award of a construction contract, State shall perform independent assurance testing in accordance with State and FHWA Standards, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the project.
14. The State shall, as a project expense, assign a liaison person to provide project monitoring as needed throughout all phases of project activities (preliminary engineering, right-of-way acquisition, and construction). The liaison shall process reimbursement for federal participation costs.



## **RIGHT-OF-WAY**

15. State is responsible for proper acquisition of the necessary right-of-way and easements for construction and maintenance of the project. Agency may perform acquisition of the necessary right-of-way and easements for construction and maintenance of the project, provided Agency (or Agency's consultant) are qualified to do such work as required by the ODOT Right of Way Manual and have obtained prior approval from ODOT Region Right of Way office to do such work.
16. Regardless of who acquires or performs any of the right-of-way activities, a right-of-way services agreement shall be created by ODOT Region Right of Way office setting forth the responsibilities and activities to be accomplished by each party. State shall always be responsible for requesting project funding, coordinating certification of the right-of-way, and providing oversight and monitoring. Funding authorization requests for federal right-of-way funds must be sent through the Region Right of Way offices on all projects. All projects must have right-of-way certification coordinated through Region Right of Way offices (even for projects where no federal funds were used for right-of-way, but federal funds were used elsewhere on the project). Agency should contact the Region Right of Way office for additional information or clarification.
17. State shall review all right-of-way activities engaged in by Agency to assure compliance with applicable laws and regulations. Agency agrees that right-of-way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policy Act of 1970, as amended, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
18. If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
19. Agency insures that all project right-of-way monumentation will be conducted in conformance with ORS 209.150.
20. State and Agency grants each other authority to enter onto the other's right-of-way for the performance of the project.

## **AGENCY OBLIGATIONS**

### **FINANCE**

21. Agency shall, prior to the commencement of the preliminary engineering, utility, right-of-way acquisition and miscellaneous phases, deposit with State its estimated share of each phase upon receipt of a written request from State.

22. Agency's share of construction shall be deposited in two parts. The initial deposit shall represent 65 percent of the Agency's share, based on the engineer's estimate and shall be requested three weeks prior to opening bids on the project. The contract will not be awarded until the deposit is received. Upon award of the contract, the balance of the Agency's share shall be requested and deposited with the State in a timely manner.
23. Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to ODOT's Financial Services Branch), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of the State. The deposit may also be in the form of cash.
24. Deposits may be applied to any phase of the project under the same agreement.
25. Additional deposits, if any, shall be made as needed upon request from the State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the project.
26. Agency shall present invoices for 100 percent of actual costs incurred by Agency on behalf of the project directly to State's Liaison Person for review and approval. Such invoices shall identify the project and agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Billings shall be presented for periods of not less than one-month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of FAPG, 23CFR 1.11, 710, and 140. Final billings shall be submitted to State for processing within three months from the end of each funding phase as follows: 1) award date of a construction contract for preliminary engineering 2) last payment for right-of-way acquisition and 3) third notification for construction. Partial billing (progress payment) shall be submitted to State within three months from date that costs are incurred. Final billings submitted after the three months may not be eligible for reimbursement.
27. The cost records and accounts pertaining to work covered by this agreement are to be kept available for inspection by representatives of State and the FHWA for a period of three (3) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (49 CFR 18.42).
28. If Agency should cause the project to be canceled or terminated for any reason prior to its completion, Agency agrees to reimburse State within three months of billing for any costs that have been incurred by State on behalf of the project.
29. State shall request reimbursement, and Agency agrees to reimburse State, for federal-aid funds distributed to Agency if any of the following events occur:
  - a) That right-of-way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the federal-aid funds were authorized;

- b) That right-of-way acquisition is undertaken utilizing federal-aid funds and actual construction is not started by the close of the twentieth fiscal year following the fiscal year in which the federal-aid funds were authorized for right-of-way acquisition.
  - c) That construction proceeds after the project is determined to be ineligible for federal-aid funding (e.g., no environmental approval, lacking permits, or other reasons).
30. The agreement is subject to the provisions of the Single Audit Act of 1984 (49 CFR, Part 90) as stated in Circular A-128 of the United States Office of Management and Budget.
31. Agency shall maintain all project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

## **RAILROADS**

32. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the appropriate Region contact or Railroad & Utility Engineer. Only those costs allowable under 23 CFR 646B & 23 CFR 140I, shall be included in the total project costs; all other costs associated with railroad work will be at the sole expense of the Agency, or others. Agency may request State, in writing, to provide railroad coordination and negotiations. However, the State is under no obligation to agree to perform said duties.

## **UTILITIES**

33. Agency shall relocate or cause to be relocated, all utility conduits, lines, poles, mains, pipes, and other such facilities where such relocation is necessary in order to conform said utilities and facilities with the plans and ultimate requirements of the project. Only those utility relocations, which are eligible for federal aid participation under the FAPG, 23 CFR 645A, shall be included in the total project costs; all other utility relocations shall be at the sole expense of the Agency, or others. State will arrange for utility relocations/adjustments in areas lying within jurisdiction of State, if State is performing the preliminary engineering. Agency may request State in writing to arrange for utility relocations/adjustments lying within Agency jurisdiction, acting on behalf of Agency. This request must be submitted no later than 21 weeks prior to bid let date. However, the State is under no obligation to agree to perform said duties.
34. Agency shall follow established State utility relocation policy and procedures. The policy and procedures are available through the appropriate Region Utility Specialist or ODOT Right of Way Section's Railroad and Utility Coordinator.

## **STANDARDS**

35. Design standards for all projects on the National Highway System (NHS) and the Oregon State Highway System shall be in compliance to standards specified in the current ODOT Highway Design Manual and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the project shall be in substantial compliance with the most current "Oregon Standard Specifications for Highway Construction".
36. Agency agrees that minimum design standards for non-NHS projects shall be recommended AASHTO Standards and in accordance with the current "Oregon Bicycle and Pedestrian Plan", unless otherwise requested by Agency and approved by State.
37. Agency agrees and will verify that the installation of traffic control devices shall meet the warrants prescribed in the "Manual on Uniform Traffic Control Devices and Oregon Supplements".
38. All plans and specifications shall be developed in general conformance with the current "Contract Road Plans Guide" and the current "Guideline to Region/Consultants/Local Agency for the Preparation of Highway Contract Specifications".
39. The standard unit of measurement for all aspects of the project will be System International (SI) Units (metric). This includes, but is not limited to, right-of-way, environmental documents, plans and specifications, and utilities.

## **GRADE CHANGE LIABILITY**

40. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.
41. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
42. Agency, if a City, by execution of agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the project covered by the agreement.

## **CONTRACTOR CLAIMS**

43. Agency shall, to the extent permitted by State law, indemnify, hold harmless and provide legal defense for the State against all claims brought by the contractor, or others resulting from Agency's failure to comply with the terms of this agreement.

## **MAINTENANCE RESPONSIBILITIES**

44. Agency shall, upon completion of construction, thereafter maintain and operate the project at its own cost and expense, and in a manner satisfactory to State and the FHWA.

## **WORKERS' COMPENSATION COVERAGE**

45. Agency, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

## **LOBBYING RESTRICTIONS**

46. Agency certifies by signing the agreement that:

- A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- B. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, US Code.

Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Paragraphs 33, 34, and 44 are not applicable to any local agency on state highway projects.



EXHIBIT "A"

#1

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME DAN SALTZMAN

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-3

GIVE TO BOARD CLERK



MEETING DATE: NOV 16 1999  
AGENDA NO: R-3  
ESTIMATED START TIME: 9:35

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Resolution Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process.

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: Chair Stein

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

REGULAR MEETING:

DATE REQUESTED: November 16, 1999

AMOUNT OF TIME NEEDED: 15 mins

DEPARTMENT: Non-Departmental

DIVISION: Office of the Chair

CONTACT: Carol M. Ford

TELEPHONE #: 248-3956

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Chair Stein, District Attorney Mike Schrunck.

### ACTION REQUESTED:

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Resolution Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process.

11/16/99 copies to BOARD, CAROL

SIGNATURES REQUIRED:

FORD, Michael  
SCHRUNCK, Mike  
DAN Saltzman

ELECTED OFFICIAL:  
(OR)

DEPARTMENT  
MANAGER:

*Beverly Stein / cnf*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



## Beverly Stein, Multnomah County Chair

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

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

### **STAFF SUPPLEMENTAL MEMORANDUM**

TO : Board of County Commissioners

FROM : Carol M. Ford, Chair's Office

DATE : November 9, 1999

RE : Adoption of Child Receiving Center Siting Resolution

#### **I. Recommendation/Action Requested:**

Adopt Resolution Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team (MDT); and Directing a Public Siting Process.

#### **II. Background/Analysis:**

A Siting Advisory Committee (SAC) was appointed by the Chair to recommend a site for the new Child Receiving Center to the Board of County Commissioners. The SAC explored improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:

- Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
- Receiving Center complex with the Child Abuse Multi-Disciplinary Team (MDT) co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
- Receiving Center and MDT/CAT co-developed on separate but conveniently located sites at about \$6,000,000 but in no case to exceed \$7,000,000, or as further directed by the Board.

On November 2, 1999, the SAC presented their recommendations to the Board, which included site recommendations for each of the above options.



This resolution:

- Accepts the SAC's recommendation for the co-location of the Receiving Center and MDT, and their unanimous endorsement of the site at 102<sup>nd</sup> and East Burnside as the preferred site for all options.
- Directs DES' Facilities and Property Division to secure the 102<sup>nd</sup> and East Burnside site for a period that allows the County to perform necessary due diligence of the site and structures and to conduct a public siting process.
- Directs District Attorney Michael Schrunk and the Public Affairs Office to develop and implement a public siting process for the 102nd and East Burnside site. Under County siting policy, after consulting with the district's Commissioner, the Chair approves the plan. The siting process is to include providing notice to the neighborhood around the 102<sup>nd</sup> and East Burnside site that the County is considering purchasing the site for the Receiving Center and MDT, and opportunities for the public to get information on the project and to give their comments and concerns.

### **III. Financial Impact:**

Now that a specific site has been identified, a complete financial plan for the project will be developed. The 1996 Public Safety Bonds allocates \$3 million for the Receiving Center. Relocation of the MDT out of the Morrison Building is necessary but no funds have been allocated for this project yet. It has been proposed to allocate an \$4 million from Public Safety Bond interest earnings to this project for the co-location. Initial cost estimates for the co-location of the MDT with the Receiving Center before a specific site was identified totaled \$8.1 million. The financial analysis will look at several options including use of lease revenues and certificates of participation to finance portions of the project.

### **IV. Legal Issues:**

None at this time. Board will need to approve the conditions of a purchase agreement once Facilities has completed negotiations with the property owners, with consideration of final purchase approval after the public siting process is completed.

**V. Controversial Issues:**

The public siting process is an opportunity for the Board to hear about neighborhood and community concerns.

**VI. Link to Current County Policies:**

Linked to the County's vision statements to increase county residents' sense of safety and security, personal opportunity and success, along with policies on services to at-risk children and integration of services.

