



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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

### Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

### Serena Cruz Walsh, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

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

### Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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## MAY 4, 2006-REVISED BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Executive Budget Message, Public Hearing and Consideration of Resolution Approving Executive Budget for Submission to Tax Supervising and Conservation Commission
Pg 3	10:15 a.m. Public Comment Opportunity
Pg 3	10:15 a.m. Proclaiming May 1-7 Public Service Recognition Week in Multnomah County
Pg 3	10:20 a.m. Proclaiming May 12-13 Poor People's Economic Human Rights Campaign Days in Multnomah County
Pg 4	10:45 a.m. Penumbra Kelly Disposition Report
Pg 4	11:00 a.m. Proclamation Proclaiming May 7- 13 Nurses Week in Multnomah County
Pg 4	11:05 a.m. Second Reading Ordinance Amending MCC Chapter 38, Columbia River Gorge NSA
Pg 4	11:30 a.m. Executive Session

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Thursday, May 4, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

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

R-14 **9:30 AM TIME CERTAIN:** Executive Budget Message, Public Hearing and Consideration of RESOLUTION Approving the Chair's Proposed Fiscal Year 2007 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421. Presented by Chair Diane Linn, Karyne Dargan and Mark Campbell. 30 MINUTES REQUESTED.

**PLEASE NOTE: IMMEDIATELY FOLLOWING BUDGET MESSAGE AND RESOLUTION ADOPTION, THE MEETING WILL BE RECESSED FOR 15 MINUTES.**

### **CONSENT CALENDAR - 10:15 AM** **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to IRVING O. AND CORINE PROCTOR
- C-2 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owner THE ESTATE OF ANITA E. WILSON
- C-3 RESOLUTION Authorizing Settlement of a Claim Against the County in Favor of JOAN SIMKO, Individually and as Trustee of the Simko Family Trust and as Trustee of the Simko Survivors' Trust

### **SHERIFF'S OFFICE**

- C-4 RESOLUTION: Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of Multnomah County Sheriff's Office

### **REGULAR AGENDA - 10:15 AM** **PUBLIC COMMENT - 10:15 AM**

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

**NON-DEPARTMENTAL - 10:15 AM**

- R-1 PROCLAMATION Declaring the Week of May 1 through May 7, 2006 as PUBLIC SERVICE RECOGNITION WEEK, and Recognizing the Contributions of All Multnomah County Employees
- R-2 PROCLAMATION Proclaiming May 12 and May 13, 2006 POOR PEOPLE'S ECONOMIC HUMAN RIGHTS CAMPAIGN DAYS in Multnomah County, Oregon

**DEPARTMENT OF COMMUNITY JUSTICE - 10:25 AM**

- R-3 NOTICE OF INTENT to Apply for Weed and Seed Funding for the Rockwood Neighborhood

**DEPARTMENT OF COUNTY HUMAN SERVICES - 10:30 AM**

- R-4 Budget Modification DCHS-15 Appropriating \$150,000 of County General Fund Contingency for the Phase Out of the Synthetic Opiate Program in Mental Health and Addiction Services Per Fiscal Year 2006 Board Budget Note
- R-5 Budget Modification DCHS-26 Reclassifying Two Program Development Specialists to Program Development Specialist Seniors in the Developmental Disabilities Services Division, as Determined by the Class/Comp Unit of Central Human Resources
- R-6 Budget Modification DCHS-34 Reclassifying a Program Manager Senior to Mental Health Director in the Mental Health and Addiction Services Division, as Determined by the Class/Comp Unit of Central Human Resources

**DEPARTMENT OF COUNTY MANAGEMENT - 10:40 AM**

- R-7 NOTICE OF INTENT to Apply for a \$5,000 National Endowment for the Humanities Grant for Archival Supplies
- R-8 Reallocation of Facilities Capital Project Funds FPM-07, Multnomah County Justice Center Chiller #1 Upgrade Project

R-9 Briefing on the Penumbra Kelly Building Disposition Recommendation Pursuant to Board Resolution 06-010, Surplus Property Declaration. Presented by Doug Butler. 10 MINUTES REQUESTED.

**DEPARTMENT OF HEALTH - 10:55 AM**

R-10 Budget Modification HD-29 Appropriating \$66,880 from the Oregon Primary Care Association for Improving Access to Prescription Drugs to Low Income Clients

R-11 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Title III Capacity Development Grant Competition

R-12 NOTICE OF INTENT to Submit a Proposal to the National Institute on Drug Abuse, Drug Abuse Aspects of HIV/AIDS and Other Infections Grant Competition

R-13 PROCLAMATION Proclaiming May 7th to May 13th, 2006 as NURSES WEEK in Multnomah County, Oregon

**DEPARTMENT OF COMMUNITY SERVICES - 11:05 AM**

R-15 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 38, Columbia River Gorge National Scenic Area, Relating to Historic Properties Management Plan

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Thursday, May 4, 2006 - 11:30 AM  
**(OR IMMEDIATELY FOLLOWING BOARD MEETING)**  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

**EXECUTIVE SESSION**

E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

# MULTNOMAH COUNTY 2006-2007 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

Cable coverage of the **May through June 2006** budget work sessions, hearings and Thursday Board meetings will be produced through MetroEast Community Media. **All plays will be on cable channel 29.** Check the weekly Board meeting agenda or call 503 667-8848, extension 332 for further info or log onto <http://www.mctv.org> for the cable channel program guide/playback schedule. The sessions, hearings and Board meetings will also be available for viewing via media streaming at <http://www.co.multnomah.or.us/cc/pastmeetings.shtml>. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

**Thu, May 4**

**9:30 a.m. to 12:00 p.m.**

***Chair's 2006-2007 Executive Budget Message  
Public Hearing and Consideration of Resolution  
Approving Executive Budget for Submission to  
Tax Supervising and Conservation Commission  
[followed by Regular Board Meeting]***

**Tue, May 9**

**9:00 a.m. to 12:00 p.m.**

**Financial Overview  
Central Citizen Budget Advisory Committee  
Work Session on Public Safety Department  
Budget Presentations:  
Sheriff & Citizen Budget Advisory Committee  
District Attorney & Citizen Budget Advisory Committee  
Community Justice & Citizen Budget Advisory Committee**

**Tue, May 9**

**6:00 p.m. to 8:00 p.m.**

***Public Hearing on the 2006-2007 Multnomah County  
Budget - North Portland Library Conference Room,  
512 N Killingsworth, Portland***

**Wed, May 10**

**9:00 a.m. to 12:00 p.m.**

**Work Session on Health and Human Services  
Department Budget Presentations:  
Health & Citizen Budget Advisory Committee  
County Human Services & Citizen Budget Advisory  
Committee  
School and Community Partnerships & Citizen Budget  
Advisory Committee  
Commission on Children, Families and Community**

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**Wed, May 10**

**1:00 p.m. to 3:30 p.m.**

**Work Session on General Government**

**Department Budget Presentations**

**Non-Departmental & Citizen Budget Advisory Committee**

**Library & Citizen Budget Advisory Committee**

**County Management & Citizen Budget Advisory Committee**

**Community Services & Citizen Budget Advisory Committee**

**Mon, May 22**

**6:00 p.m. to 8:00 p.m.**

***Public Hearing on the 2006-2007 Multnomah County Budget - Multnomah County East Building, Sharron Kelley Conference Room, 600 NE 8th, Gresham***

**Tue, May 23**

**9:00 a.m. to 12:00 p.m.**

**Budget Work Session**

**Tue, May 23**

**1:00 p.m. to 3:00 p.m.**

**Budget Work Session if needed**

**Tue, May 30**

**9:00 a.m. to 12:00 p.m.**

**Budget Work Session on Board Program Selection Round 1**

**Wed, May 31**

**6:00 p.m. to 8:00 p.m.**

***Public Hearing on the 2006-2007 Multnomah County Budget - Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne, Portland***

# MULTNOMAH COUNTY 2006-2007 BUDGET WORK SESSIONS AND HEARINGS

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**Tue, Jun 6**  
9:00 a.m. to 12:00 p.m.                      **Budget Work Session on Board Program Selection Round 2**

**Tue, Jun 13**  
9:00 a.m. to 12:00 p.m.                      **Budget Work Session on Board Program Selection Round 3**

**Wed, Jun 14**  
9:00 a.m. to 12:00 p.m.                      **Budget Work Session if needed**

**Wed, Jun 14**  
3:30 p.m. to 4:30 p.m.                      ***Tax Supervising and Conservation Commission Public Hearing on the Multnomah County 2006-2007 Budget***

**Thu, Jun 15**  
9:30 a.m. to 12:00 p.m.                      ***Public Hearing and Resolution Adopting the 2006-2007 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations Public Hearing and Resolution Adopting the 2006-2007 Budget for Mid County Street Lighting Service District No. 14 and Making Appropriations [followed by Regular Board Meeting]***

**Thu, Jun 22**  
9:30 a.m. to 12:00 p.m.                      ***Public Hearing and Resolution Adopting the 2006-2007 Budget for Multnomah County Pursuant to ORS 294 [followed by Regular Board Meeting]***



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Multnomah Building, First Floor Commissioners Boardroom 100  
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## **REGULAR MEETING**

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

#### **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to IRVING O. AND CORINE PROCTOR
- C-2 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owner THE ESTATE OF ANITA E. WILSON
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R-14 Executive Budget Message, Public Hearing and Consideration of RESOLUTION Approving the Chair's Proposed Fiscal Year 2007 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421. Presented by Chair Diane Linn, Karyne Dargan and Mark Campbell. 1 HOUR REQUESTED.



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

**Meeting Date:** 05/04/06  
**Agenda Item #:** C-1  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 04/04/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to IRVING O. AND CORINE PROCTOR**

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>Consent Item</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Tax Title</u>
<b>Contact(s):</b>	<u>Gary Thomas</u>		
<b>Phone:</b>	<u>503-988-3590</u>	<b>Ext.</b>	<u>22591</u>
<b>Presenter(s):</b>	<u>Gary Thomas</u>	<b>I/O Address:</b>	<u>503/4/TT</u>

**General Information**

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to IRVING O & CORINE PROCTOR.

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

The subject property is a rectangular shaped vacant lot that came into county ownership through the foreclosure of delinquent tax liens on March 30, 1984. The lot is approximately 50' x 66' and contains approximately 3,300 square feet. It is located near NE 34<sup>th</sup> and NE Simpson and is surrounded by five different tax lots as shown on the attached plat map (Exhibit A). The lot was part of a property sale that occurred in February 1976 for the house at 3500 NE Ainsworth St. The legal description of the subject lot was left off of the recorded document of the 1976 transaction; it was foreclosed on and came into county ownership in 1984. The lot is fenced and used for garden area for the house at 3500 NE Ainsworth.

An adjacent owner to the lot inquired about purchasing the parcel which prompted some in depth

research about the history of the property. Once contact was made with the owner of 3500 NE Ainsworth, Corine Proctor, facts were brought forward which helped to explain how the county came into ownership of the lot through foreclosure. An error occurred in the recording of the documents of the 1976 sale which ultimately led to the county incorrectly coming into ownership of the lot. With help from the County Attorney's Office it has been determined that the best way to get the property back into ownership of the Proctors is to sell it to them for the cost of recording the deed.

Exhibit B, an aerial photo, shows the parcel in relation to the adjacent properties.

Based on information received from the City of Portland and advice of the Multnomah County Attorney's Office, it has been determined that the property is unsuitable for the placement of a dwelling thereon under current zoning ordinances and building codes as required under ORS 275.225.

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

The Private Sale will allow for the recovery of a portion of the delinquent taxes, fees and expenses (see Exhibit C).

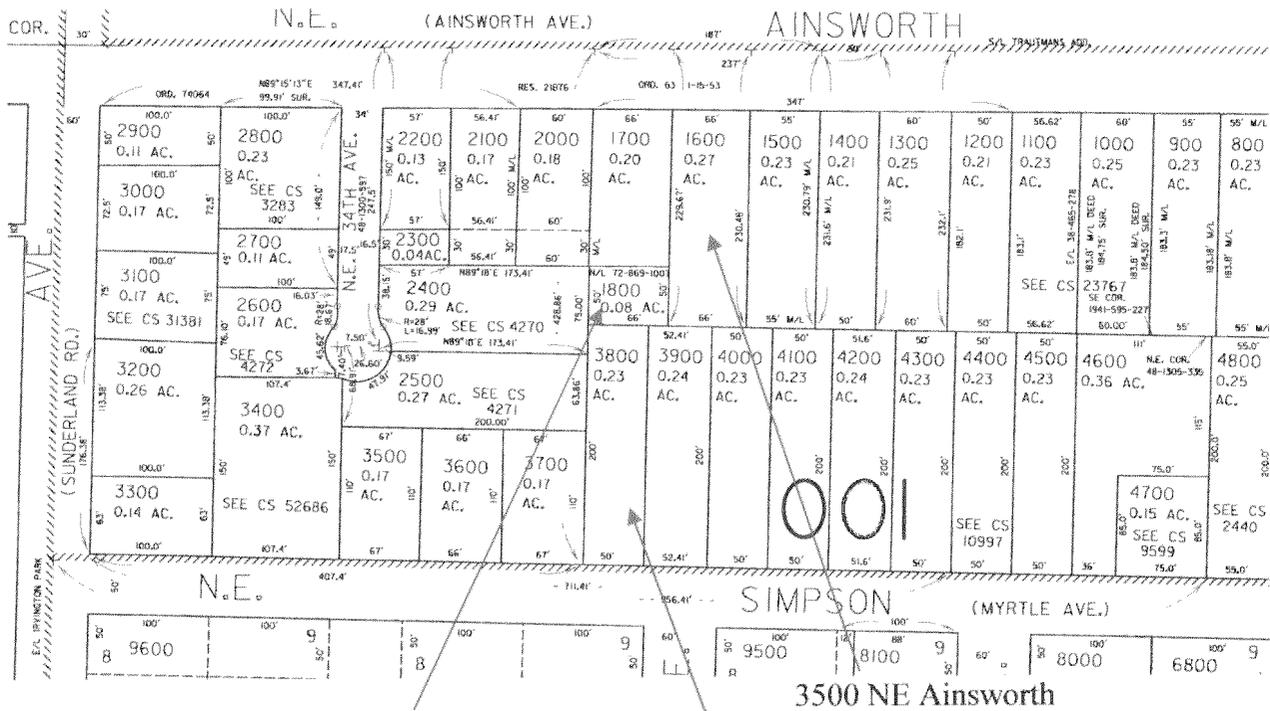
**4. Explain any legal and/or policy issues involved.**

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

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

No citizen or government participation is anticipated.

EXHIBIT A



Subject

3435 NE Simpson

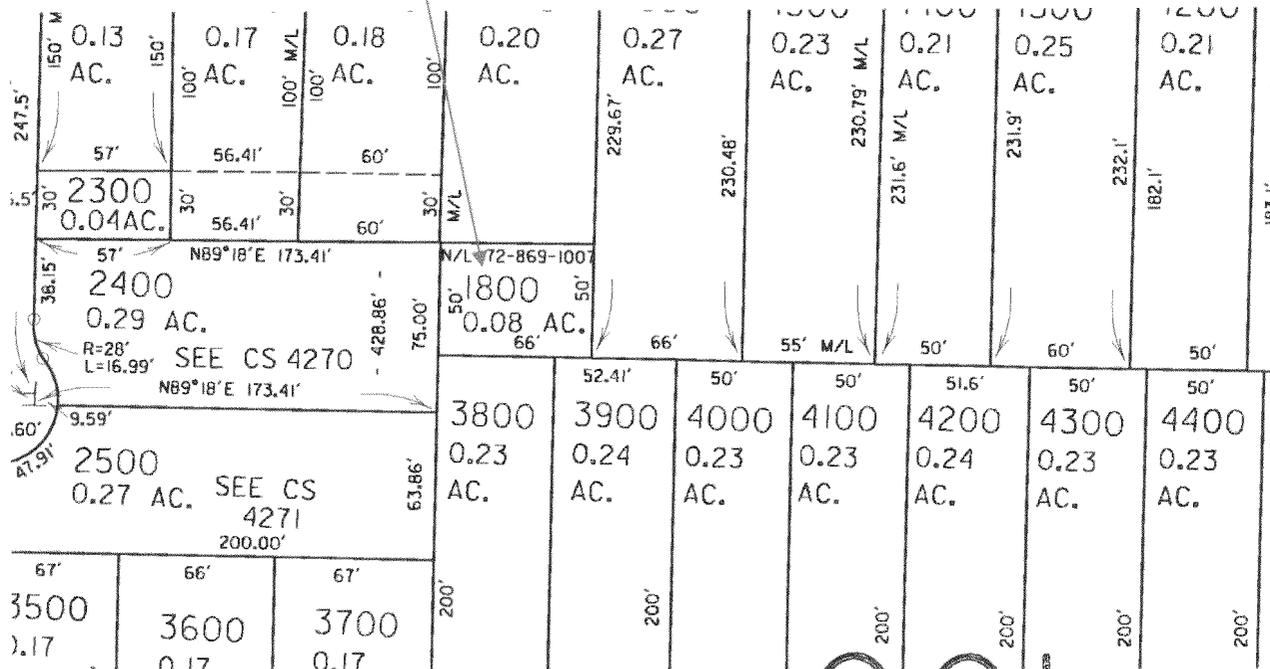


EXHIBIT B



Subject

**EXHIBIT C  
PROPOSED PROPERTY LISTED FOR PRIVATE SALE  
FISCAL YEAR 2005-06**

**LEGAL DESCRIPTION:**

A parcel of land situated in Section 13, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon described as follows:

The South 50 feet of the following described parcel:

Beginning at an iron pipe in the North line of N.E. Simpson Street, 407.4 feet East of the East line of N.E. 33<sup>rd</sup> Avenue; thence North along the East line of a tract of land deeded to Agnes Kennedy White by deed recorded August 10, 1932 in Book 182, Page 320, Deed Records, 200 feet to an iron pipe and point of beginning of tract to be described: thence East 66 feet to an iron pipe which pipe is at the Southwest corner of tract of land deeded to Towner H. Phillips by deed recorded July 31, 1939 in Book 507 Page 120, Deed Records; thence North along the West line of said Phillips tract, 229.67 feet to the South line of N.E. Ainsworth Street; thence west along said South line of N.E. Ainsworth Street, 66 feet to an iron pipe which pipe is the Northeast corner of said tract of land deeded to Agnes Kennedy White; thence South along the east line of said Agnes Kennedy White to the place of beginning.

ADJACENT PROPERTY ADDRESS:	3500 NE Ainsworth St
TAX ACCOUNT NUMBER:	R315421
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 3,300 square feet
ASSESSED VALUE:	\$3,300

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:	\$203.85
TAX TITLE MAINTENANCE COST & EXPENSES:	\$-0-
RECORDING FEE:	\$26.00
SUB-TOTAL	\$229.85
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$26.00

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**Required Signatures**

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**Department/  
Agency Director:**

*Robert A Maestre*

**Date:** 03/31/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Tuesday, April 04, 2006 10:34 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Proctor Private Sale R315421 May 4 Agenda

Here you go!

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

**From:** CREAN Christopher D  
**Sent:** Thursday, March 30, 2006 3:53 PM  
**To:** GRACE Becky J  
**Subject:** RE: Proctor Private Sale R315421 May 4 Agenda

Becky --

I have reviewed the draft resolution and deed for the Proctor sale and they made be circulated for signature as proposed.  
Thanks.

- Chris

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

**From:** GRACE Becky J  
**Sent:** Thursday, March 30, 2006 3:38 PM  
**To:** CREAN Christopher D  
**Subject:** Proctor Private Sale R315421 May 4 Agenda

Hi Chris,

Attached for your review and approval are the May 4 Board Agenda Documents for the Proctor Private Sale.  
Thanks,

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

4/4/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
**RESOLUTION NO. \_\_\_\_\_**

Authorizing the Private Sale of a Tax Foreclosed Property to IRVING O. & CORINE PROCTOR.

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

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$3,300 on the County's current tax roll.
- c. Based on information received from the City of Portland and advice of the Multnomah County Attorney's Office, it has been determined that the property is unsuitable for the placement of a dwelling thereon under current zoning ordinances building codes as required under ORS 275.225.
- d. IRVING O. & CORINE PROCTOR have agreed to pay \$26 an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale Deed conveying to IRVING O. & CORINE PROCTOR the real property described in the attached Exhibit A.

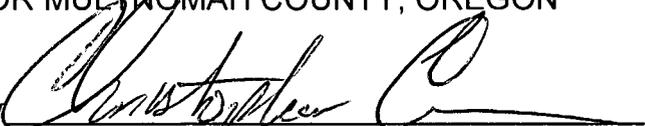
ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

## EXHIBIT A (RESOLUTION)

### LEGAL DESCRIPTION:

A parcel of land situated in Section 13, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon described as follows:

The South 50 feet of the following described parcel:

Beginning at an iron pipe in the North line of N.E. Simpson Street, 407.4 feet East of the East line of N.E. 33<sup>rd</sup> Avenue; thence North along the East line of a tract of land deeded to Agnes Kennedy White by deed recorded August 10, 1932 in Book 182, Page 320, Deed Records, 200 feet to an iron pipe and point of beginning of tract to be described: thence East 66 feet to an iron pipe which pipe is at the Southwest corner of tract of land deeded to Towner H. Phillips by deed recorded July 31, 1939 in Book 507 Page 120, Deed Records; thence North along the West line of said Phillips tract, 229.67 feet to the South line of N.E. Ainsworth Street; thence west along said South line of N.E. Ainsworth Street, 66 feet to an iron pipe which pipe is the Northeast corner of said tract of land deeded to Agnes Kennedy White; thence South along the east line of said Agnes Kennedy White to the place of beginning.

**Multnomah County Deed No.: D062057**

**Tax Account No.: R315421**

Until a change is requested, all tax statements  
Shall be sent to the following address:  
IRVING O. & CORINE PROCTOR  
3500 NE AINSWORTH ST  
PORTLAND OR 97211-7353

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

**Bargain and Sale Deed D062057 for R315421**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to IRVING O. & CORINE PROCTOR, Grantees, the real property described in the attached Exhibit A.

The true consideration for this conveyance is \$26.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

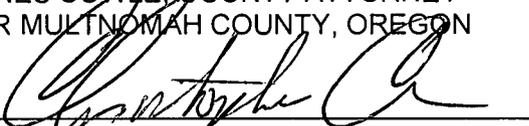
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4<sup>th</sup> day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWBE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON                    )  
                                                  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 4th day of May 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

## EXHIBIT A (DEED)

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A parcel of land situated in Section 13, Township 1 North, Range 1 East of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon described as follows:

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**Multnomah County Deed No.: D062057**

**Tax Account No.: R315421**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-064**

Authorizing the Private Sale of a Tax Foreclosed Property to IRVING O. & CORINE PROCTOR

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

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$3,300 on the County's current tax roll.
- c. Based on information received from the City of Portland and advice of the Multnomah County Attorney's Office, it has been determined that the property is unsuitable for the placement of a dwelling thereon under current zoning ordinances building codes as required under ORS 275.225.
- d. IRVING O. & CORINE PROCTOR have agreed to pay \$26 an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale Deed conveying to IRVING O. & CORINE PROCTOR the real property described in the attached Exhibit A.

ADOPTED this 4th day of May, 2006.

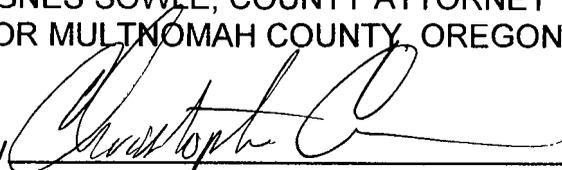


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

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**Multnomah County Deed No.: D062057**

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

**Bargain and Sale Deed D062057 for R315421**

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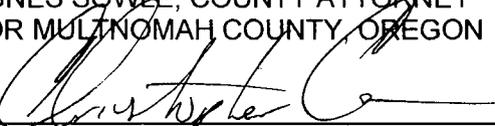
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4th day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON            )  
                                          ) ss  
COUNTY OF MULTNOMAH    )

This Deed was acknowledged before me this 4th day of May 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

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**Multnomah County Deed No.: D062057**

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**Bargain and Sale Deed D062057 for R315421**

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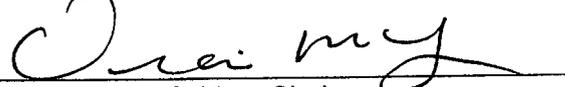
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BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

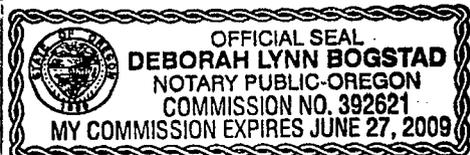
  
Diane M. Linn, Chair

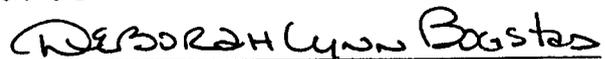
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON            )  
                                          ) ss  
COUNTY OF MULTNOMAH    )

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Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

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**Multnomah County Deed No.: D062057**

**Tax Account No.: R315421**



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 05/04/06  
 Agenda Item #: C-2  
 Est. Start Time: 9:30 AM  
 Date Submitted: 04/05/06

**BUDGET MODIFICATION:** -

**Agenda Title: RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owner THE ESTATE OF ANITA E. WILSON**

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>Consent Item</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Tax Title</u>
<b>Contact(s):</b>	<u>Gary Thomas</u>		
<b>Phone:</b>	<u>503-988-3590</u>	<b>Ext.</b>	<u>22591</u>
		<b>I/O Address:</b>	<u>503/4/TT</u>
<b>Presenter(s):</b>	<u>Gary Thomas</u>		

**General Information**

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner THE ESTATE OF ANITA E. WILSON.

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

The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on October 17, 2005. A letter dated November 4, 2005 was sent to the former owner of record, providing the opportunity to repurchase the property. The former owners' son, Jimmy Wilson called Tax Title on December 20, 2005 and requested to repurchase the property.

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

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

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

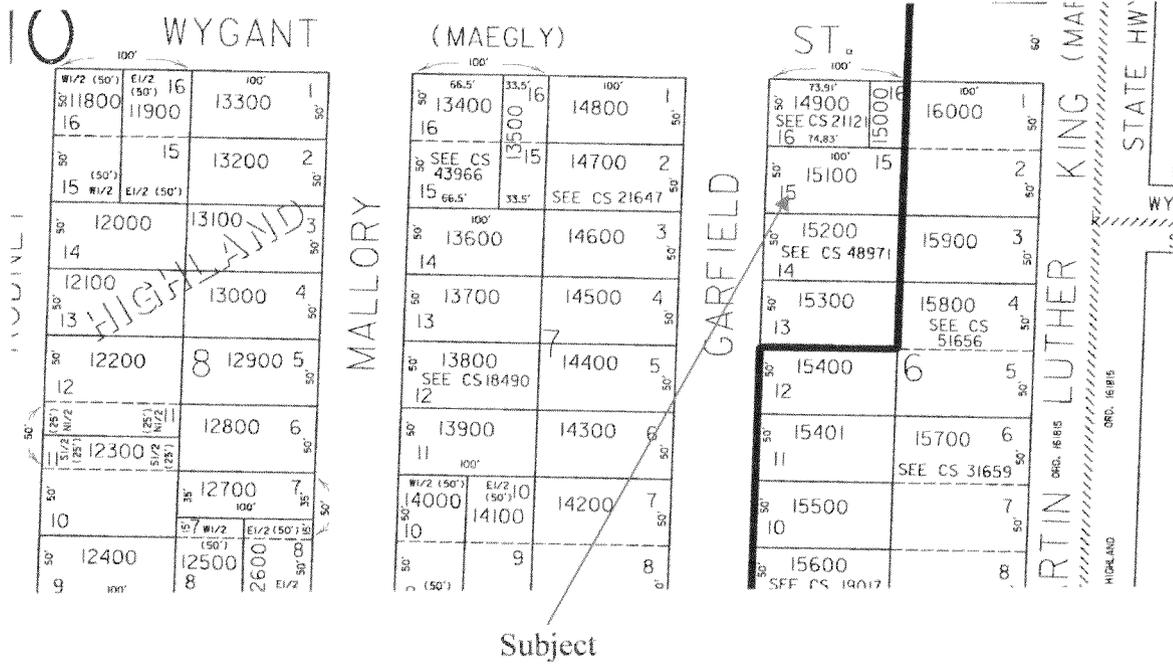
Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes.

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

Payment of all liens to the City by the purchaser.

EXHIBIT A

R211594



**EXHIBIT B  
PROPOSED PROPERTY LISTED FOR REPURCHASE  
FISCAL YEAR 2006**

**LEGAL DESCRIPTION:**

Lot 15, Block 6, MAEGLY HIGHLAND located in the City of Portland, Multnomah County, Oregon.

**PROPERTY ADDRESS:** 4724 NE Garfield Ave  
**TAX ACCOUNT NUMBER:** R211594  
**GREENSPACE DESIGNATION:** No designation  
**SIZE OF PARCEL:** 5,000 Square Feet  
**ASSESSED VALUE:** \$105,240

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

<b>BACK TAXES &amp; INTEREST:</b>	\$6,722.21
<b>TAX TITLE MAINTENANCE COST &amp; EXPENSES:</b>	\$749.71
<b>PENALTY &amp; FEE:</b>	\$441.53
<b>CITY LIENS: (Proof of Payment to the City has been requested.)</b>	\$17,508.27
<b>SUB-TOTAL</b>	<b>\$7,913.45</b>
<b>MINIMUM PRICE REQUEST FOR REPURCHASE</b>	<b>\$7,913.45</b>

---

**Required Signatures**

---

**Department/  
Agency Director:**

*M. Cecilia Johnson*

---

**Date:** 04/05/06

**Budget Analyst:**

---

**Date:**

---

**Department HR:**

---

**Date:**

---

**Countywide HR:**

---

**Date:**

---

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Wednesday, April 05, 2006 10:51 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: May 4 Agenda Estate of Anita E. Wilson Repurchase

Here you go!

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

**From:** CREAN Christopher D  
**Sent:** Tuesday, April 04, 2006 2:29 PM  
**To:** GRACE Becky J  
**Subject:** RE: May 4 Agenda Estate of Anita E. Wilson Repurchase

Becky --

I have reviewed the draft resolution and deed for the Wilson repurchase, and they may be circulated for signature as proposed. Thanks.

-- Chris

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

**From:** GRACE Becky J  
**Sent:** Tuesday, April 04, 2006 12:27 PM  
**To:** CREAN Christopher D  
**Subject:** May 4 Agenda Estate of Anita E. Wilson Repurchase

Hi Chris,

Attached for your review and approval are the May 4 Agenda Documents for the repurchase to the Estate of Anita E. Wilson.

Thanks,

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Thursday, April 13, 2006 11:55 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Deed to The Estate of Anita Wilson May 4 Agenda

Hi Deb,

I have made a change on the Wilson resolution in b. and also on the Deed adding William Marcus Pollard, Personal Representative of the Estate Of Anita Wilson. As you can see below the Title company requested these changes and Chris Crean has approved them. I also noticed in my hurry to process the Synergy deed I used wilson's deed number so I changed the Wilson deed to D062059 where previously it was D062058. If you exchange the attached resolution for the original one sent to you for the May 4 agenda everything should be fine.

So sorry for all this confusion. If you need anything further please don't hesitate to ask me!

Thank You,

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

**From:** CREAN Christopher D  
**Sent:** Wednesday, April 12, 2006 1:43 PM  
**To:** GRACE Becky J  
**Subject:** RE: Deed to The Estate of Anita Wilson May 4 Agenda

Yes. The change makes sense.

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

**From:** GRACE Becky J  
**Sent:** Wednesday, April 12, 2006 11:32 AM  
**To:** CREAN Christopher D  
**Subject:** Deed to The Estate of Anita Wilson May 4 Agenda

Hi Chris,

I just received a fax from Fidelity in which they tell me that the Deed to the Estate of Anita Wilson has to say, William Marcus Pollard, Personal Representative of the Estate of Anita E. Wilson. They also sent me a copy of the Letters of Administration. Is this correct and okay with you? If so I will contact Deb to make changes on all of the documents that I have sent her.

Thanks!

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

4/18/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owner, THE ESTATE OF ANITA E. WILSON

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

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and THE ESTATE OF ANITA E. WILSON is the former owner of record.
- b. WILLIAM MARCUS POLLARD, PERSONAL REPRESENTATIVE OF THE ESTATE OF ANITA E. WILSON has applied to the County to repurchase the property for \$7,913.45 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

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

1. The Chair is authorized to execute Bargain and Sale Deed D062059 conveying to the former owner the following described real property located in the City of Portland, Multnomah County, Oregon:

Lot 15, Block 6, MAEGLY HIGHLAND

2. The County's Tax Title section 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 all municipal charges have been paid in compliance with ORS 307.100, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies shall be returned to the County.

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements  
Shall be sent to the following address:  
WILLIAM MARCUS POLLARD, PER REP  
TO THE ESTATE OF ANITA E. WILSON  
4706 NE GARFIELD AVE  
PORTLAND OR 97211-3315

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

**Bargain and Sale Deed D062059 for R211594**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to WILLIAM MARCUS POLLARD, PERSONAL REPRESENTATIVE TO THE ESTATE OF ANITA E. WILSON, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

Lot 15, Block 6, MAEGLY HIGHLAND

The true consideration paid for this transfer is \$7,913.45.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).**

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4th day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON                    )  
                                                  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 4th day of May 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-065**

Authorizing the Repurchase of a Tax Foreclosed Property to the Former Owner, THE ESTATE OF ANITA E. WILSON

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

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and THE ESTATE OF ANITA E. WILSON is the former owner of record.
- b. WILLIAM MARCUS POLLARD, PERSONAL REPRESENTATIVE OF THE ESTATE OF ANITA E. WILSON has applied to the County to repurchase the property for \$7,913.45 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

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

1. The Chair is authorized to execute Bargain and Sale Deed D062059 conveying to the former owner the following described real property located in the City of Portland, Multnomah County, Oregon:

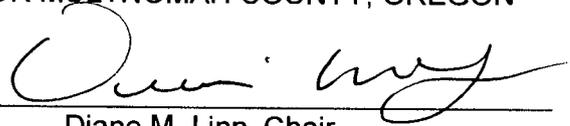
Lot 15, Block 6, MAEGLY HIGHLAND

2. The County's Tax Title section 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 all municipal charges have been paid in compliance with ORS 307.100, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies shall be returned to the County.

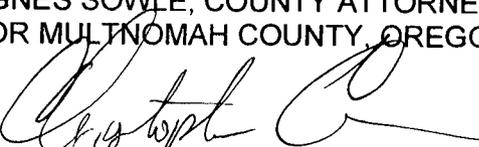
ADOPTED this 4th day of May, 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements  
shall be sent to the following address:  
WILLIAM MARCUS POLLARD, PER REP  
TO THE ESTATE OF ANITA E. WILSON  
4706 NE GARFIELD AVE  
PORTLAND OR 97211-3315

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

**Bargain and Sale Deed D062059 for R211594**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to WILLIAM MARCUS POLLARD, PERSONAL REPRESENTATIVE TO THE ESTATE OF ANITA E. WILSON, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

Lot 15, Block 6, MAEGLY HIGHLAND

The true consideration paid for this transfer is \$7,913.45.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).**

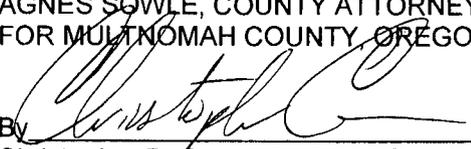
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4th day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON                    )  
                                                  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 4th day of May 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09





**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

**Meeting Date:** 05/04/06  
**Agenda Item #:** C-3  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 04/21/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **RESOLUTION Authorizing Settlement of a Claim Against the County in Favor of JOAN SIMKO, Individually and as Trustee of the Simko Family Trust and as Trustee of the Simko Survivors' Trust**

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>Consent Item</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Tax Title</u>
<b>Contact(s):</b>	<u>Gary Thomas</u>		
<b>Phone:</b>	<u>503-988-3590</u>	<b>Ext.</b>	<u>22591</u>
		<b>I/O Address:</b>	<u>503/4/TT</u>
<b>Presenter(s):</b>	<u>Gary Thomas</u>		

**General Information**

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the Settlement of Claim against the County in favor of JOAN SIMKO TR.

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

The subject property is a vacant lot approximately 42' x 75' that came into county ownership through the foreclosure of delinquent tax liens on September 29, 1997. It is located between 6611 & 6639 SE Yamhill Ct. In the process of making the lot available to the Affordable Housing Development Program it was discovered that improvements on the adjacent property, 6639 SE Yamhill Ct, encroached onto the county's property. A survey completed by the County Surveyor confirmed the encroachment. (See attached Exhibit B)

The adjacent property owner, Joan Simko, was contacted and more information about the parcel was obtained. Research of the county deed records show that the subject property was intended to be a

part of the property at 6639 SE Yamhill Ct but it was inadvertently left off of the legal description in the deed. This occurred for a number of past sale transactions and was finally brought to light in the conversations with Simko and research of the public records.

The County Attorney's Office has worked with an attorney retained by Simko to determine the best way to place ownership of the parcel in the name of Simko. A suit for reformation of deed and equitable relief was filed by Simko's attorney that allows for the county to recover the back taxes and interest owing against the property for the years 1998 through 2005. This will allow Simko to obtain ownership of the lot foreclosed on by the county and correct the legal description as originally intended.

The attached plat map, Exhibit A, shows the location of the strip. Exhibit C, an aerial photo, shows the parcel in relation to the adjacent properties.

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

The Settlement of Claim against the county will allow for the recovery of the delinquent taxes and interest. (see Exhibit D).

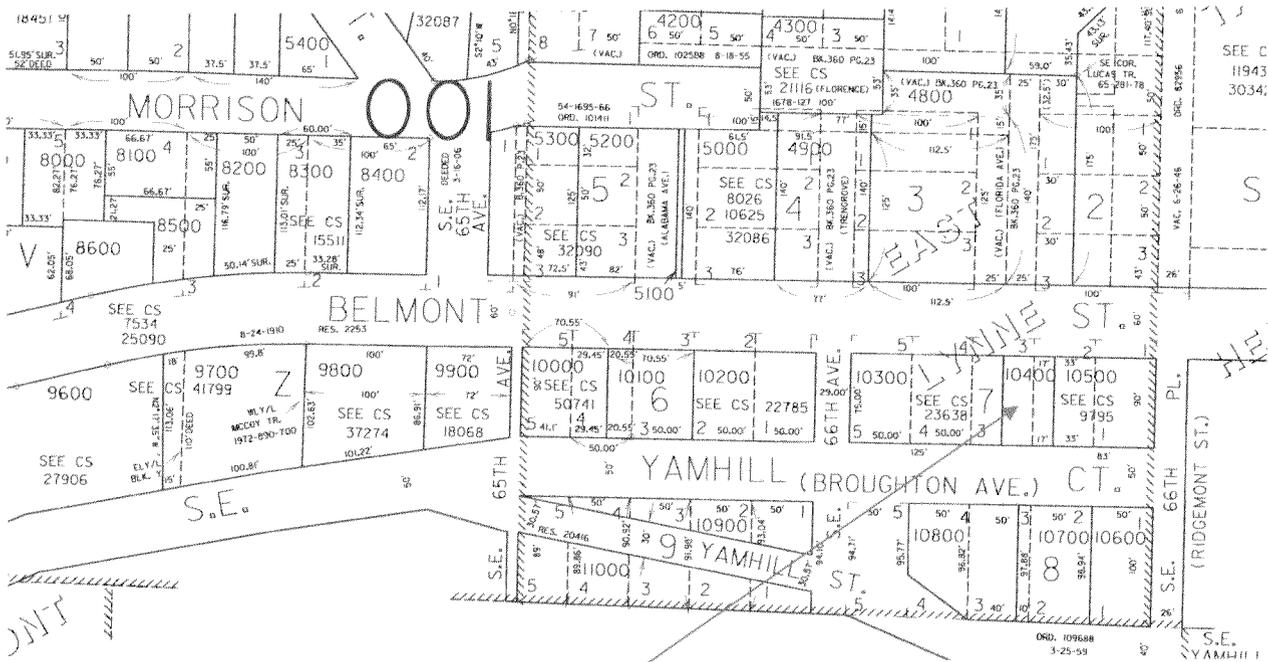
**4. Explain any legal and/or policy issues involved.**

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

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

No citizen or government participation is anticipated.

