

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 00-172

Appointing a Commission to Report on Alternate Assessment Methodologies for the Peninsula Drainage District No. 2

The Multnomah County Board of Commissioners Finds:

- a. Peninsula Drainage District No. 2 ("District") is organized under the provisions of ORS 547, "Drainage Districts", serving an area of North Portland that is surrounded by flood protection levees and served by a stormwater conveyance and pumping system. The District operates and maintains the system of levees, stormwater conveyance and pumps. The landowners of properties within the District elect a Board of Supervisors to govern the District.
- b. ORS 547.245, "Reassessment of Benefits", provides procedures for changing the District's method of assessing District properties when the existing assessment method has become out of date ("inequitable or unjust"). Since it was organized in 1917, the District's assessment has been calculated on a per acre basis. At their annual landowner meeting on December 8, 1999, 74% of the District landowners voted to invoke the formal process under ORS 547.245 because development in the District has substantially altered the benefits individual properties receive from the District's flood protection and stormwater management activities. In addition, over ten percent of the District landowners have signed a petition, filed with the County Clerk, requesting the County invoke the formal assessment change process contained in ORS 547.245, a copy of the petition, identified as Exhibit A, is attached to this Resolution and is hereby incorporated by this reference.
- c. The District has agreed to pay for the required publication cost the County will incur under ORS 547.245.
- d. ORS 547.215 and .245 provide that the County "...shall, by order, appoint three commissioners (who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district), one of whom shall be a civil engineer..." These commissioners will follow the ORS 547 process of preparing a formal report on reassessment methods and submitting the report to the "county court" (Board of County Commissioners).
- e. The District has prepared a "Work Plan" to accomplish public awareness and acceptance of this assessment change. The Work Plan is identified as Exhibit B attached hereto and hereby incorporated by this reference.

The Multnomah County Board of Commissioners Resolves:

1. A commission is hereby appointed to prepare a report on updating the assessment methodology for Peninsula Drainage District No. 2.
2. The commission members will be:

David Crawford, PE, a registered professional civil engineer in the State of Oregon, chair of the commission.

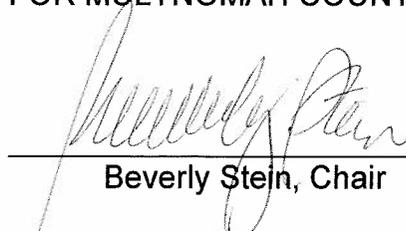
Donald W. Oakley, PE, member of the commission.

Dan Vizzini, member of the commission.
3. The commissioners and the District Board of Supervisors shall comply with ORS Chapter 547 in completing and submitting a report on alternate assessment methodologies with a recommended methodology. The commissioners and District Board Supervisor's shall substantially comply with the attached Work Plan to promote public awareness and acceptance of the proposed reassessment method.
4. The Board of Supervisors, Peninsula Drainage District No. 2, will provide support to the commission to enable it to complete and submit the report on assessment methodologies.

Adopted this 19th day of October, 2000.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Attorney
For Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant County Attorney

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Reassessment)
Benefits in PENINSULA DRAINAGE) PETITION TO APPOINT
DISTRICT NO. 2) COMMISSIONERS FOR
REASSESSMENT

This matter came on for hearing upon the petition of various owners of land within Peninsula Drainage District No. 2 (the "District"). The Board finds that:

1. The petitioners constitute at least one-tenth (1/10) of the owners of the lands within the District or the owners of at least one-tenth (1/10) of the lands within the District.

2. The original report of the commissioners in this matter was filed and confirmed in about 1917; however, that report was destroyed and no record exists.

3. This petition is filed pursuant to ORS 547.245. Since the 1917 report was approved and confirmed, there have been substantial changes in the utilization of lands within the District. The principal change is that a much larger portion of the land is now devoted to non-agricultural uses. Additional industrial and commercial uses have occurred within the District, more lands have been subdivided for residential use and additional streets and highways have been built.

