

SPEAKER SIGN UP CARDS

DATE 1/14/99
NAME Garot Martin
ADDRESS PO Box 10442
Portland, OR 97296
PHONE 248-1023
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Animal Control
GIVE TO BOARD CLERK R-1

ANNOTATED MINUTES

Tuesday, January 12, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

LAND USE PLANNING MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley and Lisa Naito present, and Commissioner Serena Cruz arriving at 9:31 a.m.

- P-1 NSA 16-98 DE NOVO HEARING WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE Regarding Hearings Officer Denial of an Appeal Requesting the Placement of Rip Rap on Slopes Exceeding 30% and the Replacement of an Existing Structure for Property Located at 1785 SE HISTORIC COLUMBIA RIVER HIGHWAY, TROUTDALE.

AT THE REQUEST OF APPELLANTS' ATTORNEY ED SULLIVAN AND FOLLOWING DISCUSSION WITH PLANNER PHIL BOURQUIN, COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER LINN, TO RESET THE DE NOVO HEARING TO FEBRUARY 2, 1999. MR. SULLIVAN ADVISED HIS CLIENTS WAIVE THE 150 DAY RULE IN THE HOPE THAT A CODE AMENDMENT SET FOR FIRST READING AND POSSIBLE ADOPTION ON THURSDAY'S BOARD AGENDA WOULD ALLOW THE VEGGENS TO REPAIR FLOOD DAMAGE ON THEIR PROPERTY SUBJECT TO A MODIFIED SITE REVIEW PROCESS, THEREBY ELIMINATING THE NEED FOR A DE NOVO HEARING. MOTION UNANIMOUSLY APPROVED TO RESET THE DE NOVO HEARING IN CASE NSA 16-98 TO 10:30 AM, TUESDAY, FEBRUARY 2, 1999, IN LAND USE PLANNING OFFICE ROOM 103, 1600 SE 190TH AVENUE, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.

- P-2 PUBLIC HEARING on Report of Multnomah County Planning Commission Recommendation to Adopt the West of Sandy River Rural Area Plan Scoping

Report and Giving Transportation and Land Use Planning Division Staff Direction to Move Forward in Drafting the West of Sandy River Rural Area Plan with the Issues Identified in the Scoping Report. Presented by Karen Schilling and Susan Muir.

SUSAN MUIR (WITH KAREN SCHILLING AND APRIL SIEBENALER) EXPLANATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. NO ONE WISHED TO TESTIFY. FOLLOWING BOARD DISCUSSION WITH MS. MUIR, COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF A RESOLUTION ADOPTING THE WEST OF SANDY RIVER RURAL AREA PLAN SCOPING REPORT. FOLLOWING DISCUSSION, BOARD CONSENSUS DIRECTING STAFF TO AMEND THE ADDENDUM TO THE SCOPING REPORT EXHIBIT TO REFLECT ADDITIONAL ISSUES ADDED TO THE LIST OF ISSUES TO BE ADDRESSED IN THE PLAN AND TO INCLUDE A FOOTER ON EACH PAGE OF THE PUBLIC COMMENTS NOTING THAT THESE ARE COMMENTS TAKEN DOWN VERBATIM FROM SURVEYS AND THE OPEN HOUSE AND ARE NOT NECESSARILY THOSE EMBRACED BY THE COUNTY. RESOLUTION 99-1 UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:05 a.m.

Tuesday, January 12, 1999 - 2:30 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

Chair Beverly Stein convened the meeting at 2:31 p.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley and Serena Cruz present, and Commissioner Lisa Naito arriving at 2:37 p.m.

B-1 Department of Support Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming

Issues and Opportunities. Presented by Vickie Gates, Division Managers, Kathy Tinkle, Tom Fronk and Larry Aab.

VICKIE GATES, GEORGE FETZER, KATHY TINKLE, TOM FRONK, LARRY AAB, DAVE BOYER AND LISA YEO PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION REGARDING RISK MANAGEMENT DIVISION; VIOLENCE IN THE WORKPLACE; ERGONOMICS; INTEGRATED ENTERPRISE SYSTEM; TRACKING AND MONITORING GRANTS AND CONTRACTS; SOFTWARE VENDOR REQUEST FOR PROPOSALS REQUIREMENTS, BEST PRACTICES AND EFFICIENCIES; SYSTEM UPGRADES, TRAINING, IMPLEMENTATION, BUDGET AND PROPOSED TIMELINES.

There being no further business, the meeting was adjourned at 3:54 p.m.

Wednesday, January 13, 1999 - 4:00 PM
Portland Public Schools, Child Service Center, Room C-19
531 SE 14th, Portland

PUBLIC MEETING

Chair Beverly Stein convened the meeting at 4:05 p.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

PH-1 Public Information Meeting and Opportunity for Community Discussion and Input on Proposed Purchase of US Bank Building for Relocation of Various Multnomah County Administrative Offices to 501 SE Hawthorne Boulevard (Corner of Grand Avenue and Hawthorne). Presentations by Chair Beverly Stein and County Staff.

COMMISSIONER NAITO ADVISED SHE MAY NEED TO LEAVE EARLY TO ATTEND A METRO MEETING, BUT WILL LISTEN TO THE TAPE. COMMISSIONER KELLEY ADVISED SHE WILL NEED TO LEAVE AT 4:30 TO GET TO A MEETING IN TROUTDALE THAT STARTS AT 5:00.

CHAIR STEIN PRESENTATION, EXPLANATION AND COMMENTS IN SUPPORT OF OWNED OVER LEASED SPACE, CO-LOCATION OF ADMINISTRATIVE AND SUPPORT FUNCTIONS, LONG TERM FINANCIAL BENEFITS, ASSIST IN VACATION OF THE HANSEN AND MORRISON BUILDINGS, REVITALIZATION OF THE EAST SIDE OF THE RIVER, AND IMPROVED PUBLIC MEETING ACCESS. JIM EMERSON, DAVE BOYER AND SHERIFF DAN NOELLE EXPLANATION AND COMMENTS IN SUPPORT. MR. BOYER RESPONSE TO FINANCING QUESTION OF M'LOU CHRIST. M'LOU CHRIST AND JIM DUNCAN COMMENTS IN SUPPORT. COUNTY EMPLOYEE QUESTION REGARDING COUNTY MOTOR POOL ACCESS.

Commissioner Kelley left at 4:30 p.m.

JOHN RILES TO PROVIDE ASSESSMENT AND TAXATION DATA IN RESPONSE TO A QUESTION FROM A CLACKAMAS COUNTY RESIDENT REGARDING HOW MUCH PROPERTY TAX US BANK PAYS ON THE FACILITY. BOARD DISCUSSION WITH M'LOU CHRIST REGARDING PARKING ISSUES AND EFFORTS TO GET TRIMET TO EXTEND FARELESS SQUARE TO ACROSS THE RIVER OR SOME OTHER RELIEF. VALERIE CHUMAN OF ST FRANCIS CHURCH COMMENTS IN SUPPORT. COMMISSIONERS CRUZ AND LINN COMMENTS IN SUPPORT. BOB OBERST AND CHAIR STEIN EXPLANATION IN RESPONSE TO CITIZEN QUESTION REGARDING COUNTY FACILITY LEASING ISSUES AND TENANT IMPROVEMENTS.

There being no further business, the meeting was adjourned at 4:55 p.m.

Thursday, January 14, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Diane Linn, Commissioners Sharron Kelley, Lisa Naito and Serena Cruz present.

CHAIR STEIN GREETED AND ACKNOWLEDGED FORMER GOVERNOR BARBARA ROBERTS IN THE AUDIENCE TODAY.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-7) WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-1 ORDER Authorizing Amendment to Purchase and Sale Agreement to Purchasers Robert Hahn and Sharolyn McCallum as Recorded at Book 98, Page 171910

ORDER 99-2.

C-2 ORDER Authorizing Amendment to Purchase and Sale Agreement to Purchasers Robert Hahn and Sharolyn McCallum as Recorded at Book 98, Page 171911

ORDER 99-3.

C-3 Budget Modification DES 99-07 Reclassifying a Plant Maintenance Engineer Position to a HVAC Engineer, and Two Alarm Technician Assistant Positions to Alarm Technicians

SHERIFF'S OFFICE

C-4 Intergovernmental Agreement 800199 with Portland Community College Providing GED/ABE/ESL Instructional Programs for Inmates in County Correctional Facilities

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-5 Budget Modification DCJ 8 Reclassifying Five Juvenile Custody Services Supervisor Non-Exempt Positions to Juvenile Justice Supervisor Exempt Positions
- C-6 Budget Modification DCJ 10 Reclassifying an Office Assistant Position to a Senior Office Assistant and a Juvenile Counseling Assistant Position to a Program Development Specialist

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 Amendment 1 to Intergovernmental Revenue Agreement 9910334 with Oregon Mental Health and Developmental Disability Services Division, Funding Mental Health Services on a Capitated Basis for Children and Adults Enrolled in the Oregon Health Plan Medicaid Demonstration Project

REGULAR AGENDA
PUBLIC COMMENT

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

GARET MARTIN OF CAIDO COMMENTS EXPRESSING DISSATISFACTION WITH ANIMAL CONTROL ENFORCEMENT OF BARKING DOG ORDINANCE AND RESPONSE TO BOARD QUESTIONS. CHAIR STEIN TO DISCUSS WITH DIVISION MANAGER HANK MIGGINS.

NON-DEPARTMENTAL

- R-2 Oregon Youth Conservation Corps 1998 Frank Roberts Conservation Project of the Year Award to Multnomah County and Open Meadow Learning Center's *Corps Restoring Urban Environment* (CRUE) Program. Presented by Mim Swartz.

MIM SWARTZ OF OREGON YOUTH CONSERVATION CORPS PRESENTATION OF AWARDS TO PROJECT RECIPIENT CORPS RESTORING THE URBAN ENVIRONMENT (CRUE) PROGRAM AFFLIATED WITH OPEN MEADOW LEARNING CENTER, AN ALTERNATIVE SCHOOL IN NORTH PORTLAND; ATLAS-COPCO WAGNER, INC. FOR ITS RESTORATION PROJECT OF TWO

1,000 FOOT SEGMENTS OF BUSINESS PROPERTY ALONG THE COLUMBIA SLOUGH, AND MULTNOMAH COUNTY FOR ITS COLLABORATION. ESTHER LEV OF WETLANDS CONSERVANCY ACCEPTED AWARD ON BEHALF OF MR. PIERCE JIM PIERCE OF ATLAS-COPCO WAGNER, INC., AND COMMENTS IN APPRECIATION. CHAIR BEVERLY STEIN ACCEPTED AWARD ON BEHALF OF MULTNOMAH COUNTY AND COMMENTS IN APPRECIATION. CHARLOTTE SCHWARTZ AND DREVER GEE AND RON ADAMS COMMENTS IN APPRECIATION. ANDREW MASON ACCEPTED AWARD ON BEHALF OF CRUE AND COMMENTS IN APPRECIATION. MR. MASON ADVISED 25 STUDENTS WERE INVOLVED IN THE PROJECT OVER THE LAST TWO YEARS AND 12 ARE HERE TODAY. CRUE STUDENTS MICHAEL BEWLEY AND ALLISON BERKENS DESCRIBED THEIR EFFORTS AND LEARNINGS REGARDING REPLACING INVASIVE PLANTS WITH DIVERSE NATIVE AND LOCAL BERRY-PROVIDING PLANTS TO ATTRACT A DIVERSITY OF WILDLIFE AND INCREASE THE STRENGTH OF THE BANK TO REDUCE EROSION, POLLUTION AND RUNOFF INTO THE SLOUGH. COMMISSIONERS LINN, NAITO, KELLEY AND CRUZ COMMENTS IN APPRECIATION OF THE LATE SENATOR FRANK ROBERTS AND THE CRUE PROGRAM. FORMER GOVERNOR BARBARA ROBERTS COMMENTS IN APPRECIATION.

- R-3 Metro Update on Regional Affordable Housing, Goal 5 Analysis of Regional Resources for Fish and Wildlife Protection, and Metro Natural Resources Strategy. Presented by Councilor Rod Park and Planner Glen Bolen.

GLEN BOLEN PRESENTATION AND RESPONSE TO BOARD QUESTIONS REGARDING DEMOGRAPHICS, AFFORDABLE HOUSING GAPS AND NEED FOR MARKET STUDY.

- R-4 Public Affairs Office Presentation and Request for Approval of Multnomah County 1999 Legislative Agenda. Presented by Gina Mattioda.

GINA MATTIODA PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION ON LEGISLATIVE ISSUES. COMMISSIONERS INVITED TO PRESENT MULTNOMAH COUNTY LEGISLATIVE AGENDA TO LEGISLATURE IN SALEM AT 7:30 PM ON MONDAY, JANUARY 25, 1999. FOLLOWING DISCUSSION, BOARD CONSENSUS THAT WEEKLY AGENDAS INCLUDE BOARD OPPORTUNITY TO DISCUSS LEGISLATIVE ISSUES. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER NAITO, THE MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA WORKING DOCUMENT WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

R-5 Budget Modification DCJ 12 Increasing the Community Justice Budget by \$724,047 of State Grant-In-Aid Revenue Carryover from FY 97-98 to Support One-Time Only Expenditures in FY 98-99

COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-5. MEGANNE STEELE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 First Reading of an ORDINANCE Amending MCC 11.15 by Incorporating Standards Revising and Implementing the Commercial Forest Use Policies of the West Hills Rural Area Plan for the Study Area Identified in that Plan

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF FIRST READING. SUSAN MUIR EXPLANATION. PHILIP THOMPSON TESTIMONY IN SUPPORT OF ORDINANCE. IN RESPONSE TO A COMMENT OF MR. THOMPSON, MS. MUIR ADVISED THE PROPERTY IS CORRECTLY IDENTIFIED. FIRST READING UNANIMOUSLY

**APPROVED. SECOND READING THURSDAY,
JANUARY 21, 1999.**

- R-7 First Reading and Possible Adoption of an ORDINANCE Amending MCC 11.15 by Incorporating Standards Implementing Open Space and Emergency Disaster Response Amendments to the Management Plan for the Columbia River Gorge National Scenic Area, Correcting Certain Errors in the General Management Forest District, and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF FIRST READING AND ADOPTION. PHIL BOURQUIN EXPLANATION AND RESPONSE TO BOARD QUESTIONS REGARDING PROVISIONS FOR TEMPORARY EMERGENCY REPAIRS APPLICATION FOR PERMANENT REPAIRS AND COMPLIANCE WITH FEDERAL ENDANGERED SPECIES ACT. MICHAEL LANG OF FRIENDS OF THE COLUMBIA GORGE SUBMITTED WRITTEN AND ORAL TESTIMONY IN SUPPORT OF TODAY'S ORDINANCE WITH SOME RESERVATIONS AND SUGGESTIONS ON FUTURE AMENDMENTS IN CONNECTION WITH PUBLIC NOTICE AND REVIEW REQUIREMENTS AND SCENIC RESOURCE PROTECTION ON SPECIAL MANAGEMENT AREA OPEN SPACE LANDS OR FEDERAL FOREST LANDS WITHIN WOODLAND SETTINGS, AND RESPONSE TO BOARD QUESTIONS. ATTORNEY EDWARD SULLIVAN ON BEHALF OF CLIENTS MEL AND JOYCE VEGGEN, SUBMITTED WRITTEN AND ORAL TESTIMONY IN SUPPORT OF ORDINANCE WHICH WOULD ALLOW HIS CLIENTS TO SEEK APPROVAL TO REPAIR FOUNDATION DAMAGE TO THEIR HOME ON THE SANDY RIVER CAUSED BY HIGH WATER FROM THE DECEMBER, 1998 STORM. FOLLOWING BOARD COMMENTS AND DISCUSSION WITH MR. BOURQUIN REGARDING POLICY ISSUE CONCERNS WITH THE ADDITION OF CERTAIN LANGUAGE IN SUBSECTION MCC 11.15.3556 (4) CONCERNING PUBLIC SAFETY AND THE DEFINITION OF PRIVATE PROPERTY;

COUNTY LANGUAGE BEING CONSISTENT WITH GORGE COMMISSION LANGUAGE; AND THE CONCERNS OF THE FRIENDS OF THE GORGE, THE FIRST READING OF THE ORDINANCE WAS APPROVED, WITH COMMISSIONERS KELLEY, LINN AND STEIN VOTING AYE, AND COMMISSIONERS NAITO AND CRUZ VOTING NO. SINCE FIRST READING OF EMERGENCY ORDINANCE NOT UNANIMOUS, SECOND READING SCHEDULED FOR THURSDAY, JANUARY 28, 1999. CHAIR STEIN DIRECTED STAFF TO ALERT AND DISCUSS ISSUES RAISED TODAY WITH THE PLANNING COMMISSION.

NON-DEPARTMENTAL

- R-8 Second Reading and Possible Adoption of an ORDINANCE Amending MCC 5.005 and MCC 5.006 Prescribing Procedures for Designation of Interim Officers and Appointment of Officers to Vacant Elective Offices

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. THOMAS SPONSLER EXPLANATION. COMMISSIONER NAITO MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF AN AMENDMENT TO MCC 5.005(B)(1) "COUNTY ELECTED OFFICIALS SHALL EACH DESIGNATE A PERSON TO PERFORM THEIR RESPONSIBILITIES..." WHICH WOULD REQUIRE INTERIM DESIGNEES FOR COMMISSIONERS ONLY, NOT THE CHAIR, SHERIFF OR AUDITOR (SHERIFF'S PROPOSAL). COMMISSIONER NAITO COMMENTS IN SUPPORT. DAN OLDHAM TESTIFIED THAT SHERIFF DAN NOELLE OPPOSES INCLUSION OF SHERIFF TO INTERIM OFFICER DESIGNATION. COMMISSIONER KELLEY COMMENTS IN SUPPORT. FOLLOWING CLARIFICATION BY MR. SPONSLER THAT THE APPOINTMENT OF INTERIM OFFICER DESIGNEE ONLY APPLIES WHEN THAT ELECTED OFFICIAL LEAVES OFFICE PRIOR TO END OF TERM,

COMMISSIONER LINN COMMENTS IN OPPOSITION. AMENDMENT FAILED, WITH COMMISSIONERS KELLEY AND NAITO VOTING AYE, AND COMMISSIONERS LINN, CRUZ AND STEIN VOTING NO. COMMISSIONER LINN'S MOTION FOR AN AMENDMENT ADDING LANGUAGE THAT THE SHERIFF AND AUDITOR WOULD NOMINATE AN INTERIM OFFICER FROM A SLATE OF POTENTIAL PEOPLE FOR THE BOARD TO DRAW FROM IN THE EVENT OF A VACANCY, FAILED FOR LACK OF A SECOND. COMMISSIONER KELLEY'S MOTION FOR AN AMENDMENT TO MCC 5.005(B)(4) ADDING: "ALL PERSONS DESIGNATED TO FILL ELECTIVE OFFICES ON AN INTERIM BASIS SHALL MEET THE CHARTER SECTION 4.10 QUALIFICATIONS FOR APPOINTEES TO SUCH OFFICES." (AUDITOR'S PROPOSAL) DIED FOR LACK OF A SECOND. ORDINANCE 923 UNANIMOUSLY APPROVED.

COMMISSIONER COMMENT

R-9 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

There being no further business, the meeting was adjourned at 11:40 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

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Phone: (503) 248-5220 FAX (503) 248-5440
Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
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Phone: (503) 248-5219 FAX (503) 248-5440
Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500
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Phone: (503) 248-5217 FAX (503) 248-5262
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Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5213 FAX (503) 248-5262
Email: sharron.e.kelley@co.multnomah.or.us

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

Email: deborah.l.bogstad@co.multnomah.or.us

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

JANUARY 12, 13 & 14 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg. 2	9:30 am Land Use Hearing NSA 16-98
Pg. 2	10:30 am West of Sandy River Rural Area Plan Scoping Report
Pg. 2	2:30 pm Support Services Briefing
Pg. 3	4:00 pm Public Meeting on Proposed County Purchase of US Bank Building
Pg. 4	9:30 am Oregon Youth Conservation Corps Award Presentation
Pg. 4	9:45 am Metro Update Briefing
Pg. 4	10:05 am County Legislative Agenda
Pg. 5	10:25 am Two Land Use Planning Ordinances & Interim Appointments to Vacant Elected Offices Ordinance
✳	Check the County Web Site: http://www.multnomah.lib.or.us

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, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Tuesday, January 12, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

LAND USE PLANNING MEETING

- P-1 **NSA 16-98 DE NOVO HEARING WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE** Regarding Hearings Officer Denial of an Appeal Requesting the Placement of Rip Rap on Slopes Exceeding 30% and the Replacement of an Existing Structure for Property Located at 1785 SE HISTORIC COLUMBIA RIVER HIGHWAY, TROUTDALE. 1 HOUR REQUESTED.
- P-2 **PUBLIC HEARING** on Report of Multnomah County Planning Commission Recommendation to Adopt the West of Sandy River Rural Area Plan Scoping Report and Giving Transportation and Land Use Planning Division Staff Direction to Move Forward in Drafting the West of Sandy River Rural Area Plan with the Issues Identified in the Scoping Report. Presented by Karen Schilling and Susan Muir. 45 MINUTES REQUESTED.
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Tuesday, January 12, 1999 - 2:30 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

- B-1 **Department of Support Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming Issues and Opportunities.** Presented by Vickie Gates, Division Managers, Kathy Tinkle, Tom Fronk and Larry Aab. 90 MINUTES REQUESTED.

Wednesday, January 13, 1999 - 4:00 PM
Portland Public Schools, Child Service Center, Room C-19
531 SE 14th, Portland

PUBLIC MEETING

PH-1 Public Information Meeting and Opportunity for Community Discussion and Input on Proposed Purchase of US Bank Building for Relocation of Various Multnomah County Administrative Offices to 501 SE Hawthorne Boulevard (Corner of Grand Avenue and Hawthorne). Presentations by Chair Beverly Stein and County Staff.

Thursday, January 14, 1999 - 9:30 AM
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1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-1 ORDER Authorizing Amendment to Purchase and Sale Agreement to Purchasers Robert Hahn and Sharolyn McCallum as Recorded at Book 98, Page 171910
- C-2 ORDER Authorizing Amendment to Purchase and Sale Agreement to Purchasers Robert Hahn and Sharolyn McCallum as Recorded at Book 98, Page 171911
- C-3 Budget Modification DES 99-07 Reclassifying a Plant Maintenance Engineer Position to a HVAC Engineer, and Two Alarm Technician Assistant Positions to Alarm Technicians

SHERIFF'S OFFICE

- C-4 Intergovernmental Agreement 800199 with Portland Community College Providing GED/ABE/ESL Instructional Programs for Inmates in County Correctional Facilities

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-5 Budget Modification DCJ 8 Reclassifying Five Juvenile Custody Services Supervisor Non-Exempt Positions to Juvenile Justice Supervisor Exempt Positions
- C-6 Budget Modification DCJ 10 Reclassifying an Office Assistant Position to a Senior Office Assistant and a Juvenile Counseling Assistant Position to a Program Development Specialist

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 Amendment 1 to Intergovernmental Revenue Agreement 9910334 with Oregon Mental Health and Developmental Disability Services Division, Funding Mental Health Services on a Capitated Basis for Children and Adults Enrolled in the Oregon Health Plan Medicaid Demonstration Project

REGULAR AGENDA

PUBLIC COMMENT

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

NON-DEPARTMENTAL

- R-2 Oregon Youth Conservation Corps 1998 Frank Roberts Conservation Project of the Year Award to Multnomah County and Open Meadow Learning Center's *Corps Restoring Urban Environment* (CRUE) Program. Presented by Mim Swartz. 15 MINUTES REQUESTED.
- R-3 Metro Update on Regional Affordable Housing, Goal 5 Analysis of Regional Resources for Fish and Wildlife Protection, and Metro Natural Resources Strategy. Presented by Councilor Rod Park and Planner Glen Bolen. 20 MINUTES REQUESTED.
- R-4 Public Affairs Office Presentation and Request for Approval of Multnomah County 1999 Legislative Agenda. Presented by Gina Mattioda. 15 MINUTES REQUESTED.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-5 Budget Modification DCJ 12 Increasing the Community Justice Budget by \$724,047 of State Grant-In-Aid Revenue Carryover from FY 97-98 to Support One-Time Only Expenditures in FY 98-99

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 First Reading of an ORDINANCE Amending MCC 11.15 by Incorporating Standards Revising and Implementing the Commercial Forest Use Policies of the West Hills Rural Area Plan for the Study Area Identified in that Plan
- R-7 First Reading and Possible Adoption of an ORDINANCE Amending MCC 11.15 by Incorporating Standards Implementing Open Space and Emergency Disaster Response Amendments to the Management Plan for the Columbia River Gorge National Scenic Area, Correcting Certain Errors in the General Management Forest District, and Declaring an Emergency

NON-DEPARTMENTAL

- R-8 Second Reading and Possible Adoption of an ORDINANCE Amending MCC 5.005 and MCC 5.006 Prescribing Procedures for Designation of Interim Officers and Appointment of Officers to Vacant Elective Offices

COMMISSIONER COMMENT

- R-9 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

MEETING DATE: JAN 14 1999

AGENDA NO: C-1

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **Request Approval of Amendment to Purchase & Sale Agreement SPA09 to ROBERT HAHN and SHAROLYN McCALLUM.**

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation
CONTACT: Gary Thomas TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of amendment to Purchase & Sale Agreement to ROBERT HAHN and SHAROLYN McCALLUM. (Property purchased at 8-26-98 auction)

Amendment to Purchase & Sale Agreement and Board Order attached.

via original agreement & copies of all to tax title

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: kt [Signature]

BOARD OF COUNTY COMMISSIONERS
MULTI-JURISDICTION COUNTY OREGON
98 DEC 30 PM 11 45

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-2

Authorizing Amendment to Purchase and Sale Agreement to Purchaser ROBERT HAHN and SHAROLYN McCALLUM.

The Multnomah County Board of Commissioners Finds:

- a) Purchaser ROBERT HAHN and SHAROLYN McCALLUM has requested an extension of 37 days from the original deadline of November 24, 1998 as stated in the Purchase and Sale Agreement recorded September 24, 1998, in the Multnomah County Deed Records at Book 98 and Page 171910.

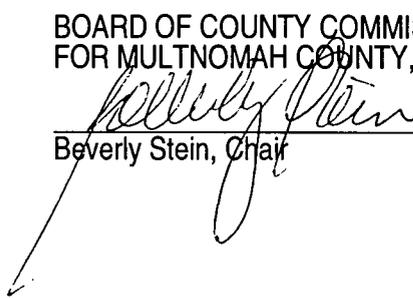
The Multnomah County Board of Commissioners Orders:

1. The Chair of Multnomah County Board of Commissioners is authorized to execute the attached amendment to the original Purchase and Sale Agreement to purchaser ROBERT HAHN and SHAROLYN McCALLUM.

