



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

1120 SW Fifth Avenue, Suite 1500

Portland, Or 97204-1914

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

Portland, Or 97204-1914

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

Portland, Or 97204-1914

Phone: (503) 248-5217 FAX (503) 248-5262

Email: lisa.h.naito@co.multnomah.or.us

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.**

MARCH 4, 1999

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|---|
| Pg 2 | 9:30 am Opportunity for Public Comment on Non-Agenda Matters |
| Pg 2 | 9:30 am DLS RESULTS Presentation |
| Pg 3 | 9:50 am Hearings Officer Land Use Decisions |
| Pg 3 | 10:00 am Order Authorizing Telecommunications Easement |
| Pg 3 | 10:15 am Boundary Change Agreement with Metro |
| Pg 4 | 10:35 am DES Budget Modifications |
| Pg 4 | 11:00 am Executive Session |
| ✳ | 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

Thursday, March 4, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Appointments of Juan Campos, Trell Anderson, Andree Tremoulet, Ramsay Weit, Charlotte Comito, Mary P. Carroll and Cynthia Ingebretson to the AFFORDABLE HOUSING REVIEW COMMITTEE

SHERIFF'S OFFICE

- C-2 Retail Malt Beverage Liquor License Renewal for CORBETT STATION, 2605 NE CORBETT HILL ROAD, CORBETT

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 ORDER Authorizing Execution of Deed D981507 Upon Complete Performance of a Contract with Eva Walters
- C-4 ORDER Authorizing Execution of Replacement Deed D981527A for Certain Tax Acquired Property to George Golden and Mary Golden
- C-5 Budget Modification DES 99-11 Reclassifying 1.0 FTE Office Assistant 1 to an Office Assistant 2 Position within the Transportation Division Budget

REGULAR AGENDA

PUBLIC COMMENT

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

DEPARTMENT OF LIBRARY SERVICES

- R-2 Results from RESULTS: SMART Grants in the Library. Presented by Elizabeth Rothery and Cindy Demuth. 10 MINUTES REQUESTED.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-3 Intergovernmental Agreement 700649 with the City of Portland Providing \$71,367 in Grant Funds in Support of the Youth Gun Anti-Violence Taskforce

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-4 Request to Extend the Term Limits and Reappoint John Ingle as a PLANNING COMMISSION Member to Serve his Third Four Year Term
- R-5 Report the Hearings Officer Decision Regarding Denial of Appellant's Appeal of NSA 26-94, Allowing Applicant to Remove Sixteen Structures at Bridal Veil, Excluding the Church and Post Office on Property Located at 47000-47330 WEST MILL ROAD, BRIDAL VEIL, and Request that a De Novo Hearing be Scheduled for 9:30 Am, Thursday, March 18, 1999, with Testimony Limited to 20 Minutes Per Side
- R-6 Report the Hearings Officer Decision Regarding Denial of HH 2-98, a Request for a Health Hardship Temporary Dwelling Based on Evidence that the Care Provider is Not a Resident of the Property Located at 346 NE CURTIS ROAD, CORBETT
- R-7 ORDER Authorizing Grant of a Telecommunications Easement to U.S. West Communications Inc., a Colorado Corporation [for Placement of Telecommunications Facilities on the Southeast Corner of the Capitol Hill Library Property]
- R-8 First Reading of an ORDINANCE Amending MCC 11.15.8280(D) and Deleting MCC 11.15.8285 Regarding the Date at Which a Board Decision on a Land Use Matter Becomes Final
- R-9 Approval of Intergovernmental Agreement 301189 with Metro Relating to Boundary Change Processing
- R-10 First Reading and Possible Adoption of an ORDINANCE Adding New Provisions to MCC Chapter 27 Relating to Boundary Changes, and Declaring an Emergency
- R-11 RESOLUTION Establishing Fees and Charges for Chapter 27, Environment and Property, of the Multnomah County Code and Repealing Resolution No. 98-90
- R-12 Budget Modification DES 99-08 Adding 1 FTE Information Systems Analyst 3 Position to the Animal Control Division Budget

- R-13 Budget Modification DES 99-09 Requesting \$14,450 Transfer from General Fund Contingency to DES Administration Division to Establish a Shared Staff Resource through Metro for Processing Annexation Applications
- R-14 Budget Modification DES 99-12 Adding 1 FTE Human Resource Position to the DES Administration (Human Resources Unit) Budget
- R-15 ORDER Setting Notice of April 15, 1999 Public Hearing for Legalization of McNamee Road
- R-16 ORDER Authorizing Execution of Agreement for Purchase and Sale of Certain Real Property for the Construction of Department of Health North Portland Health Clinic Project

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

- R-17 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.
-

Thursday, March 4, 1999 - 11:00 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(d) for Labor Negotiator Consultation Concerning Labor Negotiations. Only Representatives of the News Media and Designated Staff shall be Allowed to Attend. Representatives of the News Media are Specifically Directed Not to Report on Any of the Deliberations During the Executive Session. No Decision Will be Made in the Executive Session. Presented by Darrell Murray. 1 HOUR REQUESTED.



SERENA CRUZ, Multnomah County Commissioner
District 2

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Lisa Naito
Commissioner Sharron Kelley
Board Clerk Deb Bogstad

FROM: Beckie Lee
Staff to Commissioner Serena Cruz

DATE: Friday, January 22, 1999

RE: Board Meeting Absences

Commissioner Cruz will not be able to attend Board meetings on 3/2/99 and 3/4/99 as she will be out of town attending the National Association of Counties Conference in Washington, D.C.

99 JAN 22 AM 9:54
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MEETING DATE: MAR 04 1999
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Affordable Housing Review Committee appointments

BOARD BRIEFING:

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

REGULAR MEETING:

DATE REQUESTED: March 4, 1999

AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Appointment of Juan Campos, Trell Anderson, Andree' Tremoulet, Ramsay Weit, Charlotte Comito, Mary Carroll, and Cynthia Ingebretson to the Affordable Housing Review Committee

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

Beverly Stein

BOARD OF
COUNTY COMMISSIONERS
99 FEB 23 PM 2:56
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

MEETING DATE: MAR 04 1999

AGENDA #: C-2

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal Application

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: _____

CONTACT: Rick Barnett

TELEPHONE: 251-2441

BLDG/ROOM: 313/120

PERSON(S) MAKING PRESENTATION: Sergeant Brett Elliott

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☒ OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Retail Malt Beverage License Renewal application for:

Corbett Station

2605 NE Corbett Hill Road

Corbett, Oregon 97019

The backgrounds have been checked on applicants: Karen A. Herbold and Randall A. Herbold and criminal history was found on Randall A. Herbold as follows:

Convicted 12/09/98 – Assault IV, Domestic, currently diverted

01/06/99 – Restraining Order/Protective Order

Person Restrained: Randall A. Herbold

Person Protected: Karen A. Herbold

SIGNATURES REQUIRED:

ELECTED

OFFICIAL: _____

(OR) DEPARTMENT

MANAGER: _____

B. Scott 18568

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
99 FEB 10 PM 2:39
MULTNOMAH COUNTY
OREGON

BOGSTAD Deborah L

From: KILMARTIN Patrice M
Sent: Tuesday, February 23, 1999 3:26 PM
To: BOGSTAD Deborah L
Cc: TUNEBERG Kathleen A; HILTON Albert B
Subject: RE: Additional Step for OLCC application background check

Deb -

The Corbett Station personal property account (PO9-16180-00) has insufficient value for taxation and owes nothing. It is assessed to BATKR Corp.

I do not know whether the Board is concerned about all property taxes. Randall & Karen Herbold are buying the associated real-property (R94426-O490) on a land sale contract. The 98/99 tax is not yet paid and will be considered delinquent after 5/15/99. They also own a home in Corbett (R94426-O610) - those 98/99 taxes are not paid either.

Let me know if I can get you any other info.

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

From: BOGSTAD Deborah L
Sent: Tuesday, February 23, 1999 3:01 PM
To: OLDHAM Daniel H; BUSSE Kathy A; FRAHLER Patricia A; NICHOLAS Larry F
Cc: TUNEBERG Kathleen A; FARMER Stuart L; FORD Carol M; ELLIOTT Brett M; BARNETT Rick J; BOURQUIN Phillip M; KILMARTIN Patrice M; HILTON Albert B
Subject: Additional Step for OLCC application background check

As a result of the recent liquor license renewal application of the Viewpoint Inn, Chair Stein has directed that future applications be reviewed by Land Use Planning for compliance with zoning permits, et cetera, and by Assessment and Taxation to see that taxes are paid current.

Following our discussion, and in an effort to expedite the process, I would like to suggest that **MSCO's Rick Barnett** share his liquor license customer database with **Phil Bourquin in Land Use Planning** and **Patrice Kilmartin or Albert "Ben" Hilton in Assessment and Taxation**, and then send them an e-mail when processing an individual application asking them to provide the appropriate background check. Phil Bourquin and Patrice Kilmartin would then e-mail Rick their responses and Rick would include those with the original agenda placement form and application that he submits for Board consideration.

I hope this will work well for all. In the meantime, have been holding onto a Retail Malt

Beverage liquor license renewal from Karen Y. Herbold and Randall A. Herbold for Corbett Station, 2605 NE Corbett Hill Road, Corbett, Oregon 97019. Could you please generate the appropriate land use planning and assessment and taxation e-mail background checks and forward to me as soon as possible so I may place this on the Board agenda? Thank you for your assistance with this matter.

Deb Bogstad, Multnomah County Board Clerk
1120 SW Fifth Avenue, Suite 1515
Portland, Oregon 97204-1914
(503) 248-3277 FAX (503) 248-3013
deborah.l.bogstad@co.multnomah.or.us

BOGSTAD Deborah L

From: BOURQUIN Phillip M
Sent: Tuesday, February 23, 1999 4:07 PM
To: BOGSTAD Deborah L
Cc: MUIR Susan L
Subject: RE: Additional Step for OLCC application background check

Land Use Planning has reviewed the renewal request for 2605 NE Corbett Hill Road and found that no violations exists and no land use regulations would be threatened by approval of the request.



METROEAST

News of Gresham, east Portland, Troutdale, Sandy, Fairview, Wood Village and other communities in east Multnomah County and north Clackamas County.

Prosecutor considers charges in sale of salmon

■ Restaurateur Randall Herbold says the fish were supplied through his partner, and he puts the former Royal Chinook Inn in Corbett up for sale

By JACKIE SCOTT
of The Oregonian staff

CORBETT — The Multnomah County district attorney's office might press charges against a Corbett restaurateur cited by Oregon State Police as buying and selling salmon caught by Native Americans last summer.

Randall Herbold, 43, who owns Corbett Station, the old Royal Chinook Inn, said his former partner, Bill Yallop Jr., a Yakama from Toppenish, Wash., misled him about the legality of the fish.

Yallop has been prosecuted by the intertribal Fisheries Enforcement Division in

Toppenish, but charges were dismissed when Yallop's defense argued it had not had enough time to review all relevant records.

Herbold, 43, closed the restaurant about three weeks ago, causing neighbors to speculate about the future of the Columbia Gorge eatery, famous for its smoked salmon chowder. Herbold said he plans to sell it.

Rick Pert, an Oregon State Police senior trooper, said Herbold received at least five deliveries of salmon and steelhead caught during the subsistence season, when Native Americans are allowed to fish for themselves but not for commercial purposes.

Pert said when he checked Corbett Station in July, he found four steelhead Herbold could not account for.

Sold by tribal member

"The only records they did have showed salmon and steelhead purchased from a tribal Indian," he said. "This involved several hundred pounds of fish."

Pert said Herbold sold illegal salmon and steelhead to at least four Portland restaurants. He has turned his investigation over to the Multnomah County district attorney's office.

State police did not cite the other restaurants, Pert said, because the owners bought the fish in good faith, not realizing the salmon were taken during the subsistence season.

Fred Lenzner, chief deputy in the Multnomah County district attorney's office, said he was reviewing the case and would make a decision in about two weeks.

Buying and selling illegal fish is a Class A misdemeanor. The penalty is a maximum \$5,000 fine and one year in jail.

Meanwhile, Herbold, who opened Corbett Station as part of an ambitious plan to train a multicultural work force in the culinary arts, has listed the business with Corbett Realtor Frank Windust.

The restaurant and a small, empty store next door, plus an apartment above the store, are for sale for \$325,000. Corbett Station still contains all of the historical pictures and nautical artifacts of the Chinook Inn, a popular eating place for Corbett residents and tourists for more than 50 years.

The past year has been turbulent for the neighborhood on Northeast Corbett Hill Road, just east of the Corbett exit off Interstate 84.

Todd Shanks, a Multnomah County sheriff's deputy, said officers just four weeks ago shut down a meth lab in a small house Herbold rented out. The house, 2605 N.E. Rasmussen Road, is immediately west of the restaurant.

Shanks said deputies in the past year have recovered a stolen automobile on Herbold's property and located felons hiding in other houses he owns.

"We have been working with the neigh-

bors to clean things up," Shanks said.

Neighbors supportive

Chris Prescott, a Corbett resident who enjoyed eating at the Chinook Inn, yearns for stable management.

"The guy came in last year with a burst of energy," Prescott said of Herbold. "He had some mixed reviews on the kind of food and prices and service."

Windust, 60, who has spent most of his life in Corbett, said some of Herbold's cooks were from the East, and they designed a menu that appealed to themselves but not necessarily to local diners.

Prescott, who built a house in Corbett two years ago, said under different management the restaurant could be a draw for tourists exploring the Columbia River Gorge.

"When it was run properly, it was a prosperous place," he said. "The heart of it was local business."

Oregon Liquor Control Commission
PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1998

| | | | | |
|---|--------------------|--------------------------|---------------------|----------------|
| License Type: Retail Malt Beverage | District: 1 | County/City: 2617 | RO#: R00011A | 425/201 |
|---|--------------------|--------------------------|---------------------|----------------|

B.A.T.K.R. CORP
B.A.T.K.R. CORP
37333 NE REED RD
CORBETT, OR 97019

Licensee(s) B.A.T.K.R. CORP

Server Education Designee(s)
BRADLEY, JAMES C

Tradename CORBETT STATION
2605 NE CORBETT HILL RD
CORBETT, OR 97019

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1998 to avoid late fees.

| Operational Questions | Responses | | | | | | | | | | |
|--|---|----------|------------|--|------------|--------|------------|-------------------|----------|----------|--|
| (1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number. | Name <u>KAREN Y. HERBOLD</u> SS# <u>502742349</u> | | | | | | | | | | |
| (2) Please list a daytime phone number. | Phone Number: | | | | | | | | | | |
| (3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed. | <table border="1"> <thead> <tr> <th>Name</th> <th>Offense</th> <th>Date</th> <th>City/State</th> <th>Result</th> </tr> </thead> <tbody> <tr> <td>RANDALL A.</td> <td>DOMESTIC VIOLENCE</td> <td>12/25/62</td> <td>PORT. OR</td> <td>PRESENTLY IN TREATMENT DEFERRED SENTENCING PROGRAM</td> </tr> </tbody> </table> | Name | Offense | Date | City/State | Result | RANDALL A. | DOMESTIC VIOLENCE | 12/25/62 | PORT. OR | PRESENTLY IN TREATMENT DEFERRED SENTENCING PROGRAM |
| Name | Offense | Date | City/State | Result | | | | | | | |
| RANDALL A. | DOMESTIC VIOLENCE | 12/25/62 | PORT. OR | PRESENTLY IN TREATMENT DEFERRED SENTENCING PROGRAM | | | | | | | |
| (4) Effective March 15, 1998, under ORS 471.295 (2), you are required to maintain a Liquor Liability policy of NO LESS THAN \$300,000. Please list Insurance/Bonding Company and Policy/ID # and attach insurance certificate listing the OLCC as a certificate holder. | Insurance/Bonding Company <u>Farmers also.</u> Policy # <u>034738242</u> | | | | | | | | | | |
| (5) Will anyone share in the profits who is not a licensee of this business? If yes, please give name(s) and explain. | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: | | | | | | | | | | |
| (6) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year? | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: | | | | | | | | | | |
| (7) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling? | <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN: | | | | | | | | | | |

Endorsement: Please take this form to your local governing body, (county or city), listed below, before you return it to the OLCC.

Multnomah County recommends that this license be GRANTED _____ REFUSED _____ on (date) _____

Signed: _____ Title of Signer BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

| License Fees and Late Fee Schedule & Amounts - Do not mail cash | Dollar Amount(s) |
|--|------------------------|
| License Fee for Retail Malt Beverage | 200.00 |
| Server Education student fee | 2.60 |
| TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<< | 202.60 |
| Late Fees | |
| IF Renewal Application Is Received After December 11, 1998 but before January 01, 1999 | Add 50.00 To Total Due |
| IF Renewal Application Is Received On or After January 01, 1999. | Add 80.00 To Total Due |

| Print Name | Signature | Date | Social Security # | Date of Birth |
|--------------------|-------------------------|---------|-------------------|---------------|
| KAREN Y. HERBOLD | <i>Karen Y. Herbold</i> | 1-10-99 | 502742349 | 12-29-60 |
| RANDALL A. HERBOLD | | | 564081073 | 9-28-55 |

MEETING DATE: MAR 04 1999
AGENDA NO: C-3
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

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: Kathy Tuneberg **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 deed to contract purchaser, EVA WALTERS, for completion of Contract #15610 (Property repurchased by former owner at auction).

Deed D981507 and Board Order attached.

3/4/99 ORIGINAL DEED & COPIES OF
ALL TO TAX TITLE

CLERK OF
COUNTY COMMISSIONERS
99 FEB 25 AM 8:47
HOLLAND COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: lt

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. 99-21

Authorizing the Execution of Deed D981507 Upon Complete Performance of a Contract with EVA WALTERS

The Multnomah County Board of Commissioners Finds:

- a) On August 27, 1991, Multnomah County entered into a county contract 15610 recorded in the county deed records at Book 2452 Page 1543 with EVA WALTERS for the sale of the real property hereinafter described.
- b) On August 7, 1997, pursuant to the Order No. 97-156, Board of County Commissioners authorized the execution of a deed to Ms. Walters based on the County's understanding that there was a transaction in escrow providing for final payoff of the above referenced County contract.
- c) The Escrow failed to close however, and the deed was never executed to Ms. Walters.
- d) On February 2, 1999, Ms. Walters, fully performed the terms and conditions of County contract No.15610 and is now entitled to a deed conveying the property to her, now therefore

The Multnomah County Board of Commissioners Orders:

1. That the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

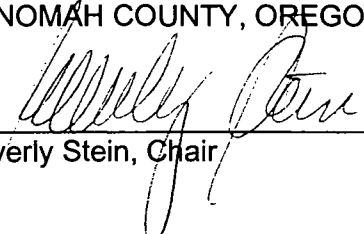
W 26' OF LOTS 23 & 24, BLOCK 14, MT TABOR VILLA ANNEX, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Approved this 4th day of March, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By


Matthew O. Ryan, Assistant County Counsel

DEED D981507

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to EVA WALTERS, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

W 26' OF LOTS 23 & 24, BLOCK 14, MT TABOR VILLA ANNEX, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$15,682.88.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Until a change is requested, all tax statements shall be sent to the following address:

EVA WALTERS
31 SE 111TH
PORTLAND, OR 97216

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of March, 1999, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

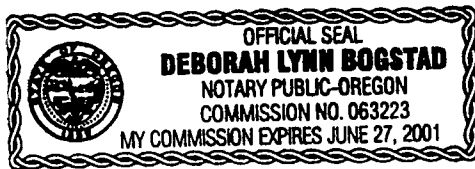
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 4th day of March, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

MEETING DATE: MAR 04 1999

AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **REQUEST APPROVAL OF REPLACEMENT DEED TO REPLACE D981527, WHICH IS LOST AND UNLOCATEABLE.**

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

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

Requesting Approval of Replacement Deed to Replace D981527, Which is Lost and Unlocateable.

Replacement Deed D981527A and Board Order attached.

*3/4/99 ORIGINAL DEED & COPIES
OF ALL TO TAX TITLE*

CLERK OF BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 19 PM 2:53

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Larry E. Nicholas
OR
DEPARTMENT MANAGER: ht

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. 99-22

Replacement Deed D981527A For Certain Tax Acquired Property to GEORGE GOLDEN and MARY GOLDEN

The Multnomah County Board of Commissioners Finds:

- a) Pursuant to Board Order Number 97-194, dated November 6, 1997, Multnomah County executed deed D981527, conveying the real property described below to GEORGE GOLDEN and MARY GOLDEN
- b) That deed was not recorded and now presumed to be lost and unlocateable.
- c) The above contract purchaser has fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

The Multnomah County Board of Commissioners Orders:

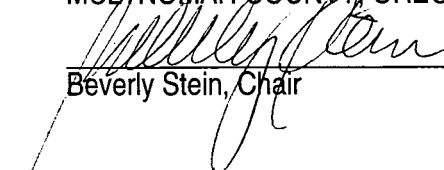
1. The Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 9, BLOCK 44, PIEDMONT, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Approved this 4th day of March, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

REPLACEMENT DEED D981527A

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to GEORGE GOLDEN and MARY GOLDEN, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 9, BLOCK 44, PIEDMONT, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$21,133.40. Grantor executes this deed to replace that certain deed (County Deed number D981527) executed pursuant to County Board Order 97-194, dated November 6, 1997, which was not recorded and now presumed to be lost and unlocateable.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

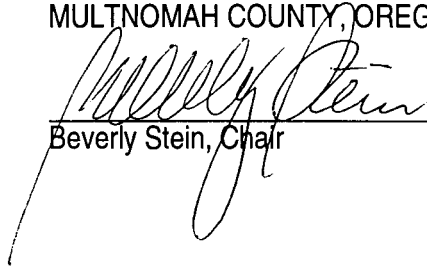
Until a change is requested, all tax statements shall be sent to the following address:

GEORGE GOLDEN
MARY GOLDEN
6372 NE CLEVELAND AVE
PORTLAND, OR 97211

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of March, 1999, by authority of an Order of the Board of County Commissioners heretofore entered of record.




BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
THOMAS SPONSER, COUNTY COUNSEL
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:
Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By 
K. A. Tuneberg

After recording, return to Multnomah County Tax Title, 166/300

STATE OF OREGON

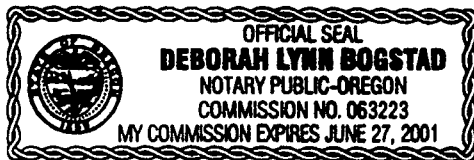
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 4th day of March, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

February 22, 1999

(Date)

DEPARTMENT: Enviromental ServicesDIVISION: TransportationCONTACT: Tom HansellPHONE: 248-9632

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

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

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

x PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Reclassify 1.0 FTE Office Assistant 1 to Office Assistant 2, effective January 1, 1999

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 23 PM 3:04

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

none

TOTAL \$0

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

(Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____

AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Plan / Budget Analyst:

Date:

Department Director:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION NO. DES99-11

| 5. ANNUALIZED PERSONNEL CHANGE (Change on a full-year basis even though this action affects only a part of the fiscal year (FY)). | | | | | |
|---|--------------------------|------------|---------|---------|----------|
| | | ANNUALIZED | | | |
| FTE | POSITION TITLE | BASE PAY | FRINGE | INSUR | TOTAL |
| 1.00 | Office Assistant 2 | 22,910 | 6,099 | 2,672 | 31,681 |
| (1.00) | Office Assistant 1 | (22,070) | (5,944) | (2,600) | (30,614) |
| | | | | | 0 |
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| | | | | | 0 |
| | | | | | 0 |
| 0.00 | TOTAL ANNUALIZED CHANGES | 840 | 155 | 72 | 1,067 |

| 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 Bud Mod. | | | | | | |
|---|-----------------------------------|------------------------|--------------|---------|---------|----------|
| | | | CURRENT YEAR | | | |
| FTE | POSITION TITLE | EXPLANATION | BASE PAY | FRINGE | INSUR | TOTAL |
| 0.50 | Office Assistant 2 | Reclassify OA1 to OA 2 | 11,455 | 3,050 | 1,336 | 15,841 |
| (0.50) | Office Assistant 1 | Reclassify OA1 to OA 2 | (11,035) | (2,972) | (1,300) | (15,307) |
| | | | | | | 0 |
| | | | | | | 0 |
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| | | | | | | 0 |
| | | | | | | 0 |
| | | | | | | 0 |
| | | | | | | 0 |
| 0.00 | TOTAL CURRENT FISCAL YEAR CHANGES | | 420 | 78 | 36 | 534 |

BUDGET MODIFICATION NO.DES99-11

EXPENDITURES

TRANS EB GM

TRANS DATE: 1/1/99

ACCTING PERIOD:

2nd Quarter Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Categor | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|----------------|--------|----------------|----------------|-----------------------------|----------|-----------------------------|
| 1 | | | 150 | 030 | 6102 | | | 5100 | 920,133 | 920,553 | 420 | | Increase Personnel Services |
| 2 | | | 150 | 030 | 6102 | | | 5500 | 162,943 | 163,020 | 77 | | Increase Fringe |
| 3 | | | 150 | 030 | 6102 | | | 5550 | 145,211 | 145,247 | 36 | | Increase Insurance |
| 4 | | | 150 | 030 | 6102 | | | 5200 | 17,929 | 17,396 | (533) | | Decrease Temporary |
| 5 | | | | | | | | | | | | | |
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| 47 | | | | | | | | | | | | | |
| 48 | | | | | | | | | | | | | |
| | | | | | | | | | | | 0 | 0 | GRAND TOTAL |

| BudModID | Line | Fund | Agcy | Org | Object | Revenue | Amount | Description |
|----------|------|------|------|-----|--------|---------|--------|-----------------------------|
| des99-11 | 1 | 150 | 030 | 610 | 5100 | | 420 | Increase Personnel Services |
| des99-11 | 2 | 150 | 030 | 610 | 5500 | | 77 | Increase Fringe |
| des99-11 | 3 | 150 | 030 | 610 | 5550 | | 36 | Increase Insurance |
| des99-11 | 4 | 150 | 030 | 610 | 5200 | | (533) | Decrease Temporary |

| BudModID | Line | gc | Fund | Org | JCN | FTE | Base | Description |
|----------|------|-----|------|------|------|------|-----------------|-------------------------------------|
| des99-11 | 1 | 030 | 150 | 6102 | 6001 | 0.50 | 11,455 | Reclassify OA1 to OA2 (half year ch |
| des99-11 | 2 | 030 | 150 | 6102 | 6000 | 0.50 | (11,035) | Reclassify OA1 to OA2 (half year ch |

Supplemental Staff Report

TO: **BOARD OF COUNTY COMMISSIONERS**

FROM: **Larry Nicholas,
Environmental Services Director**

TODAY'S DATE: **January 29, 1999**

RE: Budget modification in Transportation Division to reclassify an Office Assistant to the proper classification level.

I. Recommendation/Action Requested:

Approve a budget modification affecting the reclassification of one full time employee in Administration Support Services Section of the Transportation Division.

II. Background/Analysis:

The Office Assistant I position was added to the Transportation FY 97 Budget to improve customer service demands placed on the organization. Initially the position was established as a .5 FTE and was eventually increased to a 1.0 FTE to meet internal and external needs. To continue to effectively provide the necessary supports to the Division and Department as we've expanded into a second building this position has required more independence and self-direction to meet the challenging environment.

III. Financial Impact:

All Personal Service increases due to this reclassification will be captured entirely within the organization's (Division Management and Administration) current total Adopted Budget appropriation. Specifically, a decrease in the FY 1998-99 Temporary object code will fund this reclassification proposal.

IV. Legal Issues:

None.

V. Controversial Issues:

None

DES Reclassification Request

Staff Report

VI. Link to Current County Policies:

As the Department and Division continues to expand its utilization of technology to increase production and efficiency we've found the expectations we placed on this position were outpacing the job duties of the OA I classification. The application of the MS Suite, namely Outlook has required this position to exercise a high level competence in operating the software for maximizing Departmental efficiencies. The utilization of the computer in the operation of the switchboard has significantly improved the service delivery of the Department.

VII. Citizen Participation:

None

VIII. Other Government Participation:

None

MEETING DATE: March 4, 1999

AGENDA #: R-2

ESTIMATED START TIME: 9:30 AM

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Results of RESULTS: Department of Library Services Presentation

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, March 4, 1999

AMOUNT OF TIME NEEDED: 10 Minutes

DEPARTMENT: Library Services DIVISION: DLS Administration

CONTACT: Nicole Mitcheltree TELEPHONE #: 248-5402, ext. 24816

BLDG/ROOM #: 317/DLS Admin

PERSON(S) MAKING PRESENTATION: Elizabeth Rothery and Cindy Demuth

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Results from RESULTS: SMART Grants in the Library

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

DEPARTMENT MANAGER: Ginnie Cooper

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 25 PM 2:50

MEETING DATE: MAR 04 1999
AGENDA NO: R-3
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement Between the Department of Community Justice and the City of Portland to support the Youth Gun Anti-violence Task Force.

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

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: ~~N/A~~ 5 mins

DEPARTMENT: Juvenile & Adult Community Justice DIVISION: Juvenile Community Justice

CONTACT: Bob Robison TELEPHONE #: 248-3460 ext. 29415
BLDG/ROOM #: 311/R1128

PERSON(S) MAKING PRESENTATION: ~~Consent Calendar~~ JOANNE FULLER

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement #700649 with the City of Portland and Department of Community Justice to provide services in support of the Youth Gun Anti-Violence Taskforce (YGAT).

3/4/99 ORIGINALS to ALANDRIA TAYLOR

~~Budget Modification is included in this packet.~~

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(CR)

DEPARTMENT MANAGER: E. Clawson/MS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 23 AM 8:45



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

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

DATE: December 31, 1998

TO: Board of County Commissioners

FROM: Elyse Clawson, Director
Department of Community Justice

SUBJECT: Approval of Intergovernmental Agreement #700649 between the
Department of Community Justice and the City of Portland Police
Bureau.

I. RECOMMENDATION/ACTION REQUESTED:

Approval of the attached Intergovernmental Agreement with the City of Portland to provide \$71,367 in grant funds to the City for services supporting the Youth Gun Anti-violence Taskforce (YGAT).

II. BACKGROUND/ANALYSIS:

YGAT provides an integrated systems approach to put violent offenders on notice that further violence will not be allowed in neighborhoods. YGAT uses three basic strategies to target violent offenders:

- Police surveillance, information gathering, and other investigative techniques to build cases for prosecution.
- Immediate police saturation of geographic hot spots of gang violence and drug activity.
- Cooperation among teams of police and parole/probation officers to make home visits and patrol together to identify individuals who are violating conditions of their release.

III. FINANCIAL IMPACT:

This intergovernmental agreement is entirely supported by Weed and Seed Grant revenues received by Multnomah County from the federal Office of Justice Programs. A separate agenda item has been submitted to the Board of County Commissioners to authorize a budget modification allocating the \$75,000 in grant revenues. For this agreement, \$71,367 is for direct services in accordance with

this agreement; the remaining \$3,633 is for Multnomah county's indirect costs. There are no on-going commitments or funding associated with this agreement.

IV. LEGAL ISSUES:
None identified

V. CONTROVERSIAL ISSUES:
None identified.

VI. LINK TO CURRENT COUNTY POLICIES:
The YGAT program supports the County's benchmark of reducing crime.

VII. CITIZEN PARTICIPATION:
N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:
This agreement establishes collaborative community partnerships with the Gang Enforcement Team. YGAT is coordinated effort among the following agencies: Multnomah County Department of Community Justice Adult and Juvenile Parole and Probation Officers; City of Portland Police Bureau; other metro-area municipal and state police officers; Federal Bureau of Investigation; Safe Streets Taskforce; Drug Enforcement Administration; and the Bureau of Alcohol, Tobacco and Firearms.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 700649
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 type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000</p> <p style="margin-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><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>Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue 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 style="margin-left: 20px;"><input checked="" type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><input type="checkbox"/> Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-3</u> DATE <u>3/4/99</u></p> <p style="text-align: center;"><u>DEB BOGSTAD</u> BOARD CLERK</p> |
|--|---|---|

Department: Community Justice Division: RMS Date: 11/3/98
Originator: Jeanne Braman Phone: 22501 Bldg/Rm: 311/DCJ
Contact: Alandria Taylor Phone: 83968 Bldg/Rm: 311/DCJ

Description of Contract: ***Provides services in support of the Youth Gun Anti-Violence Taskforce (YGAT). This project addresses gun violence and the heightened fear of violent crime within neighborhoods identified by the Weed & Seed Grant.***

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____
RFP/BID: _____ RFP/BID DATE: _____
EXEMPTION #/DATE: Pur-IXII.A.1.e EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☒ NONE (Check all boxes that apply)

| | |
|--|---|
| <p>Contractor <u>City of Portland Police Bureau</u></p> <p>Address <u>449 NE Emerson Street</u></p> <p><u>Portland, Oregon 97211</u></p> <p><u>Captain Larry Ratcliff</u></p> <p>Phone <u>823-4295</u> Fax <u>823-5840</u></p> <p>Employer ID# or SS# _____</p> <p>Effective Date <u>December 1, 1998</u></p> <p>Termination Date <u>June 30, 1999</u></p> <p>Original Contract Amount \$ <u>71,367</u></p> <p>Total Amt of Previous Amendments \$ _____</p> <p>Amount of Amendment \$ _____</p> <p>Total Amount of Agreement \$ <u>71,367</u></p> | <p>Remittance address _____</p> <p style="text-align: center;">(If different)</p> <p>Payment Schedule / Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|--|---|

REQUIRED SIGNATURES:

| | |
|--|---------------------------|
| Department Manager <u>E. Clawson / MBS</u> | DATE <u>12-31-98</u> |
| Purchasing Manager _____ | DATE _____ |
| County Counsel <u>[Signature]</u> | DATE <u>2/24/99</u> |
| County Chair <u>[Signature]</u> | DATE <u>March 4, 1999</u> |
| Sheriff _____ | 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 | 156 | 022 | 2745 | | | 6110 | | ADHD | | 71,367 | |
| 02 | | | | | | | | | | | |
| 03 | | | | | | | | | | | |

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

INTERGOVERNMENTAL AGREEMENT

CONTRACT # 700649

This Agreement is made and entered into pursuant to the authority found in ORS 190.010 between **Multnomah County Department of Community Justice (DCJ)** and **City of Portland Police Bureau**.

PURPOSE

To provide services in support of the **Youth Gun Anti-Violence Taskforce (YGAT)**. This project was developed to address youth gun violence and the heightened fear of violent crime within neighborhoods. It establishes collaborative community partnerships with the Gang Enforcement Team. YGAT is coordinated by Multnomah County Department of Community Justice, Adult and Juvenile Parole and Probation Officers, City of Portland Police Bureau, metro-area municipal and state police officers, state police, Federal Bureau of Investigators (FBI), Safe Streets Taskforce, Drug Enforcement Administration (DEA) and the Bureau of Alcohol, Tobacco and Firearms (BATF).

AGREEMENT

1. SCOPE OF CITY SERVICES

A. CITY agrees to provide the following services:

1. CITY will provide surveillance, information gathering and other investigative techniques to identify persons trafficking in the sale of illegal guns and build cases for prosecution.
2. CITY will target geographic "hot spots" where significant gang, drug and violent activities are occurring and immediately saturate the area for law enforcement.
3. CITY will utilize teams of police and parole/probation officers (hereafter PPOs) to identify individuals on parole or probation who may be involved in gang activity and/or violence involving guns, and to make joint home visits. The teams may also patrol together to identify such individuals and make street contact.
4. CITY will ensure police officers are trained in procedures to trace guns and the investigative value of the Integrated Ballistics Identification System, (IBIS).

5. CITY will provide the COUNTY with a monthly activity summary that summarizes the previous months activity.

- B. COUNTY agrees to make available PPOs to participate with the teams referred to in 1(A) (3) above. COUNTY, through the PPOs, shall have ultimate authority to determine if and when a joint home visit will occur on a supervised offender, and the appropriateness of including a police officer.

2. COMPENSATION

For Fiscal Year 1998/99 the COUNTY shall pay the CITY \$71,367.00 to assist in funding CITY'S service in support of YGAT.

3. INDEMNIFICATION

- (A) Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, COUNTY shall indemnify, defend, and hold harmless the CITY, its directors, 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 the COUNTY personnel acting pursuant to the terms of this Agreement.
- (B) Subject to the limitations of the Oregon Torts Claims Act and the Oregon constitution, the CITY shall indemnify, defend and hold harmless the COUNTY, its directors, 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 the CITY personnel acting pursuant to the terms of this Agreement.

4. WORKERS COMPENSATION INSURANCE

The CITY shall maintain Workers' Compensation insurance coverage for all subject workers employed by the CITY in the performance of the work, whether as a carrier or insured employer as provided in Chapter 656 of Oregon Revised Statutes.

5. CONFIDENTIALITY

Each party that receives confidential information, either in written or verbal form from the other, shall hold that information in the strict confidence required by law applicable to the providing agency and shall not disclose the information for any purpose without prior written approval of that agency. Confidential information includes, but is not limited to, client names, family names and all information relative to the client and family. The confidential information shall be used for no other purpose than performing the responsibilities of this Agreement.

In the event that demand for disclosure of documents is received by subpoena or otherwise, the documents, if any, shall be returned to the providing agency and the person making the demand shall be immediately notified. In the event that a subpoena for testimony is received, the providing agency shall immediately be notified of the demand and shall provide instructions and defend against the demand.

6. CONTRACT MODIFICATION

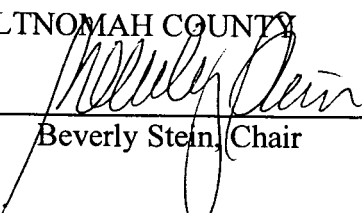
- (A) Services shall begin upon execution of the Agreement and shall continue to be provided up through June 30, 1999.
- (B) The parties may by mutual agreement renew this Agreement for another year.
- (C) Either party may terminate this Agreement by giving the other party not less than 90 days written notice. No such termination shall prejudice any right or responsibility of the parties already accrued prior to the effective date of termination.
- (D) This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended by written mutual agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by the COUNTY and the CITY and approved by the Multnomah County Board of Commissioners.

7. CONTRACT ADMINISTRATION

- A. COUNTY designates Jeanne Braman, Project Manager, to represent the COUNTY in all matters pertaining to the administration of this Agreement.
- B. CITY designates Captain Larry Ratcliff, to represent the CITY in all matters pertaining to the administration of this Agreement.

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

MULTNOMAH COUNTY

By: 
Beverly Stein, Chair

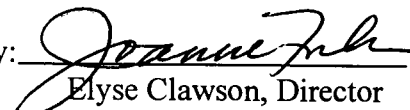
Date: March 4, 1999

CITY OF PORTLAND

By: _____
Vera Katz, Mayor

Date: _____

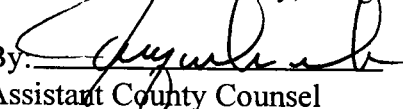
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY JUSTICE

By: 
Elyse Clawson, Director

Date: 12/29/98

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 
Assistant County Counsel

Date: 2/24/99

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 3/4/99
DEB BOGSTAD
BOARD CLERK

Meeting Date: MAR 04 1999
Agenda No: R-4
Est. Start Time: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Re-appointment of a Planning Commission Member

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

REGULAR MEETING Date Requested: March 4, 1999
 Amt. of Time Needed: 10 Minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Kathy Busse **TELEPHONE:** 248-3043
 BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Chair Stein

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Re-appointment of John Ingle as a Planning Commission Member
to serve his third four year term.

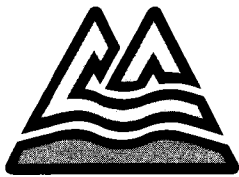
SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: KB [Signature] E. Nicholas

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 PM 2:22
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING
1600 SE 190TH AVE.
PORTLAND, OREGON 97233
(503) 248-3043

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

STAFF REPORT SUPPLEMENTAL

TO: Board of County Commissioner
FROM: Kathy Busse, Planning Director
DATE: February 22, 1999
SUBJECT: Re-appointment of John Ingle to a third term as a Planning Commissioner

I. Recommendation / Action Requested

Request that the Board unanimously approve the re-appointment of John Ingle to a third term as a Multnomah County Planning Commissioner as allowed under MCC 11.05.040 (C).

II. Background / Analysis

John Ingle has been a valued member of the Planning Commission for the past eight years. He has expressed an interest in continuing his service to Multnomah County and would ask for the Board's unanimous concurrence for another term. MCC 11.05.040 (c) states; "No commission member shall serve more than two consecutive terms ... unless otherwise provided by unanimous concurrence of the board." Mr. Ingle has been elected Chair of the Planning Commission by his fellow members and would ask the Board's approval to serve this additional term.

III. Financial Impact N.A.

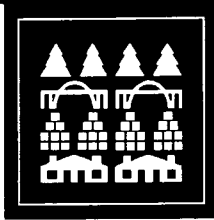
IV. Legal Issues N.A.

V. Controversial Issues N.A.

VI. Link to Current County Policy N.A.

VII. Citizen Participation N.A.

VIII. Other Government Participation N.A.



**PALMER
GROTH &
PIETKA** INC
REAL ESTATE ANALYSTS

February 8, 1999

Ms. Kathy Busse
Director
Department of Environmental Services
Land Use Planning Division
Multnomah County
1600 SE 190th Avenue
Portland, Oregon 97233

**RE: Planning Commission
Term Expiration**

Dear Ms. Busse:

As you may recall, my second term on the Multnomah Planning Commission will expire in March, 1999. However, it is my understanding the Board of County Commissioners can extend the term of a Planning Commissioner beyond the term limits set in the Rules of Procedure.

This letter is being sent to inform you of my continued interest in serving on the Multnomah County Planning Commission. I would appreciate your assistance in forwarding this request to the Board of County Commissioners for their consideration.

Sincerely,

PALMER, GROTH & PIETKA, INC.

John D. Ingle

jdi
Plngcom.wpd

SUITE 200 • 110 S.W. YAMHILL STREET • PORTLAND, OREGON 97204 • (503) 226-0983
WITH OFFICES IN VANCOUVER, SEATTLE AND SACRAMENTO FAX (503) 273-4273

DONALD R. PALMER, MAI
DAVID W. GROTH, MAI
DAVID E. PIETKA, MAI

PHILIP L. STEFFEN, MAI
CHRISTOPHER K. MONGER, MAI

MICHAEL F. GRIFFIN, MAI
MARK M. LAWWILL, MAI
TIMOTHY E. WRIGHT, MAI

BRIAN L. KELLEY, MAI
TODD S. LIEBOW, MAI

11.05.040 (C)

ORD 133 ~~811~~ (1.12)

Meeting Date: MAR 04 1999
Agenda No: R-5
Est. Start Time: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on NSA 26-94 and request a DeNovo hearing for March 18, 1999.

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

REGULAR MEETING Date Requested: March 4, 1999
Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Robert Hall **TELEPHONE:** 248-3043
BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding an **Denial** of the Appellant's appeal of NSA 26-94, allowing the applicant to remove sixteen structures at Bridal Veil, excluding the church and post office.

The appellant requests a DeNovo hearing on March 18, 1999.

