



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
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RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

November 23 - 27, 1992

Tuesday, November 24, 1992 - 9:30 AM - Board Briefings. . .Page 2

Tuesday, November 24, 1992 - 10:40 AM - Regular Meeting . . .Page 2

Tuesday, November 24, 1992 - 1:30 PM - Planning Items . . .Page 5

**Thursday, November 26, 1992 - THANKSGIVING HOLIDAY
OFFICES CLOSED**

Tuesday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers

Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, November 24, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Multnomah Cable Regulatory Commission First Quarter Activity Report. Presented by Julie Omelchuck. 5 MINUTES REQUESTED. 9:30 AM TIME CERTAIN.
- B-2 Briefing on the Downsizing of Fairview Training Center, known as CIP II (Community Integration Project, Phase 2). Presented by Gary Smith and Dennis Adams. 5 MINUTES REQUESTED. 9:35 AM TIME CERTAIN.
- B-3 Update of the Integrated Human Services System Plan being Developed by the Departments of Social Services, Health and Community Corrections. Presented by Gary Nakao, Tamara Holden and Billi Odegard. 30 MINUTES REQUESTED. 9:40 AM TIME CERTAIN.
- B-4 Briefing on the Emergency Medical Services Director's Proposal and Requesting Direction Prior to the Development of the Necessary Ordinance. Presented by Bill Collins and Dr. Gary Oxman. 30 MINUTES REQUESTED. 10:10 AM TIME CERTAIN.
-

Tuesday, November 24, 1992 - 10:40 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:

- C-1 Dispenser Class A for a) THE DRUM AND RICARDO'S LA FIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND 97236; and b) MULTNOMAH FALLS LODGE, PO BOX 367, TROUTDALE 97060
- C-2 Dispenser Class C for LA CASITA ESPECIAL, 12113 SE FOSTER ROAD, PORTLAND 97266
- C-3 Package Store for a) QUICK STOP MARKET, 15400 SE POWELL, PORTLAND 97236; and b) PAYLESS DRUG STORE #1508, 16401 SE DIVISION, PORTLAND 97236
- C-4 Retail Malt Beverage for LARIAT TAVERN, 17238 SE DIVISION, PORTLAND 97236
- C-5 Ratification of an Intergovernmental Agreement, Contract #800503, between Reynolds School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Elementary Schools, for the Period September 10, 1992 through June 30, 1993

- C-6 Ratification of an Intergovernmental Agreement, Contract #800523, between David Douglas School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Elementary Schools, for the Period September 10, 1992 through June 30, 1993

REGULAR AGENDA

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-1 Ratification of an Intergovernmental Agreement, Contract #800493, between Corbett Elementary Schools and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to these Schools, for the Period September 10, 1992 through June 30, 1993

- R-2 Ratification of an Intergovernmental Agreement, Contract #800513, between Orient School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Schools, for the Period January 15, 1993 through June 30, 1993

COMMUNITY CORRECTIONS

- R-3 Budget Modification DCC #15 Requesting Authorization to Transfer \$11,800 Within and Between DCC Budgets to Meet Several Computer and Information System Needs

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Second Reading and Possible Adoption of an ORDINANCE Establishing an Advisory Committee on Animal Control Policies and Procedures

- R-5 ORDER in the Matter of Restricting Vehicular Traffic from NE 185th Drive between NE Sandy Blvd. and NE Marine Drive for Construction of Storm Drainage Facilities

- R-6 Ratification of an Intergovernmental Agreement, Contract #300953, between the Port of Portland and Multnomah County Environmental Services, Parks Services Division to Provide a Termed Easement to the Port of Portland Noise Abatement to Establish/Maintain a Noise Monitoring Device at Blue Lake Park for Measuring Air Traffic Noise To and From Portland International Airport

- R-7 Ratification of an Intergovernmental Agreement, Contract #300993, between Multnomah County Department of Environmental Services, Park Services Division and the Oregon Department of Fish & Wildlife to Provide Assistance with the Development of Long Term Comprehensive Management Plan for Burlington Bottoms, for the Period November 1, 1992 Through May 1, 1993

DEPARTMENT OF HEALTH

- R-8 NOTICE OF INTENT Requesting Approval to Apply for a Grant with the HCFA, through the Northwest Primary Care Association for Medicare Education and Enrollment Activities

DEPARTMENT OF SOCIAL SERVICES

- R-9 Ratification of an Intergovernmental Agreement, Contract #103433, between the Children's Services Division and Multnomah County, Juvenile Justice Division to Establish a Working Relationship between Juvenile Parole and Juvenile Probation Services, for the Period October 1, 1992 through June 30, 1993

NON-DEPARTMENTAL

- R-10 RESOLUTION in the Matter of Directing County Departments to Identify the Proportion of Their Budgets Spent as a Direct cost of Alcohol and Drug Abuse

- R-11 Continued First Reading of an ORDINANCE Establishing the Duties and Responsibilities of Purchasing, Contracts and Central Stores (from Thursday, November 12, 1992)

- R-12 RESOLUTION in the Matter of Endorsing the School Restructuring Efforts at Reynolds High School 92-199

MANAGEMENT SUPPORT

- R-13 First Reading of an ORDINANCE Relating to Benefits for Employees Not Covered by Collective Bargaining Agreement, and Repealing Ordinances Nos. 534, 566, 600 and 721

- R-14 First Reading of an ORDINANCE Relating to Retiree Medical Insurance for Employees Not Covered by Collective Bargaining Agreements Repealing Ordinances Nos. 629 and 670, and Amending Ordinance No. 295

- R-15 First Reading of an ORDINANCE Relating to Pay Administration for Employees Not Covered by Collective Bargaining Agreement, and Repealing Ordinances Nos. 438 and 704

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-16 ORDER in the Matter of Exempting from Public Bidding a Contract with Goal/Legent for the Purchase of Insight Software Package 92-200

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

PUBLIC COMMENT

- R-17 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Tuesday, November 24, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- P-1 First Reading of an ORDINANCE Amending Sections of MCC 11.15 to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practices as Part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-2 First Reading of an ORDINANCE Amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practice and to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-3 First Reading of an ORDINANCE Amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by Changing the Multiple Use Forest Designation to Commercial Forest Use as part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6

BOARD OF COUNTY COMMISSIONERS
FORMAL BOARD MEETING
RESULTS

MEETING DATE: 11-24-92 p. 1

Agenda Item #	Motion	Second	APP/NOT APP
<u>C-1</u>	<u>GA</u>	<u>SK</u>	<u>App</u>
<u>C-2</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>C-3</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>C-4</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>C-5</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>C-6</u>	<u>/</u>	<u>/</u>	<u>/</u>
<u>R-1</u>	<u>GA</u>	<u>SK</u>	<u>App</u>
<u>R-2</u>	<u>S</u>	<u>S</u>	<u>/</u>
<u>R-3</u>	<u>SK</u>	<u>GA</u>	<u>App</u>
<u>Second Reading</u>			
<u>R-4</u>	<u>GA</u>	<u>SK</u>	<u>App</u>
<u>R-5</u>	<u>SK</u>	<u>GA</u>	<u>App</u>
<u>R-6</u>	<u>PA</u>	<u>SK</u>	<u>App</u>
<u>R-7</u>	<u>PA</u>	<u>SK</u>	<u>App</u>
<u>R-8</u>	<u>PA</u>	<u>SK</u>	<u>App</u>

BOARD OF COUNTY COMMISSIONERS
FORMAL BOARD MEETING
RESULTS

MEETING DATE: 11-24-92 p. 2

Agenda Item #	Motion	Second	APP/NOT APP
<u>R-9</u> make motion to continue 1 wk. to Thurs. Dec. 3, 1992.	<u>PA</u>	<u>SK</u>	<u>App</u>
<u>R-10</u> Continued First Reading. Second Reading scheduled for Dec. 10, 1992.	<u>GH</u>	<u>SK</u>	<u>App</u>
* <u>R-11</u> * motion to Accept Sub. GH	<u>SK</u>	<u>GH</u>	<u>App</u>
<u>R-12</u> First Reading. Second Reading Scheduled for Dec. 3, 1992.	<u>SK</u>	<u>GH</u>	<u>App</u>
<u>R-13</u> First Reading. Second Reading Scheduled for Dec. 3, 1992	<u>RB</u>	<u>PA</u>	<u>App</u>
<u>R-14</u> First Reading. Second Reading Scheduled for Dec 3, 1992	<u>PA</u>	<u>SK</u>	<u>App</u>
<u>R-15</u>	<u>SK</u>	<u>GH</u>	<u>App</u>
<u>R-16</u>	<u>PA</u> <u>SK</u>	<u>SK</u> <u>PA</u>	<u>App</u>
<u>R-17</u>			

TC 9:30

Meeting Date: NOVEMBER 24, 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: MCRC First Quarter Activity Report

BOARD BRIEFING: November 24, 1992 REGULAR MEETING: N/A
(date) (date)

DEPARTMENT DES DIVISION Cable Regulation

CONTACT Julie S. Omelchuck TELEPHONE 248-3576 x2865

PERSON(S) MAKING PRESENTATION Julie S. Omelchuck

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: Five Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

The Multnomah Cable Regulatory Commission is presenting Quarterly Reports to their member jurisdictions in order to update its stakeholders about services and activities. The report presentation provides the MCRC Representative with an opportunity to answer any questions the County Commissioners may have about the activities of the Regulatory Commission.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
OCT 13 PM 4:55

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER  _____

(All accompanying documents must have required signatures)

MULTNOMAH CABLE REGULATORY COMMISSION

MULTNOMAH COUNTY, GRESHAM, FAIRVIEW, TROUTDALE AND WOOD VILLAGE

Commissioners:


W. Robert Conners, *President*
Gene Bui, *Vice President*
Barry Hamilton
J. Dennis Quail
Sylvia E. Welch

2115 SE Morrison, Rm. 236
Portland, OR 97214
(503) 248-3576
Telecopier (503) 248-3048

Julie S. Omelchuck, *Director*
Christina Witka, *Cable Assistant*

MEMORANDUM

TO: Gladys McCoy, Chair
Multnomah County Commission Members

FROM: Julie S. Omelchuck, Director 
Multnomah Cable Regulatory Office

DATE: October 7, 1992

SUBJECT: MCRC First Quarter Activity Report

As a way to meet the Multnomah Cable Regulatory Commission's goal to regularly communicate with its jurisdictions, other stakeholders and the general public about its activities and services, Commission members decided to present quarterly activity reports to their city councils or county commission. The first of such report is attached.

The report includes the Commission's mission statement, its goals and a summary of activities under each goal. I will attend the upcoming County Commission meeting to answer any questions you may have about the activities of the Regulatory Commission.

In the meantime, as always, feel free to contact me with any comments, ideas or further informational needs.

MULTNOMAH CABLE REGULATORY COMMISSION

FIRST QUARTER ACTIVITY REPORT FY 1992-93

Mission Statement

The mission of the Multnomah Cable Regulatory Commission is to enforce the franchise agreement with Paragon Cable; to oversee the contracts with Multnomah Community Television and Mt. Hood Community College; and to act as a source of information and advocacy on matters relative to cable communications for the jurisdictions and citizens of Gresham, Troutdale, Fairview, Wood Village and unincorporated Multnomah County.

Goals

1. To address franchise issues and requirements in a timely manner.
2. To provide consumer protection for citizens in cable related matters.
3. To regularly communicate with our jurisdictions, other stakeholders and the general public about Commission services and activities.
4. To participate in and encourage advocacy efforts for legislative activities and FCC proceedings on behalf of our jurisdictions' and citizens' interests.
5. To actively participate in and to provide support for discussions regarding cost and service efficiencies in cable regulation.
6. To oversee contract and funding for community access programming and services to ensure compliance with the spirit and letter of the franchise agreement (contract currently with Multnomah Community Television).
7. To oversee contract and administer grant funds for the Program in Community Television, an associate degree curriculum at Mt. Hood Community College.
8. To oversee contract and administer grant funds for locally-oriented programming (contract currently with Multnomah Community Television).
9. To explore innovative uses of cable system's capabilities.
10. To operate the office to support the MCRC's mission and to comply with legal and administrative requirements.

GOAL: To address franchise issues and requirements in a timely manner.

- Reviewed and accepted Paragon's 1991 Annual Report which documents company compliance with franchise requirements. Review identified problem compliance areas and the acceptance resolution contained follow up requirements in the areas of technical performance tests, disconnect policies, equal opportunity employment and women and minority business enterprise goals, and customer service standards.
- Conducted a live, televised public hearing regarding customer satisfaction with Paragon's performance over the past three years. Twenty citizens provided public comment: one in person and 19 by telephone.
- Developed a resolution regarding transfer of Franchise rights from Paragon to KBL-TV for advertising time on the cable system, protecting the jurisdictions from further transfers which might negatively affect franchise fee payments.
- Concluded a review of Paragon's audited financial statements resulting in additional franchise fee revenues to the Commission.
- Kept abreast of legal and policy decisions that affect cable regulation: attended the NFLCP and NATOA national conventions.
- Reviewed Paragon channel realignment and changes to line extension policy to ensure compliance with the Franchise agreement.
- Tracked Paragon franchise fee payment and evaluated quarterly financial report.

GOAL: To provide consumer protection for citizens in cable television matters.

- Responded to 40 consumer complaints.
- Monitored monthly customer service reports for Franchise compliance.

GOAL: To regularly communicate with our jurisdictions, other stakeholders and the general public about Commission services and activities.

- Published *A Consumer's Guide to Cable in East Multnomah County* and distributed it to all East County subscribers.
- Announced Commission meetings on government and community electronic bulletin boards provided by MCTV.
- Sent city council members and county commissioners 10 correspondences about Commission activities and services.

GOAL: To participate in and encourage advocacy efforts for legislative activities and FCC proceedings on behalf of our jurisdictions' and citizens' interests.

- Provided elected officials with updates and action alerts regarding the Cable Consumer Protection Act being considered by the US House and Senate.
- Participated in a press conference with Rep. AuCoin, local public interest organizations and other metro-area cable regulators about the pending cable television bill in Congress.
- Wrote two letters to the editor regarding cable legislation.
- Tracked FCC actions regarding its video dialtone policy which would allow companies to offer video programming services using the public rights of way without obtaining a local franchise agreement.
- Provided elected officials update on the video dialtone policy.
- Continued participation in a Local Community Coalition with other municipalities and groups across the county to ensure local needs are addressed in the FCC video dialtone policy.

GOAL: To actively participate in and to provide support for discussions and decisions regarding cost and service efficiencies in cable regulation.

- Participated in six meetings of the Governor's Task Force on Local Government Services subcommittee on cable regulation. Provided information about the Commission for the subcommittee's and Task Force's reports.
- Staffed three meetings of the Joint Cable Regulation Consolidation Task Force and assisted in successful passage by five jurisdictions of authorizing resolutions for the Task Force.

GOAL: To oversee contract and funding for community access programming and services to ensure compliance with the spirit and letter of the franchise agreement (contract currently with Multnomah Community Television).

- Held a workshop on the Commission's role and responsibilities regarding programming content of a controversial nature produced at MCTV by citizens.
- Met with the District Attorney's Chief Deputy to discuss a complaint process among all agencies to address citizens' concerns about the content of some public access programs.
- Responded to 20 complaints about the content of some access programs produced by citizens.

- Appointed three MCTV Board members.
- Approved MCTV third quarter Financial and Activity Report.
- Administered payment of \$99,034 in franchise fees.
- Administered investment fund: paid \$101,750 in grant funds.
- Attended two MCTV Board meetings.

GOAL: To oversee contract and administer grant funds for the Program in Community Television, an associate degree curriculum at Mt. Hood Community College.

- Administered investment fund: paid \$32,250 in grant funds.

GOAL: To oversee contract and administer grant funds for locally-oriented programming (contract currently with Multnomah Community Television).

- Approved third quarter Financial and Activity Report.
- Reviewed May 1992 Community Needs Assessment results.
- Administered investment fund: paid \$27,000 in grant funds.

GOAL: To explore innovative uses of cable system's capabilities.

- Kept abreast of industry technology and applications that affect cable regulation: attended the NFLCP and NATOA national conventions.

GOAL: To operate the office to support the MCRC's mission and to comply with legal and administrative requirements.

- Developed methodology and process, in conjunction with the five jurisdictions staff people, for quarterly payment of franchise fees to the jurisdictions.
- Set 1992-93 Commission work plan and office timeline.
- Reviewed cable office third quarter financial report.
- Conducted three Commission meetings, including meeting packet mailings to 76 interested parties.

TC
9:35

Meeting Date: NOV 24 1992

Agenda No.: B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Assumption of Management of CIP II Services

BCC Informal 11/24/92 BCC Formal _____
(date) (date)

DEPARTMENT Social Services DIVISION Mental Health, Youth and

CONTACT Gary Smith/Dennis Adams TELEPHONE Ext. 3691

PERSON(S) MAKING PRESENTATION Gary Smith/Dennis Adams

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

In November of 1989, the Board of County Commissioners passed the attached Resolution outlining five (5) areas of concern that caused the County to decline participation in the Community Integration Project (CIP II). The conditions which existed in the Fall of 1989 either do not exist today or concerns never materialized and, in fact, our participation at this time will actually strengthen our overall program of service to Multnomah County citizens. For these two reasons, it is recommended that Multnomah County assume both case management and contract management for the 65 individuals who currently live in our County, benefiting from the CIP II downsizing of Fairview Training Center. It is further recommended that this assumption of responsibility occur on December 1, 1992.

(If space is inadequate, please use other side)

SIGNATURES:

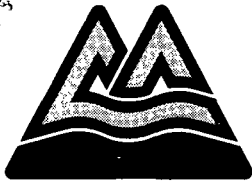
ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER X 

(All accompanying documents must have required signatures)

1992 NOV 18 PM 12:36
CLERK OF BOARD OF
MULTNOMAH COUNTY
OREGON



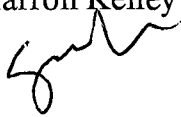
MULTNOMAH COUNTY OREGON


DEPARTMENT OF HUMAN SERVICES
SOCIAL AND FAMILY SERVICES DIVISION
ADMINISTRATIVE OFFICES
426 S.W. STARK ST., 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3691
FAX (503) 248-3379

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Gladys McCoy, Multnomah County Chair
Commissioner Pauline Anderson
Commissioner Gary Hansen
Commissioner Rick Bauman
Commissioner Sharron Kelley

VIA: Dr. Gary Nakao 

FROM: Gary Smith 

DATE: November 16, 1992

SUBJECT: Community Integration Project, Phase 2 (CIP II)

In November, 1989, at the request of the Mental Health, Youth and Family Services Division (known then as the Social Services Division) and providers, consumers and advocates, the Board of Commissioners adopted a Resolution regarding Multnomah County's participation in the downsizing of Fairview Training Center, known as CIP II (Community Integration Project, Phase 2). Although the Developmental Disabilities Program had participated in downsizing Fairview for two biennium leading to November 1989, conditions at that time caused us to decline continued participation until they could be satisfactorily addressed by the State.

During the past three (3) years, the State of Oregon maintained direct responsibility for the 65 individuals who moved from Fairview to Multnomah County. The State provided case management and contracted directly with five (5) residential and five (5) vocational providers in order to serve these individuals.

The conditions that existed in the Fall of 1989 no longer exist.
The chief concerns at the time were:

° Low direct care salaries.

Resolution: The State increased all community residential staffing rates in July, 1990, from under \$5.00 per hour to an average of \$6.00 per hour.

° Limited availability of medical and professional support services.

Resolution: All community needs were identified for each client before transferring to Multnomah County. Funding is included and will transfer to County.

° Lack of funding for psychiatric services.

Resolution: New psychiatric providers were obtained and additional funding to pay for services was included and will transfer to County.

° No start-up funding to prepare for case management responsibility.

Resolution: The case managers who have been working for the State will transfer to the County with full funding.

° Need for greater financial support for subcontractors.

Resolution: Service rates have been sufficient to retain all the original CIP II contractors. The same level of funding is being passed to the County.

Both the State and County Developmental Disabilities Programs have actively worked to stabilize the existing County service system and the State-administered CIP II system. It no longer makes sense to have both the State and County providing case management and contracted services within Multnomah County. Residents will be better served and services will be better integrated if only one governmental unit is responsible for these services in our County.

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GWS/mas

[5960B]

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of County Participation)
in Phase Two of the Community Integration)
Project (Fairview downsizing)) RESOLUTION

WHEREAS the Board of County Commissioners believes that individuals with developmental disabilities are entitled to a full range of opportunities for community living, and

WHEREAS the Board of County Commissioners is committed to the process of reducing the size of Fairview Training Center and providing community living options for Fairview residents, and

WHEREAS Multnomah County has been a participant in past state/county efforts to place Fairview residents into neighborhood living options, and

WHEREAS the Board recognizes that the number of community providers available to accept additional Fairview residents has fallen to drastic levels and that recruitment of new providers has become increasingly difficult, and

WHEREAS the Executive Department of the State of Oregon has reported that the inadequacy of wages paid to direct care staff employed by these providers is a critical element in recruiting new providers and retaining those now in economic crisis, and

WHEREAS the State has been unable to assure the Board that sufficient monies will be made available to improve the wage base for these direct care staff, and

WHEREAS other critical elements of a successful community system remain unaddressed to date by the State, and

WHEREAS Multnomah County would be willing to continue its commitment to a joint state-county effort to expand community options but is unwilling to be a participant in destabilizing the community service system,

NOW, THEREFORE BE IT RESOLVED THAT:

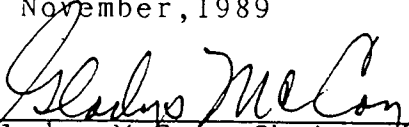
Multnomah County declines to participate in Phase Two of the Community Integration Project until the following conditions are satisfactorily addressed by the State of Oregon:

1. Residential direct care staff salaries must be increased to an adequate level of both wages and fringe benefits.
2. Professional resources to provide basic medical care, occupational and physical therapy, dentistry, and consultation must be expanded in the community.
3. Funds must be provided for psychiatric services beyond what is currently covered by the Medicaid program.
4. Case management funds already budgeted must be advanced to the County so that sufficient staff may be hired to plan for and serve the increased number of clients.
5. Subcontractor administrative support must be increased.

BE IT FURTHER RESOLVED THAT:

The Board of County Commissioners is prepared to join with advocates, providers, and others to urge the State Department of Human Resources to make available sufficient resources to meet the above conditions and, if necessary, will support the Department of Human Resources before the Emergency Board in seeking these resources.

ADOPTED this 9th day of November, 1989


Gladys McCoy, Chair
Multnomah County, Oregon

SEAL

REVIEWED:


Paul G. Mackey
Assistant County Counsel

TC
9:40

Meeting Date: NOV 24 1992

Agenda No.: B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Integrated Services Plan Briefing

BCC Informal November 24, 1992 BCC Formal _____
(date) (date)

DEPARTMENT Social Services DIVISION Administration

CONTACT Gary Nakao TELEPHONE 248-3782

PERSON(S) MAKING PRESENTATION Gary Nakao, Tamara Holden & Billi Odegaard

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Update on the Integrated Human Services System plan being developed by the Departments of Social Services, Health, and Community Corrections.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Gary Nakao (ac)

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 NOV 16 AM 8:50

DRAFT

MULTNOMAH COUNTY
INTEGRATED HUMAN SERVICES SYSTEM PLAN

Revised 11/6/92

INTRODUCTION

In the post Measure 5 era, governments, their supportive agencies, private non-profits and other entities serving the welfare of the community will be called upon to serve an increasingly needy population with diminishing resources. The frail elderly, the homeless, low-and no-income individuals, single parent households, the disabled, adolescents, separated families and extended relationships will find themselves more vulnerable and at risk.

At the local level, county government is the human service agency of last resort. Reductions in revenues, personnel, and service hours have rendered traditional service delivery systems incapable of responding to increasing numbers of persons with multiple problems.

The Multnomah County Board of Commissioners recognized in resolution that:

- Shrinking financial resources will require the County to explore new methods of providing services to citizens,
- The issues and problems facing our communities have changed the traditional roles and responsibilities of government, business, community, and family, and
- The problems and issues of alcohol and drug addiction, child abuse, crime, unemployment, apathy, racial and sexual hatred, inadequate community services, and the changing family and community have the potential to destroy the very fabric of our communities and society.

County departments and divisions already collaborate and coordinate services with a variety of government and private non-profit agencies. This collaboration, however, is often situational, with the effort designed to address a specific service need or to augment local, state or private efforts. The Multnomah County Board of Commissioners has called for a change in how the County responds to these kinds of human needs.

THE INTEGRATED HUMAN SERVICES SYSTEM

In response, the Board of County Commissioners has directed the development of an Integrated Human Services System, including Family Service Centers, for Multnomah County.

The integrated service delivery system to be developed:

- Will have a strong focus on people, with eventual interlocking linkages of policy, fiscal resources and personnel,
- will be flexible, focused on family and individual needs, and coordinated with other local, state, and private non-profit efforts to provide maximum benefits for the client,
- will be an efficient system of delivering effective, high quality services,
- will provide an orderly and focused method for the County to participate in local and state initiatives including the Leaders Roundtable/Partners for a Caring Community project, the state's HB 3188 (Human Investment Strategy), and SB 1099 (Integrated Services) efforts.

UNDERLYING VALUES

The entire system will be driven by a common philosophy of service and common values, including:

- Promoting client independence and empowerment.
- Involving individuals and communities in decisions that affect them.
- Using the least intrusive, least expensive interventions in people's lives that are appropriate to the needs.
- Providing high quality, integrated, timely services with the fewest possible barriers to access.
- Making services and service authorization available as close to the need as possible.
- Encouraging change and innovation to make the system responsive to individual, family, and community needs.

The directors of the Departments of Health, Social Services, and Community Corrections, along with key division managers, formed an Integrated Human Services Planning Team to develop the system.

SYSTEM ELEMENTS

Community Service Districts

Community Service Districts are designed to organize County services as close as possible to where people live. The districts are divided by recognized geographic boundaries. Within each of the districts are social service agencies, schools, private non-profit resources, community policing activities, and other agencies and efforts. County resources within each district are structured to include both contracted agencies and direct County services. Organizing services by districts enables program staff to work cooperatively to serve individuals and families with multiple and complex problems.

Individuals who receive child, youth, individual, senior, family, physical and mental health services will generally be served within a district. This will allow better coordination and follow-up support for the person or family securing services. It should also allow for a better match of service to the specific problem, since the assessment will be conducted in the context of the individual's community or environment. The services will be cost effective, resulting from a higher rate of recovery for the individual and a lesser rate of relapse because of treatment in the context of the community. The integrated service approach will keep the individual in a protected service environment.

Multnomah County will comprise six Community Service Districts: Northeast, North, West, Mid-county, Southeast and East.

Community Service Districts will have common boundaries for all County services. They are not used to restrict residents' access to services, and individuals will retain choice of service locations regardless of where they live.

Common service boundaries have been agreed on by the Department of Health, the Department of Community Corrections, and the Department of Social Services' Aging Services Division, Mental Health, Youth and Family Services Division, Housing and Community Services Division, and Juvenile Justice Division (see Attachment A).

Neighborhood Access

In the Community Service District model, the point of entry into the system may be any number of County offices or provider offices within the community where a person or family can enter and receive assistance. The goal is to provide services uninterrupted at any point along the continuum.

Key elements of a neighborhood access system include:

- Close relationships between all providers of services and the local community.

- A well-publicized and accessible Information/Referral system.
- An emphasis on cultural relevance to the community. This includes the availability of bilingual staff and providers where appropriate.
- Intensive cross-training of staff in provider agencies and County programs.

The principles outlined above will be common to all Community Service Districts, but the design of "user friendly" neighborhood access will vary from district to district. Specifics such as responsibility for and "agency location" of the information and referral function, the degree of co-location of services, and cross-training of staff will emerge as part of the district planning process for each district.

District Coordination

In the integrated service system model, each Community Service District will have a coordination function to assure a system-wide response to the community, the individual and his or her family; to work with the agencies, school, families, community policing, sheriff, and other service providers to develop a uniform set of policies and operational strategies; and to assure that there are services adapted to the special needs of the district in addition to the core services available in each district.

The structure of and responsibility for district coordination will evolve over time. At the outset, coordination within each Community Service District will be accomplished through a District Coordination Team (DCT) consisting of, at a minimum, the district or branch managers of each of the participating County Departments and related provider agencies.

The DCTs will:

- Set goals and expected outcomes with community participation specific to the district.
- Develop and implement a "bottom up" process for determining community needs.
- Oversee the development of service integration in the district within the framework of the service integration plan developed by the County.
- Develop district-specific policies and protocols for neighborhood access, staff cross-training, program coordination, case management, client data sharing and client advocacy.
- Develop recommendations for policy and organizational changes.
- Help determine evaluation criteria.

- Serve as a clearinghouse and mediation team when conflicts arise between programs.
- Serve as a linkage to all other planning groups addressing services integration in that district.

Case Management

In each program, a service recipient is usually assigned a primary contact person to call or relate to for services. This could be a nurse, a case manager, a Probation Officer or other. When an individual or family uses more than one County service, the primary staff assigned to the individual for each service will work cooperatively with him/her to assure that services are coordinated. One of them will be the lead contact (referred to as a "Primary Case Manager").

The role of case management in the integrated service system is one of quality control, coordination, counseling, review and referral. The case manager in this system is the traffic coordinator and support agent assigned to a given individual and/or family. The case manager connects the family or individual with the appropriate agencies and other resources.

Those who deliver the services within a district will be actively involved in the creation of the case management model for that district. A cooperative approach, involving consumers, service delivery personnel, neighborhood organizations, and governmental units offers the best means to enhance service delivery through a case management system. The model, therefore, will vary from district to district. The development of the model, as well as the specific operational protocols between departments, divisions, and community providers, will be the responsibility of the DCTs.

Information Sharing

No comprehensive service system or district structure will work without some method to bind the players, coordinate service and information flow, and assess the quality of services provided. A management information system can be the mortar that connects effort and outcome. In the case of individual client or family information, some sharing among providers may be necessary to assure holistic treatment planning and resource allocation.

Development of a management information system for an integrated services model involves complex policy and technical issues. Policy decisions include:

- The purpose of sharing client data (focus on system planning versus individual service planning),
- Resolving the tension between protecting client confidentiality and sharing information between programs, and
- The allocation of sufficient funds to establish and operate a shared data base system.

Evaluation

An evaluation process will be needed to assure accountability, to provide ongoing feedback for program and system improvement, and to determine whether the desired outcomes are being achieved. Program monitoring and evaluation are already a part of many of the services to be included in the integrated service system, and will continue. A more sophisticated evaluation system is needed, however, to measure outcomes and determine the effectiveness of the model.

Unfortunately, this type of evaluation is expensive and is beyond the resources currently available within the County budget. The Integrated Human Services Planning Team will seek new resources in order to implement a comprehensive evaluation process. These might include outside funding and the services of non-county personnel such as a university graduate program.

IMPLEMENTATION

Planning and implementation phases will overlap or occur simultaneously in various Community Service Districts and with other agencies.

PLANNING (INITIAL AND ONGOING)

Integrated Human Services Planning Team (IHSPT);

- Develops overview of the system and draft plan by 10-14-92
- Identifies and analyzes key policy issues
- Appoints work groups to address specific issues
- Appoints IHSPT liaisons to DCTs as they are developed

PHASE I. INTEGRATION OF COUNTY MANAGED SERVICES

Before and during the implementation of the Integration Plan, there will be extensive community involvement to determine what will work for each service district. The contract for the Family Service Centers is projected for Spring, 1993, which will provide several months of discussions and input into the services which are being envisioned for the Centers.

1. Award contract for Family Service Centers.
2. Pilot a service integration model in the Southeast Community Service District.
 - IHSPT appoints a District Coordination Team (DCT)

- DCT develops neighborhood access and case management protocols.
 - Model is implemented with persons who self-select into the service delivery system.
 - Model is evaluated on an ongoing basis.
3. Establish DCTs and begin service integration in other service districts.

PHASE II. INTEGRATION OF COUNTY-CONTRACTED SERVICES AND OTHER SERVICES

Include contracted non-profit providers, police agencies, and others.

PHASE III. INTEGRATION OF STATE AND OTHER SERVICES

Include Adult and Family Services Division, Children's Services Division, Employment Division, Mental Health and Developmental Disabilities Services Division, alcohol and drug programs, Senior and Disabled Services Division, and others.

**MULTNOMAH COUNTY OREGON**

DEPARTMENT OF SOCIAL SERVICES
HOUSING & COMMUNITY SERVICES DIVISION
421 S.W. FIFTH AVENUE, SECOND FLOOR
PORTLAND, OREGON 97204
(503) 248-5464
FAX: (503) 248-3332

BOARD OF COUNTY COMMISSIONERS
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PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Dr. Gary Nakao, Director
Department of Social Services

VIA: Norm Monroe, Director *CM*
Housing and Community Services Division

FROM: Bill Thomas, Manager *NTB*
Community Action Program Office

DATE: August 17, 1992

SUBJECT: Uniform Boundaries for Integrated Service Districts

Pursuant to your direction, a technical committee representing the Department of Health (Jan Wallinder) and effected programs in the DSS Aging (Don Keister and Rosanne Costanzo), Housing and Community Services (Bill Thomas), and Social Services (Rex Surface and Mary Li) Divisions has been convened in order to discuss establishing uniform boundaries for Integrated Service Districts in Multnomah County. This technical committee has developed the following recommendations on boundaries to the DSS Integrated Services Team.

RECOMMENDATIONS:

I. Principles

- A. In general, service district boundaries should be based on "natural" geographical divisions such as rivers, freeways, and major dividing streets which are easily understood by the public.
- B. As possible, boundaries should also be concurrent with census tracts to facilitate assessment and analysis of demographic data.

II. Proposed Boundary Lines

- A. The boundary between Northeast and Southeast service districts should be established at the Banfield Freeway, which is currently used by Community Action, Health, Mental Health, and Youth. This would require Aging Branch boundaries and District boundaries to be moved from Burnside to the Banfield.

Boundaries/P.2

- B. The boundary between North and Northeast service districts should be established at the I-5 Freeway, which is currently used by Community Action, Health, and Youth. This would require Aging District boundaries to be moved from Mississippi and Albina to I-5.
- C. The boundary between Northeast/Southeast and East service districts should be established at 82nd Avenue, which is currently used by Aging, Community Action, Health, and Mental Health. This would require proposed Youth boundaries to be moved from 57th in NE to 82nd in both NE and SE.
- D. The boundary between Mid County and Outer East County service districts should be established at 162nd south to Powell to 174th to Foster Road, which are census tract boundaries currently used by Health. This would require that proposed Youth boundaries be moved from 148th to 162nd.
- E. The boundary between Downtown, Southwest, and Northwest service districts should be established at census tract boundaries currently used for Aging District boundaries, (roughly NW 12th, Burnside, Vista, Canyon Road, SW Broadway Drive, I-405, Ross Island Bridge). This would require that Community Action boundaries for Downtown and SW/NW be moved to Canyon Road, Broadway Drive and Patton.

III. Implementation

- A. These boundary changes should be reviewed with provider groups, and processed through the appropriate Citizen Advisory Boards and Commissions for concurrence.
- B. As contracts will be affected, the timing for implementing these boundary changes should remain at the discretion of effected Divisions, but be no later than July 1, 1993.
- C. The Board of County Commissioners should articulate a policy of establishing uniform boundaries for integrated service districts when Departments or Divisions determine that geographical districts are appropriate for service delivery, but not stipulate how many districts there should be nor require the creation of such districts by a Department or Division if countywide services are deemed to be more appropriate. (Boundaries will now be uniform, though service systems will have different numbers of service districts as dictated by needs and resources; for example, Alcohol and Drug is countywide, while Mental Health has four districts, Youth and Health have six, Community Action has seven, and Aging has eight.)

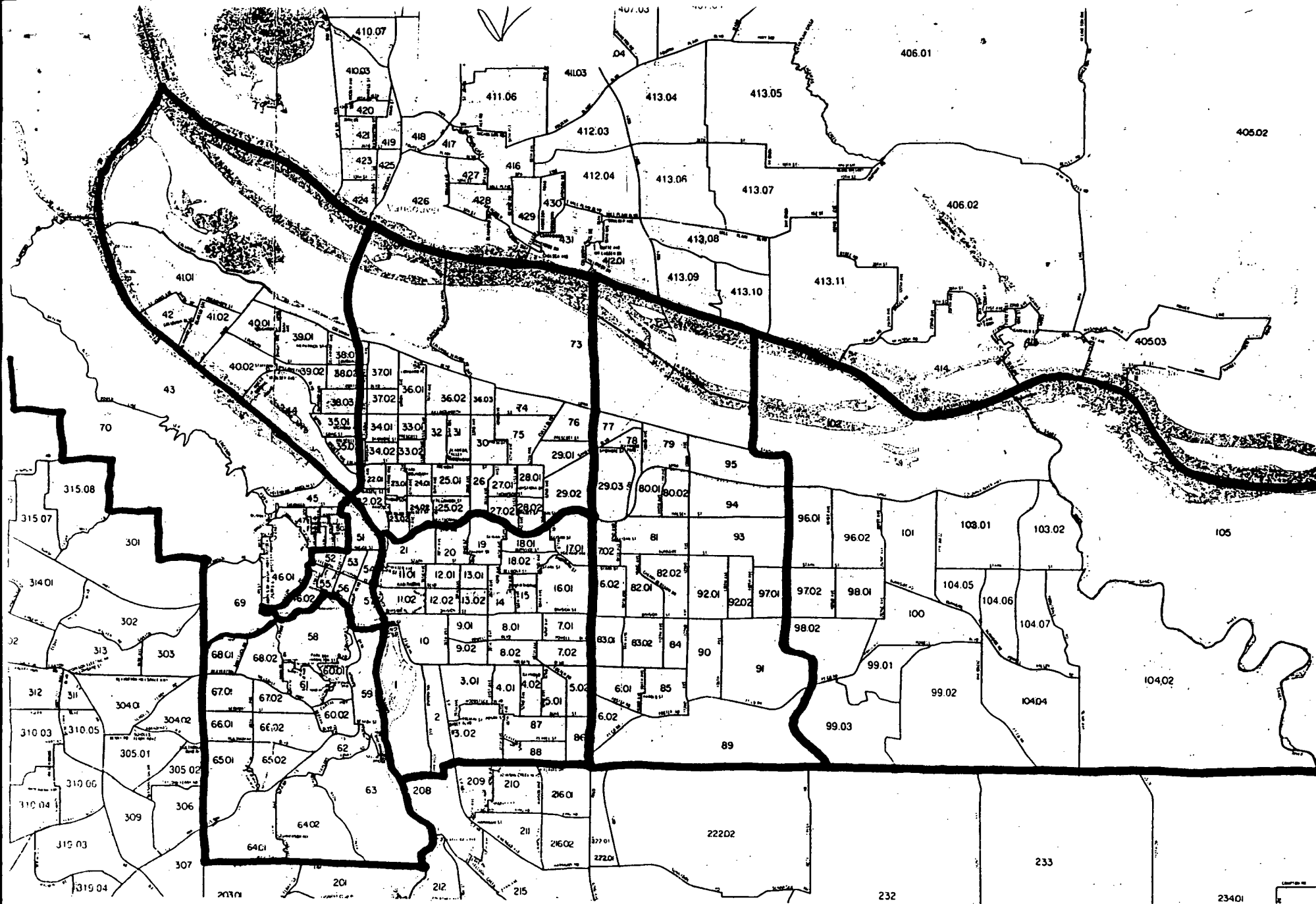
Boundaries/p.3

- D. A further step in this process should be to enter into discussions with other jurisdictions to seek congruence of their service district boundaries with the County's. In particular, we should seek such agreement with State DHR Adult and Family Services and Childrens Services Divisions. At the same time, we will need to recognize that it probably will not be possible to achieve such agreements with some jurisdictions. (For example, school and high school cluster boundaries bear no relation to natural geographical boundaries or census tracts; County and State programs will continue to work around this lack of congruence in supporting Leaders Roundtable projects.)

IV. Impacts

- A. There will be no impact on Health or Mental Health service boundaries.
- B. There will be minimal impact on Aging Branch boundaries and Community Action boundaries.
- C. The impacts on Aging North, Northeast, and Hollywood service districts will result in some shifting of populations and service dollars, which will need further analysis and processing with providers and PMCOA. It is likely that the Hollywood subdistrict boundary would also need to be moved (only used by Aging).
- D. The impact on the Mid County Youth service district of boundary changes for NE and Outer East offset each other to a large degree, but the impact on the Northeast Youth service district will be significant and will need further analysis and processing with providers and the Youth Services Commission.

cc: Billi Odegaard
Tamara Holden
Jim McConnell
Hal Ogburn
Gary Smith



Briefing 11-24-92
B-3
Norm Monroe
Handout #1

OREGON FAMILY NUTRITION EDUCATION PROGRAM

In Oregon, 273,868 people received food stamps in April, 1992. That equates to approximately \$18 million spent monthly by the Federal government in support of the food stamp program in Oregon. This number has been increasing as has the demand for food assistance through emergency food sources.

Oregon State University Extension and the Oregon Food Stamp Office have received funding from USDA Food and Nutrition Services to develop a comprehensive nutrition education program for families eligible to receive food stamps.

The pilot program will:

1. Develop methods of educating individuals and families living on limited resources to improve their food buying and management practices, maximize family nutrition and to reduce costs.
2. Provide practical and reliable information in the areas of nutrition, food preparation, food safety, handling, and resource management.
3. Develop meal patterns and nutrition education recommendations to accommodate the growth patterns of youth and the cultural needs of the targeted families.

The program will use an interdisciplinary approach to address the educational needs of the families. Paraprofessionals from the population and trained volunteers will make home visits and hold group meetings to teach adults and youth skills related to foods and nutrition. Lessons will include visual demonstrations and hands-on activities to develop basic skills. All information will be culturally sensitive and of an appropriate literacy level for the audience. Program evaluation will be designed to identify changes in behavior, practices tried, and impact on the family.

Focus: Multnomah County

1. Family Nutrition Education through the Community Action Centers:

This pilot program works to reach a cross-section of the food stamp audience within four of the Community Action Centers in Multnomah County. Pilot areas include: North, Northeast, Southeast, East.

The objective is to integrate such educational resources with the human and social service agencies serving those defined areas in Multnomah County to work together as needed to help address family problems.

Planned for co-location include a field home economist and several program assistants.

2. Hispanic Family Nutrition Education Program:

This pilot program works to reach the Hispanic population receiving food stamps in Multnomah County as well in Clackamas, Washington, Hood River, Wasco and Malheur Counties in Oregon. Many of these families are living on limited incomes and are coping with cultural and language barriers.

Housed in Multnomah County will be an overall program coordinator, part-time secretary and program assistant. Staff will work in an outreach capacity with other service providers including those Community Action Centers that service larger numbers of Hispanic families.

Through each of these targeted programs the desire is to develop and demonstrate a model that can be replicated. The overall goal of this program is to educate food stamp recipients to better manage and utilize those and other food resources to improve the individuals and his/her family's health and, albeit, to become more self-sufficient.

Position: Extension Agent, Home Economics - (4 positions)
Oregon Family Nutrition Education Program-Multnomah County Community
Action Centers.

Location: Multnomah County (Portland)
Community Action Centers - North, North East, South East, East
1 FTE/Center

Rank: Instructor, non-tenure track

Position Available:

Application Deadline:

Background Information:

In Oregon, 273,868 people received food stamps in April, 1992. Oregon State University Extension and the Oregon Food Stamp office have received funding from USDA Food and Nutrition Services to develop a comprehensive nutrition education program for families eligible to receive food stamps.

The pilot program will:

1. Develop methods of educating individuals and families living on limited resources to improve their food buying and management practices, maximize family nutrition and to reduce costs.
2. Provide practical and reliable information in the areas of nutrition, food preparation, food safety, handling, and resource management.
3. Develop meal patterns and nutrition education recommendations to accommodate the growth patterns of youth and the cultural needs of the targeted families.

The program will use an interdisciplinary approach to address the educational needs of the families. Paraprofessionals from the population and trained volunteers will make home visits and hold group meetings to teach adults and youth skills related to food and nutrition. Lessons will include visual demonstrations and hands-on activities to develop basic skills. All information will be culturally sensitive and of an appropriate literacy level for the audience. Program evaluation will be designed to identify changes in behavior, practices tried, and impact on the family.

This position will serve: North Portland

Total population 47,419 living in 18,619 housing units.

Population mix is: 78% white, 11% black, 2% American Indian, 5% Asian, 4% Hispanic, and 2% other.

Northeast Portland

Total population of 93,861 living in 40,587 housing units.

Population mix is: 67% white, 24% black, 1% American Indian, 4% Asian, 3% Hispanic origin, 1% other.

Southeast Portland

Total population is 135,536 living in 61,446 housing units.

Population mix is: 87% white, 2% black, 1% American Indian, 6% Asian, 3% Hispanic origin, 1% other.

East County

Total population is 206,224 living in 82,105 housing units.

Population mix is: 91% white, 1% black, 1% American Indian, 3% Asian, 3% Hispanic origin, 1% other.

The goal is to integrate human and social service agencies and education programs to work together as needed to address client/family problems. Food and nutrition education programs have been identified as a key component with the community service districts.

The person hired for each position will plan, conduct, and evaluate nutrition education programs for families in one of four specified geographic regions, based at a County Community Action Center. Each person will also work on a cooperative basis with other regions in the Family Nutrition Education Program serving Multnomah County, and with other appropriate Extension faculty and staff in programs serving the metropolitan area. Each position is evaluated annually with the potential for continued funding.

Position Responsibilities:

1. Develop, deliver, and evaluate educational programs in the broad field of home economics. Conduct programs on basic home economics skills as need is identified for food stamp recipients in the community service district. Programming to focus on, but not limited to food and nutrition, and consumer education.
2. Recruit volunteers and assist with volunteer training and support. Coordinate and assist classes taught by trained Extension volunteers in food and nutrition, food safety and preservation, parenting, and youth activities (4-H).
3. Develop, train, and use advisory groups to identify issues, interests and needs facing families on food stamps in the service district.
4. Provide daily supervision of support staff assigned to location. With overall Program Manager hire, train and manage program staff.
5. Develop working relationship with case managers and service providers in the

district so families and individuals can be referred to the appropriate resource.

6. Assist in the development and field testing of educational materials that are culturally sensitive and literacy appropriate.
7. Provide continued educational support to food stamp recipients.
8. Maintain statistical information appropriate for the development of USDA/Extension project reports and evaluation.
9. Represent OSU/Multnomah County Extension within the Community Service District.
10. May take program leadership in one or more subjects that will be shared with the other districts, (i.e. elderly menu plans, ethnic foods, dietary needs, homeless family needs, kitchen sanitation, budgeting, shopping skills, etc.).
11. Review dietary recalls with assistants and volunteers.
12. Work as a team member with Extension faculty and staff in conducting an effective education program targeted to families eligible for Food Stamps.
13. Establish and maintain good working relationships with family-oriented agencies. Strengthen areas of cooperation and collaboration, develop educational programs, and minimize duplication of effort.
14. Use a variety of teaching methods to reach all groups and audiences, specifically minority and limited income audiences.

Education and Experience Requirements:

1. Bachelor's degree required (Master's preferred) with emphasis on home economics. Basic course work in foods and nutrition.
2. Demonstrated understanding of and/or experience in managing community-based education programs targeted to limited income audiences including: selecting, training, supporting, and evaluating program assistants and volunteers.
3. Demonstrated ability to interact with a broad range of socio-economic and ethnic populations.
4. Experience in educational program evaluation.
5. Ability to work independently with a minimum of supervision, with varying schedules and management of details of the job.

6. Demonstrated organizational skills and oral and written communication skills. Evidence of ability with newsletters, information pieces, workshop design, and teaching.

Other Requirements:

Personal car for travel. Official mileage reimbursed at 22.5 cents per mile.

*Application Statement - Candidate should indicate which position they are interested in.

POSITION ANNOUNCEMENT

POSITION: Extension Agent, Hispanic Family Nutrition Education
Bilingual/Bicultural
.75 FTE

LOCATION: Multnomah County (Portland)

RANK: Instructor, Non-Tenure Track

POSITION AVAILABLE: Immediately

APPLICATION DEADLINE:

BACKGROUND INFORMATION:

In Oregon, 273,868 people received food stamps in April 1992. Oregon State University Extension and the Oregon Food Stamp office have received funding from USDA Food and Nutrition Services to develop a comprehensive nutrition education program for families eligible to receive food stamps.

The pilot program will:

1. Develop methods of educating individuals and families living on limited resources to improve their food buying and management practices, maximize family nutrition and to reduce costs.
2. Provide practical and reliable information in the areas of nutrition, food preparation, food safety, food handling, and resource management.
3. Develop menus and nutrition education recommendations to accommodate the growth patterns of youth and the cultural needs of targeted families.

The program will use an interdisciplinary approach to address the educational needs of the families. Paraprofessionals from the population and trained volunteers will make home visits and hold group meetings to teach adults and youth skills related to food and nutrition. Lessons will include visual demonstrations and hands-on activities to develop basic skills. All information will be culturally sensitive and of an appropriate literacy level for the audience. Program evaluation will be designed to identify changes in behavior, practices tried, and impact on the family.

The pilot project is evaluated annually with the potential for continued funding.

POSITION RESPONSIBILITIES

1. Coordinate the Hispanic Family Nutrition Education Program for Oregon.
2. Identify and/or develop appropriate educational materials in cooperation with other Extension staff. Includes the development and distribution of newsletters and fact sheets to targeted audiences.
3. Provide for the translation of program materials that are not available in Spanish.
4. Hire, train, and supervise two Extension Assistants to work with Hispanic families receiving food stamps in Washington, Clackamas and Multnomah counties. With other Extension agents, develop, conduct, and evaluate the Hispanic Food Nutrition Education program for the metro area.
5. Support Extension agents in Hood River, Wasco, and Malheur counties in the implementation, evaluation and management of the Hispanic Family Nutrition Education Program in their area.
6. Establish and maintain good working relationships with family-oriented agencies in the metro area. Work with Extension agents to identify and develop cooperative agreements and partnerships with appropriate community agencies served by the program.
7. Use a variety of teaching methods to reach the targeted audiences.
8. Work as a team member with Extension faculty and staff in conducting an effective education program targeted to Hispanic families eligible for food stamps.

EDUCATION AND EXPERIENCE REQUIREMENTS

1. Experience in bilingual/bicultural education efforts targeted to Spanish-speaking limited income audiences.
2. Bachelor's degree required (Master's degree preferred) with emphasis in home economics or closely related field. Basic course work in food and nutrition.

POSITION ANNOUNCEMENT - ~~DRAFT~~
PAGE 3

3. Demonstrated understanding of and experience in managing community-based education programs targeted to limited income audiences including selecting, training, supporting, and evaluating program assistants and volunteers.
4. Understanding of human resource agencies and programs working with limited income Spanish-speaking audiences.
5. Ability to interact with a broad range of socio-economic and ethnic populations.
6. Demonstrated oral and written skills. Evidence of ability to communicate thoughts clearly and logically to Spanish-speaking audiences.
7. Experience with the translation of educational programs and written information targeted to limited income Spanish-speaking people.
8. Experience with educational program evaluation.
9. Ability to work independently with a minimum of supervision, with varying schedules, and management of details of the job.

OTHER REQUIREMENTS

Personal car is needed for travel. Official mileage is reimbursed.
Ability to travel throughout the state in support of the Hispanic Family Nutrition Education Program.

EMPLOYMENT STATUS, SALARY, AND FRINGE BENEFITS

APPLY TO:

TC 10:10

Meeting Date: NOV 24 1992

Agenda No.: B-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: EMS Informal Briefing

BOARD BRIEFING 11/24/92 REGULAR MEETING _____
(date) (date)

DEPARTMENT Health DIVISION EMS

CONTACT Collins TELEPHONE 3220

PERSON(S) MAKING PRESENTATION 2-4

ACTION REQUESTED:

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

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15-20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

To inform the Board of the EMS Medical Director proposal and seek direction prior to the development of the necessary ordinance.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Billi Steward

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 17 AM 9:02
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3674
FAX (503) 248-3676
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Gladys McCoy
Chair, Board of County Commissioners

FROM: Gary Oxman, MD
Health Officer

Bill Collins
EMS Director

VIA: Bill Odegaard
Director, Health Department

DATE: November 9, 1992

SUBJECT: EMS Medical Director

BACKGROUND:

The issue of medical direction for the Multnomah County EMS system has been under consideration for some time. During the last year the EMS office has sought input from interested parties in developing a medical direction and supervision plan for the EMS system. A number of iterations were considered by the Medical Advisory Board (MAB) and other parties and consensus was sought for a plan that could be implemented.