**VII. Citizen Participation:**

The District Attorney and the Public Affairs Office will conduct a public siting process under the guidelines of the Siting Policies.

**VIII. Other Government Participation:**

N/A.

Attachment:

Resolution



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

## MULTNOMAH COUNTY OREGON

### Memorandum

November 10, 1999

To: Chair Stein  
Commissioners Linn, Cruz, Kelley  
Mayor Katz  
Commissioners Francesconi, Hales, Saltzman, Sten  
District Attorney Schrunk  
Chief Lennae Berg  
DES, Larry Nichols; Facilities, Bob Oberst

From: Commissioner Naito *Lisa*

Re: Capital Costs Relating to the Child Receiving Center and MDT

Board of  
County Commissioners  
99 NOV 10 PM 2:04  
MULTNOMAH COUNTY  
OREGON

In 1996 the voters approved spending \$4 million on a Child Receiving Center and related service component construction. The Siting Advisory Committee has recommended co-locating the Multi-disciplinary Team and other offices with the Child Receiving Center. These additional facilities, which include county, city and state offices, have pushed the projected cost of the entire project beyond \$8 million.

While these additional facilities are related to the Child Receiving Center, they were neither contemplated in the original bond amount nor are they solely a county function. It may not be in the best interest of the citizens of Multnomah County to use our credit to underwrite the construction of the additional facilities.

The City of Portland and State of Oregon should come up with their proportional share of the capital costs of the facilities that will be housing their staff and functions. This could be done in a condominium relationship as has been done with the Justice Center, for example. The capital costs could, and should, be pro-rated based on the space and usage needs of each of the partners in this venture, the city, the county and the state.

This arrangement would ensure a long-term commitment to co-locate and cooperate in serving the needs of the children at the center and would best serve the citizens of our community. Multnomah County Facilities Division should calculate the proportional share of the capital costs based on the space requirements of the additional city and state offices. The county should begin working with representatives of both the City of Portland and the State of Oregon to put together the capital to finance their portions of this project.



MICHAEL D. SCHRUNK, District Attorney for Multnomah County  
600 County Courthouse • Portland, Oregon 97204-1193 • (503) 248-3162

November 10, 1999

Chair Beverly Stein  
Board of County Commissioners  
1120 SW Fifth Avenue  
Portland, OR 97204

Dear Chair Stein: *B.S.*

I am pleased that the Board of County Commissioners will be reviewing the Children's Receiving Center Siting Resolution on Tuesday, November 16. Unfortunately a prior commitment will prevent me from attending the hearing. Chief Deputy Helen Smith will be present and can respond to any questions you have with regard to the District Attorney's Office.

Very truly yours,

*M.D. Schrunk*  
MICHAEL D. SCHRUNK  
District Attorney

MDS:jlb  
cc: Helen Smith

99 NOV 12 PM 2:45  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

## **BOGSTAD Deborah L**

---

**From:** CAMPBELL Edward A  
**Sent:** Monday, November 15, 1999 9:42 AM  
**To:** FORD Carol M; BOGSTAD Deborah L  
**Cc:** 'davidAustin@news.oregonian.com'  
**Subject:** RE: Correction to 11-16 Staff Supplemental Memo R-3 on Child Receiving Center

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

**From:** FORD Carol M  
**Sent:** Monday, November 15, 1999 9:14 AM  
**To:** Beverly STEIN; Diane LINN; Lisa Naito; Serena Cruz; Sharron KELLEY; Beckie Lee; Carmen Rubio; Charlotte Comito; Debra ERICKSON; JoAnn BOWMAN; Kate Dudek; Lynn DINGLER; Mary Carroll; Ramsay Weit; Robert TRACHTENBERG; Stephen March  
**Cc:** FARVER Bill M; NICHOLAS Larry F; OSWALD Michael L; SCHRUNK Michael D; SMITH Helen T; AAB Larry A; SHERIFF; BOGSTAD Deborah L  
**Subject:** Correction to 11-16 Staff Supplemental Memo R-3 on Child Receiving Center  
**Importance:** High

Under the Financial Issues section, it should state that \$4 million from the 1996 Public Safety Bonds was originally allocated for the Receiving Center and that \$3 million from the public safety bond interest earnings has been proposed for this project. I transposed these amounts by mistake. I apologize for any inconvenience. Carol



## Beverly Stein, Multnomah County Chair

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

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

### **CORRECTED** **STAFF SUPPLEMENTAL MEMORANDUM**

TO : Board of County Commissioners

FROM : Carol M. Ford, Chair's Office

DATE : November 15, 1999

RE : Adoption of Child Receiving Center Siting Resolution

#### **I. Recommendation/Action Requested:**

Adopt Resolution Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team (MDT); and Directing a Public Siting Process.

#### **II. Background/Analysis:**

A Siting Advisory Committee (SAC) was appointed by the Chair to recommend a site for the new Child Receiving Center to the Board of County Commissioners. The SAC explored improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:

- Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
- Receiving Center complex with the Child Abuse Multi-Disciplinary Team (MDT) co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
- Receiving Center and MDT/CAT co-developed on separate but conveniently located sites at about \$6,000,000 but in no case to exceed \$7,000,000, or as further directed by the Board.

On November 2, 1999, the SAC presented their recommendations to the Board, which included site recommendations for each of the above options.





This resolution:

- Accepts the SAC's recommendation for the co-location of the Receiving Center and MDT, and their unanimous endorsement of the site at 102<sup>nd</sup> and East Burnside as the preferred site for all options.
- Directs DES' Facilities and Property Division to secure the 102<sup>nd</sup> and East Burnside site for a period that allows the County to perform necessary due diligence of the site and structures and to conduct a public siting process.
- Directs District Attorney Michael Schrunk and the Public Affairs Office to develop and implement a public siting process for the 102<sup>nd</sup> and East Burnside site. Under County siting policy, after consulting with the district's Commissioner, the Chair approves the plan. The siting process is to include providing notice to the neighborhood around the 102<sup>nd</sup> and East Burnside site that the County is considering purchasing the site for the Receiving Center and MDT, and opportunities for the public to get information on the project and to give their comments and concerns.

### **III. Financial Impact:**

**CORRECTED:** Now that a specific site has been identified, a complete financial plan for the project will be developed. The 1996 Public Safety Bonds allocates **\$4 million** for the Receiving Center. Relocation of the MDT out of the Morrison Building is necessary but no funds have been allocated for this project yet. It has been proposed to allocate **\$3 million** from Public Safety Bond interest earnings to this project for the co-location. Initial cost estimates for the co-location of the MDT with the Receiving Center before a specific site was identified totaled \$8.1 million. The financial analysis will look at several options including use of lease revenues and certificates of participation to finance portions of the project.

*The original November 9, 1999 staff memo transposed the amounts for the Public Safety Bonds and the bond interest.*

### **IV. Legal Issues:**

None at this time. Board will need to approve the conditions of a purchase agreement once Facilities has completed negotiations with the property owners, with consideration of final purchase approval after the public siting process is completed.

**V. Controversial Issues:**

The public siting process is an opportunity for the Board to hear about neighborhood and community concerns.

**VI. Link to Current County Policies:**

Linked to the County's vision statements to increase county residents' sense of safety and security, personal opportunity and success, along with policies on services to at-risk children and integration of services.

**VII. Citizen Participation:**

The District Attorney and the Public Affairs Office will conduct a public siting process under the guidelines of the Siting Policies.

**VIII. Other Government Participation:**

N/A.

Attachment:

Resolution

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 99-**

Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process.

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

- a. In May 1996 Multnomah County voters approved Ballot Measure No. 26-45, authorizing the issuance of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety. These facilities include "a Child Abuse Center that responds to increased victimization of children and the excess time many children spend in police custody waiting for placement and evaluation." On October 1, 1996, the County issued Public Safety General Obligation Bonds to fund that center.
- b. Over 2000 times a year, a child in Multnomah County must be removed from his or her home for the child's own safety. Because there is no 24-hour facility consistently available to take in and care for children, the children are sometimes forced to ride in the back of a patrol car or sit at a caseworker's desk for hours, while attempts at placement are made,.
- c. The current system limits opportunities for family visitation and family reunification efforts.
- d. A Siting Advisory Committee (SAC) was appointed by the Chair to recommend a site for the new Child Abuse Center, also known as the Receiving Center, to the Board of County Commissioners (Board).
- e. The SAC explored improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:
  - i. Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
  - ii. Receiving Center complex with the Child Abuse Multi-Disciplinary Team (MDT) co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
  - iii. Receiving Center and MDT/CAT co-developed on separate but conveniently located sites at about \$6,000,000 but in no case to exceed \$7,000,000, or as further directed by the Board.
- f. On November 2, 1999, the SAC presented their recommendations to the Board which included site recommendations for each of the above options.

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

1. The Board accepts the SAC's unanimous recommendation for the co-location of the Receiving Center and MDT, and unanimous endorsement of the site at 102<sup>nd</sup> and East Burnside as their preference for all options.
2. The Facilities and Property Division of the Department of Environmental Services will negotiate to secure the 102<sup>nd</sup> and East Burnside site for a period that allows the County to perform necessary due diligence inspection and testing of the site and structures and to conduct a public siting process.
3. District Attorney Michael Schrunk will work with the Public Affairs Office to develop a plan for a public siting process for the 102<sup>nd</sup> and East Burnside site. Under County siting policy, after consulting with the district's Commissioner, the Chair must approve the plan. Notice will be given to the neighborhood around the 102<sup>nd</sup> and East Burnside site that the County is considering purchasing the site for the Receiving Center and MDT, and the Board will provide an opportunity for public comment.

Approved this 16th day of November 1999.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By \_\_\_\_\_  
Sandra N. Duffy, Chief Assistant County Counsel

# HAZELWOOD NEIGHBORHOOD ASSOCIATION LAND USE COMMITTEE

November 15, 1999

The Board of County Commissioners  
1120 SW Fifth Avenue, Suite 1515  
Portland, OR 97204

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

The Hazelwood Neighborhood Association protests the process through which the site at 102nd and East Burnside is being considered for the Child Receiving Center. According to the *Facilities Siting Public Involvement Manual* published by Multnomah County in March 1997:

## **Section 3. Identify Key Project Decisions**

"The county will identify anticipated decisions in the life of the siting project that will be important to the public. Among these key points may be: facility location (including criteria for site search and evaluation of potential sites), design issues, construction mitigation, and operations concerns, including monetary impacts to the County.

## **Section 4. Identify Stakeholders**

"Interested citizens should be identified as an initial step, with an ongoing task of adding the names of additional members of the public. . .property owners and tenants near prospective sites, neighborhood associations, business associations. . ."


The site referenced in R-3 is within the Hazelwood Neighborhood Association boundaries. The association was never formally contacted under the published County guidelines.

