



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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FEBRUARY 9, 2006 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|---|
| Pg 2 | 9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters |
| Pg 2 | 9:30 a.m. Resolution Setting a Public Hearing and Directing Notice Regarding Proposed Vacation of a Portion of NE Arata Road |
| Pg 3 | 9:33 a.m. Ordinance Amending Land Use Code, Plans and Maps to Adopt Portland's Land Use Code, Plan and Map Revisions Related to Infill Design Code Amendments |
| Pg 3 | 9:42 a.m. Reallocation of Facilities Capital Project Funds, Multnomah County Inverness Jail Kitchen Floor Replacement Project |
| Pg 3 | 9:45 a.m. 2005-2006 Wage Re-openers for International Union of Operating Engineers |
| Pg 3 | 9:48 a.m. Resolution Authorizing Internal County Loan |

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30
Produced through Multnomah Community Television

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or: <http://www.mctv.org>

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

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

NON-DEPARTMENTAL

- C-1 Reappointment of Rick Fernandez to the HOUSING AUTHORITY BOARD OF DIRECTORS

SHERIFF'S OFFICE

- C-2 Government Non-Expenditure Contract (190 Agreement) 4710000025 with the City of Gresham to Allocate Law Enforcement Personnel to the Gresham Police Department's Investigations Division

DEPARTMENT OF COMMUNITY SERVICES

- C-3 RESOLUTION Authorizing the Placement of an Easement on a Tax Foreclosed Property
- C-4 Approval of Auto Wrecker Certificate Renewal for Frank P. Miller and Thomas P. Miller of MILLER TRUCK SALVAGE LLC, 15015 NW Mill Road, Portland
- C-5 Approval of Auto Wrecker Certificate Renewal for Rex M. and June J. Davis of ORIENT AUTO PARTS, INC., 28425 SE Orient Drive, Gresham

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COMMUNITY SERVICES - 9:30 AM

- R-1 RESOLUTION Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of a Portion of NE Arata Road, County Road No. 730

- R-2 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Infill Design Code Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

DEPARTMENT OF COMMUNITY JUSTICE - 9:36 AM

- R-3 Budget Modification DCJ-23 Appropriating \$22,032 in Federal Funds Administered by the Housing Authority of Portland to Provide Rental Assistance for Clients and their Families through the DCJ Adult Transitional Housing Unit

DEPARTMENT OF COUNTY HUMAN SERVICES - 9:38 AM

- R-4 Budget Modification DCHS-21 Increasing the Mental Health and Addiction Services Division Appropriation by \$122,511 to Reflect Restoration of the State Mental Health Grant Award for Older/Disabled Adult Services
- R-5 Budget Modification DCHS-22 Increasing Mental Health and Addiction Services Division Appropriation by \$236,766 to Reflect Funding Revisions to the State Mental Health Grant Award for Child and Adolescent Outpatient Mental Health Services and Adding 1.25 FTE

DEPARTMENT OF COUNTY MANAGEMENT - 9:42 AM

- R-6 Reallocation of Facilities Capital Project Funds FPM-04, Multnomah County Inverness Jail, Kitchen Floor Replacement Project
- R-7 Approval of 2005-2006 Wage Re-openers for the Labor Agreement between Multnomah County and the International Union of Operating Engineers, Local 701

NON-DEPARTMENTAL - 9:48 AM

- R-8 RESOLUTION Authorizing the County to Make an Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to Fund the Additional Amount Needed for the Sauvie Island Bridge Replacement Contract

Thursday, February 9, 2006 - 10:00 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

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

**CONSENT CALENDAR SCRIPT FOR THURSDAY,
FEBRUARY 9, 2006**

CONSENT CALENDAR - 9:30 AM

**MAY I HAVE A MOTION FOR CONSENT
CALENDAR ITEMS C-1; C-4 AND C-5?**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF CONSENT CALENDAR ITEMS C-
1; C-4 AND C-5**

**ALL IN FAVOR, VOTE AYE, OPPOSED ____?
THE MOTION FAILS
OR
THE CONSENT CALENDAR IS APPROVED**

ACKNOWLEDGE AND THANK APPOINTEE

NON-DEPARTMENTAL

C-1 Reappointment of **Rick Fernandez** to the **HOUSING
AUTHORITY BOARD OF DIRECTORS**

DEPARTMENT OF COMMUNITY SERVICES

C-4 Approval of Auto Wrecker Certificate Renewal for Frank P. Miller and
Thomas P. Miller of MILLER TRUCK SALVAGE LLC, 15015 NW Mill
Road, Portland

C-5 Approval of Auto Wrecker Certificate Renewal for Rex M. and June J. Davis
of ORIENT AUTO PARTS, INC., 28425 SE Orient Drive, Gresham

REGULAR AGENDA - 9:30 AM
SHERIFF'S OFFICE

C-2 Government Non-Expenditure Contract (190 Agreement) 4710000025 with
the City of Gresham to Allocate Law Enforcement Personnel to the Gresham
Police Department's Investigations Division

COMMISSIONER _____ MOVES

**COMMISSIONER _____ SECONDS
APPROVAL OF C-2**

**CHRISTINE KIRK EXPLANATION, RESPONSE TO
QUESTIONS**

OPPORTUNITY FOR PUBLIC TESTIMONY

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE MOTION FAILS
OR
THE AGREEMENT IS APPROVED**

DEPARTMENT OF COMMUNITY SERVICES

**C-3 RESOLUTION Authorizing the Placement of an Easement on a Tax
Foreclosed Property**

**AT THE REQUEST OF THE DEPARTMENT, MAY
I HAVE A MOTION TO POSTPONE
INDEFINITELY?**

**COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
TO POSTPONE INDEFINITELY**

ALL IN FAVOR, VOTE AYE, OPPOSED ____?

**THE RESOLUTION IS POSTPONED
INDEFINITELY**

AMENDMENT FOR FEBRUARY 9, 2006 AGENDA ITEM R-8

RESOLUTION Authorizing the County to Make an Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to Fund the Additional Amount Needed for the Sauvie Island Bridge Replacement Contract

COMMISSIONER ROJO TO MOVE APPROVAL OF AN AMENDMENT TO CORRECT SCRIBNER'S ERROR IN THE AGENDA PLACEMENT REQUEST, EXPLANATION NUMBER THREE AND THE RESOLUTION, RESOLVE NUMBER TWO, TO REFLECT THE CORRECT WILLAMETTE RIVER BRIDGE FUND REIMBURSEMENT OF \$3,253,000 IN FISCAL YEAR 2010/2011.

2. The Willamette River Bridge Fund will reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007, \$500,000 in fiscal years 2007/2008, \$1,600,000 in fiscal year 2008/2009, \$3,000,000 in fiscal year 2009/20010 and ~~\$2,253,000~~ **\$3,253,000** in fiscal year 2010/2011.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/09/06
 Agenda Item #: C-1
 Est. Start Time: 9:30 AM
 Date Submitted: 01/31/06

BUDGET MODIFICATION: -

Agenda Title: **Reappointment of Rick Fernandez to the Housing Authority Board of Directors**

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

| | | | |
|------------------------|-------------------------------------|------------------------|-------------------------|
| Date Requested: | <u>2/9/2006</u> | Time Requested: | <u>Consent Calendar</u> |
| Department: | <u>Non-Departmental</u> | Division: | <u>Chair's Office</u> |
| Contact(s): | <u>Chair Diane Linn, Andy Smith</u> | | |
| Phone: | <u>503/988-3308</u> | Ext. | <u>83308</u> |
| | | I/O Address: | <u>503/600</u> |
| Presenter(s): | <u>N/A</u> | | |

General Information

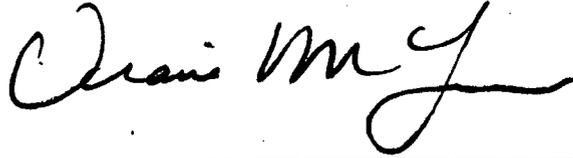
- 1. What action are you requesting from the Board?**
Request the Board approve reappointment of Rick Fernandez to the Housing Authority of Portland Board of Directors
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
According to a long-standing intergovernmental agreement, Multnomah County appoints two members to the Housing Authority of Portland Board of Directors. Following Board approval, the appointee is forwarded to the City of Portland Council for approval. Members serve 4 year terms and are eligible for reappointment to a second term.
- 3. Explain the fiscal impact (current year and ongoing).**
No current year/ongoing fiscal impact.
- 4. Explain any legal and/or policy issues involved.**
No legal and/or policy issues involved.

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

N/A

Required Signatures

**Department/
Agency Director:**



Date: 1/31/2006

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/09/06
 Agenda Item #: C-2
 Est. Start Time: 9:30 AM
 Date Submitted: 01/31/06

BUDGET MODIFICATION: -

Agenda Title: Government Non-Expenditure Contract (190 Agreement) 4710000025 with the City of Gresham to Allocate Law Enforcement Personnel to the Gresham Police Department's Investigations Division.

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

| | |
|--|------------------------------------|
| Date Requested: <u>February 9, 2006</u> | Time Requested: <u>N/A</u> |
| Department: <u>Sheriff's Office</u> | Division: <u>Executive</u> |
| Contact(s): <u>Brad Lynch</u> | |
| Phone: <u>503-988-4336</u> Ext. <u>84336</u> | I/O Address: <u>503/350</u> |
| Presenter(s): <u>Consent Calendar</u> | |

General Information

1. What action are you requesting from the Board?

Approval of Agreement 4710000025.

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

The Agreement provides for the allocation of Multnomah County Sheriff's Office personnel to the Gresham Police Departments Investigations Division. The agreement is intended to be a temporary measure as both the Gresham Police Department (GPD) and the Sheriff's Office explore the feasibility of a contract for the delivery of law enforcement services to the unincorporated areas of East Multnomah County by the Gresham Police Department. The GPD will provide the administrative management and oversight to the Investigations Division. The County will provide one sergeant and five deputies for assignment to the Division.

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

This is a non-financial agreement. Each party shall pay all personnel costs for their respective assigned personnel, as well as costs for equipment, vehicles, and training.

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

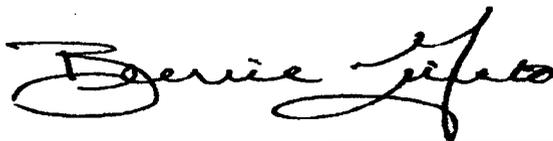
The County Attorney's Office has reviewed the agreement.

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

None, other than described above.

Required Signatures

**Department/
Agency Director:**



Date: 01/19/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4710000025

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

Amendment #: _____

| CLASS I Based on Informal / Intermediate Procurement | CLASS II Based on Formal Procurement | CLASS III Intergovernmental Contract (IGA) |
|--|--|---|
| <input type="checkbox"/> Personal Services Contract | <input type="checkbox"/> Personal Services Contract | <input type="checkbox"/> Expenditure Contract |
| PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract | PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract | <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input checked="" type="checkbox"/> Non-Financial Agreement |
| <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement | <input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement | <input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA) |

| | | |
|-------------------------------------|--|---------------------------|
| Department: <u>Sheriff's Office</u> | Division/ Program: <u>Executive</u> | Date: <u>01/18/06</u> |
| Originator: <u>Sheriff Giusto</u> | Phone: <u>503-988-4300</u> | Bldg/Room: <u>503/350</u> |
| Contact: <u>Brad Lynch</u> | Phone: <u>503-988-4336</u> | Bldg/Room: <u>503/350</u> |

Description of Contract: Agreement to allocate Sheriff's Office personnel to the Gresham Police Departments investigations division.

RENEWAL: PREVIOUS CONTRACT #(S): _____ EEO CERTIFICATION EXPIRES _____

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

| | | | | | | | |
|----------------------------------|------------------------------|----------------------------------|----------|---|---|--|--|
| Contractor | City of Gresham Police Dept. | | | Remittance address | | | |
| Address | 1333 NW Eastman Parkway | | | (If different) | | | |
| City/State | Gresham, OR | | | Payment Schedule / Terms: | | | |
| ZIP Code | 97030 | | | <input type="checkbox"/> Lump Sum \$ _____ | <input type="checkbox"/> Due on Receipt | | |
| Phone | 503-618-2318 | | | <input type="checkbox"/> Monthly \$ _____ | <input type="checkbox"/> Net 30 | | |
| Employer ID# or SS# | | | | <input type="checkbox"/> Other \$ _____ | <input type="checkbox"/> Other | | |
| Contract Effective Date | 02/15/06 | Term Date | 06/30/07 | <input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info: | | | |
| Amendment Effect Date | | New Term Date | | | | | |
| Original Contract Amount | \$ | Original PA/Requirements Amount | \$ | | | | |
| Total Amt of Previous Amendments | \$ | Total Amt of Previous Amendments | \$ | | | | |
| Amount of Amendment | \$ | Amount of Amendment | \$ | | | | |
| Total Amount of Agreement | \$ 0 | Total PA/Requirements Amount | \$ | | | | |

REQUIRED SIGNATURES:

| | |
|-------------------------------|------------|
| Department Manager _____ | DATE _____ |
| County Attorney _____ | DATE _____ |
| CPCA Manager _____ | DATE _____ |
| County Chair _____ | DATE _____ |
| Sheriff _____ | DATE _____ |
| Contract Administration _____ | DATE _____ |

COMMENTS: _____

INTERAGENCY COOPERATIVE AGREEMENT

This Agreement is made and entered into between the City of Gresham Police Department (Gresham) and the Multnomah County Sheriff's Office (County).

Recital:

Both agencies recognize a need for efficiencies in both the delivery of service and costs associated to those services for the taxpayers of Multnomah County. It is understood that this agreement is a temporary measure as both agencies work in cooperation to explore the feasibility of a contract for the delivery of law enforcement services to the unincorporated areas of East Multnomah County by The Gresham Police Department.

Purpose:

The purpose of this Agreement is to allocate law enforcement personnel of both Gresham and County to the Gresham Police Department Investigations Division, which is operated and administered by the Gresham Police Department. Gresham will provide the administrative management and oversight to the Division. Gresham and County will provide joint, first-line supervision of the Division.

The parties agree as follows:

1. **TERM:** The initial term of this Agreement shall be from February 15th, 2006 through June 30th 2007.
2. **RESPONSIBILITIES OF PARTIES:** See attached Exhibit 1.
3. **TERMINATION:** This Agreement may be terminated as follows:
 - a. Any party may terminate this Agreement for its convenience upon thirty (30) days written notice of its intention to terminate.
 - b. At any time upon mutual agreement.
4. **INDEMNIFICATION:**

Personnel assigned to the Division will remain employees of the assigning agency for all purposes. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless the City of Gresham from and against all liability, loss, and costs arising out of or resulting from the acts of Multnomah County, its officers, employees, and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, Gresham shall indemnify, defend, and hold harmless Multnomah County from and against all liability, loss, and costs arising out of or resulting from the acts of Gresham, its officers, employees, and agents in the performance of this Agreement.

5. **INSURANCE:** Each party shall be responsible for providing workers' compensation insurance as required by law. Each party certifies that liability insurance coverage for the agency and its officer and employees shall remain in full force and effect during the term of this agreement.
6. **ACCESS TO RECORDS:** Each party must have access to the books, documents, and other records of the other parties related to this Agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.
7. **ENTIRE AGREEMENT:** This Agreement and Exhibits 1 and 2 constitute the entire agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.
8. **NOTICES:** The parties must send any notices, bills, invoices, reports, or other written communications required by this Agreement through the United States Mail, first-class postage paid or personally delivered to the addresses below:

Gresham Police Department
 Attn: Lt. Dale Cummins
 1333 NW Eastman Parkway
 Gresham, Oregon 97030

Multnomah County Sheriff's Office
 Attn: Captain Garr Neilson
 501 SE Hawthorne Street
 Portland, Oregon 97214

CITY OF GRESHAM

 Carla C. Piluso, Chief of Police

 Date Signed

 Charles J. Becker, Mayor

 Date Signed

 Eric Kvarsten, City Manager

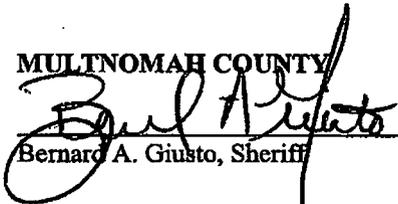
 Date Signed

REVIEWED BY:

 CITY ATTORNEY

 Date Signed

MULTNOMAH COUNTY


 Bernard A. Giusto, Sheriff



 Date Signed

 Diane M. Linn, County Chair

 Date Signed

REVIEWD:
 County Counsel
 For Multnomah County

By: _____

Date: _____

EXHIBIT 1

Gresham Police Department Investigations Division

Service Level:

For the term of this Agreement, County will provide one (1) full-time sergeant (FTE), and five (5) full-time deputies (5 FTE's), for assignment to the Gresham Police Department Investigations Division (Division), and Gresham will assign (2) FTE sergeants and (17) FTE Detectives to the Division on a quarterly basis, the parties will reassess the level of police service including personnel, equipment, and related support, to be provided to the Division and any changes to number of assigned personnel will be confirmed in writing. For purposes of this Agreement, the sergeant/deputies assigned to the Division by County will be referred to as County assigned personnel, and the personnel assigned to the Division by Gresham will be referred to as Gresham assigned personnel.

1. OPERATIONS

- a. Deployment: The parties recognize that they have legitimate interests in the management and deployment of sergeants/detectives assigned to the Division. The parties will work together to ensure that the allocation and deployment of police personnel assigned to the Division shall be consistent with sound police practices.
- b. Specialty Assignment: The parties recognize the value of police specialty assignments and training. Gresham reserves the right, however, to limit the number of sergeants/officers assigned to the Division who hold specialty status and require specialized training when the assignment impacts the ability of the Division to operate efficiently.
- c. Daily Operation: Sergeants assigned to the Division by County and Gresham, along with Gresham Command personnel will provide supervision of assigned personnel for the daily operation of the Division.
- d. General Orders, Standard Operation Procedures, and Testing: All County assigned personnel will remain subject to the General Orders and training requirements of County. All Gresham assigned personnel will remain subject to the General Orders and training requirements of Gresham. Additionally, all assigned personnel will abide by the Division's Standard Operating Procedures and adhere to the Detectives Performance Expectations.
- e. Selection and Assignment: County command personnel will select and assign sergeants/deputies to the Division, and Gresham command personnel will select and assign sergeants/Detectives to the Division. The relevant command personnel will make every effort to select the most qualified available sergeants/officers for assignment to the Division. Each agency reserves the right to reassign personnel based upon their agency's operational needs. Each agency agrees to provide written notice within 14 days of any such reassignment.

f. Agency Cooperation and Coordination:

- (1) The parties will work closely and continuously communicate with each other to ensure that the resources, strategies, work force deployment, and initiatives of Gresham and County are coordinated and effective.
- (2) The Investigations Division Commander, or his/her designee, will coordinate contact between the parties to insure that the resources, strategies, work force deployment, and initiatives of the Division and those of the respective law enforcement agencies are coordinated and effective.
- (3) The MCSO Sergeant assigned to the Division will be responsible for the evaluations and routine administrative reports of County assigned personnel. . The Gresham Investigations Commander will be responsible for the evaluation of the County assigned Sergeant and will forward the evaluation to the County command staff for review, comment and additional information, as necessary.
- (4) The County Sergeant assigned shall schedule time off, vacation and training for himself and the County assigned Deputies through the Gresham Investigation's Commander. Gresham shall provide verification of time worked, leave taken and training attended by County assigned personnel upon request by the County.
- (5) County will provide vehicles for all County assigned personnel. Maintenance and cost of the assigned vehicles will be the responsibility of the County.
- (6) Each party will provide the necessary equipment used by their respective assigned personnel in day-to-day investigative operations. This is to include standard issue duty gear as outlined by County General Orders as well as communications equipment. The County will provide all necessary office equipment and materials such as computers and county forms as well as other items deemed necessary by County Command Staff for the daily needs of their assigned personnel.
- (7) Gresham and County Investigations units have acquired a variety of equipment that is used in specialized investigative circumstances. The County Sergeant assigned will have knowledge of current county equipment owned, and will facilitate the use of said equipment to ensure the successful outcome of Division cases. The Gresham Investigations Division Commander will ensure that equipment use will be shared equally by both agencies and that shared equipment be cared for with diligence. Equipment damaged or needing replacement will be the responsibility of the owner

agency regardless of whose personnel may have damaged said equipment.

- (8) The County agrees to notify the Gresham's Investigation Commander of any investigation that is conducted by or involves County assigned personnel. Gresham will maintain a database of all personnel's assigned caseload for review by County Command Staff.
- (9) In the event an Internal Affairs investigation is warranted on any assigned personnel under this agreement, it will be the responsibility of the employing agency of the assigned personnel to carry out the investigation.

2. PERSONNEL COSTS

- a. Each party shall pay the salaries, overtime, insurance, retirement, and other benefits of their respective assigned personnel serving in the Division, including but not limited to all work related expenses such as outside training, travel expenses, and work related personal equipment.

3. TRAINING

- a. All assigned personnel are subject to the training requirements of the Division. Any additional training requirements will be at the discretion of the individual agency for their assigned personnel. All training will be at the expense of the employing agency.
- b. Scheduling of training for assigned personnel will be coordinated with Gresham Investigations Commander, and every effort will be made to ensure a minimized impact on daily operations.

EXHIBIT 2

Gresham Police Department Investigations Division

It is the intent of this Agreement:

- (1) To recognize that the Gresham Police Department Investigations Division is staffed by police sergeants/officers/deputies from both jurisdictions, each covered by their respective collective bargaining agreements, but that shifts, days off, vacations and overtime need to be assigned in a fair and equitable manner;
- (2) To provide for assignment of shifts, days off, and vacations by seniority;
- (3) To allow for the change of shift hours of operation and to re-allocate positions and days off within certain shifts to maintain an appropriate balance of field strength.

THE PARTIES AGREE THAT:

1. Current and future sergeants/detectives assigned to the Division will use their date of hire (officers/deputies) or promotion date (sergeants) for seniority as the means to select shifts, voluntary on-call lists, days off, and vacations.
2. Current and future sergeants/detectives assigned to the Division will abide by the provisions of this Exhibit 2.
3. Vacations and Scheduled Time-Off. Employees shall be granted vacation and scheduled time-off when submitted in writing, subject to the conditions of the employee's bargaining unit agreement and subject to the operational needs of the Gresham Police Department Investigations Division.
4. Days Off/Hours of Work. On or about February 1 members assigned to the Investigations Division will bid for shifts/days off by seniority for the April 1-September 30 rotations. On or about August 1 members assigned to the Investigations Division will bid for shifts/days off by seniority for the October 1-March 30 rotations.

Employees may work 5-8's, 4/5-9's, or 4-10's at the discretion of the Division Commander. The work schedule will be based on operational needs of the Division.

Employees assigned to the Division will have the ability to adjust regular work hours (starting/ending) times with supervisory approval and based on operational needs of the Division.

All other terms and conditions of either existing current Collective Bargaining Agreement for the Multnomah County Deputy Sheriff's Association and/or the Gresham Police Officers Association shall remain in effect as to other issues not addressed by this Exhibit 2.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/09/06
 Agenda Item #: C-3
 Est. Start Time: 9:30 AM
 Date Submitted: 01/13/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Placement of an Easement on a Tax Foreclosed Property

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

| | | | |
|------------------------|---------------------------|------------------------|---------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>Consent Item</u> |
| Department: | <u>Community Services</u> | Division: | <u>Tax Title</u> |
| Contact(s): | <u>Gary Thomas</u> | | |
| Phone: | <u>503-988-3590</u> | Ext.: | <u>22591</u> |
| | | I/O Address: | <u>503/4/TT</u> |
| Presenter(s): | <u>Gary Thomas</u> | | |

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the placement of an easement on a Tax Foreclosed Property.

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

The subject property is a vacant lot that came into county ownership through the foreclosure of delinquent tax liens on September 29, 1997. The parcel is approximately 42' x 74.84' and is close to 3,150 sq ft in size. It is located between 6611 & 6639 SE Yamhill Ct. In the process of making the lot available to the Affordable Housing Development Program it was brought to the attention of our office that improvements on the adjacent property at 6639 SE Yamhill may encroach onto the subject property. A survey completed by the County Surveyor verified that a portion of the deck and house of the adjacent property encroached onto the county owned property.

Contact was made with the adjacent property owner, Joan Simko, who along with her husband since deceased purchased the property in July 1998. They purchased the property assuming that the price of the property also included the lot that the county now owns. The party who the county foreclosed

on was Ruth Stevens. She came into ownership of the subject property in 1966. She also owned the Simko property and, according to a neighbor, had done some landscaping on the subject property to give the appearance that both lots were all one property. In 1967 Stevens sold the property to the Jones's without including the description of the subject parcel. This then led to a succession of 3 other owners up to the Simko purchase of the property without the description of the subject.

Written confirmation from the City of Portland was obtained stating that the lot is suitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225. The confirmation the city provides does not take into consideration the fact that improvements on the adjacent property encroach onto the subject. They are assuming that any limiting physical characteristics present on the parcel can be remedied thereby allowing construction to take place. The value of the subject property on the current tax roll is \$88,000.

The fact that the subject parcel is considered to be buildable and that it is valued over \$5,000 prohibits the County from selling the property at a private sale without first offering it for sale at auction. The reason that the county wants to place an easement on the parcel is to allow Ms. Simko to continue to live in the house without fear that someone will try to partition it until these issues are solved. The easement may also have the effect of discouraging anyone from purchasing the property at auction. If it is not sold at public auction it can then be sold to Simko who, based on the information available and researched, should own the property.

Exhibit A, a plat map shows the location of the subject parcel and 6639 SE Yamhill Ct. Exhibit B is an aerial photo that shows the close proximity of the subject parcel to 6639 SE Yamhill Ct.

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

The placement of the easement on the property allows the current resident of the encroaching structure to continue to live in her house without fear of ejectment. If the property is not sold at auction, it is anticipated that it will then be sold to Ms. Simko on a private sale for an amount not less than all back taxes and expenses.

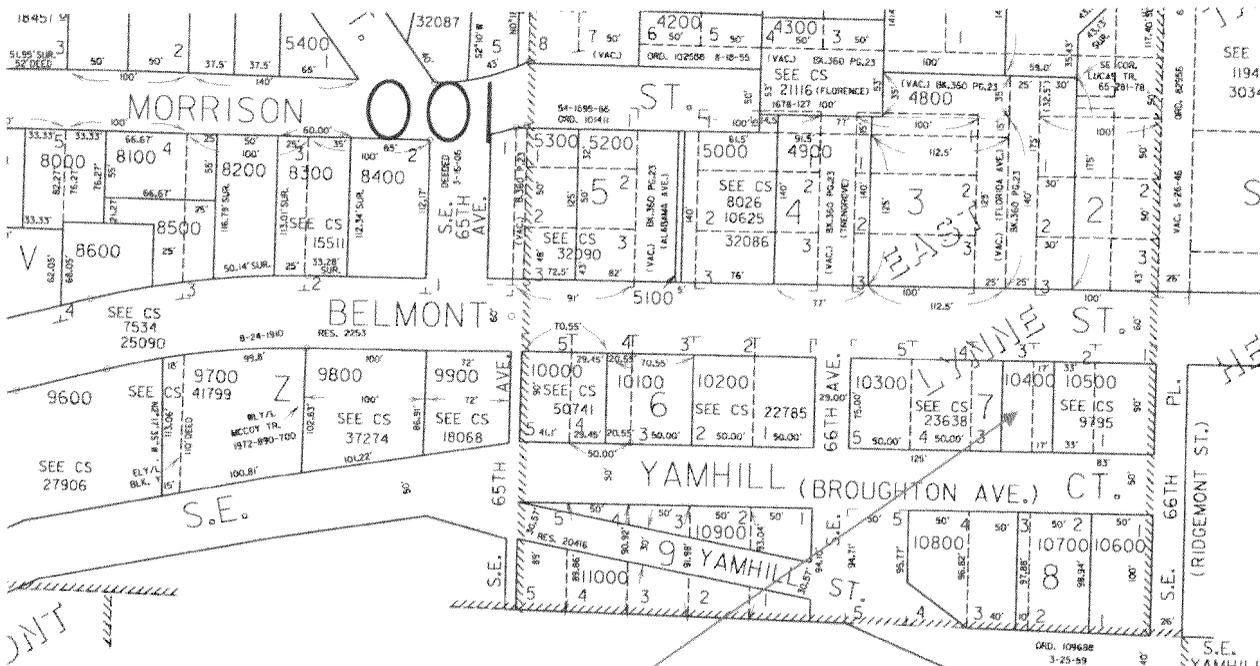
4. Explain any legal and/or policy issues involved.

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

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

No citizen or government participation is anticipated.

EXHIBIT A



Subject

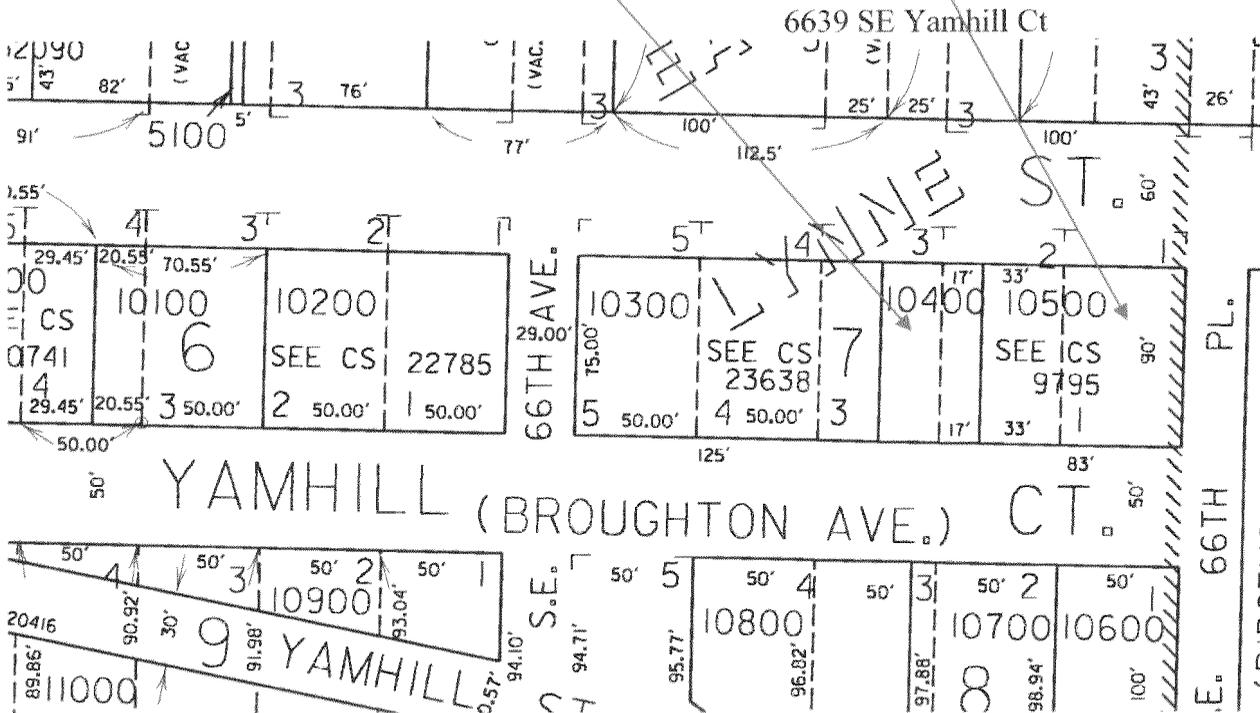


EXHIBIT B



Subject

6639 SE Yamhill CT

Required Signatures

**Department/
Agency Director:**

Robert A Maestra

Date: 01/17/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Friday, January 13, 2006 4:03 PM
To: BOGSTAD Deborah L
Subject: FW: February 9 Board Agenda Simko Easement

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

From: CREAN Christopher D
Sent: Friday, January 13, 2006 2:15 PM
To: GRACE Becky J
Subject: RE: February 9 Board Agenda Simko Easement

Becky --

I have reviewed the proposed resolution and easement for Joan Simko and they may be circulated for signature as proposed. Thanks.

- Chris

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

From: GRACE Becky J
Sent: Friday, January 13, 2006 1:58 PM
To: CREAN Christopher D
Subject: February 9 Board Agenda Simko Easement

Hi Chris,

Attached for your review and approval are the Feb 9 Board Agenda Documents authorizing the Simko Easement.
Thank you!!