Consensus has been reached by all interested parties that a single medical director is appropriate for our system. The MAB, on a split vote, did however approve a plan that went further and included a reorganization of the EMS program within the county administrative structure. While other organizations involved with EMS (e.g. Multnomah County Medical Society (MCMS), Oregon Chapter, American College of Emergency Physicians (ACEP)) were part of the consensus supporting a medical director, none articulated a need for reorganization.

RECOMMENDATION:

It is the recommendation of the Health Department that an ordinance be developed and adopted that would allow for the execution of a contract for a single physician Medical Director. The Medical Director will be selected with input from the MAB, MCMS, ACEP, EMTs, Ambulance and First

Responder Providers, and other interested parties. The Medical Director will be the supervisor for EMTs working within the Multnomah County Emergency Medical Service system and provide medical direction to the EMS system. Specific duties and areas of responsibilities will be identified in the ordinance and enumerated in the contract. The Medical Director will recommend the need for, and amount of, additional help that will be needed to carry out the proscribed duties. The contract will be supervised by the Health Officer.

The Medical Director position will be financed through assessments made to organizations employing EMTs and no general funds will be required.

We request policy direction to proceed with the ordinance and contract development.



*Board Briefing
B-4
Bill Collins
Handout #1*



Emergency Medical Services

Multnomah County

MEDICAL DIRECTOR PROPOSAL EMERGENCY MEDICAL SERVICES

PROPOSED:

TO RETAIN A PHYSICIAN TO SERVE AS THE SUPERVISOR FOR ALL EMERGENCY SERVICE (PRE-HOSPITAL) EMTs IN MULTNOMAH COUNTY AND MEDICAL DIRECTOR FOR THE EMS SYSTEM.

DUTIES:

EMT SUPERVISION.
EMT FIELD EVALUATION (RIDE ALONG)
DEVELOP CREDENTIALING CRITERIA FOR EMTs WORKING IN MULTNOMAH COUNTY.
SET CONDITIONS OF PRACTICE FOR AN EMT (PROBATION, SUSPENSION OF ORDERS, REVOCATION OF ORDERS).
SET STANDARDS OF PATIENT CARE:
DISPATCH PROTOCOLS
EMS PERSONNEL CERTIFICATION
MEDICAL EQUIPMENT AND SUPPLIES
ALS/BLS PATIENT CARE PROTOCOLS
RESPONSE TIMES FOR FIRST RESPONSE AND AMBULANCES
PATIENT TRANSFERS
DEVELOP MEDICAL CARE QUALITY IMPROVEMENT PROCESS.
SET STANDARDS FOR EDUCATION AND TRAINING OF EMTs.
SET CRITERIA AND STANDARDS FOR ON-LINE MEDICAL CONTROL AND MONITOR CONTRACT.
PROVIDE MEDICAL DIRECTION AND INPUT TO ALL OTHER ASPECTS OF THE EMS SYSTEM.

QUALIFICATIONS:

BOARD CERTIFIED IN EMERGENCY MEDICINE.
EMT SUPERVISION EXPERIENCE.
EMS SYSTEM MEDICAL DIRECTION EXPERIENCE.
ACADEMIC RESEARCH EXPERIENCE PREFERRED.

Health Department

426 S.W. Stark Street—9th Floor · Portland, Oregon 97204 · 248-3220 · Fax 248-5453

AN EQUAL OPPORTUNITY EMPLOYER

EMPLOYMENT STATUS AND FUNDING:

POSITION CREATED BY ORDINANCE.
INDEPENDENT CONTRACTOR - THROUGH THE HEALTH
DEPARTMENT, MONITORED BY THE HEALTH OFFICER.
FUNDED FROM FEES ASSESSED TO EMPLOYERS OF EMTs.

MEDICAL ADVISORY BOARD FUNCTIONS

ADVISORY TO THE MEDICAL DIRECTOR ON PATIENT
CARE STANDARDS AND ISSUES.
ADVISORY TO EMS OFFICE ON ALL SYSTEM
ACTIVITIES.
ANNUAL REPORTING TO THE BOARD OF COUNTY
COMMISSIONERS ON THE "STATE OF EMS".

OUTSTANDING ISSUES:

USE OF ADDITIONAL PHYSICIAN RESOURCES TO
ACCOMPLISH THE ASSIGNED RESPONSIBILITIES.

FIRE PROVIDER FUNDING AND MEETING THEIR NEEDS.

NOVEMBER 24, 1992

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-1a

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a Dispenser Class A liquor license renewal application for The Drum and Ricardo's La Fiesta Restaurant, 14601 SE Division, Portland, Oregon 97236. The applicants, Ray Lukich, Dan Teeny, and Richard Miller, have no criminal records and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: K. R. Hatch

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/lsm/959-AINT

Sent Original to Sgt. Ferrell 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 16 AM 10:29
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1993

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R00042A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1992.

MILLER RICHARD
THE DRUMERICCARDOS LA FIESTA REST.
14601 SE DIVISION
PORTLAND OR 97236

DA-0036
MILLER RICHARD
R.A.D. INC

PIERCE DELORES *T*
CARPENTER MARK *T*

THE DRUMERICCARDOS LA FIESTA REST.
14601 SE DIVISION
PORTLAND OR 97236

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

1. Please list a daytime phone number in case we need more information: 760-1400
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).

YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES ☐ NO ☒

If yes, please give name(s) and explain: _____

4. Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?

YES ☐ NO ☒ IF YES, EXPLAIN: _____

5. REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-92.

A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES

(INCLUDE BEER, WINE & DISTILLED SPIRITS): \$ 52,993.00

Remember: Round to the NEAREST DOLLAR.

B. AVERAGE MONTHLY FOOD SALES: \$ 22,001.00

Example: \$36,472.55 (Actual)

C. AVERAGE MONTHLY TOTAL SALES (ADD A+B): \$ 74,994.00

D. PERCENT OF FOOD TO TOTAL SALES

\$36,473.00 (Rounded)

(DIVIDE B BY C): 29.34 %

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-12-92, indicated by a legible postmark, there is no late charge. From 12-12-92 to 12-31-92, you will have to pay a late fee of \$100.00. After 12-31-92, the late fee is \$160.00.

ENDORSEMENT

The (CITY OR COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐

DATE OF ENDORSEMENT: 11/24/92

SIGNED: Gladys McElroy TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

RAY LUKICH

PRINT YOUR NAME

DAN TEELY

PRINT YOUR NAME

Richard Carl Miller

PRINT YOUR NAME

Ray Lukich 10-23-92

SIGNATURE DATE

Dan Teely 10-23-92

SIGNATURE DATE

Richard C Miller 10-23-92

SIGNATURE DATE

721-18-9053 10-15-27

SOCIAL SECURITY NUMBER D.O.B.

567-22-0751 11-15-24

SOCIAL SECURITY NUMBER D.O.B.

537-32-6264 10-3-37

SOCIAL SECURITY NUMBER D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-16

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a Dispenser Class A liquor license renewal application for the Multnomah Falls Lodge, P.O. Box 367, Troutdale, Oregon 97060. The applicant, Richard Buck, has no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: KR Hatch

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/lsm/959-AINT Sent Original to Sgt - Ferrell 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 16 AM 10:29
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1993

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DA	DISPENSER CLASS A SERVER EDUCATION STUDENT FEE	\$400.00 2.60	1	2600	R08370A	A

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1992.

MULTNOMAH FALLS CO INC
PO BOX 377 367
TROUTDALE OR 97060

DA-1106
MULTNOMAH FALLS CO INC

BUCK RICHARD

T

MULTNOMAH FALLS LODGE
S/S SCENIC HWY & COL-GORGE
BRIDAL VEIL OR 97010

* Is Server Education designee(s), indicated by *T* above, correct? Yes ☒ No ☐

** If no, who is your new designee? _____ SS# _____

- Please list a daytime phone number in case we need more information: 503-695-2376
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).

YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
---------	------	------------	--------

- Will anyone share in the profits who is not a licensee? YES ☒ NO ☐
If yes, please give name(s) and explain: HAROLD BUCK, MORT LUNAN, KYLE SMITH → PARTNERS/OWNERS

- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

- REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING 09-30-92.

A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES (INCLUDE BEER, WINE & DISTILLED SPIRITS):	\$ <u>7,860</u>	Remember: Round to the NEAREST DOLLAR.
B. AVERAGE MONTHLY FOOD SALES:	\$ <u>86,444</u>	Example: \$36,472.55 (Actual)
C. AVERAGE MONTHLY TOTAL SALES (ADD A+B):	\$ <u>94,404</u>	
D. PERCENT OF FOOD TO TOTAL SALES (DIVIDE B BY C):	<u>84</u>	\$36,473.00 (Rounded)

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$402.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-12-92, indicated by a legible postmark, there is no late charge. From 12-12-92 to 12-31-92, you will have to pay a late fee of \$100.00. After 12-31-92, the late fee is \$160.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐

DATE OF ENDORSEMENT: 11/24/92

SIGNED: Glady McElroy TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

RICHARD A. BUCK

PRINT YOUR NAME

[Signature]

SIGNATURE

DATE

543-60-8826

8-6-50

SOCIAL SECURITY NUMBER

D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

PRINT YOUR NAME

SIGNATURE

DATE

SOCIAL SECURITY NUMBER D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-2

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a Dispenser Class C liquor license renewal application for La Casita Especial, 12113 SE Foster Road, Portland, 97266. The applicants, Deanne Gefre and Gabriel Gefre have no criminal records and we recommend that the application be approved.

ACTION REQUESTED:

() INFORMATION ONLY () PRELIMINARY APPROVAL () POLICY DIRECTION (X) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

() FISCAL/BUDGETARY

() GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: X 

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/lsm/965-AINT

Sent Original to Sgt - Ferrell 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
CLATSOP COUNTY
OREGON
NOV 16 AM 10:29

LICENSE RENEWAL APPLICATION

DUPLICATE

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
DC	DISPENSER CLASS C SERVER EDUCATION STUDENT FEE	\$300.00 2.60	I	2600	R15479A	

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES 12/31/92

DC-90-0316
GEFRE, DEANNA
GEFRE, GABRIEL T JR
LA CASITA ESPECIAL
12113 S. E. FOSTER RD
PORTLAND, OREGON 97266

* Is there a designee(s) for Server Education? Yes ☐ No ☒

** Server Education designee _____ SS# _____

- Please list a daytime phone number in case we need more information: 761-0455
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).

YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____
OFFENSE _____ DATE _____ CITY/STATE _____ RESULT _____

- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☒ NO ☐ IF YES, EXPLAIN: we don't serve lunches anymore.
- REPORT BELOW THE AVERAGE MONTHLY SALES FIGURES TO THE NEAREST DOLLAR FOR 12 MONTH PERIOD ENDING _____
A. AVERAGE MONTHLY ALCOHOLIC BEVERAGE SALES (INCLUDE BEER, WINE & DISTILLED SPIRITS): \$ 725.00 Round to the NEAREST DOLLAR.
B. AVERAGE MONTHLY FOOD SALES: 235.44 Example: \$36,472.55 (Actual)
C. AVERAGE MONTHLY TOTAL SALES (ADD A-B): 960.44 Example: \$36,472.55 (Actual)
D. PERCENT OF FOOD TO TOTAL SALES (DIVIDE B BY C): 24.51 Example: \$36,473.00 (Rounded)

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH ENCLOSE A CHECK OR MONEY ORDER FOR \$302.60 PAYABLE TO "OLCC".
LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12/14/92, indicated by a legible postmark, there is no late charge. From 12/14/92 to 12/31/92 you will have to pay a late fee of \$75.00. After 12/31/92 the late fee is \$120.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐
DATE OF ENDORSEMENT: 11/24/92

SIGNED: Gladys McElroy TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

<u>Deanna Lee Gefre</u>	<u>Gabriel T. Gefre Jr.</u>	
PRINT YOUR NAME	PRINT YOUR NAME	PRINT YOUR NAME
<u>Deanna L. Gefre</u>	<u>Gabriel T. Gefre Jr.</u>	
SIGNATURE	SIGNATURE	SIGNATURE
<u>11/4/92</u>	<u>11/4/92</u>	
DATE	DATE	DATE
<u>540-70-9834</u>	<u>540-70-8431</u>	
SOCIAL SECURITY NUMBER	SOCIAL SECURITY NUMBER	SOCIAL SECURITY NUMBER
<u>11/27/55</u>	<u>1/12/55</u>	
D.O.B.	D.O.B.	D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-32

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a package store liquor license renewal application for the Quick Stop Market, 15400 SE Powell, Portland, Oregon 97236. The applicant, Kouy Pou Tiao, has no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: [Signature]

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/1sm/959-AINT Sent Original to Sgt. Farrell 12-7-92

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 16 AM 10:00
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1993

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R10237A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1992.

TIAO KOUY POU
QUICK STOP MARKET
15400 SE POWELL
PORTLAND OR

97236

TIAO KOUY POU

50022

50.00 LC
10/29/92

REJECTED

BY JD DATE 10-30-92
No End

QUICK STOP MARKET
15400 SE POWELL
PORTLAND OR

97236

1. Please list a daytime phone number in case we need more information (503) 760-3175
2. Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT

3. Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-12-92, indicated by a legible postmark, there is no late charge. From 12-12-92 to 12-31-92, you will have to pay a late fee of \$12.50. After 12-31-92, the late fee is \$20.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐

DATE OF ENDORSEMENT: 11/24/92SIGNED: Gladys McCarty TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

Tiao Kouy Pou Chansio
PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

Tiao Kouy Pou Chansio
SIGNATURE

DATE 10-26-92

SIGNATURE

DATE

SIGNATURE

DATE

541-06-6576
SOCIAL SECURITY NUMBER

D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-36

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a package store liquor license renewal application for Payless Drug Store #1508, 16401 SE Division, Portland, 97236. The applicant, L. E. Ackerman has no criminal record and we recommend that the application be approved.

ACTION REQUESTED:

() INFORMATION ONLY () PRELIMINARY APPROVAL () POLICY DIRECTION (xx) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

() FISCAL/BUDGETARY

() GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: [Signature]

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/lsm/965-AINT Sent Original to Sgt. Ferrell 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 NOV 16 AM 10:29

LICENSE RENEWAL APPLICATION

REGION LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522

1993

SYMBOL	CLASSIFICATION	LICENSE FEE	DISTRICT	CITY/COUNTY	DPLRN	CODE
PS	PACKAGE STORE	\$50.00	1	2600	R20865A	F

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1992.

 PAY LESS DRUG STORES NW INC
 9275 SE PEYTON LANE
 WILSONVILLE OR 97070

 PAY LESS DRUG STORES NW INC
 50017

 50.00 LC
 10/29/92

 REJECTED
 BY *[Signature]*

 DATE *10-30-92*
No End.

 PAY LESS DRUG STORE # 1508
 16401 SE DIVISION
 PORTLAND OR 97236

- Please list a daytime phone number in case we need more information: (503)762-1488.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
 YES NO XX IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S): _____

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES NO XX
 If yes, please give name(s) and explain: _____

RENEWAL FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$50.00 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-12-92, indicated by a legible postmark, there is no late charge. From 12-12-92 to 12-31-92, you will have to pay a late fee of \$12.50. After 12-31-92, the late fee is \$20.00.

ENDORSEMENT

 The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED X REFUSED

 DATE OF ENDORSEMENT: 11/24/92

 SIGNED: *[Signature]* TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

 L.E. Ackerman
 PRINT YOUR NAME

PRINT YOUR NAME

PRINT YOUR NAME

SIGNATURE DATE

SIGNATURE

DATE

SIGNATURE

DATE

541-54-2625 9/29/47

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER D.O.B.

DATE SUBMITTED: November 10, 1992

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. C-4

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: LIQUOR LICENSE

Informal Only* _____
(Date)

Formal Only _____
(Date)

DEPARTMENT Sheriff's Office DIVISION _____

CONTACT Sergeant Kathy Ferrell TELEPHONE 251-2431

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Sergeant Kathy Ferrell

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This is a retail malt beverage liquor license renewal application for the Lariat Tavern, 17238 SE Division, Portland, Oregon 97236. The applicants, John Stitch and Dianne Stitch, have no criminal records and we recommend that the application be approved.

ACTION REQUESTED:

(☐) INFORMATION ONLY (☐) PRELIMINARY APPROVAL (☐) POLICY DIRECTION (☒) APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA Consent Agenda

IMPACT:

PERSONNEL

(☐) FISCAL/BUDGETARY

(☐) GENERAL FUND

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, OR COUNTY COMMISSIONER: K. R. Hutchinson

BUDGET / PERSONNEL _____ / _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, Etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

AL/lsm/959-AINT Sent Original to Sgt. Farrell 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 16 AM 10:29
MULTNOMAH COUNTY
OREGON

LICENSE RENEWAL APPLICATION

OREGON LIQUOR CONTROL COMMISSION P.O. BOX 22297 PORTLAND, OREGON 97222 PHONE 1-800-452-6522 1993

SYMBOL	CLASSIFICATION	FEES	DISTRICT	CITY/COUNTY	DPLRN	CODE
RMB	RETAIL MALT BEVERAGE SERVER EDUCATION STUDENT FEE	\$200.00 2.60	1	2600	R00231A	C

IF YOU DO NOT COMPLETE THIS APPLICATION FULLY, WE WILL RETURN IT TO YOU FOR COMPLETION. WE CANNOT CONSIDER AN INCOMPLETE APPLICATION. YOUR LICENSE EXPIRES DECEMBER 31, 1992.

STITCH DIANNE L
THE LARIAT TAVERN
17238 SE DIVISION
PORTLAND OR

97236

STITCH DIANNE L
STITCH JOHN P

THE LARIAT TAVERN
17238 SE DIVISION
PORTLAND OR

97236

- Please list a daytime phone number in case we need more information: 760 4454.
- Were you or anyone else who holds a financial interest in these premises arrested or convicted of any crime, violation or infraction of any law during the past year? (DO NOT INCLUDE MINOR TRAFFIC VIOLATIONS FOR WHICH A FINE OR BAIL FORFEITURE OF \$50.00 OR LESS WAS IMPOSED).
YES ☐ NO ☒ IF YES, PLEASE GIVE NAME OF INDIVIDUAL(S):

OFFENSE	DATE	CITY/STATE	RESULT
- Will anyone share in the profits who is not a licensee? YES ☐ NO ☒
If yes, please give name(s) and explain: _____
- Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?
YES ☐ NO ☒ IF YES, EXPLAIN: _____

RENEWAL FEE / SERVER EDUCATION STUDENT FEE

DO NOT MAIL CASH. ENCLOSE A CHECK OR MONEY ORDER FOR \$202.60 MADE PAYABLE TO "OLCC".

LATE RENEWAL ADDITIONAL FEE

If the OLCC has your complete renewal application by 12-12-92, indicated by a legible postmark, there is no late charge. From 12-12-92 to 12-31-92, you will have to pay a late fee of \$50.00. After 12-31-92, the late fee is \$80.00.

ENDORSEMENT

The (CITY OR/COUNTY OF) MULTNOMAH COUNTY recommends that this license be GRANTED ☒ REFUSED ☐

DATE OF ENDORSEMENT: 11/24/92

SIGNED: Gladys McCarry TITLE OF SIGNER: Multnomah County Chair

SIGNATURES

EACH LICENSEE or authorized corporate officer must sign this application. If a licensee is not available, another person may sign ONLY if the signer includes legal authorization for the signature.

John P. Stith
PRINT YOUR NAME

Dianne L. Stith
PRINT YOUR NAME

PRINT YOUR NAME

John P. Stith 10-14-92
SIGNATURE DATE

Dianne L. Stith
SIGNATURE DATE

SIGNATURE

DATE

541-50-3410 7-8-45
SOCIAL SECURITY NUMBER D.O.B.

541-62-0500 2/25/49
SOCIAL SECURITY NUMBER D.O.B.

SOCIAL SECURITY NUMBER

D.O.B.

NOTICE All employees who serve or sell alcoholic beverages MUST have a valid Service Permit.

Meeting Date: NOV 24 1992

CONTRACT #800503

Agenda No.: C-5

(Above space for Clerk's Office Use)

[Handwritten signature]

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

ORIGINAL

SUBJECT: IGA Between Multnomah County Sheriff's Office and the Reynolds School District.
AGENDA REVIEW/ November 24, 1992
BOARD BRIEFING _____ (date) REGULAR MEETING _____ (date)

DEPARTMENT Sheriff's Office DIVISION Enforcement

CONTACT Larry Aab, Sheriff's Exec. Asst. TELEPHONE 251-2489

PERSON(S) MAKING PRESENTATION Bob Skipper, Sheriff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 - 10 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Intergovernmental Agreement between Multnomah County Sheriff's Office and the Reynolds School District. The Sheriff's Office is to provide the D.A.R.E. program to Reynolds School District elementary schools.

RENEWAL CONTRACT

***** Place on Consent Calendar *****

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Bob Skipper
(Sheriff) LS

Or

DEPARTMENT MANAGER _____

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 12 PM 1:45
MULTNOMAH COUNTY
OREGON

(All accompanying documents must have required signatures)

Sent Originals to Larry Aab 12-7-92.



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 800503

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement <div style="text-align: center;"> APPROVED/MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-5</u> DATE <u>11/24/92</u> <i>Carrie A. Peterson</i> BOARD CLERK </div>

Department Sheriff's Office Division Enforcement Branch Date November 9, 1992

Contract Originator Lt. R. Piland Phone 251-2410 Bldg/Room 313/217

Administrative Contact Larry Aab Phone 251-2489 Bldg/Room 313/225

Description of Contract Provide D.A.R.E. program in elementary schools.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name JOHN DEEDER, ASST. SUPERINTENDENT

Mailing Address REYNOLDS SCHOOL DISTRICT
1204 NE 201ST

TROUTDALE, OR 97060

Phone 503-661-7200

Employer ID # or SS # _____

Effective Date Sept. 10, 1992

Termination Date June 30, 1993

Original Contract Amount \$ 7,964.00

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
(If Different)

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt

☐ Monthly \$ _____ ☐ Net 30

☐ Other \$ _____ ☐ Other _____

☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager *[Signature]*

Purchasing Director
(Class II Contracts Only) *[Signature]*

County Counsel *[Signature]*

County Chair/Sheriff *[Signature]*

Contract Administration
(Class I, Class II contracts only) _____

Encumber: Yes ☐ No ☐

Date 11/10/92

Date _____

Date 11-12-92

Date _____

Date _____

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT		INC/ DEC IND
01.	100	025	3116			2782						
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION
421/1st Flr

CANARY - INITIATION

GREEN - FINANCE
106/1430

Contract No.: **800503**

**SHERIFF'S OFFICE
PERSONAL SERVICES CONTRACT**

ORIGINAL

THIS CONTRACT is between MULTNOMAH COUNTY, acting by and through the SHERIFF'S OFFICE, hereafter called SHERIFF'S OFFICE, and REYNOLDS SCHOOL DISTRICT, a Public School District, hereafter called SCHOOL DISTRICT.

THE PARTIES AGREE:

1. DESCRIPTION OF SERVICES. SHERIFF'S OFFICE will provide the following services:
 - a) A Deputy Sheriff to instruct the DARE (Drug Abuse Resistance Education) program in nine elementary schools one day each week for 17 weeks in each school.
 - b) Supplies to include workbooks, T-shirts and miscellaneous other items.
2. COMPENSATION. The SCHOOL DISTRICT will pay the SHERIFF'S OFFICE \$7,964.00 within 30 days of all parties signing the contract.
3. TERM. The SHERIFF'S OFFICE'S services will begin on September 10, 1992, and terminate when completed, but no later than June 30, 1993.
4. CONTRACT DOCUMENTS. This Contract consists of this contract document, the attached Conditions of Contract.

DATED this ____ day of _____, 19__.

**MULTNOMAH COUNTY
SHERIFF'S OFFICE**

REYNOLDS SCHOOL DISTRICT

By _____
Bob Skipper, Sheriff

By _____
Title _____

Federal ID No. _____

REVIEWED:

Laurence Kressel, County Counsel
for MULTNOMAH COUNTY, OREGON

By _____

CONTRACT.REY

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 11-24-92
Carrie A. Harrison
BOARD CLERK

Contract No.: 800503

Contractor: Reynolds School District

CONDITIONS OF PERSONAL SERVICES CONTRACT

The attached contract for services between Multnomah County Sheriff's Office, herein Sheriff's Office, and Reynolds School District, herein School District, is subject to the following:

1. Indemnification -

- A. If School District is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent School District is covered under such policy, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions resulting or arising from School District's sole negligence in performance of professionals services under this agreement, without regard to any monetary limits of such policy of insurance.
- B. As to any other claim of liability, other than above described, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions of whatsoever nature resulting or arising out of the activities of the School District or School District's subcontractors, agents or employees under this agreement, including claims based impart on the negligence of Sheriff's Office or others.

2. Early Termination -

- A. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
- B. Upon termination before completion of the services, payment to Sheriff's Office shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by Sheriff's Office against School District under this agreement.
- D. Termination under any provision of this paragraph shall not affect any right, obligation or liability of School District or Sheriff's Office which accrued prior to termination.

CONTRACT #800523

Meeting Date: NOV 24 1992

Agenda No.: C-6

(Above space for Clerk's Office Use)

ORIGINAL

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: IGA Between Multnomah County Sheriff's Office and The David Douglas School District.
AGENDA REVIEW/ BOARD BRIEFING _____ (date) _____ REGULAR MEETING November 24, 1992 (date)

DEPARTMENT Sheriff's Office DIVISION Enforcement

CONTACT Larry Aab, Executive Asst. TELEPHONE 251-2489

PERSON(S) MAKING PRESENTATION Bob Skipper, Sheriff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5-10 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Intergovernmental Agreement between Multnomah County Sheriff's Office and the David Douglas School District. The Sheriff's Office is to provide the D.A.R.E. program in the elementary schools of the David Douglas School District.

RENEWAL CONTRACT

***** Place on Consent Calendar *****

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Bob Skipper
Or _____ (Sheriff) L.A.

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Sent Originals to Larry Aab 12-7-92.

MULTNOMAH COUNTY
OREGON

1992 NOV 12 PM 1:45

COUNTY COMMISSIONER

CLERK



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 800523

Amendment # _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000 <div style="font-size: 2em; opacity: 0.5; transform: rotate(-10deg); position: absolute; top: 50%; left: 50%;">ORIGINAL</div>	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-6</u> DATE <u>11/24/92</u> <i>Carrie A. Parkerson</i> BOARD CLERK </div>

Department Sheriff's Office Division Enforcement Branch Date November 9, 1992

Contract Originator Lt. R. Piland Phone 251-2410 Bldg/Room 313/210

Administrative Contact Larry Aab Phone 251-2489 Bldg/Room 313/225

Description of Contract Provide D.A.R.E. program in elementary schools.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Cecil Miller
 Mailing Address David Douglas School District
1500 SE 130th Ave
Portland, OR 97233

Phone 503-252-2900

Employer ID # or SS # _____

Effective Date Sept. 10, 1992

Termination Date June 30, 1993

Original Contract Amount \$7,551.50

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
 (If Different) _____

Payment Schedule _____ Terms _____

- ☐ Lump Sum \$ _____ ☐ Due on receipt
☐ Monthly \$ _____ ☐ Net 30
☐ Other \$ _____ ☐ Other _____
☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____

Encumber: Yes ☐ No ☐

Date 11/10/92

Date _____

Date 11/12/92

Date _____

Date _____

REQUIRED SIGNATURES:

Department Manager [Signature]

Purchasing Director
 (Class II Contracts Only) [Signature]

County Counsel [Signature]

County Chair/Sheriff [Signature]

Contract Administration
 (Class I, Class II contracts only) _____

VENDOR CODE				VENDOR NAME					TOTAL AMOUNT		\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	100	025	3116			2782						
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

GREEN - FINANCE

Contract No.: 800523

ORIGINAL

**SHERIFF'S OFFICE
PERSONAL SERVICES CONTRACT**

THIS CONTRACT is between MULTNOMAH COUNTY, acting by and through the SHERIFF'S OFFICE, hereafter called SHERIFF'S OFFICE, and DAVID DOUGLAS PUBLIC SCHOOLS, a Public School District, hereafter called SCHOOL DISTRICT.

THE PARTIES AGREE:

1. DESCRIPTION OF SERVICES. SHERIFF'S OFFICE will provide the following services:
 - a) A Deputy Sheriff to instruct the DARE (Drug Abuse Resistance Education) program in eight elementary schools one day each week for 17 weeks in each school.
 - b) Supplies to include workbooks, T-shirts and miscellaneous other items.
2. COMPENSATION. The SCHOOL DISTRICT will pay the SHERIFF'S OFFICE \$3,775.75 within 30 days of all parties signing the contract and an additional \$3,775.75 by February 20, 1993, for a total of \$7,551.50.
3. TERM. The SHERIFF'S OFFICE'S services will begin on September 10, 1992, and terminate when completed, but no later than June 30, 1993.
4. CONTRACT DOCUMENTS. This Contract consists of this contract document and the attached Conditions of Contract.

DATED this ____ day of _____, 19__.

**MULTNOMAH COUNTY
SHERIFF'S OFFICE**

DAVID DOUGLAS PUBLIC SCHOOLS

By _____
Bob Skipper, Sheriff

By _____
Title _____

Federal ID No. _____

REVIEWED:

Laurence Kressel, County Counsel
for MULTNOMAH COUNTY, OREGON

By _____

CONTRACT\DD

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-6 DATE 11-24-92
Carrie A. Patterson
BOARD CLERK

Contract No.: 800523

Contractor: David Douglas School District

CONDITIONS OF PERSONAL SERVICES CONTRACT

The attached contract for services between Multnomah County Sheriff's Office, herein Sheriff's Office, and David Douglas School, herein School District, is subject to the following:

1. Indemnification -

- A. If School District is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent School District is covered under such policy, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions resulting or arising from School District's sole negligence in performance of professionals services under this agreement, without regard to any monetary limits of such policy of insurance.
- B. As to any other claim of liability, other than above described, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions of whatsoever nature resulting or arising out of the activities of the School District or School District's subcontractors, agents or employees under this agreement, including claims based impart on the negligence of Sheriff's Office or others.

2. Early Termination -

- A. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
- B. Upon termination before completion of the services, payment to Sheriff's Office shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by Sheriff's Office against School District under this agreement.
- D. Termination under any provision of this paragraph shall not affect any right, obligation or liability of School District or Sheriff's Office which accrued prior to termination.

CONSENT #800493

Meeting Date: **NOV 24 1992**

Agenda No.: R-1

(Above space for Clerk's Office Use)

ORIGINAL

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: IGA between Multnomah County Sheriff's Office and Corbett School District.

AGENDA REVIEW/
BOARD BRIEFING _____ (date) _____ REGULAR MEETING November 24, 1992 (date)

DEPARTMENT Sheriff's Office DIVISION Enforcement

CONTACT Larry Aab, Sheriff's Exec. Asst. TELEPHONE 251-2489

PERSON(S) MAKING PRESENTATION Bob Skipper, Sheriff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 - 10 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Intergovernmental Agreement between the Multnomah County Sheriff's Office and the Corbett Elementary Schools. The Sheriff's Office is to provide the D.A.R.E. program in the Corbett elementary schools.

***** Place on Regular Calendar *****

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Bob Skipper
(Sheriff) B.A.

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Sent Originals to Larry Aab 12-7-92

1
BOARD OF
COUNTY COMMISSIONERS
1992 NOV 12 PM 11:45
MULTNOMAH COUNTY
OREGON

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 800493

Amendment # _____

CLASS I <input type="checkbox"/> Professional Services under \$25,000 ORIGINAL	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input checked="" type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-1</u> DATE <u>11/24/92</u> <i>Cherie A. Parkinson</i> BOARD CLERK
--	--	--

Department Sheriff's Office Division Enforcement Branch Date November 9, 1992Contract Originator Lt. R. Piland Phone 251-2410 Bldg/Room 313/217Administrative Contact Larry Aab Phone 251-2489 Bldg/Room 313/225Description of Contract Provide D.A.R.E. program in elementary schools.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Susan Sullivan, PrincipalMailing Address Corbett Elementary School
36115 E. Crown Point HwyCorbett, OR 97019Phone 503-695-3612

Employer ID # or SS # _____

Effective Date Sept. 10, 1992Termination Date June 30, 1993Original Contract Amount \$ 791.00

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____**REQUIRED SIGNATURES:**Department Manager *[Signature]*Purchasing Director
(Class II Contracts Only) *[Signature]*County Counsel *[Signature]*

County Chair/Sheriff _____

Contract Administration
(Class I, Class II contracts only) _____Encumber: Yes ☐ No ☐Date 11/10/92

Date _____

Date 11-12-92

Date _____

Date _____

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT		INC/ DEC IND
01.	100	025	3116			2782						
02.												
03.												

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

GREEN - FINANCE

421/1st Flr

106/1430

Contract No.: 800493

ORIGINAL

**SHERIFF'S OFFICE
PERSONAL SERVICES CONTRACT**

THIS CONTRACT is between MULTNOMAH COUNTY, acting by and through the SHERIFF'S OFFICE, hereafter called SHERIFF'S OFFICE, and CORBETT SCHOOL DISTRICT, a Public School District, hereafter called SCHOOL DISTRICT.

THE PARTIES AGREE:

1. DESCRIPTION OF SERVICES. SHERIFF'S OFFICE will provide the following services:
 - a) A Deputy Sheriff to instruct the DARE (Drug Abuse Resistance Education) program in two elementary schools one day each week for 17 weeks.
 - b) Supplies to include workbooks, T-shirts and miscellaneous other items.
2. COMPENSATION. The SCHOOL DISTRICT will pay the SHERIFF'S OFFICE \$791.00 within 30 days of all parties signing the contract.
3. TERM. The SHERIFF'S OFFICE'S services will begin on September 10, 1992, and terminate when completed, but no later than February 1, 1993.
4. CONTRACT DOCUMENTS. This Contract consists of this contract document and the attached Conditions of Contract.

DATED this ____ day of _____, 19__.

**MULTNOMAH COUNTY
SHERIFF'S OFFICE**

CORBETT SCHOOL DISTRICT

By _____
Bob Skipper, Sheriff

By _____
Title _____

Federal ID No. _____

REVIEWED:

Laurence Kressel, County Counsel
for MULTNOMAH COUNTY, OREGON

By _____
CONTRACT.COR

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 11-24-92
Carrie A. Peterson
BOARD CLERK

CONDITIONS OF PERSONAL SERVICES CONTRACT

The attached contract for services between Multnomah County Sheriff's Office, herein Sheriff's Office, and Corbett School District, herein School District, is subject to the following:

1. Indemnification -

- A. If School District is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent School District is covered under such policy, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions resulting or arising from School District's sole negligence in performance of professional services under this agreement, without regard to any monetary limits of such policy of insurance.
- B. As to any other claim of liability, other than above described, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions of whatsoever nature resulting or arising out of the activities of the School District or School District's subcontractors, agents or employees under this agreement, including claims based in part on the negligence of Sheriff's Office or others.

2. Early Termination -

- A. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
- B. Upon termination before completion of the services, payment to Sheriff's Office shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by Sheriff's Office against School District under this agreement.
- D. Termination under any provision of this paragraph shall not affect any right, obligation or liability of School District or Sheriff's Office which accrued prior to termination.

CONTRACT #800513

Meeting Date: NOV 24 1992

Agenda No.: R-2

(Above space for Clerk's Office Use)

ORIGINAL

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: IGA Between Multnomah County Sheriff's Office and the Orient School District.

AGENDA REVIEW/
BOARD BRIEFING _____ (date) _____ REGULAR MEETING November 24, 1992 (date)

DEPARTMENT Sheriff's Office DIVISION Enforcement

CONTACT Larry Aab, Sheriff's Exec. Asst. TELEPHONE 251-2489

PERSON(S) MAKING PRESENTATION Bob Skipper, Sheriff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 - 10 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Intergovernmental Agreement between Multnomah County Sheriff's Office and the Orient School District. The Sheriff's Office is to provide the D.A.R.E. program to Orient School District elementary schools.

***** Place on Regular Calendar *****

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Bob Skipper
(Sheriff) B.S.

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 12 PM 1:45
MULTNOMAH COUNTY
OREGON

Sent Originals to Larry Aab 12-7-92



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 800513

Amendment #

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p>ORIGINAL</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input checked="" type="checkbox"/> Revenue</p>	<p>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p> <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # R-2 DATE 11/24/92</p> <p><i>Carrie A. Peterson</i></p> <p>BOARD CLERK</p>
--	--	---

Department Sheriff's Office Division Enforcement Branch Date November 9, 1992

Contract Originator Lt. R. Piland Phone 251-2410 Bldg/Room 313/217

Administrative Contact Larry Aab Phone 251-2489 Bldg/Room 313/225

Description of Contract Provide D.A.R.E. program in elementary schools.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Tom Greene, Superintendent
Orient School District
 Mailing Address 29805 SE ORIENT DR
GRESHAM, OR 97080

Phone 503-663-3711

Employer ID # or SS # _____

Effective Date JANUARY 15, 1993

Termination Date June 30, 1993

Original Contract Amount \$1,238.00

Amount of Amendment \$ _____

Total Amount of Agreement \$ _____

Remittance Address _____
 (If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt

☐ Monthly \$ _____ ☐ Net 30

☐ Other \$ _____ ☐ Other _____

☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager *[Signature]*

Purchasing Director _____
 (Class II Contracts Only)

County Counsel *[Signature]*

County Chair/Sheriff _____

Contract Administration _____
 (Class I, Class II contracts only)

Encumber: Yes ☐ No ☐

Date 11/10/92

Date _____

Date 11-12-92

Date _____

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT		\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	100	025	3116			2782						
02.												
03.												

Contract No.: 800513

SHERIFF'S OFFICE
ORIGINAL PERSONAL SERVICES CONTRACT

THIS CONTRACT is between MULTNOMAH COUNTY, acting by and through the SHERIFF'S OFFICE, hereafter called SHERIFF'S OFFICE, and ORIENT SCHOOL DISTRICT, a Public School District, hereafter called SCHOOL DISTRICT.

THE PARTIES AGREE:

1. DESCRIPTION OF SERVICES. SHERIFF'S OFFICE will provide the following services:
 - a) A Deputy Sheriff to instruct the DARE (Drug Abuse Resistance Education) program in two elementary schools one day each week for 17 weeks.
 - b) Supplies to include workbooks, T-shirts, and miscellaneous other items.
2. COMPENSATION. The SCHOOL DISTRICT will pay the SHERIFF'S OFFICE \$1,238.00 within 30 days of the time services begin.
3. TERM. The SHERIFF'S OFFICE'S services will begin on January 15, 1993, and terminate when completed, but no later than June 30, 1993.
4. CONTRACT DOCUMENTS. This Contract consists of this contract document and the attached Conditions of Contract.

DATED this ____ day of _____, 19__.

MULTNOMAH COUNTY
SHERIFF'S OFFICE

ORIENT SCHOOL DISTRICT

By _____
Bob Skipper, Sheriff

By _____
Title _____

Federal ID No. _____

REVIEWED:

Laurence Kressel, County Counsel
for MULTNOMAH COUNTY, OREGON

By _____
CONTRACT.ORI

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # K-2 DATE 11-24-92
Eric A. Peterson
BOARD CLERK

Contract No.: 800513

Contractor: Orient School District

CONDITIONS OF PERSONAL SERVICES CONTRACT

The attached contract for services between Multnomah County Sheriff's Office, hereir Sheriff's Office, and Orient School District, herein School District, is subject to the following:

1. Indemnification -

- A. If School District is insured against claims for professional errors and omissions under a professional liability insurance policy, to the extent School District is covered under such policy, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions resulting or arising from School District's sole negligence in performance of professionals services under this agreement, without regard to any monetary limits of such policy of insurance.
- B. As to any other claim of liability, other than above described, School District shall defend, indemnify and hold harmless the Sheriff's Office, its officers, agents and employees from all claims, suits or actions of whatsoever nature resulting or arising out of the activities of the School District or School District's subcontractors, agents or employees under this agreement, including claims based impart on the negligence of Sheriff's Office or others.

2. Early Termination -

- A. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
- B. Upon termination before completion of the services, payment to Sheriff's Office shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by Sheriff's Office against School District under this agreement.
- D. Termination under any provision of this paragraph shall not affect any right, obligation or liability of School District or Sheriff's Office which accrued prior to termination.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Community CorrectionsDIVISION VariousCONTACT Tamara HoldenTELEPHONE 248-3701

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD _____

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

A Budget Modification transferring funds within and between DCC budgets to meet serveral computer and information system needs.

(ESTIMATED TIME NEEDED ON THE AGENDA)

2. DESCRIPTION OF MODIFICATION

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

☐ Personnel changes are shown in detail on the attached sheet

This modification will amend two DCC budgets. First, it will transfer \$1,800 from Professional Services in the Federal/State Drug Testing and Evaluation Budget to Equipment for the purchase of a personal computer. This computer will be used in the administration and evalution of the program.

Secondly, this modification will move \$10,000 within Field Services Administration's budget to purchase terminals and wiring for connection to the Portland Police information system (PPDS). This money, budgeted for leasing direct connections to PPDS, is freed up by access to that system through the new State corrections information system that Multnomah County is now installing. However, this access requires an initial outlay for terminals and wiring.

No net changes in revenues or expenditures will result from this modification.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____)

\$ _____

Date

After this modification

\$ _____

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

1992 NOV -9 PM 12:58
COUNTY CLERK
MULTNOMAH COUNTY
OREGON

BUDGET MODIFICATION NO. DCC 15

EXPENDITURE

TRANSACTION EB GM []

TRANSACTION DATE

ACCOUNTING PERIOD

BUDGET FY

[illegible]

REVENUE

TRANSACTION EB GM []

TRANSACTION DATE

ACCOUNTING PERIOD

BUDGET FY

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
TOTAL REVENUE CHANGE										0		

Meeting Date: NOV 12 1992 NOV 24 1992

Agenda No.: R-1 R-4

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Animal Control Advisory Committee Ordinance

BCC Informal 11- -92 BCC Formal 11- -92
(date) (date)

DEPARTMENT DES DIVISION Animal Control

CONTACT Mike Oswald TELEPHONE x4056

PERSON(S) MAKING PRESENTATION Mike Oswald

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 minutes


CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

In Multnomah County, animal control problems are most severe in the highly populated urban areas, and the majority of services are provided within cities. However, currently, city governments have no representation in shaping animal control services, policies or procedures. This ordinance creates an advisory committee with representatives from municipalities, neighborhood groups, and animal interest groups that will advise the Division on recommended basic service levels and, explore fair, stable funding strategies to pay for desired services.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____
Or
DEPARTMENT MANAGER mo 

(All accompanying documents must have required signature)

*Sent Original Ordin. to Print Shop 12-2-92. Sent copies to Mike Oswald
& Ordin. Subscription list on 12-3-92.*

BOARD OF
COUNTY COMMISSIONERS
1992 NOV - 3 PM 3:21
MULTNOMAH COUNTY
OREGON

ORDINANCE FACT SHEET

Ordinance Title: Animal Control Advisory Committee

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

The purpose of the ordinance is to create a forum for exploring solutions to the major issues facing animal control in multnomah County and its cities (i.e. basic service levels, and permanent funding sources). The ordinance creates an advisory committee with representatives from municipalities, neighborhood groups and animal interest groups. Municipalities will benefit from this because 90% of all services being provided by animal control are within cities.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

No local jurisdictions have formal advisory committees for animal control.

What has been the experience in other areas with this type of legislation?

Other jurisdictions with animal control advisory committees have reported success in reviewing important issues of funding, budgeting, planning, legislation and service levels.

What is the fiscal impact, if any?

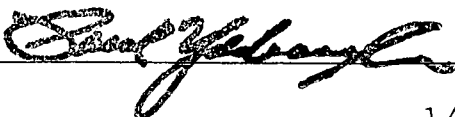
None.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: MO 

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 738

An ordinance establishing an Advisory Committee on Animal Control Policies and Procedures.

Multnomah County ordains as follows:

Section I. Findings and Purpose

(A) The passage of Measure 5 has forced state and local governments to reexamine what services they can continue to provide and at what level. It has also forced governments to ask what is the fairest method to pay for desired services.

(B) The state is considering budget actions that will reduce resources for state funded programs by 20 to 30%. The Board will face very difficult decisions in determining how to respond to those reductions.

(C) The County currently operates a full service animal control operation offering the following services: animal shelter, nuisance and dangerous dog enforcement, spay/neuter education program, adoption services, pet licensing, animal cruelty investigations, and dead animal pick up.

(D) Animal control problems are most severe in highly populated urban areas and most Animal Control services are provided within cities. However, currently city governments have no representation in shaping animal control policies and procedures.

1 (E) Over the past few years, the County has adopted several
2 cost effective measures designed to increase the portion of animal
3 control services paid for by users: greater licensing compliance
4 efforts, administrative hearings procedures for violators of the
5 ordinance, the dangerous dog ordinance, license and kennel fees.

6 (F) The County Board has expressed strong interest in having
7 animal control be supported by user fees and/or dedicated taxes,
8 thereby reducing the General Fund support. The Board asked the
9 Budget Office to study different proposals.

10
11 Section II. Establishment of an Advisory Committee for Animal
12 Control

13 (A) Membership. In accordance with the County Charter, the
14 Board of County Commissioners establishes an Advisory Committee for
15 Animal Control (ACAC). The County Chair shall appoint all
16 members, subject to approval of The Board. All members shall be
17 citizens of Multnomah County during their terms of appointment.

18 (1) The Advisory Committee shall consist of 11
19 representatives from the following areas:

20 Positions 1, 2, and 3. Three members from city governments in
21 the County. One from Portland, one from Gresham, and one
22 representing the remaining small cities.

23 Position 4. One member from the Oregon Humane Society.

24 Position 5. One member from a non-profit organization
25 interested in animal welfare.

26 Position 6 and 7. Two members who are interested citizens -

1 representatives from neighborhood and/or citizen involvement
2 organizations. At least one citizen member must be a member of the
3 Multnomah County Citizen Involvement Committee.

4 Position 8. One member from Veterinarian community.

5 Position 9. One member from the pet industry in the County.

6 Position 10. One member who is a volunteer Hearings Officer
7 involved in Animal Control activities.

8 Position 11. One member who is from the Board staff (liaison
9 to Board).

10 (B) Compensation. Members of the Advisory Committee shall
11 not receive compensation. The Committee shall be staffed by Animal
12 Control or the Department of Environmental Services.

13 (C) Operations and Procedures.

14 (1) Except as provided in paragraph (2) below, each
15 member shall be appointed by position for a term of three (3)
16 years. No person may serve more than two (2) consecutive terms on
17 the Advisory Committee.

18 (2) To ensure rotating terms, the following terms shall
19 apply to all initial appointments to the Advisory Committee:

20 Positions 1, 4, 7, and 9 shall serve three year terms.

21 Positions 3, 6, and 10 shall serve two year terms.

22 Positions 2, 5, 8, and 11 shall serve one year terms.

23 (3) Vacancies. Vacancies on the Advisory Committee can
24 be declared upon the written recommendation of the Advisory
25 Committee, if a member has missed two consecutive meetings or a
26 majority of meetings held within one year. A vacancy on the

Advisory Committee shall be filled in accordance with the provisions of this section.

If a vacancy is not filled within 30 days the advisory Committee may nominate a citizen for appointment to that vacancy.

(4) Conflict of Interest. Any member of the Advisory Committee who has monetary or investment interest in any matter before the Advisory Committee shall so inform the membership of the Advisory Committee.

(5) The Advisory Committee shall elect its own Chair by the second meeting in each fiscal year.

(D) Compliance with State Laws

(1) All meetings shall be held in accordance with ORS 192, the Oregon Open Meetings Law.

(2) The Advisory Committee shall take minutes of its meetings and provide copies of these minutes to each of its members, the Elected Official/Department Head, and to the Office of Citizen Involvement. The Advisory Committee shall meet the requirements of ORS 192, the Oregon Public Records Law.

Section III. Functions of the Advisory Committee

(A) The Advisory Committee shall advise the Department of Environmental Services and affected jurisdictions on the following:

(1) The first function of the advisory committee will be to advise the Department and participating jurisdictions on appropriate animal control service levels and funding mechanisms.

(2) Cost effective service improvements.

(3) Current regulatory issues involving the welfare of animals and the community.

(4) Consistency of regulation across jurisdictions of current animal control codes.

(5) Potential for making the current program more user fee supported, through fees and/or taxes.

(6) State wide issues.

(7) Potential for cooperation and coordination with private animal assistance agencies.

(8) Budget priorities.

(9) Public information.

Section IV. Adoption

(A) This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 24th day of November 1992, being the date of its second reading before the Board of County Commissioners of Multnomah County.

By Gladys McCoy
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED

Laurence Kressel O. Ryan 11/3/92

Laurence Kressel, County Counsel
of Multnomah County, Oregon

BEFORE THE BOARD OF COMMISSIONERS
FOR THE COUNTY OF MULTNOMAH
ORDINANCE NO. 738

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(6) State wide issues.

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(8) Budget priorities.

(9) Public information.

Section IV. Adoption

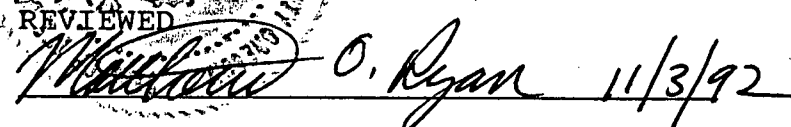
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ADOPTED this 24th day of November 1992, being the date of its second reading before the Board of County Commissioners of Multnomah County.

By


Gladys McCoy, Chair
Multnomah County, Oregon


REVIEWED

 O. Ryan 11/3/92
Laurence Kressel, County Counsel
of Multnomah County, Oregon

Agenda No.: 2-5

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

BCC Informal _____ (date) BCC Formal _____ (date)

PERSON(S) MAKING PRESENTATION John Dorst

 / / INFORMATIONAL ONLY / / POLICY DIRECTION /X / APPROVAL

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: YES

This 60-day closure of N.E. 185th Drive is to facilitate the removal of existing roadway and construction of a bridge. This will remedy a storm drainage problem and allow development on adjacent land parcels.

SIGNATURES:

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

Sent Copy of Order 92-198 to John East on 12-7-92



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1620 S.E. 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

October 23, 1992

Board of County Commissioners
1120 SW Fifth Avenue/Room 1500
Portland, Oregon 97204

RE: NE 185th Drive Road Closure

Dear Commissioners:

We have received a request from Tom Kuper, David J. Newton and Associates, to temporarily close NE 185th Drive to provide traffic control for the construction of a bridge. The section of NE 185th Drive affected is between NE Sandy Blvd. and NE Marine Drive, specifically the area at the crossing of the road at the drainage slough. Access will be allowed to private parcels of land, but through traffic will not be possible. Signs will be posted instructing through traffic of detour routes.

The reason for the construction of the bridge is that the existing drainage pattern would not allow for development of adjacent land parcels, specifically the Winmar Development. This bridge is being paid for by the Winmar developer.

There was a previous closure authorized by the Director of Environmental Services during parts of the months of September and October. The closure now requested is for the time period of November 16, 1992 through January 16, 1993. This request for a period exceeding 30 days requires Board approval.

It is the recommendation of this department that the Board authorize this temporary road closure to protect the interest and safety of the general public.

Very truly yours,

PAUL YARBOROUGH
Director
Dept. of Environmental Services

JD/js

0127E(2)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Restricting Vehicular
Traffic from NE 185th Drive between
NE Sandy Blvd. and NE Marine Drive
for Construction of Storm Drainage
Facilities.