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: KB [Signature]

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 PM 2:22
MULTNOMAH COUNTY
OREGON



BOARD HEARING of March 18, 1999

TIME 10:00am

CASE NAME: Removal of buildings at Bridal Veil

NUMBER NSA 26-94

1. APPLICANT & APPELLANT NAME/ADDRESS

APPLICANT

Trust for Public Lands
1121 SW Sixth Avenue
Portland, OR 97204

APPELLANT

Crown Point Country Historical Society
P.O. Box 17
Bridal Veil, OR 97010

ACTION REQUESTED OF BOARD

- ☐ Affirm Plan.Com./Hearing Officer
- ☒ Hearing/Rehearing
 - ☒ Scope of Review
 - ☐ On the record
 - ☒ De Novo
 - ☐ New Information allowed

2. ACTION REQUESTED BY APPLICANT

Appeal of Hearing Officer decision which upheld the Planning Director decision approving removal, with conditions, of sixteen structures at Bridal Veil, excluding the church and post office. That decision would conclude the Columbia River Gorge National Scenic Area Cultural Review Process at the Evaluation of Significance stage (see attached diagram).

3. PLANNING DIRECTOR DECISION

Approval with conditions.

4. HEARINGS OFFICER DECISION:

Approval with conditions.

5. IF RECOMMENDATION AND DECISION ARE DIFFERENT, WHY?

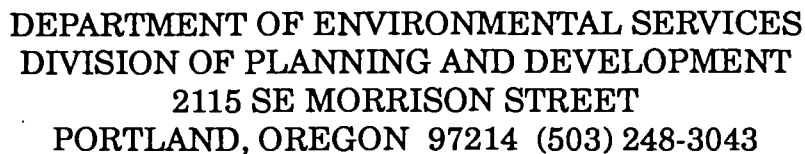
N/A

6. THE FOLLOWING ISSUES WERE RAISED AT THE HEARING (WHO RAISED THEM?)

Chuck Rollins, representing the Crown Point Country Historical Society, raised the only issues at the hearing. Their concerns centered on the issue of the eligibility of the structures for inclusion in the *National Register of Historic Places*. The Hearing Officer addressed all of the issues raised in her decision.

7. DO ANY OF THESE ISSUES HAVE POLICY IMPLICATIONS? EXPLAIN.

No. They involve application of existing code language.



TOTAL 530.00
0000-001 2/16/99 11:10AM
9445 PHIL

8. Grounds for Reversal of Decision (use additional sheets if necessary):

see attached letter

9. Scope of Review (Check One):

(a) ☐ On the Record

(b) ☒ On the Record plus Additional Testimony and Evidence

(c) ☐ De Novo (i.e., Full Rehearing)

10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.

see attached letter

Signed: Steve Lell Date: 2-16-99

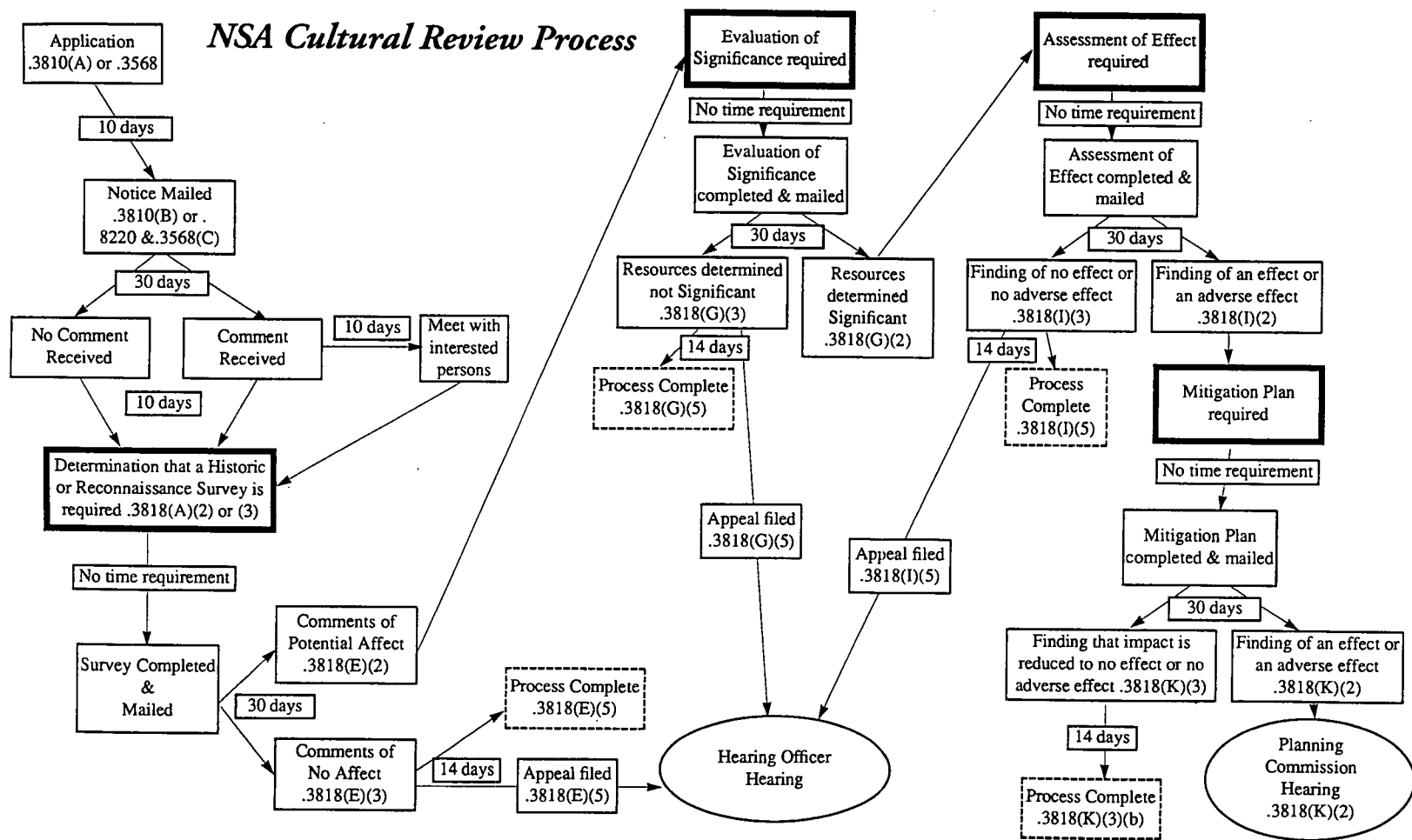
For Staff Use Only

Fee:

Notice of Review = \$530.00

Received by: [Signature] Date: 2/16/99 Case No. NSA 26-94

NSA Cultural Review Process



Crown Point Country Historical Society

PO Box 17 ♦ Bridal Veil, Oregon 97010

February 15, 1999

Dept. Of Environmental Services
1600 SE 190th Ave.
Portland, OR 97223

Re: Appeal of Hearings Officer decision to the Multnomah County Board of Commissioners in the matter of NSA 26-94

We are appealing the hearings officer decision because the officer did not adequately address our concerns as presented in our letter dated November 25, 1998. We disagree with her conclusions, as we disagreed with the conclusions of the planning director, and interpret the ordinances differently.

We resubmit our arguments to the board of commissioners as presented to the hearings officer, as well as all the attachments and enclosures submitted at that time (already on file), to support our appeal, and plan to present further testimony at the hearing before the county commissioners. We request all documentation presented by us on November 25 to be included with this appeal to the commissioners.

In answering # 10 on the appeal form, we request to present new evidence that may clarify points or language submitted earlier, or refute points presented in the Hearings Officer's decision.

We also are now submitting comments regarding specific points in the Hearings Officer's decision, beginning on page 5 of her decision. This will not be complete, as she did not address directly many of the concerns outlined in our letter, but a few of the key points.

Thank you.

Sincerely,

Chuck Rollins

Chuck Rollins
President
503/695-5281

for the board of directors
Clarence Mershon, vice president
Steve Lehl, treasurer
Sandy Cartisser, secretary
Curt Johnson
Dorothy Larson
Laurel Slater
Shio Utetake
Alice Wand
Nita Wilton

COMMENTS FROM CROWN POINT COUNTRY HISTORICAL SOCIETY,
FEBRUARY 15, 1999, ON THE
DECISION OF HEARINGS OFFICER
ON APPEAL OF ADMINISTRATIVE DECISION
NSA 26-94

The italics indicate points the hearings officer took from our letter of November 25, 1998, followed by her findings. We have excerpted points within her findings we wish to refute. Her findings are followed by CPCHS comments, in bold and set off by asterisks.

Beginning on page 4-Decision of Hearing Officer

D. Hearing & Issues on Appeal

(p.5) ...*"Our appeal . . . is based on the Multnomah County GMA Cultural Review Criteria (MCC 11.15.3818). Our review indicates that the process required by these county ordinances may not have been completed, specifically as it pertains to the historic survey (A)(3), and (D)(3) . . ."*

FINDINGS: Section (A)(3) requires an historic survey. An historic survey is defined by MCC 11.15.3556 as "actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs." The Trust for Public Land's Evaluation of Significance includes information that documents the integrity and physical condition of all of the historic buildings proposed for demolition. The Evaluation text and photographs provide this information. The report is supported by archival research.

*****The evaluation text and photographs in the Heritage Investment Corporation report used in the Evaluation of significance do NOT provide this information. It is merely a description of the buildings, no more professionally examined or presented than a casual passer-by would. Only one drawing, a "typical floor plan" is presented, with no dimensions and without referring to any of the buildings individually.**

The section entitled "Building Descriptions" contains mainly one-paragraph descriptions using words such as "appears to be" frequently. If it were a true historic survey, inconclusive wording such as "The building appears to be in fair to poor structural condition" would be eliminated and would instead consist of definitive comments on the condition.

The "archival research" done by the HIC is incomplete. Their "historical and architectural evaluation" does not cite any sources; in Section 5, it lists several inventories but refers to none of the historic evidence as presented to the county in county consultant Sharr Prohaska's report, or the book by Bill Carr of the US Forest Service on historic lumbering in Bridal Veil, or any other actual historic reference materials.***

"The March 5, 1997 Evaluation of Significance submitted by Heritage Investment Corporation of TPL does not contain a complete historic survey, which should include architectural evaluation of the buildings as required in (D)(3)."

FINDINGS: Section (D)(3) says that historic surveys shall include specified information. The Crown Point Country Historical Society claims that an architectural evaluation is required and is missing from the Evaluation. Section (D)(3) does not, however, require an "architectural evaluation." Section (D)(3)(c) requires that the Trust "provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations" and Section (D)(3)(a)(iii) requires "archival research, blueprints and

drawings as necessary." The Evaluation includes archival research and a drawing of the basic layout of a mill worker's home. The architectural illustration requirement is clearly inapplicable to a demolition project as no construction activity is proposed that needs to be illustrated.

***** Again, one drawing of a basic layout is not adequate. Many of the houses are similar in appearance, and several are not. There are no blueprints or drawings in their report of the configuration of the individual houses or buildings.*****

"We do not believe the requirements in (F) have been satisfied completely because the Evaluation of Significance does not demonstrate that the resources are not significant as required in (F)(4)."

FINDINGS: Section 11.15.3816 (F)(4) requires the Trust to "illustrate why each cultural resource is or is not significant. Section (F)(4) requires an illustration of why the Evaluation determined that a resource is or is not significant. Such an illustration (discussion) has been provided throughout the Evaluation.

***** We disagree with this interpretation. Certainly, they have given their sketchy observances. They have not demonstrated professionally supported, detailed and documented conclusions about the individual buildings.*****

E. Law Relevant to Appeal

... The question, therefore, is whether any of the buildings proposed for demolition is eligible for inclusion on the National Register....

The Trust prepared an Evaluation of Significance. The Evaluation determined that the TPL buildings do not qualify for listing in the National Register of Historic Places, either individually or collectively. According to TPL's attorney Ms. Hennessey:

"The burden of proof is not on the applicant to prove a negative: ineligibility for the National Register. The applicant's obligation is to submit an evaluation of significance . . . While an applicant may be required to address the listing criteria for the National Register in its evaluation of significance under MCC Section 11.15.3818(F), MCC 11.15.3818(G) does not impose a burden on every applicant to absolutely prove that a building proposed for demolition does not satisfy any of the National Register eligibility criteria."...

***** We believe the evaluation of significance must include all the evidence or it cannot be considered complete. By virtue of the fact that this evaluation is completed by the applicant, it will by nature reflect the applicant's wishes for outcome on the matter. *****

(p.7) The hearings officer next reviewed the comments received by the County to determine whether those comments "*indicate*" that the buildings are eligible for inclusion on the National Register for any of the reasons listed in subsection i. – iv (Criteria A – D of the National Register criteria). Crown Point's National Register application was based on subsection iv. (Criterion D). There is some evidence that it could have been prepared under subsection i. (Criterion A). No evidence exists in the record, however, other than unsubstantiated claims made by Mr. Rollins at the November 1998 hearing, that the site is eligible for inclusion on the National Register for the reasons listed in subsections ii. and iii (Criteria B and C).³

The hearings officer's review revealed that the written and oral comments now in the record do not indicate that the TPL buildings are eligible for inclusion on the National Register.⁴ As a result, an Assessment of Effect is not required.

***** the evidence comes in the form of the 1996 decision by the Oregon State Historic Advisory Committee on Historic Preservation, who voted unanimously that the site is eligible for inclusion on the National register (see our documentation included with last appeal). The Appeals Officer refers to this action later in her decision.*****

The evidence submitted to the County in favor of requiring an Assessment of Effect shows that some professionals believe that the town and the TPL buildings are "probably eligible" for inclusion on the National Register. The Hearings Officer must find, however, that the comments indicate that the buildings are eligible, not that they are probably eligible. Crown Point representative Chuck Rollins also submitted a copy of its application for inclusion of the TPL property on the National Register and documentation regarding the decision by the State Advisory Committee on Historic Preservation to nominate the site for inclusion on the National Register based upon Crown Point's application. That application was, however, determined by the keeper of the National Register, to be insufficient to establish that the site is eligible for inclusion on the National Register. The Advisory Committee felt that the application did establish eligibility, but their opinion was determined to be incorrect by the keeper of the National Register. No new evidence to suggest otherwise has been presented to the Hearings Officer. As a result, none of the evidence in the record "indicates" that the Trust's property is eligible for inclusion on the National Register.

***** The advisory committee's opinion was not found to be incorrect. The nomination was NOT denied but was returned without action.**

...The comments considered and reviewed by the Hearings Officer include testimony presented at the hearing and the following documentary evidence...

***** in the Hearings Officer's comments that follow, she repeatedly refers to the expert's comments on the buildings' *likely eligibility* for the national register. Of course, because access to the buildings have been consistently denied, those experts could not make a definitive determination. These ten letters from professional historians provide ample support for the need to determine the eligibility definitively, and the value of the buildings and site. Please read the original letters as they were submitted by CPCHS. We find it appalling that the hearings officer dismisses this large body of expert testimony with semantic hair-splitting, when the content of the letters support the idea the buildings would be eligible.**

The ordinance requires that the evidence "indicate" that the resource would be eligible for the national register, not that it absolutely is, (which would be impossible to determine unless the keeper of the register makes a decision.) (see Hearings Officer's comment on the previous page, 2nd paragraph from the bottom). We believe that the evidence does indeed "indicate" this, and that the ordinance cited does not require expert testimony to include the exact wording desired by the Hearings Officer.***

(p.9) ... TPL's actions in threatening Ms. Prohaska [Multnomah County consultant] with a lawsuit provides evidence of TPL's lack of objectivity on the historic significance question and intractability but it does not establish historic significance....

*****The hearings officer's comment here, referring to one of the letters CPCHS included in the appeal, is a good example of how the hearings**

officer is acknowledging TPL's lack of objectivity, but is choosing to disregard this evidence. If TPL is so convinced that the buildings at Bridal Veil are ineligible, why is it so adamant that the buildings not receive a complete architectural survey to answer the question definitively.

In addition, the Prohaska report does indeed establish historic significance, hundreds of pages worth. That document, prepared for Multnomah County, is included in the earlier record.

Again and again, in commenting on the individual letters submitted by CPCHS, the Hearings officer dismisses the expert testimony because they chose to word their letters not in the legal terminology she prefers, but in the terminology of their own professions and expertise. ***

(p.10)...A July 1, 1996 letter from James Hamrick of SHPO to the Keeper of the National Register dated July 1, 1996 stating that the State Advisory Committee on Historic Preservation concluded unanimously that the property meets National Register criteria but also states that the SHPO staff archeologist's analysis of the application using the National Register guidelines revealed that the case for National Register eligibility was not proven.⁵ This letter and attached minutes provide evidence that the Advisory Committee's decision was that the property meets National Register criteria. This evidence "indicates" that the site is suitable for inclusion on the Register but this evidence was provided to the keeper of the Register and determined to be insufficient to establish eligibility. As such, the evidence, without more, does not indicate eligibility....

Again, we believe because the only decision that was made conclusively was that of the State Advisory Committee on Historic Preservation, that that decision should be used as sufficient to establish, or "indicate" eligibility. Our own state's panel of experts should be definitive, especially with the lack of a decision from the national body.

JAN 22 1999

**DECISION OF HEARINGS OFFICER
ON APPEAL OF ADMINISTRATIVE DECISION
NSA 26-94**

Applicant: Trust for Public Lands
1211 SW Sixth Avenue
Portland, OR 97204

Appellant: Crown Point Country Historical Society
PO Box 17
Bridal Veil, OR 97010

Request: National Scenic Area approval for demolition of sixteen structures [shown on the site map as buildings 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, 17, 18, 20 & 22, plus the shop and warehouse (all as described in the report titled *Bridal Veil, Multnomah County, Oregon Historic Survey and Evaluation of Significance, July 29, 1994* by Heritage Investment Corporation), but excluding the church and post office] at Bridal Veil.

Location: 47000-47330 West Mill Road

Legal Description: Tax Lots '11', '3' and '2' Section 22, Township 1 North, Range 5 East & Lots 8-15, First Addition to Bridal Veil

Zoning: Special Management Area, Public Recreation (GS-PR)

Findings and Conclusions:

The Hearings Officer makes the following findings and conclusions regarding the above-referenced land use application:

A. Background of Proposal

Previously, on April 6, 1995, the Planning Director had approved demolition of the aboveground portion of the resaw building on the Bridal Veil property (NSA 4-95). That demolition was accomplished as approved during the remainder of 1995 and 1996. However, during early 1997, activity in excess of that approved by NSA 4-95 occurred in the vicinity of the resaw building. The Planning Director notified the applicant of the unauthorized activity and indicated that processing of the request for an Evaluation of Significance of the other 16 structures would be held at the notification stage until a mitigation plan for the activity in and around the resaw building was developed and approved.

In November, 1995, the Crown Point Historical Society made application to the National Park Service for placement of this property (plus adjacent properties owned by the Bridal Veil Cemetery, Union Pacific Railroad, Multnomah County and the State of Oregon) on the National Register of Historic Places. The application indicated the property should be considered significant due to "Archeology: Historic-non-aboriginal, Industry and Social History." It further indicated that the property qualified for National Register listing based on criteria (i) and (iv) above.

On September 18, 1996 the Bridal Veil Historical Archeological Site application was reviewed by Dr. Barbara Little of the National Park Service. Her comments indicate that the application contained insufficient information to make a decision and was being returned. Two of her comments addressed the buildings that are now being proposed for demolition. They are as follows:

"If the standing buildings are nominated for their information potential under criterion D, then the information they could contribute should be clearly described. The standing buildings, as such, do not contribute to the archeological potential of the site, although the patterning of the locations of those buildings (or their foundations) would contribute to the information potential of the site as the research questions currently are posed."

"In Section 7 (of the application), there should be no categories listed under "Architectural Classification" because there are no contributing buildings. This site does not appear to be eligible under Criterion A particularly due to a lack of integrity of the extant remains."

[Staff note: Criterion A and D are identical to (i) and (iv) above]

Chris Beck of the Trust for Public Land, in a letter to Carol Shull, Keeper of the Register for the National Register of Historic Places dated November 15, 1996, asked clarification of Dr. Little's review comments. On December 20, 1996, Ms. Shull commented in part:

"The above-ground structures are not archeological resources and would not be contributing resources in the Historical Archeological Site as it is presented in the returned nomination. The significance of the archeological site (if such is demonstrated) would not depend on the presence of the above-ground structures."

Mr. Beck then requested an opinion from the Oregon State Historic Preservation Office regarding the buildings at Bridal Veil. On February 6, 1997, James M. Hamrick, Deputy State Historic Preservation Officer, responded:

"The State Historic Preservation Office position is that the 14 houses, 3 garages, and several other buildings at Bridal Veil are not eligible for the National Register under Criteria A, B, C, nor do they meet Criterion D. The National Register has acknowledged "the standing buildings, as such, do not contribute to the archeological potential of the site..." We conclude their demolition would have "No Effect," particularly since, under present limitations of access and insufficient test evidence, the property as a whole cannot be effectively demonstrated to meet National Register Criterion D as a historical archeological site."

The nomination of the Bridal Veil site for the National Register of Historic Places was made on the basis of its archeological potential; thus, its title *Bridal Veil Archeologic Site*. The previous comments indicate two areas of concern:

- (1) The Bridal Veil site has the potential of containing significant archeologic resources and further research needs to be conducted to evaluate that potential, and
- (2) The buildings on the Bridal Veil site are not contributing resources, but their locations and patternings would contribute to the information potential of the site.