EXHIBIT A



Subject

6639 SE Yamhill Ct

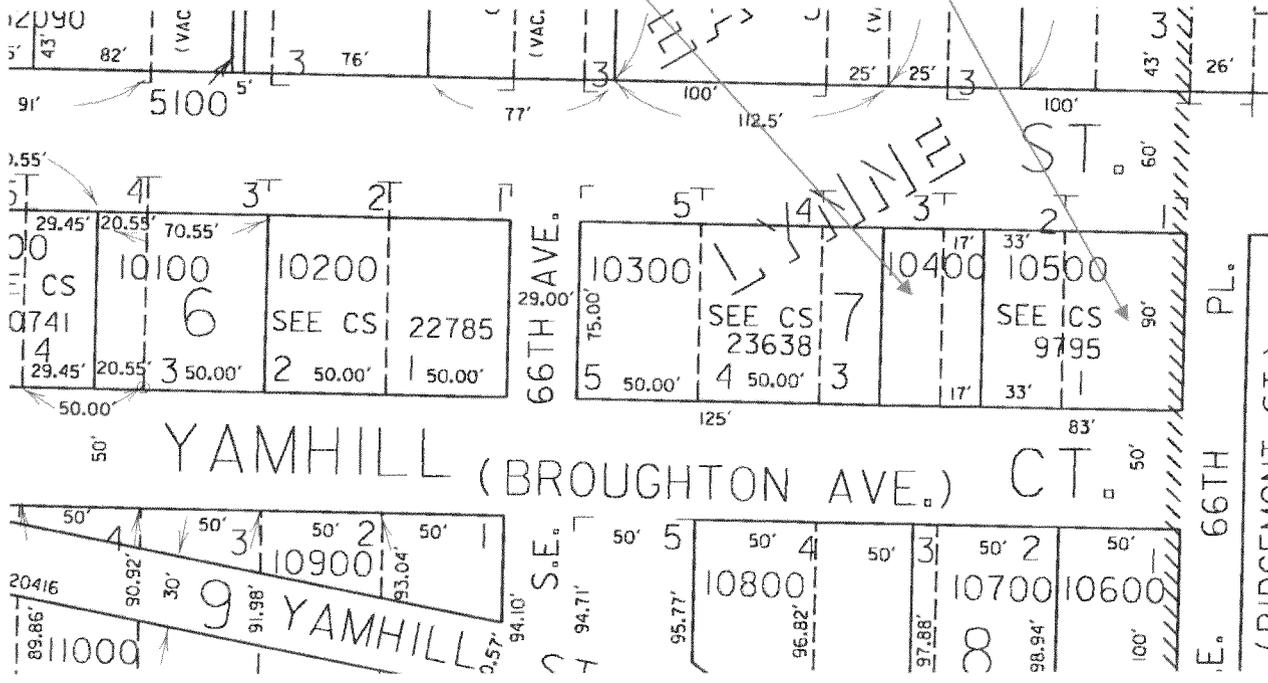
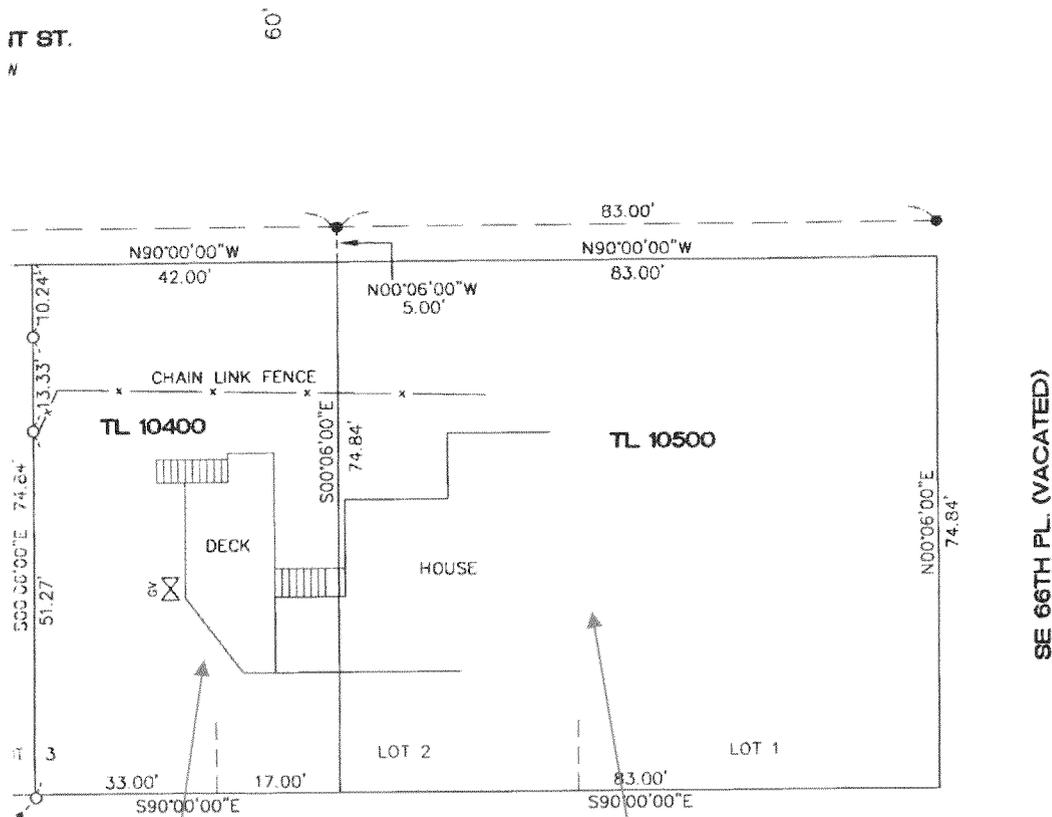


EXHIBIT B

PROPERTY SKETCH

TAX LOT 10400, MAP 1S2E05BB  
 N.W. 1/4 SECTION 5, T. 1S., R. 2E., W.M.,  
 CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON



CT.  
 MEER  
 S.

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Robert A. Hovden*

OREGON  
 JULY 16, 1971  
 ROBERT A. HOVDEN  
 954  
 RENEWAL DATE: 6/30/2001



MULTNOMAH COUNTY

DEPARTMENT OF ENVIRONMENTAL SERVICES  
 TRANSPORTATION DIVISION  
 1600 S.E. 190TH AVE. PORTLAND, ORE. 97233-5999

TAX LOT 10400, MAP 1S2E05BB  
 N.W. 1/4 SEC. 5, T. 1S., R. 2E., W.M., CITY OF PORTLAND,  
 MULTNOMAH COUNTY, OREGON

<b>ROBERT A. HOVDEN PLS</b>		<b>COUNTY SURVEYOR</b>	
DRAFTED: SRO	CHECKED: RAH	SHT. 1	OF 1
DATE: 1/20/2000	SCALE: 1" = 20'		

Subject lot 6639 SE Yamhill Ct

EXHIBIT C



Subject

6639 SE Yamhill CT

**EXHIBIT D  
SETTLEMENT OF CLAIM AGAINST THE COUNTY**

**LEGAL DESCRIPTION:**

The East Half of Lot 3, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ALSO, the West 17 feet of Lot 2, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ADJACENT PROPERTY ADDRESS: 6639 SE Yamhill CT  
TAX ACCOUNT NUMBER: R149575  
GREENSPACE DESIGNATION: No designation  
SIZE OF PARCEL: Approximately 3,150 square feet  
ASSESSED VALUE: \$88,500

**ITEMIZED EXPENSES FOR SETTLEMENT OF CLAIM**

BACK TAXES & INTEREST:

\$7,711.78

TAX TITLE MAINTENANCE COST & EXPENSES:

\$-0-

RECORDING FEE:

\$-0-

SUB-TOTAL

\$7,711.78

AMOUNT OF SETTLEMENT

\$7,711.78

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**Required Signatures**

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**Department/  
Agency Director:**

*M. Cecilia Johnson*

**Date:** 04/20/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

## BOGSTAD Deborah L

---

**From:** GRACE Becky J  
**Sent:** Friday, April 21, 2006 11:25 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Simko Settlement April 27th Board Agenda

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

**From:** CREAN Christopher D  
**Sent:** Thursday, April 20, 2006 10:00 AM  
**To:** GRACE Becky J  
**Subject:** RE: Simko Settlement April 27th Board Agenda

Becky –

I have reviewed the proposed resolution and deed for the Simko settlement and they may be circulated for signature as proposed, including the name of the Grantee on the deed.

I'll let Deb know these documents are coming. Thanks.

- Chris

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

**From:** GRACE Becky J  
**Sent:** Tuesday, April 18, 2006 8:55 AM  
**To:** CREAN Christopher D  
**Subject:** Simko Settlement April 27th Board Agenda

Hi Chris,

Attached for your review and approval are the Board Agenda Documents for the Simko Settlement for the April 27<sup>th</sup> Board Agenda. I emailed you yesterday about what name for Simko I'm supposed to use on the deed. I used all that language on the complaint that she filed against us – can you please check that out and see if you want me to change anything. I know that you said you talked to Lisa Naito's staff about the April 27<sup>th</sup> Agenda and I was wondering if anyone has talked to Deb?

Thanks,

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

4/24/2006

**BOGSTAD Deborah L**

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**From:** GRACE Becky J  
**Sent:** Thursday, April 13, 2006 11:55 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Deed to The Estate of Anita Wilson May 4 Agenda

Hi Deb,

I have made a change on the Wilson resolution in b. and also on the Deed adding William Marcus Pollard, Personal Representative of the Estate Of Anita Wilson. As you can see below the Title company requested these changes and Chris Crean has approved them. I also noticed in my hurry to process the Synergy deed I used wilson's deed number so I changed the Wilson deed to D062059 where previously it was D062058. If you exchange the attached resolution for the original one sent to you for the May 4 agenda everything should be fine.

So sorry for all this confusion. If you need anything further please don't hesitate to ask me!

Thank You,

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

**From:** CREAN Christopher D  
**Sent:** Wednesday, April 12, 2006 1:43 PM  
**To:** GRACE Becky J  
**Subject:** RE: Deed to The Estate of Anita Wilson May 4 Agenda

Yes. The change makes sense.

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

**From:** GRACE Becky J  
**Sent:** Wednesday, April 12, 2006 11:32 AM  
**To:** CREAN Christopher D  
**Subject:** Deed to The Estate of Anita Wilson May 4 Agenda

Hi Chris,

I just received a fax from Fidelity in which they tell me that the Deed to the Estate of Anita Wilson has to say, William Marcus Pollard, Personal Representative of the Estate of Anita E. Wilson. They also sent me a copy of the Letters of Administration. Is this correct and okay with you? If so I will contact Deb to make changes on all of the documents that I have sent her.

Thanks!

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

4/13/2006

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Tuesday, April 25, 2006 1:53 PM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: MultCo v. Simko

Hi Deb,

I'm sorry here is another change on the May 4 Agenda deed document for Simko, I removed "individually and as" from the deed as requested and changed it to Joan Simko trustee of the Simko Family Trust... I also changed the date to May 4 in case you didn't want to change your copy. I can't wait till this one gets finalized it has been a major challenge.

Thank you so much!

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

**From:** CREAN Christopher D  
**Sent:** Tuesday, April 25, 2006 1:00 PM  
**To:** GRACE Becky J  
**Subject:** FW: MultCo v. Simko

Becky –

Please amend the Simko deed as described in Morris's email. Thanks!

- Chris

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

**From:** Mike Morris [mailto:morrism@bennetthartman.com]  
**Sent:** Monday, April 24, 2006 4:36 PM  
**To:** CREAN Christopher D  
**Cc:** pdxjoan@yahoo.com  
**Subject:** RE: MultCo v. Simko

I'm back in town. The form of deed looks fine with the following change: title goes to Joan Simko as trustee of the 2 trusts only (not individually). The signed agreement will be delivered tomorrow. I have the funds in my trust account, so as soon as you return a copy of the fully signed agreement I will send the money and you can send the deed.

---

**From:** CREAN Christopher D [mailto:christopher.d.crean@co.multnomah.or.us]  
**Sent:** Thursday, April 20, 2006 9:49 AM  
**To:** Mike Morris  
**Cc:** FLAHERTY Lauren E  
**Subject:** MultCo v. Simko

Mike –

Thanks for your calls. If you could add my name to the signature block on the Settlement Agreement (Christopher D. Crean, 94280, Assistant County Attorney), then sign two copies of both the settlement agreement and judgment and forward them to me, I will sign them and return a copy to you.

The Board of Commissioners will give the Chair (Linn) approval to sign a deed transferring the omitted property to Ms. Simko at their regular meeting this Thursday (4/27). Attached is a draft of the proposed deed – please review it to make sure we got the names of the Grantees correct. Let me know as soon as possible if it needs to be corrected.

The Chair will likely sign the deed that day or the next. After that, we just need to exchange the deed and the check, and

4/25/2006

file the settlement agreement and judgment with the court.

Thanks and let me know if I missed anything.

- Chris

*Christopher Crean*  
*Assistant County Attorney*  
*Multnomah County Oregon*  
*501 SE Hawthorne, Suite 500*  
*Portland Oregon 97214*  
*503-988-3138*  
*christopher.d.crean@co.multnomah.or.us*

4/25/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Authorizing the Settlement of a Claim Against the County in Favor of JOAN SIMKO, Individually and as Trustee of the Simko Family Trust and as Trustee of the Simko Survivors' Trust

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

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$88,500 on the County's current tax roll.
- c. Research of the County deed records show that the subject property was intended to be a part of the adjacent property owned by JOAN SIMKO TR.
- d. JOAN SIMKO has filed suit for reformation of deed and equitable relief, Multnomah County Circuit Court No. 0603-02481. The parties wish to settle and resolve the pending litigation.

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

1. Upon Tax Title's receipt of the payment of \$7,711.78, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to JOAN SIMKO TR, the following described real property:

The East Half of Lot 3, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ALSO, the West 17 feet of Lot 2, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

Until a change is requested, all tax statements  
shall be sent to the following address:  
JOAN SIMKO TR  
6639 SE YAMHILL CT  
PORTLAND OR 97215-2029

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

**Bargain and Sale Deed D062060 for R149575**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOAN SIMKO trustee of the Simko Family Trust and as trustee of the Simko Survivor's Trust, Grantees, the following described real property:

The East Half of Lot 3, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

ALSO, the West 17 feet of Lot 2, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

The true consideration for this conveyance is \$7,711.78.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4th day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON                    )  
                                                  ) ss  
COUNTY OF MULTNOMAH         )

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\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-066**

Authorizing the Settlement of a Claim Against the County in Favor of JOAN SIMKO, Individually and as Trustee of the Simko Family Trust and as Trustee of the Simko Survivors' Trust

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

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$88,500 on the County's current tax roll.
- c. Research of the County deed records show that the subject property was intended to be a part of the adjacent property owned by JOAN SIMKO TR.
- d. JOAN SIMKO has filed suit for reformation of deed and equitable relief, Multnomah County Circuit Court No. 0603-02481. The parties wish to settle and resolve the pending litigation.

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

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The East Half of Lot 3, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ALSO, the West 17 feet of Lot 2, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, Oregon.

ADOPTED this 4th day of May, 2006.

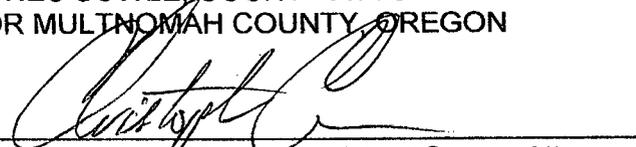


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

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shall be sent to the following address:  
JOAN SIMKO TR  
6639 SE YAMHILL CT  
PORTLAND OR 97215-2029

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

**Bargain and Sale Deed D062060 for R149575**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOAN SIMKO trustee of the Simko Family Trust and as trustee of the Simko Survivor's Trust, Grantees, the following described real property:

The East Half of Lot 3, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

ALSO, the West 17 feet of Lot 2, Except that part in S.E. Belmont Street, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

The true consideration for this conveyance is \$7,711.78.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

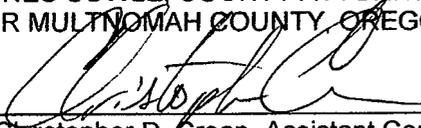
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 4th day of May 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON                    )  
                                                  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 4th day of May 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

**Meeting Date:** 05/04/06  
**Agenda Item #:** C-4  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 04/26/06

**BUDGET MODIFICATION: MCSO - 05**

**Agenda Title:** **RESOLUTION: Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of Multnomah County Sheriff's Office**

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>N/A</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Business Services</u>
<b>Contact(s):</b>	<u>Wanda Yantis</u>		
<b>Phone:</b>	<u>503-988-4455</u>	<b>Ext.:</b>	<u>84455</u>
		<b>I/O Address:</b>	<u>503/350</u>
<b>Presenter(s):</b>	<u>Consent Calendar</u>		

### General Information

**1. What action are you requesting from the Board?**

MCSO recommends the adoption of a resolution designating a portion of the compensation received by two of its Chaplains to be used as a Housing Allowance.

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

The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as Chaplains serving inmates and employees of Multnomah County Sheriff's Office. The Sheriff's Office does not provide housing to either Chaplain. Based on 26 USC § 107(2) allows clergy to exclude from the calculation of their gross income, the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

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

The following Chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2006, subject to the requirements and limitations of internal revenue law:

	Housing Allowance Amount Per Annum
Chaplain Edward Stelle	\$10,000
Lewis Kyle	\$19,000

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

Allowance is in accordance with (US Code) 26 USC § 107(2).

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

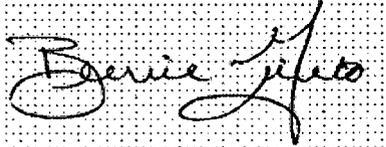
None.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 04/26/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of Multnomah County Sheriff's Office

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

- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees of Multnomah County Sheriff's Office.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

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

The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2006, subject to the requirements and limitations of internal revenue law:

<u>Chaplain</u>	<u>Housing Allowance Amount Per Annum</u>
Edward Stelle	\$10,000
Lewis Kyle	\$19,000

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-067**

Annual Authorization for Designation of a Portion of Compensation as a Housing Allowance for Chaplains Serving Inmates and Employees of Multnomah County Sheriff's Office

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

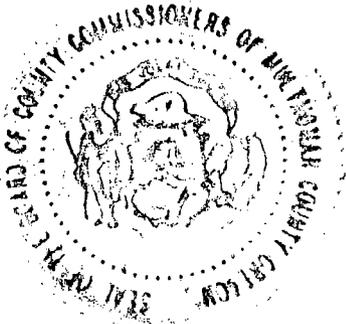
- a. The Multnomah County Sheriff's Office employs Edward Stelle and Lewis Kyle as chaplains serving inmates and employees of Multnomah County Sheriff's Office.
- b. The Sheriff's Office does not provide housing to either chaplain.
- c. 26 USC §107(2) allows clergy to exclude from the calculation of their gross income the housing allowance paid as part of their compensation, to the extent used by them to rent or provide a home.

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

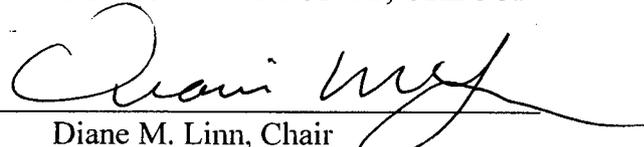
The following chaplains are allowed to designate the following amounts of their compensation as a housing allowance for calendar year 2006, subject to the requirements and limitations of internal revenue law:

<u>Chaplain</u>	<u>Housing Allowance Amount Per Annum</u>
Edward Stelle	\$10,000
Lewis Kyle	\$19,000

ADOPTED this 4th day of May, 2006.

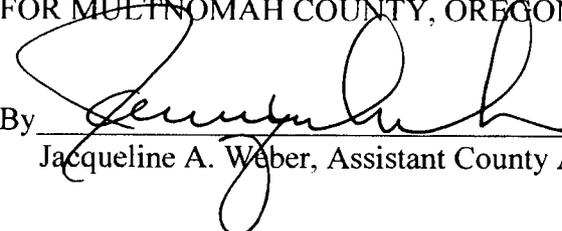


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES A. SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By 

\_\_\_\_\_  
Jacqueline A. Weber, Assistant County Attorney

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: May 4, 2006

SUBJECT: Brief Presentation

AGENDA NUMBER OR TOPIC: Public Comment

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

NAME: John + Pat Schwiebert

ADDRESS: 2116 NE 18th Ave

CITY/STATE/ZIP: Portland, OR 97212

PHONE: \_\_\_\_\_ DAYS: 503 201-3697

EVES: Same

EMAIL: john@metenoriaumc.org

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

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

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

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

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

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

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

May 4, 2006

TO THE MULTNOMAH COUNTY COMMISSION

Greetings:

We are here to present to Multnomah County two checks totaling \$3,700. This is an amount equal to the tax that, according to our computations on IRS Form 1040, we owe to the US government, based on our income received during 2005.

As an act of conscientious objection, and as a protest against U.S. military violence, and the other failures and excesses of the American empire, we have refused to turn this amount over to the Internal Revenue Service.

At the same time, not wishing to retain for our own private benefit, money that rightly belongs to the people, we have chosen to donate this money to this government body instead. For we appreciate that you, the members of the Multnomah County Commission, though not perfect and without blame in your official administration, are at least attempting to promote the general welfare of the people of this county in ways that the Federal government is not.

We include with these checks a copy of our letter to President George W. Bush explaining this action on our part.

We thank you for allowing us to redirect our federal tax payment in this way.

Respectfully,

  
Pat and John Schwiebert

# John and Pat Schwiebert

2116 NE 18<sup>th</sup> Ave. Portland, Oregon 97212

Phone 503 281-3697

FAX 503 282-8985

Email: john@metanoiaumc.org

April 15, 2006

President George W. Bush  
White House  
Washington, DC

COPY

Greetings, Mr. President:

This is to inform you that we have chosen not to mail to the Internal Revenue Service the amount of Federal Income Tax we owe for the Year 2005. Nor have we retained this amount for our personal benefit. Instead we have contributed that amount (\$3,700) to our local Multnomah County government (see copy of receipt attached).

This action is consistent with similar actions we have taken regarding Federal Tax owed for the years 2002, 2003, and 2004.

Our reasons for redirecting this amount are simple:

*First*, as a matter of conscience, we oppose the current war in Iraq and the general policy of pre-emptive violence that has become an operating principle of your administration, though not without the support of a majority in Congress. We refuse to participate knowingly in supporting such violence, which only begets further violence in retaliation and makes our nation and our world even less safe than before.

*Second*, in a time when the high public cost of supporting an avaricious military-industrial complex has left the general welfare of the majority of United States citizens in shambles, we must use the small means we have at our disposal to support the particular, local, government body in our area—Multnomah County—to which has fallen much of the responsibility for the maintenance of public health and human services.

In short we are taking money destined for government-sanctioned destruction of human life and redirecting it toward the funding of government efforts to address human need and public good.

If we had been drafted into service in the armed forces, we would most certainly have applied for "alternative service" under the conscientious objector classification that the Selective Service System has provided for those who demonstrate a serious commitment to non-violence. In the absence of an official policy concerning conscientious objection to the expropriation of personal income for the destruction of human life, we are asking you, and the Internal Revenue Service, to consider our payment to Multnomah County as a form of "alternative service" to our country.

(over)

Given that we have thus paid in full the amount we owe, however in this unconventional way, please request that the IRS not attempt additional collection by the usual means at its disposal. This will free up IRS staff time to focus on collection of taxes from corporations and individuals who are attempting, by secrecy and fraud, to avoid their civic duty.

We pray and hope for the day when your administration, along with the people of the United States, will repent of our national commitment to pre-emptive violence and be delivered from the spirit of idolatrous nationalism and the pride of empire that sustains that commitment.

Y9103  
That will be the day when we will again be able, with clear conscience, to direct our income tax to the federal government through the Internal Revenue Service.

With all due respect,

*Pat Schmeitert*      *John Schwiebert*

Pat and John Schwiebert

cc.    Internal Revenue Service  
      Multnomah County Chair Diane Linn  
      Multnomah County Commissioners

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: May 4, 2006

SUBJECT: Chair's Proposed Fiscal Year 2007 Budget

AGENDA NUMBER OR TOPIC: R-14

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

NAME: JOHN P. MOTTER

ADDRESS: 7330 SW 64<sup>th</sup> PL

CITY/STATE/ZIP: PORTLAND, OR 97219-1190

PHONE: DAYS: 503-381-0501 EVES: 503-381-0501

EMAIL: MOTTJP97219@yahoo.com FAX: N/A

SPECIFIC ISSUE: MAINTAINING FUNDING FOR 1) HIV PLANNING COUNCIL SUPPORT, 2) CARE SERVICES, 3) HIV/STD/TB OUTREACH AND PREVENTION

WRITTEN TESTIMONY:

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

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

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

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

HAD TO LEAVE

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5-4-06

SUBJECT: Public Testimony  
MCBIT (2nd Presentation)

AGENDA NUMBER OR TOPIC: Public Testimony

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

NAME: ROBERT BUTLER

ADDRESS: 824 SW 18th Av

CITY/STATE/ZIP: PORT OR 97205

PHONE: DAYS: 503 222 4949 EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: MCBIT @ Quest. Net

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

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

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

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

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



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

**Board Clerk Use Only**

**Meeting Date:** 05/04/06  
**Agenda Item #:** R-1  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 04/25/06

**BUDGET MODIFICATION:** -

**PROCLAMATION Declaring the Week of May 1 through May 7, 2006 as  
Agenda "PUBLIC SERVICE RECOGNITION WEEK", and Recognizing the Contributions of  
Title: All Multnomah County Employees**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 mins</u>
<b>Department:</b> <u>Non-Departmental</u>	<b>Division:</b> <u>Public Affairs Office</u>
<b>Contact(s):</b> <u>Shawn Cunningham</u>	
<b>Phone:</b> <u>503 988-4369</u> <b>Ext.</b> <u>84369</u>	<b>I/O Address:</b> <u>503/600</u>
<b>Presenter(s):</b> <u>Travis Graves</u>	

## **General Information**

**1. What action are you requesting from the Board?**

Adoption of Proclamation Declaring the Week of May 1 through May 7, 2006 as "PUBLIC SERVICE RECOGNITION WEEK", and Recognizing the Contributions of All Multnomah County Employees

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

The purpose of this proclamation is to recognize the ongoing contributions of public employees to the lives of Multnomah County citizens and the health of our community.

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

N/A

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

N/A

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

N/A

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**Required Signatures**

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**Department/  
Agency Director:**

*Chris M. G.*

**Date:** 04/26/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Declaring the Week of May 1 through May 7, 2006 as "**PUBLIC SERVICE RECOGNITION WEEK**", and Recognizing the Contributions of All Multnomah County Employees

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

- a. For more than 150 years, Multnomah County employees have dedicated themselves to bettering the community and the lives of those who live in Multnomah County.
- b. More than 4,500 Multnomah County employees provide citizens a wide range of health and human services, public safety services and other government services.
- c. Multnomah County employees fulfill the county's mission under six areas of priority: basic living needs, safety, accountability, thriving economy, education, and vibrant communities.
- d. Each Multnomah County employee is a servant to the public.

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

The Week of May 1 through May 7, 2006 as "**PUBLIC SERVICE RECOGNITION WEEK**" and calls upon the citizens of our community to recognize the crucial role of public employees in Multnomah County in improving our community and lives.

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

\_\_\_\_\_  
Maria Rojo de Steffey,  
Commissioner District 1

\_\_\_\_\_  
Serena Cruz Walsh,  
Commissioner District 2

\_\_\_\_\_  
Lisa Naito,  
Commissioner District 3

\_\_\_\_\_  
Lonnie Roberts,  
Commissioner District 4

**BOGSTAD Deborah L**

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**From:** LINN Diane M  
**Sent:** Monday, May 01, 2006 4:32 PM  
**To:** #MULTNOMAH COUNTY ALL EMPLOYEES  
**Subject:** Public Service Recognition Week: Every Job Matters

Across the nation, May 1<sup>ST</sup> through May 7<sup>th</sup> is Public Service Recognition Week. The goal of this effort is to celebrate the everyday contributions of the many public servants in local, state and federal governments.

Every job matters here. Whether you aid citizens in crisis, make our bridges work or do another job for Multnomah County, your job is important.

The Board of County Commissioners will consider a Proclamation on May 4, 2006 to honor County staff and the contributions all of you make toward bettering our community and the lives of those who live here.

Thanks you for your service. Thank you for making a difference.

A handwritten signature in cursive script, appearing to read "Diane M. Linn". The signature is written in black ink and is positioned in the lower-left quadrant of the page.

BOGSTAD Deborah L

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**From:** GRAVES Travis R  
**Sent:** Tuesday, May 02, 2006 11:26 AM  
**To:** BOGSTAD Deborah L  
**Cc:** NAITO Terri W  
**Subject:** Fw: Public Service Recognition Week: Every Job Matters

Deb: can we make this change? I agree with Terri.

Travis Graves, SPHR  
Human Resources Director  
501 SE Hawthorne Blvd., Suite 400  
Portland, Oregon 97214  
503.988.6134  
Fax 503.988.3009

-----  
Sent from my BlackBerry Wireless Handheld

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

**From:** NAITO Terri W  
**To:** GRAVES Travis R  
**CC:** NAITO Lisa H; LIEUALLEN Matt  
**Sent:** Tue May 02 11:19:38 2006  
**Subject:** RE: Public Service Recognition Week: Every Job Matters

Travis,

Thanks for sharing this proclamation with us. I just had a chance to review it with Lisa this morning.

She is concerned that one of the findings implies subjugation of our employees: "Each Multnomah County employee is a servant to the public." There is a difference of being a civil servant in service to the public, and a servant to the public.

Lisa would prefer wording like, "Each Multnomah County employee provides valuable service to the public."

Is there any chance the language can be changed at this eleventh hour?

Thanks,

Terri

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

**From:** GRAVES Travis R  
**Sent:** Monday, May 01, 2006 5:04 PM  
**To:** ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; ROBERTS Lonnie J  
**Cc:** LASHUA Matthew; CARROLL Mary P; NAITO Terri W; WALKER Gary R; BELL Iris

D

Subject: FW: Public Service Recognition Week: Every Job Matters

I have been on vacation and apologize that I did not add this to the Board Staff Agenda for this week. However, I did want to forward this to the Board to ensure that everyone knew this was coming and answer any questions/concerns before I present this on Thursday.

I think this is one way that we can acknowledge our employees for the excellent work they do on a daily basis.

Let me know if you have any questions or concerns. Thanks!

Travis Graves, SPHR  
Human Resources Director  
501 SE Hawthorne Blvd., Suite 400  
Portland, Oregon 97214  
503.988.6134  
Fax 503.988.3009

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

From: LINN Diane M  
Sent: Monday, May 01, 2006 4:32 PM  
To: #MULTNOMAH COUNTY ALL EMPLOYEES  
Subject: Public Service Recognition Week: Every Job Matters

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Every job matters here. Whether you aid citizens in crisis, make our bridges work or do another job for Multnomah County, your job is important.

The Board of County Commissioners will consider a Proclamation on May 4, 2006 to honor County staff and the contributions all of you make toward bettering our community and the lives of those who live here.

Thanks you for your service. Thank you for making a difference.

**BOGSTAD Deborah L**

---

**From:** NAITO Terri W  
**Sent:** Wednesday, May 03, 2006 2:44 PM  
**To:** CARROLL Mary P; LASHUA Matthew; BELL Iris D; WALKER Gary R; WEST Kristen  
**Cc:** GRAVES Travis R; BOGSTAD Deborah L  
**Subject:** FW: Public Service Recognition Week: Every Job Matters

Lisa would like to substitute three words in Finding D of tomorrow's Public Service Recognition Week Proclamation, so the sentence in Finding D will read, "Each Multnomah County employee provides valuable service to the public."

Please let me know if your bosses will support this change.

Thanks,  
 Terri

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

**From:** GRAVES Travis R  
**Sent:** Monday, May 01, 2006 5:04 PM  
**To:** ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; ROBERTS Lonnie J  
**Cc:** LASHUA Matthew; CARROLL Mary P; NAITO Terri W; WALKER Gary R; BELL Iris D  
**Subject:** FW: Public Service Recognition Week: Every Job Matters

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I think this is one way that we can acknowledge our employees for the excellent work they do on a daily basis.

Let me know if you have any questions or concerns. Thanks!

**Travis Graves, SPHR**

Human Resources Director  
 501 SE Hawthorne Blvd., Suite 400  
 Portland, Oregon 97214  
 503.988.6134  
 Fax 503.988.3009

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

**From:** LINN Diane M  
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**Subject:** Public Service Recognition Week: Every Job Matters

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The Board of County Commissioners will consider a Proclamation on May 4, 2006 to honor County staff and the contributions all of you make toward bettering our community and the lives of those who live here.

Thanks you for your service. Thank you for making a difference.

5/3/2006

*Oranie J.*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 06-068**

Declaring the Week of May 1 through May 7, 2006 as "**PUBLIC SERVICE RECOGNITION WEEK**", and Recognizing the Contributions of All Multnomah County Employees

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

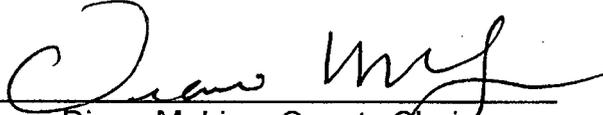
- a. For more than 150 years, Multnomah County employees have dedicated themselves to bettering the community and the lives of those who live in Multnomah County.
- b. More than 4,500 Multnomah County employees provide citizens a wide range of health and human services, public safety services and other government services.
- c. Multnomah County employees fulfill the county's mission under six areas of priority: basic living needs, safety, accountability, thriving economy, education, and vibrant communities.
- d. Each Multnomah County employee provides valuable service to the public.

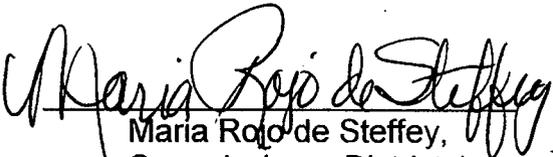
**The Multnomah County Board of Commissioners Proclaims:**

The Week of May 1 through May 7, 2006 as "**PUBLIC SERVICE RECOGNITION WEEK**" and calls upon the citizens of our community to recognize the crucial role of public employees in Multnomah County in improving our community and lives.

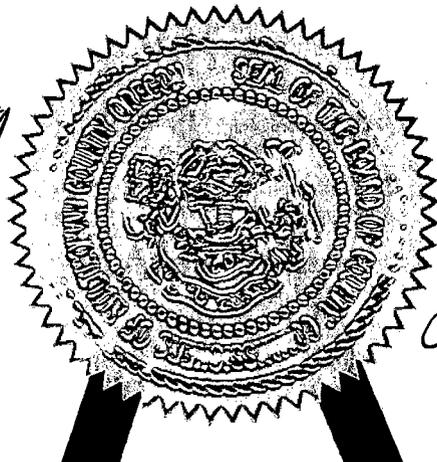
ADOPTED this 4th day of May, 2006.

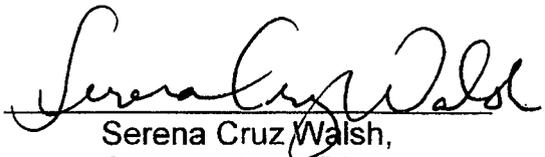
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

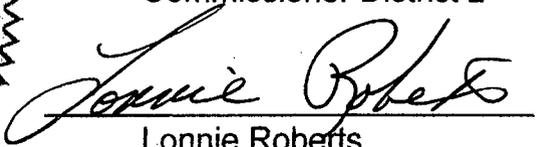
  
Diane M. Linn, County Chair

  
Maria Rocio de Steffey,  
Commissioner District 1

  
Lisa Naito,  
Commissioner District 3



  
Serena Cruz Walsh,  
Commissioner District 2

  
Lonnie Roberts,  
Commissioner District 4



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 05/04/06  
 Agenda Item #: R-2  
 Est. Start Time: 9:35 AM  
 Date Submitted: 04/26/06

**BUDGET MODIFICATION:**

**Agenda Title: PROCLAMATION Proclaiming May 12 and May 13, 2006 Poor People's Economic Human Rights Campaign Days in Multnomah County, Oregon**

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

**Date Requested:** May 4, 2006      **Time Requested:** 10 min  
**Department:** Non-Departmental      **Division:** Dist 2  
**Contact(s):** Tara Bowen-Biggs, Janet Hawkins  
**Phone:** 503-988-5219      **Ext.** 85219      **I/O Address:** 503/6  
**Presenter(s):** Commissioner Cruz Walsh, Janet Hawkins, invited others

**General Information**

**1. What action are you requesting from the Board?**

Through approval of the resolution, to express support for principles of the Poor People's Economic Human Campaign which is a network of grassroots organizations committed to abolishing poverty. They work to accomplish this mission by advancing the economic human rights as named in the Universal Declaration of Human Rights, such as the rights to food, housing, health, education, communication and a living wage job.

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

The local chapter of the Social Workers Action Alliance has organized an event to raise awareness of economic human rights. On May 12th and 13th 2006, Willie Baptist and Mary Bricker-Jenkins from the Poor People's Economic Human Rights Campaign will be in town to speak on Economic Human Rights and its role as an organizing platform for working with poor peoples movements. This event will present an opportunity for local human services workers to learn more about organizing around these issues. Through events such as this, Multnomah County citizens are encouraged to increase their awareness of human and economic rights and to support community efforts that address the needs of individuals and families living in poverty.

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

None

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

None

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

The event is being organized by the local chapter of the Social Workers Action Alliance with assistance from the Poverty Advisory Committee, a committee of the Commission on Children, Families and Community.

---

**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 4/26/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Proclaiming May 12 and May 13, 2006 Poor People's Economic Human Rights Campaign Days  
in Multnomah County, Oregon

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

- a. The United Nations Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, established standards for human rights in areas of employment, food access, health care, education, and housing.
- b. The Poor People's Economic Human Rights Campaign is a national movement committed to unite the poor across color and class lines as a leadership base for efforts to abolish poverty. The Campaign is based on the human and economic rights outlined in the Universal Declaration of Human Rights.
- c. The Poor People's Economic Human Rights Campaign leaders will visit Multnomah County on May 12 and May 13 at an event at Portland State University to promote economic rights issues.

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

1. May 12 and May 13, 2006 as Poor People's Economic Human Rights Campaign Days in Multnomah County, Oregon.
2. The Board of County Commissioners calls upon all county residents to increase their awareness of human and economic rights as well as support for community efforts that address the needs of individuals and families living in poverty.