O R D E R 92-198

WHEREAS, under Oregon law, the Board of County Commissioners has jurisdiction over county roads and is responsible for the maintenance and repair of said roads; and

WHEREAS, the Board is empowered to prohibit the operation upon highways or streets within its jurisdiction of all vehicles and pedestrians; and

WHEREAS, the existing storm drainage facility is not sized to allow development of adjacent properties; and

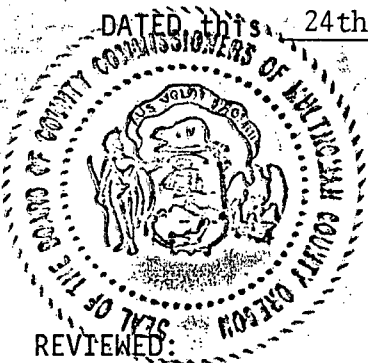
WHEREAS, development is now planned on adjacent properties and the existing drainage facilities must be removed and replaced by a bridge; and

WHEREAS, it is necessary for the safety of motorists, preservation of the storm drainage system and development of adjacent land parcels, and the Board being fully advised in the premise herein, it is

ORDERED, that any and all vehicles are restricted from using NE 185th Drive between NE Marine Drive and NE Sandy Blvd. for a period not to exceed sixty (60) days; and it is

FURTHER ORDERED, that as part of this project, signs be posted in a conspicuous manner to inform the public of the restrictions.

DATED this 24th day of November, 1992.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By

Gladys McCoy
GLADYS McCoy/Chair

LAURENCE KRESSEL
County Counsel
for Multnomah County, Oregon

By *Peter Livingston*
PETER LIVINGSTON
Assistant County Counsel

Meeting Date NOV 24 1992

Agenda No.: R-6

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Intergovernmental Agreement with the Port of Portland

BCC Informal November 10, 1992
(date)

BCC Formal November 12, 1992
(date)

DEPARTMENT Environmental Services

DIVISION Park Services Division

CONTACT Todd Jones

TELEPHONE 665-4995

PERSON(S) MAKING PRESENTATION Todd Jones

ACTION REQUESTED:

/ INFORMATIONAL ONLY

/ POLICY DIRECTION

/X APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5-10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: YES

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Port of Portland Noise Abatement has requested an easement from Multnomah County Parks for installing a noise monitoring device at Blue Lake Park. The Port will incur all costs for the installation and maintenance of said device and easement. The purpose of the device is to monitor air traffic noise to and from Portland International Airport.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL cc

Or

DEPARTMENT MANAGER

Paul Yarbrough / HW

(All accompanying documents must have required signatures)

3706V/5027p

Sent originals to Todd Jones on 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
NOV 16 PM 12:17
MULTNOMAH COUNTY
OREGON

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 300953

Amendment #

CLASS I <input type="checkbox"/> Professional Services under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-6</u> DATE <u>11/24/92</u> BOARD CLERK
---	---	--

Department Environmental Services Division Park Services Date October 28, 1992Contract Originator Todd Jones Phone 665-4995 Bldg/Room #425/YeonAdministrative Contact same as above Phone 248-5050 Bldg/RoomDescription of Contract Termed Easement to the Port of Portland Noise Abatement to establish/ maintain a noise monitoring device at Blue Lake Park for measuring air traffic noise to and from Portland International Airport.

RFP/BID # Date of RFP/BID Exemption Exp. Date

ORS/AR # Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Port of PortlandMailing Address PO Box 3529
Portland, OR 97208Phone 335-1072

Employer ID # or SS #

Effective Date Upon signatureTermination Date Upon completionOriginal Contract Amount \$ 0

Amount of Amendment \$

Total Amount of Agreement \$ 0

Remittance Address (If Different)

Payment Schedule Terms

☐ Lump Sum \$ ☐ Due on receipt☐ Monthly \$ ☐ Net 30☐ Other \$ ☐ Other☐ Requirements contract - Requisition required.

Purchase Order No.

☐ Requirements Not to Exceed \$**REQUIRED SIGNATURES:**Department Manager [Signature]Purchasing Director [Signature]

(Class II Contracts Only)

County Counsel [Signature]County Chair/Sheriff [Signature]Contract Administration [Signature]
(Class I, Class II contracts only)Encumber: Yes ☐ No ☐Date 11-4-92

Date

Date 11-10-92Date 11/24/92

Date

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	330	030	5330			6110					
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

GREEN - FINANCE

421/1st Flr

106/1430

NOISE MONITORING EASEMENT

MULTNOMAH COUNTY PARKS DEPARTMENT ("Grantor") does hereby grant, convey, and warrant to THE PORT OF PORTLAND, a port district of the State of Oregon ("Grantee") a termed easement across, over, and under the Easement Area described in Exhibit A, attached hereto ("Easement Area"), said easement to be for the purposes stated in this Easement Agreement. The Easement Area affects the Grantor's real property described on Exhibit A and referenced as the "Property."

This Easement Agreement gives Grantee the right and power to install, erect, operate, inspect, maintain, and replace noise monitoring equipment along with the necessary underground and surface electrical power and telephone lines and conduit ("Monitoring Equipment"). This Easement Agreement and rights granted herein shall terminate when no longer used by Grantee for the purposes described herein.

Grantee shall have the right of access to the Easement Area over and across the real property to enable Grantee to exercise its rights hereunder; provided, that Grantee shall restore to a condition of equal or better, any damage to the Property caused by the exercise of said right of access (see attached map). In the event the Easement Area is fenced for security reasons, the Grantee has and shall have freedom of ingress and egress as described above. Grantee shall provide to Grantor a key to any locked gate.

Grantee shall pay all costs for installation of such Monitoring Equipment. Grantee shall maintain the Easement Area free of any and all liens and encumbrances arising out of work performed by, or at the request of, Grantee on the Easement Area. Grantee shall maintain the Easement Area at own cost in order

to keep the area free of any hazardous conditions, and will correct any hazardous conditions within five days after notification or sooner if Grantor deems it warranted. Grantee shall perform installation, erection, operation, inspection, and maintenance of the Monitoring Equipment so that the Grantor's use of the Easement Area is not unreasonably affected. Grantee shall have the right to propose to cut or trim any trees upon the Property which, in falling, could, in Grantee's reasonable judgement, be a hazard to Grantee's facilities; however, such trimming shall be subject to approval by Grantor.

To the extent permitted by Oregon Tort Claims Act, Grantee shall fully indemnify, hold harmless, and defend the Grantor, its officers and employees from and against all claims and actions and all expenses incidental to the investigation and defense thereof, based upon or arising out of any and all damages or injuries to the Grantor or third persons or their property, caused by Grantee's negligent installation, erection, operation, inspection, or maintenance of the Monitoring Equipment and Easement Area.

Grantor reserves the right to use the Easement Area for any purpose not inconsistent with the rights granted by this Easement Agreement, provided that no structure shall be erected upon said Easement Area without the written consent of the Grantor and Grantee.

Title to the Monitoring Equipment shall remain in Grantee. The Grantor shall be entitled to terminate this easement, provided that the Grantor shall provide Grantee with ninety days' written notice to terminate this agreement. Upon termination of this Easement Agreement as provided herein or as otherwise

provided by law, Grantee shall remove the Monitoring Equipment at own expense within thirty days after such termination and shall, upon request, restore the Easement Area to its condition immediately prior to installation of the Monitoring Equipment.

The Grantor warrants to Grantee that it has the right and power to convey the easement rights granted by this Easement Agreement.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be executed this 24th day of November, 1992.

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

cc Gladys McCoy
Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Peter Lumsden
Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 11-24-92
Cassie A. Peterson
BOARD CLERK

ACCEPTED, CONFIRMED, AND AGREED this _____, day of _____, 1992.

_____, Grantee

By: _____
Executive Director

APPROVED AS TO LEGAL SUFFICENCY

Counsel for
The Port of Portland

11/02/92
CK0173.AGR

EXHIBIT A

1. Legal Description of Easement Area:

As designated by Grantor in the Real Property as described below.

2. Legal Description of the Property

NE 1/4 of Section 20 T IN R 3E Lot 40.

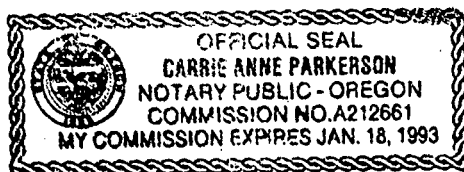
3. Description of Monitoring Equipment

As of the date of this Easement, the Monitoring Equipment consists of overhead facilities, including a ground roof, or wall-mounted pole extending into the air approximately 20 feet, a monitoring microphone, a utility box attached to the pole, electrical and telephone cable and conduit installed underground.

STATE OF OREGON)
) ss.
County of Multnomah)

This instrument was acknowledged before me on this 24th day of November,
1992, by Gladys McCoy, Multnomah County, who is the owner of the Easement Area
Chair
described herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official
seal the day and year first in this certificate written.



Carrie Anne Parkerson
Notary Public for Oregon
My commission expires: 1/18/93

10/23/92
LE:L92073

*No dates on
these*

Meeting Date NOV 24 1992

Agenda No.: R-7

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Intergovernmental Agreement with Oregon Dept. of Fish & Wildlife

BCC Informal November 10, 1992 BCC Formal November 12, 1992
(date) (date)

DEPARTMENT Environmental Services DIVISION Park Services

CONTACT Charles Ciecko TELEPHONE 248-5050

PERSON(S) MAKING PRESENTATION Charles Ciecko

ACTION REQUESTED:

/ / INFORMATIONAL ONLY / / POLICY DIRECTION /X/ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: YES

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):


Intergovernmental Agreement with Oregon Dept. of Fish & Wildlife to provide assistance with the development of a long term, comprehensive management plan for Burlington Bottoms. The agreement specifies costs to be reimbursed to the county by ODFW. Approximately 52 hours of Park Services staff time is required.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL cc.

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

3706V/5030p

Sent Originals to Charles Ciecko on 12-7-92.

BOARD OF
LOCALITY COMMISSIONERS
1992 NOV 18 AM 11:58
MULTNOMAH COUNTY
OREGON



CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 300993

Amendment #

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p> <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-7</u> DATE <u>11/24/92</u></p> <p><i>Chris A. Peterson</i></p> <p>BOARD CLERK</p>
--	--	---

Department Environmental Services Division Park Services Date 10/30/92

Contract Originator Charles Ciecko Phone 248-5050 Bldg/Room #425/Yeon

Administrative Contact Same as above Phone Bldg/Room

Description of Contract Intergovernmental Agreement with Oregon Dept. of Fish & Wildlife to provide assistance with the development of long term comprehensive management plan for Burlington Bottoms.

RFP/BID # Date of RFP/BID Exemption Exp. Date

ORS/AR # Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Oregon Dept. of Fish & Wildlife

Mailing Address 17330 SE Evelyn Street
Clackamas, OR 97015

Phone 657-2000

Employer ID # or SS #

Effective Date November 1, 1992

Termination Date May 1, 1993

Original Contract Amount \$ 1,574.00

Amount of Amendment \$

Total Amount of Agreement \$ 1,674.00

Remittance Address
(If Different)

Payment Schedule Terms

☐ Lump Sum \$ ☐ Due on receipt

☒ Monthly \$ 334.80 ☐ Net 30

☐ Other \$ ☐ Other

☐ Requirements contract - Requisition required.

Purchase Order No.

☐ Requirements Not to Exceed \$

REQUIRED SIGNATURES

Department Manager *C. E. Paul*

Purchasing Director

(Class II Contracts Only)

County Counsel *Peterson*

County Chair/Sheriff *Shady McLean*

Contract Administration

(Class I, Class II contracts only)

Encumber: Yes ☐ No ☐

Date 11-13-92

Date

Date 11-13-92

Date 11/24/92

Date

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRQ CODE	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	330	030	5311			4240			Revenue	\$1,674.00	
02.											
03.											

* If additional space is needed, attach separate page. Write contract # on top of page.

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION
421/1st Flr

CANARY - INITIATION

GREEN - FINANCE
106/1430

INTERGOVERNMENTAL AGREEMENT FOR SERVICES

This agreement is between the Oregon Department of Fish and Wildlife, hereafter known as ODFW, and the Multnomah County Department of Environmental Services, hereafter known as MCDES.

This agreement describes the cooperative work to be performed by the ODFW and MCDES to write a management plan for Burlington Bottoms located along Multnomah Channel northwest of the Sauvie Island bridge at T2N R1W Sections 20, 21. Burlington Bottoms is currently owned by the Bonneville Power Administration (BPA), purchased to meet section 1003(b) (7) of the Wildlife Mitigation Rule adopted by the Northwest Power Planning Council. ODFW shall receive funds from BPA to pay for ODFW expenses incurred as well as those incurred by MCDES.

The ODFW supervising representative for this agreement is Joseph Pesek.

The MCDES supervising representative for this agreement is Charles Ciecko.

Effective Date and Duration

This agreement shall become effective on November 1, 1992 (or on the date which everyone has signed this agreement). This agreement shall expire, unless otherwise terminated or extended, on May 1, 1993.

Termination

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

Statement of Work

The statement of work is contained in Exhibit A.

Consideration

(a) ODFW agrees to pay the MCDES not to exceed sum of \$ 1,674.00 for the accomplishment of the work, including any allowable expenses.

(b) Payments shall be made to MCDES according to the schedule in Exhibit A.

AMENDMENTS

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

APPROVED BY OREGON DEPARTMENT OF
FISH & WILDLIFE

Agency Representative/Title

Date

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON

cc Gladys McCoy

Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Peter Luray*

Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # *R-7* DATE *11-24-92*
Barbara A. Peterson

BOARD CLERK

EXHIBIT A

Interagency Agreement for Services

ODFW - MCDES

Statement of Work:

The ODFW, MCDES, Bonneville Power Administration (BPA), and the Nature Conservancy (TNC) will cooperate to write a long term, comprehensive management plan for Burlington Bottoms.

The MCDES will provide 5 days (assuming an 8 hour day) of service by the Parks Director, one-half (0.5) day by a word processing specialist, and 1 day by a planner.

The specific duties that will be performed by the above mentioned personnel in cooperation with ODFW will include attending meetings and providing input, assisting to draft, editing, and finalizing a management plan for Burlington Bottoms. ODFW will be the overall coordinator for the project.

Delivery Schedule:

The time frame for accomplishment of work described in the statement of work depends on the finalization of the contract between ODFW and BPA. ODFW shall not enter into any agreement of work with the MCDES for this project until the contract is finalized between ODFW and BPA.

Work shall be performed between November 1, 1992 and May 1, 1993.

Considerations:

- a. Payment not to exceed \$ 1,674.00 including any travel and other expenses reimbursement when noted below. See attached budget summary.
- b. Interim payments shall be made to MCDES according to the following schedules: once every 30 days from the beginning of the contract until May 1, 1993.
- c. The MCDES shall not exceed, and ODFW will not pay, any amount in excess of the maximum compensation amount set forth above.



OFFICE MEMORANDUM ... DEPARTMENT OF ENVIRONMENTAL SERVICES

Post-It™ brand fax transmittal memo 7671		# of pages	1
To	Doug Cottam	From	C'Ko
Co.	OKW	Co.	Mult Co
Dept.		Phone #	248-5550
Fax #	657-2050	Fax #	

TO: Doug Cottam

FROM: Charles Ciecko

DATE: September 14, 1992

SUBJECT: Multnomah County Portion--Burlington Bottom Management Plan Budget

Doug, per our recent phone conversation--below is the estimated budget for the Burlington Project. Please call if I have omitted anything.

I. <u>Salaries</u>	<u>Days</u>	<u>Daily Rate</u>	<u>Total</u>
Parks Director	5	177.00	\$884.00
Word Processor	.5	138.00	69.00
Planner	1	109.00	109.00
<u>Benefits</u>			
Parks Director	(35% of base)		309.00
Word Processor	not applicable		
Planner	(35% of base)		38.00
Total Salaries and Benefits			\$1,409.00
 II. <u>Travel/Transportation</u>			
Per Diem	0	0	0
Travel (County vehicle)	.6	16.00	12.00
Total			\$12.00
 III. <u>Operations and Maintenance</u>			
Office Supplies			\$5.00
Telephone			5.00
Total			\$10.00
 IV. <u>Overhead</u>			
Standard County rate--17% =			\$243.00
Total Estimated Budget			<u>\$1,674.00</u>

CC:rj
4972p

Meeting Date: NOV 24 1992

Agenda No.: R-8
(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Notice of Intent - Medicare Enrollment

BCC Informal _____
(date)

BCC Formal November 24, 1992
(date)

DEPARTMENT: Health

DIVISION: Primary Care

CONTACT: Kathleen Fuller-Poe TELEPHONE: 248-3674

PERSON(S) MAKING PRESENTATION Tom Fronk and Kathleen Fuller-Poe

ACTION REQUESTED:

[] INFORMATION ONLY [] POLICY DIRECTION [x] APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (Include statement of rationale for action requested, as well as personnel and fiscal /budgetary impacts, if applicable):

Approval of intent to become a sub recipient to the Northwest Primary Care Association in a HCFA funded Medicare advocacy project.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

or

DEPARTMENT MANAGER _____

Billi Odgaard 11/2/92

(All accompanying documents must have required signatures)

1992 NOV - 3 14 12:52
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3674
FAX (503) 248-3676
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Gladys McCoy
Multnomah County Chair

VIA: *Bill* Bill Odegaard, Director
Health Department

FROM: Thomas Fronk *Tom*
Health Department

DATE: October 30, 1992

SUBJECT: Notice of Intent

The Health Department has been approached informally by the Northwest Primary Care Association concerning a grant received by the NWPCA for Medicare education and enrollment activities. The NWPCA would like to pass the funds through to the Health Department, along with another community health center in the Region, for implementation of the project. The Health Department seeks approval to become a sub recipient of this grant. As we do see clients that due to disabling conditions may be eligible for Medicare being able to provide assistance in obtaining coverage would benefit both the client and the County.

Specifics:

GRANTOR: HCFA, through the Northwest Primary Care Association.

FUNDING LEVEL: In the range of \$50,000 annually.

DURATION: This would be an annual contract, renewable for two additional years.

COUNTY MATCH: None Required.

OVERHEAD: Fully paid at Departmental Indirect Rate.

FILING TIMELINE: The NWPCA is anxious to contract with the County at the earliest possible date.

Meeting Date: NOV 24 1992

Agenda Number: R-9

(Above for Clerk's Office Use Only)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

Subject: Coordination of Juvenile Parole Services

Board Briefing: _____ Regular Meeting: _____
(date) (date)

Department: Social Services Division: Juvenile Justice

Contact: Christine White Telephone: 2295

Person(s) Making Presentation: Dwayne McNanny/Harold Ogburn

Action Requested

☐ Information Only ☐ Policy Direction ☒ Approval

Estimated Time Needed on Board Agenda: 5 minutes

Check if you require official written notice of action taken: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

This Intergovernmental Agreement between Children's Services Division and Multnomah County establishes a working relationship between Juvenile Parole and Juvenile Probation services. This agreement is a result of Multnomah County's participation in the House Bill 3438 Pilot Project to create a more coordinated service delivery model for juveniles transitioning back into the community from the State Training School System.

This agreement is retroactive to October 1, 1992 due the State's desire to begin the project as of that date.

Signatures

Elected Official _____

OR

Department Director Gary Nakao (u)

(All accompanying documents must have required signatures!)

Sent Originals to Christine White on 12-7-92.

BOARD OF
COUNTY COMMISSIONERS
1992 NOV -9 AM 10:02
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
JUVENILE JUSTICE DIVISION
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Gladys McCoy, Chair

VIA: Dr. Gary Nakao, Director *Gary Nakao (cc)*
Department of Social Services

FROM: Harold Ogburn, Director *Harold Ogburn DM*
Juvenile Justice Division

DATE: November 4, 1992

SUBJECT: Approval for an Intergovernmental Agreement between the Juvenile Justice Division and Children's Services Division.

RECOMMENDATION: The Juvenile Justice Division recommends the Board's approval of an Intergovernmental working relationship agreement between the State Children's Services Division (CSD) and the Juvenile Justice Division (JJD) as part of the JJD's involvement in the House Bill 3438 Pilot Project.

BACKGROUND/ANALYSIS: This agreement establishes the working relationship between the State Juvenile Parole Unit and the County Juvenile Probation Unit. As a result of HB 3438, a pilot project was designed to coordinate the services of these two units to provide better transition services for youth leaving the State Training School system and transitioning back into the community. Juvenile Parole will work in cooperation with JJD Probation to allow for a greater continuity of service for these high-risk youth.

This agreement is retroactive to October 1, 1992 due to the State's desire for the project to begin as of that date.

The Juvenile Justice Division strongly recommends the approval of this Intergovernmental Agreement.

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 103438Amendment # —

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-9</u> DATE <u>11/24/92</u> <u>Carrie A. Peterson</u> BOARD CLERK

Department Social Services Division Juvenile Justice Date 5 NOV 1992Contract Originator Dwayne McNanny Phone 3460 Bldg/Room 311/JJDAdministrative Contact Christine White Phone 2295 Bldg/Room 311/JJDDescription of Contract An Intergovernmental Agreement establishing a working relationship between CSD and the JJD for a Pilot Project designed to coordinate services between juvenile parole and juvenile probation. This a result of HB 3438.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRFContractor Name Children's Services DivisionMailing Address 198 Commercial St. SE
Salem, OR 97310-0450Phone 503 378 3542

Employer ID# or SS# _____

Effective Date October 1, 1992Termination Date June 30, 1993Original Contract Amount \$ 0

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ 0Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____**REQUIRED SIGNATURES:**Department Manager Dary Nakao (m)Purchasing Director
(Class II Contracts Only) [Signature]County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration
(Class I, Class II Contracts Only) [Signature]Encumber: Yes ☐ No ☐Date 11-6-92

Date _____

Date 11-7-92Date 11/24/92

Date _____

Date _____

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT \$		
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.											
02.											
03.											
* If additional space is needed, attach separate page. Write contract # on top of page.											

INSTRUCTIONS ON REVERSE SIDE

WHITE CONTRACT ADMINISTRATION CANARY INITIATION PINK FINANCE

INTERAGENCY AGREEMENT

CSD Contract Number: 2-372

Date: November 4, 1992

This agreement between the State of Oregon, Department of Human Resources, Children's Services Division, hereinafter referred to as the "State" and

MULTNOMAH COUNTY, JUVENILE JUSTICE DIVISION

hereinafter referred to as the "County" begins October 1, 1992, and end June 30, 1995, and includes the following which is attached hereto:

<u>Document</u>	<u>Pages</u>
SCHEDULE	3

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT.

COUNTY, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

REVIEWED BY CONTRACTS OFFICER: Rufus Schenone Date: 11/4/92

AGREED: COUNTY

AGREED: CHILDREN'S SERVICES DIVISION

MULTNOMAH COUNTY,

JUVENILE JUSTICE DIVISION

1401 NE 68th

Portland, Oregon 97213

By: _____

Date: _____

Fed. I.D.#: _____

By: _____

Date: _____

BUDGET: 91-93

93-95

SCHEDULE

COUNTY: MULTNOMAH COUNTY JUVENILE JUSTICE DIVISION

DATE: November 4, 1992

1. Services

- A. The State selected the County, as a pilot county, to develop a coordinated local juvenile justice case management system as authorized by the Oregon Legislative Assembly House Bill 3438.
- B. The County agrees to provide services according to it's Juvenile Corrections Council approved Community Juvenile Justice Plan.
- C. Resources provided by the State shall not be used to replace County general fund moneys, or other federal or state funds currently being used by the County for existing juvenile programs, except when the County funding reductions are proportional overall County spending reductions.

2. County's Responsibilities:

- A. The County agrees to administer and supervise the casework activities of the State's Multnomah County Juvenile Parole Unit. The unit includes the following employees; six (6) Parole Officers, two (2) Parole Assistants, two (2) Office Assistants, one (1) Diversion Specialist who provides services to Multnomah, Clackamas, Washington, Columbia, Clatsop, and Tillamook Counties, and one (1) Supervisor. These positions shall remain intact during this agreement.
- B. The County will supervise and manage the casework activities of the State's Juvenile Parole staff assigned to the County. Release of youth of youth from close custody and movement of youth within close custody system will continue to be done in conjunction with the State's existing CAP Management process.
- C. The County will be responsible for the quality of service, time management consistent with applicable State labor agreements and casework decisions of the State's Juvenile Parole Unit assigned to the County.
- D. The County will provide services to adjudicated juveniles residing within the boundaries of Multnomah County. Practice and policy requirements relating to State and Federal policy and administrative rules shall be maintained as directed by the State.

3. State's Responsibilities

The State will make available its current resources, for office space, supplies, equipment, training and other administrative items, for the State's Multnomah County Juvenile Parole Unit, to operate the County's pilot project. The Juvenile Parole function will remain intact during the pilot project.

4. Joint Responsibilities

In consultation with the County, the State will manage personnel employment and practice issues according to the State's civil service practices, labor agreements, and Oregon Administrative Rules.

5. Reporting and Evaluation

- A. The County will make an annual report to its governing body, the administrator of the State, the Juvenile Corrections Council, and the Executive Director of the Oregon Community Children and Youth Services Commission. The annual report shall contain an evaluation of the effectiveness of its activities in achieving the objectives in its Community Juvenile Justice Plan, and make recommendations for the improvement, modification or discontinuance of these activities. The annual report shall be made by June 30 for each year covered by this agreement.
- B. The State shall periodically review the performance of the County to determine if the County is in compliance with its plan.

6. Renegotiation and Termination

- A. This agreement maybe renegotiated if State funding is not obtained, is decreased, modified or limited, or if State expenditures are greater than anticipated, such that funds are insufficient to allow for the continuation of services as required in this agreement. The agreement maybe modifies to accommodate the change in available funds.
- B. This agreement maybe terminated by mutual consent of both parties.
- C. The County may, by resolution of its board of commissioners, notify the State's administrator of its intention to withdraw from the pilot project. The County's withdrawal shall be effective six months after notification.
- D. The Oregon Legislature grants the State authority to obligate fund only for a biennial period. The biennial period begins on July 1 on each odd numbered year and ends on the following June 30 of the next odd numbered year. If the end date of this agreement extends beyond the end of the current State of Oregon budgeting biennium, this agreement is contingent upon the final enactment of continued funding of the agreement service, supply, or activity in the State's biennial budget for that future biennial budgeting period. If funding is not received, this agreement is terminated.

7. Confidentiality

County shall consider all documents and information to be confidential. Any liability, including but not limited to attorney fees, arising from any action or suit brought against the State because of the County's willful or negligent release of information, documents or property shall be borne by the County.

8. Indemnification and Insurance:

- A. County and State shall indemnify, defend and hold harmless the other party, its officers, divisions, subcontractors, agents, and employees from all claims, suits or actions of any nature arising out of the activities of the other party under this Agreement. The County and the State shall not be responsible for any legal liability, loss, damages, or property loss or damage occurring, growing out of, incident to, or resulting directly or indirectly from the acts of omissions of the other party under this agreement.
- B. The State agrees to be responsible for any damage or any third party liability which may arise from the activities of it's Multnomah County Juvenile Parole Unit subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300 and the Oregon Constitution Article XI, Section 7, to the extent of liability arising out of the negligence of the State. The State shall not be required to indemnify or defend the County for any liability arising out of the wrongful acts of employees or agents of the County.

- C. Both the County and State shall obtain, and always keep in effect comprehensive liability insurance and property damage insurance covering each respective party;s own acts and omissions under this agreement. County may satisfy these requirements in any manner allowed by ORS 30.282. The State shall satisfy this requirement through the Liability Fund established under ORS 278.100. Such liability insurance, whatever form, shall be in an amount not less than the limits of public body tort liability specified in ORS 30.270. In the event of unilateral cancellation or restriction by the insurance company of either party's insurance policy referred to in this paragraph, the effected party shall immediately notify the other verbally and in writing.
- D. The State shall maintain Worker's Compensation insurance coverage for the it's Multnomah Juvenile Parole employees.

WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

MULTNOMAH COUNTY, OREGON

By: Gladys McCoy
Gladys McCoy, Chair
Board of County Commissioners

Date: 11/24/92

By: Harold Ogburn
Division Director

Date: 11/4/92

By: Wayne M. Parnoy
Program Manager

Date: 11/4/92

REVIEWED:

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By: Laurence Kessel
Assistant County Counsel

Date: 11.7.92

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # 8-9 DATE 11-24-92
Carrick H. Peterson
BOARD CLERK

Meeting Date: NOV 24 1992

Agenda No.: X-10

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Direct cost of alcohol and drug abuse

AGENDA REVIEW/
BOARD BRIEFING Nov. 24 REGULAR MEETING Nov. 26? 24
(date) (date)

DEPARTMENT non-departmental

DIVISION District 2

CONTACT Mike Delman

TELEPHONE 5219

PERSON(S) MAKING PRESENTATION Mike Delman/Nomra Jaeger

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☒ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

This resolution directs each county department to identify the
proportion of their budget spent as a direct cost of alcohol and
drug abuse. It further directs departments to identify the cost
to prevent alcohol and drug abuse in their budgets.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Continued until 12-3-92.

SUMMIT
COUNTY COMMISSIONERS
1992 NOV 10 PM 12:04
MULTI-JURISDICTIONAL
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MULTNOMAH COUNTY

In the matter of directing)	RESOLUTION
county departments to identify)	92-
the proportion of their budgets)	
spent as a direct cost of alco-)	
hol and drug abuse)	

WHEREAS, alcohol and drug abuse cause severe damage to families, children and all citizens of Multnomah County; and

WHEREAS, the direct costs of alcohol and drug abuse to Multnomah County are immense; and

WHEREAS, Multnomah County Health Clinics, Sheriff's Department, District Attorney's office, and the Department of Social Service are all directly impacted by increased service demands caused by alcohol and drug abuse; and

WHEREAS, demands for services for alcohol and drug abuse victims impair the county's ability to serve other needy citizens; and

WHEREAS, the Board of County Commissioners recognizes that alcohol and drug abuse is preventable; and

WHEREAS, prevention of problems resulting from alcohol and drug abuse requires the cooperation and dedication of everyone; and

NOW, THEREFORE BE IT RESOLVED by the Board of County Commissioners of Multnomah County, that each department shall identify programs and policies in their program areas which may reduce or prevent alcohol and drug abuse related programs during our annual budget deliberations process (if not tied to the budget development process); and

THEREFORE BE IT FURTHER RESOLVED that each department shall identify as part of the budget process, the proportion of their budget spent as a direct result of alcohol and drug abuse problems and identify the direct cost for activities to prevent alcohol and drug abuse problems.

THEREFORE BE IT FURTHER RESOLVED that each department shall designate one or more management level staff to meet as an Interdepartmental Coordinating Committee for alcohol and drug abuse prevention to further compile data documenting the problems and develop cooperative strategies for reducing or preventing such problems in Multnomah County. The Interdepartmental Coordinating Committee will be convened by the chair's office with staff support from the Department of Social Services, Alcohol and Drug Program.

ADOPTED this _____ day of November, 1992.

MULTNOMAH COUNTY, OREGON

By _____
Gladys McCoy, County Chair

REVIEWED:

John DuBay, COUNTY COUNSEL
for Multnomah County, Oregon

by 
John L. DuBay

0018 8

Meeting Date: NOV 12 1992 NOV 24 1992
Agenda No.: R-3 R-11

(Above Space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: An ordinance establishing the duties and responsibilities of Purchasing, Contracts and Central Stores

BCC Informal November 10 BCC Formal November 12
(date) (date)

DEPARTMENT Non-Departmental DIVISION Commissioner Kelley

CONTACT Robert Trachtenberg TELEPHONE 248-5213

PERSON(S) MAKING PRESENTATION Robert Trachtenberg

ACTION REQUESTED

 INFORMATIONAL ONLY POLICY DIRECTION X APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN:

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Developed in consultation with Gary Blackmer and Lillie Walker, this ordinance consolidates existing executive orders into a single document, clarifies authority and responsibility of the purchasing director, and improves internal controls.

There should be savings from improving the likelihood of bids being awarded on the merits and reduction of error. There will be some workload increase for purchasing staff which cannot be fully assessed until after implementation, but an effort will be made to absorb with existing budgeted staff.

(If space is inadequate, please use other side)

SIGNATURES

ELECTED OFFICIAL Sharon Kelley

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

1517L-32

1/90

First Reading of Sub. Ordin. Approved. Second Reading 12-10-92.

CLERK OF COUNTY OF MULTNOMAH
1992 NOV - 5 PM 2:33
OREGON

ORDINANCE FACT SHEET

Ordinance Title: An Ordinance establishing the duties and responsibilities of Purchasing, Contracts and Central Stores

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

Developed in consultation with Gary Blackmer and Lillie Walker, this ordinance consolidates existing executive orders into a single document, clarifies authority and responsibility of the purchasing director, and improves internal controls.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Metro has made parallel efforts but different efforts with internal controls.

What has been the experience in other areas with this type of legislation?

Metro has an appeal process which is time consuming. The process in this ordinance is more streamlined.

What is the fiscal impact, if any?

There should be savings from improving the likelihood of bids being awarded on the merits and reduction of error. There will be some workload increase for purchasing staff which cannot be fully assessed until after implementation, but an effort will be made to absorb with existing budgeted staff.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: Robert J. Smith

Planning & Budget Division (if fiscal impact): David C. Shallen

Department Manager/Elected Official: _____

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. _____

An ordinance establishing the duties and responsibilities of Purchasing, Contracts and Central Stores.

Multnomah County ordains as follows:

Section 1. Findings and Purpose

Three Executive Orders, Nos. 94, 135, and 151, delegate or define the duties and responsibilities of Purchasing, Contracts and Central Stores and the function of the Purchasing Director/Agent. The purpose of this ordinance is to consolidate the executive orders in a single document, clarify the delegation of responsibility, and increase accountability. Executive Orders Nos. 94, 135, and 151 are hereby superseded. This ordinance shall apply to all elected officials and their staffs and all county departments.

Section 2. Authority and Duties of the County Purchasing Director/Agent

- A. To purchase or contract for all supplies, materials, equipment, and services required by Multnomah County, subject to the provisions set forth.
- B. To ensure compliance with all applicable federal and state laws as well as Multnomah County ordinances, rules, policies, and procedures governing the purchase and sale of

county goods, supplies, and property.

C. To establish and enforce specifications used to procure supplies, materials, equipment, and services.

D. To execute certain county contracts that are delegated by the County Chair, using the signature of the County Chair and the initials or the name of the Purchasing Director/Agent.

E. To operate a Central Stores warehouse of supplies commonly used by county agencies and approved outside agencies.

F. To receive and distribute surplus county property to county agencies or provide for the sale or disposal of property no longer needed or obsolete.

G. To develop or revise Public Contract Review Board Rules, Administrative Procedures and internal operation procedures to ensure compliance with Oregon statutes.

H. To process personal service and Public Contract Review Board exemptions in accordance with Oregon statutes and Public Contract Review Board rules.

I. To manage and monitor printing services required by county agencies for greater efficiency and economy.

J. To maintain a central file of all original executed copies of contracts in the Contracts Administration Section of Purchasing, Contracts and Central Stores.

K. To maintain a county-wide contracts information system.

L. To manage Multnomah County's contract approval

process.

Section 3. New Purchasing and Contract Regulations

A. Each applicant for any contract or bid in excess of \$1000 shall submit a conflict statement in a form agreed to by the County Auditor and Purchasing Director/Agent. The statement shall identify any county employees or officials with responsibility for processing, awarding, funding or monitoring the contract who have a familial or a financial relationship with any owner, investor or employee of the contractor.

"Familial relationships" are defined in Personnel Rule 7.

"Financial relationships" are defined as the involvement of persons in the same partnership, joint venture, company, corporation, association, or any other organization or group of persons which could result in a monetary benefit to the persons involved. No contract or bid shall be awarded to a contractor with a potential conflict unless the County Auditor or the designated representative of the Auditor has initialed the contract.

B. A Notice of Bid Award for each bid or contract shall be sent to each Commissioner. The notice should identify the price of each bid and the identity of each bidder. A Tabulation of Bid Results which identifies this information in a single document for more than one bid may also be used.

C. In any case where a low bid, quote, or proposal is not accepted, a detailed justification shall be included in

the contract file as well as included in the Notice of Bid Award sent to each Commissioner. Any such contract shall not take effect until it is initialed by at least three members of the Board of Commissioners.

D. Upon entering into any public contract or personal services agreement in an amount exceeding \$15,000 for which only one bid or response to a Request for Proposal was received, the Notice of Bid Award shall detail the reasons why only one bid or response was received. No such contract shall take effect until it is initialed by at least three members of the Board of Commissioners.

E. No consulting contract in excess of \$1000 shall be awarded unless documentation is provided to the Purchasing Director/Agent that at least three consultants were contacted as well as documentation of the reason for selection for a no bid contract. The Purchasing Director/Agent shall monitor compliance with this section and initial any such contract.

Section 4. Annual Report

The County Purchasing Director/Agent shall file an annual report of contract activity with the Multnomah County Chair and Board of County Commissioners. The annual report shall contain, at a minimum, the following items:

- (a) an index of contracts, contract prices and contractors;
- (b) information regarding contract awards to minority

and female-owned business as well as Qualified Rehabilitation Facilities;

(c) a summary of contract totals by department or function contrasting the present and prior year;

(d) a summary of contract processing costs contrasting the present and prior year; and

(e) an identification of any changes in contracting procedures during the year.

Section 5. Unauthorized Purchases

A. Prior to processing claims for payment arising from unauthorized purchases or commitments, the County Purchasing Director/Agent shall require the following information:

(1) Description of the supplies/services furnished as a result of the unauthorized commitment;

(2) A detailed statement of facts relating to the unauthorized commitment, including the name and position of the person who made the unauthorized purchase and an explanation of the reason why normal purchasing procedures were not used;

(3) Documentation that the amount claimed by the supplier or contractor is fair and reasonable;

(4) Copies of all invoices, including the original copy certifying that the supplies/services billed were received by the County and accepted, and any other pertinent documents related to the transaction;

- (5) The fund, organization and object codes for the purchase;
- (6) A statement of the steps taken or planned to prevent recurrence of such unauthorized purchases or commitments.

B. Claims for payment arising from unauthorized purchases or commitments shall require review and a written recommendation from the Purchasing Director to the Board of County Commissioners for payment approval.

Section 6. Adoption

This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this ____ day of _____, 1992,
being the date of its second reading before the Board of County Commissioners of Multnomah County.

(SEAL)

By _____
Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

By: Peter Lury
Laurence Kressel, County Counsel
of Multnomah County, Oregon

1679L - 60

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. _____

An ordinance to establish the duties and responsibilities of
Purchasing, Contracts Administration and Central Stores

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section 1. Findings and Purpose

The purpose of this ordinance is to define the duties and
responsibilities of the Purchasing Director, establish contract
review procedures in special situations and reporting requirements
for contract activities.

Section 2. Authority and Duties of Purchasing Director

The Purchasing Director shall:

A. Purchase or contract for supplies, materials, equipment
and services when authorized by ordinance or administrative rule.

B. Ensure compliance with all applicable federal and state
laws, Multnomah County ordinances, rules, policies and procedures
governing public contracts.

C. Establish and enforce specifications to procure supplies,
materials, equipment and services.

11/24/92:1

1 D. Execute County contracts on behalf of the County Chair
2 when authorized by the Chair, using the signature of the County
3 Chair and the initials or the name of the Purchasing Director.

4 E. Operate a Central Stores warehouse of supplies commonly
5 used by County agencies and approved outside agencies.

6 F. Receive and distribute surplus County property to County
7 agencies or provide for the sale or disposal of property no longer
8 needed or obsolete, including stolen or unclaimed property if
9 requested by the Sheriff.

10 G. Recommend to the Board of Commissioners and the County
11 Chair new ordinances and amendments to the Public Contract Review
12 Board Rules and County Administrative Procedures, as well as adopt
13 new internal procedures to comply with applicable statutes,
14 ordinances and administrative procedures.

15 H. Review and recommend exemptions from applicable public
16 contract requirements.

17 I. Manage and monitor printing services required by county
18 agencies for greater efficiency and economy.

19 J. Maintain a central file of all original executed copies
20 of contracts.

21 K. Maintain a County-wide contracts information system.

22 L. Manage the County contract approval process.

23 Section 3. Special Contract Approval Requirements

24 A. Definitions:

25
26 11/24/92:1
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(a) "Familial relationships" shall include spouse, children, stepchildren, parents, grandparents, grandchildren, brothers, sisters, father-in-law, mother-in-law, sisters-in-law and brothers in law.

(b) "Financial relationships" includes the involvement of persons in the same partnership, joint venture, company, corporation, association, or any other organization or group of persons which could result in a monetary benefit to the enterprise or the persons involved.

B. Conflicts of Interest

a) Prior to approval of any County contract in excess of \$1000, the potential contractor shall submit to the responsible County contracting officer a conflict statement in a form approved by the County Auditor and Purchasing Director. The statement shall identify any County employees or officials with responsibility for processing, awarding, funding or monitoring the contract who have a familial or financial relationship with any owner, investor or employee of the contractor.

b) No contract or bid shall be awarded to a contractor with a familial or financial relationship described in Section 3(B)(a) without

1 approval of the County Auditor or the Auditor's
2 designated representative after reviewing the
3 contract award procedures for compliance with
4 applicable laws and regulations.

5 C. Contracts not based upon lowest bid or highest
6 scoring evaluation.

7 a) Contracts based upon competitive bidding or
8 requests for proposals, if not awarded to the
9 lowest bidder or proposer with the highest
10 evaluation, shall not take effect until approved by
11 at least three members of the Board of
12 Commissioners. The Purchasing Director shall
13 develop an appropriate form for such approvals.

14 b) Requests for approvals of contracts described
15 in Subsection 3(C)(a) must be accompanied by a
16 detailed explanation of the reasons for the
17 contract award.

18 D. Single bids or proposals

19 Contracts requiring County expenditures exceeding
20 \$15,000, for which only one bid or proposal was received, shall
21 take effect only upon approval by three members of the Board of
22 Commissioners. The Purchasing Director shall develop an
23 appropriate form for such approvals. Requests for approvals shall
24 include reasons why only one bid or proposal was received.

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26 11/24/92:1
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E. Personal/Professional Services over \$1000

Except contracts for professional services subject to the Blanket Exemptions described in Section VIII, Administrative Procedure 2107, dated March 1992, no professional services contract in excess of \$1000 shall be awarded unless documentation is provided to the Purchasing Director that at least three providers were contacted or documentation of reasons for selection of a no bid contract.

Section 4. Contract ReportsA. Current Reports.

Not less often than quarterly, a report listing all contracts awarded since the prior report shall be furnished each member of the Board of Commissioners. The report shall identify the date of contract, contractor's name, and whether the contract was competitively bid or awarded based on evaluation of proposals. For contracts competitively bid or based on evaluated proposals, the report shall show the name of each bidder or proposer and the amount of each bid or evaluation score.

B. Annual Reports.

The Purchasing Director shall file an annual report of contract activity with the Multnomah County Chair and Board of Commissioners. The report shall contain the following:

- a) An index of contracts, contract price and contractors.

11/24/92:1

b) Information regarding contracts with minority and female - owned business enterprises as well as Qualified Rehabilitation Facilities.

c) A summary of contract totals by department or function for the prior and current year.

d) A summary of contract processing costs for the prior and current year; and

e) A summary of contracting procedure changes implemented during the year.

Section 5. Unauthorized Purchases

A. Unauthorized Purchases Defined.

Unauthorized Purchases shall mean any County contract or representation by any County official or employee made on behalf of the County intended to bind the County to a legal obligation without compliance with all applicable public contracting requirements.

B. Board of Commissioners approval required.

Claims for payment arising from unauthorized purchases or commitments shall require approval by the Board of County Commissioners upon recommendation of the Purchasing Director.

C. Requests for approval.

Prior to processing requests for approval of unauthorized purchases or commitments made on or after the effective date of

1 this ordinance, the Purchasing Director shall require the following
2 information:

3 a) Description of the property or services furnished as
4 a result of the unauthorized contract or commitment;

5 b) A detailed statement of facts relating to the
6 unauthorized commitment, including the name and position
7 of the person who made the unauthorized purchase and an
8 explanation of the reason normal purchasing procedures
9 were not used;

10 c) Documentation that the amount claimed by the
11 supplier or contractor is fair and reasonable;

12 d) Copies of all invoices and other documents pertinent
13 to the transaction;

14 e) Verification that the property or services have been
15 received and accepted by the County;

16 f) The fund, organization and object codes for the
17 purchase;

18 g) A statement of the steps taken or planned to prevent
19 recurrence of such unauthorized purchases.

20 Section 6. Applicability and Administration

21 A. The provisions of this ordinance apply to formation of
22 all County contracts and the actions of all County employees and
23 all elected or non-elected officials related to formation of County
24 contracts.

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26 11/24/92:1
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B. In the event of conflict between any provision of this Ordinance and the County PCRB rules, Executive Orders or Administrative Procedures, the provisions of this Ordinance shall have priority and shall be given full force and effect.

C. The provisions of this Ordinance shall be codified as part of the Multnomah County Code as County Counsel deems appropriate.

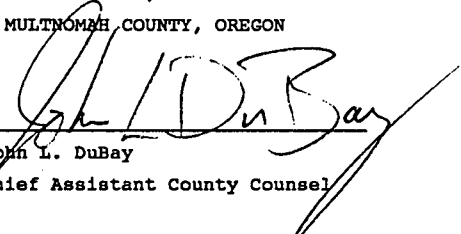
ADOPTED this _____ day of _____, 1992, being the date of its _____ reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
John L. DuBay
Chief Assistant County Counsel

C:\TEMP\256JLD.ORD\jld

11/24/92:1

Meeting Date: NOV 24 1992

Agenda No.: R-12

(Above Space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: In the Matter of Endorsing the School
Restructuring Efforts at Reynolds High School

BCC Informal n/a BCC Formal November 24
(date) (date)

DEPARTMENT Non-Departmental DIVISION Commissioner Kelley

CONTACT Robert Trachtenberg TELEPHONE 248-5213

PERSON(S) MAKING PRESENTATION Tom Beaman

ACTION REQUESTED

 INFORMATIONAL ONLY POLICY DIRECTION X APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested,
as well as personnel and fiscal/budgetary impacts, if applicable):

Endorses efforts at Reynolds High School to commence early
implementation of H.B. 3565, the Oregon Educational Act for the 21st
Century.

(If space is inadequate, please use other side)

SIGNATURES

ELECTED OFFICIAL Sharon Kelley

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signature)
1517L-32

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 17 AM 8:07
MULTNOMAH COUNTY
OREGON

*Copy of Resolution given to Robert Trachtenberg
on 12-3-92.*

In the Matter of Endorsing the
School Restructuring Efforts at
Reynolds High School

WHEREAS, the administration and faculty at Reynolds High School has committed itself to change the school to better meet the needs of students, decrease the drop out rate, and make the school curriculum more relevant and more challenging to students; and

WHEREAS, Reynolds High School has developed a specific 14 point plan for restructuring in the next three to five years.

1. The Board of Commissioners endorses the school restructuring efforts at Reynolds High School and the implementation of its restructuring plan.

ADOPTED this 1 day of November, 1992.

(S E A L)

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for Multnomah County, Oregon

By

BEFORE THE BOARD OF COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Endorsing the
School Restructuring Efforts at
Reynolds High School

)
)
)

RESOLUTION
92-199

WHEREAS, the administration and faculty at Reynolds High School has committed itself to change the school to better meet the needs of students, decrease the drop out rate, and make the school curriculum more relevant and more challenging to students; and

WHEREAS, Reynolds High School is committed to restructuring the school to meet the requirements of H.B. 3565, the Oregon Educational Act for the 21st Century, and has emerged as a leader in Oregon in this restructuring effort; and

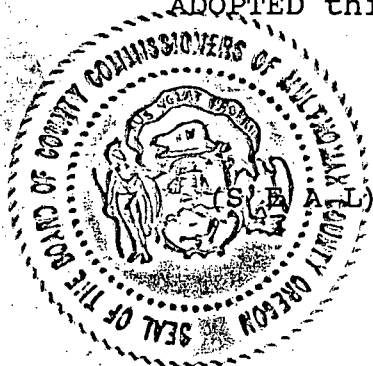
WHEREAS, Reynolds High School has developed a specific 14 point plan for restructuring in the next three to five years.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Commissioners endorses the school restructuring efforts at Reynolds High School and the implementation of its restructuring plan.
2. The Board of Commissioners supports the efforts of Reynolds High School and the efforts of other schools in Multnomah County to obtain grant funding to assist with the implementation of restructuring plans.

ADOPTED this 24th day of November, 1992.

MULTNOMAH COUNTY, OREGON



By Gladys McCoy
Gladys McCoy
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for Multnomah County, Oregon

By John L. DuBay



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

November 24, 1992

TO WHOM IT MAY CONCERN:

The Multnomah County Board of Commissioners endorses the efforts of Reynolds High School to restructure in order to provide better educational services to the community.

The Board understands the importance of providing a quality education to all local residents. We believe that the restructuring program at Reynolds is an innovative and appropriate effort to provide for the needs of students as we enter the 21st Century. We enthusiastically support their plans to improve student achievement, decrease drop-out rates, and involve the community in a more active role in educating our youth.

During the meeting of the Board of Commissioners on November 24, 1992, the Board heard a formal presentation on the Reynolds High School Restructuring Program. Following this presentation, a formal resolution of support was adopted unanimously. We are excited about the commitment of the staff at Reynolds and their potential to become leaders in the nationwide efforts toward improvement of the schools. We look forward to working with them as partners in providing services to the community.

We are convinced that Reynolds is committed to school improvement and we encourage you to join with us in supporting this program at Reynolds as well as similar programs at other schools in Multnomah County.

Very truly yours,

Gladys McCoy
Multnomah County Chair



GLADYS McCOY, Multnomah County Chair

Room 1410, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204
(503) 248-3308

November 24, 1992

TO WHOM IT MAY CONCERN:

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The Board understands the importance of providing a quality education to all local residents. We believe that the restructuring program at Reynolds is an innovative and appropriate effort to provide for the needs of students as we enter the 21st Century. We enthusiastically support their plans to improve student achievement, decrease drop-out rates, and involve the community in a more active role in educating our youth.

During the meeting of the Board of Commissioners on November 24, 1992, the Board heard a formal presentation on the Reynolds High School Restructuring Program. Following this presentation, a formal resolution of support was adopted unanimously. We are excited about the commitment of the staff at Reynolds and their potential to become leaders in the nationwide efforts toward improvement of the schools. We look forward to working with them as partners in providing services to the community.

We are convinced that Reynolds is committed to school improvement and we encourage you to join with us in supporting this program at Reynolds as well as similar programs at other schools in Multnomah County.

Very truly yours,

Gladys McCoy
Multnomah County Chair

1687L - 51

Meeting Date: NOV 24 1992

Agenda No.: R-13

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Exempt Employee Benefits Ordinance

BCC Informal 11/24/92
(date)

BCC Formal 11/24/92
(date)

DEPARTMENT Nondepartmental

DIVISION Employee Services

CONTACT Curtis Smith & Susan Ayers

TELEPHONE 248-5015

PERSON(S) MAKING PRESENTATION Curtis Smith, Susan Ayers, Merrie Ziady & Jean Miley

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

This Ordinance: 1) assembles in one place several earlier ordinances covering this topic; 2) adds some existing programs which have not been included in previous ordinances; and 3) adds new proposed benefits: a) domestic partner insurance coverage; b) sick leave incentive plan; c) medical/dental benefits while on long term disability; d) Fair Labor Standards Act compliance; and e) medical premium conversion to pre-tax dollars. See attached cover memo for detailed analysis.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

First Reading Approved. Second Reading 12-3-92.

BOARD OF
COUNTY COMMISSIONERS
1992 NOV - 6 PM 4:07
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

GLADYS MCCOY
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214

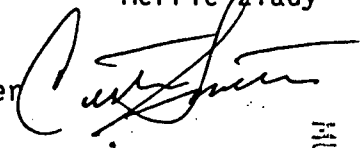
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2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

TO: Larry Aab Janet Jaron Michael Schrunk
Sue Ayers Karin Johnson Robert Skipper
Kelly Bacon Gladys McCoy Colette Umbras
Dave Boyer Hank Miggins Ken Upton
Ginnie Cooper Jean Miley Lillie Walker
Melissa Dailey Gary Nakao Dave Warren
Susan Daniell Steve Nemirow Don Winkley
John DuBay Billi Odegaard Paul Yarborough
Mindy Harris Shirlee Robertson Merrie Zlady
Tamara Holden

FROM: Curtis Smith, Employee Services Manager 

DATE: November 7, 1992

SUBJECT: Proposed Exempt Employee Ordinances:
A. Benefits
B. Retiree Benefits
C. Pay Administration

BOARD OF
COUNTY COMMISSIONERS
1992 NOV - 6 PM 4:00
MULTNOMAH COUNTY
OREGON

Revised Exempt Employee Ordinances are recommended for BCC First Reading on November 24, 1992 because:

1. A recent Board Resolution changed some exempt benefits, effective 1/1/92;
2. Some existing exempt benefit programs are not currently included in the Exempt Benefits Ordinance;
3. County Counsel advises that the County must now comply with the Fair Labor Standards Act regarding timekeeping for exempt employees;
4. If the Exempt Benefits Ordinance is adopted as proposed, the Retiree Benefit Ordinance would need to be readopted, but this is a technical readoption only, except for one recommended change described below;
5. The Exempt Pay Administration Ordinance requires some additional flexibility, as described in detail below; and
6. For ease of administration, it would be helpful to consolidate various ordinances on the topic of exempt compensation.