On March 5, 1997, the Trust for Public Land submitted an Evaluation of Significance in conjunction with their request for demolition of 16 buildings at Bridal Veil. Notice of that request and a copy of a report entitled *Bridal Veil Multnomah County, Oregon Historic Survey and Evaluation of Significance* (125 pages) prepared by Heritage Investment Corporation was mailed to interested parties on April 11, 1997.

The applicant recently submitted a *Scope of Work for the Bridal Veil Historical Archaeological Site* prepared by Gary C. Bowyer of Western Resources Consulting which includes the following:

- A mitigation plan for unauthorized work in the vicinity of the resaw building; and

- A request to demolish the remaining 16 structures with either archaeological testing prior to or during demolition; and
- A proposal to conduct archaeological testing of the entire 29.95-acre site after all 16 structures have been removed and an offer to provide the results of that testing to all interested parties.

As a result of this submittal, the Evaluation of Significance stage of the Cultural Review process for the request to demolish the remaining 16 structures was reinstated. Notice of the proposal was mailed to appropriate governmental agencies and all individuals who had previously indicated an interest in the project. Responses were received from the following eight agencies and/or individuals:

Friends of the Columbia Gorge.
US Forest Service, NSA Office
David V. Ellis
Nancy Russell.
Oregon State Historic Preservation Office
Bridal Veil Community Church.
Crown Point Country Historical Society
Alfred Staehli

The applicant submitted a Scope of Work for demolition of sixteen buildings at the Bridal Veil historical archaeological site that addresses both of these concerns. That Scope of Work was prepared by Gary C. Bowyer of Western Resources Consulting. Mr. Bowyer has submitted a resume that indicates he satisfies the professional qualifications of MCC 11.15.3818(D). That scope of work proposes mapping and photographing the building complex prior to any building demolition. Next, archaeological monitoring is proposed either during or prior to any building demolition. Finally, an archaeological survey of the entire site will be conducted after the buildings have been removed. That survey will consist of a reconnaissance survey, mapping and photographing identified features and artifacts, and a final surveyed map of the entire site indicating building footprints, depressions and refuse deposits.

B. Decision of Planning Director

The Planning Director approved the applicant's request to demolish all Bridal Veil buildings listed above, subject to compliance with specified conditions of approval, after determining that the record lacks evidence to show that the buildings proposed for demolition are historically significant. The Director stated:

"Based on the comments from Carol Shull, Keeper of the Register for the National Register of Historic Places, Dr. Barbara Little of the National Park Service, and James M. Hamrick, Deputy Oregon State Historic Preservation Officer, the Planning Director finds the sixteen buildings under application for demolition are not significant and that their removal can be accomplished in a manner that will insure the preservation of the integrity of any potential archeological resources on the property. Because there is a potential for ground disturbing activity during demolition, the monitoring during demolition option of the Scope of Work is rejected and the applicant shall be required to perform testing prior to demolition as described in the Scope of Work.

The cultural review process would be complete if:

- The applicant submitted the results of the pre-demolition mapping, photography and testing to the US Forest Service National Scenic Area office and the Planning Director for review prior to the issuance of any demolition permits. The Forest Service and Planning Director must determine all pre-demolition work has been completed as described in the "Testing

Prior to Demolition" portion of the Scope of Work prior to issuance of any demolition activity, and

- The applicant posted a performance bond to insure the post-demolition archaeological survey and professional land survey of the entire property is completed as described in the Scope of Work. Consultation with professional archaeologists indicate that the proposed post-demolition archaeological survey could cost \$10,000, and the County Survey Office estimates the land survey to cost approximately \$10,000. Therefore, the performance bond should be in the amount of \$20,000. That bond amount may be reduced if the applicant submits written bids from qualified professionals for lesser amounts to perform the work as described.

The Planning Director recognizes the comments and concerns of the Crown Point Country Historical Society and includes several of their suggestions in this decision. The Director, however, is persuaded by the comments of Carol Shull, Keeper of the Register for the National Register of Historic Places, and Dr. Little in 1996 with respect to the significance of the sixteen buildings. No new information regarding their significance has been added to the record in the two years since those comments were written. The property will continue to have the potential of archeological significance, and the Final Report which will result from this decision will add to the body of knowledge of that potential."

C. Appeal

On October 13, 1998, Multnomah County issued an administrative decision in case NSA 26-94 approving a request by the Trust for Public Land to demolish numerous buildings at Bridal Veil. On October 27, 1998, an appeal of the administrative decision of the Multnomah County Planning Director was filed by Laurel B. Slater on behalf of Crown Point Country Historical Society. The appeal was timely filed, having been filed within 14 days from the date the administrative decision was issued. MCC 11.15.3810(G).

The Notice of Appeal filed by the Society listed the following as the grounds for reversal or modification of the Planning Director's decision as follows:

"Disagree with staff recommendation to allow removal of buildings at Bridal Veil due to their historic potential."

D. Hearing & Issues on Appeal

On November 18, 1998, an appeal hearing was conducted by Hearings Officer Liz Fancher. At the commencement of the hearing, the hearings officer questioned whether the notice of appeal complied with the requirement of MCC 11.15.8290(B) that the notice list the "specific grounds" relied on for reversal or modification of the decision. In response to the Hearings Officer's inquiries, Crown Point representative Chuck Rollins narrowed the issue raised in the appeal to the following:

The Planning Director should have found that the cultural resources to be significant and should have required an Assessment of Effect because all of the Bridal Veil properties that are to be demolished are eligible for inclusion in the National Register of Historic Places for each of the four reasons enumerated in MCC 11.15.3818(2)(a)(i) – (iv).

In a letter dated November 25, 1998 to the hearings officer, Mr. Rollins raised issues that go beyond the scope of the appeal, despite being advised of the provisions of the appeals ordinance that limit review of the Notice of Appeal to the specific grounds raised in the appeal. The hearings officer addressed the issues, however, as they may be raised in future proceedings before the Board of Commissioners, if an appeal of this decision is filed with the Board.

"Our appeal . . . is based on the Multnomah County GMA Cultural Review Criteria (MCC 11.15.3818). Our review indicates that the process required by these county ordinances may not have been completed, specifically as it pertains to the historic survey (A)(3), and (D)(3) . . ."

FINDINGS: Section (A)(3) requires an historic survey. An historic survey is defined by MCC 11.15.3556 as "actions that document the form, style, integrity, and physical condition of historic buildings and structures. Historic surveys may include archival research, architectural drawings, and photographs." The Trust for Public Land's Evaluation of Significance includes information that documents the integrity and physical condition of all of the historic buildings proposed for demolition. The Evaluation text and photographs provide this information. The report is supported by archival research.

"The March 5, 1997 Evaluation of Significance submitted by Heritage Investment Corporation of TPL does not contain a complete historic survey, which should include architectural evaluation of the buildings as required in (D)(3)."

FINDINGS: Section (D)(3) says that historic surveys shall include specified information. The Crown Point Country Historical Society claims that an architectural evaluation is required and is missing from the Evaluation. Section (D)(3) does not, however, require an "architectural evaluation." Section (D)(3)(c) requires that the Trust "provide detailed architectural drawings and building plans that clearly illustrate all proposed alterations" and Section (D)(3)(a)(iii) requires "archival research, blueprints and drawings as necessary." The Evaluation includes archival research and a drawing of the basic layout of a mill worker's home. The architectural illustration requirement is clearly inapplicable to a demolition project as no construction activity is proposed that needs to be illustrated.

"We do not believe the requirements in (F) have been satisfied completely because the Evaluation of Significance does not demonstrate that the resources are not significant as required in (F)(4)."

FINDINGS: Section 11.15.3816 (F)(4) requires the Trust to "illustrate why each cultural resource is or is not significant. Section (F)(4) requires an illustration of why the Evaluation determined that a resource is or is not significant. Such an illustration (discussion) has been provided throughout the Evaluation.

E. Law Relevant to Appeal

The law that central to the Hearings Officer's decision of this matter is MCC 11.15.3818 (2)(a) (i) – (iv). That law provides:

- (2) The Planning Director shall find the cultural resources significant and *require an Assessment of Effect if the Evaluation of Significance or comments received indicate either:*
 - (a) The cultural resources are included in, or eligible for inclusion in, the National Register of Historic Places. The criteria for use in evaluating the eligibility of cultural resources for the National Register of Historic Places appear in the *National Register Criteria for Evaluation (36 CFR 60.4)*. Cultural resources are eligible for the National Register of Historic Places if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, they must meet one or more of the following criteria:

- (i) Association with events that have made a significant contribution to the broad patterns of the history of this region;
 - (ii) Association with the lives of persons significant in the past;
 - (iii) Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (iv) Yield, or may be likely to yield, information important in prehistory or history."
- (b) The cultural resources are determined to be culturally significant by an Indian tribal government, based on criteria developed by that Indian tribal government and filed with the Gorge Commission.

FINDINGS: The issue before the Hearings Officer is whether an Assessment of Effect is required prior to demolition of the Bridal Veil buildings. If either subpart (a) or (b) are satisfied, an Assessment of Effect must be required. No claim of significance under subpart (b) has been claimed for this site. As a result, subpart (a) is the sole criterion applicable to the determination of whether the Trust must prepare an Assessment of Effect.

Subpart (a) requires an Assessment of Effect if the Evaluation of Significance or comments received by the County indicate that the Bridal Veil buildings, individually or collectively, are included on the National Register or are eligible for inclusion in the National Register of Historic Places based upon the criteria listed in this ordinance. In this case, none of the buildings is listed on the National Register. The question, therefore, is whether any of the buildings proposed for demolition is eligible for inclusion on the National Register.

In order to be included on the National Register, a building or historical site must possess "integrity of location, design, setting, materials, workmanship, feeling and association." It must also be shown that the building or site has an association with significant events, has an association with significant persons, is distinctive in design or architecture or consists of highly artistic work or is of archeological significance. The National Register criteria are subjective. The criteria are, however, refined and interpreted by historians using the National Register Bulletin "How to Apply the National Register Criteria for Evaluation."

The Trust prepared an Evaluation of Significance. The Evaluation determined that the TPL buildings do not qualify for listing in the National Register of Historic Places, either individually or collectively. According to TPL's attorney Ms. Hennessey:

"The burden of proof is not on the applicant to prove a negative: ineligibility for the National Register. The applicant's obligation is to submit an evaluation of significance . . . While an applicant may be required to address the listing criteria for the National Register in its evaluation of significance under MCC Section 11.15.3818(F), MCC 11.15.3818(G) does not impose a burden on every applicant to absolutely prove that a building proposed for demolition does not satisfy any of the National Register eligibility criteria."

The applicant's reading of the approval criteria appears to be accurate.¹ As such, the Evaluation does not provide a basis upon which to require the applicant to conduct an Assessment of Effect.²

The hearings officer next reviewed the comments received by the County to determine whether those comments "indicate" that the buildings are eligible for inclusion on the National Register for any of the reasons listed in subsection i. – iv (Criteria A – D of the National Register criteria). Crown Point's National Register application was based on subsection iv. (Criterion D). There is some evidence that it could have been prepared under subsection i. (Criterion A). No evidence exists in the record, however, other than unsubstantiated claims made by Mr. Rollins at the November 1998 hearing, that the site is eligible for inclusion on the National Register for the reasons listed in subsections ii. and iii (Criteria B and C).³

The hearings officer's review revealed that the written and oral comments now in the record do not indicate that the TPL buildings are eligible for inclusion on the National Register.⁴ As a result, an Assessment of Effect is not required.

The evidence submitted to the County in favor of requiring an Assessment of Effect shows that some professionals believe that the town and the TPL buildings are "probably eligible" for inclusion on the National Register. The Hearings Officer must find, however, that the comments indicate that the buildings are eligible, not that they are probably eligible. Crown Point representative Chuck Rollins also submitted a copy of its application for inclusion of the TPL property on the National Register and documentation regarding the decision by the State Advisory Committee on Historic Preservation to

¹ Subsection (G)(3) also provides that the cultural resource review process shall be deemed complete if "no substantiated comment is received during the 30 day comment period and the Evaluation of Significance indicates the effected cultural resources are not significant." TPL has not argued that no substantiated comments were received so this is not an issue in this review.

² Mr. Rollins claimed that the Bridal Veil buildings are eligible for inclusion on the Register due to the fact that the town is associated with the Kraft family (subsection ii/Criterion B). The National Register Bulletin that guides review of applications makes it clear, however, that the buildings in question must illustrate a famous person's important achievements. Buildings in this category typically include the home of an important person, the studio of an important artist or the business headquarters of an important industrialist. It does not include buildings owned by persons of no particular historical significance merely because those buildings are located in a town where the mill was once owned by a person who is famous for reasons unconnected to the town.

³ This ordinance shifts the burden of proof to the County and opponents upon the filing of an Evaluation of Significance that meets County standards and that concludes that a site or building is not eligible for inclusion on the National Register. In Oregon land use proceedings the burden of proof must always remain with the applicant. Yet, this matter is proceeding under a local adoption of a federal law. Opponents to the TPL application have not objected to this shifting of the burden and have not provided any legal arguments regarding this issue. As a result, the issue has not been addressed by the hearings officer.

⁴ The Hearings Officer wishes to make it clear that her opinion does not determine whether or not the Bridal Veil site is or is not historically significant to Multnomah County.

nominate the site for inclusion on the National Register based upon Crown Point's application. That application was, however, determined by the keeper of the National Register, to be insufficient to establish that the site is eligible for inclusion on the National Register. The Advisory Committee felt that the application did establish eligibility, but their opinion was determined to be incorrect by the keeper of the National Register. No new evidence to suggest otherwise has been presented to the Hearings Officer. As a result, none of the evidence in the record "indicates" that the Trust's property is eligible for inclusion on the National Register.

The comments considered and reviewed by the Hearings Officer include testimony presented at the hearing and the following documentary evidence:

Alfred Staehli, FAIA, letter dated August 13, 1998 and November 1998 hearing testimony: Mr. Staehli states that the Trust should be required to do "basic Historic American Buildings Survey (HABS) documentation on the remaining buildings as a mitigating condition." Mr. Staehli states that the Bridal Veil buildings were not determined to be insignificant. Mr. Staehli says that the buildings are "eminently restorable and capable of interpreting life and history in Bridal Veil." Mr. Staehli's letter mentions that the Oregon State Advisory Committee on Historic Preservation approved the final amended National Register nomination under Criterion D (subsection iv). Mr. Staehli does not say that the buildings are eligible for inclusion on the National Register.

David V. Ellis, in a September 5, 1998 letter commented on the Trust's proposed methods of monitoring demolition work. The letter did not contain any evidence regarding National Register criteria.

Chuck Rollins, in a September 5, 1998 letter, complained about violations of the resaw building permit and the Bowyer scope of work for monitoring demolition activities. As to the historic value question, Mr. Rollins stated that the keeper of the National Register did not deny Crown Point's application for inclusion of the townsite on the National Register based on Criterion D (subsection iv. of the County's ordinance). Mr. Rollins cited the keeper's comment that research questions were well developed and would demonstrate the likelihood of important information at the site "if the presence of intact remains were well-documented." The fact that one has developed a good study methodology does not say anything about whether the site is worth studying.

The Rollins letter and other evidence in the record establishes that the National Register application was returned because it was incomplete. This means that it is possible that additional evidence might be found that would establish the historical significance of the site. It also means, however, that the evidence submitted was not sufficient to establish significance. The only evidence in the Rollins letter regarding historic register question is his Mr. Rollins' statement that the Oregon State Advisory Board on Historic Preservation voted to forward the Crown Point application for nomination to the National Register.

At the hearing in November, 1998, the Hearings Officer advised Mr. Rollins and the Crown Point Country Historical Society that it should organize and submit all evidence that bears on the central question of significance. Mr. Rollins submitted a letter dated November 25, 1998, the Society's application for nomination to the National Register and correspondence with The Trust and the Keeper of the National Register and other letters that support Crown Point's position.

Mr. Rollins' November letter contains the claim that "we believe that (G)(2), based on the inconclusiveness of the National Register nomination and 'comments received,' requires the Planning Director to find the cultural resources significant, and therefore require an Assessment of Effect. Subsection (G)(2) requires the hearings officer to

require an Assessment of Effect only if the comments in the record indicate that the TPL buildings are eligible for nomination, not if the comments indicate a lack of evidence to determine that the buildings are eligible for inclusion on the National Register.

Mr. Rollins submitted a letter from Sharr Prohaska dated May 7, 1993. Ms. Prohaska states that Chris Beck of TPL was told by Ms. Prohaska and several consultants that Bridal Veil was "probably historically significant." Ms. Prohaska says that "interior alteration is not the criteria one uses to determine significance." The Hearings Officer concurs with this statement. Ms. Prohaska also says that "[t]he reason the Prohaska report does not contain any information on the architectural significance or integrity of the buildings is because TPL threatened lawsuit and refused to let me in the buildings when I conducted my research on the historic and cultural significance of Bridal Veil." The Prohaska letter does not reach a conclusion on historic significance and the eligibility of the site for inclusion on the National Register. TPL's actions in threatening Ms. Prohaska with a lawsuit provides evidence of TPL's lack of objectivity on the historic significance question and intractability but it does not establish historic significance.

Mr. Rollins submitted a letter from Rick Harmon, Oral Historian of the Oregon Historical Society, dated October 19, 1992 that states that Harmon would lend "an emphatic yes" to the question of Bridal Veil's significance as a cultural and historic resource based upon the fact that the remnants of the town are still rooted in their original context. This statement does not, however, say that the site is eligible for inclusion on the National Register.

Mr. Rollins provided the Hearings Officer with a letter from Mr. Rollins to Mr. Beck dated November 23, 1992. That letter documents TPL's refusal to allow access to the Bridal Veil buildings by Crown Point. The letter does not, however, establish that the Bridal Veil buildings are of historical significance.

Mr. Rollins submitted a letter from Carl Abbott, Ph.D. that states that the communities and industrial complexes created by the logging industry survive in Multnomah County in substantial form only at Bridal Veil. Dr. Abbott states that Bridal Veil is "a classic example of a cultural landscape which is far more than a simple sum of its parts." Dr. Abbott does not offer an opinion regarding the National Register criteria.

Mr. Rollins also submitted an undated letter from Sally Donovan, an historian with a master degree in Historic Preservation at the University of Oregon. Ms. Donovan's letter addresses former County criteria that have been repealed. Ms. Donovan's letter specifically states that National Register criteria are irrelevant to evaluating the site. As such, it is not reasonable to rely upon this letter as offering an opinion on National Register criteria. Ms. Donovan's letter states that some of the buildings owned by TPL retain historic integrity but she fails to identify those buildings. The Hearings Officer is, therefore, unable to draw any conclusion regarding the historical integrity of any particular building based upon this statement.

Mr. Rollins submitted a letter from T. Allan Comp, Ph.D., Historian that supports inclusion of Bridal Veil as a Goal 5 resource in the Multnomah County comprehensive plan. The letter says that the site is a "potential" National Register site. This letter does not discuss the National Register criteria.

Mr. Rollins submitted an October 13, 1992 letter from Catherine Galbraith recommending that the Bridal Veil homes be evaluated as a collection. The letter does not include an opinion regarding eligibility for inclusion of the town on the National Register.

Mr. Rollins also provided a February 13, 1996 letter from Professor David Brauner of Oregon State University. Professor Brauner states that a representative of TPL contacted him while attempting to find an archaeologist who would speak in opposition to the nomination. Professor Brauner was troubled that no subsurface data is available to support the nomination but notes that TPL refuses access to the site to historians. Professor Brauner is of the opinion that the buildings are a part of the archaeological record. Professor Brauner does not, however, make any claim that the site is or is not eligible for inclusion in the National Register.

Mr. Rollins submitted an October 18, 1992 letter from Richard Ellis stating that some of the TPL buildings are intact and "can continue to provide important information not just on the architecture of the community, but on the community's social organization as well." The Ellis letter addressed a report from HIC (Heritage Investment Corporation) that predates the 1994 Evaluation of Significance prepared by HIC. The Ellis letter noted a number of deficiencies in that report and concluded that the HIC report was inappropriately narrow. Mr. Ellis did not, however, address the National Register review standards nor does it say that the TPL building are eligible for inclusion on the National Register.

Mr. Rollins also submitted the application for inclusion of the Bridal Veil site on the National Register under criterion D. This is the application that was determined by the Keeper of the Register to be insufficient to support a conclusion that the Bridal Veil site is eligible for listing on the National Register. As such, it is known that this application and the information it contains do not indicate eligibility. Instead, it is known that this information alone does not establish eligibility.

A July 1, 1996 letter from James Hamrick of SHPO to the Keeper of the National Register dated July 1, 1996 stating that the State Advisory Committee on Historic Preservation concluded unanimously that the property meets National Register criteria but also states that the SHPO staff archeologist's analysis of the application using the National Register guidelines revealed that the case for National Register eligibility was not proven.⁵ This letter and attached minutes provide evidence that the Advisory Committee's decision was that the property meets National Register criteria. This evidence "indicates" that the site is suitable for inclusion on the Register but this evidence was provided to the keeper of the Register and determined to be insufficient to establish eligibility. As such, the evidence, without more, does not indicate eligibility.

⁵ SHPO's historical review determined that the Bridal Veil buildings lack integrity and are not eligible for the National Register based upon National Register evaluation criteria. In his May 4, 1994 letter to Mr. Rollins, SHPO representative James Hamrick states "we told you unequivocally that it was our professional opinion the townsite does not meet National Register criteria A and C on grounds of integrity." An earlier SHPO letter to Mr. Rollins dated April 4, 1994 also unequivocally stated that "we do not believe the evidence is conclusive enough to meet eligibility under Criterion D." In 1997, Mr. Hamrick of SHPO stated "[t]he opinion of the State Historic Preservation Office is that the 14 houses and three garages at Bridal Veil lack integrity and are not eligible for the National Register under Criteria A, B or C nor do they meet Criterion D as components of a larger historical archeological site." Mr. Hamrick noted that National Register reviewer Barbara Little found that "the standing buildings, as such do not contribute to the archeological potential of the site" and that the above ground structures are not archeological resources. Mr. Rollins acknowledged SHPO's position in his September 5, 1998 letter, stating "James Hamrick of SHPO has taken the position that the buildings are not of historic significance." TPL could have, but did not, argue that a review under MCC 11.15.3818 (G) was not necessary due to the provisions of MCC 11.15.3818(B), particularly if they had obtained SHPO's opinion in a way that mirrors the language of subsection (B).