Adopted this 14th day of January, 1999.



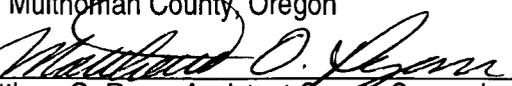
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 
Matthew O. Ryan, Assistant County Counsel

AMENDED REAL ESTATE PURCHASE
AND SALE AGREEMENT

RECITALS

1. Multnomah County, Oregon (Seller) and ROBERT HAHN & SHAROLYN McCALLUM, (Purchasers) entered into a Purchase and Sale Agreement (Agreement) signed by Multnomah County Chair Beverly Stein on September 17, 1998, said Agreement is recorded in the County Deed Records at Book 98 and Page 171910 for the real property described as:

LOT 15, BLOCK 3, CINNAMON RIDGE, a recorded subdivision in the County of Multnomah, and State of Oregon.

2. The agreement required a closing date of November 24, 1998.
3. The Purchaser requests an extension of the closing date to February 1, 1999, in order to complete their loan closing.
4. The word "assigns" was included in the Agreement for the purchaser in error.

WHEREFORE, THE PARTIES NOW AGREE TO AMEND THE ORIGINAL PURCHASE AND SALE AGREEMENT AS FOLLOWS:

1. Extension of Closing Date: Seller agrees to extend the closing date to February 1, 1999.
2. Indemnification: Purchaser shall indemnify, hold harmless and defend Seller from all liens, costs and expenses, including reasonable attorney fees and expert fees, arising from or relating to Purchaser's entry on or inspection of (including any environmental inspection or testing) the property; or any other work performed or allowed by Purchaser on the property prior to closing. This covenant to indemnify, hold harmless and defend Seller shall survive closing or any termination of this Amended Agreement.
3. Continuance: Except as amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.
4. Removal: The word "assigns" in the second line of the Agreement is removed.

MEETING DATE: JAN 14 1999

AGENDA NO: C-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Amendment to Purchase & Sale Agreement SPA08 to ROBERT HAHN and SHAROLYN McCALLUM.

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation
CONTACT: Gary Thomas TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of amendment to Purchase & Sale Agreement to ROBERT HAHN and SHAROLYN McCALLUM. (Property purchased at 8-26-98 auction)

Amendment to Purchase & Sale Agreement and Board Order attached.

1/19/99 ORIGINAL Agreement & copies of ALL TO TAX FILE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *kt* *Alan E. Nicholas*

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 DEC 30 PM 1:45

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions. Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-3

Authorizing Amendment to Purchase and Sale Agreement to Purchaser ROBERT HAHN and SHAROLYN McCALLUM.

The Multnomah County Board of Commissioners Finds:

- a) Purchaser ROBERT HAHN and SHAROLYN McCALLUM has requested an extension of 37 days from the original deadline of November 24, 1998 as stated in the Purchase and Sale Agreement recorded September 24, 1998, in the Multnomah County Deed Records at Book 98 and Page 171911.

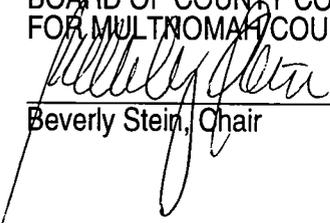
The Multnomah County Board of Commissioners Orders:

1. The Chair of Multnomah County Board of Commissioners is authorized to execute the attached amendment to the original Purchase and Sale Agreement to purchaser ROBERT HAHN and SHAROLYN McCALLUM.

Adopted this 14th day of January, 1999.

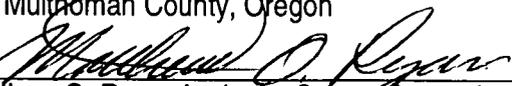


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 
Matthew O. Ryan, Assistant County Counsel

AMENDED REAL ESTATE PURCHASE
AND SALE AGREEMENT

RECITALS

1. Multnomah County, Oregon (Seller) and ROBERT HAHN & SHAROLYN McCALLUM, (Purchasers) entered into a Purchase and Sale Agreement (Agreement) signed by Multnomah County Chair Beverly Stein on September 17, 1998, said Agreement is recorded in the County Deed Records at Book 98 and Page 171911 for the real property described as:

LOTS 12 & 13, BLOCK 23, PENINSULAR ADD #2, a recorded subdivision in the County of Multnomah, and State of Oregon.

2. The agreement required a closing date of November 24, 1998.
3. The Purchaser requests an extension of the closing date to February 1, 1999, in order to complete their loan closing.
4. The word "assigns" was included in the Agreement for the purchaser in error.

WHEREFORE, THE PARTIES NOW AGREE TO AMEND THE ORIGINAL PURCHASE AND SALE AGREEMENT AS FOLLOWS:

1. Extension of Closing Date: Seller agrees to extend the closing date to February 1, 1999.
2. Indemnification: Purchaser shall indemnify, hold harmless and defend Seller from all liens, costs and expenses, including reasonable attorney fees and expert fees, arising from or relating to Purchaser's entry on or inspection of (including any environmental inspection or testing) the property; or any other work performed or allowed by Purchaser on the property prior to closing. This covenant to indemnify, hold harmless and defend Seller shall survive closing or any termination of this Amended Agreement.
3. Continuance: Except as amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.
4. Removal: The word "assigns" in the second line of the Agreement is removed.

BUDGET MODIFICATION NO. DES 99-07

(For Clerk's Use) Meeting Date JAN 14 1999
Agenda No. C-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Environmental Services
CONTACT Shaun Coldwell

DIVISION Facilities & Property Management
TELEPHONE x83322

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Michael Sciacotti

SUGGESTED

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

Classification changes in the Facilities Operations Section of Facilities Management

(Estimated Time Needed on the Agenda)

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

Personnel changes are shown in detail on the attached sheet

This budget modification adjusts the job classifications in the Operations Section of Facilities and Property Management Division to more accurately reflect appropriate pay ranges. A Plant Maintenance Engineer is reclassified to an HVAC Engineer, and two Alarm Technician Assistants are reclassified to Alarm Technicians. No budgetary changes are requested for fiscal year 1998-99. This budget modification changes job classifications only.

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

None.

99 JAN - 5 AM 10: 54
CLERK OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____) \$ _____
Date _____
After this modification

Originated By <u>Shaun Coldwell</u>	Date <u>12/29/98</u>	Department Director <u>Michael Sciacotti</u>	Date <u>12/29/98</u>
Plan/Budget Analyst <u>Chris Hay</u>	Date <u>12/28/98</u>	Employee Services	Date
Board Approval <u>DEBORAH C Bogsted</u>	Date <u>1/4/99</u>		

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO. 0

DES 99-07

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

FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
					0
(1.00)	Plant Maintenance Engineer	(39,296)	(7,057)	(6,930)	(53,283)
1.00	HVAC Engineer	41,635	7,476	5,472	54,583
(2.00)	Alarm Technician Assistants	(57,462)	(10,060)	(10,946)	(78,468)
2.00	Alarm Technicians	88,740	15,934	13,750	118,424
0.00	TOTAL CHANGE (ANNUALIZED)	33,617	6,293	1,346	41,256

6. 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 BudMod.)

CURRENT FY

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
(1.00)	Plant Maintenance Engineer	(39,296)	(7,057)	(6,930)	(53,283)
1.00	HVAC Engineer	39,296	7,057	6,930	53,283
(2.00)	Alarm Technician Assistants	(57,462)	(10,060)	(10,946)	(78,468)
2.00	Alarm Technicians	57,462	10,060	10,946	78,468
TOTAL CURRENT FISCAL YEAR CHANGES		0	0	0	0

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Michael Sciacotti, Operations Section
Facilities and Property Management Division

DATE: December 29, 1998

RE: Classification Changes in the Operations Section of Facilities and Property Management

1. Recommendation/Action Requested:

Reclassify a Plant Maintenance Engineer to a HVAC Engineer to more appropriately reflect duties required.

Reclassify two Alarm Technician Assistants to Alarm Technicians to reflect salary ranges in line with industry wages.

2. Background/Analysis:

The Plant Maintenance Engineer was an existing position that became vacant when an employee was promoted to HVAC Engineer. The HVAC Engineer position more accurately fulfills the requirements needed.

The Alarm Technician Assistant positions are new for 1998-99, and were added to address the backlog of alarm checks that we are required to make in our facilities. Several

recruitment attempts failed due to the salary range offered for that position. Facilities and Property Management will use salary savings from the first half of the year to pay for the increase in salary for these two Alarm Technicians.

3. Financial Impact:

For fiscal year 1998-99 the differences in salary for these positions will be paid with salary savings. Future costs will be included in the facilities charges to the tenants.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

None.

7. Citizen Participation:

None.

8. Other Government Participation:

None.

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

b. See attached

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

HVAC ENGINEER

3. Is this a new position? Yes No

4. If this is an existing position, state the name of the incumbent:

VACANCY

5. Proposed effective date of change: ASAP

Hiring Manager: CRAIG CALKINS

Date: 12/3/98 Department/DIVISION: DES/F&PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: Approved as submitted.

Approved for classification title.

Denied (for Reclassification Requests only).

Analyst Name: Nebr Larson

Date: 12/17/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

SEE ATTACHED

b.

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

ALARM TECHNICIAN

3. Is this a new position? Yes No

4. If this is an existing position, state the name of the incumbent:

VACANCY

5. Proposed effective date of change: ASAP

Hiring Manager: CRAIG CALKINS

Date: 11-27-98 Department/Division: DES/F&PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: Approved as submitted.

Approved for classification title.

Denied (for Reclassification Requests only).

Analyst Name: Debra Larson

Date: 12/17/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

SEE ATTACHED

b.

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

ALARM TECHNICIAN

3. Is this a new position? Yes No

4. If this is an existing position, state the name of the incumbent:

VACANCY

5. Proposed effective date of change: ASAP

Hiring Manager: CRAIG CAULKINS

Date: 11-21-98 Department/Division: DES / F&PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: Approved as submitted.

Approved for classification title.

Denied (for Reclassification Requests only).

Analyst Name: Debra Larson

Date: 12/17/98

MEETING DATE: JAN 14 1999
AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Class III IGA between Portland Community College and MCSO

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Next available
AMOUNT OF TIME NEEDED: five minutes

DEPARTMENT: SHERIFF'S OFFICE DIVISION: Corrections Programs

CONTACT: Larry Aab TELEPHONE #: 251-2489
BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Larry Aab

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

IGA (#800199) to arrange for ABE/GED/ESL instruction by PCC instructors in County Corrections Facilities for a maximum amount of \$51,359.00 not including supply costs.

1/19/99 ORIGINALS TO LARRY AAB

SIGNATURES REQUIRED:

ELECTED OFFICIAL: [Signature]

(OR)
DEPARTMENT
MANAGER:

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

98 DEC 30 PM 4: 41
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

Any Questions: Call the Board Clerk @ 248-3277

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

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

Contract #: 800199
Amendment #: _____

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000</p> <p><input checked="" type="checkbox"/> Expenditure</p> <p><input type="checkbox"/> Revenue</p> <p><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> <p><input type="checkbox"/> PCR Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)</p>	<p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000</p> <p><input checked="" type="checkbox"/> Expenditure</p> <p><input type="checkbox"/> Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-4</u> DATE <u>1/14/99</u></p> <p style="text-align: center;">DEB BOGSTAD</p> <p style="text-align: center;">BOARD CLERK</p>
--	---	---

Department: Sheriff's Office Division: PROG Date: June 25, 1998
 Originator: Jackie Jamieson Phone: 251-2545 Bldg/Rm: 313/107
 Contact: Larry Aab Phone: 251-2489 Bldg/Rm: 313/228
 Description of Contract: GED/ABE/ESL Instruction

RENEWAL: PREVIOUS CONTRACT #(S): _____
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: MBE WBE ESB QRF N/A NONE (Check all boxes that apply)

Contractor <u>Portland Community College</u> Address <u>PO Box 19000</u> <u>Portland, OR 97280</u> Attn: Guy Sivert <u>JOE PORCE</u> Phone <u>978-5682</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input checked="" type="checkbox"/> Requirements Not to Exceed \$ <u>51,359.00</u> 30,000.00
Employer ID# or SS# <u>93-0575187</u> Effective Date <u>July 1, 1998</u> Termination Date <u>June 30, 1999</u> Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ _____	Encumber <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

REQUIRED SIGNATURES

Department Manager Jacqueline L. Jamieson DATE 12-18-98
 Purchasing Manager _____ DATE _____
 (Class II Contracts Only)
 County Counsel [Signature] DATE 12/26/98
 County Chair _____ DATE _____
 Sheriff [Signature] DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	100	025	410			6110					
02											
03											

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010 et seq. and ORS 206.345 between the Multnomah County Sheriff's Office ("MCSO"), jointly with and on behalf of Multnomah County ("COUNTY"), and Portland Community College ("PCC"). As used in this Agreement, MCSO, COUNTY and PCC will be referred to collectively as the "parties."

RECITALS

WHEREAS, Multnomah County is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to the provisions of ORS 190.010, et seq.; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the County, pursuant to the provisions of ORS 206.345; and

WHEREAS, the Portland Community College District is a unit of local government authorized to enter into intergovernmental agreements pursuant to the provisions of ORS 190.010, et seq.; and

WHEREAS, ORS 341.315 provides that the county may contract with community college district to provide services of an educational nature; and

WHEREAS, Portland Community College is a college sanctioned by the State of Oregon, that provides GED instruction and testing, and maintains a GED/ABE/ESL instructional program both on campus and in other locations; and

WHEREAS, the MCSO desires to maintain a GED/ABE/ESL instructional program for inmates in MCSO Correctional Facilities.

IN CONSIDERATION of those mutual promises and terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

DESCRIPTION OF SERVICES

1. Portland Community College agrees to perform as follows:
 - A. Multnomah County Detention Center (MCDC) and Multnomah County Court House Jail (CHJ) - provide 28 hours per week

ABE/GED instruction and five (5) hours per week preparation by instructors for 42 weeks per fiscal year.

- B. Multnomah County Restitution Center (MCRC) - provide 21 hours per week of ABE/GED instruction (42 weeks per fiscal year).
 - C. PCC shall provide state qualified and MCSO approved instructors.
 - D. All instructional personnel must allow a criminal records check to be performed and must be cleared for jail access by the MCSO prior to being considered approved as an instructor in the MCSO facilities.
 - E. GED/ABE/ESL instruction shall be provided within the identified correctional facilities on an hourly schedule jointly developed by Portland Community College and the MCSO.
 - F. Educational personnel shall utilize the assistance of screened volunteers to maximize the educational program for inmates.
 - G. Portland Community College agrees to maintain and provide the MCSO necessary statistical information regarding the persons tutored, sessions held and other information necessary to maintain instructional reports.
2. MCSO agrees to perform as follows:
- A. MCSO Corrections Programs Division shall consider for jail clearance all instructors referred by PCC for facility assignment. An approval or disapproval decision shall be provided to PCC.
 - B. Provide instructional materials and supplies necessary for ABE/GED/ESL tutoring and instruction of inmates in an amount not to exceed \$10,000.00.
 - C. The MCSO shall provide assistance in the development of an instructional schedule, screen potential volunteers, and provide assistance necessary to operate within a correctional facility.
 - D. The MCSO agrees to provide to PCC reports necessary to maintain adequate time and employee records.
 - E. The MCSO shall provide a reasonably safe working environment for instructors in a corrections context. PCC acknowledges there is

a risk assumed when its instructors enter a correctional institution, and shall direct its instructors to obey all directions from corrections officers, and that failure to obey the orders of corrections officers may result in risk of injury or harm.

COMPENSATION

3. For the duration of this Agreement MCSO shall pay to PCC, upon receipt of a monthly request for payment, the hourly rate of #37.49 for instruction and \$20.03 for non-instruction services. Towards total costs (excluding supplies), the following contributions shall not be exceeded: **MCSO: \$51,359.00; PCC: \$30,000.00.**

OTHER CONDITIONS

4. The parties agree that any and all instructors from PCC are employees of PCC and are not employees, agents, or representatives of the MCSO for any purpose.
5. The parties agree that this Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution and is contingent upon funds being appropriated therefore. Any provisions herein which would conflict with law are deemed inoperative to that extent.
6. The parties agree to comply with all applicable requirements of Federal and State civil rights law and rehabilitation statutes.
7. If PCC is determined by Multnomah County to be a sub-recipient of federal funds passed through Multnomah County, the contractor will submit an annual federal compliance audit in conformity with OMB Circular A-133, which applies the Federal Single Audit Act of 1984, Public law 98-502, to non-profit organizations.
8. The parties shall maintain worker's compensation insurance coverage for all its personnel, either as a carrier or self-insured employer as provided in Chapter 656 of Oregon Revised Statutes.

INDEMNIFICATION AND LIABILITY

9. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MCSO and the COUNTY shall indemnify, defend and hold harmless PCC, its officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts,

errors or omissions of MCSO personnel acting pursuant to the terms of this Agreement.

10. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, PCC shall indemnify, defend and hold harmless COUNTY and MCSO, their officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of PCC personnel acting pursuant to the terms of this Agreement.

CONTRACT MODIFICATION AND TERMINATION

11. This Agreement shall begin on July 1, 1998 and terminate June 30, 1999.
12. MCSO, by written notice of default, may terminate this agreement if PCC fails to provide any part of the services described herein within the time specified for completion of that part or any extension thereof.
13. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
14. Upon termination before completion of the services, payment to PCC shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by PCC against the MCSO under this agreement.
15. Termination under any provision of this paragraph shall not affect any right, obligation or liability of PCC which accrued prior to termination.
16. PCC and MCSO agree that this Agreement may be modified or amended by mutual agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both PCC and the Multnomah County Sheriff, and approved by the Multnomah County Board of Commissioners.

DISPUTE RESOLUTION

17. While the parties have attempted to make an Agreement anticipating and addressing their concerns, MCSO, COUNTY and PCC acknowledge the possibility that a claim, controversy or dispute may arise out of this Agreement. MCSO, COUNTY and PCC agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy or dispute, including the giving of timely, written notification thereof to the other party.

18. MCSO, COUNTY and PCC agree that all claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

19. The Multnomah County Sheriff designates Jackie Jamieson, Corrections Programs Division Commander, to represent MCSO in all matters pertaining to administration of this Agreement.
20. PCC designates Joe Ponce to represent PCC in all matters pertaining to administration of this Agreement.
21. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Dan Noelle
Multnomah County Sheriff
12240 NE Glisan Street
Portland, OR 97230

Joe Ponce
Portland Community College
P.O. Box 19000
Portland, OR 97219

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

MULTNOMAH COUNTY, OREGON

PORTLAND COMMUNITY COLLEGE

By: *Beverly Stein*
Beverly Stein, Chair

By: _____
Dr. Daniel F. Moriarty, President

Date: January 14, 1999

Federal ID#: 90-0575187

Date: _____

By: _____
Dan Noelle, Sheriff

Date: _____

Reviewed:
Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By: *Jacquie Weber*
Jacquie Weber, Assistant Counsel

Date: 12/26/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 1/14/99
DEB BOGSTAD
BOARD CLERK

[For Clerk's Use] Meeting Date JAN 14 1999

Agenda # C-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: Custody Services
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Rich Scott

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 8 Reclasses 5 Juvenile Custody Services Supervisor Non-Exempt Positions to Juvenile Justice Supervisor Exempt Positions

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. Yes

This budget modification deletes five JCS Supervisor non-exempt positions and adds five JJ Supervisor exempt positions effective November 1, 1998. The increase in personnel costs are offset by decreases in Temporary, Overtime and Premium personnel expense, resulting in a zero net change to the Department and a \$798 increase in general fund service reimbursement to insurance.

3. REVENUE IMPACT [Explain revenues being changed and the reason for the change]

- ◆ Increases general fund service reimbursement to Insurance by \$798.

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 99 JAN -5 AM 10:45

4. CONTINGENCY STATUS [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____]
[Specify Fund] [Date]

After this modification \$ _____

<u>Paul H. Engley</u> [Originated By]	<u>10/17/98</u> [Date]	<u>E. Clawson</u> [Department Manager]	<u>12-30-98</u> [Date]
<u>[Signature]</u> [Finance/Budget]	<u>1-5-99</u> [Date]	<u>[Signature]</u> [Employee Relations]	<u>10/7/98</u> [Date]
<u>[Signature]</u> [Board Approval]		<u>1/14/99</u> [Date]	



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele *MS*
Department of Community Justice

DATE: December 30, 1998

**RE: REQUEST FOR FY99 DCJ #8 BUDGET MODIFICATION
APPROVAL**

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #8 for the Multnomah County Department of Community Justice to Reclass Five JCS Supervisor Positions to JJ Supervisors.
- II. **BACKGROUND/ANALYSIS:** As a result of negotiations in settling the Juvenile Groupworkers Union Local 88 agreement, this budget modification reclassifies former non-exempt Juvenile Custody Services Supervisor positions to exempt Juvenile Justice Supervisor positions. Because these classifications are effective November 1, 1998, the current year budget will retain .33 FTE JCS Supervisor positions for July through October, 1998 and add .67 FTE JJ Supervisor positions to cover the remainder of the year. The positions will become 100% FTE JJ Supervisors in the FY99-00 budget year.
- III. **FINANCIAL IMPACT:** The additional expense for FY99's reclassifications are offset by the reduction to temporary personnel coverage, overtime and shift differential expenses not applicable for exempt staff positions.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A

[For Clerk's Use] Meeting Date JAN 14 1999

Agenda # C-4

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: Counseling/Court Services
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Bill Morris

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 10 Reclassifies An Office Assistant Position To A Senior OA and A Juvenile Counseling Assistant Position To A Program Development Specialist.

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. Yes

This budget modification deletes 1.0 FTE Office Assistant position and .58 of a 1.0 FTE Juvenile Counseling Assistant position. It adds 1.0 FTE Senior Office Assistant and .58 FTE Program Development Specialist positions. It decreases the remainder of the unfilled Juvenile Counseling Assistant vacancy savings by (\$13,186) to offset the increased cost of the added positions. The result of these changes decreases general fund service reimbursement to Insurance by (\$1,928).

3. REVENUE IMPACT [Explain revenues being changed and the reason for the change]

- Decreases general fund service reimbursement to Insurance by (\$1,928).

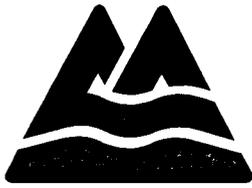
4. CONTINGENCY STATUS [to be completed by Finance/Budget]

Contingency before this modification [as of _____ S _____
[Specify Fund] [Date]

After this modification S _____

<u>Chane H. Eghmey</u> [Originated By]	<u>10-9-98</u> [Date]	<u>E Clawson/MS</u> [Department Manager]	<u>12-30-98</u> [Date]
<u>[Signature]</u> [Finance/Budget]	<u>1-5-99</u> [Date]	<u>[Signature]</u> [Employee Relations]	<u>10/12/98</u> [Date]
<u>[Signature]</u> [Board Approval]		<u>1/14/99</u> [Date]	

BOARD OF
 COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 99 JAN -5 AM 10:45



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele *MS*
Department of Community Justice

DATE: December 30, 1998

**RE: REQUEST FOR FY99 DCJ #10 BUDGET MODIFICATION
APPROVAL**

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #10 for the Multnomah County Department of Community Justice to Reclassify Two Counseling Services Employee Positions.
- II. **BACKGROUND/ANALYSIS:** This modification reclassifies an Office Assistant 2 [OA2] position to a Senior Office Assistant position, effective July 1, 1998, and a Juvenile Counseling Assistant [JCA] to a Program Development Specialist position, effective December 1, 1998. The reclass of the OA 2 actually occurred at the end of the prior fiscal year but too late to include the revision in the FY99 Adopted Budget. The JCA reclass concludes negotiations with the juvenile court system in which the Department has agreed to provide a position to coordinate justice system efforts dealing with high risk families and child abuse/dependency issues.
- III. **FINANCIAL IMPACT:** The additional \$13,186 cost of these reclasses is covered by vacancy savings from the JCA position. The annualized increase for continuation of the reclassified positions equals \$15,491.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204-1618
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director 
Department of Community and Family Services

DATE: December 30, 1998

SUBJECT: Amendment to Revenue Agreement for Child and Adult Mental Health Capitation Services

I. Recommendation/Action Requested: Department of Community and Family Services recommends Board of County Commissioner approval of this amendment to the revenue agreement from the Oregon Mental Health and Developmental Disability Services Division (MHDDSD), effective February 1, 1999 through September 30, 1999.

II. Background/Analysis: The Department of Community and Family Services (DCFS) was awarded the contract for the Oregon Health Plan (OHP) Mental Health Organization (MHO) effective November 1, 1997. Subsequent agreements have maintained that relationship and the Child, Adolescent, and Adult Plan (CAAPCare) has continued to operate in this capacity.

III. Financial Impact: This amendment reflects a rate change for services provided for children in the custody of Services to Children and Families (SCF) or Oregon Youth Authority (OYA). Total fiscal impact will be approximately \$20,000.00 per month for a total of \$160,000.00.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: This is an amendment to the DCFS MHO agreement which supports the County benchmark to increase access to mental health services.