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Placement of an Easement on a Tax Foreclosed Property

The Multnomah County Board of Commissioners Finds:

- a. Adjacent property owner Joan Simko has requested a two year easement be placed on the Tax Foreclosed property described below. The purpose of the easement is to allow Ms Simko access to and use of her house and deck that encroach on the County's property.
- b. The property is on the list of properties available for sale at the February 28th, 2006 Auction because it's assessed value exceeds the amount allowed by law (ORS 275.225) for private sale and is considered to be buildable.
- c. In the event the property is not purchased at auction, Joan Simko, (Grantee) has agreed to purchase by private sale the Tax Foreclosed property for an amount not less than the back taxes, interest, and expenses.

The Multnomah County Board of Commissioners Resolves:

1. The Chair of the Multnomah County Board of Commissioners is authorized to execute the attached Two Year Easement Agreement with Joan Simko for the following described property:

See the attached Exhibit A.

ADOPTED this 9th day of February, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

LEGAL DESCRIPTION:

The East Half of Lot 3, Block 7, EAST LYNNE ADDITION, City of Portland,
Multnomah County, State of Oregon.

ALSO, the West 17 feet of Lot 2, Block 7, EAST LYNNE ADDITION, City of
Portland, Multnomah County.

Tax Account No.: R149575

TWO-YEAR EASEMENT FOR R149575

1. This easement is entered into between Multnomah County, a political subdivision of the State of Oregon ("Grantor") and Joan Simko (Grantee). Grantor is the owner of certain real property located in Multnomah County, Oregon, and more particularly described in Exhibit A-1 attached (the "Grantor Property"). Grantee is the owner of certain real property located in Multnomah County, Oregon, and more particularly described in Exhibit A-2 (the "Grantee Property"). The purpose of this easement is to allow Grantee access to the property owned by Grantor as described in Exhibit A for the reason that Grantee's improvements encroach onto Grantor's property.
2. In exchange for good and fair consideration, receipt of which is hereby acknowledged, Grantor grants to Grantee a two-year, exclusive easement in gross on, over, under and across the Grantor Property described in Exhibit A-1 to allow the continued use and enjoyment by Grantee of Grantee's improvements that encroach onto Grantor's property. Pursuant to the easement granted herein, Grantee shall have the right and powers to:
 - (a) Enter upon the Easement Area at any time without prior notice to Grantor;
 - (b) Maintain the existing structures in the Easement Area; and
 - (c) Plant and maintain vegetation, weed, fertilize and otherwise maintain the plantings in the Easement Area.
3. The easement hereby granted is for the benefit of the Grantee and only for the purpose specified in this easement. The easement granted herein is in gross, and is not assignable. The easement granted herein runs with and is a burden upon the Grantor Property and is binding upon all successors in interest of Grantor and Grantee for the term of the easement.
4. The easement created by this agreement is effective for a period of two years, beginning on the date this agreement is executed. The easement may be earlier terminated by mutual written agreement of Grantor and Grantee.
5. The rights and obligation of Grantor regarding property taxes for property subject to this easement are not affected by the easement of this agreement.
6. During the terms of this easement, Grantor shall not cause or allow the erection of any structures or improvements in the Easement Area if such improvement will, in the sole discretion of Grantee, interfere with the purpose of the easement. In addition, Grantee shall not cause or allow the erection of any structures or improvements that do not currently exist to be placed upon the property owned by Grantor, nor shall Grantee expand any existing structures or improvements in the Easement Area.

7. Grantee agrees, to the extent permissible under the laws of the State of Oregon, to indemnify and hold harmless the Grantor and its successors and assigns from any and all claims, harm or loss to persons or property, including the Grantor Property, arising from Grantee's actions, or failures to act, pursuant to the easement granted herein. This indemnity includes the duty to defend Grantor, and its successors and assigns, at Grantee's costs, by legal counsel reasonably acceptable to Grantor or its successors or assigns, in any legal action, mediation, arbitration, or administrative proceeding that may be commenced arising from or related to Grantee's actions, or failures to act, pursuant to the easement granted herein.
8. Grantor agrees to defend, save, hold harmless and indemnify Grantee, its officers, employees and agents from all claims, liabilities and expenses resulting from or arising out of Grantor's actions or failures pursuant to the easement granted herein. This indemnity includes the duty to defend Grantee, its officers, employees, agents, at Grantor's cost, by legal counsel reasonably acceptable to Grantee in any legal action, mediation, arbitration or administrative proceeding that may be commenced resulting from or arising out of Grantor's action or failures pursuant to the easement granted herein. Neither Grantor nor any attorney engaged by Grantor shall defend such claim in the name of Grantee nor purport to act as legal representative of Grantee without first receiving authority to act in such a manner from Grantee's attorney.
9. The indemnity obligations of paragraphs 7 and 8 of this agreement will survive the expiration or earlier termination of the term of this agreement and will be a continuing obligation of Grantor/Grantee.
10. Acceptance of this easement by Grantee shall not constitute a waiver or release of any claims, nor shall it form the basis of any claim of estoppel by either party.
11. In the event any action is instituted to interpret or enforce the terms or provisions of this Agreement, including the indemnity provisions hereof, the prevailing party in such action will be entitled, in the court's discretion and together with all other relief that may be granted by the court, to an award of reasonable attorneys' fees and costs of action at trial and on appeal and review.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

APPROVED AS TO FORM:

JOAN SIMKO, Trustee of the Simko Family Trust

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Easement was acknowledged before me this _____ day of February 2006, by Joan Simko.

Notary Public for Oregon
My Commission expires:

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Easement was acknowledged before me this 9th day of February 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

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

EXHIBIT A-1 (EASEMENT)

Legal Description:

The East Half of Lot 3, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

ALSO, the West 17 feet of Lot 2, Block 7, EAST LYNNE ADDITION, City of Portland, Multnomah County, State of Oregon.

Tax Account No. R149575

EXHIBIT A-2

Legal Description:

Lot 1 and the East 33 feet of Lot 2, Block 7, EAST LYNNE, in the City of Portland, County of Multnomah and State of Oregon, EXCEPT that portion lying in S.E. Belmont St.

Tax Account No. R149574

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Tuesday, February 07, 2006 4:26 PM
To: SOWLE Agnes; THOMAS John S; CREAN Christopher D; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz
Cc: ROMERO Shelli D; CARROLL Mary P; NAITO Terri W; LIEUALLEN Matt; WEST Kristen; SMITH Andy J; LASHUA Matthew; JOHNSON Cecilia; MAESTRE Robert A; THOMAS Gary A
Subject: Agenda Item C-3 on the February 9th Board meeting agenda
Importance: High

At the request of the Department, please pull C-3 from the consent calendar in order to postpone indefinitely. Thank you.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 01/26/06

BUDGET MODIFICATION:

Agenda Title: **Approval of Auto Wrecker Certificate Renewal for Frank P. Miller and Thomas P. Miller of MILLER TRUCK SALVAGE LLC, 15015 NW Mill Road, Portland**

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

| | | | |
|------------------------|---------------------------|------------------------|--------------------------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>N/A</u> |
| Department: | <u>Community Services</u> | Division: | <u>Land Use & Transportation</u> |
| Contact(s): | <u>Adam Barber</u> | | |
| Phone: | <u>503-988-3043</u> | Ext.: | <u>22599</u> |
| | | I/O Address: | <u>455/1/116</u> |
| Presenter(s): | <u>Consent Calendar</u> | | |

General Information

1. What action are you requesting from the Board?

Approval of the renewal of an auto wrecker certificate for Miller Truck Salvage, LLC at 15015 NW Mill Road. The renewed licenses would be valid from the date of issuance to December 31, 2006.

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

Miller Truck Salvage, LLC is currently operating a wrecker business at 15015 NW Mill Road. The most recent wrecker certificate expired December 31, 2005. In order to renew the certificate, the wrecking yard must apply for a business certificate through the Department of Motor Vehicles. In order for the business certificate to be approved, the local governing body must authorize the business pursuant to ORS 822.140. Miller Truck Salvage, LLC has been authorized by Multnomah County each year since 1986. A staff report is available in case T1-05-042 at the Land Use Planning office detailing how the current proposal complies with County and State regulations for wrecking yard certificate renewal. The approval of the county's governing body is required on the attached blue DMV Application for Business Certificate. The original DMV Application for Business Certificate and the enclosed original surety bond must be returned to the business owner after a

decision on whether or not to approve the renewal has been rendered.

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

None.

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

The most recent certificate under which Frank Miller Truck Wrecking operated expired December 31, 2005. In order to lawfully continue operation in 2006, a renewal must be granted.

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

Miller Truck Salvage, LLC has submitted all the materials necessary for the renewal application. Land Use planning staff has contacted both the Sheriff Office and the Assessment and Taxation Office to obtain information required by MCC 15.202.

No other participation by citizens or governments has taken place. To date, no complaints have been received regarding Frank Miller Truck Wrecking in calendar year 2005.

Required Signatures

**Department/
Agency Director:**



Date: 01/26/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



APPLICATION FOR BUSINESS CERTIFICATE

AS A DISMANTLER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER
WR2426
EXPIRATION DATE
12-31-05

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SEE PAGE 4 FOR INSTRUCTIONS FOR COMPLETING A DISMANTLER APPLICATION.
- ANY ALTERATION OF LINE 3 VOID'S LOCATION APPROVAL.

ORIGINAL RENEWAL

| | | | |
|---|--|---|--|
| 1 LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME) Miller Truck Salvage, LLC | | OREGON REGISTRY NUMBER (IF LLC OR CORPORATION) 265663-98 | |
| 2 BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME) Miller Truck Salvage, LLC | | OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME) | BUSINESS TELEPHONE (503) 283-1797 |
| 3 MAIN BUSINESS LOCATION (STREET AND NUMBER) 15015 NW Mill Rd. | | CITY Portland | ZIP CODE 97231 |
| 4 MAILING ADDRESS 15015 NW Mill Rd. | | CITY Portland | STATE OR. ZIP CODE 97231 |

5 CHECK ORGANIZATION TYPE:
 Individual Partnership LLC Corporation: If corporation, list the state under whose law business is incorporated: _____

6 a) THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE **196'04"** ft. X **240'62"** ft.
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please file a plat map or other description of the location of the premises..

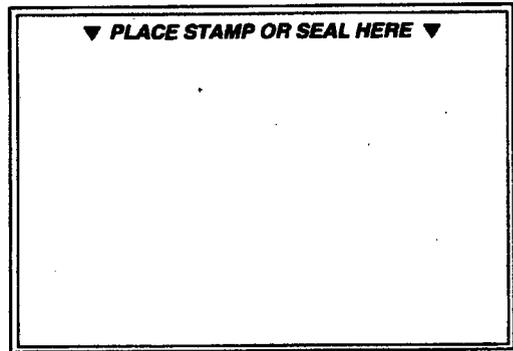
7 **By signing this application you are also certifying that:**

1. The right of way of any highway adjacent to the area proposed for approval to conduct the dismantling business is used for access to the premises and public parking;
2. You maintain a building or enclosure or other barrier at least six feet high for the purpose of conducting the dismantling business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden and adequately screened by the terrain or other natural objects or by plants, fences or other appropriate means so as not to be visible from the main traveled way or the highway except as permitted by ORS 822.135.

8 **LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)**
 By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. If a dismantler business cannot be conducted at that location, or if any of the conditions below are not met, do not sign this approval.

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF _____ HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.



I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

| | | |
|-----------|-------|---------------------|
| 9 NAME | TITLE | PHONE NUMBER () |
| SIGNATURE | | DATE |

10 X

Complete the section(s) below and sign.
 (Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, then Oregon registered agent name and address required below.

| | | | | |
|----|--|--|---|-----------------------------------|
| 11 | OREGON REGISTERED AGENT NAME John E. McCormick C.P.A. | | TELEPHONE NUMBER (503) 227-1111 | |
| 12 | OREGON REGISTERED AGENT STREET ADDRESS 1000 SW Broadway STE 1400 | | CITY Portland | STATE ZIP CODE OR 97205 |
| 13 | OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

OWNERSHIP INFORMATION

| | | | | | |
|----|--|---|------------------------------------|---|--|
| 14 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER Frank P. Miller | | TITLE LLC MEMBER | RESIDENCE TELEPHONE NUMBER (503) 429-0273 | |
| 15 | DATE OF BIRTH 5-21-43 | DRIVER LICENSE NUMBER 1083707 | STATE OF ISSUANCE Oregon | | |
| 16 | RESIDENCE ADDRESS 59101 Pebble Creek Rd. | | CITY Vernonia | STATE ZIP CODE OR 97064 | |
| 17 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE | |

| | | | | | |
|----|---|--|--|-------------------------|--|
| 18 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 14 ABOVE X <i>Frank P. Miller</i> | | | DATE 12-15-05 | |
|----|---|--|--|-------------------------|--|

| | | | | | |
|----|---|---|------------------------------------|---|--|
| 19 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER THOMAS P. MILLER | | TITLE LLC MEMBER | RESIDENCE TELEPHONE NUMBER (503) 429-0273 | |
| 20 | DATE OF BIRTH 3-17-78 | DRIVER LICENSE NUMBER 5960911 | STATE OF ISSUANCE Oregon | | |
| 21 | RESIDENCE ADDRESS 59101 Pebble Creek Rd. | | CITY Vernonia | STATE ZIP CODE OR 97064 | |
| 22 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE | |

| | | | | | |
|----|--|--|--|-------------------------|--|
| 23 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 19 ABOVE X <i>Tom Miller</i> | | | DATE 12-16-05 | |
|----|--|--|--|-------------------------|--|

| | | | | | |
|----|--|-----------------------|-------------------|--|--|
| 24 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER | | TITLE | RESIDENCE TELEPHONE NUMBER () | |
| 25 | DATE OF BIRTH | DRIVER LICENSE NUMBER | STATE OF ISSUANCE | | |
| 26 | RESIDENCE ADDRESS | | CITY | STATE ZIP CODE | |
| 27 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE | |

| | | | | | |
|----|--|--|--|------|--|
| 28 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 24 ABOVE X | | | DATE | |
|----|--|--|--|------|--|

29 **Please attach (staple) copies of ALL owners, partners, LLC members or corporate officers official photo ID's (driver license or state issued identification card ONLY). If the residence address on the photo ID is different than the residence address listed on Page 2, submit a statement explaining why the addresses do not match.**

Copy must be legible.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your dismantler certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

SURETY BOND

▼ BOND NUMBER ▼

801881

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:THAT MILLER TRUCK SALVAGE LLC.

(OWNER, PARTNERS, LLC OR CORPORATION NAME)

DOING BUSINESS AS _____

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 15015 NW MILL RD PORTLAND, OR 97231

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY

(SURETY NAME)

1201 NE LLOYD BLVD #360PORTLAND, OR 97232(503) 287-6000

(ADDRESS, CITY, STATE, ZIP CODE)

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WASHINGTON, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$10,000 FOR THE PAYMENT OF WHICH THE PRINCIPAL(S) AND SURETY JOINTLY AND SEVERALLY BIND THEMSELVES, THEIR RESPECTIVE SUCCESSORS, AND ASSIGNS.

WHEREAS, THE PRINCIPAL(S) IS APPLYING FOR A DISMANTLER CERTIFICATE ISSUED BY THE OREGON DEPARTMENT OF TRANSPORTATION.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE TO CONDUCT A MOTOR VEHICLE DISMANTLING BUSINESS IN THIS STATE, SAID PRINCIPAL(S) MUST CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120, THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 742.366(2).

THIS BOND IS EFFECTIVE AS OF THE DATE THE PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE BY THE OREGON DEPARTMENT OF TRANSPORTATION UNTIL DEPLETED BY CLAIMS PAID, UNLESS THE SURETY SOONER CANCELS THE BOND. THIS BOND MAY BE CANCELED BY THE SURETY GIVING WRITTEN NOTICE OF SUCH CANCELLATION TO THE DRIVER AND MOTOR VEHICLES DIVISION OF THE OREGON DEPARTMENT OF TRANSPORTATION. THIS BOND SHALL EXPIRE UPON EXPIRATION OF THE DISMANTLER CERTIFICATE, BUT MAY BE RENEWED UPON THE RENEWAL OF THE CERTIFICATE.

THIS BOND SHALL BE ONE CONTINUOUS OBLIGATION AND THE LIABILITY OF THE SURETY SHALL BE LIMITED TO THE AMOUNT OF THE PENALTY OF THIS BOND REGARDLESS OF WHETHER THIS BOND IS RENEWED OR OTHERWISE CONTINUED IN EFFECT UPON ITS ORIGINAL TERM.

THIS BOND IS EFFECTIVE January 1 2006 AND EXPIRES December 31 2008

(MONTH, DAY, YEAR)

(MONTH, DAY, YEAR)

(BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS 12 DAY OF December, 2005

(DAY)

(MONTH)

(YEAR)

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER

TITLE

X
SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

TITLE

ATTORNEY IN FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

TELEPHONE NUMBER

CBIC

503-287-6000

ADDRESS

PO BOX 12053

CITY, STATE, ZIP CODE

PORTLAND, OR 97212

APPROVED BY ATTORNEY GENERAL'S OFFICE





Limited Power of Attorney

Home Office:
1213 Valley Street
PO Box 9271
Seattle, WA 98109-0271
(206) 628-7200

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEBI LEWIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 19, 2005:

RESOLVED that the President of the Company is authorized to appoint any person as the Company's true and lawful Attorney-in-Fact with power and authority to execute and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, subject to such limits as shall be determined by the President of the Company; provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000. Any Attorney-in-Fact authorized to execute a surety bond or undertaking may also be authorized to execute any consent or other documentation incidental to said bond or undertaking, provided such document does not obligate the Company in excess of the limit set forth above.

RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Larry A. Byers, Michael D. Burns, Debbie Kidd, Ann Jones, Nancy M. Young, Marci A. Houts, Rose A. Thorstenson, Hans Rauth, Mark S. Hewitt, Theresa Smith, Tom Dymont, Pat Dorney, Deanna Wersch, JoAnn Johnson, Debi Lewis, James L. Neschke, Cheryl Neschke, Michael K. Neschke. Provided, however, that no such person shall have the authority to certify the authenticity of a resolution or Limited Power of Attorney document which serves to appoint himself as Attorney-in-Fact.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 19th day of September, 2005.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: [Signature]
Don Sirkin, President



STATE OF WASHINGTON - COUNTY OF KING

On this 19th day of September, 2005, personally appeared DON SIRKIN, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Brenda J. Scott



Notary Public in and for the State of Washington, residing at Seattle

The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Portland, OR this 12 day of December, 2005
[Signature]



Staff Report
Determination of Compliance
2005 Wrecker Certificate Renewal
Frank Miller Truck Wrecking
15015 NW Mill Road

Case# T1-05-072

This Staff Report and Determination of Compliance is made pursuant to the requirements specified by Multnomah County Code (MCC) Section 15.201 Certificate - Applications. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted on December 16th, 2005 by Frank Miller, 15015 NW Mill Road.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future Wrecker Certificate renewals shall include a copy of the Wrecker Certificate issued by the Oregon Department of Transportation the prior year.
2. If there are any changes to the property during the year prior to renewal of Wrecker Certificate, applications for future Wrecker Certificate renewals shall include submittal of a site plan, drawn to scale, showing the revisions. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
3. Taxes shall be kept current prior to approval of future Wrecker Certificate renewals.
4. Any application for a Wrecker Certificate or renewal must be reviewed by staff and presented to the Board of County Commissioners as required under MCC 15.200 et. seq.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 15.202(B)(3) and (5) are addressed below:

A. Compliance with the requirements of Oregon Revised Statutes (ORS) 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) **The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) **The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) **The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.**
 - (c) **The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) **The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
- (3) **The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) **The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) **The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: A site visit conducted by Land Use Planning staff on January 10th, 2006 confirmed that both natural vegetation and a site obscuring fence screen vehicles from adjacent roads and property. A vegetated berm separates the property from Highway 30 to the south. Together, these elements provide consistency with ORS 822.110 (1)(b).

The applicant has provided a Surety Bond by Contractors Bonding and Insurance Company (CBIC) with a dated effectiveness of January 1, 2006 to December 31, 2008, which has met the requirements of ORS 822.110(5). Compliance with the requirements of ORS 822.110 (2)-(4) will be ensured by obtaining a Wrecker Certificate issued by the Oregon Department of Transportation.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) **A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**

- (b) Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has found no evidence or indication that the dimensions of the wrecking yard have been expanded beyond that of the existing Wrecker Certificate. The applicant has submitted a site plan clearly identifying the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines and setbacks. A site visit conducted January 10th, 2006 confirmed the existing dimensions of the wrecking yard. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

- (g) Fails to keep the premises on the outside of the establishment clear and clean at all times.**

Finding: The Land Use Planning Section conducted a field inspection on January 10th, 2006 and took photos of the site indicating the area outside the establishment is clear and clean. Photos are contained in the permanent case file. There has been no indication since that time of the establishment not being kept clear and clean.

- (h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.**

Finding: Based on staff's field inspection on January 10th, 2006, no dismantling or altering of vehicles outside the fenced area of the business was evident. Furthermore, there has been no indication since then that the dismantling or altering of vehicles has taken place outside the premises of the business.

- (i) Except as otherwise provided in this paragraph, stores any vehicles or vehicle parts or conducts the business outside of the building, enclosure or barrier on the premises of the business. A person is not in violation of this paragraph if the person complies with the following limits:**

(A) In an area zoned by the city or county for industrial use, a wrecking business may display and offer for sale motor vehicle parts or nonoperating vehicles outside the enclosure or barrier in a single defined area limited to not more than five percent of the total area of the business and if no more than eight vehicles are displayed.

(B) In an area zoned by the city or county for any use other than industrial use, a wrecking business may offer not more than four

vehicles for sale in an area outside of the building, enclosure or barrier.

Finding: Based on staff's field inspection on January 10th, 2006, no activities related to the business were evident outside of the fenced area. Furthermore, there has been no indication since then any business activities have taken place outside the fenced premises of the business.

(k) Except as otherwise provided in this paragraph, fails to keep the business hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other appropriate means so as not to be visible from the main traveled way of the highway in accordance with the rules of the Director of Transportation. This paragraph does not apply to a business that is:

(A) Farther than 1,100 feet from the nearest edge of the right of way of any state highway;

(B) Located in an area zoned for industrial use under authority of the laws of this state; or

(C) A business established before June 30, 1967.

Finding: The site visit conducted by Staff on January 10th, 2006 confirmed that both natural vegetation and a site obscuring fence screen vehicles from adjacent roads and property. A vegetated berm separates the property from Highway 30 to the South. Together, these elements provide the screening required by this criterion.

C. Compliance with zoning regulations:

The wrecking yard was determined to be a non-conforming use in the 12/16/91 "Report of Site Inspection" contained in the wrecking yard file on the subject property, a copy of which is kept in the Land Use Planning Office. The file contains a record of Wrecker Certificate renewal requests from 1986 forward. Examination of department land use inventory maps and zoning maps indicates that the business was in existence on the property in 1975, at which time the property was zoned M-1, which allowed the use. The property was re-zoned in 1997 to MUF-20, a district which does not allow the use, therefore it became non-conforming at that time.

III. Notification:

Notice of this application was sent to the Multnomah County Sheriff on January 6th, 2006. A recommendation of approval from the County Sheriff's Office was received on January 9th, 2006 based upon a clean background check. A copy of the Sheriff's recommendation is contained in the permanent case file.

The Wrecker Certificate renewal for 2005 was approved with a condition that taxes shall be kept current prior to approval of future Wrecker Certificate renewals. No outstanding taxes are associated with the property according to Michelle Hanna of the Multnomah County Assessment and Taxation office during a phone conversation held January 6, 2005 at 1:25 pm.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above Wrecker Certificate renewal be approved, based upon findings that the business satisfies the applicable requirements contained in MCC 15.200* and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status.

Dated this 18th day of January, 2006.



By: Adam Barber, *Planner*

For: Karen Schilling, *Planning Director*



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1005 LANA AVE NE, SALEM OREGON 97314

APPLICATION FOR BUSINESS CERTIFICATE

AS A DISMANTLER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

WR2426

EXPIRATION DATE

12-31-05

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SEE PAGE 4 FOR INSTRUCTIONS FOR COMPLETING A DISMANTLER APPLICATION.
- ANY ALTERATION OF LINE 3 VOIDS LOCATION APPROVAL.

ORIGINAL RENEWAL

| | | | |
|---|-------------------------|---|---|
| LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME) Miller Truck Salvage, LLC | | OREGON REGISTRY NUMBER (IF LLC OR CORPORATION) 265663-98 | |
| BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME) | | OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME) | BUSINESS TELEPHONE (503) 283-1797 |
| MAIN BUSINESS LOCATION (STREET AND NUMBER) 15015 NW Mill Rd. | CITY Portland | ZIP CODE 97231 | COUNTY Multnomah |
| MAILING ADDRESS 15015 NW Mill Rd. | CITY Portland | STATE OR. | ZIP CODE 97231 |

CHECK ORGANIZATION TYPE:
 Individual Partnership LLC Corporation: If corporation, list the state under whose law business is incorporated: _____

- a) THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE **196.04"** ft. X **240.62"** ft.
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please file a plat map or other description of the location of the premises..

By signing this application you are also certifying that:

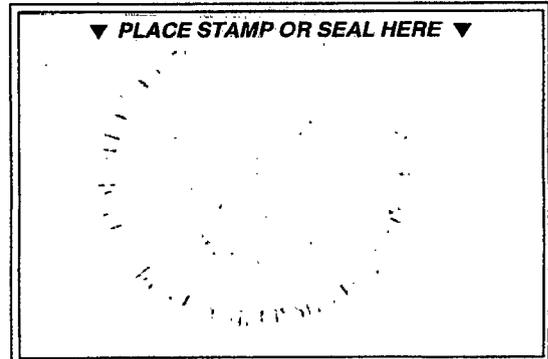
1. The right of way of any highway adjacent to the area proposed for approval to conduct the dismantling business is used for access to the premises and public parking;
2. You maintain a building or enclosure or other barrier at least six feet high for the purpose of conducting the dismantling business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden and adequately screened by the terrain or other natural objects or by plants, fences or other appropriate means so as not to be visible from the main traveled way or the highway except as permitted by ORS 822.135.

LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)

By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. If a dismantler business cannot be conducted at that location, or if any of the conditions below are not met, do not sign this approval.

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF Multnomah HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.



I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

| | | |
|--|---------------------------------|---------------------------------------|
| NAME DIANE M. LINN | TITLE County CHAIR | PHONE NUMBER (503) 988-3308 |
| SIGNATURE X <i>[Signature]</i> | DATE FEBRUARY 9, 2006 | |

Complete the section(s) below and sign.
 (Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, then Oregon registered agent name and address required below.

| | | | | |
|----|--|--|---|--------------------|
| 11 | OREGON REGISTERED AGENT NAME John E. McCormick C.P.A. | | TELEPHONE NUMBER (503) 227-1111 | |
| 12 | OREGON REGISTERED AGENT STREET ADDRESS 1000 SW Broadway Ste 1400 | | CITY Portland | STATE OR |
| 13 | OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

OWNERSHIP INFORMATION

| | | | | | |
|----|--|---|------------------------------------|---|--------------------------|
| 14 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER Frank P. Miller | | TITLE LLC MEMBER | RESIDENCE TELEPHONE NUMBER (503) 429-0273 | |
| 15 | DATE OF BIRTH 5-21-43 | DRIVER LICENSE NUMBER 1083707 | STATE OF ISSUANCE Oregon | | |
| 16 | RESIDENCE ADDRESS 59101 Pebble Creek Rd. | | CITY Vernonia | STATE OR | ZIP CODE 97064 |
| 17 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE | ZIP CODE |

| | | |
|----|---|-------------------------|
| 18 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 14 ABOVE X <i>[Signature]</i> | DATE 12-15-05 |
|----|---|-------------------------|

| | | | | | |
|----|---|---|------------------------------------|---|--------------------------|
| 19 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER THOMAS P. MILLER | | TITLE LLC MEMBER | RESIDENCE TELEPHONE NUMBER (503) 429-0273 | |
| 20 | DATE OF BIRTH 3-17-78 | DRIVER LICENSE NUMBER 5960911 | STATE OF ISSUANCE Oregon | | |
| 21 | RESIDENCE ADDRESS 59101 Pebble Creek Rd. | | CITY Vernonia | STATE OR | ZIP CODE 97064 |
| 22 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE | ZIP CODE |

| | | |
|----|---|-------------------------|
| 23 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 19 ABOVE X <i>[Signature]</i> | DATE 12-16-05 |
|----|---|-------------------------|

| | | | | | |
|----|--|-----------------------|-------------------|--|----------|
| 24 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER | | TITLE | RESIDENCE TELEPHONE NUMBER () | |
| 25 | DATE OF BIRTH | DRIVER LICENSE NUMBER | STATE OF ISSUANCE | | |
| 26 | RESIDENCE ADDRESS | | CITY | STATE | ZIP CODE |
| 27 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE | ZIP CODE |

| | | |
|----|--|------|
| 28 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 24 ABOVE X | DATE |
|----|--|------|

29 **Please attach (staple) copies of ALL owners, partners, LLC members or corporate officers official photo ID's (driver license or state issued identification card ONLY). If the residence address on the photo ID is different than the residence address listed on Page 2, submit a statement explaining why the addresses do not match.**

Copy must be legible.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your dismantler certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

SURETY BOND

▼ BOND NUMBER ▼

801881

NOTE: TO BE COMPLETED BY BONDING COMPANY. FAILURE TO ACCURATELY COMPLETE THIS FORM WILL CAUSE DELAY. PLEASE TYPE OR PRINT LEGIBLY WITH INK.

LET IT BE KNOWN:

THAT MILLER TRUCK SALVAGE LLC.
(OWNER, PARTNERS, LLC OR CORPORATION NAME)

DOING BUSINESS AS _____
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 15015 NW MILL RD PORTLAND, OR 97231
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

_____ (ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND CONTRACTORS BONDING AND INSURANCE COMPANY
(SURETY NAME)

1201 NE LLOYD BLVD #360 PORTLAND, OR 97232 (503) 287-6000
(ADDRESS, CITY, STATE, ZIP CODE) TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WASHINGTON, AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$10,000 FOR THE PAYMENT OF WHICH THE PRINCIPAL(S) AND SURETY JOINTLY AND SEVERALLY BIND THEMSELVES, THEIR RESPECTIVE SUCCESSORS, AND ASSIGNS.

WHEREAS, THE PRINCIPAL(S) IS APPLYING FOR A DISMANTLER CERTIFICATE ISSUED BY THE OREGON DEPARTMENT OF TRANSPORTATION.

THE CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE TO CONDUCT A MOTOR VEHICLE DISMANTLING BUSINESS IN THIS STATE, SAID PRINCIPAL(S) MUST CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120, THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 742.366(2).

THIS BOND IS EFFECTIVE AS OF THE DATE THE PRINCIPAL(S) IS ISSUED A DISMANTLER CERTIFICATE BY THE OREGON DEPARTMENT OF TRANSPORTATION UNTIL DEPLETED BY CLAIMS PAID, UNLESS THE SURETY SOONER CANCELS THE BOND. THIS BOND MAY BE CANCELED BY THE SURETY GIVING WRITTEN NOTICE OF SUCH CANCELLATION TO THE DRIVER AND MOTOR VEHICLES DIVISION OF THE OREGON DEPARTMENT OF TRANSPORTATION. THIS BOND SHALL EXPIRE UPON EXPIRATION OF THE DISMANTLER CERTIFICATE, BUT MAY BE RENEWED UPON THE RENEWAL OF THE CERTIFICATE.

THIS BOND SHALL BE ONE CONTINUOUS OBLIGATION AND THE LIABILITY OF THE SURETY SHALL BE LIMITED TO THE AMOUNT OF THE PENALTY OF THIS BOND REGARDLESS OF WHETHER THIS BOND IS RENEWED OR OTHERWISE CONTINUED IN EFFECT UPON ITS ORIGINAL TERM.