F. Other Ordinance Considerations Not Challenged in Appeal

This property is located in a Special Management Area and is designated Public Recreation. It is in a Coniferous Woodland landscape setting and has a Recreation Intensity Class of IV. Bridal Veil Creek, which flows through a portion of the property, is identified on resource maps provided by the Gorge Commission as being a tributary fish habitat and a riverine wetland. Consequently, the following ordinance criteria apply to this request:

1. Scenic Resources

The property is in a Coniferous Woodland landscape setting and is visible from several Key Viewing Areas (Columbia River, I-84, Historic Columbia River Highway and SR 14). As such, MCC 11.15.3814(A), (B) &(C)(2) potentially apply. However, the applicant proposes no development of the property, nor the construction of any structures. All of the cited criteria apply to property development or the construction of structures. None of the criteria address the removal of structures.

There is a potential, however, that unvegetated areas resulting from structure removal would adversely impact the scenic resources of the Gorge. As a result, a condition of approval must be that areas be revegetated to eliminate that potential. Storage of demolition materials on the property would also have a potential adverse impact on scenic resources. As a result, any approval must be conditioned upon a requirement that no demolition materials be stored on site. If the above conditions are imposed and followed, the request to demolish the Bridal Veil structures, would satisfy the scenic review criteria.

2. Cultural:

The Planning Director found that the Cultural Review process requires the applicant to mitigate unauthorized work in the vicinity of the resaw building. This finding was not appealed by any party. As such it remains binding on the applicant. The requirements for mitigation are found in MCC 11.5.3820(G)(5). The Forest Service, as required by those standards, has reviewed the proposed mitigation work in conjunction with the removal of the resaw building and finds the plan meets all applicable standards (4/2/98 letter from Arthur J. Carroll). Therefore, the cultural review process will be complete for the resaw building upon completion of the proposed mitigation plan.

3. Recreational

The proposal is only for removal of structures. There are low intensity recreational uses on adjoining parcels to the west at Bridal Veil State Park. However, since no development or land uses are proposed, the building removal would not adversely affect recreational resources within the Scenic Area.

4. Natural Resources

Maps from the Gorge Commission and site investigation indicate the following natural resources on the property:

1. The site is crossed by a tributary fish habitat stream (Bridal Veil Creek).
2. Bridal Veil Creek is a riverine wetland.
3. No known natural areas, endemic plant species or sensitive wildlife areas are identified on the property.

Because Bridal Veil Creek is a tributary fish habitat and a riverine wetland, the applicant is required to comply with the applicable provisions of MCC 11.15.3830 (SMA Natural Resource Review Criteria). Those include:

- a. The establishment of a 200-foot undisturbed buffer zone along Bridal Veil Creek unless it can be shown there are practicable alternatives as provided by MCC 11.15.3822(F).
- b. A site plan containing the additional information required by MCC 11.15.3830(B) if any demolition or ground disturbing activity, including movement of machinery or supplies or placement of debris, is proposed within the 200 foot buffer zone. Any demolition conducted within the buffer zone shall also comply with MCC 11.15.3830(B)(6) and (7).
- c. A narrative statement that all applicable standards of MCC 11.15.3830(B)(5)(b) and (c) will be satisfied if any demolition or ground disturbing activity is proposed within the 200 foot buffer zone.

The proposal would comply with the Natural Resource review criteria if items a, b and c (above) were satisfied for any demolition or ground disturbing activity within the 200 foot buffer zone. However, the applicant does not propose any demolition activity in the vicinity of the Bridal Veil Creek buffer zone. Therefore, these criteria do not apply, and the project, as proposed, satisfies the Natural Resource review criteria.

DECISION:

Affirm the decision of the Planning Director to approve applicant's request to demolish sixteen buildings on the Bridal Veil mill site shown on the site map of the Historic Survey and Evaluation of Significance dated July 29, 1994 as buildings 2, 3, 4, 5, 6, 7, 12, 13, 14, 15, 17, 18, 20 & 22, plus the shop and warehouse, subject to the following conditions:

1. The applicant shall obtain a demolition permit prior to the removal of any structure on this property. No demolition permit shall be issued until results of the testing prior to demolition as described in the Scope of Work is completed and the results reviewed and approved by the Planning Director and the US Forest Service as having satisfactorily completed that portion of the Scope of Work.
2. All work proposed in the Scope of Work shall be performed under the direct field supervision of Gary C. Bowyer of Western Resources Consulting. If, in his absence, any other individual is proposed to be involved in the direct field supervision of the Scope of Work, their professional qualifications shall first be submitted to and approved by the Planning Director as meeting the professional qualifications of MCC 11.15.3818(D).
3. Prior to the issuance of any demolition permits, the applicant shall:
 - a. Provide a landscaping plan which insures revegetation of any barren area exposed by the requested demolition with species endemic to the Bridal Veil area within one year of issuance of the demolition permit;
 - b. Provide a plan for the disposition of demolition materials at a location not visible from any Key Viewing Area within the Columbia River Gorge; and
 - c. Provide the County a performance bond in the amount of \$20,000 (or a lesser amount as determined appropriate by the Planning Director based upon written bids from qualified professionals) to insure completion of the post-demolition portion of the Scope of Work.

4. The post-demolition portion of the Scope of Work shall be completed within 12 months of issuance of the first demolition permit.
5. No development permits for any future use of this property shall issue until all work outlined in the Scope of Work has been completed and the Final Report described therein conveyed to the Planning Director. That document shall be a part of the record in this case and will be available to any individual or group for future reference.
6. The applicant shall comply with MCC 11.15.3818 (L) and (M). Should any cultural resource, historic or prehistoric, be uncovered on the site, the applicant or parties of interest shall immediately cease work and notify the Planning Director and the Columbia River Gorge Commission within 24 hours. The Planning Director will then notify the Crown Point Country Historical Society and request their input in the survey and evaluation required by MCC 11.15.3818(L)(3).
7. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site and demolition plans, and substantiating documents. The applicant shall be responsible for implementing the Scope of Work as presented and conditionally approved.

Dated this 11th day of January 1998.



Liz Fancher
Multnomah County Hearings Officer

APPEAL PROCESS: The decision of the Director shall be final unless a notice of appeal is filed with the Director of Planning and Development within 10 days of the date of this decision by the applicant or any other party. Notice of Appeal forms may be obtained at the Multnomah County Planning Division Office. Appeals are processed as provided in MCC 11.15.8290. Appeal fees: Appeal of Hearings Officer decision to the Board of County Commissioners, \$530.00. Transcript requirements and fees: See County code.

SPEAKER SIGN UP CARDS

DATE MARCH 4, 1999
NAME Thomas Hooker
ADDRESS 531 N.E. CURTIS DRIVE
CORVET ON
PHONE 695 5518
SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-6
GIVE TO BOARD CLERK

Meeting Date: ~~FEB 18 1999~~ MAR 04 1999
Agenda No: C-3 R-4
Est. Start Time: 9:30 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on HH 2-98

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

REGULAR MEETING Date Requested: February 18, 1999
Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Tricia Sears **TELEPHONE:** 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding a **Denial** of HH 2-98 a request for a health hardship temporary dwelling based on evidence that the care provider is not a resident of the property.

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: KB Lou E. Wicklow

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB -9 PM 2:25



BOARD HEARING OF FEBRUARY 18, 1999

TIME 9:30am

CASE NAME: Temporary Health Hardship

NUMBER: HH 2-98

**1. Applicant / Property Owner
Name and Address:**

Thomas Hooker
531 NE Curtis Drive
Corbett, OR 97019-9693

2 Location:

346 NE Curtis Road
Lot 6 of Block 2 of Big Cedar Tracts
Section 34, T. 1 N., R. 4 E.
R#07850-1400

3. Action Requested by Applicant

Approval for a temporary health hardship dwelling to be placed on the site at 346 NE Curtis Drive, in addition to the existing single-family dwelling. The applicant proposes to use the dwelling to provide health care for his mother, Anna Hooker. The subject property is located in the Rural Residential (RR) zoning district. The applicant does not live on the subject parcel.

4. Planning Staff Recommendation

Approval, with conditions. The conditions are primarily regarding locational standards for the placement of the proposed temporary health hardship dwelling on the subject parcel. The applicant appealed the administrative decision issued by the Planning Director. The Hearings Officer heard the appeal case on December 16, 1998.

5. Hearings Officer Decision

Denial. The Hearings Officer denied the applicant's appeal and denied the Temporary Health Hardship request in its entirety. The Hearings Officer stated, "The appeal of the Planning Director's decision to approve, subject to conditions, an application for a health hardship temporary dwelling permit at the above-described property is denied based on the Findings and Conclusions contained herein." The applicant did not cite specific Code criteria in the appeal. In the appeal, the applicant challenged the Conditions of Approval established by Staff in the administrative decision. See #6.

Action Requested of Board

- ☒ Affirm Hearings Officer Decision
Hearing/Rehearing
- ☐ Scope of Review
- ☐ On The Record
- ☐ De Novo
- ☐ New information allowed

5

6. **If recommendation and decision are different, why?**

The Hearings Officer concluded, "Based on the findings and the substantial evidence cited or reference herein, I conclude that the Planning Director erred in approving the application with the conditions of approval because the only person who qualifies as a care provider for Anna Hooker, Thomas Hooker, is not a resident of the property. Consequently the application does not satisfy approval criteria MCC 11.15.8710 (A). Independently of this conclusion, the Hearings Officer reviewed all the challenged conditions of approval imposed by the Planning Director's administrative decision and concluded that all except condition #1D are necessary to ensure the Code's applicable criteria are satisfied."

7. **Issues:**

The main issue for this case prevails over other issues of concern. The Hearings Officer raises the question; can a care provider for a health hardship dwelling request be a non-resident of the property?

The Hearings Officer provides the following commentary on the issue. "The provisions of MCC 11.15.8710 (A) (1) and (2) are ambiguous. As it applies to this application, subsection (1) requires the person with the health hardship to be an owner or a relative of an owner of the property. If the person with the health hardship is to be a relative then the care provider must be a relative. The Hearings Officer concluded that the application meets the provisions of subsection (1) based on Mr. Hooker, (the son and property owner) being the care provider. In contrast to subsection (1) which is predicated on property ownership, subsection (2) is predicated on residency of the care provider. It requires at least one of the residents of the property be capable of providing the needed health care. In this application, the proposed care provider, Mr. Hooker, is not a resident of the property. *This raises the issue of whether the care provider can be a non-resident of the property* (emphasis added). Subsection (1) does not prohibit a non-resident from being the care provider but requires the care provider to be identified to be a relative as defined in the Code (parent, child or sibling). However, subsection (2) requires the care provider to be a resident on the property. These two requirements can be interpreted harmoniously by interpreting that both requirements must be met. The care provider must be both a relative as defined and a resident on the property."

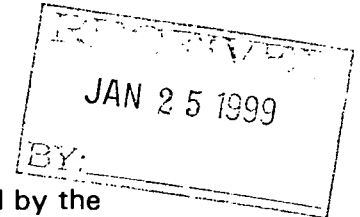
8. **Do any of these issues have policy implications? Explain.**

Policy implications have been identified in #7 above.

**MULTNOMAH COUNTY, OREGON
DECISION OF LAND USE HEARINGS OFFICER**

This Decision consists of Conditions, Findings of Fact and Conclusions

January 15, 1999



HH 2-98: Health Hardship Temporary Dwelling

Applicant appealed the conditions of approval imposed by the Planning Director's administrative decision, most particularly, the conditions requiring the health hardship dwelling to be placed closer to the existing dwelling on the site and served by the existing dwelling's subsurface sewage system.

Location: 346 NE Curtis Drive, Corbett, OR.

Legal: Lot 6 of Block 2 of Big Cedar Tracts, T1N, R4E, Section 34.
R#07850-1400.

Zoning: Rural Residential (RR).

**Applicant/
Property Owner:** Thomas Hooker
531 NE Curtis Drive.
Corbett, OR 97019-9693

Size: 4.11 acres

A. HEARINGS OFFICER DECISION:

The appeal of the Planning Director's decision to approve, subject to conditions, an application for a health hardship temporary dwelling permit at the above-described property is denied based on the Findings and Conclusions contained herein.

B. PROCEDURAL ISSUES:

1. Impartiality of the Hearings Officer

- a) No ex parte contacts. I did not have any ex parte contacts before the hearing of this matter. I did not make a site visit.
- b) No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding and no family or financial relationship with any of the parties.

2. Burden of Proof. In this proceeding, the burden to prove the applicable criteria are satisfied is upon the applicant.

3. Time line. The subject parcel is outside the regional urban growth boundary and is zoned Rural Residential. Thomas Hooker, the applicant, submitted the application for the Temporary Health Hardship permit to the Multnomah County Land Use Planning Department on August 26, 1998. The Department deemed the application was incomplete on September 22, 1998. The applicant submitted additional materials, received on October 9, 1998 and November 4, 1998. The Department deemed that the application was complete on November 4, 1998. The Planning Director's administrative decision was issued on November 9, 1998. The applicant filed this appeal on November 17, 1998. A duly noticed public hearing was held on December 16, 1998. The Hearings Officer appeal decision is dated January 15, 1999.

C. BACKGROUND.

1. APPLICANT'S REQUEST AND BASIS FOR APPEAL

The application, upon which this appeal is based, is for temporary housing so that the applicant, Thomas Hooker, may provide health care for his mother, Anna Hooker. Mr. Hooker is the owner of the subject parcel. Mr. Hooker lives on a parcel located across Curtis Drive to the northeast. The parcel where Mr. Hooker lives is a 1.99 acre parcel identified as Tax Lot 1200, Section 34 1N 4E, owned by Mr. Hooker's wife and her former husband. The home where he lives is a 1690 square foot dwelling with four bedrooms. In his home reside Mr. & Mrs. Hooker, their son, Mr. Hooker's niece and her baby, and five foster children, for a total of 10 residents. Mr. Hooker's residential parcel and the subject parcel are contiguous at the subject parcel's northeast corner, separated only by Curtis Drive.

The Director found that the applicant presented evidence sufficient to demonstrate a need for the temporary health hardship dwelling. That finding is uncontested on appeal. However, the Planning Director found that the application, as submitted, did not meet all the required approval criteria. Specifically, the Planning Director found that the proposed location of the hardship dwelling on the north of the parcel did not meet the Code's criteria because the proposed location is:

- a) within the buffer protection area of Smith Creek, which the Planning Director found crossed through the central portion of the subject parcel,
- b) not located adjacent to the existing residence on the subject parcel, and that one of the residents on the property will not provide for Anna Hooker's health care needs as required by MCC 11.15.8710(A)(2), and
- c) not proposed to be served by the septic system serving the existing residence on the subject parcel as the Director found to be required by MCC 11.15.8710(A)(4)(c) and OAR 340-071-0250.

Because the applicant established a need for the health hardship dwelling permit, the Director approved the application, but imposed conditions of approval to ensure that the temporary dwelling would be placed in a location and manner complying with all the required criteria of the County Code. The Director's conditions of approval included requiring the applicant to place the mobile home closer to the existing dwelling on the site, use the septic system serving the existing manufactured home on the site and provide additional location siting details to the planning staff before the staff may approve a building permit.

Mr. Hooker's notice of appeal of the administrative decision did not cite a specific Multnomah County Code or Comprehensive Plan Policy as grounds for the appeal. In the appeal notice Mr. Hooker responded to each of the conditions of approval established in the Director's administrative decision. Mr. Hooker disagrees with the Director's finding that Smith Creek is on the property and that the applicant's proposed location for the hardship dwelling is within the buffer area of Smith Creek. Consequently, he disagrees with the conditions of approval that are based on these findings of fact. Mr. Hooker also disagrees with the condition of approval requiring that the dwelling be placed closer to the existing manufactured home existing on the site. He argues that the site he proposes is the only site on the parcel where placing the proposed dwelling is feasible.

2. Testimony and Evidence Presented

- a) The Hearings Officer received and reviewed the exhibits listed in the staff report concerning this application. The applicant obtained approval to place the existing manufactured home on the site on July 10, 1995. The 1995 approval noted that the RR zone allows only one dwelling per legal lot and required the applicant to remove a dwelling that existed, in the location of the proposed health hardship dwelling, within 30 days. DEQ regulations require septic systems to be decommissioned when the source of sewage is eliminated. The property owner/applicant did not remove the preexisting mobile home as required by the 1995 approval. In his application Mr. Hooker stated that "The proposed sight [sic] is where another mobile home was up to last year. They removed it because of a fire." The property owner/applicant should have removed the previous mobile home at the proposed location in 1995 and should have decommissioned the septic system serving it.
- b) At the Hearing, Tricia Sears, County Planner, summarized the history of the application and her staff report. Ms. Sears stated that she had not visited the site. She provided photos submitted by the applicant (Exhibit H4) and taken by the staff on October 21, 1998 (Exhibit H5) and October 28, 1998 (Exhibit H6). None of the photos contains evidence of the existence of a stream on the property. The October 21, 1998 site inspection notes state: "At one time Smith Creek may have run through the area but now it is not a year round creek from all indications."

According to the photos and the site inspection notes, the site is overgrown with vegetation. In the southeast portion of the site there is a double-wide manufactured home, a camping trailer (with hookups) and a tent. According to the tax assessor's map, the parcel is approximately 414 feet (east-west) by 415 feet (north-south). The site plan shows that the manufactured home is approximately 150 feet north of the south boundary and approximately 40 feet from the east property line. The camping trailer is approximately 75 feet from the south property line and 50 feet from the east property line. Between the two staff site inspections, a new 10' X 10' shed was placed on the site to the southeast of the manufactured home. According to the site inspection notes (Exhibit H6), the shed does not conform to setback requirements.

The applicant proposes to place the health hardship dwelling approximately 180 feet from the west (front) property line and 50 feet from the north (side) property line. This location is approximately 195

feet northwest of the existing manufactured home. In the north portion of the site there are an old barn, a pickup camper, a boat, bulldozer, and an existing manufactured "frame." According to the October 28, 1998 site inspection notes, it appears that the northwest portion of the site, where the applicant proposes the health hardship temporary dwelling, could hold a 12' X 50' mobile home with clearing and grading. At the October 28, 1998 site visit, the staff found extensive grading and cleanup of the proposed dwelling location had occurred since the October 21, 1998 site visit.

- c) Mr. Hooker, the owner/applicant, presented testimonial evidence that there is no stream running through the central portion of the parcel, and that if Smith Creek exists at all, it is found south and east of the parcel. He testified that there is a low area in the southwest portion of the subject parcel that intermittently drains to the south but that it is not part of a stream.

Mr. Hooker testified that his proposed location for the health hardship dwelling on the north side of the property is more accessible from his home than the staff's proposed location, near the existing residence, which is on the southeast side of the parcel occupied by his stepdaughter. He testified that he would be the care provider for his mother and could easily reach his proposed site for the temporary home for his mother by crossing Curtis Drive and using an existing driveway which accessed a structure that was previously at the site where he proposes to place the proposed health hardship mobile home.

Mr. Hooker argued that it would be impractical to place the health hardship mobile home near the existing dwelling because there is a power line running along the driveway and then north to serve the existing mobile home. Finally, Mr. Hooker provided an authorization from the City of Portland allowing connection to a second subsurface sewage disposal system in the north part of the property, which had served a dwelling formerly in the north part of the parcel. This authorization is Exhibit H7 and was issued on August 7, 1998.

- d) Mike Grover, a friend and neighbor of the applicant, testified that no stream runs through the property. He said there is a stream at the southeast corner of the subject property.
- e) A letter dated December 10, 1998 (Exhibit H2), was received from Neva Koebrick, supporting the staff's proposed conditions of approval. According to Ms. Koebrick, the existing dwelling was placed on the site in 1995 when an older trailer on the site was to be removed and

the septic system serving it was to be decommissioned. She said a fire partially burnt the old trailer down in May 1998, but the area was not cleaned-up until prior to the site inspection for the health hardship dwelling application.

- f) A letter dated December 14, 1998, was received from Jan Leckron, supporting the staff's proposed conditions of approval. She argued that placing the health hardship dwelling closer to the existing dwelling, where Mr. Hooker's stepdaughter lives, would enable someone closer to Anna Hooker to provide care or to call Mr. Hooker if an emergency or a need for assistance should arise. Ms. Leckron stated that Mr. Hooker's niece and her young child will live with Anna Hooker. She questioned whether his niece will be providing care for Anna Hooker or whether the motive is to provide additional housing. She argued that although there is a separate septic system at the proposed location of the health hardship dwelling, the applicant does not meet the Code requirements at this location because there is no other residence within 100 feet of the proposed location. She further argued that placing the proposed mobile home at that location would amount to a second independent and separate residence in an area zoned for single family dwellings.

2. BASIS FOR APPEAL:

MCC11.15.8295 Procedure on Appeal

Except as otherwise provided in this Section, proceedings before the Hearings Officer on matters appealed under MCC .8290(A) and appeals therefrom to the Board of County Commissioners shall be conducted according to the provisions of MCC .8230 through .8290.