ADOPTED this 4th day of May 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

\_\_\_\_\_  
Maria Rojo de Steffey,  
Commissioner District 1

\_\_\_\_\_  
Serena Cruz Walsh,  
Commissioner District 2

\_\_\_\_\_  
Lisa Naito,  
Commissioner District 3

\_\_\_\_\_  
Lonnie Roberts,  
Commissioner District 4

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 06-069**

Proclaiming May 12 and May 13, 2006 Poor People's Economic Human Rights Campaign Days in Multnomah County, Oregon

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

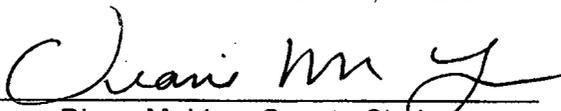
- a. The United Nations Universal Declaration of Human Rights, approved by the United Nations General Assembly in 1948, established standards for human rights in areas of employment, food access, health care, education, and housing.
- b. The Poor People's Economic Human Rights Campaign is a national movement committed to unite the poor across color and class lines as a leadership base for efforts to abolish poverty. The Campaign is based on the human and economic rights outlined in the Universal Declaration of Human Rights.
- c. The Poor People's Economic Human Rights Campaign leaders will visit Multnomah County on May 12 and May 13 at an event at Portland State University to promote economic rights issues.

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

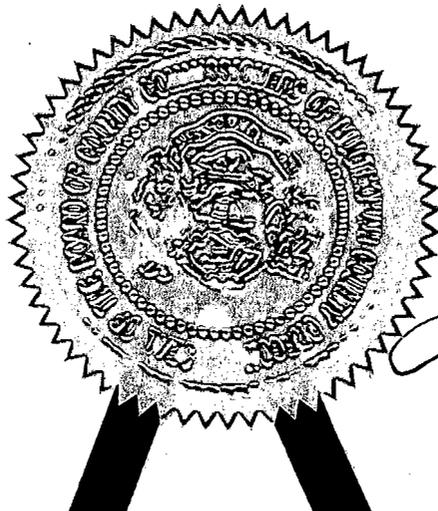
1. May 12 and May 13, 2006 as Poor People's Economic Human Rights Campaign Days in Multnomah County, Oregon.
2. The Board of County Commissioners calls upon all county residents to increase their awareness of human and economic rights as well as support for community efforts that address the needs of individuals and families living in poverty.

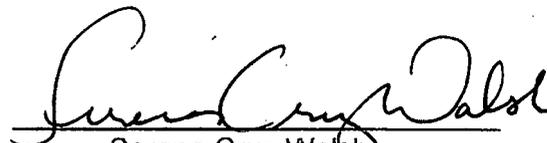
ADOPTED this 4th day of May 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

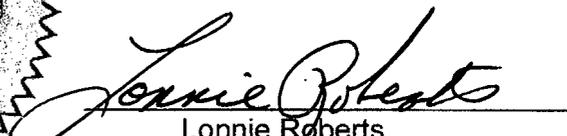
  
Diane M. Linn, County Chair

  
Maria Rijo de Steffey,  
Commissioner District 1



  
Serena Cruz Walsh,  
Commissioner District 2

  
Lisa Naito,  
Commissioner District 3

  
Lonnie Roberts,  
Commissioner District 4



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 05/04/06  
Agenda Item #: R-3  
Est. Start Time: 9:40 AM  
Date Submitted: 04/21/06

**BUDGET MODIFICATION:** -

**NOTICE OF INTENT to Apply for Weed and Seed Funding for the  
Agenda Title: Rockwood Neighborhood**

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Dept. of Community Justice</u>	<b>Division:</b>	<u>JSD</u>
<b>Contact(s):</b>	<u>Robb Freda-Cowie</u>		
<b>Phone:</b>	<u>503 988-5820</u>	<b>Ext.</b>	<u>85820</u>
<b>Presenter(s):</b>	<u>Shaun Coldwell</u>		
<b>I/O Address:</b>	<u>503 / 250</u>		

**General Information**

**1. What action are you requesting from the Board?**

Approval to apply for \$200,000 in renewed federal Weed and Seed (program offer 50067) funds to support crime and drug prevention activities in the Rockwood neighborhood. Funds are passed through the county to the Police Activities League of Portland.

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

Federal Weed and Seed Funds are passed through to the Police Activities League of Portland to fund crime prevention activities in the Rockwood neighborhood (see program offer 50067). Weed and Seed Funds are intended to help communities develop sound Weed and Seed strategies, implement an effective, coordinated program, and leverage additional Federal, State and local support to sustain the Weed and Seed program over the long term.

Weed and Seed is a comprehensive, multi-disciplinary approach to combating violent crime, drug use, and gang activity in high crime neighborhoods. The goal is to "weed out" violence and drug activity in high crime neighborhoods and then to "seed" the sites with a wide range of crime and

drug prevention programs, human service resources, and neighborhood restoration activities to prevent crime from reoccurring. The strategy emphasizes the importance of a coordinated approach, bringing together Federal, State and local government, the community, and the private sector to form a partnership to create a safe, drug-free environment.

In the Rockwood neighborhood, Weed and Seed funds are being used to contracting with the Gresham Police Department to deploy officers out on overtime detail within the Bike Patrol Unit, Community Policing Teams, and East Metro Gang Enforcement Team; supporting a full-time community liaison to coordinate these grassroots efforts. This liaison also supports the East County Caring Community, the Community Against Domestic Violence and the West Gresham Business Coalition; and contracting with the Police Activities League to provide a Safe Haven and positive activities and programs for the youth of west Gresham through an after school and summer programs.

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

This grant has minimal fiscal impact because funds are passed through to Portland Police Activities League.. The Department of Community Justice receives 3% of the awardaward to cover indirect and administrative costs.

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

N/A.

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

N/A.

# ATTACHMENT A

## Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?  
US Department of Justice, Office of Justice Programs.
- Specify grant requirements and goals.  
Weed and Seed is a comprehensive, multi-disciplinary approach to combating violent crime, drug use, and gang activity in high crime neighborhoods. The goal is to "weed out" violence and drug activity in high crime neighborhoods and then to "seed" the sites with a wide range of crime and drug prevention programs, human service resources, and neighborhood restoration activities to prevent crime from re-occurring. The strategy emphasizes the importance of a coordinated approach, bringing together Federal, State and local government, the community, and the private sector to form a partnership to create a safe, drug-free environment.
- Explain grant funding detail – is this a one time only or long term commitment?  
This is the fifth and final year of Weed and Seed funding.
- What are the estimated filing timelines?  
Proposals are due April 27, 2006.
- If a grant, what period does the grant cover?  
The grant covers the federal fiscal year (10/1/06 to 9/30/07).
- When the grant expires, what are funding plans?  
Weed and Seed funds are intended to help communities develop sound Weed and Seed strategies, implement an effective, coordinated program, and leverage additional Federal, State and local support to sustain the Weed and Seed program over the long term.

Weed and Seed funding applicants are required to identify other funding sources at a level five times the core grant award amount of \$175,000. By the end of the five-year funding eligibility period, leveraged funding should equal or exceed \$875,000.

Weed and Seed revenue is pass through funds to the individual neighborhood agencies and they will be formulating a strategy to address the loss of funding in future years.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
The grant does not allow for indirect costs. Each Weed and Seed grant allows up to 10% direct administrative costs of which 7% is allocated to the Weed and Seed site and 3% is allocated to the County.

**ATTACHMENT B**

**Required Signatures**

**Department/  
Agency Director:**

*Joanne Fuller*

**Date:** April 21, 2006

**Budget Analyst:**

*CEJ*

**Date:** 04/21/06

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 05/04/06  
Agenda Item #: R-4  
Est. Start Time: 9:45 AM  
Date Submitted: 04/10/06

**BUDGET MODIFICATION: DCHS - 15**

**Budget Modification DCHS-15 Appropriating \$150,000 of County General Fund Contingency for the Phase Out of the Synthetic Opiate Program in Mental Health and Addiction Services Per Fiscal Year 2006 Board Budget**

**Agenda Title: Note**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 mins</u>
<b>Department:</b> <u>Dept. of County Human Services</u>	<b>Division:</b> <u>Mental Health &amp; Addiction</u>
<b>Contact(s):</b> <u>Al Stickel</u>	
<b>Phone:</b> <u>988-3691</u> <b>Ext.</b> <u>84135</u>	<b>I/O Address:</b> <u>167/620</u>
<b>Presenter(s):</b> <u>Ray Hudson</u>	

**General Information**

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-15 which increases Addiction Service's Synthetic Opiate program (Program Offer 25039) appropriation by \$150,000 from CGF Contingency.

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

In the FY06 Budget Notes, the Board directed the Department of County Human Services (DCHS) to provide a plan to reduce the utilization of clients receiving methadone and to direct remaining resources from for-profit agencies to not-for-profit agencies. The Board placed \$150,000 in CGF Contingency until the Board had an opportunity to review DCHS's sunset proposal. The Board intends to phase out County General Fund for this program during FY 06.

On Oct. 19th Ray Hudson, Program Manager at DCHS and Kathleen Treb, Program Manager at DCJ, met with Commissioners Naito and Cruz and presented a plan to phase out the CGF portion of

the County's Methadone program. They answered questions about the planning, discussed that State funding would still be used in the Methadone programming, and discussed plans for an upcoming RFPQ for the methadone program that would help reshape how methadone services were being delivered in the county.

On March 23rd DCHS reported to the Board of County Commissioners an updated status report on the program offer and requested approval to forward a budget modification for the County General Funds. There are no General Fund resources requested for FY 2007 for synthetic opiate treatment in program offer #25080, which includes the methadone treatment program. Only State dollars are requested, which will support 60 treatment slots.

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

This modification increases Mental Health & Addiction Services Division County General Fund budget appropriation by \$150,000 for the Synthetic Opiate program.

Department Pass-Through expenses increase by \$150,000. County General Fund Contingency is decreased by a like amount.

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

Board FY 2006 Budget Note "Synthetic Opiate Program Sunset" directed the department to report to the Board with a plan to reduce the utilization of clients receiving treatment.

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

N/A

# ATTACHMENT A

## Budget Modification

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

- What revenue is being changed and why?  
Department of County Human Services County General Fund appropriation increases by \$150,000 per the FY 06 Board Budget Note. The sunset plan has been developed and approved by the Board.
- What budgets are increased/decreased?  
Mental Health & Addiction Service's Synthetic Opiate program (Program Offer 25039) increases by \$150,000. County General Fund Contingency decreases by \$150,000.
- What do the changes accomplish?  
Provides additional resources for Synthetic Opiate program to provide medication treatment for heroin addicts.
- Do any personnel actions result from this budget modification? Explain.  
No.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature?  
Yes.
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

## Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?  
The board budget note directed the department to provide a sunset plan to the Board before requesting the funds.
- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?  
None.
- Why are no other department/agency fund sources available?  
The intent of the board is to phase out these services during FY 06. The only other funds available for these services are State Mental Health A&D Continuum of Care (service element 66).
- Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

None

- Has this request been made before? When? What was the outcome?

No

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

**ATTACHMENT B**

**BUDGET MODIFICATION: DCHS - 15**

**Required Signatures**

**Department/  
Agency Director:**

*Ret Surface*

**Date:** 03/26/06

**Budget Analyst:**

*Michael D. Gaspin*

**Date:** 04/07/06

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

Budget Modification or Amendment ID: DCHS-15

### EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Program Offer	Cost Center	WBS Element						
1	20-80	1000	40	25039		ITAX.DCHS.MHAS.SYN OP	60160	230,588	380,588	150,000		Pass-Thru & Program Sup
2	19	1000	20		9500001000		60470		(150,000)	(150,000)		Contingency
3												
4												
5												
6												
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24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	<b>GRAND TOTAL</b>



**Department of County Management**  
**MULTNOMAH COUNTY OREGON**

Budget Office

501 SE Hawthorne Blvd., Suite 531  
Portland, Oregon 97214  
(503) 988-3312 phone  
(503) 988-5758 fax  
(503) 988-5170 TDD

TO: Board of County Commissioners  
FROM: Mike Jaspin, Principal Budget Analyst  
DATE: April 5, 2006  
SUBJECT: General Fund Contingency Request for \$150,000 for Synthetic Opiate Program Sunset (Budget Modification DCHS-15).

A \$150,000 General Fund Contingency request is being proposed to fund the remainder of the FY 2006 service commitments for the synthetic opiate program, whose General Fund support is being sunset. In particular, the Board adopted the following when adopting the FY 2006 Budget:

***Synthetic Opiate Program Sunset***

*The Board directs the departments of County Human Services (DCHS) and the Department of Community Justice (DCJ) to provide the Board with a plan to reduce the number of clients receiving methadone and directs the remaining resource for methadone from for-profit agencies to not-for-profit agencies. Of the \$400,000 budgeted for this program, the Board directs that \$150,000 be placed in contingency until the Board has an opportunity to review the plan proposed by the departments. It is the Board's intent that this program is phased out over the course of FY 2006.*

The Department of County Human Services has presented the plan to the Board, including a March 23, 2006 Board briefing. For your reference, there are no General Fund resources requested for FY 2007 for synthetic opiate treatment in program offer #25080, which includes the methadone treatment program. Only State dollars are requested, which will support 60 treatment slots.

**General Fund Contingency Policy Compliance**

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency. The request is consistent with County policy under criteria 1 and 3.

- Criteria 1 states contingency requests should be for one-time-only purposes. The request is consistent with criteria 1 as it is a one-time-only request and General Fund support will cease in FY 2007.

- Criteria 3 addresses items identified in Board Budget Notes. A request for \$150,000 was identified in the Board's Budget Notes, so the request is consistent under criteria 3.

As of April 5, 2006, the General Fund Contingency balance was \$15.6 million.



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-5 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 05/04/06  
Agenda Item #: R-5  
Est. Start Time: 9:47 AM  
Date Submitted: 04/05/06

### BUDGET MODIFICATION: DCHS - 26

**Budget Modification DCHS-26 Reclassifying Two Program Development Specialists to Program Development Specialist Seniors in the Developmental Disabilities Services Division, as Determined by the**  
**Agenda Title: Class/Comp Unit of Central Human Resources**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 mins</u>
<b>Department:</b> <u>Dept. of County Human Services</u>	<b>Division:</b> <u>Developmental Disabilities</u>
<b>Contact(s):</b> <u>Al Stickel</u>	
<b>Phone:</b> <u>503 988-3691</u> <b>Ext.</b> <u>84135</u>	<b>I/O Address:</b> <u>167/620</u>
<b>Presenter(s):</b> <u>Patrice Botsford/Jennifer Huntsman</u>	

### General Information

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-26 reclassifying two positions in Developmental Disabilities Division Program Offer # 25017 DD Basic Needs.

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

This modification reflects a Class/Comp decisions on two employee's reclassification requests. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Program Development Specialist Senior was the best fit for the positions.

One position is responsible for lead direction in adult foster care monitoring and overseeing any resulting plans of correction, representing Multnomah county in statewide Oregon Intervention System Steering Committee which recommends techniques and strategies for providing non-

aversive behavior support for clients, participating on State committee reviewing Statewide Licensing Reforms, and providing technical assistance and training for case managers related to adult foster care placement and specific behavior supports.

The other position is responsible for lead direction in the monitoring of residential services and overseeing any resulting plans of correction, coordinating interagency planning and development of service capacity expansion for high risk clients, representing Multnomah County in statewide planning and development efforts around implementation of new State rules on monitoring analysis of existing organizational procedures and developing process impact assessment.

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

For the current fiscal year, this reclassification in the Developmental Disabilities Basic Needs program is \$8,460, which is offset with salary savings. The pay scale for a Program Development Specialist is \$44,119 - \$54,246 and the pay scale for a Program Development Specialist Senior is \$52,618 - \$64,791. The estimated personnel increase due to the reclassification for FY 07 is \$8,968. Personnel costs will increase over time, as the pay scale for a Program Development Specialist Senior is significantly higher than a Program Development Specialist.

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

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

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

N/A

# ATTACHMENT A

## Budget Modification

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

- What revenue is being changed and why?  
N/A
- What budgets are increased/decreased?  
N/A
- What do the changes accomplish?  
Approval of a classification decision from Class/Comp initiated by the employees.
- Do any personnel actions result from this budget modification? Explain.  
Reclassification of two Program Development Specialists to Program Development Specialist Seniors in Developmental Disabilities Division, Basic Needs Program.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature?  
N/A
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

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

# ATTACHMENT B

BUDGET MODIFICATION: DCHS - 26

## Required Signatures

Department/  
Agency Director:

*Pat Surface*

Date: 03/30/06

Budget Analyst:

*Michael D. Gaspin*

Date: 04/05/06

Department HR:

*Janif Hart*

Date: 03/31/06

Countywide HR:

Date:

**ANNUALIZED PERSONNEL CHANGE**

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6021	63225	Prog Dev Spec	700987	(1.00)	(53,933)	(16,487)	(12,062)	(82,482)
20-50	6088	63225	Prog Dev Spec Senior	700987	1.00	58,403	17,855	12,330	88,588
20-50	6021	63225	Prog Dev Spec	711573	(1.00)	(52,127)	(15,935)	(11,954)	(80,016)
20-50	6088	63225	Prog Dev Spec Senior	711573	1.00	53,851	16,462	12,057	82,370
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL ANNUALIZED CHANGES</b>					<b>0.00</b>	<b>6,194</b>	<b>1,895</b>	<b>371</b>	<b>8,460</b>

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

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

effective 6/1/05

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	6021	63225	Prog Dev Spec	700987	(1.00)	(53,933)	(16,487)	(12,062)	(82,482)
20-50	6088	63225	Prog Dev Spec Senior	700987	1.00	58,403	17,855	12,330	88,588
20-50	6021	63225	Prog Dev Spec	711573	(1.00)	(52,127)	(15,935)	(11,954)	(80,016)
20-50	6088	63225	Prog Dev Spec Senior	711573	1.00	53,851	16,462	12,057	82,370
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL CURRENT FY CHANGES</b>					<b>0.00</b>	<b>6,194</b>	<b>1,895</b>	<b>371</b>	<b>8,460</b>



# MULTNOMAH COUNTY OREGON

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

MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD  
4<sup>TH</sup> FLOOR  
PO BOX 14700  
PORTLAND OR 97293-0700

PHONE (503) 988-5000  
FAX (503) 988-3048  
TDD (503) 988-5170

**TO:** Thomas Ochinero, Program Development Specialist  
**FROM:** Rosemary Young, Sr. Class/Comp Analyst  
**DATE:** January 30, 2006  
**RE:** Reclassification Decision

**DECISION:**

*Basic Needs*

*711573*

After reviewing the documents submitted with the reclass request package and the class specifications for Program Development Specialist and Program Development Specialist, Sr. it has been determined that (subject to Board approval) Position #~~1573~~ will be reclassified from Program Development Specialist – JCN: 6021, to Program Development Specialist, Sr. – JCN: 6088.

Under County Personnel Rule 5-50-030, the incumbent will be re-classified with the position. For at least one year, this position has been assigned and performing duties that are characteristic of the higher classification of Program Development Specialist, Sr.

**REVIEW OF CLASS SPECIFICATION:**

Program Development Specialist

The primary purpose of the Program Development Specialist is:

“To provide research, planning, design, development, implementation, monitoring, and evaluation of programs, projects or grants.”

Program Development Specialist, Sr.

The primary purpose of the Program Development Specialist, Sr. is:

“To provide organizational policy, procedure and program analysis, and planning and development at the department level; and, to coordinate interdivisional and interagency special projects.”

This position is responsible for a policy making program at the Department level. The program requires administration of interagency agreements. The position does work that distinguishes it from the Program Development Specialist. The best classification fit is Program Development Specialist, Sr.

Reclassification of Position:

The effective date of your reclassification is June 1, 2005, six months prior to the date that the request was received by the Human Resources Division. Your seniority date (time in class) is June 1, 2005, the effective date of the reclassification. Your step increase date will remain August 18.

Because this position is non-exempt, your salary level and merit increase date are determined by the Local 88 Collective Bargaining Agreement, (Article 15, IV, C). Your rate of pay as of June 1, 2005, will increase to \$24.47 per hour.

Date		Class/JCN	Pay Scale Group	Pay Rate	Pay Step	Union
06/01/05	Old	PDS - 6021	25	\$21.27	Step 6	Local 88
06/01/05	New	PDS/SR - 6088	31	\$24.47 ✓	Step 1	Local 88
08/18/05	Step Increase	PDS/SR	31	\$25.22 ✓	Step 2	Local 88
9/01/05	COLA	PDS/SR	31	25.98	<del>Step 3</del> Step 2	Local 88

If you have any questions, please feel free to contact me at x84182.

cc: AFSCME Local 88  
Pauline Reed  
Patrice Botsford  
Kim Pasquinelli  
File



# MULTNOMAH COUNTY OREGON

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

MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD  
4<sup>TH</sup> FLOOR  
PO BOX 14700  
PORTLAND OR 97293-0700

PHONE (503) 988-5000  
FAX (503) 988-3048  
TDD (503) 988-5170

**TO:** Aubrey Davis, Program Development Specialist  
**FROM:** Rosemary Young, Sr. Class/Comp Analyst  
**DATE:** January 30, 2006  
**RE:** Reclassification Decision

**DECISION:**

*DD Basic Needs*

After reviewing the documents submitted with the reclass request package and the class specifications for Program Development Specialist and Program Development Specialist, Sr. it has been determined that (subject to Board approval) Position #700987 should be reclassified from Program Development Specialist – JCN: 6021, to Program Development Specialist, Sr. – JCN: 6088.

Under County Personnel Rule 5-50-030, the incumbent will be re-classified with the position. For at least one year, this position has been assigned and performing duties that are characteristic of the higher classification of Program Development Specialist, Sr.

**REVIEW OF CLASS SPECIFICATION:**

**Program Development Specialist**

The primary purpose of the Program Development Specialist is:

“To provide research, planning, design, development, implementation, monitoring, and evaluation of programs, projects or grants.”

**Program Development Specialist, Sr.**

The primary purpose of the Program Development Specialist, Sr. is:

“To provide organizational policy, procedure and program analysis, and planning and development at the department level; and, to coordinate interdivisional and interagency special projects.

This position is responsible for a policy making program at the Department level. The program requires administration of interagency agreements. The position does work that distinguishes it from the Program Development Specialist. The best classification fit is Program Development Specialist, Sr.

**Reclassification of Position:**

The effective date of your reclassification is June 1, 2005, six months prior to the date that the request was received by the Human Resources Division. Your seniority date (time in class) is June 1, 2005, the effective date of the reclassification. Your step increase date will remain November 1.

Because this position is non-exempt, your salary level and merit increase date are determined by the Local 88 Collective Bargaining Agreement, (Article 15, IV, C). Your rate of pay as of June 1, 2005, will increase to ~~\$27.54~~ per hour.

26.74

Date		Class/JCN	Pay Scale Group	Pay Rate	Pay Step	Union
06/01/05	Reclass	PDS/Sr-6088 6021	31	<del>\$27.54</del> 26.74	4	Local 88
09/01/05	COLA	PDS/SR - 6088	31	<del>\$23.92</del> 27.54	4	Local 88
11/1/05	Step Increase	PDS/Sr- 6088	31	28.39	5	Local 88

If you have any questions, please feel free to contact me at x94185.

cc: AFSCME Local 88

Pauline Reed  
Patrice Botsford  
Kim PASQUINELLI  
File



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 05/04/06  
Agenda Item #: R-6  
Est. Start Time: 9:49 AM  
Date Submitted: 04/12/06

**BUDGET MODIFICATION: DCHS - 34**

**Budget Modification DCHS-34 Reclassifying a Program Manager Senior to Mental Health Director in the Mental Health and Addiction Services Division, as Determined by the Class/Comp Unit of Central Human**

**Agenda Title: Resources**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 mins</u>
<b>Department:</b> <u>Dept. of County Human Services</u>	<b>Division:</b> <u>Mental Health</u>
<b>Contact(s):</b> <u>Al Stickel</u>	
<b>Phone:</b> <u>503 988-3691</u> <b>Ext.</b> <u>84135</u>	<b>I/O Address:</b> <u>167/620</u>
<b>Presenter(s):</b> <u>Rex Surface/Jennifer Huntsman</u>	

**General Information**

**1. What action are you requesting from the Board?**

The Department of County Human Services recommends approval of budget modification DCHS-34 reclassifying a vacant position in Mental Health & Addiction Services Division Program Offer 25021.

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

This modification reflects a Class/Comp decision on a reclassification request. Class/Comp reviewed the submitted job duties and descriptions and agreed that a Mental Health Director was the best fit for the position.

This position is responsible for managing the publicly funded programs and services of the Mental Health and Addiction Services (MHAS) Division, which are delivered to the residents of Multnomah County. The position has been vacant for the last two years and during this time the

MHAS Division has gone through several major changes in clinical and business models and the new MHAS Director will be responsible for dealing with further changes due to funding cutbacks.

The largest MHO's in Oregon that contract for services are converting to fee-for-service models and utilizing third-party administrators to manage claims processing. This position will be responsible for converting the MHAS Division to this model and managing the risk. In addition, the State of Oregon Mental Health & Addiction Services Division is requiring the progressive development of an Evidence-Based Practice continuum and this position will ensure that MHAS programs meet this requirement.

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

For the current fiscal year, this reclassification in the Mental Health and Addiction Services Division Administration program is budget neutral. The pay scale for a Program Manager Senior is \$67,650 - \$104,423 and the pay scale for a Mental Health Director is \$90,212 - \$126,295. Personnel costs will increase over time, as the pay scale for a Mental Health Director is higher than a Program Manager Senior.

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

N/A

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

N/A

# ATTACHMENT A

## Budget Modification

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

- What revenue is being changed and why?  
N/A
- What budgets are increased/decreased?  
N/A
- What do the changes accomplish?  
Approval of a classification decision from Class/Comp.
- Do any personnel actions result from this budget modification? Explain.  
Reclassification of a Program Manager Senior to Mental Health Director in Mental Health & Addiction Services, Division Administration.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature?  
N/A
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

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

**ATTACHMENT B**

**BUDGET MODIFICATION: DCHS - 34**

**Required Signatures**

**Department/  
Agency Director:**

*Ret Surface*

**Date:** 04/10/06

**Budget Analyst:**

*Michael D. Gaspin*

**Date:** 04/11/06

**Department HR:**

*Jennifer*

**Date:** 04/07/06

**Countywide HR:**

**Date:**

**ANNUALIZED PERSONNEL CHANGE**

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-80	9362	63279	Prog Mgr Senior	709363	(1.00)	(98,616)	(27,179)	(14,743)	(140,538)
20-80	9744	63279	Mental Hlth Director	709363	1.00	98,616	27,179	14,743	140,538
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL ANNUALIZED CHANGES</b>					<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

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

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-80	9362	63279	Prog Mgr Senior	709363	(0.17)	(16,436)	(4,530)	(2,457)	(23,423)
20-80	9744	63279	Mental Hlth Director	709363	0.17	16,436	4,530	2,457	23,423
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL CURRENT FY CHANGES</b>					<b>0.00</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COUNTY  
MANAGEMENT  
HUMAN RESOURCES  
CLASS/COMP

MULTNOMAH BUILDING  
501 SE HAWTHORNE BLVD. 4<sup>TH</sup> Floor  
PORTLAND OR 97214

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

4.6.05

To: Rex Surface *via e mail*  
From: Leon Oswalt *Class/Comp*  
Subject: Classification Request #507

Based upon a management request for classification of a new position, received on 4/5/06, Class/Comp reviewed the presented job duties and descriptions, and the position classification documents. We have determined the position best fits within the MENTAL HEALTH DIRECTOR JCN: 9744 classification.

The position is classified, subject to any required Board of County Commissioners approval, under County Personnel Rule 5-50-030.

### Summary of Position's Purpose and Main Duties

*The Division manages the Oregon Health Plan's mental health service model for 55 thousand covered lives. The Division maintains approximately 150 contracts with providers, hospitals and allied agencies, such as school districts and the County courts. The Division also delivers some types of direct mental health and addictions services in addition to prevention and early childhood programs. The Mental Health and Addiction Services Director must ensure a strong foundation of fiscal, contract, information systems, and human resources for the Division. The purpose of this foundation is to support the contracted and direct service clinical models, which are developed and promulgated through the office of the Division's Chief Clinical Officer. The Mental Health and Addiction Services Director must attain objectives established by the Department of County Human Services for the Division, maintain a balanced budget and remain in compliance with state, federal and local statutes and rules governing the delivery of mental health and addictions services. The population receiving mental health and addiction services is highly diverse. The Mental Health and Addiction Services Director must be able to work closely with allied agencies, community organizations and the managers and staff of the Division itself in order to improve the cultural competency of the Division staff, providers and the mental health and addictions system in general. The Division has gone through two years of major change in clinical and business models and is now dealing with more change caused by funding cutbacks.*

The position has 4 direct reports.

**Proposed Class                      MENTAL HEALTH DIRECTOR**

Fit analysis for class.                      This position is a good match for the duties and responsibilities outlined in this classification.

If you have any questions, please feel free to contact me at extension 24422.

cc: Department HR Manager                      Huntsman  
File



MULTNOMAH COUNTY OREGON  
**Reclassification & Classification Request**

Requested by Supervisor Rex Surface (name)  New Position

Requested by Employee \_\_\_\_\_ (name)  Existing Position

POSITION INFORMATION			
DEPARTMENT	DCHS	WORK UNIT	Mental Health & Addiction Services
CURRENT CLASS	PROGRAM MANAGER SENIOR (9362)	POSITION NUMBER	00709363
PROPOSED CLASS	MENTAL HEALTH DIRECTOR (9744)	POSITION INCUMBENT	Vacant
PROPOSED EFFECTIVE DATE	MAY 1, 2006	TIME IN NEW CLASS DUTIES	

A reclassification review is an analysis of a position's duties and responsibilities to determine the best classification fit for that position. Positions are reviewed and allocated as they are established. Positions are reclassified or abolished when job duties change significantly.

**Allocation** - Placement of a position in the best available classification fit. The process is used with new positions, and with positions affected by classification compensation studies.

**Reclassification of a position** - A budgetary action moving an existing position (upward, laterally, or downward) from one classification to another classification.

**Reclassification of an employee** -Incumbent employees may be reclassified when a position is reclassified if:

- o The knowledge, skills, and abilities of the two classifications are generally the same.
- o The majority of the incumbent's duties were characteristic of the new classification at least six months before the date the reclassification was requested.
- o The duties justifying the reclassification were added to the position gradually, and were added because of identifiable changes in the business plan described in the budget narrative.
- o Reclassification may or may not have an immediate affect on pay, but will affect an employee's class seniority date. *(Please refer to the appropriate Personnel Rules and/or collective bargaining agreement language governing the process.)*

**A completed job description and organization chart must be submitted with this form.** All documents must have required signatures. The blank job description form can be found on the MINT, Depts., Human Resources, Forms, job description

**\*\* Questions regarding the reclassification process can be directed to Dave Bower x24827 or Leon Oswalt x24422 in Central Human Resources, Classification & Compensation.**

**EMPLOYEE SECTION** Describe why the position should be reclassified:

- o **If new duties and responsibilities were added to the position, what are they, and why were they added?**

- o **Date(s) the new duties and responsibilities were added:** \_\_\_\_\_

EMPLOYEE SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

*Employee's signature indicates that the employee has reviewed the presented above, and represents that facts presented are  accurate,  inaccurate or incomplete.*

**SUPERVISOR SECTION**

*(To be completed by the exempt supervisor.)*

1. Describe what change in plans or business requirements require the position to be reclassified:

This position has been vacant for almost 2 years. During that time the MHAS (Mental Health & Addiction Services) Division has gone through major changes in clinical and business models and a new MHAS Director will be responsible for dealing with further changes due to funding cutbacks. The largest MHO's in Oregon that contract for services are converting to fee-for-service models utilizing third-party administrators to manage claims processing, and this position will be responsible for converting the MHAS Division to this model as well. In addition, the State of Oregon Mental Health & Addiction Services Division is requiring the progressive development of an Evidence-Based Practice continuum in all of its funded services, which means that this position will be responsible for moving the County's program to this model as well.

2. If new duties and responsibilities were added to the position, what are they, and why were they added?

N/A

3. Were all employees offered the opportunity to assume the new duties? If not, why?

N/A

4. Date(s) the new duties and responsibilities were added: \_\_\_\_\_  
5. How does the incumbent meet the minimum qualifications outlined in the class specification of the requested class?

N/A

Supervisor: Rex Surface, Interim DCITS Director 4-5-06  
(PRINT) Name, Title Date

Supervisor Rex Surface  
Signature

Supervisor's signature indicates that the request was reviewed and the facts presented above are  accurate or  inaccurate or incomplete.

Department HR Analyst Jim Hunt HR Manager 4-5-06  
Signature, Title Date

HR Analyst signature indicates that the request was reviewed and the facts presented above are  accurate and complete, or a  Desk Audit is requested.

HR Comments:

**Management must forward employee requests within 15 days of receipt.**

Send Request form, and signed position description to Central Human Resources Classification/Compensation.

Attn: Carol Summer Human Resources  
Classification/Compensation Unit

Mail code: 503/4  
Fax: 503-988-6257

For questions, please call: 503-988-5015 x24827 or x24422

## MULTNOMAH COUNTY JOB DESCRIPTION

### SECTION 1. POSITION INFORMATION

<b>Date:</b>	04-05-06		
<b>Department Name:</b>	Department of County Human Services (DCHS)	<b>Division Name:</b>	Mental Health Addiction Services Division
<b>Current Job Class Title:</b>	Mental Health Director (proposed)	<b>Class Code:</b>	9744
<b>Working title:</b> (if different than above)	Mental Health and Addiction Services Director	<b>Position #:</b>	00709363
<b>Employee Name:</b>		<b>Phone Number:</b>	
<b>Supervisor Name/Title:</b>	Director, DCHS (Interim – Rex Surface)	<b>Phone Number:</b>	(503) 988-3658 x26353

### SECTION 2. PURPOSE OF POSITION

Briefly summarize the overall purpose of this position:

The Mental Health and Addiction Services Director is responsible for managing the publicly funded programs and services of the Mental Health and Addiction Services Division which are delivered to the residents of Multnomah County.

The Division manages the Oregon Health Plan's mental health service model for 55 thousand covered lives. The Division maintains approximately 150 contracts with providers, hospitals and allied agencies, such as school districts and the County courts. The Division also delivers some types of direct mental health and addictions services in addition to prevention and early childhood programs.

The Mental Health and Addiction Services Director must ensure a strong foundation of fiscal, contract, information systems, and human resources for the Division. The purpose of this foundation is to support the contracted and direct service clinical models, which are developed and promulgated through the office of the Division's Chief Clinical Officer.

The Mental Health and Addiction Services Director must attain objectives established by the Department of County Human Services for the Division, maintain a balanced budget and remain in compliance with state, federal and local statutes and rules governing the delivery of mental health and addictions services.

The population receiving mental health and addiction services is highly diverse. The Mental Health and Addiction Services Director must be able to work closely with allied agencies, community organizations and the managers and staff of the Division itself in order to improve the cultural competency of the Division staff, providers and the mental health and addictions system in general.

The Division has gone through two years of major change in clinical and business models and is now dealing with more change caused by funding cutbacks. The Mental Health and Addiction Services Director will have direct responsibility for the development and promotion of a new/renewed sense of mission and collaborative effort.

This is an executive level position. The ideal candidate will have a proven track record of personal leadership in an environment of ongoing change and the continuous improvement of organizational efficiency. Minimum qualifications include ten years of progressively responsible professional experience involving both a clinical and business background and at least five years of management experience in a similarly complex organization.

Qualifications include:

- Current understanding or the demonstrated capability to quickly learn and apply local, state and county administrative and human resource rules.
- Extensive experience with health care management accounting and financial modeling methods, information management systems and contracts management.
- Proven leadership in the advancement of diversity in staff development within government/union environment.
- Experience operationalizing very complex clinical models for both mental health and addictions programs.
- Executive team experience.

**SECTION 3. DESCRIPTION OF JOB DUTIES - IMPORTANT AND ESSENTIAL FUNCTIONS**

1. Jobs generally consist of four to six major functions that are directly related to the purpose of the position. These major functions should be listed below, along with the tasks that are performed. Functions will be sets of tasks that generally take 10% or more of the job. List the major functions with the corresponding percentage of time.

**% Of Time    ESSENTIAL JOB FUNCTIONS - directly related to the reason that the job exists**

<b>20 %</b>	<p><b>FUNCTION 1:</b></p> <p>Develops and implements policy in response to County mental health and addictions service needs; establishes goals and objectives and supervises the preparation of the Division's annual program plan; ensures provision of services is in compliance with Federal and State and County statutes, rules and regulations.</p>
<b>20 %</b>	<p><b>FUNCTION 2:</b></p> <p>Hires and directs Division management staff; prepares performance evaluations; recommends and administers progressive discipline; conducts and/or facilitates staff training and development programs; promotes cooperative team efforts among staff, other Divisions within the Department and with other County departments.</p>
<b>15 %</b>	<p><b>FUNCTION 3:</b></p> <p>Participates in local, regional and state organizations, commissions, task forces and community advisory groups to promote and coordinate mental health and addiction services; represents the County in drafting, introducing, advocating and testifying on mental health-related legislation; promotes citizen involvement in setting priorities, assessing needs and reviewing policies and program operations.</p>
<b>15 %</b>	<p><b>FUNCTION 4:</b></p> <p>Provides administrative direction to staff members in program planning and development, establishes risk management protocols for the County's managed care organization and handles sensitive issues that could subject the County to significant liability.</p>

10 %	<p><b>FUNCTION 5:</b></p> <p>Oversees the development of annual and supplemental budgets; presents budget proposals to department head and County budget committee; oversees the monitoring of revenues and expenditures; assists in developing funding sources which includes preparing and/or approving grant proposals.</p>
10 %	<p><b>FUNCTION 6:</b></p> <p>Serves as member of the Department's leadership team; works with the Department Director to respond to directives from elected officials. Manages all functions of the Division toward the goal of enacting, enforcing and improving the clinical model.</p>
10 %	Other duties as assigned:
100 %	Total

**SECTION 4. REQUIRED KNOWLEDGE AND SKILLS**

Comprehensive knowledge of: Principles of community mental health; State of Oregon legislative process; State of Oregon Mental Health Division Administrative Rules, Children's Services Division regulations and client process monitoring systems; County budget law; research methodologies and techniques of data collection and statistical analysis; principles and practices of public administration, personnel management, organizational processes and design, budget and grant preparation and administration, and management information systems; participative management theories; contracting procedures and monitoring; budget management of at least \$50 million annually; and oversight responsibility for at least 300 staff and managers.

Thorough knowledge of: Principles and practices of psychological and psychiatric treatment; treatment modalities for severely and chronically mentally ill, emotionally disturbed and alcohol and/or drug abusers; grounding in County's adoption for the System of Care For Families, specialized training and support services for chronically mentally ill children and adults.

High Level of Skill to: Communicate effectively, both orally and in writing; prepare and deliver oral presentations to public and private groups; develop and implement clinical and administrative policies; prepare and justify budget requests and grant proposals; interpret and apply pertinent Federal, State and local statutes, rules and regulations; organize, direct, train, evaluate and discipline supervisory, professional and technical staff providing mental health services; direct staff in continuous efforts to improve quality productivity and effectiveness; incorporate team participation in decision making; respond to changes desired by citizens and County staff; establish and maintain cooperative working relationships with elected officials, government agencies, community groups and the public.

**OTHER REQUIREMENTS**

Designation as a "Qualified Mental Health Professional" or a waiver as established by the State of Oregon Mental Health Division.

Possession of a valid driver's license or an acceptable alternative method of transportation.

---

## SECTION 5. WORK CONTACTS

With whom (outside of coworkers) will this incumbent regularly come in contact?

<u>Who Contacted</u>	<u>How</u>	<u>Purpose</u>	<u>How Often?</u>
County Elected Officials and their staff Portland City and County Township Administrators, Program Contractors Advocates and Advocacy Groups, Leaders of ethnic and language minority groups Union Managers and Stewards, Local allied agency and stakeholder groups, County Department Administrators,	For All: Meetings, phone calls, faxes, and emails	Program Planning/Community Building Program Planning/Community Building	Frequent

---

## SECTION 6. JOB-RELATED DECISION MAKING

Please provide examples of the kinds of decisions likely to be made by this position. Indicate the impact of the decisions.