THIS BOND IS EFFECTIVE January 1 2006 AND EXPIRES December 31 2008 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)
(MONTH, DAY, YEAR) (MONTH, DAY, YEAR)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS 12 DAY OF December 2005
(DAY) (MONTH) (YEAR)

SIGNATURE OF OWNER, PARTNER OR CORPORATE OFFICER _____ TITLE _____

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE) Debra Harris TITLE ATTORNEY IN FACT

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION: PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME CBIC TELEPHONE NUMBER 503-287-6000

ADDRESS PO BOX 12053

CITY, STATE, ZIP CODE PORTLAND, OR 97212



APPROVED BY ATTORNEY GENERAL'S OFFICE



Limited Power of Attorney

Home Office:
1213 Valley Street
PO Box 9271
Seattle, WA 98109-0271
(206) 628-7200

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEBI LEWIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 19, 2005:

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RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Larry A. Byers, Michael D. Burns, Debbie Kidd, Ann Jenes, Nancy M. Young, Marci A. Houts, Rose A. Thorstenson, Hans Rauth, Mark S. Hewitt, Theresa Smith, Tom Dymont, Pat Domey, Deanna Wersch, JoAnn Johnson, Debi Lewis, James L. Neschke, Cheryl Neschke, Michael K. Neschke. Provided, however, that no such person shall have the authority to certify the authenticity of a resolution or Limited Power of Attorney document which serves to appoint himself as Attorney-in-Fact.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 19th day of September, 2005.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: [Signature]
Don Sirkin, President



STATE OF WASHINGTON - COUNTY OF KING

On this 19th day of September, 2005, personally appeared DON SIRKIN, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Brenda J. Scott



Notary Public in and for the State of Washington, residing at Seattle

The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Portland, OR, this 12 day of December, 2005

[Signature]



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: C-5
Est. Start Time: 9:30 AM
Date Submitted: 01/26/06

BUDGET MODIFICATION: -

Agenda Title: **Approval of Auto Wrecker Certificate Renewal for Rex M. and June J. Davis of ORIENT AUTO PARTS, INC., 28425 SE Orient Drive, Gresham**

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

| | | | |
|------------------------|---------------------------|------------------------|--------------------------------------|
| Date Requested: | <u>February 23, 2006</u> | Time Requested: | <u>N/A</u> |
| Department: | <u>Community Services</u> | Division: | <u>Land Use & Transportation</u> |
| Contact(s): | <u>Adam Barber</u> | | |
| Phone: | <u>503-988-3043</u> | Ext.: | <u>22599</u> |
| | | I/O Address: | <u>455/1/116</u> |
| Presenter(s): | <u>Consent Calendar</u> | | |

General Information

1. What action are you requesting from the Board?

Approval of the renewal of an auto wrecking yard certificate for Orient Auto Parts, Inc. at 28425 SE Orient Drive. The renewed licenses would be valid from the date of issuance to December 31, 2006.

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

Orient Auto Parts is currently operating at 28425 SE Orient Drive. The most recent wrecker certificate expired December 31, 2005. In order to renew the license for 2006, the wrecking yard must apply for a business certificate through the Department of Motor Vehicles. In order for the business certificate to be approved, the local governing body must authorize the business pursuant to ORS 822.140. Orient Auto Parts has been authorized by Multnomah County since 1977. A staff report is available at Multnomah County Land Use Planning detailing how the current proposal complies with County and State regulations for wrecking yard certificate renewal (Case No. T1-05-070). Multnomah County's approval is required on the attached blue DMV Application for Business Certificate. The original DMV Application for Business Certificate and the enclosed original surety bond must be returned to the business owner after a decision has been rendered.

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

None.

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

The most recent certificate under which Orient Auto Parts, Inc. operated expired December 31, 2005. In order to lawfully continue operation in 2006, the renewal must be approved.

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

Orient Auto Parts, Inc. has submitted all the materials necessary for the renewal application. Land Use planning staff has contacted both the Multnomah County Sheriff's Office and Assessment and Taxation Office to obtain information required by MCC 15.202. No other participation by citizens or governments has taken place. To date, no complaints have been received regarding Orient Auto Parts in calendar year 2005.

Required Signatures

**Department/
Agency Director:**



Date: 01/26/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Department of Community Services
MULTNOMAH COUNTY OREGON

Land Use and Transportation Program
1600 SE 190th Avenue
Portland, Oregon 97233-5910
(503) 988-3043

Staff Report – Case T1-05-070
Determination of Compliance
2005 Wrecker Certificate Renewal
Orient Auto Parts, INC
28425 SE Orient Dr.

This Staff Report and Determination of Compliance are made pursuant to the requirements specified by Multnomah County Code (MCC) 15.200 et. seq. Wrecker Certificate, as authorized by Oregon Revised Statutes (ORS) 822.140. An application for renewal of a Wrecker Certificate as required by the State of Oregon Department of Motor Vehicles was submitted on December 6th, 2005 by Orient Auto Parts, INC at 28425 SE Orient Drive.

I. Conditions of Approval:

1. The applicant shall obtain a Business Certificate as a wrecker of motor vehicles from the Oregon Department of Transportation. Applications for future Wrecker Certificate renewals shall include a copy of the Wrecker Certificate issued by the Oregon Department of Transportation from the prior year.
2. If there are any changes to the property during the year prior to renewal of Wrecker Certificate, applications for future Wrecker Certificate renewals shall include submittal of a site plan, drawn to scale, showing the revisions. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.
3. Taxes shall be kept current prior to approval of future Wrecker Certificate renewals.
4. Any application for a Wrecker Certificate or renewal must be reviewed by staff and presented to the Board of County Commissioners as required under MCC 15.200 et. seq.

II. Applicable Zoning Considerations:

The applicable zoning considerations as specified in MCC 15.202(B)(3) and (5) are addressed below:

A. Compliance with the requirements of ORS 822.110:

The Oregon Department of Transportation shall issue a wrecker certificate to any person if the person meets all of the following requirements:

- (1) **The person must establish that the area approved under the wrecker certificate for use in a wrecking business meets one of the following:**
 - (a) **The area is more than 1,100 feet from the nearest edge of the right of way of any state highway.**
 - (b) **The business conducted within the area is hidden or adequately screened by the terrain or other natural objects or by plantings, fences or other natural objects or by plantings, fences or other appropriate means, so as not to be visible from the main traveled way of the highway, in accordance with rules adopted by the director.**
 - (c) **The area and the business thereon are located in an area zoned for industrial use under authority of the laws of this state.**
- (2) **The person must pay the fee required under ORS 822.700 for issuance of a wreckers certificate.**
- (3) **The person must complete the application for a wrecker certificate described under ORS 822.115.**
- (4) **The person must deliver to the department any approvals by local governments required under ORS 822.140.**
- (5) **The person must deliver to the department a bond or letter of credit that meets the requirements of ORS 822.120.**

Finding: A recent site inspection by staff confirmed that both natural vegetation and a fence screen vehicles from adjacent roads consistent with ORS 822.110 (1)(b). The applicant has provided a Surety Bond by Contractors Bonding and Insurance Company (CBIC) with a dated effectiveness of January 1, 2006 to December 31, 2006. Compliance with the requirements of ORS 822.110 (2)-(5) will be ensured by obtaining a Wrecker Certificate issued by the Oregon Department of Transportation.

B. Compliance with the business locational provisions of ORS 822.135:

- (1) **A person commits the offense of improperly conducting a wrecking business if the person holds a wrecker certificate issued under ORS 822.110 and the person does any of the following:**
 - (b) **Expands the dimensions of or moves any of the person's places of business or opens any additional places of business without obtaining a supplemental wrecker certificate by the procedure under ORS 822.125.**

Finding: Staff has determined that the dimensions of the wrecking yard have not been expanded beyond that of the Wrecker Certificate most recently issued. This was verified by visual inspection by Land Use Planning Staff on January 10, 2006. The site plan submitted identifies the dimensional boundaries of the wrecking yard (fenced and/or screened areas) in relation to property lines. Submittal of a new site plan will be required if changes are made to the site during the year prior to renewal of Wrecker Certificate. Expansion of the dimensions of the wrecking yard shall not occur without prior approval of the County.

(g) Fails to keep the premises on the outside of the establishment clear and clean at all times.

Finding: The Land Use Planning Section determined on January 10, 2006 that the area outside the establishment is clear and clean. All materials and activities relating to the wrecking yard are taking place within the confines of the wrecking yard property and fences and causing no external visual impact.

(h) Conducts any wrecking, dismantling or altering of vehicles outside the building, enclosure or barrier on the premises of the business.

Finding: Based on the Land Use Planning Section's site inspection, no dismantling, altering, or storage of wrecked vehicles outside the fenced area of the business was evident.

C. Compliance with zoning regulations:

Finding: The wrecking yard was determined to be a non-conforming use on April 5, 1977 and January 15, 1987. Evidence within the Multnomah County file labeled Auto Wrecking – 28425 SE Orient Drive, contains a record that an auto wrecker business has occupied the site continuously and in compliance with zoning regulations since 1977. Examination of Department land use inventory maps and zoning maps indicates that the business was in existence on the property prior to 1977. The land use map shows the site with a case file MC 1-62 listed for the subject parcel. All evidence suggests the business is in compliance with zoning regulations.

III. Notification:

Notice of this application was sent to the Multnomah County Sheriff on January 6th, 2006. A recommendation of approval from the County Sheriff's Office was received on January 9th, 2006. A copy of the Sheriff's report is contained in the permanent case file.

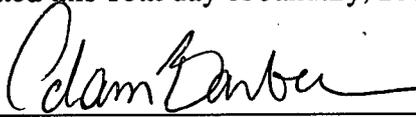
The Wrecker Certificate Renewal for 2005 was approved with a condition that taxes shall be kept current prior to approval of future Wrecker Certificate

renewals. Staff inquired with the County's Assessment and Taxation office on January 6, 2006 and was informed by Mike Brown that taxes for the property have been paid in full.

IV. Recommendation:

The staff of the Land Use Planning Section respectfully recommends that the above certificate renewal be approved, subject to conditions, based upon findings that the business satisfies the applicable requirements contained in MCC 15.200 et. seq. and ORS 822.110, ORS 882.135 and continues to retain a non-conforming status.

Dated this 18th day of January, 2006.

A handwritten signature in cursive script, appearing to read "Adam Barber", written over a horizontal line.

By Adam Barber, Planner

For: Karen Schilling, *Planning Director*



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1888 LANA AVE NE, SALEM OREGON 97314

APPLICATION FOR BUSINESS CERTIFICATE

AS A DISMANTLER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

CERTIFICATE NUMBER

EXPIRATION DATE

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SEE PAGE 4 FOR INSTRUCTIONS FOR COMPLETING A DISMANTLER APPLICATION.
- ANY ALTERATION OF LINE 3 VOIDS LOCATION APPROVAL.

ORIGINAL RENEWAL

| | | | |
|--|--|---|---|
| 1 LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME) <u>Orient Auto Parts Inc.</u> | | OREGON REGISTRY NUMBER (IF LLC OR CORPORATION) <u>495683-89</u> | |
| 2 BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME) | | OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME) | BUSINESS TELEPHONE <u>(503) 663-1909</u> |
| 3 MAIN BUSINESS LOCATION (STREET AND NUMBER) <u>28425 SE Orient Dr.</u> | | CITY <u>Gresham</u> | ZIP CODE <u>97080</u> |
| 4 MAILING ADDRESS | | CITY | STATE <u>OR</u> |
| | | STATE | ZIP CODE <u>Multnomah</u> |

5 CHECK ORGANIZATION TYPE:
 Individual Partnership LLC Corporation: If corporation, list the state under whose law business is incorporated: OR

6 a) THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE 500 ft. X 1150 ft.
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please file a plat map or other description of the location of the premises..

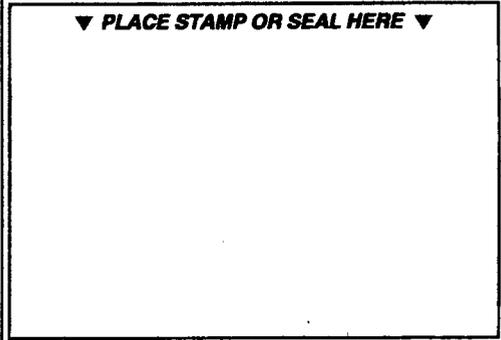
7 **By signing this application you are also certifying that:**

1. The right of way of any highway adjacent to the area proposed for approval to conduct the dismantling business is used for access to the premises and public parking;
2. You maintain a building or enclosure or other barrier at least six feet high for the purpose of conducting the dismantling business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden and adequately screened by the terrain or other natural objects or by plants, fences or other appropriate means so as not to be visible from the main traveled way or the highway except as permitted by ORS 822.135.

8 **LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)**
 By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. If a dismantler business cannot be conducted at that location, or if any of the conditions below are not met, do not sign this approval.

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF _____ HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.



I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

| | | |
|-----------|-------|---------------------|
| 9 NAME | TITLE | PHONE NUMBER () |
| SIGNATURE | | DATE |

10 X

Complete the section(s) below and sign.
 (Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, then Oregon registered agent name and address required below.

| | | | | |
|----|--|--|---|---|
| 11 | OREGON REGISTERED AGENT NAME Frank H. Hilton Jr. | | TELEPHONE NUMBER (503) 224-6440 | |
| 12 | OREGON REGISTERED AGENT STREET ADDRESS 851 SW Sixth Ave Suite 1500 | | CITY Portland | STATE Or ZIP CODE 97004 |
| 13 | OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

OWNERSHIP INFORMATION

| | | | | |
|----|--|--|---------------------------------|---|
| 14 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER JUNE J. DAVIS | | TITLE owner | RESIDENCE TELEPHONE NUMBER (503) 637-6851 |
| 15 | DATE OF BIRTH 6/22/37 | DRIVER LICENSE NUMBER 984691 | STATE OF ISSUANCE Or. | |
| 16 | RESIDENCE ADDRESS 40860 SE Kitzmiller | | CITY Eagle Creek | STATE Or ZIP CODE 97022 |
| 17 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

| | | |
|----|---|------|
| 18 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 14 ABOVE X June Davis | DATE |
|----|---|------|

| | | | | |
|----|---|---|--------------------------------|---|
| 19 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER Rex M. Davis | | TITLE owner | RESIDENCE TELEPHONE NUMBER (503) 663-7466 |
| 20 | DATE OF BIRTH 5/25/55 | DRIVER LICENSE NUMBER 1784301 | STATE OF ISSUANCE Or | |
| 21 | RESIDENCE ADDRESS 39131 SE Hudson Rd | | CITY Sandy | STATE Or ZIP CODE 97055 |
| 22 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

| | | |
|----|--|------|
| 23 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 19 ABOVE X Rex Davis | DATE |
|----|--|------|

| | | | | |
|----|--|-----------------------|-------------------|--|
| 24 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER | | TITLE | RESIDENCE TELEPHONE NUMBER () |
| 25 | DATE OF BIRTH | DRIVER LICENSE NUMBER | STATE OF ISSUANCE | |
| 26 | RESIDENCE ADDRESS | | CITY | STATE ZIP CODE |
| 27 | MAILING ADDRESS (IF DIFFERENT) | | CITY | STATE ZIP CODE |

| | | |
|----|--|------|
| 28 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 24 ABOVE X | DATE |
|----|--|------|

29 **Please attach (staple) copies of ALL owners, partners, LLC members or corporate officers official photo ID's (driver license or state issued identification card ONLY). If the residence address on the photo ID is different than the residence address listed on Page 2, submit a statement explaining why the addresses do not match.**

Copy must be legible.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your dismantler certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

SURETY BOND

BOND NUMBER
804327

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT ORIENT AUTO PARTS INC.

(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____

(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28425 SE ORIENT DR GRESHAM, OR 97080

(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____

(ADDRESS, CITY, STATE, ZIP CODE)

(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND

CONTRACTORS BONDING AND INSURANCE COMPANY

(SURETY NAME)

1201 N.E. Lloyd Blvd., Suite 360 Portland, OR 97232.

(ADDRESS, CITY, STATE, ZIP CODE)

(503) 287-6000

TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 2006 AND EXPIRES December 31 2006 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 21 DAY OF September 2005.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

X *[Signature]*

TITLE

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

X *[Signature]*

TITLE

Attorney-in-Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME

CBIC

TELEPHONE NUMBER

(503) 287-6000

ADDRESS

1201 NE Lloyd Blvd., Suite 360

CITY, STATE, ZIP CODE

Portland, OR 97232

APPROVED BY ATTORNEY GENERAL'S OFFICE





Limited Power of Attorney

Home Office:
1213 Valley Street
PO Box 9271
Seattle, WA 98109-0271
(206) 628-7200

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEBI LEWIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, seated with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 19, 2005:

RESOLVED that the President of the Company is authorized to appoint any person as the Company's true and lawful Attorney-in-Fact with power and authority to execute and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, subject to such limits as shall be determined by the President of the Company; provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000. Any Attorney-in-Fact authorized to execute a surety bond or undertaking may also be authorized to execute any consent or other documentation incidental to said bond or undertaking, provided such document does not obligate the Company in excess of the limit set forth above.

RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Larry A. Byers, Michael D. Burns, Debbie Kidd, Ann Jones, Nancy M. Young, Marci A. Houts, Rose A. Thorstenson, Hans Rauth, Mark S. Hewitt, Theresa Smith, Tom Dymant, Pat Dorney, Deanna Wersch, JoAnn Johnson, Dabi Lewis, James L. Neschke, Cheryl Neschke, Michael K. Neschke. Provided, however, that no such person shall have the authority to certify the authenticity of a resolution or Limited Power of Attorney document which serves to appoint itself as Attorney-in-Fact.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 19th day of September, 2005.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: [Signature]
Don Sirkin, President



STATE OF WASHINGTON - COUNTY OF KING

On this 19th day of September, 2005, personally appeared DON SIRKIN, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Brenda J. Scott
Notary Public in and for the State of Washington, residing at Seattle



The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Bellevue, WA this 21 day of September, 2005
[Signature]



DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES
1805 LANA AVE. NE, SALEM OREGON 97314

APPLICATION FOR BUSINESS CERTIFICATE
AS A DISMANTLER OF MOTOR VEHICLES OR
SALVAGE POOL OPERATOR

EXPIRATION DATE

- PLEASE TYPE OR PRINT LEGIBLY WITH INK.
- SEE PAGE 4 FOR INSTRUCTIONS FOR COMPLETING A DISMANTLER APPLICATION.
- ANY ALTERATION OF LINE 3 VOIDS LOCATION APPROVAL.

ORIGINAL RENEWAL

| | | | |
|--|--|---|---|
| LEGAL NAME OF APPLICANT (OWNER, PARTNERSHIP, LLC OR CORPORATION NAME) <i>Orient Auto Parts Inc.</i> | | OREGON REGISTRY NUMBER (IF LLC OR CORPORATION) <i>495683-89</i> | |
| BUSINESS NAME OF APPLICANT (IF ASSUMED BUSINESS NAME OR TRADE NAME) | | OREGON REGISTRY NUMBER (IF USING ASSUMED BUSINESS NAME OR TRADE NAME) | BUSINESS TELEPHONE <i>(503) 663-1909</i> |
| MAIN BUSINESS LOCATION (STREET AND NUMBER) <i>28425 SE Orient Dr.</i> | | CITY <i>Gresham</i> | ZIP CODE <i>97080</i> |
| MAILING ADDRESS | | CITY | STATE <i>OR</i> |
| | | STATE | ZIP CODE <i>97080</i> |

CHECK ORGANIZATION TYPE:

Individual Partnership LLC Corporation: If corporation, list the state under whose law business is incorporated: *OR*

a) THE DIMENSIONS OF THE PROPERTY ON WHICH THE BUSINESS IS LOCATED ARE *500* ft. X *1150* ft.
 b) ORS 822.115(4) requires applicants to file a **description of the location** of the dismantling yard. Accordingly, please file a plat map or other description of the location of the premises..

By signing this application you are also certifying that:

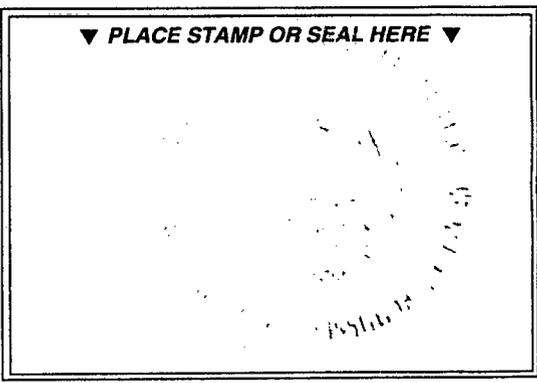
1. The right of way of any highway adjacent to the area proposed for approval to conduct the dismantling business is used for access to the premises and public parking;
2. You maintain a building or enclosure or other barrier at least six feet high for the purpose of conducting the dismantling business;
3. You will not store any vehicles or vehicle parts or conduct the dismantling business outside of the building, enclosure or barrier;
4. The business is hidden and adequately screened by the terrain or other natural objects or by plants, fences or other appropriate means so as not to be visible from the main traveled way or the highway except as permitted by ORS 822.135.

LOCAL GOVERNMENT APPROVAL (CITY / COUNTY)

By signing this application you are authorizing a dismantler business to be conducted at the location listed on Line 3 of this application. If a dismantler business cannot be conducted at that location, or if any of the conditions below are not met, do not sign this approval.

I CERTIFY THAT THE GOVERNING BODY OF THE CITY COUNTY OF *Multnomah* HAS:

- A) APPROVED THE APPLICANT AS BEING SUITABLE TO ESTABLISH, MAINTAIN OR OPERATE A MOTOR VEHICLE DISMANTLING BUSINESS (ORIGINAL APPLICATIONS ONLY).
- B) DETERMINED THAT THE LOCATION OR PROPOSED LOCATION MEETS THE REQUIREMENTS FOR THAT LOCATION UNDER ORS 822.110.
- C) DETERMINED THAT THE LOCATION DOES NOT VIOLATE ANY APPLICABLE PROVISION OF ORS 822.135.
- D) APPROVED THE LOCATION AND DETERMINED THAT THE LOCATION COMPLIES WITH ANY REGULATIONS ADOPTED BY THE JURISDICTION UNDER ORS 822.140.



I ALSO CERTIFY THAT I AM AUTHORIZED TO SIGN THIS APPLICATION AND AS EVIDENCE OF SUCH AUTHORITY DO AFFIX HEREON THE SEAL OR STAMP OF THE CITY OR COUNTY.

| | | |
|---------------------------------|------------------------------|---------------------------------------|
| NAME <i>DIANE M. LINN</i> | TITLE <i>County Chair</i> | PHONE NUMBER <i>(503) 988-3308</i> |
| SIGNATURE <i>[Signature]</i> | | DATE <i>FEBRUARY 9, 2006</i> |

Complete the section(s) below and sign.
 (Be sure to attach a separate sheet to show additional owners.)

- List the primary owner, partners, LLC members or corporate officers below.
- If a member of a limited liability company (LLC) is a corporation, the president must provide information below.
- If a partner of a partnership is a corporation, the president must provide information below.
- If corporation or LLC, then Oregon registered agent name and address required below.

| | | |
|----|--|---|
| 11 | OREGON REGISTERED AGENT NAME <i>Frank H. Hilton Jr.</i> | TELEPHONE NUMBER <i>(503) 224-6440</i> |
| 12 | OREGON REGISTERED AGENT STREET ADDRESS <i>851 SW Sixth Ave Suite 1500</i> | CITY STATE ZIP CODE <i>Portland Or 97204</i> |
| 13 | OREGON REGISTERED AGENT MAILING ADDRESS (IF DIFFERENT) | CITY STATE ZIP CODE |

OWNERSHIP INFORMATION

| | | | |
|----|--|--|---|
| 14 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER <i>JUNE J. DAVIS</i> | TITLE <i>owner</i> | RESIDENCE TELEPHONE NUMBER <i>(503) 637-6851</i> |
| 15 | DATE OF BIRTH <i>6/22/37</i> | DRIVER LICENSE NUMBER <i>984691</i> | STATE OF ISSUANCE <i>Or.</i> |
| 16 | RESIDENCE ADDRESS <i>40860 SE Kiltz Miller</i> | CITY STATE ZIP CODE <i>Eagle Creek Or 97002</i> | |
| 17 | MAILING ADDRESS (IF DIFFERENT) | CITY STATE ZIP CODE | |

| | | |
|----|---|------|
| 18 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 14 ABOVE <i>X June Davis</i> | DATE |
|----|---|------|

| | | | |
|----|---|--|---|
| 19 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER <i>Rex M. Davis</i> | TITLE <i>owner</i> | RESIDENCE TELEPHONE NUMBER <i>(503) 663-7466</i> |
| 20 | DATE OF BIRTH <i>5/25/55</i> | DRIVER LICENSE NUMBER <i>1784307</i> | STATE OF ISSUANCE <i>Or.</i> |
| 21 | RESIDENCE ADDRESS <i>39131 SE Hudson Rd</i> | CITY STATE ZIP CODE <i>Sandy Or 97055</i> | |
| 22 | MAILING ADDRESS (IF DIFFERENT) | CITY STATE ZIP CODE | |

| | | |
|----|--|------|
| 23 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 19 ABOVE <i>X Rex Davis</i> | DATE |
|----|--|------|

| | | | |
|----|--|-----------------------|--|
| 24 | PRINT NAME OF OWNER / PARTNER / LLC MEMBER / CORPORATE OFFICER | TITLE | RESIDENCE TELEPHONE NUMBER <i>()</i> |
| 25 | DATE OF BIRTH | DRIVER LICENSE NUMBER | STATE OF ISSUANCE |
| 26 | RESIDENCE ADDRESS | CITY STATE ZIP CODE | |
| 27 | MAILING ADDRESS (IF DIFFERENT) | CITY STATE ZIP CODE | |

| | | |
|----|--|------|
| 28 | CERTIFYING SIGNATURE OF OWNER SHOWN ON LINE 24 ABOVE <i>X</i> | DATE |
|----|--|------|

29 **Please attach (staple) copies of ALL owners, partners, LLC members or corporate officers official photo ID's (driver license or state issued identification card ONLY). If the residence address on the photo ID is different than the residence address listed on Page 2, submit a statement explaining why the addresses do not match.**

Copy must be legible.

False certification is a Class B misdemeanor under ORS 162.085 and is punishable by six months in jail, a fine of up to \$1,000 or both. In addition, DMV sanctions against you or your dismantler certificate may be imposed. With this in mind... I certify that I am the owner, a partner, an LLC member, or a corporate officer of this business and that all information on this application is accurate and true. I certify that the right of way of any highway adjacent to the location listed above is used for access to the premises and public parking.

SURETY BOND

BOND NUMBER
804327

FAILURE TO COMPLETE THIS FORM WILL CAUSE UNAVOIDABLE DELAY.

LET IT BE KNOWN:

THAT ORIENT AUTO PARTS INC.
(OWNER, PARTNERS, CORPORATION NAME)

DOING BUSINESS AS _____
(ASSUMED BUSINESS NAME, IF ANY)

HAVING PRINCIPAL PLACE OF BUSINESS AT 28425 SE ORIENT DR GRESHAM, OR 97080
(ADDRESS, CITY, STATE, ZIP CODE)

WITH ADDITIONAL PLACES OF BUSINESS AT _____
(ADDRESS, CITY, STATE, ZIP CODE)

STATE OF OREGON, AS PRINCIPAL(S), AND _____
CONTRACTORS BONDING AND INSURANCE COMPANY
(SURETY NAME)

1201 N.E. Lloyd Blvd., Suite 360 Portland, OR 97232.
(ADDRESS, CITY, STATE, ZIP CODE)

(503) 287-6000
TELEPHONE NUMBER

A CORPORATION ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF Washington AND AUTHORIZED TO TRANSACT A SURETY BUSINESS IN THE STATE OF OREGON, AS SURETY, ARE HELD AND FIRMLY BOUND UNTO THE STATE OF OREGON IN THE PENAL SUM OF \$2,000 FOR THE PAYMENT OF WHICH WE HEREBY BIND OURSELVES, OUR RESPECTIVE SUCCESSORS AND ASSIGN, JOINTLY AND SEVERALLY, FIRMLY BY THESE PRESENTS.

A CONDITION OF THIS OBLIGATION IS SUCH THAT, WHEN THE ABOVE NAMED PRINCIPAL HAS BEEN ISSUED A CERTIFICATE TO CONDUCT, IN THIS STATE, A BUSINESS WRECKING, DISMANTLING AND SUBSTANTIALLY ALTERING THE FORM OF VEHICLES, SAID PRINCIPAL SHALL CONDUCT SUCH BUSINESS WITHOUT FRAUD OR FRAUDULENT REPRESENTATION, AND WITHOUT VIOLATION OF ANY OF THE PROVISIONS OF THE OREGON VEHICLE CODE SPECIFIED IN ORS 822.120(2) THEN AND IN THAT EVENT THIS OBLIGATION TO BE VOID, OTHERWISE TO REMAIN IN FULL FORCE AND EFFECT UNLESS CANCELED PURSUANT TO ORS 743.755.

THIS BOND IS EFFECTIVE January 1 2006 AND EXPIRES December 31 2006 (BOND MUST EXPIRE ON THE LAST DAY OF THE MONTH.)

-- ANY ALTERATION VOIDS THIS BOND --

IN WITNESS WHEREOF, THE SAID PRINCIPAL AND SAID SURETY HAVE EACH CAUSED THESE PRESENTS TO BE EXECUTED BY ITS AUTHORIZED REPRESENTATIVE OR REPRESENTATIVES AND THE SURETY CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 21 DAY OF September 2005.

SIGNATURE (OWNER/PARTNER/CORPORATE OFFICER)

[Signature]

TITLE

SIGNATURE OF SURETY (AUTHORIZED REPRESENTATIVE)

[Signature]

TITLE

Attorney-in-Fact

SURETY'S AGENT OR REPRESENTATIVE MUST COMPLETE THIS SECTION:

PLACE SURETY SEAL BELOW

IN THE EVENT A PROBLEM ARISES CONCERNING THIS BOND, CONTACT:

NAME CBIC TELEPHONE NUMBER (503)287-6000

ADDRESS 1201 NE Lloyd Blvd., Suite 360

CITY, STATE, ZIP CODE Portland, OR 97232

APPROVED BY ATTORNEY GENERAL'S OFFICE





Limited Power of Attorney

Home Office:
1213 Valley Street
PO Box 9271
Seattle, WA 98109-0271
(206) 628-7200

KNOW ALL MEN BY THESE PRESENTS that CONTRACTORS BONDING AND INSURANCE COMPANY, a corporation duly organized and existing under the laws of the State of Washington, and having its principal office in Seattle, King County, Washington, does by these presents make, constitute and appoint DEBI LEWIS, of Portland, Oregon, its true and lawful Attorney-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, provided, however, that no Attorney-in-Fact shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$6,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with a penal sum in excess of \$6,000,000; and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary; hereby ratifying and confirming all that the said Attorney-in-Fact may do in the premises. Said appointment is made under and by authority of the following resolutions adopted by the Board of Directors of the CONTRACTORS BONDING AND INSURANCE COMPANY on September 19, 2005:

RESOLVED that the President of the Company is authorized to appoint any person as the Company's true and lawful Attorney-in-Fact with power and authority to execute and deliver on behalf of the Company any and all bonds and undertakings of suretyship given for any purpose, subject to such limits as shall be determined by the President of the Company; provided, however, that no such person shall be authorized to execute and deliver any bond or undertaking that shall obligate the Company for any portion of the penal sum thereof in excess of \$10,000,000, and provided, further, that no Attorney-in-Fact shall have the authority to issue a bid or proposal bond for any project where, if a contract is awarded, any bond or undertaking would be required with penal sum in excess of \$10,000,000. Any Attorney-in-Fact authorized to execute a surety bond or undertaking may also be authorized to execute any consent or other documentation incidental to said bond or undertaking, provided such document does not obligate the Company in excess of the limit set forth above.

RESOLVED FURTHER that the authority of the Secretary of the Company to certify the authenticity and effectiveness of the foregoing resolution in any Limited Power of Attorney is hereby delegated to the following persons, the signature of any of the following to bind the Company with respect to the authenticity and effectiveness of the foregoing resolutions as if signed by the Secretary of the Company: Larry A. Byers, Michael D. Burns, Debbie Kidd, Ann Jenas, Nancy M. Young, Marci A. Houts, Rose A. Thorstenson, Hans Rauth, Mark S. Hewitt, Theresa Smith, Tom Dymant, Pat Dorney, Deanna Wersch, JoAnn Johnson, Debi Lewis, James L. Neschke, Cheryl Neschke, Michael K. Neschke. Provided, however, that no such person shall have the authority to certify the authenticity of a resolution or Limited Power of Attorney document which serves to appoint himself as Attorney-in-Fact.