- (A) A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.
- (B) The provisions of subsection MCC .8230(D) and (E) shall not apply to hearings on appeals filed under MCC .8290(A).
- (C) The findings adopted by the Hearings Officer shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the Notice of Appeal and the criteria on which the Planning Director's decision was required to be based under this chapter.

The Code provides that the Hearings Officer's review is limited to the specific grounds raised by the appellant in the appeal notice. The applicant based his appeal on the Director's conditions of approval. He did not specifically challenge the application of the Multnomah County Code provisions. Because the conditions of approval are imposed to assure satisfaction of applicable criteria, the Hearings Officer first reviews the applicable criteria and then reviews the challenged conditions of approval. In the following review, the applicable criteria and the conditions of approval are set out in bold print, each followed by the Hearings Officer's findings and conclusions.

D. MULTNOMAH COUNTY CODE

11.15.8710 - Temporary Health Hardship Permit

The purpose of the Temporary Health Hardship Permit is to allow the convenient provision of daily health care needs to a person with a demonstrated health hardship by allowing the placement of a mobile home on a lot with an existing single family residence. The permit is temporary in nature and not intended to encourage an increase in the residential density beyond that envisioned by the Comprehensive Plan and its implementing ordinances.

(A) The Planning Director may grant a Temporary Health Hardship Permit to allow occupancy of a mobile home on a lot with a single family residence based on the following findings:

- (1) The person with the health hardship is either one of the property owners or is a relative of one of the property owners.
 - (a) If the person with the health hardship is one of the property owners, then the care provider in the other residence is not required to be a relative.
 - (b) If the person with the health hardship is a relative of one of the property owners, then the care provider must be a relative.
 - (c) For the purposes of this section, a relative is defined as a grandparent, parent, child, brother or sister, either by blood or legal relationship.

Findings and Conclusions. This application is for temporary housing so that the applicant, Thomas Hooker, may provide health care for his mother, Anna Hooker. The parcel on which the temporary housing is to be located is owned by the applicant, Thomas Hooker. Anna Hooker, the person with the health hardship is the mother of the property owner. There is an existing residence on the parcel, occupied by the owner's stepdaughter. The owner lives on a parcel located northeasterly, across Curtis Drive. The applicant's

residential parcel and the subject parcel are contiguous at the subject parcel's northeast corner, separated only by Curtis Drive.

Thomas Hooker stated in a September 22, 1998 phone conversation with Staff that two "members of the family" would live with Anna Hooker in the temporary dwelling, Mr. Hooker's niece and her baby. Mr. Hooker testified at the hearing that he would be the care provider for his mother. He said the proposed location on the north side of the property was more accessible from his residence than the staff's proposed location, near the existing residence which is on the southeast side of the parcel. To reach the staff's proposed placement location, Mr. Hooker must travel more than 400 feet down Curtis Drive from his parcel and approximately 560 feet across the subject property.

The person with the health hardship is Anna Hooker. If Mr. Hooker is to be the care provider for his mother, he qualifies as a relative under subsection .8710(A)(1)(c). If the persons who will reside with Anna Hooker in the proposed mobile home are to be the care providers, one of those persons must meet the definition of a relative. Mr. Hooker's niece does not meet the definition of a relative as she is not a parent, child or sibling of Anna Hooker. Mr. Hooker is the only qualifying care provider. Based on Mr. Hooker's statement that he will be Anna Hooker's care provider, the Hearings Officer concludes the application satisfies this criterion.

- (2) **The person with the health hardship is unable to adequately provide daily self care needs because of a physical and/or medical impairment based upon a statement from a licensed physician describing the nature of the impairment and its resultant limitations. The physician shall indicate that those limitations are severe enough to warrant daily assistance, and that at least one of the residents of the property is capable of providing that assistance.**

Findings and Conclusions. Anna Hooker is 84 years old and lives alone in Cascade Locks, Oregon. According to Mr. Hooker, she has no transportation and is unable to walk to the store. In a September 22, 1998 telephone conversation, Mr. Hooker told the staff that Anna Hooker can walk no more than 200 feet at a time. In an October 8, 1998 letter to Tricia Sears Mr. Hooker stated that a "Health hardship permit is necessary because my mother can no longer care for herself on a daily basis and she lives to[o] far away for me to make daily trips to her house in cascade locks. We have no room in our house at this time. We have a 4 bedroom home [and] at present have 7 children. We care for foster children and also have one child of our own. He doctor also believes she needs daily care."

Mr. Hooker submitted two letters from James W. Pennington, M.D., a licensed physician, describing the nature of impairment of Anna Hooker. The first letter states: "Anna Hooker has severe knee arthritis and is unable to care for herself, [she] needs daily assistance and living." The second letter that states: "Anna Hooker has chronic right knee pain and a previous CVA requiring daily care. Her son is able to provide this. She should live near her son."

The Director, in the discussion in the administrative decision directly concerning this criterion, found that the application meets the criterion, based on Mr. Hooker's statement to the staff in a telephone conversation that two members of the family would live with Mrs. Hooker. The Director's decision did not address whether the "members of the family" that would live with Mrs. Hooker would be the care providers, nor whether those members qualified as "relatives." However, the Director's conditions of approval required the applicant to place the dwelling closer to the existing residence.

The provisions of MCC 11.15.8710(A) (1) and (2) are ambiguous. As it applies to this application, subsection (1) requires the person with the health hardship to be an owner or a relative of an owner of the property. If the person with the health hardship is a relative then the care provider must be a relative. The Hearings Officer concluded that the application meets the provisions of subsection (1) based on Mr. Hooker, (the son and property owner) being the care provider. In contrast to subsection (1) which is predicated on property ownership, subsection (2) is predicated on residency of the care provider. It requires at least one of the residents of the property be capable of providing the needed health care. In this application, the proposed care provider, Mr. Hooker, is not a resident of the property. This raises the issue of whether the care provider can be a non-resident of the property. Subsection (1) does not prohibit a non-resident from being the care provider but requires the care provider to be a relative as defined in the Code (parent, child or sibling). However, subsection (2) requires the care provider to be a resident on the property. These two requirements can be interpreted harmoniously by interpreting that both requirements must be met. The care provider must be both a relative as defined and a resident on the property.

This interpretation is supported by the purpose statement of section 11.15.8710 which states that "[t]he purpose of a temporary health hardship permit is to allow the convenient provision of daily health care needs to a person with a demonstrated health hardship by allowing the placement of a mobile home on a lot with an existing single family residence." Thus, the purpose of the provision is to allow a property owner to place a health hardship mobile home for a person with a health hardship near that property owner's home so that the property owner can provide the needed health care. The unstated but implied premise is that the property owner, who will provide the care, lives in the home.

The Hearings Officer concludes that the Code requires the care provider to be both a relative as defined and a resident on the property. In this application, the care provider is not a resident on the property. Consequently the application does not satisfy the requirements of MCC 11.15.8710(A)(2).

- (3) There is a demonstrated lack of appropriate alternative accommodations within the area entitled to notice, including but not limited to, rental housing or space within the existing residence.**

Findings and Conclusions. According to the applicant, "We have a four bedroom home but at the present time we have 8 children living with us including my niece and her baby and our son and 5 foster children. There is no rental housing in Corbett that I am aware of."

The Planning Director found that the application meets this criterion. This conclusion is uncontested on appeal.

(4) The following locational criteria are satisfied:

- (a) The proposed siting of the mobile home will satisfy the applicable setback and lot coverage standards of the zoning district without variance.**

Findings and Conclusions. The minimum yard requirements for the RR zone are 30 feet from front, street side and rear property lines and 10 feet from side property lines. The RR zone contains no lot coverage standard. The applicant provided a site plan, at a scale of 1/2-inch to 50-feet, on October 8, 1998 (Exhibit #1). The applicant proposes to place the dwelling 180-feet from the west (front) property line and 50-feet from the north (side) property line. As shown by the site plan, both the existing manufactured home and the proposed health hardship dwelling meet the required setbacks of the zone. The placement of the proposed health hardship temporary dwelling is required by the Director's condition of approval #2 to comply with the required setbacks for the front, rear and side yards.

- (b) The mobile home shall be located in a manner which satisfies the locational requirements of a second residence on properties capable of being divided under the existing zoning within those areas designated as urban by the Comprehensive Framework Plan.**

Findings and Conclusions. The minimum lot size for the RR zoning district is 5 acres. The subject parcel is 4.11 acres in size. The subject parcel may exist in its current form but may not be divided. This criterion applies only to areas within the regional urban growth boundary. The subject property is outside the urban growth boundary. This criterion is not applicable.

- (c) The mobile home will not require any new main connections to public facilities or services (e.g., sewer, water or power mains, curb cuts, etc.) unless sited in the manner allowed in subsection (b) above, in which case those services may be extended to the area on the property which satisfies the locational requirements of a second residence.**

Findings and Conclusions. The existing manufactured home is served by an existing subsurface septic system, and existing Corbett Water District, power and cable TV

connections. The proposed dwelling could be placed near the existing home and be served by its service connections.

According to the applicant, his proposed health hardship dwelling site has existing connections to water, power and cable TV main lines and an existing subsurface sewage disposal system. The site plan shows that there is an existing water meter near the north driveway in NE Curtis Drive. The site plan shows that an existing driveway will serve the proposed health hardship dwelling site. These facilities served a previously existing dwelling at the same location. The applicant has obtained the following completed Service Provider forms: the Certification of Water Service, Police Services Review, Fire District Review, and an Authorization for Connection to a Subsurface Disposal System.

This Code subsection provides that no new services or connections to public services to the site may be permitted unless the proposed location meets subsection (b) requirements. The Hearings Officer has determined that subsection (b) requirements do not apply outside the urban growth boundary. Consequently, the applicant may make no new connections to public facilities or services.

The Corbett Water District provides public services and power is recognized by the Code as a public service. No new connections to water or power mains may be made to serve the proposed health hardship dwelling. Because there is an existing water meter near the driveway serving the northern portion of the site and the Corbett Water district served a previous house on the site, it appears that the applicant has already made the connection to the public water main and all that remains to be done is to reactivate the already connected service. The same seems true for power service.

The prohibition against new connections applies only to public facilities or services. Cable TV is a private, not a public, service. This subsection does not prohibit a new connection to Cable TV for the proposed health hardship dwelling.

The proposed site for the health hardship dwelling is next to an existing second driveway. There being no evidence in the record to the contrary, the Hearings Officer assumes that the existing driveway has a valid curb cut. Consequently, the applicant needs no new connection to a public street.

There are no public sewer facilities available in this area. The applicant proposes that the health hardship dwelling use the septic system that exists next to the proposed location of the health hardship dwelling, the second septic system existing on the site. This system was replaced by a new septic system for the 1995 replacement dwelling.

Because the 1995 building permit required the former mobile home to be removed, this second septic system was required to be abandoned pursuant OAR 340-071-0185(1)(b). Consequently, the Director concluded that it should not be considered to be an existing system available to serve the health hardship dwelling. The Director consequently concluded that the health hardship dwelling should be located closer to the only septic

system available to serve it. That conclusion was partly supported by the Director's finding that the northern site is located within the 150-foot setback from the centerline of Smith Creek.

This subsection prohibits new connections to public facilities and services. An individual on-site subsurface disposal system is a private, not a public facility or service. This subsection does not require connection to "existing" facilities or services nor prohibit the construction of new private facilities or services. Because the proposed sewage service is private, this subsection does not prohibit its use. The question of whether the second septic system or the septic system serving the manufactured home should serve the proposed dwelling is not controlled by this subsection because it addresses only new connections to public facilities or services. The Hearings Officer agrees with the Planning Director's conclusion that because a former land use decision required the former home to be removed and its septic system was required to be decommissioned, the second septic system should be treated for land use purposes as though it had been decommissioned. In effect, because the septic system is not legally existing according to land use regulations, it is not considered to be available for service to the proposed land use. Although a new septic system is not specifically prohibited, serving a temporary dwelling by the system serving the existing dwelling is more consistent with the Zoning Code's limitation of only one single family dwelling on the parcel as a primary use. The Department of Environmental Quality (DEQ) rules specifically provide that personal hardship dwellings may be served by existing systems. These rules are discussed below.

The Hearings Officer could impose a condition of approval to provide that the applicant may make no new connection to water or power mains in the area. The Director's condition of approval #1E requires the proposed dwelling to use the same septic system that is used by the existing dwelling in the southeast corner of the parcel and condition #10 requires the second system to be decommissioned. The Hearings Officer concludes that these conditions of approval are supportable to ensure that the proposed dwelling will be temporary and that single family use of the zone will be satisfied. Upon compliance with this condition and the condition that the location of the proposed dwelling be outside any protected stream corridor, this criterion could be met.

- (c) **The mobile home will not require any attached or detached accessory structures other than wheelchair ramps to accommodate the health care needs of the proposed occupant.**

Findings and Conclusions. The applicant does not state that he proposes any accessory structures to accommodate the health care needs of Anna Hooker, the proposed occupant. To ensure that this criterion is satisfied, the Hearings Officer could impose a condition of approval to specifically prohibit any attached or detached accessory structures other than wheelchair ramps. The application could satisfy this criterion.

- (5) A penal bond in the amount of \$1,000 is posted to insure removal of the mobile home within six months after the health hardship ceases to exist.

Findings and Conclusions. The Director's condition of approval #5 requires the applicant to submit a penal bond in the amount of \$1,000 to insure the mobile home is removed within six months after the health hardship ceases to exist. The applicant stated in the notice of appeal that he would pay the required bond. This criterion can be satisfied.

- (6) As a condition of approval, every two years from the approval date the applicant shall submit:
- (a) A recent (within 6 months prior to the two-year deadline) physician's statement verifying that the situation described in (2) above still exists; and
 - (b) A letter from the care provider describing the continuing assistance being given.

Findings and Conclusions. The Director's condition of approval #6 requires the applicant to submit a physician's statement describing the continuing assistance being given and verifying the need for the assistance to the persons as described in this request for a temporary health hardship permit. This criterion can be satisfied.

E. MULTNOMAH COUNTY COMPREHENSIVE PLAN - EAST OF SANDY RIVER PLAN

The East of Sandy River Area Plan (ESRP) is an element of the Multnomah County Comprehensive Plan. The East of Sandy River Significant Streams and Wildlife Habitat Map, adopted July 10, 1997 (Exhibit B), shows the subject parcel contains Smith Creek. By its designation on the Significant Streams and Wildlife Habitat Map Smith Creek is a protected stream. Policy 21 of the East of Sandy River Rural Area Plan provides:

21. Protect significant streams in the East of Sandy River Rural Area by prohibiting new residential development within 150 feet of a stream centerline and limiting new roads, stream crossings, additions to existing structures, and other grading activities within this 150-foot area. Additions to existing dwellings of up to 400 square feet shall be exempt from the setback requirements. All related ground disturbing activities within the 150-foot stream setback shall be confined to the period between May 1 and October 1 in any year.

STRATEGY: Multnomah County shall implement this policy with amendments to the Multnomah County Zoning Code Significant

Environmental Concern Zoning Overlay District and applying the district to areas within 150 feet of each significant stream.

Findings and Conclusions. The applicant's original site plan (Exhibit #1) shows a "surface run off" area beginning in the center of the site and running diagonally to the southwest portion of the site to a drain pipe crossing the driveway parallel to the south boundary of the parcel. Mr. Hooker stated in his application that: "We do have winter run off on the south west corner about three months out of the year. This run off may eventually flow into Smith Creek but I am not aware of this." The record contains a copy of a July 10, 1995 building permit for the manufactured home on the subject property to replace a then-existing home. The site plan for the building permit shows a "natural drainage" area running diagonally through the central portion of the site (Exhibit #2). The drainage areas shown on Exhibits #1 and #2 may be indications of the location of Smith Creek or they may be indications of separate drainage areas. Policy 21 does not protect these drainage areas unless they are part of Smith Creek, the identified significant stream on the East Sandy River Wildlife Habitat and Stream Corridor ESEE Report.

The Director found that the applicant's proposed site for the health hardship mobile home is within the 150-foot stream buffer of Smith Creek. The applicant argues that there is no creek on this property but that there is a creek southeast of the property which may be known as Smith Creek. The applicant submitted a revised site plan with his notice of appeal, showing Smith Creek to the southeast of the parcel (Exhibit #6). The revised site plan is hand-drawn, and according to the applicant's testimony may not be accurate with respect to all the features shown. There is no verifiable evidence in the record about the precise location of the centerline of Smith Creek from which the Hearings Officer can conclude what portion of the parcel, if any, is within the 150-foot setback requirement.

The East of Sandy River Significant Streams and Wildlife Habitat Map shows that Smith Creek may cross the subject property. The basis for the map is the East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report, completed in June 1995. Exhibit #3 is a copy of the map and part of the report. That map is very small scale and schematic in nature. It illustrates that Smith Creek crosses the property, not through the central portion of the parcel but at the southeast corner of the parcel. This map is consistent with testimony at the hearing that a stream is located near the southeast corner of the site. The applicant's revised site plan submitted with the notice of appeal shows Smith Creek located at the southeast corner of the subject property and flowing across the adjacent property to the south.

The Hearings Officer concludes that there is substantial evidence in the record that Smith Creek is probably near the southeast corner of the subject property. However, the stream may run diagonally through the central portion of the subject property. The Code provides that streams designated as "significant streams" shall be protected. To ensure that the stream protection criteria of the Code are met, a condition of approval needs to be imposed to reliably identify the location of Smith Creek to ensure that the required setbacks from Smith Creek are provided.

Policy 21 prohibits the placement of a new residential structure within 150 feet of the centerline of the stream. If Smith Creek is southeast of the parcel, the health hardship mobile home as proposed by the applicant would be outside the stream buffer area and would comply with the stream protection requirements. Conditions of Approval #1 and #3 require the applicant to place the temporary dwelling outside the 150-foot stream buffer area and to have the site inspected by Multnomah County Staff for verification that the stream setback requirement is met before the applicant places the temporary health hardship home on the site.

Policy 21 provides that significant streams will be protected by "limiting" new stream crossings and other grading activities within 150-feet of the centerline of a protected stream. In addition, it requires ground disturbing activities within the 150-foot stream setback to be confined to the period between May 1 and October 1 in any year. The Director found that the northern septic system could not be used to serve the proposed health hardship dwelling and that Smith Creek crosses the property between the proposed building site and the replacement septic system in the southeast part of the site. The Planning Director found that a sewer line would need to be constructed across the creek to connect the proposed building to the manufactured home's septic system. The Director imposed condition of approval #4 limiting ground disturbing activities to the period between May 1 and October 1 to ensure this requirement is satisfied.

The Hearings Officer has concluded that Smith Creek probably is located southeast of the parcel. However, the applicant is required to identify the true location of Smith Creek. It is possible that Smith Creek is located between the proposed building site and the replacement septic system. If the applicant could demonstrate that the proposed dwelling site is outside the Smith Creek setback requirements a sewer line would need to be constructed from the dwelling southeasterly to the septic system serving the manufactured home. Depending on the location of the 150-foot setback from Smith Creek, this sewer line may impact the Smith Creek setback.

Page 2 of the East of Sandy River Plan (ESRP) states that the plan is "part of the overall Multnomah County Comprehensive Framework Plan" and makes up an "official element of the plan." Under the "Plan Format" section of the Comprehensive Framework Plan, policies and strategies are discussed. Policies are criteria. Strategies are recommendations. See Comprehensive Framework Plan, pages 1-6 and 1-7. The site is not designated as an area of Significant Environmental Concern (SEC). Multnomah County has not carried out the Policy 21 strategy. Therefore, the SEC requirements are not applicable.

Under Policy 21, new stream crossings are to be "limited." According to Webster's New Universal Unabridged Dictionary, Second Edition, "limited" means "1. Restricted; bounded; kept within fixed limits; narrow." Thus, Policy 21 provides that new stream crossings will be limited or restricted, but it does not prohibit new stream crossings altogether. Because the County has not amended the SEC district to carry out Policy 21 of the ESRP and has not applied the SEC district to areas within 150-feet of significant streams identified in the ESRP, there are no criteria defining the limitations or restrictions on new stream crossings.

Consequently, the Hearings Officer does not agree with the Director's conclusion that a possible sewer construction across Smith Creek violates the stream protection provisions of Policy 21. However, because sewer line construction is a ground disturbing activity, such construction needs to be limited to the period between May 1 and October 1.

F. OREGON ADMINISTRATIVE RULES - CHAPTER 340 DIVISION 71. ON-SITE SEWAGE DISPOSAL

The Department of Environmental Quality (DEQ) regulates the use of on-site sewage disposal systems with respect to health and certain environmental concerns. Local sanitarians administer the DEQ regulations. The City of Portland sanitarian is the agent for Multnomah County and administers the DEQ regulations for Multnomah County. DEQ administrative rules at OAR 340-071-0185 regulate the decommissioning of septic systems:

(1) The owner shall decommission a system when:

*** * ***

(b) The source of sewage has been permanently eliminated;

*** * ***

(2) Procedures for Decommissioning:

*** * ***

(b) The tank(s), cesspool or seepage pit shall be filled with reject sand, bar run gravel, or other material approved by the Agent, or the container shall be removed and properly disposed.

Findings and Conclusions. When the septic system at the north of the parcel ceased to serve the dwelling in that portion of the parcel, these DEQ regulations required the applicant to either fill the septic tank with sand or gravel or remove the tank. The applicant should have removed the mobile home that was served by the northern septic system, as required by the 1995 building permit to place the manufactured home, and decommissioned the septic system on the site. Having failed to do that, the source of sewage for the second septic system was eliminated when a fire in May 1998 demolished the mobile home at the subject site and the applicant should have decommissioned the septic system in the north part of the site. Although the septic system was not decommissioned, the County should not recognize its existence to justify the location of a health hardship dwelling because its existence is not lawful.