A. Exempt Employee Benefits Ordinance

If the attached proposed ordinance is adopted by the Board, it would make the following changes:

1. **Transfer previously approved changes into this Ordinance.** Reflect the updates already made by Board resolution in our Exempt Benefits Program, effective 1/1/92;
2. **Describe Existing Holidays.** [See Section VI.]
3. **Comply with Fair Labor Standards Act.** In order to implement the FLSA, the following changes have been made:
 - (a) Section VII (C), Charging of Vacation Leave, time charged will be based on full-day absences from work for salaried exempt employees, and will be based on hours for hourly exempt employees.
 - (b) Section VIII (C), Charging of Sick Leave, same as previous item for vacation leave.
 - (c) Section IX (B), Inclement Weather Policy, same as previous item for vacation leave.
 - (d) Section XVI, Overtime Pay. Between this Section and the definitions of "exempt employee" in Section II, it is clear that this Ordinance covers both salaried and hourly exempt employees who are nonrepresented. The only extra benefit that hourly exempt employees will get is eligibility for overtime.
4. **Add Sick Leave Incentive.** A sick leave incentive program is added in Section VIII (E). Currently absenteeism due to sick leave is running at a favorably low rate, and we'd like to reinforce that practice.
5. **Describe Existing Judicial Leave.** [See Section IX (A) (1).]
6. **Set Benefits Termination and Accruals Timing.** The Board's 1/1/92 change in exempt payroll cycles require new language for the timing of medical/dental benefits. [See Section XI (A) (7).] Also, vacation and sick leave accruals are based upon an employee's regularly scheduled hours (instead of total hours worked) effective January 1, 1992. [See Sections VII (A) and (B), and VIII (B).]
7. **Allow Employee-paid Medical Premiums to be paid with pre-tax dollars,** effective 1/1/93. This will save the employer FICA tax payments, and the employee FICA, federal, and state taxes. [See Section XI (A) (5).]
8. **Allow Domestic Partners to be Eligible for Medical/Dental Benefits,** effective 7/1/93. Annual cost will be built into 1993-94 budget. Participants will be notified that benefit may be taxable to recipients, and may have other legal consequences. [See Section XI (A) (6).]
9. **Set Medical Benefits Effective Dates.** In Section XI (A) (8), a paragraph has been added to clarify leave of absence dates' interface with paid medical benefits (start and end dates). In Section VII (E), a new

requirement states that an exempt employee shall not be scheduled for one or more full pay periods of vacation immediately prior to the termination date.

10. **Modify LTD Program.** It is proposed that the County continue paying medical and dental benefit premiums for the first six months that an exempt employee is drawing salary from our long-term disability program. Currently the employee pays. We expect that usage of this benefit would be rare, and the cost minimal, but it does not seem fair to stop paying the premium just when the employee needs it the most. [See Section XI (A) (10).]
11. **Describe Existing Deferred Compensation Program.** No substantive change. [See Section XIV.]
12. **Describe Existing Tri-Met Pass Program.** Earlier this year the Board changed the County contribution for a monthly Tri-Met pass from \$15 to \$21 per month, effective 7/1/92. [See Section XV.]
13. **Limit Out-of-Class Pay.** Presently there is no ordinance authorization to pay an exempt employee who works out of class. The proposed language gives some limited discretionary pay latitude. [See Section XVII.]
14. **Describe Workers' Compensation Program.** This has never been completely described for exempt employees, probably because usage is rare. [See Section XIX.]

B. Retiree Exempt Benefits

If the Exempt Employee Benefits Ordinance is adopted, this ordinance will need to be readopted. One change is recommended. Presently, the County pays one-half the medical premium on behalf of a retiree and eligible dependents from the retiree's 55th birthday or retirement date (whichever is later) until the retiree's 65th birthday, death, or eligibility for Medicare (whichever is earlier) if the employee has 30 years PERS service, including 20 years County service. It is recommended that this benefit be extended to any exempt employee, without regard to his/her age, if he/she was employed before July 2, 1992, and has the years' service described above.

C. Exempt Employee Pay Administration Ordinance

1. **Definitions added for clarification.** [See Section II (B) through (G).]
2. **Policy Statement Clarified.** An obsolete effective date has been eliminated. "Salary" and "fringe benefits" have been changed here and elsewhere in the Ordinance to "pay" and "benefits," respectively. "And employees" has been added to allow a compression adjustment for an employee when the classification range is okay; such action would still require BCC approval. [See Section III.]
3. **Exempt Categories Revised to Reflect Existing Practice.** [See Section IV.]

4. **Appraisal Language Revised to Reflect Existing Practice.** "Evaluation" in certain places is replaced with "appraisal" for consistency throughout the Ordinance. Our current appraisal system has five categories. The language change names them. [See Section VI.]
5. **Redundant Language Deleted.** In Section VII (A), Pay Administration, the final words ". . . except when recommended by the County Chair and approved by the Board of County Commissioners" have been deleted from the end of the sentence. Obviously the Board can always vote exceptions to its own rules.
6. **Hire-In Rule Modified.** Present policy requires the appointing manager to decide at the time of hire where to place the new employee in the salary range, up to midpoint. This change would allow the appointing manager to adjust a new employee's salary upward as far as midpoint during the first year. The net effect should be some savings to the County, and better hire-in decisions. [See Section VII (B) (2).]
7. **"Advancement through Range" is Retitled to "Merit Increases" and is Rewritten for Greater Precision,** but the anniversary raise is still 3% or 0%. [See Section VII (C).]
8. **Effect of Pay Range Changes to be Stated.** Language has been changed to ensure that pay range adjustments do not automatically trigger unintended salary raises. [See Section VII (D).]
9. **Part-time Employees to Receive Annual Appraisals and Merit Increases.** Currently part-timers must wait two years for an appraisal and merit raise, even though their raise is already proportionately less than that of a full-timer. Adoption of this change would be consistent with the way represented part-time employees are treated. [See Section VIII.]
10. **Payroll Processing Language Removed.** Language relating to paydays has been deleted, since it is more appropriate for an administrative procedure.

2400E²/CS/ljd

Attachments:

Exempt Employee Benefit Ordinance
Exempt Employee Retiree Benefits Ordinance
Exempt Employee Pay Administration Ordinance
Administrative Procedure 2520

ORDINANCE FACT SHEET

Ordinance Title: Exempt Employee Benefits Ordinance

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

See brief summary on Agenda Placement Form

What other local jurisdictions in the metropolitan area have enacted similar legislation?

It's customary to describe all exempt employee benefits in an ordinance.

What has been the experience in other areas with this type of legislation?

What is the fiscal impact, if any?

Only significant new cost is expected to be 7/1/93 addition of domestic partner insurance coverage, which will be included in 1993-94 budget.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: *Curtis Smith*

Planning & Budget Division (if fiscal impact): *David C. Sharron*

Department Manager/Elected Official: *[Signature]*

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4 An ordinance relating to benefits for employees not
5 covered by collective bargaining agreement, and repealing
6 Ordinances Nos. 534, 566, 600, and 721.

7 Multnomah County ordains as follows:

8 Section I. Findings.

9 (A) Multnomah County, Oregon (hereinafter "County")
10 employs a variety of individuals not covered by collective
11 bargaining agreements, hereinafter "Exempt employees."

12 (B) The Multnomah County Board of Commissioners
13 (hereinafter "Board") adopted and amended a series of
14 ordinances for the purpose of giving benefits to exempt
15 employees.

16 (C) It is the desire of the Board that all benefit
17 entitlements for exempt employees be contained in one ordinance
18 for clarity and ease of administration.

19 (D) Adoption of Ordinance No. 692, converting exempt
20 employees to an annual basis of compensation, requires
21 modification in the exempt employee benefit provisions.

22 (E) It is the desire of the Board to offer flexible
23 spending accounts and medical plan "opt-out" as benefits for
24 exempt employees.

1 (F) Recent court decisions regarding the Fair Labor
2 Standards Act as it applies to public employers require
3 modifications of exempt employee benefit provisions.

4 Section II. Definitions.

5 As used in this ordinance, unless the context requires
6 otherwise:

7 (A) Exempt Employee means an employee in a
8 classification not covered by a collective bargaining
9 agreement, except for any confidential employee. Exempt
10 employees are divided into the following categories:

11 (1) Exempt Salaried Employee means a full-time
12 or part-time employee who is not covered by any collective
13 bargaining agreement and who is excluded from the overtime
14 provisions of the Fair Labor Standards Act.

15 (2) Exempt Hourly Employee means a full-time or
16 part-time employee who is not covered by any collective
17 bargaining agreement and who is subject to the overtime
18 provisions of the Fair Labor Standards Act.

19 (B) Full-time Employee means an employee regularly
20 scheduled to work at least 32 hours per week or .8 FTE, or an
21 employee regularly scheduled to work at least 30 or more hours
22 per week or .75 FTE, if on a 10-hour per day schedule.

23 (C) Part-time Employee means an employee regularly
24 scheduled to work at least 20 hours per week or .5 FTE, but
25 less than full time.

1 (D) Elected Official means Chair, Commissioner,
2 Auditor, Sheriff and District Attorney.

3 (E) Appointing Manager means a County manager to whom
4 authority has been delegated to make appointments to positions.

5 (F) Personnel Officer means the County Chair, except
6 as otherwise provided by State law or County ordinance.

7 (G) Confidential Employee means an employee who is
8 exempt from collective bargaining solely because of the
9 confidential nature of his/her duties.

10 Section III. Approval of Exempt Employee Benefits.

11 No exempt employee shall receive any pay or other
12 employee benefits except as provided by resolution or ordinance.

13 Section IV. Benefits for Elected Officials.

14 Elected Officials shall receive only the
15 following employee benefits as set forth in this ordinance:
16 Workers' Compensation (Section XIX), Health and Welfare
17 (Section XI except the benefits in XI(A)(2) and (3)), Pensions
18 (Section XVIII), Deferred Compensation Program (Section XIV),
19 and Tri-Met Pass Program (Section XV).

20 Section V. Benefits For Less Than Part Time, Temporary Exempt,
21 and Confidentials.

22 (A) Exempt employees who are regularly scheduled to
23 work less than 20 hours per week or .5 FTE shall not be
24 afforded employee benefits, except those required by State or
25 Federal law or regulation.

1 (B) Temporary appointees to exempt positions who are
2 regularly scheduled to work 20 or more hours per week or at
3 least .5 FTE shall receive all the employee benefits outlined
4 in this Ordinance. No other temporary or on-call employee
5 shall receive benefits under this Ordinance. In the case of a
6 temporary appointee to an exempt position who is a current
7 member of a bargaining unit, the appointee may elect to keep
8 the benefit package provided by the bargaining contract instead
9 of receiving exempt employee benefits.

10 (C) Notwithstanding any other provisions of this
11 Ordinance, the benefits for each confidential employee shall be
12 the same as set forth for his/her equivalent position in the
13 applicable collective bargaining agreement.

14 Section VI. Paid Holidays.

15 (A) Each full-time exempt employee shall be entitled
16 to the following paid holidays with the exceptions noted for
17 exempt Library employees:

18 (1) Any day the President of the United States
19 and/or the Governor of Oregon declares a
20 holiday for all employees employed in the
21 public sector.

22 (2) New Year's Day (January 1)
23
24
25

- (3) Dr. Rev. Martin Luther King, Jr.'s birthday
(third Monday in January)
- (4) President's Day (third Monday in February)
- (5) Memorial Day (last Monday in May)
- (6) Independence Day (July 4)
- (7) Labor Day (first Monday in September)
- (8) Veteran's Day (November 11); except exempt
Library employees
- (9) Thanksgiving Day (fourth Thursday in
November)
- (10) Four (4) hours on either Christmas Eve or
New Year's Eve; for exempt Library
employees, Christmas Eve Day.
Notwithstanding other sections of this
Ordinance, if a full day's absence is
desired, the balance of the day may be
charged to accrued, unused vacation.
- (11) Christmas Day (December 25)
- (12) Two (2) Personal Holidays. Personal
Holidays may be used at the discretion of
the employee with the consent of the
Appointing Manager; provided, however, an
employee must be employed for at least three
(3) months before the first personal holiday

1 may be used and must be employed for at
2 least nine (9) months before the second
3 personal holiday may be used. In all cases,
4 Personal Holidays must be taken by the end
5 of each fiscal year (June 30) or they are
6 deemed to be forfeited.

7 In lieu of the specific holidays listed above,
8 the Sheriff's Office exempt employees shall be awarded eleven
9 (11) Personal Holidays per year on each July 1, to be used at
10 the discretion of the employee with the consent of the
11 Appointing Manager.

12 (B) Part-time exempt employees shall be entitled to
13 paid leave on observed holidays in increments of the fraction
14 of a full-time position which the employee is normally
15 scheduled.

16 (C) If an employee is on authorized leave with pay
17 when a paid holiday occurs, the holiday shall be paid and shall
18 not be charged against the leave.

19 (D) The Personnel Officer is authorized to establish
20 and enforce administrative practices governing paid holiday
21 matters not covered in this ordinance.

22 Section VII. Paid Vacation Leave.

23 (A) Accrual for 1.0 FTE Employees. Each exempt
24 employee regularly scheduled to work 1.0 FTE shall earn paid
25 vacation credit commensurate with years of County employment,

1 continuous and non-continuous, in accordance with the following
2 schedule, except that no Library exempt employee shall suffer a
3 reduction in vacation accrual rate. Employees whose current
4 vacation accrual rate exceeds that outlined below shall retain
5 the higher accrual rate. Vacation will accrue incrementally
6 each pay period paid. For accrual purposes, "day" is defined
7 as a unit of eight hours.

8 (1) Less than two (2) years of County service:
9 twelve days (12) per year, cumulative to a
10 maximum of twenty-four (24) days.

11 (2) Two (2) years but less than five (5) years
12 of County service: fifteen (15) days per
13 year, cumulative to a maximum of thirty (30)
14 days.

15 (3) Five (5) years but less than eight (8) years
16 of County service: twenty (20) days per
17 year, cumulative to a maximum of forty (40)
18 days.

19 (4) Eight (8) years or more of County service:
20 twenty-five (25) days per year, cumulative
21 to a maximum of fifty (50) days.

22 (B) Accrual for .5 FTE through .99 FTE Employees.

23 Each exempt employee regularly scheduled to work .5 FTE through
24 .99 FTE shall accrue vacation credit on a proportionately
25

1 reduced schedule. For example, an employee regularly scheduled
2 to work .5 FTE shall earn one-half (1/2) the vacation credit
3 set forth in paragraph (A).

4 (C) Charging of Vacation Leave. Vacation shall be
5 scheduled in advance with the Appointing Manager's approval.

6 (1) For exempt hourly employees, time charged to
7 vacation leave shall be rounded to the nearest quarter hour.

8 (2) For exempt salaried employees, time charged
9 to vacation leave shall be made only for full day absences from
10 work.

11 (D) Maximum Accrual. Vacation accrued by an exempt
12 employee shall be added to vacation the employee accrued while
13 subject to a non-exempt vacation program. However, total
14 vacation accrued shall not exceed the maximum allowable
15 accruals set forth in this section, except for current "frozen"
16 vacation accrued under the previous exempt employee vacation
17 plan.

18 (E) Vacation Pay Off. At the time of separation from
19 service by an exempt employee, unused accrued vacation, up to
20 the maximum allowable under this section, shall be paid at the
21 employee's current regular rate of pay. An exempt employee
22 shall not be scheduled for vacation in excess of one full pay
23 period immediately prior to the termination date.

1 (F) Effective Date. Vacation accrual rates shown
2 above are effective January 1, 1992.

3 Section VIII. Paid Sick Leave.

4 (A) Sick Leave Use. Sick leave may be used by an
5 exempt employee for the following non-occupational conditions
6 involving the employee or a member of the employee's immediate
7 household:

8 (1) Illness

9 (2) Injury

10 (3) Quarantine based on exposure to contagious
11 disease

12 (4) Medical, dental, or Employee Assistance
13 Program appointments

14 (5) Parental leave as defined by Oregon law.

15 (B) Sick Leave Accrual. For accrual purposes, "day"
16 is defined as a unit of eight hours. Sick leave will accrue
17 incrementally each pay period paid on the following schedule:

18 (1) Each exempt employee regularly scheduled to
19 work 1.0 FTE shall accrue sick leave at the rate of twelve (12)
20 days per year.

21 (2) Employees regularly scheduled to work .5
22 through .99 FTE shall accrue sick leave on a proportionately
23 reduced schedule. For example, an exempt employee regularly
24 scheduled to work .5 FTE shall earn six (6) days per year.

1 (3) Sick leave accrual shall only be used for
2 lost time which is not compensable by Workers' Compensation
3 benefits.

4 (4) There is no limit on the amount of sick
5 leave that may be accrued by an exempt employee.

6 (5) Sick leave accrual rates shown above are
7 effective January 1, 1992.

8 (C) Charging of Sick Leave.

9 (1) For exempt hourly employees, time charged
10 for sick leave taken shall be rounded to the nearest quarter
11 hour.

12 (2) For exempt salaried employees, time charged
13 to sick leave shall be made only for full day absences from
14 work.

15 (D) Sick Leave Reporting. Accumulated unused sick
16 leave will be reported to PERS as required by PERS for the
17 purpose of determining the pension benefit, under those
18 retirement options allowed by state law.

19 (E) Incentive Programs. Beginning July 1, 1993, and
20 each succeeding July 1, an employee who has worked the
21 preceding twelve (12) months, and who has used two (2) days or
22 fewer of sick leave during that time, shall on July 1 be
23 credited with one (1) additional Personal Holiday to be taken
24 in accordance with Section VI (A) (12) and VI (B) of this
25

1 Ordinance. Crediting or use of the additional Personal Holiday
2 shall not reduce the amount of accrued sick leave.

3 Section IX. Other Paid Leaves.

4 (A) In addition to other paid leaves set forth in
5 this ordinance, exempt employees shall be entitled to time off
6 with pay for the following reasons:

7 (1) Judicial Leave. An exempt employee shall be
8 granted leave with full pay in lieu of jury or witness fees
9 (less mileage) for time on jury duty or when subpoenaed as a
10 witness during the employee's regular work shift. An employee
11 who is excused or dismissed prior to the end of the employee's
12 regular work shift shall report back to work if practicable.

13 (2) Military Leave. An exempt employee who has
14 served the County for six (6) months or more, and who is called
15 up for service as a member of the National Guard or any reserve
16 component of the Armed Forces of the United States, is entitled
17 to a military leave of absence with pay for up to fifteen (15)
18 calendar days, but no more than eleven (11) work days in any
19 calendar year. Leave of absence without pay will be granted
20 for any additional time needed to discharge an obligation of
21 annual active military reserve or National Guard duty.

22 (3) Bereavement Leave. An exempt employee shall
23 be granted not more than three (3) days leave with full pay in
24 the event of a death in the immediate family or immediate
25

1 household of the employee. If such funeral is beyond 350
2 miles, the employee may be granted up to three (3) additional
3 days of paid leave for travel and personal considerations. For
4 purposes of Bereavement Leave, "immediate family" means spouse,
5 parents, children, step-children, brother, sister,
6 grandchildren, grandparents, father-in-law, mother-in-law,
7 sister-in-law or brother-in-law. "Immediate household" means
8 any person residing at the employee's residence on a regular
9 basis. In relationships other than those set forth above,
10 under exceptional circumstances, a leave of absence may be
11 granted by the supervising elected County official.

12 (4) Leave for Examinations. In order to
13 encourage and promote the development of exempt employees, time
14 off with pay for taking County examinations and interviews
15 during normal operating hours shall be allowed.

16 (5) Attendance at conferences, seminars, and
17 other training activities.

18 (6) Authorized testimony or participation at
19 hearings and appeals.

20 (B) Inclement Weather Policy. Employee-initiated
21 absence due to inclement weather shall, at the employee's
22 discretion, and after notifying his or her Appointing Manager,
23 be charged to:
24
25
26

1 (1) Leave without pay

2 (2) Personal holiday

3 (3) Vacation time

4 Salaried employees shall not be charged for fractional days of
5 absence.

6 Section X. Leave of Absence Without Pay.

7 A leave of absence without pay may be requested by an
8 exempt employee. The request may be granted by the Appointing
9 Manager whenever it is consistent with the needs of the County
10 as determined by the County, or shall be granted if required by
11 law.

12 Section XI. Health & Welfare.

13 (A) Medical/Vision and Dental Benefits.

14 (1) Eligibility. On the first day of the month
15 coincident with or following appointment, each exempt employee
16 shall be eligible for one of the medical/vision and dental
17 plans offered by the County. An employee may participate in
18 both a medical/vision plan and a dental plan or in a
19 medical/vision plan only. An employee may not participate in a
20 dental plan only, except as provided below.

21 (2) Waiver. A full-time exempt employee covered
22 under another medical/vision plan may elect to waive
23 medical/vision coverage and receive an amount equivalent to 33%
24 of the highest 2-party medical/vision premium. A part-time
25

1 exempt employee may elect to waive medical/vision coverage and
2 receive an amount equivalent to one-half of 33% of the highest
3 2-party medical/vision premium. An employee may waive the
4 medical/vision plan and still elect dental coverage if no other
5 dental coverage is available.

6 (3) Enrollment after Loss of Coverage. An
7 exempt employee who waives coverage and subsequently loses
8 other coverage during the year may enroll in one of the County
9 medical/vision plans within thirty (30) days of loss of
10 coverage.

11 (4) Terms and Conditions of Programs. Specific
12 terms and conditions of the medical/vision and dental programs
13 are controlled by the plan documents.

14 (5) Premium Payments. The monthly plan
15 premium(s) for a full-time exempt employee and the employee's
16 eligible dependents shall be paid by the County.

17 Part-time exempt employees may receive
18 either full coverage or no coverage. If the part-time exempt
19 employee pays fifty percent (50%) of the monthly premium, the
20 County will provide full coverage.

21 Effective January 1, 1993, employee-paid
22 premium contributions toward the County's medical and dental
23 plans will be paid with pre-tax dollars through payroll
24 deduction according to guidelines for premium conversion set
25 forth in the Internal Revenue Code, Section 125.

1 (6) Coverage. Coverage shall include the
2 employee and his or her immediate family, i.e., wife/husband
3 and eligible dependent children. Any child whose medical/
4 dental coverage must be paid as a result of court order shall
5 be deemed a "dependent child" for purpose of eligibility for
6 coverage.

7 Effective July 1, 1993, in lieu of spouse
8 coverage an employee may enroll his or her domestic partner, as
9 defined by Administrative Procedure, and the partner's eligible
10 dependents for coverage under this Section.

11 This coverage is subject to the terms set
12 forth in the Administrative Procedure concerning marriage and
13 domestic partnership.

14 (7) Coverage at Termination. If the employee's
15 last regularly scheduled work day is worked or spent on sick,
16 vacation, or personal holiday leave and it falls on or before
17 the fifteen (15th) day of the calendar month in which the
18 employee's County employment terminates, that employee's
19 coverage toward which the County has contributed will lapse at
20 the conclusion of that calendar month. If such work day falls
21 after the fifteen (15th) of the calendar month in which the
22 employee's County employment has terminated, coverage toward
23 which the County has contributed will lapse at the end of the
24 immediately succeeding calendar month. (Example: Employee A
25 resigns effective July 15. Employee A's coverage toward which

1 the County has contributed will lapse July 31. Employee B
2 resigns July 16. Employee B's coverage toward which the County
3 has contributed will lapse August 31.)

4 (8) Coverage when Going on Unpaid Leave. If the
5 employee's last regularly scheduled work day is worked or spent
6 on sick, vacation, or personal holiday leave and it falls on or
7 before the fifteen (15th) day of the calendar month in the
8 calendar month in which the employee's authorized leave without
9 pay commences, coverage toward which the County has contributed
10 will lapse at the conclusion of the calendar month in which the
11 leave commences. If such day falls after the fifteen (15th)
12 day of the calendar month in which such unpaid leave commences,
13 coverage toward which the County has contributed will lapse at
14 the end of the immediately succeeding calendar month.
15 (Example: Employee A's last regularly scheduled work day
16 worked is July 15, and his or her unpaid leave commences July
17 16. Employee A's coverage toward which the County has
18 contributed will lapse July 31. Employee B's last regularly
19 scheduled work day worked is July 16 and his or her unpaid
20 leave commences July 17. Employee B's coverage toward which
21 the County has contributed will lapse August 31.)

22 (9) Coverage Upon Return from Unpaid Leave. If
23 the employee is scheduled to and returns from an authorized
24 unpaid leave of absence on or before the fifteen (15th) day of
25

1 the calendar month the employee's coverage toward which the
2 County shall make its normal contribution shall be effective on
3 the first day of that calendar month. If the employee is
4 scheduled to and returns from such leave without pay after the
5 fifteenth (15th) day of the calendar month, the employee's
6 coverage toward which the County contributes will be effective
7 on the first day of the immediately succeeding calendar month.
8 (Example: Employee A's unpaid leave commences July 1 and ends
9 July 15. Employee A's coverage toward which the County
10 contributes does not lapse. Employee B's unpaid leave
11 commences July 1 and ends August 7. Owing to the combination
12 of subsection (8) above and this subsection, Employee B's
13 coverage will not lapse. Employee C's unpaid leave commences
14 July 1 and terminates August 16. Employee C's coverage toward
15 which the County contributes lapses July 31 and recommences
16 September 1.)

17 (10) Coverage During Disability. Contributions
18 toward medical and dental benefits will be continued for up to
19 six months for an employee who is on an accepted claim and
20 receiving disability benefits under the County's Long-Term
21 Disability Policy. The six month period is concurrent with
22 continuation rights under COBRA.

23 (B) Flexible Spending Accounts.

24 Each exempt employee may participate in a medical
25 expenses flexible spending account and a dependent care

1 flexible spending account under the terms of the Internal
2 Revenue Service Code, Section 125. The flexible spending
3 accounts shall be fully described in separate Section 125 plan
4 documents.

5 (C) Life Insurance.

6 (1) The County shall insure each exempt
7 employee, at no charge, under a term life insurance policy in
8 the amount of the employee's base annual salary, to a maximum
9 of \$50,000.

10 (2) The County shall insure each retiree from
11 the exempt service who has at least ten (10) years of County
12 service, at no charge, under a \$2,000 term life insurance
13 policy during the period the retiree receives pension benefits.

14 (3) Exempt employees may purchase from the
15 applicable life insurance carrier supplemental term life
16 insurance consistent with carrier contract(s) and upon evidence
17 of insurability, with premiums varying according to age of the
18 employee.

19 Section XII. Long-Term Disability.

20 Each exempt employee shall be enrolled in a
21 County-paid long-term disability program. Specific terms and
22 conditions of this program shall be controlled by the plan
23 document.

1 Section XIII. Education Assistance.

2 (A) Each exempt employee may be reimbursed for part
3 or all of the cost of tuition for any course of study taken on
4 the employee's own time which, in the judgment of the
5 appointing manager, is related to the employee's position, will
6 result in improved job performance, and is within existing
7 budget limitations and priorities.

8 (B) In lieu of tuition reimbursement, the exempt
9 employee may be provided with time off with pay so that the
10 employee may attend the course of study.

11 (C) Exempt employees shall apply for approval of the
12 request for reimbursement or time off at least thirty (30) days
13 prior to the proposed enrollment or as soon as the employee
14 becomes aware of the training opportunity. If approved for
15 reimbursement, the employee will be reimbursed within thirty
16 (30) days after the employee presents proof of satisfactory
17 completion of the course.

18 Section XIV. Deferred Compensation Program.

19 Each exempt employee who has been employed by the
20 County for at least thirty (30) days in a budgeted position may
21 elect to participate in the County's deferred compensation
22 program, a pre-tax retirement savings plan administered under
23 Internal Revenue Code 457. Participation in this program is
24 optional. Specific terms and conditions of the deferred
25

1 compensation program are controlled by the plan document.

2 Section XV. Tri-Met Pass Program.

3 Effective July 1, 1992, the County shall contribute
4 \$21 per month toward the cost of a monthly Tri-Met pass which
5 the employee uses for his/her personal commuting to and from
6 work.

7 Section XVI. Overtime Pay.

8 Management may require employees to work longer
9 than usual. No exempt employee shall receive overtime pay,
10 with the following exceptions:

11 (A) Exempt Salaried Employees. No exceptions.

12 (B) Exempt Hourly Employees.

13 (1) Overtime hours are recorded and paid under
14 normal payroll procedures at the rate of one and one-half times
15 the straight time hourly rate of the employee; or

16 (2) The overtime work has been requested by the
17 Appointing Manager, and the exempt hourly employee has
18 expressly agreed, voluntarily and without coercion, to receive
19 compensatory time off in lieu of overtime pay, at the rate of
20 one and a half hours for every hour of overtime worked, and a
21 written record has been made of that agreement in advance of
22 the overtime being worked.

23 For the purpose of (B) above, overtime is any
24 hour actually worked in excess of forty (40) during a defined
25 work week or in excess of eight (8) in any work day. No

1 manager or supervisor shall permit an exempt hourly employee to
2 work overtime without implementing (B)(1) or (B)(2) above.
3 However, nothing in this Ordinance authorizes payment of
4 overtime or accumulation of compensatory time to any exempt
5 employee who is specifically excluded by State or Federal law
6 or regulation.

7 Section XVII. Working in a Higher Classification.

8 Effective thirty days after the adoption of this
9 ordinance, whenever an exempt employee replaces another exempt
10 employee in a higher classification for a period of five or
11 more work days, and the employee performs a majority of the
12 principal duties of the higher classification, the employee may
13 at the discretion of the Department Manager or Elected
14 Official, receive a pay rate of no less than the minimum, nor
15 more than the maximum rate for the higher classification. The
16 higher rate shall be paid retroactive to the first day of work
17 in the higher classification.

18 Section XVIII. Pensions.

19 (A) This ordinance does not affect any benefits which
20 Library exempt employees may have been previously awarded under
21 the Library Association of Portland pension plan.

22 (B) Exempt employees shall be eligible for
23 participation in the Oregon Public Employees Retirement System
24 (PERS) pursuant to ORS 237.

1 (C) In addition to the salaries paid to exempt
2 employees, and in lieu of employee contributions to PERS
3 required by ORS 237.071, the County shall assume or "pick up"
4 the uniform six percent (6%) of salary contribution as provided
5 by ORS 237.075.

6 (D) The full amount of required contributions "picked
7 up" as provided in this section shall be considered as salary
8 under ORS 237.003(8) only for the purpose of computing an
9 employee member's final average salary under ORS 237.003(12).

10 (E) The full amount of required contributions "picked
11 up" in this section shall be added to an employee's individual
12 account balance for his/her annuity and shall be considered to
13 be employee contributions for all other purposes of ORS 237.

14 Section XIX. Workers' Compensation and Supplemental Benefits.

15 (A) Coverage. All exempt employees will be provided
16 full coverage as required by the Oregon Workers' Compensation
17 Act.

18 (B) Employee Status. The period of time that an
19 employee is off the job and unable to work by reason of a
20 disability compensable under the Oregon Workers' Compensation
21 Act shall not interrupt his or her continued period of
22 employment with reference to accrual of seniority, if otherwise
23 eligible, or service credit for retirement vesting unless the
24 employee's doctor, the State Workers' Compensation Department
25

1 or Board, or the employee certifies to the County in writing
2 that the employee will be permanently disabled to such an
3 extent that he or she will be unable to return to County
4 service and fully perform the duties of the position he or she
5 last occupied.

6 However, if because of disability the employee is
7 transferred to another classification for which he or she is
8 qualified, seniority shall be governed by the Personnel Rules.
9 In such event the employee's status shall be governed
10 exclusively by applicable state and federal statutes related to
11 re-employment and non-discrimination.

12 If the injured worker is serving a probation
13 period and the absence from work exceeds thirty (30) days, the
14 probation period will be extended, provided the time served on
15 probation, excluding time off, does not exceed the employee's
16 normal probation period.

17 (C) Return to Work. With respect to return to work
18 of an employee fully able to perform the work of the position
19 he or she previously held, the County shall hold that position
20 available for the employee, if it continues to be budgeted, for
21 a minimum of six months.

22 With respect to return to work of an employee
23 with a partial or limited release, suitable work shall be made
24 available whenever possible for a period not to exceed ninety
25 (90) days.

1 (D) Benefits and Waiting Period. To the extent not
2 compensated by Workers' Compensation time loss payments for the
3 first three (3) days after a compensable injury, all three days
4 will be compensated as time worked, if the employee was
5 scheduled to work.

6 (E) Supplemental Benefits.

7 (1) Amount. The County shall supplement the
8 amount of Workers' Compensation time loss received by the
9 exempt employee for temporary total disability due to
10 occupational injury, illness, or disease by an amount which,
11 coupled with Workers' Compensation payments, will insure the
12 disabled employee the equivalent of one hundred percent (100%)
13 of his or her net take-home pay (as calculated in accordance
14 with Workers' Compensation regulations).

15 (2) The exempt employee shall continue to accrue
16 sick and vacation leave at his/her regular rate during the
17 period the employee receives supplemental benefits.

18 (3) Retirement Contributions. The County shall
19 continue to make retirement contributions, based upon the
20 appropriate percentage of the gross dollar amount of
21 supplemental benefits paid, throughout the period that the
22 employee receives such benefits.

23 (4) Duration. Such supplemental pay shall be
24 payable while the injured worker is receiving temporary total
25

1 disability time loss payments and shall cease when the worker
2 has a light duty or limited duty release to return to work and
3 such light or limited work has been made available to the
4 injured worker.

5 (5) Payday. Supplemental benefits shall be paid
6 on the regular payday for the injured worker.

7 (F) Disputed Claims. If a Workers' Compensation
8 claim is denied or if the exempt employee accepts a compromise
9 settlement of a disputed claim, the employee's absence from
10 work shall, to the extent not compensated by Workers'
11 Compensation time loss payments, be paid from and charged
12 against his or her sick leave accrual.

13 If a Workers' Compensation claim which has been
14 denied is later found to be compensable or held compensable
15 upon appeal and the employee has been utilizing sick, vacation,
16 or holiday leave, any time loss payments received shall be
17 reimbursed by the employee to the County and the employee's
18 sick, vacation, or holiday leave account credited with an
19 equivalent number of days.

20 (G) Borrowing Sick Leave. Nothing in this Section
21 may be construed to permit borrowing of sick leave not accrued
22 by and available to the employee.

23 (H) Medical and Dental Benefits.

24 (1) Duration. The County shall continue to make
25 contributions toward medical and dental benefits for employee

1 and dependent(s) from the first day of occupational disability
2 throughout the period the employee receives supplemental
3 benefits.

4 (2) Denied Claims. If a Workers' Compensation
5 claim is denied, the employee is entitled to request continued
6 coverage at the employee's cost, under COBRA regulations.

7 If a denied claim is later held compensable
8 upon appeal, the employee will be entitled to reimbursement of
9 any premiums paid to the County for medical/dental benefits and
10 any supplemental benefits not paid in accordance with Section E
11 above.

12 (I) PERS Continuation Program.

13 (1) Eligibility. An exempt employee with ten or
14 more years of County service may elect to participate in the
15 PERS Continuation Program. This Program is in lieu of
16 Supplemental Benefits as provided in Section E above.

17 (2) Written Election. An eligible employee who
18 wishes to participate in the PERS Continuation Program shall
19 sign an election form and present it to the Finance Division,
20 Payroll Office.

21 (3) Benefits. The employee will receive 100% of
22 his or her regular salary retroactive to and including the
23 first day of the pay period in which the election is made. The
24 County will also make full PERS contributions, including the 6%
25 "pick-up" of the employee share, for the same time period.

1 Benefits are payable only for days
2 compensated by Workers' Compensation time loss on an approved
3 claim. If an award of retroactive benefits is made on an
4 approved claim, the employee may elect to participate in the
5 PERS Continuation Program at the time the decision to award
6 benefits is made. The effective date of the election will be
7 retroactive to the earliest date for which the employee
8 receives retroactive Workers' Compensation benefits.

9 (4) Duration. An employee may choose to be
10 covered under the PERS Continuation Program only once for the
11 employee's entire career with Multnomah County. Once selected,
12 the election shall continue for three (3) continuous years from
13 the effective date of the election. The eligible employee is
14 entitled to receive benefits under the program for the entirety
15 or for any portion of the election period for any compensable
16 claims.

17 If an employee elects to participate in the
18 Program but his or her claim is not approved, the election will
19 be void and the employee will be entitled to exercise the
20 election on another occasion. However, because the election
21 stays in effect for three (3) continuous years from the first
22 date for which the employee actually receives PERS Continuation
23 Benefits under this program, a Worker's Compensation claim

1 denial after the employee has received PERS Continuation
2 benefits under this program does not void the election or
3 create a new election opportunity.

4 (5) Employee Responsibilities. The employee
5 shall reimburse the County for an amount equal to the Workers'
6 Compensation benefits received within seven (7) days of receipt
7 of the benefits. The payment must be received by the County
8 within the seven day period.

9 (6) Delinquency. An employee who fails to pay
10 the County as required above will be considered delinquent.
11 Employees who are delinquent may be required to pay penalties
12 and fees which can accumulate up to twice the amount of the
13 delinquent Workers' Compensation equivalent payment.

14 When an employee is delinquent, the County
15 shall notify the employee of the delinquency in writing by
16 certified mail.

17 (7) Penalties and Fees. In addition to the
18 missed payment, the delinquent employee is required to pay the
19 County a fifty dollar (\$50) collection fee. A delinquency
20 penalty for each day of late payment may also be collected by
21 the County. This daily penalty shall equal one percent (1%) of
22 the Workers' Compensation benefit received by the employee for
23 that pay period.

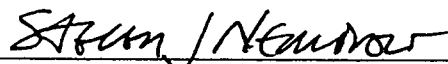
1 The daily penalty will be waived if the
2 employee repays the delinquency prior to receipt of the notice
3 of delinquency, if the employee is physically or mentally
4 disabled to such an extent that he or she cannot perform
5 repayment obligations, or if the uncashed Workers' Compensation
6 benefit check is returned to the County.

7 Section XX. Repeal. Ordinance Nos. 534, 566, 600, and 721 are
8 repealed.

9 ADOPTED this _____ day of _____, 1992,
10 being the date of its _____ reading before the
11 Board of County Commissioners of Multnomah County, Oregon.

12
13
14 By _____
15 Gladys McCoy, Chair
16 MULTNOMAH COUNTY, OREGON

17 REVIEWED:

18 
19 Laurence Kressel, County Counsel
20 of Multnomah County, Oregon

21 1773ES2
22 Revised 11/3/92

NOV 24 1992

Meeting Date: _____

Agenda No.: R-14

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Exempt Employee Retiree Benefits Ordinance

BCC Informal 11/24/92 BCC Formal 11/24/92
(date) (date)

DEPARTMENT Nondepartmental DIVISION Employee Services

CONTACT Curtis Smith & Susan Ayers TELEPHONE 248-5015

PERSON(S) MAKING PRESENTATION Curtis Smith, Susan Ayers & Merrie Ziady

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 5 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: X

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Readopts ordinance on this topic and adds provision for County to pay one-half of premium for employees with thirty years of service who retire before age 55, applicable only to employees employed on or before July 1, 1992. This is consistent with benefits afforded Local 88 retirees. See attached memo for detailed explanation.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

First Reading Approved. Second Reading 12-3-92

CLERK OF
COUNTY COMMISSIONERS
1992 NOV - 8 PM 4:07
MULTNOMAH COUNTY
OREGON

ORDINANCE FACT SHEET

Ordinance Title: Exempt Employee Retiree Benefits Ordinance

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

See brief summary on Agenda Placement Form.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

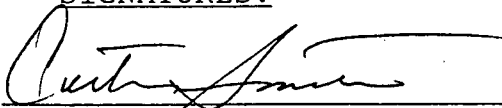
What has been the experience in other areas with this type of legislation?

What is the fiscal impact, if any?

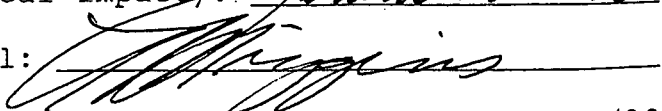
Will be budgeted as part of retiree medical cost.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: 

Planning & Budget Division (if fiscal impact): David C. Sharren

Department Manager/Elected Official: 

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance relating to retiree medical insurance for
6 employees not covered by collective bargaining agreements
7 repealing Ordinance Nos. 629 and 670, and amending Ordinance
8 No. 295.

9 Multnomah County ordains as follows:

10 Section I. Findings

11 A. Multnomah County, Oregon (hereinafter "County")
12 employs a variety of individuals not covered by collective
13 bargaining agreements referred to as "Exempt" employees.

14 B. Certain of the County's union-represented
15 employees enjoy, upon retirement, a limited County-paid retiree
16 medical insurance benefit.

17 C. It is the desire of the Board of County
18 Commissioners, as expressed in Ordinance Nos. 629 and 670, to
19 extend this benefit to Exempt employees as a matter of Board
20 policy, subject to certain limitations.

21 D. It is the desire of the Board that the exempt
22 employee retiree medical insurance benefit be contained in one
23 ordinance for clarity and ease of administration.

1 Section II. Retiree Medical Insurance

2 A. For purposes of this Ordinance, a "retiree" refers
3 to a person who retired from the County on or after the
4 effective date of Ordinance No. 629 and, at the time of
5 retirement, occupied a position covered by the "Exempt"
6 compensation plan. For purposes of this Ordinance, "member"
7 refers to an active employee(s) in a position covered by the
8 "Exempt" compensation plan.

9 B. Except as otherwise provided by this Ordinance,
10 retirees may continue to participate in the County medical plan
11 available to members, but not in other County plans not
12 available to members. Coverage of eligible dependents
13 uniformly terminates when coverage of the retiree terminates,
14 except as otherwise required by applicable state or federal law.

15 C. To the extent members are permitted to choose from
16 among two (2) or more medical insurance plans, retirees shall
17 be permitted to choose between the same plans under the same
18 conditions and at the same time as apply to members. Retirees
19 participating in the members' medical insurance plan shall be
20 subject to the application of any change or elimination of
21 benefits, carrier, administrator or administrative procedure to
22 the same extent and at the same time as members.

23 D. The retiree shall be responsible for promptly
24 notifying the Benefits Administrator (Employee Services
25

1 Division), in writing, of any changes in the retiree's current
2 address and of any changes in retiree or dependent eligibility
3 for coverage.

4 E. The following terms related to benefit payments,
5 service, and age requirements shall also apply:

6 1. The County shall pay one-half (1/2) of the
7 monthly medical insurance premium on behalf of a retiree and
8 his or her eligible dependents from the retiree's fifty-eighth
9 (58th) birthday or date of retirement, whichever is later,
10 until the retiree's sixty-fifth (65th) birthday, death, or
11 eligibility for Medicare, whichever is earlier, if the retiree
12 had:

13 a. Five (5) years of continuous County
14 service immediately preceding retirement at or after age
15 fifty-eight (58) years, or

16 b. Ten (10) years of continuous County
17 service immediately preceding retirement prior to age
18 fifty-eight (58) years, or

19 c. Ten (10) years of continuous County
20 service immediately preceding retirement in the event of
21 disability retirement.

22 2. The County shall pay one-half (1/2) of the
23 monthly medical insurance premium on behalf of a retiree and
24 his or her eligible dependents from the retiree's fifty-fifth
25

1 (55th) birthday or date of retirement, whichever is later,
2 until the retiree's sixty-fifth (65th) birthday, death, or
3 eligibility for Medicare, whichever is earlier, if the employee
4 had thirty (30) years of continuous service with employers who
5 are members of the Oregon Public Employee Retirement System and
6 twenty (20) or more years of continuous County service
7 immediately preceding retirement; provided however, that
8 employees employed on or before July 1, 1992, who are eligible
9 for PERS regular retirement with thirty (30) years of PERS
10 service and twenty (20) years of County service shall be
11 eligible for County payment of half the medical premium without
12 waiting until age 55.

13 F. Actual application for Medicare shall not be
14 required for a finding that a retiree is "eligible for
15 Medicare" under subsection E. of this section.

16 G. Part-time service in a regular budgeted position
17 shall be pro-rated for purposes of the service requirements
18 under subsection E of this section. (For example, twenty (20)
19 hours per week for two (2) months would equal one (1) month
20 toward the applicable service requirement.)

21 H. In addition to the other requirements of this
22 section, continued medical plan participation or benefit of
23 County contributions is conditioned on the retiree's continuous
24
25

1 participation in the members' medical insurance plan from the
2 time of retirement, and upon the retiree's timely payment of
3 the applicable retiree portion (i.e., 50% or 100%, as
4 applicable) of the monthly premium. Failure to continuously
5 participate or make timely and sufficient payment of the
6 applicable retiree portion of the monthly premium shall
7 terminate the retiree's rights under this section. Payments by
8 retirees of their portion of the monthly premiums under this
9 section shall be timely if the retiree has directed P.E.R.S. to
10 regularly deduct his or her portion of the monthly premium from
11 his or her pension check and remit the proceeds to the County's
12 collection agent, or if it is received by the County's
13 collection agent each month at least thirty (30) days prior to
14 the month for which the resulting coverage will apply. The
15 Employee Services Division shall inform the retiree at the time
16 he or she signs up for continued medical insurance coverage of
17 the identity and address of the County's collection agent and
18 shall thereafter inform the retiree of any change in collection
19 agent at least forty-five (45) days prior to the effective date
20 of such change.

21 I. In the event County medical insurance premium
22 payments on behalf of retirees or their dependents are made
23 subject to state or federal taxation, any additional costs to
24
25

1 the County shall be directly offset against such payments
2 required under this Section. (For example, if the effect on
3 the County of the additional tax is to increase the County's
4 outlay by an amount equivalent to ten percent (10%) of
5 aggregate monthly retiree premium, the County's contribution
6 shall be reduced to 40% of premium so that net County costs
7 will remain unchanged.)

8 Section III Amendment

9 A. Section 2 of Ordinance No. 295 is amended to read
10 as follows:

11 "Section 2. Retiree Health Benefits. Subject to
12 eligibility conditions set forth in Sections 3 and 4 of this
13 Ordinance, the County shall make available to eligible persons
14 medical and hospital benefits comparable to any benefit or
15 plans available to active employees. [PROVIDED, that this
16 Ordinance No. 295 shall not apply to retirees as defined under
17 Section Two of Exhibit B of Ordinance No. 534.] Persons who
18 are eligible for retiree health benefits under Ordinance
19 No. _____ shall receive benefits thereunder, not under
20 Ordinance No. 295."

1 B. Ordinance Nos. 629 and 670 are hereby repealed.

2 ADOPTED this _____ day of _____,

3 1992, being the date of its _____ reading before
4 the Board of County Commissioners of Multnomah County, Oregon.

5
6 By _____
Gladys McCoy, Chair
MULTNOMAH COUNTY, OREGON

7 REVIEWED:

8 Steve Nemrow
9 Laurence Kressel, County Counsel
of Multnomah County, Oregon

Meeting Date: NOV 24 1992

Agenda No.: R-15

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AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Exempt Employee Pay Administration Ordinance

BCC Informal 11/24/92
(date)

BCC Formal 11/24/92
(date)

DEPARTMENT Nondepartmental

DIVISION Employee Services

CONTACT Curtis Smith & Susan Ayers

TELEPHONE 248-5015

PERSON(S) MAKING PRESENTATION Curtis Smith & Susan Ayers

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: x

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Readopts existing ordinance with the following improvements: 1) clarifies many vague terms; 2) modifies hire-in rule; 3) clarifies effect of pay range changes; and 4) allows part-time employees to receive annual appraisal and merit increase. See attached memo for detailed analysis.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

First Reading Approved. Second Reading 12-3-92.

CLERK OF
COUNTY COMMISSIONERS
NOV - 6 PM 4:02
MULTNOMAH COUNTY
OREGON

ORDINANCE FACT SHEET

Ordinance Title: Exempt Employee Pay Administration Ordinance

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

See brief summary on Agenda Placement Form.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Customary to have an exempt pay ordinance.

What has been the experience in other areas with this type of legislation?

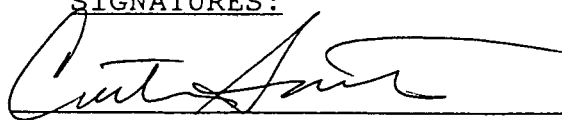
What is the fiscal impact, if any?

Some increase in departmental budgets, due to part-time employees being allowed annual, rather than biennial, merit raise.

(If space is inadequate, please use other side)

SIGNATURES:

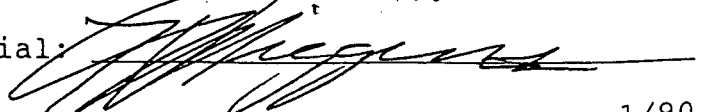
Person Filling Out Form:



Planning & Budget Division (if fiscal impact):



Department Manager/Elected Official:



1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An ordinance relating to pay administration for
6 employees not covered by collective bargaining agreement, and
7 repealing Ordinances Nos. 438 and 704.

8 MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

9 Section I. Findings.

10 (A) Multnomah County, Oregon (hereinafter "County")
11 employs a variety of individuals not covered by collective
12 bargaining agreement (hereinafter "exempt employees").

13 (B) It is the desire of the Board of County
14 Commissioners to adopt administrative policies and procedures
15 governing pay administration for exempt employees.

16 Section II. Definitions.

17 (A) Exempt positions are those which are excluded
18 from any collective bargaining agreement.

19 (B) Appointing manager means a county manager to whom
20 authority has been delegated to make appointments to positions.

21 (C) Personnel Officer means the County Chair, except
22 as otherwise provided by State law or County ordinance.

23 (D) Promotion means movement to a classification that
24 has a higher maximum rate than the current classification.

1 (E) Demotion means movement to a classification that
2 has a lower maximum rate than the current classification.

3 (F) Transfer means movement to another position in
4 the same classification or to a classification that has the
5 same maximum rate as the current classification.

6 (G) Reclassification means the assignment of an
7 employee from one classification to another classification.

8 Section III. Policy.

9 It is the policy of Multnomah County to establish an
10 Exempt Classification/Compensation plan that provides such pay
11 and benefits as necessary for the County to recruit, select,
12 and retain qualified management, supervisory, administrative,
13 and professional employees; that recognizes employee
14 performance, growth, and development; that maintains an
15 appropriate internal relationship among classifications and
16 employees based on job responsibilities, qualifications, and
17 authority; and that maintains parity between equivalent exempt
18 and non-exempt positions.

19 Section IV. Categories.

20 (A) Elected Officials Staff.

21 (1) A category of Elected Officials Staff is
22 established. Positions in this category are appointed by,
23 report directly to, and serve at the pleasure of a County
24 elected official.

1 (2) The pay rates, performance appraisal system,
2 and pay administration policies for Elected Officials Staff
3 shall be determined by the respective elected officials, within
4 the limits set by funds allotted in the Adopted Budget for the
5 various positions in this category. The benefits for this
6 category shall be the same as for all other exempt employees.

7 (3) Section V (A) and (B), Section VI and
8 Section VII of this Ordinance shall not apply to Elected
9 Officials Staff.

10 (B) Confidential Exempt Staff.

11 (1) A category of Confidential Exempt Staff is
12 established. Positions in this category are exempt from
13 collective bargaining because of their confidential nature.

14 (2) The pay ranges and pay administration for
15 Confidential Exempt Staff shall be the same as set forth for
16 equivalent positions in the applicable collective bargaining
17 agreement.

18 (3) Sections V through IX of this Ordinance
19 shall not apply to Confidential Exempt Staff.

20 (C) Any position which is determined through
21 negotiations or by order of the Employment Relations Board to
22 exempt from collective bargaining shall be included in the
23 Exempt Classification/Compensation Plan.

1 (D) Any position which is included in an appropriate
2 bargaining unit shall be excluded from the Exempt
3 Classification/Compensation Plan.