Further, the Hazelwood Neighborhood Association asks that the County also consider two other sites within the boundaries of Hazelwood:

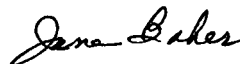
The former Bingo Parlor/Bowling Alley at 104 and Wasco;  
The former Montavilla Lumberyard site at 102nd at Glisan.

Thank you for your consideration.

Sincerely  
HAZELWOOD NEIGHBORHOOD ASSOCIATION  
LAND USE COMMITTEE



Arlene Kimura  
Co-Chair  
112 E 133<sup>rd</sup> Ave.  
Portland, OR 97230



Jane Baker  
Co-Chair  
1885 SE 104<sup>th</sup> Ave.  
Portland, OR 97216

cc: Hazelwood Neighborhood Association Board




CITY OF

# PORTLAND, OREGON

Dan Saltzman, Commissioner  
1221 S.W. 4th Avenue, Room 230  
Portland, Oregon 97204  
Telephone: (503) 823-4151  
Fax: (503) 823-3036  
Internet: dsaltzman@ci.portland.or.us

DATE: November 15, 1999

TO: Chair Stein, Commissioner Cruz, Commissioner Kelley,  
Commissioner Linn Commissioner Naito

FROM: Commissioner Saltzman 

RE: Statement In support of the proposed site for the Child Abuse Center

The Child Abuse Center was approved by voters in 1996. A statement on the benefits of the Child Abuse Center was the only voter's pamphlet statement filed on behalf of the public safety bond measure.

It has been almost 4 years and in that ensuing time, the need for immediate services for children removed from their homes **has not diminished**.

This interim has given us the opportunity to refine the idea and solidify the operational support. This includes the \$200k from the state and a commitment from the City of Portland to pay fair market rent for Child Abuse Team/Domestic Violence Reduction space in new facility

The property to be purchased for the center is the most perfect choice, in that it achieves the following qualities:

- Right balance of shelter and child abuse services,
- Located in geographic center of county
- Immediate access to MAX and to I-84
- Capacity to include all of the necessary partners in the Child Abuse Center
- Location, location, location!

This is our opportunity to get smart about the benefits of co-locating with the Multnomah County Sheriff, Portland Police Bureau, Gresham and other east county cities, the Child Abuse Team, the office of the District Attorney, the SCF Hotline and Domestic Violence services. Services, which are so closely linked, should be located together-- so that we can provide the best possible service to our community. That has been the underlying rationale behind building the Child Abuse Center in the first place?

We have an unprecedented chance here to be heroes for our children; or we going to fritter it all away and be finger-pointers. It is too easy to argue which government should provide which service, but the era of rational funding on that basis has long since passed. If you want to consign the Child Abuse Center to the quagmire of eternal debate of how "things ought to be", so be it. But that is the easy way out.

It is far bolder to exercise vision and demonstrate resolve to finish the project, and to do it right. Abraham Maslow said once, ***"when the only tool you own is a hammer, every problem begins to resemble a nail"***. I would like to see us take our hammers and pound in all of the nails and get the Child Abuse Center built!

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 99-225**

Accepting the Siting Advisory Committee Recommendation to Proceed with Securing the 102<sup>nd</sup> and E. Burnside site for Potential Co-location of the Child Receiving Center and the Child Abuse Multi-Disciplinary Team; and Directing a Public Siting Process.

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

- a. In May 1996 Multnomah County voters approved Ballot Measure No. 26-45, authorizing the issuance of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety. These facilities include "a Child Abuse Center that responds to increased victimization of children and the excess time many children spend in police custody waiting for placement and evaluation." On October 1, 1996, the County issued Public Safety General Obligation Bonds to fund that center.
- b. Over 2000 times a year, a child in Multnomah County must be removed from his or her home for the child's own safety. Because there is no 24-hour facility consistently available to take in and care for children, the children are sometimes forced to ride in the back of a patrol car or sit at a caseworker's desk for hours, while attempts at placement are made,.
- c. The current system limits opportunities for family visitation and family reunification efforts.
- d. A Siting Advisory Committee (SAC) was appointed by the Chair to recommend a site for the new Child Abuse Center, also known as the Receiving Center, to the Board of County Commissioners (Board).
- e. The SAC explored improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:
  - i. Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
  - ii. Receiving Center complex with the Child Abuse Multi-Disciplinary Team (MDT) co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
  - iii. Receiving Center and MDT/CAT co-developed on separate but conveniently located sites at about \$6,000,000 but in no case to exceed \$7,000,000, or as further directed by the Board.
- f. On November 2, 1999, the SAC presented their recommendations to the Board which included site recommendations for each of the above options.

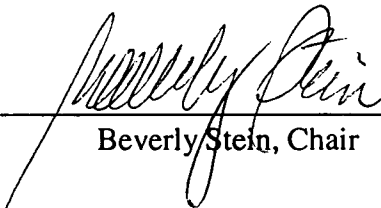
**The Multnomah County Board of Commissioners Resolves:**

1. The Board accepts the SAC's unanimous recommendation for the co-location of the Receiving Center and MDT, and unanimous endorsement of the site at 102<sup>nd</sup> and East Burnside as their preference for all options.
2. The Facilities and Property Division of the Department of Environmental Services will negotiate to secure the 102<sup>nd</sup> and East Burnside site for a period that allows the County to perform necessary due diligence inspection and testing of the site and structures and to conduct a public siting process.
3. District Attorney Michael Schrunk will work with the Public Affairs Office to develop a plan for a public siting process for the 102<sup>nd</sup> and East Burnside site. Under County siting policy, after consulting with the district's Commissioner, the Chair must approve the plan. Notice will be given to the neighborhood around the 102<sup>nd</sup> and East Burnside site that the County is considering purchasing the site for the Receiving Center and MDT, and the Board will provide an opportunity for public comment.


Approved this 16th day of November 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
\_\_\_\_\_  
Sandra N. Duffy, Chief Assistant County Counsel



#1

## SPEAKER SIGN UP CARDS

DATE

11-16-99

NAME

PER FAGERENG "FAAA  
GERING"

ADDRESS

4108 SE 16th

Portland 97202

PHONE

232-4004

SPEAKING  
TOPIC

ON AGENDA ITEM NUMBER OR  
world Trade R-4

GIVE TO BOARD CLERK

#2

## SPEAKER SIGN UP CARDS

DATE 11-16-99

NAME ROLF SKAR "SCAR"

ADDRESS 2235 SE BROOKLYN

PHONE 235-1619

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC MAI RESOLUTION R-4

GIVE TO BOARD CLERK

#3

## SPEAKER SIGN UP CARDS

DATE 11-16-99

LAA <sup>10</sup>LIENAN

NAME

Elmer Laulainen

ADDRESS

PO BOX 61929

Vancouver, WA 98666

PHONE

360 649-3841

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC

R-4

GIVE TO BOARD CLERK

#4

## SPEAKER SIGN UP CARDS

DATE 11-16-99

NAME

Peter Parks

ADDRESS

5728 N. Wilbur

Portland 97217

PHONE

503-735-3802

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-4

GIVE TO BOARD CLERK

#5

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME Nancy Hague (Hawk)

ADDRESS 4054 NE Rodney  
Portland OR 97212

PHONE 281-4543

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R4

GIVE TO BOARD CLERK

#6

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME Bill Bradley

ADDRESS 2218 SE Clinton

Portland OR 97202

PHONE 236-6948

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC WORLD TRADE R-4

GIVE TO BOARD CLERK

#7

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME

Chris Ferlazzo FERLAZZO

ADDRESS

3733 N Haight  
Portland, OR 97227

PHONE

287-2602

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC

AAAI Resolution

GIVE TO BOARD CLERK

#8

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME Joe Schneider

ADDRESS 2062 NW Marshall St. # 306

Portland, OR 97209

PHONE \_\_\_\_\_

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC MAI-N70 Resolution

GIVE TO BOARD CLERK



#9

## SPEAKER SIGN UP CARDS

DATE 16 Nov 99

NAME JOHN MARKS

ADDRESS 0668 SW PALATINE HILL RD  
PORTLAND OR 97219

PHONE 636-5752

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC ANTI MAI R-4

GIVE TO BOARD CLERK

#10

## SPEAKER SIGN UP CARDS

DATE 11-16-99

NAME STUART FISHMAN

ADDRESS 5628 SW Miles Cir

Portland 97219

PHONE 245-5640

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-4

GIVE TO BOARD CLERK

#11

## SPEAKER SIGN UP CARDS

DATE 11/16/99

NAME

Chris Frost

ADDRESS

2839 SE 35<sup>th</sup> Ave

Portland, OR 97202

PHONE

239-4853

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-4

GIVE TO BOARD CLERK

MEETING DATE: NOV 16 1999  
AGENDA NO: R-4  
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Maintaining local government authority related to fair labor practices, local incentives to encourage business investments and supporting minority and small business development and environmental protections

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

REGULAR MEETING: DATE REQUESTED: November 16, 1999  
AMOUNT OF TIME NEEDED: 15 ~~20-25~~ minutes

DEPARTMENT: Non-Departmental DIVISION: Office of the Chair  
CONTACT: John Rakowitz TELEPHONE #: 306-5797  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: John Rakowitz and invited guests

ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

SUGGESTED AGENDA TITLE:

Unfair restrictions of local government authority associated with International Trade

11/16/99 copies to public testimony SPEAKERS,  
BCC & JOHN RAKOWITZ

99 NOV 10 AM 11:29  
MULTICOUNTY  
OREGON  
COUNTY COMMISSIONERS

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Steinberg  
(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



## Beverly Stein, Multnomah County Chair

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

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

### **STAFF SUPPLEMENTAL MEMORANDUM**

TO : Board of County Commissioners

FROM : John Rakowitz

DATE : November 10, 1999

RE : Resolution opposing international trade provisions restricting local government authority

#### **I. Recommendation/Action Requested:**

Approval of Resolution declaring opposition to provisions of international trade agreements.

#### **II. Background/Analysis:**

Multnomah County and other local and state governments currently enjoy authority to enact policies, incentives and regulations protecting the environment, provide for economic development investment incentives, encourage minority and small business development, forbid discrimination in the workplace and provide livable wages. This authority has been undermined and could be determined illegal in a variety of international agreements (Multilateral Agreement on Investment) and forums (World Trade Organization Ministerial meeting).

Existing local, state and national policies and programs at risk include the national community reinvestment act supporting affordable housing, customized economic development programs and approaches like the Strategic Investment Program and first source agreements, local and state living wage ordinances and initiatives and efforts to encourage minority and small business development.

To date, international trade negotiations and rulemaking has and are continuing to occur with little, if any, active participation or involvement by local and state officials. Beyond the call for increased local and state government participation, this resolution supports organized labor, environmental, faith based and social



justice organizations demands for **fair** trade agreements that do not erode protections for the environment, human rights and fair labor standards and practices.

### **III. Financial Impact:**

No financial impact anticipated as a result of the resolution under consideration. It is not possible to determine the potential impact provisions of international trade agreements under consideration that limit local government authority could have in the future.