DEQ administrative rules at OAR 340-071-0205 allow a health hardship dwelling to use existing septic systems. The regulations for subsurface systems provide:

- (1) **Authorization Notice Required.** . . . no person shall . . . re-connect to . . . an existing on-site sewage disposal system without first obtaining an Authorization Notice . . .

* * *

- (2) An application for the Authorization . . . is complete only when the form, on its face, is completed in full, is signed by the owner or the owner's legally authorized representative, and is accompanied by all required exhibits and fee. The exhibits shall include:

- (a) A land use compatibility statement from the appropriate land use authority signifying that the proposed land use is compatible with the Land Conservation and Development Commission acknowledged comprehensive plan or complies with the statewide planning goals;

* * *

- (e) Documentation of hardship if such is being claimed;

* * *

- (7) **Personal Hardship:**

- (a) The Agent may allow a mobile home to use an existing system serving another dwelling, in order to provide housing for a person suffering hardship, or for an individual providing care for such a person, by issuing an Authorization Notice, if:

- (A) The Agent receives satisfactory evidence which indicates that a person is suffering physical or mental impairment, infirmity, or is otherwise disabled (a hardship approval issued under local planning ordinances shall be accepted as satisfactory evidence); and

- (B) The system is not failing; and

- (C) The application is for a mobile home; and

- (D) Evidence is provided that a hardship mobile home placement is allowed on the subject property by the governmental agency that regulates zoning, land use planning, and/or building.
- (b) The Authorization Notice shall remain in effect for a specified period not to exceed 5 years, but shall not exceed cessation of the hardship. The Authorization Notice may be extended for additional periods by submitting an application in accordance with the requirements in section (2) of this rule. The Agent shall impose conditions in the Authorization Notice which are necessary to assure protection of public health.

Findings and Conclusions. The applicant, Mr. Hooker, submitted a document approved by the City of Portland Bureau of Buildings dated August 10, 1998 identified as an "Authorization for Connection to an Existing Subsurface System." The applicant purported that this authorization was an approval to use the septic system in the north portion of the parcel to serve the proposed health hardship dwelling. The authorization allows a two-bedroom dwelling to use an existing septic tank having a capacity of 1000 gallons and two 100-foot drain field trenches at the address of 346 NE Curtis Drive, the address of the subject property. The Site Plan (Exhibit #1) shows that the septic system serving the existing manufactured home has a 1000-gallon tank and has three 100-foot drain field trenches. The Site Plan shows that the second septic system in the north portion of the parcel has a 1000 gallon tank and two 100-foot drain field trenches. Thus, it appears that the Authorization to Connect to an Existing Subsurface System relates to the subsurface system in the north portion of the parcel.

The purported authorization to use the septic system in the north portion of the parcel (Exhibit H7) is not accompanied by the required land use compatibility statement from Multnomah County stating that the proposed land use is compatible with the County's acknowledged comprehensive plan. In fact, there could have been no such statement, because in August, when the sanitarian issued the authorization, there was no land use decision made by Multnomah County concerning the compatibility of the proposed health hardship dwelling with the County's comprehensive plan. There is no evidence in the record that the County's sanitary agent received satisfactory evidence showing that the proposed mobile home's occupant suffers physical or mental impairment, infirmity, or is otherwise disabled or that Multnomah County allows placing a hardship mobile home on the subject property.

Even if the applicant has a valid authorization to use the second septic system on the parcel to serve a proposed health hardship dwelling, such approval does not require Multnomah County to approve the proposed dwelling. The proposed dwelling must still comply with applicable Multnomah County Code criteria. As noted, the Hearings Officer has concluded that the application does not comply with MCC 11.15.8710(A)(2) because the care provider is not a resident of the property. In addition, the Hearings Officer has

concluded that the Director's condition of approval to require connection to the septic system serving the manufactured home is supportable to ensure that the proposed dwelling will be temporary and that the single family use of the zone will be satisfied.

G. CHALLENGED CONDITIONS OF APPROVAL:

1. **Before the county signs-off on the building permit or the applicant/owner relocates the mobile home on the subject property, the applicant shall submit to Multnomah County Planning Department an accurate to-scale drawing of the site that includes and illustrates the following items:**
 - a) **The location of all existing structures, all property lines of the subject parcel, the centerline of Smith Creek and the new location of the proposed health hardship mobile home.**

Findings and Conclusions. The applicant submitted a site plan on October 9, 1998 (Exhibit #1). The site plan, at a scale of 1-inch equals 50-feet, shows the location of the existing manufactured home and the proposed location of the temporary dwelling, a separate septic tank serving each dwelling and a separate driveway for each dwelling. The applicant submitted a revised site plan with his notice of appeal (Exhibit #6). The revised site plan is the same as Exhibit #1 but includes a general depiction of the location of Smith Creek east and south of the parcel. The applicant testified that the site plan is not accurate with respect to all the features shown. A reliable site plan, drawn to scale is necessary to verify that the proposed location of the temporary health hardship structure meets the setback requirements of the Rural Residential zone under Section .2218 and the stream setback requirements under Section .8710 (A)(4).

The Hearings Officer concludes that there is substantial evidence in the record that Smith Creek is probably near the southeast corner of the subject property, but it may run diagonally through the central portion of the subject property. The Code provides that streams designated as "significant streams" shall be protected. To ensure that the stream protection criteria of the Code are met, a condition of approval needs to be imposed to reliably identify the location of Smith Creek and to ensure that the required setbacks from Smith Creek are provided.

- b) **The health hardship mobile home shall meet the setbacks of the Rural Residential zone. These setbacks are 30 feet from the front and rear property line and 10 feet from side property lines.**

Findings and Conclusions. The applicant's site plan indicates that his proposed site for the temporary health hardship dwelling complies with the setback requirements from the front, rear and side yards. The Director's conditions of approval require the applicant to provide a reliable site plan that illustrates the proposed hardship dwelling meets the required setbacks of the RR zone. This condition is necessary.

- c) **Smith Creek runs through this property or abuts the southeast corner of this property. Smith Creek is designated a protected Stream under the East of Sandy River Rural Area Plan. A 150-ft setback from Smith Creek is required for all residential structures. The health hardship mobile home shall not encroach into the 150-ft setback or buffer.**

Findings and Conclusions. As discussed above, the Hearings Officer concludes that it is likely that Smith Creek is southeast of the subject parcel, but that Smith Creek may cross the subject property. Condition of approval #2a requires the applicant to provide evidence regarding the location of Smith Creek. The placement of the proposed temporary dwelling must comply with the East of Sandy River Area Plan Policy 21 requirement which prohibits "new residential development within 150 feet of a stream centerline" and limiting "new roads, stream crossings, additions to existing structures, and other grading activities within this 150-foot area." The Hearings Officer agrees condition #1c is necessary to assure compliance with setback requirements applying to Smith Creek.

- d) **The health hardship dwelling shall be placed within 100 feet of the existing single-family residence and be serviced from that dwelling's driveway.**

Findings and Conclusions. The applicant argues that there is no suitable site on the property to place the new home within 100 feet of the existing home because any other site would be downhill from the existing mobile home and sewage would have to be pumped to the septic system. The applicant believes that the only logical place for the proposed health hardship dwelling is at the proposed location where there is water, power, a septic system and cable TV already existing. According to the application, making a new site near the existing dwelling would be cost-prohibitive because extensive excavation, plumbing, wiring, and cable TV extension (at \$3,000 alone) are required because of the distance to the road. According to the applicant, all facilities have been approved and fees paid for the proposed site.

The staff argues that the staff's proposed locational requirements in conditions of approval #1B, #1C, and #1D, must be met by the applicant, based on the requirement for the temporary dwelling to be outside the 150-foot stream buffer, the need for the temporary dwelling to be relatively close to the septic system serving the existing manufactured home, and the need for relatively close proximity to persons in the existing dwelling to help the person with the health hardship in the temporary dwelling.

The approval criteria do not specifically require the proposed health hardship dwelling to be located within 100-feet of the existing manufactured home. Without knowing precisely what portion of the parcel is affected by the stream setback requirements, the Hearings Officer can not conclude that it is necessary or possible to require the dwelling to be placed within 100-feet of the existing residence. The Hearings Officer has found that the second septic system should not be considered available to serve the proposed dwelling and that DEQ regulations allow a hardship dwelling to be served by an existing subsurface system.

Therefore, the applicant needs to connect the proposed dwelling to the septic system in the southeast part of the property. That necessity does not dictate the location of the proposed dwelling must be within 100-feet of the existing dwelling. All that the approval criteria require are compliance with yard setback requirements, the stream setback requirements and connection to the existing septic system. The Hearings Officer concludes this condition of approval is not necessary to assure compliance with applicable criteria.

The Multnomah County Code does not contain a criterion relating to the cost of the means of implementing a proposal. The Hearings Officer cannot consider cost in the evaluation of the Temporary Health Hardship application. The costs to the applicant to comply with the approval criteria is no basis for waiving compliance with all applicable criteria. All approval criteria must be complied with, regardless of cost.

- e) **The second dwelling shall use the same existing septic system that is used by the existing single-family dwelling in the southeast corner of the subject parcel.**

Findings and Conclusions. The Hearings Officer has concluded that the second northern septic system should not be considered available to serve the proposed dwelling. The DEQ regulations allow a health hardship dwelling to be served by a septic system serving an existing dwelling on the parcel. Consequently, this condition of approval clarifies that the health hardship dwelling must use the same septic system serving the existing residence.

- 2. **The applicant must obtain land use permits from the City of Gresham for the shed that was constructed on the site during October 1998 and for the second dwelling before placing the manufactured dwelling on the site. The land use permit for the shed may be reviewed concurrently with the building permits for the second dwelling. If the applicant chooses to apply for these permits concurrently, the applicant shall include the setback distances from the shed to the property line on the site plan required in Condition of Approval #1. The applicant shall make an appointment with the Staff Planner, Tricia R. Sears, at Multnomah County by contacting her at (503)-248-3043, for building permit sign-off. The applicant shall bring four (4) sets of building plans for the County's review (three will go to Gresham, one will be kept on file at Multnomah County).**

Findings and Conclusions. According to the application, the shed recently placed on the site is a 10-foot x 10-foot storage shed which is not on a permanent foundation and is movable. It was Mr. Hooker's understanding that this type of building did not require building permits.

MCC 11.15.8715(A) states: "Before any change in the use of land or a structure is made, the owner or owner's agent shall obtain a land use permit from the Department of Environmental Services. Such permit shall be issued only if the proposed use complies with the provisions of this Chapter and any other applicable statute, ordinance, code,

regulation or rule." The construction of the 10-foot x 10-foot shed on the subject parcel requires a land use permit. While a building permit is not necessary for a building less than 120 square feet in size, a land use permit to show compliance with yard dimensions, building height and land use is required. The Director's condition of approval #2 is necessary to ensure compliance with the zoning code provisions.

3. **Before placement of the temporary health hardship mobile home on the site, the applicant shall mark the proposed location with wood stakes approved in Condition #1 and contact Multnomah County at (503)-248-3043 for a site inspection to verify the placement of the mobile home will be outside of the 150-foot buffer required for the protected stream, Smith Creek. No site clearing shall be done in this location until Multnomah County inspects and approves the new location.**

Findings and Conclusions. The applicant stated in the appeal notice that the site location can and will be staked out. He contests the existence of Smith Creek on this property. The Hearings Officer has concluded that it is unclear where Smith Creek is located and whether it is on the subject parcel. The evidence in the record shows that Smith Creek is probably at the southeast corner of the property. However, if the creek crosses the property, the proposed location for the health hardship dwelling could be within the 150-foot buffer of Smith Creek where the ESRP prohibits a new residence. Consequently, this condition of approval, requiring the applicant to reliably establish the location of the proposed dwelling relative to Smith Creek, is necessary. Because the proposed dwelling might be placed within the 150-foot setback from a protected stream, maintaining this condition is necessary to assure that the dwelling will be placed at least 150-feet from the centerline of Smith Creek.

4. **As required by the East of Sandy River Rural Area Plan, all ground disturbing activities within the 150-foot buffer area of Smith Creek (a protected stream) are limited to the period of time between May 1 and October 1 of any given year. The applicant shall comply with this requirement.**

Findings and Conclusions. The building site may be within the 150-foot protected area of Smith Creek, and a sewer line connecting the sewer to the septic system serving the manufactured home may encroach on the Smith Creek setbacks. Therefore, this condition of approval is necessary to assure that all ground disturbing activities within the protected areas are limited to the period between May 1 and October 1 of any given year.

5. **Before Multnomah County issues building permits, the applicant shall post a penal bond in the amount of \$1,000 to insure removal of the mobile home within six months after the health hardship ceases to exist. The bond will be forfeited if the home is not removed within the six-month period.**

Findings and Conclusions. Section .8710 (A)(5) of the Multnomah County Code requires posting of the bond. The applicant agreed that he will post the required \$1,000 bond upon approval.

6. The applicant shall submit the following items to the Land Use Planning Division every two years from the date of this decision:
 - a) A recent (within 6 months prior to the two year deadline) physician's statement verifying that the situation described in this approval still exists and that Anna Hooker continues to require assistance with her daily self care needs.
 - b) A letter from the care provider, Thomas Hooker (son), describing the continuing assistance being given to his mother, Anna Hooker.

Findings and Conclusions. The applicant did not contest this condition of approval.

7. The applicant shall comply with all requirements of the Right-of-Way Division, please contact Alan Young for additional information, (503)-248-3582.

Findings and Conclusions. The applicant stated in his notice of appeal that he will contact the Right of way division. He did not contest this condition of approval.

8. Except as otherwise specified in the above conditions, this approval is based upon the applicant's submitted written testimony, site and development plans, and substantiating document. The applicant shall be responsible for implementing the development plan as conditioned and approved in case file HH 2-98.

Findings and Conditions. The applicant stated in the appeal notice that to the best of his knowledge all written and spoken statements are true. This condition of approval is necessary to assure that the applicant will be bound to all the representations that he made upon which the approval was based.

9. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application have been paid in full.

Findings and Conclusions. The applicant states that any additional fees will be paid. He did not contest this condition of approval.

H. CONCLUSION

Based on the findings and the substantial evidence cited or referenced herein, I conclude that the Planning Director erred in approving the application with conditions of approval because the only person who qualifies as a care provider for Anna Hooker, Tomas Hooker, is not a resident of the property. Consequently the application does not satisfy approval criteria MCC 11.15.8710(A). Independently of this conclusion, the Hearings Officer reviewed all of the challenged conditions of approval imposed by the Planning Director's administrative decision and concluded that all except condition #1D are necessary to ensure the Code's applicable criteria are satisfied.

1. The Hearings Officer's review of a matter appealed is limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal. Mr. Hooker's notice of appeal did not cite a specific Code or Plan policy as the grounds for his appeal, instead he addressed every condition of approval. This basis for appeal raises an issue of what the limits are on the matters the Hearings Officer may review on this appeal. Because the purpose of conditions of approval is to assure that all applicable approval criteria will be satisfied, I conclude that by basing the appeal on all the conditions of approval, the appellant has caused all of the applicable criteria to be subject to review in this appeal.
2. MCC 11.15.8710(A) requires the person providing health care to the person who lives in the health hardship dwelling to be both a relative and a resident on the property as well as an owner of the property. Mr. Hooker is the only care provider meeting the definition of a relative. However, Mr. Hooker does not live on the property. Consequently, the application does not satisfy this criterion to be eligible for approval of a temporary health hardship permit. Because not all approval criteria can be satisfied by the application, it should be denied.
3. A July 1995 building permit for the existing manufactured home on the parcel required the property owner/applicant to remove the former mobile home on the site. OAR 340-071-0185 required the applicant to decommission the septic system. The applicant failed to remove the mobile home and decommission the septic system. The mobile home remained on the site, in violation of zoning code requirements until it burned down in May 1998. When the home burned down, the source of sewage was eliminated and the applicant was required by the DEQ rule to decommission the septic system. For land use decision-making, the second septic system should be treated as though it had been decommissioned as required by law. The property owner should not receive a benefit from failing to do what the law required him to do.

4. The applicant has failed to provide evidence that identifies the precise location of the centerline of Smith Creek and what portion of the parcel, if any, is within 150-feet of its centerline. The evidence in the record indicates that Smith Creek is probably southeast of the parcel but the evidence is not conclusive. Even if Smith Creek is southeast of the parcel, portions of the parcel may be within 150-feet of the centerline. Consequently the Hearings Officer is unable to conclude that the proposed dwelling site is outside the 150-foot setback. The Director's condition of approval #1, requiring an accurate to-scale drawing of the site, showing the location of all property lines, the centerline of Smith Creek and the location of the proposed health hardship mobile home meeting the setback requirements is necessary to assure the stream protection requirements of the East of Sandy River community plan element of the County Comprehensive Plan are satisfied.
5. The supplemental staff report dated December 9, 1998, prepared for the appeal hearing contained an additional recommended condition of approval #10. That condition would require the applicant to decommission the second septic system in the north part of the parcel. This condition would simply state a requirement that the applicant do what the DEQ regulations required him to do. Had the Hearings Officer concluded that the application met the applicable approval criteria, this condition would have been included.

Accordingly, the Hearings Officer now denies the appeal and denies the health hardship temporary dwelling for the subject site.

IT IS SO ORDERED, this 15th day of January 1999.


DENIECE B. WON, Hearings Officer

List of Exhibits:

Exhibit

- 1 Applicant's site plan submitted October 9, 1998
- 2 Site Plan from July 10, 1995 building permit.
- 3 East of Sandy River Wildlife Habitat and Stream Corridor ESEE Report and Map (2 pages).
- 4 Multnomah County Slope Hazard Map (pg. 53) showing topography.
- 5 OAR 340-71-205(7)(a) & (b).
- 6 — November 17, 1998 Notice of Appeal of Administrative Decision and new Site Plan showing location of Smith Creek to the south east
- H1 Affidavit of Posting
- H2 Letter from Neva Koebrick, dated December 10, 1998
- H3 Letter from Jan Lechron, dated December 14, 1998
- H4 Photos submitted by applicant, September 9, 1998
- H5 Field inspection record, dated October 21, 1998
- H6 Field inspection record, dated October 28, 1998
- H7 Authorization Notice for Connection to an Existing subsurface system, dated August 7, 1998
- H8 Tax Assessor records for Matthew and Dorothy Nowak parcel (Tax Lot 1200 Sec. 34B 1N 4E) and Thomas Hooker parcel (Tax Lot 900 Sec. 34C 1N 4E)

MEETING DATE: MAR 04 1999
AGENDA NO. R-7
ESTIMATED START TIME 10:00

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Grant of Telecommunications Easement on Land in Section 30, Township
1 South, Range 1 East of Willamette Meridian, in the City of Portland,
Multnomah County, Oregon

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

REGULAR MEETING: DATE REQUESTED: March 4, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Svcs. DIVISION: Facilities & Prop.Mgmnt
CONTACT: Jennifer de Haro TELEPHONE: 736-6094
BLDG/RM: 421/3rd

PERSON(S) MAKING PRESENTATION: Jennifer de Haro

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Grant of Telecommunications Easement to US West Communications for placement of
telecommunications facilities on the southeast corner of the Capitol Hill Library property.

3/4/99 ORIGINAL EASEMENT & COPIES OF ALL TO
JENNIFER DE HARO

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

Larry F. Nicholas /ms

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 FEB 25 AM 8:45
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: Jennifer de Haro
Facilities and Property Management
Today's Date: February 24, 1999
Requested Placement: March 4, 1999

RE: Grant of TELECOMMUNICATIONS EASEMENT to US West Communications on Land in Section 30, Township 1 South, Range 1 East of Willamette Meridian, in the City of Portland, Multnomah County, Oregon, on the Multnomah County Capitol Hill Library property.

- I. Recommendation/Action Requested: Approval by the Board of County Commissioners of grant of a telecommunications easement to US West Communications.
- II. Background/Analysis: The requested easement is a ten-foot by ten-foot square of land on the southwest corner of the Capitol Hill Library property, adjacent to Dickinson Street. The proposed easement is shown on the accompanying attachment.

US West Communications intends to install and maintain a fiber optics cable on the easement site, which will ultimately serve the region's need for fiber optics in order to keep pace with the increasing demands of telecommunications.

Multnomah County Library Director Ginnie Cooper has been consulted and has given her approval of the easement. It has been determined that the proposed use of this portion of the property will not interfere with the use of the Capitol Hill Library, and is ultimately compatible with future possible fiber optic needs of the Library.

There is a provision in the easement agreement that the easement shall become null and void in the event that the use as described in the easement is abandoned for a period of two years.

- III. Financial Impact: The consideration for the proposed easement is \$4,000.00. This amount is well in excess of the estimated real market value of the one hundred square feet that comprises the proposed easement property, and which is not buildable, due to its close proximity to the street. The consideration would be deposited in the Library fund.
- IV. Legal Issues: None known to Facilities and Property Management.
- V. Controversial Issues: None known to Facilities and Property Management.

VI. Link to Current County Policies: None known to Facilities and Property Management.

VII. Citizen Participation: None involved or expected with respect to this transaction.

VIII. Other Government Participation: None known to Facilities and Property Management.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-23

Authorizing Grant of a Telecommunications Easement to US West Communications Inc., a Colorado Corporation

The Multnomah County Board of Commissioners Finds:

- a. U.S. West Communications has requested a 100 square foot easement for telecommunications facilities on County owned real property presently used for the Capitol Hill Library and more particularly described below, in order to serve present and future fiber optics and telecommunication needs in the region.
- b. The legal description of the proposed easement is as follows:
The West ten (10) feet of the South ten (10) feet of Lot 3 INDEPENDENCE HOME TRACTS in Section 30, Township 1 South, Range 1 East of Willamette Meridian, in the City of Portland, Multnomah County, Oregon.
- c. The grant of the easement will be in the public's interest and have little or no effect upon the use or value of the land upon which it would be located.
- d. The land underlying the requested easement is not of size or configuration to permit other development construction of the surface and thus has no value greater than \$4,000.00 offered by US West Communications for the Telecommunications Easement.