VII. Citizen Participation: N/A

VIII. Other Government Participation: None

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: **9910334**

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

Amendment #: **1**

<p>Class I</p> <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<p>Class II</p> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<p>Class III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-7</u> DATE <u>1/14/99</u> DEB BOGSTAD BOARD CLERK</p>
---	--	--

Department: Community and Family Services Division: Behavioral Health Date: December 30, 1998
 Originator: Bill Thomas Phone: 248-3999 x22095 Bldg/Rm: 166/5
 Contact: Alicia Boris Phone: 248-3691 x24692 Bldg/Rm: 166/7

Description of Contract **Amendment providing for a specific capitation rate increase to the Intergovernmental Revenue Agreement for Multnomah County's Mental Health Organization (MHO), CAAPCare, to provide child, adolescent and adult mental health services through the Oregon Health Plan.**

RENEWAL: PREVIOUS CONTRACT #(S): #102708
 RFP/BID: N/A REV RFP/BID DATE: _____
 EXEMPTION _____ EXEMPTION EXPIRATION _____ ORS/AR _____
 #/DATE: _____ DATE: _____ # _____
 CONTRACTOR IS: MBE WBE ESB QRF N/A NONE (Check all boxes that apply)

Contractor Oregon Mental Health and Developmental Disability Services Division	
Address <u>2575 Bittern Street, N.E.</u> <u>Salem, OR 97310-0520</u>	Remittance Address _____ (If different) _____
Phone <u>(503) 945-9499</u>	Payment Schedule / Terms
Employer ID# or SS# <u>93-0576060</u>	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Effective Date <u>February 1, 1999</u>	<input checked="" type="checkbox"/> Monthly \$ <u>Per Eligible Client</u> <input type="checkbox"/> Net 30
Termination Date <u>September 30, 1999</u>	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ <u>17,658,813.00</u>	<input type="checkbox"/> Requirements \$ _____
Total Amt of Previous Amendments \$ <u>N/A</u>	
Amount of Amendment \$ <u>160,000.00</u>	
Total Amount of Agreement \$ <u>17,828,813.00</u>	
Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No	

REQUIRED SIGNATURES

Department Manager *Rolando T. Lee Jr.* DATE 12-30-98
 Purchasing Manager _____ DATE _____
 County Counsel *Katie Gatz* DATE 1/4/99
 County Chair _____ DATE 1/14/99
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	395	010	1664			2603			Title XIX Capitation	\$140,800	
02	395	010	1620			2603			Title XIX Capitation	\$ 19,200	
03											



Oregon

John A. Kitzhaber, M.D., Governor

RECEIVED 12/14/98

Department of Human Resources

Mental Health and Developmental

Disability Services Division

2575 Bittern Street NE

Salem OR 97310-0520

(503) 945-9499

FAX 378-3796

TTY 945-9836

December 7, 1998

Bill Thomas
Multnomah CAAPCare
411 SW Sixth Avenue, Suite 500
Portland, OR 97204

Dear Mr. Thomas:

Attached is an amendment to the MHO Agreement #75110 which increases the monthly capitation rate for children in the custody of Services to Children and Families (SCF) or Oregon Youth Authority (OYA). Division staff have worked with staff from SCF, OYA, and the actuarial firm of Price Waterhouse Coopers to develop a reasonable increase due to an expected increase in utilization of covered services by children placed in Rosemont School. This rate change will be effective January 1, 1999.

FEBRUARY - SEE ANITA MILLER

If you have questions about this amendment, please call Anita Miller at (503) 945-9447.

Sincerely,

Mike Schrunck (sg)

Mike Schrunck, Manager
Contracts Section

Multnomah County
Agreement # 75110

1. This constitutes Amendment #1 to the 1998-99 Oregon Health Plan Mental Health Organization Agreement between the Mental Health and Developmental Disability Services Division (MHDDSD) acting by and through its Department of Human Resources (DHR) and Multnomah County to be effective beginning February 1, 1999 or when signed by all parties involved and the Agreement has been approved for legal sufficiency by the Oregon Department of Justice, whichever is later, and run through September 30, 1999, the end of the original Agreement period..
2. This amendment increases the monthly capitation rate for children in the custody of Services to Children and Families (SCF) or Oregon Youth Authority (OYA) for the period February 1, 1999 through September 30, 1999. The increases, included as an attachment, are shown in an updated Exhibit J of your 1998-99 MHO Agreement. For your convenience, the rates for each of the eligibility categories other than SCF children are included on this updated Exhibit J. The rates for the other categories remain unchanged from those in effect October 1, 1998.
3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Contractor certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
4. The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws including without limitation state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

If Contractor is not a Corporation, a county, or an intergovernmental entity organized under ORS Chapter 190, or is a professional corporation, then the individual signing this Agreement on behalf of Contractor must certify that Contractor is an Independent Contractor and that the Contractor meets the following standards: (a) that the Contractor is registered under ORS chapter 701 to provide labor or services for which such registration is required; (b) that the Contractor has filed federal and state income tax returns in the name of the Contractor's business or a business Schedule C as part of the personal income tax return, for previous year,

or expects to file federal and state income tax returns, for labor or services performed as an independent contractor in the previous year; (c) that the Contractor will furnish the tools or equipment necessary for the contracted labor or services; (d) that the Contractor has the authority to hire and fire employees who perform the labor or services; and (e) that the Contractor represents to the public that the labor or services are to be provided by it's independently established business as four or more of the following circumstances exist: (I) the labor or services are primarily carried out at a location that is separate from the Contractor's residence or is primarily carried out in a specific portion of the Contractor's residence, which is set aside as the location of the business; (ii) commercial advertising or business cards are purchased for the business, or the Contractor has a trade association membership; (iii) telephone listing is used for the business that is separate for the personal residence listing; (iv) labor or services are performed only pursuant to written contracts; (v) labor or services are performed for two or more different persons within a period of one year; (vi) Contractor assumes financial responsibility for defective workmanship or for services not provided as evidenced by the ownership of performance bonds, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.

5.

CONTRACTOR

STATE OF OREGON

Multnomah County

Mental Health and Developmental
Disability Services Division

Beverly Stein 1/14/99
Beverly Stein, Chair / Date
Board of County Commissioner

Barry S. Kast / Date
Administrator

Lolenz T. Poe, Jr. 12-30-98
Lolenz T. Poe, Jr., Director / Date
Department of Community Services

Approved as to Legal Sufficiency

Katie Gaetjens 1/4/99
Katie Gaetjens / Date
Assistant County Counsel

Jeff Wahl 12/9/98
Jeff Wahl / Date
Assistant Attorney General

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-7 DATE 1/14/99
DEB BOGSTAD
BOARD CLERK

EXHIBIT J

MULTNOMAH CAAPCARE
Capitation Rates with Admin Fee
1998-99
Mental Health Organization Agreement

Eligibility Category	2/1/99 through 9/30/99
AFDC	\$12.89
General Assistance	138.92
PLM Adults Below 100% of FPL	2.47
PLM Adults 100% to 170% of FPL	2.21
CHIP Children 0 < 1	0.21
PLM Children 0 < 1	0.21
PLM & CHIP Children Aged 1-5	2.19
PLM & CHIP Children Aged 6-18	9.64
OHP Families	6.80
OHP Adults and Couples	17.12
ABAD w/o Medicare	115.50
ABAD w/Medicare	115.99
OAA w/Medicare	14.04
OAA w/Medicare Part B	14.09
OAA w/o Medicare	12.34
SCF Children	148.69

MEETING DATE: JAN 14 1999
AGENDA NO: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Oregon Youth Conservation Corps Conservation Project of the Year Award

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: January 14, 1999
AMOUNT OF TIME NEEDED: 15 mins

DEPARTMENT: Non-Dept DIVISION: Chair's Office

CONTACT: Carol M. Ford TELEPHONE #: 248-3956
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Mim Swartz, Oregon Youth Conservation Corps.

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Oregon Youth Conservation Corps
1998 Frank Roberts Conservation Project of the Year Award –
to Multnomah County and Open Meadow Learning Center's
Corps Restoring Urban Environment (CRUE) Program.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
69 JAN -6 AM 8:46
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

STAFF SUPPLEMENTAL MEMORANDUM

TO : Board of County Commissioners

FROM : Carol M. Ford, Chair's Office

DATE : January 6, 1999

RE : Oregon Youth Conservation Corps 1998 Frank Roberts Conservation Project of the Year Award to Multnomah County and Open Meadow Learning Center's *Corps Restoring Urban Environment* (CRUE) Program.

I. Recommendation/Action Requested:

Oregon Youth Conservation Corps (OYCC) traditionally presents the Ward of the Year to major project sponsors and to the County Commissioners at a regularly scheduled Board meeting. This year, OYCC will be acknowledging Open Meadow Learning Center's *Corps Restoring Urban Environment* (CRUE) program.

II. Background/Analysis:

The award is in honor of the late Senator Frank Roberts who championed creating meaningful opportunities for youth and enhancing Oregon's vast natural resources.

This year's recipient is the Corps Restoring the urban Environment (CRUE). This program is affiliated with Open Meadow Learning Center, an alternative school in North Portland. The project is the third and fourth phases of the Atlas-Copco Wagner restoration project and involved the restoration of two 1,000 foot segments of the business property along the Columbia Slough, a badly degraded urban stream suffering from regular algal blooms and heavy metal sedimentation. While working on the project, students earned credits in Science, English and Personal Finance, plus life skills and marketable technical skills. Their work samples also help to satisfy standards for Certificates of Initial Mastery (CIM). The attached letter from OYCC provides additional information about the project.



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Youth Conservation Corps

530 Center St. NE, Suite 300

Salem, OR 97310

(503) 373-1283

FAX (503) 378-8395



MEMO

To: Commissioner Beverly Stein.
 From: Mim Swartz
 Subject: Oregon Youth Conservation Corps
 Date: December 1, 1998

It gives me great pleasure to inform you that the prestigious OYCC Frank Roberts Conservation Project of the Year Award for 1998 goes to a project in Multnomah County. This being the case, I would like to arrange a place on your Board of County Commissioner's agenda sometime in early January.

This award is in honor of the late Senator Frank Roberts who championed all that OYCC stands for — to create meaningful opportunities for youth and to enhance Oregon's vast natural resources. He would be very proud of this year's recipient.

The project recipient is the Corps Restoring the Urban Environment (CRUE). This program is affiliated with Open Meadow Learning Center, an alternative school in North Portland. The project is the third and fourth phases of the Atlas-Copco Wagner restoration project and involved the restoration of two 1,000 foot segments of the business property along the Columbia Slough, a badly degraded urban stream suffering from regular algal blooms and heavy metal sedimentation. CRUE replaced the dominantly invasive plant community (Himalayan blackberry, reed canary grass) with a diverse native plant community which included many native and local berry-providing shrubs to attract a diversity of wildlife. The root systems will increase the strength of the bank and its resistance to erosion. An increase in groundcover plants will reduce the pollution from runoff into the Slough. In total, students planted some 1200 plants in the two phases of this project. While working this project students earned hard credit in Science, English, and Personal Finance. They also learned life skills and marketable technical skills. Students completed work samples which were reviewed and submitted in portfolios to satisfy content standards for their Certificates of Initial Master.

EXECUTIVE DIRECTOR

Becky Eklund



BOARD OF DIRECTORS

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Baker City, Oregon

Senator Verne Duncan
Milwaukie, Oregon



Commissioner Beverly Stein

Page 2

December 1, 1998

OYCC traditionally gives awards to the major project sponsors and to the County Commissioners at a regularly scheduled Board meeting. We would like to invite media, the youth participants and sponsors to attend.

Please respond with potential dates in January and any thoughts that you may have on how the awards ceremony should be handled to best fit with your customs and procedures.



Oregon

John A. Kitzhaber, M.D., Governor

Oregon Youth Conservation Corps

530 Center St. NE, Suite 300

Salem, OR 97310

(503) 373-1283

FAX (503) 378-8395



AGENDA

Introduction Mim Swartz

Awards

CRUE Andrew Mason

Student speeches Allison Berkens. Michael Bewley

Atlas-Copco Wagner, Inc. Jim Pierce

Multnomah County Board of Commissioners Bev Stein

Closing Honorable Barbara Roberts

Pictures



THAT YOUTH CORPS MAGIC

There is *no one element* that makes the youth corps program different, special and effective. What makes it unique is the combination of elements and the way those elements come together in an integrated fashion to form a life learning, life changing experience. The corps wraps a comprehensive youth development, education, and training program into one package and makes it look easy, in no small part because the work site offers such great opportunities for learning and for building self-confidence — what is amazing is that it is “seamless.”

It is more than a job. It is more than a classroom education. It is more than community service projects; it is more than a service learning project; it is more than a team; it is more than developing a strong work ethic; it is more than conservation and service projects. And when these elements are all combined, it is more than the sum of them all!

GOOD GANGS

Teams — they are the essence of the corps. Being on a youth corps team means more than individuals completing tasks together; it means members becoming interdependent to accomplish the tasks at hand. The team becomes more than a group of classmates; members of the team become like family in supporting one another. It is more than a bunch of kids working in the same place.

As a whole and through their crew structure, corps offer what is developmentally appropriate for youth and young adults — structured group experiences that produce tangible, visible results for the community and offer strong feelings of affiliation and acceptance for the participants finding their place in the world. This corps structure offers social competence, problem-solving skills, sense of purpose and future, caring, support, affection, high expectations, and encouragement of participation.

Youth corps members must want to be there, willing to learn and willing to work. They must be willing to participate with others and be involved in decision making about his or her life and how the corps operates.

“Those kids” participate in a uniformed, high structured activity that “keeps them off the streets” and teaches them the value of a “day’s work for a day’s pay,” at the same time allows youth to express their individuality by running free in nature and doing what they can to restore the fragile ecological balance.

EDUCATION MASQUERADING AS WORK

The corps experience is filled with so many work-related, academic, and interpersonal learning opportunities, it might as well be a "school." But unlike the ones we adults remember from our own experience, this education is individualized to each person's needs. It is relevant, experiential, and hands-on.

The projects that work well are the ones where resource agency people are on site, teaching not only how to do the work, but why the work is necessary — the big picture. If a trail is washed out from heavy rains, there is an explanation of how it

came to happen along with some prevention techniques. The crew may be putting in water bars, but they know the reasoning behind the work. Corpsmembers are given the opportunities to ask questions. Staff challenges them to think. Each task becomes an educational opportunity

PROJECT SIGNIFICANCE

The projects themselves play an important role in the community and in the lives of the youth corps members. Corpsmembers gain sense of accomplishment from completing meaningful, visible, needed community projects.

Corps work magic for those who have been trained by society to fear youth, or to see them as a liability rather than an asset. Corps accept young people who "will never amount to anything," and before long they are part of the team, producing good work, respecting their peers and family and looking to the future with a sense of direction. Who ever would have thought that this particular rabbit could be hiding in that corps' hard hat?

CREWLEADERS

The role and characteristics of the crewleader can make or break the program's success. The relationship between the crewleader and the crewmember becomes many things — ~~he serves as co-worker, supervisor, friend, teacher, supporter,~~ advocate. She is a model — passionate about life, intelligent, interested in literature, the arts, science, firm and fair about rules, honest with integrity. He must be able to inspire, motivate, and display his own enthusiasm for the surroundings. She knows how to motivate and show how *anything* can be interesting and *any situation* a learning experience.

STAFF SUPPLEMENTAL MEMORANDUM

TO : Board of County Commissioners

FROM : Carol M. Ford, Chair's Office

DATE : January 6, 1999

RE : Metro Update: Regional Affordable Housing, Goal 5 analysis of regional resources for fish and wildlife protection, and Metro Natural Resources Strategy

I. Recommendation/Action Requested:

Metro Executive Mike Burton has requested regular briefings with the Board of County Commissioners. On January 14, 1999 Metro Councilor Rod Park will update the Board on the Affordable Housing Technical Advisory Committee and regional affordable housing strategies, Goal 5 analysis of regional resources for fish and wildlife protection and Technical Advisory Committee, and Metro Natural Resources strategies.

Commissioner Linn is Multnomah County's representative on the Affordable Housing Technical Advisory Committee. Multnomah County Planner Susan Muir is a member of the Goal 5 TAC.

II. Background/Analysis:

Attached: Regional Affordable Housing fact sheet and Goal 5 Technical Advisory Committee fact sheet. Metro Natural Resources strategies update information will provided at the meeting.

MetroFacts



METRO
Regional Services
Creating livable
communities

Growth
Management
Services
Department

600 NE Grand Ave.
Portland, OR
97232-2736

Tel (503) 797-1700
Fax (503) 797-1797

Recycled paper

Background

In an effort to deal with the issue of affordable housing, the Metro Council adopted regional policies designed to ensure efficient use of land, adequate land for residential development, and a fair share strategy for meeting the housing needs of this region. These policies are included in the Metro Regional Urban Growth Goals and Objectives and the Regional Framework Plan.

The Metro Council created an 25-member advisory committee from local governments, the home-builder's industry, the business and financial community and affordable housing advocates, as well as three non-voting representatives from the Governor's Task Force on Aging, Oregon Housing and Community Services Department and U.S. Department of Housing and Urban Development.

Committee goal

Metro's Affordable Housing Technical Advisory Committee is charged with reviewing and advising Metro on affordable housing policies and strategies for the region. Some of the committee products will include recommended fair share affordable housing targets for each jurisdiction and a regional affordable housing strategy plan that will contain goals and objectives, implementation strategies and methods of evaluating implementation.

"Affordable housing" means low and moderate income households pay no more than 30 percent of their income on housing costs. For renters, "housing costs" includes rent and utilities. For homeowners, it includes principle, interest, taxes, property insurance, and mortgage insurance, if applicable.

Median household income of the tri-county region was \$41,500 in 1997. The median household size was 2.4 persons in 1997.

- There were approximately 321,136 single-family dwelling units in the region in 1997.
- There were approximately 157,877 multi-family dwelling units in the region in 1997*.

*This number is based on a comprehensive inventory of all apartment complexes with five or more units in the tri-county region conducted for the Metro waste reduction/recycling program.

Regional affordable housing

December 1998



"Housing for all"

Affordable Housing Technical Advisory Committee

Committee work plan

- Definition of fair share and regional housing needs
- Development of a fair share allocation formula to provide affordable housing targets for each jurisdiction, and application of the formula with approved data
- Development of implementation strategies to provide jurisdictions with tools to achieve fair share targets
 - Consideration of land-use strategies
 - Consideration of non-land-use strategies
- Development of a regional affordable housing strategy plan
- Adoption of the plan by Metro Council
- Evaluation of the performance of the adopted plan

The committee process includes community outreach to get input from the public and other interested parties.

The decision-making process

Preliminary recommendations will be reviewed by the Metro Policy Advisory Committee and then receive public review before submittal to the Metro Council.

Key tasks, products in the next 14 months

- Currently, the committee is developing a fair share definition and allocation criteria.
- By June 1999, the committee will recommend fair share affordable housing targets for each jurisdiction to the Metro Council and MPAC.
- By December 1999, the committee will recommend a regional affordable housing strategy plan.

Membership of the Housing Technical Advisory Committee (and alternates)

Multnomah County local government

Commissioner Diane Linn, chair, Multnomah County Commission
Ramsay Weit, Multnomah County, alternate

Land-use professionals

Jeff Condit, vice-chair, Miller Nash et al
Phillip E. Grillo, Miller Nash et al, alternate

Nonprofit affordable housing provider - Clackamas County

Diane Luther, Clackamas County Northwest Housing Alternative
Jon Wood, Clackamas Service Center, alternate

Nonprofit affordable housing provider - Multnomah County

Dee Walsh, REACH Community Development
Ralph Austin, Innovative Housing, alternate

Nonprofit affordable housing provider - Washington County

Shella Greenlaw-Fink, Community Partners for Affordable Housing
Renla Christle Gerard, Community Partners for Affordable
Housing, alternate

For-profit housing provider

David Bell, GSL Properties, Inc.
I.D. (Doug) Draper, Genstar Land Co. NW, alternate

For-profit housing provider

Scott Matthews, Trammell Crow Residential
Alternate (vacant)

For-profit housing provider

Doug Oblatz, Shiels Oblatz Johnsen LLC
D. Carter MacNichol, Shiels Oblatz Johnsen LLC, alternate

Clackamas County Public Housing Authority

Gary DiCenzo, Clackamas County Housing Authority
Tim Nielsen, Clackamas County Housing Authority, alternate

Multnomah County Public Housing Authority

Helen Barney, Housing Authority of Portland
Denny West, Housing Authority of Portland, alternate

Washington County Public Housing Authority

Susan Wilson, Washington County Housing Services
John Rosenberger, Washington County Housing Services, alternate

City of Portland

Commissioner Gretchen Kafoury
Alternate (vacant)

Clackamas County local government

Doug McClain, Clackamas County Planning
R. Scott Pemble, Clackamas County Planning, alternate

Washington County local government

Commissioner Andy Duyck, Forest Grove
Alternate (vacant)

Cities of Clackamas County

Mayor Jill Thorn, West Linn
Mayor Carolyn Tomei, Milwaukie, alternate

Cities of Multnomah County

Mayor Roger Vonderharr, Fairview
Andree Tremoulet, Gresham, alternate

Cities of Washington County

David Lawrence, Hillsboro
Pat Ribellia, Hillsboro, alternate

Metro Policy Advisory Committee

Mayor Rob Drake, Beaverton
Commissioner Doug Neeley, Oregon City, alternate

Financing Institution

David Summers, Bank of America
Ed DeWald, Bank of America, alternate

Financing Institution

Margaret Nelson, Key Bank
Alternate (vacant)

Residents of affordable housing

Liora Berry, Cascade Aids Project
Lowell Greathouse, Community Action Organization, alternate

Residents of affordable housing

Dana Brown, Community Alliance of Tenants
Steve Weiss, Community Alliance of Tenants, alternate

Residents of affordable housing

Tasha Harmon, Community Development Network
Britt Parrott, Coalition for a Livable Future, alternate

Business community and major employers

Pat Ritz, Oregon Title Insurance Co.
Mindy Sullivan, Oregon Title Insurance Co., alternate

Business community and major employers

(Vacant)

The Governor's Task Force on Aging (non-voting)

Alice Neely, Governor's Commission on Senior Services
Jan Tucker-McManus, Clackamas County Social Services (alternate)

Oregon Housing and Community Services Department (non-voting)

Vince Chiotti, Oregon Housing and Community Services Department
Margaret Van Vliet, Governor's Community Development Office
(alternate)

Federal Housing Administration (non-voting)

Tom Cusack, U.S. Department of Housing and Urban Development
Alternate (vacant)

Metro Council liaison

Councilor Ed Washington

*For further information, call Gerry Uba at 797-1737.
email: ubag@metro.dst.or.us*

**METRO****Metro Analysis of Regional Resources for Fish and Wildlife Protection
(State Land Use Planning Goal 5)****November 1998****Project Goal**

Identify, map, analyze and determine appropriate measures for the protection, enhancement and restoration of Goal 5 regional resources for fish and wildlife habitat. Metro is carrying out this work based on the recommendations of local jurisdictions and requirements adopted by the Metro Council in Section 5 of the Stream and Floodplain Protection Plan in June 1998.

Project Objectives

- 1) Identify gaps in current protection of Goal 5 regional resources to protect, enhance and restore fish and wildlife habitat;
- 2) Identify a range of protection, enhancement and restoration measures to address these gaps and adequately protect fish and wildlife habitat;
- 3) Serve a coordination and technical assistance role for the 27 jurisdictions in the Metro region to address the protection, enhancement and restoration of Goal 5 regional resources within the urban watershed.

Key Tasks and Products in the Next Six Months**Tasks:**

- Set up technical advisory committee (first meeting scheduled for Nov 6, 1998)
- Finalize scope of work
- Develop public involvement plan
- Establish criteria to define regional resources for Goal 5 fish and wildlife habitat
- Research and write technical paper and scientific findings
- Map local Goal 5 resources
- Identify and map additional data sources

Products:

- Public involvement plan
- Criteria to define Goal 5 regional resources
- Map of local Goal 5 Resources
- Map of additional data
- Technical scientific paper and findings

For more information:

Contact Metro Growth Management Services staff at 797-1839 for a status report, copies of the work plan and products listed above.

**Membership of the Metro Goal 5 Technical Advisory Committee
November 1998**

Greg Robart (WRPAC Representative)
Oregon Dept. of Fish and Wildlife –
Columbia Region

Holly Michael (alternate for ODFW)
Oregon Dept. of Fish and Wildlife –
Columbia Region

Patty Snow
Oregon Dept. of Fish and Wildlife

Jennifer Thompson
US Fish and Wildlife Service

Marc Liverman
National Marine Fisheries Service

Kelly Moore
Oregon Dept. of Fish and Wildlife
Research Lab

Charlie Bruce
Oregon Dept. of Fish and Wildlife
Research Lab

Karl Mawson (MTAC representative)
City of Forest Grove
Community Development Director

Tom McGuire
City of Portland
Bureau of Planning

Veronica Smith
City of Beaverton

Blair Csuti
Oregon Zoo

GTAC Representative

Doug McClain
Clackamas County
Planning Manager

Gregg Fritts (Clackamas County alt.)
Clackamas County

Elizabeth McCallum
City of Troutdale
Associate Planner

Jim Jacks
City of Tualatin
Planning Director

Craig Walkenhorst
City of Lake Oswego

Hal Bersma
Washington County

Brent Curtis
(Washington County alternate)
Washington County

Jim Sitzman
Oregon Dept. of Land Conservation and
Development

Susan L. Muir
(alternate to City of Portland)
Multnomah County Senior Planner

Mike Houck (Interest Group)
Portland Audubon Society

Marty Mitchell (geomorphologist)

Alison Rhea (Natural resource specialist)
Shapiro & Associates, Inc

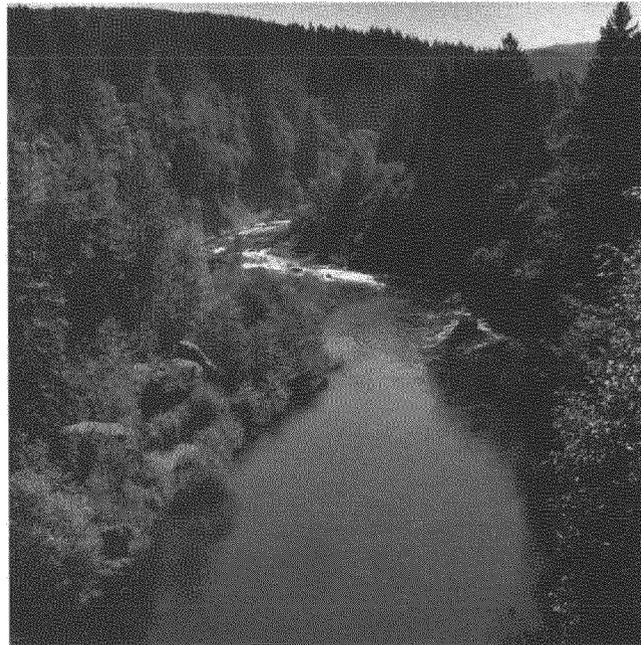
Metro Natural Resources Strategy

*Working toward a better environment
for fish, wildlife and people*

Caring for the world around us is important because we want to keep our communities livable. In the Portland metropolitan region, people have told us that protecting the environment is one of their highest priorities. Natural resources such as parks and open spaces, healthy streams and rivers and clean air and water not only help define the overall character of the region but – just as important – provide direct benefits to fish, wildlife and people.

Residents and local governments are working together with Metro to assure that our natural environment remains a vital part of our communities – not only in our neighborhoods, but for the region as a whole. At Metro, specific standards have been or will be adopted to:

- improve water quality and reduce flooding
- assure adequate park lands and recreation services
- protect fish and wildlife habitat



Sandy River at Oxbow Regional Park

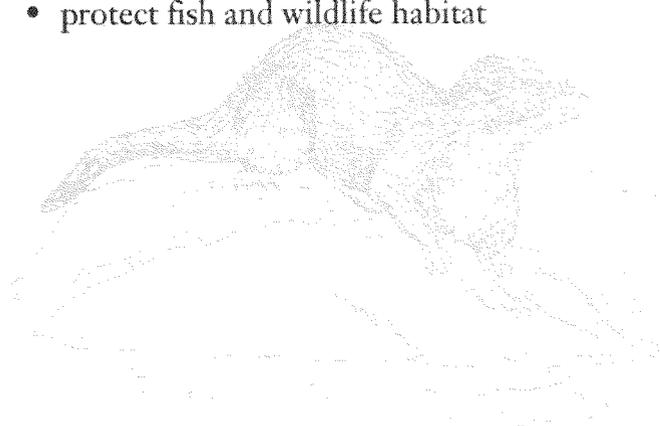
Protecting the region's natural resources three ways

Metro is working on three projects that will help meet these objectives. First, Metro is working with cities and counties in the region to implement local standards to carry out the Stream and Floodplain Protection Plan. This plan was approved by Metro Council in 1998 to provide regionwide protection measures for water quality and floodplain management.