RESOLVED FURTHER that the signatures (including certification that the Power of Attorney is still in force and effect) of the President, Notary Public and person certifying authenticity and effectiveness, and the corporate and Notary seals appearing on any Limited Power of Attorney containing this and the foregoing resolutions as well as the Limited Power of Attorney itself and its transmission, may be by facsimile; and such Limited Power of Attorney shall be deemed an original in all aspects.

RESOLVED FURTHER that all resolutions adopted prior to today appointing the above named as Attorney-in-Fact for CONTRACTORS BONDING AND INSURANCE COMPANY are hereby superseded.

IN WITNESS WHEREOF, CONTRACTORS BONDING AND INSURANCE COMPANY has caused these presents to be signed by its President and its corporate seal to be hereto affixed this 19th day of September, 2005.

CONTRACTORS BONDING AND INSURANCE COMPANY

By: [Signature]
Don Sirkin, President



STATE OF WASHINGTON - COUNTY OF KING

On this 19th day of September, 2005, personally appeared DON SIRKIN, to me known to be the President of the corporation that executed the foregoing Limited Power of Attorney and acknowledged said Limited Power of Attorney to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute the said Limited Power of Attorney.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Brenda J Scott



Notary Public in and for the State of Washington, residing at Seattle

The undersigned, acting under authority of the Board of Directors of CONTRACTORS BONDING AND INSURANCE COMPANY, hereby certifies, as or in lieu of Certificate of the Secretary of CONTRACTORS BONDING AND INSURANCE COMPANY, that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and does hereby further certify that the said Power of Attorney is still in force and effect.

GIVEN under my hand at Bellevue, WA this 21 day of September, 2005

[Signature]

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 2/9/06

SUBJECT: View Point Inn

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Angelo Simone

ADDRESS: 40301 E. Larch Mt. Rd.

CITY/STATE/ZIP: Corbett, Oregon 97019

PHONE: DAYS: (503) 695 5811 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Corbett In Crisis

WRITTEN TESTIMONY: _____

Corbett School's face a doomsday scenario if they can't replace the (money) budget deficit — View Point Inn wants to raise \$50,000 plus if County allows.

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



Getting Married?

The View Point Inn

*The most romantic, charming and elegant place on earth...
is just 22 miles from downtown Portland, near Crown Point,
situated on a one-acre bluff, with a panoramic view of the entire
Columbia River Gorge, the city lights of Portland and Vancouver.
This historic private estate, built in 1924, is exclusively yours
for the day and closed to the public.*

Book 2007 Now!

Come join us

***Feb. 19, 2006 1-4pm
for a lovely Open House***

featuring Papa Haydn Catering & Desserts

Please RSVP by Feb. 10, 2006

503-695-5811

Private parties, special events, weddings and receptions welcomed
For Reservations, call (503) 695-5811

Directions from Portland:

I-84 East, Exit #22, (Corbett) Go right - up Corbett Hill Rd. At top go left onto
Scenic Hwy. Follow signs to Crown Point - 3 miles. Veer right to Larch Mountain
Rd. The Inn is the first building on the left: 40301 E. Larch Mt. Rd.

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 2/9/06
SUBJECT: THE VIEW POINT TOWN

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Geoff Thompson

ADDRESS: 40301 E. LARCH MOUNTAIN RD

CITY/STATE/ZIP: Corbett OR 97019

PHONE: DAYS: 503-695-5811 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

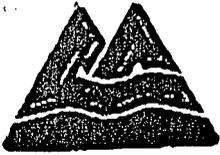
WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



Department of Business and Community Services
MULTNOMAH COUNTY OREGON

Environmental Compliance Division
 1600 SE 190th Avenue
 Portland, Oregon 97233-5910
 PH. (503) 988-5050 Fax (503) 988-3389
www.co.multnomah.or.us/dbcs/LUT/land_use

July 22, 2004

Geoffrey Thompson & Janet Gable
 40301 E Larch Mountain Road
 Corbett, Oregon 97014

RE: Use of the Viewpoint Inn for Commercial Purposes

Dear Mr. Thompson & Ms. Gable:

An advertisement placed in the July 16, 2004 edition of the Arts and Entertainment section of The Oregonian contains a commercial offering seeking reservations for private parties, weddings, special events, and receptions at your Viewpoint Inn property located at the above referenced address. A copy of this advertisement is enclosed.

Commercial use of this property for these purposes is not allowed under Multnomah County's National Scenic Area Ordinance. This was made expressly clear when the County enforced and litigated this issue with you, Mr. Thompson, in 1999 in response to your having used the property for similar purposes (ref: County file ZV-99-006). There have been no substantive changes to the land use rules as they apply to this property since that time.

While the Gorge Commission recently revised the Management Plan for the National Scenic Area to allow certain commercial events, including outdoor group gatherings, on lands within the General Management Area of the Gorge, the revised Plan is not yet in effect nor has the County chosen to adopt these allowances in its Scenic Area Ordinance. Derrick Tokos, Land Use Planning, advised Mr. Thompson of this when they met on June 22nd of this year. Further, the County has not been advised by the Forest Service that this property has been designated as being within the General Management Area (it is presently within the Special Management Area).

As owners of the property, you are responsible for ensuring that use of the Viewpoint Inn is consistent with what is allowed under the National Scenic Area rules, which we understand at this point to be as a single family residence (ref: file T2-02-009). Accordingly, the County is asking that you immediately cease to solicit or use the property for commercial purposes, pull any advertisements to that effect, and inform anybody that has responded to an ad that the property cannot be used in this fashion. The County is also asking that you memorialize your willingness to take these steps by signing and returning the enclosed voluntary compliance agreement to the County Code Compliance Office no later than Friday, July 30, 2004.

COPY

Page 1 of 3

While we would very much like to resolve this as amicably as possible, the County will actively pursue enforcement if you do not immediately cease to use the property for commercial purposes or fail to return the signed compliance agreement within the timeframe provided.

Please feel free to contact me if you have any questions.

Sincerely,



Kim Peoples
Environmental Compliance Manager

Xc: Karen Schilling, Planning Director
Martha Bennet, Gorge Commission Executive Director
Sandra Duffly, Assistant County Attorney
Derrick Tokos, Principal Planner
Michael Grimmett, Code Compliance Specialist

Enclosures

05/02/2004 10:05 3837022140 MAIL ROOM FLEIS PAGE 04

VOLUNTARY COMPLIANCE AGREEMENT

This document describes the terms of an Agreement between Multnomah County, "COUNTY," and Geoffrey Thompson, Jan Gable, "RESPONDENTS," to achieve voluntary compliance with the laws governing use of the property described herein, that is under Respondent's ownership, possession or control.

1. **Description of Property:** The property subject of this agreement is located at:

40301 E Larch Mountain Road
Corbett, Oregon 97014
Tax Lots 1500 & 1600, Sec 30CC, T1N, R5E, W.M.
Tax Acct #R832300010 and R832301940

2. **Respondents' Links to Property:** Respondent Geoffrey Thompson is an *Owner* of the Property identified as Tax Lot 1600; therefore, is responsible for what occurs at that property. Respondent Jan Gable is the *Owner* of the properties identified as Tax Lot 1500 and Tax Lot 1600 and is; therefore responsible for what occurs at these properties.

3. **Land Use Compliance Problem Addressed with this Agreement:** The following activities are occurring at the above described property, and must be corrected under the terms of this Agreement:

a. An advertisement placed in the July 16, 2004 edition of the Arts and Entertainment section of The Oregonian contains a commercial offering seeking reservations for private parties, weddings, special events, and receptions at the dwelling located on the property, known as the "Viewpoint Inn."

Entering into this Voluntary Compliance Agreement is an acknowledgment by Respondents of sufficient notice that the County intends to follow through with corrective action and enforcement, if necessary. However, entering into this Agreement shall not be considered an admission by Respondents of the existence of the violation(s) for any purpose.

4. **Required Corrective Action & Time Limits for Compliance:** The following actions are required of the Respondents to resolve the above described compliance problem. Each action must be completed in the time frame specified in this Agreement.

a. Immediately cease to use the property located at 40301 E Larch Mountain Road Corbett, Oregon, for commercial purposes.

b. Desist from advertising property located at 40301 E Larch Mountain Road Corbett, Oregon, for commercial purposes and pull any existing advertisements no later than Friday, July 30, 2004.

c. Contact any persons that have responded to the advertisements and inform them that the property cannot be used in this fashion. Such contacts shall occur no later than Friday, July 30, 2004.

5. Impact of Voluntary Compliance Agreement on Enforcement Action by County:

County agrees to delay further processing or enforcement action on the matters described above during the time allotted under this Voluntary Compliance Agreement for completion of all corrective action. County shall take no further action concerning the alleged violation(s) if all terms of this Voluntary Compliance Agreement are satisfied. However, if new evidence comes to County's attention after execution of this Agreement that indicates that other compliance problems exist at the property, County may require Respondents to enter into an Amended Voluntary Compliance Agreement, or an additional Voluntary Compliance Agreement for additional corrective action on these issues. Failure to enter into the Amended or additional Agreement under those circumstances would result in revocation of this Agreement and reinstatement of processing and other enforcement action by County.

If no new evidence arises to alter the terms agreed to here, and if proceedings were initiated against Respondents prior to execution of this Agreement, then those proceedings will be terminated by County when all terms of this Agreement are satisfied.

6. Impact of Failure to Comply with Terms of this Voluntary Compliance Agreement:

Failure to comply with any term of this Voluntary Compliance Agreement constitutes a separate violation, and shall be handled in accordance with the procedures established by Multnomah County Code, except no further notice after the Voluntary Compliance Agreement has been signed need be given before further enforcement proceedings are initiated. Upon failure by Respondents to comply with any term of this Voluntary Compliance Agreement, County may consider this Agreement void and proceed with enforcement action on the matters described herein.

By signing below, the parties agree to all terms set out in this Voluntary Compliance Agreement.

RESPONDENT

RESPONDENT

Signature

Signature



GROEN
STEPHENS & KLINGE LLP
ATTORNEYS AT LAW

2101 112TH AVENUE NE, SUITE 110
BELLEVUE, WASHINGTON 98004-2944

JOHN M. GROEN
RICHARD M. STEPHENS
CHARLES A. KLINGE
DIANA M. KIRCHHEIM

TELEPHONE
(425) 453-6206
FACSIMILE
(425) 453-6224

July 30, 2004

COPY

Via Facsimile and U.S. Mail

Ms. Kim Peoples
Environmental Compliance Manager
Multnomah County
1600 SE 190th Avenue
Portland, Oregon 97233-5910

Re: Use of the Viewpoint Inn

Dear Ms. Peoples:

I have been retained by Geoff Thompson to help him in his relations with Multnomah County with respect to the Viewpoint Inn. We met yesterday afternoon, Thursday July 29, 2004, and I reviewed your letter dated July 22, 2004. Mr. Thompson and I discussed the past history of this property, including the permitting disputes from several years ago.

First, I have reviewed the advertisement that appeared in the Oregonian and I understand why it has raised your concern. Unfortunately, there have been some misunderstandings that hopefully this letter can clear up.

My client is the new co-owner of the property; he is now residing in the dwelling and intends to continue to live there for many years. He also desires to be able to use the property as a bed and breakfast and possibly host some commercial events such as weddings. However, Mr. Thompson understands that he must first secure the necessary land use permits to be able to engage in those commercial activities. Please be assured, there has not and will not be any commercial use of the dwelling or the premises until the necessary approvals are in place.

I will be working with Mr. Thompson to prepare applications for submittal and we hope to schedule a pre-application conference in the near future. As he goes through the permitting process, I have counseled Mr. Thompson to set aside his prior frustrations with the events that unfolded several years ago, and to turn the page. This is an opportunity for a fresh start for all parties.

With respect to the advertisement that appeared in the Oregonian, there is an unfortunate error in the text. The advertisement was supposed to state that dates are available for 2005, not for 2004. The reason this advertisement was placed is because weddings must be planned well in advance. Nevertheless, Mr. Thompson knows that he cannot accept any contracts for 2005 weddings until

Ms. Kim Peoples, Environmental Compliance Manager
Multnomah County
July 30, 2004
Page 2 of 3

GROEN STEPHENS & KLINGE LLP

the land use approvals are complete. Accordingly, any prospective clients that might call will be informed that all potential dates are tentative only and are subject to securing necessary permits. At this time, there are no tentative bookings.

Although Mr. Thompson's advertisement was only intended as advance planning in anticipation of securing land use approvals, he has agreed to **not** run any further advertisements. Accordingly, to the extent it is even necessary, he is voluntarily complying with your request to not place further advertisements. Unfortunately, Mr. Thompson and I met late yesterday afternoon it was too late to pull an advertisement that appears in today's edition of the Oregonian. However, there will be no further advertisements until we reach a point where doing so is consistent with a reasonable expectation of land use approvals.

I hope that this response will satisfy the County and that you will see there is no need to initiate an enforcement proceeding. There has been **no commercial use** of the property, nor will there be any until land use approvals are in place. Mr. Thompson believes he is in compliance already, but to the extent further voluntary compliance is necessary, he is taking the action you desire by not placing any further advertisements.

I realize that your letter includes a "Voluntary Compliance Agreement." That agreement is defective under the Multnomah County Code § 37.0935 because it does not provide the required applicable code provision that you assert Mr. Thompson is violating. Nevertheless, as the above demonstrates, there is no need for a revised Voluntary Compliance Agreement because Mr. Thompson has already voluntarily ceased to place additional advertisements.

While commercial use will not take place, it is well known that the Viewpoint Inn is a unique and ideal spot for social gatherings. Indeed, as a parcel listed on the National Register of Historic Places, the property should be enjoyed and appreciated by many visitors. Accordingly, Mr. Thompson anticipates that from time to time, he will be asked to make his residence available for **non-commercial** gatherings. This is not unlike any other person allowing their residence to be used as a site for charitable fundraisers. I have attended numerous such charitable events on the grounds of private residences.

With that background, could you please clarify for Mr. Thompson what permits, if any, would be required for non-commercial gatherings such as a charitable fundraiser. The question is particularly important because Mr. Thompson has been asked to make his residence and grounds available for a fundraiser for the Corbett Fire District. The fundraiser to benefit the voluntary firefighters is currently planned for August 29, 2004. Mr. Thompson is not accepting any money for the fundraiser and he will be engaged in no commercial activity. He is simply making his home available as a site for the gathering. We are happy to answer any additional questions you may have about the fundraiser and to put you in contact with the primary organizers.

Please advise us of how Multnomah County would like Mr. Thompson to proceed in responding to the request to host this fundraiser.

Ms. Kim Peoples, Environmental Compliance Manager
Multnomah County
July 30, 2004
Page 3 of 3

GROEN STEPHENS & KLINGE LLP

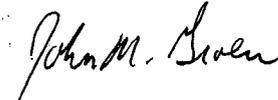
As you know, Mr. Thompson has a deep respect for the beauty and history of this property. Although he is the owner and has a right to exclude others, Mr. Thompson views himself more as a steward of the property and that, rather than restricting the property for his private enjoyment, he desires to allow others to enjoy its aesthetic benefits. Accordingly, regardless of what may transpire in the permit process for commercial use, Mr. Thompson desires to be able to freely invite friends and guests for **non-commercial** social gatherings. The fundraiser described above is one example. Perhaps a wedding for friends is another example.

As these private opportunities arise, Mr. Thompson does not desire to enter into disputes or misunderstandings with the County. Commercial use is one thing, but private non-commercial use is another. Accordingly, please advise what Multnomah County's position is with respect to private, non-commercial gatherings.

Thank you for your anticipated response.

Sincerely,

GROEN STEPHENS & KLINGE LLP



John M. Groen
jgroen@GSKonline.com

JMG:lch

cc: Martha Bennett, Gorge Commission Executive Director

bcc: Sharon Nesbit, Gresham Outlook

Viewpoint Inn owner tangles again with county

BY SHARON NESBIT
staff writer

CORBETT — Multnomah County officials and Geoff Thompson, owner of the Viewpoint Inn, are butting heads again over Thompson's plans to open the historic inn near Crown Point to weddings and other special events.

A July 16 advertisement for events at Viewpoint Inn offered bookings in 2004 and provoked the county's environmental compliance division to write Thompson and his partner, Janet Gable, saying that the inn, at 40301 E. Larch Mountain Road, is not zoned for commercial use. The two were given until Friday, July 30, to sign a voluntary compliance agreement.

"I did not open it. I didn't look. I have no interest," Thompson said this week, adding that he had passed the letter on to his attorney. "I am in full compliance with the Columbia River Gorge commission; I will not be corresponding or dealing with Multnomah County. They are a corrupt agency."

Thompson said the 2004 date listed in the advertisement was an error and that the inn will be ready to receive guests in 2005 and likely will be in use as a bed and breakfast before that.

However, Kim Peoples, county compliance manager, said the county was aware of a person who responded to the ad, put a deposit down and later learned that such events are not a lawful use of the inn at this time.

History of Viewpoint Inn

The Viewpoint Inn, which is near the intersection of Larch Mountain Road and the Historic Columbia River Highway, was built in 1924 on a prominence above Vista House called Thor's Heights. Built as a tea room by the Grace H. Palmer Corporation, it was unsuccessful until 1927 when it was sold to William Moessner, a chef trained in Germany. He gave the restaurant its present name and with his wife, Clara, established a reputation for excellent meals.

According to Corbett historian Clarence Mershon, the inn served its last meal in 1962, though Moessner lived on the premises until his death in 1979. Eventually Doug and Karen Watson purchased the inn, restored it

as a home and placed the property on the National Register of Historic Places. Inactive as a commercial use for more than two decades, it was not listed as a business when the National Scenic Area was created.

Mershon and other Corbett historians contend that historic properties have not fared well under scenic area jurisdiction and that such sites should be restored and allowed to operate in their historic tradition.

Recently the Crown Point Country Historical Society headed off a state highway plan to eliminate the Tunnel Point Viewpoint on Interstate 84 because it would eliminate access to the last remnant of the area's historic fishing operations.

"We don't want to see folks disappointed and hopes dashed," he said.

Thompson, who dismisses his opponents as "closed-minded eco-terrorists," lost a tumultuous fight in 1999 over hosting commercial events at the Viewpoint Inn.

A Circuit Court judge found that by hosting weddings and large parties at the inn, Thompson and Stephen Perkins, who was then his partner, exceeded terms of a 1997 permit that allowed them to use the inn as an educational facility under a non-profit corporation, The Lois Thompson Housing Project for Challenged Citizens.

Thompson originally purchased the property, which was then in use as a private

home, to train developmentally disabled people, including his brother, for work in the hospitality industry.

As an educational facility, Multnomah County officials allowed the operation but restricted hours to weekend breakfasts and lunches with a closing time of 4 p.m.

Thompson and Perkins hosted a number of large events, including lunches and dinners that set off complaints from neighbors over parking problems.

After losing the fight in 1999, Thompson went to California, trailed by a civil lawsuit from the state attorney general's office charging Thompson with lying in order to collect government money for the Lois

Thompson Housing Project.

The inn, a National Register site, reverted to the original owners and has been idle, rented out to establish residency, but became mired in financing struggles and complex scenic area rules that made it difficult to sell, said Realtor Dale Burkholder.

The land was offered to the U.S. Forest Service, but that agency rated it a low priority and when the opportunity to buy the site expired in March, Thompson returned to buy the property.

"The property was a mess," said Burkholder, associate broker with Pete Anderson Associates, who nursed the site through tangled property issues for more than three years. "There's no better person (than Geoff) for that property with the passion he has." He said Thompson has been fixing the inn up and repairing years of neglect.

"I've come back here to reclaim my property, my losses and the rights of this property once and for all," Thompson said.

He blames the Friends of the Columbia Gorge and county officials for a loss of \$3 million that he might have earned had the inn remained open the last three years. He said in California he found "amazing rich and famous friends who will come out on a global level in print and in film" to tell the story of his struggle.

The former body builder and one-time owner of a cosmetic company marked his return May 25 with a prayer breakfast at Viewpoint Inn. He invited a number of local

officials, including Troutdale Mayor Paul Thalhofer.

"I didn't come here to lose; I wouldn't be here but for the grace of God. Do you think Multnomah County has any power over God? No. God's running the show here," he said.

In his letter to Thompson, Peoples noted that nothing in land use rules has changed since Thompson lost his case in 1999.

Meanwhile, Thompson is counting on a revised management plan recently adopted by the Columbia River Gorge Commission that could relax rules on commercial events in certain management areas of the gorge.

Friends of the Columbia Gorge have filed a legal challenge of the revised plan and even when the revision is approved, the new rules must be adopted by Multnomah County. County planners are charged with overseeing regulations in the part of the national scenic area within the county.

Peoples notified Thompson by mail to cease use of the inn for commercial purposes, to quit advertising and to contact people who had responded to the ad informing them that the property was not to be used for commercial events.

At the same time, Diana Karabut, board member of Friends of the Columbia Gorge, wrote Multnomah County Commissioner Lonnie Roberts, citing the Viewpoint Inn's "long history of unlawful use" and asking commissioners to support the county planning agency. Karabut, a retired teacher, became active in gorge issues while working as a volunteer at Multnomah Falls.

CC: Terry Carragher
~~Leah Davidson~~

Fax Transmittal Sheet

For the
File

Mail Room Plus

Mailing & Shipping Center
11918 SE Division
Portland OR, 97266

Number of Pages including this sheet: 4

TO: Name: John Mannex
Company: The Oregonian
Phone: 503-294-4199
Fax: _____

From: Name: Diana Karabut
Company: _____
Phone: 503-254-4884
Fax: _____

Comments: Re: our email messages
also "mailing packet
you should have tomorrow)
Diana



Department of Community Services
Environmental Compliance

MULTNOMAH COUNTY OREGON

1600 SE 190th Avenue, Suite 116
Portland, Oregon 97233

(503) 988-5050 phone
(503) 988-3389 fax

January 18, 2005

Geoff Thompson
40301 E. Larch Mountain Road
Corbett, OR 97019

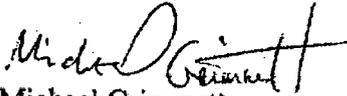
Via facsimile: (503) 695-5818

Location: 40301 E. Larch Mountain Road
Case #: UR-04-048

Dear Mr. Thompson,

Per your request today of Kim Peoples, Environmental Compliance Program Manager, this communication confirms that on April 15, 2005, the Code Compliance office closed Under Review (UR) case file UR-04-048 for the 40301 E. Larch Mountain Road property.

Respectfully,


Michael Grimmitt
Code Compliance Specialist
Environmental Compliance



P.O. BOX 96088
BELLEVUE, WA 98009

January 19, 2006

Page 1 of 7

Account number
761372637-00001
Invoice number
2011807326

To Make A Payment
Online: verizonwireless.com (My Account)
Phone: #PMT (#768) or #BAL (#225)
from your wireless phone. Airtime free.
Mail Payment: Verizon Wireless
PO Box 9622
Mission Hills, CA 91346-9622

DONN ANGELO SIMIONE
40301 E LARCH MOUNTAIN RD
CORBETT, OR 97019-9786

Contact Us
Online: verizonwireless.com
Phone: *611 or 1-800-922-0204 Airtime free.
Mail Letters: Verizon Wireless
Customer Service
PO Box 96082
Bellevue, WA 98009-9682

Verizon Wireless news

Get Your Family IN

Add up to 4 lines to your account and share your calling plan minutes. Call 1-866-396-7444 or go to www.verizonwireless.com/addaline for details. Certain conditions and restrictions apply.

Let Us Take Care of This for You

When you sign-up for Auto Bill Pay, your monthly bill will be paid automatically each month from your credit card or bank account. No more checks to write, stamps to buy or late fees. Call 1-866-868-3882, log on to My Account online or see back of remittance stub to enroll.

Recibe tu Factura en Español / Get Your Bill In Spanish

Para recibir tu factura de Verizon Wireless en español, llama desde tu teléfono móvil #SPAN (#7726). (llamadas sin cargos de conexión ni tiempo de aire). To get your Verizon Wireless bill in Spanish, call #SPAN (#7726) from your wireless phone (calls are toll and airtime free).

Account summary

Previous charges

| | |
|------------------------------------|---------|
| Previous balance | \$76.34 |
| Payment received 01/18 - Thank you | -76.34 |
| Balance forward | \$0.00 |

Current charges

| | |
|---|----------------|
| Monthly charges | 59.99 |
| Usage charges | 23.84 |
| Verizon Wireless surcharges and other charges and credits | 1.65 |
| Taxes, governmental surcharges and fees | 6.50 |
| Total current charges | \$91.98 |

Total Amount Due by February 14, 2006 \$91.98

A late payment charge applies for unpaid balances. The charge is the greater of \$5 or 1.5% per month or as permitted by law, and are liquidated damages, not a penalty.



Payment coupon

Please return this portion with your check or money order made payable to **Verizon Wireless**.

DONN ANGELO SIMIONE
40301 E LARCH MOUNTAIN RD
CORBETT, OR 97019-9786

Bill date **January 19, 2006** VW
Account number **761372637-00001**
Invoice number **2011807326**

| | |
|-------------------------------|----------------|
| Balance forward | \$0.00 |
| Current charges | \$91.98 |
| AMOUNT DUE BY 02/14/06 | \$91.98 |

**MAKE CHECK PAYABLE TO
VERIZON WIRELESS**

Amount enclosed

\$

PO BOX 9622
MISSION HILLS, CA 91346-9622



Check here and fill out the back of this slip if your billing address has changed or you are adding or changing your email address.

2011807326010761372637000010000091980000091984

Bill date January 19, 2006
Account number 761372637-00001
Invoice number 2011807326

Usage detail continued . . .

In Your Home Area

| Date | Time | Rate | Minutes | Origination+ | Phone number | Destination | Usage type | Call type | Airtime charges | Long distance and other charges | Total |
|------|--------------|------|---------|--------------|---------------|---------------|------------|-----------|-----------------|---------------------------------|-------|
| 50 | 01/03 11:49A | P | 3 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 51 | 01/03 11:52A | P | 3 | Portland OR | (503)288-1265 | Portland OR | A | | Included | .00 | .00 |
| 52 | 01/03 11:58A | P | 4 | Portland OR | (503)663-0772 | Gresham OR | A | | Included | .00 | .00 |
| 53 | 01/03 01:09P | P | 1 | Portland OR | (503)663-0772 | Gresham OR | A | | Included | .00 | .00 |
| 54 | 01/03 01:10P | P | 2 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 55 | 01/03 01:12P | P | 5 | Portland OR | (503)224-4564 | Portland OR | A | | Included | .00 | .00 |
| 56 | 01/03 02:08P | P | 1 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 57 | 01/03 02:10P | P | 1 | Portland OR | (503)667-4455 | Gresham OR | A | | Included | .00 | .00 |
| 58 | 01/03 02:11P | P | 1 | Portland OR | (503)297-5742 | Portland OR | A | | Included | .00 | .00 |
| 59 | 01/03 02:12P | P | 3 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 60 | 01/03 02:14P | P | 1 | Portland OR | (503)221-8327 | Portland OR | A | | Included | .00 | .00 |
| 61 | 01/03 02:16P | P | 1 | Portland OR | (503)294-5930 | Portland OR | A | | Included | .00 | .00 |
| 62 | 01/03 02:17P | P | 2 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 63 | 01/03 02:18P | P | 4 | Portland OR | (503)665-2181 | Gresham OR | A | | Included | .00 | .00 |
| 64 | 01/03 02:23P | P | 1 | Portland OR | (503)221-8327 | Portland OR | A | | Included | .00 | .00 |
| 65 | 01/03 02:24P | P | 4 | Portland OR | (503)294-5972 | Portland OR | A | | Included | .00 | .00 |
| 66 | 01/03 03:18P | P | 1 | Portland OR | (503)771-0030 | Portland OR | A | | Included | .00 | .00 |
| 67 | 01/03 03:19P | P | 4 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 68 | 01/03 03:23P | P | 3 | Portland OR | (503)695-2283 | Corbett OR | A | | Included | .00 | .00 |
| 69 | 01/03 03:26P | P | 7 | Portland OR | (503)988-6796 | Portland OR | A | | Included | .00 | .00 |
| 70 | 01/03 03:32P | P | 9 | Clackamas OR | (503)221-8327 | Portland OR | A | | Included | .00 | .00 |
| 71 | 01/03 03:41P | P | 1 | Portland OR | (503)988-6796 | Portland OR | A | | Included | .00 | .00 |
| 72 | 01/03 03:42P | P | 3 | Portland OR | (503)663-0772 | Gresham OR | A | | Included | .00 | .00 |
| 73 | 01/03 03:45P | P | 8 | Portland OR | (503)663-0772 | Gresham OR | A | | Included | .00 | .00 |
| 74 | 01/03 06:35P | P | 2 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 75 | 01/04 10:06A | P | 2 | Troutdale OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 76 | 01/04 12:59P | P | 3 | Troutdale OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 77 | 01/04 08:24P | O | 2 | Gresham OR | (503)493-4175 | Portland OR | Y | | Included | .00 | .00 |
| 78 | 01/04 08:26P | O | 1 | Gresham OR | (503)695-5811 | Corbett OR | Y | | Included | .00 | .00 |
| 79 | 01/05 10:34A | P | 1 | Portland OR | (503)493-4175 | Portland OR | A | | Included | .00 | .00 |
| 80 | 01/05 10:35A | P | 2 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 81 | 01/05 10:39A | P | 12 | Portland OR | (425)453-6206 | Bellevue WA | A | | Included | .00 | .00 |
| 82 | 01/05 11:53A | P | 3 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 83 | 01/05 11:55A | P | 2 | Portland OR | (503)695-6551 | Corbett OR | A | | Included | .00 | .00 |
| 84 | 01/06 11:46A | P | 5 | Gresham OR | (503)221-8329 | Portland OR | A | | Included | .00 | .00 |
| 85 | 01/06 11:53A | P | 34 | Camas WA | (503)663-0772 | Gresham OR | A | | Included | .00 | .00 |
| 86 | 01/06 01:12P | P | 10 | Camas WA | (503)988-5220 | Portland OR | A | | Included | .00 | .00 |
| 87 | 01/06 01:24P | P | 2 | Camas WA | (503)988-3043 | Portland OR | A | | Included | .00 | .00 |
| 88 | 01/06 01:33P | P | 5 | Camas WA | (503)221-8329 | Portland OR | A | | Included | .00 | .00 |
| 89 | 01/06 03:39P | P | 1 | Portland OR | (503)988-3043 | Portland OR | A | | Included | .00 | .00 |
| 90 | 01/06 03:40P | P | 4 | Portland OR | (503)254-4884 | Portland OR | A | | Included | .00 | .00 |
| 91 | 01/06 03:44P | P | 1 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 92 | 01/06 03:45P | P | 2 | Portland OR | (503)762-2130 | Portland OR | A | | Included | .00 | .00 |
| 93 | 01/06 03:48P | P | 1 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 94 | 01/06 03:49P | P | 18 | Portland OR | (425)453-6206 | Bellevue WA | A | | Included | .00 | .00 |
| 95 | 01/06 04:07P | P | 3 | Portland OR | (503)695-5811 | Corbett OR | A | | Included | .00 | .00 |
| 96 | 01/06 04:14P | P | 2 | Portland OR | (411)000-0000 | 411connect CL | A | LEC | Included | 1.49 | 1.49 |
| 97 | 01/06 04:15P | P | 2 | Portland OR | (503)222-1140 | Portland OR | A | | Included | .00 | .00 |
| 98 | 01/06 10:11P | O | 3 | Portland OR | (503)695-5811 | Corbett OR | Y | | Included | .00 | .00 |
| 99 | 01/07 09:58A | W | 1 | Washougal WA | (411)000-0000 | 411connect CL | Y | LEC | Included | 1.49 | 1.49 |
| 100 | 01/07 10:03A | W | 1 | Camas WA | (411)000-0000 | 411connect CL | Y | LEC | Included | 1.49 | 1.49 |

The Oregonian

EST. 1858

Practically Indispensable.