### **IV. Legal Issues:**

None currently known directly associated with the resolution. In some cases local and state governments actions and laws have already been challenged based upon certain provisions of international trade agreements.

### **V. Controversial Issues:**

This resolution represents a formal response to the broad range of increasingly controversial aspects of international trade agreements that have already received approval, are pending or are currently in the negotiation phase.

### **VI. Link to Current County Policies:**

Examples of existing county policies at risk are the environmental and first source hiring aspects of the Strategic Investment policy, the policy and efforts underway in conjunction with the City of Portland to address inequities discovered in the *Disparity Study*. In addition, the county's authority to enact policy related to a broad range of health and environmental issues could be severely restricted and potentially determined illegal.

### **VII. Citizen Participation:**

A wide range of local, state and national social justice, environmental, faith based and organized labor organizations are conducting substantial education and mobilization campaigns directly aimed at influencing the discussions at the World Trade Organization meeting in Seattle, other international trade forums and negotiations underway or anticipated.

### **VIII. Other Government Participation:**

Similar resolutions objecting to provisions of the Multilateral Agreement on Investments and other international trade agreements that restrict or preempt local and state authority have been acted upon by a variety of state and local governments and associated organizations including: the Western Governors' Association, the National Association of Counties, the Metropolitan King County Council. The City of Portland will consider a similar, but not identical, resolution prior to the WTO meeting in Seattle and the National League of Cities is currently considering a proposed resolution to address aspects of the World Trade Organization's subsidy rules.

Attachments:

Cc:

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Opposing Multilateral Agreement on Investment provisions that unfairly restrict local control

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

- a. The World Trade Organization (WTO) will meet November 30 in Seattle to review and negotiate amendments and rules associated with existing international trade agreements including the Multilateral Agreement on Investments (MAI).
- b. International trade is broadly recognized as a critical element of the Portland Metropolitan area's successful economy benefiting citizens and businesses alike.
- c. Increased global cooperation and communication for fair trade has the potential to improve prospects for peace.
- d. Proposed WTO rules have the potential to invalidate Multnomah County's and other local governments' authority to develop policies, incentives and regulations that protect the environment, provide for economic development investment incentives, encourage minority and small business development, forbid discrimination in the workplace, and provide livable wages.
- e. The National Association of Counties passed a resolution that "urges the Administration not to agree to any provisions in the MAI draft text or similar provisions of any international agreement that would preempt local government's authority or ability to regulate activities within its jurisdiction."
- f. Organized labor, environmental, community economic development organizations, and faith-based organizations are opposing aspects of the MAI agreements under review by the WTO in Seattle.
- g. International trade agreement discussions have taken place with a noticeable absence of opportunity to comment from potentially impacted citizens, state and local governments.

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

1. To oppose terms in the Multilateral Agreement on Investment, especially provisions which undermine local governments' authority to pass laws regarding environmental protection, fair labor practices, living wages and local incentives to encourage business investments and supporting minority and small business development.
2. To acknowledge the efforts of citizens, environmental organizations, community economic development groups and unions which will be travelling to Seattle to advocate

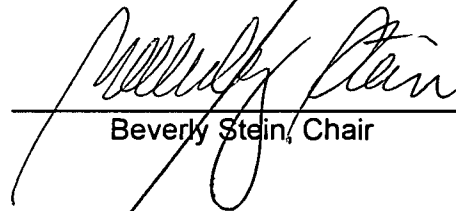


for fair trade agreements which don't erode protections for the environment, human rights and fair labor standards and practices.

3. To forward this resolution to the Oregon State Congressional Delegation and the Governor of Oregon respectfully requesting them to advocate with the federal government through the Organization for Economic Development, to oppose provisions in the MAI which unfairly restrict local control.

Adopted this 16th day of November 1999.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Sandra N. Duffy, Chief Assistant County Counsel



TIM NESBITT, PRESIDENT  
BRAD WITT, SECRETARY-TREASURER  
IRVIN H. FLETCHER, PRESIDENT EMERITUS

2110 STATE STREET, SALEM, OREGON 97301



TELEPHONE (503) 585-6320  
(FROM PORTLAND DIAL 224-3169)  
FAX: (503) 585-1668

Wednesday afternoon, November 10, 1999

## Weekly Update #6

### **A Victory for One is a Victory for All...**

**AFT-Oregon Wins Election for 700 OSU Graduate Employees...** Graduate teaching and research employees at Oregon State University voted by an impressive 65%-35% margin for union representation last week. The victory by AFT-Oregon for more than 700 OSU employees was one of the largest representation votes in recent years. A key issue was health benefits. The union hopes to get to the bargaining table by the end of the year.

### **More on the Upcoming WTO Protest...**

**See You in Seattle...** Commitments are growing for the massive mobilization to protest the WTO's corporate free trade agenda in Seattle on Tuesday, Nov. 30 – less than three weeks from today. From reports delivered by union representatives at a final planning meeting on Nov. 5 and commitments called in to State Director Jean Eilers, the largest turnouts will come from SEIU (175), AFSCME (140), Steelworkers (94), UFCW (60) and Laborers (55). In addition to the 94 Oregon Steelworkers who will make the trip to Seattle on Nov. 30, another 20 will get to Seattle early and stay on for a full week of protest activities. The Steelworkers' combined turnout of 114 represents more than 4% of their Oregon membership – more than four times our goal of a 1% turnout overall.

**There are still seats available on buses** from Eugene/Springfield, Salem and Portland at prices ranging from 0 to \$30 per seat. Call Jean Eilers at 503-232-3934 in Portland for more information.

**Unions that have reserved seats on our chartered train to Seattle must get their payments to us by Nov. 15** or risk losing their seats to unions on the waiting list. The train will leave from Portland at 5:45 AM and begin the return trip from Seattle at 5:30 PM. Feeder buses will be chartered from the Amtrak stations in Eugene, Albany and Salem.

**President Sweeney Explains His Support for Parts of the President's WTO Agenda...** As a member of President Clinton's Advisory Committee for Trade Policy and Negotiations, AFL-CIO President John Sweeney has co-signed a letter supporting an agenda for the WTO that calls for the creation of a working group for trade and labor within the WTO. In a letter to the AFL-CIO Executive Council and National Union Presidents, Sweeney called this "a tiny installment on our long-range goals" but also "a sharp departure from previous business arguments that workers' rights have no place at the WTO." The AFL-CIO also supports the advisory committee's recommendations to "make the WTO more transparent," to seek to address

in the Antidumping Agreement. But the AFL-CIO does oppose the proposal to open up new service sectors to

CLARK  
SKAMANIA  
WEST KLICKITAT  
**CENTRAL LABOR COUNCIL**  
"A Voice for Working Families"



Elmer R. Laulainen  
Secretary-Treasurer

P.O. Box 61929  
Vancouver, WA 98666-1929  
Tel: 360/694-3941  
Fax: 360/887-1479  
E-mail: elaulainen@wa-net.com

Sweeney emphasized that getting business support for a working group on trade and labor was "made possible only by the hard work your unions and the federation did together to defeat fast track twice in two years and our continuing insistence that the interests of workers be addressed in trade and investment negotiations." And he reaffirmed the AFL-CIO's commitment to organizing a massive mobilization at WTO's Seattle ministerial on Nov. 30.

***Congressman Wu Gets an Earful on WTO...*** Tim Nesbitt, Roger Clayman (National AFL-CIO), Madelyn Elder (CWA Local 7901), Howard Williams (Teamsters Local 162) and Dave Mazza (Portland Jobs with Justice) joined a group of approximately 30 WTO opponents who met with Congressman David Wu for more than two hours on Saturday, Nov. 6 in Portland. The Congressman opened the meeting by asking participants to share their vision for a positive model of world trade, which generated both common criticisms of the corporate free trade agenda and diverse views on "the vision thing." Nesbitt asked the Congressman to take seriously the group's common criticisms of the WTO and corporate free trade policies as harmful to workers and to support the reforms proposed by the President's committee and the AFL-CIO, including the creation of a working group on trade and labor. The Congressman said he could support opening up the proceedings of the WTO (now known as making the WTO "more transparent"), but he wouldn't commit on the other reforms.

***Salvadoran labor organizers featured at upcoming WTO forums...*** Salvadoran labor leader Manuel Vasquez will be the featured speaker on the WTO agenda for the privatization of public services - Wednesday, Nov. 17<sup>th</sup>, at 12 noon, at AFSCME Council 75, 815 NE Davis, Portland. Later that evening, Vasquez and Salvadoran garment worker organizer Irma Orellana will address "Sweatshops, Privatization and the WTO" at 7:00 PM at the First Unitarian Church, 1011 SW 12<sup>th</sup>, in Portland.

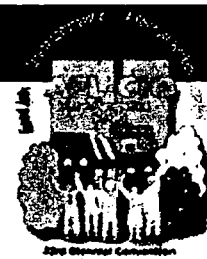
### ***♣ Fighting Fire with Fire—Part 2...***

***Patients' Bill of Rights...*** Another ballot measure endorsed in concept by the Oregon AFL-CIO convention in September has been filed in draft form with the Secretary of State's office. This first version of a Patients' Bill of Rights requires health insurance carriers, HMOs and other managed care entities to provide for patient appeals to an independent review board when covered health services are denied, to provide standing referrals to specialists when a patient needs ongoing specialty care, to maintain adequate networks of providers and health care facilities in reasonable close proximity to patients, to maintain adequate staffing of nurses, and to be liable for damages for harm to a patient caused by a failure to exercise ordinary care.

Chief petitioners for this Patients' Bill of Rights are Tim Nesbitt and Kathy Schmidt (Oregon Federation of Nurses and Health Professionals, AFT-Oregon). This measure, like the measures filed last month to protect the minimum wage and reform video poker practices, must now go through a process in which a ballot title and summary are prepared by the Attorney General's office, offered for public comment and sometimes revised before an initiative is approved for circulation.

### ***♣ Sizemore Files Signatures for His "Windfall for the Wealthy" Initiative...***

Bill Sizemore landed the first (low) blow in the Y2K Initiative Wars, when he turned in signatures for a constitutional amendment that will raise income tax deductions for the wealthy and corporations and gouge a huge \$1.6 billion hole in the state's general fund. This time, Sizemore can't get away with the argument that he's protecting "the waitress in a truck stop," since low-income workers get nothing from his measure. A family of four earning \$40,000 per year would stand to gain \$20 per year in tax savings, compared to a couple earning \$300,000 per year, who would gain \$7,500. Even *The Oregonian* sees this measure for what it is. In an editorial yesterday, they called it an invitation to class warfare. Let the battle begin.

**AFL-CIO**AFL-CIO Home  
Convention '99**Resolutions Book One****6. New Rules for the Global Economy****◀ PREVIOUS | NEXT ▶**

As the 20th century draws to a close, the global economy still is reeling from the turmoil unleashed by a series of serious financial crises. A quarter of the world economy remains mired in recession, and sluggish growth in much of the rest of the world calls into question prospects for rapid global recovery and improving living standards for the majority of the world's workers. While increased global integration has brought growth and dynamism to some sectors and to some corporations, its downside has become more apparent and more troubling.