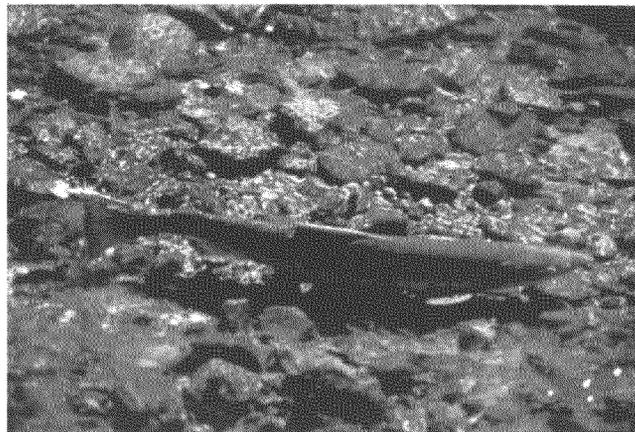
Second, Metro is working with local park providers, natural resource experts and residents to draft a parks and natural areas protection plan. This plan will identify a cooperative regional system of parks, natural areas, greenways and trails for fish, wildlife and people. The plan will result in an updated inventory of parks and natural areas in the region; identify a regional natural areas system; set protection and management standards for regionally significant natural areas; identify levels of recreational park service; and describe a financial strategy to implement the plan.

Third, Metro began work with local governments and citizens to prepare a Fish and Wildlife Habitat Protection Plan by identifying and assessing regional resources to protect fish and wildlife habitat in the Portland metropolitan area. This project will be done by Metro following guidelines in Oregon's program for land-use planning.

The core of the Oregon program is a set of 19 statewide goals, mandatory standards that apply to all cities and counties in Oregon. The goal that addresses fish and wildlife habitat is Goal 5. Metro will conduct an analysis of Goal 5 regional resources related to fish and wildlife



habitats. A parks and natural areas inventory will serve as a basis for this analysis. The Goal 5 regional habitat areas will be mapped and protection measures identified. Metro will work with the cities and counties in the region to coordinate the Goal 5 planning process.



Clean water, streamside vegetation and spawning habitat are needed to support healthy salmon populations

The trillium illustration (Figure 1) shows how these projects make up a comprehensive approach to protecting the region's natural resources. The projects are founded in Oregon land-use goals, Metro's Regional Framework Plan and local government land-use plans. Park providers, planners, policy-makers and residents work on various committees in support of these projects.

Metro's track record for natural resource protection

In 1992, voters of the region approved a home-rule charter that identifies Metro's most important service as "... planning and policy making to preserve and enhance the quality of life and the environment ...". The charter recognizes the important connection between sound management of our natural resources and a livable community. The charter also mandated the development and adoption of a Regional Framework Plan. The plan, adopted in 1997, sets policy direction for protection of parks, natural areas, greenways, water quality, water supply and an efficient urban form and transportation system for the metropolitan region.

The policy directives identified in the Regional Framework Plan for the protection and management of metropolitan natural resources are carried out through specific functional plans. A functional plan establishes policies and standards that apply to all 24 cities and three counties within the Metro boundary. It includes recommendations and/or requirements for local governments to meet.

The Metropolitan Greenspaces Master Plan, adopted in 1992, served as a first step toward identifying a regional system of parks, natural areas, greenways and trails for fish, wildlife and people. It was fundamental to the

development of a land acquisition strategy approval by Metro area voters in 1995 for protection of 14 of the key nature resource areas the master plan identified.

Voters also approved a number of funding measures to support important acquisition and capital improvement projects. For example, the citizens of the

region approved the 1995 open spaces, parks and streams bond measure for \$135.6 million. The funds are now being used for natural area and greenway acquisitions around the region and nearly 90 local park improvement projects or land acquisitions. As of October 1998, Metro has acquired nearly 3,800 acres of new natural areas toward its goal of purchasing 6,000 acres.

The Stream and Floodplain Protection Plan, adopted in June 1998, is an example of a functional plan that contains specific requirements to protect vegetated corridors along rivers, streams and wetlands. The plan also addresses ways to control soil erosion and reduce flooding within the 100-year floodplain. Together these provisions help to enhance the region's water resources and manage land use in floodplains.

The Regional Transportation Plan is another functional plan that addresses how Metro will work with cities, counties, Tri-Met, Oregon Department of Transportation and Port of Portland to establish an efficient regional transportation system. Metro's goal is to provide a range of transportation choices that results in a strong economy and improved air quality. For example, the plan calls for a 350-mile regional trail and greenway system that links natural areas and provides access to nature. To date, about 140 miles of trails in the system are complete.

When approved by Metro Council, the parks and natural areas protection plan will address the protection and management of parks, natural areas, local park facilities and services. Local governments throughout the region will work together to establish criteria for park and recreation service standards that will be adopted by local park providers.

Protecting the Region's Natural Resources

Metro Committee for Citizen Involvement – 27-member citizen committee to advise and recommend actions to Metro on matters pertaining to citizen involvement.

Greenspaces Technical Advisory Committee – Local government park providers and park professionals serving to coordinate, support and advise on natural resource and park matters.

Water Resources Policy Advisory Committee – 38-member committee of water and sewer district representatives, environmental groups, federal and state natural resources agencies, business and residents advising the Metro Council on water resource matters.

Regional Parks and Greenspaces Advisory Committee – 11-member citizen committee serving to advise and comment on the policies, plans and programs of the Metro Regional Parks and Greenspaces Department.

Metro Technical Advisory Committee – 24-member committee of planning specialists, citizens and business representatives that provide detailed, technical support for shaping land-use policies.

Metro Policy Advisory Committee – 21-member committee of elected officials and citizens to advise Metro Council on the Regional Framework Plan and other Metro services.

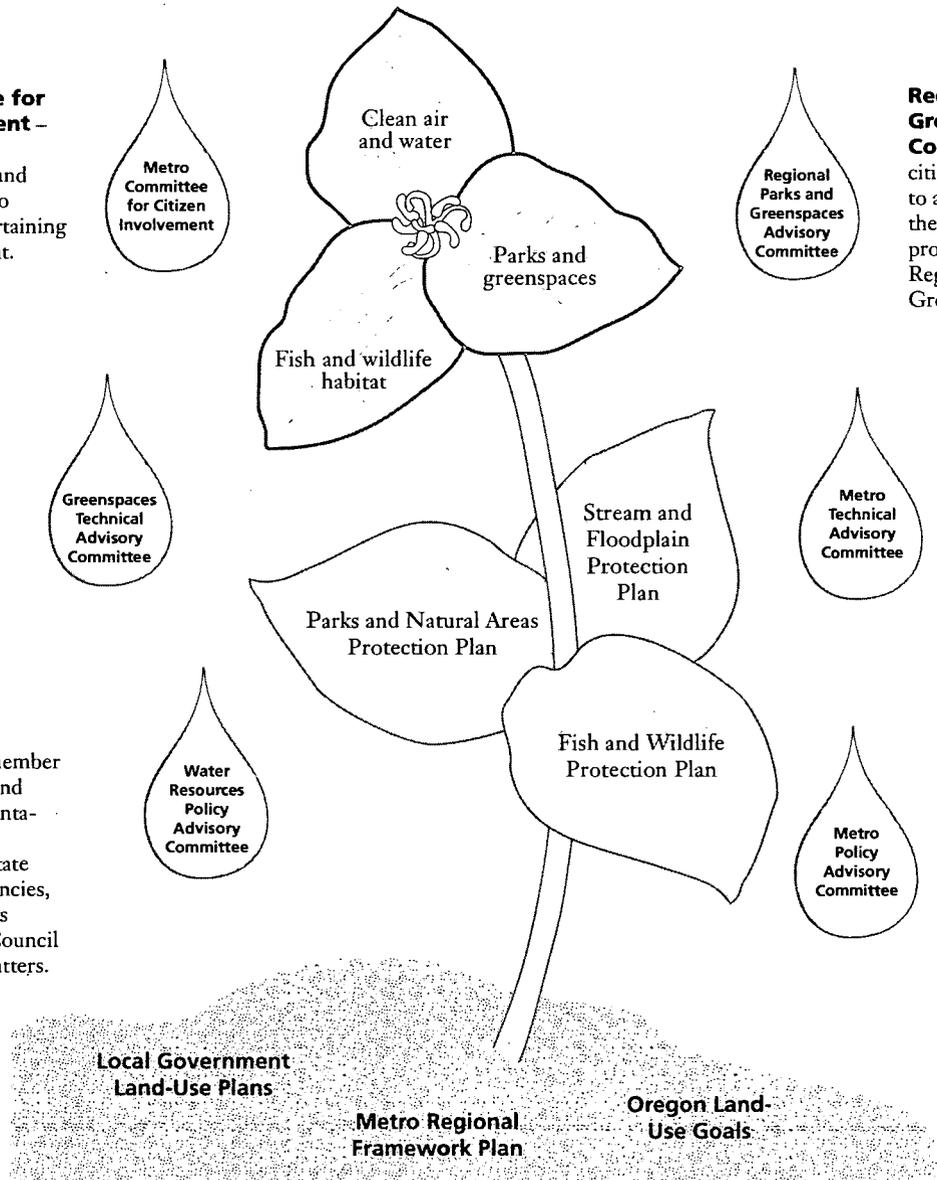


Figure 1 Protection of the region's air and water resources, parks, natural areas and fish and wildlife habitat depends on planning and a commitment from government, business and residents.

Putting plans into action for the region's natural resources

Protecting and enhancing our region's parks, natural areas, greenways and air and water resources are ambitious efforts that will require long-term commitments by local governments, business and residents using a variety of resource protection strategies such as land acquisition, policies and regulations and citizen involvement.

Land acquisition for new parks, expansion of existing parks or providing natural open space for habitat or scenic purposes are important tools for creating livable communities. Voters have approved bond measures to acquire land and build or improve parks and park services in many local communities and at the regional level. Grants, property donations and partnerships also provide opportunities for natural resource protection.

Development and implementation of functional plans such as the Stream and Floodplain Protection Plan and the Parks and Natural Areas Protection Plan will help assure that clean air and water, parks and natural areas are a viable part of the metropolitan region. Metro will work with cities and counties within the Portland metropolitan region to amend their local land-use plans and adopt ordinances to support the provisions of the protection plans.

Citizen involvement is crucial to any successful effort to protect and manage the region's natural resources. People can work to understand how land use choices affect our parks, natural areas, air and water by attending public meetings or a workshop, joining a neighborhood or "friends" group and reading about land-use issues. People also can serve on a watershed council, Metro citizen advisory committee or volunteer in the many habitat enhancement projects throughout the region.



Volunteers involved in natural area enhancement at Canemab Bluff

For more information

Metro offers many opportunities to discover and learn about metropolitan natural areas. Metro GreenScene contains park news, volunteer opportunities and dozens of outdoor activities such as hikes, canoe trips, wildlife watching and classes. The best way to

understand and appreciate the value of metropolitan natural areas is to experience them.

Metro's Growth Management Services Department also publishes newsletters to update interested readers.

Metro's web site at www.metro-region.org contains an abundance of information about the agency and the work that Metro, local governments and residents are doing to protect and manage our natural resources. For more information or copies of recent newsletters, call the **growth management hotline** at (503) 797-1888 or **Metro's Regional Parks and Greenspaces Department** at (503) 797-1850.

About Metro

Metro serves 1.3 million people who live in Clackamas, Multnomah and Washington counties and the 24 cities in the Portland metropolitan area. Metro provides transportation and land-use planning services and oversees regional garbage disposal, and recycling and waste reduction programs. Metro also manages regional parks and greenspaces, the Oregon Zoo (formerly the Metro Washington Park Zoo), Oregon Convention Center, Civic Stadium, Civic Auditorium, Portland Center for the Performing Arts and the Portland Metropolitan Exposition (Expo) Center.



Metro Regional Services
Creating livable communities

600 NE Grand Ave.
Portland, OR 97232
(503) 797-1700

MEETING DATE: JAN 14 1999

AGENDA #: R-4
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Multnomah County Legislative Agenda

BOARD BRIEFING: DATE REQUESTED: Jan. 14, 98

REQUESTED BY: Gina Mattioda

AMOUNT OF TIME NEEDED: 5-15 minutes

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Public Affairs Office DIVISION: _____

CONTACT: Gina Mattioda TELEPHONE #: 306-5766
BLDG/ROOM #: 166/1045

PERSON(S) MAKING PRESENTATION: Gina Mattioda

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Presentation and Approval of Multnomah County Legislative Agenda

BOARD OF
COUNTY COMMISSIONERS
99 JAN -6 AM 8:34
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Gina Mattioda

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

MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA

Multnomah County's Board of County Commissioners' ability to remain an accountable and productive local government and provide essential community services hinges on the partnership with the State Legislature. These services range from providing alcohol, drug, and mental health treatment to maintaining the Willamette River Bridges, operating a network of health care safety net clinics, and providing resources to reduce juvenile crime. This legislative agenda underscores our mutual commitment to improving the quality of life for all Oregonians.

Maintain Public Safety. Multnomah County is dedicated to the protection of our community by holding offenders accountable for their actions and by providing them with the necessary skills to become successful citizens. The County has developed several initiatives that promote public safety, reduce juvenile crime, and hold youth and families accountable.

The County endorses the Governor's Juvenile Crime Prevention Strategy and other measures that prevent and reduce juvenile crime. The County favors legislation supporting year-round school in county juvenile detention facilities. The County also requests legislative change to clarify the statutes defining the duties of Probation and Parole Officers. The County asks the Legislature to provide appropriate community corrections and 1145 local control funding that reflects the costs of supervision and community-based programs in the County.

Continue Oregon Health Plan. The Oregon Health Plan is designed to ensure that all people, regardless of ability to pay, have access to quality and affordable health care. The County supports the original intent of the Oregon Health Plan, which strives for universal health care access and controls costs by prioritizing health care services rather than placing limits on eligibility. The County opposes measures that attempt to erode the Plan. The County encourages the Legislature to sustain its level of funding, continue integration of mental health services, and support initiatives that reduce the fragmentation of the alcohol and drug system.

Enhance Funding for Safety Net Clinics. The County has a long history of responding to community health needs by operating a network of primary health care clinics. These clinics provide primary health care to low income residents, the uninsured, and under-insured. Multnomah County applauds the leadership of the 1997 Legislature that allocated resources for the first time to these clinics and calls for the 1999 Legislature to appropriate additional resources to meet the growing need.

Provide a Dedicated Funding Source for the Willamette River Bridges. The County requests that the Legislature provides a funding source for the six Willamette River Bridges owned, maintained and operated by the County. Without funding from the Legislature, federal funding could be in jeopardy. The majority of these bridges are over 70 years old and in need of major capital improvements to extend the bridge service life. The cost to maintain these bridges is high; painting and rehabilitation of the Hawthorne Bridge alone exceeded \$21.8 million. The County has identified a \$225 million capital shortfall over the next 20 years.

Secure Funding for Senior and Disabled Transit. Multnomah County's aging and disabled populations need improved access to public transportation options to seek and maintain employment, receive vital medical care, and obtain nutrition services at congregated meal sites. The County advocates for a long-term state policy on transportation services for mobility-impaired older and disabled citizens.

Increase School Funding. Multnomah County has recognized the critical nature of our schools in meeting our community vision of providing an opportunity for all children to succeed. The County urges the Legislature to embrace this vision by adequately funding school districts at a level that allows them to deliver education services equal or better than in previous years.

Enable Counties to Address Substantial Increase of PERS Liability. Wage growth, high PERS earnings and the passage of the 1995 HB 3349, increased the counties' unfunded PERS liability by \$30 million and increased employers' annual contribution rates. HB 3349 also allowed the State to collect income taxes on PERS benefits. The County requests the Legislature to consider sharing the increased income tax revenues to offset the impact of HB 3349 on local government. In addition, the County supports the proposal by the Municipal Debt Advisory Commission for a statutory change that would increase the current \$5,000 debt limitation, providing the County additional options for managing unfunded liabilities.

Preserve Columbia River Gorge. The County favors increased funding of the Columbia River Gorge Commission and supports a review of the Columbia River Gorge Management Plan to ensure the Commission is performing its functions effectively and efficiently.

Support Living Wages. Multnomah County urges the Legislature to acknowledge the critical work of social service providers by increasing their wages and benefits. The County has taken steps to increase benefits and wages for employees of security and janitorial contracts, but has been unable to take similar steps for employees of social service provider contracts. The County's ability to affect wages of employees of social service provider contracts is limited because the Legislature controls the funding. Adequate funding for these employees would reduce turnover, which is currently over 50%, ensure access to quality services, and prevent early entry into institutions of seniors and persons with disabilities.

Explore Tax Reform Initiatives. The County asks the Legislature to recognize that Measure 47/50 granting of property tax exemptions now directly reduces local government revenue and services. Property taxes are limited to a 3% increase per year. To curtail the impacts of Measure 47/50, the County seeks support for recommendations of the Association of Oregon Counties' Tax Reform Task Force. These recommendations, considered in the Governor's Tax Policy Phase II Committee include:

- Increase shared revenue to more appropriately balance funding and services between state and local governments.
- Restrict preemption of local revenue and increase local revenue alternatives.
- Provide payment to local governments to compensate for any new property tax exemptions granted by the Legislature.
- Swap portion of property tax base for portion of state personal income tax base.
- Share state revenue gains associated with economic development projects.

Working in Partnership with the Association of Oregon Counties.

Multnomah County together with AOC seeks support for the following issues:

- Establish stable funding for **Assessment and Taxation**, which collects the largest source of funding for county government property taxes
- Secure state funding for **District Attorneys and Court Facilities**
- Increase funding for the maintenance and capital needs of the state's **Transportation** system
- Seek resources for **Economic Development** including urban renewal
- Support the Governor's **Juvenile Crime Prevention Strategy**

MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA

This is a working document, not for distribution or publication

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- Swap portion of property tax base for portion of state personal income tax base.
- Share state revenue gains associated with economic development projects.

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- Seek resources for **Economic Development** including urban renewal
- Support the Governor's **Juvenile Crime Prevention Strategy**

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR 12/18/97 (Date)

DEPARTMENT Community Justice

DIVISION _____

CONTACT Meganne Steele

TELEPHONE 248-3961

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Elyse Clawson

SUGGESTED

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

Budget modification to increase the Department of Community Justice budget by \$724,047 of State Grant In Aid revenue carryover from FY 97-98.

(ESTIMATED TIME NEEDED ON THE AGENDA)

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

Personnel changes are shown in detail on the attached sheet

The Department of Community Justice FY 98-99 budget will be increased by \$724,047, which represents FY 97-98 carryover of State Grant In Aid revenue. The Department has identified one-time-only expenditure to enhance current programs and services to be funded by the carryover in the following program areas: ACJ Management Svcs \$179,900; Arming \$15,000; North Office \$70,000; African/American Program \$41,500; Information Services \$150,000; Subsidy Housing \$20,000; Women's Services \$65,000; Drug Diversion \$50,000; Resource Management \$99,999; indirect cost \$32,648.

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

Increase State Grant In Aid revenue \$724,047

BOARD OF COUNTY COMMISSIONERS
99 JAN -5 PM 4:25
MULNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Planning)

General Fund Contingency before this modification (as of

1/5/98)

\$ 3,230,573

Date

After this modification

\$ 3,263,221

Originated By Dianne Smith Date 1-4-98

Department Director E. Clawson Date 1-4-98

Plan/Budget Analyst [Signature] Date 1-5-98

Employee Services Date

Board Approval [Signature] Date 1/14/99



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners
FROM: Elyse Clawson, Director *EC/MS*
Department of Community Justice
DATE: January 4, 1999
SUBJECT: Appropriation of FY 97-98 Carryover of State Grant-In-Aid Revenue

I. RECOMMENDATION/ACTION REQUESTED:

The Department of Community Justice recommends the Board approve the appropriation of additional State Grant-In-Aid revenue carryover from FY 97-98 to support one-time-only expenditures in FY 98-99.

II. BACKGROUND/ANALYSIS:

The State Department of Corrections' (DOC) FY 97-99 Biennium allocation to Multnomah County Department of Community Justice (DCJ) was \$31,088,601 of State Grant-In-Aid revenue. This funding provides support of general field supervision, sanctions, client services, and administrative support. In FY 97-98, the State DOC advanced \$15,544,300 to DCJ. FY 97-98 total expenditures charged against State Grant-In-Aid revenue was \$12,626,137 resulting in an unexpended balance of \$2,918,163.

The Department identified various program needs (see attachment) and proposed one time funding to meet those needs. Of the \$2.9 million unexpended balance, the FY 98-99 Adopted Budget includes \$1,000,000 of identified one-time-only expenditures. The additional appropriation of \$724,047 will allow the Department to address the remaining one time expenditure needs. The Department will be requesting appropriation of the remaining balance to support the Washington County A & D Treatment facility start up costs once the contract with Washington County is finalized.

III. FINANCIAL IMPACT:

This will increase the Department of Community Justice revenue estimate and expenditure appropriation by \$724,047; these increases are fully funded by Grant-In-Aid revenues from the Oregon Department of Corrections.

IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

None

VI. LINK TO CURRENT COUNTY POLICIES:

Supports the county's financial policy to use, fully, available grant funding and to use one-time-only revenues to support one-time-only expenses.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:

N/A

SPEAKER SIGN UP CARDS

DATE Jan 14 1999
NAME Philip Thompson
ADDRESS 25925 NW St. Helens Rd
Scappoose, Or 97056
PHONE 543-2000
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC ~~R-2~~ R-6
GIVE TO BOARD CLERK

MULTNOMAH COUNTY PLANNING DEPARTMENT
STAFF REPORT

C 2-98

TO: Board of County Commissioners

FROM: Planning Staff

TODAY'S DATE: December 11, 1998

HEARING DATE: January 14, 1999

RE: West Hills Rural Area Plan Special Study Area

I. Recommendation/ Action Requested: Adopt, as recommended by the Planning Commission and modified by staff, amendment of the Zoning Code and certain policies of the West Hills Rural Area Plan creating a CFU-5 district that would apply to the Special Study Area of the WHRAP allowing development of contiguous lots currently under single ownership.

II. Background/ Analysis:

During the development of the West Hills Rural Area Plan a 23 lot (80 acre) area along US Highway 30 immediately south of Watson Road (the Columbia County line) was identified as an area out of character with surrounding Commercial Forest lands due to abnormally small lot sizes and high density of existing residential development. Consequently, that area was designated as an area to be the subject of further study with the intent of both the Planning Commission and Board that each property could be developed individually. Four of the properties are not currently developable due to the aggregation requirement of the Commercial Forest Use zone.

Aggregation of contiguous lots of less than 19 acres created prior to 1990 and now in the same ownership is a Multnomah County requirement, not a requirement of any Oregon Revised Statute or Oregon Administrative Rule. The concept of contiguous lot aggregation originated in 1975 with the Lot of Record definition in the RL-C zoning district on Sauvie Island. It was intended to preserve large blocks of farmland as individual management units. That same concept of Lot of Record was later applied to Commercial Forest Use zones with the adoption of CFU-38 in 1977 and has been carried through subsequent modifications of the CFU districts to the present.

The only controlling ORS or OAR language regarding ownership of parcels in forest areas is the definition of a Tract contained in OAR 660-06-027(5)(a). That subsection stipulates:

"Tract" means one or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway.

That definition contains no reference to lot size minimum, nor any reference to date of creation or acquisition. Therefore, a definition of Lot of Record that eliminated those references would comply with all applicable State laws and rules controlling forest lands. It would also provide the opportunity for each of the four lots in the study area to be considered for residential development if they were in separate ownership. The proposed CFU-5 zone contains a Lot of Record definition which accomplishes those goals.

Subsequent to the Planning Commission's action on this matter, Staff received suggestions from the Department of Land Conservation and Development (e-mail attached) to eliminate the amendment of the definition of tract and not to offer the opportunity for a Heritage tract in the CFU-5. Staff agrees with these suggestions because amending the tract definition could lead to confusion and there are no properties in the study area that would qualify for a Heritage tract.

III. Financial Impact:

None.

IV Legal Issues:

None

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

Fully implement WHRAP

VII. Citizen Participation:

Notice of Planning Commission hearing(s) on all proposed ordinance amendments are published in the Oregonian newspaper and consistent with law. Public testimony is accepted at all Planning Commission hearings regarding ordinance amendments.

VIII. Other Government Participation:

Coordination with LCDC

IX. PROPOSED CODE AMENDMENTS

See attached

HALL Robert N

From: JININGS Jon [Jon.Jinings@state.or.us]
Sent: Monday, September 21, 1998 12:36 AM
To: Robert.N.Hall@Co.Multnomah.Or.Us
Subject: Watson Road Proposed Rezone

Bob,

I've taken a look at your material proposing to establish the CFU-5 Zone. If memory serves, this is the area we spoke about when I was up there last time.

Based on your staff report and our previous discussion, my understanding of the 3 differences between the CFU-2 Zone and the new CFU-5 is as follows:

1. The new language for .2062 regarding the lot-of-record (as that term is used by the county) definition has been developed to allow contiguous lot or parcels held in common ownership to be sold or otherwise conveyed independent of one another. For example, an individual owning three contiguous parcels created by a land sales contract in 1950 could sell each of the three parcels.
2. The large tract dwelling opportunity for 160 contiguous acres will not be offered simply because no 160 acre parcels exist in the study area.
3. The definition of tract has been amended for this zone to clarify that a lot or parcel that had previously been part of a tract including a dwelling, but has since been sold to a new owner, can be eligible for a template dwelling.

Assuming that my understanding is correct, I would say that items

1. and 2. are fine.

I'm not sure that the revision proposed as item 3. is necessary. The county doesn't need the additional language proposed in the new definition of "tract" to implement that interpretation. Having different language pertaining to "tract" in the CFU-5 Zone would suggest it has a different meaning in the other CFU zones. I'm also a little concerned that applicants may misunderstand its meaning in light of the new administrative rule language pertaining to lot-of-record dwellings (Heritage Dwellings) that does require an evaluation to determine if the subject lot or parcel was part of a tract including a dwelling on Nov. 4, 1993 [OAR 660-006-0027(1)(a)(C)]. It may be simpler to not amend the definition of tract and simply not offer the Heritage tract dwelling opportunity in the CFU-5 zone.