FAX COVER SHEET

To: *Geoff*
Company: *The View Point Inn*
Fax Number: *503-695-5818*
Date: *1/19*
Time:

From: Terry Carragher, Retail Advertising Department
The Oregonian
Phone: (503) 294-5158
FAX: (503) 294-4199

Sales Assistant: Susan Metcalf (503) 221-8097

Number of Pages (including cover sheet):

Special Instructions: *Hi Geoff -*

Here you are, I hope this is helpful. Good luck.

Terry

1320 S.W. Broadway, Portland, OR 97201-3499

January 19, 2006

To Whom It May Concern:

I received a message during the first week of January 2006 from Matthew Lashua at Multnomah County regarding The View Point Inn. I did return Matthew's call and got his message center. The following day, I tried to call Matthew again and got his message center again, at which time I left a message for Matthew requesting a letter from Multnomah County to The Oregonian saying that it was okay to promote The View Point Inn. I mentioned we needed the letter as soon as possible, as we were on deadline for a special section.

Matthew called me back and told me he would do his best to provide the letter, but he assured me at the time, as far as Multnomah County was concerned, there was no problem taking The View Point's advertising.

During the next few days, I called Matthew several times requesting a letter because we were on a production deadline. Matthew explained to me that Multnomah County didn't work that fast, but there was no problem accepting The View Point's advertising as far as Multnomah County was concerned.

On my last conversation with Matthew, he explained to me that for Multnomah County to send a letter to The Oregonian would be misdirected, since their correspondence had been directed to the owner of The View Point Inn, not The Oregonian. Again, at that time, Matthew assured me Multnomah County did not have a problem with The Oregonian accepting advertising.

Terry Carragher

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 9 FEB 2006

SUBJECT: LAND USE PLANNING

AGENDA NUMBER OR TOPIC: NON-AGENDA

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: BOB LEPPER

ADDRESS: PO BOX 94

CITY/STATE/ZIP: TROUTDALE OR 97060

PHONE: DAYS: 503-695-5276

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: YES

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

8 February 2005

Multnomah County Board of Commissioners

Two weeks ago Chair Linn asked for proof of unethical and illegal actions of some planning department staff after several incidents were mentioned by Multnomah County residents who spent their time and energy to speak before you. I am back to present you with that proof for the incidents I mentioned. Let me start by saying again, as I have said before: there are many good, honest, competent employees at the Land Use Planning and Transportation division. There are also several out-of-control planners that should not be receiving a taxpayer-funded salary.

Incident 1: Exhibit #1 is a letter from your own previous "Interim Planning Director" documenting the lack of compliance with state law regarding the 150 day rule (ORS 215.427) on two separate applications. Not mentioned in this letter is the fact that Multnomah County (MC) had code provisions previous to November 2000 that contained specific time deadlines in those NSA codes. Also not mentioned in this letter is the fact that in my case the 120-day rule applied, not the 150 days as the letter implies was the governing law. This letter clearly shows a lack of compliance with state law and the Multnomah County NSA codes, codes that this Board passed. The 2003 SB 310 passed with a nearly unanimous vote in the House and was signed into law by Governor Kulongoski. It was necessary only because some Multnomah County planners, in my case Chuck Beasley, had decided they didn't want to comply with this pesky already existing law. During the committee meetings on SB310 Senator Ringo offered an apology to me for the treatment at MC. No such apology has ever come from MC.

Incident 2: Exhibit #7 is a page from the MC Code Compliance Procedures manual prepared by Kim Peoples. Paragraph 1.5.4.1 clearly says "Priority Cases. The Board of County Commissioners has established the following priorities for Land Use and Transportation Division code violations." Eight violations are listed, the third being violations within the Columbia River Gorge National Scenic Area. When Mr. Peoples was questioned about the lack of enforcement within the NSA at a Planning Commission meeting review he responded that these were not priorities but "simply bullets . . . of values", and that violations were not prioritized (Exhibit #6). During the adoption of the new enforcement code Mr. Peoples also told me, before the Planning Commission, that existing, proven violations that were beyond the appeal deadlines in the old code would not simply be starting all over again from the start under the new 15 step code. Yet that is what has occurred in regards to ZV-0017 under Mr. Peoples supervision. At the same time as "priorities" became "bullets", this violation was back to step 2, step one being the original complaint.

Incident 3: Last August a presentation of the MC code process was given to the Gorge Commission (GC) by Kim Peoples and Michael Grimmatt, his subordinate. During the presentation it was represented that there was one closed ZV case within the NSA for the approximately year and a half that the new enforcement code had been in effect. Except it really wasn't closed, it was just renumbered, a fact that was not made clear to the GC and the public. See exhibit #2. A letter to the GC after I talked to Mr. Grimmatt was sent to "provide clarification" but never really mentioned the one specific NSA "closed ZV violation".

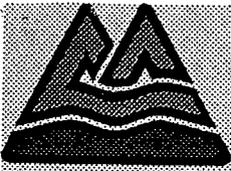
Incident 4: During the process of a residential addition application, Mr. Beasley also jumped over a fence adjoining a lock gate after he was simply asked to make an appointment so I could be home and unlock the gate. These pictures of his actions are not in your packet since I feel you can ask him yourself if you are really serious. If he admits to looking at the locked gate and then going beside it to jump over the fence and gain access, then you have your proof without the pictures. ORS 215.080 does not apply. If he denies doing it, then I will make these pictures available to a third party, such as the newspapers.

If department or division supervisors are not able to do any investigation on these and other incidents, it is time for a replacement. The same would apply to any legal staff who are advising ignoring other state and local laws and simple ethical standards.

Bob Leipper

Troutdale, Oregon

503-695-5276



Department of Business and Community Services

MULTNOMAH COUNTY OREGON

Land Use and Transportation Program

1600 SE 190th Avenue

Portland, Oregon 97233-5910

(503) 988-3043

Members of the Senate Water and Land Use Committee
900 Court Street, State Capitol
Salem, OR 97301

March 17, 2003

Dear Chair Ferrioli and Committee Members:

Thank you for the opportunity to provide information regarding SB 310. As you know, The Federal Act establishing the Columbia River Gorge National Scenic Area mandated that each county within the Scenic Area either adopt regulations to implement the Management Plan for their portions of the Scenic Area or relinquish control of land development within the Scenic Area to the Columbia River Gorge Commission. Multnomah County adopted an ordinance to implement the Act and Plan on February 6, 1993. Since that time, Multnomah County has processed 213 cases in the Scenic Area; we have approved all but 4 of those 213 applications. Since 1993, our average case processing time has been 136 days. Recently the County staff has worked diligently to improve that number and for the time period between July 1, 2001 through June 3, 2002, our average review time was 80 days for scenic area permits.

We understand there has been specific testimony regarding the timelines of two particular cases processed by Multnomah County; the first is the case of Tim and Casey Heuker and their application to replace a burned down dwelling. The County processing time for Tim and Casey Heuker's case was 181 days from the date it was determined to be a complete application, which included the unanticipated appeal and public hearing process required for us to take this case to a County Hearings Officer. The application was filed at the County on May 4, 2001, approximately five months after the devastating fire the Heuker family suffered, and the final County decision was issued on January 24, 2002. The difficult situation that makes the processing timeline for the Heuker property unique and beyond 150 days is that the Heuker's had a land division violation, and knowledge of the violation, on their property prior to the fire. Multnomah County Code prohibits us from approving applications on properties where violations exist. We notified the Heuker's of the violation and rather than deny the application, waited and held the decision until they cleaned up the violation. The day after they cleaned up the violation, we issued an approval for the replacement dwelling, unfortunately, that took us beyond 150 days. On March 4, 2002, the County signed off the building permit for the replacement dwelling and the Heuker's began construction at that time. As you may know, even though construction was occurring, that case was later appealed to the Columbia River Gorge Commission, who then issued a final decision on July 9, 2002.

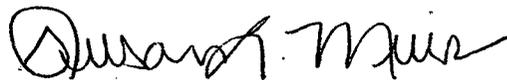
Another case you have heard testimony on was Mr. Bob Leipper's application to construct a new 2 story detached garage, an addition to an existing structure and new retaining wall, totaling over 1,000 square feet in new structures on the site. The Hearings Officer noted

this was a difficult application to decide, because there is difficulty interpreting applicability of code provisions when an applicant has proceeded to do excavation and construction prior to making application and retroactively determining how much work had been done is more difficult than if the application is made prior to work commencing. Never the less, Multnomah County issued that decision 156 days after the application was deemed complete. The 156 day processing time on this case included the time of Mr. Leipper's appeal of his own approval.

The question of whether or not the 150 day clock provisions of ORS 215.427 has never been litigated or tested to our knowledge, and in a past case, a Multnomah County Hearings Officer found the 120 or 150 day ruling as the case may be, not applicable to an appeals case in the Scenic Area and that matter was not contested. In November 2000, Multnomah County adopted procedures in the Scenic Area that mimic the state processing rules found in ORS 215.402 to 215.438. There does need to be a release valve however, for one reason, if the 'cultural review process' found in the Management Plan kicks in then the process can and usually does go well outside 150 days. The United States Forest Service, in conjunction with State Historic Preservation Office determines when this process is applicable and when each step of the process is satisfied. There is a similar situation with the 'natural resource review' process controlled by the United States Forest Service and the Oregon Department of Fish and Wildlife. In other words, the County has no control over these portions of the Scenic Area process and the associated timelines. However, where we can comply with the 150 day rule, we will comply, and we will continue to improve our internal processes to streamline the 80 day average we are currently maintaining.

It is one of Multnomah County's goals to continuously strive to improve customer service and we look for opportunities to reach out to our customers and improve their experience with our program and the land use system. We have been able to make recent improvements to our case processing timelines with this goal in mind and have shaved approximately 55 days off our processing time in light of this goal. We continuously search for ways to improve service delivery and exceed customer expectations at a cost that represents value to them and appreciate any feedback your committee may have on how we can continue to improve.

Sincerely,



Susan L. Muir
Interim Planning Director

cc: Diane Linn, Multnomah County Chair
Lisa Naito, Multnomah County Commissioner
Serena Cruz, Multnomah County Commissioner
Maria Rojo de Steffey, Multnomah County Commissioner
Lonnie Roberts, Multnomah County Commissioner
Martha Bennett, Executive Director, Columbia River Gorge Commission
Anne W. Squier, Gorge Commission Chair
Tom Guiney, Interim Land Use and Transportation Director

this was a difficult application to decide, because there is difficulty interpreting applicability of code provisions when an applicant has proceeded to do excavation and construction prior to making application and retroactively determining how much work had been done is more difficult than if the application is made prior to work commencing. Never the less, Multnomah County issued that decision 156 days after the application was deemed complete. The 156 day processing time on this case included the time of Mr. Leipper's appeal of his own approval.

The question of whether or not the 150 day clock provisions of ORS 215.427 has never been litigated or tested to our knowledge, and in a past case, a Multnomah County Hearings Officer found the 120 or 150 day ruling as the case may be, not applicable to an appeals case in the Scenic Area and that matter was not contested. In November 2000, Multnomah County adopted procedures in the Scenic Area that mimic the state processing rules found in ORS 215.402 to 215.438. There does need to be a release valve however, for one reason, if the 'cultural review process' found in the Management Plan kicks in then the process can and usually does go well outside 150 days. The United States Forest Service, in conjunction with State Historic Preservation Office determines when this process is applicable and when each step of the process is satisfied. There is a similar situation with the 'natural resource review' process controlled by the United States Forest Service and the Oregon Department of Fish and Wildlife. In other words, the County has no control over these portions of the Scenic Area process and the associated timelines. However, where we can comply with the 150 day rule, we will comply, and we will continue to improve our internal processes to streamline the 80 day average we are currently maintaining.

It is one of Multnomah County's goals to continuously strive to improve customer service and we look for opportunities to reach out to our customers and improve their experience with our program and the land use system. We have been able to make recent improvements to our case processing timelines with this goal in mind and have shaved approximately 55 days off our processing time in light of this goal. We continuously search for ways to improve service delivery and exceed customer expectations at a cost that represents value to them and appreciate any feedback your committee may have on how we can continue to improve.

Sincerely,



Susan L. Muir
Interim Planning Director

cc: Diane Linn, Multnomah County Chair
Lisa Naito, Multnomah County Commissioner
Serena Cruz, Multnomah County Commissioner
Maria Rojo de Steffey, Multnomah County Commissioner
Lonnie Roberts, Multnomah County Commissioner
Martha Bennett, Executive Director, Columbia River Gorge Commission
Anne W. Squier, Gorge Commission Chair
Tom Guiney, Interim Land Use and Transportation Director

- h. there is a previous history of complaints and code enforcement on the subject property and/or with the alleged code violator;
- i. there is community interest in the violation, and the potential code enforcement and compliance on the property would be very visible;
- j. there is good potential for combining enforcement action on the violation with other violations;
- k. the relative benefit of code enforcement outweighs its cost;
- l. there is good potential that the violation(s) can be established will be successfully resolved; and
- m. there is little likelihood of obtaining voluntary compliance.

1.5.4 Priorities for Code Enforcement. It is the county's policy to investigate and to attempt to resolve all code violations. However, because of limited code enforcement resources, there may be times when all code violations cannot be given the same level of attention; some code violations may receive no attention at all; or the county may be unable to carry out code enforcement activities set forth in this manual.

In circumstances where not all code violations can be investigated, the most serious violations, as determined under the priorities set forth in this section and the criteria for enforcement in Section 1.5.4 of this manual, shall be addressed before the less serious violations, regardless of the order in which the complaints are received. However, complaints alleging both priority and non-priority violations should be processed together to maximize efficiency.

1.5.4.1 Priority Cases. The Board of County Commissioners has established the following priorities for Land Use and Transportation Division code violations.

- a. Violations that present an imminent threat to public health and safety;
- b. Violations affecting the environment;
- c. Violations within the Columbia River Gorge National Scenic Area;
- d. Violations causing irreparable damage;
- e. Violations involving ongoing un-permitted construction;
- f. Violations for failure to comply with permits;
- g. Violations affecting neighboring property;
- h. Violations within a site that is considered a critical area, including, but not limited to, a view shed, habitat, or landslide area; and any court ordered enforcement action.

Grimmett gave an overview of the case history by stating that in February 2005, there were 48 open Zoning Violations still pending from 1992 through 2002 and 245 open Under Review cases from 2000 through 2005. Grimmett gave a breakdown on the complaints and the current case breakdown. Grimmett discussed the fact that he had learned that the accepting of anonymous land use violation complaints might need to be reconsidered, that there was a need to be more flexible in determining a violation and the remedy, and there was a need to be more flexible in timelines needed for property owners to address violation remedies.

Looking ahead, the Code Compliance Program will be issuing a second revision of the Code Compliance Manual, reviewing the acceptance of anonymous complaints by other jurisdictions, and the launching of a web site for the Environmental Compliance Program.

Questions:

Foster asked about the possible problems with anonymous complaints and asked Grimmett to describe some of the potential problems and if he had found that many complaints were not valid.

Grimmett stated that there have been mixed reviews about the program accepting anonymous complaints from the general public and that to date, most complaints had been valid, even though in some cases additional code violations were discovered during site inspections.

Brothers asked if the anonymous complaint issue had been addressed by counsel.

Peoples stated that under State law all the files are eventually discoverable unless there is some kind of an exemption. The procedure of holding a complaint anonymous is an option as one takes into consideration the public policy. At this time the file is held in confidence to those that the file does not impact, however, these are public records unless there is an exception, which would have to go through County Counsel and subject to State and Public records law.

Chairman Ingle stated that the public would have an opportunity to make comment.

Public Comment

Robert Leipper, P.O. Box 94, Troutdale, OR 97060.

Leipper stated that he had not come prepared to make a statement but that the last Code Compliance Procedure Manual that he had read was about 8 months ago. It listed the NSA violations as the third highest priority. Leipper did not hear any breakdown of NSA violations or complaints during Grimmett's overview. He felt that by not mentioning these, it was like trying to hide something. Leipper asked what the Gorge Commission voted on when they did not have the Code Compliance Manual and now it appears that it had been changed.

2

Peoples responded that in the Procedures Manual these types of cases were not prioritized, they were simply bullets that stated that these were values that Land Use and the Board of County Commissioners held as significant. Peoples referred Leipper to page 6 of the paper copy of the power point presentation where it incorporates the view sheds; environment and others are mentioned under Level 1. The Procedures Manual has not changed. Any changes being made are to take care of editing errors and the like. There has been a data base kept of everyone who has received a copy of the Procedures Manual and they will receive the second version when it is available.

Peoples commended Grimmett for his hard work and diligence in getting the program up and running.

EX #6

CLOSED Zoning Violation Cases by Type and Rural Plan Area

10% in the National Scenic Area (NSA)

| | WSR | ESR | West Hills | Sauvie Is. | NSA | Total |
|--|----------|----------|------------|------------|----------|-----------|
| Grading and Erosion Control/ Hillside Development | 2 | 0 | 1 | 0 | 0 | 3 |
| Health Hardship | 0 | 0 | 0 | 0 | 0 | 0 |
| Non-Permitted Dwelling | 1 | 0 | 1 | 0 | 0 | 2 |
| Junk Yard | 0 | 0 | 0 | 0 | 0 | 0 |
| Commercial | 1 | 0 | 0 | 0 | 1 | 2 |
| Multiple/Miscellaneous | 2 | 0 | 1 | 0 | 0 | 3 |
| Illegal Structure or Development Standard | 0 | 0 | 0 | 0 | 0 | 0 |
| Totals | 6 | 0 | 3 | 0 | 1 | 10 |

Summary of Code Compliance Cases

for the

National Scenic Area (NSA)

| | Total Open ZV | Closed ZV | Active ZV | Total Open UR | Closed UR | Active UR |
|--|------------------|-----------|-----------|------------------|-----------|-----------|
| Grading and Erosion Control/ Hillside Development | 0 | 0 | 0 | 6 | 4 | 1 |
| Health Hardship | 0 | 0 | 0 | 0 | 0 | 0 |
| Non-Permitted Dwelling | 3 | 0 | 0 | 5 | 1 | 2 |
| Junk Yard | 0 | 0 | 0 | 2 | 1 | 0 |
| Commercial | 5 | 1 | 0 | 4 | 8 | 0 |
| Multiple/Miscellaneous | 3 | 0 | 1 | 15 | 9 | 1 |
| Illegal Structure or Development Standard | 0 | 0 | 0 | 6 | 3 | 1 |
| Totals | 11 | 1 | 1 | 38 | 26 | 5 |



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 01/17/06

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of a Portion of NE Arata Road, County Road No. 730**

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

| | | | |
|------------------------|---------------------------|------------------------|-------------------------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>5 minutes</u> |
| Department: | <u>Community Services</u> | Division: | <u>Land Use & Trans Program</u> |
| Contact(s): | <u>Robert Maestre</u> | | |
| Phone: | <u>503-988-3712</u> | Ext. | <u>83712</u> |
| | | I/O Address: | <u>455/2</u> |
| Presenter(s): | <u>Patrick Hinds</u> | | |

General Information

1. What action are you requesting from the Board?

In continuation of the proceedings necessary to vacate a portion of a slope and drainage easement acquired for use in conjunction with NE Arata Road, County Road No. 730, the Multnomah County Land Use and Transportation Program (LUTP) requests that the Board accept this Agenda Placement Request as the County Road Official's Report as provided under ORS 368.346(1); schedule Thursday, March 16, 2006, as the date for the final hearing pursuant to ORS 368.346(2); and, finally, direct staff to provide all appropriate notice of the March 16th hearing as required under ORS 368.346(3).

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

As a requirement for development of property abutting Arata Road, Multnomah County acquired a 30' wide slope and drainage easement paralleling Arata Road. This easement area contains an open channel ditch which accommodates surface runoff from the pavement and sidewalk area of the southerly half of Arata Road. The abutting property owner and developer has contoured and graded the ditch and their abutting property so that the existing ditch can continue to accommodate surface runoff from Arata Road. We do not anticipate an increase in capacity for this channel, as Arata Road is currently built to County Street standards, and the abutting property will soon be built to its highest and best use. The existing drainage facility is sufficient for our current and future needs.

It is in the best interest of the public to vacate the southerly 15' of this 30' wide slope and drainage easement, as described in the attached Resolution.

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

NE Arata Road and this slope and drainage easement area are maintained by Multnomah County. Reducing the size of this easement will not interfere with the intended use or purpose for the easement. Reducing the size of this easement will reduce the area of County maintenance responsibility.

All costs associated with this petition are the responsibility of the petitioner.

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

The roads proposed for vacation are situated entirely within the City of Wood Village. Before the vacation proceedings are finalized, the City of Wood Village must by Order or Resolution concur with the findings of the county governing body that the proposed vacation is in the public interest, pursuant to ORS 368.361(3).

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

A Resolution will be adopted on January 26, 2006, initiated this vacation proceeding.

A Public Hearing will be scheduled for March 16, 2006, during which time public comment will be heard, pursuant to ORS 368.346.

Notice of this Public Hearing shall be provided in accordance with ORS 368.401 to 368.426 by posting and publication and service on each person with a recorded interest in the property proposed to be vacated, any improvement constructed on public property proposed to be vacated, and any real property abutting public property proposed to be vacated.

Required Signatures

**Department/
Agency Director:**



Date: 01/13/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Setting a Public Hearing, and Directing Notice Regarding the Proposed Vacation of a Portion of N.E. Arata Road, County Road No. 730.

The Multnomah County Board of Commissioners Finds:

- a. On January 26, 2006, the Board, by Resolution in response to a lawfully submitted petition, initiated the proposed vacation of a portion of a slope and drainage easement (more particularly described in the attached Exhibit A) acquired for use in conjunction with N.E. Arata Road, County Road No. 730, and directed the County's Land Use and Transportation Program (LUTP) to prepare a report as required under ORS 368.346(1).
- b. The Board has received the LUTP report, which found the proposed vacation would be in the public interest and recommended that the vacation be approved.
- c. The Board pursuant to ORS 368.346 is now required to provide for notice and a public hearing on the proposed vacation.

The Multnomah County Board of Commissioners Resolves:

1. The Board will hold a hearing on Thursday, March 16, 2006, at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to consider whether the proposed vacation of a portion of a slope and drainage easement as described in the attached Exhibit A, is in the public interest.
3. Land Use and Transportation Program Management is directed to provide notice of the hearing in the manner required under ORS 368.346(3).

ADOPTED this 9th day of February, 2006.

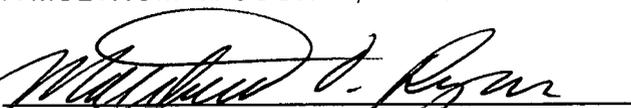
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-017

Setting a Public Hearing and Directing Notice Regarding the Proposed Vacation of a Portion of NE Arata Road, County Road No. 730

The Multnomah County Board of Commissioners Finds:

- a. On January 26, 2006, the Board, by Resolution in response to a lawfully submitted petition, initiated the proposed vacation of a portion of a slope and drainage easement (more particularly described in the attached Exhibit A) acquired for use in conjunction with NE Arata Road, County Road No. 730, and directed the County's Land Use and Transportation Program (LUTP) to prepare a report as required under ORS 368.346(1).
- b. The Board has received the LUTP report, which found the proposed vacation would be in the public interest and recommended that the vacation be approved.
- c. The Board pursuant to ORS 368.346 is now required to provide for notice and a public hearing on the proposed vacation.

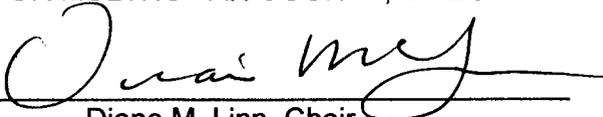
The Multnomah County Board of Commissioners Resolves:

1. The Board will hold a hearing on Thursday, March 16, 2006, at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to consider whether the proposed vacation of a portion of a slope and drainage easement as described in the attached Exhibit A, is in the public interest.
3. Land Use and Transportation Program Management is directed to provide notice of the hearing in the manner required under ORS 368.346(3).

ADOPTED this 9th day of February, 2006.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 'A'
DRAINAGE AND SLOPE EASEMENT VACATION
LOT 20, "WOOD VILLAGE TOWN CENTER"
DESCRIPTION
October 26, 2005

A tract of land in the southwest and southeast one-quarters of Section 27, Township 1 North, Range 3 East, Willamette Meridian, City of Wood Village, Multnomah County, Oregon and being described as follows:

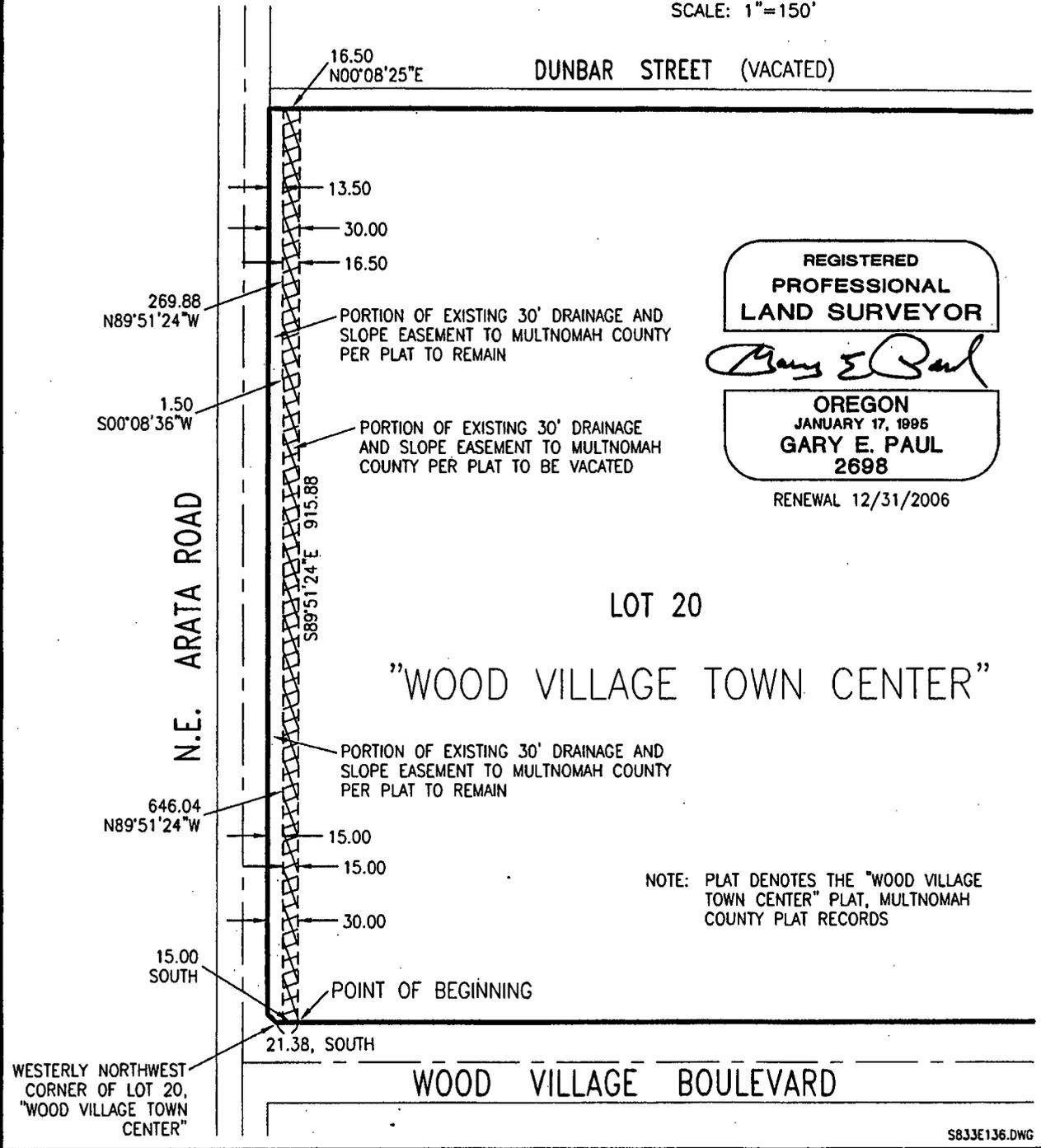
Beginning at a point on the westerly line of Lot 20, "Wood Village Town Center", a duly recorded plat in Multnomah County, and bearing South, 21.38 feet from the westerly northwest corner of said Lot 20, and also being on the southerly line of the Drainage and Slope Easement granted to Multnomah County on the plat of said "Wood Village Town Center"; thence S.89°51'24"E. along said southerly line, 915.88 feet to the easterly line of said Lot 20; thence N.00°08'25"E. along said easterly line, 16.50 feet to a point on a line which is parallel with and 13.50 feet southerly of, when measured at right angles to, the southerly right-of-way line of N.E. Arata Road; thence N.89°51'24"W. along said parallel line, 269.88 feet; thence leaving said parallel line S.00°08'36"W., 1.50 feet to a point on a line which is parallel with and 15.00 feet southerly of, when measured at right angles to, the southerly right-of-way line of N.E. Arata Road; thence N.89°51'24"W. along said parallel line, 646.04 feet to the easterly right-of-way line of Wood Village Boulevard; thence South along said easterly right-of-way line, 15.00 feet to the Point of Beginning.



RENEWAL 12/31/2006



SCALE: 1"=150'



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gary E. Paul

OREGON
JANUARY 17, 1995
GARY E. PAUL
2698

RENEWAL 12/31/2006

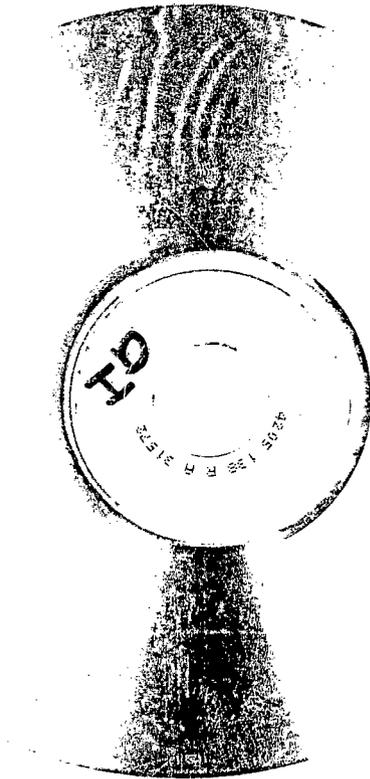
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EXHIBIT A
DRAINAGE AND SLOPE EASEMENT VACATION
LOT 20, "WOOD VILLAGE TOWN CENTER"
CITY OF WOOD VILLAGE
MULTNOMAH COUNTY, OREGON
OCTOBER 26, 2005

otak
 incorporated
 surveyors
 engineers
 planners
 17355 S.W. BOONES FERRY ROAD
 LAKE OSWEGO, OREGON 97035
 (503)635-3618 FAX (503)635-5395

EXHIBIT A
Pg. 2 of 2

Final Design, ONJ
Ex A + B





**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-2
Est. Start Time: 9:33 AM
Date Submitted: 01/26/06(revised)

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Infill Design Code
Agenda Title: Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

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

| | | | |
|------------------------|---------------------------|------------------------|--------------------------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>5 minutes</u> |
| Department: | <u>Community Services</u> | Program: | <u>Land Use & Transportation</u> |
| Contact(s): | <u>Karen Schilling</u> | | |
| Phone: | <u>503-988-3043</u> | Ext. | <u>29635</u> |
| | | I/O Address: | <u>455/116</u> |
| Presenter(s): | <u>Karen Schilling</u> | | |

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

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

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our

intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (1/16/06) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (1/20/06) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

**Department/
Agency Director:**



Date: 01/26/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Infill Design Code Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 15, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1067.
- f. Since the adoption of Ordinance 1067, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

| Exhibit No. | Description | Effective / Hearing Date |
|-------------|--|--------------------------|
| 1 | Ordinance adopting the Infill Design Code Amendments to the Portland Zoning Code; Titles 17 and 33. (PDX Ord. #179845) | 1/20/06 |
| 2 | Infill Design Code Amendments Recommended Draft | 11/18/05 |
| 3 | Infill Design Project Report: Medium-Density Residential Development Issues and Staff Recommendations | 10/10/05 |

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: February 9, 2006

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the Infill Design Code Amendments to the Portland Zoning Code; Titles 17 and 33. (**PDX Ord. #179845**)
2. Infill Design Code Amendments Recommended Draft
3. Infill Design Project Report: Medium-Density Residential Development Issues and Staff Recommendations.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No. 179845

Adopt the Infill Design Code Amendments. (Ordinance; Amend Titles 17 and 33)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. The *Comprehensive Plan* for the City of Portland was adopted by City Council in October 1980 (Ordinance No. 150580). *Comprehensive Plan Goal 3, Neighborhoods*, states: "Preserve and reinforce the stability and diversity of the City's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses and insure the City's residential quality and economic vitality." Subsequently, the adopted policies of numerous community and neighborhood plans, which are part of the *Comprehensive Plan*, have called for new infill development to be designed to respect existing community character.
2. In 1997, the Portland Planning Commission deliberated on amendments to the Community Design Standards – the standards used as an alternative to design review in most areas outside of the Central City where design review is required. During the commission's hearings, many citizens voiced concerns about new residential development in areas that were not subject to design or historic design review and called for design standards to apply to these projects as well. In particular, testimony focused on the building characteristics that negatively impact the street and surrounding neighborhood, such as the dominance of automobile areas and the lack of connection between the living area of residences and the public realm. This request to apply design standards to projects not subject to design review is consistent with Comprehensive Plan Policy 12.7 (Design Quality), Objective F: "Establish development standards that foster compatible design solutions in areas not subject to design review. Identify and establish standards aimed at improving how development projects fit into the community." The Planning Commission completed their work on the Community Design Standards in May of 1997. The City Council approved the amendments on September 10, 1997.
3. In response to these requests, the Planning Commission appointed a subcommittee composed of members of the Planning, Design, and Historic Landmarks Commissions in April 1997. This subcommittee was charged with recommending to the Planning Commission design standards that might be applied to residential projects citywide without requiring design review. The subcommittee published a draft proposal in September 1997 called the *Interim Design Regulations for Infill Development Discussion Draft*, which included draft provisions for single-dwelling and multidwelling development.
4. On October 14, 1997, the Planning Commission heard testimony on the *Interim Design Regulations for Infill Development Discussion Draft*. In response to public testimony, the Planning Commission directed Bureau of Planning staff to limit further refinement of standards to those that affect the public realm and the relationship between the street-facing façade of the dwelling and the public realm. The focus of the project was also further narrowed and split into phases. "Phase 1" focused on the design of single-dwelling development and became the "Base Zone Design Standards" project. The intention was that subsequent work ("Phase 1a") would further refine base zone standards for attached houses and that a "Phase 2" would develop design standards for multidwelling development.