Long-term trends toward growing global inequality continue, both between and within countries. In sub-Saharan Africa and in many other of the poorest countries, per capita incomes are lower today than they were in 1970. The gap in per capita incomes between countries with the richest fifth of the world's people and those with the poorest fifth widened from 30-to-1 in 1960 to 60-to-1 in 1990 and to 74-to-1 in 1995. Meanwhile, the richest three people in the world have assets greater than



# Book One

the combined incomes of the 600 million people living in the 48 poorest countries.

Most American workers have not benefited from global integration either. Real wages have stagnated or declined for the majority of American workers, while the wealthy few have reaped disproportionate gains.

The economic and political power of transnational corporations has become increasingly concentrated, both through mergers and acquisitions and, in some industries, through rapid growth. Dramatically unequal access—between men and women, among English and non-English speakers and among countries—to technology, education and Internet connections will exacerbate these trends.

In the United States, fundamentally flawed trade policies have resulted in ballooning trade deficits, the loss of hundreds of thousands of high-paying manufacturing jobs and a system of international rules that has undermined domestic measures designed to protect human rights and the environment. Trade agreements have opened our markets while leaving in place other countries' barriers, and they have empowered multinational corporate giants while leaving workers and communities to fend for themselves in an increasingly bitter global competition for scarce jobs and investment.

Chronic and growing U.S. trade deficits have led to a massive international debt that is not sustainable in the long run. The underlying problems must be addressed, or these trade imbalances will bring the current economic boom to an abrupt halt.

If we do not fundamentally change U.S. policies and the policies of the international institutions in which the U.S. government plays such an important role, we will continue to lose good jobs, our trade deficit will continue to soar, inequality will continue to grow, corporate power will become more concentrated and the world's poorest nations will fall further behind. The American people will—and should—reject a policy of global engagement that comes with these costs. There is an alternative.

America's unions are committed to a new internationalism focused on building international solidarity around a progressive, pro-worker, pro-environment and pro-community international economic policy.

## **Global Turning Point**

The global community stands at an important turning

point—key decisions will be made in the near future, both in the global policy arena and by national governments. Later this year, the world's trade ministers will meet in Seattle to consider whether to launch an ambitious new round of negotiations and what such negotiations should address. In the wake of the Asian financial crises, the international financial institutions are under pressure to re-evaluate the conditions they impose on developing countries in exchange for loans and financial assistance. The U.S. political system is stalemated with respect to new trade negotiating authority, unable to build consensus around traditional trade bills.

We should use this moment to pause and take stock of globalization so we can begin to repair the damage that has been done by misguided and careless policies. After several decades of tearing down trade barriers and increasing the mobility and flexibility of direct investment as well as speculative capital, we need to take an honest and careful look at the results. What has been the impact of current trade and investment liberalization policies on development, income distribution, financial stability and American workers? Have we struck the right balance between the need for global rules and the scope of domestic regulation on public health, the environment and human rights?

### **Current Rules Have Failed**

The current framework of global rules has failed miserably on many crucial counts. The international financial system has promoted policies that left many developing countries vulnerable and unprepared in the face of currency volatility and unpredictable swings in speculative capital flows. The result was thousands of bankruptcies and suicides and tens of millions of people losing their livelihood and falling into desperate poverty. The international financial institutions pressured crisis countries to export their way out of their problems—exacerbating deindustrialization and a rising trade deficit in the United States.

Trade and investment rules have focused on guaranteeing the mobility of goods, services and capital across borders without giving adequate attention to the social impact of liberalization. In doing so, they have strengthened the power of corporations bargaining with their workers, as well as with national and state governments.

But these trade and investment policies have done nothing to discipline illegal and anti-social behavior by corporations and governments competing in a fiercely competitive global economy. As a result, American workers have found

themselves increasingly in head-to-head competition with workers in other countries who lack basic human rights, and legitimate national regulations protecting the environment, consumer standards and workplace health and safety have been challenged as disguised restraints on trade.

Development policy has been inadequate, inefficient and misguided. If the global economy does not generate more equitable outcomes in the developing world, then the entire global system will become increasingly unstable and unsustainable. We must use trade and investment agreements to reward those governments that respect workers' rights, protect the environment and allow democracy to flourish, not those that create the most hospitable climate for foreign investment, regardless of social concerns.

### **Our Challenge**

The AFL-CIO, working with its affiliated unions, international brothers and sisters and allies in civil society, will raise these issues to the public; engage in constructive dialogue; work to elect public officials at all levels who share our concerns; and demand changes in the rules, both nationally and internationally.

We will focus our attention on implementing an integrated global strategy, one that achieves three broad, interrelated objectives: generating equitable global growth and development; adopting rules to regulate global competition for capital and markets in a socially constructive way; and reforming the international financial architecture so that national governments and international institutions have both the policy tools and the mandate to regulate financial flows appropriately. This project will go hand in hand with our work to reform the domestic economy and labor market. Neither of these efforts can succeed without the other.

At the national level, the American union movement has forcefully and decisively rejected the failed model of corporate-centered trade agreements, such as the North American Free Trade Agreement (NAFTA). In conjunction with allies in environmental, religious, consumer, women's and development organizations, we twice defeated a regressive, restrictive Fast Track bill that would have advanced this model to new areas. We are prepared to do so again if our substantive concerns are not adequately addressed.

In coordination with a broad international movement, we helped defeat the Multilateral Agreement on Investment (MAI) that was being negotiated by the 29 wealthy nations of the

Organization for Economic Cooperation and Development (OECD). The MAI would have further shifted the international balance of power toward transnational corporations, eroded the regulatory capacity of national governments and undermined the bargaining power of unions. The challenge facing us now is to take the next, more difficult step and build a coalition that can initiate, negotiate and implement progressive trade and investment agreements, not just defeat bad ones.

### **National Priorities**

At the national level, our priorities must include:

- Ensuring that the U.S. government consistently and effectively demands the incorporation of enforceable workers' rights and environmental protections into the core of all new trade and investment agreements—multilateral, regional, bilateral and unilateral, including the Free Trade Area of the Americas, extension of NAFTA benefits to the Caribbean and extension of trade preferences to Africa or other regions. We will vigorously oppose any agreements that fall short of this standard.
- Strengthening the workers' rights provisions in existing U.S. trade laws and enforcing these provisions aggressively and unambiguously.
- Vigorously monitoring and enforcing trade agreements that are now in place.
- Strengthening and streamlining safeguard provisions in U.S. law (including Section 201 and the NAFTA safeguard provisions), as well as at the World Trade Organization (WTO). We must have the capacity to respond quickly and effectively when import surges cause or threaten injury to domestic industries.
- Renegotiating NAFTA to address serious flaws in a number of areas, including investment rules, safeguard measures and cross-border trucking access. The labor and environmental side agreements need to be strengthened and made enforceable.
- Developing a comprehensive national policy on the transfer of technology, production and production techniques that makes the rights and interests of U.S. workers a priority.
- Assuring that trade agreements do not threaten the



integrity and safety of our nation's transportation systems (including air, rail, maritime and trucking).

- Providing deep debt relief and development funds to ensure that our developing country partners have the resources they need to raise living standards and implement appropriate labor and environmental standards.

### **International Priorities**

The WTO must take concrete steps to achieve the following:

- Review the impact of trade liberalization on income distribution, economic development and financial instability before launching major new negotiations.
- Incorporate enforceable rules on core workers' rights (including the freedom of association, the right to bargain collectively and prohibitions on child labor, forced labor and discrimination in employment).
- Establish accession criteria requiring that new WTO members are in compliance with core workers' rights.
- Overhaul existing rules to strengthen national safeguard protections in the case of import surges and ensure that trade rules do not override legitimate domestic regulations. It is essential that WTO rules not infringe on the ability of national or state governments to use their purchasing power to protect human and workers' rights.
- Develop stricter rules against the mandatory transfer of technology, production and production techniques.
- Ensure that WTO rules do not create pressure on governments to privatize public services.
- Carry out institutional reforms, enhancing transparency, accountability and access, so that citizens can understand the basis for WTO decisions, as well as provide meaningful input to this process.
- Provide more technical and legal support to developing countries so their participation in negotiations is not hampered by lack of resources or technical expertise.

In addition, the AFL-CIO thinks new negotiations on investment and competition policy are headed in the wrong direction—toward shoring up the rights of investors at the expense of other members of civil society and U.S. laws.

When the world's trade ministers meet in Seattle Nov. 30-Dec.

3, the AFL-CIO and its affiliate unions will mount a major national and international union mobilization to ensure these issues, which are of great interest to our members and to workers worldwide, form the agenda for the WTO's trade discussions.

### **Coordinating the Work of the International Organizations**

The AFL-CIO supports the International Labor Organization's (ILO) 1998 Declaration on Fundamental Principles and Rights at Work and urges the ILO to move forward speedily with a strong and energetic follow-up mechanism. Now that the ILO and the international community have succeeded in building consensus around the universality and importance of core workers' rights, it is crucial that these core standards be incorporated into the work of the other international organizations, including the WTO, the International Monetary Fund (IMF) and the World Bank.

The IMF, the World Bank and the regional banks must fundamentally rethink the conditionality they impose on developing countries. Rather than forcing austerity, privatization, deregulation, export-led growth, trade and investment liberalization and weakening of labor laws, the international financial institutions must emphasize domestic-led growth, democratic institutions and the observance of core workers' rights.

The international financial institutions and the governments of the industrialized countries must take urgent steps to grant deep debt relief to the least developed countries that are in compliance with core workers' rights, so these countries can meet the basic human needs of their populations and lay the foundation for future growth.

### **The Economic Imperative**

The current regime of international trade and investment rules has failed on economic as well as moral terms. Aggregate global growth is slowing, not accelerating. Global inequality is growing. And many of the nations heralded in the recent past as stars of the global economy have found that repressing political dissent, stifling an independent union movement and concentrating economic and political power in the hands of the corrupt few do not provide a basis for long-term growth and stability.

The AFL-CIO is facing the challenges of the global economy in three ways: by building international solidarity, working to change the rules of the global economy and fighting on the

home front to build strong, effective unions and ensure that workers have a voice in the national political debate.

*Referred to the Public Policy Committee.*

⏪ PREVIOUS | NEXT ⏩



# Workers' Rights

**WORKERS'  
RIGHTS AT THE  
WORLD TRADE  
ORGANIZATION  
AND IN  
U.S. TRADE POLICY**

**afl-cio**

*U*nder current international laws, it is easier to take trade action against a country that violates corporate patent laws than against a nation that illegally employs child labor.

Yet in a world increasingly connected by international trade and investment, the need for enforceable rules in the global economy to protect workers' rights—and to prevent a devastating drive to the bottom in labor standards, consumer protections and environmental protections—never has been more critical.

In 1938, the United States adopted the Fair Labor Standards Act to ensure that competition between states did not degrade wages and minimum working conditions. Working together, countries must take similar steps today to establish minimum international labor standards, so that the increasing trade competition between nations does not result in the same downward spiral.