Decisions will be made that affect the community, systems of care, Consumers, provider network, and Multnomah County employees. Decisions to hire, fire and assign staff. Decisions on how to implement the clinical model. Decisions on how to best meet the mental health and addiction services needs of the clients, while partnering with community providers and County stakeholders and ensuring compliance with legal mandates. All decisions are critical to ensuring that the County's mental health and addiction services needs are met.

---

## SECTION 7. REVIEW OF WORK

Who reviews the work of this position? (List name and job title.) How? How often? Purpose of the review?

Interim Director Rex Surface

---

## SECTION 8. – SUPERVISORY DUTIES

List the positions and number of current incumbents this person will supervise.

<u>Classification –</u>	<u># Of positions</u>
EMS Medical Director	1
<u>Classification –</u>	<u># Of positions</u>

Clinical Ops Director (PM Snr)	1
<b>Classification</b>	<b># Of positions</b>
Quality Management Director (PM 2)	1
<b>Classification</b>	<b># Of positions</b>
Business Ops Director (PM 1)	1

For positions you supervise, please clarify your level of responsibility for the following decisions. Check the appropriate boxes.

Function	RESPONSIBILITY LEVEL - see above instructions			
	Take the Action/ Inform Supr.	Effectively Recommend	Provide input	N/A
Hire/Promote/Transfer	X			
Discharge/Suspend	X			
Employee Discipline	X			
Pay Increase Approval	X			
Overtime / Leave Approval	X			
Written Performance Appraisal	X			

## SECTION 9. – PHYSICAL FACTORS

Check the box that best describes the overall amount of physical effort typically required by your job. Double-click the appropriate gray box, then change the Default Value to "Checked"

**Standard** – Normally seated, standing or walking at will; normal physical ability to do some bending and light carrying.

**Restricted/Mobile** – Confined to immediate work area; can only leave workstation during assigned breaks.

**Exertive** – Extensive walking, recurring bending, crouching, stooping, stretching, reaching or similar activities; recurring lifting of light or moderately heavy items.

**Strenuous** – Considerable and rapid physical exertion or demands on the body such as frequent climbing of tall ladders, continuous lifting of heavy objects, crouching or crawling in restricted areas; exertion requires highly intense muscular action leading to substantial muscular exhaustion.

Please identify each appropriate **physical activity** required in the performance of this job and indicate the relative code (see below) for each activity. Enter "N/A" in column I if you are not required to perform the respective activity.

Frequency Codes:	I = Infrequent (less than 10%)	M = Moderate, Average (25% - 50%)
	S = Seldom, Minimal (10% - 25%)	A = Almost Always (more than 50%)

Condition	Relative Frequency			
	I	S	M	A
Heavy lifting/carrying, 45 lbs. & over	X			
Moderate lifting/carrying, 15-45 lbs.	X			
Light lifting/carrying, under 15 lbs.		X		
Pulling/Pushing	X			
Reaching/Working Overhead	X			
Use of fingers				X

Condition	Relative Frequency			
	I	S	M	A
Both hands required			X	
Walking			X	
Running	X			
Standing			X	
Sitting			X	
Crawling/Crouching	X			
Kneeling	X			
Repeated bending	X			
Climbing	X			
Operating of motorized equipment	X			
Ability to discharge firearms	X			
Speech				X
Visual requirements			X	
- Near vision, 20 inches or less			X	
- Mid-range, more than 20 inches/less than 20 ft			X	
- Distance, 20 feet or more			X	
- Color, ability to identify and distinguish colors		X		
- Depth Perception		X		
Repetitive motions			X	
Exposure to toxic / caustic chemicals (such as inks, exhausts fumes, dyes, pesticides)	X			
Exposure to excessive dust / mold / mildew	X			
Exposure to excessive heat / cold	X			
Exposure to excessive noise levels	X			
Special Factors not listed: <i>(Please specify)</i>				

## SECTION 10. – WORKING CONDITIONS

This position will be required to:

Frequency Codes:	I = Infrequent (less than 10%)	M = Moderate, Average (25% - 50%)
	S = Seldom, Minimal (10% - 25%)	A = Almost Always (more than 50%)

Condition	Relative Frequency			
	I	S	M	A
Overtime – N/A				
Work different shifts – N/A				
Work Weekends		X		
Travel			X	

**SIGNATURE PAGE**

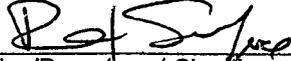
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Employee Signature

Date

Supervisor Signature

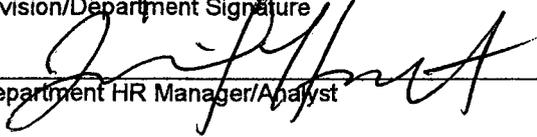
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April 5, 2006

Division/Department Signature

Date

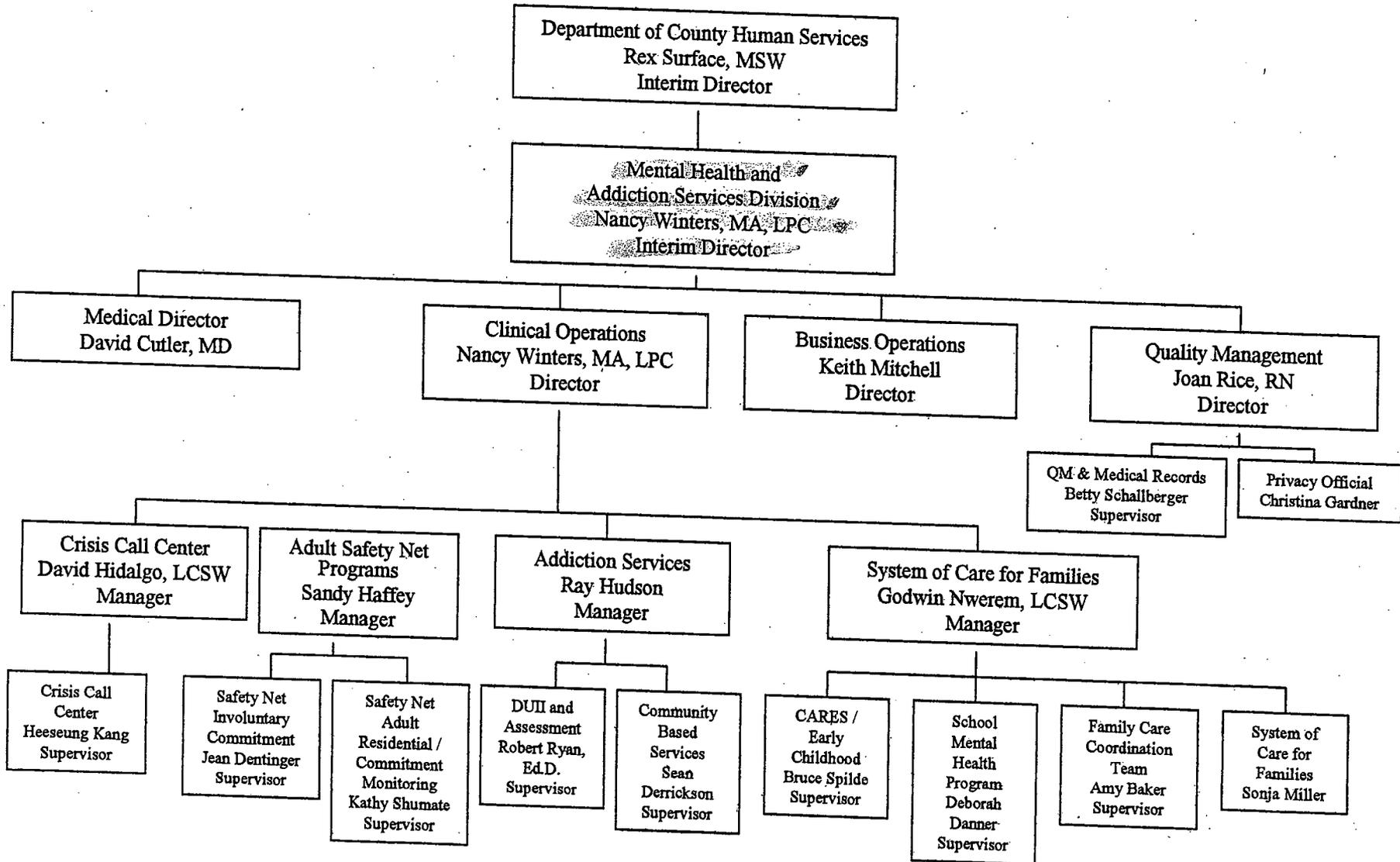


4-5-06

Department HR Manager/Analyst

Date

# Mental Health and Addiction Services Division Organizational Structure





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-7 DATE 05-04-06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 05/04/06  
Agenda Item #: R-7  
Est. Start Time: 9:52 AM  
Date Submitted: 04/11/06

### BUDGET MODIFICATION: -

**Agenda Title:** NOTICE OF INTENT to Apply for a \$5,000 National Endowment for the Humanities Grant for Archival Supplies

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>County Management</u>	<b>Division:</b>	<u>FREDS/Records</u>
<b>Contact(s):</b>	<u>Terry Baxter</u>		
<b>Phone:</b>	<u>503.988.3741</u>	<b>Ext.:</b>	<u>83741</u>
		<b>I/O Address:</b>	<u>425</u>
<b>Presenter(s):</b>	<u>Dwight Wallis</u>		

### General Information

**1. What action are you requesting from the Board?**

The department is requesting approval to apply for a grant from the National Endowment for the Humanities (NEH). The grant application is due by May 15, 2005.

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

NEH provides funding for small humanities collection preservation needs. The program is requesting funding for archival supplies to continue its preservation plan for the county's archival records.

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

If received, the grant would be for \$5000 for the 2006-2007 fiscal year. If the application is approved by the NEH then a budget modification will be brought to the Board for adding the grant to next year's budget.

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

none

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

none

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**  
National Endowment for the Humanities
- **Specify grant (matching, reporting and other) requirements and goals.**  
The grant requires that the money be spent for items specified in the grant narrative (preservation supplies) and that reporting occur at the conclusion of the grant project period.
- **Explain grant funding detail – is this a one time only or long term commitment?**  
This is one time funding.
- **What are the estimated filing timelines?**  
The grant application must be received at NEH by May 15<sup>th</sup>. The final report is due within 90 days of the end of the grant project
- **If a grant, what period does the grant cover?**  
January 2007 - July 2008
- **When the grant expires, what are funding plans?**  
The grant can be reapplied for every other cycle. We'll probably look to reapply in 2008.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
From reductions in other budgeted expenses.

**ATTACHMENT B**

**BUDGET MODIFICATION:**

**Required Signatures**

**Department/  
Agency Director:**

*David A. Boyer*

**Date:** 04/11/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-8 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

**Meeting Date:** 05/04/06  
**Agenda Item #:** R-8  
**Est. Start Time:** 9:54 AM  
**Date Submitted:** 04/12/06

### PROJECT REALLOCATION: FPM-07

**Agenda Title:** **Reallocation of Facilities Capital Project Funds FPM-07, Multnomah County  
Justice Center Chiller #1 Upgrade Project**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 min</u>
<b>Department:</b> <u>Business and Community Services</u>	<b>Division:</b> <u>Facilities &amp; Property Mng.</u>
<b>Contact(s):</b> <u>John Lindenthal, Gail Hochhalter</u>	
<b>Phone:</b> <u>503 988 4213</u> <b>Ext.</b> <u>94213</u>	<b>I/O Address:</b> <u>274</u>
<b>Presenter(s):</b> <u>John Lindenthal, Gail Hochhalter</u>	

### General Information

**1. What action are you requesting from the Board?**

Requested action is to approve an increase in project authorization by \$65,000 for this project (CP08.04.23). Budget authorized in FY06 is \$840,213. Revised project authorization will be \$905,203 with this action.

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

The Board included the following Budget Note in the FY05 Adopted Budget: "No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15, created to implement this process.

The Justice Center Chiller #1 Upgrade project requires additional funding of \$65,000 due to the following circumstances required to upgrade the chiller plant:

- 1) The successful bid was approximately \$37,000 more than the original estimate which reduced available contingency funds.
- 2) During the course of the project, it was determined that the power feed to the new electrical sub panel required a power shutdown to the building due to lack of clearance. This condition was not apparent during the design. An attempt to avoid a shutdown by alternative means failed and de-energization of the 2500 Ampere bus duct supplying power to floors 1 and 9 through 16 was the only option. The City of Portland Police requires power shutdowns occur after midnight on Saturday only.
- 3) The chiller manufacturer and local representative are requiring additional controls and safeties to guarantee that the chillers maintain consistent operation. The costs for additional engineering and control devices, commissioning of the controls, and additional construction administration related to the control and safety requirements were not anticipated during the budget process.

The cost incurred to the project related to power issues and additional control devices and engineering is approximately \$65,000.

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

Overall fund balance remains the same. \$65,000 in funds allocated for the completed Justice Center Terminal Retrofit project (CP08.68.03A) will be transferred to this project.

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

None

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

None

# ATTACHMENT A

## Budget Modification

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

- What revenue is being changed and why?  
N/A
- What budgets are increased/decreased?  
No budget change except at project level
- What do the changes accomplish?
  
- Do any personnel actions result from this budget modification? Explain.  
No
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?  
N/A
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

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

**ATTACHMENT B**

**PROJECT REALLOCATION: FPM-07**

**Required Signatures**

**Facilities &  
Property  
Management  
Director:**



**Date: 04/11/06**

**Chief Financial  
Officer:**



**Date: 04/11/06**

**Budget Director:**



**Date: 04/11/06**

Project Reallocation Bud Mod: FPM06\_07

**EXPENDITURES & REVENUES**

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1											
2	72-50	2507			CP08.04.23	60530	840,403	905,403	65,000		Justice Center Chiller
3	72-50	2507			CP08.68.03A	60530	183,638	118,638	(65,000)		Justice Center Terminal Units
4								0			
5											
6											
7											
8											
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									0	0	GRAND TOTAL



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 05/04/06  
 Agenda Item #: R-9  
 Est. Start Time: 9:55 AM  
 Date Submitted: 04/26/06

**BUDGET MODIFICATION:** -

<b>Agenda Title:</b>	<b>Briefing on the Penumbra Kelly Building Disposition Recommendation Pursuant to Board Resolution 06-010, Surplus Property Declaration</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date</b>	May 4, 2006	<b>Time</b>	10 minutes
<b>Requested:</b>		<b>Requested:</b>	
<b>Department:</b>	Non-Departmental	<b>Division:</b>	Chair's Office
<b>Contact(s):</b>	Diane Linn		
<b>Phone:</b>	(503) 988-3308	<b>Ext.</b>	83308
		<b>I/O Address:</b>	503/600
<b>Presenter(s):</b>	Doug Butler, Director, Facilities and Property Management Division		

**General Information**

**1. What action are you requesting from the Board?**

No Board Action is requested. Informational only.

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

The Multnomah County Board of Commissioners, by Resolution Number 06-010, dated January 19, 2006, declared this property surplus. This briefing and accompanying report meet the requirements of the County's Surplus Property Policy process. The surplus property declaration anticipated moving Information Technology (IT) functions and staff located at the Penumbra Kelly Building. In declaring this property surplus, the Board directed Facilities, in conjunction with IT, to also prepare and present to the Board, a combined Preliminary Planning Proposal, Project Proposal and Project Plan for relocation of ISD from the Penumbra Kelly Building to other County facilities. As a result of the feasibility analysis and funding issues, no Board action is being recommended at this time. Therefore, a combined Preliminary Planning Proposal, Project Proposal and Project Plan are not presented at this time. A summary of the feasibility analysis is incorporated in the briefing report.

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

none

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

none

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

Public outreach was longer and more involved than required by County policy. The effort was lead by District 3 Commissioner Lisa Naito's participation in neighborhood association meetings in December 2005 and the Southeast Precinct Public Safety Forum in January 2006.

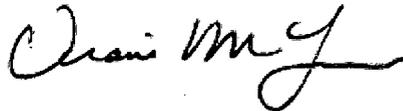
The staff outreach process was multi-channeled. It included posting of lawn signs on the property immediately after the surplus declaration. Newspaper display ads were run in The Oregonian Metro Section for three consecutive weeks. An e-mail distribution to over 500 members of the metropolitan real estate community was completed using the subscriber service, Vertical E-mail. The Multnomah County Surplus Property website, which has been featured in Disposition efforts over the last year, was continuously updated.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 04/26/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

# Penumbra Kelly Building Disposition Recommendation

May 4, 2006



**MULTNOMAH COUNTY OREGON**

## Contact Information:

Doug Butler, Director  
Facilities and Property Management Division  
503-988-6294

## **Surplus Property Policy Overview and Status**

On December 12, 2004, the Multnomah County Board of Commissioners adopted Resolution Number 04-185, creating a Surplus Property Policy for declaring real property owned by Multnomah County as surplus. Per this resolution, if the Director of Facilities and Property Management determines that a property is no longer required for County use, the Director will submit a recommendation to the Board to declare the property surplus. If the Board approves the recommendation, the Director commences a public comment and notification process for a minimum of 45 days. The Surplus Property Policy requires posting of signage and publishing of newspaper advertisements for not less than 45 days declaring the property surplus and seeking public comment. Following this public comment period, the Director has 45 days to prepare a report to the Board detailing the Director's compliance with the Surplus Property Policy, describing public comment received and recommending a course of action. This report has been prepared for this purpose.

The Multnomah County Board of Commissioners, by Resolution Number 06-010, dated January 19, 2006, declared this property surplus. The surplus property declaration anticipated moving Information Technology (IT) functions and staff located at the Penumbra Kelly Building. In declaring this property surplus, the Board also directed Facilities, in conjunction with IT, to prepare and present to the Board, a combined Preliminary Planning Proposal, Project Proposal and Project Plan for relocation of IT from the Penumbra Kelly Building to other County facilities. As a result of the feasibility analysis and funding issues, no Board action is being recommended at this time. Therefore, a combined Preliminary Planning Proposal, Project Proposal and Project Plan are not presented at this time. A summary of the feasibility analysis is incorporated in this report.

Immediately following adoption of this Resolution, Multnomah County Facilities sought input as to the future of this property. Interested parties were invited to express interest in the property and any proposals for disposition. Public Comment was due by Monday, March 20, 2006, 4:00 p.m. A summary of comments and proposals is included in this document; the full text of public comment is contained in an Appendix. Per the Surplus Property Policy, Facilities and Property Management published a Notice in The Oregonian on April 20, April 27, and May 4, announcing the briefing on May 4, 2006.

## **Property Report**

### **History:**

The property at 4747 East Burnside was developed as a Safeway supermarket in 1955. As part of the development, Safeway leased for a fifty-year term a 9,500 square foot ground parcel upon which part of the parking deck was constructed. In June 1971, Multnomah County purchased the property from Safeway for \$350,000, including an assignment of the 50-year ground lease. In 1982, Multnomah County and the City of Portland entered into a perpetual lease at the property. Portland occupies 54.3% of the property for their Southeast Precinct and Multnomah County occupies 45.7% of the property for IT operations. The City has a right of first refusal

on any disposition of the building. In addition, in the event the building is sold, the City is entitled to 54.3% of the proceeds.

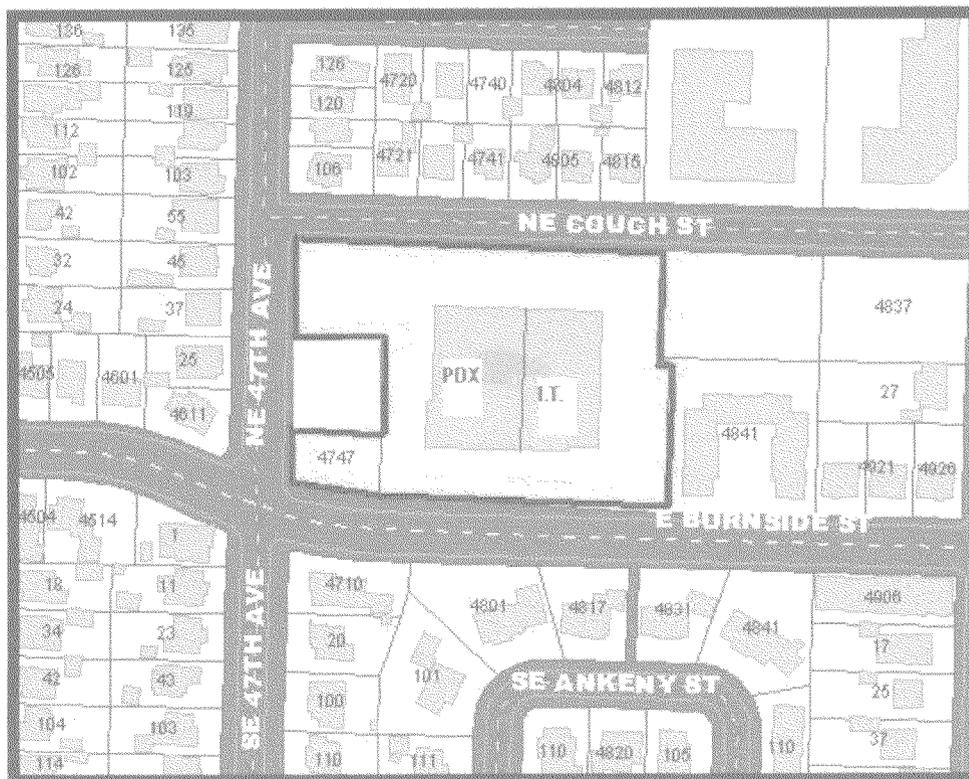
In April 2005, the ground lease expired. Under the terms of our lease, the City of Portland was responsible for securing the ground lease. Having failed to do so, Multnomah County made an offer of \$235,000 for the parcel. The offer was declined. In December 2005, the ground lease was sold for approximately \$265,000, and in January 2006, all City parking ceased on the parcel. Multnomah County has had discussions with the new owner on long-term plans and is in the process of scheduling a meeting among the City, County and new owner.

**Building:**

The building is a 1-story with basement, concrete masonry block building with approximately 36,000 square feet of useable area, including the basement. Gross square footage approximates 38,000 feet. The building was upgraded and seismically retrofitted in 1997. The physical condition of the building was observed to be in "good condition" by an appraiser. It was appraised at \$4,280,000 in October 2005. Under the County's classification system, the building is rated as, "Tier 3--Maintain Functionality", with a priority list of deferred maintenance projects.

**Property:**

The building sits on two tax lots of 2.2 acres, or 95,832 square feet. It is located at a signaled intersection on Burnside at SE 47<sup>th</sup>. The map below indicates the location of the property and the former ground lease.



**Ownership Status:**

Title for this surplus property is vested in Multnomah County, a political subdivision of the State of Oregon. The property description follows:

Address:	4747 E Burnside Street
Property ID#:	R319271; R319362
Legal:	Section 31 1 N 2 E, TL 9400 (R319271), TL9600 (R319362)

Planning Information

Zone:	Neighborhood Commercial 2 (CN2) Map 3035
Overlay:	n/a
Comprehensive Plan:	Neighborhood Commercial (NC)
Plan District:	n/a
Conservation District:	n/a

Property Information

Lot Area:	Acres = 2.2	Sq. Ft. = 95,832
Improvements:	<ul style="list-style-type: none"> <li>• Built in 1959; Acquired in 1971 for \$350,000</li> <li>• 1 Story with basement</li> <li>• approx. 220 Deck parking spaces</li> <li>• 2005 Assessed Value: \$4,756,400</li> </ul>	
Services:	All urban services are available	

Community Contacts

Neighborhood Association:	Center & Mt. Tabor Neighborhood Associations
Business Association:	East Burnside Business Association
Portland District Planner:	<a href="mailto:JSugnet@ci.portland.or.us">JSugnet@ci.portland.or.us</a> , Jay Sugnet 503-823-5869

**Public Comment:**

Formal public comment was limited to three comments (attached). A real estate broker indicated a possible buyer. A real estate developer indicated a possible interest should the building be offered on the market. A citizen activist indicated strong opposition to the precinct moving. In addition, the citizen expressed concern about public notice and access to public records. Staff has invested considerable time in working with this citizen in explaining the process and has offered access to the lease files at their convenience. Public outreach was longer and more involved than required by County policy. The effort was lead by District 3 Commissioner Lisa Naito's participation in neighborhood association meetings in December 2005 and the Southeast Precinct Public Safety Forum in January 2006. In all of these venues,

the overwhelming citizen comment was that the precinct should stay in its current location.

The staff outreach process was multi-channelled. It included posting of lawn signs on the property immediately after the surplus declaration. Newspaper display ads were run in The Oregonian Metro Section for three consecutive weeks. An e-mail distribution to over 500 members of the metropolitan real estate community was completed using the subscriber service, Vertical E-mail. The Multnomah County Surplus Property website, which has been featured in Disposition efforts over the last year, was continuously updated.

#### **IT Operations Relocation:**

The Board established a policy for Major Facilities Capital Projects by adoption of Resolution No. 02-136 dated October 17, 2002. Administrative Procedure, FAC-1, establishing the comprehensive process for planning, authorization and construction of Major Facilities Capital Projects directed by Resolution No. 02-136. A Major Facilities Capital Project is a project with a total capital budget greater than \$1,000,000. IT and Facilities conducted a feasibility study from July 2005 to March 2006, investigating the opportunity to relocate all IT operations out of the Kelly Building during FY07. A preliminary study of the nine most likely County buildings resulted in a finding that only the Multnomah Building could accommodate IT. The study then focused in detail on requirements for IT staff and the County Data Center to occupy the Multnomah Building.

Due to the Data Center operation, there were many technical challenges to address. In addition, space utilization solutions included use of all vacant space at Multnomah, plus substantial rearrangement and reconstruction of existing spaces, especially on the 4<sup>th</sup> floor. Staff teams for the study were augmented by a contract team of architects, engineers, and estimators. The study detailed various engineering systems requirements, as well as schematic layout plans, cost estimates, and a project schedule.

#### **Key findings:**

1. It is possible to accommodate all of IT's Kelly operations at Multnomah Building.
2. Implementation would take about 14 months, including 10 months of construction.
3. Capital funds required (FY06 and FY07) were estimated at \$5.1 million.
4. Immediate benefits include:
  - staff operational efficiencies
  - about \$150,000 per year savings in building operating costs
  - about \$500,000 in avoided costs FY07 and FY08 at Kelly
5. Longer-term benefits include up to \$3 million in avoided capital costs at Kelly.
6. Risks include potential disruptions to IT computer services, and lack of future flexibility in space uses at Multnomah Building.

Due to the lack of identified funding sources to accomplish the relocations, this

potential project has been tabled. However, Facilities and IT will continue to value engineer the project and will work cooperatively to identify possible funding sources for a move.

Plans are being made by Facilities and IT to accomplish the most urgent upgrades at Kelly Building in FY07, which include a fire suppression system required by Fire Marshall order and already delayed during the feasibility study.

### **Recommendation**

There is no Board action requested at this time. Facilities and IT will continue work to value engineer a possible relocation of the functions at the Penumbra Kelly Building and will attempt to identify funding sources. Staff will continue to work with the City of Portland and the new owner of the former ground lease to benefit the Penumbra Kelly Building.

### **Attachments**

- A. Surplus Property Notice
- B. Newspaper Notice Ads
- C. Public Comment

# **SURPLUS PROPERTY**



**The Penumbra Kelly Building  
4747 East Burnside Street  
Portland, OR 97215**

**Multnomah County is seeking input as to the future of this property. Interested parties are invited to express an interest in the property and any proposals for disposition. The Board will hold a public hearing to**

**consider disposition of the property after receiving public input. All those who submit statements of interest will be notified by mail of the date and time of the hearing. In declaring this property surplus, the Board found that the City of Portland, which leases 54.3% of the property for a police precinct, has a right of first refusal should it eventually be offered for sale.**

**Public Comment is due Monday, March 20, 2006, 4:00 p.m.**  
Submit your comments and/or questions to:  
Multnomah County Public Affairs Office, 501 SE Hawthorne, Suite 600  
Portland, Oregon 97214 (503) 988-6800 | [pao.org@co.multnomah.or.us](mailto:pao.org@co.multnomah.or.us)

*For more information on available properties, visit the County's Surplus Property website at: <http://www.co.multnomah.or.us> click on **Surplus Property***

# Notice of Surplus Property

## Penumbra Kelly Building

The Multnomah County Board of Commissioners, by Resolution Number 06-010, dated January 19, 2006, have declared this property surplus. The disposition of this property is open for Public Comment until 4:00 pm, March 20, 2006.

Address:	4747 E Burnside Street
Property ID#:	R319271; R319362
Legal:	Section 31 1 N 2 E, TL 9400 (R319271), TL9600 (R319362)

### Planning Information

Zone:	Neighborhood Commercial 2 (CN2) Map 3035
Overlay:	n/a
Comprehensive Plan:	Neighborhood Commercial (NC)
Plan District:	n/a
Conservation District:	n/a

### Property Information

Lot Area:	Acres = 2.2	Sq. Ft. = 95,832
Improvements:	<ul style="list-style-type: none"><li>• Built in 1959; Acquired in 1971 for \$350,000</li><li>• 1 Story with basement</li><li>• approx. 220 Deck parking spaces</li><li>• 2005 Assessed Value: \$4,756,400</li></ul>	
Services:	All urban services are available	

### Community Contacts

Neighborhood Association:	Center & Mt. Tabor Neighborhood Associations
Business Association:	East Burnside Business Association
Portland District Planner:	<a href="mailto:JSugnet@ci.portland.or.us">JSugnet@ci.portland.or.us</a> , Jay Sugnet 503-823-5869

### Public Comment

Individuals and groups may provide statements of their interest in this property and any actions that are desired as to its future use. In declaring this property surplus, the Board found that the City of Portland has a right of first refusal should the property be offered for sale. Written comments are welcome and may be submitted by contacting the Multnomah County Public Affairs Office, 501 SE Hawthorne Blvd., Suite 600, Portland, Oregon 97214. Telephone: 503-988-6800, Fax: 503-988-6801, TDD: 503-823-6868 or email comments to [pao.org@co.multnomah.or.us](mailto:pao.org@co.multnomah.or.us). For property information, please contact Michael Sublett, Multnomah County Facilities and Property Management, 401 N Dixon St., Portland, Oregon, 97227, or e-mail questions to [michael.a.sublett@co.multnomah.or.us](mailto:michael.a.sublett@co.multnomah.or.us).

## Surplus Property Notice

### **Penumbra Kelly Building**

The "Penumbra Kelly Building," located at 4747 East Burnside Street in Portland, was declared surplus property by the Board of County Commissioners on January 19, 2006. A public comment period closed March 20, 2006. Pursuant to the Multnomah County Surplus Property Policy, the Board is scheduled to receive a report on this property on May 4, 2006. Updated agendas for this and other Board of County Commissioners meetings may be viewed online at: <http://www.co.multnomah.or.us/cc/agenda.shtml>.

For more information, visit the county's surplus property website at: <http://www.co.multnomah.or.us> and click on "Surplus Property".

For more information, please contact:  
Multnomah County Public Affairs Office  
501 S. E. Hawthorne, #600  
Portland, Oregon 97214 (503) 988-6800  
[pao.org@co.multnomah.or.us](mailto:pao.org@co.multnomah.or.us)



# Surplus Property Notices

## **Penumbra Kelly Building**

Multnomah County is seeking input as to the future of the "Penumbra Kelly Building," located at 4747 East Burnside Street in Portland. Interested parties are invited to express an interest in the property and any proposals for disposition.

The Board of County Commissioners will hold a public hearing to consider disposition of the property after receiving public input. All those who submit statements of interest will be notified by mail of the date and time of the hearing. In declaring this property surplus, the Board found that the City of Portland, which leases 54.3% of the property for a police precinct, has a right of first refusal should it eventually be offered for sale.

The public comment deadline is Monday, March 20, 2006, 4:00 p.m. For more information, visit the County's Surplus Property website at: <http://www.co.multnomah.or.us> and click on "Surplus Property".

Submit comments and/or questions to:  
Multnomah County Public Affairs Office  
501 S. E. Hawthorne, #600  
Portland, Oregon 97214 (503) 988-6800  
[pao.org@co.multnomah.or.us](mailto:pao.org@co.multnomah.or.us)

## **Martha Washington Building**

The "Martha Washington Building" property, located at 1115 SW 11th Ave. in Portland, was declared surplus property by the Board of County Commissioners on December 8, 2005.

After a public comment period with specific emphasis on the potential redevelopment or reuse of this property with an affordable housing component, the Board is scheduled to take further action on this property at 9:45 a.m. on March 16, 2006. Updated agendas for this and other meetings may be viewed online at <http://www.co.multnomah.or.us/cc/agenda.shtml>.



**MULTNOMAH  
COUNTY**

**SUBLETT Michael A**

---

**From:** Doug Deurwaarder [Doug.Deurwaarder@cushwake.com]  
**Sent:** Monday, February 06, 2006 2:44 PM  
**To:** SUBLETT Michael A  
**Subject:** RE:

Thank for the info.

Our client is Imago Dei church the fastest growing church on the eastside. Last year they had 700 participants at their Sunday sessions and last week they hit 1500 participants.

Please see their website for additional information.

<http://www.imagodeicommunity.com/>

Any other thoughts about potential land/structures that might work for them?

---

**From:** SUBLETT Michael A [mailto:michael.a.sublett@co.multnomah.or.us]  
**Sent:** Monday, February 06, 2006 2:14 PM  
**To:** Doug Deurwaarder  
**Subject:**

<<Penumbra Kelly SurplusFINAL.pdf>>

*Michael Sublett  
Senior Property Management Specialist  
Multnomah County  
Facilities & Property Management  
503.988.4149*



**SUBLETT Michael A**

---

**From:** Public Affairs Office  
**Sent:** Wednesday, March 08, 2006 8:40 AM  
**To:** SUBLETT Michael A  
**Cc:** CUNNINGHAM Shawn D  
**Subject:** FW: Penumbra Building

Barb Disciascio  
Multnomah County Public Affairs Office  
503-988-6800  
503-780-5916 (cell)  
[barbara.disciascio@co.multnomah.or.us](mailto:barbara.disciascio@co.multnomah.or.us)  
newsroom: <http://www.co.multnomah.or.us/news>

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

**From:** James Winkler [<mailto:jhw@winklercompanies.com>]  
**Sent:** Tuesday, March 07, 2006 9:05 AM  
**To:** Public Affairs Office  
**Subject:** Penumbra Building

Our company is interested in exploring the potential of acquiring the Penumbra Building. Please advise as to availability, desired use, and when we can tour the property.

Jim Winkler

—  
James H Winkler  
210 SW Morrison, Suite 600  
Portland, OR 97204  
[jhw@winklercompanies.com](mailto:jhw@winklercompanies.com)  
tel: 503.225.0701  
fax: 503.273.8591

4/26/2006

RECEIVED  
MAR 20 2005

2419 S.E. 78th Ave.  
Portland, OR 97206-1017  
March 20, 2006

Multnomah County  
Public Affairs Office  
501 S.E. Hawthorne Blvd., Ste. 600  
Portland, OR 97214

RE: Penumbra Kelly building, 4747 E. Burnside St.

Dear Sir or Madam:

I think the Penumbra Kelly building located at 4747 E. Burnside St. should be sold to the City of Portland in order that the Portland Police Bureau S.E. Precinct remain there. It's unfortunate the City offered a private landowner \$1,000.00 for the property on which the parking garage sits and the property owner sold it for \$262,000.00 to a developer for housing. That was unconscionable.

I do not think there was enough public notice or input about the building. Multnomah County Commissioner Lisa Naito told only the four neighborhoods surrounding S.E. Precinct about declaring the building a surplus property during November and December 2005. My neighborhood was not one of those four neighborhoods. It was not notified at all. I learned of this matter January 30, 2006 at S.E. Precinct's Public Safety Committee Forum at Buckman Elementary School cafeteria or shortly before that meeting. I was shocked, appalled, and outraged.

The P.P.B. S.E. Precinct provides services from the Willamette River, 82nd Ave., and to Clackamas County. The area encompasses 20 neighborhoods which is a large portion of Portland's population. These neighborhoods would be without any police services if this precinct was relocated. I don't think there is enough space in the other precinct buildings to disburse this precinct and thereby dissolve it. I am not aware of any city plans to relocate the precinct. The police contact offices in neighborhoods (e.g. Eastport Plaza) are too small to house them. Multnomah County Chair Diane Linn and Portland Mayor Tom Potter live in the Woodstock Neighborhood and Multnomah County Commissioner Lisa Naito also lives in S.E. Portland. They didn't notify the neighborhoods they live in! Don't they realize their decision affects them personally? S.E. Precinct is their precinct, too!

Michael Sublett informed me discussions between facility managers of Multnomah County and the City of Portland have transpired over 20 years and it is a public record. Please tell me where this public record is stored so I may look at it myself. I have lived at this address since June 1987 and never saw or heard publicity of any kind from Multnomah County on this property. I think the Multnomah County Chair and Commissioners broke the public trust by not notifying the public much earlier. I feel shortchanged and cheated by these 11th hour proceedings. This is a shameful and callous way to treat public servants (police officers) we desperately need in S.E. Portland. I was told Multnomah County's IT department was likely staying in the building as opposed to relocating to 501 S.E. Hawthorne Blvd. I hope the same courtesy is given to the Portland police officers.

Sincerely,

*Kathryn M. Notson*

Kathryn M. Notson  
South Tabor  
(503) 777-6422



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-10 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 05/04/06  
Agenda Item #: R-10  
Est. Start Time: 10:05 AM  
Date Submitted: 04/12/06

### BUDGET MODIFICATION: HD - 29

**Budget Modification HD-29 Appropriating \$66,880 from the Oregon  
Primary Care Association for Improving Access to Prescription Drugs to  
Agenda Title: Low Income Clients**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>5 mins</u>
<b>Department:</b> <u>Health Dept.</u>	<b>Division:</b> <u>Integrated Clinical Services</u>
<b>Contact(s):</b> <u>Angela Burdine, Budget Manager</u>	
<b>Phone:</b> <u>988-3663</u> <b>Ext.</b> <u>26457</u>	<b>I/O Address:</b> <u>167/210</u>
<b>Presenter(s):</b> <u>Joy Belcourt, Director of Pharmacy</u>	

### General Information

**1. What action are you requesting from the Board?**

Requesting approval of appropriation of \$66,880 from the Oregon Primary Care Association for improving access to prescription drugs to low income clients. These funds are award to the Oregon Primary Care Association by Providence Health Plans.

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

The Providence Health Plan awarded the Oregon Primary Care Association (OPCA) \$250,000 to distribute to Federally Qualified Health Center in Oregon for improving access to prescription drugs for low income Oregonians. Multnomah County Health Department has been awarded \$66,880 of that amount, based on proportionate number of patients seen and patient encounters at each health clinic from 2004 UDS data.

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

The Health Department's Pharmacy budget will increased by \$66,880 in FY 06.