5. On July 21, 1999, the City Council approved the Base Zone Design Standards, which resulted in design standards for single-dwelling development, in particular restricting the ability of houses to rely on garage-forward configurations.
6. In January 2000, the Planning Commission reported to the City Council on preliminary findings related to the design of housing on small lots, with a focus on rowhouses, and regulatory approaches that could be taken to intervene in their design. This report was entitled *Rowhouse and Narrow Lot Policy and Design Issues*. In regards to rowhouse development in higher-density zones, the report recommended that, instead of focusing solely on refining rowhouse design standards, the Bureau of Planning should identify and promote housing types that can serve as alternatives to rowhouses.
7. On September 26, 2001, the City Council approved the amendments of the Land Division Code Rewrite Project. These amendments incorporated some of the recommendations from the January 2000 Planning Commission report, resulting in additional design standards for detached and attached houses on newly created lots in single-dwelling residential zones. However, the Land Division Code Rewrite amendments did not adopt standards for the design of housing on lots within the multidwelling zones or for multidwelling development.
8. In May 2003, the Bureau of Planning released the *Infill Design Project White Paper*, which identified the need to focus on design in the medium-density multidwelling zones and similar development in commercial zones. This white paper acknowledged that, while past planning efforts have focused on the design of single-dwelling development and development in mixed-use centers, there had been little focus on the medium-density multidwelling zones, which constitute the majority of the city's multidwelling zoning and are where the majority of multidwelling projects were being built.
9. Following release of the May 2003 *Infill Design Project White Paper*, the Bureau of Planning initiated the "Infill Design Project," whose focus was the design of residential development in the medium-density multidwelling zones, particularly the R2 and R1 zones, and similar development in commercial zones.
10. In April of 2004, the Infill Design Advisory Group (IDAG) was formed to provide advice to Planning staff on infill design issues and to provide a diversity of community perspectives. This advisory group consisted of 24 community members, including developers, builders, architects, Realtors, representatives from City regulatory agencies, as well as representatives from each of the city's seven neighborhood coalition areas. The IDAG met 12 times prior to the Planning Commission public hearing. IDAG members recommended pedestrian-orientation, respect for neighborhood context, and housing diversity as key areas of focus for the Infill Design Project. Advisory group members helped inform subsequent development of the Infill Design Project and the resulting code amendments.
11. On March 27, March 29 and April 8 of 2004, the Bureau of Planning held open houses in different parts of the city to solicit initial public input regarding the Infill Design Project. The events were attended by over 100 community members. These events featured informational displays, a questionnaire on design priorities, and a design preferences survey. The interest of open house participants in courtyard-oriented housing contributed to the inclusion of provisions facilitating the development of courtyard housing among the amendments.
12. Public involvement and outreach activities included open house events; a discussion session with local builders and developers; meetings and interviews with building designers, builders, and other community members; a series of discussion sessions hosted by the American Institute of Architects Housing Committee; and numerous meetings with neighborhood organizations.
13. In the Spring of 2004, the Outer Southeast Livable Infill Project was undertaken by Portland State University planning students in conjunction with the Infill Design Project. The Outer Southeast Livable Infill Project focused on development and design issues in an area of Outer East Portland and included a survey administered to nearly 100 neighbors and occupants of recent infill housing

developments. This project's research and findings helped inform subsequent work on the Infill Design Project.

14. On December 22, 2004, the Bureau of Planning published the *Discussion Draft Infill Design Project Report: Medium-Density Residential Development* (the "*Infill Design Project Report*"). This report summarized issues related to the design of multidwelling and rowhouse infill development, including community concerns, regulatory issues, and developer's perspectives. A final version of this report was published on October 10, 2005, that included the addition of appendices providing further background information. The report also presented staff recommendations on a range of implementation strategies, including potential regulatory amendments, but focused on possibilities for non-regulatory implementation strategies and incentives. The potential regulatory amendments identified in this report served as the basis for the *Infill Design Code Amendments*.
15. Through code modeling undertaken as part of research for the *Infill Design Project Report* as well as through subsequent work on a set of housing prototypes, Planning staff identified code barriers to rear-parking arrangements, a greater diversity of housing types, and other otherwise desirable housing configurations. The identified code barriers included provisions from both Title 33 and Title 17.
16. The amendment to Title 17, which provides an allowance for narrower driveways for small multidwelling projects, is integral to the other provisions of the total amendments package. The Title 17 amendment serves in conjunction with the Title 33 amendments to facilitate rear parking arrangements for multidwelling development on small infill sites. The Title 17 amendment also functions together with the Title 33 amendments to allow less site area to be devoted to impervious surfaces. The amendments to both Title 33 and Title 17 are focused on improving the design of multidwelling development, especially in regards to implementing community objectives for infill housing that is pedestrian-oriented and respects community character.
17. The *Infill Design Code Amendments* were developed by the Bureau of Planning with the participation of other City bureaus, including the Office of Transportation, whose staff crafted the amendments to Title 17. Bureau of Development Services staff were also actively involved in development of the amendments, as were staff from the Bureau of Environmental Services and the Office of Sustainable Development.
18. On August 22, 2005, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 66C-18-020.
19. Written notice of the October 11, 2005, Portland Planning Commission public hearing on the *Infill Design Code Amendments Proposed Draft* was mailed to over 1,600 interested parties on September 9, 2005.
20. On October 11, 2005, the Portland Planning Commission held a public hearing on the *Infill Design Code Amendments Proposed Draft*. After the close of public testimony, the Planning Commission discussed the proposed amendments and recommended that City Council adopt the *Infill Design Code Amendments Recommended Draft*.
21. A general notification of the December 15, 2005, City Council public hearing on the *Infill Design Code Amendments Recommended Draft* was sent to individuals who testified at the Planning Commission hearing and to over 1,600 interested parties on November 23, 2005.
22. On December 15, 2005, City Council held a hearing on the Planning Commission recommendation for the *Infill Design Code Amendments Recommended Draft*. Staff from the Bureau of Planning presented the proposal and public testimony was received.

Findings of Statewide Planning Goals

23. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
24. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
- A 24-member "Infill Design Advisory Group" (IDAG), composed of neighborhood representatives, developers, architects, and representatives of City regulatory agencies, was formed in the Spring of 2004 and held its first meeting in April of the same year. The group served as an advisory body to consider the diverse interests of the community and represent a range of perspectives on infill design issues, as well as to help identify problems and solutions. The IDAG met 12 times prior to the Planning Commission public hearing. Their feedback helped inform the development of the Infill Design Project and the resulting code amendments.
 - From the project inception in September 2003 until the Planning Commission public hearing, Planning staff met with numerous community groups, including neighborhood associations, neighborhood coalition groups, the Citywide Land Use Group, the American Institute of Architects' Housing Committee, and representatives of the Home Builders Association of Metropolitan Portland.
 - As part of the Infill Design Project and development of the code amendments, Planning staff periodically met with and engaged in telephone and e-mail exchanges with developers, architects, building designers, and other community members regarding infill design issues and potential solutions.
 - The Bureau of Planning maintained and updated as needed a project web site that included basic project information, announcements of public events, project documents and staff contact information.
 - In the Spring of 2004, the Outer Southeast Livable Infill Project was undertaken by Portland State University planning students in conjunction with the Infill Design Project. The Outer Southeast Livable Infill Project focused on development and design issues in an area of Outer East Portland and included a survey administered to nearly 100 neighbors and occupants of recent infill housing developments. This project's research and findings helped inform subsequent work on the Infill Design Project.
 - In March of 2004, the public was invited to attend a series of three initial project open houses through notices sent to neighborhood organizations and over 1,200 interested community members, an announcement through the Office of Neighborhood Involvement's e-mail notification service, and through articles and notices published in the *Oregonian* newspaper, two business journals, and several community newspapers.
 - On March 27, March 29 and April 8 of 2004, the Bureau of Planning held open houses in different parts of the city to solicit initial public input. The events were attended by over 100 community members. These events featured informational displays, a questionnaire on design priorities, and a design preferences survey. The questionnaire and survey results were compiled and made available on the project website and helped inform subsequent project work.
 - On January 11, 2005, Planning staff briefed and solicited input from the Planning Commission on the draft *Infill Design Project Report* and potential code amendments.

- On February 17, 2005, Planning staff briefed and solicited input from the Design Commission on the draft *Infill Design Project Report* and potential code amendments.
- On April 2, 2005, as part of a public open house for the Division Green Street/Main Street Plan attended by over 100 community members, project staff provided displays on infill design issues and solicited public feedback.
- On April 7, 2005, Planning staff briefed and solicited input from the Regulatory Improvement Stakeholder Advisory Team on the *Infill Design Project Report* and potential code amendments.
- On May 25, 2005, Planning staff held a discussion session with a group of developers and builders of infill projects to present potential code amendments and to seek their feedback.
- On July 29, 2005, the Bureau of Planning sent over 1,600 notices to all neighborhood associations and coalitions, and businesses associations in the City of Portland, as well as other interested persons, of the upcoming *Infill Design Zoning Code Amendments Discussion Draft* and a public open house.
- On August 8, 2005, the Bureau of Planning published the *Infill Design Zoning Code Amendments Discussion Draft*. The report was made available to the public, posted on the project website, and mailed to all those who requested copies.
- On August 11, 2005, Planning staff briefed and solicited input from the Development Review Advisory Committee on the *Infill Design Zoning Code Amendments Discussion Draft*.
- On August 17, 2005, the Bureau of Planning held an open house on the code amendments proposed in the *Infill Design Zoning Code Amendments Discussion Draft*. Over 60 community members attended the open house, which served as an opportunity for the public to learn about and comment on the draft code amendments.
- On September 9, 2005, the Bureau of Planning published the *Infill Design Code Amendments Proposed Draft*. The report was made available to the public, posted on the project website, and mailed to all those who requested copies.
- Also on September 9, 2005, the Bureau of Planning sent over 1,600 notices to all neighborhood associations and coalitions, and businesses associations in the City of Portland, as well as other interested persons, of a Planning Commission public hearing on the *Infill Design Code Amendments Proposed Draft*.
- On October 11, 2005, the Planning Commission held a public hearing during which community members commented on the *Infill Design Code Amendments Proposed Draft*.
- On November 23, 2005, the Bureau of Planning sent notice to all persons who testified, orally or in writing, at the Planning Commission hearing, informing them of a City Council public hearing to consider the *Infill Design Code Amendments Recommended Draft*. This notice was also sent to those persons requesting such information.
- On December 15, 2005, the City Council held a public hearing on the *Infill Design Code Amendments Recommended Draft*, during which community members commented on the proposal.

The amendments are also consistent with Goal 1 by providing additional opportunities for community input regarding the design of multidwelling projects.

25. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding

of the facts relevant to the decision. The amendments support this goal because development of the recommendations followed established City procedures for legislative actions.

26. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because they facilitate compact housing arrangements that make efficient use of land within an urbanized area, thereby reducing development pressure on agricultural and forest lands.
27. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development that holds potential to reduce reliance on automobile travel. The amendments also support this goal by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
28. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because they facilitate development opportunities on small infill sites. Specifically, the following amendment provisions make infill development more practical on small sites: allowances for narrower driveways and walkways, allowances for vehicle and pedestrian facilities to share the same space, elimination of loading space requirements for small residential projects, provisions that facilitate the creation of small lot housing oriented to common greens and shared courts, allowances for small lot duplexes, reduced side setbacks for detached house projects, and additional regulatory flexibility for the design of rowhouse projects.
29. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this for the reasons below. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Title 1.
 - The amendments facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small lot duplexes, small lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones.
 - The amendments facilitate higher-density residential development on small infill sites by reducing regulatory barriers to such development. Amendments that help facilitate greater density on small sites include allowances for narrower driveways and walkways, provisions allowing vehicle and pedestrian facilities to share the same space, elimination of loading space requirements for small residential projects, provisions that facilitate the creation of small lot housing oriented to common greens and shared courts, allowances for small lot duplexes, reduced side setbacks for detached house projects, and additional regulatory flexibility for the design of rowhouse projects.
 - The amendments also promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Amendments that reduce requirements for driveway and walkway widths contribute to housing affordability by allowing a reduction in materials costs.

30. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development, thereby promoting alternatives to automobile travel. See also findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.

The Oregon Transportation Planning Rule (TPR) requires certain findings if the proposed amendment will significantly affect an existing or planned transportation facility. This proposal will not have a significant effect on existing or planned transportation facilities because the amendments will not increase or change allowed residential densities, development intensities, or land uses.

Section 660-012-0045(7) of the TPR requires that "Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility." The amendment to allow narrower widths for walkways serving four or fewer residential units support this requirement; as does the amendment to allow vehicles and pedestrians to share the same circulation space, thereby reducing pavement area, when special paving treatments are used to signify its intended use by pedestrians.

31. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area; facilitate infill development on small lots in areas zoned for higher-density residential development located near transit facilities; and allow more efficient management of stormwater by reducing requirements for the widths of driveway and walkway.
32. **Goal 14, Urbanization**, requires provision of an orderly and efficient transition of rural lands to urban use. The amendments support this goal because they facilitate compact, higher density development in areas zoned for multidwelling development, thereby helping to reduce long-term pressure to expand the Urban Growth Boundary. See also findings for Portland Comprehensive Plan Goal 2, Urban Development, and its related policies and objectives.

Findings on Title 2, Urban Growth Management Functional Plan

33. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. Some amendments also support this title by facilitating development on infill sites. Amendments that help facilitate greater density on small sites include allowances for narrower driveways and walkways; provisions allowing vehicle and pedestrian facilities to share the same space; elimination of loading space requirements for small residential projects; provisions that facilitate the creation of small lot housing oriented to common greens and shared courts; allowances for small lot duplexes; reduced side setbacks for detached house projects; and additional regulatory flexibility for the design of rowhouse projects. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).
34. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they do not alter the amount of parking permitted or required by the City.

35. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 specifically implements the Statewide Land Use Goals 6 and 7. The amendments are not inconsistent with this title because they do not change policies or intent of existing regulations relating to water quality, flood management, or fish and wildlife conservation. The amendments support this title by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
36. **Title 4, Industrial and Other Employment Areas**, limits retail and office development in Employment and Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title because they do not change policies or existing regulations relating to retail in employment and industrial areas.
37. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The amendments are consistent with this title because promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Some of these amendments, particularly provisions for common greens and shared courts, also expand opportunities for affordable medium-density ownership housing by increasing opportunities to create housing on small lots. Amendments that reduce requirements for driveway and walkway widths also contribute to housing affordability by allowing a reduction in materials costs.

Findings on Portland's Comprehensive Plan Goals

38. Only the Comprehensive Plan goals addressed below apply.
39. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because they conform to and do not change policies or regulations related to metropolitan coordination.
40. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Multnomah County, Metro, and the State Department of Land Conservation and Development.
41. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because they promote additional housing opportunities by reducing regulatory barriers to medium-density housing development on small infill sites. The amendments also support retention of the character of residential neighborhoods by limiting front vehicle areas and facilitating rear-parking arrangements to help preserve the front yard landscaping characteristic of Portland's residential areas and by requiring front windows to continue traditions of street-oriented housing. Amendment provisions facilitating courtyard housing and house-like plexes also help continue infill housing types that are part of the character-giving housing mix of Portland neighborhoods.

42. **Policy 2.9, Residential Neighborhoods**, calls for allowing a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. The amendments support this policy because they facilitate a diversity of housing types. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones. The amendments also support this policy by helping to protect the character of neighborhoods by requiring new multidwelling development to continue basic neighborhood patterns, such as landscaped front setbacks and street-oriented buildings with front windows.
43. **Policy 2.12, Transit Corridors**, calls for, among other things, requiring development along transit routes to relate to pedestrians. The amendments support this policy by requiring street-facing windows and limiting front vehicle areas in order to foster pedestrian-friendly streetscapes in the multidwelling zones, which are primarily located along or near transit corridors and other transit facilities.
44. **Policy 2.17, Transit Stations and Transit Centers**, calls for setting minimum residential densities near transit facilities and for design in these areas to emphasize a pedestrian- and bicycle-oriented environment. The amendments support this policy by requiring street-facing windows and limiting front vehicle areas in order to foster pedestrian-friendly streetscapes in the multidwelling zones, which are primarily located near transit facilities.
45. **Policy 2.19, Infill and Redevelopment**, calls for encouraging infill and redevelopment as a way to implement the Livable City growth principles and accommodating increases in population and employment. The amendments support this policy by reducing regulatory barriers to development on small infill sites and by facilitating a greater diversity of infill housing types and configurations.
46. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal by facilitating higher-density housing configurations, such as courtyard housing and house-like plexes, that hold potential to blend into established neighborhood patterns. The amendments also support this goal by providing additional opportunities for the development of ownership housing that can contribute to neighborhood stability and vitality and by limiting the disruptions of multidwelling infill development on the street environments of neighborhoods.
47. **Policy 3.6, Neighborhood Plan**, calls for maintaining and enforcing neighborhood plans that are consistent with the Comprehensive Plan and that have been adopted by City Council. The amendments support this policy by helping to implement policies of the many neighborhood plans that call for infill development to be compatible with existing community character. Among the amendments that would help implement these policies are those encouraging rear parking arrangements which allow the continuation of neighborhood patterns of landscaped front setbacks and street-oriented buildings. Other implementing provisions are those that would facilitate housing arrangements, such as courtyard housing and house-like duplexes, that hold potential to accommodate increased residential densities in ways that reflect common neighborhood patterns. Other amendment provisions would help implement these policies by providing additional regulatory flexibility for building setbacks along transit streets to better respond to site-specific aspects of the surrounding neighborhood.
48. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that

accommodates the needs, preferences, and financial capabilities of current and future households. The amendments support this goal because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space for play areas and other recreational uses; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units by allowing such units to count toward meeting minimum density requirements in the higher density zones. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title I.

49. **Policy 4.1, Housing Availability**, calls for ensuring an adequate supply of housing is available to meet the needs, preferences, and financial capabilities of Portland's households now and in the future. The amendments support this policy because they reduce regulatory barriers to the development of infill housing and provide additional opportunities for a variety of housing types.
50. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land; conservation of natural resources; easy access to public transit and other efficient modes of transportation; easy access to services and parks; resource efficient design and construction; and the use of renewable energy resources. The amendments support this policy because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area; facilitate infill development on small lots in areas zoned for higher-density residential development located near transit facilities; and allow more efficient management of stormwater by reducing requirements for the widths of driveway and walkway.
51. **Policy 4.7, Balanced Communities**, calls for striving for livable mixed-income neighborhoods throughout Portland that collectively reflect the diversity of housing types, tenures, and income levels of the region. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances for a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with detached or attached houses in the multidwelling zones and that would promote a mix of ownership and rental housing.
52. **Policy 4.10, Housing Diversity**, calls for promoting creation of a range of housing types, prices, and rents to (1) create culturally and economically diverse neighborhoods; and (2) allow those whose housing needs change to find housing that meets their needs within their existing community. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances for a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with detached or attached houses in the multidwelling zones and that would promote a mix of ownership and rental housing. The amendments also provide additional opportunities for housing arrangements accessible to people who are mobility impaired by facilitating cottage clusters and other courtyard-oriented housing that can serve as more accessible alternatives to multi-level rowhouses.
53. **Policy 4.11, Housing Affordability**, calls for promoting the development and preservation of quality housing that is affordable across the full spectrum of household incomes. The amendments support this policy because they provide additional opportunities for housing that can serve a broad income

range. The amendments promote affordable housing by facilitating higher-density housing arrangements that can utilize relatively affordable building types, such as detached and attached houses and townhouses, which are less expensive to construct than stacked unit housing. Amendments that reduce requirements for driveway and walkway widths contribute to housing affordability by allowing a reduction in materials costs.

54. **Policy 4.12, Housing Continuum**, calls for ensuring that a range of housing from temporary shelters, to transitional, and to permanent housing for renters and owners is available, with appropriate supportive services for those who need them. The amendments support this policy because they provide additional opportunities for housing for both renters and owners in a variety of housing types.
55. **Policy 4.13, Humble Housing**, calls for ensuring that there are opportunities for development of small homes with basic amenities to ensure housing opportunities for low-income households, members of protected classes, households with children, and households supportive of reduced resource consumption. The amendments support this policy by providing new opportunities for the development of small-lot housing oriented to common greens and shared courts, as well as by facilitating other medium-density courtyard housing arrangements, providing greater flexibility for detached houses on small lots, and facilitating small-lot duplexes.
56. **Policy 4.14, Neighborhood Stability**, calls for stabilizing neighborhoods by promoting: (1) a variety of homeownership and rental housing options; (2) security of housing tenure; and (3) opportunities for community interaction. The amendments support this policy because they facilitate a diversity of housing types suitable for a range of households and residential tenures. These include provisions for common greens and shared courts that expand opportunities for medium-density ownership housing; allowances that encourage courtyards that can provide additional opportunities for outdoor space and community interaction; provisions to allow a greater diversity of alternative housing types such as small-lot duplexes, small-lot detached houses, and a greater diversity of rowhouse arrangements; and an allowance that would facilitate the development of accessory dwelling units in conjunction with houses in the higher density zones.
57. **Policy 4.15, Regulatory Costs and Fees**, calls for considering the impact of regulations and fees in the balance between housing affordability and other objectives such as environmental quality, urban design, maintenance of neighborhood character, and protection of public health, safety, and welfare. The amendments support this policy because they are primarily facilitative, removing barriers to desirable design and development, and do not add to regulatory costs. Amendment provisions also reduce the need for code adjustments, saving applicants process time and costs. The neighborhood contact requirement provides opportunities for community input regarding the design of multidwelling development, while avoiding costs associated with the alternative of design review.
58. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they remove regulatory barriers to desirable residential development and provide additional opportunities for housing construction on small infill sites. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
59. **Goal 6, Transportation**, calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development, thereby promoting alternatives to automobile travel. See also findings for Statewide Planning Goals, Goal 12, Transportation.
60. **Policy 6.19, Transit-Oriented Development**, calls for reinforcing the link between transit and land use by encouraging transit-oriented development and supporting increased residential and

employment densities along transit streets, at existing and planned light rail transit stations, and at other major activity centers. The amendments support this policy because they encourage development that is pedestrian- and transit-oriented by requiring street-facing windows and limiting front vehicle areas in order to foster street environments that provide a pleasant pedestrian experience. The amendments apply primarily to the multidwelling zones, which are intended to be transit supportive and are located adjacent to or near transit corridors and facilities.

61. **Policy 6.26, On Street Parking Management**, calls for managing the supply, operations and demand for parking and loading in the public right-of-way to encourage economic vitality, safety for all modes, and livability of residential neighborhoods. The amendments support this policy by allowing narrower driveways, facilitating rear parking arrangements, and limiting front vehicle areas, which promotes the preservation of on-street parking.
62. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments support this goal because they provide additional opportunities for compact, higher-density housing types that allow efficient use of building materials and site area and that support alternatives to the automobile. The amendments' facilitation of compact, higher-density housing also supports this goal because such housing typically economizes on heating and cooling needs compared to lower-density housing.
63. **Policy 7.4, Energy Efficiency Through Land Use Regulations**, calls for promoting residential, commercial, industrial, and transportation energy efficiency and the use of renewable resources. The amendments support this goal because they provide additional opportunities for compact, higher-density housing in zones intended to be transit supportive. These amendments include provisions that facilitate a greater diversity of energy- and resource-efficient, shared-wall housing, such as common green and shared court housing arrangements, as well as additional forms of multifamily housing, such as small lot plexes.
64. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because they facilitate compact, pedestrian- and transit-oriented development that holds potential to reduce reliance on automobile travel. The amendments also support this goal by providing opportunities for less site area to be devoted to impervious surfaces by allowing narrower driveways and walkways, which will reduce stormwater impacts.
65. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
66. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations**, requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. The amendments support this policy because they offer clear and concise standards and direction for development and have been designed to be practical for a broad range of development scenarios. The amendments also support this policy because they were formulated to minimize regulatory complexity and costs, with a focus on regulations intended to facilitate well-designed projects that can contribute toward meeting the community's design objectives.
67. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal because they promote residential design that reinforces positive aspects of the city's

neighborhoods, such as the pedestrian-friendly character of neighborhood streetscapes and housing types that add to the vibrancy and variety of neighborhoods.

68. **Policy 12.1, Portland's Character**, calls for enhancing and extending Portland's attractive identity by building on design elements, features, and themes identified within the city. The amendments support this policy by reinforcing the cherished human scale of Portland's built environment by requiring street-facing windows instead of blank walls and by limiting front vehicle parking so that pavement and vehicles do not dominate street frontages.
69. **Policy 12.4, Provide for Pedestrians**, calls for providing a pleasant, rich, and diverse experience for pedestrians which includes comfortable, safe, and attractive pathways. The amendments support this policy because they encourage development that is pedestrian- and transit-oriented by requiring street-facing windows and limiting front vehicle areas in order to foster street environments that provide a pleasant pedestrian experience.
70. **Policy 12.6, Preserve Neighborhoods**, calls for preserving and supporting the qualities of individual neighborhoods that help to make them attractive places. The amendments support this policy by encouraging rear parking arrangements which allow the continuation of neighborhood patterns of landscaped front setbacks and street-oriented buildings. The amendments also facilitate housing arrangements, such as courtyard housing and house-like duplexes, that hold potential to accommodate higher residential density in ways that reflect common neighborhood patterns. Other provisions of the amendments would help implement these policies by providing additional regulatory flexibility for building setbacks along transit streets to better respond to site-specific aspects of the surrounding neighborhood.
71. **Policy 12.7, Design Quality**, calls for enhancing Portland's appearance and character through development of public and private projects that are models of innovation and leadership in the design of the built environment. The amendments support Objective F of this policy: "Establish development standards that foster compatible design solutions in areas not subject to design review. Identify and establish standards aimed at improving how development projects fit into the community." The amendments ensure that medium-density infill development will continue basic features characteristic of the city's neighborhoods by limiting front vehicle areas and facilitating rear-parking arrangements to help preserve the front yard landscaping characteristic of Portland's residential areas and by requiring front windows to continue traditions of street-oriented housing.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- b. Amend Title 33, Planning and Zoning, as shown in Section C of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- c. Amend Title 17, Public Improvements, as shown in Section D of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005;
- d. Adopt the commentary in Section C and Section D of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005, as legislative intent and as further findings;
- e. Adopt Exhibit E, *Infill Design Project Report: Medium-Density Residential Development*, dated October 10, 2005, as background information;
- f. Direct the Bureau of Development Services to develop and approve administrative rules for private rights-of-way to serve as technical standards in the review of shared courts by September 1, 2006. In the interim, prior to September 1, 2006, the Bureau of Development Services shall review proposals for shared courts using the existing standards of the *Permanent Administrative Rules, Private Rights of Ways (Streets, Alleys, Common Greens, and Pedestrian Connections)*. Departures from these standards shall be subject to the appeals process established in those rules.
- g. Direct the Bureau of Planning to monitor the impacts of the amendments shown in Section C of Exhibit A, *Infill Design Code Amendments Recommended Draft*, dated November 18, 2005, and to provide a report to the Portland Planning Commission three years after these amendments take effect.

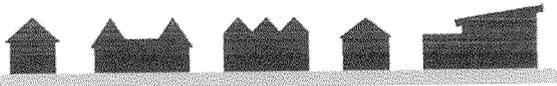
Passed by the Council, DEC 21 2005

Mayor Tom Potter
W. Cunningham
November 30, 2005

GARY BLACKMER
Auditor of the City of Portland

By
Susan Parsons
Deputy

EXHIBIT A
- 80 PAGES -
AVAILABLE ON LINE
AGENDA PACKET R-2



Infill Design Code Amendments Recommended Draft

November 18, 2005

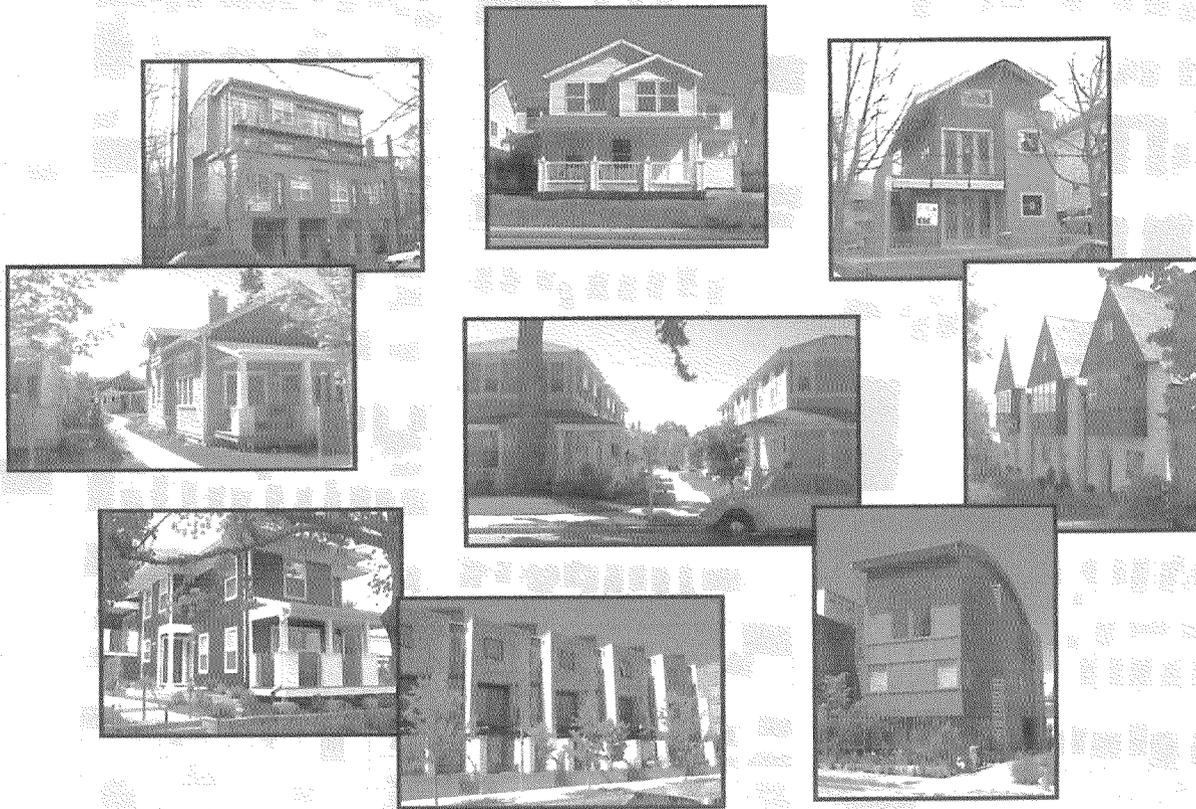


CITY OF PORTLAND, OREGON
BUREAU OF
Planning

EXHIBIT B
- 88 PAGES -
AVAILABLE ON LINE
AGENDA PACKET R-2

Infill Design Project Report: Medium-Density Residential Development

October 10, 2005



Issues & Staff Recommendations



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1069

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Infill Design Code Amendments in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On September 15, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1067.
- f. Since the adoption of Ordinance 1067, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

| Exhibit No. | Description | Effective / Hearing Date |
|--------------------|---|---------------------------------|
| 1 | Ordinance adopting the Infill Design Code Amendments to the Portland Zoning Code; Titles 17 and 33. (PDX Ord. #179845) | 1/20/06 |
| 2 | Infill Design Code Amendments Recommended Draft | 11/18/05 |
| 3 | Infill Design Project Report: Medium-Density Residential Development Issues and Staff Recommendations | 10/10/05 |

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: February 9, 2006



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

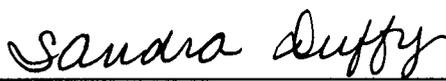
By 
Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the Infill Design Code Amendments to the Portland Zoning Code; Titles 17 and 33. (PDX Ord. #179845)
2. Infill Design Code Amendments Recommended Draft
3. Infill Design Project Report: Medium-Density Residential Development Issues and Staff Recommendations.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 02.09.06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-3
Est. Start Time: 9:36 AM
Date Submitted: 01/19/06

BUDGET MODIFICATION: DCJ - 23

**Budget Modification DCJ-23 Appropriating \$22,032 in Federal Funds
Administered by the Housing Authority of Portland to Provide Rental
Assistance for Clients and their Families through the DCJ Adult Transitional
Housing Unit**

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

| | |
|---|--|
| Date Requested: <u>February 9, 2006</u> | Time Requested: <u>5 min</u> |
| Department: <u>Dept. of Community Justice</u> | Division: <u>Adult Services</u> |
| Contact(s): <u>Shaun Coldwell</u> | |
| Phone: <u>503-988-3961</u> Ext. <u>83961</u> I/O Address: <u>503/250</u> | |
| Presenter(s): <u>Liv Jenssen</u> | |

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to appropriate \$22,032 from the Housing Authority of Portland (HAP) in order to provide rental assistance to our clients through DCJ's Transitional Housing Unit.