Let me know if you have any thoughts or questions.

Jon

1
2 BEFORE THE BOARD OF COUNTY COMMISSIONERS
3 FOR MULTNOMAH COUNTY, OREGON
4 ORDINANCE NO. _____
5

6 An Ordinance amending MCC 11.15 by incorporating standards revising and implementing the Com-
7 mercial Forest Use Policies of the West Hills Rural Area Plan for the Study Area identified in that plan.

8
9 **SECTION I. FINDINGS**

10 (A) The West Hills Rural Area Plan identified an 80 acre Commercial Forest Use area along US High-
11 way 30 immediately south of Watson Road as a Study Area;

12 (B) That area is dissimilar with surrounding Commercial Forest properties due to abnormally small lot
13 sizes and the density of existing residential development;

14 (C) The Planning Commission held workshops to consider various planning options for this study area
15 on March 16 and April 6, 1998;

16 (D) The Planning Commission determined the most appropriate option for the study area was to rezone
17 all properties with the area to a Commercial Forest Use district that would allow development of all
18 tracts as defined by ORS 660-06-027(5)(a);

19 (E) On September 14, 1998, the Planning Commission held public a hearing. At that hearing all inter-
20 ested persons were given an opportunity to appear and be heard. At the close of that hearing the
21 Planning Commission recommended adoption of a new zoning district which would allow develop-
22 ment of all tracts as defined by Oregon Administrative Rule 660-06-027(5)(a) and that the new
23 district be placed on all properties within the study area identified on the plan map on page 11 of
24 the West Hills Rural Area Plan.
25

26 **SECTION II. AMENDMENT OF THE WEST HILLS RURAL AREA PLAN**

27 Amend the following sections of the West Hills Rural Area Plan as follows:

28 1. The first strategy of Policy 2 (page 12) is amended to read:

1 **STRATEGY:** Divide Commercial Forest Use lands within the West Hills into three cate-
2 gories. The first, Designated CFU-1 Forest Lands, consists of areas with large land-hold-
3 ings generally in excess of 40 acres and areas with few or no existing residences. The sec-
4 ond, designated CFU-2 Forest Lands, consists of areas with smaller land holdings generally
5 less than 40 acres, and areas with scattered existing residences. The third, designated
6 CFU-5 Forest Lands, consists of properties within that area identified as a Study Area on
7 the map titled West Hills (Northern Portion). (See map on page 11)

8 2. A strategy is added between the third and fourth strategy of Policy 2 (page 12) to read:

9 **STRATEGY: Allow non-forestry related uses, such as residences, on CFU-5 Forest lands**
10 **on all tracts as defined by OAR 660-06-027(5)(a).**

11 3. The second paragraph under Exception Lands of Policy 3 (page 13) is deleted.

12 ~~The only area for which an additional "exception" is proposed consists of approximately 80~~
13 ~~acres adjacent to the intersection of US Highway 30 and Gilkison Road adjacent to the~~
14 ~~Columbia County Line. This area contains 23 existing lots and 15 existing homes and a~~
15 ~~small motel. If acknowledged by LCDC, this area would be redesignated and rezoned from~~
16 ~~Commercial Forest Use to Rural Residential.~~

17 4. Policy 4 (page 18) is amended to read:

18 **Policy 4 Do not designate additional "Exception" lands in the rural West Hills unless**
19 **~~they meet the criteria outlined in Oregon Planning Goal 2 (Land Use).~~**

20 **STRATEGY:** Consider redesignation of approximately 80 acres at the intersection of US
21 Highway 30 and ~~Gilkison~~ Watson Road, adjacent to the Columbia County line from Com-
22 mercial Forest Use CFU-2 to CFU-5.

23
24 **SECTION III. AMENDMENT OF CFU DISTRICT**

25 Multnomah County Code Chapter 11.15 is amended as to add the CFU-5 zoning district contained
26 in Appendix A.

1 SECTION IV. AMENDMENT OF SECTIONAL ZONING MAPS

2 Sectional Zoning Map No. 3 is amended by substituting the zoning designations adopted by
3 Ordinance 916 for all property currently designated Commercial Forest Use (CFU-2) within the
4 Study Area identified by the West Hills Rural Area Plan with Commercial Forest Use (CFU-5).
5 Exhibit B is adopted as the official zoning map for the West Hills Rural Area Plan Study Area.

6
7 SECTION V. ADOPTION

8
9 ADOPTED THIS _____ day of _____, 1999, being the date of its _____ reading
10 before the Board of County Commissioners of Multnomah County.

11
12 BOARD OF COUNTY COMMISSIONERS
13 FOR MULTNOMAH COUNTY, OREGON

14
15 By _____

16 Beverly Stein, Chair

17
18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY, OREGON

21
22 By Sandra N. Duffy

23 Sandra N. Duffy, Chief Assistant Counsel

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EXHIBIT A

CFU-5 Zoning District

11.WR.2042 Purposes

The purposes of the Commercial Forest Use District are to conserve and protect designated lands for continued commercial growing and harvesting of timber and the production of wood fiber and other forest uses; to conserve and protect watersheds, wildlife habitats and other forest associated uses; to protect scenic values; to provide for agricultural uses; to provide for recreational opportunities and other uses which are compatible with forest use; implement Comprehensive Framework Plan Policy 11, Commercial Forest Land, the Commercial Forest Use policies of the West Hills Rural Area Plan, and to minimize potential hazards or damage from fire, pollution, erosion or urban development.

11.WR.2044 Area Affected

MCC .2042 through .2075 shall apply to those lands designated CFU-5 on the Multnomah County Zoning Map.

11.WR.2045 Definitions

As used in MCC .2042 through .2075, unless otherwise noted, the following words and their derivations shall have the following meanings:

- (A) *Auxiliary* - For the purposes of MCC .2048(A)(2) to (3), the use or alteration of a structure or land which provides temporary help, or is directly associated with the conduct of a particular forest practice. An auxiliary structure shall be located on site, be temporary in nature, and be designed not to remain for the entire growth cycle of the forest from planting to harvesting. An auxiliary use shall be removed when the particular forest practice for which it was approved is concluded.
- (B) *Campground* - An area devoted to overnight temporary use for vacation, recreational or emergency purposes, but not for residential purposes. A camping site may be occupied by a tent, travel trailer or recreational vehicle. A campground shall not include intensively developed recreational uses such as swimming pools, tennis courts, retail stores or gas stations.
- (C) *Commercial Tree Species* - Trees recognized under rules adopted under ORS 527.715 (1996) for commercial production.
- (D) *Cubic Foot Per Acre* - The average annual increase in cubic foot volume of wood fiber per acre for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining productivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.
- (E) *Cubic Foot Per Tract Per Year* - The average annual increase in cubic foot volume of wood fiber per tract for fully stocked stands at the culmination of mean annual increment as reported by the USDA Soil Conservation Service. Where SCS data are not available or are shown to be inaccurate, an alternative method for determining produc-

tivity may be used. An alternative method must provide equivalent data and be approved by the Department of Forestry.

(F) *Date of Creation and Existence* - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2062 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

(G) *Forest Operation* - Any commercial activity relating to the growing or harvesting of any forest tree species as defined in ORS 527.620 (6) (1996).

(H) *Tract* - One or more contiguous lots or parcels in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway..

11.WR.2046 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2048 through .2056.

11.WR.2048 Uses Permitted Outright

(A) The following uses pursuant to the Forest Practices Act and Statewide Planning Goal 4:

(1) Forest operations or forest practices including, but not limited to, reforestation of forest land, road construction and maintenance, harvesting of a forest tree species, application of chemicals, and disposal of slash;

(2) Temporary on site structures which are auxiliary to and used during the term of a particular forest operation; or

(3) Physical alterations to the land auxiliary to forest practices including, but not limited to, those for purposes of exploration, mining, commercial gravel extraction and processing, landfills, dams, reservoirs, road construction or recreational facilities;

(B) A temporary portable facility for the primary processing of forest products;

(C) Farm use, as defined in ORS 215.203;

(D) Alteration, maintenance, or expansion of an existing lawfully established single family dwelling subject to the following:

(1) The existing dwelling:

(a) Has intact exterior walls and roof structures;

- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (c) Has interior wiring for interior lights; and
 - (d) Has a heating system.
- (2) Satisfies the dimensional standards of MCC .2058; and
- (3) Satisfies the development standards of MCC .2074(A)(5) and (B) if an expansion that exceeds 400 square feet of ground coverage.
- (E) Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:
- (1) The replacement dwelling will be located within 200 feet of the existing dwelling; and
 - (2) The existing dwelling:
 - (a) Has intact exterior walls and roof structures;
 - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (c) Has interior wiring for interior lights;
 - (d) Has a heating system;
 - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling; and
 - (3) The replacement dwelling shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.
- (F) Uses to conserve soil, air and water quality and to provide for wildlife and fisheries resources, including a public or private wildlife and fisheries resources conservation area;
- (G) An uninhabitable structure accessory to fish and wildlife enhancement;
- (H) A caretaker residence for a public park or a fish hatchery;
- (I) Local distribution lines (e.g., electric, telephone, natural gas, etc.) and accessory equipment (e.g., electric distribution transformers, poles, meter cabinets, terminal boxes, pedestals), or equipment which provides service hookups, including water service hookups;

- (J) Climbing and passing lanes within the right of way existing as of July 1, 1987;
- (K) Reconstruction or modification of public roads and highways, not including the addition of vehicular travel lanes, where no removal or displacement of buildings will occur, or no new land parcels result;
- (L) Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;
- (M) Minor betterment of existing public roads and highway related facilities such as maintenance yards, weigh stations and rest areas, within a right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways;
- (N) A lookout tower for forest fire protection;
- (O) A water intake facility, canal and distribution lines for farm irrigation and ponds;
- (P) A temporary forest labor camp;
- (Q) Exploration for mineral and aggregate resources as defined in ORS Chapter 517;
- (R) Exploration for geothermal resources;
- (S) A site for the disposal of solid waste that has been ordered to be established by the Environmental Quality Commission under ORS 459.049, together with equipment, facilities or buildings necessary for its operation.

11.WR.2049 Uses Permitted Under Prescribed Conditions

- (A) Replacement of an existing lawfully established single family dwelling on the same lot more than 200 feet from the existing dwelling, subject to the following:
 - (1) The existing dwelling:
 - (a) Has intact exterior walls and roof structures;
 - (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (c) Has interior wiring for interior lights;
 - (d) Has a heating system; and
 - (e) Is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the replacement dwelling;
 - (2) The location of the replacement dwelling shall satisfy the dimensional standards of

MCC .2058 and the development standards of MCC .2074.

- (B) Restoration or replacement of a lawfully established single family dwelling on the same lot when the restoration or replacement is made necessary by fire, other casualty or natural disaster, subject to the following:
- (1) Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster; and
 - (2) A replacement dwelling located more than 200 feet from the prior dwelling location shall satisfy the dimensional standards of MCC .2058 and the development standards of MCC .2074.
 - (3) The existing dwelling at the time of the fire, casualty, or natural disaster:
 - (a) Had intact exterior Walls and roof structures;
 - (b) Had indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
 - (c) Had interior wiring for interior lights; and
 - (d) Had a heating system.

11.WR.2050 Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

- (A) A Template Dwelling pursuant to the provisions of MCC .2052(A), and .2074.
- (B) The following Community Service Uses pursuant to the provisions of MCC .2053, .2074, .7005 through .7015, and .7035 through .7072.
- (1) Campground.
 - (2) Cemetery.
 - (3) Fire station for rural and forest fire protection.
 - (4) Aid to navigation and aviation.
 - (5) Water intake facility, related treatment facility, pumping station, and distribution line.
 - (6) Reservoir and water impoundment.
 - (7) New distribution line (e.g., gas, oil, geothermal) with a right-of-way 50 feet or less

in width or new electric transmission line with a right-of-way width of up to 100 feet as specified in ORS 772.21 0.

- (8) Forest management research and experimentation facility as defined by ORS 526.215.
 - (9) Park, including a public or private wildlife and fisheries resources conservation area with accessory structures for educational or instructional use.
 - (10) Utility facility for the purpose of generating power provided the facility not preclude more than 10 acres from use as a commercial forest operation unless an exception is taken pursuant to OAR 660, Division 4.
 - (11) Radio, microwave, and television transmission towers subject to the definitions, restrictions and standards in MCC .7020(15) and .7035 through .7041.
 - (12) Refuse dump or sanitary landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation.
 - (13) Regional Sanitary Landfill for which the Department of Environmental Quality has granted a permit under ORS 459.245, together with equipment, facilities or buildings necessary for its operation subject to the definitions, restrictions and standards in MCC .7045 through .7072.
 - (14) Private hunting and fishing operation without any lodging accommodations.
 - (15) Private seasonal accommodations for a fee hunting operation or fishing, provided:
 - (a) Accommodations are limited to no more than 15 guest rooms as that term is defined in the Oregon Structural Speciality Code;
 - (b) Only minor incidental and accessory retail sales are permitted;
 - (c) Accommodations are occupied temporarily for the purpose of hunting during game bird and big game hunting seasons or fishing during fishing seasons authorized by the Oregon Fish and Wildlife Commission; and
 - (d) Accommodations for fishing must be located within 1/4 mile of fish bearing Class I waters.
 - (16) Mining, processing and production of geothermal resources.
- (C) The following uses pursuant to the provisions of MCC .2053, .2074, .7105 through .7120, .7125 through .7135, .7305 through .7335, and .7605 through .7640.
- (1) Mining and processing of aggregate and other mineral or subsurface resources as defined in ORS Chapter 517;

- (2) Permanent facility for the primary processing of forest products;
 - (3) Permanent logging equipment repair and storage;
 - (4) Log scaling and weigh stations;
 - (5) Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;
 - (6) Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels;
 - (7) Improvement of public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right of way is required but not resulting in the creation of new land parcels; and
 - (8) Expansion of aircraft landing areas auxiliary to forestry practices, notwithstanding the provisions of MCC .6050 through .6058.
- (D) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:
- (1) That no sale of merchandise is made from the premise; and
 - (2) That noise, odor, smoke, gases, fallout, vibration, heat or glare resulting from the activity is not detectable at any property line.

11.WR.2052 Template Dwellings

- (A) A template dwelling may be sited on a tract, subject to the following:
- (1) The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;
 - (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC .2075, as applicable;
 - (3) The tract shall meet the following standards:
 - (a) The tract shall be composed primarily of soils which are capable of producing 0 to 49 cubic feet of Douglas Fir timber per acre per year (cf/ac/yr); and
 - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 3 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and per-

pendicular to section lines; and

- (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (b) The tract shall be composed primarily of soils which are capable of producing 50 to 85 cf/ac/yr of Douglas Fir timber; and
 - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 7 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
 - (ii) At least three dwellings lawfully existed on January 1, 1993 within the 160-acre square, or
- (c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and
 - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject tract parallel and perpendicular to section lines; and
 - (ii) At least five dwellings lawfully existed on January 1, 1993 within the 160-acre square.
- (d) Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.
- (e) There is no other dwelling on the tract,
- (f) No other dwellings are allowed on other lots (or parcels) that make up the tract;
- (g) Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
- (h) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive Plan in 1980, will be acceptable.
- (5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by

the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance;

- (6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided, however, that:
 - (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved;
 - (b) The property owner shall submit a stocking survey report to the county assessor and the assessor will verify that the minimum stocking requirements have been met by the time required by Department of Forestry rules. The assessor will inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met;
 - (c) Upon notification by the assessor the Department of Forestry will determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department will notify the owner and the assessor that the land is not being managed as forest land. The assessor will then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;
- (7) The dwelling meets the applicable development standards of MCC .2074;
- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;
- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
 - (a) The covenants, conditions and restrictions shall specify that:
 - (i) All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
 - (ii) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;

(b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;

(c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

11.WR.2053 Use Compatibility Standards

Specified uses of MCC .2050(C) and (D), and MCC .2054(C), and .2056 may be allowed upon a finding that:

(A) The use will:

(1) Not force a significant change in, or significantly increase the cost of, accepted forestry or farming practices on surrounding forest or agricultural lands;

(2) Not significantly increase fire hazard, or significantly increase fire suppression costs, or significantly increase risks to fire suppression personnel; and

(B) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices.

11.WR.2054 Accessory Uses

The following structures or uses may be authorized in this district provided they are customarily accessory or incidental to a permitted use:

(A) Signs, pursuant to the provisions of MCC 11.1 5.7902-.7982;

(B) Off-street parking and loading as required by MCC .6100 through .6148;

(C) Type A home occupations pursuant to the definition and restrictions of MCC .0010. and .2053. Home occupations as defined by MCC .0010 do not allow the level of activity defined in ORS 215.448; and

(D) Other structures or uses determined by the Planning Director to be customarily accessory or incidental to any use permitted or approved in this district.

11.WR.2056 Temporary Uses

(A) A mobile home, in conjunction with an existing dwelling, upon obtaining an annual Temporary Health Hardship Permit pursuant to MCC .2053 and .871 0.

(B) An asphalt and concrete batch plant accessory to a specific highway project pursuant to

MCC .2053.

- (C) A mobile home during the construction or reconstruction of a residence allowed under MCC .2048(D) or (E), .2049(B), or .2050(A), (B) or (C) provided that the mobile home is removed, demolished or converted to an allowable nonresidential use within three months of the completion of the dwelling.

11.WR.2058 Dimensional Requirements

- (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.
- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.
- (C) Minimum Forest Practices Setback Dimensions from tract boundary – Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.WR.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.WR.2074(A)(5)(c)(ii).

- (D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.
- (F) Yards for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B) need not satisfy the development standards of MCC .2074 if originally legally established to a lesser standard than that required by MCC .2074, but in no case shall they be less than those originally established.

- (G) Agricultural buildings, as specified in ORS 455.315(2) and allowed under MCC .2048(C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC .2074(A)(5)(c)(ii).

11.WR.2060 Lots of Exception

The Planning Director may grant an exception to permit the creation of a lot of less than the minimum specified in MCC .2058(A) subject to the following:

- (A) The Lot of Record to be divided exceeds the area requirements of MCC .2058(A);
- (B) The Lot of Exception will contain a dwelling which existed prior to January 25, 1990;
- (C) The Lot of Exception will be no larger than 5 acres;
- (D) The division will create no more than one lot which is less than the minimum area required in MCC.2058(A);
- (E) The division complies with the dimensional requirements of MCC .2058 (C) through (F); and
- (F) The parcel not containing the dwelling is not entitled to a dwelling.
 - (1) A condition of approval shall require that covenants, conditions and restrictions stating that requirement shall be recorded with the county Division of Records.
 - (2) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the parcel is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands.

11.WR.2061 Lot Line Adjustment

- (A) The Planning Director may approve an adjustment of the common lot line between contiguous Lots of Record based on a finding that:
 - (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;
 - (2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;
 - (3) The new lot line is in compliance with the dimensional requirements of MCC .2058 (C) through (E); and

- (4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.

11.WR.2062 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land which, when established, satisfied all applicable laws.
- (B) Separate Lots of Record may be created under the provisions of .2064.
- (C) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.
- (D) A Lot of Record may be comprised of a separate parcel, containing an area less than that required by MCC .2058(A), created solely for the purposes of financing a dwelling. Such a parcel shall be considered a Mortgage Lot, subject to the following:
 - (1) A Mortgage Lot may be created without review providing the remainder of the Lot of Record is not developed with a residence.
 - (2) The remainder of the Lot of Record shall be ineligible for a permit for a dwelling.
 - (3) A Mortgage Lot shall not be conveyed as a lot separate from the tract out of which it was created.
 - (4) The tax roll accounts of the Mortgage Lot and parent lot shall be consolidated into one account when title to both parcels is secured.

11.WR.2064 Lot Size for Conditional Uses

Lots less than the minimum specified in MCC .2058(A) may be created for the uses listed in MCC .2048(S) and .2050(C)(1) through (6), (9) through (13), and (16) and (D)(1) through (4), after approval is obtained pursuant to MCC .2053 and based upon:

- (A) A finding that the new lot is the minimum site size necessary for the proposed use;
- (B) The nature of the proposed use in relation to its impact on nearby properties; and
- (C) Consideration of the purposes of this district.

11.WR.2066 Off-Street Parking and Loading

Off-street parking and loading permitted as an accessory use shall be provided as required by MCC .61 00 through .6148.

11.WR.2068 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

11.WR.2070 Exemptions From Non-Conforming Use Provisions

(A) Conditional Uses listed in MCC .2050, legally established prior to October 6, 1977, shall be deemed conforming and not subject to the provisions of MCC .8805 through .8810, provided, however, that any change of use shall be subject to approval pursuant to the provisions of MCC .2050.

(B) The term "change of use", as used in this section, means the change from one Conditional Use listed in MCC .2050 to another such Conditional Use.

11.WR.2072 Right to Complete Single-Family Dwelling

(A) A single family dwelling may be completed under the provisions of a building permit issued prior to August 8, 1998.

(1) The building permit shall be subject only to the regulations in effect at the time of issuance.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(B) A building permit for a new single family dwelling may be issued up to 180 days after January 7, 1993 if approval from the Planning Director was obtained on a building permit application prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(C) A building permit for a new single family dwelling may be issued up to two years after January 7, 1993 if approval from the Planning Director was given in an administrative proceeding for a "residential use, in conjunction with a primary use" pursuant to the applicable Use Under Prescribed Conditions provisions of MCC .2050(A) or MCC .2170(A) in effect prior to January 7, 1993.

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

(D) A building permit for a new single family dwelling may be issued after January 7, 1993 for a dwelling approved as a "residential use, not in conjunction with a primary use" by a Hearing Authority in an action proceeding pursuant to the applicable Conditional Use provisions of MCC .2052(C) or MCC .2172(C) in effect prior to January 7, 1993 if the approval has not expired pursuant to MCC .7110(C).

(1) The building permit shall be subject only to the regulations in effect prior to January 7, 1993.

(2) The building permit must continue to be kept valid under the permit regulations of the applicable government issuer until completion of the dwelling.

(3) Pursuant to the provisions and requirements of ORS 215.428, application for a "residential use, not in conjunction with a primary use" referenced above will be accepted until January 7, 1993.

11.WR.2074 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);

(2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;

(3) The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

(a) The proposed dwelling will be located upon a tract within a fire protection district or the dwelling shall be provided with residential fire protection by contract;

(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;

(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.

(i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.

(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50
Less than 25	75
Less than 40	100

(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District. The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.WR.2058(D) and .2075.

(iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and

(v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

(d) The building site must have a slope less than 40 percent.

(B) The dwelling or structure shall:

- (1) Comply with the standards of the applicable building code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;
 - (2) If a mobile home, have a minimum floor area of 600 square feet and be attached to a foundation for which a building permit has been obtained;
 - (3) Have a fire retardant roof; and
 - (4) Have a spark arrester on each chimney.
- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.
- (1) If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.
 - (2) Evidence of a domestic water supply means:
 - (a) Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or
 - (b) A water use permit issued by the Water Resources Department for the use described in the application; or
 - (c) Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.
- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
 - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
 - (3) Provide minimum curve radii of 48 feet or greater;
 - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

- (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
 - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
 - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
- (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
- (7) Provide for the safe and convenient passage of vehicles by the placement of:
 - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
 - (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

11.WR.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

(A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties including the subject site; or
- (3) The proposed dwelling or structure is intended to be located within 130 feet of a legally existing dwelling or structure.

(B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:

- (1) If the proposed secondary fire safety zone is between 50 and 100 feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 505 Class 2 Ignition Resistant Construction as adopted August, 1996, or as later amended, or
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and

- (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- (4) A dwelling shall have a central station monitored alarm system if the secondary fire safety zone equivalents of MCC .2075(B)(1) are utilized, or
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2075(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(B)(4) above.
- (6) All accessory structures within the fire safety zone setbacks required by MCC .2074 shall have a central monitored alarm system.
- (7) All accessory structures within 50 feet of a building shall:
 - (a) Have a central monitored alarm system;
 - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
- (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

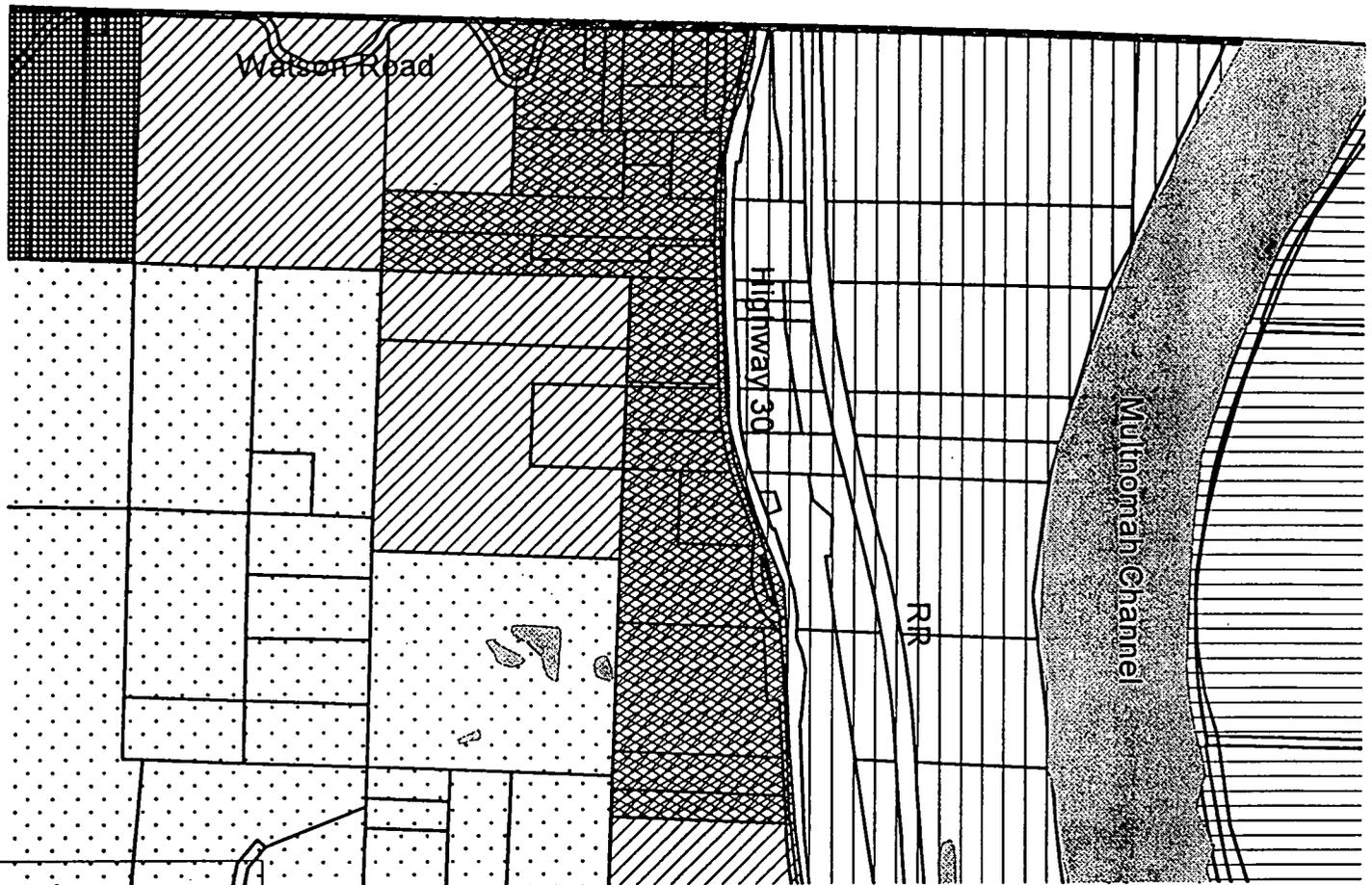
Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

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EXHIBIT B

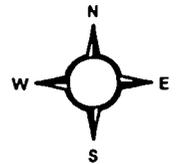
Official Zoning Map for the West Hills Rural Area Plan Study Area

Watson Road Proposed Rezone



Legend

-  CFU5
-  CFU1
-  CFU2
-  EFU
-  MUA20
-  RR



1000 0 1000 2000 3000 4000 Feet



Scale 1"=1,000 feet



PREPARED BY:

**DEPARTMENT OF
ENVIRONMENTAL SERVICES
TRANSPORTATION & LAND
USE PLANNING DIVISION**

SOURCE:

**METRO RLIS LITE DATA
DICTIONARY, JANUARY 1997**

The information on this map was derived from digital databases on Multnomah County GIS. Care was taken in the creation of this map but it is provided "as is". Multnomah County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

August 31, 1998

R E S O L U T I O N
MULTNOMAH COUNTY PLANNING COMMISSION

- WHEREAS**, The West Hills Rural Area Plan identified an 80 acre Commercial Forest Use area along US Highway 30 immediately south of Watson Road as a study area;
- WHEREAS**, That area is dissimilar with surrounding Commercial Forest properties in terms due to abnormally small lot sizes and the density of existing residential development;
- WHEREAS**, The Planning Commission held a workshops to consider various planning options for this study area on March 16 and April 6, 1998;
- WHEREAS**, The Planning Commission determined the most appropriate option for the study area was to rezone all properties with the area to a Commercial Forest Use district that would allow development of all tracts as defined by ORS 660-06-027(5)(a);
- WHEREAS**, On September 14, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard. At the close of that hearing the Planning Commission recommended adoption of a new zoning district which would allow development of all tracts as defined by Oregon Administrative Rule 660-06-027(5)(a) and that the new district be placed on all properties within the study area identified on the plan map on page 11 of the West Hills Rural Area Plan.
- NOW, THEREFORE, BE IT RESOLVED** that the Multnomah County Planning Commission recommends adoption of the attached Zoning Code amendments and modifications of the West Hills Rural Area Plan by the Board of County Commissioners.