4 Section V. Compensation Plan.

5 (A) The compensation plan for exempt employees shall
6 include a pay range consisting of a minimum and a maximum base
7 rate for each exempt classification. The ranges and any
8 changes thereto shall be approved by the Board of County
9 Commissioners.

10 (B) The Personnel Officer shall be responsible for
11 developing and presenting compensation plan adjustment
12 recommendations to the Board of County Commissioners. These
13 recommendations shall be based on periodic surveys of the cost
14 of living, internal classification relationships, financial
15 constraints, and/or actual or anticipated pay adjustments for
16 non-exempt employees.

17 (C) Benefits shall be provided for exempt employees.
18 Such benefits may be amended from time to time with the
19 approval of the Board of County Commissioners, upon
20 recommendation of the Personnel Officer.

21 Section VI. Performance Appraisal System.

22 (A) The Personnel Officer shall develop and implement
23 a performance appraisal system which shall apply to all
24 permanent exempt employees. The performance appraisal system
25

1 shall assign each employee an overall appraisal of
2 "Outstanding", "Exceeds Expectations in Most Areas", "Meets
3 Expectations", "Meets Most Expectations, Some Improvement
4 Needed", or "Needs Improvement".

5 (B) Appraisals of the performance of each exempt
6 employee shall be made at the first six months of service
7 within a classification, at the first twelve months of service
8 within a classification, and at each succeeding twelve months
9 of service within a classification. Each employee who receives
10 a performance appraisal of "Needs Improvement" shall be
11 reappraised in writing three months later.

12 Section VII. Pay Administration.

13 (A) No exempt employee shall be paid at a base rate
14 which is less than the minimum or more than the maximum base
15 rate for the employee's classification.

16 (B) Appointment.

17 (1) All new hires, promotions, and
18 reclassifications to exempt positions may be made at a base
19 rate up to the midpoint of the employee's range, at the
20 discretion of the appointing manager. New hires, promotions,
21 and reclassifications at a base rate above the midpoint may be
22 made with the approval of the appropriate elected official.

23 (2) When a new hire to an exempt vacancy is made
24 at a base rate which is less than the mid-point of the
25

1 appropriate salary range, the appointing manager may, based on
2 performance of the appointee during a trial service period,
3 provide a pay adjustment to the appointee. Such adjustment
4 shall not raise the base rate above the mid-point of the
5 appropriate pay range and must occur within one year of the
6 appointment date. This adjustment shall not affect the
7 anniversary date. This section applies only to persons hired
8 after the date of adoption of this ordinance.

9 (C) Merit Increase.

10 (1) A merit increase is an increase in base pay
11 equal to three percent (3%) or to the maximum of the range,
12 whichever is lesser.

13 (2) Each exempt employee who receives a
14 performance appraisal other than "Needs Improvement" shall
15 receive a merit increase, effective on that employee's
16 anniversary date.

17 (3) No exempt employee who receives an appraisal
18 of "Needs Improvement" shall receive a merit increase. If the
19 second appraisal after a "Needs Improvement" appraisal, as
20 required above, results in a rating other than "Needs
21 Improvement", the employee shall receive a merit increase,
22 effective three months after that employee's anniversary date.

23 (D) Range Adjustments. Whenever the Board of County
24 Commissioners adopts changes in the compensation plan for an
25

1 exempt classification, the implementing Ordinance shall specify
2 the effect upon employees in that classification.

3 (E) Other Pay Adjustments. An elected official may
4 authorize a merit bonus to an individual exempt employee on a
5 selective basis. A merit bonus shall be for outstanding
6 professional contributions to Multnomah County during the
7 employee's evaluation period, provided the money is available
8 in the elected official's baseline budget, in order to carry
9 out Multnomah County's policy of exempt compensation
10 administration as stated in Section II. of this Ordinance.
11 Merit bonus pay adjustments under this section shall not be
12 added to exempt employee's base rate.

13 Section VIII. Anniversary Date Computation.

14 An exempt employee may be eligible for a merit
15 increase under Section VII C of this Ordinance on his/her
16 anniversary date, which shall be computed in the following
17 manner:

18 (A) The anniversary date of an exempt employee shall
19 be the most recent of the following dates:

- 20 (1) The date of hire; or
21 (2) The date of promotion; or
22 (3) The date of demotion.

23 (B) The above anniversary date shall be adjusted so
24 that time spent on the following shall not count:
25

1 (1) Leaves of absence without pay that exceed
2 thirty (30) days.

3 (2) Layoff

4 (3) Separation from County service.

5 (C) The anniversary date as determined above will be
6 further adjusted as follows:

7 (1) If the anniversary date of an exempt employee
8 falls between the 1st and 15th of the month, it shall be treated
9 as though it fell on the 1st of the month.

10 (2) If the anniversary date of an exempt employee
11 falls between the 16th and the end of the month, it shall be
12 treated as though it fell on the 16th of the month.

13 Section IX. Repeal.

14 Ordinances Nos. 438 and 704 are hereby repealed.

15 ADOPTED this _____ day of _____,
16 1992, being the date of its second reading before the Board of
17 County Commissioners of Multnomah County, Oregon.

18 By _____
19 Gladys McCoy, Chair
20 MULTNOMAH COUNTY, OREGON

21 REVIEWED:

22 Laurence Kressel
23 Laurence Kressel, County Counsel
24 of Multnomah County, Oregon

25 392ES
26 Revised 9/1/92

DATE SUBMITTED _____

(For Clerk's Use)
Meeting Date NOV 24 1992
Agenda No. 2-16

REQUEST FOR PLACEMENT ON THE AGENDA

Informal Only * _____ (Date) Formal Only _____ (Date)

DEPARTMENT General Services

DIVISION ISD/Purchasing

CONTACT Roger Bruno/Jim Munz

TELEPHONE 248-5111/248-3749

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Roger Bruno/Jim Munz

BRIEF SUMMARY

Request from DES, ISD for the exemption from the bidding process for the purchase of Insight software package; the only source to include monitoring of the County's Natural 2 programs as must be required.

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ GENERAL FUND
OTHER _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: _____

BUDGET/PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER Mrs. M. Walker
(Purchasing, Facilities Management, etc.)

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 10 PM 4:39
MULTNOMAH COUNTY
OREGON

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

Copies of Order 92-200 sent to Roger Bruno, Jim Munz & PCR B list on 12-7-92



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
INFORMATION SERVICES DIVISION
4747 EAST BURNSIDE
PORTLAND, OREGON 97215
(503) 248-3749

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Lillian Walker, Manager
Purchasing

FROM: Jim Munz, Director
Information Services Division

RE: Exemption Request - **INSIGHT** for DB2 Software

DATE: October 14, 1992

Please request on our behalf an exemption from the PCRB for the County to acquire the INSIGHT for DB2 Software package. The cost of this software will not exceed \$35,000. This package is a DB2 software monitoring tool from GOAL/LEGENT. A DB2 monitoring tool is required to adequately support our production DB2 applications. Our evaluation process has shown that although other DB2 monitors are available, INSIGHT is the only one that currently provides built-in support for NATURAL, our 4GL program development language.

Please let me know if you need any further information.

RECEIVED
PURCHASING SECTION

92 OCT 28 PM 3: 53

MULTNOMAH COUNTY

**MULTNOMAH COUNTY OREGON**

DEPARTMENT OF ENVIRONMENTAL SERVICES
INFORMATION SERVICES DIVISION
4747 EAST BURNSIDE
PORTLAND, OREGON 97215
(503) 248-3749

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Roger Bruno

FROM: Gloria Pickering *GP*

SUBJECT: DB2 Performance Monitor Evaluations

DATE: October 22, 1992

The DB2 Performance Monitors marketed by the following companies have been reviewed and evaluated by our staff:

Platinum Technology
Candle - Omegamon
Strobe
Boole and Babbage
Legent - Accumax Monitor

We have reviewed demos of the products provided by each of these companies and none offer the capability of monitoring Natural 2 programs.

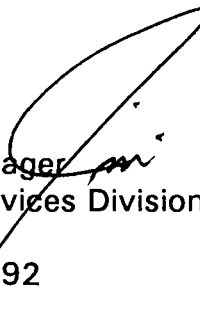


MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
INFORMATION SERVICES DIVISION
4747 EAST BURNSIDE
PORTLAND, OREGON 97215
(503) 248-3749

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Roger Bruno
Purchasing

FROM: Jim Munz, Manager 
Information Services Division

DATE: October 29, 1992

SUBJECT: DB2 PERFORMANCE MONITOR

In accordance with Multnomah County Ordinance 511, it is the responsibility of the Data Processing Management Committee:

To review and comment on all requests for data processing hardware, software or consulting with a total cost in excess of \$1,000 which occur in department or division budgets to ensure compliance with DPMC policies regarding equipment and applications acquisition and maintenance and to assess their future impact on ISD.

The Data Processing Management Committee has directed the Information Services Division to review all requests defined above and to provide a report to the DPMC at their quarterly meeting.

Under these guidelines, ISD staff have reviewed the hardware/software specifications contained in the Information Services Division request for exemption from bid for the Goal/Legent DB2 performance monitor. It is our opinion that the request defined above is consistent with the policies identified by the Data Processing Management Committee.

cc: Mary McNicholas

RECEIVED
PURCHASING SECTION
92 OCT 29 PM 12:56
MULTNOMAH COUNTY



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Tuesday, November 24, 1992, at 10:40 A.M. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of Exempting from Public a Contract with Goal/Legent for the Purchase of Insight Software Package.

A copy of the application is attached.

For additional information, contact Lillie Walker, Purchasing Director at 248-5111, or the Office of the Board Clerk at 248-3277/248-5222.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD


Carrie A. Parkerson
Office of the Board Clerk

enclosure

0516C/cap

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting from public)
bidding a contract with Goal/Legent for) A P P L I C A T I O N
the purchase of Insight software package)

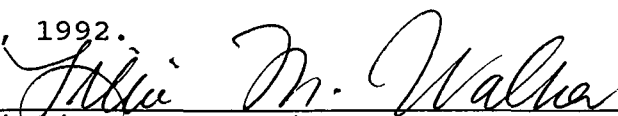
Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, Information Services Division is hereby made pursuant to the Board's Administrative Rules AR 10.010, AR 20.030, and AR 10.045, adopted under the provisions of ORS 279.015, for an order of exemption to purchase Insight software package.

This Exemption Request is due to the following facts:

1. The attached memorandums from the DES, Information Services Division requests a sole source exemption to contract with Goal/Legent for the purchase of "Insight" (A software monitoring tool) for DB2 software package. This software monitors Multnomah County's "Natural" Program executions for determining efficient usage.
2. The total cost of this software is not to exceed \$35,000.00
3. Competitive bidding for this item would be inappropriate. Although other DB2 Monitors are available from other sources this is the only product that also supports the monitoring of the County's Natural 2 Programs and the County must have this support. This exemption request does not encourage favoritism because all other sources checked (see ISD Memo) could not offer this support.
4. This is a one time purchase exemption for the software package.
5. The Purchasing Section has reviewed the information provided by the DES, Information Services Division and has found that an exemption for the Insight software package does not encourage favoritism because all other sources checked could not offer monitoring support for the County's Natural 2 Program Language.
6. The Purchasing Section recommends approval of the requested sole source exemption.

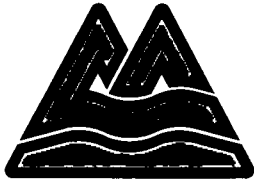
The Information Services Division, has budgeted funds to cover the cost of the contract in the FY 1992-93 budget. The DPMC letter of approval is attached.

Dated this 29th day of October, 1992.



Lillie Walker, Director
Purchasing, Contracts, and Stores

Attachments



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, November 24, 1992, and approved Order 92-200 in the Matter of Exempting from public bidding a contract with Goal/Legent for the purchase of Insight Software Package.

A copy of the Order is attached.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Carrie A. Parkerson
Office of the Board Clerk

enclosure

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting from public)
bidding a contract with Goal/Legent)
for the purchase of Insight software package)

O R D E R 92-200

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to review, pursuant to OR 279.015(3) (A) Through (5) (B) and PCRB Rules AR 10.010, AR 20.030 and AR 10.045, an exemption request from the Department of Environmental Service, Information Services Division to award a contract to Goal/Legent, the sole provider, of Insight software package for DB2. The initial purchase of the software is not to exceed \$35,000.00.

It appearing to the Board that this request for exemption, as it appears in this order, is based upon the fact that Insight software is the only software package that will support the monitoring of Multnomah County's Natural Programming Language.

It appearing to the Board that this exemption request is in accord with the requirements of ORS 279.015 and PCRB Rules AR 10.010, 20.030, 30.010 and AR 10.045; now therefore,

IT IS ORDERED that the purchase of the Insight software package be exempted from the requirement of the formal competitive bid process.

Dated this 24th day of November, 1992.

REVIEWED:



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By Gladys McCoy
Gladys McCoy, County Chair

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By Peter Lunneston
Assistant County Counsel

✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11/24

NAME Bonnie Tinker Tinker

ADDRESS 6243 NE 19

STREET

Portland

97211

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R13

SUPPORT ✓

OPPOSE

SUBMIT TO BOARD CLERK

2/

PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Leo Thornton

ADDRESS 5456 S E Felicia Vista

STREET Milwaukie OR 97267

CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R 13-14-B

SUPPORT _____ OPPOSE X

SUBMIT TO BOARD CLERK

3 ✓

PLEASE PRINT LEGIBLY!

MEETING DATE 11/24/92

NAME Rev. GARY L. WILSON

ADDRESS 4353 NE HALSEY #4

STREET

Portland

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R 13

SUPPORT X OPPOSE

SUBMIT TO BOARD CLERK

4
✓
PLEASE PRINT LEGIBLY!

MEETING DATE

11-24-92

NAME

Bill Casey

ADDRESS

904 NE 157th

STREET

Portland

CITY

97230

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

Dom. Partnership R-13

SUPPORT

OPPOSE

2

SUBMIT TO BOARD CLERK

6

not here

PLEASE PRINT LEGIBLY!

MEETING DATE

11/24/92

NAME

DARRELL DuBois

ADDRESS

2116 N.E. 18th AVE

STREET

PORTLAND

CITY

97212

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

R-13

SUPPORT

☒

OPPOSE

☐

SUBMIT TO BOARD CLERK

6 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Ernest Hodgins

ADDRESS 315 N. E. 28th "207"

STREET

Portland Oregon

CITY

97232

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-13

SUPPORT _____ **OPPOSE** X

SUBMIT TO BOARD CLERK

1/

PLEASE PRINT LEGIBLY!

MEETING DATE 11/24/92

NAME ANN HUNTWORK

ADDRESS 2116 NE 18th AVE

STREET

PORTLAND OR 97212

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # ~~B~~3R-13

SUPPORT ✓ **OPPOSE**

SUBMIT TO BOARD CLERK

2 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 24 NOV '92

NAME THOMAS MORGAN

ADDRESS ~~25~~ 5303 N. CONCORD
STREET
PORTLAND 97217
CITY ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-13

SUPPORT X OPPOSE _____
SUBMIT TO BOARD CLERK

9
not here

PLEASE PRINT LEGIBLY!

MEETING DATE 11-24

NAME Tom BEAMAN

ADDRESS 1698 SW Cherry Park

STREET

Trousdale, OR

CITY

97060

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-12

SUPPORT ✓ SCHOOL REP OPPOSE

SUBMIT TO BOARD CLERK

10 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-24-92

NAME Jeanne Goodrich

ADDRESS 2509 NW Thurman St

STREET
Portland OR 97210

CITY **ZIP CODE**

I WISH TO SPEAK ON AGENDA ITEM # R 13

SUPPORT ✓ **OPPOSE** _____
SUBMIT TO BOARD CLERK

11 ✓
PLEASE PRINT LEGIBLY!

MEETING DATE 11-74

NAME Tim Carson

ADDRESS 9414 N. Willamette Blvd.

STREET

Portland

CITY

97203

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-13

SUPPORT ~~REL3~~ **OPPOSE** X

SUBMIT TO BOARD CLERK

Meeting Date: November 24, 1992

Agenda No.: P-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: C 4-92 Resolution - First Reading

BCC Informal _____ BCC Formal November 24, 1992
(date) (date)
DEPARTMENT DES DIVISION Planning
CONTACT Sharon Cowley TELEPHONE 2610
PERSON(S) MAKING PRESENTATION Gary Clifford

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 90 Minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

C 4-92 An Ordinance amending Sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest, to ensure that future land divisions and land uses in forest areas are compatible with forest practices and to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 600, Division 6.

An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

SIGNATURES:

ELECTED OFFICIAL

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

(For information purposes only, the first Yellow Packet is an overview of State Rules)

(The Second Yellow Packet is background information only, and are not part of the proposed Ordinances)

ORDINANCE FACT SHEET (29 Page Ord.)

Ordinance Title: An Ordinance amending Sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored): Ordinance amending the Commercial Forest Use (CFU) Zoning District to comply with State LCDC requirements. Changes include a reduction in the number of land uses permitted and adds restrictions on the ability to place new dwellings in the zone in order to ensure that future new lot areas and land uses are more compatible with forest management and reduce difficulties in wildfire suppression.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Washington County.

All other counties in Oregon must also enact to comply with Oregon Administrative Rule 660, Division 6.

What has been the experience in other areas with this type of legislation?

Washington County's has been in place since November, 1990. No problems reported by staff but also, relatively few land use applications received.


What is the fiscal impact, if any?

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: _____

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: 

**BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY**

In the Matter of Recommending Adoption of Ordinances)
Amending Comprehensive Plan Policy 11, Commercial)
Forest Land; Policy 12, Multiple Use Forest; the Compre-)
hensive Framework Plan Map; and MCC Chapter 11.15)
To Bring Multnomah County's Land Use Planning Program)
Into Compliance with Ore. Administrative Rule 660, Div. 6.)

**RESOLUTION
C 4-92**

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR 660, Division 6) giving Counties until February 5, 1993 to implement those rules into their comprehensive plan text, plan map, zoning code, and zoning maps;

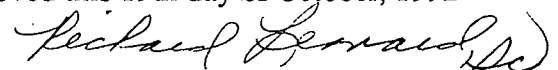
WHEREAS, As presented on pages 17 and 18 of Exhibit A, C 4-92, Multnomah County could not meet the State requirements to propose a land division standard less than 80 acres in acknowledged forest land areas;

WHEREAS, The Commercial Forest Use zoning district (which has had a minimum land division standard of 80 acres since 1980) and Plan Policy 11, Commercial Forest Use as proposed to be amended will meet the requirements of OAR 660-6;

WHEREAS, The Planning Commission considered these Ordinances at public hearings on September 8, 1992, September 21, 1992, and October 5, 1992 where all interested persons were given an opportunity to appear and be heard,

NOW, THEREFORE BE IT RESOLVED that the three Ordinances captioned "An Ordinance amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest ...;" "An Ordinance amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by changing the Multiple Use Forest designation to Commercial Forest Use ...;" and "An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6" are hereby recommended for adoption by the Board of County Commissioners.

Approved this 19th day of October, 1992



Richard T. Leonard, Chair
Multnomah County Planning Commission

OVERVIEW OF THE AMENDED STATEWIDE PLANNING GOAL 4, FOREST LANDS

TABLE OF CONTENTS

	Page Number
1. Introduction.....	1
2. History of Amended Goal 4.....	2
3. Mandated Requirements of OAR 660, Division 6	
A. Land Divisions.....	2
B. Land Uses Other Than Dwellings.....	2
C. Dwellings	
(1) Forest Management Dwellings.....	3
(2) Dwellings Not Related to Forest Management.....	5
4. Non-Mandated Dwelling Approval Standards	
A. Dwellings Not Related to Forest Management.....	6
A. Increased Setback Requirements.....	6
A. Building on Slopes.....	6
5. Replacement Dwellings.....	6
6. Right to Complete a Dwelling.....	7

1. INTRODUCTION

- Multnomah County and all other Counties are required by state law to put into their own zoning ordinances the requirements of the 1990 amended Oregon Administrative Rule on forest lands.
- Under the provisions of the Administrative Rules, Multnomah County is striving to establish a viable Forest Zone District in which economically efficient forest practices are possible.
- All forest zoned properties (Multiple Use Forest and Commercial Forest Use) outside of the Columbia River Gorge NSA or the Urban Growth Boundary are subject to the new Rules. The CFU zoning regulations will be amended to meet the State Rules and then all MUF properties subject to the OAR will be rezoned to the CFU designation.
- The State Land Conservation and Development Commission (LCDC) is now holding hearings and is considering adopting additional rule amendments allowing for more land uses and dwellings on less productive forest and farm lands. After adoption of such changes by the State, Multnomah County will "revisit" the forest lands and determine what areas may qualify.

2. HISTORY OF AMENDED GOAL 4

A. LCDC amended Goal 4 during a process which included the review of Goal 3, farm lands and "Secondary Lands." Only Goal 4 amendments have been adopted to date.

B. The amendments were adopted on January 25, 1990. Full compliance is required by February 5, 1993.

C. The reasons given by LCDC for the amendments are:

(1) Changes made necessary by the 1986 Oregon Supreme Court decision 1000 Friends of Oregon v. LCDC and Lane County;

(2) Legislature limited authority of counties to regulate forest practices;

(3) Continued shrinkage of commercial forest land base while timber supply diminishes, thereby affecting State's economy;

(4) Difficulties experienced in suppressing wildfires in areas where dwellings were present during recent costly forest fire seasons.

3. MANDATED REQUIREMENTS OF OAR 660, DIVISION 6

A. LAND DIVISIONS: New minimum lot size of 80 acres (the same as the present CFU zone).

B. LAND USES OTHER THAN DWELLINGS

(1) Forest practices **shall** be allowed.

(2) Only land uses listed in the rule are permitted. The list is nearly all either forest practices related or utility type services. Eliminates from existing zones such uses as:

Churches, Schools;

Golf Courses, Boat Moorages, Houseboats;

Service Commercial, ie. stores, shops, offices;

Tourist Commercial, ie. gas stations, motels, restaurants;

Cottage Industries larger than home occupations.

(3) Some uses may be allowed outright:

Utility distribution lines;
Temporary facilities for processing of forest products;
Fire lookout towers.

(4) Other listed uses, such as parks, campgrounds, and water distribution lines may only be allowed if they meet the following review standards designed to make the use compatible with forest operations:

- Will not force a significant change in practice or cost;
- Will not significantly increase fire hazard or suppression cost.

C. DWELLINGS

(1) Forest Management Dwellings

(a) Review of a Forest Management Plan by the Oregon Department Of Forestry (ODOF) is required prior to submitting the application to the County.

(b) The applicant must demonstrate that the dwelling is "necessary for and accessory to" effective and efficient management of the forest land. A brief outline of the historical interpretation of this phrase is as follows:

1983 Lamb v. Lane County, Land Use Board of Appeals

- Established "necessary for" and "accessory to."

1987 1000 Friends v. LCDCC (Lane Co.), Court of Appeals

- Defines "necessary for" to mean "absolutely required."

1987 Champion International v. Douglas County, LUBA

- Altered definition to mean "a continuous presence is needed" and "an extensive amount of time is required by the resident."

1987 1000 Friends v. LCDC (Lane Co.), Ore. Supreme Court

- Stated that it was up to LCDC to define and add to Goal 4.
- 3/89 LCDC drops "Secondary Lands;" proceeds with Goal 4 revisions.

1/90 LCDC adopts a new Goal 4 and Administrative Rule.

3/90 LCDC adopts the current definition of "necessary for:"

- Resident must contribute substantially to effective and efficient forest management.
- A relationship must exist between the dwelling and ongoing forest management.
- The principal purpose for the dwelling must be for efficient and effective forest management.
- The occupant must spend an extensive amount of time on forest management.
- The dwelling cannot simply "enhance" forest management.
- "Necessary" does not mean that the dwelling is absolutely required for forest management.

(c) Must meet Forest Practices Act (FPA) stocking requirements before a building or mobile home placement permit can be issued,

or

Place temporary mobile home for a maximum of five years while meeting the FPA stocking requirements.

(d) Meets road, driveway, and structure fire safety siting standards.

(2) Dwellings Not Related to Forest Management

- (a) Located in fire protection district or has contracted for service.
- (b) Is a lawfully created parcel, created prior to January 25, 1990.
- (c) Will not force a significant change in forest practices or cost on other forest lands.
- (d) Parcel has been disqualified from receiving forest or farm tax deferral.
- (e) Meets road, driveway, and structure fire safety siting standards.
- (f) Meets "11 other parcels in 160-acre square" test. This is a mapping exercise where a square one-half mile in length along each side is drawn on a transparency which is placed over and centered on the subject property in a north-south orientation. A count is made of the number of other "lots of record" (legal separate property ownerships) which are within the square. Only a portion of the other lots have to be within the square, but there must be at least 11 of them. An example is illustrated on page 10 and more detailed instructions are on page 11.
- (g) **"Dwellings not related to forest management shall not be allowed pursuant to OAR 660-06-028 thirty (30) days after the commission adopts goal and rule amendments establishing secondary lands."**

4. NON-MANDATED DWELLING APPROVAL STANDARDS: While Multnomah County can adopt regulations no less strict than the Oregon Administrative Rule, the County may adopt more restrictions on development than are in the Rule. In response to some problems and conflicts seen in the past between residences and efficient forestry practices, the Planning Commission on October 19, 1992 approved by Resolution a recommendation to the Board of County Commissioners a proposed Ordinance containing additional regulations which would or could result in some reduction in the number of potential dwellings. Those optional regulations are summarized as follows.

A. AN ADDITIONAL REQUIREMENT ADDED TO THE "160 ACRE SQUARE TEST" FOR A DWELLING NOT RELATED TO FOREST MANAGEMENT

In an attempt to come up with a better test (than just counting lots in the 160 acre square test) for identifying areas presently impacted by parcelization and development, the Planning Commission has recommended adding an additional criteria for eligibility for a dwelling not related to forest management. The CFU language adds to the "160 acre square test" the requirement that 5 of the 11 parcels also contain a dwelling.

B. INCREASED SETBACK REQUIREMENTS BETWEEN ANY NEW STRUCTURE AND PROPERTY LINES

In the proposed CFU zone amendments minimum yard setbacks of 60 feet to the centerline of any County-maintained road and 200 feet to all other property lines is proposed. Those setbacks are proposed in an effort to ensure that a new dwelling will be less likely to affect forestry practices on adjacent property. The ordinance would allow the applicant to apply for a variance to those dimensional standards.

C. NO BUILDING ON SLOPES OF 40 PERCENT OR GREATER

Due to the "chimney" effect of wildfires on sloping land, no new structure would be permitted on portions of property where there is 40 or more feet rise in elevation per 100 feet of horizontal distance (40%).

5. REPLACEMENT DWELLINGS

The draft regulations will permit the replacement of a dwelling with a new one. If the replacement dwelling is within 200 feet of the location of the original dwelling, then the new siting standards do not apply. However, if the new replacement dwelling is located more than 200 feet away, then it is subject to the new CFU siting regulations.

6. RIGHT TO COMPLETE A DWELLING UNDER THE PRESENT REGULATIONS

There are four situations for completing a dwelling under an approved building permit or obtaining a new building permit subject only to today's rules after the effective date of the amended regulations. The CFU code language is proposed to read as follows:

Multnomah County Code 11.15.2072
Family Dwelling

Right to Complete Single-

- (A) A single family dwelling may be completed under the provisions of a building permit issued prior to (the effective date of this Ordinance).
 - (1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance)
 - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective date of this Ordinance) if approval from the Planning Director was obtained on a building permit application prior to (the effective date of this Ordinance).
 - (1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).
 - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
- (C) A building permit for a new single family dwelling may be issued up to two years after (the effective date of this Ordinance) if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC

.2050(A) or MCC .2170(A) in effect prior to (the effective date of this Ordinance).

- (1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).
 - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
 - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).
- (D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).
- (1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).
 - (2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.
 - (3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

Summary of Requirements for Approval of a New Forest Management Dwelling in the Draft CFU Zone Regulations

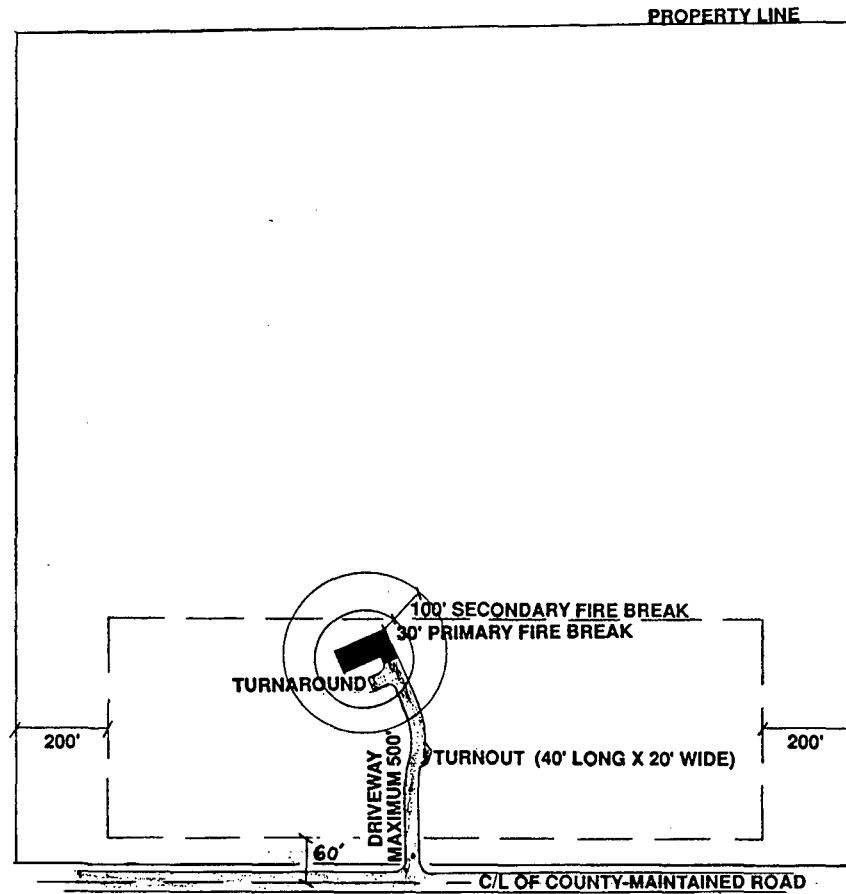


FIGURE 1

LEGEND

— BUILDABLE AREA ■ PROPOSED HOUSE

State Mandated Requirements:

1. Minimum lot size of 80 acres for new lots.
2. Review of Forest Management Plan by Oregon Department of Forestry.
3. Demonstration that the dwelling is "necessary for and accessory to" effective and efficient forest management.
4. Property is fully stocked to meet Forest Practices Act standards **OR** apply for temporary mobile home for a maximum of 5 years while meeting stocking requirements.
5. Road, driveway, and building location meet fire safety siting standards.

Proposed Non-Mandated Requirements:

1. Setbacks of 60 feet to the centerline of any **County Maintained** road and 200 feet to all other property lines.

Summary of Requirements for Approval of a New Dwelling Not Related to Forest Management in the Draft CFU Zone Regulations

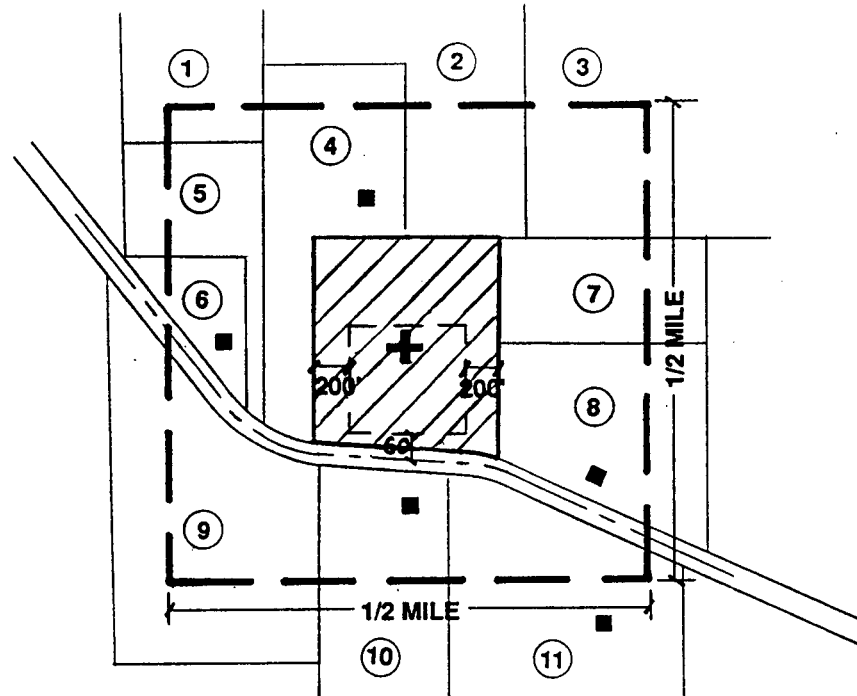


FIGURE 2

LEGEND

- | | |
|---------------------|-----------------------------|
| ① NUMBER OF LOTS | ■ EXISTING HOUSES |
| —— 160 -ACRE SQUARE | ⊕ CENTER OF 160-ACRE SQUARE |
| ▨ SUBJECT PROPERTY | ┌ ┐ BUILDABLE AREA |

State Mandated Requirements:

1. Lot was lawfully created prior to January 25, 1990.
2. Within a 160 acre square oriented north-south and centered on the subject property there are at least portions of a minimum of 11 other lots of record.
3. Located in fire protection district.
4. Property has been disqualified from receiving forest or farm tax deferral.
5. Road, driveway, and building location meet fire safety siting standards.
6. Determination made that the dwelling will not force a significant change in forest practices or cost on other forest lands.

Proposed Non-Mandated Requirements:

1. Minimum setbacks of at least 60 feet to the centerline of any **County Maintained** road and 200 feet to all other property lines.
2. On the 11 lots counted in the 160 acre square there must be 5 dwellings. The dwellings do not not necessarily have to be within the square.

Instructions For Using the "160 Acre Square Test"

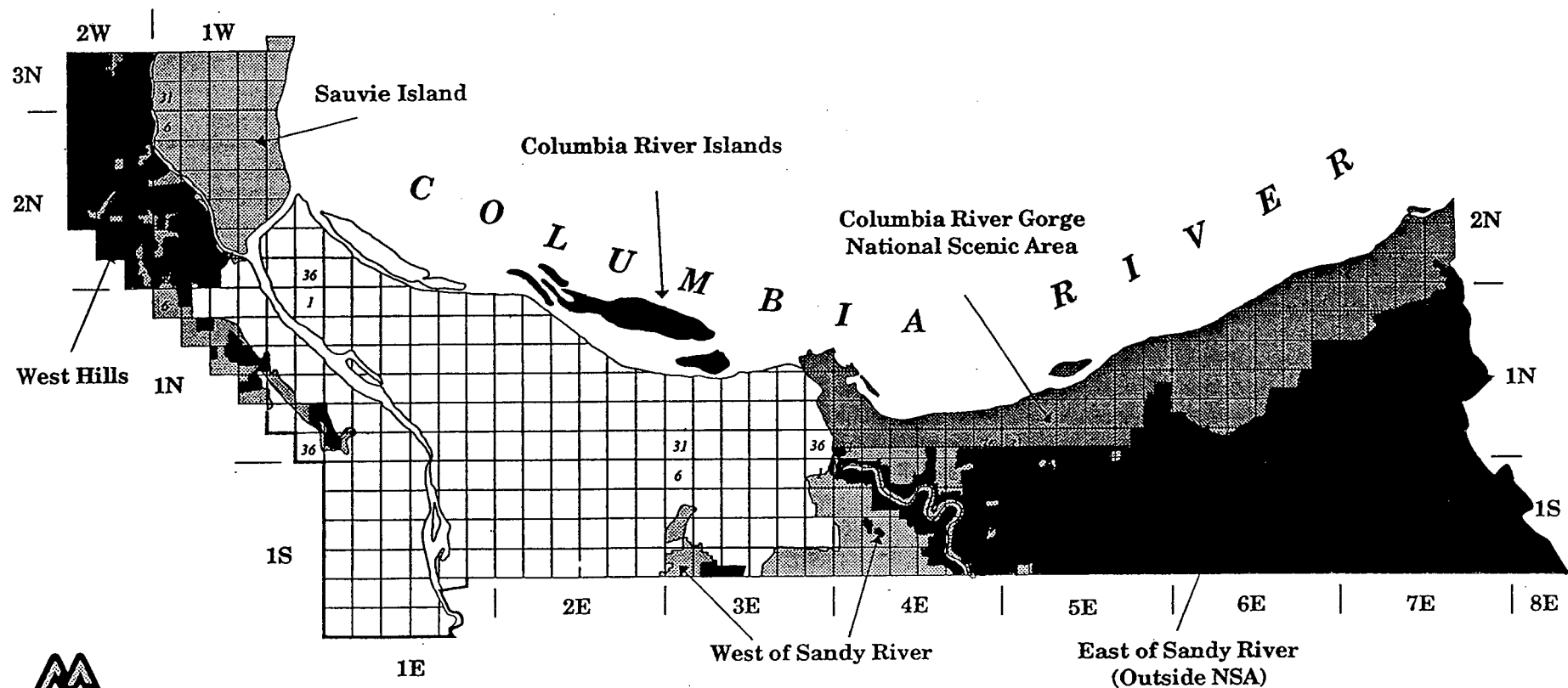
Materials Needed: Current or updated Assessment & Taxation Property Map with existing dwellings noted.

Clear plastic sheet with a square whose sides are one-half mile in length (2,640 feet) drawn at the scale of the map. County rural area maps are either a scale of one inch equals 200 feet or one inch equals 400 feet. (An "Engineer's scale" is used which divides up an inch into tenths instead of sixteenths.)

Procedure:

1. Locate your property on the map using the tax roll description on your tax statement (ie. Tax Lot 99, Section 27, Township 3 North, Range 2 West; sometimes shortened to TL 99, 3N, 2W.) Each County map shows either a one square mile Section (ie. Section 27 in Township 3 North, Range 2 West) or four square mile Sections (ie. Sections 26, 27, 34, 35, T. 3 N., R.2 W.). Maps showing only one Section are drawn at a scale of one inch equals 200 feet, four Section maps are at a scale of one inch equals 400 feet.
2. Place the clear 160 acre square on the County map over your property. Move the square until the center of the square is in the center of the property and two sides of the square are oriented to true north.
3. Count the number of **other** "lots of record" in which any portion of the lot falls inside of the 160 acre square. A "lot of record" is **usually** a tax lot, a subdivision lot, or group of subdivision lots. In some circumstances, individual tax lots or subdivision lots may not qualify as a "lot of record." Assistance from staff will be needed in those situations.
4. The number of "lots of record" required to meet the test varies in the State Rules according to the productivity of the soil of the property for growing Douglas Fir. For nearly all forest lands in Multnomah County, the soil productivity ratings are in the highest category and therefore the number of "lots of record" required to be counted is eleven.
5. The Planning Commission has recommended to the Board of County Commissioners the additional requirement that five of those eleven lots also contain a dwelling.

Rural Planning Areas in Multnomah County



Forest Zoned Areas Subject To Amended Statewide Planning Goal 4

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)
 (Portions of this Ordinance that are more restrictive than Oregon Administrative Rule Chapter 660, Division 6 are indicated by a row of asterisks * next to the line numbers.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B) The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C) This Ordinance amends the Commercial Forest Use (CFU) Zoning District (MCC
2 11.15.2042 — .2074) to conform with and carry out the purposes of the Oregon Administrative
3 Rule 660, Division 6. The CFU zone will thereafter be the sole district utilized by Multnomah
4 County in protecting and regulating land uses on lands defined as forest by the Statewide
5 Planning Goal 4 and related OAR's.

6 (D) A 46 page findings document examining the impacts of the State Rule changes and
7 the reasons for the course of action taken is on file with the Multnomah County Department of
8 Environmental Services, Division of Planning and Development. The findings have the title
9 "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County Zoning Code
10 into Compliance with the Oregon Administrative Rule on Forest Lands."

11 (E) On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
12 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
13 staff conducted public information meetings to explain the State requirements and the proposed
14 County ordinances to meet those requirements. The Planning Commission then held public
15 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
16 Board of County Commissioners followed on November 24, 1992 and _____, 1992.
17 At each of the hearings all interested persons were given an opportunity to appear and be heard.

18
19 Section II. Amendments.

20 Multnomah County Code Chapter 11.15 is amended to read as follows:

21
22 **11.15.2042 Purposes**

23 The purposes of the Commercial Forest Use District are to conserve and protect designated
24 lands for continued commercial growing and harvesting of timber and the production of
25 wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and
26 other forest associated uses; to protect scenic values; to provide for agricultural uses; to

~~[assure the orderly and planned development of public and private]~~ provide for recreational opportunities and other uses which are compatible with forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

11.15.2044 Area Affected

MCC .2042 through .2074 shall apply to those lands designated CFU on the Multnomah County Zoning Map.

11.15.2045 Definitions

As used in MCC .2042 through .2074, unless otherwise noted, the following words and their derivations shall have the following meanings:

(A) Accessory to – As applied to forest dwellings, a dwelling that is incidental and subordinate to the main forest use.

(B) Auxiliary – For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.

(C) Campground – An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.

(D) Necessary for – Forest dwellings, that will contribute substantially to effective and efficient management of the forest land to be conducted by the residents of the dwelling.

Necessary for means there is a relationship between the approval of a dwelling and the ongoing forest management of the land. The principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. The dwelling is necessary when the occupant must spend an extensive amount of time on forest management. A dwelling which simply "enhances" forest management is not necessary for.

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.15.2048 [Primary] Uses Permitted Outright

(A) ~~[Forest uses associated with the production, management and harvesting of timber;]~~ The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) ~~[Wood processing operations, such as]~~ A temporary portable facility for the primary processing of forest products. [÷]

~~[(1) Pole and piling preparation;~~

~~(2) Portable sawmill for lumber cutting only;~~

~~(3) Wood chipping;~~

~~(4) Manufacture of fence posts; and~~

~~(5) Cutting firewood and similar miscellaneous products.]~~

(C) Farm use, as defined in ORS 215.203, ~~[(2)(a) for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Raising of livestock or honeybees; or~~

~~(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2052(B).]~~

(D) ~~[Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and]~~ Maintenance, repair, or expansion of an existing single family dwelling;

(E) ~~[Residential use consisting of a single family dwelling on a lot of 80 acres or more, subject to the residential use development standards of MCC .2074.]~~ Replacement of an existing dwelling on the same lot within 200 feet of the dwelling to be replaced;

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(G) An uninhabitable structure accessory to fish and wildlife enhancement;

(H) A caretaker residence for a public park or a fish hatchery;

(I) Additional local distribution lines (e.g., electric, telephone, natural gas, etc.) within existing rights-of-way and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or lines which provide service hookups, including water service hookups;

(J) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(N) A lookout tower for forest fire protection;

(O) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(P) A temporary forest labor camp;

(Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(R) Exploration for geothermal resources;

(S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.20 [50] 42 Uses Permitted Under Prescribed Conditions

~~[(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:~~

~~(1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;~~

~~(2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:~~

~~(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;~~

~~(b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, con-~~

- ~~1 sidering accepted farming practice;~~
- ~~2 (e) A resource management plan for a primary use listed in MCC .2048, based upon income,~~
- ~~3 investment or similar records of the management of that resource on that property as a sep-~~
- ~~4 arate management unit for at least two of the preceding three years;~~
- ~~5 (d) A fish, wildlife or other natural resource conservation management plan, certified by the~~
- ~~6 Oregon State Fish and Wildlife Department or by a person or group having similar~~
- ~~7 resource conservation expertise, to be suited to the lot and to nearby uses;~~
- ~~8 (e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land~~
- ~~9 designation under ORS 321.257, or participation in a current forestry improvement pro-~~
- ~~10 gram of the U.S. Agricultural Stabilization and Conservation Service; or~~
- ~~11 (f) A cooperative or lease agreement with a commercial timber company or other person or~~
- ~~12 group engaged in commercial timber operations, for the timber management of at least~~
- ~~13 75% of the productive timberland of the property. Productive timberland is that portion of~~
- ~~14 the property capable of growing 50 cubic feet/acre/year.~~
- ~~15 (3) The dwelling will not require public services beyond those existing or programmed for the~~
- ~~16 area;~~
- ~~17 (4) The owner shall record with the Division of Records and Elections a statement that the owner~~
- ~~18 and the successors in interest acknowledge the rights of owners of nearby property to conduct~~
- ~~19 accepted forestry or farming practices;~~
- ~~20 (5) The residential use development standards of MCC .2074.~~
- ~~21 (B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicini-~~
- ~~22 ty, subject to the following condition:~~
- ~~23 The location and design of any building, stand or sign in conjunction with wholesale and retail sales~~
- ~~24 shall be subject to approval of the Planning Director on a finding that the location and design are~~
- ~~25 compatible with the character of the area, provided that the decision of the Director may be~~
- ~~26 appealed to the approval authority pursuant to MCC .8290 and .8295.]~~

(A) Replacement of an existing dwelling on the same lot more than 200 feet from the dwelling to be replaced, subject to the development standards of MCC .2074.

(B) Restoration or replacement of a dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall be subject to the development standards of MCC .2074.

11.15.205 [2] Q Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Forest Management Dwelling pursuant to the provisions of MCC .2051 and .2074.

(B) A dwelling not related to forest management pursuant to the provisions of MCC .2052 and .2074.

([A] C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through [7041] .7072. ("Firearms training facility" has been deleted.)

(1) Campground.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., electrical, gas, oil, geothermal) with a right-of-way 50 feet or less in width.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) Park, including a public or private wildlife and fisheries resources conservation area with

accessory structures for educational or instructional use.

(10) Utility facility for the purpose of generating 5 megawatts or less of power.

(11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.

(12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;

(b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

([B] D) The following [~~Conditional U~~] uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.

(1) [~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, m~~] Mining and processing of aggregate and other mineral or sub-surface resources as defined in ORS Chapter 517;

- (2) ~~[Wood processing operations other than those specified in MCC .2048(B)]~~ Permanent facility for the primary processing of forest products;
- (3) ~~[Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail]~~ Permanent logging equipment repair and storage;
- (4) ~~[Feed lots]~~ Log scaling and weigh stations;
- (5) ~~[Raising of four or more swine over four months of age]~~ Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) ~~[Raising of fur bearing animals for sale at wholesale or retail]~~ Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) ~~[Commercial dog kennels]~~ Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and
- (8) Expansion of [A] aircraft landing areas [in conjunction with] auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

~~[(C) Residential use, not in conjunction with a primary use listed in MCC .2048 consisting of a single family dwelling, including a mobile or modular home, subject to the following findings:~~

- ~~(1) The minimum lot size shall be 80 acres or the size of the Lot of Record;~~
- ~~(2) The land is incapable of sustaining a farm or forest use, based upon the following: (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area, or~~
- ~~(b) Certification from an agency, person or group described in MCC .2050(A)(2)(a) or (b) that the land is inadequate for farm or forest use and stating the basis for the conclusion, or~~
- ~~(c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the~~

~~owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or~~

~~(d) The lot is a Lot of Record under MCC .2062(A) and (B) and is ten acres or less in size;~~

~~(3) A dwelling as proposed is compatible with primary uses as listed in MCC .2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.~~

~~(4) The dwelling will not require public service beyond those existing or programmed for the area;~~

~~(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and~~

~~(6) The residential use development standards of MCC .2074 will be met.~~

~~(D) Mortgage Lot: Residential use consisting of a single family dwelling in conjunction with a primary use listed in MCC .2048, located on a mortgage lot created after August 14, 1980, subject to the following:~~

~~(1) The minimum lot size for the mortgage lot shall be two acres;~~

~~(2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot;~~

~~(3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.]~~

1 **11.15.2051 Forest Management Dwelling**

2 A forest management dwelling may be allowed when:

3 (A) The lot size meets the standards of MCC .2058(A) with a minimum area requirement of 80 acres or
 4 * meets the lot of record standards of MCC .2062(A) and (B), but shall not be less than 10 acres;

5 (B) The dwelling is *necessary for* and *accessory to* forest operations [including cultured Christmas trees
 6 as defined in ORS 215.203(3)]. Such determination shall be based at a minimum on the following
 7 information provided by the applicant:

8 (1) Completed forms available from the Division of Planning and Development or its equivalent
 9 regarding the condition and productivity of the lands to be managed;

10 (2) A plan for management of the land, including a chronological description of commercial forest
 11 management activities to be undertaken by the residents, or under contract and estimates of
 12 yield, labor and expenses;

13 (3) Maps, showing the site for the proposed dwelling and a description of related fire safety mea-
 14 sures;

15 (4) The information must be sufficient to enable the Oregon Department of Forestry within 45
 16 days to determine that:

17 (a) The information describing the productivity and current condition of the forest land to be
 18 managed is complete and accurate;

19 (b) Fulfillment of the forest management plan will result in use of the parcel for the required
 20 management purpose in terms of stocking, stand density, and harvest; and

21 (c) The siting and safety standards in MCC .2074, derived from OAR 660-06-029 and OAR
 22 660-06-035, have been satisfied;

23 (5) Christmas trees and other types of agricultural production may be a part of the management
 24 plan. However, such uses shall not be the predominant use on the property nor the basis for
 25 determining that the dwelling is necessary.

26

- 1 (C) There are no other dwellings on the property which are vacant or currently occupied by persons not
- 2 engaged in forestry, which could be used as the principal forest dwelling for the forest operation;
- 3 (D) The property qualifies for and is enrolled in one of the State of Oregon forest tax programs;
- 4 (E) The dwelling will not significantly interfere with, significantly increase the costs of, or impede
- 5 accepted forestry or farming practices on surrounding forest or agricultural lands;
- 6 (F) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
- 7 Department of Fish and Wildlife, or that agency has certified that the impacts of the additional
- 8 dwelling, considered with approvals of other dwellings in the area since acknowledgment of the
- 9 Comprehensive Plan in 1980, will be acceptable.
- 10 (G) A statement has been recorded with the Division of Records that the owner and the successors in
- 11 interest acknowledge the rights of owners of nearby property to conduct forest operations consis-
- 12 tent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- 13 (H) Proof of a long-term road access use permit or agreement shall be provided if road access to the
- 14 dwelling is by a road owned and maintained by a private party or by the Oregon Department of
- 15 Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit
- 16 may require the applicant to agree to accept responsibility for road maintenance;
- 17 (I) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and sur-
- 18 vival requirements of the Forest Practices Rules for the Northwest Region (as specified in OAR
- 19 629-24-502) at the time the permanent dwelling is requested;
- 20 (J) A temporary forest management dwelling may be approved if the lands to be managed meet all of
- 21 the requirements for approval of a forest management dwelling except for the stocking and survival
- 22 requirements of the Forest Practices Rules of OAR 629-24-502, subject to the following:
- 23 (1) The temporary dwelling shall be a manufactured or mobile home;
- 24 (2) A written agreement has been recorded with the Division of Records which states the tempo-
- 25 rary dwelling and any accessory structures will be removed by the applicant within 60 days of
- 26 the determination by the Planning Director that the property has not met the stocking and sur-

vival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4); and

(3) A commitment to pay all costs associated with the removal of the dwelling and any accessory structures in the form of either a cash deposit, irrevocable letter of credit, or other form of financial security determined acceptable by County Counsel in an amount sufficient to pay for all removal costs in the event the property has not met the stocking and survival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4).

(4) The Planning Director may grant an extension of not more than 2 years upon a finding that the applicant has submitted, before expiration of the 5 year time limit, substantial evidence demonstrating that completion of the requirements of OAR 629-24-502 was not possible due to natural disaster or illness.

(5) Within 5 years of the dwelling approval date, the applicant shall either provide evidence that the stocking and survival requirements of OAR 629-24-502 have been met, or provide evidence required for an extension pursuant to MCC .2051(J)(4).

(6) Within 60 days of the expiration of the 5 year stocking time period, the Planning Director shall make a determination whether the prospective resident has complied with the requirements of MCC .2051(J), or whether the resident has provided sufficient support for an extension.

(7) The Planning Director shall enforce the terms of the agreements specified in MCC .2051(J)(2) and (3) if the prospective resident fails to meet the stocking and survival requirements within 5 years, unless the temporary dwelling and accessory structures already have been removed or unless an extension has been granted.

(8) Upon determination by the Planning Director that all requirements of MCC .2051(I) have been met, the temporary forest dwelling may be replaced by a permanently constructed dwelling, or a permanent placement permit may be issued for the manufactured or mobile home already in place.