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

N/A

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

N/A

# ATTACHMENT A

## Budget Modification

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

- What revenue is being changed and why?  
The Health Departments Pharmacy fed/state revenue appropriation will increase by \$66,880 in FY06.
- What budgets are increased/decreased?  
The Health Departments Pharmacy budget will increase by \$66,880 in FY 06.
- What do the changes accomplish?  
Will cover the cost of medication to low income families in Multnomah County
- Do any personnel actions result from this budget modification? Explain.  
N/A
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
Indirect is not covered by revenue but will be covered by general fund.
- Is the revenue one-time-only in nature?  
Revenue is one-time-only and must be spent by February 28, 2007.
- If a grant, what period does the grant cover?  
February 2006 - February 2007
- If a grant, when the grant expires, what are funding plans?  
N/A

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

**ATTACHMENT B**

**BUDGET MODIFICATION: HD - 29**

**Required Signatures**

**Department/  
Agency Director:**

*Lillian Shirley*

**Date:** 04/11/06

**Budget Analyst:**

*Debra*

**Date:** 04/17/06

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

**EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-80	32201	0030		408210	48210-00-32201	50210	0	(66,880)	(66,880)		
2	40-80	32201	0030		408210	48210-00-32201	60310		66,880	66,880		
3									0			
4									0			
5									0			
6									0			
7									0			
8									0			
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34									0			
35									0			
									0	0		<b>GRAND TOTAL</b>



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-11 DATE 05-04-06  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 05/04/06  
Agenda Item #: R-11  
Est. Start Time: 10:07 AM  
Date Submitted: 04/13/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Title III Capacity Development Grant Competition**

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

<b>Date Requested:</b> <u>May 4, 2005</u>	<b>Time Requested:</b> <u>5 minutes</u>
<b>Department:</b> <u>Health Department</u>	<b>Division:</b> <u>HIV Health Services Center, Integrated Clinical Services</u>
<b>Contact(s):</b> <u>Jodi Davich</u>	
<b>Phone:</b> <u>503-988-3663</u> Ext. <u>26561</u>	<b>I/O Address:</b> <u>160/9</u>
<b>Presenter(s):</b> <u>Jodi Davich</u>	

## **General Information**

**1. What action are you requesting from the Board?**

The Health Department requests approval to submit a proposal to the Health Resources and Services Administration to request one-time funding in the amount of approximately \$75,000 to support improvements to the HIV Health Services Center's to detect patients with abnormal anal dysplasia.

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

As a Ryan White CARE Act grantee, MCHD serves a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties—the Portland EMA. According to Oregon Health Services As of 12/31/04, 3,665 individuals were estimated as living in the Portland EMA diagnosed with AIDS (2,013) or living with HIV (1,652). 383 new AIDS cases were reported during the past two years (2003 and 2004), a 2.1% increase over the previous two-year reporting period (2002 and 2003). Although HIV is still primarily a disease of gay men in the EMA, the

proportion of new HIV-positive cases in women is increasing.

Multnomah County Health Department (MCHD) has operated Section 330 Primary Care Clinics for underinsured and low-income county residents since 1977. MCHD has provided medical care to HIV infected individuals from the onset of HIV disease, through its primary care clinics. To respond to the growing number of HIV/AIDS clients, and the demand for specialized care from "expert" providers, MCHD applied for and was awarded Ryan White Title III Early Intervention funds in 1990. MCHD is the only agency in Oregon with Ryan White Title III Early Intervention funds. These funds established the HIV Health Services Center in 1990, and the clinic has been in operation since that time. This Center serves a six-county area that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties.

The HIV Health Services Center (HHSC) is a major provider of HIV-specific care in the state of Oregon. The Center has existing linkages and partnerships with many community-based-agencies. All clinical providers at HHSC have a minimum of 5 years experience in HIV care and treatment, and support staff have specialized in HIV services. All clinic staff have chosen to work in the HIV service field, and bring great passion and commitment to their work. HHSC is recognized locally and nationally as a center of excellence.

HIV infected individuals have increased incidence of pre-cancerous lesions in the lining of the anal canal. Such lesions are termed "dysplasia". The types of dysplasia are graded in exactly the same manner as are those dysplasias found in the female cervical tissue. Dysplasia represents the beginning of cellular changes that can lead to cancers, whether in the anus, or the cervix. The method of detecting such changes is also the same – the performance of a "Pap". This test is also known as a "pap smear" which is shorthand for Papaniclou, a laboratory technique for visualizing changes in the surface squamous cells. Because of Pap smear screening in women, the rate of cervical cancer has fallen in those populations screened. The rates of anal carcinoma in HIV infected men and women are higher than in the general population, and so are rates of anal dysplasia. The proposed screening would allow early diagnosis of a treatable condition in a group with an increased risk of poor outcome if no intervention were taken. The experience with cervical Pap screening in women provides a model that demonstrates a clear benefit and a direct correlation. Grant funds would be used to purchase equipment to detect patients with abnormal anal dysplasia.

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

We proposed to request of up to \$75,000 for a one-year project. This is a one-time only request.

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

No legal or policy issues are involved.

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

None.

# ATTACHMENT A

## Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- Who is the granting agency?  
Health Resources and Services Administration (HRSA)
- Specify grant (matching, reporting and other) requirements and goals.  
This grant competitive is focused on organizational infrastructure development and that will lead to the delivery or improvement of HIV primary care services. The goal of the proposed project is to improve the detection of abnormal anal dysplasia. The grant funds can not be used for direct services to clients. There is no matching requirement.
- Explain grant funding detail – is this a one time only or long term commitment?  
We will request up to \$75,000 to pay for costs such as equipment, staff training to use the equipment, data collection and program evaluation. This is a one time only commitment.
- What are the estimated filing timelines?  
The grant application is due May 5, 2006.
- If a grant, what period does the grant cover?  
The project period will be approximately September 1, 2006 through August 31, 2007.
- When the grant expires, what are funding plans?  
This is primarily an equipment purchase grant. The need for additional funding related to this project is not anticipated.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
These costs will be incorporated into the project budget.

**ATTACHMENT B**

**BUDGET MODIFICATION:** -

**Required Signatures**

**Department/  
Agency Director:**

*Lillian Shively*

**Date:** 04/13/06

**Budget Analyst:**

*Debra*

**Date:** 04/17/06

**Department HR:**

*Carl M Ford*

**Date:** 04/13/06

**Countywide HR:**

**Date:**



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-12 DATE 05.04.06  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 05/04/06  
Agenda Item #: R-12  
Est. Start Time: 10:09 AM  
Date Submitted: 04/24/06

### BUDGET MODIFICATION: -

**NOTICE OF INTENT to Submit a Proposal to the National Institute on Drug Abuse, Drug Abuse Aspects of HIV/AIDS and Other Infections**  
**Agenda Title: Grant Competition**

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

**Date Requested:** May 4, 2006      **Time Requested:** 5 minutes  
**Department:** Health Department      **Division:** Community Health Promotion, Partnership and Planning  
**Contact(s):** Jodi Davich  
**Phone:** 503-988-3663      **Ext.** 26561      **I/O Address:** 160/9  
**Presenter(s):** Jodi Davich

### General Information

- 1. What action are you requesting from the Board?**  
The Health Department requests approval to submit a proposal in the amount of approximately \$275,000 to the National Institutes of Health Drug Abuse Aspects of HIV/AIDS and Other Infections grant competition to secure funding for the *Using Peer Educators to Reduce HIV Risk Among a Hidden Population of Injection Drug Users (IDUs)* model. The Health Department recommends that this request be approved.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**  
The purpose of the NIH NIDA Drug Abuse Aspects of HIV/AIDS and Other Infections funding opportunity is to stimulate a range of investigator-initiated studies to advance the scientific knowledge base on drug abuse aspects of HIV/AIDS and other serious infections. This research addresses the initiation, sustainability, and renewal of HIV/AIDS risk reduction and prevention among drug users and their sex partners, including studies of the effectiveness, cost-effectiveness, and durability of intervention outcomes among

demographically and culturally diverse populations and communities. Studies are encouraged to design and test new community-based outreach interventions that are linked to a variety of ancillary services (e.g., rapid diagnostic assays, HIV counseling and testing, medical care for viral hepatitis/STIs, and drug treatment) or that are adapted to traditionally underrepresented or hard-to-reach populations.

There are over 3,700 persons living with HIV (PLWH) in the greater Portland Eligible Metropolitan Area (EMA) which covers Multnomah, Washington, Clackamas, Clark, Columbia and Yamhill counties. Although HIV increasingly affects women in the EMA, 90% of PLWH in the EMA are men. 69% of PLWH are men who have sex with men. African Americans in the EMA are disproportionately impacted by HIV, accounting for 3% of the general population, but comprising almost 9% of PLWH. Hispanics are 9% of the general population, and make up 8 % of PLWH. PLWH in the EMA have high rates of substance abuse with 19% of PLWH identified as injection drug users (IDUs). Heroin and methamphetamine are the most common injected drugs in the Portland EMA. Substance abuse contributes to high-risk sexual behavior.

The Health Department's Program Design and Evaluation Services group proposes to test the *Using Peer Educators to Reduce HIV Risk Among a Hidden Population of IDUs* model with methamphetamine drug injectors who frequent our Needle Exchange Program (NEX).

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

The project does not require any County General fund support.

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

There are no legal and/or policy issues.

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

The project will be a collaborative effort of the Health Department and Oregon Health Services.

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# ATTACHMENT A

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## Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

National Institute on Drug Abuse

- **Specify grant requirements and goals.**

The proposed HIV risk reduction intervention will target methamphetamine injectors who acquire needles through secondary exchange, rather than participating in NEX directly. The research literature is generally supportive of secondary exchange because it extends the pool of sterile syringes to a wider population of high-risk people. The disadvantage is that secondary exchange recipients do not benefit from other preventive health services provided through NEX, such as HIV and hepatitis C testing and referrals to drug treatment.

This intervention intends to train methamphetamine-injecting needle exchangers to provide HIV preventive health services to their network of needle recipients using brief, client-centered peer counseling. Participating exchangers will assist recipients in reducing their risk of HIV infection by providing referrals to HIV counseling and testing, hepatitis C screening, hepatitis A and B vaccinations, STD testing, primary medical care, drug treatment, and other health and social services.

Feasibility testing will include 1) formative evaluation activities with secondary exchangers and recipients (e.g. focus groups and key informant interviews); 2) training of secondary exchangers to deliver the intervention; 3) implementation of the intervention with secondary exchange recipients; and 4) process and outcome evaluation, using a pre/post, quasi-experimental single group design. Findings from the feasibility study will impact HIV prevention efforts at the Health Department's NEX program, and has implications for NEX programs across the country, which access extremely high-risk, vulnerable populations.

- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a two-year project that will support our HIV prevention efforts in Multnomah County building on our current efforts. We will request approximately \$275,000 for the two project period. Funds will be used to support participant recruitment, HIV prevention training, program evaluation, materials and supplies. No new county funds are needed to support this project.

- **What are the estimated filing timelines?**

Proposals are due May 1, 2006.

- **If a grant, what period does the grant cover?**

The estimated grant period is January 1, 2007 through December 31, 2008.

- **When the grant expires, what are funding plans?**

Additional grant funds will be sought to support the continuation of program components that are found to be effective.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

County indirect, central finance and human resources and departmental overhead costs will be covered with grant funds.

**ATTACHMENT B**

**Required Signatures**

**Department/  
Agency Director:**

*Lillian Shuly*

**Date:** 04/24/06

**Budget Analyst:**

*Debra*

**Date:** 04/26/06

**Department HR:**

*Lillian Shuly*

**Date:** 04/24/06

/s

**Countywide HR:**

**Date:**



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 05/04/06  
 Agenda Item #: R-13  
 Est. Start Time: 10:10 AM  
 Date Submitted: 04/19/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **PROCLAMATION Proclaiming May 7th through May 13th, 2006 as Nurses Week in Multnomah County, Oregon**

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

**Date Requested:** May 4, 2006      **Time Requested:** 10 minutes  
**Department:** Health      **Division:** Administration  
**Contact(s):** Dave Houghton or Lillian Shirley  
**Phone:** 503 988-3674      **Ext.** 22529      **I/O Address:** 160/8  
**Presenter(s):** Dave Houghton or Lillian Shirley

**General Information**

1. **What action are you requesting from the Board?**  
 County Commissioners to declare Nurses Week May 7-13, 2006 to coincide with National Nurses week.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
 This proclamation honors the commitment of the Nursing Profession to the care of the health and well being of all of the residents of the County.
3. **Explain the fiscal impact (current year and ongoing).**  
 none
4. **Explain any legal and/or policy issues involved.**  
 none
5. **Explain any citizen and/or other government participation that has or will take place.**  
 none

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**Required Signatures**

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**Department/  
Agency Director:**

*Lillian Shuly*

**Date:** 04/19/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Proclaiming May 7 through May 13, 2006 as Nurses Week in Multnomah County, Oregon

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

- a. The Board recognizes the contributions of professional Nursing to all of the residents of Multnomah County. The contributions of these dedicated professionals help to preserve, promote and protect the health and well being of many of Multnomah County's most vulnerable and underprivileged of clients. Nurses save lives, preserve physical and mental abilities, prevent deaths, prevent disabilities and save money. They contribute to the public good through helping to achieve the highest levels of health possible for individuals and the community at large.
- b. The Multnomah County Board of Commissioners further recognizes the personal and professional commitment to excellence in care that Nurses make to their clients through:
  - Respect for of the dignity, uniqueness and worth of every individual,
  - Advocacy for the rights and safety of the client,
  - Accountability for the provision of optimum client care,
  - Assurance of the cultural relevance of care given,
  - Responsibility to maintain professional competence,
  - Contributing to social policy that improves health environments, and
  - Collaboration with others for the best possible client care.

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

The Week of May 7 through May 13, 2006 as Nurses Week in Multnomah County, Oregon, where working in partnership with diverse communities promotes Healthy People in Healthy Communities.

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, County Chair

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Maria Rojo de Steffey,  
Commissioner District 1

---

Serena Cruz Walsh,  
Commissioner District 2

---

Lisa Naito,  
Commissioner District 3

---

Lonnie Roberts,  
Commissioner District 4

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 06-070**

Proclaiming May 7 through May 13, 2006 as Nurses Week in Multnomah County, Oregon

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

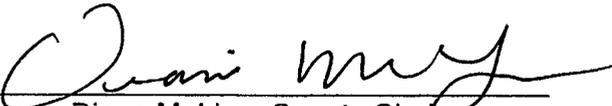
- a. The Board recognizes the contributions of professional Nursing to all of the residents of Multnomah County. The contributions of these dedicated professionals help to preserve, promote and protect the health and well being of many of Multnomah County's most vulnerable and underprivileged of clients. Nurses save lives, preserve physical and mental abilities, prevent deaths, prevent disabilities and save money. They contribute to the public good through helping to achieve the highest levels of health possible for individuals and the community at large.
- b. The Multnomah County Board of Commissioners further recognizes the personal and professional commitment to excellence in care that Nurses make to their clients through:
- Respect for of the dignity, uniqueness and worth of every individual,
  - Advocacy for the rights and safety of the client,
  - Accountability for the provision of optimum client care,
  - Assurance of the cultural relevance of care given,
  - Responsibility to maintain professional competence,
  - Contributing to social policy that improves health environments, and
  - Collaboration with others for the best possible client care.

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

The Week of May 7 through May 13, 2006 as Nurses Week in Multnomah County, Oregon, where working in partnership with diverse communities promotes Healthy People in Healthy Communities.

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, County Chair

  
Maria Rojo de Steffey  
Commissioner District 1

  
Lisa Naito,  
Commissioner District 3



  
Serena Cruz Walsh,  
Commissioner District 2

  
Lonnie Roberts,  
Commissioner District 4



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

**Board Clerk Use Only**

**Meeting Date:** 05/04/06  
**Agenda Item #:** R-14  
**Est. Start Time:** 10:15 AM  
**Date Submitted:** 04/10/06

**BUDGET MODIFICATION:**

**Agenda Title:** **RESOLUTION Approving the Chair's Proposed Fiscal Year 2007 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421**

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

<b>Date Requested:</b> <u>May 4, 2005</u>	<b>Time Requested:</b> <u>10 minutes</u>
<b>Department:</b> <u>Finance, Budget and Tax</u>	<b>Division:</b> <u>Budget</u>
<b>Contact(s):</b> <u>Karyne Dargan</u>	
<b>Phone:</b> <u>503 988-5015</u> <b>Ext.</b> <u>22457</u>	<b>I/O Address:</b> <u>503/531</u>
<b>Presenter(s):</b> <u>Karyne Dargan</u>	

## **General Information**

**1. What action are you requesting from the Board?**

Approve the FY 2007 Executive Budget for Multnomah County so that it may be transmitted to the Tax Supervising Conservation Commission (TSCC).

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

The FY 2007 budget process is based on a plan to forward the budget to TSCC by May 15. It does not imply agreement on the part of the Board with the policies included in the budget, nor with the Chair's proposed allocation of resources. The Chair's Office has met with other local jurisdictions, the State, union representatives, Outcome Teams, and Department Heads and their key staff to receive information and to provide input and recommendations about budget allocations and cross jurisdictional impacts.

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

Approving the Executive Budget and transmitting this document to TSCC is the first Board action required to move towards adopting the budget for FY 2007. TSCC review is a requirement of

Oregon Budget Law.

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

Approval of the Chair's Executive Budget and transmittal meets the legal requirement to submit a budget to Tax Supervising. After the budget has been submitted, no Fund may be increased by more than 10% in total revenue, and no property tax greater than the amounts included in the Executive Budget may be levied. Voting to forward the budget without extensive public review and comment might produce adverse comment if it were not clearly understood that the process meets a technical requirement of the law, or if the Board were not to hold extensive public review before adopting the budget. Four weeks of hearings and work sessions have been scheduled prior to adopting the budget.

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

Three evening public hearing are scheduled to collect public input on the budget. The CIC sponsored several citizen forums where citizens could offer input to the Executive Budget. Citizen's Budget Advisory Committees have reviewed the program offers and have made a presentation with recommendations to the Board of County Commissioners, there will also be an opportunity for CBAC presentations in May. Transmitting the Executive Budget to the Tax Supervising Conservation Commission allows the public and Board further time to review the Chair's Budget before final adoption.

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**Required Signatures**

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**Department/  
Agency Director:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Budget Analyst:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Department HR:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Countywide HR:** \_\_\_\_\_ **Date:** \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Approving the Chair's Proposed Fiscal Year 2007 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421

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

- a) ORS 294.341 provides that the Board of County Commissioners (Board) is the Budget Committee for Multnomah County.
- b) ORS 294.421 requires transmittal of the Budget to the Tax Supervising and Conservation Commission (TSCC) prior to May 15.
- c) On May 4, 2006 the Board received the budget message from the Multnomah County Chair (Chair) and the Proposed Budget for fiscal year July 1, 2005 to June 30, 2006 in compliance with ORS 294.401.  
*CORRECTION  
Amendment*
- d) The Chair requests that the Board approve the Proposed Budget for submittal to the TSCC as required by ORS 294.406.
- e) The Budget submitted to the TSCC establishes the maximum expenditure for each fund. The Board may not increase these expenditures by more than ten percent.
- f) The Budget submitted to the TSCC establishes the maximum property tax levy for Multnomah County. The Board may not increase property tax levies.
- g) Submitting the Budget to the TSCC does not prevent the Board from making reallocations within the limitations noted above.
- h) The Board will conduct an extensive review and public discussion of the FY 2007 Budget.

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

1. The Budget Office will prepare the FY 2007 Approved Budget and forward it to the TSCC.

2. The following property tax levies and categories are approved and included in the Approved Budget forwarded to the TSCC.
3. These taxes are a combination of four authorized tax rates

<b>General Gov't Category</b>	
<b>Operating Taxes</b>	Tax Rate / \$1,000
Permanent Tax Rate	\$ 4.3434
Library Local Option Levy	\$ 0.7550
<b>Total Operating Taxes</b>	<b>\$ 5.0984</b>

<b>Excluded From Limitation</b>	
<b>Bonded Indebtedness</b>	Tax Amount
General Obligation Debt Levy	\$9,478,183
<b>Total Debt Levy</b>	<b>\$9,478,183</b>

ADOPTED this 4th day of May, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

**BOGSTAD Deborah L**

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**From:** LINN Diane M  
**Sent:** Thursday, May 04, 2006 9:31 AM  
**To:** #MULTNOMAH COUNTY ALL EMPLOYEES  
**Subject:** FY 2006-2007 Executive Budget - Message to Employees

May 4, 2006

This morning, I will release my proposed Executive Budget. This budget provides a framework for the Board of County Commissioners, the community, and all of you to participate as we continue with the priority budget setting process. My budget is a results-based, outcomes-driven document that balances urgent, competing priorities with the resources we have available. I have worked to align the resources we have with the services and results our community needs and wants.

We will now hold budget hearings and departments will have an opportunity to present additional information on their program areas and resource needs. This process is expected to continue until June 22<sup>nd</sup> at which time the Board is scheduled to adopt the final budget.

The County has been facing significant budget reductions for the past several years. This has resulted in the loss of staff and positions. Until the final budget is adopted, we will not know specifically where all the FY 2006-2007 reductions will be taken or which employees will be affected. Understandably, uncertainties about staff reductions are difficult. I will provide frequent communication about fiscal realities and the impact on staff and services as information becomes known.

As I have stated in the past, as County Chair, it is my job to balance our budget in a responsible and thoughtful way. I am confident that even in these difficult fiscal and budgetary times, we can do so in a manner that will respect all employees.

I ask for your patience and understanding as the Board and I work through the next phase of the budget process.

Sincerely,



5/4/2006



# Diane M. Linn, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214  
Phone: (503) 988-3308  
Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

## **Chair's Executive Budget Message May 4, 2006**

I am pleased to provide my FY 2006-2007 Executive Budget for Multnomah County, based on the innovative priority-based budgeting process we implemented in FY 2005. My budget is a results-based, outcomes-driven document that balances urgent, competing priorities in a way that delivers measurable results to County taxpayers. I have worked to align the resources we have with the services and results our community needs and wants.

*"My budget is a results-based, outcomes-driven document that balances urgent, competing priorities ...."*

### **Multnomah County Remains Well-Positioned Financially**

I am pleased to report that the overall financial position of the County is healthy. Our General Fund reserves have almost doubled, from \$13.5 million to \$26 million today. Our PERS reserves are solid at \$15 million as are our Employee Benefits Board reserves at \$12 million. Operationally, we are leaner today than at any time in recent memory as the result of \$70 million in General Fund reductions in the last four years. In spite of those tough economic times, our Moody's Investor Service bond rating remains Aa1 - the 2<sup>nd</sup> highest rating enjoyed by any government entity in Oregon, including the State itself.

### **Decline in Federal, State Revenue; Voters Temporarily Maintain Services**

Though our economic foundation is healthy, our short-term situation has been challenging in recent years. In addition to a declining economy, the County has faced another major financial challenge – loss of millions in State and federal revenue. Those reductions have come in an array of areas including mental health, community corrections, alcohol and drug treatment, aging and disability services, Oregon Health Plan and more. Ironically, it is during tough economic times like this that citizens need County services the most. Collectively these cuts have presented an enormous strain on our systems of care. Individuals and families who rely on County services have been greatly impacted, as have those who rely on contracted services provided by our community partners.

Three years ago County voters stepped up to help schools with \$90 million a year by approving the temporary income tax (I-Tax). They also voted to provide \$32 million a year for critical public safety and human service programs at the County. I remain deeply grateful to County voters for helping us stave off the impact of State cuts and other revenue losses for three years, allowing us to continue providing critical services needed by our citizens. But when I was urged earlier this spring to extend the I-Tax, my response was clear: temporary means temporary.

*"I remain deeply grateful to County voters for helping us stave off the impact of State cuts and other revenue losses for three years ..."*

### **Today's Challenge: Continuing to Provide Essential Services**

In assembling my budget, I began by knowing I had \$32 million less in ongoing General Funds with which to purchase programs and services. Never in the history of this jurisdiction have we faced this large a General Fund reduction in a single year. Making that reality even tougher was the \$70 million in General Fund reductions and 500 County positions already lost in the last four years.

*"Never in the history of this jurisdiction have we ever faced this large of a General Fund reduction in a single year."*

Because a \$32 million loss of service all at once would have devastating results for our community, I felt it imperative to use other funds available for this budget. I began with the \$10 million I-Tax bridge to the future already approved by the Board of County Commissioners. To that, I added \$15.3 million by redirecting funds from the Supplemental Budget adopted in January 2006. Providing critical services, even if only for another year, is of greater urgency than establishing new reserve funds, debt buy-down, and taking loans from our General Fund for a bridge as was done in the Supplemental Budget. I then used the remainder of one-time-only funds available. As a result, I built an FY 2006-2007 budget that makes some reductions now, creates a glide path to economic recovery, migrates away from reliance on the General Fund, and leads us to complete independence from I-Tax funds by the end of FY 2007-2008.

*"I added \$15.3 million by redirecting funds from the Supplemental Budget ..."*

## **FY 2006-2007 Executive Budget Highlights**

More than half of the County's General Fund (\$165,843,687) goes to purchase results in one priority area: Safety. With that responsibility in mind, I allocated our General Fund resources to purchase results in Safety in the ways outlined below.

### **Safety: "I want to feel safe at home, work, school and play."**

- High and Medium Risk Offenders - I have focused our limited resources to maintaining the integrity of our supervision, sanction and treatment systems for high and medium risk offenders in our community.
- Integrity of Parole/Probation - I have maintained the integrity of parole and probation supervision with reasonable caseloads so officers can truly make a difference.
- Alternatives to Jail - Despite State cuts and reliance on I-Tax, I maintained treatment and alternatives to jail to increase offender behavior change, and decrease costs to the County.
- Integrity of Juvenile System - I have maintained the integrity of the juvenile justice system and our ability to hold delinquent youth accountable, and to intervene to change their behavior.
- Alcohol and Drug Treatment - I have maintained core outpatient and inpatient alcohol and drug treatment functions for men, women and juveniles.
- Corrections Mental Health – I have maintained the critical functions of crisis response, suicide watch and prevention; access to drugs, nurses, psychiatrists and mental health consultants and discharge planning.
- Law Enforcement, Patrol and River Patrol – I have maintained these functions in the budget, even while we continue exploring possible efficiencies in these areas through Joint Public Safety Budgeting with the City of Portland.
- Jail Beds – After years of jail bed shortages resulting in early release of offenders, I have maintained the current number of jail beds we worked so hard to open during FY 2005-2006.
- Wapato Jail and Treatment Facility – In addition, in FY 2006-2007, to reach the next level in public safety and further reduce early release of offenders, I added 150 more beds at Wapato at a cost of less than \$3

million. I am also involved in discussions with other jurisdictions who have expressed interest in renting space at Wapato. Wapato will open!

*“Wapato will open!”*

Just less than half of the County’s General Fund (\$130,554,744) goes to purchase results in all other priority areas: Education, Basic Needs, Vibrant Communities, Thriving Economy and Accountability. With those goals in mind, I have allocated General Fund resources to purchase results in each of those areas, as outlined below.

**Education: “I want all children in Multnomah County to succeed in school.”**

- Due to strong oversight and collections, I am pleased to include an additional payment of \$8.2 million to the eight County school districts for school year 2006-2007 in voter-approved I-Tax funds.
- I am also pleased that the County stepped up to be part of the community solution for schools with a one-time-only \$6.4 million in assistance to all County schools, to be distributed equally to every student County-wide for school year 2006-2007.
- SUN Services System – I have maintained the County’s nationally-lauded and innovative SUN system, providing social service supports to ensure children are successful in school. Recent evaluation data shows the SUN system to have significant, measurable results for children and families. Under my leadership, we have expanded the number of SUN community schools to 52 from eight. More than 60,000 students and their families enjoy the benefits provided by the SUN system. My vision is to expand SUN into even more schools in the coming years.

*“Under my leadership, we have expanded the number of SUN community schools to 52 from eight.”*

**Basic Needs: “I want all Multnomah County residents and their families to have their basic living needs met.”**

- Homeless and Affordable Housing – My budget reflects a commitment to the needs of the chronically homeless and contributes to the goals of the 10-Year Plan to End Homelessness, including making the Martha Washington Building available for permanent, supportive housing.

*"My budget reflects a commitment to the needs of the chronically homeless and contributes to the goals of the 10-Year Plan to End Homelessness.... "*

- Alcohol and Drug – Our addictions system is based on levels of care, including detoxification, residential, outpatient, recovery supports and special programs. Despite numerous State cuts and heavy reliance on I-Tax funds, I have maintained the core elements of the treatment system for men, women and youth.
- Mental Health – Also the victim of numerous State cuts and heavily reliant on I-Tax, I have maintained the integrity of this system by purchasing core elements of the system.
- Developmental Disability – I have maintained the matching General Fund contribution in order to sustain the core elements of system.
- Aging and Disability – I have maintained systems of care for the elderly and disabled despite the fact that many of the services were funded with I-Tax funds due to cuts in federal and State programs.
- Primary Health Clinics – I propose to stabilize long-term funding of Safety Net Health Clinics with an investment of \$1.7 million in one-time-only resources that will leverage \$3.5 million in operating costs in FY 2006-2007. This investment allows for a planning process to review the County's role in the safety net, and reconstitute our delivery system in areas of governance, funding, care models and staffing.

**Vibrant Communities: "I want to have clean, healthy neighborhoods with a vibrant sense of community."**

- Library Services – I have maintained library hours, materials budgets, and outreach and literacy programs to children and adults in our nationally-lauded and highly utilized library system.
- Animal Services - I have maintained the base service levels of support for both field services and shelter operations in an effort to continue the high standard of care and treatment of animals throughout the County.

**Thriving Economy: "I want Multnomah County to have a thriving economy."**

- Regional Infrastructure – Following up on efficiencies gained through this year's successful transfer of 50+ miles of County roads to City of Gresham, I have maintained current service level funding for maintenance

and operations of County roads and bridges, land use and transportation planning.

*“... I have maintained current service level funding for maintenance and operations of County roads and bridges...”*

- Regional participation - I have funded the County's participation in and support for two key economic development organizations: East Metro Economic Alliance and Oregon Science & Technology Partnership. This action leverages resources contributing to short and long term vitality of the region's economy.
- Jobs – Through the Multnomah/Washington County Regional Investment Strategy, this budget secures approximately \$800,000 of State Lottery dollars to support traded-sector job creation and a micro-enterprise lending program for minority, women-owned and emerging small businesses.
- Strategic Investment Program (SIP) – I continue funding for administration of the Strategic Investment Program and for job creation and training efforts with SIP contracted companies.

*“I continue funding ..... for job creation and training efforts  
.....”*

**Accountability: “I want my government to be accountable at every level.”**

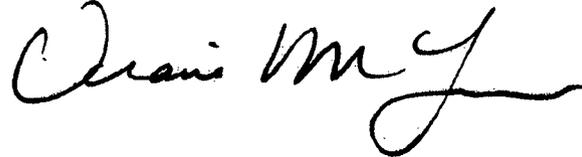
- Overtime Savings - In response to continued concerns regarding overtime, I have included \$1 million in additional overtime reductions in the Sheriff's office. In cooperation with the Sheriff, the Board, and with the Auditor's assistance, I will work to improve communication and accountability by working to set performance measure targets for overtime related to total personnel costs or hours.
- Community Access - To ensure community access and full engagement in the County, I have restored the Citizen Involvement Committee position that was removed from the budget last year.

I want to thank those who assisted me in the preparation of my Executive Budget, including my staff, the Board, Board staff, the Budget Office, Department Directors, District Attorney Mike Schrunk, Sheriff Bernie Giusto and Presiding Judge Dale Koch. I am also grateful to the many County employees who served

on budget Design Teams and Outcome Teams, and to the Citizen Involvement Committee for ensuring public involvement in my deliberations. Lastly, I thank the hundreds of County residents who attended budget forums, called, wrote or emailed my office, or met with members of my staff about matters of concern to them.

I look forward to continued discussion about the budget in coming weeks.

Sincerely,

A handwritten signature in black ink, appearing to read "Diane M. Linn". The signature is fluid and cursive, with a long horizontal stroke at the end.

Diane M. Linn  
Multnomah County Chair

**Chair's Proposed Buy-Back of \$5M in Savings from Sauvie Island Bridge Refinancing (OIB Loan)**

<b>Program/Service</b>	<b>Program Offer</b>	<b>General Fund</b>	<b>Description</b>
Community Safety Net	25021A	\$1,467,619	50% of GF; vulnerable elderly and disabled; 955 to be served
Uninsured Mentally Ill	25063	\$1,135,702	50% of GF; treatment & meds; uninsured seriously mentally ill; 1,220 to be served
Community Engagement	25092	\$691,603	50% of CEP (Central City); chronically homeless with A&D and MH issues; 75 to be served
Community Based Services	25081A	\$330,715	50% of CBS (County); chronically homeless with A&D and MH issues; 90 to be served
WIC Program	40039	\$300,000	30% of GF; food vouchers, nutrition education/screening; 18,565 to be served monthly
Dental for Children	40036	\$880,000	public health component of GF; education, flouride, screenings, mobile van; 46,980 anticipated visits
Elders in Action	10022	68,000	one of two offers; advocacy, planning and consultation on senior issues; all volunteers
Regional Arts and Culture	10024	141,847	one of two offers; community education, arts in schools, aid to artists; % for art admin
Gender Specific Services/Girls	21036	76,931	equip service providers to help girls succeed academically and in life; part of SUN System
DV Centralized Crisis Line	25040B	16,654	extends crisis line services to 3,000 DV victims for another year' partnership with Women's Crisis Line
Bienestar Mental Health	25072A	306,001	Bienestar de la Familia program; MH, A&D, DV and social services for Latino families
<b>Total</b>		<b>\$5,415,072</b>	

Website for Detailed FY 2006-2007 Budget Information:

<http://www2.co.multnomah.or.us/jsp/Public/EntryPoint?ch=41220e98c8a77010VgnVCM1000003bc614acRCRD/>

**BOGSTAD Deborah L**

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**From:** GRAVES Travis R  
**Sent:** Thursday, May 04, 2006 4:44 PM  
**To:** #MULTNOMAH COUNTY ALL EMPLOYEES  
**Subject:** Chair's Executive Budget – HR Message to Employees

Dear County Employees,

As Chair Linn explained in her budget message sent to employees this morning, the County is facing budget reductions for FY 06/07 that will likely result in staff layoffs. Until the final budget is adopted on June 22<sup>nd</sup>, we will not know specifically where all the reductions will be taken or which employees will be affected. In order for Human Resources to implement the layoffs in a manner that ensures employee rights are honored, the majority of layoffs may not occur until August.

Human Resources has already begun preparing for possible layoffs and has activated the Countywide and Departmental Layoff Committees, which includes both management and union representation. The focus of these committees is to ensure that our processes reflect the values and recommendations made by the County's Values and Transition Team (VATT) and that layoffs are conducted in a fair, equitable, and consistent manner. Human Resources will also use tools such as managing vacancies and Project Save to keep as many employees as possible from going without jobs.

We respect and value our employees and understand that layoffs are difficult. Unfortunately, we cannot answer all of the questions that employees may have until after the final budget is adopted. Again, it is important to remember that until the final budget is adopted on June 22<sup>nd</sup> we will not have specific information on reductions or layoffs.

In the meantime, employees can access the below County resources for more information and assistance:

- Budget Process -<http://www2.co.multnomah.or.us/jsp/Public/EntryPoint?ch=41220e98c8a77010VgnVCM1000003bc614acRCRD/>
- Layoff Process and Outplacement Services -<http://mints.co.multnomah.or.us/jsp/MINT/EntryPoint?ch=cclfd5362e90a010VgnVCM1000003bc614acRCRD>
- VATT Transition Values and Recommendations -  
[http://mints.co.multnomah.or.us/County\\_Management/HR/labor/Layoff/VATT%20-%20Values%20and%20Recommendations.doc](http://mints.co.multnomah.or.us/County_Management/HR/labor/Layoff/VATT%20-%20Values%20and%20Recommendations.doc)
- Employee Support Services -
  - Employee Assistance Program – Unum Work-Life Balance Program offers consultation and counseling about a wide range of topics including career planning and layoff transition. To access this free service, call (800) 854-1446.
  - Peer Support Network – Allows employees to talk with another County employee about concerns. To access this service, call Carolyn Marks at (503) 988-5015 ext. 24319 for a referral.

Employees are also encouraged to contact the Budget and/or Human Resources staff within their department with specific questions or concerns that they may have.

5/4/2006

Sincerely,

**Travis Graves, SPHR**  
Human Resources Director  
501 SE Hawthorne Blvd., Suite 400  
Portland, Oregon 97214  
503.988.6134  
Fax 503.988.3009

5/4/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-063**

Approving the Chair's Proposed Fiscal Year 2007 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421

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

- a) ORS 294.341 provides that the Board of County Commissioners (Board) is the Budget Committee for Multnomah County.
- b) ORS 294.421 requires transmittal of the Budget to the Tax Supervising and Conservation Commission (TSCC) prior to May 15.
- c) On May 4, 2006 the Board received the budget message from the Multnomah County Chair (Chair) and the Proposed Budget for fiscal year July 1, 2006 to June 30, 2007 in compliance with ORS 294.401.
- d) The Chair requests that the Board approve the Proposed Budget for submittal to the TSCC as required by ORS 294.406.
- e) The Budget submitted to the TSCC establishes the maximum expenditure for each fund. The Board may not increase these expenditures by more than ten percent.
- f) The Budget submitted to the TSCC establishes the maximum property tax levy for Multnomah County. The Board may not increase property tax levies.
- g) Submitting the Budget to the TSCC does not prevent the Board from making reallocations within the limitations noted above.
- h) The Board will conduct an extensive review and public discussion of the FY 2007 Budget.

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

1. The Budget Office will prepare the FY 2007 Approved Budget and forward it to the TSCC.

2. The following property tax levies and categories are approved and included in the Approved Budget forwarded to the TSCC.
3. These taxes are a combination of four authorized tax rates

<b>General Gov't Category</b>	
<b>Operating Taxes</b>	<b>Tax Rate / \$1,000</b>
Permanent Tax Rate	\$ 4.3434
Library Local Option Levy	\$ 0.7550
<b>Total Operating Taxes</b>	<b>\$ 5.0984</b>

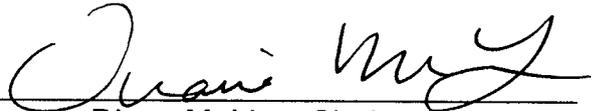
  

<b>Excluded From Limitation</b>	
<b>Bonded Indebtedness</b>	<b>Tax Amount</b>
General Obligation Debt Levy	\$9,478,183
<b>Total Debt Levy</b>	<b>\$9,478,183</b>

ADOPTED this 4th day of May, 2006.

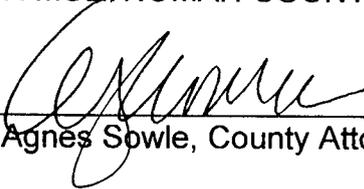


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

**Meeting Date:** 05/04/06  
**Agenda Item #:** R-15  
**Est. Start Time:** 11:05 AM  
**Date Submitted:** 04/19/06

**BUDGET MODIFICATION:** -

**Second Reading and Possible Adoption of an ORDINANCE Amending  
Agenda Multnomah County Code Chapter 38, Columbia River Gorge National Scenic  
Title: Area, Relating to Historic Properties Management Plan**

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

<b>Date Requested:</b> <u>May 4, 2006</u>	<b>Time Requested:</b> <u>25 minutes</u>
<b>Department:</b> <u>Non-Departmental</u>	<b>Division:</b> <u>Chair Diane Linn</u>
<b>Contact(s):</b> <u>Derrick Tokos</u>	
<b>Phone:</b> <u>503-988-3043</u> <b>Ext.</b> <u>22682</u> <b>I/O Address:</b> <u>455 / 116</u>	
<b>Presenter(s):</b> <u>Derrick Tokos, Tammy Boren-King</u>	

## General Information

**1. What action are you requesting from the Board?**

A public hearing on proposed code amendments to implement the historic properties plan amendment in the National Scenic Area. The Board could also choose to approve the code amendments at this public hearing.

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

The requested action involves revisions to the Multnomah County Code that create a process and approval criteria for allowing certain commercial uses on historic properties in the National Scenic Area. These changes implement a Plan Amendment recently approved by the Gorge Commission. The Plan Amendment applies to all six counties in the National Scenic Area and is applicable to lands in the General Management Area that contain a building that is on or eligible for the National Register of Historic Places. The Plan Amendment does **not** apply in the Special Management Area (SMA).