Achieving basic labor standards—and finding the effective means to enforce them—is a key goal of today's unions as they help workers worldwide in their struggle to win a voice at their workplaces and in their societies.

The pages that follow outline how unions have fought globally to ensure that workers' basic rights are enforced and why the World Trade Organization (WTO) is a crucial arena for this struggle.

*"Everyone has the right to form and to join trade unions for the protection of his interests...."*

UNIVERSAL  
DECLARATION OF  
HUMAN RIGHTS,  
ADOPTED BY THE  
UNITED NATIONS  
50 YEARS AGO

### **U.S. Efforts to Establish Workers' Rights**

In the United States, labor laws first were linked to trade agreements in the late 19th century, when unions fought to make it illegal to treat human labor as an article of commerce. By 1890, passage of the McKinley Tariff Act had banned the import of goods made with prison labor. In 1930, the U.S. Tariff Act banned the import of goods produced by forced or indentured labor, but until recently, few meaningful attempts have been made to ensure its enforcement. In 1997, Congress amended the 1930 Tariff Act to emphasize that the import ban included goods made by forced or indentured *child* labor. Efforts continue to ensure that the U.S. Treasury and the Customs Service are enforcing this provision adequately.

In 1948, the United States joined with other industrialized nations to create the draft Havana Charter to carry out General Agreement on Tariffs and Trade (GATT) rules, which regulate global trade. The Havana Charter proposed that GATT members take action to eliminate unfair labor conditions, particularly in production for export, that distort international trade.

The Havana Charter failed to come about, and the GATT, which establishes guidelines for multilateral trade rules, contains only limited references to workers' rights. GATT allows parties to restrict imports "relating to prison labor" and declares that the ultimate purpose of expanded trade is to raise living standards and contribute to full employment—but it goes no further to protect workers' basic rights.



*"Everyone who works has the right to a just and favorable remuneration ensuring for himself and his family an existence worthy of human dignity...."*

UNIVERSAL  
DECLARATION OF  
HUMAN RIGHTS

## Creating Fair Labor Laws Worldwide

Over the next several decades, the U.S. government made numerous unsuccessful attempts to introduce "fair labor standards" into international trade rules, including a failed effort in 1953 by the Eisenhower administration to resurrect the Havana Charter language. In 1974, Congress passed legislation instructing the president to include "the adoption of international fair labor standards and confrontation procedures in the GATT" (in the Trade Act of 1974, Section 121 [a] [4]). But this mandate has not produced concrete workers' rights provisions in the GATT because of opposition from other countries and the lack of concerted effort by U.S. negotiators.

U.S. efforts to make workers' rights a key part of trade rules picked up speed in the 1980s, when a Democratic Congress incorporated the following "internationally recognized labor standards" into U.S. trade laws:

- the right of association,
- the right to organize and bargain collectively,
- prohibition on the use of any form of forced or compulsory labor,
- a minimum age for the employment of children,
- acceptable conditions of work with respect to minimum wages, hours of work and occupational safety and health.

## U.S. Trade Law: An Uneven Record

U.S. trade laws have been inconsistent on the issue of workers' rights.

**The 1984 Generalized System of Preferences (GSP):** Workers' rights provisions in the GSP, which extends additional trade benefits to developing countries, have been used with somewhat mixed results. Unions and nongovernmental organizations have petitioned the U.S. trade representative to revoke GSP benefits for countries not at least "taking steps" to afford workers' rights.

Some countries (notably Guatemala and Pakistan) have modified their laws and increased enforcement efforts to regain or retain GSP benefits. In countries that have not taken steps to ensure workers' rights, however, U.S. government decisions on whether to bring a case have reflected political considerations more than the substance of the allegations.

**The 1985 Overseas Private Investment Corp. (OPIC):** Under pressure from union board members, OPIC has denied loans to such countries as Indonesia and others because of concern about labor rights violations.

**Section 301 (Title III) of the U.S. Trade Act of 1974:** Section 301 allows the U.S. government to take such retaliatory action as imposing tariffs against unreasonable or discriminatory foreign trade practices—including persistent violation of internationally recognized labor rights. Section 301 never has been invoked on workers' rights grounds.

**The 1994 North American Free Trade Agreement (NAFTA):** NAFTA includes side agreements on labor and the environment that commit the three NAFTA countries to enforce their own labor laws. The labor side agreement, the North American Agreement on Labor

Cooperation (NAALC), established a lengthy and cumbersome process to impose penalties if a country persistently fails to enforce minimum wage, child labor and safety and health protections. But there are no penalties for violations of freedom of association and workers' right to organize, which is why most unions regard the NAALC protections as inadequate.

**GATT:** The U.S. Congress consistently has directed the president to seek to promote respect for workers' rights as a principle negotiating objective under GATT. Under congressional mandate, Presidents Reagan, Bush and Clinton have sought to establish a working party on workers' rights at GATT (and now, the WTO) to review the connection between workers' rights and trade and to address the effect of the trade system on workers' rights. Other governments of GATT member countries, particularly the governments of developing countries, have rejected the working party concept and, in many cases, blocked discussion of workers' rights.

## The World Trade Organization (WTO)

The World Trade Organization (WTO) was established in 1995 to enforce international trade rules established by GATT. Like GATT, the WTO generally operates by consensus among its 134 member countries, although votes are taken in some cases. Unlike GATT, WTO decisions are binding and can be enforced by withdrawing trade benefits from a country that has violated WTO rules.

The WTO's central principles are "most-favored-nation" (MFN) and "right of

national treatment." MFN means WTO members automatically grant each other the same level of tariffs available to other members; once a country agrees to lower its tariffs, it must do so across the board. (There are exceptions for regional trade agreements and for developing countries, which generally get preferential tariffs on some products.) Right of national treatment means countries agree to treat foreign investors and foreign producers at least as well as national producers.

The WTO does not write trade laws for its member countries, but sets guidelines. Enforcing these guidelines becomes difficult when one country accuses another of using its domestic laws to restrict trade unfairly. In these cases, WTO dispute settlement panels decide which country is at fault. (Such dispute panels are made up of "trade experts," often trade lawyers or diplomats, from countries not involved in the dispute.) In resolving these disputes, the WTO operates on the basis that environmental or public health measures should be the "least trade restrictive" possible.

When GATT originally was established, it provided a forum for the industrialized countries to negotiate reciprocal tariff reductions. In the last decade, however, international trade negotiators have grown increasingly ambitious, and world trading rules have begun to encroach on areas formerly considered the domain of national governments, such as environmental and public health regulations. In other words, domestic laws designed to protect the environment or public health have been challenged as "barriers to trade" by governments and corporations.

*"Everyone,  
without any  
discrimination,  
has the right to  
equal pay for  
equal work."*

UNIVERSAL  
DECLARATION OF  
HUMAN RIGHTS

*"In this country, it took many decades—and two world wars and a Great Depression—to elaborate protections that saved the industrial economy from itself. Now, at the beginning of the 21st century, the global economy poses the same challenge. Let us hope that we need not relive the horrors of the past to unlock its promise for the future."*

JOHN SWEENEY,  
AFL-CIO PRESIDENT,  
CHICAGO COUNCIL  
OF FOREIGN RELATIONS,  
APRIL 20, 1999

Similarly, the push to reduce all trade barriers in all sectors has exacerbated social tensions, frayed social safety nets and highlighted national differences in labor laws and environmental protection. Problems with the WTO arise because its rules are seen as too intrusive by some countries (in overriding legitimate domestic laws) and because of the absence of rules in such crucial areas as labor rights.

Because workers' rights (other than prison labor) are not included in WTO rules, countries may not withdraw trade preferences from WTO members even for egregious violation of workers' rights. If the United States was to ban the import of goods made with child labor, for example, as Sen. Tom Harkin (D-Iowa) has proposed, other countries could challenge this ban under WTO rules.

### **Protecting Workers' Rights: Building International Consensus**

In the past five years, after many decades of work, the world trade community has made significant progress in defining core workers' rights and in agreeing that all countries, rich and poor, should respect and promote these rights, which include: the freedom of association and the right to bargain collectively and the elimination of forced labor, child labor and discrimination in employment.

The world community affirmed workers' basic rights at the 1995 United Nations Social Summit in Copenhagen, at the 1996 founding WTO ministerial in Singapore and in June 1998, when the International Labor Organization (ILO), founded in 1919 by the League of Nations,

adopted the Declaration on Fundamental Principles and Rights at Work.

An international commitment to basic workers' rights is a big step forward: It is no longer possible to argue that the United States or other workers' rights advocates are trying to impose their own labor laws or values on other countries.

The crucial next step is to ensure that the WTO and other such international organizations as the World Bank and the International Monetary Fund build on this emerging international consensus to support and promote workers' basic rights.

### **The WTO: Uniquely Positioned to Enforce Workers' Rights**

At the 1996 WTO ministerial, all members committed themselves to observe core labor standards, while also noting that the ILO was the proper organization to "set and deal with" these standards.

Unions working internationally welcome and endorse the ILO's role in setting and reviewing internationally recognized workers' rights standards, but it is not possible for the ILO to take exclusive responsibility for addressing workers' rights violations. The ILO neither has nor seeks enforcement powers—making it all the more critical that international trade and financial organizations repair a trading system that now rewards those who abuse workers' rights.

The most efficient way to protect workers' rights is through a worldwide trading system that rewards or penalizes products depending upon how they are



produced. For example, when companies use child labor and when governments repress independent unions, their goods would be subject to such trade restrictions as tariffs or import bans that would eliminate the profit gained by violating workers' rights. Such a multilateral trading system, enforced by the WTO, would remove the financial incentive for companies or governments to violate workers' rights. It would also make fairer trade competition possible.

WTO failure to enforce minimum labor standards results in ongoing exploitation of workers in the global market, including some 42 million migrant workers worldwide, according to recent ILO estimates, and a growing number of women.

Failure to enforce minimum standards for workers' rights also means developing countries—the Least Developed Countries (LDCs) in particular—are forced to compete for foreign investment by offering the lowest level of protection to their citizens.

The WTO enforces intellectual property rights, market access and government regulation of investment—and there is no reason why it also cannot enforce basic minimum standards for the humane and decent treatment of workers. By failing to do so, WTO members forgo their responsibilities toward their citizens.

### **Ensuring the WTO Fulfills its Responsibilities**

Together with labor organizations from around the world, as represented by the International Confederation of Free Trade Unions (ICFTU), the AFL-CIO and

its affiliated unions are engaged in a long-term campaign to introduce workers' rights' issues into discussions at the WTO, the Free Trade Area of the Americas (FTAA), the Organization for Economic Cooperation and Development (OECD) and elsewhere.

The ICFTU has asked its 213 affiliates, representing 124 million workers in 143 countries, to lobby their governments to demand that the WTO establish a working group to address effectively workers' rights within the world trading system. The ICFTU members also are pressing for meaningful collaboration between the ILO and the WTO and a consistent review of workers' rights violations through the WTO's regular country review process, the Trade Policy Review Mechanism.