John Ingle, *Acting Chairman*

September 14, 1998

SPEAKER SIGN UP CARDS

DATE 1/14/99
NAME Michael Lang - ^{Friends} FOG
ADDRESS 319 SW Washington St 301
PHD. OR 97204
PHONE 241 3762
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC K7 - Disaster Response
GIVE TO BOARD CLERK

Meeting Date: JAN 14 1999
Agenda No: R-7
Est. Start Time: 10:35 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing on an Ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District. **C 12-98**

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

REGULAR MEETING Date Requested: January 14, 1998
 Amt. of Time Needed: 10 Min.

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Robert Hall **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Phillip Bourquin

ACTION REQUESTED

Informational Only Policy Direction Approval Other

SUGGESTED AGENDA TITLE

Public Hearing on an Ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District.

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: KB [Signature]

99 JAN 9 AM 9:01
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

MULTNOMAH COUNTY PLANNING DEPARTMENT
STAFF REPORT

C 12-98

TO: Board of County Commissioners

FROM: Planning Staff

TODAY'S DATE: December 8, 1998

HEARING DATE: January 14, 1998

RE: Planning Commission hearing on an ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District.

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance amending the Columbia River Gorge National Scenic Area section of the zoning code to include provisions for restoration and enhancement of open space lands, and to allow for emergency/disaster response activities, and to correct certain errors in the General Management Forest District and declaring an emergency.

II. Background/ Analysis:

During the winter of 1996, several catastrophic natural events occurred within the Gorge NSA. Local and Interstate highways were blocked, as was also a major rail line, houses were destroyed and riverbanks eroded threatening private property and public facilities. *The Management Plan for the Columbia River Gorge National Scenic Area* provided no process by which emergency response activities could be undertaken without a minimum 79 day site review. Consequently, many response actions were conducted without any review of their potential impact on the scenic, cultural, natural or recreational resources of the NSA. While many of those actions were necessary to maintain interstate commerce, protect life, and restore vital public services, all were in violation of the guidelines of the Management Plan.

The Columbia River Gorge Commission recognized this fault in the Management Plan and has recently amended the Plan to allow for restoration and enhancement of Open Space lands, and to allow for emergency/disaster response actions necessary to protect life, property and vital public services under a modified Site Review process. That process creates a pre-response notification process which solicits input from concerned agencies and individuals prior to or during any activity, followed by a post-response site review to insure mitigation of any adverse impacts of the response activity.

The open space enhancement and emergency/disaster provisions of the Management Plan, however, can not be utilized within the Multnomah County portion of the Columbia River Gorge National

Scenic Area until County Code is amended to include standards implementing those provisions.

Original zoning maps for the NSA presented to the County by the US Forest Service Scenic Area Office in 1992 indicated there was no land in the County designated General Management Small Woodland with a 40 acre minimum lot size. Consequently, no zoning provisions were created to accommodate that Management Plan designation. Those maps have recently been found to be incorrect for a group of properties in the Dodson/Warrendale area. According to official Management Plan documents held by the Forest Service, seven properties indicated on the 1992 maps as being General Management Small Woodland with a 20 acre minimum lot size are actually designated General Management Small Woodland with a 40 acre minimum lot size. A GGF-40 zoning district needs to be developed to allow appropriate uses of those properties. Also, existing GGF-40 properties (General Management Commercial Forest Land) need to be redesignated GGF-80 to reflect an 80 acre minimum lot size as required by the Management Plan.

It is recommended these provisions be incorporated into the Code on an emergency basis to provide the greatest window of opportunity for any properties effected by a disastrous event, and to bring our General Management Small Woodland and Commercial Forest Land districts in immediate compliance with the Management Plan.

III. Financial Impact:

None.

IV Legal Issues:

None.

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

It has been County policy to fully implement all of the provisions of the Management Plan for the Columbia River National Scenic Area. This ordinance would implement the most recent Gorge Commission amendments of that Plan and correct an error in the General Management Forest districts.

VII. Citizen Participation:

Notice of Planning Commission hearings on all proposed ordinance amendments are published in the Oregonian newspaper and consistent with law. Public testimony is accepted at all Planning Commission hearings regarding ordinance amendments.

VIII. Other Government Participation:

The Columbia River Gorge Commission has been informed of these proposed changes and recommendations of its staff have been incorporated in the ordinance.

IX. PROPOSED CODE AMENDMENTS

See attached.

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

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5 An Ordinance amending MCC 11.15 by incorporating standards implementing open space and
6 emergency/disaster response amendments to the Management Plan for the Columbia River Gorge
7 National Scenic Area, correcting certain errors in the General Management Forest District, and
8 declaring an emergency.

9 SECTION I. FINDINGS

10 (A) The Columbia River Gorge Commission has amended the Management Plan for the Columbia
11 River Gorge National Scenic Area to allow for restoration and enhancement of Open Space
12 lands.

13 (B) The Gorge Commission has also amended the Management Plan for the Scenic Area to allow
14 for emergency/disaster response actions necessary to protect life, property and vital public ser-
15 vices under a modified Site Review process.

16 (C) The open space enhancement and emergency/disaster provisions of the Management Plan can
17 not be utilized within the Multnomah County portion of the Columbia River Gorge National
18 Scenic Area until County Code is amended to include standards implementing those provisions.

19 (D) The Gorge Commission has indicated certain General Management Forest standards of County
20 Code do not comply with controlling guidelines of the Management Plan and require revision.

21 (E) On December 7, 1998, the Planning Commission held public a hearing. At that hearing all
22 interested persons were given an opportunity to appear and be heard. At the close of that hear-
23 ing, the Planning Commission recommended adoption of new zoning standards to implement
24 the open space enhancement and emergency/disaster response provisions of the Management
25 Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of
26 the National Scenic Area along with certain modifications of the General Management forest
27 zones.

28

1 SECTION II. AMENDMENT OF MCC 11.15

2 Multnomah County Code Chapter 11.15 is amended as follows:

3 1. MCC 11.15.3556 is amended by adding the following definitions:

4 **Emergency/Disaster:** A sudden unexpected occurrence, either the result of human or natural
5 forces, necessitating immediate action to prevent or mitigate significant loss or damage to
6 life, health, property, essential public services, or the environment.

7 **Emergency/Disaster Response:** Actions involving any development (such as new structures,
8 grading, or excavation) or vegetation removal that must be taken immediately in response to
9 an emergency/disaster event (as defined above). Emergency/disaster response actions not
10 involving any structural development or ground-disturbance (such as use of emergency trans-
11 port vehicles, communications activities or traffic control measures) are not included in this
12 definition and are not affected by these provisions.

13 **Restoration:** A human activity that returns a resource from a disturbed or altered condition to a
14 previous, less disturbed or less altered condition. This definition does not modify or eliminate
15 the definition **Restoration (wetlands)** which applies only to wetlands.

16 2. MCC 11.15.3562(B) and (C) is replaced with the following

17 (B) Any use or structure damaged or destroyed by disaster or an emergency event shall be treat-
18 ed as an existing use or structure if an application for replacement is filed within two years
19 of the date of the disaster/emergency event pursuant to the provisions of MCC .3836.

20 (1) In kind replacement of an existing use or structure in the same location shall be subject
21 only to compliance with standards for protection of scenic resources involving color,
22 reflectivity, and landscaping.

23 (2) Replacement of an existing use or structure by the same type of use or structure in a dif-
24 ferent location or with a different size shall be subject to MCC .3800 through .3834 to
25 minimize adverse effects on scenic, cultural, natural, and recreation resources.

26 (C) Except as provided in (B) above, replacement or reestablishment of a use or structure dis-
27 continued for any reason for more than one year shall be subject to the regulations of MCC
28 .3550 through .3834. Except as otherwise provided, an existing use or structure may be

1 replaced within one year of discontinuation if used for the same purpose at the same loca-
2 tion. This includes replacing an existing mobile home with a framed residence.

3 3. The following subsections are added to read, Actions taken in response to an emergency/disas-
4 ter event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

5 .3606(A)(5); .3606(B)(4); .3632(A)(5); .3632(B)(4); .3656(B)(7); .3656(C)(6); .3676(A)(5);
6 .3676(B)(4); .3700(E); .3726(E); .3750(A)(4); and .3750(B)(4).

7 4. The following subsections are added to read, Placement of structures necessary for continued
8 public safety, or the protection of private property or essential public services damaged during
9 an emergency/disaster event. This includes replacement of temporary structures erected during
10 such events with permanent structures performing an identical or related function. Land use
11 proposals for such structures shall be submitted within 12 months following an emergency/dis-
12 aster event.

13 .3608(A)(13); .3608(B)(9); .3634(A)(14); .3634(B)(9); .3658(A)(3); .3658(C)(5); .3678(A)(7);
14 .3678(B)(5); .3702(H); .3752(A)(3); .3752(B)(3); and .3752(C)(7).

15 5. All existing Code references to GGF-40 are changed to read GGF-80 and all properties cur-
16 rently designated GGF-40 on Exhibit B of Ordinance No. 748 are redesignated GGF-80 and
17 the conversion table of that exhibit is amended by changing the conversion of F-1 from
18 GGF-40 to GGF-80 and adding a conversion of GGF-40 for F-3(40).

19 6. MCC .3634(A)(1) is amended to read: On lands designated GGF-20 and GGF-40, one single-
20 family dwelling on a legally created parcel upon enrollment in the state's forest assessment pro-
21 gram. Upon a showing that a parcel cannot qualify, a parcel is entitled to one single-family
22 dwelling. In either case, the location of a dwelling shall comply with MCC .3584 and MCC
23 .3586. A declaration shall be signed by the landowner and recorded into county deed records
24 specifying that the owners, successors, heirs and assigns of the subject parcel are aware that
25 adjacent and nearby operators are entitled to carry on accepted farm or forest practices on lands
26 designated GGF-20, GGF-40, GGF-80, GGA-20 and GGA-40.

27 7. MCC .3634(A)(3)(c) is amended to read: On lands designated GGF-~~40~~80, a mobile home in
28 conjunction with a timber operation, upon a finding that security personnel are required to pro-

1 tect equipment associated with a harvest operation or the subject forest land from fire. The
2 mobile home must be removed upon completion of the subject harvest operation or the end of
3 the fire season. The placement of the mobile home is subject to MCC .3584 and .3586.

4 8. MCC .3634(A)(14) is added to read: Land divisions on lands designated GGF-80 when all
5 resultant lots satisfy a minimum lot size of 80 acres and it is found:

6 (a) The land division will facilitate forest management, or

7 (b) The land division will facilitate protection of scenic, cultural, natural or recreational
8 resources.

9 9. MCC .3636(A)(3) is amended to read: On parcels 40 acres in size or larger in a GGF-20 or 80
10 acres in size or larger in a GGF-40, a land division creating parcels smaller than the designated
11 minimum parcel size, subject to the provisions of MCC .3570(B).

12 10. MCC .3638(A) is amended to read: Except as provided in subsections MCC .3636(A)(3) and
13 (4), the minimum lot size shall be according to the short-title zone district designation on the
14 Zoning Map as follows:

15 GGF-20 20 acres

16 GGF-40 40 acres

17 GGF-80 80 acres

18 GSF-40 40 acres

19 11. MCC 3656(A)(2) is replaced as follows: Actions taken in response to an emergency/disaster
20 event as defined in MCC .3566 pursuant to the provisions of MCC .3836.

21 12. MCC 11.15.3656(D) is amended to read:

22 (D) The following uses are allowed ~~on~~ on land designated GSO without review:

23 (1) ~~The maintenance, repair, and operation of existing dwellings, structures, trails, roads,~~
24 ~~railroads, and utility facilities may occur without review.~~

25 (2) Actions taken in response to an emergency/disaster event, as defined in MCC .3566,
26 pursuant to the provisions of MCC .3836.

27 13. MCC 11.15.3658(A)(4) is added to read: Removal of timber, rocks or other materials for pur-
28 poses of public safety or placement of structures for public safety.

1 14. MCC 11.15.3658(B) is amended to read:

2 (B) The following uses may be allowed on lands designated GGO-GW:

3 (1) Existing quarries may continue operation if they are determined to be consistent with
4 standards to protect scenic, cultural, natural and recreation resources pursuant to MCC
5 .3664.

6 (2) Placement of structures necessary for continued public safety, or the protection of pri-
7 uate property or essential public services damaged during an emergency/disaster event.
8 This includes replacement of temporary structures erected during such events with per-
9 manent structures performing an identical or related function. Land use proposals for
10 such structures shall be submitted within 12 months following an emergency/disaster
11 event.

12 15. MCC 11.15.3658(C)(2) is deleted and replaced as follows:

13 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
14 soil, fish and wildlife habitat restoration and enhancements.

15 16. MCC 11.15.3658(D) is added to read:

16 Restoration and enhancement structures and/or activities including vegetation, scenic, cultural,
17 soil, fish and wildlife habitat restoration and enhancements.

18 17. MCC 11.15.3728 is amended to read:

19 (A) A single family dwelling on a legally created parcel, pursuant to MCC .3564.

20 (B) Placement of structures necessary for continued public safety, or the protection of private
21 property or essential public services damaged during an emergency/disaster event. This
22 includes replacement of temporary structures erected during such events with permanent
23 structures performing an identical or related function. Land use proposals for such structures
24 shall be submitted within 12 months following an emergency/disaster event.

25 18. MCC 11.15.3836 is added to read:

26 **Responses to an Emergency/Disaster Event**

27 Responses to an emergency/disaster event are allowed in all zoning districts within the

28 Columbia River Gorge National Scenic Area when in compliance with the following standards:

1 (A) General standards for all response activities.

- 2 (1) Following emergency/disaster response actions, best management practices (BMPs) to
3 prevent sedimentation and provide erosion control shall be utilized whenever disaster
4 response actions necessitate vegetation removal, excavation, and/or grading. BMPs may
5 include but are not limited to: use of straw bales, slash windrows, filter fabric fences,
6 sandbags, straw cover, jute netting, etc.
- 7 (2) Structures or development installed or erected for a temporary use (e.g. sandbags, check
8 dams, plastic sheeting, chain link fences, debris walls, etc.) shall be removed within one
9 year following an emergency event. If it can be demonstrated that the continued use of
10 these devices is necessary to protect life, property, public services or the environment,
11 an extension of no more than two years may be granted by the Planning Director, or the
12 Forest Service for federal agency actions.
- 13 (3) The new exploration, development (extraction or excavation), and production of mineral
14 resources, used for commercial, private or public works projects, shall not be conducted
15 as an emergency/disaster response activity.
- 16 (4) No spoils resulting from grading or excavation activities shall be deliberately deposited
17 into a wetland, stream, pond, lake, or riparian area within the National Scenic Area
18 (NSA) as a part of an emergency/disaster response action. The only exception to this is
19 for construction of a fire line during a wildfire, where avoiding the aquatic area or its
20 buffer zone has been considered and determined to not be possible without further jeop-
21 ardizing life or property.

22 (B) Notification Requirements

- 23 (1) Actions taken in response to an emergency/disaster event, as defined in MCC .3556, are
24 allowed in all GMA and SMA land use designations, subject to the following notifica-
25 tion requirements.
- 26 (a) Notification of an emergency/disaster response activity shall be submitted either
27 within 48 hours of the commencement of a response action, or by the next business
28 day following the start of such an action, whichever is sooner. Notification shall be

1 submitted by the party conducting an emergency/disaster response activity or their
2 representatives. In the case of multiple responding parties, the first party to respond
3 shall provide the required notification, unless, upon mutual agreement of responding
4 parties, another responder elects to assume this responsibility.

5 (b) Notification shall be submitted by mail, fax, telephone, e-mail or in person. If notifi-
6 cation occurs by telephone, a hard copy of the notification shall be submitted by
7 mail or in person within 7 days.

8 (c) Notification shall be furnished to the Planning Director, or the Forest Service for fed-
9 eral agency actions.

10 (d) At a minimum, the following information shall be required at the time of notifica-
11 tion:

12 (i) Nature of emergency/disaster event.

13 (ii) Description of emergency/disaster response activities and magnitude of response
14 actions to be taken, if applicable (such as extent of earth movement, erection of
15 structures, etc.).

16 (iii) Location of emergency/disaster response activities.

17 (iv) Estimated start and duration of emergency/disaster response activities.

18 (v) Contact person and phone number for the parties conducting emergency/disaster
19 response actions.

20 (e) Repair and maintenance of an existing serviceable structure to its previously autho-
21 rized and undamaged condition are not subject to the above referenced notification
22 requirements.

23 (2) Upon notification of an emergency/disaster response action, the Planning Director or the
24 Forest Service shall, as soon as possible:

25 (a) Review their natural resource inventory data and notify the contact person for the
26 emergency/disaster response actions of all inventoried natural resource sites, and
27 their buffers, that are within or adjacent to the response area or that may be adverse-
28 ly affected by response activities;

1 (b) Notify the Oregon Department of Fish and Wildlife of all noticed emergency/disaster
2 response actions, to provide that agency an opportunity to consult with responding
3 agencies during the event, and;

4 (c) Notify the Forest Service (except when the Forest Service is the notifying agency),
5 State Historic Preservation Office (SHPO), and the Tribal governments of all emer-
6 gency/disaster response activities. The Forest Service will review their cultural
7 resource inventory data and notify the contact person for the emergency/disaster
8 response action as soon as possible of all inventoried cultural resource sites, or their
9 buffers, that are within, or adjacent to, emergency/disaster response areas.

10 (3) Upon notification of a response action, the Forest Service shall, as soon as possible,
11 offer the services of a resource advisor to the agency(ies) conducting the response
12 action. The resource advisor will provide on-site advice to minimize impacts to
13 resources from emergency/disaster response actions.

14 (C) Post-Emergency/Disaster Response Site Review Application Requirements

15 (1) Within 30 days following notification, a post-emergency/disaster response application
16 shall be submitted by the party conducting the response action to the Planning Director,
17 or Forest Service for federal agency actions. In the case of an event with multiple
18 responding parties, the agency providing initial notification as required herein shall sub-
19 mit the application. An exception to this may occur if another responding party, by
20 mutual agreement with the other respondents, elects to submit the application. Requests
21 to extend this submittal deadline may be made in writing and shall include the reason
22 why an extension is necessary. Extensions shall not exceed 30 days in duration and no
23 more than two (2) extensions shall be granted.

24 (2) Post-emergency/disaster response applications shall only address development activities
25 conducted during an emergency/disaster response. Applications shall specify if develop-
26 ment placed during an emergency/disaster event is permanent or temporary. Applicants
27 shall be responsible for operations under their control and that of other responders, upon
28 mutual agreement. Responders not agreeing to have another responder address their

1 actions shall be responsible to submit an application for those actions.

2 (3) Emergency/disaster response actions not involving structural development or ground
3 disturbance with mechanized equipment are exempt from these requirements, except for
4 those actions within 500' of a known cultural resource (as determined in the notification
5 process).

6 (4) Applications shall include the following information:

7 (a) Applicant's name and address.

8 (b) Location of emergency/disaster response.

9 (c) A written description of the emergency/disaster response, including any structures
10 erected, excavation or other grading activities, or vegetation removal.

11 (d) A map of the project area drawn to scale, at a scale of 1"=200' or a scale providing
12 greater detail. The map shall include:

13 (i) North arrow and scale.

14 (ii) Boundaries, dimensions and size of subject parcel(s).

15 (iii) Topography at a contour interval sufficient to describe the terrain of the project
16 site.

17 (iv) Bodies of water, watercourses, and significant landforms.

18 (v) Existing roads and structures.

19 (vi) New structures placed and any vegetation removal, excavation or grading result-
20 ing from the response actions.

21 (e) An exception to the scale requirements of subsection (4)(d) may be granted for an
22 event encompassing an area greater than one square mile. In such cases, a clear
23 sketch map of the entire response action area shall be provided. In addition, a map
24 of 1"=200' or a scale providing greater detail shall be provided that shows a section
25 of the response area exemplifying the specific actions taken.

26 (D) Post-Emergency/Disaster Response Site Review

27 All applications for post-emergency/disaster response Site Review shall be processed pur-
28 suant to the procedural provisions of MCC .3810 and evaluated for compliance with the

1 standards of MCC .3836(E).

2 (E) Post-Emergency/Disaster Response Site Review Approval Criteria

3 Actions taken in all land use designations that are in response to an emergency/disaster
4 event shall be reviewed for compliance with the following standards:

5 (1) Scenic Resources

6 (a) Impacts of emergency/disaster response actions shall be evaluated to ensure that
7 scenic resources are not adversely affected. Such actions shall be rendered visually
8 subordinate in their landscape setting as seen from key viewing areas to the greatest
9 extent practicable, except for actions located in the Corbett Rural Center zoning dis-
10 trict.

11 (b) Vegetation shall be used to screen or cover road cuts, structural development, land-
12 form alteration, and areas denuded of vegetation, as a result of emergency/disaster
13 response actions.

14 (c) Areas denuded of vegetation as a result of emergency/disaster response actions shall
15 be revegetated with native plant species to restore the affected areas to its pre-
16 response condition to the greatest extent practicable. Revegetation shall occur as
17 soon as practicable, but no later than one year after the emergency/disaster event. An
18 exception to the one year requirement may be granted upon demonstration of just
19 cause, with an extension of up to one year.

20 (d) The painting, staining or use of other materials on new structural development shall
21 be used to ensure that the structures are non-reflective, or of low reflectivity, and
22 visually subordinate in their landscape setting as seen from key viewing areas,
23 unless the structure is fully screened from key viewing areas by existing topographic
24 features.

25 (e) Additions to existing structures, resulting from a emergency/disaster response action,
26 which are smaller in total height, bulk or area than the existing structures may be the
27 same color as the existing development. Additions larger than the existing develop-
28 ment shall be visually subordinate in their landscape setting as seen from key view-

1 ing areas to the greatest extent practicable.

2 (f) Spoil materials associated with grading, excavation and slide debris removal activi-
3 ties in relation to an emergency/disaster response action, shall either be:

4 (i) Removed from the NSA or deposited at a site within the NSA where such depo-
5 sition is, or can be, allowed, or

6 (ii) Contoured, to the greatest extent practicable, to retain the natural topography, or
7 a topography which emulates that of the surrounding landscape.

8 (2) Cultural Resources and Treaty Rights

9 (a) To the greatest extent practicable, emergency/disaster response actions shall not
10 adversely affect cultural resources. Emergency/disaster response actions shall not
11 affect Tribal treaty rights.

12 (b) The USDA Forest Service shall determine if a reconnaissance survey or historic sur-
13 vey is necessary within three days after receiving notice that a post-emergency land
14 use application has been received by the Planning Director.

15 (i) Reconnaissance surveys shall be conducted by the USDA Forest Service and
16 comply with the standards of MCC .3818(D)(1).

17 (ii) Historic surveys shall be conducted by the USDA Forest Service and shall
18 describe any adverse effects to historic resources resulting from an
19 emergency/disaster response action. Historic surveys shall document the loca-
20 tion, form, style, integrity, and physical condition of historic buildings and struc-
21 tures. Such surveys shall also include original photographs, if available, and
22 maps, and should use archival research, blueprints, and drawings as necessary.

23 (c) Following the submittal of a post-emergency land use application, in addition to
24 other public notice requirements that may exist, the Planning Director shall notify
25 the Tribal governments when:

26 (i) A reconnaissance survey is required, or

27 (ii) Cultural resources exist in the project area.

28 All such notices shall include a copy of the site plan required by MCC

1 .3836(C)(4)(d).

2 Tribal governments shall have 15 calendar days from the date a notice is sent to sub-
3 mit written comments. Written comments should describe the nature and extent of
4 any cultural resources that exist in the project area or treaty rights that exist in the
5 project area and how they have been affected, and identify individuals with specific
6 knowledge about them. The Planning Director shall send a copy of all comments to
7 the Gorge Commission.