The present assessment formula is unfair and inequitable in that it does not consider as a separate factor the amount of impervious surface of the various parcels of land. Roofs and paved surfaces have been added to parcels within the District, have increased the amount of runoff, and have increased the demands on pumps, drainage ditches, and canals within the District. Because the existing assessment formula is based primarily on elevation and assessed value, agricultural property and residential property are being assessed at a rate disproportionately high to its contribution to runoff.

4. For the reasons stated above, it is necessary and desirable in the interest of the District and of the land owners therein that the report of the commissioners be amended and

1 supplemented to make it definite and certain in all respects and to reflect accurately in the
2 manner provided by law the situations and conditions presently existing. To that end, it is
3 necessary that this Board appoint three commissioners to reassess benefits within the District.
4 The petitioners represent that David Crawford, P.E., Crawford Engineering Associates Inc,
5 3120 NE US Grant Place, Portland, Oregon 97212, Don Oakely, P.E., Cascade Community
6 Inc, 13535 SE 145th Avenue, Clackamas, Oregon 97015, and Dan Vizzini, City of Portland,
7 BES, 1120 SW 5th , Suite 1000, Portland, Oregon 97204 are not land owners within the
8 District nor of kin within the fourth degree of consanguinity to any person owning land
9 within the District, and that the three named persons are otherwise qualified to perform the
10 duties of a commissioner. To such end, it is also necessary for this Board to convene the
11 newly appointed commissioners and to direct them to make an amended and supplemental
12 report in respect of the matters set forth in this petition.
13

14 WHEREFORE, pursuant to ORS 547.245, the petitioners pray for an order appointing
15 David Crawford, P.E., Don Oakely, P.E. and Dan Vizzini, or such other qualified persons as
16 this Board may designate as commissioners of Peninsula Drainage District No. 2 and
17 convening the same and directing them to examine the previous report of the commissioners
18 in the light of this petition and of all relevant facts, and to prepare and to file with the Clerk
19 of Multnomah County an amended and supplemental report in such particulars and respects
20 as may be warranted by the law and the facts, and granting them in relief sought by this
21 petition and any other relief which this court may deem appropriate.

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1 DATED this 30th day of September, 2000.

2 NAME

PROPERTY ADDRESS

3 Dish Shipper

9324 NE Levee Road, Portland, OR

4 Dish Shipper Propy C/O
COLUMBIA FROEWATER C.L.

2220 NE Marine Drive, Portland, OR

5 DAVID L. MARTIN
Haney Truck Line, Inc.

10505 NE 2nd, Portland, OR

6 Yellow Freight System

10510 N. Vancouver Way, Portland, OR

7 Donald K. Martin

8 Bill Wm. R. Martin, CFO ^{PACIFIC INDUSTRIAL}
MARKET TRANSPORT, LTD., 110 N MARINE DR, PORTLAND OR 97217

9 Michael T. McRae

9622 N Vancouver Way + 13th + Fergie Way

10 Richard Halsten

9802 N. Vancouver Way

Exhibit B

Work Plan **For The** **Alternate Assessment Methodology Change**

Peninsula Drainage District No. 2

Schedule - Major Events - Public Involvement

October 2000: County appoints special commission; consultant completes inventory of impervious area using public records, aerial photographs and GIS.

November 2000: Preliminary financial review of assessment methods by consultant; special commission convenes & provides guidance to consultants for draft report.

December 2000: Progress report to landowners at annual meeting, discussion of process steps and project goals for January through March.

January 2001: Draft financial report reviewed by special commission and distributed to landowners; meetings with landowners and associations to review and comment on data for individual tax lots and financial study results.

February 2001: Conclude landowner meetings; comments evaluated by financial consultant, District and special commission; special commission adopts the report as its 'final draft' for formal public review.

March 2001: Joint public meeting: (1.) hearing by the special commission and (2.) landowner meeting conducted by the District Board; receive public comment on the 'final draft' report and landowners vote on a preferred alternative. Special commission completes its report to County.

April 2001: Upon timely submission of the final report in compliance with ORS Chapter 547, the County Board of Commissioners shall consider the report; and if approved, the District publishes new assessment method to landowners.

July 2001: District implements revised assessment methodology at start of new fiscal year.