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

The Housing Authority of Portland Rental Assistance Program has provided funds that have been accessed by DCJ for rental assistance to our clients and their families. This funding has provided rent deposits and rent subsidy for families moving from transitional housing to aid them in securing permanent housing. The Housing Authority of Portland is decentralizing this service and is providing the funds directly to DCJ to maintain service delivery to our clients and their families. The DCJ Transitional Services Unit will provide counseling and assistance to clients who need help locating suitable housing and will provide financial assistance to clients with the payment of rent,

deposits, and move-in expenses.

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

This budget modification includes revenue and expenditures covering the period January 1, 2006 through June 30, 2006.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
Federal revenue from Housing Authority of Portland increases by \$22,032 for FY 2006.
- What budgets are increased/decreased?
Adult Services Division, Transitional Housing Unit increases by \$22,032.
Administrative and Indirect costs are not allowed by the granting agency.
- What do the changes accomplish?
Professional Services increases by \$22,032 to provide rental assistance to clients and their families who are currently living in transitional housing to aid them in moving to permanent housing.
- Do any personnel actions result from this budget modification? Explain.
N/A
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
This grant does not provide for administrative costs or indirect costs.
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?
The revenue is one-time only. The FY06 agreement is effective January 1, 2006 through June 30, 2006.
- If a grant, what period does the grant cover?
January 1, 2006 through June 30, 2006.
- If a grant, when the grant expires, what are funding plans?
The program will be discontinued when the grant expires.

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 23

Required Signatures

**Department/
Agency Director:**

Sharon Crowder for Joanne Fuller

Date: 01/18/06

Budget Analyst:

CE

Date: 01/17/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: DCJ-23

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2006

| Line No. | Fund Center | Fund Code | Func. Area | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|-------------|-----------|------------|-----------------|-------------|-------------|--------------|----------------|----------------|-----------------------------|----------|-----------------------------|
| | | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 1 | 50-10 | 32195 | 50 | | | CJ042.RASP | 60170 | - | 22,032 | 22,032 | | Incr Prof Svc Trans Housing |
| 2 | 50-10 | 32195 | 50 | | | CJ042.RASP | 50195 | | (22,032) | (22,032) | | Incr Revenue HAP |
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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-4
Est. Start Time: 9:38 AM
Date Submitted: 01/19/06

BUDGET MODIFICATION: DCHS - 21

**Budget Modification DCHS-21 Increasing the Mental Health and
Addiction Services Division Appropriation by \$122,511 to Reflect
Restoration of the State Mental Health Grant Award for Older/Disabled**

Agenda Title: Adult Services

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

| | |
|--|---|
| Date Requested: <u>February 9, 2006</u> | Time Requested: <u>5 mins</u> |
| Department: <u>Dept. of County Human Services</u> | Division: <u>Mental Health & Addiction</u> |
| Contact(s): <u>Al Stickel</u> | |
| Phone: <u>503 988-3691</u> Ext. <u>84135</u> | I/O Address: <u>167/1/620</u> |
| Presenter(s): <u>Nancy Winters/Keith Mitchell</u> | |

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-21 which increases Mental Health Division appropriation by \$122,511 due to the State restoration of Older/Disabled Adult Services (service element MH 35) which was previously eliminated from the biennial contract. This is a partial restoration of Program Offer 25061A.

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

The State Mental Health Grant Award is routinely amended by the state throughout the biennium. These amendments refine and clarify the scope of services that are delivered and funding available. This budget modification reflects a change to our 2005-2007 biennium County Financial Assistance Contract (CFAC) per Oregon Department of Human Services letter dated November 4th 2005 restoring MH 35 funds. The funds are via service element MH 35. The purpose of these funds is to provide outreach services to vulnerable seniors and disabled adults. Seniors who will not or cannot

access care on their own are identified for outreach by a multi-disciplinary team of social service providers through this program. The MH 35 funds support contract staff that provides mental health consultation and outreach oriented mental health services. Seniors and disabled persons are provided with home-based services that include mental health assessment, engagement, care coordination, and referral to appropriate social services. In addition, their family and caregivers are provided with support and referrals to services for the senior in their care, such as house cleaning and Meals on Wheels.

This multi-disciplinary program supports the Basic Living Needs Priority by maximizing service efficiency through coordination and collaboration among departments. The use of multi-disciplinary teams has been shown to increase the clients level of functioning, by improved diagnosis and treatment, reduce the use of institutional services, achieves more appropriate placement and increase the overall quality of care being delivered to the elderly.

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

This modification increases current year State Mental Health revenue for service element MH 35 by \$122,511 with a corresponding increase in Pass Through & Program Support expense. The total increase for the 2005-2007 biennium is \$245,022 (leaving \$122,511 for fiscal year 07).

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
State Mental Health Grant revenue is increased by \$122,511 (MH 35) per November 4th letter from Oregon Department of Human Services restoring funding.
- What budgets are increased/decreased?
Mental Health Safety Net budget increases by \$122,511 - program offer 25061A.
- What do the changes accomplish?
Brings the Mental Health budget in line to reflect current state agreement. The purpose of these funds is to provide outreach services to vulnerable seniors and disabled adults.
- Do any personnel actions result from this budget modification? Explain.
N/A
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
The funding is restricted to services only and does not cover the charges.
- Is the revenue one-time-only in nature?
No.
- If a grant, what period does the grant cover?
07/01/2005 - 06/30/07 biennial award
- If a grant, when the grant expires, what are funding plans?
On going grant.

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 21

Required Signatures

**Department/
Agency Director:**

Pat Surfare

Date: 01/07/06

Budget Analyst:

Michael D. Gaspin

Date: 01/19/06

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCHS-21**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 06

| Line No. | Fund Center | Fund Code | Func. Area | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|-------------|-----------|------------|-----------------|-------------|----------------|--------------|----------------|----------------|-----------------------------|----------|-------------------------|
| | | | | Program Offer | Cost Center | WBS Element | | | | | | |
| 1 | 20-80 | 82035 | 40 | | | MA SN MC OD 35 | 60160 | - | 122,511 | 122,511 | | Pass Thru & Prg Support |
| 2 | 20-80 | 82035 | 40 | | | MA SN MC OD 35 | 50190 | 0 | (122,511) | (122,511) | | IG-OP Fed thru State |
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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 02-09-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-5
Est. Start Time: 9:40 AM
Date Submitted: 01/19/06

BUDGET MODIFICATION: DCHS - 22

Budget Modification DCHS-22 Increasing Mental Health and Addiction Services Division Appropriation by \$236,766 to Reflect Funding Revisions to the State Mental Health Grant Award for Child and Adolescent

Agenda Title: Outpatient Mental Health Services and Adding 1.25 FTE

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

| | |
|--|---------------------------------------|
| Date Requested: <u>February 9, 2006</u> | Time Requested: <u>5 mins</u> |
| Department: <u>Dept. of County Human Services</u> | Division: <u>Mental Health</u> |
| Contact(s): <u>Al Stickel</u> | |
| Phone: <u>503 988-3691</u> Ext. <u>84135</u> | I/O Address: <u>167/1/620</u> |
| Presenter(s): <u>Keith Mitchell/Amy Baker</u> | |

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-22 which increases Mental Health Division appropriation by \$236,766 for Child and Adolescent Outpatient Mental Health Services (service element MH 22) in Program Offer 25070A.

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

The State Mental Health Grant Award is routinely amended by the state throughout the biennium. These amendments refine and clarify the scope of services that are delivered and funding available. This modification reflects changes to our 2005-2007 biennium County Fiscal Assistance Contract (CFAC) with the State of Oregon per Oregon Department of Human Services letter dated November 23, 2005. The additional funds are for Intensive Community Based Treatment and Support Services for vulnerable children.

The funding will provide support for two and a half Mental Health Consultants in the Family Care

Coordination unit and contracted indigent outpatient services. The Family Care Coordination positions are critical to keep children living in the community and with their families rather than sending them to high cost long term facility based care, a service that has not demonstrated effective outcomes. These positions will assist in maintaining a small caseload size to both better serve children and families and to assure that Multnomah County is fulfilling the State mandate of care coordination of all Oregon Health Plan high need children and their families.

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

The total biennial revenue increase of additional MH 22 funds is \$473,532, which is \$236,766 annually for the current fiscal year and for FY 07. The increase in expenses is as follows: \$91,452 for personnel services for 1.25 FTE Mental Health Consultant (2.50 FTE annualized) and \$145,314 for indigent outpatient services.

Service reimbursement from the Fed/State fund to the Risk Fund increases by \$14,645.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
State Mental Health Grant revenue increases by \$236,766 (MH 22) per November 23rd letter from Oregon Department of Human Services.
- What budgets are increased/decreased?
Mental Health & Addiction Services Family Care Coordination budget increases by \$236,766 (Program Offer 25070A) and Insurance Risk Fund by \$14,645.
- What do the changes accomplish?
Brings the budget in line to reflect current revisions to the state agreement. The purpose of these funds is to provide Intensive Community Based Treatment and Support Services (ICTS).
- Do any personnel actions result from this budget modification? Explain.
Three Mental Health Consultant positions are added as of January 1, 2006 (two full time and one half time position (2.50 FTE ongoing) in the Family Care Coordination unit.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
The funding is restricted to services only and does not cover the overhead.
- Is the revenue one-time-only in nature?
No.
- If a grant, what period does the grant cover?
07/1/2005 –06/30/2007 biennial award.
- If a grant, when the grant expires, what are funding plans?
On going grant.

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 22

Required Signatures

**Department/
Agency Director:**

Pat Surface

Date: 01/05/06

Budget Analyst:

Michael D. Jaspis

Date: 01/19/06

Department HR:

Carolyn L. Edgett

Date: 12/29/05

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCHS-22**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: **06**

| Line No. | Fund Center | Fund Code | Func. Area | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|-------------|-----------|------------|-----------------|-------------|--------------|--------------|----------------|----------------|-----------------------------|----------|---------------------------|
| | | | | Program Offer | Cost Center | WBS Element | | | | | | |
| 1 | 20-80 | 82022 | 40 | 25070A | | MA SC CMH 22 | 60000 | - | 60,212 | 60,212 | | Permanent |
| 2 | 20-80 | 82022 | 40 | 25070A | | MA SC CMH 22 | 60130 | 0 | 16,595 | 16,595 | | Salary Related |
| 3 | 20-80 | 82022 | 40 | 25070A | | MA SC CMH 22 | 60140 | 0 | 14,645 | 14,645 | | Insurance |
| 4 | 20-80 | 82022 | 40 | 25070A | | MA SC CMH 22 | 60160 | 0 | 145,314 | 145,314 | | Pass Thru & Prg Support |
| 5 | 20-80 | 82022 | 40 | 25070A | | MA SC CMH 22 | 50190 | 0 | (236,766) | (236,766) | | IG-OP Fed thru State |
| 6 | | | | | | | | | | | | |
| 7 | 72-10 | 3500 | 20 | | 705210 | | 50316 | | (14,645) | (14,645) | | Svc Reim F/S to Risk Fund |
| 8 | 72-10 | 3500 | 20 | | 705210 | | 60330 | | 14,645 | 14,645 | | Claims Paid |
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| | | | | | | | | | | 0 | 0 | Total - Page 1 |
| | | | | | | | | | | 0 | 0 | GRAND TOTAL |

ANNUALIZED PERSONNEL CHANGE

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

| | | | | | | ANNUALIZED | | | |
|---------------------------------|-------|-------------|----------------|-----------------|-------------|-------------------|---------------|---------------|----------------|
| Fund | Job # | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 1.00 | 48,170 | 13,276 | 11,716 | 73,162 |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 1.00 | 48,170 | 13,276 | 11,716 | 73,162 |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 0.50 | 24,085 | 6,638 | 5,858 | 36,581 |
| | | | | | | | | | 0 |
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| TOTAL ANNUALIZED CHANGES | | | | | 2.50 | 120,425 | 33,190 | 29,290 | 182,905 |

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

| | | | | | | CURRENT YEAR | | | |
|---------------------------------|-------|-------------|----------------|-----------------|-------------|---------------------|---------------|---------------|---------------|
| Fund | Job # | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 0.50 | 24,085 | 6,638 | 5,858 | 36,581 |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 0.50 | 24,085 | 6,638 | 5,858 | 36,581 |
| 20-80 | 6365 | 64401 | Men Hlth Cnslt | New | 0.25 | 12,042 | 3,319 | 2,929 | 18,290 |
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| TOTAL CURRENT FY CHANGES | | | | | 1.25 | 60,212 | 16,595 | 14,645 | 91,452 |



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 02-09-06
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-6
Est. Start Time: 9:42 AM
Date Submitted: 01/23/06

PROJECT REALLOCATION: FPM-04

**Agenda Title: Reallocation of Facilities Capital Project Funds FPM-04, Multnomah County
Inverness Jail Kitchen Floor Replacement Project**

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

| | | | |
|------------------------|--|------------------------|--|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>5 min</u> |
| Department: | <u>County Management</u> | Division: | <u>Facilities & Property Mgmt.</u> |
| Contact(s): | <u>John Lindenthal, Glenn Schnaidt</u> | | |
| Phone: | <u>503 988 4213</u> | Ext.: | <u>84213</u> |
| | | I/O Address: | <u>274</u> |
| Presenter(s): | <u>John Lindenthal, Glenn Schnaidt</u> | | |

General Information

1. What action are you requesting from the Board?

Requested action is to approve an increase in project authorization of \$170,000 for this project in Fund 2507, Capital Improvement (CP08.04.26) and \$80,000 in Fund 2500 Justice Bond (CP01.06.21). Current authorization total is \$589,579. Revised project authorization will be \$839,579 with this action.

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

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

This project is a rebid of a previous Facilities Capital Improvements Project. When the initial project was found to be under-funded following the public bid process, additional Justice Bond funds were allocated and the project scope and schedule were modified. Since then, projected construction costs have escalated beyond previous estimates and additional scope has been incorporated.

The Inverness Jail Kitchen Floor Replacement Project requires additional funding of \$250,000 due to project scope changes:

- Kitchen Equipment Replacement: Most of the commercial kitchen equipment has reached its useful life, is no longer fully dependable and must be replaced.
- Infrastructure Replacement: Buried, under-slab water lines serving the kitchen have ruptured. Replacing these with new overhead lines while the kitchen operations are suspended will be significantly more cost effective than repairing at another time.
- Infrastructure Replacement: Hand sinks located throughout the kitchen must be replaced with stainless steel sinks to comply with Health Department regulations.
- Increased Schedule & Jail Population: The construction schedule has been increased to accommodate the project's scope and budget. Since the project was budgeted, the jail population has increased to full capacity. The added time and prisoner population will increase the number of meals to be made off-site and delivered to the jail.

The total estimated construction cost, including the changes noted above is estimated to be \$839,579.

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

Current year: No overall fiscal impact. The funding for the additions will come from canceling the Kelly Building Data Center Fire Suppression Project (CP08.41.03) to provide \$170,000 in Fund 2507 Capital Improvement Fund and transferring \$80,000 from the ESWIS Mainframe Migration Project in Fund 2500, Justice Bond Fund.

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

None.

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

None.

ATTACHMENT A

Budget Modification

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

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

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

ATTACHMENT B

PROJECT REALLOCATION: FPM-04

Required Signatures

**Facilities &
Property
Management
Director:**



Date: 01/23/06

**Chief Financial
Officer:**



Date: 01/23/06

Budget Director:



Date: 01/23/06

Project Reallocation Bud Mod: FPM06_04

EXPENDITURES & REVENUES

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

| Line No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|-------------|-----------|-----------------|-------------|-------------|--------------|----------------|----------------|-----------------------------|--|-------------|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 1 | | | | | | | | | | | |
| 2 | 72-50 | 2500 | | | CP01.06.21 | 60530 | 325,000 | 405,000 | 80,000 | MCIJ Kitchen Floor | |
| 3 | 72-60 | 2500 | | | IBMTR.1A | 60530 | 1,315,000 | 1,235,000 | (80,000) | ESWIS | |
| 4 | 72-50 | 2507 | | | CP08.04.26 | 60530 | 264,579 | 434,579 | 170,000 | MCIJ Kitchen Floor | |
| 5 | 72-50 | 2507 | | | CP08.06 | 60530 | 1,513,756 | 1,343,756 | (170,000) | New Budget for CP08.41.03 Kelly Fire Suppression | |
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| | | | | | | | | 0 | 0 | Total - Page 1 | |
| | | | | | | | | 0 | 0 | GRAND TOTAL | |

BOGSTAD Deborah L

From: SCHNAIDT Glenn
Sent: Friday, February 10, 2006 11:05 AM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H;
ROBERTS Lonnie J; FUSSELL Rob; CARROLL Mary P; ROMERO Shelli D; NAITO
Terri W; WALKER Gary R; BOGSTAD Deborah L
Cc: BUTLER Douglas E - FPM; LINDENTHAL John A; ADGERS Raimond R;
HEIDENRICH Jay A; LUNA Bobbi L
Subject: MCIJ Kitchen Floor Budget

As requested, attached is the construction budget for the Inverness Jail Kitchen Floor Replacement Project.



06 02 09 FY06 IJ
Kitchen Budge...

Please contact us should you have any questions. Thank you.

Glenn Schnaidt
Project Manager
Facilities and Property Management
Phone: 503. 988.4384 x84384
Fax: 503. 988.5643
Inter-Office: 274

INVERNESS JAIL KITCHEN FLOOR REPLACEMENT PROJECT
FY06 BUDGET - REVISED

| | | TOTAL BUDGET | COMMENTS |
|------|--|----------------|---|
| Item | PROJECT BUDGET | 839,579 | |
| | <i>Preliminary Site Development</i> | | |
| 1 | Land Costs, Lease Costs, Etc. | 0 | Not Applicable |
| 2 | | | |
| | <i>Design</i> | | |
| 3 | A&E Fees | 40,000 | Archscape contract |
| 4 | Design Review, Permit Fees & Inspections | 5,000 | City of Portland |
| 5 | Fees, Testing, Special Inspections & Utility Connections | 5,000 | Carlson Testing |
| 6 | | | |
| | <i>Construction</i> | | |
| 7 | Prime Construction Contract | 371,000 | Estimate. |
| 8 | Supplemental Construction Contract | 6,500 | Electrical for Temp Refrigerator Trailer. |
| 9 | Supplemental Construction Contract | 3,500 | Pimbg & Elec for Temp Food Prep Room. |
| 10 | Additional Food Prep & Delivery Costs | 206,500 | Aramark: 80 days. |
| 11 | | | |
| | <i>Project Management Costs</i> | | |
| 12 | County Project Management Costs | 32,000 | Project Manager & Misc Staff Time. |
| 13 | | | |
| | <i>County Trades</i> | | |
| 14 | O&M Sub-Work Orders | 1,500 | Electricians, Engineers, Alarms |
| 15 | Sheriff's Escorts | 0 | |
| 16 | | | |
| | <i>Furnishings , Fixtures & Equipment</i> | | |
| 17 | Fixtures, Furnishings & Equipment | 120,000 | Replaced IJ Kitchen Equipment. |
| 18 | | | |
| | <i>Misc., Commissioning & Warranty</i> | | |
| 19 | Misc Costs / Printing / Delivery | 1,000 | Const Docs, Bid Docs, FedEx, Etc. |
| 20 | Building Commissioning Contract | 2,500 | Wapato Kitchen Equipment. |
| 21 | | | |
| | Subtotal | 794,500 | |
| 22 | Contingency | 45,000 | |
| 23 | TOTAL PROJECT COSTS | 839,500 | |
| 24 | Contingency as a Percentage of Construction Costs | 9.62% | |



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-7
Est. Start Time: 9:45 AM
Date Submitted: 01/23/06

BUDGET MODIFICATION: -

Agenda Title: **Approval of 2005-2006 Wage Re-openers for the Labor Agreement between Multnomah County and the International Union of Operating Engineers, Local 701**

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

| | | | |
|------------------------|---|------------------------|-----------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>5 Minutes</u> |
| Department: | <u>Department of County Management</u> | Division: | <u>Human Services</u> |
| Contact(s): | <u>Jim Younger</u> | | |
| Phone: | <u>503-988-5015</u> | Ext. | <u>28504</u> |
| | | I/O Address: | <u>503/4</u> |
| Presenter(s): | <u>Jim Younger County Representative and a Brad Cole Local 701 Representative</u> | | |

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of wage adjustments for employees covered by the Local 701 collective bargaining agreement.

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

The 2004-2007 Local 701 agreement provided for a re-opener of Wages for fiscal years 2005/2006 and 2006/2007. Through a series of negotiations, the parties agreed on the following wages adjustments for fiscal year 2005/2006 and 2006/2007.

September 1, 2005: 3.0% Inflation Adjustment to the wage scale.

- o January 1, 2006: Add 1.8% market adjustment.
- o July 1, 2006: Inflation adjustment based on Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W), for second half 2004 to second half 2005, with a minimum

increase of 2% and a maximum increase of 4% plus 1.0% market adjustment for all classifications contained in the bargaining unit.

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

Due to the timing of the adjustment, the annualized rate increase for FY06 is about 3.4%. Departments have budgeted 2.4% of this increase. The estimated cost for FY06 is \$31,850 of which \$9,500 is unbudgeted. Departments will be absorbing the unbudgeted cost within existing budgets.

For FY07, the existing wage scale is increased by about 4.8% plus FY07 COLA adjustment plus 1% market adjustment. FY07 Program Offers will reflect this adjustment.

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

None at this time.

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

None at this time.

Required Signatures

**Department/
Agency Director:**

David G. Boyer

Date: 01/24/06

Budget Analyst:

Kayne Dargatzis

Date: 01/24/06

Department HR:

Jen Younger

Date: 01/23/06

Countywide HR:

Tami Graves

Date: 01/23/06

2004-2007
AGREEMENT
Between
MULTNOMAH COUNTY, OREGON
and
INTERNATIONAL UNION OF OPERATING ENGINEERS
LOCAL 701, AFL-CIO

This Agreement is entered into by Multnomah County, Oregon, hereinafter referred to as the County, and International Union of Operating Engineers, Local 701, AFL-CIO, hereinafter referred to as the Union.

The parties agree for fiscal years 2005 – 2006 and 2006 – 2007 to modify Article 15 – Wages, Section 1(a, b, c) and Addendum A – Wages and Classifications as follows:

ARTICLE 15

WAGES

1. **Wages and Classification Schedule**

a. **September 1, 2005**

Effective September 1, 2005, employees shall be compensated in accordance with the wage schedule attached to this Agreement and marked Addendum A. Said schedule reflects an increase of three percent (3%) effective September 1, 2005.

b. **January 1, 2006**

Effective January 1, 2006 employees shall be compensated in accordance with the wage schedule attached to this Agreement and marked Addendum A-1. Said schedule reflects a 1.8% market adjustment.

c. **July 1, 2006**

Effective July 1, 2006, the June 30, 2006 base rate shall be increased by the percentage increase in the CPI for Portland Urban Wage Earners and Clerical Workers Index for the second half 2004 to the second half 2005 as reported in February 2006. The minimum percentage increase shall be no less than 2% and the maximum percentage increase no more than 4% plus 1% market adjustment. The July 1, 2006 base rate shall be reduced to compensate employees for Short Term Disability coverage, per Article 9, Section 5.

IN WITNESS WHEREOF, the Parties hereto have set their hands this ____ day of _____, 2006.

FOR THE UNION:

Mark Holiday, Business Manager
Fin. Secy IUOE Local 701, AFL-CIO

MULTNOMAH COUNTY, OREGON
BOARD OF COMMISSIONERS:

Diane M. Linn, Chair

Maria Rojo de Steffey,
Commissioner, District 1

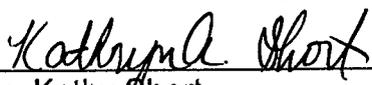
Serena Cruz Walsh,
Commissioner, District 2

Lisa Naito,
Commissioner, District 3

Lonnie Roberts,
Commissioner, District 4

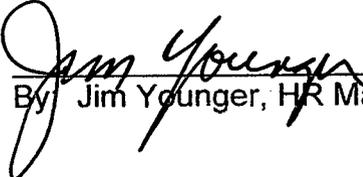
REVIEWED:

Agnes Sowle, County Attorney
For Multnomah County, Oregon



By: Kathy Short
Assistant County Attorney

NEGOTIATED BY:



By: Jim Younger, HR Manager

ADDENDUM A
WAGES AND CLASSIFICATIONS
OPERATING ENGINEERS

Effective September 1, 2005

CLASSIFICATION: HVAC ENGINEER (6121)

September 1, 2005 **\$23.70**

**(\$23.72 Base rate - .02 = \$23.70 Rate reduction is for
Short Term Disability Adjustment per Article 9, Section
5.)**

The County may assign an employee to serve as Facilities Maintenance Engineer Lead worker to perform certain limited supervisory duties including laying out the work for other employees, balancing and directing the work, reviewing the work and employee conduct for adherence to standards and rules, and making such reports as may be required to exempt supervisory employees. Leadworkers do not impose formal discipline. Assignment and selection of such Leadworker shall be at the sole discretion of the County. An employee assigned as a Facilities Maintenance Engineer Leadworker shall be paid a premium of nine percent (9%) over his or her base hourly wage rate for the duration of the assignment.

ADDENDUM A - 1
WAGES AND CLASSIFICATIONS
OPERATING ENGINEERS

Effective January 1, 2006

CLASSIFICATION: HVAC ENGINEER (6121)

January 1, 2006 **\$24.13**

**(\$24.15 Base rate - .02 = \$24.13 Rate reduction is for
Short Term Disability Adjustment per Article 9, Section
5.)**

The County may assign an employee to serve as Facilities Maintenance Engineer Lead worker to perform certain limited supervisory duties including laying out the work for other employees, balancing and directing the work, reviewing the work and employee conduct for adherence to standards and rules, and making such reports as may be required to exempt supervisory employees. Leadworkers do not impose formal discipline. Assignment and selection of such Leadworker shall be at the sole discretion of the County. An employee assigned as a Facilities Maintenance Engineer Leadworker shall be paid a premium of nine percent (9%) over his or her base hourly wage rate for the duration of the assignment.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-8
Est. Start Time: 9:48 AM
Date Submitted: 02/01/06

BUDGET MODIFICATION: -

**RESOLUTION Authorizing the County to Make an Internal Loan from the
General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000
to Fund the Additional Amount Needed for the Sauvie Island Bridge
Replacement Contract**

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

| | | | |
|------------------------|-------------------------------------|------------------------|---|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>15 minutes</u> |
| Department: | <u>District 1</u> | Division: | <u>Commissioner Maria Rojo de Steffey</u> |
| Contact(s): | <u>Shelli Romero</u> | | |
| Phone: | <u>503 988-4435</u> | Ext. | <u>84435</u> |
| Presenter(s): | <u>Commissioner Rojo de Steffey</u> | | |
| I/O Address: | <u>503/6th floor</u> | | |

General Information

1. What action are you requesting from the Board?

Approve Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to fund the additional amount needed for the Sauvie Island Bridge replacement contract.

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

The original estimate for replacing the Sauvie Island Bridge was approximately \$34,000,000.

The Oregon Department of Transportation (ODOT) provided grant money to the County in an amount not to exceed \$25,000,000 to cover Sauvie Island Bridge Project costs. In addition the County obtained federal funds and County Bridge funds for the remainder of the \$9,000,000 Sauvie Island Bridge Project estimated costs.

The bid opening for the Sauvie Island Bridge Replacement Project was on September 22, 2005. The low bid for the project was \$8,000,000 in excess of engineer's estimate and County's budget for the project. There were several areas that contributed to the much higher than expected bids. These include: Structural steel was bid at approximately 50% over the engineer's estimate; Concrete was approximately 40% over the engineer's estimate; Large diameter drilled shafts were about 30% over engineer's estimate.

The County identified one-time-only funds in the General Fund that can be loaned to cover the shortfall on the Sauvie Island Bridge Project. These funds were recognized as additional resources by a Supplemental Budget, Resolution 06-009, on January 19, 2006.

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

The Finance and Budget Office has reviewed the loan request and recommends that the loan in the amount of \$8,000,000 from the General Fund to the Willamette River Bridge Fund in fiscal year 2005/2006 be repaid over five years. The Finance and Budget staff also recommend that the Willamette River Bridge Fund reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007, \$500,000 in fiscal years 2007/2008, \$1,600,000 in fiscal year 2008/2009, \$3,000,000 in fiscal year 2009/20010 and \$2,253,000 in fiscal year 2010/2011.

The Chief Financial Officer will include appropriate service reimbursements in future budgets to ensure the General Fund is repaid.

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

This is consistent with the County's Financial and Budget Policy.

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

None.

Required Signatures

**Department/
Agency Director:**

Maria Pajo de Steffey

Date: February 1, 2006

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the County to Make an Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to fund the additional amount needed for the Sauvie Island Bridge replacement contract.