8 (d) When written comments are submitted in compliance with (C) above, the project
9 applicant shall offer within five calendar days to meet with the interested persons.
10 The five day consultation period may be extended upon agreement between the pro-
11 ject applicant and the interested persons. A report shall be prepared by the Planning
12 Director following the consultation meeting. Consultation meetings and reports shall
13 comply with the standards of MCC .3818(C) and .3592.

14 (e) If cultural resources are discovered within the area disturbed by emergency response
15 actions, the project applicant shall have a qualified professional conduct a survey to
16 gather enough information to evaluate the significance of the cultural resources and
17 what effects the action had on such resources. The survey and evaluation shall be
18 documented in a report that follows the standards of MCC .3818(D)(2), (F) and (G).

19 (f) A mitigation plan shall be prepared by the project applicant if the affected cultural
20 resources are significant. The mitigation plan shall be prepared according to the
21 information, consultation, and report standards of MCC .3818(J) and (K).

22 (g) The Planning Director shall submit a copy of all reconnaissance and historic survey
23 reports and treaty rights protection plans to the SHPO and the Tribal governments.
24 Survey reports shall include measures to mitigate adverse effects to cultural
25 resources resulting from emergency/disaster response actions. The SHPO and Tribal
26 governments shall have 15 calendar days from the date a survey report is mailed to
27 submit written comments to the Planning Director. The Director shall record and
28 address all written comments in the Site Review decision.

1 (h) The Planning Director shall make a final decision on whether the emergency/disaster
2 response actions are consistent with the applicable cultural resource goals, policies,
3 and guidelines. If the final decision contradicts the comments submitted by the
4 SHPO, or those submitted by a Tribal government regarding treaty rights, the
5 Director shall justify how an opposing conclusion was reached.

6 (i) The cultural resource protection process may conclude when it has been determined
7 that Tribal treaty rights have not been not affected and one of the following condi-
8 tions exists:

9 (i) The emergency/disaster response action does not require a reconnaissance or his-
10 toric survey, or a reconnaissance survey demonstrates that no cultural resources
11 are known to exist in the project area, and no substantiated concerns were voiced
12 by interested persons within 15 calendar days of the date that a notice was
13 mailed.

14 (ii) The emergency/disaster response action avoided cultural resources that exist in
15 the project area.

16 (iii) Adequate mitigation measures to affected cultural resources have been developed
17 and will be implemented.

18 (iv) A historic survey demonstrates that emergency/disaster response actions, and
19 associated development, had no effect on historic buildings or structures
20 because:

21 (A) The SHPO concluded that the historic buildings or structures are clearly not
22 eligible, as determined by using the criteria in the *National Register Criteria*
23 *for Evaluation (36 CFR 60.4)*, or

24 (B) The emergency/disaster response actions did not compromise the historic or
25 architectural character of the affected buildings or structures, or compromise
26 features of the site that are important in defining the overall historic character
27 of the affected buildings or structures, as determined by the guidelines and
28 standards in The Secretary of the Interior's *Standards for Rehabilitation [U.S.*

1 *Department of the Interior 1990]* and The Secretary of the Interior's
2 *Standards for Historic Preservation Projects [U.S. Department of the*
3 *Interior 1983].*

4 (3) Natural Resources

5 (a) To the greatest extent practicable, emergency/disaster response actions shall not
6 adversely affect natural resources.

7 (b) Buffer zones for wetlands, streams, ponds, riparian areas, sensitive wildlife sites or
8 areas, and sites containing rare plants, shall be the same as those established in MCC
9 .3824(F).

10 (i) *Wetlands, Streams, Ponds, Lakes, Riparian Areas*

11 (A) Emergency/disaster response actions occurring within a buffer zone of wet-
12 lands, streams, pond, lakes or riparian areas shall be reviewed by the Oregon
13 Department of Fish and Wildlife. These areas are also referred to in this sec-
14 tion as aquatic areas. State biologists will help determine if emergency/disas-
15 ter response actions have affected or have a potential to affect these aquatic
16 areas or their buffer zones. State biologists shall respond within 15 days of
17 the date the application is mailed.

18 (B) When emergency/disaster response activities occur within wetlands, streams,
19 ponds, lakes, riparian areas, or the buffer zones of these areas, the applicant
20 shall demonstrate the following:

21 (1) All reasonable measures have been applied to ensure that the response
22 actions have resulted in the minimum feasible alteration or destruction of
23 the functions, existing contours, vegetation, fish and wildlife resources,
24 and hydrology of wetlands, streams, ponds, lakes, or riparian areas.

25 (2) Areas disturbed by response activities and associated development will
26 be rehabilitated to the maximum extent practicable.

27 (C) Impacts to wetlands, streams, ponds, lakes, and riparian areas, and their
28 buffers will be offset through mitigation and restoration to the greatest extent

1 practicable. Mitigation and restoration efforts shall use native vegetation, and
2 restore natural functions, contours, vegetation patterns, hydrology and fish
3 and wildlife resources to the maximum extent practicable.

4 (D) If the Planning Director, in consultation with the Oregon Department of Fish
5 and Wildlife, determines that the emergency/disaster response actions had
6 minor effects on the aquatic area or its buffer zone that could be eliminated
7 with simple modifications, a letter shall be sent to the project applicant that
8 describes the effects and measures that need to be taken to eliminate them.
9 The state biologist, or a Forest Service natural resource advisor (as available)
10 in consultation with the state biologist, shall visit the site in order to make
11 this determination. If the project applicant accepts these recommendations,
12 the Planning Director shall incorporate them into the Site Review decision
13 and the aquatic area protection process may conclude.

14 (E) Unless addressed through D above, mitigation and restoration efforts shall be
15 delineated in a Rehabilitation Plan. Rehabilitation Plans shall satisfy the stan-
16 dards of MCC .3824(G). Rehabilitation Plans shall also satisfy the following:

- 17 (1) Plans shall include a plan view and cross-sectional drawing at a scale that
18 adequately depicts site rehabilitation efforts. Plans will illustrate final site
19 topographic contours that emulate the surrounding natural landscape.
20 (2) Planting plans shall be included that specify native plant species to be
21 used, specimen quantities, and plant locations.
22 (3) The project applicant shall be responsible for the successful rehabilitation
23 of all areas disturbed by emergency/disaster response activities.

24 (ii) *Wildlife Habitat*

25 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
26 tive wildlife area or site, shall be reviewed by the Oregon Department of Fish
27 and Wildlife. State wildlife biologists will help determine if emergency/disas-
28 ter response actions have affected or have a potential to affect a sensitive

1 wildlife area or site.

2 (B) Site plans for emergency/disaster response sites shall be submitted by the
3 Planning Director to the Oregon Department of Fish and Wildlife for review
4 as required by MCC .3826(D)(1) and (2). The department shall respond with-
5 in 15 days of the date the application is mailed.

6 (C) The wildlife protection process may terminate if the Planning Director, in
7 consultation with the Oregon Department of Fish and Wildlife, determines:

8 (1) The sensitive wildlife area or site was not active, or

9 (2) The emergency/disaster response did not compromise the integrity of the
10 wildlife area or site or occurred at a time when wildlife species are not
11 sensitive to disturbance.

12 (D) If the Planning Director, in consultation with the Oregon Department of Fish
13 and Wildlife, determines that the emergency/disaster response activities had
14 minor effects on the wildlife area or site that could be eliminated with simple
15 modifications, a letter shall be sent to the project applicant that describes the
16 effects and measures that need to be taken to eliminate them. The state
17 wildlife biologist, or a Forest Service natural resource advisor (as available)
18 in consultation with the state wildlife biologist, shall visit the site in order to
19 make this determination. If the project applicant accepts these recommenda-
20 tions, the Planning Director shall incorporate them into the Site Review deci-
21 sion and the wildlife protection process may conclude.

22 (E) If the Planning Director, in consultation with the Oregon Department of Fish
23 and Wildlife, determines that the emergency/disaster response activities had
24 adverse effects on a sensitive wildlife area or site, the project applicant shall
25 prepare a Wildlife Management Plan. Wildlife Management Plans shall satis-
26 fy the standards of MCC .3826(E). Upon completion of the Wildlife
27 Management Plan, the Planning Director shall:

28 (i) Submit a copy of the Wildlife Management Plan to the Oregon

1 Department of Fish and Wildlife for review. The department will have 15
2 days from the date that a management plan is mailed to submit written
3 comments to the Planning Director;

4 (ii) Record any written comments submitted by the Oregon Department of
5 Fish and Wildlife in the Site Review decision. Based on these comments,
6 the Planning Director shall make a final decision on whether the pro-
7 posed use would be consistent with the wildlife policies and guidelines. If
8 the final decision contradicts the comments submitted by the Oregon
9 Department of Fish and Wildlife, the Director shall justify how an oppos-
10 ing conclusion was reached.

11 (iii) Require the project applicant to revise the wildlife management plan as
12 necessary to ensure that the proposed use would not adversely affect a
13 sensitive wildlife area or site.

14 *(iii) Deer and Elk Winter Range*

15 Any fencing permanently erected within deer and elk winter range, as a result of
16 an emergency/disaster response, shall satisfy the standards of MCC .3826(F).

17 *(iv) Rare Plants*

18 (A) Emergency/disaster response actions occurring within 1,000 feet of a sensi-
19 tive plant, shall be reviewed by the Oregon Natural Heritage Program. State
20 heritage staff will help determine if emergency/disaster response actions have
21 occurred within the buffer zone of a rare plant.

22 (B) Site plans for emergency/disaster response sites shall be submitted to the
23 Oregon Natural Heritage Program by the Planning Director. State natural her-
24 itage staff will, within 15 days from the date the application is mailed, identi-
25 fy the location of the affected plants and delineate a 200 foot buffer zone on
26 the applicant's site plan.

27 (C) The rare plant protection process may conclude if the Planning Director, in
28 consultation with the Oregon Natural Heritage Program, determines that

1 emergency/disaster response activities occurred outside of a rare plant buffer
2 zone.

3 (D) If the Planning Director, in consultation with the Oregon Natural Heritage
4 Program, determines that the emergency/disaster response activities had
5 minor effects on rare plants or the rare plant buffer zone, a letter shall be sent
6 to the project applicant that describes the effects and measures that need to
7 be taken to eliminate them. The state natural heritage staff, or a Forest
8 Service natural resources advisor (as available) in consultation with the state
9 natural heritage staff, shall visit the site in order to make this determination.
10 If the project applicant accepts these recommendations, the Planning Director
11 shall incorporate them into the Site Review decision and the rare plant pro-
12 tection process may conclude.

13 (E) If emergency/disaster response activities occurred within a rare plant buffer
14 zone that had adverse affects on rare plants or their buffer zone, the project
15 applicant shall prepare a protection and rehabilitation plan, that meets the
16 standards of MCC .3828(E).

17 (F) The Planning Director shall submit a copy of all protection and rehabilitation
18 plans to the Oregon Natural Heritage Program for review. The state natural
19 heritage program will have 15 days from the date the protection and rehabili-
20 tation plan is mailed to submit written comments to the Planning Director.

21 (G) The Planning Director shall record any written comments submitted by the
22 Oregon Natural Heritage Program in the Site Review decision. Based on
23 these comments, the Director shall make a final decision on whether the pro-
24 posed use would be consistent with the rare plant policies and guidelines. If
25 the final decision contradicts the comments submitted by the Oregon Natural
26 Heritage Program, the Director shall justify how an opposing conclusion was
27 reached.

28 (H) The Planning Director shall require the project applicant to revise the protec-

1 tion and rehabilitation plan as necessary to ensure that the proposed use
2 would not adversely affect a rare plant site.

3 (v) *Recreational Resources*

4 (A) To the greatest extent practicable, emergency/disaster response actions shall
5 not adversely affect recreational resources.

6 (B) Mitigation measures shall be implemented to mitigate any adverse effects on
7 existing recreation resources caused by emergency/disaster response activi-
8 ties to the maximum extent practicable.

9 SECTION V. ADOPTION

10 This ordinance, being necessary for the health, safety, and general welfare of the people of
11 Multnomah Multnomah County, an emergency is declared and the ordinance shall take effect upon
12 its execution by the County Chair pursuant to section 5.50 of the Charter of Multnomah County.

13

14 ADOPTED THIS _____ day of _____, 1999, being the date of its
15 reading before the Board of County Commissioners of Multnomah County.

16

17

18

BOARD OF COUNTY COMMISSIONERS

19

FOR MULTNOMAH COUNTY, OREGON

20

21

By _____

22

Beverly Stein, Chair

23 REVIEWED:

24 THOMAS SPONSLER, COUNTY COUNSEL

25 FOR MULTNOMAH COUNTY, OREGON

26

27 By Sandra N. Duffy

28 Sandra N. Duffy, Chief Assistant Counsel

R E S O L U T I O N**MULTNOMAH COUNTY PLANNING COMMISSION**

WHEREAS, The Columbia River Gorge Commission has amended the Management Plan for the Columbia River Gorge National Scenic Area to allow for restoration and enhancement of Open Space lands;

WHEREAS, The Columbia River Gorge Commission has amended the Management Plan for the Columbia River Gorge National Scenic Area to allow for emergency/disaster response actions necessary to protect life, property and vital public services under a modified Site Review process;

WHEREAS, The open space enhancement and emergency/disaster provisions of the Management Plan can not be utilized within the Multnomah County portion of the Columbia River Gorge National Scenic Area until County Code is amended to include standards implementing those provisions;

WHEREAS, The Gorge Commission has indicated certain General Management Forest standards of County Code do not comply with controlling guidelines of the Management Plan and require revision;

WHEREAS, On December 7, 1998, the Planning Commission held public a hearing. At that hearing all interested persons were given an opportunity to appear and be heard. At the close of that hearing, the Planning Commission recommended adoption of new zoning standards to implement the open space enhancement and emergency/disaster response provisions of the Management Plan for the Columbia River Gorge National Scenic Area for the Multnomah County portion of the National Scenic Area along with certain modifications of the General Management forest zones.

NOW, THEREFORE, BE IT RESOLVED that the Multnomah County Planning Commission recommends adoption of the attached Zoning Code amendments by the Board of County Commissioners.


John Ingle, *Vice Chairman*

December 7, 1998



PRESTON GATES & ELLIS LLP
ATTORNEYS

Edward J. Sullivan

January 14, 1999

Mr. Phil Bourquin
Department of Environmental Services
Division of Planning and Development
Multnomah County
2115 S.E. Morrison Street
Portland, OR 97214

Ms. Beth Englander
Friends of the Columbia Gorge
319 SW Washington, Suite 301
Portland, Or. 97204

Re: Gorge Emergency Disaster/Response Ordinance

Dear Beth and Phil:

On behalf of my clients, Mel and Joyce Veggen, I want to thank you for your efforts to work with me to find a solution to their problem regarding the continuation of the use of the Veggen home on the banks of the Sandy River.

Following an extended discussion, it appeared we all agreed that the Veggen home could qualify for relief under the terms of the above ordinance proposal which will come before the Board of County Commissioners of Multnomah County tomorrow morning. The basis of this conclusion was that the storm event of late December, 1998 was such that water exceeded the high water mark at that point on the Sandy River by seven feet or more and further severely undermined the foundation of the house.

The position of the Friends, as I understand it, comes with certain qualifications. First, the Friends believe development approved under the ordinance should follow approval of the ordinance by the Gorge Commission and the Secretary of Agriculture. Second, the Friends believe that scenic values must be protected by an approved plan. (We noted that we had submitted such a plan, that the County planning staff had found it to meet the current ordinance provisions, and that the Veggens would abide by that approved plan.) Third, the Friends want assurances that the fish habitat values of the river at this site are protected by the use of a fish biologist to provide an evaluation and mitigation of the possible adverse impacts of construction at the site. (We assured the Friends that we would undertake such an evaluation and, if necessary, mitigation.)

As I mentioned at the meeting, my clients and I appreciated all the work by you and your colleagues and their insight into the present and proposed ordinances. I trust this letter reflects the result of that work and insight. If I have incompletely or inaccurately stated the results of our meeting, please do not hesitate to call me immediately at (503) 226-5727.

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Mr. Phil Bourquin
January 14, 1999
Page 2

I look forward to presenting this position to the Board of Commissioners tomorrow.

Very truly yours,

PRESTON GATES & ELLIS LLP

By 
Edward J. Sullivan

EJS:ejs

cc: clients
Bob Slyh, P.E.

K:\39316\00001\EJS\EJS_L30C4

FRIENDS OF THE COLUMBIA GORGE

To: Multnomah County Board of Commissioners
Fr: Michael Lang, Conservation Director
Re: Proposed Amendments for Emergency/Disaster Response Activities
Date: January 14, 1999

Thank you for the opportunity to comment on proposed amendments to Multnomah County's Code governing lands within the Columbia River Gorge National Scenic Area. I would like to focus my comments on the proposed emergency/disaster response amendments.

The proposed amendments will allow actions necessary to respond to emergencies and disasters while attempting to avoid or minimize adverse effects to scenic, natural, cultural and recreation resources. The amendments will allow actions to occur, without prior review, which are either regulated or prohibited by the Columbia River Gorge National Scenic Area Act (Act). The amendments establish a process by which after-the-fact review, mitigation and restoration will occur.

These proposed changes stem from amendments to the management plan for the National Scenic Area adopted by the Gorge Commission in the spring of 1998. Previously, the management plan did not specifically allow for emergency actions necessary to respond to significant threats to public health, safety, property or the environment and did not contain a process for after-the-fact review and restoration. The only emergency actions that would be affected by the amendments are those normally reviewed for consistency with the National Scenic Area ordinance or actions that are outright prohibited by that ordinance.

In order for the Gorge Commission to approve a plan amendment, it must determine that a significant change in circumstances has occurred within the scenic area requiring the amendment of the plan. In addition, the management plan may only be amended if the proposed amendments are consistent with the purposes and standards of the Act and there are no practicable alternatives to the proposed amendments.

Floods and landslides have been an important factor in shaping the Columbia River Gorge that we know today. The floods of 1996 were the most significant natural event to occur since the passage of the National Scenic Area Act in 1986. The 1996 floods and landslides revealed that the management plan lacked provisions for addressing emergency/disaster responses, after-the-fact review and restoration. This event provided the basis for the Gorge Commission to adopt the emergency/disaster response amendments.

In recognition that the emergency/disaster response amendments would allow actions to take place, prior to review by planning staff, that could result in damage to resources protected by the Act, the Commission staff and interested parties that participated in drafting these amendments made a considerable effort to craft narrow definitions for emergency/disaster events and appropriate responses. The definition of "emergency/disaster" is limited to "sudden unexpected occurrences... necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public services, or the environment." Emergency/disaster responses are confined to actions "that must be taken immediately in response to an emergency/disaster event."

The process outlined in the amendment before you is one of the seven original proposals considered in a series of stakeholder meetings held in 1997. These proposals included, but were not limited to, the following:

1. Allowing emergency responses to proceed without notification and without development review. (Rejected because it would be inconsistent with the purposes and standards of the Act)
2. Notification required, no development review. (Rejected because it would be inconsistent with the Act)
3. Notification required, development waiver issued, no development review required. (Rejected because it would not allow immediate responses to bona fide disasters)
4. Notification required, emergency permit issued, post development review. (Rejected because it would not allow immediate responses to bona fide disasters)
5. Regular scenic area review. (Rejected because it would not allow immediate responses)

(Please refer to the enclosed Gorge Commission memorandum for a more complete discussion of these alternatives)

In total, four of the seven proposals were rejected because they would not allow for an immediate response to a significant and imminent disaster.

Overall, this amendment can only be considered consistent with the purposes of the Act if mitigation and restoration efforts are consistently applied to the maximum extent practicable. If mitigation and restoration actions are only recommended, or responsible parties do not have funding to carry out the mitigation or restoration, then the practical result of the proposed amendments will counter the primary purpose of the Act, which is to protect and enhance the scenic, natural, cultural and recreation resources of the scenic area.

These issues are being raised in an effort to prevent this amendment from being used as a loophole in the National Scenic Area Act. Unless access to this process is carefully limited and mitigation and restoration of resources is required, it will allow land uses and development to occur that would normally violate laws protecting our national treasure, the Columbia River Gorge, from unplanned and inappropriate development.

County ordinances must be consistent with the management plan. However, county ordinances may vary from the plan when the ordinances are stronger, or more protective, than the provisions of the plan. With this fact in mind, Friends would like to recommend the following amendments.

1. The proposed amendments will not protect scenic resources on Special Management Area (SMA) Open Space lands or on federal forest lands within SMA woodland settings. MCC 11.15.3816 (D) (1), (2), (3) (SMA Scenic Review Criteria) require new developments and land uses in these landscapes to comply with the Visual Quality Objective "VQO" of "retention", which means to be screened from key viewing areas. The proposed amendment imposes a weaker standard of scenic resources protection, requiring new uses and developments to be visually subordinate in all zones and landscapes, with the exception of certain developed setting that are exempted.

The standards of the Act require the protection and enhancement of open spaces. (Section 6, d.(3)) Open space is defined to include significant scenic areas. The proposed amendment is inconsistent with the standards of the Act because it reduces protection of scenic resources on SMA open space lands.

The proposed amendment should be changed to maintain the same level of protection in SMA forest and open space zones as currently provided in the Scenic Area ordinance.

Recommendation: Page ten, line ten, add -- and SMA Open Space and federal forest zones within SMA woodland settings. SMA Open Space and federal forest zones within SMA woodland settings must comply with the VQO of retention to the extent practicable.

2. One year is adequate time to submit an application.

Language amending the deadline for applying to replace a use or structure damaged or destroyed by a disaster event from one year to two years should be removed from the amendments. (Page 2, line 18) The current deadline for replacing a use or structure that is damaged or destroyed is one year. Landowners then have two years to complete development and are eligible for a one-year extension. This adds up to four years to replace uses. One year is ample time to submit an application to replace a use damaged or destroyed by fire or other disaster event

Recommendation: On page two, line eighteen, delete "two" and add "one".

3. Require timely public notification of emergency/disaster responses.

MCC 11.15.3810 (B) (6) requires notification of landowners within 500 feet of a subject parcel involved in a development application within ten days of receipt of the application. Language in the proposed amendments will allow land uses and development to immediately occur that may violate the purposes and standards of the National Scenic Area Act without any requirement to notify neighboring landowners or other interested parties until 30 to 90 days after the actions were taken. (Page 9, line 28) There is no reason why planning agencies cannot notify the public promptly upon notification by the emergency respondent. The public has a right to know when a decision is being made to circumvent laws to protect clean water and other public resources.

Recommendation: On page eight, between lines nine and ten, insert the following:
(d) Notify other interested parties consistent with MCC 11.15.3810 (B)

Thank you very much for considering these comments and recommendations.

MEMORANDUM

TO: Gorge Commissioners

FROM: Brian Litt, Senior Planner
Troy Alan Doss, Planner

SUBJECT: October 14 Work session on status of proposed emergency/disaster response plan amendment.

At the October 14th Gorge Commission meeting, Commission staff will conduct a work session regarding the proposed emergency/disaster response plan amendment. During this work session, staff will summarize the input gathered from stakeholders during a series of meetings held over the last few months. Staff will also present several plan amendment alternatives addressing emergency/disaster response activities in the Scenic Area. Following this work session, staff will begin the process of developing a final plan amendment proposal. A plan amendment application should be submitted to the Commission in November of this year.

INTRODUCTION

Over the last several months the Gorge Commission's staff have held a series of meetings to gather information from stakeholders to assist in developing a proposed disaster response plan amendment. These stakeholders include representatives of various government agencies charged with emergency management, resource protection and response, transportation, and planning. Representatives from public utilities and telecommunications companies, and the two major railroads operating in the Scenic Area were also represented. Commission staff have also reviewed various ordinances, regulations and policies regarding emergency/disaster response actions used by regulatory agencies in Oregon, Washington and other parts of the country.

Based on the input received and information collected from stakeholders, several alternative approaches for how the plan amendment could address disaster response actions have been developed by staff. These alternatives were sent to all stakeholders and presented at a meeting held on September 29, 1997. The document sent to the stakeholders addressed the following items:

- Possible definitions for emergency/disaster events and responses
- Draft alternatives for addressing immediate emergency/disaster response projects
- Approaches for addressing post-emergency construction and reconstruction.

The stakeholder meeting began with a brief synopsis of the purpose of the meeting, a recap of the previous stakeholder meetings, and an explanation of the plan amendment criteria and process. This was followed by a presentation of each plan amendment alternative. A description of each of the alternatives presented is provided below. A summary of the input gathered from the stakeholders on these alternatives is also included.

DRAFT PLAN AMENDMENT ALTERNATIVES

What Constitutes An Emergency/Disaster and Subsequent Response Activities?

The Management Plan does not contain a definition of what constitutes an emergency or disaster. Therefore it would be necessary to add a definition to the glossary as part of this plan amendment. The following definition was derived following a review of how various other regulatory agencies define the term "emergency":

Emergency/Disaster: A sudden unexpected occurrence, either the result of human or natural forces, necessitating immediate action to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment.

The following definition of what constitutes an emergency response activity was also submitted for consideration:

Emergency/Disaster Response: Actions¹ that must be taken immediately in response to a sudden unexpected occurrence, either the result of human or natural forces, to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment.

Stakeholders have generally accepted that a clear definition of "emergency" needs to be included as a part of this amendment. The definition as proposed seemed acceptable to most stakeholders, although some mentioned it might be best to make a distinction between an emergency vs. a disaster.

¹The term "actions" in this draft definition refers to structural development (such as retaining walls, culverts, etc.) or significant ground-disturbing activities (such as construction of a fire or access road). It does not refer to communications, transportation of people or equipment, road or area closures, or other similar activities that may occur during emergency/disaster events. These latter activities would not be affected by any of the draft alternatives.

Alternatives for the Review of Emergency/Disaster Response Project

Staff developed the following seven plan amendment alternatives for consideration. Each alternative would allow activities that must be taken immediately in response to a sudden unexpected occurrence, either the result of human or natural forces, to prevent or mitigate significant loss or damage to life, health, property, essential public service, or the environment. The input gathered from the stakeholders on these alternatives is also included.

Alternative A: No Notification or Development Review Required

This alternative would allow emergency response activities as a use allowed outright in all land use designations (GMA and SMA) in response to an emergency/disaster event. Applicants would not be required to notify the Gorge Commission or applicable planning department that response activities are being conducted. A Scenic Area consistency review would not be required.

Pros: Allows for immediate emergency response activities.

Cons: This alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternative B: Notification Required, No Development Review Required

This alternative would allow activities in response to an emergency event contingent upon a requirement that applicants notify the Gorge Commission or applicable planning department of emergency response activities prior to, or immediately following, the commencement of such activities. A Scenic Area consistency review would not be required.

Pros: Allows for immediate emergency response activities. Notification alerts Gorge Commission or applicable planning department that activities being conducted are in response to an emergency/disaster event and are not subject to further review.