By including basic workers' rights and other reforms, the balance of power within the WTO that currently favors powerful transnational corporations over the individual can be corrected. For the global market to operate on behalf of the world's citizens, governments must ensure the WTO has a social agenda. The WTO also must recognize and respond to the challenges developing countries face in negotiating and complying with WTO rules by providing additional technical support and resources.

While achieving progress at the WTO may take many years, U.S. unions can continue an effective national campaign in the short run by:

- Insisting that enforceable labor and environmental standards be incorporated into all new trade agreements—unilateral, bilateral and regional.

*"A tidal wave  
is gathering of  
people demand-  
ing simple justice.  
When working  
people come  
together across  
the boundaries  
of culture,  
language, race  
and religion, we  
can win."*

JOHN SWEENEY,  
NATIONAL UNIVERSITY,  
MEXICO CITY,  
JAN. 22, 1998

- Taking urgent steps to fix current trade agreements, especially NAFTA, which has been an unmitigated failure for workers in Mexico, Canada and the United States.
- Strengthening workers' rights provisions in U.S. trade law and pressing the U.S. government to enforce these provisions consistently and aggressively.

- Rewarding countries that observe basic workers' rights with preferential trade agreements.

These actions will increase the chances of multilateral success by signaling trading partners that protecting workers' rights is a top priority for the United States.

### **The 1999 Seattle Ministerial Summit**

At the third ministerial meeting of the WTO, set for Nov. 30-Dec. 3, 1999, in Seattle, trade ministers and heads of state from all over the world will gather to define the international trade agenda for decades to come.

This meeting presents a crucial opportunity for U.S. unions to mobilize for workers' rights and a more equitable set of global trade and investment rules with international trade unionists and colleagues from environmental, religious, women's, consumer, community and development organizations.

In recent decades, U.S. trade negotiations have focused on tearing down barriers to trade and harmonizing rules regulating

foreign investment. While this process has spurred rapid growth in some sectors and for some countries, it has resulted overall in a burgeoning U.S. trade deficit, a financial crisis that has touched countries all over the world, slow global growth and growing inequality between and within countries.

Since 1960, global exports have grown from \$60 billion to \$6.5 trillion (correcting for inflation), while world output has quadrupled. During that same period, the share of global income for people living in the poorest 20 percent of countries has fallen from 2.3 percent to about 1.1 percent, according to the United Nations Development Programme's 1997 Human Development Report. The imbalance between the global rich and poor more than doubled during that time and continues to worsen in the wake of the global financial crisis.

The international economic system urgently must address these inequities—by dramatically rewriting failed trade and investment rules, harnessing the power of global capital to address social needs as well as the pursuit of profits and by ensuring that international institutions recognize and give priority to working people, the poor and the environment.

It is time for the architects of the world trading system to slow down, assess the results of past trade liberalization and take steps to fix problems in current trade laws. In addition, the WTO needs to open up its processes and incorporate a broader range of economic and social concerns in the international agenda.

# P E T I T I O N

**W**orkers in every nation are entitled to basic human rights: a minimum age for child labor, prohibition of forced or compulsory labor, a workplace free from discrimination, freedom of association and the right to join together and bargain collectively to balance the overwhelming power of global capital.

A global economy that fails to protect these basic rights—that fails to honor the values and lift the living standards of working men and women around the world—is a global economy that does not work for working people, and will not work at all.

Rather than reinforcing respect for human rights, however, the current international trading system rewards corporations and governments that abuse workers' rights.

World Trade Organization (WTO) rules must be overhauled to guarantee workers' basic rights are enforced and reverse the inequities in the current global economic system.

Trade ministers at the 1999 Seattle WTO Ministerial must:

- 1** Review the impact of trade liberalization on income distribution, economic development and financial instability throughout the world before launching major new negotiations.
- 2** Incorporate core workers' rights and environmental protection into WTO rules—with strong enforcement procedures—by taking the following steps:
  - Establish a working group on workers' rights to propose specific mechanisms that protect these rights within the trading system prior to the next WTO ministerial.
  - Regularly assess how effectively every country upholds workers' rights and include the results in the WTO Trade Policy Review Mechanism country reports.
  - Fulfill the mandate of the WTO's first ministerial (Singapore, 1996) by deepening cooperation and joint work with the International Labor Organization (ILO). The ILO should be granted observer status at the WTO, and the ILO and the WTO should carry out joint research and evaluation.
  - Develop accession criteria to ensure that new WTO members are in compliance with core workers' rights as set forth in the 1996 Singapore ministerial declaration, in which WTO members committed to observe these standards.
- 3** Significantly overhaul WTO rules:
  - Strengthen the safeguard provisions to ensure timely and effective national actions can be taken when unanticipated import surges threaten domestic industries.





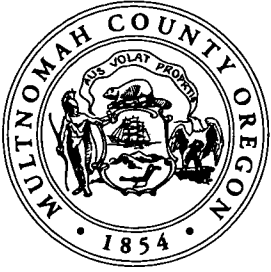
**afl-cio**

**JOHN J. SWEENEY**  
President

**RICHARD L. TRUMKA**  
Secretary-Treasurer

**LINDA CHAVEZ-THOMPSON**  
Executive Vice President

815 16th St. N.W.  
Washington, D.C. 20006  
202-637-5000  
[www.aflcio.org](http://www.aflcio.org)



## **Beverly Stein, Multnomah County Chair**

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

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

### **Beverly Stein's Comments Regarding Multilateral Agreement on Investment At the Multnomah County Board of County Commissioners Meeting November 16, 1999**

Since I brought the Resolution forward, I want to make a few comments before we have Board discussion.

Normally, I don't bring forward issues that have to do with international relations. We could spend a lot of time dealing with a lot of international issues, so I'm very cautious about what kinds of issues I think are appropriate to bring before the Board of County Commissioners.

However, over the last months, I've become more and more aware of the impact of this particular issue on our local economy and on our local ways of doing business - the tools we have to promote the values that we think are important in our community. I had conversations with the Corporation for Enterprise Development. I have a friend who is working on international issues around capital ownership. She alerted me to this. As I began to talk to others including City Commissioner Erik Sten, I began to realize this really was something that this Board really should take up, and that is was important to do so.

As you know, the whole issue of how to operate in an international economy is one that is changing radically as our local economy truly becomes part of an international economy. Issues around how to level the playing field, so to speak, or how our trade regulations should go beyond tariffs and quotas, and looking at other kinds of tools is an important discussion to have. However, that discussion needs to be had within the context of recognizing that there are certain kinds of values and quality of life issues that are really very important to us in our local community, and other local communities around the country. I want to note a few of these very important issues:

- Environmental protection - We have put so much energy and effort into protecting the environment. To have that abrogated because other countries are not willing to put that kind of resource into protecting the environment - which we aren't even doing enough - is extremely negative for the kinds of things we hold dear here.
- Hard fought protections for labor to make sure people can work with decent working conditions, and with decent wages, is something that we can't give up on.
- Protection and promotion of small and minority businesses - We did a disparity study in this community a few years ago. What we found was in fact that, businesses that were owned by minorities were not getting their fair share of contracts. So we have started a number of



programs including our Sheltered Market Program which gives an opportunity for small and minority owned businesses to compete within a sheltered market. We have increased the contracts by 50% in that area. This is the kind of thing that could be challenged by an international corporation who thought we were unfairly not leveling the playing field.

- Living wages - As was pointed out, this Board passed a Resolution on living wages. The task force that we set up to address this issue met for the first time yesterday. This is work that we're trying to pursue. It's tough, but it's work that is important and it's a value that we hold.
- Economic development - Although the County plays a small part in economic development, we are trying to make sure that when there is a government benefit given to a corporation, there is some kind of quid pro quo that helps us improve the community. These kinds of negotiations, perhaps, would be illegal if this type of trade agreement was pursued and was enacted.

That's why I thought it was important to bring this up.

The National Association of Counties has taken a position against this as well as the National League of Cities.

I think that sometimes it's important to place ourselves on the global stage, not just the local stage. We have many very serious issues to work on in our community. But occasionally, I think it's important to step back and recognize we are connected to everybody else in this world, and that we have an interest in making sure that everyone in this whole world - and I don't usually talk about this - has an opportunity to have safe working conditions, decent wages, a good environment, and an opportunity to have local control, some control, over the way we pursue our own values and our quality of life in our communities which may differ, but in this community, I think we have a sense of what that is.

It has been a pleasure to work with Portland City Commissioner Erik Sten on this Resolution. He is promoting a similar Resolution before City Council tomorrow and I urge you to attend that meeting also. I appreciate everyone who is going to Seattle. I think it's very important that people recognize we can do something about even the largest of issues. Sometimes we feel overwhelmed and feel like we can't make a difference. The fact that a thousand people feel that they can make a difference is tremendous statement, beyond even going to Seattle, to everybody about what can be done when people come together and work together.

I want to also thank everybody who testified today and to assure you that if we pass this Resolution, it will be forwarded to our Congressional delegation, and to the Governor, and to anybody else who we think it might be helpful to receive the Resolution. I hope you will take it to Seattle, those of you who are travelling up there.

Thank you very much to the Board for considering this today.



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 99-226**

Opposing Multilateral Agreement on Investment provisions that unfairly restrict local control

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

- a. The World Trade Organization (WTO) will meet November 30 in Seattle to review and negotiate amendments and rules associated with existing international trade agreements including the Multilateral Agreement on Investments (MAI).
- b. International trade is broadly recognized as a critical element of the Portland Metropolitan area's successful economy benefiting citizens and businesses alike.
- c. Increased global cooperation and communication for fair trade has the potential to improve prospects for peace.
- d. Proposed WTO rules have the potential to invalidate Multnomah County's and other local governments' authority to develop polices, incentives and regulations that protect the environment, provide for economic development investment incentives, encourage minority and small business development, forbid discrimination in the workplace, and provide livable wages.
- e. The National Association of Counties passed a resolution that "urges the Administration not to agree to any provisions in the MAI draft text or similar provisions of any international agreement that would preempt local government's authority or ability to regulate activities within its jurisdiction."
- f. Organized labor, environmental, community economic development organizations, and faith-based organizations are opposing aspects of the MAI agreements under review by the WTO in Seattle.
- g. International trade agreement discussions have taken place with a noticeable absence of opportunity to comment from potentially impacted citizens, state and local governments.

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

1. To oppose terms in the Multilateral Agreement on Investment, especially provisions which undermine local governments' authority to pass laws regarding environmental protection, fair labor practices, living wages and local incentives to encourage business investments and supporting minority and small business development.
2. To acknowledge the efforts of citizens, environmental organizations, community economic development groups and unions which will be travelling to Seattle to advocate



for fair trade agreements which don't erode protections for the environment, human rights and fair labor standards and practices.

3. To forward this resolution to the Oregon State Congressional Delegation and the Governor of Oregon respectfully requesting them to advocate with the federal government through the Organization for Economic Development, to oppose provisions in the MAI which unfairly restrict local control.