(K) An application for a forest management dwelling is not complete for the purpose of requiring the County to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information, including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1), is submitted to the Division of Planning and Development.

11.15.2052 Dwelling Not Related to Forest Management

(A) A dwelling not related to forest management may be allowed subject to the following:

(1) The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;

(2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable;

(3) The lot shall meet the following standards:

(a) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

(i) The lot, and at least all or part of 3 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 1 of the other lots within the 160-acre square, or

(b) The lot shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot, and at least all or part of 7 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 3 of the other lots within the 160-acre square, or

(c) The lot shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

- 1 (i) The lot and at least all or part of 11 other lots exist within a north-south oriented 160-

2 acre square when centered on the center of the subject lot; and

3 * (ii) A dwelling exists on at least 5 of the other lots within the 160-acre square.

4 (d) Lots within urban growth boundaries shall not be counted to satisfy (a) through (c) above.

5 (4) The dwelling will not force a significant change in, significantly increase the costs of, or

6 impede accepted forestry or farming practices on surrounding forest or agricultural lands;

7 * (5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon

8 * Department of Fish and Wildlife, or that agency has certified that the impacts of the additional

9 * dwelling, considered with approvals of other dwellings in the area since acknowledgment of

10 * the Comprehensive Plan in 1980, will be acceptable.

11 (6) The proposed dwelling will be located on a lot within a rural fire protection district, or the pro-

12 posed resident has contracted for residential fire protection;

13 (7) Proof of a long-term road access use permit or agreement shall be provided if road access to

14 the dwelling is by a road owned and maintained by a private party or by the Oregon

15 Department of Forestry, the Bureau of Land Management, or the United States Forest Service.

16 The road use permit may require the applicant to agree to accept responsibility for road main-

17 tenance;

18 (8) The parcel on which the dwelling will be located has been disqualified from receiving a farm

19 or forest tax deferral;

20 (9) The dwelling meets the applicable development standards of MCC .2074;

21 (10) A statement has been recorded with the Division of Records that the owner and the successors

22 in interest acknowledge the rights of owners of nearby property to conduct forest operations

23 consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

24 (B) Dwellings not related to forest management shall not be allowed 30 days after the date the Land

25 Conservation and Development Commission adopts goal and rule amendments establishing

26 Secondary Lands.

1 **11.15.2053 Use Compatibility Standards**

2 Specified uses of MCC .2050(C) and (D) and .2056 may be allowed upon a finding that:

3 (A) The use will:

4 (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or
 5 farming practices on surrounding forest or agricultural lands;

6 (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or signif-
 7 icantly increase risks to fire suppression personnel; and

8 (B) A statement has been recorded with the Division of Records that the owner and the successors in
 9 interest acknowledge the rights of owners of nearby property to conduct forest operations consistent
 10 with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11
 12 **11.15.2054 Accessory Uses**

13 The following structures or uses may be authorized in this district provided they are customarily acces-
 14 sory or incidental to a permitted use:

15 (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982[-] ;

16 (B) Off-street parking and loading as required by MCC .6100 through .6148;

17 (C) Home occupations pursuant to the definition and restrictions of MCC .0010. Home occupations as
 18 defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

19 (D) Other structures or uses determined by the Planning Director to be customarily accessory or inci-
 20 dental to any use permitted or approved in this district.

21
 22 **11.15.2056 Temporary Uses**

23 (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary
 24 Health Hardship Permit pursuant to MCC .2053 and .8710.

25 (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.
 26 [When approved pursuant to MCC .8705 and .8710.]

11.15.2058 Dimensional Requirements

(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

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

(C) Minimum Yard Dimensions - Feet;

Front	Side	Street Side	Rear
30	10	30	30
<u>Frontage on County Maintained Road</u>		<u>Other Front</u>	<u>Side</u> <u>Rear</u>
<u>60 from centerline</u>		<u>200</u>	<u>200</u> <u>200</u>

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

These yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC .8505 through .8525, as applicable.

(D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling;

~~(D)~~E)The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

~~(E)~~F)Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements ~~[if located at least 30 feet from any property line]~~.

~~(G)~~ The minimum yard or setback shall be 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A,” “3A,” or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan.

1 **11.15.2060 Lots of Exception**

2 The Planning Director may grant ~~[a Lot of Exception based on a finding that the permitted number of~~
 3 ~~dwelling will not thereby be increased above that otherwise allowed in this district, provided that the~~
 4 ~~decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and~~
 5 ~~.8295]~~ an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A)
 6 subject to the following:

7 (A) The Lot of Record to be divided exceeds the 80 acre area requirement of MCC .2058(A);

8 (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

9 (C) The Lot of Exception will be no larger than 5 acres;

10 (D) The division will create no more than one lot which is less than the minimum 80 acre area required
 11 in MCC .2058(A); and

12 (E) The division complies with the dimensional requirements of MCC .2058 (C) through (G).
 13

14 **11.15.2061 Lot Line Adjustment**

15 (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots
 16 of Record based on a finding that:

17 (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed
 18 in this district;

19 (2) The resulting lot configuration is at least as appropriate for the continuation of the existing
 20 commercial forest practices in the area as the lot configuration prior to adjustment;

21 (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C)
 22 through (G); and

23 (4) Neither of the properties is developed with a dwelling approved under the provisions for a
 24 mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out
 25 a farm or forest use.
 26

1 **11.15.2062 Lot of Record**

2 (A) For the purposes of this district, a Lot of Record is:

3 (1) A parcel of land:

4 (a) For which a deed or other instrument creating the parcel was recorded with the
5 Department of General Services, or was in recordable form prior to August 14, 1980;

6 (b) Which satisfied all applicable laws when the parcel was created; and

7 (c) Which satisfies the minimum lot size requirements of MCC .2058, or

8 (2) A parcel of land:

9 (a) For which a deed or other instrument creating the parcel was recorded with the
10 Department of General Services, or was in recordable form prior to February 20, 1990;

11 (b) Which satisfied all applicable laws when the parcel was created;

12 (c) Does not meet the minimum lot size requirements of MCC .2058; and

13 (d) Which is not contiguous to another substandard parcel or parcels under the same owner-
14 ship, or

15 (3) A group of contiguous parcels of land:

16 (a) For which deeds or other instruments creating the parcels were recorded with the
17 Department of General Services, or were in recordable form prior to February 20, 1990;

18 (b) Which satisfied all applicable laws when the parcels were created;

19 (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but,
20 when considered in combination, comply as nearly as possible with a minimum lot size
21 of nineteen acres, without creating any new lot line; and

22 (d) Which are held under the same ownership.

23 (B) For the purposes of this subsection:

24 (1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single
25 point, and shall include, but not be limited to, parcels separated only by an alley, street or
26 other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.15.2064 Lot Size for Conditional Uses

~~[The minimum lot size for a Conditional Use permitted pursuant to MCC .2052(A) or (B), shall be based upon]~~ Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) Site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

1 **11.15.2066 Off-Street Parking and Loading**

2 Off-street parking and loading permitted as an accessory use shall be provided as required by MCC
3 .6100 through .6148.

5 **11.15.2068 Access**

6 Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to
7 be safe and convenient for pedestrians and for passenger and emergency vehicles.

9 **11.15.2070 Exemptions From Non-Conforming Use Provisions**

10 (A) Conditional Uses listed in MCC .205 [2] Q, legally established prior to October 6, 1977, shall be
11 deemed conforming and not subject to the provisions of MCC .8805, provided, however, that any
12 change of use shall be subject to approval pursuant to the provisions of MCC .205 [2] Q.

13 (B) The term "change of use", as used in this section, means the change from one Conditional Use listed
14 in MCC .205 [2] Q to another such Conditional Use.

16 **11.15.2072 Right to Complete Single-Family Dwelling**

17 ~~A single family dwelling, uncompleted prior to the effective date of Ordinance No. 236 but which meets~~
18 ~~the tests stated in this subsection, may be completed under a although not listed as a Primary Use in this~~
19 ~~district.~~

20 ~~{(A) Actual construction shall have commenced prior to August 14, 1980 under a valid sanitation,~~
21 ~~building or other development permit applicable to the lot. "Actual construction" means:~~

22 ~~(1) Placement of construction materials in a permanent position;~~

23 ~~(2) Site excavation or grading;~~

24 ~~(3) Demolition or removal of an existing structure;~~

25 ~~(4) The value of purchased building materials; or~~

26 ~~(5) Installation of water, sanitation or power systems.~~

1 ~~{(B) Actual construction shall not include:~~

2 ~~(1) The cost of plan preparation; or~~

3 ~~(2) The value of the land.~~

4 ~~(C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for~~
5 ~~each \$20,000 of the total estimated value of the proposed improvements as calculated under the~~
6 ~~Uniform Building Code.]~~

7 (A) A single family dwelling may be completed under the provisions of a building permit issued prior
8 to (the effective date of this Ordinance).

9 (1) The building permit shall be subject only to the regulations in effect prior to (the effective date
10 of this Ordinance)

11 (2) The building permit must continue to be kept valid under the permit regulations of the applica-
12 ble government issuer until completion of the dwelling.

13 (B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective
14 date of this Ordinance) if approval from the Planning Director was obtained on a building permit
15 application prior to (the effective date of this Ordinance).

16 (1) The building permit shall be subject only to the regulations in effect prior to (the effective date
17 of this Ordinance).

18 (2) The building permit must continue to be kept valid under the permit regulations of the applica-
19 ble government issuer until completion of the dwelling.

20 (C) A building permit for a new single family dwelling may be issued up to two years after (the effec-
21 tive date of this Ordinance) if approval from the Planning Director was given in an administrative
22 proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use
23 Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to (the
24 effective date of this Ordinance).

25 (1) The building permit shall be subject only to the regulations in effect prior to (the effective date
26 of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

(D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

11.15.2074 ~~[Residential Use]~~ Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures ~~[A residential use]~~ located in the CFU district after ~~[August 14, 1980]~~ (the effective date of this Ordinance) shall comply with the following:

~~[(A) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:~~

~~(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adja-~~

cent forested area; and

~~(2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;~~

~~(B) Access for a fire truck to within 16 feet of any perennial water source on the lot;~~

~~(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2058(C) to (E). The physical limitations of the site which require a driveway in excess of 500 feet in length shall be stated in writing as a part of the application for approval;~~

~~(D) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart (C), above;~~

~~(E) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:~~

~~(1) A setback of 30 feet or more may be provided from a public road, or~~

~~(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance which allows for the clustering of dwellings or the sharing of access;]~~

(A) The dwelling or structure shall be located such that:

(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);

(2) Forest operations and accepted farming practices will not be curtailed or impeded;

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(b) Maintenance of a primary and a secondary fire safety zone.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not required</u>
<u>Less than 20</u>	<u>50</u>
<u>Less than 25</u>	<u>75</u>
<u>Less than 40</u>	<u>100</u>

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of

1 fire up into the crowns of the larger trees. Assistance with planning forestry practices
 2 which meet these objectives may be obtained from the State of Oregon Department of
 3 Forestry or the local Rural Fire Protection District.

4 (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest manage-
 5 ment plan approved by the State of Oregon Department of Forestry pursuant to the
 6 State Forest Practice Rules; and

7 * (c) The building site must have a slope less than 40 percent.
 8 *

8 (B) The dwelling shall:

9 (1) [(F) Construction shall e] Comply with the standards of the Uniform Building Code or as pre-
 10 scribed in ORS 446.002 through 446.200 relating to mobile homes;

11 (2) [(G) The dwelling shall b] Be attached to a foundation for which a building permit has been
 12 obtained; and

13 (3) [(H) The dwelling shall h] Have a minimum floor area of 600 square feet[;] . [and]

14 [(I) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon
 15 Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.]

16 (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in
 17 accordance with the Department of Water Resources Oregon Administrative Rules for the appropri-
 18 ation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not
 19 from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable
 20 from public sources, or sources located entirely on the property, the applicant shall provide evi-
 21 dence that a legal easement has been obtained permitting domestic water lines to cross the proper-
 22 ties of affected owners.

(D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

(3) Provide minimum curve radii of 48 feet or greater;

(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:

(a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;

(b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

1 Section VI. Adoption.

2

3 This ordinance, being necessary for the health, safety, and general welfare of the people of
4 Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50
5 of the Charter of Multnomah County.

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9 ADOPTED THIS _____ day of _____, 1992, being the date of its _____
10 reading before the Board of County Commissioners of Multnomah County.

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14 (SEAL)

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By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

19

20

21 REVIEWED:

22

23

24 _____
John DuBay, Deputy County Counsel
of Multnomah County, Oregon

25

26

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; ~~[bracketed]~~ sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B) The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

(C) This Ordinance amends the Commercial Forest Use (CFU) Zoning District (MCC 11.15.2042 — .2074) to conform with and carry out the purposes of the Oregon Administrative Rule 660, Division 6. The CFU zone will thereafter be the sole district utilized by Multnomah County in protecting and regulating land uses on lands defined as forest by the Statewide Planning Goal 4 and related OAR's.

(D) A 46 page findings document examining the impacts of the State Rule changes and the reasons for the course of action taken is on file with the Multnomah County Department of Environmental Services, Division of Planning and Development. The findings have the title "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County Zoning Code into Compliance with the Oregon Administrative Rule on Forest Lands."

(E) On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County staff conducted public information meetings to explain the State requirements and the proposed County ordinances to meet those requirements. The Planning Commission then held public hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the Board of County Commissioners followed on November 24, 1992 and _____, 1992. At each of the hearings all interested persons were given an opportunity to appear and be heard.

Section II. Amendments.

Multnomah County Code Chapter 11.15 is amended to read as follows:

11.15.2042 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to

1 ~~[assure the orderly and planned development of public and private]~~ provide for recreational
2 opportunities and other uses which are compatible with forest use and to minimize potential
3 hazards or damage from fire, pollution, erosion or urban development.

5 **11.15.2044 Area Affected**

6 MCC .2042 through .2074 shall apply to those lands designated CFU on the Multnomah
7 County Zoning Map.

9 **11.15.2045 Definitions**

10 As used in MCC .2042 through .2074, unless otherwise noted, the following words and their
11 derivations shall have the following meanings:

12 (A) Accessory to – As applied to forest dwellings, a dwelling that is incidental and subordi-
13 nate to the main forest use.

14 (B) Auxiliary – For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a struc-
15 ture or land which provides temporary help, or is directly associated with the conduct of
16 a particular forest practice. An auxiliary structure shall be located on site, be temporary
17 in nature, and be designed not to remain for the entire growth cycle of the forest from
18 planting to harvesting. An auxiliary use shall be removed when the particular forest
19 practice for which it was approved is concluded.

20 (C) Campground – An area devoted to overnight temporary use for vacation, recreational or
21 emergency purposes, but not for residential purposes. A camping site may be occupied
22 by a tent, travel trailer or recreational vehicle. A campground shall not include inten-
23 sively developed recreational uses such as swimming pools, tennis courts, retail stores
24 or gas stations.

25 (D) Necessary for – Forest dwellings, that will contribute substantially to effective and effi-
26 cient management of the forest land to be conducted by the residents of the dwelling.

Necessary for means there is a relationship between the approval of a dwelling and the ongoing forest management of the land. The principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. The dwelling is necessary when the occupant must spend an extensive amount of time on forest management. A dwelling which simply "enhances" forest management is not necessary for.

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.15.2048 [Primary] Uses Permitted Outright

(A) ~~[Forest uses associated with the production, management and harvesting of timber;]~~ The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) ~~[Wood processing operations, such as]~~ A temporary portable facility for the primary processing of forest products. [;]

~~[(1) Pole and piling preparation;~~

~~(2) Portable sawmill for lumber cutting only;~~

~~(3) Wood chipping;~~

~~(4) Manufacture of fence posts; and~~

~~(5) Cutting firewood and similar miscellaneous products.]~~

(C) Farm use, as defined in ORS 215.203, ~~[(2)(a) for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Raising of livestock or honeybees; or~~

~~(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC 2052(B).]~~

(D) ~~[Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and]~~ Maintenance, repair, or expansion of an existing single family dwelling;

(E) ~~[Residential use consisting of a single family dwelling on a lot of 80 acres or more, subject to the residential use development standards of MCC 2074.]~~ Replacement of an existing dwelling on the same lot within 200 feet of the dwelling to be replaced;

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(G) An uninhabitable structure accessory to fish and wildlife enhancement;

(H) A caretaker residence for a public park or a fish hatchery;

(I) Additional local distribution lines (e.g., electric, telephone, natural gas, etc.) within existing rights-of-way and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or lines which provide service hookups, including water service hookups;

(J) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(N) A lookout tower for forest fire protection;

(O) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(P) A temporary forest labor camp;

(Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(R) Exploration for geothermal resources;

(S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.20 [50] 42 Uses Permitted Under Prescribed Conditions

~~[(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:~~

~~(1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;~~

~~(2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:~~

~~(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;~~

~~(b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, con-~~

sidering accepted farming practice;

~~(c) A resource management plan for a primary use listed in MCC .2048, based upon income, investment or similar records of the management of that resource on that property as a separate management unit for at least two of the preceding three years;~~

~~(d) A fish, wildlife or other natural resource conservation management plan, certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;~~

~~(e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or~~

~~(f) A cooperative or lease agreement with a commercial timber company or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.~~

~~(3) The dwelling will not require public services beyond those existing or programmed for the area;~~

~~(4) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices;~~

~~(5) The residential use development standards of MCC .2074.~~

~~(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:~~

~~The location and design of any building, stand or sign in conjunction with wholesale and retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area, provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.]~~

(A) Replacement of an existing dwelling on the same lot more than 200 feet from the dwelling to be replaced, subject to the development standards of MCC .2074.

(B) Restoration or replacement of a dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall be subject to the development standards of MCC .2074.

11.15.205 [2] Q Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Forest Management Dwelling pursuant to the provisions of MCC .2051 and .2074.

(B) A dwelling not related to forest management pursuant to the provisions of MCC .2052 and .2074.

(C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through [7041] .7072.

(1) Campground.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., electrical, gas, oil, geothermal) with a right-of-way 50 feet or less in width.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) Park, including a public or private wildlife and fisheries resources conservation area with

accessory structures for educational or instructional use.

(10) Utility facility for the purpose of generating 5 megawatts or less of power.

(11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.

(12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;

(b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

([B] D) The following [Conditional U] uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, 7305 through .7335, and .7605 through .7640.

(1) ~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, m~~ Mining and processing of aggregate and other mineral or sub-surface resources as defined in ORS Chapter 517;

(2) ~~[Wood processing operations other than those specified in MCC .2048(B)]~~ Permanent facility for the primary processing of forest products;

(3) ~~[Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail]~~ Permanent logging equipment repair and storage;

(4) ~~[Feed lots]~~ Log scaling and weigh stations;

(5) ~~[Raising of four or more swine over four months of age]~~ Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;

(6) ~~[Raising of fur bearing animals for sale at wholesale or retail]~~ Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(7) ~~[Commercial dog kennels]~~ Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and

(8) Expansion of [A] aircraft landing areas [in conjunction with] auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

~~[(C) Residential use, not in conjunction with a primary use listed in MCC .2048 consisting of a single family dwelling, including a mobile or modular home, subject to the following findings:~~

~~(1) The minimum lot size shall be 80 acres or the size of the Lot of Record;~~

~~(2) The land is incapable of sustaining a farm or forest use, based upon the following: (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area, or~~

~~(b) Certification from an agency, person or group described in MCC .2050(A)(2)(a) or (b) that the land is inadequate for farm or forest use and stating the basis for the conclusion, or~~

~~(c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the~~

owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or

(d) The lot is a Lot of Record under MCC .2062(A) and (B) and is ten acres or less in size;

(3) A dwelling as proposed is compatible with primary uses as listed in MCC .2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

(4) The dwelling will not require public service beyond those existing or programmed for the area;

(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and

(6) The residential use development standards of MCC .2074 will be met.

(D) Mortgage Lot: Residential use consisting of a single family dwelling in conjunction with a primary use listed in MCC .2048, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) The minimum lot size for the mortgage lot shall be two acres;

(2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot;

(3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.]

1 **11.15.2051 Forest Management Dwelling**

2 A forest management dwelling may be allowed when:

3 (A) The lot size meets the standards of MCC .2058(A) with a minimum area requirement of 80 acres or
 4 meets the lot of record standards of MCC .2062(A) and (B), but shall not be less than 10 acres;

5 (B) The dwelling is *necessary for* and *accessory to* forest operations [including cultured Christmas trees
 6 as defined in ORS 215.203(3)]. Such determination shall be based at a minimum on the following
 7 information provided by the applicant:

8 (1) Completed forms available from the Division of Planning and Development or its equivalent
 9 regarding the condition and productivity of the lands to be managed;

10 (2) A plan for management of the land, including a chronological description of commercial forest
 11 management activities to be undertaken by the residents, or under contract and estimates of
 12 yield, labor and expenses;

13 (3) Maps, showing the site for the proposed dwelling and a description of related fire safety mea-
 14 asures;

15 (4) The information must be sufficient to enable the Oregon Department of Forestry within 45
 16 days to determine that:

17 (a) The information describing the productivity and current condition of the forest land to be
 18 managed is complete and accurate;

19 (b) Fulfillment of the forest management plan will result in use of the parcel for the required
 20 management purpose in terms of stocking, stand density, and harvest; and

21 (c) The siting and safety standards in MCC .2074, derived from OAR 660-06-029 and OAR
 22 660-06-035, have been satisfied;

23 (5) Christmas trees and other types of agricultural production may be a part of the management
 24 plan. However, such uses shall not be the predominant use on the property nor the basis for
 25 determining that the dwelling is necessary.

26

- 1 (C) There are no other dwellings on the property which are vacant or currently occupied by persons not
- 2 engaged in forestry, which could be used as the principal forest dwelling for the forest operation;
- 3 (D) The property qualifies for and is enrolled in one of the State of Oregon forest tax programs;
- 4 (E) The dwelling will not significantly interfere with, significantly increase the costs of, or impede
- 5 accepted forestry or farming practices on surrounding forest or agricultural lands;
- 6 (F) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
- 7 Department of Fish and Wildlife, or that agency has certified that the impacts of the additional
- 8 dwelling, considered with approvals of other dwellings in the area since acknowledgment of the
- 9 Comprehensive Plan in 1980, will be acceptable.
- 10 (G) A statement has been recorded with the Division of Records that the owner and the successors in
- 11 interest acknowledge the rights of owners of nearby property to conduct forest operations consis-
- 12 tent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- 13 (H) Proof of a long-term road access use permit or agreement shall be provided if road access to the
- 14 dwelling is by a road owned and maintained by a private party or by the Oregon Department of
- 15 Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit
- 16 may require the applicant to agree to accept responsibility for road maintenance;
- 17 (I) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and sur-
- 18 vival requirements of the Forest Practices Rules for the Northwest Region (as specified in OAR
- 19 629-24-502) at the time the permanent dwelling is requested;
- 20 (J) A temporary forest management dwelling may be approved if the lands to be managed meet all of
- 21 the requirements for approval of a forest management dwelling except for the stocking and survival
- 22 requirements of the Forest Practices Rules of OAR 629-24-502, subject to the following:
- 23 (1) The temporary dwelling shall be a manufactured or mobile home;
- 24 (2) A written agreement has been recorded with the Division of Records which states the tempo-
- 25 rary dwelling and any accessory structures will be removed by the applicant within 60 days of
- 26 the determination by the Planning Director that the property has not met the stocking and sur-

1 vival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within
2 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4); and

3 (3) A commitment to pay all costs associated with the removal of the dwelling and any accessory
4 structures in the form of either a cash deposit, irrevocable letter of credit, or other form of
5 financial security determined acceptable by County Counsel in an amount sufficient to pay for
6 all removal costs in the event the property has not met the stocking and survival requirements
7 of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date
8 if an extension is approved pursuant to MCC .2051(J)(4).

9 (4) The Planning Director may grant an extension of not more than 2 years upon a finding that the
10 applicant has submitted, before expiration of the 5 year time limit, substantial evidence
11 demonstrating that completion of the requirements of OAR 629-24-502 was not possible due
12 to natural disaster or illness.

13 (5) Within 5 years of the dwelling approval date, the applicant shall either provide evidence that
14 the stocking and survival requirements of OAR 629-24-502 have been met, or provide evi-
15 dence required for an extension pursuant to MCC .2051(J)(4).

16 (6) Within 60 days of the expiration of the 5 year stocking time period, the Planning Director shall
17 make a determination whether the prospective resident has complied with the requirements of
18 MCC .2051(J), or whether the resident has provided sufficient support for an extension.

19 (7) The Planning Director shall enforce the terms of the agreements specified in MCC
20 .2051(J)(2)and (3) if the prospective resident fails to meet the stocking and survival require-
21 ments within 5 years, unless the temporary dwelling and accessory structures already have
22 been removed or unless an extension has been granted.

23 (8) Upon determination by the Planning Director that all requirements of MCC .2051(I) have been
24 met, the temporary forest dwelling may be replaced by a permanently constructed dwelling, or
25 a permanent placement permit may be issued for the manufactured or mobile home already in
26 place.

(K) An application for a forest management dwelling is not complete for the purpose of requiring the County to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information, including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1), is submitted to the Division of Planning and Development.

11.15.2052 Dwelling Not Related to Forest Management

(A) A dwelling not related to forest management may be allowed subject to the following:

(1) The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;

(2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable;

(3) The lot shall meet the following standards:

(a) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

(i) The lot, and at least all or part of 3 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 1 of the other lots within the 160-acre square, or

(b) The lot shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot, and at least all or part of 7 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 3 of the other lots within the 160-acre square, or

(c) The lot shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

- (i) The lot and at least all or part of 11 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and
- (ii) A dwelling exists on at least 5 of the other lots within the 160-acre square.
- (d) Lots within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
- (4) The dwelling will not force a significant change in, significantly increase the costs of, or impede accepted forestry or farming practices on surrounding forest or agricultural lands;
- (5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (6) The proposed dwelling will be located on a lot within a rural fire protection district, or the proposed resident has contracted for residential fire protection;
- (7) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (8) The parcel on which the dwelling will be located has been disqualified from receiving a farm or forest tax deferral;
- (9) The dwelling meets the applicable development standards of MCC .2074;
- (10) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (B) Dwellings not related to forest management shall not be allowed 30 days after the date the Land Conservation and Development Commission adopts goal and rule amendments establishing Secondary Lands.

1 **11.15.2053 Use Compatibility Standards**

2 Specified uses of MCC .2050(C) and (D) and .2056 may be allowed upon a finding that:

3 (A) The use will:

4 (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or
 5 farming practices on surrounding forest or agricultural lands;

6 (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or signif-
 7 icantly increase risks to fire suppression personnel; and

8 (B) A statement has been recorded with the Division of Records that the owner and the successors in
 9 interest acknowledge the rights of owners of nearby property to conduct forest operations consistent
 10 with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11

12 **11.15.2054 Accessory Uses**

13 The following structures or uses may be authorized in this district provided they are customarily acces-
 14 sory or incidental to a permitted use:

15 (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982[-] ;

16 (B) Off-street parking and loading as required by MCC .6100 through .6148;

17 (C) Home occupations pursuant to the definition and restrictions of MCC .0010. Home occupations as
 18 defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

19 (D) Other structures or uses determined by the Planning Director to be customarily accessory or inci-
 20 dental to any use permitted or approved in this district.

21

22 **11.15.2056 Temporary Uses**

23 (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary
 24 Health Hardship Permit pursuant to MCC .2053 and .8710.

25 (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.

26 [When approved pursuant to MCC .8705 and .8710.]

1 11.15.2058 Dimensional Requirements

2 (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

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

5 (C) Minimum Yard Dimensions - Feet;

6 Front	Side	Street-Side	Rear
7 30	40	30	30
8 <u>Frontage on County Maintained Road</u>		<u>Other Front</u>	<u>Side</u> <u>Rear</u>
9 <u>60 from centerline</u>		<u>200</u>	<u>200</u> <u>200</u>

10 Maximum Structure Height – 35 feet

11 Minimum Front Lot Line Length – 50 feet.

12 These yard dimensions and height limits shall not be applied to the extent they would have the effect
13 of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to
14 MCC .8505 through .8525, as applicable.

15 (D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement
16 may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of
17 the new dwelling;

18 ((D)E)The minimum yard requirement shall be increased where the yard abuts a street having insuffi-
19 cient right-of-way width to serve the area. The Planning Commission shall determine the necessary
20 right-of-way widths and additional yard requirements not otherwise established by ordinance.

21 ((E)E)Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed
22 the height requirements [if located at least 30 feet from any property line].

23 (G) The minimum yard or setback shall be 200 feet from the property line of a lot or parcel on which
24 there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on
25 which there is a mineral and/or aggregate resource that is designated "2A," "3A," or "3C" in the
26 ESEE analysis made part of the supporting documentation of the comprehensive plan.

1 **11.15.2060 Lots of Exception**

2 The Planning Director may grant ~~[a Lot of Exception based on a finding that the permitted number of~~
 3 ~~dwelling will not thereby be increased above that otherwise allowed in this district, provided that the~~
 4 ~~decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and~~
 5 ~~.8295]~~ an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A)
 6 subject to the following:

- 7 (A) The Lot of Record to be divided exceeds the 80 acre area requirement of MCC .2058(A);
- 8 (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- 9 (C) The Lot of Exception will be no larger than 5 acres;
- 10 (D) The division will create no more than one lot which is less than the minimum 80 acre area required
 11 in MCC .2058(A); and
- 12 (E) The division complies with the dimensional requirements of MCC .2058 (C) through (G).

14 **11.15.2061 Lot Line Adjustment**

- 15 (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots
 16 of Record based on a finding that:
- 17 (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed
 18 in this district;
- 19 (2) The resulting lot configuration is at least as appropriate for the continuation of the existing
 20 commercial forest practices in the area as the lot configuration prior to adjustment;
- 21 (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C)
 22 through (G); and
- 23 (4) Neither of the properties is developed with a dwelling approved under the provisions for a
 24 mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out
 25 a farm or forest use.

1 **11.15.2062 Lot of Record**

2 (A) For the purposes of this district, a Lot of Record is:

3 (1) A parcel of land:

4 (a) For which a deed or other instrument creating the parcel was recorded with the
5 Department of General Services, or was in recordable form prior to August 14, 1980;

6 (b) Which satisfied all applicable laws when the parcel was created; and

7 (c) Which satisfies the minimum lot size requirements of MCC .2058, or

8 (2) A parcel of land:

9 (a) For which a deed or other instrument creating the parcel was recorded with the
10 Department of General Services, or was in recordable form prior to February 20, 1990;

11 (b) Which satisfied all applicable laws when the parcel was created;

12 (c) Does not meet the minimum lot size requirements of MCC .2058; and

13 (d) Which is not contiguous to another substandard parcel or parcels under the same owner-
14 ship, or

15 (3) A group of contiguous parcels of land:

16 (a) For which deeds or other instruments creating the parcels were recorded with the
17 Department of General Services, or were in recordable form prior to February 20, 1990;

18 (b) Which satisfied all applicable laws when the parcels were created;

19 (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but,
20 when considered in combination, comply as nearly as possible with a minimum lot size
21 of nineteen acres, without creating any new lot line; and

22 (d) Which are held under the same ownership.

23 (B) For the purposes of this subsection:

24 (1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single
25 point, and shall include, but not be limited to, parcels separated only by an alley, street or
26 other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.15.2064 Lot Size for Conditional Uses

~~[The minimum lot size for a Conditional Use permitted pursuant to MCC .2052(A) or (B), shall be based upon]~~ Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) Site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

1 **11.15.2066 Off-Street Parking and Loading**

2 Off-street parking and loading permitted as an accessory use shall be provided as required by MCC
3 .6100 through .6148.

5 **11.15.2068 Access**

6 Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to
7 be safe and convenient for pedestrians and for passenger and emergency vehicles.

9 **11.15.2070 Exemptions From Non-Conforming Use Provisions**

10 (A) Conditional Uses listed in MCC .205 [2] Q, legally established prior to October 6, 1977, shall be
11 deemed conforming and not subject to the provisions of MCC .8805, provided, however, that any
12 change of use shall be subject to approval pursuant to the provisions of MCC .205 [2] Q.

13 (B) The term "change of use", as used in this section, means the change from one Conditional Use listed
14 in MCC .205 [2] Q to another such Conditional Use.

16 **11.15.2072 Right to Complete Single-Family Dwelling**

17 ~~A single family dwelling, uncompleted prior to the effective date of Ordinance No. 236 but which meets~~
18 ~~the tests stated in this subsection, may be completed under a although not listed as a Primary Use in this~~
19 ~~district.~~

20 ~~[(A) Actual construction shall have commenced prior to August 14, 1980 under a valid sanitation,~~
21 ~~building or other development permit applicable to the lot. "Actual construction" means:~~

22 ~~(1) Placement of construction materials in a permanent position;~~

23 ~~(2) Site excavation or grading;~~

24 ~~(3) Demolition or removal of an existing structure;~~

25 ~~(4) The value of purchased building materials; or~~

26 ~~(5) Installation of water, sanitation or power systems.~~

~~[(B) Actual construction shall not include:~~

~~(1) The cost of plan preparation; or~~

~~(2) The value of the land.~~

~~(C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.]~~

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance)

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective date of this Ordinance) if approval from the Planning Director was obtained on a building permit application prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after (the effective date of this Ordinance) if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

(D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

11.15.2074 [Residential Use] Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures [A residential use] located in the CFU district after [August 14, 1980] (the effective date of this Ordinance) shall comply with the following:

[(A) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:

(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adja-

cent forested area; and

~~(2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;~~

~~(B) Access for a fire truck to within 16 feet of any perennial water source on the lot;~~

~~(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2058(C) to (E). The physical limitations of the site which require a driveway in excess of 500 feet in length shall be stated in writing as a part of the application for approval;~~

~~(D) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart (C), above;~~

~~(E) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:~~

~~(1) A setback of 30 feet or more may be provided from a public road, or~~

~~(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance which allows for the clustering of dwellings or the sharing of access;]~~

(A) The dwelling or structure shall be located such that:

(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);

(2) Forest operations and accepted farming practices will not be curtailed or impeded;

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source:

(b) Maintenance of a primary and a secondary fire safety zone.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not required</u>
<u>Less than 20</u>	<u>50</u>
<u>Less than 25</u>	<u>75</u>
<u>Less than 40</u>	<u>100</u>

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of

fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(c) The building site must have a slope less than 40 percent.

(B) The dwelling shall:

(1) [(F) Construction shall e] Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) [(G) The dwelling shall b] Be attached to a foundation for which a building permit has been obtained; and

(3) [(H) The dwelling shall h] Have a minimum floor area of 600 square feet[;] . [and]

[(I) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.]

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

1 (D) A private road (including approved easements) accessing two or more dwellings, or a driveway
2 accessing a single dwelling, shall be designed, built, and maintained to:

3 (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compli-
4 ance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be pro-
5 vided for all bridges or culverts:

6 (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in
7 width for a driveway:

8 (3) Provide minimum curve radii of 48 feet or greater:

9 (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches:

10 (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments,
11 except as provided below:

12 (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades
13 exceeding 6 percent:

14 (b) The maximum grade may be exceeded upon written approval from the fire protection
15 service provider having responsibility:

16 (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150
17 feet in length:

18 (7) Provide for the safe and convenient passage of vehicles by the placement of:

19 (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

20 (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at
21 a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

22
23
24
25
26

1 Section VI. Adoption.

2

3 This ordinance, being necessary for the health, safety, and general welfare of the people of
4 Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50
5 of the Charter of Multnomah County.

6

7

8

9 ADOPTED THIS _____ day of _____, 1992, being the date of its _____
10 reading before the Board of County Commissioners of Multnomah County.

11

12

13

14 (SEAL)

15

16

17

18

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

19

20

21

REVIEWED:

22

23

24

John DuBay, Deputy County Counsel
of Multnomah County, Oregon

25

26

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and
6 land uses in forest areas are compatible with forest practices as part of the amendments needed
7 to bring Multnomah County's land use planning program into compliance with Oregon
8 Administrative Rule 660, Division 6.

9 (Underlined sections are new or replacements; [bracketed] sections are deleted.)

10 Multnomah County Ordains as follows:

11
12 Section I. Findings.

13 (A) On January 25, 1990 the State of Oregon Land Conservation and Development
14 Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest
15 Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). By
16 February 5, 1993 Multnomah County must implement those rules into the comprehensive plan
17 text, plan map, zoning code, and zoning map.

18 (B) The Land Conservation and Development Commission stated four primary reasons
19 for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660,
20 Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon
21 v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations con-
22 tained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB
23 3396 which limited the authority of counties to regulate forest practices. Third, the commercial
24 forest land base continues to shrink while the state's timber supply diminishes thereby affecting
25 the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have
26 illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C) This Ordinance amends the Commercial Forest Use (CFU) Zoning District (MCC
2 11.15.2042 — .2074) to conform with and carry out the purposes of the Oregon Administrative
3 Rule 660, Division 6. The CFU zone will thereafter be the sole district utilized by Multnomah
4 County in protecting and regulating land uses on lands defined as forest by the Statewide
5 Planning Goal 4 and related OAR's.

6 (D) A 46 page findings document examining the impacts of the State Rule changes and
7 the reasons for the course of action taken is on file with the Multnomah County Department of
8 Environmental Services, Division of Planning and Development. The findings have the title
9 "C 4-92, Exhibit A, Findings Associated with Bringing the Multnomah County Zoning Code
10 into Compliance with the Oregon Administrative Rule on Forest Lands." They are attached
11 hereto, are incorporated by reference, and are adopted.

12 (E) On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held
13 open workshops for drafting of the forest amendments. On August 17 and 18, 1992 County
14 staff conducted public information meetings to explain the State requirements and the proposed
15 County ordinances to meet those requirements. The Planning Commission then held public
16 hearings on September 8, 1992, September 21, 1992 and October 5, 1992. Hearings before the
17 Board of County Commissioners followed on November 24, 1992 and _____, 1992.
18 At each of the hearings all interested persons were given an opportunity to appear and be heard.

19
20 Section II. Amendments.

21 Multnomah County Code Chapter 11.15 is amended to read as follows:

22 **11.15.2042 Purposes**

23 The purposes of the Commercial Forest Use District are to conserve and protect designated
24 lands for continued commercial growing and harvesting of timber and the production of
25 wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and
26 other forest associated uses; to protect scenic values; to provide for agricultural uses; to

1 ~~[assure the orderly and planned development of public and private]~~ provide for recreational
2 opportunities and other uses which are compatible with forest use and to minimize potential
3 hazards or damage from fire, pollution, erosion or urban development.

5 **11.15.2044 Area Affected**

6 MCC .2042 through .2074 shall apply to those lands designated CFU on the Multnomah
7 County Zoning Map.

9 **11.15.2045 Definitions**

10 As used in MCC .2042 through .2074, unless otherwise noted, the following words and their
11 derivations shall have the following meanings:

12 (A) *Accessory to* – As applied to forest dwellings, a dwelling that is incidental and subordi-
13 nate to the main forest use.

14 (B) *Auxiliary* – For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a struc-
15 ture or land which provides temporary help, or is directly associated with the conduct of
16 a particular forest practice. An auxiliary structure shall be located on site, be temporary
17 in nature, and be designed not to remain for the entire growth cycle of the forest from
18 planting to harvesting. An auxiliary use shall be removed when the particular forest
19 practice for which it was approved is concluded.

20 (C) *Campground* – An area devoted to overnight temporary use for vacation, recreational or
21 emergency purposes, but not for residential purposes. A camping site may be occupied
22 by a tent, travel trailer or recreational vehicle. A campground shall not include inten-
23 sively developed recreational uses such as swimming pools, tennis courts, retail stores
24 or gas stations.

25 (D) *Necessary for* – Forest dwellings, that will contribute substantially to effective and effi-
26 cient management of the forest land to be conducted by the residents of the dwelling.

Necessary for means there is a relationship between the approval of a dwelling and the ongoing forest management of the land. The principal purpose for locating a dwelling on forest lands is to enable the resident to conduct efficient and effective forest management. The dwelling is necessary when the occupant must spend an extensive amount of time on forest management. A dwelling which simply "enhances" forest management is not necessary for.

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.15.2048 [Primary] Uses Permitted Outright

(A) ~~[Forest uses associated with the production, management and harvesting of timber;]~~ The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) ~~[Wood processing operations, such as]~~ A temporary portable facility for the primary processing of forest products. [;]

~~[(1) Pole and piling preparation;~~

~~(2) Portable sawmill for lumber cutting only;~~

~~(3) Wood chipping;~~

(4) ~~Manufacture of fence posts; and~~

(5) ~~Cutting firewood and similar miscellaneous products.]~~

(C) Farm use, as defined in ORS 215.203, ~~[(2)(a) for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Raising of livestock or honeybees; or~~

~~(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2052(B).]~~

(D) ~~[Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and]~~ Maintenance, repair, or expansion of an existing single family dwelling;

(E) ~~[Residential use consisting of a single family dwelling on a lot of 80 acres or more, subject to the residential use development standards of MCC .2074.]~~ Replacement of an existing dwelling on the same lot within 200 feet of the dwelling to be replaced;

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(G) An uninhabitable structure accessory to fish and wildlife enhancement;

(H) A caretaker residence for a public park or a fish hatchery;

(I) Additional local distribution lines (e.g., electric, telephone, natural gas, etc.) within existing rights-of-way and accessory equipment (e.g., electric distribution transformers, meter cabinets, terminal boxes, pedestals), or lines which provide service hookups, including water service hookups;

(J) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(N) A lookout tower for forest fire protection;

(O) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(P) A temporary forest labor camp;

(Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(R) Exploration for geothermal resources;

(S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.20 [50] 49 Uses Permitted Under Prescribed Conditions

~~[(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:~~

~~(1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;~~

~~(2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:~~

~~(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar forestry expertise, that the lot and the plan are physically and economically suited to the primary forest or wood processing use;~~

~~(b) A farm management plan certified by the Oregon State University Extension Service, or by a person or group having similar agricultural expertise, that the lot and the plan are physically and economically suited to the primary purpose of obtaining a profit in money, con-~~

sidering accepted farming practice;

(c) ~~A resource management plan for a primary use listed in MCC .2048, based upon income, investment or similar records of the management of that resource on that property as a separate management unit for at least two of the preceding three years;~~

(d) ~~A fish, wildlife or other natural resource conservation management plan, certified by the Oregon State Fish and Wildlife Department or by a person or group having similar resource conservation expertise, to be suited to the lot and to nearby uses;~~

(e) ~~A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land designation under ORS 321.257, or participation in a current forestry improvement program of the U.S. Agricultural Stabilization and Conservation Service; or~~

(f) ~~A cooperative or lease agreement with a commercial timber company or other person or group engaged in commercial timber operations, for the timber management of at least 75% of the productive timberland of the property. Productive timberland is that portion of the property capable of growing 50 cubic feet/acre/year.~~

(3) ~~The dwelling will not require public services beyond those existing or programmed for the area;~~

(4) ~~The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices;~~

(5) ~~The residential use development standards of MCC .2074.~~

(B) ~~Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicinity, subject to the following condition:~~

~~The location and design of any building, stand or sign in conjunction with wholesale and retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area, provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.]~~

(A) Replacement of an existing dwelling on the same lot more than 200 feet from the dwelling to be replaced, subject to the development standards of MCC .2074.

(B) Restoration or replacement of a dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall be subject to the development standards of MCC .2074.

11.15.205 [2] Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Forest Management Dwelling pursuant to the provisions of MCC .2051 and .2074.

(B) A dwelling not related to forest management pursuant to the provisions of MCC .2052 and .2074.

(~~A~~) C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through [7041] .7072.

(1) Campground.

(2) Cemetery.

(3) Fire station for rural and forest fire protection.

(4) Aid to navigation and aviation.

(5) Water intake facility, related treatment facility, pumping station, and distribution line.

(6) Reservoir and water impoundment.

(7) New distribution line (e.g., electrical, gas, oil, geothermal) with a right-of-way 50 feet or less in width.

(8) Forest management research and experimentation facility as defined by ORS 526.215.

(9) Park, including a public or private wildlife and fisheries resources conservation area with

accessory structures for educational or instructional use.

(10) Utility facility for the purpose of generating 5 megawatts or less of power.

(11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.

(12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.

(13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.

(14) Private hunting and fishing operation without any lodging accommodations.

(15) Private seasonal accommodations for a fee hunting operation or fishing, provided:

(a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;

(b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

([B] D) The following [~~Conditional U~~] uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, 7305 through .7335, and .7605 through .7640.

(1) [~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, m~~] Mining and processing of aggregate and other mineral or sub-surface resources as defined in ORS Chapter 517;

- (2) ~~[Wood processing operations other than those specified in MCC .2048(B)]~~ Permanent facility for the primary processing of forest products;
- (3) ~~[Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail]~~ Permanent logging equipment repair and storage;
- (4) ~~[Feed lots]~~ Log scaling and weigh stations;
- (5) ~~[Raising of four or more swine over four months of age]~~ Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
- (6) ~~[Raising of fur bearing animals for sale at wholesale or retail]~~ Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
- (7) ~~[Commercial dog kennels]~~ Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and
- (8) Expansion of [A] aircraft landing areas [in conjunction with] auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.

~~[(C) Residential use, not in conjunction with a primary use listed in MCC .2048 consisting of a single family dwelling, including a mobile or modular home, subject to the following findings:~~

- ~~(1) The minimum lot size shall be 80 acres or the size of the Lot of Record;~~
- ~~(2) The land is incapable of sustaining a farm or forest use, based upon the following: (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area, or~~
- ~~(b) Certification from an agency, person or group described in MCC .2050(A)(2)(a) or (b) that the land is inadequate for farm or forest use and stating the basis for the conclusion, or~~
- ~~(c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the~~

owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or

(d) The lot is a Lot of Record under MCC .2062(A) and (B) and is ten acres or less in size;

(3) A dwelling as proposed is compatible with primary uses as listed in MCC .2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.

(4) The dwelling will not require public service beyond those existing or programmed for the area;

(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and

(6) The residential use development standards of MCC .2074 will be met.

(D) Mortgage Lot: Residential use consisting of a single family dwelling in conjunction with a primary use listed in MCC .2048, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) The minimum lot size for the mortgage lot shall be two acres;

(2) Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot;

(3) No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.]

1 **11.15.2051 Forest Management Dwelling**

2 A forest management dwelling may be allowed when:

3 (A) The lot size meets the standards of MCC .2058(A) with a minimum area requirement of 80 acres or
4 meets the lot of record standards of MCC .2062(A) and (B), but shall not be less than 10 acres;

5 (B) The dwelling is necessary for and accessory to forest operations [including cultured Christmas trees
6 as defined in ORS 215.203(3)]. Such determination shall be based at a minimum on the following
7 information provided by the applicant:

8 (1) Completed forms available from the Division of Planning and Development or its equivalent
9 regarding the condition and productivity of the lands to be managed;

10 (2) A plan for management of the land, including a chronological description of commercial forest
11 management activities to be undertaken by the residents, or under contract and estimates of
12 yield, labor and expenses;

13 (3) Maps, showing the site for the proposed dwelling and a description of related fire safety mea-
14 sures;

15 (4) The information must be sufficient to enable the Oregon Department of Forestry within 45
16 days to determine that:

17 (a) The information describing the productivity and current condition of the forest land to be
18 managed is complete and accurate;

19 (b) Fulfillment of the forest management plan will result in use of the parcel for the required
20 management purpose in terms of stocking, stand density, and harvest; and

21 (c) The siting and safety standards in MCC .2074, derived from OAR 660-06-029 and OAR
22 660-06-035, have been satisfied;

23 (5) Christmas trees and other types of agricultural production may be a part of the management
24 plan. However, such uses shall not be the predominant use on the property nor the basis for
25 determining that the dwelling is necessary.

26

- 1 (C) There are no other dwellings on the property which are vacant or currently occupied by persons not
2 engaged in forestry, which could be used as the principal forest dwelling for the forest operation;
- 3 (D) The property qualifies for and is enrolled in one of the State of Oregon forest tax programs;
- 4 (E) The dwelling will not significantly interfere with, significantly increase the costs of, or impede
5 accepted forestry or farming practices on surrounding forest or agricultural lands;
- 6 (F) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
7 Department of Fish and Wildlife, or that agency has certified that the impacts of the additional
8 dwelling, considered with approvals of other dwellings in the area since acknowledgment of the
9 Comprehensive Plan in 1980, will be acceptable.
- 10 (G) A statement has been recorded with the Division of Records that the owner and the successors in
11 interest acknowledge the rights of owners of nearby property to conduct forest operations consis-
12 tent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- 13 (H) Proof of a long-term road access use permit or agreement shall be provided if road access to the
14 dwelling is by a road owned and maintained by a private party or by the Oregon Department of
15 Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit
16 may require the applicant to agree to accept responsibility for road maintenance;
- 17 (I) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and sur-
18 vival requirements of the Forest Practices Rules for the Northwest Region (as specified in OAR
19 629-24-502) at the time the permanent dwelling is requested;
- 20 (J) A temporary forest management dwelling may be approved if the lands to be managed meet all of
21 the requirements for approval of a forest management dwelling except for the stocking and survival
22 requirements of the Forest Practices Rules of OAR 629-24-502, subject to the following:
 - 23 (1) The temporary dwelling shall be a manufactured or mobile home;
 - 24 (2) A written agreement has been recorded with the Division of Records which states the tempo-
25 rary dwelling and any accessory structures will be removed by the applicant within 60 days of
26 the determination by the Planning Director that the property has not met the stocking and sur-

- 1 vival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within
2 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4); and
- 3 (3) A commitment to pay all costs associated with the removal of the dwelling and any accessory
4 structures in the form of either a cash deposit, irrevocable letter of credit, or other form of
5 financial security determined acceptable by County Counsel in an amount sufficient to pay for
6 all removal costs in the event the property has not met the stocking and survival requirements
7 of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date
8 if an extension is approved pursuant to MCC .2051(J)(4).
- 9 (4) The Planning Director may grant an extension of not more than 2 years upon a finding that the
10 applicant has submitted, before expiration of the 5 year time limit, substantial evidence
11 demonstrating that completion of the requirements of OAR 629-24-502 was not possible due
12 to natural disaster or illness.
- 13 (5) Within 5 years of the dwelling approval date, the applicant shall either provide evidence that
14 the stocking and survival requirements of OAR 629-24-502 have been met, or provide evi-
15 dence required for an extension pursuant to MCC .2051(J)(4).
- 16 (6) Within 60 days of the expiration of the 5 year stocking time period, the Planning Director shall
17 make a determination whether the prospective resident has complied with the requirements of
18 MCC .2051(J), or whether the resident has provided sufficient support for an extension.
- 19 (7) The Planning Director shall enforce the terms of the agreements specified in MCC
20 .2051(J)(2) and (3) if the prospective resident fails to meet the stocking and survival require-
21 ments within 5 years, unless the temporary dwelling and accessory structures already have
22 been removed or unless an extension has been granted.
- 23 (8) Upon determination by the Planning Director that all requirements of MCC .2051(I) have been
24 met, the temporary forest dwelling may be replaced by a permanently constructed dwelling, or
25 a permanent placement permit may be issued for the manufactured or mobile home already in
26 place.

(K) An application for a forest management dwelling is not complete for the purpose of requiring the County to take final action on the permit within 120 days, as required by ORS 215.428, until all the required information, including the review and evaluation by the Oregon Department of Forestry required by OAR 660-06-027(1), is submitted to the Division of Planning and Development.

11.15.2052 Dwelling Not Related to Forest Management

(A) A dwelling not related to forest management may be allowed subject to the following:

(1) The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;

(2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable;

(3) The lot shall meet the following standards:

(a) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

(i) The lot, and at least all or part of 3 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 1 of the other lots within the 160-acre square, or

(b) The lot shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot, and at least all or part of 7 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and

(ii) A dwelling exists on at least 3 of the other lots within the 160-acre square, or

(c) The lot shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

- (i) The lot and at least all or part of 11 other lots exist within a north-south oriented 160-acre square when centered on the center of the subject lot; and
- (ii) A dwelling exists on at least 5 of the other lots within the 160-acre square.
- (d) Lots within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
- (4) The dwelling will not force a significant change in, significantly increase the costs of, or impede accepted forestry or farming practices on surrounding forest or agricultural lands;
- (5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (6) The proposed dwelling will be located on a lot within a rural fire protection district, or the proposed resident has contracted for residential fire protection;
- (7) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;
- (8) The parcel on which the dwelling will be located has been disqualified from receiving a farm or forest tax deferral;
- (9) The dwelling meets the applicable development standards of MCC .2074;
- (10) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (B) Dwellings not related to forest management shall not be allowed 30 days after the date the Land Conservation and Development Commission adopts goal and rule amendments establishing Secondary Lands.