The intent of the Plan Amendment is to further protect historic buildings as cultural resources by

allowing owners to reestablish commercial uses historic to the site or establish new commercial uses as an economic incentive to preserve and maintain the structures and make them accessible to the public. Historic structures often need maintenance, repairs, or upgrades that have substantial costs that could be defrayed by generating income from the commercial use of the property. The Plan Amendment specifies which commercial uses can be allowed in historic properties and establishes two classes of historic properties. The plan amendment specified three uses which local jurisdictions **shall** allow in properties already listed on the National Register of Historic Places. The pool of candidates for these uses could grow over time as the number of buildings listed on the National Register of Historic Places changes. The Plan Amendment then specifies ten commercial uses that local jurisdictions **may** allow on properties that are on or are eligible for listing on the National Register of Historic Places and which were at least 50 years of age on January 1, 2006. This means the pool of candidates for the expanded list of uses is restricted. The proposed code contains all of the uses the county may authorize under the plan amendment. The uses allowed by the plan amendment are the uses which the Gorge Commission determined are necessary to provide a meaningful economic incentive to protect historic properties.

The Plan Amendment requires all commercial uses on historic properties to be tied to a "Protection and Enhancement Plan." This plan has to establish how the commercial use will significantly contribute to the enhancement of the historic resource. This must include specific actions that will be taken towards restoration, protection, enhancement, and/or maintenance of the historic resource as well as a schedule for completing the action. The Plan Amendment requires local jurisdictions to evaluate the owner's progress on implementing the Protection and Enhancement Plan every five years. If the "Protection and Enhancement Plan" is not implemented, the approval for the commercial use must be revoked.

The Plan Amendment established specific regulations intended to protect cultural resources including historic preservation requirements. The county must review proposals for compliance with historic preservation standards but will do this in conjunction with the State Historic Preservation Office (SHPO). The Plan Amendment does specify that the county is the final approval authority and can disagree with the recommendations that SHPO makes. In such a case, the county must justify why the county disagrees with SHPO.

The Plan Amendment deferred to local jurisdictions to address health, safety, and potential impacts to neighboring properties such as noise, parking, traffic, lighting, and operating hours. This is the area where the county has the most discretion and is consequently the area where efforts at obtaining public input have been concentrated.

The code which is the subject of the requested public hearing will implement the plan amendment as well as provide regulations that govern potential impacts to neighboring properties.

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

None.

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

Legal Issues:

Litigation has been filed challenging the plan amendment. This litigation has not been resolved.

Policy Issues:

Some constituents expressed an interest in the county allowing a landowner to share use of existing off-site parking in the area to fulfill the parking requirements for new commercial uses. After discussing the issue with members of the Gorge Commission staff and reviewing the language with

the Multnomah County Attorney's Office, staff was not able to develop a legally defensible way to approve the use of off site parking inside the NSA. An April 7, 2006 memo from Sandra Duffy, Assistant County Attorney (Attachment 1), explains the reasons for this, which include (a) the plain language of the text of the plan amendment requires on-site parking in conjunction with the commercial use of an historic property; (b) the context of the Management Plan and County code for the Scenic Area precludes a parking use other than one used in conjunction with the use of the subject property. The commercial events guidelines referenced in Ms. Duffy's memo are included with this report as Attachment 2.

The memo from the County Attorney's Office is directed at areas within Multnomah County's land use jurisdiction, namely the County's portion of the scenic area and other rural, unincorporated areas. Under this proposed code, a landowner could seek to shuttle clients to their property from areas outside of the County's jurisdiction, such as Portland or Gresham, provided they can substantiate in their conditional use application that the shuttles and other vehicles associated with the commercial use will be parked on-site. This type of arrangement could be employed to address commercial events or other special events that exceed the day-to-day level of operation on the site without requiring the construction of large parking fields.

The plan amendment allows commercial uses in historic buildings which will most likely not be located in a commercial area. Most of the historic properties to which this code would apply are in rural areas which contain a mix of farm, forest, and residential uses. Adding commercial uses such as restaurants, overnight accommodations, and wineries into these rural areas can have impacts on the neighborhood such as increases in traffic and noise. The Plan Amendment specifically deferred to counties to address neighborhood impacts such as noise, parking, traffic, lighting, and operating hours. The Board must decide how to regulate neighborhood impacts.

The proposed code contains language for regulating the scale of commercial uses, outdoor hours of operation, the use of outdoor amplified music, parking, signage, and the provision of public and private facilities such as water and septic systems. All of the proposed language regulating neighborhood impacts would be set by the County alone. None of this language was provided in the Plan Amendment.

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

The code update at issue is necessary to implement changes to the National Scenic Area Management Plan that were adopted by the Gorge Commission.

To kick-off the code update process, county staff held two noticed public workshops at the High School in Corbett. The first was held on March 2, 2006 and the second workshop was held on March 16, 2006. As a result of the public input received at these workshops, county staff drafted proposed code amendments.

The first draft of the proposed zoning code amendments was presented to the Planning Commission at a work session on April 3, 2006. At that session, the Planning Commission requested staff make several changes to the proposed code for a variety of reasons. The revised code was presented to the Planning Commission at a public hearing at the Corbett High School on April 17, 2006.

The code before you for consideration has been further refined based on the direction received from the Planning Commission at the April 17 hearing.

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**Required Signatures**

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**Department/  
Agency Director:**

*Chris M. G.*

**Date:** 04/19/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, Relating to Historic Properties Management Plan

(Language ~~stricken~~ is deleted; double underlined language is new.)

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

- a. Multnomah County is committed to implementing the Historic Properties Plan Amendment, as outlined in a letter to the Gorge Commission from the Chair of the Multnomah County Board of Commissioners, dated February 1, 2006. This Plan Amendment amended the Management Plan for the National Scenic Area, creating a process and criteria for approving certain commercial uses of historic properties as an incentive for property owners to preserve historic buildings and make them accessible to the public.
- b. Section 7, of the Scenic Area Act requires counties that choose to implement the Act, adopt ordinances that are consistent with the plan amendments within nine (9) months of date it was delivered. The Plan Amendment was delivered to the County on January 25, 2006, meaning that the County must adopt an implementing ordinance by September of 2006. The Board committed to adopting an implementing ordinance in a compressed time frame, with the final hearing by the Board to be held by May 2006.
- c. In the interest of providing meaningful public involvement in crafting an implementing ordinance, Multnomah County has held two public workshops in Corbett, on March 2, 2006 and March 16, 2006.
- d. Notice of the Planning Commission hearing, which was held on April 17, 2006, in Corbett, was published in the Oregonian newspaper and the Gresham Outlook Newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area as well as persons who signed in at either of the public workshops held by the County or at the public workshops held by the Gorge Commission when originally considering the amendment to the Management Plan.
- e. On April 17, 2006, the Planning Commission, after taking testimony at a public hearing, deliberated and made amendments to portions of the proposed Ordinance that address neighborhood impacts commonly associated with commercial uses, including noise, hours of operation, compatibility with the character of the area, sanitation, parking, and compliance with conditions of approval. The Planning Commission approved a resolution recommending the Board of Commissioners adopt an Ordinance amending Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code that incorporates their amendments.
- f. Notice of this Board of County Commissioners meeting, which was held on April 27, 2006, was published in the Oregonian newspaper on April 17, 2006, and in the Gresham Outlook newspaper on April 8, 2006. Additionally, the Clerk of the Board, emailed, faxed, US mailed and posted to

the web the April 27th Board meeting agenda on April 20<sup>th</sup>. These notices were sent to an extensive list of distribution customers which may be obtained at the office of Clerk of the Board.

- g. Proposed amendments to Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code, discussed in the April 17, 2006 staff report and addendums, as amended by the Planning Commissioners Resolution are a product of the public input received at and after the two public workshops and the Planning Commission hearing held on April 17, 2006, in Corbett. They effectively implement corresponding sections of the amended Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- h. The Board held a public hearing on April 27, 2006, where all interested persons were given an opportunity to appear and be heard.

**Multnomah County Ordains as follows:**

**Section 1.** MCC §§ 38.2030, 38.2230, 38.2430, 38.2830, 38.3030, and 38.3230 are amended as follows:

**38.2030 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

\* \* \* \* \*

(10) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2230 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

\* \* \* \* \*

(23) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2430 Conditional Uses**

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

\* \* \* \* \*

(M) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2830 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GG– PR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \* \* \*

(4) Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GG– CR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \* \* \*

(5) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.3030 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

\* \* \* \* \*

(14) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.3230 Conditional Uses**

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

\* \* \* \* \*

(F) Special uses in historic buildings, subject to MCC 38.7380.

**Section 2.** MCC §38.4205 is amended as follows:

**38.4205 Minimum Required Off-Street Parking Spaces**

\* \* \* \* \*

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as hotel/overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

\* \* \* \* \*

(C) Retail, and Office and Commercial Uses

- (1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.
- (2) Service and Repair Shop – One space for each 600 square feet of gross floor area.
- (3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.
- (4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.
- (5) Mortuary – One space for each four chapel seats or eight feet of bench length.
- (6) Overnight Accommodations- One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.
- (7) Commercial Events- One space for every three guests allowed within the maximum event size plus one space for each two employees
- (8) Conference or Retreat Facilities- These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

\* \* \* \* \*

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

**Section 2.** MCC Chapter 38 is amended to add § 38.7380 as follows:

§ 38.7380 Special Uses in Historic Buildings

(A) Definitions

- (1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).
- (2) For the purposes of this section, the term “subject property” refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085 and part (D), (E), (F), and (G) of this section.

(1) Establishment selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and/or beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) A winery upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference and/or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) A gift shop within a historic building, as the building existed as of January 1, 2006 that is:

(a) incidental and subordinate to another approved use included in Guideline 1 of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by the local government to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

## (2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

**Section 3.** The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission has acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

April 27, 2006

SECOND READING AND ADOPTION:

May 4, 2006

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

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- a. Multnomah County is committed to implementing the Historic Properties Plan Amendment, as outlined in a letter to the Gorge Commission from the Chair of the Multnomah County Board of Commissioners, dated February 1, 2006. This Plan Amendment amended the Management Plan for the National Scenic Area, creating a process and criteria for approving certain commercial uses of historic properties as an incentive for property owners to preserve historic buildings and make them accessible to the public.
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- e. On April 17, 2006, the Planning Commission, after taking testimony at a public hearing, deliberated and made amendments to portions of the proposed Ordinance that address neighborhood impacts commonly associated with commercial uses, including noise, hours of operation, compatibility with the character of the area, sanitation, parking, and compliance with conditions of approval. The Planning Commission approved a resolution recommending the Board of Commissioners adopt an Ordinance amending Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code that incorporates their amendments.
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- g. Proposed amendments to Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code, discussed in the April 17, 2006 staff report and addendums, as amended by the Planning Commissioners Resolution are a product of the public input received at and after the two public workshops and the Planning Commission hearing held on April 17, 2006, in Corbett. They effectively implement corresponding sections of the amended Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
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\* \* \* \* \*

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\* \* \* \* \*

**38.2430 Conditional Uses**

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

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\* \* \* \* \*

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\* \* \* \* \*

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\* \* \* \* \*

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**38.4205 Minimum Required Off-Street Parking Spaces**

\* \* \* \* \*

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(C) Retail, ~~and~~ Office and Commercial Uses

- (1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.
- (2) Service and Repair Shop – One space for each 600 square feet of gross floor area.
- (3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.
- (4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.
- (5) Mortuary – One space for each four chapel seats or eight feet of bench length.
- (6) Overnight Accommodations- One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.
- (7) Commercial Events- One space for every three guests allowed within the maximum event size plus one space for each two employees
- (8) Conference or Retreat Facilities- These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

\* \* \* \* \*

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

**Section 2.** MCC Chapter 38 is amended to add § 38.7380 as follows:

§ 38.7380 Special Uses in Historic Buildings

(A) Definitions

- (1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).
- (2) For the purposes of this section, the term “subject property” refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085 and part (D), (E), (F), and (G) of this section.

(1) Establishment selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and/or beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) A winery upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference and/or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) A gift shop within a historic building, as the building existed as of January 1, 2006 that is:

(a) incidental and subordinate to another approved use included in Guideline 1 of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

(a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;

(b) what progress the applicants have made towards completing such actions; and

(c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by the local government to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. This standard shall not be applied to the extent that it effectively prevents re-establishment of an historic use or adaptive reuse of a building as described in this section.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain

in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

**Section 3.** The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission has acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

April 27, 2006

SECOND READING AND ADOPTION:

May 4, 2006

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

**BOGSTAD Deborah L**

**From:** TOKOS Derrick I  
**Sent:** Monday, May 01, 2006 3:57 PM  
**To:** LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H;  
ROBERTS Lonnie J; SMITH Andy J; LASHUA Matthew; LIEUALLEN Matt;  
CARROLL Mary P; PAINE Robert E  
**Cc:** SCHILLING Karen C; BOGSTAD Deborah L; BOREN-KING Tammy; DUFFY Sandra  
N; JOHNSON Cecilia  
**Subject:** Amendments for Second Reading of Historic Properties Update

Dear Commissioners:

Attached is a memo listing the code amendments from the first reading. With regards to screening parking areas, we have drafted two options along with a rationale for each. The County Attorney's Office has prepared draft ordinances for either approach. Copies of the memo and ordinances have been provided to the Board Clerk so that they can be included with the agenda packets.

Please feel free to contact me if you have any questions.

Derrick I. Tokos, AICP  
Principal Planner  
ph. 503.988.3043



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PDF (131 KB...



**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

**Land Use and Transportation Program**  
1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233-5910  
PH. (503) 988-3043 Fax (503) 988-3389  
[www.co.multnomah.or.us/landuse](http://www.co.multnomah.or.us/landuse)

To: Board of Commissioners

From: Derrick Tokos, Principal Planner 

Date: May 1, 2006

**RE: Amendments for Second Reading of Historic Properties Code Update**

At the April 27, 2006 hearing on a first reading of the ordinance the Board of Commissioners voted to make three amendments to the document prior to a second reading on May 4, 2006. Each is summarized below.

**Amendment #1: Revise the scenic resource criteria to require new and existing parking areas be screened from Key Viewing Areas.**

Staff is providing two options for implementing this amendment.

Option A: Amend MCC 38.7380(F)(2)(b) to read:

(b) ~~New parking~~ Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. ~~New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.~~

The original language matches what is in the plan amendment and applies only to newly constructed parking areas. By requiring both new and existing parking areas be screened to achieve visual subordination, this revision provides greater protection to scenic resources. Existing parking areas associated with a historic building are not presently being utilized as intensely as they will be should a commercial use be established. Large numbers of vehicles parked in a confined area has a visual impact on the landscape. Requiring both new and existing lots be screened ensures that they do not noticeably contrast with the landscape as viewed from Key Viewing Areas.

The sentence that is being deleted prohibits new screening vegetation that would adversely impact the historic character of the buildings setting. An example might be a historic farm in the east side of the gorge where there is little vegetation. How new vegetation is used

could significantly impact the visual landscape and cultural experience of visitor's to the property. The language does not absolve an applicant from having to achieve visual subordination. If proposed vegetation were to adversely impact a cultural resource, SHPO or the County can require the landscaping plan be modified in conjunction with a Protection and Enhancement Plan (ref: MCC 38.7380(F)(1)(e)). Considering there is another standard that gets at this issue, it is appropriate to delete the sentence to avoid any confusion as to its meaning.

Option B: Amend MCC 38.7380(F)(2)(b) to read:

~~(b) New parking~~ Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. ~~New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting. This standard shall not be applied to the extent that it effectively prevents re-establishment of an historic use or adaptive reuse of a building as described in this section.~~

It could be very difficult for small properties located close to a key viewing area to meet the standard, as drafted in Option A, and still provide enough on-site parking to allow them to re-establish an historic use or adaptively reuse an historic building. In such cases, the new underlined language would allow for the approval of a landscaping plan that falls short of achieving visual subordination to allow some level of commercial use. The Management Plan and Scenic Area Act that our code implements strives to protect both scenic and cultural resources. Neither has priority over the other and this option achieves a balance between the two. Also, Policy #1 of the Scenic Resources section of the Management Plan forbids the use of scenic protection standards as grounds for denying a use that is otherwise allowed. The proposed sentence ensures that this will not happen. Staff recommends the Board adopt Option B.

**Amendment #2: Delete the definition for the term "local region."**

Revise MCC 38.7380(C)(4) to read:

(4) A winery upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006. ~~For the purposes of this section, "local region" shall use the same definition as "local agricultural area" in OAR 660 Division 33.~~

The term "local region" is not defined in the Plan Amendment or Management Plan, so eliminating the proposed definition has no impact the consistency of the County code with these documents. If the term is not defined, the County will need to interpret its meaning in the event an application is filed for a winery within a historic building.

**Amendment #3: Remove the Emergency Clause from the proposed ordinance.**

Language indicating that the Board is adopting the ordinance by emergency has been removed. The ordinance with or without these amendments can be adopted following a second reading.

BOGSTAD Deborah L

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**From:** Nathan Baker [nathan@gorgefriends.org]  
**Sent:** Tuesday, May 02, 2006 2:46 PM  
**To:** District3; ROBERTS Lonnie J; CHAIR Mult; District1; SERENA CRUZ  
**Cc:** 'Michael Lang'; 'Kevin Gorman'; 'Gary Kahn'; BOGSTAD Deborah L; WALKER Gary R; Matthew Lieuallen; BOREN-KING Tammy; TOKOS Derrick I; DUFFY Sandra N  
**Subject:** Proposed Ordinance Language for County Commission Second Reading (May 4 meeting, Item #R-15)



Proposed  
Ordinance Language for

Dear Commissioners:

Attached is a document containing suggestions for the draft ordinance regarding commercial uses in historic buildings in the National Scenic Area (May 4 meeting, Item #R-15). The document contains nine proposals for the ordinance and is submitted jointly by eleven Corbett residents and Friends of the Columbia Gorge. Friends has members in more than 3,000 households, hundreds of whom are located within the National Scenic Area.

Our new document contains three minor changes from our previous requests. Proposal #2 has been amended to request a buffer for commercial parking lots of 30 feet rather than 60 feet. Proposal #6 has been amended to limit music to acoustic stringed instruments, rather than prohibiting all outdoor music. Proposal #8(b) would address the Board's desire to limit the size and frequency of commercial events on a case by case basis.

We ask that you allow enough time at the hearing to deliberate on each one of the nine proposals. Thank you in advance for your careful consideration of these requests.

Nathan Baker, Staff Attorney  
Friends of the Columbia Gorge  
nathan@gorgefriends.org  
522 SW 5th Ave., Suite 720  
Portland, Oregon 97204-2100  
(503) 241-3762 x101  
Fax: (503) 241-3873

**Proposed Amendments to the Draft Multnomah County Ordinance  
Special Uses in Historic Buildings in the National Scenic Area**

**Submitted by Friends of the Columbia Gorge, Collyn Baldwin, Claudia Curran, Beverly Klock, Clair Klock, Eric Lichtenthaler, Phil Pizanelli, Dixie Stevens, Kimberlee Thorsell, Peter Thorsell, Brian Winter, and Cynthia Winter**

**Multnomah County Board of County Commissioners  
May 4, 2006 Second Reading, Item #R-15**

~~§ 38.7380(A)(1). The term “historic buildings” refers to buildings included on either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).~~

~~§ 38.7380(C). The following uses may be allowed as established in each zone on a property with a building included on either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000–38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.~~

~~§ 38.7380(F)(1)(a). All applications for uses listed in MCC 38.3780(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the~~

**Proposal #1: Limit the scope of the ordinance to buildings actually listed on the National Register of Historic Places.**

Multnomah County should limit the scope of the amendment to buildings actually listed on the National Register of Historic Places. The County has the authority to make this change if it finds that it would result in greater protections for historic buildings.

This change would increase protection and enhancement of historic buildings because it would require landowners to take the extra step of achieving National Register status prior to applying for new commercial uses. National Register status carries with it additional protections, guidelines, and rewards for the buildings under federal and local law. For example, National Register properties are (1) eligible for favorable tax treatment under federal law to facilitate historic rehabilitation, (2) eligible for federal grants-in-aid for historic preservation, (3) must be considered in a federal decisionmaking process when any federal planning decision may adversely affect the property. 36 C.F.R. 60.2. In addition, last summer, the Oregon legislature extended its special assessment “property tax freeze” program to 30 years for residential properties on the National Register if the program is endorsed by the local government. Oregon House Bill 2776 (2005) (Oregon Laws 2005, ch. 2776, § 2.)

<p>National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].</p> <p><del>Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.</del></p>	<p>Apparently, neither the Gorge Commission nor Multnomah County have a complete list of exactly which properties are "eligible" for listing on the National Register or could become "eligible" in the future. According to County Planning Staff, 11 properties in Multnomah County are "clearly eligible," while as many as 78 additional properties "may be eligible." Thus, as many as 89 properties in Multnomah County could be converted to commercial facilities under the draft language in the ordinance.</p> <p>Given the uncertainty involving the scope of the proposal and its impacts, and given the additional safeguards that come with National Register status, the County should take the important step of limiting the ordinance to properties that are actually listed on the National Register.</p>
<p>§ 38.7380(G)(3). Parking shall be provided in accordance with the Off Street Parking and Loading standards of MCC 38.4100 through 38.4215. MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All parking areas associated with the use shall be provided on the subject property <b>and shall be located at least 30 feet from the outer boundary of the subject property.</b> Additionally, the surfacing requirements of MCC 38.4810(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.</p>	<p><b>Proposal #2: Require all commercial parking lots to be located at least 30 feet from the outer boundary of the subject property.</b></p> <p>In order to protect conflicts with neighboring properties, a buffer for all commercial parking areas should be provided in order to protect neighboring property owners. The county should require a buffer of 30 feet from all lot lines for all commercial parking lots.</p>
<p>§ 38.7380(G)(9). All sanitary facilities associated with a use allowed under MCC 38.7380 shall be located within permanent buildings on the subject property.</p>	<p><b>Proposal #3: Require sanitary facilities to be located within permanent buildings on the subject property.</b></p> <p>Allowing the use of portable restroom facilities would likely increase the scope, size, and impacts of individual events and has the potential to adversely affect scenic, natural, recreational, and cultural resources. The County should address these concerns by requiring all sanitary facilities to be located within permanent buildings on the subject property.</p>

<p><b>§ 38.7380(G)(10).</b> The owner of the subject property shall live on the property and shall operate and manage the use.</p>	<p><b>Proposal #4: Ensure that the owner of the subject property lives on the property and operates and manages the use.</b></p> <p>County rules for bed and breakfast inns in the National Scenic Area require the owner/manager to live on site. The County should require the same for Special Uses in Historic Buildings. Requiring the owner/manager to live on site has the potential to better ensure compliance with applicable rules and conditions of approval, and in many cases could ensure that commercial events remain incidental and subordinate to residential use. In addition, requiring the owner/operator to live on site could ensure that such persons are more available and responsive to addressing neighbors' concerns about traffic, noise, safety, and related issues.</p>
<p><b>§ 38.7380(G)(1).</b> Outdoor uses shall be limited to the hours of 7:00 a.m. to <del>7:00 p.m. or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 p.m.</del> <b>9:00 p.m. Indoor uses except for overnight lodging shall be limited to the hours of 7:00 a.m. to 10:00 p.m.</b></p>	<p><b>Proposal #5: Require a year-round cutoff time of 9:00 p.m. for outdoor uses and 10:00 p.m. for indoor uses.</b></p> <p>The draft language would allow outdoor uses to continue until as late as 10:00 p.m.. This is unacceptable, because outdoor parties may continue past the cutoff time as the parties wind down. In addition, the cutoff times in the draft ordinance would change depending on the time of year, and can be any of three possibilities (7:00, 10:00, or sunset). This is unnecessarily confusing.</p> <p>The draft language would also allow indoor commercial events to continue 24 hours per day. Even indoor events have the potential to cause disruption as party guests exit the building and congregate on decks and parking areas.</p> <p>The County should apply a cutoff time of 9:00 p.m. year-round to all outdoor uses and 10:00 p.m. for all indoor uses. This will reduce noise impacts and conflicts with surrounding properties.</p>
<p><b>§ 38.7380(G)(2).</b> The use of outdoor amplification and outdoor music in conjunction with a use authorized under this section is prohibited. All amplification and music must be contained within the</p>	<p><b>Proposal #6: Limit outdoor music to acoustic stringed instruments.</b></p> <p>Sound travels very easily in residential and rural parts of the Gorge, especially in summer months</p>

<p>historic building associated with the use.</p>	<p>when Gorge landowners are likely to be outside and likely to keep their windows open to enjoy summer breezes. In order to minimize impacts to neighboring landowners and recreational uses, the County should limit outdoor music to acoustic stringed instruments.</p>
<p><b>§ 38.7380(D)(7). Use of the subject property by buses, vans, shuttles, and similar vehicles for shuttling passengers to and from an event shall be limited to pickup and drop off only, with a maximum of 20 minutes per visit.</b></p>	<p><b>Proposal #7: Limit the impacts of shuttle vehicles by limiting their use to pickup and drop off only.</b></p> <p>The County Staff Report to the Planning Commission states at pages 3 through 4 that “[u]nder this proposed code, a landowner could seek to shuttle clients to their property from areas outside of the County’s jurisdiction, such as Portland or Gresham, provided they can substantiate in their conditional use application that the shuttles and other vehicles associated with the commercial use will be parked onsite.”</p> <p>The parking of shuttle vehicles on the property during commercial events could cause significant impacts to scenic, natural, and recreational resources. In the recent past, a Corbett resident who held commercial events without a valid land use permit allowed large tour buses to be parked on the property for hours at a time immediately adjacent to neighboring residences and fully visible from key viewing areas. The County should ensure against this kind of disruption by limiting shuttle vehicle use to pickup and drop off only.</p>
<p><b>§ 38.7380(D)(4). A maximum of 18 events may be held on the property during each calendar year.</b></p> <p><b>§ 38.7380(D)(5). Each event shall host no more than 100 guests and 50 vehicles per event.</b></p>	<p><b>Proposal #8(a): Provide limits in the ordinance of 18 events per year and 100 guests and 50 vehicles per event.</b></p> <p>As it stands, the draft ordinance language contains no limitations on the number of events per year, nor on the number of guests and vehicles per event. This gap in the ordinance is very likely to cause commercial events to exceed the requirement to be incidental and subordinate to the primary use of the property and to harm resources and uses on adjacent properties.</p> <p>Limiting the number of events per year and the number of people and vehicles per event would</p>

	<p>better protect surrounding uses and resources, would apply uniformly and fairly to all applicants, and would provide applicants and neighboring landowners with more certainty. This would also be consistent with the plan amendment, which expressly provides the County with the authority to address potential impacts to surrounding properties.</p>
<p><b>MCC § 38.7380(G)(5).</b> The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation. <b>Land use approvals for commercial events shall include conditions of approval limiting the number of allowed events per year and the number of guests and vehicles at each event.</b></p>	<p><b>Proposal #8(b): Ensure that the size, scope, and frequency of commercial events are evaluated on a case by case basis with conditions of approval.</b></p> <p>The Board of County Commissioners has expressed a desire to regulate the size, scope, and frequency of commercial events on a case by case basis. This proposal would ensure that this happens. It would require Planning Staff to set appropriate limits for each proposed commercial events facility on a case by case basis in order to ensure that the events are compatible with the surrounding area. The proposed language would work hand in hand with draft section 38.7380(F)(1)(b)(iv), which requires the applicant for a commercial event to propose limits on the number of events and the number of guests and vehicles at each event.</p>
<p><b>MCC § 38.7380(E).</b> Land use approvals for Special Uses in Historic Buildings shall be subject to review every <del>five</del> <b>two</b> years from the date the original approval was issued.</p>	<p><b>Proposal #9: Require review of special use approvals every two years rather than every five years.</b></p> <p>The draft ordinance language would require the County to review special use approvals only once every five years. Because the plan amendment is extremely controversial and, if adopted, would likely be newly tested for the first time in Multnomah County, approvals should be reviewed more frequently than every five years.</p> <p>A review requirement of once every two years would provide better County oversight, allow for more citizen input, result in more applicant accountability, and more effectively protect and enhance historic resources.</p>

**BOGSTAD Deborah L**

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**From:** Jared Bowler [jaredmbowler@gmail.com]  
**Sent:** Tuesday, May 02, 2006 6:13 PM  
**To:** CHAIR Mult; District1; SERENA CRUZ; ROBERTS Lonnie J; BOGSTAD Deborah L  
**Subject:** Fwd: Commercial Events in the Gorge

Dear County Commissioners,

I receive the reply below from Commissioner Naito and am extremely pleased that the Board has decided to limit commercial usage to those properties listed on the National Historic Register List. I completely support this decision because I too realize that it will insure the utmost protection of the Gorge area. I will be attending the hearing this Thursday and hope that your decision to this matter stands.

Thanks again,

Jared Bowler

----- Forwarded message -----

**From:** District3 <District3@co.multnomah.or.us>  
**Date:** May 1, 2006 9:34 AM  
**Subject:** RE: Commercial Events in the Gorge  
**To:** Jared Bowler <jaredmbowler@gmail.com>

Dear Jared,

Thank you for sharing your comments regarding the amendments to the Multnomah County Code implementing the gorgewide Historic Properties Management Plan. The Board of County Commissioners was presented with a first reading of the amendments last Thursday. The second reading and planned adoption of the amendments will be at the Board Meeting this Thursday at 9:30am at the Multnomah Building, 501 SE Hawthorne, Portland, OR, 97214. The proposal before the Board is that which was proposed by the Land Use Planning Commission with a few changes. Most notably, the Board has asked that the amendments be changed to require that the plan only apply to properties whose owners have actually registered the property on the historic registry. Many of the concerns you share in your e-mail, I feel can be dealt with in the permitting process on a case-by-case basis.

Once again, thank you for sharing your concern. I am pleased with the public process that has occurred so far in developing these amendments for the Board's consideration. We would welcome your testimony on Thursday.

Sincerely,



LISA NAITO  
 Multnomah County  
 Commissioner  
 District 3

5/3/2006

**DUFFY Sandra N**

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**From:** Jeff Litwak [Litwak@gorgecommission.org]  
**Sent:** Wednesday, May 03, 2006 4:22 PM  
**To:** DUFFY Sandra N  
**Subject:** Historic Buildings

Sandy:

Here is what I am able to express with the short time that I've had to think about this

The Gorge Commission staff has not had time to consider whether this approach is workable and is thus uncomfortable with it. The Gorge Commission has never had to consider an ordinance with a springing clause. The Scenic Area Act does not anticipate the Commission having to choose between alternatives. It requires the Commission only to find an ordinance consistent or inconsistent with the Management Plan. If the Commission finds the first option to be inconsistent, then it must specify its reasons, and suggest modifications. There is no express authorization for the Commission to consider an alternative.

As well, the Gorge Commission staff will be recommending that the Gorge Commission can only find language that includes buildings eligible for the National Register to be consistent with the Management Plan. The Commission's final order adopting the plan amendment relied on information from the State Historic Preservation Offices in Oregon and Washington that better protection of historic buildings occurs when eligible buildings are also given incentives for their protection. If the Gorge Commission approves language that does not include eligible buildings, then it would be making a decision that is inconsistent with its final order, which could significantly affect its ability to defend the plan amendment in the current lawsuit.

Jeff

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 5/4/06

SUBJECT: Columbia Gorge - Historic Properties

AGENDA NUMBER OR TOPIC: R-15

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

NAME: Dixie Stevens

ADDRESS: 38725 E HCR11

CITY/STATE/ZIP: Corbett OR 97019

PHONE: DAYS: 503 258 4640 EVES: \_\_\_\_\_

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

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

WRITTEN TESTIMONY: Do not allow commercial events. If so, do a 2 year permit process.

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

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

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

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

May 4<sup>th</sup>, 2006

Testimony Regarding Historic Buildings and Commercial Issues

I testified last week and when I left I decided I would not testify again. It feels as if the cards are stacked against those opposed to expanding outdoor commercial events venues in the Gorge. However, I and my neighbors have a lot to lose personally and believe that Gorge neighborhoods and visitors lose if this is passed as is. Therefore, I hope that you can modify some of the provisions before you to make this more workable.

I want to state again that a five year permitting process for a new ruling such as this is too lengthy. While this is standard procedure for permits, this has been applied for longstanding processes whose effects and outcomes are known. In this case, this change is too new to know the effects on the Gorge and Gorge neighborhoods. While the goal is to help people fix their buildings, a five year time frame doesn't provide any safeguards to see that this is happening. Plus, disturbances to the community in general through disregarding appropriate use of music, size of event, and parking restrictions can become entrenched before the permit is seriously challenged. I understand that the hope is that enforcement will correct problems, however talk to any Gorge resident on any side of this issue, and you will hear that the enforcement department cannot address this increased burden let alone the issues the department currently faces.

I strongly urge you to change the permitting to two years until there is a track record of compliance by an operator and until the County knows how this issue plays out in reality.

Dixie Stevens  
38725 E HCRH  
Corbett, OR 97019.

5/4/06 DIXIE STEVENS  
READ INTO RECORD

April 27, 2006

Board of County Commissioners  
Multnomah County  
501 SE Hawthorne  
Portland, OR 97214

RE: Amendments to MCC Chapter 38, Columbia River Gorge National Scenic Area,  
Relating to Historic Properties and Declaring an Emergency

Dear Commissioners

Thank you very much for the opportunity to comment on proposed revisions to the county ordinances that would allow certain commercial uses within historic buildings in the General Management Area of the Columbia River Gorge National Scenic Area within Multnomah County.

I have come before you in the past and stated my support for reopening the Viewpoint Inn in the interest of protecting a building that is listed on the National Historic Register and also promoting appropriate economic development within east Multnomah County. However, the proposed ordinance before you today goes far beyond the Viewpoint Inn and would apply to any building that might be eligible for listing on the National Historic Register. I am very concerned by the scope of this amendment and the effects that it may have on resources within the Columbia River Gorge National Scenic Area and on neighboring property owners. I ask that you refocus this amendment to only apply to buildings, such as the Viewpoint Inn, that are currently listed on the National Historic Register.

In addition, I have reviewed a proposal from residents of Corbett and Friends of the Columbia Gorge that seeks to balance historic preservation and economic development with protecting the rights of nearby property owners and the quality of life that they currently enjoy by living within the beautiful Columbia River Gorge National Scenic Area. I ask that you give full consideration of each of these proposed changes to the amendments. In that way we may allow the reopening of the historic inn, but also fully respect the interests of nearby landowners and preserve the rural character of the Corbett area.

Thank you for considering this request.

Sincerely,

Ted Wheeler

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5/4/06

SUBJECT: NSA Act Plan Amendment

AGENDA NUMBER OR TOPIC: R-15 ?

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

NAME: Claudia CURRAN

ADDRESS: 38835 E H & I R Hwy

CITY/STATE/ZIP: Corbett

PHONE: \_\_\_\_\_ DAYS: 503 695 5718 EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: Commercial uses in historic properties

WRITTEN TESTIMONY: Yes - 5 copies

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

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

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

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

My name is Claudia Curran. I've lived in rural residential Corbett for almost 30 years. I wasn't going to come back today after last weeks meeting, but so many aspects of this new application are so troubling, I came back to give it another shot.

First is the word "emergency," that no one seemed to know where it came from, and caused confusion between Commissioners. I also wonder why it was inserted.

Second, the fact Gorge Commissioners can insert their own language into someone elses application, that changes the entire scope and package, is perplexing. The word "eligible" made the application in essence, a public or class action filing for potentially hundreds of unknown people and properties, rather than 1 person, 1 property. This seems, at best, unethical. At least 1 Gorge Commissioner owns a Historic property, and it makes me wonder about a possible conflict of interest, if any of their friends and/or family might now stand to gain from this new language .

Third, how is it that allowing potentially hundreds of new, indoor/outdoor commercial businesses in residential areas helps protect all the resources in a National Scenic Area? If I own a Historic home in the Laurelhurst neighborhood in Multnomah County -- I can't open an indoor/outdoor commercial business. But in a National Scenic Area neighborhood, its O.K. That is plain convoluted rationalization. The NSA Act language is clear -- "economic development in urban areas." How this new language has been spun into being more protective of resources would be laughable, if it weren't so serious.

Affected property owners concerns have not been listened to, or addressed, by any one throughout the years this has been debated. It has been slowly chugging forward under such legal mumbo jumbo -- regular people with lives and jobs cannot afford to be the integral part of the process they need to be. Waiting to address our concerns at the conditional use permit stage, is too late.

This Amendment has morphed into something entirely different than the original application. It should

be stopped here. The County Commissioners can show their courage and commitment to protecting their portion of the scenic wonder in our back yard by doing so today.

Charging forward with something so debatable and controversial could cause the County problems in the future --- from endless permitting -- to endless complaints and enforcement problems. Can the County afford any of this? Is it right?

*Claudia Curran*

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: May 4<sup>th</sup>, 2006

SUBJECT: Commercial use in the Columbia River  
Gorge National Scenic Area

AGENDA NUMBER OR TOPIC: R-15

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

NAME: Michael Lang

ADDRESS: 522 SW. 5<sup>th</sup> Ave

CITY/STATE/ZIP: Portland, OR 97218

PHONE: DAYS: 503-241-3762 EVES: -

EMAIL: michael@gorgefriends.org FAX: \_\_\_\_\_

SPECIFIC ISSUE: 9 proposals from 11 Corbett residents  
and friends of the Columbia Gorge

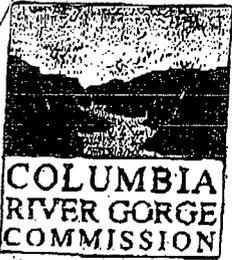
WRITTEN TESTIMONY: To be submitted

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

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

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

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



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229  
[www.gorgecommission.org](http://www.gorgecommission.org)

March 23, 2006

Honorable Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214

Dear Chair Linn:

On January 25, 2006, the Commission transmitted to you an amendment to the *Management Plan for the Columbia River Gorge National Scenic Area*, that improved protection of historic buildings in the National Scenic Area by allowing limited commercial activities in buildings that are either listed on or eligible for the National Register of Historic Places.

In the transmittal letter, I noted that the amendment is one that must be incorporated into your land use ordinance. Recently, I received a couple of questions about this statement.

\* This statement is my opinion, not official direction from the Commission. At the Commission's meeting in November 2005, when the Plan Amendment was adopted, I informed the Commission that the staff believes that this Plan Amendment is mandatory because the Commission found that it improves protection of cultural resources. This continues to be my professional opinion.

With that opinion stated, I want to assure all of you that the Management Plan policy that allows counties to adopt provisions that vary from the policies and guidelines in the Management Plan so long as the counties' ordinances provide greater protection for the Gorge resources (County Ordinances Policy 1, Management Plan at IV-8) applies to this plan amendment.

Please let me know if you have any questions or concerns.

Sincerely,

Martha Bennett  
Executive Director

- c. Columbia River Gorge Commission
- Dan Harkenrider, Area Manager, USDA Forest Service
- National Scenic Area Tribal Nations
- Mike Carrier, Office of Governor Kulongoski
- Cathleen Drew, Office of Governor Gregoire
- County Planning Directors
- Gordy Euler, Clark County Community Development Department
- Derrick Tokos, Multnomah County

## **SUBSTANTIVE MODIFICATION TO AMENDMENT PA-05-02 (adopted 11/15/05)**

### **NEW CULTURAL RESOURCES POLICY (Part I, Chapter 2 of Management Plan)**

Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.

### **SPECIAL USES IN HISTORIC BUILDINGS (Part II, Chapter 7 of Management Plan)**

#### **Additional Review Uses for Historic Buildings**

1. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2.A and B, 3, 4 and 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.
2. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2.A and B, 3, 4 and 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.
3. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2 through 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines.
4. The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or

eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Guidelines for Uses in Historic Buildings":

- A. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.
- B. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
- C. Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property
- D. Wineries upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
- E. Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.
- F. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
- G. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.
- H. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
  - (1) incidental and subordinate to another approved use included in Guideline 1 of "Additional Review Uses for Historic Buildings"; and
  - (2) no larger than 100 square feet in area.
- I. Interpretive displays, picnic areas or other recreational day use activities on the subject property.
- J. Parking areas on the subject property to support any of the above uses.