Adopted this 16th day of November 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Sandra N. Duffy, Chief Assistant County Counsel

MEETING DATE: NOV 16 1999  
AGENDA NO: R-5  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Resolution Adopting FY99-00 Supplemental Budget For New PERS Pension Bond Fund

**BOARD BRIEFING:** DATE REQUESTED:  
REQUESTED BY:  
AMOUNT OF TIME NEEDED:

**REGULAR MEETING:** DATE REQUESTED: November 16, 1999  
AMOUNT OF TIME NEEDED: 10 mins

**DEPARTMENT:** Non-Departmental **DIVISION:** Office of the Chair  
**CONTACT:** Carol M. Ford **TELEPHONE #:** 248-3956  
**BLDG/ROOM #:** 106/1515

**PERSON(S) MAKING PRESENTATION:** Carol Ford and Karyne Dargan

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Resolution Adopting FY99-00 Supplemental Budget  
For New PERS Pension Bond Fund

11/16/99 copies to CAROL FORD

CLERK OF  
COUNTY COMMISSIONERS  
99 NOV 10 AM 10:30  
MULTI-COUNTY  
OREGON

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** Beverly Stearns / cnf  
**(OR)**  
**DEPARTMENT**  
**MANAGER:**

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**  
**Any Questions: Call the Board Clerk @ 248-3277**



## Beverly Stein, Multnomah County Chair

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

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

### **STAFF SUPPLEMENTAL MEMORANDUM**

TO : Board of County Commissioners

FROM : Carol M. Ford, Interim Budget Manager

DATE : November 9, 1999

RE : Adoption of Supplemental Budget for FY 1999-00

#### **I. Recommendation/Action Requested:**

Adopt the Supplemental Budget creating a new fund, the PERS Pension Bond Fund, and authorizing payment of up to \$200,000,000 to PERS to cover unfunded pension liabilities.

#### **II. Background/Analysis:**

A Supplemental Budget is the vehicle allowed by ORS 294 for the Board to address changes in financial conditions not anticipated at the time the budget was adopted. In cases where no fund's expenditures are increased by more than 10 percent of the adopted budget figure, the law allows the Board to make additional appropriations after advertising a hearing on the Supplemental Budget. However, since this supplemental budget creates an entirely new fund, the process for the supplemental budget action is to:

1. Convene the Board of County Commissioners to approve the supplemental budget,
2. Submit the approved supplemental budget to Tax Supervising Coordinating Commission (TSCC),
3. Attend a TSCC hearing on the supplemental budget,
4. Adopt the supplemental budget after Tax Supervising has certified that it is legal.



**III. Financial Impact:**

This 1999-00 Supplemental Budget provides legal authorization to expend the proceeds from revenue bonds to finance the estimated unfunded actuarial liability of the County in the Oregon Public Employees' Retirement System (PERS).

Until the last legislature, counties did not have the authority to issue full faith and credit debt instruments. Until late last calendar year, Multnomah County was misinformed about the size of the actuarial liability incurred by County employees in PERS. The 1999-00 budget must be modified so that the County can address the unfunded liability by using the additional borrowing mechanism permitted by the legislature.

The revenue bonds the County proposes to issue, will not be general obligations of the County, nor do they authorize the County to levy additional taxes. However, the County will, in the absence of this action, be required to cover the same unfunded liability through payments to PERS over the next 30 years. Issuing the bonds and repaying them at interest rates that can currently be obtained will reduce the overall cost to the County substantially over the same period. Further, funding the unfunded liability will eliminate the risk of its increasing through higher earnings than actuaries have used in calculating the full shortfall.

The proposal is to issue up to \$200,000,000 of revenue bonds. The proceeds will be paid to PERS (shown as object code 6050 – Supplements on the attached financial summary sheets). The payment is expected to be made in December 1999.

Beginning January 1, 2000, payments formerly budgeted to be made to PERS to amortize the unfunded pension liability will be diverted into payments of bond interest and principal. No change will occur in any County expenditure budgets other than the new PERS Pension Bond Fund. In other budgets the payments to PERS are recorded in object code 5500 – Salary Related Expenses. An average of 3.5% of base pay, overtime, and premium pay, now remitted to PERS, will become service reimbursements to the PERS Pension Bond Fund. In fiscal year 1999-00 the County may be required to make an interest payment on the \$200,000,000 of bonds. The service reimbursements to the PERS Pension Bond Fund will cover this interest payment.

Interest on the issued bonds is not easy to predict. For purposes of this supplemental budget, the County assumes average interest will be 7% on the borrowing. The estimated cost in 1999-00, \$4,750,000, is shown on the detailed estimate sheet as object code 7820, Interest.

**IV. Legal Issues:**

All Oregon Budget Law requirements addressed.

**V. Controversial Issues:**

None.

**VI. Link to Current County Policies:**

Linked to the County's Financial and Budget policies.

**VII. Citizen Participation:**

N/A.

**VIII. Other Government Participation:**

N/A.

**Attachment:**

Financial Summary Sheets  
Resolution

**Financial Summary**  
**1999-00 Supplemental Budget**

**PERS Pension Bond Fund**

	Revenue Code	1999-00 Current Budget	This Action	Revised Budget
<b><u>Resources</u></b>				
Bond Sales	7710	0	200,000,000	200,000,000
Service Reimbursements		0	4,750,000	4,750,000
<b><u>Total Resources</u></b>		<b>0</b>	<b>204,750,000</b>	<b>204,750,000</b>
<b><u>Expenditures</u></b>				
Nondepartmental				
Materials & Services		0	200,000,000	200,000,000
Principal and Interest		0	4,750,000	4,750,000
<b><u>Total Expenditures</u></b>		<b>0</b>	<b>204,750,000</b>	<b>204,750,000</b>
Contingency		0	0	0
<b><u>Total Requirements</u></b>		<b>0</b>	<b>204,750,000</b>	<b>204,750,000</b>

**Financial Summary**  
**1999-00 Supplemental Budget**  
**PERS Bond Fund**

<b>PERS Pension Bond Fund</b>		<b>1999-00 Current</b>	<b>This Action</b>	<b>1999-00 Revised</b>
5100 Permanent		0	0	0
5200 Temporary		0	0	0
5300 Overtime		0	0	0
5400 Premium		0	0	0
5500 Salary Related		0	0	0
	Total External	0	0	0
5550 Insurance		0	0	0
	Total Personal Services	0	0	0
6050 County Supplements		0	200,000,000	200,000,000
6060 Pass-through Payments		0	0	0
6110 Professional Svcs		0	0	0
6120 Printing		0	0	0
6130 Utilities		0	0	0
6140 Communications		0	0	0
6170 Rentals		0	0	0
6180 Repairs and Mtce		0	0	0
6190 Maintenance Contracts		0	0	0
6200 Postage		0	0	0
6230 Supplies		0	0	0
6270 Food		0	0	0
6310 Education and Training		0	0	0
6330 Local Travel and Mileage		0	0	0
6520 Insurance		0	0	0
6530 External Data Processing		0	0	0
6550 Drugs		0	0	0
6580 Claims Paid		0	0	0
6610 Awards and Premiums		0	0	0
6620 Dues and Subscriptions		0	0	0
6700 Library Materials		0	0	0
7810 Principal		0	0	0
7820 Interest		0	4,750,000	4,750,000
	Total External	0	204,750,000	204,750,000
7100 Indirect Costs		0	0	0
7150 Telephone		0	0	0
7200 Data Processing		0	0	0
7300 Motor Pool		0	0	0
7400 Building Management		0	0	0
7500 Other Internal		0	0	0
7550 Capital Lease Retirement		0	0	0
7560 Distribution / Postage		0	0	0
	Total Internal	0	0	0
	Total Materials and Services	0	204,750,000	204,750,000
8100 Land		0	0	0
8200 Buildings		0	0	0
8300 Other Improvements		0	0	0
8400 Equipment		0	0	0
	Total Capital	0	0	0
	Direct Budget	0	204,750,000	204,750,000
	Total Budget	0	204,750,000	204,750,000

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY

RESOLUTION NO. 99-227

Adopting a 1999-00 Supplemental Budget for Multnomah County and making appropriations thereunder, pursuant to ORS 294.435

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

- a. This Supplemental Budget addresses the following actions to:
  - Create the PERS Pension Bond Fund
  - Receive the proceeds from revenue bonds accounted for in this fund
  - Authorize payment to PERS to cover the unfunded pension liability of the County
  - Authorize an interest payment on the bonds
- b. The Supplemental Budget is on file in the Office of the Chair of Multnomah County.
- c. The change in the Supplemental Budget includes requirements in the sum of \$204,750,000.
- d. The appropriations authorized are attached to this resolution as Attachment A.
- e. A public hearing on this Supplemental Budget was held before the Multnomah County Tax Supervising and Conservation Commission on the 13th day of October, 1999.
- f. The Tax Supervising and Conservation Commission has certified the budget without objections or recommendations as shown on Attachment B.

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

1. The FY 99-00 Supplemental Budget, including Attachments A and B, is adopted.
2. The attached appropriations are authorized for the fiscal year July 1, 1999 to June 30, 2000.

Adopted this 16th day of November 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By 

Jacqueline A. Weber, Assistant County Counsel



## Attachment A

### Supplemental Budget Appropriations Schedule

Multnomah County, Oregon  
Fiscal Year July 1, 1999 to June 30, 2000



#### **PERS Pension Bond Fund**

<i>Nondepartmental</i>	204,750,000
<b>Total Appropriation</b>	<b>204,750,000</b>



**Tax Supervising  
& Conservation  
Commission**

501 SE Hawthorne  
4th Floor  
Portland, Oregon 97214

Telephone (503) 248-3054  
Fax: (503) 248-3053

E-Mail:  
TSCC@co.multnomah.or.us

Web Site:  
[www.multnomah.lib.or.us/tscd](http://www.multnomah.lib.or.us/tscd)

ATTACHMENT B

October 19, 1999

**Board of County Commissioners  
Multnomah County  
1515 Portland Building  
Portland, Oregon 97204**

The Tax Supervising and Conservation Commission met on October 13, 1999 to review, discuss and conduct a public hearing on the Multnomah County 1999-00 Fall Supplemental Budget pursuant to ORS 294.480.

The 1999-00 supplemental budget, filed September 22, 1999 is hereby certified with no objections or recommendations. The estimates were judged to be reasonable for the purposes shown and the document was found to be in substantial compliance with the law. The supplemental budget estimate amounts are certified as follows:

	<u>1999-00 Budget</u>	<u>Supplemental Action</u>	<u>1999-00 Total Budget</u>
PERS Pension Bond Fund	\$ 0	\$204,750,000	\$204,750,000

Please file a copy of the adopted supplemental budget and supporting documentation within 15 days of adoption.

Sincerely,

Linda Burglehaus

Commissioners  
Richard Anderson  
Nancy Conrath  
Anthony Jankans  
Charles Rosenthal  
Carol Samuels