1 **11.15.2053 Use Compatibility Standards**

2 Specified uses of MCC .2050(C) and (D) and .2056 may be allowed upon a finding that:

3 (A) The use will:

4 (1) Not force a significant change in, or significantly increase the cost of, accepted forestry or
 5 farming practices on surrounding forest or agricultural lands;

6 (2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or signif-
 7 icantly increase risks to fire suppression personnel; and

8 (B) A statement has been recorded with the Division of Records that the owner and the successors in
 9 interest acknowledge the rights of owners of nearby property to conduct forest operations consistent
 10 with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11

12 **11.15.2054 Accessory Uses**

13 The following structures or uses may be authorized in this district provided they are customarily acces-
 14 sory or incidental to a permitted use:

15 (A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982[-] ;

16 (B) Off-street parking and loading as required by MCC .6100 through .6148;

17 (C) Home occupations pursuant to the definition and restrictions of MCC .0010. Home occupations as
 18 defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

19 (D) Other structures or uses determined by the Planning Director to be customarily accessory or inci-
 20 idental to any use permitted or approved in this district.

21

22 **11.15.2056 Temporary Uses**

23 (A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary
 24 Health Hardship Permit pursuant to MCC .2053 and .8710.

25 (B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053,
 26 [When approved pursuant to MCC .8705 and .8710.]

1 **11.15.2058 Dimensional Requirements**

2 (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

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

5 (C) Minimum Yard Dimensions - Feet:

6 Front	Side	Street Side	Rear
7 30	40	30	30
8 <u>Frontage on County Maintained Road</u>	<u>Other Front</u>	<u>Side</u>	<u>Rear</u>
9 <u>60 from centerline</u>	<u>200</u>	<u>200</u>	<u>200</u>

10 Maximum Structure Height – 35 feet

11 Minimum Front Lot Line Length – 50 feet.

12 These yard dimensions and height limits shall not be applied to the extent they would have the effect
13 of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to
14 MCC .8505 through .8525, as applicable.

15 (D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement
16 may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of
17 the new dwelling;

18 (~~(D)~~E) The minimum yard requirement shall be increased where the yard abuts a street having insuffi-
19 cient right-of-way width to serve the area. The Planning Commission shall determine the necessary
20 right-of-way widths and additional yard requirements not otherwise established by ordinance.

21 (~~(E)~~F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed
22 the height requirements ~~[if located at least 30 feet from any property line]~~.

23 (G) The minimum yard or setback shall be 200 feet from the property line of a lot or parcel on which
24 there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on
25 which there is a mineral and/or aggregate resource that is designated “2A,” “3A,” or “3C” in the
26 ESEE analysis made part of the supporting documentation of the comprehensive plan.

1 **11.15.2060 Lots of Exception**

2 The Planning Director may grant ~~[a Lot of Exception based on a finding that the permitted number of~~
 3 ~~dwelling will not thereby be increased above that otherwise allowed in this district, provided that the~~
 4 ~~decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and~~
 5 ~~.8295]~~ an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A)
 6 subject to the following:

7 (A) The Lot of Record to be divided exceeds the 80 acre area requirement of MCC .2058(A);

8 (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

9 (C) The Lot of Exception will be no larger than 5 acres;

10 (D) The division will create no more than one lot which is less than the minimum 80 acre area required
 11 in MCC .2058(A); and

12 (E) The division complies with the dimensional requirements of MCC .2058 (C) through (G).

13

14 **11.15.2061 Lot Line Adjustment**

15 (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots
 16 of Record based on a finding that:

17 (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed
 18 in this district;

19 (2) The resulting lot configuration is at least as appropriate for the continuation of the existing
 20 commercial forest practices in the area as the lot configuration prior to adjustment;

21 (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C)
 22 through (G); and

23 (4) Neither of the properties is developed with a dwelling approved under the provisions for a
 24 mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out
 25 a farm or forest use.

26

1 **11.15.2062 Lot of Record**

2 (A) For the purposes of this district, a Lot of Record is:

3 (1) A parcel of land:

4 (a) For which a deed or other instrument creating the parcel was recorded with the
5 Department of General Services, or was in recordable form prior to August 14, 1980;

6 (b) Which satisfied all applicable laws when the parcel was created; and

7 (c) Which satisfies the minimum lot size requirements of MCC .2058, or

8 (2) A parcel of land:

9 (a) For which a deed or other instrument creating the parcel was recorded with the
10 Department of General Services, or was in recordable form prior to February 20, 1990;

11 (b) Which satisfied all applicable laws when the parcel was created;

12 (c) Does not meet the minimum lot size requirements of MCC .2058; and

13 (d) Which is not contiguous to another substandard parcel or parcels under the same owner-
14 ship, or

15 (3) A group of contiguous parcels of land:

16 (a) For which deeds or other instruments creating the parcels were recorded with the
17 Department of General Services, or were in recordable form prior to February 20, 1990;

18 (b) Which satisfied all applicable laws when the parcels were created;

19 (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but,
20 when considered in combination, comply as nearly as possible with a minimum lot size
21 of nineteen acres, without creating any new lot line; and

22 (d) Which are held under the same ownership.

23 (B) For the purposes of this subsection:

24 (1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single
25 point, and shall include, but not be limited to, parcels separated only by an alley, street or
26 other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.15.2064 Lot Size for Conditional Uses

~~[The minimum lot size for a Conditional Use permitted pursuant to MCC .2052(A) or (B), shall be based upon]~~ Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) Site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

1 **11.15.2066 Off-Street Parking and Loading**

2 Off-street parking and loading permitted as an accessory use shall be provided as required by MCC
3 .6100 through .6148.

5 **11.15.2068 Access**

6 Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to
7 be safe and convenient for pedestrians and for passenger and emergency vehicles.

9 **11.15.2070 Exemptions From Non-Conforming Use Provisions**

10 (A) Conditional Uses listed in MCC .205 [2] Q, legally established prior to October 6, 1977, shall be
11 deemed conforming and not subject to the provisions of MCC .8805, provided, however, that any
12 change of use shall be subject to approval pursuant to the provisions of MCC .205 [2] Q.

13 (B) The term "change of use", as used in this section, means the change from one Conditional Use listed
14 in MCC .205 [2] Q to another such Conditional Use.

16 **11.15.2072 Right to Complete Single-Family Dwelling**

17 ~~A single family dwelling, uncompleted prior to the effective date of Ordinance No. 236 but which meets~~
18 ~~the tests stated in this subsection, may be completed under a although not listed as a Primary Use in this~~
19 ~~district.~~

20 ~~[(A) Actual construction shall have commenced prior to August 14, 1980 under a valid sanitation,~~
21 ~~building or other development permit applicable to the lot. "Actual construction" means:~~

- 22 ~~(1) Placement of construction materials in a permanent position;~~
- 23 ~~(2) Site excavation or grading;~~
- 24 ~~(3) Demolition or removal of an existing structure;~~
- 25 ~~(4) The value of purchased building materials; or~~
- 26 ~~(5) Installation of water, sanitation or power systems.~~

~~[(B) Actual construction shall not include:~~

~~(1) The cost of plan preparation; or~~

~~(2) The value of the land.~~

~~[(C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.]~~

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective date of this Ordinance) if approval from the Planning Director was obtained on a building permit application prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after (the effective date of this Ordinance) if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

(D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

11.15.2074 [Residential Use] Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures [A residential use] located in the CFU district after [August 14, 1980] (the effective date of this Ordinance) shall comply with the following:

[(A) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:

(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adja-

1 cent forested area; and

2 ~~(2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from~~
3 ~~spreading from the dwelling to adjacent forested areas;~~

4 ~~(B) Access for a fire truck to within 16 feet of any perennial water source on the lot;~~

5 ~~(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, con-~~
6 ~~sidering the requirements of MCC .2058(C) to (E). The physical limitations of the site which~~
7 ~~require a driveway in excess of 500 feet in length shall be stated in writing as a part of the applica-~~
8 ~~tion for approval;~~

9 ~~(D) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics~~
10 ~~for the proposed primary use, subject to the limitations of subpart (C), above;~~

11 ~~(E) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible,~~
12 ~~except:~~

13 ~~(1) A setback of 30 feet or more may be provided from a public road, or~~

14 ~~(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance which allows for the cluster-~~
15 ~~ing of dwellings or the sharing of access;]~~

16 (A) The dwelling or structure shall be located such that:

17 (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the mini-
18 imum yard and setback requirements of .2058(C) through (G);

19 (2) Forest operations and accepted farming practices will not be curtailed or impeded;

20 (3) The amount of forest land used to site the dwelling or other structure, access road, and service
21 corridor is minimized;

22 (4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the
23 applicant to be necessary due to physical limitations unique to the property and is the mini-
24 imum length required; and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(b) Maintenance of a primary and a secondary fire safety zone.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

<u>Percent Slope</u>	<u>Distance In Feet</u>
<u>Less than 10</u>	<u>Not required</u>
<u>Less than 20</u>	<u>50</u>
<u>Less than 25</u>	<u>75</u>
<u>Less than 40</u>	<u>100</u>

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of

1 fire up into the crowns of the larger trees. Assistance with planning forestry practices
2 which meet these objectives may be obtained from the State of Oregon Department of
3 Forestry or the local Rural Fire Protection District.

4 (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest manage-
5 ment plan approved by the State of Oregon Department of Forestry pursuant to the
6 State Forest Practice Rules; and

7 (c) The building site must have a slope less than 40 percent.

8 (B) The dwelling shall:

9 (1) [(F) Construction shall e] Comply with the standards of the Uniform Building Code or as pre-
10 scribed in ORS 446.002 through 446.200 relating to mobile homes;

11 (2) [(G) The dwelling shall b] Be attached to a foundation for which a building permit has been
12 obtained; and

13 (3) [(H) The dwelling shall h] Have a minimum floor area of 600 square feet[;] . [and]

14 [(I) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon
15 Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.]

16 (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in
17 accordance with the Department of Water Resources Oregon Administrative Rules for the appropri-
18 ation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not
19 from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable
20 from public sources, or sources located entirely on the property, the applicant shall provide evi-
21 dence that a legal easement has been obtained permitting domestic water lines to cross the proper-
22 ties of affected owners.

1 (D) A private road (including approved easements) accessing two or more dwellings, or a driveway
2 accessing a single dwelling, shall be designed, built, and maintained to:

3 (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compli-
4 ance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be pro-
5 vided for all bridges or culverts;

6 (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in
7 width for a driveway;

8 (3) Provide minimum curve radii of 48 feet or greater;

9 (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

10 (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments,
11 except as provided below;

12 (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades
13 exceeding 6 percent;

14 (b) The maximum grade may be exceeded upon written approval from the fire protection
15 service provider having responsibility;

16 (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150
17 feet in length;

18 (7) Provide for the safe and convenient passage of vehicles by the placement of:

19 (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

20 (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at
21 a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

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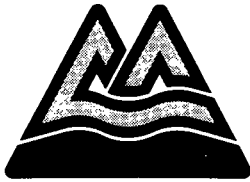
ADOPTED THIS _____ day of _____, 1992, being the date of its _____
reading before the Board of County Commissioners of Multnomah County.

(SEAL)

By _____
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

Peter L. ...
John DuBay, Deputy County Counsel
of Multnomah County, Oregon



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
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RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Gladys McCoy, County Chair
Multnomah County Board of County Commissioners

FROM: Gary Clifford, Planner
Division of Planning and Development
Department of Environmental Services

DATE: December 4, 1992

SUBJECT: Changes to the Proposed Forest Zoning District Ordinance
(The 29 Page Ordinance of the 3 Forest Ordinances, 1st Reading 11/24)

Attached is a copy of the Commercial Forest Use Zoning District Ordinance which includes a few changes to the version reviewed by the Board of County Commissioners at the first reading on November 24, 1992. The changes have been made necessary by actions of the State of Oregon Land Conservation and Development Commission (LCDC) yesterday, December the 3rd.

This version of the Ordinance now includes all current LCDC requirements and have been reviewed by LCDC staff. Adoption of this Ordinance will place Multnomah County in the position of being in full compliance with the current Statewide Planning Rules on Forest Lands.

BOARD OF
COUNTY COMMISSIONERS
1992 DEC - 4 PM 3:24
MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 743

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An Ordinance amending sections of MCC 11.15 to ensure that future land divisions and land uses in forest areas are compatible with forest practices as part of the amendments needed to bring Multnomah County's land use planning program into compliance with Oregon Administrative Rule 660, Division 6.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) On January 25, 1990 the State of Oregon Land Conservation and Development Commission (LCDC) adopted significant amendments to the Statewide Planning Goal 4, Forest Lands and the related Oregon Administrative Rule (OAR Chapter 660, Division 6). The amendments stated that by February 5, 1993 Multnomah County must implement those rules into the comprehensive plan text, plan map, zoning code, and zoning map.

(B) The Land Conservation and Development Commission stated four primary reasons for the amendments: "The Commission has found it necessary to amend Goal 4 and OAR 660, Division 6, for several reasons. In 1986, the Oregon Supreme Court in 1000 Friends of Oregon v. LCDC and Lane County interpreted Goal 4 contrary to Commission interpretations contained in acknowledged comprehensive plans. Second, the Oregon Legislature passed HB 3396 which limited the authority of counties to regulate forest practices. Third, the commercial forest land base continues to shrink while the state's timber supply diminishes thereby affecting the state's economy. Fourth, recent forest fire seasons have been extremely costly, and have illustrated the difficulties in suppressing wildfires in forest areas where dwellings are present."

1 (C) On December 3, 1992 the Land Conservation and Development Commission adopted minor
2 amendments to OAR Chapter 660, Division 6, Forest Lands at the same time that extensive amendments
3 were made to OAR 660, Division 33, Agricultural and Small-Scale Resource Land. The 1992 amend-
4 ments to the Forest Lands Rule were so few and of such minor impact that the Board of County
5 Commissioners has chosen to incorporate them into the second reading of this Ordinance.

6 (D) This Ordinance amends the Commercial Forest Use (CFU) Zoning District (MCC 11.15.2042
7 — .2074) to conform with and carry out the purposes of the Oregon Administrative Rule 660, Division 6.
8 The CFU zone will thereafter be the sole district utilized by Multnomah County in protecting and regulat-
9 ing land uses on lands defined as forest by the Statewide Planning Goal 4 and related OAR's.

10 (E) A 46 page findings document examining the impacts of the State Rule changes and the reasons
11 for the course of action taken is on file with the Multnomah County Department of Environmental
12 Services, Division of Planning and Development. The findings have the title "C 4-92, Exhibit A, Findings
13 Associated with Bringing the Multnomah County Zoning Code into Compliance with the Oregon
14 Administrative Rule on Forest Lands." They are attached hereto, are incorporated by reference, and are
15 adopted.

16 (F) On May 4, 1992, June 1, 1992, and July 8, 1992 the Planning Commission held open work-
17 shops for drafting of the forest amendments. On August 17 and 18, 1992 County staff conducted public
18 information meetings to explain the State requirements and the proposed County ordinances to meet those
19 requirements. The Planning Commission then held public hearings on September 8, 1992, September 21,
20 1992 and October 5, 1992. Hearings before the Board of County Commissioners followed on November
21 24, 1992 and December 8, 1992. At each of the hearings all interested persons were given an opportunity
22 to appear and be heard.

23

24 Section II. Amendments.

25 Multnomah County Code Chapter 11.15 is amended to read as follows:

26

1 11.15.2042 Purposes

2 The purposes of the Commercial Forest Use District are to conserve and protect designated lands for
3 continued commercial growing and harvesting of timber and the production of wood fiber and other
4 forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to
5 protect scenic values; to provide for agricultural uses; to ~~assure the orderly and planned development~~
6 ~~of public and private~~ provide for recreational opportunities and other uses which are compatible with
7 forest use and to minimize potential hazards or damage from fire, pollution, erosion or urban develop-
8 ment.

9 11.15.2044 Area Affected

10 MCC .2042 through .2074 shall apply to those lands designated CFU on the Multnomah County
11 Zoning Map.

12 11.15.2045 Definitions

13 As used in MCC .2042 through .2074, unless otherwise noted, the following words and their deriva-
14 tions shall have the following meanings:

15 (A) Accessory to – As applied to forest management dwellings, a dwelling that is incidental and subor-
16 dinate to the main forest use.

17 (B) Auxiliary – For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land
18 which provides temporary help, or is directly associated with the conduct of a particular forest
19 practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed
20 not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use
21 shall be removed when the particular forest practice for which it was approved is concluded.

22 (C) Campground – An area devoted to overnight temporary use for vacation, recreational or emergency
23 purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer
24 or recreational vehicle. A campground shall not include intensively developed recreational uses
25 such as swimming pools, tennis courts, retail stores or gas stations.
26

(D) Necessary for – As applied to forest management dwellings, the principal purpose for locating the dwelling is to enable the resident(s) to contribute substantially to the effective and efficient management of the forest land. A resident contributes substantially when the resident spends an extensive amount of time performing forest management activities which increase timber yields, quality or productivity, and which are recognized by the Forest Practices Act. Necessary for precludes a dwelling which simply "enhances" forest management. Necessary for also does not demand that a dwelling be absolutely required for forest management or that the production of trees is physically possible only with a dwelling.

11.15.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.15.2048 [Primary] Uses Permitted Outright

(A) [~~Forest uses associated with the production, management and harvesting of timber;~~] The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) [~~Wood processing operations, such as~~] A temporary portable facility for the primary processing of forest products. [:]

[(1) Pole and piling preparation;

(2) Portable sawmill for lumber cutting only;

~~(3) Wood chipping;~~

~~(4) Manufacture of fence posts; and~~

~~(5) Cutting firewood and similar miscellaneous products.]~~

(C) Farm use, as defined in ORS 215.203, ~~[(2)(a) for the following purposes only:~~

~~(1) Raising and harvesting of crops;~~

~~(2) Raising of livestock or honeybees; or~~

~~(3) Any other agricultural or horticultural purpose or animal husbandry purpose or combination thereof, except as provided in MCC .2052(B).]~~

(D) ~~[Public and private conservation areas and structures other than dwellings for the protection of water, soil, open space, forest and wildlife resources; and]~~ Maintenance, repair, or expansion of an existing single family dwelling;

(E) ~~[Residential use consisting of a single family dwelling on a lot of 80 acres or more, subject to the residential use development standards of MCC .2074.]~~ Replacement of an existing dwelling on the same lot, subject to the following:

(1) The replacement dwelling will be located within 200 feet of the existing dwelling; and

(2) The existing dwelling shall be habitable, served by a reliable sanitary supply of running water for domestic use, and contain a cooking/eating area, a sleeping area, and bathroom facilities connected to a sewage disposal system;

(F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;

(G) An uninhabitable structure accessory to fish and wildlife enhancement;

(H) A caretaker residence for a public park or a fish hatchery;

(I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

(J) Climbing and passing lanes within the right of way existing as of July 1, 1987;

(K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;

(L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;

(M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;

(N) A lookout tower for forest fire protection;

(O) A water intake facility, canal and distribution lines for farm irrigation and ponds;

(P) A temporary forest labor camp;

(Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;

(R) Exploration for geothermal resources;

(S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.15.20 [50] 49 Uses Permitted Under Prescribed Conditions

~~[(A) Residential use in conjunction with a primary use listed in MCC .2048 including a mobile or modular home, subject to the following:~~

~~(1) The lot size shall meet the standards of MCC .2058(A), or MCC .2062(A) and (B), but shall not be less than ten acres;~~

~~(2) A resource management program for at least 75% of the productive land of the lot, as described in subsection MCC .2052(C)(2)(a), consisting of:~~

~~(a) A forest management plan certified by the Oregon State Department of Forestry, the Oregon State University Extension Service, or by a person or group having similar~~

- 1 forestry expertise, that the lot and the plan are physically and economically suited to the
- 2 primary forest or wood processing use;
- 3 ~~(b) A farm management plan certified by the Oregon State University Extension Service, or~~
- 4 ~~by a person or group having similar agricultural expertise, that the lot and the plan are~~
- 5 ~~physically and economically suited to the primary purpose of obtaining a profit in money,~~
- 6 ~~considering accepted farming practice;~~
- 7 ~~(c) A resource management plan for a primary use listed in MCC .2048, based upon income,~~
- 8 ~~investment or similar records of the management of that resource on that property as a~~
- 9 ~~separate management unit for at least two of the preceding three years;~~
- 10 ~~(d) A fish, wildlife or other natural resource conservation management plan, certified by the~~
- 11 ~~Oregon State Fish and Wildlife Department or by a person or group having similar~~
- 12 ~~resource conservation expertise, to be suited to the lot and to nearby uses;~~
- 13 ~~(e) A small tract timber option under ORS Chapter 321.705, a Western Oregon Forest Land~~
- 14 ~~designation under ORS 321.257, or participation in a current forestry improvement pro-~~
- 15 ~~gram of the U.S. Agricultural Stabilization and Conservation Service; or~~
- 16 ~~(f) A cooperative or lease agreement with a commercial timber company or other person or~~
- 17 ~~group engaged in commercial timber operations, for the timber management of at least~~
- 18 ~~75% of the productive timberland of the property. Productive timberland is that portion~~
- 19 ~~of the property capable of growing 50 cubic feet/acre/year.~~
- 20 ~~(3) The dwelling will not require public services beyond those existing or programmed for the~~
- 21 ~~area;~~
- 22 ~~(4) The owner shall record with the Division of Records and Elections a statement that the owner~~
- 23 ~~and the successors in interest acknowledge the rights of owners of nearby property to conduct~~
- 24 ~~accepted forestry or farming practices;~~
- 25 ~~(5) The residential use development standards of MCC .2074.~~
- 26 ~~(B) Wholesale or retail sales of farm or forest products raised or grown on the premises or in the vicin-~~

ity, subject to the following condition:

~~The location and design of any building, stand or sign in conjunction with wholesale and retail sales shall be subject to approval of the Planning Director on a finding that the location and design are compatible with the character of the area, provided that the decision of the Director may be appealed to the approval authority pursuant to MCC .8290 and .8295.]~~

(A) Replacement of an existing dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:

(1) The existing dwelling is habitable, is served by a reliable sanitary supply of running water for domestic use, and contains a cooking/eating area, a sleeping area, and bathroom facilities connected to a sewage disposal system; and

(2) The replacement dwelling location meets the development standards of MCC .2074.

(B) Restoration or replacement of a dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:

(1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and

(2) A replacement dwelling located more than 200 feet from the prior dwelling location shall be subject to the development standards of MCC .2074.

11.15.205 [2] Q Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

(A) A Forest Management Dwelling pursuant to the provisions of MCC .2051 and .2074.

(B) A dwelling not related to forest management pursuant to the provisions of MCC .2052 and .2074.

([A] C) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through.[7041] .7072.

(1) Campground.

(2) Cemetery.

- 1 (3) Fire station for rural and forest fire protection.
- 2 (4) Aid to navigation and aviation.
- 3 (5) Water intake facility, related treatment facility, pumping station, and distribution line.
- 4 (6) Reservoir and water impoundment.
- 5 (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less in width or
6 new electric transmission line with a right-of way width of up to 100 feet as specified in ORS
7 772.210.
- 8 (8) Forest management research and experimentation facility as defined by ORS 526.215.
- 9 (9) Park, including a public or private wildlife and fisheries resources conservation area with
10 accessory structures for educational or instructional use.
- 11 (10) Utility facility for the purpose of generating power provided the facility not preclude more
12 than 10 acres from use as a commercial forest operation unless an exception is taken pursuant
13 to OAR 660, Division 4.
- 14 (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions
15 and standards in MCC .7020(15) and .7035 through .7041.
- 16 (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has
17 granted a permit under ORS 459.245, together with equipment, facilities or buildings neces-
18 sary for its operation.
- 19 (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a
20 permit under ORS 459.245, together with equipment, facilities or buildings necessary for its
21 operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
- 22 (14) Private hunting and fishing operation without any lodging accommodations.
- 23 (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
24 (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the
25 Oregon Structural Speciality Code;
26 (b) Only minor incidental and accessory retail sales are permitted;

(c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and

(d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.

(16) Mining, processing and production of geothermal resources.

([B] D) The following [~~Conditional U~~] uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, 7305 through .7335, and .7605 through .7640.

(1) [~~Operations conducted for the mining and processing of geothermal resources as defined by ORS 522.005 or exploration, m~~] Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;

(2) [~~Wood processing operations other than those specified in MCC .2048(B)~~] Permanent facility for the primary processing of forest products;

(3) [~~Raising any type of fowl, or processing the by products thereof, for sale at wholesale or retail~~] Permanent logging equipment repair and storage;

(4) [~~Feed lots~~] Log scaling and weigh stations;

(5) [~~Raising of four or more swine over four months of age~~] Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;

(6) [~~Raising of fur bearing animals for sale at wholesale or retail~~] Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;

(7) [~~Commercial dog kennels~~] Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and

(8) Expansion of [A] aircraft landing areas [in conjunction with] auxiliary to forestry practices,

notwithstanding the provisions of MCC .6050 through .6058.

~~[(C) Residential use, not in conjunction with a primary use listed in MCC .2048 consisting of a single family dwelling, including a mobile or modular home, subject to the following findings:~~

~~(1) The minimum lot size shall be 80 acres or the size of the Lot of Record;~~

~~(2) The land is incapable of sustaining a farm or forest use, based upon the following: (a) A Soil Conservation Service Agricultural Capability Class of IV or greater for at least 75% of the lot area and physical conditions insufficient to produce 50 cubic feet/acre/year of any commercial tree species for at least 75% of the lot area, or~~

~~(b) Certification from an agency, person or group described in MCC .2050(A)(2)(a) or (b) that the land is inadequate for farm or forest use and stating the basis for the conclusion, or~~

~~(c) For a lot greater than ten acres but less than 20 acres, a written description, filed by the owner, of the physical characteristics of the lot including size, location, hazards, topography, drainage, soil types, prior use or other factors which will support the required finding of forest or farm use unsuitability, or~~

~~(d) The lot is a Lot of Record under MCC .2062(A) and (B) and is ten acres or less in size;~~

~~(3) A dwelling as proposed is compatible with primary uses as listed in MCC .2048 on nearby property and will not interfere with the resources or the resource management practices or materially alter the stability of the overall land use pattern of the area.~~

~~(4) The dwelling will not require public service beyond those existing or programmed for the area;~~

~~(5) The owner shall record with the Division of Records and Elections a statement that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct accepted forestry or farming practices; and~~

~~(6) The residential use development standards of MCC .2074 will be met.~~

~~(D) Mortgage Lot: Residential use consisting of a single family dwelling in conjunction with a prima-~~

ry use listed in MCC .2048, located on a mortgage lot created after August 14, 1980, subject to the following:

(1) ~~The minimum lot size for the mortgage lot shall be two acres;~~

(2) ~~Except as may otherwise be provided by law, a mortgage lot shall not be conveyed as a zoning lot separate from the tract out of which it was created or such portion of the tract as conforms with the dimensional requirements of the zoning ordinance then in effect. The purchaser of a mortgage lot shall record a statement referring to this limitation in the Deed Records pertaining to said lot;~~

(3) ~~No permit shall be issued for improvement of a mortgage lot unless the contract seller of the tract out of which the mortgage lot is to be created and the mortgagee of said mortgage lot have agreed in writing to the creation of the mortgage lot.]~~

11.15.2051 Forest Management Dwelling

A forest management dwelling may be allowed when:

(A) The lot size meets the standards of MCC .2058(A) with a minimum area requirement of 80 acres or meets the lot of record standards of MCC .2062(A) and (B), but shall not be less than 10 acres;

(B) The dwelling is necessary for and accessory to forest operations [including cultured Christmas trees as defined in ORS 215.203(3)]. Such determination shall be based at a minimum on the following information provided by the applicant:

(1) Completed forms available from the Division of Planning and Development or its equivalent regarding the condition and productivity of the lands to be managed;

(2) A plan for management of the land, including a chronological description of commercial forest management activities to be undertaken by the residents, or under contract and estimates of yield, labor and expenses;

(3) Maps, showing the site for the proposed dwelling and a description of related fire safety measures;

(4) The information must be sufficient to enable the Oregon Department of Forestry within 45

1 days to determine that:

2 (a) The information describing the productivity and current condition of the forest land to be
3 managed is complete and accurate;

4 (b) Fulfillment of the forest management plan will result in use of the parcel for the required
5 management purpose in terms of stocking, stand density, and harvest; and

6 (c) The siting and safety standards in MCC .2074, derived from OAR 660-06-029 and OAR
7 660-06-035, have been satisfied;

8 (5) Christmas trees and other types of agricultural production may be a part of the management
9 plan. However, such uses shall not be the predominant use on the property nor the basis for
10 determining that the dwelling is necessary.

11 (C) There are no other dwellings on the property which are vacant or currently occupied by persons not
12 engaged in forestry, which could be used as the principal forest dwelling for the forest operation;

13 (D) The property qualifies for and is enrolled in one of the State of Oregon forest tax programs;

14 (E) The dwelling will not significantly interfere with, significantly increase the costs of, or impede
15 accepted forestry or farming practices on surrounding forest or agricultural lands;

16 (F) The dwelling will be located outside a big game winter habitat area as defined by the Oregon
17 Department of Fish and Wildlife, or that agency has certified that the impacts of the additional
18 dwelling, considered with approvals of other dwellings in the area since acknowledgment of the
19 Comprehensive Plan in 1980, will be acceptable.

20 (G) A statement has been recorded with the Division of Records that the owner and the successors in
21 interest acknowledge the rights of owners of nearby property to conduct forest operations consis-
22 tent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

23 (H) Proof of a long-term road access use permit or agreement shall be provided if road access to the
24 dwelling is by a road owned and maintained by a private party or by the Oregon Department of
25 Forestry, the Bureau of Land Management, or the United States Forest Service. The road use per-
26 mit may require the applicant to agree to accept responsibility for road maintenance;

(I) The forest lands to be managed by the resident of the proposed dwelling meet the stocking and survival requirements of the Forest Practices Rules for the Northwest Region (as specified in OAR 629-24-502) at the time the permanent dwelling is requested:

(J) A temporary forest management dwelling may be approved if the lands to be managed meet all of the requirements for approval of a forest management dwelling except for the stocking and survival requirements of the Forest Practices Rules of OAR 629-24-502, subject to the following:

(1) The temporary dwelling shall be a manufactured or mobile home;

(2) A written agreement has been recorded with the Division of Records which states the temporary dwelling and any accessory structures will be removed by the applicant within 60 days of the determination by the Planning Director that the property has not met the stocking and survival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4); and

(3) A commitment to pay all costs associated with the removal of the dwelling and any accessory structures in the form of either a cash deposit, irrevocable letter of credit, or other form of financial security determined acceptable by County Counsel in an amount sufficient to pay for all removal costs in the event the property has not met the stocking and survival requirements of OAR 629-24-502 within 5 years of the dwelling approval date, or within 7 years of that date if an extension is approved pursuant to MCC .2051(J)(4).

(4) The Planning Director may grant an extension of not more than 2 years upon a finding that the applicant has submitted, before expiration of the 5 year time limit, substantial evidence demonstrating that completion of the requirements of OAR 629-24-502 was not possible due to natural disaster or illness.

(5) Within 5 years of the dwelling approval date, the applicant shall either provide evidence that the stocking and survival requirements of OAR 629-24-502 have been met, or provide evidence required for an extension pursuant to MCC .2051(J)(4).

(6) Within 60 days of the expiration of the 5 year stocking time period, the Planning Director

1 shall make a determination whether the prospective resident has complied with the require-
2 ments of MCC .2051(J), or whether the resident has provided sufficient support for an exten-
3 sion.

4 (7) The Planning Director shall enforce the terms of the agreements specified in MCC
5 .2051(J)(2)and (3) if the prospective resident fails to meet the stocking and survival require-
6 ments within 5 years, unless the temporary dwelling and accessory structures already have
7 been removed or unless an extension has been granted.

8 (8) Upon determination by the Planning Director that all requirements of MCC .2051(I) have
9 been met, the temporary forest dwelling may be replaced by a permanently constructed
10 dwelling, or a permanent placement permit may be issued for the manufactured or mobile
11 home already in place.

12 (K) An application for a forest management dwelling is not complete for the purpose of requiring the
13 County to take final action on the permit within 120 days, as required by ORS 215.428, until all
14 the required information, including the review and evaluation by the Oregon Department of
15 Forestry required by OAR 660-06-027(1), is submitted to the Division of Planning and
16 Development.

17 **11.15.2052 Dwelling Not Related to Forest Management**

18 (A) A dwelling not related to forest management may be allowed subject to the following:

19 (1) The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawful-
20 ly created prior to January 25, 1990;

21 (2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with
22 MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County
23 Maintained road and 200 feet to all other property lines. Variances to this standard shall be
24 pursuant to MCC .8505 through .8525, as applicable;

25

26

(3) The lot shall meet the following standards:

(a) The lot shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and

(i) The lot, and at least all or part of 3 other lots exist within a 160-acre square when centered on the center of the subject lot parallel and perpendicular to section lines; and

(ii) One dwelling exists within the 160-acre square, or

(b) The lot shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot, and at least all or part of 7 other lots exist within a 160-acre square when centered on the center of the subject lot parallel and perpendicular to section lines; and

(ii) Three dwellings exist within the 160-acre square, or

(c) The lot shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

(i) The lot and at least all or part of 11 other lots exist within a 160-acre square when centered on the center of the subject lot parallel and perpendicular to section lines; and

(ii) Five dwellings exist within the 160-acre square.

(d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.

(e) The lot is not capable of producing 5,000 cubic feet of wood fiber per year from commercial tree species recognized by the Forest Practices Rules.

(4) The dwelling will not force a significant change in, significantly increase the costs of, or impede accepted forestry or farming practices on surrounding forest or agricultural lands;

(5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment

of the Comprehensive Plan in 1980, will be acceptable.

(6) The proposed dwelling will be located on a lot within a rural fire protection district, or the proposed resident has contracted for residential fire protection:

(7) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance:

(8) The parcel on which the dwelling will be located has been disqualified from receiving a farm or forest tax deferral:

(9) The dwelling meets the applicable development standards of MCC .2074:

(10) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices:

(B) Dwellings not related to forest management shall not be allowed upon the effective date of a small scale resource land program adopted pursuant to the requirements of OAR 660, Divisions 6 and 33.

11.15.2053 Use Compatibility Standards

Specified uses of MCC .2050(C) and (D) and .2056 may be allowed upon a finding that:

(A) The use will:

(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands:

(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

(B) A statement has been recorded with the Division of Records that the owner and the successors in

interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11.15.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.15.7902-.7982[-] ;

(B) Off-street parking and loading as required by MCC .6100 through .6148;

(C) Home occupations pursuant to the definition and restrictions of MCC .0010. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

(D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

11.15.2056 Temporary Uses

(A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .8710.

(B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to MCC .2053.

~~[When approved pursuant to MCC .8705 and .8710.]~~

11.15.2058 Dimensional Requirements

(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

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

(C) Minimum Yard Dimensions - Feet;

Front	Side	Street Side	Rear			
30	40	30	30			
<u>Frontage on County Maintained Road</u>		<u>Other Front</u>	<u>Side</u>	<u>Rear</u>		
<u>60 from centerline</u>		<u>200</u>	<u>200</u>	<u>200</u>		

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

These yard dimensions and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC .8505 through .8525, as applicable.

(D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling:

~~((D))~~(E) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.

~~((E))~~(F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements ~~[if located at least 30 feet from any property line]~~.

(G) The minimum yard or setback shall be 200 feet from the property line of a lot or parcel on which there is an existing or approved mineral and/or aggregate extraction use listed in MCC .7320, or on which there is a mineral and/or aggregate resource that is designated “2A,” “3A,” or “3C” in the ESEE analysis made part of the supporting documentation of the comprehensive plan.

11.15.2060 Lots of Exception

The Planning Director may grant ~~[a Lot of Exception based on a finding that the permitted number of dwellings will not thereby be increased above that otherwise allowed in this district, provided that the decision of the Planning Director may be appealed to the approval authority pursuant to MCC .8290 and .8295]~~ an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

(A) The Lot of Record to be divided exceeds the 80 acre area requirement of MCC .2058(A);

(B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;

(C) The Lot of Exception will be no larger than 5 acres;

(D) The division will create no more than one lot which is less than the minimum 80 acre area required in MCC .2058(A); and

(E) The division complies with the dimensional requirements of MCC .2058 (C) through (G).

11.15.2061 Lot Line Adjustment

(A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:

(1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;

(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;

(3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (G); and

(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

11.15.2062 Lot of Record

(A) For the purposes of this district, a Lot of Record is:

(1) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;

(b) Which satisfied all applicable laws when the parcel was created; and

(c) Which satisfies the minimum lot size requirements of MCC .2058, or

(2) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcel was created;

(c) Does not meet the minimum lot size requirements of MCC .2058; and

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

(3) A group of contiguous parcels of land:

(a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;

(b) Which satisfied all applicable laws when the parcels were created;

(c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and

(d) Which are held under the same ownership.

(B) For the purposes of this subsection:

(1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;

(2) *Substandard Parcel* refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

(3) *Same Ownership* refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

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

(D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:

(1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.

(2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.

(3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.

(4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.15.2064 Lot Size for Conditional Uses

~~[The minimum lot size for a Conditional Use permitted pursuant to MCC .2052(A) or (B), shall be based upon]~~ Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

(A) Site size needs of the proposed use;

(B) The nature of the proposed use in relation to its impact on nearby properties; and

(C) Consideration of the purposes of this district.

11.15.2066 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .6100 through .6148.

11.15.2068 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

11.15.2070 Exemptions From Non-Conforming Use Provisions

(A) Conditional Uses listed in MCC .205 [2] Q, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .205 [2] Q.

(B) The term "change of use", as used in this section, means the change from one Conditional Use list-

ed in MCC .205 [2] Q to another such Conditional Use.

11.15.2072 Right to Complete Single-Family Dwelling

~~A single family dwelling, uncompleted prior to the effective date of Ordinance No. 236 but which meets the tests stated in this subsection, may be completed under a although not listed as a Primary Use in this district.~~

~~[(A) Actual construction shall have commenced prior to August 14, 1980 under a valid sanitation, building or other development permit applicable to the lot. "Actual construction" means:~~

~~(1) Placement of construction materials in a permanent position;~~

~~(2) Site excavation or grading;~~

~~(3) Demolition or removal of an existing structure;~~

~~(4) The value of purchased building materials; or~~

~~(5) Installation of water, sanitation or power systems.~~

~~[(B) Actual construction shall not include:~~

~~(1) The cost of plan preparation; or~~

~~(2) The value of the land.~~

~~[(C) The value of actual construction commenced prior to August 14, 1980, shall be \$1,000 or more for each \$20,000 of the total estimated value of the proposed improvements as calculated under the Uniform Building Code.]~~

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance)

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after (the effective date of this Ordinance) if approval from the Planning Director was obtained on a building per-

mit application prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after (the effective date of this Ordinance) if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to (the effective date of this Ordinance).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

(D) A building permit for a new single family dwelling may be issued after (the effective date of this Ordinance) for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to (the effective date of this Ordinance) if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to (the effective date of this Ordinance).

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until (the effective date of this Ordinance).

11.15.2074 ~~[Residential Use]~~ Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049 (B), all dwellings and structures [A residential use] located in the CFU district after [August 14, 1989] (the effective date of this Ordinance) shall comply with the following:

~~[(A) The fire safety measures outlined in the "Fire Safety Considerations for Development in Forested Areas", published by the Northwest Interagency Fire Prevention Group, including at least the following:~~

~~(1) Fire lanes at least 30 feet wide shall be maintained between a residential structure and an adjacent forested area; and~~

~~(2) Maintenance of a water supply and of fire fighting equipment sufficient to prevent fire from spreading from the dwelling to adjacent forested areas;~~

~~(B) Access for a fire truck to within 16 feet of any perennial water source on the lot;~~

~~(C) The dwelling shall be located in as close proximity to a publicly maintained street as possible, considering the requirements of MCC .2058(C) to (E). The physical limitations of the site which require a driveway in excess of 500 feet in length shall be stated in writing as a part of the application for approval;~~

~~(D) The dwelling shall be located on that portion of the lot having the lowest productivity characteristics for the proposed primary use, subject to the limitations of subpart (C), above;~~

~~(E) Building setbacks of at least 200 feet shall be maintained from all property lines, wherever possible, except:~~

~~(1) A setback of 30 feet or more may be provided from a public road, or~~

~~(2) The location of dwelling(s) on adjacent lot(s) at a lesser distance which allows for the clustering of dwellings or the sharing of access;]~~

(A) The dwelling or structure shall be located such that:

(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G):

(2) Forest operations and accepted farming practices will not be curtailed or impeded:

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized:

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required: and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source:

(b) Maintenance of a primary and a secondary fire safety zone.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(c) The building site must have a slope less than 40 percent.

(B) The dwelling shall:

(1) [(F) Construction shall e] Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

(2) [(G) The dwelling shall b] Be attached to a foundation for which a building permit has been obtained; and

(3) [(H) The dwelling shall h] Have a minimum floor area of 600 square feet[;] . [and]

[(I) The dwelling shall be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.]

(C) The applicant shall provide evidence that the domestic water supply is from a source authorized in

1 accordance with the Department of Water Resources Oregon Administrative Rules for the appro-
2 priation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not
3 from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable
4 from public sources, or sources located entirely on the property, the applicant shall provide evi-
5 dence that a legal easement has been obtained permitting domestic water lines to cross the proper-
6 ties of affected owners.

7 (D) A private road (including approved easements) accessing two or more dwellings, or a driveway
8 accessing a single dwelling, shall be designed, built, and maintained to:

9 (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of com-
10 pliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be
11 provided for all bridges or culverts;

12 (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in
13 width for a driveway;

14 (3) Provide minimum curve radii of 48 feet or greater;

15 (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

16 (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments,
17 except as provided below:

18 (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades
19 exceeding 6 percent;

20 (b) The maximum grade may be exceeded upon written approval from the fire protection
21 service provider having responsibility;

22 (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150
23 feet in length;

(7) Provide for the safe and convenient passage of vehicles by the placement of:

(a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

(b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length
at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

ADOPTED THIS 8th day of December, 1992, being the date of its second reading before the
Board of County Commissioners of Multnomah County.



By Gladys McCoy
Gladys McCoy, County Chair
MULTNOMAH COUNTY, OREGON

REVIEWED:

Peter Livingston
Peter Livingston, Assistant County Counsel
For Multnomah County, Oregon

MEETING DATE: 11-24-92 *Planning*

516C.11

OREGONIANS IN ACTION

November 24, 1992

STATEMENT TO THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY
RELATING TO REGULATING LAND USES IN FOREST ZONES

I am Bill Moshofsky, Vice President for Government Affairs for Oregonians in Action, a statewide, nonprofit, nonpartisan organization seeking balance and realism in land use regulations and protection for the rights of private landowners.

We strongly opposed the adoption by LCDC of the changes LCDC made to the Forest Goal and Rules which you are now implementing. We appealed to the Oregon Court of Appeals asking the court to overturn the LCDC changes for a number of reasons including our contention that the changes impose "conservation easements" on private property with no provision for compensating landowners in violation of the Oregon and US Constitutions.

The court decided it was premature for it to consider taking claims, indicating such claims must be asserted against counties when implementing ordinances are adopted and actually restrict uses on specific parcels of land.

You are now considering adopting Amendments to your ordinances relating to forest zones which will implement those objectionable LCDC Goal and rule changes, and apply them to specific parcels of land.

As you can understand, we want to register our strong objections to your adoption of such implementing Amendments, and want you to be aware that we will assist landowners to recover compensation for losses in use and value of their land they suffer. So far as we know, LCDC is not prepared or funded to indemnify you against such claims.

Also, we object to all provisions in the proposed Amendments which are more restrictive than LCDC's rules require. We will assist landowners with claims based on those restrictions as well.

We believe the recent decision of the U.S. Supreme Court in the Lucas case buttresses our position that servitudes such as you are imposing on private property are outright confiscation. While the decision in that case concerned a regulation that deprived the owner of all economic use, statements in the opinion are clearly applicable to servitudes that leave the owner with some use. Our analysis of that case as it applies to regulations

such as you are considering are set forth in a memo I recently presented at an Oregon State Bar seminar on the "regulatory taking" issue. Oregonians in Action attorneys have recently submitted similar arguments to the Oregon Supreme Court in four pending test-cases. I am furnishing you with copies of that memo, dated October 9, 1992.

In our view, the proposed regulations of forest land are not traditional zoning regulations applicable to urban areas where there is a reciprocity of benefits and burdens among affected landowners, or where regulations are intended to prevent one landowner from inflicting harm on another landowner or to provide stability of property values.

The proposed Amendments before you are much different. They are intended to press private property into government service. Section 11.15.2042 clearly demonstrates this. It indicates the basic purposes are to grow and harvest timber and produce wood fiber, and to provide or protect wildlife habitat, scenic values, agriculture, watersheds, and recreational opportunities.

Under the proposed Amendments, the public gets all the benefits, if any, and the affected landowners get none. Yet the landowners bear all the burdens and the public bears none. That's not right. That's not fair.

Aside from constitutionality and fairness, the proposed regulations are not good public policy. These blanket restrictions misallocate land and resources. The highest and best use of most of the land subjected to these restrictions is not for forest uses, it is best suited for residential use in varying parcel sizes. Much of it was previously zoned that way and intended by the owners to be used that way.

The proposed regulations are not good planning, and they are not good regulations.

Turning to the parts of the proposed regulations that are more restrictive than LCDC rules require, we strongly urge you to reject them for all the same reasons. They simply impose additional servitudes to provide benefits to the public without compensation. Also, there is need for some clarification.

Here are our comments on the "more restrictive" provisions:

On page 5 (11.15.2048 (E)), "or parcel" should be added after "lot", to assure replacement would be permissible on a parcel created by a minor partition. Lot may be limited to subdivisions.

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On page 16 (11.15.1052 (A)(5)), the proposed regulations in effect deny dwellings to provide big game winter habitat. This is outrageous. If the public wants private property for wildlife habitat, the public should buy it. Again, this is simply a conservation easement imposed by regulation without compensation. It is contrary to state law and Goal 5 guidelines stating such resources are to be purchased, and an unconstitutional deprivation of private property. Moreover, it is not required by the LCDC forest rules you are implementing.

Moreover, if the county does not have an acknowledged big game habitat overlay in its comprehensive plan for forest areas, this provision violates Goal 5 on its face. In order for the county to establish such servitudes it must comply with the inventory and ESEE provisions of Goal 5. Also that process must comply with the State Supreme Court decision in the recent Columbia Steel Castings case.

On page 27 (11.15.1074 (A)(5)(c)), requires a building site to have a slope less than 40%. This arbitrary standard is inappropriate. This would deny owners opportunities to have view sites. Any real concerns with steep slopes can be dealt with on a case by case basis.

In conclusion, we urge you not to adopt any of the proposed regulations required by LCDC until LCDC agrees to indemnify you from liability for compensation claims that will be triggered by such regulations. If you do proceed to implement the LCDC rules, we urge you not to adopt any provisions which impose more restrictions than LCDC rules require.

OREGONIANS

IN ACTION

L e g a l C e n t e r

October 9, 1992

IT'S TIME TO COMPENSATE FOR "REGULATORY TAKINGS"

By: Bill Moshofsky, President, Oregonians in Action
Legal Center

OPENING COMMENTS:

The recent US Supreme Court decision in the Lucas case, ___ U.S. ___, 112 S.Ct. 2886 (1992), has put the spotlight on a long festering land-use regulatory problem in the state of Oregon.

The problem is the shocking disregard regulatory bodies have for property rights. LCDC's Goals and rules, local governments comprehensive plans, zoning ordinances, environmental "overlays" and other regulations virtually ignore landowner's rights. Other agencies such as the Board of Forestry are moving in the same direction. The Legislature has been very remiss in failing to impose restraints on regulators, and at best has sent mixed signals.

Meanwhile, the courts have tilted heavily against landowner's rights in decisions which are interpreted to deny compensation for losses landowners suffer from regulations except when landowners are left with no economic use whatsoever. To add insult to injury, requirements to "exhaust remedies" and carry the burden of proof make it virtually impossible for most landowner's to even try to recover compensation.

The present situation is intolerable. It makes a mockery of constitutional protections for private property, the cornerstone of our market-based economic system. Even more basic, it's like telling a thief it is lawful to steal \$95 from your wallet if he leaves \$5. It's certainly not fair to individual landowners to force them to bear burdens that in all fairness and justice the public should bear. And it's not in the public interest because it generally results in the misallocation of resources. If "takings" are perceived to be "free", the demand is unlimited. Requiring regulators to pay automatically brings discipline and some balance.

This is not to say all regulations adversely impacting the use of private lands should trigger compensation. Some should not such as regulations to protect the public's rights and interest in water and air, traditional zoning in urban areas and prevention of injury to one's neighbors.

There is a critical need for the courts and legislators to come up with decisions or laws that will rationally and realistically determine when land use regulations result in "takings" requiring

compensation to landowners, especially when regulations take "less than all economic use", i.e., partial takings.

This presentation will revisit Oregon court decisions on "takings" and point to holdings or statements that can be the basis for requiring compensation in many situations. It will also glean from the Lucas case some significant statements that are likely to lead to greater protection for private property.

OREGON "TAKINGS" CASES

Fifth Avenue

Careful analysis of Fifth Avenue Corp. v. Washington County, 282 Or 591 (1978) reveals that the Oregon Supreme Court required compensation not only when a regulation precludes "all economically viable use"; it also said compensation should be paid when regulatory action "results in such governmental intrusion as to inflict virtually irreversible damage." Obviously, the second test must be interpreted to apply to cases where less than all use is taken. The court has not applied it in other cases but the court did note that the "irreversible damage" test would not be restricted to trespasser encroachments that leave the owner with some use, certainly indicating applicability of the test to regulatory use restrictions.

The "irreversible damage" test can apply in many "partial taking" cases, such as where rural zoning regulations strip a rural landowner of the right to a dwelling on his land. The landowner may be able to use the land for growing crops, but he has irreversibly lost the right to a dwelling. In this connection, the US Supreme Court has indicated there is a right to a dwelling - it's not a privilege government grants. At the least, if before the regulatory restriction the owner had the right to a dwelling it was a fundamental stick in the bundle of rights that make up fee simple ownership.

Another approach to securing compensation for regulatory "takings" under Fifth Avenue is application of the concept that when government uses regulation of private property to carry out its "enterprise" role (where it takes unto itself private resources for the common good) it must compensate landowners for resulting infringement of their rights, as distinguished from government acting in its "arbitral" capacity (where it intervenes to straighten out conflict situations or where one person's use of his land is injurious to others).

This approach can be applied in many situations such as where forest or forest land has been zoned exclusively for farm or forest purposes in order to meet the public's "future needs for agricultural products, forest and open space" (LCDC Goal 3) or to

maintain the forest land base and to "protect the state's forest economy" (LCDC Goal 4). The same approach applies where, under LCDC Goal 5, counties are placing regulatory restrictions on private land to secure wildlife habitat, natural areas, open space, scenic views, historic preservation, etc. In all these situations government is acting basically in its "enterprise" capacity - it is appropriating interests in private land to achieve public purposes.

In this connection, such interests have already been statutorily defined as interests in land by the Conservation Easement statute, ORS 271.715. Also, the Legislature and LCDC have established the policy of paying for Goal 5 type resources - see the Implementation section of Goal 5, the Willamette Greenway and the Scenic Rivers statutes.

Seuss Builders

This case [Seuss Builders v. City of Beaverton, 294 Or 254 (1982)], explicitly recognized the possibility of takings in cases where a servitude or easement imposed by government could give rise to a governmental duty to award compensation for the interest take and the burden imposed on the landowner. Justice Linde noted there are "hypothetical and not so hypothetical situations in which it may be argued that government is misusing regulatory power to impose on private property the burdens of actual governmental or public uses as a means of circumventing its obligation to pay . . .". While Justice Linde gave examples involving "physical occupation" type easements, the differences between them and "non-physical occupation" easements in terms of the impact on landowners is negligible. It's time the courts treat regulatory encroachments the same as physical encroachments.