Cons: This alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternatives A and B were noted for allowing immediate responses to emergency incidents. Although these alternatives were favored by a few stakeholders, these alternatives were noted by others as lacking resource protection measures and for potentially being inconsistent with the standards and purposes of the Scenic Act.

Alternative C: Notification Required, Development Waiver Issued, No Development Review Required

This alternative would allow emergency response activities following notification and issuance of a development waiver prior to the commencement of work. A waiver would consist of a form letter acknowledging that the Gorge Commission, or applicable county planning department, are waiving the review of development activities taken in response to an emergency/disaster event. The waiver would include a description of the development and emergency event necessitating the response activity. Waivers would be issued as soon as possible after notification is received. Waivers would only be issued to those projects required to address an emergency/disaster event.

Pros: Would allow determination that an emergency response activity is consistent with the Management Plan's definition regarding such activities.

Cons: This alternative may, in some instances, cause temporary delay in emergency response activities pending notification and issuance of a waiver. Furthermore, the alternative provides no mechanism to mitigate adverse resource impacts that could result from emergency response actions.

Alternative C was not well received by the stakeholders mostly because it prevented emergency response activities until a development waiver is issued by planning staff. Several stakeholders noted that such an approach could turn manageable emergency events into disasters.

Alternative D: Notification Required, Post-Emergency Development Review Required

With this alternative applicants would be required to notify the Gorge Commission or applicable planning department that response activities are being conducted prior to, or immediately following the commencement of emergency response activities. Only those activities necessary to respond to an emergency/disaster event would be allowed to take place without initial review under this approach. Additionally, the applicant would then need to submit a land use application for a post-emergency development review within 30-45 days after a notice is issued.

During a post-emergency development review, response activities would be reviewed for consistency with new Management Plan guidelines specific to after-the-fact review of emergency response activities. These new guidelines would be applied to ensure that any adverse impacts to resources resulting from emergency actions would be mitigated and, if necessary and feasible, restoration activities would occur. These after-the-fact guidelines would differ substantively from current Management Plan guidelines in several key respects.

Existing guidelines are oriented to address potential impacts of proposed developments, and their application may result in relocation, redesign, or denial of a project. The post-emergency development review, conversely, focuses on mitigating actual impacts of work already completed. By the very nature of after-the-fact review, relocation or redesign of work already done may not be as feasible as it is with proposed work. It is likely that such guidelines may require a degree of flexibility and latitude beyond regular Management Plan review.

Pros: Allows for immediate response activities. A post-emergency development review would ensure that response activities are consistent with the Scenic Area Act and applicable Management Plan guidelines (specifically, scenic, natural, cultural, and recreation resource guidelines). A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Would not initially prevent actions which may be inconsistent with the Scenic Act, despite the post-emergency development review. Furthermore, such actions could be difficult or impossible to mitigate after-the-fact.

This alternative was noted as the preferred alternative by a majority of stakeholders participating in the September 29th meeting. However, the stakeholders provided several suggestions and concerns about this alternative. Some participants suggested that planning staff should be notified as soon as time allows, while one noted that 24 hour advance notice prior to the commencement of work was appropriate. It was also suggested that planners should provide technical assistance to emergency response crews by immediately reviewing resource inventory data about specific work sites as soon as notification is received. Significant resource impacts could be avoided if responding crews were warned of sensitive resources within their work areas. Stakeholders also suggested that the post-emergency development review period be expedited to the greatest extent feasible. One stakeholder proposed a streamline review process similar to a SEPA Determination of Non-Significance checklist whereby decisions could be issued quickly if resource impacts were absent.

After-the-fact resource impact mitigation and restoration was noted as a major area of concern by several stakeholders. Specifically, a few participants stated that they are charged solely with responding to emergency/disaster events and have no statutory authority to conduct activities involving the mitigation of resource impacts resulting from their response activities. Several stakeholders also noted that response activities are often conducted on private lands. These stakeholders stated that private land owners should not be required to mitigate impacts resulting from someone else's emergency response activities. These concerns are important and will need to be further explored by staff.

Alternative E: Notification Required, Emergency Permit Issued, Post Emergency Development Review Required

This alternative would allow emergency response activities following notification of work and the issuance of a conditional emergency permit. In some situations, response activities could be allowed to occur before notification or the issuance of an emergency permit (e.g. when an event occurs on a weekend, or in the event of a fire). Emergency permits would be valid for a short period of time (e.g. 30 days) and would require that response activities begin immediately (e.g. within 5 days). Before an emergency permit could be issued, a minimal amount of basic information regarding the proposed activities would need to be furnished by the applicant. Emergency permits would restrict an emergency response to that necessary to respond immediately to an emergency incident. Additionally, the applicant would then need to submit a land use application for a post-emergency development review within 30-45 days after the emergency permit is issued.

During a post-emergency development review, response activities would be reviewed for consistency with new Management Plan guidelines specific to the after-the-fact review of emergency response activities. These new guidelines would be applied to ensure that any adverse impacts to resources resulting from emergency actions would be mitigated and, if necessary and feasible, restoration activities would occur. These after-the-fact guidelines would differ substantively from current Management Plan guidelines in several key respects. The existing guidelines are oriented to address potential impacts of proposed developments, and their application may result in relocation, redesign, or denial of a project. The post-emergency development review, conversely, focuses on mitigating actual impacts of work already completed. By the very nature of after-the-fact review, relocation, redesign of work already done may not be as feasible as it is with proposed work. It is likely that such guidelines may require a degree of flexibility and latitude beyond regular Management Plan review.

Pros: Emergency permits would set some basic parameters for response activities addressing resource protection and consistency with the Act, to the extent practicable. A post-emergency development review would ensure that response activities are consistent with the Scenic Area Act and applicable Management Plan guidelines (specifically, scenic, natural, cultural and recreation resource guidelines). A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Emergency permit requirement could delay response activities until permit is issued in some situations. Furthermore, despite emergency permits and post-emergency review, impacts resulting from emergency response activities could be difficult to mitigate after-the-fact.

Alternative F: Notification Required, Emergency Permit Issued, Regular Scenic Area Review Required

The following alternative would allow emergency response activities following notification of work and the issuance of a conditional emergency permit. Formal review of the response activities would be delayed for a predetermined time period (e.g. 30-45) and would involve a typical Scenic Area consistency review (subject to current Management Plan guidelines regarding scenic, natural, cultural and recreation resources). Only activities required to address an emergency/disaster event would qualify for this allowance.

Pros: Emergency permits would set some basic parameters for response activities addressing resource protection and consistency with the Act, to the extent practicable. A post-emergency development review provides opportunity, although after-the-fact, to address impacts associated with response activities.

Cons: Emergency permit requirement could delay response activities until permit is issued in some situations. Current Management Plan guidelines address potential impacts of proposed development up-front and require mitigation before development activities begin. Thus, it would not always be possible to approve an emergency response activity after-the-fact based on these guidelines. Furthermore, current Management Plan guidelines may result in the denial of certain emergency development activities, requiring restoration of the project site to its pre-disaster configuration.

Alternative G: Regular Scenic Area Approval Required

The following alternative would maintain the current status of the Management Plan. Emergency activities would not be defined in the Management Plan. Emergency response activities would need to be reviewed and approved in the same manner as all other land use proposals within the Scenic Area.

Pros: Would ensure that response activities are consistent with the Scenic Act and Management Plan.

Cons: Does not allow immediate emergency response activities that go beyond repair and maintenance. Application of the existing guidelines could also result in the denial of some proposed emergency response activities.

Alternatives E through G were noted as being too restrictive and inconsistent with the intent of the proposed plan amendment. Specifically, the emergency permit requirement of Alternative E was said to be a burden to the agencies responding to an emergency event as well as the planners reviewing the response activities. Alternative F was noted as being flawed as it could result in the denial of projects that are inconsistent with the current

Management Plan land use guidelines. Alternative G was rejected by all stakeholders as it would maintain the current review standard which does not allow emergency response activities until a full Scenic Area review is conducted.

Post-Emergency Reconstruction and Construction

The draft alternatives described above address: 1) actions that must be taken immediately during an emergency/disaster event; and 2) mitigating the possible effects of such actions on Gorge resources. The following two sections address construction and reconstruction of structures that may occur in the aftermath of, but not during, an emergency/disaster event.

Reconstruction

The Management Plan contains some language, although limited, addressing the replacement of uses damaged or destroyed by a disaster. Specifically, the Management Plan allows for an abbreviated review for the replacement of existing uses damaged or destroyed by fire only. The Management Plan could be amended to address the replacement of uses within the GMA and SMA damaged or destroyed by various emergency/disaster events as follows (new wording underlined, strikeouts through existing wording that would be deleted):

Replacement In Kind: Any use or structure damaged or destroyed by ~~fire~~ disaster or an emergency event shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within 1 year. Such uses shall be subject to compliance with guidelines for protection of scenic resources involving color, reflectivity, and landscaping.

Replacement Not In Kind: Replacement of an existing use or structure, including those damaged or destroyed by disaster or an emergency event, by a use or structure different in purpose, size, or scope shall be subject to the policies and guidelines in the Management Plan to minimize adverse effects on scenic, cultural, natural, and recreation resources.

Pros: Allows for the replacement of existing uses damaged by various disaster or emergency events. Additionally, this language could be added to the Management Plan for any of the above-described alternatives.

Cons: Does not address new development (development not replacing an existing use) necessary to mitigate a continued hazard resulting from a disaster/emergency event.

Alternative Approaches: Detailed discussion of alternative approaches for addressing post-emergency reconstruction is not included in this document. However, it should be noted that two other alternatives could be considered for this subject: 1) not amending existing plan provisions (reconstruction other than that associated with structures destroyed by fire would

go through the standard review process); or 2) allowing post-emergency reconstruction as a use allowed outright. The first alternative allows abbreviated review only for fire-related damage. The second option, while facilitating post-emergency reconstruction, provides no avenue to address potential resource impacts from such activity, especially where the reconstruction differs in size or location from the original structure.

Construction

It may also be necessary to construct new structures to protect life, property or vital services after an emergency/disaster event which do not involve the reconstruction or replacement of a pre-existing use. This may involve a permanent structure replacing a temporary measure used as a "stopgap" during an actual emergency event. Other situations may involve building a new structure to mitigate a secondary hazard caused after an initial disaster event is over. For example, it may be necessary to build a new retaining wall adjacent to a public road to contain slope movement resulting from an earlier fire or flood event. This type of development would not be addressed in Alternatives A-G described above, as they deal with activities undertaken immediately during actual emergency events. Additional provisions (discussed below) addressing follow-up, long-term actions taking place after an event is over may need to be included in the proposed amendment.

Under the existing Management Plan guidelines, such a new structure might not be an allowed use in the land use designation in which it is located, or might be inconsistent with some of the existing resource protection guidelines. Therefore, the amendment may need to include a provision allowing such uses within land use designations where they are not currently allowed. Such provisions might also require that resource impacts are mitigated to the maximum extent practicable, and that the approved structure be the least-impacting alternative from an array of alternative approaches.

Alternative Approaches: Detailed discussion of alternative approaches for addressing post-emergency construction has not been included in this document. However, it should be noted that two other alternatives could be considered for this subject: 1) not amending existing plan provisions; or 2) allowing post-emergency construction as a use allowed outright. Under the first option, some structures that may be necessary for public safety could be found inconsistent with existing guidelines. The second option provides no opportunity to mitigate potential resource impacts of such construction.

Stakeholders generally accepted the proposals in the two sections above. However, several stakeholders stated that the Management Plan's definition of "repair and maintenance" also need to be amended. Specifically, many stakeholders stated that the current definition is too narrow and that it does not allow for upgrades to undersized facilities to meet current state/federal standards. It was noted that undersized facilities, such as culverts, can be a contributing factor in an emergency incident. It was also suggested that the proposed amendment should allow upgrades regardless of whether an emergency has occurred or not.

ADDITIONAL STAKEHOLDER COMMENTS AND CONCERNS

Stakeholders have provided additional comments and concerns about the proposed plan amendment. Specifically, some stakeholders believe the plan amendment should address "imminent threats" to life and property. It was noted that such threats are a form of emergency which could have significant adverse impacts to life, health and property. An example of an imminent threat would be where water is rapidly rising behind a blocked culvert passing under a roadway. Should the water pressure become too high the roadway could be lost. This is an example of an imminent threat to life and property.

Some stakeholders, specifically county planners, stated that notification of work could take the form of a telephone call, fax or letter, and that the applicable planning authority should be allowed to determine what form notification should take. It was also suggested that notification could be further expedited if planners were part of the Incident Command System.

CONCLUSION

The participation of stakeholders has greatly assisted the Commission's staff in the development of the proposed plan amendment alternatives. It should be noted that all of the concerns, comments, and suggestions provided will be considered before a final plan amendment application is developed. Regardless of which alternative is finally chosen, a considerable amount of detail will need to go into the preparation of an application for the proposed plan amendment.

EPAALT.8

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That's going to be a violation of not only county ordinance but of federal and state rules as well.

Rick McIntire, associate planner with Clackamas County's Department of Transportation and Development

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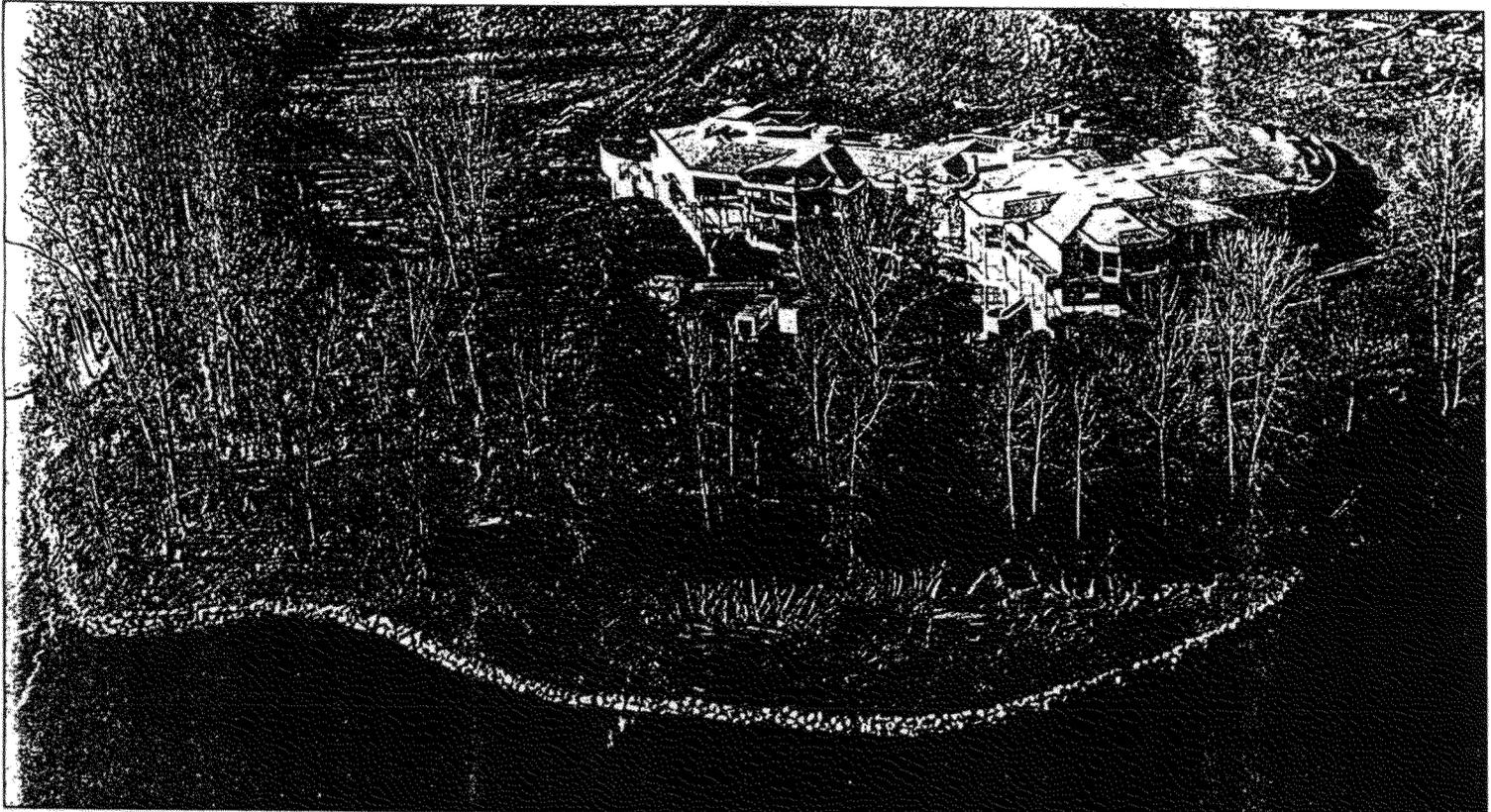


“

I'm not real sure what the permit requirements are.

Mark Wattles, chairman and chief executive officer of Hollywood Video

”



DOUG BEGHTEL/The Oregonian

A rock wall, visible in a photo taken earlier this month, rings the Willamette River property between Oregon City and Canby where Mark Wattles, founder of Hollywood Entertainment Corp., is building a home. Regulators are investigating whether the rock wall violates federal, state or county environmental laws.

Rock wall in Willamette catches eye of regulators

Hollywood Video's chief must halt riverside work for review of permit needs and environmental effects

By BRENT HUNSBERGER
of The Oregonian staff

CANBY — Last month, without the knowledge of environmental regulators, workers building Mark Wattles' \$5 million mansion laid a ring of boulders several feet high in the Willamette River to stabilize what the video magnate says is a rapidly dwindling riverbank.

On Friday, after inquiries by The Oregonian, federal and state officials ordered the Hollywood Entertainment Corp. founder to stop construction so they can investigate whether he violated federal and state environmental laws governing waterways. Clackamas

County officials also plan to check whether the structure meets codes regulating grading, flood-plain activity and development along the Willamette River Greenway.

"If they created a wall, a cofferdam and backfilled behind it, we would not approve of that, and neither would" the U.S. Army Corps of Engineers, said Rick McIntire, associate planner with Clackamas County's Department of Transportation and Development, "That's going to be a violation of not only county ordinance but of federal and state rules as well."

Officials from the corps, the Division of State Lands and the county say they have no permits on file for such work. Wattles says he didn't know permits were

required.

"You've got bank stabilization going on all over the place," said Wattles, chairman and chief executive officer of the nation's second-largest video-store chain, Hollywood Video. "I'm not real sure what the permit requirements are."

Environmental regulators admit they have a tough time keeping up with development in Oregon's rivers, streams, wetlands and oceanfronts.

Work permit requests to the Division of State Lands have more than doubled since flooding in 1996. The number of applications to the corps has jumped from about 450 in 1992 to more than 1,400 last year, said Richard Rose, enforcement project manager with the corps in Portland.

"It's just climbed for the sky," Rose said. "It's not like every time the workload doubles, you get a doubling of money."

Violation reports also have risen, which officials chalk up to a growing awareness of threats to state waterways and vulnerable fish runs.

"People are concerned," said Paul Cleary, state lands director. "When people place rock walls or riprap in a river, it can adversely impact property owners downstream."

Federal, state and county officials will spend the

Please turn to
WATTLES, Page C3



Whatever happened to ... ? What became of ... ?
What have I forgotten about ... ? Here is an update:

TOZER STILL ON A ROLL

Almost everywhere Tiana Tozer goes these days in the Reno, Nev., area she walks

NEWS FOLLOW

... tation, but at 19 she was looking at years of operations and therapy. And learning to function in a wheelchair.

Readers might remember the Blue Cross-Blue Shield advertisements on television, when Tozer, in a green Oregon letter jacket, rolled across a basketball court and tossed in a layup. "I'm going to walk again," she said with some feeling.

... Reno, where she is an account manager for an outdoor wear manufacturer. "I have a sp chair. I don't use it to go to church. I don't e at the office.

"I use it at the mall, and I take it on trips, case I need it."

MEETING DATE: JAN 14 1999
AGENDA NO: R-8
ESTIMATED START TIME: 10:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance prescribing procedures for designation of interim person and appointment to vacant elective offices

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: January 14, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: ND DIVISION: County Counsel

CONTACT: Thomas Sponsler TELEPHONE #: x22834
BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Thomas Sponsler

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Second/enactment reading of ordinance amending MCC 5.005 prescribing procedures for designation of interim officers and MCC 5.006 appointment of officers to vacant elective offices

1/19/99 copies to BCC, Sheriff, Auditor, Counsel, Chief & Ordinance Registration List

BOARD OF
COUNTY COMMISSIONERS
99 JAN - 7 PM 2:18
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER: Thomas Sponsler

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Thomas Sponsler
County Counsel 

DATE: January 8, 1999

RE: Ordinance prescribing procedures for designation of interim person and appointment to vacant elective offices

1. Action Requested:

Approve second reading and enactment of ordinance prescribing procedures for designation of interim person and appointment to vacant elective offices.

2. Background:

In 1989 voters amended the Charter to allow the Board to prescribe procedures to designate an interim person to fill a vacancy in the office of Chair, Sheriff or Auditor until election or appointment. The 1997 County Charter Review Committee recommended an amendment to require designation for all county elective offices. The Board submitted the amendment to voters who passed measure 26-80 at the November 3, 1998, election. This ordinance implements the Charter amendment by amending MCC 5.005 to provide for designation of an interim person for each Commissioner office. It also amends MCC 5.006 to provide a process for the Board to fill elective office vacancies.

3. Financial Impact:

No direct impact.

4. Legal Issues:

Implements Charter Section 4.50 as amended in 1998.

5. Controversial Issues:

Amendments to the proposed ordinance were discussed at the December 10, 1998 Board meeting. A substitute proposed ordinance was approved at first reading on January 7, 1999. The proposed ordinance now applies to all elected officials, the Chair, Sheriff and Auditor as well as the Commissioners. It requires elected officials to designate another person if the Board does not confirm a designated person within 60 days of filing with the Board clerk. It requires all persons designated to meet the Charter qualifications for the offices.

6. Link to Current County Policies:

Implements Charter and meets good government benchmark.

7. Citizen Participation:

Implements Charter amendment approved by voters.

8. Other Government Participation:

Not applicable

**SHERIFF PROPOSED AMENDMENT
TO ORDINANCE RELATING
TO INTERIM OFFICERS
PASSED AT FIRST READING
January 7, 1999**

**AGENDA ITEM R-8
January 14, 1999**

Amend MCC 5.005(B)(1) to read as follows:

County elected officials shall each designate a person to perform their responsibilities. The designation shall be in writing and filed with the clerk of the Board. If the Board does not confirm the [designated] person DESIGNATED BY A COMMISSIONER by majority vote within 60 days of filing, the designating COMMISSIONER [elected official] shall designate another person for Board confirmation.

BOARD OF
COUNTY COMMISSIONERS
99 JAN -- 8 PM 12:05
MULTNOMAH COUNTY
OREGON

**AUDITOR PROPOSED AMENDMENT
TO ORDINANCE RELATING
TO INTERIM OFFICERS
PASSED AT FIRST READING
January 7, 1999**

**AGENDA ITEM R-8
January 14, 1999**

Amend MCC 5.005(B)(4) to read as follows:

**All persons designated to fill elective offices on an interim basis shall meet
the Charter SECTION 4.10 qualifications for appointees to such offices.**

BOARD OF
COUNTY COMMISSIONERS
99 JAN - 8 PM 12: 05
MULTNOMAH COUNTY
OREGON

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 923

4
5 An ordinance amending MCC 5.005 and MCC 5.006 prescribing procedures for designation
6 of interim officers and appointment of officers to vacant elective offices.

7 (Language deleted is ~~stricken~~; double-underlined is new.)

8 Multnomah County ordains as follows:

9 Section 1. MCC 5.005 is amended as follows:

10 § 5.005 DESIGNATION OF INTERIM ~~CHAIR, AUDITOR OR SHERIFF~~ ELECTIVE OFFICERS.

11 (A) *Purpose.*

12 (1) When a vacancy occurs in elective county offices, the Charter provides for
13 filling the vacancy by election or appointment, depending on the time remaining before
14 expiration of the affected term of office (Charter § 4.50(1)).

15 (2) ~~The Charter recognizes that the Chair, Auditor, and Sheriff perform~~
16 ~~ongoing, day to day administrative responsibilities that should not be interrupted. Accordingly,~~
17 ~~Charter § 4.50(3) provides that~~ in the event of a vacancy in an elective office, an interim
18 occupant of the office ~~vacancies in these offices should be filled by interim designees, who shall~~
19 ~~serve until the vacancy is filled by election or appointment. This section carries out the Charter~~
20 ~~requirement that the Board prescribe procedures to designate interim occupants of the~~ elective
21 ~~offices of the Chair, Auditor, and Sheriff. The section parallels a state law (ORS 236.220) by~~
22 ~~designating the chief deputies of the Chair, Auditor, and Sheriff as their interim successors.~~

23 (B) *Process for designating i* Interim Chair, Auditor, or Sheriff *Officer Designation.*

24 (1) The Chair, Auditor, and Sheriff County elected officials shall each
25 designate a chief deputy for ~~person to performance of their administrative responsibilities.~~ The
26

1 designation shall be in writing and filed with the Clerk of the Board. If the board does not
2 confirm the designated person by a majority vote within 60 days of filing, the designating elected
3 official shall designate another person for board confirmation.

4 (2) ~~In the event of~~ When there is a vacancy in the office of Chair, Auditor, or
5 Sheriff, the designated ~~chief deputy person~~ shall serve as acting Chair, Commissioner, Auditor,
6 or Sheriff until the vacancy is filled by election or appointment, as appropriate under the Charter.

7 (3) In the event a ~~chief deputy person~~ for the an elective office of Chair,
8 Auditor, or Sheriff has not been designated, or if the designated ~~chief deputy person~~ is unable to
9 immediately serve ~~due to absence or illness~~, the Board shall promptly ~~convene and appoint a~~
10 ~~person~~ meet to fill the vacancy on an interim basis. The appointment shall be in writing and filed
11 with the clerk of the Board.

12 (4) All persons designated to fill elective offices on an interim basis shall
13 meet the charter qualifications for appointees to such offices.

14 Section 2. MCC 5.006 is amended as follows:

15 § 5.006 APPOINTMENT BY BOARD.

16 (1) —The Board, in filling a vacancy, may make such inquiries and interviews
17 as they consider necessary to select the appointment. The appointment shall be
18 made at a regular or special meeting of the Board.

19 (2) The Board shall use the following procedures in the appointment process:

20 (A) Public notice shall be given to appropriate neighborhood organizations,
21 cities, civic groups, a newspaper of general circulation, and other
22 recognized groups.

23 (B) A deadline shall be established for submitting applications at least two
24 weeks after such notice.