The Multnomah County Board of Commissioners Finds:

- a. The original estimate for replacing the Sauvie Island Bridge was approximately \$34,000,000.
- b. The 2003 Oregon Transportation Investment Act Program, established pursuant to Section 10(1)(b) of 2003 Oregon Laws Ch. 618, hereinafter referred to as the "2003 OTIA Local Bridge Program," provides funding for local city and county bridge replacement and repair projects chosen by the Oregon Transportation Commission.
- c. The Oregon Department of Transportation (ODOT) provided grant money to the County in an amount not to exceed \$25,000,000 to cover Sauvie Island Bridge Project costs.
- d. The County obtained federal funds and County Bridge funds for the remainder of the \$9,000,000 Sauvie Island Bridge Project estimated costs.
- e. The bid opening for the Sauvie Island Bridge Replacement Project was on September 22, 2005. The low bid for the project was \$8,000,000 in excess of engineer's estimate and County's budget for the project.
- f. There were several areas that contributed to the much higher than expected bids. These include: Structural steel was bid at approximately 50% over the engineer's estimate; Concrete was approximately 40% over the engineer's estimate; Large diameter drilled shafts were about 30% over engineer's estimate
- g. The County has identified one-time-only funds in the General Fund that can be loaned to cover the shortfall on the Sauvie Island Bridge Project.
- h. The loan is to be repaid over the next five fiscal years.
- i. The Finance and Budget Office has reviewed the loan request and recommends that the Board authorize a loan in the amount of \$8,000,000 from the General Fund to the Willamette River Bridge Fund in fiscal year 2005/2006.

The Multnomah County Board of Commissioners Resolves:

1. The County authorizes the Chief Financial Officer to make the necessary accounting transactions in fiscal year 2005/2006 to loan \$8,000,000 from the General Fund to the Willamette River Bridge Fund to fund the additional amount needed for the Sauvie Island Bridge replacement.

2. The Willamette River Bridge Fund will reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007, \$500,000 in fiscal years 2007/2008, \$1,600,000 in fiscal year 2008/2009, \$3,000,000 in fiscal year 2009/20010 and \$2,253,000 in fiscal year 2010/2011.
3. The Chief Financial Officer will include appropriate service reimbursements in future budgets to ensure the General Fund is repaid.

ADOPTED this 9th day of February, 2006.

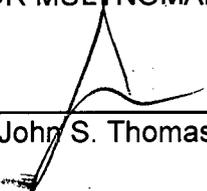
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Deputy County Attorney

AMENDMENT FOR FEBRUARY 9, 2006 AGENDA ITEM R-8

RESOLUTION Authorizing the County to Make an Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to Fund the Additional Amount Needed for the Sauvie Island Bridge Replacement Contract

COMMISSIONER ROJO TO MOVE APPROVAL OF AN AMENDMENT TO CORRECT SCRIBNER'S ERROR IN THE AGENDA PLACEMENT REQUEST, EXPLANATION NUMBER THREE AND THE RESOLUTION, RESOLVE NUMBER TWO, TO REFLECT THE CORRECT WILLAMETTE RIVER BRIDGE FUND REIMBURSEMENT OF \$3,253,000 IN FISCAL YEAR 2010/2011.

2. The Willamette River Bridge Fund will reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007, \$500,000 in fiscal years 2007/2008, \$1,600,000 in fiscal year 2008/2009, \$3,000,000 in fiscal year 2009/20010 and ~~\$2,253,000~~ **\$3,253,000** in fiscal year 2010/2011.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST - corrected

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: R-8
Est. Start Time: 9:48 AM
Date Submitted: 02/01/06

BUDGET MODIFICATION: -

**RESOLUTION Authorizing the County to Make an Internal Loan from the
 General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000
 Agenda to Fund the Additional Amount Needed for the Sauvie Island Bridge
 Title: Replacement Contract**

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

| | | | |
|------------------------|-------------------------------------|------------------------|---|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>15 minutes</u> |
| Department: | <u>District 1</u> | Division: | <u>Commissioner Maria Rojo de Steffey</u> |
| Contact(s): | <u>Shelli Romero</u> | | |
| Phone: | <u>503 988-4435</u> | Ext. | <u>84435</u> |
| Presenter(s): | <u>Commissioner Rojo de Steffey</u> | | |
| I/O Address: | <u>503/6th floor</u> | | |

General Information

1. What action are you requesting from the Board?

Approve Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to fund the additional amount needed for the Sauvie Island Bridge replacement contract.

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

The original estimate for replacing the Sauvie Island Bridge was approximately \$34,000,000.

The Oregon Department of Transportation (ODOT) provided grant money to the County in an amount not to exceed \$25,000,000 to cover Sauvie Island Bridge Project costs. In addition the County obtained federal funds and County Bridge funds for the remainder of the \$9,000,000 Sauvie Island Bridge Project estimated costs.

The bid opening for the Sauvie Island Bridge Replacement Project was on September 22, 2005. The low bid for the project was \$8,000,000 in excess of engineer's estimate and County's budget for the project. There were several areas that contributed to the much higher than expected bids. These include: Structural steel was bid at approximately 50% over the engineer's estimate; Concrete was approximately 40% over the engineer's estimate; Large diameter drilled shafts were about 30% over engineer's estimate.

The County identified one-time-only funds in the General Fund that can be loaned to cover the shortfall on the Sauvie Island Bridge Project. These funds were recognized as additional resources by a Supplemental Budget, Resolution 06-009, on January 19, 2006.

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

The Finance and Budget Office has reviewed the loan request and recommends that the loan in the amount of \$8,000,000 from the General Fund to the Willamette River Bridge Fund in fiscal year 2005/2006 be repaid over five years. The Finance and Budget staff also recommend that the Willamette River Bridge Fund reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007, \$500,000 in fiscal years 2007/2008, \$1,600,000 in fiscal year 2008/2009, \$3,000,000 in fiscal year 2009/2010 and **\$3,253,000** in fiscal year 2010/2011.

The Chief Financial Officer will include appropriate service reimbursements in future budgets to ensure the General Fund is repaid.

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

This is consistent with the County's Financial and Budget Policy.

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

None.

Required Signatures

**Department/
Agency Director:**

Maria Pijo de Steffey

Date: February 1, 2006

Budget Analyst: _____

Date: _____

Department HR: _____

Date: _____

Countywide HR: _____

Date: _____

R-8

I support fixing the Bridge but I believe we should minimize the hit on our general fund dollars as much as possible to assist us during the budget process. We could do this by utilizing monies from our Facilities Asset Preservation and Capital improvement funds, which our facility people say could be done, instead of using all general fund dollars.

I therefore move to amend the resolution to use \$2.3 million dollars from the Facilities Asset Preservation and Capital Improvement Fund, and finance the remaining \$5.7million dollars from the County's General Fund.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 06-018

Authorizing the County to Make an Internal Loan from the General Fund to the Willamette River Bridge Fund in the Amount of \$8,000,000 to Fund the Additional Amount Needed for the Sauvie Island Bridge Replacement Contract

The Multnomah County Board of Commissioners Finds:

- a. The original estimate for replacing the Sauvie Island Bridge was approximately \$34,000,000.
- b. The 2003 Oregon Transportation Investment Act Program, established pursuant to Section 10(1)(b) of 2003 Oregon Laws Ch. 618, hereinafter referred to as the "2003 OTIA Local Bridge Program," provides funding for local city and county bridge replacement and repair projects chosen by the Oregon Transportation Commission.
- c. The Oregon Department of Transportation (ODOT) provided grant money to the County in an amount not to exceed \$25,000,000 to cover Sauvie Island Bridge Project costs.
- d. The County obtained federal funds and County Bridge funds for the remainder of the \$9,000,000 Sauvie Island Bridge Project estimated costs.
- e. The bid opening for the Sauvie Island Bridge Replacement Project was on September 22, 2005. The low bid for the project was \$8,000,000 in excess of engineer's estimate and County's budget for the project.
- f. There were several areas that contributed to the much higher than expected bids. These include: Structural steel was bid at approximately 50% over the engineer's estimate; Concrete was approximately 40% over the engineer's estimate; Large diameter drilled shafts were about 30% over engineer's estimate
- g. The County has identified one-time-only funds in the General Fund that can be loaned to cover the shortfall on the Sauvie Island Bridge Project.
- h. The loan is to be repaid over the next five fiscal years.
- i. The Finance and Budget Office has reviewed the loan request and recommends that the Board authorize a loan in the amount of \$8,000,000 from the General Fund to the Willamette River Bridge Fund in fiscal year 2005/2006.

The Multnomah County Board of Commissioners Resolves:

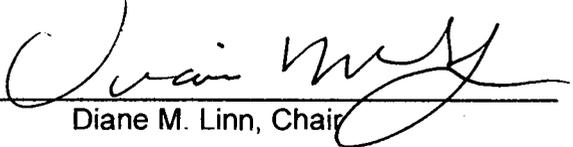
1. The County authorizes the Chief Financial Officer to make the necessary accounting transactions in fiscal year 2005/2006 to loan \$8,000,000 from the General Fund to the Willamette River Bridge Fund to fund the additional amount needed for the Sauvie Island Bridge replacement.

2. The Willamette River Bridge Fund will reimburse General Fund, including interest at 3% per annum, in the amount of \$300,000 in fiscal year 2006/2007; \$500,000 in fiscal year 2007/2008; \$1,600,000 in fiscal year 2008/2009; \$3,000,000 in fiscal year 2009/2010 and \$3,253,000 in fiscal year 2010/2011.
3. The Chief Financial Officer will include appropriate service reimbursements in future budgets to ensure the General Fund is repaid.

ADOPTED this 9th day of February, 2006.



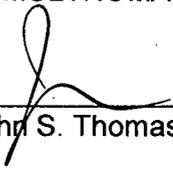
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

John S. Thomas, Deputy County Attorney



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 02/09/06
Agenda Item #: E-1
Est. Start Time: 10:00 AM
Date Submitted: 01/19/06

BUDGET MODIFICATION: -

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(h)

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

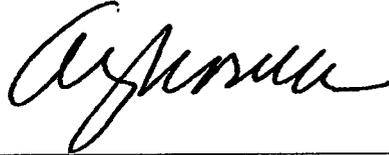
| | | | |
|------------------------|---------------------------------------|------------------------|------------------------|
| Date Requested: | <u>February 9, 2006</u> | Time Requested: | <u>15-30 mins</u> |
| Department: | <u>Non-Departmental</u> | Division: | <u>County Attorney</u> |
| Contact(s): | <u>Agnes Sowle</u> | | |
| Phone: | <u>503 988-3138</u> | Ext. | <u>83138</u> |
| | | I/O Address: | <u>503/500</u> |
| Presenter(s): | <u>Agnes Sowle and Invited Others</u> | | |

General Information

1. **What action are you requesting from the Board?**
 No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
 Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
 ORS 192.660(2)(h).
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 01/19/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

OUTLOOK

SERVING ALL OF EAST MULTNOMAH COUNTY

EASTSIDE LIVING



Well-deserved pampering
— Page 1B

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Downtown buildings might grow taller

Councilors may make development easier with new height requirements

BY MARA STINE
staff writer

Gresham city councilors are considering changing building height requirements in the downtown core to encourage developers to build mixed-use developments with something other than ho-hum flat roofs.

Councilors will vote on the code change during their meeting, which starts at 7 p.m. Tuesday, Feb. 7, in council chambers, at 1333 N.W. Eastman Parkway.

The Gresham Downtown Development Association initiated the change, which calls for bumping the height limit to 60 feet, while keeping the four-story maximum and encouraging varied rooflines in the downtown area.

Gresham's city code doesn't allow buildings of more than four stories and limits building height in two downtown areas to

40 and 45 feet.

But times and development are changing, said Kathy Everett, executive director of the Gresham Downtown Development Association. Several developers have proposed four-story mixed-use buildings downtown, but are having difficulty fitting the stories into a 40- or 45-foot structure.

That's because modern, higher-end condominiums call for 10-foot ceilings, not the older style 8-foot ceiling. Also first-story commercial space typically demands 12- to 14-foot ceilings.

"With commercial space below, and three stories with 10-foot ceilings, it is often difficult to build within this cap," Everett wrote to Mayor Charles Becker and the City Council.

Also, about 2 feet is needed for heating and ventilation pipes between each level.

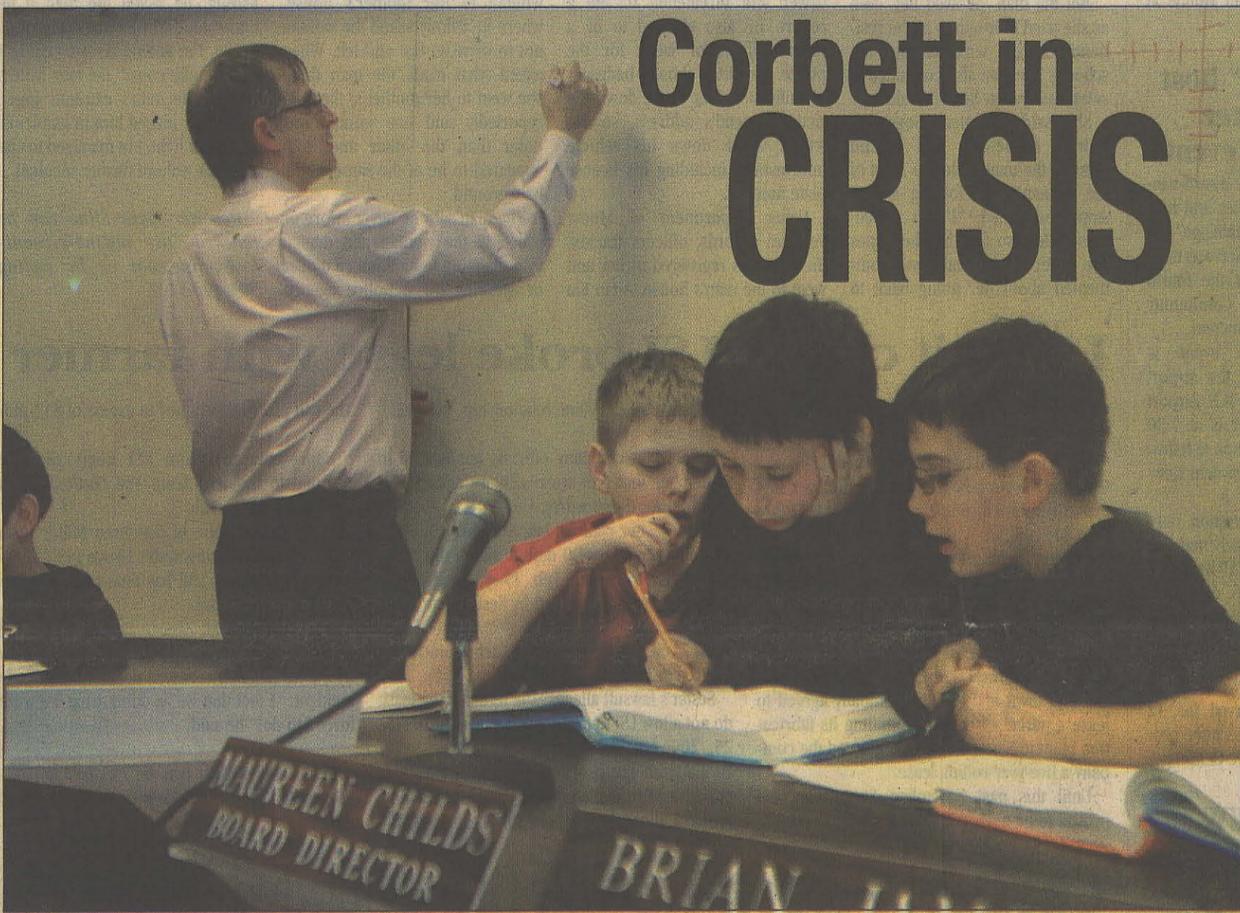
Plus, today's developers want to include gabled roofs, rooftop gardens and other decorative features, such as stairwells, to vary the roofline. Current codes tend to create structures with flat roofs, Everett said.

In other council news, councilors will

vote on a resolution to begin the process needed to change the name of Northwest Civic Drive to Northwest McRobert Drive in honor of former Mayor Gussie McRobert.

The resolution requires an exception to existing city guidelines that prohibit naming a street in honor of someone who is still alive.

If councilors approve the resolution, future public hearings before the city's Planning Commission and City Council will be scheduled prior to officially approving the name change.



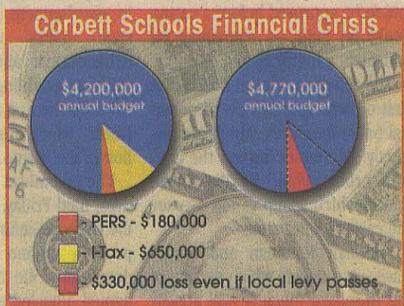
Corbett School District Superintendent Bob Dunton, standing, teaches algebra to fifth- and sixth-graders in the boardroom at Corbett Elementary School on Thursday, Jan. 26. From left to right are students Austin Metcalf, 12, Russell Schaaf, 11, and Austin Lawwill, 11.

As I-Tax sunsets, district stands to lose 16 percent of its operating budget

BY KELLY MOYER-WADE
staff writer

You know Corbett is an unusual school district when you step into Bob Dunton's algebra class. First of all, Dunton is the school district's superintendent. Second, he's teaching where the school board usually meets, and last — but certainly not least — Dunton's scholars are much younger than most algebra-level students.

"Five are fifth-graders and 15 are in the sixth grade," Dunton said, adding casually, "You know, one-third of all high school students never get to this level (in



STAFF GRAPHIC BY DAVID BOEHMKE

math)."

But that's the beauty of Corbett. Even without the resources of larger districts — no school counselors, no vice principals, no physical education or art teachers

at the elementary school — the students in this area are excelling at rates that rival Oregon's top schools.

Last year, Corbett 10th-graders posted the best math scores in the tri-county area and the district's elementary schools are among the top 10 in the state when it comes to test scores in reading and writing. The percentage of Corbett students taking advanced placement courses is in the top 3 percent nationwide.

Parents in neighboring districts have noticed Corbett's success. Seven years ago, when the district was struggling to meet state benchmarks, Corbett schools lost an average of 13 students a year to other districts.

Today, 10 percent of the district's students, about 70 children, come from outside district boundaries.

All of these factors — the test scores, the outside transfers and the advanced placement students — have convinced district leaders that Corbett should be proud

TURN TO CORBETT, PAGE 3A

Anonymous threat causes 140 students to stay home

Officials, police officers keep eye on Gordon Russell Friday

BY KELLY MOYER-WADE
staff writer

Reacting to a threat made against Gordon Russell Middle School in early October, more than 100 parents kept their children out of the Gresham middle school yesterday.

"There were 140 kids absent today (Friday, Feb. 3) and the secretary at Gordon Russell told me that is triple the normal number of absences," said Athena Vadnais, spokesperson for the Gresham-Barlow School District, on Friday morning.

The anonymous threat, which was discovered scrawled on an exterior door at Gordon Russell on Oct. 7, was a general threat against the school and mentioned the date Friday, Feb. 3, Vadnais said.

An investigation in early October turned up no threat against any specific student or staff member. Randy Bryant, principal at Gordon Russell, sent a letter home to parents on Thursday, Feb. 2, reminding them of the 3-month-old threat.

"While our October investigation determined no threat to student/staff safety, we will take ... precautions on Feb. 3 to ensure school safety," Bryant wrote.

Local law enforcement officers were on site Friday to search the middle school, and Vadnais said the district increased presence by law enforcement, staff and administration throughout the day in the school's halls and outdoor areas.

"The reason we communicated what was happening to our parents, students and staff is because we wanted everyone to have their eyes and ears open," Vadnais said. She added that students reported the original threat and were "doing the right thing" by reporting it in October.

"We wanted everyone to have their eyes and ears open."

—ATHENA VADNAIS, on why the district told parents and staff about an October threat

Troutdale goes forward with urban renewal

Council will address issue again on Feb. 14

BY ERIN SHEA
staff writer

TROUTDALE — After months of continued discussions and community meetings, city officials are moving forward on urban renewal plans.

In a 5-2 vote, the City Council opted Tuesday, Jan. 24, to form an urban renewal agency. Urban renewal agencies are actually established in every city and county by statute, but do not have any status until they are activated.

Councilors Barbara Kyle and Chris Gorsek, who have generally been against urban renewal as a way of financing improvements in the riverfront area, voted against the motion.

The ordinance that council approved at the meeting calls for the councilors to serve as the urban renewal board. Councilor Dave Ripma, who is against urban renewal, said it was only this provision that made him vote in favor of the agency.

The decision to move forward with urban renewal came after the 11-member Troutdale Ad Hoc Downtown Redevelopment Committee recommended it as a financing

tool for redeveloping the city's former sewage treatment plant site.

"I for one think they've done an excellent job," Troutdale Mayor Paul Thalhoffer said of the committee's work. "Their reports are good."

However, not everyone agreed with the recommendation.

"In the first place, I really don't feel that Troutdale is a blighted area," said Pat Smith, former Troutdale City Councilor, adding that she was concerned that city officials didn't have solid facts about the costs involved with urban renewal.

TURN TO URBAN RENEWAL, PAGE 3A

State rejects initial set of casino ballot measures

BY ERIN SHEA
staff writer

WOOD VILLAGE — The state elections division on Friday, Feb. 3, rejected the first two sets of proposed ballot measures, which if passed, would have allowed two Lake Oswego businessmen to build a casino at the former Multnomah Greyhound Park Site.

On the advice of the Oregon

Attorney General, state elections officials rejected the two-part Oregon Lottery Revenue Enhancement & Protection Act, on what the effort's political consultant Roger Gray calls a technicality.

If approved, the proposed measures would have granted them a single exception to the state's ban on non-tribal casinos and allowed them to build a 1.1-million-square-foot

TURN TO CASINO, PAGE 2A

BLUEBERRY DEMO AT FARM

Klock Farm, 931 N.E. Salzman Road, Corbett, is hosting a blueberry pruning and care demonstration from 10 a.m. to 1:30 p.m. Saturday, Feb. 4. Clair Klock, a blueberry farmer for 25 years, will demonstrate

pruning techniques and cultivation tips. Information about boysenberries and marionberries will also be available. Call 503-695-5882 for more information.

INSIDE TODAY

- AROUND THE COMMUNITY - Small cities discuss change in sheriff patrols in East County - PAGE 3A
- OBITUARIES - PAGE 4A
- POLICE LOGS - PAGE 5A
- EDITORIAL - Urban renewal needs vote - PAGE 8A

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Damascus city planner looks to preserve area's sense of identity

Jim Wood, a former East Coast planner, envisions a city built on community

BY BARBARA ADAMS
staff writer

The five-member Damascus City Council spent much of 2005 creating a concept plan, a product of the process of finding a community vision. By the end of the year, that preliminary work was done, and they were ready to hire the town's first city planner. Jim Wood was hired in December.

Wood's first weeks on the job were spent meeting people from the Oregon Department of Land Conservation and Development, Metro and Clackamas County — agencies that are involved in the planning process.

He also familiarized himself with the physical layout of the city and read all the information he could find on the Oregon land-use planning system, which is "light years away different from anything one finds on the East Coast," he said.

Wood, 41, moved from Morgantown, W.Va., where he was the city planner for five years. Morgantown, founded in the late 1700s, has approximately 27,000 permanent residents and another 25,000 students at West Virginia University.

Morgantown was ranked by three different publications as one of the top five best small cities in America in terms of quality of life, Wood said.

"The main accomplishment we achieved during my tenure was a complete overhaul of the city's 45-year-old zoning ordinance. The mod-

ernization brought the code up to current standards of innovation and efficiency," he said.

Wood was attracted to the Portland region because of its reputation as a "cradle of innovation for urban and regional planning," he said.

Damascus provides a unique opportunity to thoughtfully plan a city in an area destined to grow.

"The fact that Damascus is a 'new' city means that there is an opportunity, if the residents choose to avail themselves to it, to enact planning standards that avoid the most egregious mistakes of other areas," Wood said.

The outcome of those mistakes commonly produce formless suburban communities with indistinct concentrations of big-box power centers, he said, and "giant asphalt parking lagoons, office parks, subdivisions teeming with cookie-cutter, unaffordable McMansions, and wide, inhospitable roads that become highly congested traffic sewers.

"If we indeed must become a city, then I believe we should embrace the challenge and be unapologetically urban," Wood said. "Let's not repeat the mistakes of other areas by becoming a formless conglomeration of suburbia that merely masquerades as a city."

With the expertise and guidance of Wood and the city's new city manager, John Dingham, the city council soon will begin the process of developing its comprehensive plan. The comprehensive plan is the document that carries the full



JIM WOOD
Damascus city planner

DAMASCUS CITY COUNCIL MEETINGS

Damascus City Council meetings are held in the Damascus City Office, 19920 S.E. Highway 212.

For more information go to www.damascusontheweb.com.

weight of the law and must be acknowledged by the State and Metro, Wood said. It will take approximately two years to develop the plan.

"Until then, Clackamas County's ordinances will continue to govern land-use decisions, and their very hard-working, highly professional staff will continue to administer the ordinances. This takes a great deal of pressure off and allows us to do our long-range planning," Wood said.

Over time, his biggest challenges will be to transform the rural Damascus area into a more urbanized setting, as required by state and regional goals, while maintaining and enhancing a community identity and sense of place.

He said he also will work to develop a feasible consensus on highly contentious issues, such as what to do about the buttes.

Another challenge Wood will face as the planning process takes place is the issue of how to pay for the infrastructure that will be necessary to support the urbanization of the city, without prohibitive taxation or system development charges that could cause the city's future housing stock to become unaffordable.

Wood moved to the Portland area with his wife, Janet, who is expecting their second child, and their 19-month-old daughter.

He said they would like to move to Damascus, but there is little available in the area.

Change in sheriff patrols discussed

Small cities not eager to contract with Gresham

BY MARA STINE
staff writer

Although the future of sheriff's deputies patrolling unincorporated areas of East County is still very much up in the air, local police chiefs and mayors are weighing in on how they think patrol duties should be divided up.

At issue is the possibility of Multnomah County Sheriff Bernie Giusto focusing his office's efforts on corrections and farming out deputies to other cities that would then patrol unincorporated parts of the county.

Now, sheriff's deputies patrol unincorporated areas of Multnomah County, including Corbett east to Cascade Locks, Wood Village and Maywood Park also contract with the sheriff's office for police protection.

Discussions about transferring patrols is nothing new, and Giusto is the fourth sheriff to bring up the issue, which was discussed at a work session with the Multnomah County Board of Commissioners on Tuesday, Jan. 31.

"This is about first delivering the best service we can in the most efficient way," said Chairwoman Diane Linn. "... We're not talking about pulling out or being rash or doing anything reckless."

Giusto agreed. "Just moving bodies and money is not enough," he said. "We must save money and be more efficient."

He also called a proposal by Gresham Police Chief Carla Piluso a good start.

Piluso's proposed five-year plan calls for replacing deputies now patrolling East County with a team of 12 patrol officers and two traffic officers who'd serve unincorporated East County east of Gresham, including the areas of Orient, Barlow, Springdale and Corbett.

During the first year, Multnomah County would pay about \$5.3 million for a total of

32 deputies, detectives, drug investigators and support staff members. By year five, the number of employees would drop to 27 and the cost would drop to about \$4.6 million.



BERNIE GIUSTO
Sheriff

Giusto said he will convene a committee headed by former Multnomah County Sheriff Bob Skipper to study the concept and analyze sheriff's office services.

However, some East County representatives remain skeptical of Piluso's proposal.

Wood Village Mayor Dave Fuller, still smarting from fire service negotiations with Gresham, said he worries that his city would have to be "subservient to Gresham for another service."

In short, he'd rather enter into a contract with Troutdale for police service. He thinks it would be cheaper for Wood Village to keep contracting with the county sheriff's office than teaming up with Gresham.

Fairview Mayor Mike Weatherby and Police Chief Ken Johnson said if Multnomah County transfers patrols, they'd like Fairview to patrol the Interlachen area, which Johnson described as an island in the city.

Troutdale's Police Chief Dave Nelson and Mayor Paul Thalhofer voiced a similar request to patrol Springdale, Corbett and the Interstate 84 corridor, all of which neighbor Troutdale.

"We're a natural fit to patrol that part of unincorporated Multnomah County," Thalhofer said, adding that he too isn't wild about the idea of contracting with Gresham for police services. "... They're just a little bit hard to deal with sometimes."

Reporter Mara Stine can be reached at mstine@theoutlookonline.com or by calling 503-492-5117.

Corbett: District hasn't gone for levy since '80s

CONTINUED FROM Page 1A

of its school system.

Now Dunton and the Corbett school board hope this pride translates into dollars.

The board passed a resolution in January to seek a local levy in the May election to raise \$500,000 a year.

The money would help Corbett weather an impending financial crisis.

The I-Tax, the local income tax that helped Portland-area schools survive state funding cuts for the past three years, has expired, and public employee retirement costs are going up. The combination of the two will cost Corbett schools \$830,000 a year out of a \$5.1 million budget.

"One hates to get dramatic," Dunton said. "But, if we cut all administration, plus athletics, plus transportation, well, we still wouldn't yet be at the \$800,000 we need to cut."

Asking for help

Three years ago, Dunton and other Portland-area school district officials found themselves in the midst of a financial nightmare. Districts discussed cutting days from a school year that was already short by national standards, and teachers were petrified that class sizes would increase to unmanageable levels.

For administrators in Corbett, the logistics of cutting back were almost laughable. The district was already operating on a bare-bones budget and, even though the student popu-

I-TAX FACTS

What did the three-year I-Tax mean for local school districts?

- The money accounted for about 13 percent of most districts' budgets.
- I-Tax money was the equivalent of 44 school days in the Reynolds School District.
- The income tax was the cost of operating three of Centennial's seven elementary schools.
- The I-Tax restored eight days to provide a full school year in the Gresham-Barlow School District.
- The money maintained 11 teachers for elementary music and physical education programs in Gresham-Barlow schools.

What is the future for local schools now that the I-Tax is expiring?

- Corbett will go out for a local

levy in the May primary election to recoup part of the loss (\$500,000 a year vs. the \$650,000 provided by the I-Tax).

• Corbett administrators have a "Plan B" if the local levy fails the double-majority rule. They could use the May election results to form a survey to go out for the November 2006 election, but if voters pass a levy in November, the money wouldn't be available until the 2007-08 school year. A levy passed in May would give money to the schools for the 2006-07 school year.

• Portland Mayor Tom Potter has proposed a five-year, 0.95 percent income tax and an extension on the city's business license fee to raise between \$67 and \$65 million for Portland Public Schools. Potter's plan would also raise between \$18 and \$27 million (combined) for five nearby districts, including the Centennial and Reynolds school districts in East County.

than school superintendents had hoped for, district leaders started to worry again.

Now, the I-Tax has expired and the cost of PERS (the state's public employee retirement system) is going up. For Corbett, this means an annual loss of \$650,000 from the I-Tax and \$180,000 for the extra PERS costs.

The combined \$830,000 loss is roughly 16 percent of the district's operating budget.

At this low level of funding, Dunton said, the district would have to go back to "zero-based budgeting" and look at what the state

requires.

"You'd be surprised," the superintendent said. "Under state (law) you can do without lunch programs, you can do without transportation."

Corbett officials don't want to be dramatic. They don't want to start increasing class sizes or chopping school days. That's why they're seeking help from the local community.

In mid-January, the Corbett school board approved a recommendation that the district go out for a local levy option in the May primary election. The district hopes to raise \$500,000 to offset the \$830,000 loss.

"This would bring us back to where we were before (the year) 2000," Dunton said. "It still leaves us with a loss of more than \$300,000 a year."

The last levy Corbett sought was a construction levy for \$6.5 million in the 1990s to build the elementary school.

"We haven't gone out for an operational levy since the early '80s, since before the funding shifted to the state," Dunton said.

Although putting the levy on the May ballot means the district will face the double-majority rule (at least 50 percent of voters must turnout for a yes vote to count), Dunton is positive that Corbett residents will support the levy.

"Only 30 percent of Corbett residents supported the I-Tax, but I think the majority will support a local levy since the money will support Corbett schools," Dunton said. "Corbett has a long history of funding its schools very well."

Urban Renewal:

CONTINUED FROM Page 1A

After the council elected to form the urban renewal agency, the next step was to approve the urban renewal plan.

Noting some of the issues that prevented urban renewal efforts from moving forward in 2001, ad hoc committee member Max Maydew said "We want to do things a lot different this time."

Specifically, the committee recommended including less area within the urban renewal boundary and focusing only on commercial, not residential properties.

Jerry Stitzel, committee chair-

PUBLIC HEARING

A continuation of the Tuesday, Jan. 24, public hearing on the Troutdale Riverfront Renewal plan will be at 7 p.m. Tuesday, Feb. 14, at Troutdale City Hall, 104 S.E. Kibling Ave.

man and senior pastor of Columbia Life Center, backed the committee's recommendations, and said he hoped everyone would support the idea of urban renewal.

Reporter Erin Shea can be reached at eshea@theoutlookonline.com or 503-492-5118.

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