ANALYSIS OF LUCAS AS IT MAY APPLY TO OREGON LAND USE REGULATIONS

Regardless of what the Oregon courts do, they must take into account what the US Supreme Court requires in regulatory taking cases. Some have thought that Oregon can go its own way when it interprets or applies its own constitution. But that does not apply where doing so would violate the 14th and 5th Amendments to the US Constitution. The Oregon court cannot provide less protection than the US Supreme Court says the US Constitution requires. In any case, the wording of the Oregon and US constitutions are virtually identical, so decisions of the US Supreme Court are powerful precedents.

The holding in the Lucas case is limited to the facts in that case which involved regulations which all conceded denied the owner of all economic use of his land.

The holding itself is helpful in Oregon in cases where all economic use is "taken" by regulations, in that the court indicated compensation must be paid except when the use constitutes a "nuisance" in the common law sense or when the title of the owner does not allow the use. Thus, regulators cannot escape compensation by claiming the regulation is intended to prevent harm or needed to serve some "public interest"

However, most potential "regulatory takings" cases involve the taking of less than all economic use (partial takings).

Surprisingly, the Court's opinion sends some powerful messages that apply to partial takings, perhaps an invitation to bring such cases to the court and laying out approaches that might be taken to justify compensation. Also, the opinion may be a warning to regulators as to risks they are taking if they overstep. Here are some examples:

1. The majority opinion rejected a dissenting Justice's assertion that the majority will not require compensation for taking "less than all" economic use, a clear indication compensation will be required for some partial takings.

2. The majority opinion reiterated the concept that frustration of "investment backed expectations" must be considered in regulatory takings situations. It will be difficult for the Supreme Court not to apply this concept in partial takings cases - it simply doesn't make sense to take expectations into account when all use is taken and completely ignore expectations when less than all is taken. Despite Justice Linde's footnote in Suess Builders that Oregon does not apply this concept, it will be forced to do so to assure that Oregon provides at least as much protection for private property as the US Supreme Court requires.

3. The majority opinion also discussed the concept that taking all economic use of part of a tract may qualify as a taking. This concept would apply in many factual situations in Oregon such as where Goal 5 type set-asides on private land for spotted owl habitat, natural areas, open space, etc. - and where zoning deprives an owner of the use of a part of a tract, leaving the owner the use of the remainder.

4. The court expressed concern that regulations "requiring land to be left substantially in its natural state - carry with them a heightened risk that private property is being pressed into some form of public service under the guise of mitigating serious public harm". It went on to indicate that statutes providing for using "eminent domain to impose

servitudes on private scenic lands preventing developmental uses . . . suggest the practical equivalence of negative regulation and appropriation." Such comments are especially applicable to many regulatory servitudes imposed in Oregon, most of which are intended to confer benefits to the public, and not to prevent "public harm", providing more reasons for requiring compensation. Zoning rural land exclusively for farm or forest purposes to maintain the agricultural and forest economy of the state and restricting use of private land to provide wildlife habitat or to preserve natural areas, open space and wetlands are such servitudes.

5. The majority opinion has apparently adopted Chief Justice Rehnquist's view that in considering whether compensation is required when regulations burden private landowners, the courts should determine whether the regulation "secures an average reciprocity of advantage" to everyone concerned. In this connection, J. Rehnquist's dissent in the Keystone Case (which presumably has been adopted by the majority) states compensation must be paid if the regulation fails to secure such "average reciprocity of advantage". Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470 (1987).

This is yet another basis for requiring compensation for regulatory impacts in Oregon. For example, requiring a landowner to give up land uses to provide habitat, protect wetlands, etc. for the benefit of the public does not secure an average reciprocity of advantage. The individual landowner bears all the burdens and gets no benefits, while the public gets all the benefits and bears no burdens. Likewise, rural landowners forced to forego having a dwelling on their land to protect the farm or forest economy of the state suffer great burdens and get no benefits, while the public gets all the benefits, if any, and bears no burdens.

6. In the same vein, the heavy emphasis in Lucas on requiring compensation for regulatory servitudes on private land except when common law nuisance (and inherent title limitations) apply could eventually apply to situations where the owner is deprived of less than all economic use. This was also a theme in J. Rehnquist's dissent in Keystone.

These are approaches Oregonians in Action Legal Center is pursuing or will be pursuing in test cases on the taking issue. We will welcome reactions, comments and suggestions. These approaches may bear fruit. On the other hand, it may be that the courts should abandon all the confusing, often conflicting prior rationales and start anew with a clean slate. In any case, justice, fairness and the public interest require that the courts and or the Legislature provide much needed protection for the rights of land owners against regulatory takings.

OREGONIANS IN ACTION

November 24, 1992

STATEMENT TO THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY
RELATING TO REGULATING LAND USES IN FOREST ZONES

I am Bill Moshofsky, Vice President for Government Affairs for Oregonians in Action, a statewide, nonprofit, nonpartisan organization seeking balance and realism in land use regulations and protection for the rights of private landowners.

We strongly opposed the adoption by LCDC of the changes LCDC made to the Forest Goal and Rules which you are now implementing. We appealed to the Oregon Court of Appeals asking the court to overturn the LCDC changes for a number of reasons including our contention that the changes impose "conservation easements" on private property with no provision for compensating landowners in violation of the Oregon and US Constitutions.

The court decided it was premature for it to consider taking claims, indicating such claims must be asserted against counties when implementing ordinances are adopted and actually restrict uses on specific parcels of land.

You are now considering adopting Amendments to your ordinances relating to forest zones which will implement those objectionable LCDC Goal and rule changes, and apply them to specific parcels of land.

As you can understand, we want to register our strong objections to your adoption of such implementing Amendments, and want you to be aware that we will assist landowners to recover compensation for losses in use and value of their land they suffer. So far as we know, LCDC is not prepared or funded to indemnify you against such claims.

Also, we object to all provisions in the proposed Amendments which are more restrictive than LCDC's rules require. We will assist landowners with claims based on those restrictions as well.

We believe the recent decision of the U.S. Supreme Court in the Lucas case buttresses our position that servitudes such as you are imposing on private property are outright confiscation. While the decision in that case concerned a regulation that deprived the owner of all economic use, statements in the opinion are clearly applicable to servitudes that leave the owner with some use. Our analysis of that case as it applies to regulations

such as you are considering ^{is} are set forth in a memo I recently presented at an Oregon State Bar seminar on the "regulatory taking" issue. Oregonians in Action attorneys have recently submitted similar arguments to the Oregon Supreme Court in four pending test-cases. I am furnishing you with copies of that memo, dated October 9, 1992.

In our view, the proposed regulations of forest land are not traditional zoning regulations applicable to urban areas where there is a reciprocity of benefits and burdens among affected landowners, or where regulations are intended to prevent one landowner from inflicting harm on another landowner or to provide stability of property values.

The proposed Amendments before you are much different. They are intended to press private property into government service. Section 11.15.2042 clearly demonstrates this. It indicates the basic purposes are to grow and harvest timber and produce wood fiber, and to provide or protect wildlife habitat, scenic values, agriculture, watersheds, and recreational opportunities.

Under the proposed Amendments, the public gets all the benefits, if any, and the affected landowners get none. Yet the landowners bear all the burdens and the public bears none. That's not right. That's not fair.

Aside from constitutionality and fairness, the proposed regulations are not good public policy. These blanket restrictions misallocate land and resources. The highest and best use of most of the land subjected to these restrictions is not for forest uses, it is best suited for residential use in varying parcel sizes. Much of it was previously zoned that way and intended by the owners to be used that way.

The proposed regulations are not good planning, and they are not good regulations.

Turning to the parts of the proposed regulations that are more restrictive than LCDC rules require, we strongly urge you to reject them for all the same reasons. They simply impose additional servitudes to provide benefits to the public without compensation. Also, there is need for some clarification.

Here are our comments on the "more restrictive" provisions:

On page 5 (11.15.2048 (E)), "or parcel" should be added after "lot", to assure replacement would be permissible on a parcel created by a minor partition. Lot may be limited to subdivisions.

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Moreover, if the county does not have an acknowledged big game habitat overlay in its comprehensive plan for forest areas, this provision violates Goal 5 on its face. In order for the county to establish such servitudes it must comply with the inventory and ESEE provisions of Goal 5. Also that process must comply with the State Supreme Court decision in the recent Columbia Steel Castings case.

On page 27 (11.15.1074 (A)(5)(c)), requires a building site to have a slope less than 40%. This arbitrary standard is inappropriate. This would deny owners opportunities to have view sites. Any real concerns with steep slopes can be dealt with on a case by case basis.

In conclusion, we urge you not to adopt any of the proposed regulations required by LCDC until LCDC agrees to indemnify you from liability for compensation claims that will be triggered by such regulations. If you do proceed to implement the LCDC rules, we urge you not to adopt any provisions which impose more restrictions than LCDC rules require.

OREGONIANS IN ACTION

L e g a l C e n t e r

October 9, 1992

IT'S TIME TO COMPENSATE FOR "REGULATORY TAKINGS"

By: Bill Moshofsky, President, Oregonians in Action
Legal Center

OPENING COMMENTS:

The recent US Supreme Court decision in the Lucas case, ___ U.S. ___, 112 S.Ct. 2886 (1992), has put the spotlight on a long festering land-use regulatory problem in the state of Oregon.

The problem is the shocking disregard regulatory bodies have for property rights. LCDRC's Goals and rules, local governments comprehensive plans, zoning ordinances, environmental "overlays" and other regulations virtually ignore landowner's rights. Other agencies such as the Board of Forestry are moving in the same direction. The Legislature has been very remiss in failing to impose restraints on regulators, and at best has sent mixed signals.

Meanwhile, the courts have tilted heavily against landowner's rights in decisions which are interpreted to deny compensation for losses landowners suffer from regulations except when landowners are left with no economic use whatsoever. To add insult to injury, requirements to "exhaust remedies" and carry the burden of proof make it virtually impossible for most landowner's to even try to recover compensation.

The present situation is intolerable. It makes a mockery of constitutional protections for private property, the cornerstone of our market-based economic system. Even more basic, it's like telling a thief it is lawful to steal \$95 from your wallet if he leaves \$5. It's certainly not fair to individual landowners to force them to bear burdens that in all fairness and justice the public should bear. And it's not in the public interest because it generally results in the misallocation of resources. If "takings" are perceived to be "free", the demand is unlimited. Requiring regulators to pay automatically brings discipline and some balance.

This is not to say all regulations adversely impacting the use of private lands should trigger compensation. Some should not such as regulations to protect the public's rights and interest in water and air, traditional zoning in urban areas and prevention of injury to one's neighbors.

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compensation to landowners, especially when regulations take "less than all economic use", i.e., partial takings.

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Fifth Avenue

Careful analysis of Fifth Avenue Corp. v. Washington County, 282 Or 591 (1978) reveals that the Oregon Supreme Court required compensation not only when a regulation precludes "all economically viable use"; it also said compensation should be paid when regulatory action "results in such governmental intrusion as to inflict virtually irreversible damage." Obviously, the second test must be interpreted to apply to cases where less than all use is taken. The court has not applied it in other cases but the court did note that the "irreversible damage" test would not be restricted to trespasser encroachments that leave the owner with some use, certainly indicating applicability of the test to regulatory use restrictions.

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This approach can be applied in many situations such as where forest or forest land has been zoned exclusively for farm or forest purposes in order to meet the public's "future needs for agricultural products, forest and open space" (LCDC Goal 3) or to

maintain the forest land base and to "protect the state's forest economy" (LCDC Goal 4). The same approach applies where, under LCDC Goal 5, counties are placing regulatory restrictions on private land to secure wildlife habitat, natural areas, open space, scenic views, historic preservation, etc. In all these situations government is acting basically in its "enterprise" capacity - it is appropriating interests in private land to achieve public purposes.

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1. The majority opinion rejected a dissenting Justice's assertion that the majority will not require compensation for taking "less than all" economic use, a clear indication compensation will be required for some partial takings.
2. The majority opinion reiterated the concept that frustration of "investment backed expectations" must be considered in regulatory takings situations. It will be difficult for the Supreme Court not to apply this concept in partial takings cases - it simply doesn't make sense to take expectations into account when all use is taken and completely ignore expectations when less than all is taken. Despite Justice Linde's footnote in Suess Builders that Oregon does not apply this concept, it will be forced to do so to assure that Oregon provides at least as much protection for private property as the US Supreme Court requires.
3. The majority opinion also discussed the concept that taking all economic use of part of a tract may qualify as a taking. This concept would apply in many factual situations in Oregon such as where Goal 5 type set-asides on private land for spotted owl habitat, natural areas, open space, etc. - and where zoning deprives an owner of the use of a part of a tract, leaving the owner the use of the remainder.
4. The court expressed concern that regulations "requiring land to be left substantially in its natural state - carry with them a heightened risk that private property is being pressed into some form of public service under the guise of mitigating serious public harm". It went on to indicate that statutes providing for using "eminent domain to impose

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6. In the same vein, the heavy emphasis in Lucas on requiring compensation for regulatory servitudes on private land except when common law nuisance (and inherent title limitations) apply could eventually apply to situations where the owner is deprived of less than all economic use. This was also a theme in J. Rehnquist's dissent in Keystone.

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MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FOR THE WEEK OF

November 23 - 27, 1992

Tuesday, November 24, 1992 - 9:30 AM - Board Briefings. . .Page 2
Tuesday, November 24, 1992 - 10:40 AM - Regular Meeting . .Page 2
Tuesday, November 24, 1992 - 1:30 PM - Planning Items . . .Page 5
Thursday, November 26, 1992 - THANKSGIVING HOLIDAY
OFFICES CLOSED

Tuesday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers
Thursday, 10:00 PM, Channel 49 for Columbia Cable (Vancouver) subscribers
Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, November 24, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Multnomah Cable Regulatory Commission First Quarter Activity Report. Presented by Julie Omelchuck. 5 MINUTES REQUESTED. 9:30 AM TIME CERTAIN.
- B-2 Briefing on the Downsizing of Fairview Training Center, known as CIP II (Community Integration Project, Phase 2). Presented by Gary Smith and Dennis Adams. 5 MINUTES REQUESTED. 9:35 AM TIME CERTAIN.
- B-3 Update of the Integrated Human Services System Plan being Developed by the Departments of Social Services, Health and Community Corrections. Presented by Gary Nakao, Tamara Holden and Billi Odegaard. 30 MINUTES REQUESTED. 9:40 AM TIME CERTAIN.
- B-4 Briefing on the Emergency Medical Services Director's Proposal and Requesting Direction Prior to the Development of the Necessary Ordinance. Presented by Bill Collins and Dr. Gary Oxman. 30 MINUTES REQUESTED. 10:10 AM TIME CERTAIN.
-

Tuesday, November 24, 1992 - 10:40 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

Liquor License Application Renewals Submitted by Sheriff's Office with Recommendation for Approval as Follows:

- C-1 Dispenser Class A for a) THE DRUM AND RICARDO'S LA FIESTA RESTAURANT, 14601 SE DIVISION, PORTLAND 97236; and b) MULTNOMAH FALLS LODGE, PO BOX 367, TROUTDALE 97060
- C-2 Dispenser Class C for LA CASITA ESPECIAL, 12113 SE FOSTER ROAD, PORTLAND 97266
- C-3 Package Store for a) QUICK STOP MARKET, 15400 SE POWELL, PORTLAND 97236; and b) PAYLESS DRUG STORE #1508, 16401 SE DIVISION, PORTLAND 97236
- C-4 Retail Malt Beverage for LARIAT TAVERN, 17238 SE DIVISION, PORTLAND 97236
- C-5 Ratification of an Intergovernmental Agreement, Contract #800503, between Reynolds School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Elementary Schools, for the Period September 10, 1992 through June 30, 1993

- C-6 Ratification of an Intergovernmental Agreement, Contract #800523, between David Douglas School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Elementary Schools, for the Period September 10, 1992 through June 30, 1993

REGULAR AGENDA

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-1 Ratification of an Intergovernmental Agreement, Contract #800493, between Corbett Elementary Schools and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to these Schools, for the Period September 10, 1992 through June 30, 1993
- R-2 Ratification of an Intergovernmental Agreement, Contract #800513, between Orient School District and the Multnomah County Sheriff's Office, Enforcement Branch to Provide the D.A.R.E. Program to District Schools, for the Period January 15, 1993 through June 30, 1993

COMMUNITY CORRECTIONS

- R-3 Budget Modification DCC #15 Requesting Authorization to Transfer \$11,800 Within and Between DCC Budgets to Meet Several Computer and Information System Needs

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Second Reading and Possible Adoption of an ORDINANCE Establishing an Advisory Committee on Animal Control Policies and Procedures
- R-5 ORDER in the Matter of Restricting Vehicular Traffic from NE 185th Drive between NE Sandy Blvd. and NE Marine Drive for Construction of Storm Drainage Facilities
- R-6 Ratification of an Intergovernmental Agreement, Contract #300953, between the Port of Portland and Multnomah County Environmental Services, Parks Services Division to Provide a Termed Easement to the Port of Portland Noise Abatement to Establish/Maintain a Noise Monitoring Device at Blue Lake Park for Measuring Air Traffic Noise To and From Portland International Airport
- R-7 Ratification of an Intergovernmental Agreement, Contract #300993, between Multnomah County Department of Environmental Services, Park Services Division and the Oregon Department of Fish & Wildlife to Provide Assistance with the Development of Long Term Comprehensive Management Plan for Burlington Bottoms, for the Period November 1, 1992 Through May 1, 1993

DEPARTMENT OF HEALTH

- R-8 NOTICE OF INTENT Requesting Approval to Apply for a Grant with the HCFA, through the Northwest Primary Care Association for Medicare Education and Enrollment Activities

DEPARTMENT OF SOCIAL SERVICES

- R-9 Ratification of an Intergovernmental Agreement, Contract #103433, between the Children's Services Division and Multnomah County, Juvenile Justice Division to Establish a Working Relationship between Juvenile Parole and Juvenile Probation Services, for the Period October 1, 1992 through June 30, 1993

NON-DEPARTMENTAL

- R-10 RESOLUTION in the Matter of Directing County Departments to Identify the Proportion of Their Budgets Spent as a Direct cost of Alcohol and Drug Abuse
- R-11 Continued First Reading of an ORDINANCE Establishing the Duties and Responsibilities of Purchasing, Contracts and Central Stores (from Thursday, November 12, 1992)
- R-12 RESOLUTION in the Matter of Endorsing the School Restructuring Efforts at Reynolds High School

MANAGEMENT SUPPORT

- R-13 First Reading of an ORDINANCE Relating to Benefits for Employees Not Covered by Collective Bargaining Agreement, and Repealing Ordinances Nos. 534, 566, 600 and 721
- R-14 First Reading of an ORDINANCE Relating to Retiree Medical Insurance for Employees Not Covered by Collective Bargaining Agreements Repealing Ordinances Nos. 629 and 670, and Amending Ordinance No. 295
- R-15 First Reading of an ORDINANCE Relating to Pay Administration for Employees Not Covered by Collective Bargaining Agreement, and Repealing Ordinances Nos. 438 and 704

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-16 ORDER in the Matter of Exempting from Public Bidding a Contract with Goal/Legent for the Purchase of Insight Software Package

(Recess as the Public Contract Review Board and reconvene as the Board of County Commissioners)

PUBLIC COMMENT

- R-17 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Tuesday, November 24, 1992 - 1:30 PM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

- App*
- P-1 First Reading of an ORDINANCE Amending Sections of MCC 11.15 to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practices as Part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-2 First Reading of an ORDINANCE Amending Comprehensive Framework Plan Policy 11, Commercial Forest Land and Plan Policy 12, Multiple Use Forest to Ensure that Future Land Divisions and Land Uses in Forest Areas are Compatible with Forest Practice and to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6
- P-3 First Reading of an ORDINANCE Amending the Comprehensive Framework Plan Map and Sectional Zoning Maps by Changing the Multiple Use Forest Designation to Commercial Forest Use as part of the Amendments needed to bring Multnomah County's Land Use Planning Program into Compliance with Oregon Administrative Rule 660, Division 6

*Meet with
Cliff Suroka
in Ark Wed.
Re: Land Section*

0203C/34-38

cap

BCC ✓

Philip Thompson
25925 NW Col. Riv. Hwy.
Scappoose, Oregon 97056

November 24, 1992

Multnomah County Commissioners
Office of the Board Clerk
Suite 1510, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

To record my testimony given this date in matters P-1 through P-3, The Forest Lands Issue:

I contend that my property and the properties to the north of me along old U.S. Highway 30 are not commercial forest land as designated in the proposed new code, and indeed were only appropriately Zoned MUF 19 because of certain language in the zoning which allowed and encouraged low density rural residential uses. Parcels across the old road were zoned agricultural, and the front half of my land is pasture land with some orchard trees. The rear portions of our property and the properties to the north are forested. My wife and I refer to it as our 3½ acre mystic forest. Behind us, on the quarter section line, a power line easement separates our use pattern from true forest uses further to the west.

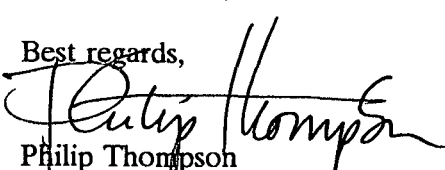
We understand that we would be allowed to continue to live there under the new zoning. However, I am convinced that the nature of our property is well and truly rural in its use, giving a proper mix of agriculture and woodlot, and that we are not properly served by residential exceptions in a large-lot commercial forest zone. Your action in protecting true Commercial Forest land should not result in forever assigning a substantial non-conforming use to land such as ours. Instead, we should be assigned a zone which recognizes the rural mixed-use nature of lands such as ours.

I request that you direct the Planning Staff to immediately begin to develop zoning appropriate for land such as ours. We should not be stepchildren of a prior zoning error compounded now by the County and State need to protect other forest lands elsewhere. No one who looked at my land would call it commercial forest. We also should not have to wait for some unspecified time in the future (maybe 1995) for the development of such zoning. It should begin now.

We have not requested changes to the boundaries of the zoning map earlier in the process, because we did not wish to become a special case, and to open the issue of a myriad of special cases to clog the hearing process. However, if the Commission does not see fit to order the staff to begin immediately to study smaller lot zoning for our area and others like it, we hereby request that in amending the zoning maps under agenda item P-3, the edge of commercial forest zoning be drawn at the power line easement which parallels the north-south center-line of section 25, and that the land to the east of that line remain MUF-19

Thank you for your attention to this matter.

Best regards,


Philip Thompson
encl: map

BOARD OF
COUNTY COMMISSIONERS
11992 NOV 25 AM 9:26
MULTNOMAH COUNTY
OREGON



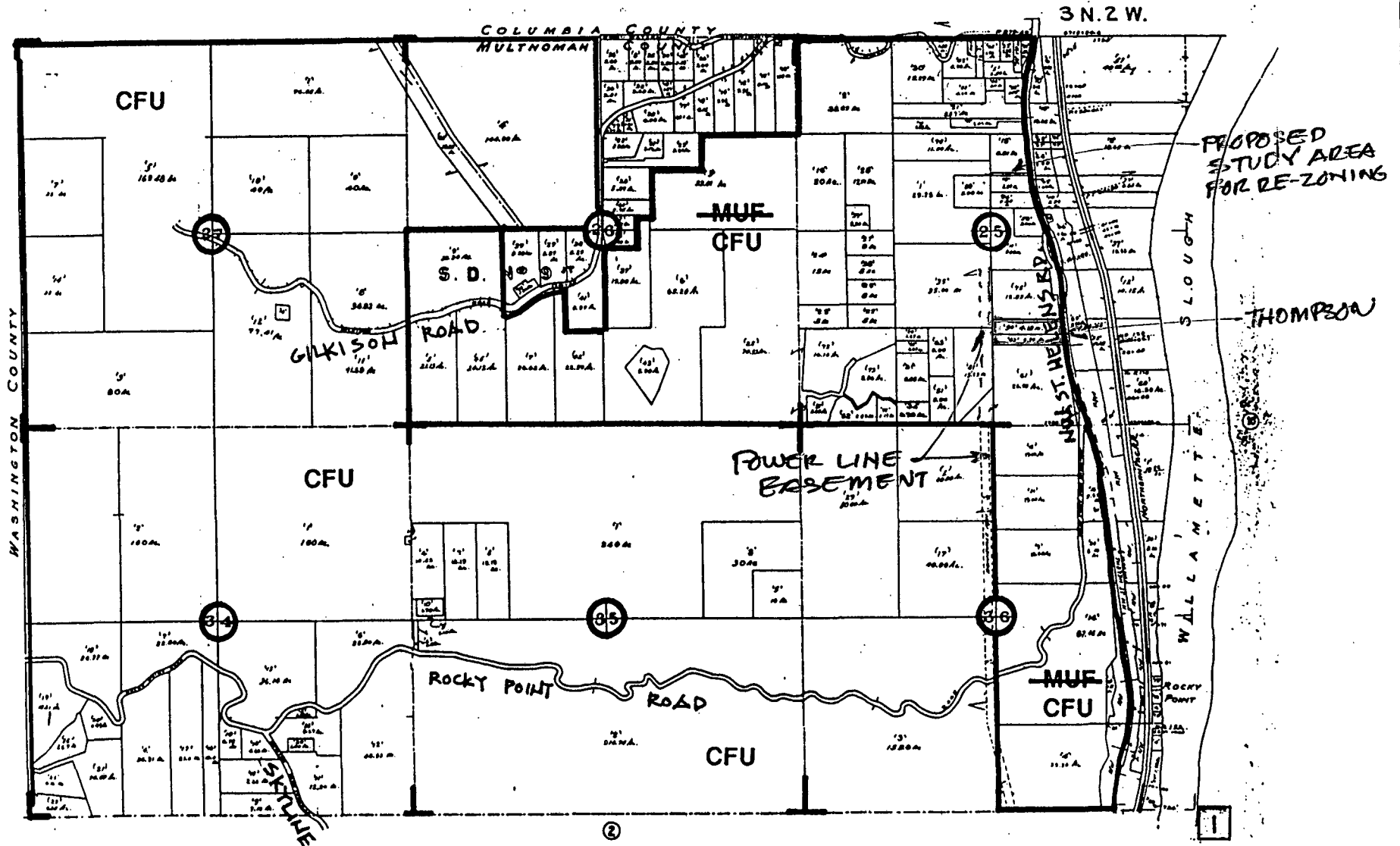
0 2000 FT. 4000 FT. 1 MILE

APPROXIMATE SCALE

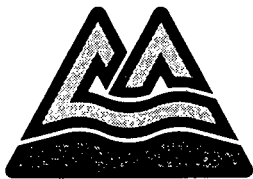


SECTION 25, 26, 27, 34, 35, 36

T.3N. R.2W.



FOREST ZONED LAND
1992 PLAN REVISION AND ZONE CHANGE OF MUF TO CFU



MULTNOMAH COUNTY OREGON

*Planning 11-24-92
Handout #1*

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

Date: November 24, 1992

To: Gladys McCoy, Chair
Members of the Board

From: R. Scott Pemble, *Planning Director*

Subject: Multnomah County Compliance with Oregon Administrative Rules on Forest Lands (OAR 660, Division 6)

On January 25, 1990 State of Oregon Land Conservation and Development Commission (LCDC) made amendments to Statewide Planning Goal 4 (Forest Lands) and the related Administrative Rule (OAR Chapter 660, Division 6)¹. LCDC took this action because a growing number of private forest resource lands were being lost to non-forest uses (e.g., rural residential, destination resorts, and golf courses). These goal and rule changes require Multnomah County to amend current Comprehensive Plan Policy, Zoning Code, plan and zoning maps, and findings pertaining to the regulation of forest lands by February 5, 1992.

In March 1992 the planning staff reviewed with the Board and the Planning Commission the work program elements for the completion of all Forest Goal/Rule amendments. This work program was followed with the exception of scheduling one additional hearing before the Planning Commission.

The Planning Commission held seven meetings (approximately 16 hours) to discuss the Forest Goal/Rule amendments, three were public hearings (5 3/4 hours). In total the Planning Commission heard 35 speakers, seven of the speakers at least twice. In addition staff held two workshops, one in the east county the other in the west county, attended by approximately 100

1. The basis for LCDC conclusions regarding the loss of forest resource lands were documented by The Farm and Forest Lands Research Project funded by the 1989 Oregon Legislature. Three reports were published in 1991 which discussed the status of resource lands, the relationship between dwellings/partition approval and resource management, and survey of

people combined. Also, since March staff has been averaging 5 contacts per day concerning the pending changes to forest use regulations.

During this same time, the LCDC began work on "secondary lands" (i.e., Small Scale Resource Lands). Work on secondary lands has resulted in three drafts, with each draft revising parts of the previous draft. The third draft will be discussed at a December 3, 1992 LCDC meeting, and the commission is expected to adopt some version of the third draft.

The third draft, the November 10, 1992 version, includes three work requirements. It requires local jurisdictions, specifically Multnomah County, to complete the following:

- 1) Modify local plans and land use regulations to be consistent with the newly amended Forest rule (OAR 660, Division 6) by February 5, 1994;

- 2) Modify local plans and land use regulations to be consistent with the newly amended Agriculture rule (OAR 660, Division 33) by May 31, 1995; and,

- 3) At the local jurisdiction discretion, designate "Small Scale" resource lands only if the first two requirements are satisfied.

The first requirement concerns the Board's discussion today. The first requirement, adopting forest goal/rule amendments, will cause Multnomah County to change the proposal the Planning Commission has recommended to the Board. The required changes, however, staff characterizes as house-keeping. No substantial modifications are required. The Board has three alternative ways to proceed:

- 1) Hold hearing today, have staff monitor LCDC December 3, 1992 meeting and make recommendation at the Board December 8, 1992 meeting to either have second reading or continue the hearing at a later date;

- 2) Postpone today's decision until sometime prior to February 5, 1994; or

- 3) Postpone today's hearing until after the December 3, 1992 hearing and have staff recommend future hearing dates at the December 8, 1992 Board meeting.

Staff recommends the first strategy because of the uncertainty of whether LCDC will adopt rules on December 3, 1992; the requirement to meet the February 4, 1993 deadline under the current rule; the close fit of the Planning Commission proposal with the last draft of the LCDC Forest rule (Draft 3); and lastly, house-keeping adjustments can be made between the first and second reading (December 8, 1992).

BCC ✓

BOARD OF
COUNTY COMMISSIONERS

1992 NOV 20 AM 11:00

MULTNOMAH COUNTY
OREGON

November 18, 1992

Multnomah County Board of Commissioners
1120 SW 5th Street
Portland, Oregon 97204

As an employee and as a citizen of Multnomah County, I am writing to you to express my genuine concern regarding the adoption of domestic partner health benefits coverage. It is my understanding that this will be part of a proposed modification to the exempt employee benefit package to be presented to the Board at the November 24th meeting. I urge you to oppose this change in benefits. I was very disturbed to learn that this was included in the recently adopted union contract and I urge you to oppose this coverage in any future contract negotiations. Let me explain my position.

In recent years there has been much concern regarding health care cost containment resulting in the recent reductions in employee health care benefits. While benefits for immediate employees are being curtailed, it is hard to understand why benefits are being extended to an expanded definition of "dependents". While we are all concerned with providing adequate health care to all of our citizens, it should not be accomplished through extending employer paid benefits to non-employees who happen to have a "close personal relationship" with an employee. I assume that coverage is being extended to individuals who, for whatever reason, choose not to, or cannot, get married, in order to achieve fairness and equity. However, the only method that would actually be equitable would be to charge employees for dependent coverage that could be selected through a cafeteria style benefit package. This way an employee with more dependents would not be compensated more than another employee, doing the same job, who had no dependents. Since employees would pay for the coverage they could be allowed to add anyone they wanted.

Secondly, I am concerned about the vague language and lack of definition for this coverage. Who is to say what is and what isn't a "close personal relationship?" According to employee relations staff the intent is to provide coverage for homosexuals. It appears that the reality is that coverage can be provided to anyone who has been a roommate for 6 months, except for blood relatives. What is a "sole domestic partner?" What if one has multiple domestic partners? Could coverage be provided for one of the partners? To not do so would appear to be discriminatory and judgmental about one's lifestyle.

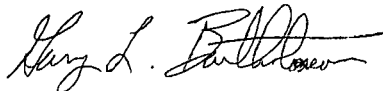
I am especially outraged that my employee benefits are being extended to anyone that I bring in off the street for six months, but not to my blood relatives. Why can I provide health coverage to anyone but my elderly mother or totally disabled brother with whom I have the very closest of "close personal relationships?" I find this inconceivable and very much lacking in support of family values.

Finally, I find this concept to be highly controversial both in the workplace and in the community. Many employees have divulged to me that they do not support this and feel that it is a misuse of their employee benefit dollar. Only one employee imparted that she "didn't have a problem with it."

In the community I have been subjected to much questioning, embarrassment and ridicule from friends, relatives, associates and acquaintances who are appalled at the Board's action in this matter. Many consider this to be fiscally irresponsible. These types of actions by our elected officials are in response to special interest group lobbying and are out of line with their constituent's opinions resulting in much divisiveness in the community. This results in ugly situations like Measure 9. Quite frankly, I find our county to be on the leading edge of something I'm not proud to be a part of.

Again, I urge you to oppose this proposed benefit revision. It's bad business for Multnomah County.

Respectfully,

A handwritten signature in dark ink, appearing to read "Gary L. Bartholomew". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Gary L. Bartholomew

bcc -

November 19, 1992

Multnomah County Board of Commissioners
1120 SW Fifth Ave.
Portland, Oregon 97204

BOARD OF
COUNTY COMMISSIONERS
1992 NOV 23 AM 11:38
MULTNOMAH COUNTY
OREGON

I have learned that hearings on the "domestic partner" issue for exempt personnel employed by Multnomah County has been placed on the Board's agenda. Although this issue is not one that is put before a vote of the people, I am writing this letter to protest any such action that the Board might decide to take that would pass this type of an agenda item. Please allow me to explain an opinion that seems to be universal among people who I have talked to who live in Multnomah County but are not necessarily employed by local government.

Recently, Multnomah County Commissioners passed a similar domestic partner provision for all non-exempt employees of Multnomah County. When this was announced by the media, the public felt betrayed by these elected officials. At a time when budget cutbacks are a necessity and your constituents are crying out for fiscally responsible control in government, not only at the State but local levels as well, people wondered how such a decision could so irresponsibly have been made.

I am an exempt employee and concerned citizen of Multnomah County. I urge you to consider the full impact that a provision such as this would have. Regardless of any cost involved, I do not feel that domestic partners for health and dental care should be permitted based on "close personal relationships." This type of terminology becomes difficult, at best, to define and serves more to anger the general population as it is viewed as discriminatory to the rest of the population.

Please ask yourselves, "are exempt personnel asking for such a provision"? The union employees that I spoke with claimed they did not vote for such a provision in their recently ratified union contract. It was placed in the package along with the raise they really wanted. A vote against domestic partners would have meant a vote against their raise.

Please do not allow this sort of "policy-making" to become a standard in Multnomah County government.

Sincerely,

A Concerned Taxpayer of Multnomah County

To Multnomah Co. Commissioner

11/24/92

I am opposed to the proposed amendment of MCC 11.15.

Further, I am opposed to a county, city or state taking any portion of the value; physically or by devaluing of any property held legally by the owner.

If it is for the general welfare of the people as stated on page 29 line 3 and 4 then let those people compensate the owner for the value of the restricted use or purchase the property at fair market value from the owner. Value to be amount prior to devaluation.

Sincerely
Kenneth M. Smith
Kenneth M. Smith
44855 SE Connet Rd.
Corbett Oregon 97019.
695-2492

P.S. I am a property owner in the county of Multnomah and Clackamas Counties and a Registered Voter in the State of Oregon.

K.M.S.

Attention:

Multnomah Co Commissioners and a
Planning Commission

Some Background:

In 1973 my brother and I purchased
three adjoining lots of record in Clackamas Co.
Our goal was a place for each of us
to build our American dream.

In 1974 when Clackamas zoned; our
three lots became one buildable lot,
end of dream!

In 1983 we dared to dream again
and bought 20 acres in Mult Co. so
one of us could build on that lot.

It now seems likely that we
are going to loose our rights to build
on this acreage.

Statement:

I am OPPOSED to any
governing body taking mine or
anyone elses right to build on
any legal lot of Record without
due compensation.

Without the right ~~to~~ to build these
lots will be greatly depreciated or worthless
over

If the State + County need The Timber land for revenue from timber then the State and or County should Compensate the land owner.

To build a home on 20 acres does not take that much ground out of production.

I personally can see an argument for not dividing any large tracts of timberland for homes.

I work in the Timber industry and my observation is; Governing bodies are going to punish the small land holder because of governing bodies lack of enforcement of replanting. A supply ^{problem} ~~problem~~ is not our fault!

I can show you lot after lot of unplanted + scrub land.

If you would like to talk further call Don Smith 695 2492

Donald A Smith

44855 SE Corbett rd
Corbett Ore 97019

OREGONIANS IN ACTION

*Planning
11-24-92
Handout #1*

November 24, 1992

STATEMENT TO THE BOARD OF COMMISSIONERS
OF MULTNOMAH COUNTY
RELATING TO REGULATING LAND USES IN FOREST ZONES

I am Bill Moshofsky, Vice President for Government Affairs for Oregonians in Action, a statewide, nonprofit, nonpartisan organization seeking balance and realism in land use regulations and protection for the rights of private landowners.

We strongly opposed the adoption by LCDC of the changes LCDC made to the Forest Goal and Rules which you are now implementing. We appealed to the Oregon Court of Appeals asking the court to overturn the LCDC changes for a number of reasons including our contention that the changes impose "conservation easements" on private property with no provision for compensating landowners in violation of the Oregon and US Constitutions.

The court decided it was premature for it to consider taking claims, indicating such claims must be asserted against counties when implementing ordinances are adopted and actually restrict uses on specific parcels of land.

You are now considering adopting Amendments to your ordinances relating to forest zones which will implement those objectionable LCDC Goal and rule changes, and apply them to specific parcels of land.

As you can understand, we want to register our strong objections to your adoption of such implementing Amendments, and want you to be aware that we will assist landowners to recover compensation for losses in use and value of their land they suffer. So far as we know, LCDC is not prepared or funded to indemnify you against such claims.

Also, we object to all provisions in the proposed Amendments which are more restrictive than LCDC's rules require. We will assist landowners with claims based on those restrictions as well.

We believe the recent decision of the U.S. Supreme Court in the Lucas case buttresses our position that servitudes such as you are imposing on private property are outright confiscation. While the decision in that case concerned a regulation that deprived the owner of all economic use, statements in the opinion are clearly applicable to servitudes that leave the owner with some use. Our analysis of that case as it applies to regulations

such as you are considering ^{are} set forth in a memo I recently presented at an Oregon State Bar seminar on the "regulatory taking" issue. Oregonians in Action attorneys have recently submitted similar arguments to the Oregon Supreme Court in four pending test-cases. I am furnishing you with copies of that memo, dated October 9, 1992.

In our view, the proposed regulations of forest land are not traditional zoning regulations applicable to urban areas where there is a reciprocity of benefits and burdens among affected landowners, or where regulations are intended to prevent one landowner from inflicting harm on another landowner or to provide stability of property values.

The proposed Amendments before you are much different. They are intended to press private property into government service. Section 11.15.2042 clearly demonstrates this. It indicates the basic purposes are to grow and harvest timber and produce wood fiber, and to provide or protect wildlife habitat, scenic values, agriculture, watersheds, and recreational opportunities.

Under the proposed Amendments, the public gets all the benefits, if any, and the affected landowners get none. Yet the landowners bear all the burdens and the public bears none. That's not right. That's not fair.

Aside from constitutionality and fairness, the proposed regulations are not good public policy. These blanket restrictions misallocate land and resources. The highest and best use of most of the land subjected to these restrictions is not for forest uses, it is best suited for residential use in varying parcel sizes. Much of it was previously zoned that way and intended by the owners to be used that way.

The proposed regulations are not good planning, and they are not good regulations.

Turning to the parts of the proposed regulations that are more restrictive than LCDC rules require, we strongly urge you to reject them for all the same reasons. They simply impose additional servitudes to provide benefits to the public without compensation. Also, there is need for some clarification.

Here are our comments on the "more restrictive" provisions:

On page 5 (11.15.2048 (E)), "or parcel" should be added after "lot", to assure replacement would be permissible on a parcel created by a minor partition. Lot may be limited to subdivisions.

On page 8 (11.15.2049, see previous comment on "lot". Also,

there is no justification for the arbitrary 200 foot requirement.

On page 12 (11.15.2051 (A)), imposing 10 acre minimums is needlessly restrictive. There is no rational basis for this limitation.

On page 15 (11.15.2052 (A)(2)), there is no rational justification for the proposed restrictions on lot sizes and "distance" to road and property line requirements.

On page 16 (11.15.1052 (A)(5)), the proposed regulations in effect deny dwellings to provide big game winter habitat. This is outrageous. If the public wants private property for wildlife habitat, the public should buy it. Again, this is simply a conservation easement imposed by regulation without compensation. It is contrary to state law and Goal 5 guidelines stating such resources are to be purchased, and an unconstitutional deprivation of private property. Moreover, it is not required by the LCDC forest rules you are implementing.

Moreover, if the county does not have an acknowledged big game habitat overlay in its comprehensive plan for forest areas, this provision violates Goal 5 on its face. In order for the county to establish such servitudes it must comply with the inventory and ESEE provisions of Goal 5. Also that process must comply with the State Supreme Court decision in the recent Columbia Steel Castings case.

On page 27 (11.15.1074 (A)(5)(c)), requires a building site to have a slope less than 40%. This arbitrary standard is inappropriate. This would deny owners opportunities to have view sites. Any real concerns with steep slopes can be dealt with on a case by case basis.

In conclusion, we urge you not to adopt any of the proposed regulations required by LCDC until LCDC agrees to indemnify you from liability for compensation claims that will be triggered by such regulations. If you do proceed to implement the LCDC rules, we urge you not to adopt any provisions which impose more restrictions than LCDC rules require.

OREGONIANS IN ACTION

L e g a l C e n t e r

October 9, 1992

IT'S TIME TO COMPENSATE FOR "REGULATORY TAKINGS"

By: Bill Moshofsky, President, Oregonians in Action
Legal Center

OPENING COMMENTS:

The recent US Supreme Court decision in the Lucas case, ____ U.S.____, 112 S.Ct. 2886 (1992), has put the spotlight on a long festering land-use regulatory problem in the state of Oregon.

The problem is the shocking disregard regulatory bodies have for property rights. LCDC's Goals and rules, local governments comprehensive plans, zoning ordinances, environmental "overlays" and other regulations virtually ignore landowner's rights. Other agencies such as the Board of Forestry are moving in the same direction. The Legislature has been very remiss in failing to impose restraints on regulators, and at best has sent mixed signals.

Meanwhile, the courts have tilted heavily against landowner's rights in decisions which are interpreted to deny compensation for losses landowners suffer from regulations except when landowners are left with no economic use whatsoever. To add insult to injury, requirements to "exhaust remedies" and carry the burden of proof make it virtually impossible for most landowner's to even try to recover compensation.

The present situation is intolerable. It makes a mockery of constitutional protections for private property, the cornerstone of our market-based economic system. Even more basic, it's like telling a thief it is lawful to steal \$95 from your wallet if he leaves \$5. It's certainly not fair to individual landowners to force them to bear burdens that in all fairness and justice the public should bear. And it's not in the public interest because it generally results in the misallocation of resources. If "takings" are perceived to be "free", the demand is unlimited. Requiring regulators to pay automatically brings discipline and some balance.

This is not to say all regulations adversely impacting the use of private lands should trigger compensation. Some should not such as regulations to protect the public's rights and interest in water and air, traditional zoning in urban areas and prevention of injury to one's neighbors.

There is a critical need for the courts and legislators to come up with decisions or laws that will rationally and realistically determine when land use regulations result in "takings" requiring

compensation to landowners, especially when regulations take "less than all economic use", i.e., partial takings.

This presentation will revisit Oregon court decisions on "takings" and point to holdings or statements that can be the basis for requiring compensation in many situations. It will also glean from the Lucas case some significant statements that are likely to lead to greater protection for private property.

OREGON "TAKINGS" CASES

Fifth Avenue

Careful analysis of Fifth Avenue Corp. v. Washington County, 282 Or 591 (1978) reveals that the Oregon Supreme Court required compensation not only when a regulation precludes "all economically viable use"; it also said compensation should be paid when regulatory action "results in such governmental intrusion as to inflict virtually irreversible damage." Obviously, the second test must be interpreted to apply to cases where less than all use is taken. The court has not applied it in other cases but the court did note that the "irreversible damage" test would not be restricted to trespasser encroachments that leave the owner with some use, certainly indicating applicability of the test to regulatory use restrictions.

The "irreversible damage" test can apply in many "partial taking" cases, such as where rural zoning regulations strip a rural landowner of the right to a dwelling on his land. The landowner may be able to use the land for growing crops, but he has irreversibly lost the right to a dwelling. In this connection, the US Supreme Court has indicated there is a right to a dwelling -it's not a privilege government grants. At the least, if before the regulatory restriction the owner had the right to a dwelling it was a fundamental stick in the bundle of rights that make up fee simple ownership.

Another approach to securing compensation for regulatory "takings" under Fifth Avenue is application of the concept that when government uses regulation of private property to carry out its "enterprise" role (where it takes unto itself private resources for the common good) it must compensate landowners for resulting infringement of their rights, as distinguished from government acting in its "arbitral" capacity (where it intervenes to straighten out conflict situations or where one person's use of his land is injurious to others).

This approach can be applied in many situations such as where forest or forest land has been zoned exclusively for farm or forest purposes in order to meet the public's "future needs for agricultural products, forest and open space" (LCDC Goal 3) or to

maintain the forest land base and to "protect the state's forest economy" (LCDC Goal 4). The same approach applies where, under LCDC Goal 5, counties are placing regulatory restrictions on private land to secure wildlife habitat, natural areas, open space, scenic views, historic preservation, etc. In all these situations government is acting basically in its "enterprise" capacity - it is appropriating interests in private land to achieve public purposes.

In this connection, such interests have already been statutorily defined as interests in land by the Conservation Easement statute, ORS 271.715. Also, the Legislature and LCDC have established the policy of paying for Goal 5 type resources - see the Implementation section of Goal 5, the Willamette Greenway and the Scenic Rivers statutes.

Suess Builders

This case [Seuss Builders v. City of Beaverton, 294 Or 254 (1982)], explicitly recognized the possibility of takings in cases where a servitude or easement imposed by government could give rise to a governmental duty to award compensation for the interest take and the burden imposed on the landowner. Justice Linde noted there are "hypothetical and not so hypothetical situations in which it may be argued that government is misusing regulatory power to impose on private property the burdens of actual governmental or public uses as a means of circumventing its obligation to pay . . ." While Justice Linde gave examples involving "physical occupation" type easements, the differences between them and "non-physical occupation" easements in terms of the impact on landowners is negligible. It's time the courts treat regulatory encroachments the same as physical encroachments.

ANALYSIS OF LUCAS AS IT MAY APPLY TO OREGON LAND USE REGULATIONS

Regardless of what the Oregon courts do, they must take into account what the US Supreme Court requires in regulatory taking cases. Some have thought that Oregon can go its own way when it interprets or applies its own constitution. But that does not apply where doing so would violate the 14th and 5th Amendments to the US Constitution. The Oregon court cannot provide less protection than the US Supreme Court says the US Constitution requires. In any case, the wording of the Oregon and US constitutions are virtually identical, so decisions of the US Supreme Court are powerful precedents.

The holding in the Lucas case is limited to the facts in that case which involved regulations which all conceded denied the owner of all economic use of his land.

The holding itself is helpful in Oregon in cases where all economic use is "taken" by regulations, in that the court indicated compensation must be paid except when the use constitutes a "nuisance" in the common law sense or when the title of the owner does not allow the use. Thus, regulators cannot escape compensation by claiming the regulation is intended to prevent harm or needed to serve some "public interest"

However, most potential "regulatory takings" cases involve the taking of less than all economic use (partial takings).

Surprisingly, the Court's opinion sends some powerful messages that apply to partial takings, perhaps an invitation to bring such cases to the court and laying out approaches that might be taken to justify compensation. Also, the opinion may be a warning to regulators as to risks they are taking if they overstep. Here are some examples:

1. The majority opinion rejected a dissenting Justice's assertion that the majority will not require compensation for taking "less than all" economic use, a clear indication compensation will be required for some partial takings.
2. The majority opinion reiterated the concept that frustration of "investment backed expectations" must be considered in regulatory takings situations. It will be difficult for the Supreme Court not to apply this concept in partial takings cases - it simply doesn't make sense to take expectations into account when all use is taken and completely ignore expectations when less than all is taken. Despite Justice Linde's footnote in Suess Builders that Oregon does not apply this concept, it will be forced to do so to assure that Oregon provides at least as much protection for private property as the US Supreme Court requires.
3. The majority opinion also discussed the concept that taking all economic use of part of a tract may qualify as a taking. This concept would apply in many factual situations in Oregon such as where Goal 5 type set-asides on private land for spotted owl habitat, natural areas, open space, etc. - and where zoning deprives an owner of the use of a part of a tract, leaving the owner the use of the remainder.
4. The court expressed concern that regulations "requiring land to be left substantially in its natural state - carry with them a heightened risk that private property is being pressed into some form of public service under the guise of mitigating serious public harm". It went on to indicate that statutes providing for using "eminent domain to impose

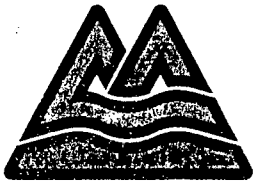
servitudes on private scenic lands preventing developmental uses . . . suggest the practical equivalence of negative regulation and appropriation." Such comments are especially applicable to many regulatory servitudes imposed in Oregon, most of which are intended to confer benefits to the public, and not to prevent "public harm", providing more reasons for requiring compensation. Zoning rural land exclusively for farm or forest purposes to maintain the agricultural and forest economy of the state and restricting use of private land to provide wildlife habitat or to preserve natural areas, open space and wetlands are such servitudes.

5. The majority opinion has apparently adopted Chief Justice Rehnquist's view that in considering whether compensation is required when regulations burden private landowners, the courts should determine whether the regulation "secures an average reciprocity of advantage" to everyone concerned. In this connection, J. Rehnquist's dissent in the Keystone Case (which presumably has been adopted by the majority) states compensation must be paid if the regulation fails to secure such "average reciprocity of advantage". Keystone Bituminous Coal Ass'n v. DeBenedictis, 480 U.S. 470 (1987).

This is yet another basis for requiring compensation for regulatory impacts in Oregon. For example, requiring a landowner to give up land uses to provide habitat, protect wetlands, etc. for the benefit of the public does not secure an average reciprocity of advantage. The individual landowner bears all the burdens and gets no benefits, while the public gets all the benefits and bears no burdens. Likewise, rural landowners forced to forego having a dwelling on their land to protect the farm or forest economy of the state suffer great burdens and get no benefits, while the public gets all the benefits, if any, and bears no burdens.

6. In the same vein, the heavy emphasis in Lucas on requiring compensation for regulatory servitudes on private land except when common law nuisance (and inherent title limitations) apply could eventually apply to situations where the owner is deprived of less than all economic use. This was also a theme in J. Rehnquist's dissent in Keystone.

These are approaches Oregonians in Action Legal Center is pursuing or will be pursuing in test cases on the taking issue. We will welcome reactions, comments and suggestions. These approaches may bear fruit. On the other hand, it may be that the courts should abandon all the confusing, often conflicting prior rationales and start anew with a clean slate. In any case, justice, fairness and the public interest require that the courts and or the Legislature provide much needed protection for the rights of land owners against regulatory takings.



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
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PORTLAND, OREGON 97204

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SHARRON KELLEY	•	DISTRICT 4	•	248-5213
CLERK'S OFFICE	•	248-3277	•	248-5222

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

November 23 - 27, 1992

Tuesday, November 24, 1992 - 9:30 AM - Board Briefings. . .Page 2

Tuesday, November 24, 1992 - 10:40 AM - Regular Meeting . .Page 2

Tuesday, November 24, 1992 - 1:30 PM - Planning Items . . .Page 5

Thursday, November 26, 1992 - **THANKSGIVING HOLIDAY**
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Tuesday, November 24, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Multnomah Cable Regulatory Commission First Quarter Activity Report. Presented by Julie Omelchuck. 5 MINUTES REQUESTED. 9:30 AM TIME CERTAIN.
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REGULAR MEETING

CONSENT CALENDAR

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SHERIFF'S OFFICE

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(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

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