## **SUBSTANTIVE MODIFICATION TO AMENDMENT PA-05-02 (adopted 11/15/05)**

### **NEW CULTURAL RESOURCES POLICY (Part I, Chapter 2 of Management Plan)**

Provide incentives to protect and enhance historically significant buildings by allowing uses of such buildings that are compatible with their historic character and that provide public appreciation and enjoyment of them as cultural resources.

### **SPECIAL USES IN HISTORIC BUILDINGS (Part II, Chapter 7 of Management Plan)**

#### **Additional Review Uses for Historic Buildings**

1. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2.A and B, 3, 4 and 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.
2. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places, and which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2.A and B, 3, 4 and 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines. The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.
3. Properties in all GMA land use designations except Open Space and Agriculture-Special with buildings included on the National Register of Historic Places shall be permitted to hold commercial events, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and the following sections of the "Additional Resource Protection Guidelines for Uses in Historic Buildings": Cultural Resources Guidelines 2 through 5; and all Scenic, Recreation, Agriculture and Forest Lands Guidelines.
4. The following additional review uses may be allowed in all GMA land use designations except Open Space and Agriculture-Special on a property with a building either on or

eligible for the National Register for Historic Places and that was 50 years old or older as of January 1, 2006, subject to compliance with the applicable guidelines to protect scenic, cultural, natural and recreation resources and "Additional Resource Protection Guidelines for Uses in Historic Buildings":

- A. Establishments selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such establishments shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within approved establishments selling food and/or beverages shall be considered a part of the approved use.
- B. Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of existing rooms in the historic building as of January 1, 2006.
- C. Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property
- D. Wineries upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.
- E. Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.
- F. Conference and/or retreat facilities within a historic building, as the building existed as of January 1, 2006.
- G. Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.
- H. Gift shops within a historic building, as the building existed as of January 1, 2006 that are:
  - (1) incidental and subordinate to another approved use included in Guideline 1 of "Additional Review Uses for Historic Buildings"; and
  - (2) no larger than 100 square feet in area.
- I. Interpretive displays, picnic areas or other recreational day use activities on the subject property.
- J. Parking areas on the subject property to support any of the above uses.

5. For the purposes of the guidelines in this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to Cultural Resources Guideline 1 of “Additional Resource Protection Guidelines for Uses in Historic Buildings.”
6. Uses 3 and 4.C are not subject to the “Commercial Events” provisions in Part II, Chapter 7 of the Management Plan. Commercial events at historic properties will be regulated by the guidelines contained in this section. Applications for commercial events shall include all information in the “Operational Plan for Commercial Events” as specified in Guideline 2.D of “Additional Resource Protection Guidelines for Historic Buildings”. The following apply to commercial events at historic properties:
  - A. Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.
  - B. The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.
7. Uses 1 and 4.I are not subject to the parking limits and associated “Facility Design Guidelines” in the Recreation Intensity Classes.
8. Counties may impose additional requirements to address health, safety, and potential impacts to surrounding properties. For example, they may limit noise, parking, traffic, lighting and operating hours.
9. Land use approvals for special uses in historic buildings shall be subject to review by the local government every five years from the date the original approval was issued. As part of this review, the applicant shall submit documentation to the local government on the progress made in implementing the “Protection and Enhancement Plan” required in Cultural Resources Guideline 2 of “Additional Resource Protection Guidelines for Uses in Historic Buildings”. The local government shall submit a copy of the applicant’s documentation to the State Historic Preservation Agency (SHPA). The SHPA shall have 30 calendar days from the date this information is mailed to submit written comments to the local government. If the local government’s determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion. The local government shall revoke the land use approval if the owner has failed to implement the actions described in the “Protection and Enhancement Plan” according to the schedule for completing such actions in this plan. The local government may, however, allow such a use to continue for up to one additional year from the date a local government determines the applicant has failed to implement the actions if the applicant submits a written statement describing unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule, what progress the applicants have made towards completing such actions, and a proposed revised schedule for completing such actions.

10. In the event a court enters a judgment that one or more of the use authorizations provided for in paragraphs one through four of this section are invalid, the authorizations for other uses in this section are severed and will remain in effect.

**Additional Resource Protection Guidelines for Uses in Historic Buildings (Part II, Chapter 7 of Management Plan)**

The following guidelines apply to proposed uses listed under “Special Uses for Historic Buildings” in addition to all other relevant guidelines for protection of scenic, cultural, natural and recreation resources:

*Cultural Resources*

1. All applications for uses listed in Guideline 4 of “Additional Review Uses for Historic Buildings” shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in “Historic Surveys and Reports” [Management Plan, page I-58]. The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin “How to Apply the National Register Criteria for Evaluation” [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the local government, based on input from the state historic preservation Agency (SHPA). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPA. The SHPA shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the local government’s determination contradicts comments from the SHPA, the local government shall justify how it reached an opposing conclusion.

2. Applications for Special Uses for Historic Buildings shall include a “Protection and Enhancement Plan” which shall include the following:
  - A. A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.
  - B. A statement addressing consistency of the proposed use with the *Secretary of the Interior’s Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior’s Standards for Preservation of Historic Properties*.

- C. Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.
- D. Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:
- (1) Number of events to be held annually.
  - (2) Maximum size of events, including number of guests and vehicles at proposed parking area.
  - (3) Provision for temporary structures, including location and type of structures anticipated.
  - (4) How the proposed commercial events will contribute to protection and enhancement of the historic resource.
3. The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Agency (SHPA). The SHPA shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPA comments shall address consistency of the proposed use with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*, and the effect of the proposed use on the historic resource.
4. Any alterations to the building or surrounding area associated with the proposed use have been determined by the local government to be consistent with the *Secretary of the Interior's Standards for Rehabilitation of Historic Properties* and the *Secretary of the Interior's Standards for Preservation of Historic Properties*. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.
5. The proposed use has been determined by the local government to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the local government's final decision contradicts the comments submitted by the State Historic Preservation Agency, the local government shall justify how it reached an opposing conclusion.

### *Scenic Resources*

1. New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials shall be prohibited.
2. New parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual subordination. New screening vegetation may be used if existing topography and vegetation are insufficient to help make the parking area visually subordinate from Key Viewing Areas, if such vegetation would not adversely affect the historic character of the building's setting.
3. Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days after the event if the local government determines that they will be visually subordinate from Key Viewing Areas.

### *Recreation Resources*

1. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

### *Agricultural and Forest Lands*

1. The proposed use is compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.
2. The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.
3. A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on lands designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland.
4. All owners of land in areas designated Large-Scale or Small-Scale Agriculture, Agriculture-Special, Commercial Forest Land, or Large or Small Woodland that are within 500 feet of the perimeter of the subject property on which the use is proposed to be located have been notified and given at least 10 days to comment prior to a decision on an application for a Special Use for a Historic Building.

**NEW GMA REVIEW USE GUIDELINE (Part II, Chapters 1, 2, 4, 5, and 6)**

1. The following uses may be allowed on lands designated Large-Scale or Small Scale Agriculture, subject to compliance with guidelines for the protection of scenic, cultural, natural, and recreation resources:
  - A. Special uses in historic buildings, subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7).

*Note: The same language is to be inserted in the following chapters for the following GMA designations: Chapter 2 for lands designated Small Woodland, Large Woodland, and Commercial Forest; Chapter 4 for lands designated Residential; Chapter 5 for lands designated Commercial and Rural Center; and Chapter 6 for lands designated Public Recreation and Commercial Recreation. The numbering of the item may change if it is inserted at the end of the lists of review uses, instead of the beginning; the text remains exactly as shown above.*

**REVISED GMA GUIDELINE 2. A FOR COMMERCIAL EVENTS (Part II, Chapter 7)**

2. Commercial events may be allowed in the GMA except on lands designated Open Space and Commercial Forest, subject to compliance with the following conditions and the scenic, cultural, natural and recreation resources guidelines:
  - A. The use must be in conjunction with a lawful winery, wine sales / tasting room, bed and breakfast inn, or commercial use, or dwelling listed in the National Register of Historic Places. If the use is proposed on a property with a building on or eligible for the National Register of Historic Places, it shall be subject to the guidelines in “Special Uses in Historic Buildings” (Part II, Chapter 7), and not the guidelines of this section.

**NEW CULTURAL RESOURCES ENHANCEMENT STRATEGY OBJECTIVE (Part III, Chapter 3 of Management Plan)**

*GMA/SMA Objectives*

- 3.D. Encourage local governments to expand existing incentives for the protection of historic buildings, including adopting resolutions or ordinances that facilitate landowner access to federal and state programs providing such incentives.

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 5-4-06

SUBJECT: Plan Amendment to Scenic Area Ordinance

AGENDA NUMBER OR TOPIC: R-15

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

NAME: David Richardson

ADDRESS: 4405 NE Alberta St.

CITY/STATE/ZIP: Portland, OR 97218

PHONE: DAYS: 503-913-6534 EVES: -

EMAIL: david@gorgefriends.org FAX: \_\_\_\_\_

SPECIFIC ISSUE: Requests # 5 & #6

WRITTEN TESTIMONY: None

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

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

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

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

#5

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: May 4, 2006

SUBJECT: Commercial uses in the Columbia River Gorge  
Metfield Scenic Area

AGENDA NUMBER OR TOPIC: R-15

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

NAME: Gary Kahn

ADDRESS: P.O. Box 86100

CITY/STATE/ZIP: Portland, OR 97286

PHONE: DAYS: 503-777-5473 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: 503-777-8566

SPECIFIC ISSUE: ~~Proposed~~ Nine proposals from 11  
Corbett residents and Friends of the Columbia Gorge

WRITTEN TESTIMONY: To be submitted

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

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

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

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

#60

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 5/4/06

SUBJECT: R #15

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

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

NAME: Jan Franz

ADDRESS: 1642 N.E Columbia

CITY/STATE/ZIP: Corbett, Ore

PHONE: \_\_\_\_\_ DAYS: 503-695-5830 EVES: Same

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

SPECIFIC ISSUE: View Point Inn Policy

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

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

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

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

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

#7

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5/4/06

SUBJECT: R15

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

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

NAME: Kevin Baird

ADDRESS: 3950 SE John place

CITY/STATE/ZIP: Gresham OR 97080

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

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

SPECIFIC ISSUE: The Viewpoint Inn -  
Gorge Wide Pkwy.

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

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

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3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

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

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

#8

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5-4-06

SUBJECT: VIEW POINT

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

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

NAME: RITA SWYERS

ADDRESS: 2000 EASTSIDE RD

CITY/STATE/ZIP: HOOD RIVER OR 97031

PHONE: DAYS: 541-386-4261

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

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

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

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

WRITTEN TESTIMONY: No

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

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

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

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

#9

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 4 MAY 06

SUBJECT: HISTORIC PROPERTIES IN NSA

AGENDA NUMBER OR TOPIC: R-15

FOR:  AGAINST:  THE ABOVE AGENDA ITEM

NAME: BOB LEPPER

ADDRESS: PO BOX 94

CITY/STATE/ZIP: TROUTDALE OR 97060

PHONE: DAYS: 503-695-5276

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

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

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

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

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

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

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

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

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

#10

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 5-4-06

SUBJECT: View Point Inn

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

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

NAME: Bobbie Miller

ADDRESS: 1660 Meek St.

CITY/STATE/ZIP: The Dalles Or 97058

PHONE: \_\_\_\_\_ DAYS: 541-296-5286 EVES: \_\_\_\_\_

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

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

WRITTEN TESTIMONY: no

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

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

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

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

#11

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5/9/06

SUBJECT: THE VIEW POINT INN

AGENDA NUMBER OR TOPIC: 1211

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

NAME: GEOFF THOMPSON

ADDRESS: 40301 E. LARCH MT RD

CITY/STATE/ZIP: Corbett OR 97019

PHONE: DAYS: 503-695-5811 EVES: 503-695-5801

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

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

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

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

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

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

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



**GROEN  
STEPHENS & KLINGE LLP**  
ATTORNEYS AT LAW

2101 112TH AVENUE NE, SUITE 110  
BELLEVUE, WASHINGTON 98004-2944

JOHN M. GROEN  
RICHARD M. STEPHENS  
CHARLES A. KLINGE  
DIANA M. KIRCHHEIM

TELEPHONE  
(425) 453-6206  
FACSIMILE  
(425) 453-6224

February 9, 2005

*Via Federal Express*

Mr. Kevin Gorman  
Executive Director  
Friends of the Columbia Gorge  
522 SW Fifth Avenue  
Suite 720  
Portland, Oregon 97204

COPY

**Re: View Point Inn and Restaurant**

Dear Mr. Gorman:

This letter is to introduce you to the application recently filed with the Columbia River Gorge Commission seeking Management Plan amendments to allow the View Point Inn and Restaurant to be used as a public visitor center and to reestablish its historic use.

I have enclosed a copy of the application for you. Yesterday, I also gave two copies to Michael Lang.

This letter is to encourage Friends of the Columbia Gorge to take an objective review and, ultimately, to support this application. I believe that the public benefits of this proposal fit squarely within the mission and vision statement of Friends of the Columbia Gorge. I hope that upon close review, you will see that this application advances the goals of the National Scenic Act and provides an opportunity for consensus support including from Friends of the Columbia Gorge.

As you know, some people think that Friends of the Columbia Gorge provides "knee jerk opposition" to any proposal by landowners in the Gorge. This is an opportunity to show the public, the media, and your supporters that such criticism is not warranted. Rather, when a proposal is made that furthers the purposes of the Act, and protects scenic and cultural resources, Friends is ready to support such a proposal even though it is the vision of a private landowner.

This property is listed on the National Register of Historic Places, similar to the Vista House, the Multnomah Falls Lodge and the Columbia Gorge Hotel. By opening this property as a self-supporting visitor center, this cultural resource can be protected and enhanced. The Management Plan includes goals of increasing scenic appreciation opportunities, providing a diversity of recreation opportunities accessible to all segments of the public, and increasing public understanding of human resources through interpretive programs and facilities. As you review the enclosed application, you will see that these goals are furthered by this proposal.

Mr. Kevin Gorman, Executive Director  
Friends of the Columbia Gorge  
February 9, 2005  
Page 2

GROEN STEPHENS & KLINGE LLP

Most applications in the Gorge involve construction and development of some kind. This proposal does **not**. It provides a unique opportunity to protect a cultural resource, provide a new viewpoint for the public, and provide a cultural resource-based recreation opportunity accessible to all. This is accomplished *without any development* and the typical impairment of scenic and natural resources that accompany new construction and facilities.

The website for Friends of the Columbia Gorge states the mission of the organization as including "vigorously protecting ... cultural resources" and also "promoting responsible stewardship." I believe you will see that this proposal advances that mission.

Similarly, the vision statement proclaims that cultural heritage will be cherished. Within that context, the website statement mentions the scenic highway as an "aesthetic and engineering masterpiece." We could not agree more. As the proposal points out, it was the scenic highway engineered by Samuel Lancaster that prompted the construction in 1924 of the View Point Inn and Restaurant. The cultural heritage of the Inn and the scenic highway are inextricably linked.

The website also states:

Protection and interpretation of the Gorge's cultural history will help each of us better understand ourselves by understanding our past.

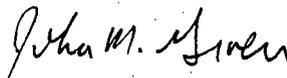
We agree. That is why this proposal is being made. As you read the proposal, you will see that high quality interpretive displays, paintings, furniture, artifacts and other memorabilia are intended to invite the visitor to step back to an earlier time. Understanding our past, appreciating that cultural heritage, is what drives this proposal.

After you have had a chance to review the proposal, I welcome any issues or input you would like to discuss.

I believe the media and general public will strongly support this effort to preserve a significant cultural resource. I sincerely hope that Friends of the Columbia Gorge will likewise see that the public benefits from this proposal deserve the support of your organization.

Sincerely,

GROEN STEPHENS & KLINGE LLP



John M. Groen

[jgroen@GSKonline.com](mailto:jgroen@GSKonline.com)

Enclosures

#12

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

R15  
MEETING DATE: 5/4/06  
SUBJECT: Gorge-Wide Alternative

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

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

NAME: Angelo Simione

ADDRESS: 40301 E. Larch Mtn. Rd.

CITY/STATE/ZIP: Corbett, OR. 97019

PHONE: DAYS: (503) 695-5811 EVES: \_\_\_\_\_

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

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

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

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

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

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

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

#13

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: May 4, 2006

SUBJECT: R15

AGENDA NUMBER OR TOPIC: Vicopoint Inn

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

NAME: Jasmi Reynolds

ADDRESS: 1969 NW Glisan, # 44

CITY/STATE/ZIP: Portland, OR

PHONE: DAYS: 503-421-7630 EVES: 503-227-2423

EMAIL: orconserv@earthlink.net FAX: \_\_\_\_\_

SPECIFIC ISSUE: Object to the amendment

WRITTEN TESTIMONY:

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

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

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

#14

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 5-14-02

SUBJECT: Property rights

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

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

NAME: Areta Schmidt

ADDRESS: 40900 E Garck Mh. Rd

CITY/STATE/ZIP: Corbett OR 97019

PHONE: DAYS: 503 695 5472 EVES: \_\_\_\_\_

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

SPECIFIC ISSUE: My right to sell divide  
my property at least by 2 two  
Parcels.

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

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

1. Please complete this form and return to the Board Clerk.
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3. State your name for the official record.
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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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2. Written testimony will be entered into the official record.

#15

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 4 May 06

SUBJECT: Historic Buildings

AGENDA NUMBER OR TOPIC: R-15

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

NAME: Argie Moore

ADDRESS: 7180 SW Cable Pkwy

CITY/STATE/ZIP: Portland, Oregon

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

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

SPECIFIC ISSUE: Guidelines pertaining to commercial use in historic buildings within the NSA.

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

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

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
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**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

*Angelique Gremillion Moore*  
*7180 SW Gable Parkway*  
*Portland, Oregon*

Multnomah County Commissioners  
501 S.E. Hathorne Boulevard  
Portland, Oregon

Dear Commissioners,

The National Scenic Area Act was put into place to protect an area of unique beauty. Part of the plan was to limit commercial activity to designated areas thereby protecting the natural, scenic, cultural and recreational resources of the Columbia Gorge. The proposal to allow commercial events on properties scattered throughout the section of Multnomah County that lies within the Columbia Gorge threatens that protection.

Along with my concern of the impact on the resources of our National Scenic Area, I am also concerned about the neighbors of the properties that would hold these commercial events. Since this is a change of status, many of the adjoining property owners purchased their properties believing they were purchasing in a rural residential area. Their rights need to be taken into account also.

I am sympathetic to the need to preserve old historic buildings in the Gorge but I think it is essential that there be clear restrictions put in place and enforced. There needs to be strict guidelines on what buildings are eligible, parking, bathroom facilities, times events may be held, outdoor music, shuttle services and how often events can be held. There should be a review period at two years to assess how this is working for all parties involved. I am submitting a list of items that I believe should be adopted as part of a comprehensive plan to allow commercial activity while protecting the resources of the Gorge and the rights of the neighbors near the property holding commercial events.

Robert Frost's poem "Mending Wall" said "good fences make good neighbors". The guidelines you adopt will be the fence that makes the historic commercial property owner a good neighbor.

Thank you.

*Angelique Gremillion Moore*

Angelique Gremillion Moore

## Items for Consideration

1. Only buildings already on the list of Historic properties should be allowed to hold commercial events.
2. Limit the size of the parking lots for commercial facilities and protect adjoining neighbors by creating a 30 foot buffer zone between any parking lot and the property line.
3. Do not allow unsightly portable bathroom facilities on the historic commercial properties.
4. Require and enforce that the owner of the historic commercial property lives on the property.
5. Require a cut off time for events. Nine o'clock for outdoor, 10 o'clock for indoor events.
6. Limit the volume of outdoor music.
7. Place limits on the number of events and the size of events. Size should take into consideration both the number of people and the number of cars. Big events would have a large negative impact on both the scenic area and adjoining property owners.
8. Look at each site individually when deciding the number and size of events allowed. The purpose should not be to make as much money as possible but to again to find the balance between the needs of all those impacted by this change in status. I believe that 18 events per year with a limit of 100 people/50 cars should be the upper limit.
9. Especially since this is new, review how this is working after two years.

I believe that if you take into consideration these items you can find a balance between the National Scenic Area, the neighbors of the historic properties and the owners of the historic properties.

#160

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5-4-06

SUBJECT: Scenic Area Historic Buildings ordinance

AGENDA NUMBER OR TOPIC: R-15

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

NAME: Brian Litt, Columbia River Gorge Commission

ADDRESS: P.O. # 730

CITY/STATE/ZIP: White Salmon, WA 98672

PHONE: DAYS: 509-493-3323 EVES: \_\_\_\_\_

EMAIL: Litt@gorgecommission.org FAX: \_\_\_\_\_

SPECIFIC ISSUE: Comments on proposed ordinance

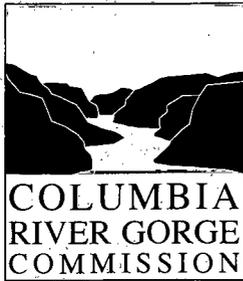
WRITTEN TESTIMONY: Yes, will provide letter

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

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

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

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



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229  
[www.gorgecommission.org](http://www.gorgecommission.org)

May 4, 2006

The Honorable Diane Linn, Chair  
Board of Commissioners  
Multnomah County  
501 SE Hawthorne Blvd., Suite 600  
Portland, OR 97214

Subject: Multnomah County Scenic Area Ordinance Amendments for Historic Buildings

Dear Chair Linn and Commissioners:

Columbia River Gorge Commission staff has reviewed the proposed amendments to Multnomah County's Scenic Area ordinance addressing special uses in historic buildings, as proposed by the Board at its April 27, 2006 hearing on this matter. I would also like to comment on two other related matters: 1) why limiting the ordinance amendment's applicability only to buildings on the National Register of Historic Places is inconsistent with the Gorge Commission's final order for Plan Amendment PA-05-02; and 2) concerns I have regarding possible adoption by the County of severability clause language on this particular point. Please consider these comments as you deliberate on these proposed code changes at your May 4, 2006 meeting.

Commission staff has reviewed the two proposed amendments proposed by the Board at the April 28 hearing and discussed in a staff report dated May 1, 2006. These amendments change provisions regarding visual subordination of parking areas and the definition of the term "local region" in the context of the origin of grapes used at wineries in historic buildings. Commission staff would recommend that the Gorge Commission find both of these amendments consistent with Plan Amendment PA-05-02. Option B in the May 1, 2006 staff report regarding the first of these amendments is preferable, as it clearly addresses inherent challenges involving making some existing parking areas visually subordinate.

I understand there is still interest in considering a proposal to limit adaptive uses only to buildings on the National Register of Historic Places, as opposed to buildings on or eligible for the Register. In its deliberations on Plan Amendment PA-05-02, the Gorge Commission considered an alternative to PA-05-02 proposed by the Friends of the Columbia Gorge which would have done just that. In its final decision (as reflected in its Final Order), the Commission found that an approach that only allows adaptive use of buildings on the National Register would be less consistent with the purposes and standards of the Scenic Area Act. By providing for protection and enhancement of buildings both on and eligible for the National Register, in the face of evidence that these cultural resources are being lost, the Commission found that Plan Amendment PA-05-02 is more consistent with purposes and standards of the Act. I have enclosed a copy of page 13 of the Commission's Final Order for PA-05-02, which addresses this specific point.

There are several reasons the Commission rejected the "National Register only" approach as providing less protection for historic resources. In the Scenic Area, buildings eligible for the National Register are considered just as significant as those that are listed, and receive the same level of protection. Thus, listing on the National Register provides no additional historic resource protection for these buildings in the Scenic Area. Only a small handful of historically significant buildings in the Scenic Area are listed on the National Register; only one of those is privately owned (Viewpoint Inn). We were advised by the State Historic Preservation Offices of both

Honorable Diane Linn

May 4, 2006

Page 2

Oregon and Washington that requiring a National Register listing will reduce the incentive for many private owners to renovate and pursue adaptive use of their buildings. This is because the process of applying for and receiving listing can be time consuming, costly, and complicated.

As you know, counties may vary from the Management Plan in their ordinances if, in doing so, they provide greater protection for scenic, cultural, natural and recreation resources. Since an ordinance allowing adaptive uses only for buildings on the National Register provides less protection for historic buildings in the Scenic Area, I urge you to adopt an ordinance that applies to historic buildings that are either on or eligible for the National Register.

I also understand the county is considering a "springing clause" approach to this ordinance. The Gorge Commission staff has not had time to consider whether this approach is workable and is thus uncomfortable with it. The Gorge Commission has never had to consider an ordinance with a springing clause. The Scenic Area Act does not anticipate the Commission having to choose between alternatives. It requires the Commission only to find an ordinance consistent or inconsistent with the Management Plan. If the Commission finds the first option to be inconsistent, then it must specify its reasons, and suggest modifications. There is no express authorization for the Commission to consider an alternative.

In short, the Gorge Commission staff will be recommending that the Gorge Commission can only find language that includes buildings either on or eligible for the National Register to be consistent with the Management Plan. If the Gorge Commission approves language that does not include eligible buildings, then it would be making a decision that is inconsistent with its final order, which could significantly affect its ability to defend the plan amendment in the current lawsuit.

Thank you for considering these comments. Commission staff appreciates Multnomah County's efforts to implement these important provisions in Multnomah County's portion of the Columbia River Gorge National Scenic Area.

Sincerely,



Martha Bennett  
Executive Director

Enclosure

c: Columbia River Gorge Commission

- 1 • NRHP listing would be required as a prerequisite to applying for adaptive uses;
- 2 • Restaurants would be allowed only in buildings that previously were restaurants,
- 3 with a 60-person capacity maximum;
- 4 • Overnight accommodations would be limited to bed and breakfasts;
- 5 • Commercial events would be limited to indoor activities only;
- 6 • Conference centers and retreat facilities would be allowed indoors only;
- 7 • Gift shops would be limited to 100 square feet in size;
- 8 • Interpretive displays, viewing areas and recreational day use would not be
- 9 allowed;
- 10 • Parking areas would have to be fully screened from Key Viewing Areas, located
- 11 on the subject parcel, and limited to 30 cars for parcels of 50 acres or less (parcels
- 12 larger than 50 acres could have parking for up to 50 cars);
- 13 • Adaptive uses in historic buildings would require review and approval every five
- 14 years. The approval would be revoked if the owner has not made sufficient
- 15 progress in implementing a Protection and Enhancement Plan or if the property
- 16 has not been used in compliance with applicable rules or conditions of approval.
- 17

18 Friends recommended that the alternative they proposed not be approved by the  
19 Commission, on the basis that they believed it was not consistent with the purposes and  
20 standards of the Act. The Commission finds that the Friends' Modification is not a  
21 practicable alternative to the applicant's proposal because the preponderance of evidence  
22 in the record shows that the 60-person cap on seating capacity for a restaurant use would  
23 limit revenue generated by this adaptive reuse to a level where restoration of the  
24 Viewpoint Inn itself would not be economically viable. More generally, limiting  
25 adaptive reuses of historic buildings to buildings that are on the National Register of  
26 Historic Places would be contrary to the recommendations of both the Washington and  
27 Oregon State Historic Preservation Offices, and is inconsistent with provisions of the  
28 Management Plan that include historic buildings that are *eligible* for the National  
29 Register as cultural resources to be protected and enhanced, as well as those that are  
30 listed on the National Register. By providing for the protection and enhancement of all  
31 historic buildings in the Scenic Area, in the face of evidence that these resources are  
32 being lost, the Director's Modification is more consistent with the purposes and standards  
33 of the Scenic Act.

34  
35 Lastly, the Commission considered a more limited Gorge-wide amendment that  
36 would limit reuse of historic buildings in the GMA portion of the Scenic Area to re-  
37 establishment of original historic uses in historic buildings. The Commission rejects this  
38 approach because of evidence indicating that restoring original uses can be cost-  
39 prohibitive, and may not provide sufficient revenue to support the restoration/  
40 preservation work needed. In other words, only allowing re-establishment of historic  
41 uses would be a less powerful incentive for preservation in many cases than would  
42 allowing a range of adaptive reuses. This alternative, by not allowing compatible  
43 adaptive uses of historic buildings, would provide less protection to the historic resources  
44 than would the Director's Modification.

#17

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 5/4/06

SUBJECT: Commercial uses outside of  
Commercial zones in Nat'l Scenic  
Area

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

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

NAME: AUBREY RUSSELL

ADDRESS: 2741 SW OLD ORCHARD RD

CITY/STATE/ZIP: PORTLAND OR 97201

PHONE: \_\_\_\_\_ DAYS: 503.295.1893 EVES: \_\_\_\_\_

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

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

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

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

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

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

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

#18

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

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

MEETING DATE: 05.04.06

SUBJECT: View point Inn & Restaurant  
- Implementing Ordinance

AGENDA NUMBER OR TOPIC: ~~8~~ R-15

FOR:  AGAINST:  THE ABOVE AGENDA ITEM

NAME: John Groen

ADDRESS: Groen Stephens & Kluge LLP  
11100 NE 8th St.

CITY/STATE/ZIP: Belleve WA 98004

PHONE: DAYS: 425/453-6206 EVES: \_\_\_\_\_

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

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

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

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

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4. If written documentation is presented, please furnish one copy to the Board Clerk.

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

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2. Written testimony will be entered into the official record.

#19

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: May 4, 2006

SUBJECT: Commercial Uses in Historic Buildings in the  
Columbia River Gorge National Scenic Area

AGENDA NUMBER OR TOPIC: R-15

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

NAME: NATHAN BAKER, Friends of the Columbia Gorge

ADDRESS: 522 SW 5TH AVE, SUITE 720

CITY/STATE/ZIP: PORTLAND, OR 97204-2100

PHONE: \_\_\_\_\_ DAYS: 503-241-3762 x101 EVES: \_\_\_\_\_

EMAIL: nathan@gorgefriends.org FAX: 503-241-3873

SPECIFIC ISSUE: Nine proposals by 11 Corbett residents  
and Friends of the Columbia Gorge

WRITTEN TESTIMONY: Please consider and vote on each  
one of the nine requests made by Corbett  
residents and Friends of the Columbia Gorge.

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

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

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

1. Please complete this form and return to the Board Clerk.
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**Proposed Amendments to the Draft Multnomah County Ordinance  
Special Uses in Historic Buildings in the National Scenic Area**

**Submitted by Friends of the Columbia Gorge, Collyn Baldwin, Claudia Curran, Beverly Klock, Clair Klock, Eric Lichtenthaler, Phil Pizanelli, Dixie Stevens, Kimberlee Thorsell, Peter Thorsell, Brian Winter, and Cynthia Winter**

**Multnomah County Board of County Commissioners  
May 4, 2006 Second Reading, Item #R-15**

~~§ 38.7380(A)(1). The term “historic buildings” refers to buildings included on either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).~~

~~§ 38.7380(C). The following uses may be allowed as established in each zone on a property with a building included on either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000–38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.~~

~~§ 38.7380(F)(1)(a). All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the~~

**Proposal #1: Limit the scope of the ordinance to buildings actually listed on the National Register of Historic Places.**

Multnomah County should limit the scope of the amendment to buildings actually listed on the National Register of Historic Places. The County has the authority to make this change if it finds that it would result in greater protections for historic buildings.

This change would increase protection and enhancement of historic buildings because it would require landowners to take the extra step of achieving National Register status prior to applying for new commercial uses. National Register status carries with it additional protections, guidelines, and rewards for the buildings under federal and local law. For example, National Register properties are (1) eligible for favorable tax treatment under federal law to facilitate historic rehabilitation, (2) eligible for federal grants-in-aid for historic preservation, (3) must be considered in a federal decisionmaking process when any federal planning decision may adversely affect the property. 36 C.F.R. 60.2. In addition, last summer, the Oregon legislature extended its special assessment “property tax freeze” program to 30 years for residential properties on the National Register if the program is endorsed by the local government. Oregon House Bill 2776 (2005) (Oregon Laws 2005, ch. 2776, § 2.)

<p>National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].</p> <p><del>Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.</del></p>	<p>Apparently, neither the Gorge Commission nor Multnomah County have a complete list of exactly which properties are "eligible" for listing on the National Register or could become "eligible" in the future. According to County Planning Staff, 11 properties in Multnomah County are "clearly eligible," while as many as 78 additional properties "may be eligible." Thus, as many as 89 properties in Multnomah County could be converted to commercial facilities under the draft language in the ordinance.</p> <p>Given the uncertainty involving the scope of the proposal and its impacts, and given the additional safeguards that come with National Register status, the County should take the important step of limiting the ordinance to properties that are actually listed on the National Register.</p>
<p>§ 38.7380(G)(3). Parking shall be provided in accordance with the Off Street Parking and Loading standards of MCC 38.4100 through 38.4215. MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All parking areas associated with the use shall be provided on the subject property <b>and shall be located at least 30 feet from the outer boundary of the subject property.</b> Additionally, the surfacing requirements of MCC 38.4810(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.</p>	<p><b>Proposal #2: Require all commercial parking lots to be located at least 30 feet from the outer boundary of the subject property.</b></p> <p>In order to protect conflicts with neighboring properties, a buffer for all commercial parking areas should be provided in order to protect neighboring property owners. The county should require a buffer of 30 feet from all lot lines for all commercial parking lots.</p>
<p>§ 38.7380(G)(9). All sanitary facilities associated with a use allowed under MCC 38.7380 shall be located within permanent buildings on the subject property.</p>	<p><b>Proposal #3: Require sanitary facilities to be located within permanent buildings on the subject property.</b></p> <p>Allowing the use of portable restroom facilities would likely increase the scope, size, and impacts of individual events and has the potential to adversely affect scenic, natural, recreational, and cultural resources. The County should address these concerns by requiring all sanitary facilities to be located within permanent buildings on the subject property.</p>

<p><b>§ 38.7380(G)(10).</b> The owner of the subject property shall live on the property and shall operate and manage the use.</p>	<p><b>Proposal #4: Ensure that the owner of the subject property lives on the property and operates and manages the use.</b></p> <p>County rules for bed and breakfast inns in the National Scenic Area require the owner/manager to live on site. The County should require the same for Special Uses in Historic Buildings. Requiring the owner/manager to live on site has the potential to better ensure compliance with applicable rules and conditions of approval, and in many cases could ensure that commercial events remain incidental and subordinate to residential use. In addition, requiring the owner/operator to live on site could ensure that such persons are more available and responsive to addressing neighbors' concerns about traffic, noise, safety, and related issues.</p>
<p><b>§ 38.7380(G)(1).</b> Outdoor uses shall be limited to the hours of 7:00 a.m. to <del>7:00 p.m. or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 p.m.</del> <b>9:00 p.m. Indoor uses except for overnight lodging shall be limited to the hours of 7:00 a.m. to 10:00 p.m.</b></p>	<p><b>Proposal #5: Require a year-round cutoff time of 9:00 p.m. for outdoor uses and 10:00 p.m. for indoor uses.</b></p> <p>The draft language would allow outdoor uses to continue until as late as 10:00 p.m.. This is unacceptable, because outdoor parties may continue past the cutoff time as the parties wind down. In addition, the cutoff times in the draft ordinance would change depending on the time of year, and can be any of three possibilities (7:00, 10:00, or sunset). This is unnecessarily confusing.</p> <p>The draft language would also allow indoor commercial events to continue 24 hours per day. Even indoor events have the potential to cause disruption as party guests exit the building and congregate on decks and parking areas.</p> <p>The County should apply a cutoff time of 9:00 p.m. year-round to all outdoor uses and 10:00 p.m. for all indoor uses. This will reduce noise impacts and conflicts with surrounding properties.</p>
<p><b>§ 38.7380(G)(2).</b> The use of outdoor amplification and outdoor music in conjunction with a use authorized under this section is prohibited. All amplification and music must be contained within the</p>	<p><b>Proposal #6: Limit outdoor music to acoustic stringed instruments.</b></p> <p>Sound travels very easily in residential and rural parts of the Gorge, especially in summer months</p>

<p>historic building associated with the use.</p>	<p>when Gorge landowners are likely to be outside and likely to keep their windows open to enjoy summer breezes. In order to minimize impacts to neighboring landowners and recreational uses, the County should limit outdoor music to acoustic stringed instruments.</p>
<p><b>§ 38.7380(D)(7). Use of the subject property by buses, vans, shuttles, and similar vehicles for shuttling passengers to and from an event shall be limited to pickup and drop off only, with a maximum of 20 minutes per visit.</b></p>	<p><b>Proposal #7: Limit the impacts of shuttle vehicles by limiting their use to pickup and drop off only.</b></p> <p>The County Staff Report to the Planning Commission states at pages 3 through 4 that “[u]nder this proposed code, a landowner could seek to shuttle clients to their property from areas outside of the County’s jurisdiction, such as Portland or Gresham, provided they can substantiate in their conditional use application that the shuttles and other vehicles associated with the commercial use will be parked onsite.”</p> <p>The parking of shuttle vehicles on the property during commercial events could cause significant impacts to scenic, natural, and recreational resources. In the recent past, a Corbett resident who held commercial events without a valid land use permit allowed large tour buses to be parked on the property for hours at a time immediately adjacent to neighboring residences and fully visible from key viewing areas. The County should ensure against this kind of disruption by limiting shuttle vehicle use to pickup and drop off only.</p>
<p><b>§ 38.7380(D)(4). A maximum of 18 events may be held on the property during each calendar year.</b></p> <p><b>§ 38.7380(D)(5). Each event shall host no more than 100 guests and 50 vehicles per event.</b></p>	<p><b>Proposal #8(a): Provide limits in the ordinance of 18 events per year and 100 guests and 50 vehicles per event.</b></p> <p>As it stands, the draft ordinance language contains no limitations on the number of events per year, nor on the number of guests and vehicles per event. This gap in the ordinance is very likely to cause commercial events to exceed the requirement to be incidental and subordinate to the primary use of the property and to harm resources and uses on adjacent properties.</p> <p>Limiting the number of events per year and the number of people and vehicles per event would</p>

	<p>better protect surrounding uses and resources, would apply uniformly and fairly to all applicants, and would provide applicants and neighboring landowners with more certainty. This would also be consistent with the plan amendment, which expressly provides the County with the authority to address potential impacts to surrounding properties.</p>
<p><b>MCC § 38.7380(G)(5).</b> The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation. <b>Land use approvals for commercial events shall include conditions of approval limiting the number of allowed events per year and the number of guests and vehicles at each event.</b></p>	<p><b>Proposal #8(b): Ensure that the size, scope, and frequency of commercial events are evaluated on a case by case basis with conditions of approval.</b></p> <p>The Board of County Commissioners has expressed a desire to regulate the size, scope, and frequency of commercial events on a case by case basis. This proposal would ensure that this happens. It would require Planning Staff to set appropriate limits for each proposed commercial events facility on a case by case basis in order to ensure that the events are compatible with the surrounding area. The proposed language would work hand in hand with draft section 38.7380(F)(1)(b)(iv), which requires the applicant for a commercial event to propose limits on the number of events and the number of guests and vehicles at each event.</p>
<p><b>MCC § 38.7380(E).</b> Land use approvals for Special Uses in Historic Buildings shall be subject to review every <del>five</del> <b>two</b> years from the date the original approval was issued.</p>	<p><b>Proposal #9: Require review of special use approvals every two years rather than every five years.</b></p> <p>The draft ordinance language would require the County to review special use approvals only once every five years. Because the plan amendment is extremely controversial and, if adopted, would likely be newly tested for the first time in Multnomah County, approvals should be reviewed more frequently than every five years.</p> <p>A review requirement of once every two years would provide better County oversight, allow for more citizen input, result in more applicant accountability, and more effectively protect and enhance historic resources.</p>

## **Exhibit A: Multnomah County Scenic Area Support Petition**

*Dear Commissioners: We, the undersigned, support the protection of the Columbia River Gorge through the Columbia River Gorge National Scenic Area Act. The Columbia River Gorge is a national scenic treasure that should not be exploited for personal financial gain. We are concerned by recent efforts to expand commercial activities within the Columbia River Gorge National Scenic Area and urge the county to hold the line against commercial expansion. We support Multnomah County's efforts to protect the Columbia River Gorge by strongly enforcing its National Scenic Area ordinances.*

Full Name: Katherine Powell  
Home Address: 1536 SE 24th Ave  
City: Portland  
State: Oregon  
Zip Code: 97214  
County: Multnomah  
e-mail: kitty@swinth.net  
Phone Number  
Your Message: Please protect the gorge. It is one of the most beautiful places on earth - and will draw much more benefit to all Oregonians if it is protected.  
Thank you, Kitty Powell

Full Name: Jon Ziring  
Home Address: 13909 NE Marine Dr  
City: Portland  
State: Oregon  
Zip Code: 97230  
County: Multnomah  
e-mail: vote@ziring.com  
Phone Number

Full Name: Norma Reich  
Home Address: 2450 SE Taylor St.  
City: Portland  
State: Oregon  
Zip Code: 97214  
County  
e-mail: reichn@peak.org  
Phone Number: 503-230-2802

Full Name: Wilbern L Dixon  
Home Address: 10330 NE THompson St  
City: Portland  
State: Oregon  
Zip Code: 97220-3749  
County: Multnomah  
e-mail: willdixon42@msn.com  
Phone Number: 5032536455  
Your Message: Please, NO further development in the Columbia River Gorge.

Full Name: David Kracke  
Home Address: 1310 SW Hume Street  
City: Portland  
State: Oregon  
Zip Code: 97219  
County: Multnomah  
e-mail: david@craignicholslaw.com  
Phone Number: 503-224-3018  
Your Message: I fully support the text of this petition and urge all County Commissioners to keep the Gorge wild and not commercially developed. This will be a bellweather issue for me when I vote in the next elections.

Full Name: Ronald Atwood  
Home Address: 2311 NE Hancock St.  
City: Portland  
State: Oregon  
Zip Code: 97212  
County  
e-mail: ratwood@ronaldwatwood.com  
Phone Number: 503 525-0963  
Your Message: It is time to strengthen protection of the Gorge. The National Scenic Area needs to be protected. It does not need additional commercial activity.

Full Name: Sarah Blanke  
Home Address: 6436 NE 37th Ave  
City: Portland  
State: Oregon  
Zip Code: 97211  
County: Multnomah  
e-mail: sfeena@yahoo.com  
Phone Number  
Your Message

Full Name: Donna Lewis  
Home Address: 4564 NE 83rd Ave  
City: Portland  
State: Oregon  
Zip Code: 97220  
County: Multnomah  
e-mail: djlewis03@hotmail.com  
Phone Number: 503 255-4814  
Your Message: I will not vote to elect any official that will allow and or support the exploitation of the Colombia River Gorge by and through commercial expansion.

Full Name: Michael Lang  
Home Address: 2721 SE 43rd Avenue  
City: Portland  
State: Oregon  
Zip Code: 97206  
County: Multnomah  
e-mail: lang6003@comcast.net  
Phone Number: (503) 490-3979  
Your Message

Full Name: Flora Huber  
Home Address: 13650 SE 177th ave  
City: Boring  
State: Oregon  
Zip Code: 97009  
County: Clackamas  
e-mail: flobell17@comcast.net  
Phone Number: 503-658-5710  
Your Message: Please save the Columbia River Gorge for future generations, not for just a few. We have held off the onslaught of businesses and large homes being built in the Columbia Gorge lets not drop the ball now. Portland has it's own Forest Park, let the people of Oregon and around the world have a pristine part of Oregon too.

Full Name: Marsha B Livingstone  
Home Address: 2577 N W Westover Rd  
City: Portland  
State: Oregon  
Zip Code: 97210  
County: Multnomah  
e-mail: mliving@comcast.com  
Phone Number: 503 223 8971  
Your Message

Full Name: Mark C. Mason  
Home Address: 1704 SE 52nd Ave  
City: Portland  
State: Oregon  
Zip Code: 97215  
County: Multnomah  
e-mail: mark@edt.com  
Phone Number: 503-335-0529  
Your Message: Please keep the Gorge Scenic Act protecting the natural resources of the gorge. We need more development there like we need a hole in the head.

Full Name: emstaples@yahoo.com  
Home Address: 2728 SE 49th Ave  
City: Portland  
State: Oregon  
Zip Code: 97206  
County: Multnomah  
e-mail: emstaples@yahoo.com  
Phone Number: 503-449-9967  
Your Message

Full Name: Michael O'Leary  
Home Address: 550 SE 60th Ave. #208  
City: Portland  
State: Oregon  
Zip Code: 97215  
County: Multnomah  
e-mail: moleary1971@yahoo.com  
Phone Number  
Your Message

Full Name: Nathan Baker  
Home Address: 4432 SE Main Street  
City: Portland  
State: Oregon  
Zip Code: 97215-2439  
County: Multnomah  
e-mail: nathanb@mindspring.com  
Phone Number: 503-232-9731  
Your Message

Full Name: Rhett Lawrence  
Home Address: 6445 N Commercial Ave  
City: Portland  
State: Oregon  
Zip Code: 97217  
County: Multnomah  
e-mail: rhettlawrence@yahoo.com  
Phone Number: 503-286-0215  
Your Message

Full Name: Susan L. Boyd  
Home Address: 2030 NW 7th PL  
City: Gresham  
State: Oegon  
Zip Code: 97030  
County: Multnomah  
e-mail: susan.boyd@mcsos.us  
Phone Number: (503) 492-1593  
Your Message: Environmental acts like this  
would be appreciated by multiple  
generations to come.

Full Name: John Atherton  
Home Address: 216 SE 40th  
City: Troutdale  
State: Oregon  
Zip Code: 97060  
County: Multnomah  
e-mail: jlatherton@verizon.net  
Phone Number: 503-666-6928  
Your Message

Full Name: Sarah K. Collins  
Home Address: 805 NE 29th Avenue  
City: Portland  
State: Oregon  
Zip Code: 97232  
County: Multnomah  
e-mail: kaliopelaughs@yahoo.com  
Phone Number: (541)760-8206  
Your Message

Full Name: Barbara Strasbaugh  
Home Address: P.O. Box 202  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: criticalaction@earthlink.net  
Phone Number  
Your Message

Full Name: Claudia Curran  
Home Address: 38835 E.Hist.Col.R.Hwy  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: cpcurran@netzero.com  
Phone Number: 503 695-5718  
Your Message: Please do not allow pressure from Oregonians In Action activists, and other splinter groups to influence your decisions on plan amendments put forth by developers to the Gorge Commission. These changes benefit only those looking to get rich, at the expense of the Gorge protections, and those of us who support those protections. Please vote to hold the line against commercial expansion in the N.S.A.

Full Name: Marc swanson  
Home Address: 1333 se 37th ave  
City: portland  
State: Oregon  
Zip Code: 97214  
County: Multnomah  
e-mail: mswanson888@yahoo.com  
Phone Number  
Your Message

Full Name: Vera Jagendorf  
Home Address: 720 SE Pounder Rd.  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: veraj@europa.com  
Phone Number  
Your Message: Protection for the Columbia River Gorge is vital.

Full Name: Philip Pizanelli  
Home Address: 38835 H.Col.River Hwy  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: cpcurran@netzero.com  
Phone Number: 503-695-5718 (unl.)  
Your Message: Recent decisions by the Gorge Commission regarding commercial events and Historic, or eligible Historic properties to hold commercial events are not in keeping with the intent of the N.S.A. Please hold the line on these events in RESIDENTIAL neighborhoods. Thank You

Full Name: Velma Heckman  
Home Address: 1806 NE 94th St. #54  
City: Vancouver  
State: Washington  
Zip Code: 98665  
County:  
e-mail: heckmanv@excite.com  
Phone Number: 360-574-2054  
Your Message  
Please retain the Columbia River Gorge Scenic Act provisions to keep it as a visual, natural site through out the area it covers. Commerical ventures do not belong within its boundaries. Even now the air quality is harmful and will impact plants, rocks, animals. Respect this area as one comparable to Yellowstone or Yosemite or Glacier.

Full Name: Cynthia Winter  
Home Address: P. O. Box 198  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: winter@cascadeaccess.com  
Phone Number: 503-695-6556  
Your Message

Full Name: Niseema Young  
Home Address: 1005 SE Nehalem  
City: Portland  
State: Oregon  
Zip Code: 97202  
County: Multnomah  
e-mail: ramsitaram@comcast.net  
Phone Number: 503-320-7352  
Your Message: DON'T LET THESE  
PEOPLE DESTROY THIS PRISTINE  
GIFT!

Full Name: James Robert Arnoux  
Home Address: 4401 SW 40th Av  
City: Portland  
State: Oregon  
Zip Code: 97221  
County: Multnomah  
e-mail: jarnoux@msn.com  
Phone Number: 503 294 0152  
Your Message: As a hiker, camper, and  
lover of the out-of-doors I find it sad the  
greed and obvious lack of appreciation of  
this jewel we claim as our home territory.  
Would these people live in close proximity  
of a casino or Wal-Mart or any other vestige  
of human existance if they had the choice? I  
doubt it. My father is native American from  
the Glacier Park area and building casinos or  
any such gambling venues on the Blackfeet  
Reserve or in close proximity has been  
forbidden. What a refreshing concept. I  
could never fathom the mix of crime  
families and Indians anyway. Please let this  
gorgeous gift we have stay pristine!  
Jim Arnoux

Full Name: Scott W. Nelson  
Home Address: 5217 NE Everett St.  
City: Portland  
State: Oregon  
Zip Code: 97213  
County: Multnomah  
e-mail: swn@hotmail.com  
Phone Number: 503-236-8148  
Your Message

Full Name: Joell Ellis  
Home Address: 1622 SE 32nd Avenue  
City: Portland  
State: Oregon  
Zip Code: 97214=5011  
County: Multnomah  
e-mail: jtellis@att.net  
Phone Number: 503-232-7493  
Your Message: Please, please do not weaken  
the Columbia Gorge protection for the sake  
of a few private property owners. We need  
to take a long term view of our natural assets  
and preserve the gorge.  
J. Ellis  
FYI - I vote.

Full Name: Gary Duane Brown  
Home Address: 4050 NE FAIRVIEW  
LAKE WAY  
City: FAIRVIEW  
State: Oregon  
Zip Code: 97024  
County: Multnomah  
e-mail: GDUANEBROWN@MSN.COM  
Phone Number: 503.665.5363  
Your Message: Limit commercial activity in  
the Columbia G.  
--

Full Name: charlotteanne brown  
Home Address: 4050 NE FAirview Lake  
WAY  
City: Fairview  
State: Oregon  
Zip Code: 97024  
County: Multnomah  
e-mail:  
charlottehollowaybronw@hotmail.com  
Phone Number  
Your Message: Please do not allow  
commercial and building homes in the  
Gorge. Keep the Gorge pristine/

Full Name: Kirby Young  
Home Address: 5315 SW 18th Dr  
City: Portland  
State: Oregon  
Zip Code: 97239  
County: Multnomah  
e-mail: guguranman@yahoo.com  
Phone Number  
Your Message

Full Name: Alice L. Vetter  
Home Address: 3916 SE Ankeny St.  
City: Portland  
State: Oregon  
Zip Code: 97214  
County: Multnomah  
e-mail: davetter@worldnet.att.net  
Phone Number: 5032360240  
Your Message

Full Name: Hazel Westly  
Home Address  
City: Portland  
State: Oregon  
Zip Code: 97233  
County: Multnomah  
e-mail: Belaruby@aol.com  
Phone Number: 503 661-0909  
Your Message

Full Name: Arlen L. Sheldrake  
Home Address: 1718 SW Parkview Court  
City: Portland  
State: Oregon  
Zip Code: 97221-2640  
County: Multnomah  
e-mail: rita\_sheldrake@msn.com  
Phone Number: 503.223.7006  
Your Message

Full Name: Amy Carlson  
Home Address: 2006 N. Emerson St.  
City: Portland  
State: Oregon  
Zip Code: 7217  
County: Multnomah  
e-mail: amycarlson@comcast.net  
Phone Number  
Your Message: The Columbia Gorge Scenic Area needs strong enforcement of ordinances over the long-term. Please stand strong and hold the line against commercial expansion in the Gorge. We have a national natural treasure in our backyard and must continue to treat it as such to guarantee future generations this rare gem.

Full Name: Jane Garbisch  
Home Address: 4110 s.e. Hawthorne #102  
City: Portland  
State: Oregon  
Zip Code: 97214  
County: Multnomah  
e-mail: jegarbisch@yahoo.com  
Phone Number  
Your Message

Full Name: Henry J. Bennett  
Home Address: 4014 SE Grant Court  
City: Portland  
State: Oregon  
Zip Code: 97214  
County: Multnomah  
e-mail: hankusb@earthlink.net  
Phone Number  
Your Message: The Columbia River Gorge is one of the most stunningly beautiful scenic areas in the USA. Much of it can still be viewed similarly to the way Lewis and Clark saw it during their voyage of discovery. Please do not permit it to be despoiled by unnecessary casinos. There are plenty of places to put casinos that are not in a National Scenic Area.

--

Full Name: Michael L. Wilson  
Home Address: 1405 SE Taylor St.  
City: Portland  
State: Oregon  
Zip Code: 97214-2651  
County: Baker  
e-mail: mwilson01082006@comcast.net  
Phone Number: (503) 956-6634  
Your Message

Full Name: Kim Brandow  
Home Address: 730 S.E. 19th  
City: Gresham  
State: Oregon  
Zip Code: 97080  
County: Multnomah  
e-mail: kimmers64@msn.com  
Phone Number

Your Message: Once this area is ruined, there's no going back. There is a lot of land to build in the southern part of the state. Also, Warm Springs is a very large area and there's no reason that they can't build their casino big to draw more people in.

Full Name: Mike Stroud  
Home Address: 2838 NE Tillamook St.  
City: Portland  
State: Oregon  
Zip Code: 97212  
County: Multnomah  
e-mail: mastroud@comcast.net  
Phone Number  
Your Message

Full Name: Glenn Whittington  
Home Address: 1850 SE Lewellyn Ave.  
City: Troutdale  
State: Oregon  
Zip Code: 97060  
County: Multnomah  
e-mail: glennandmindy@msn.com  
Phone Number  
Your Message

Full Name: Helen T. Lyman  
Home Address: 7425 SE 20th Avenue  
City: Portland  
State: Oregon  
Zip Code: 97202  
County: Multnomah  
e-mail: bettyhelen@comcast.net  
Phone Number: 503-235-4056  
Your Message: Thank you in advance for your work in helping keep the Gorge a beautiful natural area, where nature and humans can exist in harmony

Full Name: Carole Alexander  
Home Address: 2781 SW Sherwood Drive  
City: Portland  
State: Oregon  
Zip Code: 97201  
County: Multnomah  
e-mail: carolea@easystreet.com  
Phone Number: 503 221-1578  
Your Message: One of the most important aspects of life in Oregon is our beautiful natural scenery, including, particularly, the Columbia Gorge. I just drove it 10 days ago, and I was reminded again how important it is to the liveability of our area. The Gorge deserves protection for us and for future generations. Thank you.

Full Name: Lonnie Lee Port  
Home Address: 4007 SE Reedway street  
City: Portland  
State: Oregon  
Zip Code: 97202  
County: Multnomah  
e-mail: lonster1013@hotmail.com  
Phone Number: 503.774.2619  
Your Message  
--

Full Name: Robert Peirce  
Home Address: 7236 SE Salmon  
City: Portland  
State: Oregon  
Zip Code: 97215  
County: Multnomah  
e-mail: bobsherpa@hotmail.com  
Phone Number: 503/253-8046  
Your Message: Multnomah County has always been a strong supporter of protection for the Columbia River Gorge, and in fact was instrumental (through its then County Executive, Don Clark) in initiating efforts that led to the formation of Friends of the Columbia Gorge and passage of the National Scenic Area Act. We hope you keep up that worthy tradition.

Full Name: Delores Porch  
Home Address: 301 NW Eastman Pkwy  
#D115  
City: Gresham  
State: Oregon  
Zip Code: 97030  
County: Multnomah  
e-mail: veranda@qcsn.com  
Phone Number  
Your Message: I came to Oregon from the urban jungle of Chicago over 30 years ago and have seen how fast our precious scenic treasures disappear. The domino effect is evident in the Gorge. The County needs to hold the line on expanding commercial development.

Full Name: Don Jacobson  
Home Address: 941 SE 55th Ave.  
City: Portland  
State: Oregon  
Zip Code: 97215  
County: Multnomah  
e-mail: donj@dslnorthwest.net  
Phone Number  
Your Message

Full Name: Carol A. Taylor  
Home Address: P.O. Box 185  
City: Cascade Locks  
State: Oregon  
Zip Code: 97014  
County: Hood River  
e-mail: cataylor02000@yahoo.com  
Phone Number: 541-374-5426  
Your Message: here are few areas in the US with the unique beauty and wilderness of the Columbia River National Scenic Area. With unrelenting self interest groups trying to commercialize this area there is no time to waste in protecting it, otherwise it will end up like the ocean shore with condos, restaurants, hotels, t-shirt shops, etc.

Full Name: Maria Pearman  
Home Address: 4114 SE 14th Ave.  
City: Portland  
State: Oregon  
Zip Code: 97202  
County: Multnomah  
e-mail: mkpearman@yahoo.com  
Phone Number: 503.517.6074  
Your Message  
--

Full Name: Roger Capps  
Home Address: 3009 SE Lambert St.  
City: Portland  
State: Oregon  
Zip Code: 97202  
County: Multnomah  
e-mail: rogcapps@comcast.net  
Phone Number: 503-775-7693  
Your Message: Please protect the natural beauty of the Columbia Gorge!  
--

Full Name: Bill and Nancy Meyer  
Home Address: 4025 Sw 58th Ave.  
City: Portland  
State: Oregon  
Zip Code: 97221  
County: Multnomah  
e-mail: meyerpdx@easystreet.com  
Phone Number  
Your Message

Full Name: Barbara Strasbaugh  
Home Address: P.O. Box 202  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: criticalaction@earthlink.net  
Phone Number: 503-939-6767  
Your Message

Full Name: Dave and Kathleen Shelman  
Home Address: 36141 SE Hurlburt Road  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: kdshelman@cs.com  
Phone Number: 503-695-5859  
Your Message: In its current status the Columbia River Gorge is a delicate balance of natural resources and development, including transportation. I urge you as Multnomah County Commissioners to ensure that MC is rigorous in following the Scenic Gorge Act's purpose in protecting the Gorge from uses and development that would diminish its beauty, its historic character and health.

Full Name: Mindy Schmidt  
Home Address: P.O. Box 5  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: mindy@mindyschmidt.com  
Phone Number: 503 8055008  
Your Message: Please protect ALL of our property rights by ensuring that this areas remains something to be treasured. We live here and purchased property here because of the protections in place.

Full Name: David Gorman  
Home Address: 2016 SE Henkle Road  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: dgorman@hevanet.com  
Phone Number: 503-695-3494  
Your Message: I support strong protections for the Columbia Gorge Scenic Area, and want Multnomah County to support them also.

Full Name: Betsy Toll  
Home Address: 3841 SE 51st Ave.  
City: Portland  
State: Oregon  
Zip Code: 97206  
County: Multnomah  
e-mail: betsy@livingearthgatherings.org  
Phone Number: 503.772.2636  
Your Message: Exploiting the Columbia Gorge for strictly commercial benefit will erode the protections that keep the Gorge so beautiful. The National Scenic Area Ordinances are crucial tools that must be kept strong and actively enforced as development pressures on the Gorge continue to increase.

Full Name: Jerry Mishler  
Home Address: P.O. Box 146  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: jerry@cascadeaccess.com  
Phone Number  
Your Message: I hope our children - and  
their children - can enjoy the Gorge like we  
did.

Full Name: Sara Girsby  
Home Address: PO Box 146  
City: Corbett  
State: Oregon  
Zip Code: 97019  
County: Multnomah  
e-mail: sara@healthsystems.net  
Phone Number: 503 695 5678  
Your Message: I am writing in support of  
the National Scenic Act, the Gorge  
Management Plan and land use planning in  
general.  
Sara

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1074**

Amending MCC Chapter 38, Columbia River Gorge National Scenic Area, Relating to Historic Properties Management Plan and Declaring an Emergency

(Language ~~stricken~~ is deleted; double underlined language is new.)

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

- a. Multnomah County is committed to implementing the Historic Properties Plan Amendment, as outlined in a letter to the Gorge Commission from the Chair of the Multnomah County Board of Commissioners, dated February 1, 2006. This Plan Amendment amended the Management Plan for the National Scenic Area, creating a process and criteria for approving certain commercial uses of historic properties as an incentive for property owners to preserve historic buildings and make them accessible to the public.
- b. Section 7, of the Scenic Area Act requires counties that choose to implement the Act, adopt ordinances that are consistent with the plan amendments within nine (9) months of date it was delivered. The Plan Amendment was delivered to the County on January 25, 2006, meaning that the County must adopt an implementing ordinance by September of 2006. The Board committed to adopting an implementing ordinance in a compressed time frame, with the final hearing by the Board to be held by May 2006.
- c. In the interest of providing meaningful public involvement in crafting an implementing ordinance, Multnomah County has held two public workshops in Corbett, on March 2, 2006 and March 16, 2006.
- d. Notice of the Planning Commission hearing, which was held on April 17, 2006, in Corbett, was published in the Oregonian newspaper and the Gresham Outlook Newspaper and copies were mailed to the Gorge Commission, Forest Service, Indian tribal governments, the State Historic Preservation Office, Oregon Department of Transportation, and Oregon Department of Fish and Wildlife. Notice was also mailed to persons owning property within the Multnomah County portion of the National Scenic Area as well as persons who signed in at either of the public workshops held by the County or at the public workshops held by the Gorge Commission when originally considering the amendment to the Management Plan.
- e. On April 17, 2006, the Planning Commission, after taking testimony at a public hearing, deliberated and made amendments to portions of the proposed Ordinance that address neighborhood impacts commonly associated with commercial uses, including noise, hours of operation, compatibility with the character of the area, sanitation, parking, and compliance with conditions of approval. The Planning Commission approved a resolution recommending the Board of Commissioners adopt an Ordinance amending Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code that incorporates their amendments.
- f. Notice of this Board of County Commissioners meeting, which was held on April 27, 2006, was published in the Oregonian newspaper on April 17, 2006, and in the Gresham Outlook newspaper on April 8, 2006. Additionally, the Clerk of the Board, emailed, faxed, US mailed and posted to

the web the April 27th Board meeting agenda on April 20<sup>th</sup>. These notices were sent to an extensive list of distribution customers which may be obtained at the office of Clerk of the Board.

- g. Proposed amendments to Parts 4, 5 and 7 of Chapter 38 of the Multnomah County Code, discussed in the April 17, 2006 staff report and addendums, as amended by the Planning Commissioners Resolution are a product of the public input received at and after the two public workshops and the Planning Commission hearing held on April 17, 2006, in Corbett. They effectively implement corresponding sections of the amended Management Plan. The County cannot adopt rules that are less stringent than the Management Plan, but can adopt rules that provide greater protection to scenic, natural, cultural and recreation resources of the gorge. The proposed amendments respect these constraints.
- h. The Board held a public hearing on April 27, 2006, where all interested persons were given an opportunity to appear and be heard.

**Multnomah County Ordains as follows:**

**Section 1.** MCC §§ 38.2030, 38.2230, 38.2430, 38.2830, 38.3030, and 38.3230 are amended as follows:

**38.2030 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGF, pursuant to the provisions of MCC 38.0045 and 38.7300:

\* \* \* \* \*

(10) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2230 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGA, pursuant to the provisions of MCC 38.0045 and 38.7300.

\* \* \* \* \*

(23) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2430 Conditional Uses**

The following conditional uses may be allowed on lands designated GGRC, pursuant to the provisions of MCC 38.0045:

\* \* \* \* \*

(M) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.2830 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GG- PR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \* \* \*

(4) Special uses in historic buildings, subject to MCC 38.7380.

(B) The following conditional uses may be allowed on lands designated GG- CR, pursuant to the provisions of MCC 38.0045, 38.7300 (E) and 38.7080 (E) (1) and (3) through (7):

\* \* \* \* \*

(5) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.3030 Conditional Uses**

(A) The following conditional uses may be allowed on lands designated GGR, pursuant to the provisions of MCC 38.0045 and MCC 38.7300 (C):

\* \* \* \* \*

(14) Special uses in historic buildings, subject to MCC 38.7380.

\* \* \* \* \*

**38.3230 Conditional Uses**

The following conditional uses may be allowed on lands designated GGC, pursuant to the provisions of MCC 38.0045 and MCC 38.7300:

\* \* \* \* \*

(E) Special uses in historic buildings, subject to MCC 38.7380.

**Section 2.** MCC §38.4205 is amended as follows:

**38.4205 Minimum Required Off-Street Parking Spaces**

\* \* \* \* \*

(B) Public and Semi-Public Buildings and Uses

(1) Auditorium or Meeting Room (except schools) – One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(2) Church – One space for each 80 square feet of floor area in the main auditorium or, where seating is fixed to the floor, one space for each four seats or eight feet of bench length.

(3) Church Accessory Use – In addition to spaces required for the church, one space for each ten persons residing in such building.

(4) Club or Association – These shall be treated as combinations of uses such as ~~hotel~~overnight accommodation, restaurant, auditorium etc., and the required spaces for each separate use shall be provided.

\* \* \* \* \*

(C) Retail, ~~and~~ Office and Commercial Uses

- (1) Store, and Personal Service Shop – One space for each 400 square feet of gross floor area.
- (2) Service and Repair Shop – One space for each 600 square feet of gross floor area.
- (3) Bank or Office, including Medical and Dental – One space for each 300 square feet of gross floor area.
- (4) Restaurant, Coffee Shop, Tavern or Bar – One space for each 100 square feet of gross floor area.
- (5) Mortuary – One space for each four chapel seats or eight feet of bench length.
- (6) Overnight Accommodations- One space per guest room or suite plus extra spaces for dining rooms, ballrooms or meeting rooms as required by this section where the capacity of such areas exceeds the capacity of the guest rooms or suites.
- (7) Commercial Events- One space for every three guests allowed within the maximum event size plus one space for each two employees
- (8) Conference or Retreat Facilities- These shall be treated as combinations of uses such as overnight accommodations, restaurant, auditorium, etc., and the required spaces for each separate use shall be provided.

\* \* \* \* \*

(G) Alternative Parking Standards

Alternatively, where a mixture of uses is proposed or where the applicant asserts that a different amount or type of parking is appropriate as the required parking, the applicant may submit a parking and loading study. Such a study will include estimates of parking and off-street loading demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates, and should include other reliable data collected from uses or combinations of uses that are the same as or comparable with the proposed use. The study will document the source of data used to develop the recommendations for identification of the use's required parking.

**Section 2.** MCC Chapter 38 is amended to add § 38.7380 as follows:

§ 38.7380 Special Uses in Historic Buildings

(A) Definitions

- (1) For the purposes of this section, the term “historic buildings” refers to buildings either on or eligible for the National Register of Historic Places. Eligibility for the National Register shall be determined pursuant to MCC 38.7380(F)(1)(a).
- (2) For the purposes of this section, the term “subject property” refers to the parcel or group of parcels in common ownership that have been historically used in conjunction with an historic building.

(B) As established in each zone, the following uses shall be allowed on properties with buildings included on the National Register of Historic Places. All uses authorized under this section shall be subject to the provisions of MCC 38.7000-38.7085 and MCC 38.7300.

(1) The properties shall be permitted to be open for public viewing, interpretive displays, and an associated gift shop that is no larger than 100 square feet and incidental and subordinate to the primary use of the property, subject to compliance with 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv). This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

Voluntary donations and/or fees to support maintenance, preservation and enhancement of the cultural resource may be accepted by the landowner.

(2) Properties which were former restaurants and/or inns shall be permitted to re-establish these former uses, subject to compliance with MCC 38.7380(G) and 38.7380(F) except 38.7380(F)(1)(a), 38.7380(F)(1)(b)(iii) and 38.7380(F)(1)(b)(iv).

The capacity of restaurant use and overnight accommodations shall be limited to that existing in the former use, and the former use shall be contained within the limits of the building as of January 1, 2006. The capacity of the use may include any decks, terraces, or patios that were used as part of the former use and that existed on January 1, 2006. Banquets, private parties and other special events that take place entirely within an approved restaurant facility shall be considered a restaurant use allowed under this section.

(3) Properties shall be permitted to hold commercial events, subject to compliance with MCC 38.7000-38.7085, MCC 38.7380(G) and MCC 38.7380(F) except 38.7380(F)(1)(a).

(C) The following uses may be allowed as established in each zone on a property with a building included on the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.\*\*\*

(1) Establishment selling food and/or beverages, limited to historic buildings that originally had kitchen facilities. The seating capacity of such an establishment shall be limited to the building, as the building existed as of January 1, 2006, including any decks, terraces or patios also existing as of that date. Banquets, private parties and other special events that take place entirely within an approved establishment selling food and/or beverages shall be considered a part of the approved use.

(2) Overnight accommodations. The room capacity of such accommodations shall be limited to the total number of lawfully existing rooms in the historic building as of January 1, 2006.

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\*\*\* (However, if the Columbia River Gorge Commission determines that this section is inconsistent with Plan Amendment PA-05-02, the following language shall replace the above language.)

(C) The following uses may be allowed as established in each zone on a property with a building either on or eligible for the National Register of Historic Places and that was 50 years old or older as of January 1, 2006 subject to compliance with the standards of MCC 38.7000-38.7085, MCC 38.7300 and parts (D), (E), (F), and (G) of this section.

(3) Commercial events in the building or on the subject property, incidental and subordinate to the primary use of the property

(4) A winery upon a showing that processing of wine is from grapes grown on the subject parcel or the local region, within a historic building, as the building existed as of January 1, 2006.

(5) Sales/tasting rooms in conjunction with an on-site winery, within a historic building, as the building existed as of January 1, 2006.

(6) A conference and/or retreat facility within a historic building, as the building existed as of January 1, 2006.

(7) Artist studios and galleries within a historic building, as the building existed as of January 1, 2006.

(8) A gift shop within a historic building, as the building existed as of January 1, 2006 that is:

(a) incidental and subordinate to another approved use included in Guideline 1 of "Additional Review Uses for Historic Buildings"; and

(b) no larger than 100 square feet in area.

(9) Interpretive displays, picnic areas or other resource-based recreational day use activities on the subject property. This use is not subject to the parking limits and associated "Facility Design Guidelines" in MCC 38.7080.

(10) Parking areas on the subject property to support any of the above uses.

(D) Uses allowed by parts (B)(3) and (C)(3) of this section shall include all information required for the "Operational Plan for Commercial Events" as specified in MCC 38.7380(F)(1)(b)(iv). The following apply to commercial events at historic properties:

(1) Commercial events include weddings, receptions, parties and other gatherings that are incidental and subordinate to the primary use on a parcel.

(2) The owner of the subject property shall notify the reviewing agency and all owners of land within 500 feet of the perimeter of the subject property of each event. The notice shall be in writing and shall be mailed at least seven calendar days before an event.

(E) Land use approvals for Special Uses in Historic Buildings shall be subject to review every five years from the date the original approval was issued.

(1) As part of this review, the applicant shall submit documentation on the progress made in implementing the "Protection and Enhancement Plan" required by MCC 38.7380(F)(1)(b).

(2) The County shall submit a copy of the applicant's documentation to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(3) The County shall revoke the land use approval if the owner has failed to substantially implement the actions described in the "Protection and Enhancement Plan" according to the schedule for completing such actions in this plan or if the property has not been used in compliance with applicable County rules or conditions of approval. The County may, however, allow such a use to continue for up to one additional year from the date the County determines the applicant has failed to implement the actions if the applicant submits a written statement describing:

- (a) unforeseen circumstances that prevented the applicants from completing the specified actions according to the approved schedule;
- (b) what progress the applicants have made towards completing such actions; and
- (c) a proposed revised schedule for completing such actions.

(F) The following criteria apply to all proposed Special Uses in Historic Buildings in addition to the Site Review Criteria of MCC 38.7000-38.7085.

(1) Cultural Resources.

(a) All applications for uses listed in MCC 38.7380(C) shall include a historic survey and evaluation of eligibility for the National Register of Historic Places, to be prepared by a qualified professional hired by the applicant. The evaluation of eligibility shall not be required for buildings previously determined to be eligible. For such properties, documentation of a prior eligibility determination shall be included in the application. The historic survey shall meet the requirements specified in MCC 38.7045(D)(3). The evaluation of eligibility shall follow the process and include all information specified in the National Register Bulletin "How to Apply the National Register Criteria for Evaluation" [National Park Service, National Register Bulletin #15].

Eligibility determinations shall be made by the County, based on input from the State Historic Preservation Office (SHPO). The local government shall submit a copy of any historic survey and evaluation of eligibility to the SHPO. The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments on the eligibility of the property to the local government. If the County's determination contradicts comments from the SHPO, the County shall justify how it reached an opposing conclusion.

(b) Applications for Special Uses in Historic Buildings shall include a "Protection and Enhancement Plan" which shall include the following:

(i) A description of how the proposed use will significantly contribute to the protection and enhancement of the historic resource, including specific actions that will be taken towards restoration, protection and enhancement, and adequate maintenance of the historic resource, and a proposed schedule for completion of such actions.

(ii) A statement addressing consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties.

(iii) Detailed architectural drawings and building plans that clearly illustrate all proposed exterior alterations to the building associated with the proposed use. Any exterior

additions to the building or outdoor components of the proposed use (e.g. parking areas, site for temporary structures, interpretive displays) shall be shown on the site plan.

(iv) Any proposal for commercial events at a historic property shall include an Operation Plan for Commercial Events, to be incorporated into the "Protection and Enhancement Plan". The Operational Plan shall include sufficient information to demonstrate how the commercial events will remain incidental and subordinate to the primary use of the property, and shall, at minimum, address:

- Number of events to be held annually.
- Maximum size of events, including number of guests and vehicles at proposed parking area.
- Provision for temporary structures, including location and type of structures anticipated.
- How the proposed commercial events will contribute to protection and enhancement of the historic resource.

(c) The local government shall submit a copy of the "Protection and Enhancement Plan" to the State Historic Preservation Office (SHPO). The SHPO shall have 30 calendar days from the date this information is mailed to submit written comments to the local governments. The SHPO comments shall address consistency of the proposed use with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties, and the effect of the proposed use on the historic resource.

(d) Any alterations to the building or surrounding area associated with the proposed must be determined by the local government to be consistent with the Secretary of the Interior's Standards for Rehabilitation of Historic Properties and the Secretary of the Interior's Standards for Preservation of Historic Properties. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

(e) The proposed use must be determined by the County to have no effect or no adverse effect on the historic character of the property, including features of the property contributing to its historic significance. If the County's final decision contradicts the comments submitted by the State Historic Preservation Office, the County shall justify how it reached an opposing conclusion.

## (2) Scenic Resources.

(a) New parking areas associated with the proposed use shall be located on the subject property as it existed as of January 1, 2006. Such parking areas may be developed using paving blocks, gravel, or other pervious surfaces; asphalt, concrete and other impervious materials are prohibited.

(b) Parking areas associated with the proposed use shall be visually subordinate from Key Viewing Areas, and shall to the maximum extent practicable, use existing topography and existing vegetation to achieve visual sub ordinance.

(c) Temporary structures associated with a commercial event (e.g. tents, canopies, portable restrooms) shall be placed on the subject property no sooner than two days before the event and removed within two days after the event. Alternatively, temporary structures may remain in place for up to 90 days in one calendar year if the County determines that they will be visually subordinate from Key Viewing Areas.

(3) Recreation Resources. The proposed use shall not detract from the use and enjoyment of existing recreation resources on nearby lands.

(4) Agricultural and Forest Lands.

(a) The proposed use shall be compatible with and will not interfere with accepted forest or agricultural practices on nearby lands devoted to such uses.

(b) The proposed use will be sited to minimize the loss of land suitable for production of crops, livestock or forest products.

(c) A declaration has been signed by the landowner and recorded into county deeds and records specifying that the owners, successors, heirs and assigns of the subject property are aware that adjacent and nearby operators are entitled to carry on accepted agriculture or forest practices on nearby lands.

(G) The following standards address health, safety, and potential impacts to surrounding properties and apply to all proposed Special Uses in Historic Buildings.

(1) Outdoor uses shall be limited to the hours of 7:00 am to 7:00 pm or sunset, whichever is later, except that between Memorial Day and Labor Day afternoon activities may extend to as late as 10:00 pm.

(2) The use of outdoor amplification in conjunction with a use authorized under this section is prohibited. All amplification must be contained within the historic building associated with the use.

(3) Parking shall be provided in accordance with the Minimum Required Off-Street Parking Spaces in MCC 38.4205. Existing off street parking and loading areas on a historic property shall be allowed to be used in their current configuration. New parking areas or expansions to existing parking areas shall meet the design and improvement standards of MCC 38.4100-38.4215 with the following exceptions.

MCC 38.4130(B) and (C) shall not apply to Special Uses in Historic Buildings. All required parking associated with the use shall be provided on the subject property.

Additionally, the surfacing requirements of MCC 38.4180(A) shall not apply. Instead, the surfacing requirements of MCC 38.7380(F)(2)(a) shall be employed.

(4) Business identification or facility entry signs located on the premises may be allowed, subject to the provisions of MCC 38.0080.

(5) The proposed use shall be compatible with the surrounding area. Review of compatibility shall include but not be limited to impacts associated with the scale of the use, effects of noise, traffic generation, and hours of operation.

(6) The proposed use shall not create hazardous conditions.

(7) The proposed use shall not require public services other than those existing or approved in the area.

(8) If private services will be used, the applicant shall demonstrate the private service is or can be made adequate to serve the use.

**Section 3.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and this ordinance takes effect upon its signature by the County Chair.

**Section 4.** The amendments to Chapter 38, Columbia River Gorge National Scenic Area, will be effective when the Bi-State Gorge Commission has acknowledged that the amendments are consistent with the Management Plan and Act.

FIRST READING:

April 27, 2006

SECOND READING AND ADOPTION:

May 4, 2006



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Diane M. Linn*  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 05/04/06  
 Agenda Item #: E-1  
 Est. Start Time: 11:30 AM  
 Date Submitted: 04/27/06

**BUDGET MODIFICATION:** -

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

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

<b>Date Requested:</b>	<u>May 4, 2006</u>	<b>Time Requested:</b>	<u>15-30 mins</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>County Attorney</u>
<b>Contact(s):</b>	<u>Agnes Sowle</u>		
<b>Phone:</b>	<u>503 988-3138</u>	<b>Ext.</b>	<u>83138</u>
		<b>I/O Address:</b>	<u>503/500</u>
<b>Presenter(s):</b>	<u>Agnes Sowle and Invited Others</u>		

**General Information**

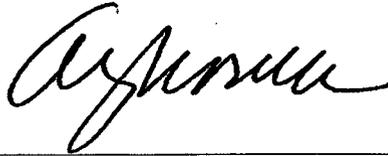
1. **What action are you requesting from the Board?**  
 No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
 Only Representatives of the News Media and Designated Staff are allowed to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

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**Required Signatures**

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**Department/  
Agency Director:**



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**Date:** 04/27/06

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**Budget Analyst:**

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**Date:**

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**Department HR:**

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**Date:**

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**Countywide HR:**

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**Date:**

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