The Multnomah County Board of Commissioners Orders:

1. Multnomah County approves the attached Telecommunications Easement with US West Communications, identified as Exhibit A, upon the terms and conditions herein stated.
2. The Chair is hereby directed to execute the attached Easement on behalf of Multnomah County, upon receipt of \$4,000.00 from US West Communications by the County.

ADOPTED this 4th day of March, 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

EASEMENT AGREEMENT

The undersigned Grantor(s) for and in consideration of **FOUR THOUSAND** _____ **DOLLARS (\$4,000.00)** and other good and valuable consideration, the receipt whereof is hereby acknowledged, do hereby grant and convey unto US WEST Communications Inc., a Colorado corporation, hereinafter referred to as "Grantee" whose address is 700 W. Mineral, Littleton Colorado, 80120, its successors, assigns, lessees, licensees and agents a perpetual easement* to construct, reconstruct, modify, change, add to, operate, maintain and remove such telecommunication facilities, and appurtenances, from time to time, as Grantee may require upon, over, under and across the following described land situated in the County of Multnomah, State of Oregon, which the Grantor owns or in which the Grantor has any interest. To wit:

The West ten (10) feet of the South ten (10) feet of Lot 3 INDEPENDENCE HOME TRACTS in Section 30, Township 1 South, Range 1 East of Willamette Meridian, in the City of Portland, Multnomah County, Oregon.

SEE EXHIBIT A ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Grantor further conveys to Grantee the following incidental rights:

The right of ingress and egress over and across the lands of Grantor to and from the above described property and the right to clear and keep cleared all trees and other obstructions as may be necessary for the Grantee's use and enjoyment of the easement area.

Grantee shall indemnify and defend Grantor from all claims, suits, costs or other liability resulting from Grantee's negligent exercise of the rights and privileges herein granted. Further, Grantee shall defend and indemnify Grantor From all claims, suits, costs or other liability related to any use, spill, migration or release of any hazardous substance in connection with Grantee's activities in the easement area or the surrounding area. For purposes of this Easement Agreement the term "Hazardous Substance" shall mean any toxic, caustic, flammable, combustible, explosive, corrosive, radioactive, carcinogenic, hazardous waste or related materials regulated under any applicable federal, state or local statute, law or ordinance. Grantee shall have no responsibility for pre-existing environmental contamination or liabilities.

Grantor reserves the right to occupy, use and cultivate said easement for all purposes not inconsistent with the rights herein granted, including as a paved or unpaved parking area, low ground cover landscaping or for pedestrian ingress and egress.

Grantor hereby covenants that no excavation, building, structure or obstruction will be constructed, erected, built or permitted on said easement area and no change will be made by grading or otherwise to the surface of the easement area absent the written consent of U.S. West Communications, provided such consent shall not be unreasonably withheld.

The rights, conditions and provisions of this easement shall inure to the benefit of and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

*In the event that the property is not used as described herein for a period of two years, the Easement shall become null and void.

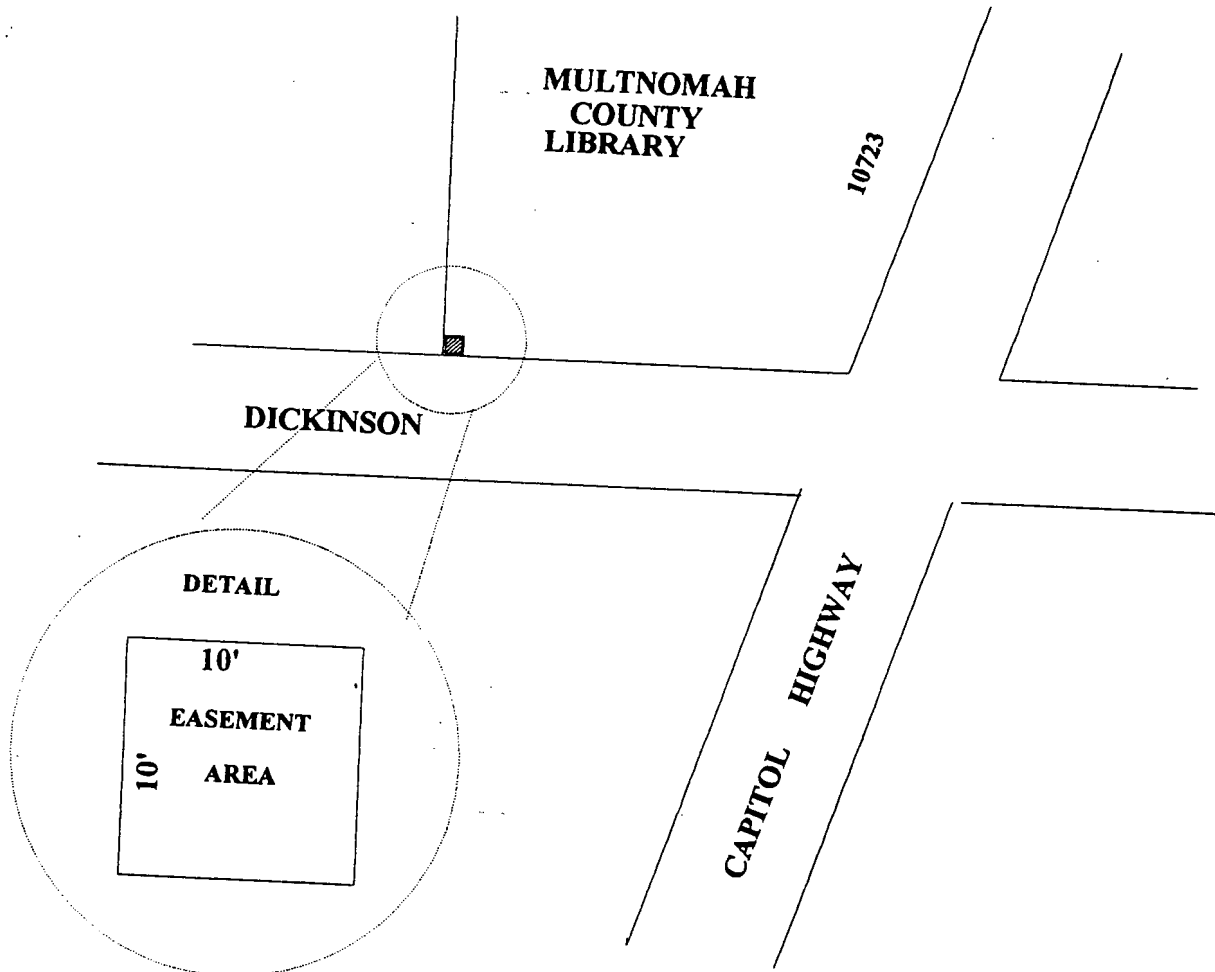
Any claim, controversy or dispute arising out of this Agreement shall be settled by arbitration in accordance with the applicable rules of the American Arbitration Association, and judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof. The arbitration shall be conducted in the country where the property is located.

DATE Feb 24, 1997

EXHIBIT A

USW JOB# 72RE951

LOTS 2 & 3 INDEPENDENCE HOME TR
SEC. 30, T.1S. R.1E. WM.



NOT TO SCALE

Meeting Date: MAR 04 1999
Agenda No: R-8
Est. Start Time: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Hearing on an Ordinance amending the Action Proceedings Section of the Multnomah County Zoning Code to amend the date at which a Board decision becomes final, and repealing of rehearing provisions. C 11-98

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

REGULAR MEETING Date Requested: March 4, 1998
 Amt. of Time Needed: 15 Min.

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Phil Bourquin **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 Action Proceedings Section of the Multnomah County Zoning Code to amend the date at which a Board decision becomes final, and repealing of rehearing provisions. C 11-98

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KB Lou E. Nicholas

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 PM 2:22
MULTNOMAH COUNTY
OREGON

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
STAFF REPORT**

To: Board of Commissioner's

From: Planning Staff

Today's Date: February 17, 1999

Hearing Date: March 4, 1999

RE: Board of County Commissioners hearing on an ordinance amending the Action Proceedings Section of the zoning code to amend the date at which a Board Decision becomes final. (Planning File C11-98)

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance amending the Action Proceedings section of the zoning code by amending the date at which a Boards decision on a land use matter becomes final, and repealing of rehearing provisions.

II. Background/ Analysis:

The Action Proceedings section of the zoning code lays out the process by which land use decisions are made. Through time the procedural requirements of the County have been and are increasingly affected by new and/or revised state requirements. The effect of these changes has and will result in the Action Proceedings provisions becoming increasingly antiquated.

Decision of the Board Final: The current code (MCC 11.15.8280 (D) through 11.15.8285) requires that the Boards decision shall be final at the close of business on the tenth day after a Decision.

In July 1998, the Board adopted Ordinance 915 in response to concerns related to the mandated time frame a final decision must be made by the County (generally referred to as the 120/150 day rule). With the complexity of procedural requirements affecting land use applications including notice requirement, staff reports, scheduling hearings, continuances, keeping the record open, etc., the County has found it difficult in many cases to complete all the requirements within 120/150 days. These procedures have resulted in the County utilizing valuable resources in defending itself against legal challenges based on the 120/150 day rule.

The date upon which a County Decision becomes final plays an important role in the timeliness of land use decisions.

Options:

- a) Leave the existing language as is.
- b) Adopt an amendment to .8280 (D) and repeal .8285 to effectively change the date upon which a Board's decision becomes final from 10 days after a decision to upon filing of a signed final decision..
- d) Other options determined by the Planning Commission.

Recommendation: b) amend MCC 11.15.8280 (D) and repeal MCC 11.15.8285. This option will eliminate 10 days from the tail end of every Board Decision on a land use application thus reducing demands on limited County resources.

III. Financial Impact:

Under II. - violations of the existing 120/150 day requirement has and could result in a Writ being issued with legal costs being picked up by the County. The recommended option would reduce the time frame by which the County can make a, thus minimizing the potential for future Writs and associated costs.

IV. Legal Issues:

The recommended amendments would assist in minimizing future legal issue related to the 120/150 day decision requirement.

V. Controversial Issues:

None anticipated.

VI. Link to Current County Policies:

Policy requires a citizen involvement program offering opportunities for citizens to be involved in all phases of the land planning process. The procedures recommended for amendment would continue to provide notice to neighboring properties of upcoming hearings and assure Staff reports are available for review by citizens in a timely manner prior to hearing.

VII. Citizen Participation:

Notice of Planning Commission hearing(s) on all proposed ordinance are published in the *Oregonian* newspaper and consistent with law. At the Planning Commission hearing(s) public testimony will be accepted.

VIII. Other Government Participation:

A notice of the proposed amendment will be mailed to the Department of Land Conservation and Development a minimum of 45 days prior to adoption.

IX. PROPOSED CODE AMENDMENTS

Proposed amendments are shown within the following text of the Action Proceedings Section with new wording **bold and underlined** and ~~strikethrough~~ sections are deleted.

* * *

11.15.8280 Board Decision

- (A) The Board may affirm, reverse or modify the decision of the Planning Commission or Hearings Officer and may grant approval subject to such modifications or conditions as may be necessary to carry out the Comprehensive Plan or to achieve the objectives of MCC .8240 (D).
- (B) The Board shall state all decisions upon the close of its hearing or upon continuance of the matter to a time certain.
- (C) Written findings of fact and conclusions, based upon the record, shall be signed by the Presiding Officer of the Board and filed with the Clerk of the Board with a decision within five business days following announcement of the decision under subsection (B) above.
- (D) The Board's decision shall be final **upon signing and filing of** ~~at the close of business on the tenth day after the Decision, Findings of Fact and Conclusions under subsection (C) above, unless the Board on its own motion grants a rehearing under MCC .8285(A).~~

* * *

~~11.15.8285 Rehearing~~

~~The Board may rehear a matter on its own motion under subsection (A).~~

- ~~(A) A Board motion for rehearing shall be made, if at all, within ten days after the Decision, Findings of Fact and Conclusions have been signed and filed with the Clerk of the Board under MCC .8280(C).~~
- ~~(B) A Board motion for rehearing shall be made, if at all, within ten days after the action takes effect as provided in MCC .8280(C).~~
- ~~(C) At the meeting at which the Board determines to grant a rehearing, the Board shall set the time and place for the rehearing, which shall not be later than 21 days from the date of the Board determination.~~

~~(D) If a rehearing is granted, it shall be heard as a new review, except that all testimony and evidence theretofore received shall be included in the record.~~

~~(E) No action shall be reheard more than once.~~

* * *

**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

| | | |
|--|---|-------------------|
| In the matter of amending the Action Proceedings |) | |
| section of the Multnomah County Zoning Ordinance |) | RESOLUTION |
| relative to the date a Board Decision becomes final. |) | |
| (Planning File C 11-98) |) | |

WHEREAS, Amendments of the text of the Zoning Code may be initiated by request of the Planning Director (MCC 11.15.8405); and

WHEREAS, A public hearing shall be held by a majority of the entire Planning Commission on the proposed amendments to the Code; and

WHEREAS, The current Action Proceeding section of code unnecessarily provides that a Board decision becomes final ten days after a Decision is filed; and

WHEREAS, It is the intent of the Planning Commission to recommend to the Board amendments which simplify local procedural options while expediting the decision making process; and

WHEREAS, The Planning Commission conducted a public hearing on December 7, 1998, to accept public testimony on the proposed amendments to the zoning code text; and

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby recommends that the Board of County Commissioners amend the zoning code as indicated in Section IX of the Staff Report dated November 2, 1998.

Approved this 7th day of December, 1998

By 
Jon Ingle, Acting Chair
Multnomah County Planning Commission

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

□

An Ordinance amending MCC 11. 15. 8280(D) and deleting MCC 11. 15.8285 regarding the date at which a Board decision on a land use matter becomes final.

□

SECTION 1, FINDINGS

□

(A) The date at which a land use decision becomes final plays an important role in the timeliness of land use decisions. The current Code requires that a decision of the Board shall be final at the close of business on the tenth day after the decision.

(B) The Board of Commissioners' in July of 1998, adopted Ordinance 915 in response to concerns related to the mandated time frame in which a final decision must be made by the County, generally referred to as the 120/150 day rule. With the complexity of procedural requirements affecting land use applications including notice requirements, staff reports, scheduling hearings, continuances, keeping the record open, etc., the County has found it difficult in many cases to complete all the requirements within the 120/150 day.

(C) 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 an ordinance amending MCC 11.15.8280 (D) and repealing MCC 11.15.8285 to effectively change the date at which a decision of the Board becomes final from 10 days after a decision to upon filing of a signed final decision.

1 **SECTION II, AMENDMENT OF MCC 11.15**

2 Multnomah County Code Chapter 11.15 is amended as follows:

3
4 **11.15.8280 Board Decision**

5 (A) The Board may affirm, reverse or modify the decision of the Planning Commission or
6 Hearings Officer and may grant approval subject to such modifications or conditions as
7 may be necessary to carry out the Comprehensive Plan or to achieve the objectives of
8 MCC .8240 (D).

9 (B) The Board shall state all decisions upon the close of its hearing or upon continuance of the
10 matter to a time certain.

11
12 (C) Written findings of fact and conclusions, based upon the record, shall be signed by the
13 Presiding Officer of the Board and filed with the Clerk of the Board with a decision within
14 five business days following announcement of the decision under subsection (B) above.

15
16 (D) The Board's decision shall be final upon signing and filing of ~~at the close of business on~~
17 ~~the tenth day after the Decision, Findings of Fact and Conclusions under subsection (C)~~
18 ~~above, unless the Board on its own motion grants a rehearing under MCC .8285(A).~~

19 ~~11.15.8285 Rehearing~~

20
21 ~~The Board may rehear a matter on its own motion under subsection (A).~~

22 ~~(A) A Board motion for rehearing shall be made, if at all, within ten days after the Decision,~~
23 ~~Findings of Fact and Conclusions have been signed and filed with the Clerk of the Board~~
24 ~~under MCC .8280 (C).~~

1 ~~(B) A Board motion for rehearing shall be made, if at all, within ten days after the action takes~~
2 ~~effect as provided in MCC .8280 (C).~~

3 ~~(C) At the meeting at which the Board determines to grant a rehearing, the Board shall set the~~
4 ~~time and place for the rehearing, which shall not be later than 21 days from the date of the~~
5 ~~Board determination.~~

6
7 ~~(E) If a rehearing is granted, it shall be heard as a new review, except that all testimony and~~
8 ~~evidence theretofore received shall be included in the record.~~

9
10 ~~(F) No action shall be reheard more than once.~~

11 **SECTION III. ADOPTION**

12
13 ADOPTED this 11th day of March, 1999, being the date of its second reading before the Board
14 of County Commissioners of Multnomah County.

15
16 BOARD OF COUNTY COMMISSIONERS
17 FOR MULTNOMAH COUNTY, OREGON
18

19 By _____
20 Beverly Stein, Chair

21 REVIEWED:

22 THOMAS SPONSLER, COUNTY COUNSEL
23 FOR MULTNOMAH COUNTY, OREGON

24 By Sandra N. Duffy
25 Sandra N. Duffy, Chief Assistant Counsel

26 Page 3 of 3 - ORDINANCE

MEETING DATE: MAR 04 1999
AGENDA NO: R-9
ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT Intergovernmental Agreement between Metro and Multnomah County Relating to Boundary Change processing

BOARD BRIEFING:

DATE REQUESTED:
REQUESTED BY:
AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: March 4, 1999
AMOUNT OF TIME NEEDED: 10 Min

DEPARTMENT: DES

DIVISION: Director's Office

CONTACT: Larry Nicholas

TELEPHONE #: 83355
BLDG/ROOM #: 455-219

PERSON(S) MAKING PRESENTATION Ken Martin, Metro Boundary Change Mgr, Larry Nicholas
ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Public Hearing and approval of Intergovernmental Agreement between Metro and Multnomah County relating to boundary Change processing

3/5/99 originals to Cathy Kramer

SIGNATURES REQUIRED

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER:

Larry E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 AM 8:44
MULTNOMAH COUNTY
OREGON



OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

FAX 248-3377
(503) 248-3138

SUSAN DUNAWAY
KATIE GAETJENS
PATRICK HENRY
GERALD H. ITKIN
JEFFREY B. LITWAK
MATTHEW O. RYAN
KATHRYN A. SHORT
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners (Board)

FROM: Office of County Counsel

DATE: February 23, 1999

RE: Intergovernmental Agreement between Metro and Multnomah
County Relating to Boundary Change Processing

1. **Recommendation/Action Requested:**

Approve IGA for Metro to process all boundary change applications within Metro and the County.

2. **Background/Analysis:**

Chapter 516, 1997 Oregon Laws, dissolved the Boundary Commission for Multnomah, Washington and Clackamas Counties (Counties). On 1/1/99, Multnomah County (County) became responsible for processing boundary change applications within its jurisdiction. The ordinance is necessary for the County to handle these responsibilities.

An IGA is concurrently being presented for Board consideration for Metro to provide boundary change services for the County. By combining the boundary change work of several jurisdictions (Counties and City of Portland), Metro can more economically provide staff assistance for boundary change processing and mapping functions.

The proposed fee resolution adds the boundary change processing fee. The proposed fee is based on Metro's estimate of the average processing cost (\$2,000) and mapping and related services cost (\$450) as provided in the IGA.

3. Financial Impact:

Metro estimates the cost of processing boundary changes for the Counties and the City of Portland would be \$57,000 for a six-month pilot project. As provided in the proposed IGA, the County's share of this cost for Metro to process all County boundary changes is \$14,250. In addition, Metro will provide mapping services for all areas outside of Metro boundaries. The County's share for these additional mapping services is \$750. Some of the initial \$15,000 cost may be recovered through processing fees applied to the initial cost as provided in the IGA

4. Legal Issues:

Chapter 516, 1997 Oregon Laws requires local jurisdictions to process boundary changes within their boundaries.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Implements Charter and meets good government benchmark.

7. Citizen Participation:

N/A

8. Other Government Participation:

Metro IGA.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

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

Contract #: 301189

Amendment #:

| | | |
|---|---|--|
| <p 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 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"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> | <p align="center">CLASS III</p> <p><input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000</p> <p><input type="checkbox"/> Expenditure</p> <p><input type="checkbox"/> Revenue</p> <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-9</u> DATE <u>3/4/99</u></p> <p align="center">DEB BOGSTAD</p> <p align="center">BOARD CLERK</p> |
|---|---|--|

Department: Environmental Services

Division: Admin

Date: March 4, 1999

Originator: Larry Nicholas

Phone: 248-3355

Bldg/Rm: 455/Admin

Contact: Larry Nicholas

Phone: 248-3355

Bldg/Rm: 455/Admin

Description of Contract:

RENEWAL: ☐ PREVIOUS CONTRACT #(S):

RFP/BID: EXEMPTION #/DATE: EXEMPTION EXPIRATION DATE: RFP/BID DATE: ORS/AR #:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE (Check all boxes that apply)

| | |
|---|---|
| <p>Contractor <u>Metro</u></p> <p>Address <u>600 NE Grand Ave., Portland, OR 97232</u></p> <p>Phone _____</p> <p>Employer ID# or SS# _____</p> <p>Effective Date <u>1/1/99</u></p> <p>Termination Date <u>6/30/99</u></p> <p>Original Contract Amount \$ <u>15,000</u></p> <p>Total Amt of Previous Amendments \$ _____</p> <p>Amount of Amendment \$ _____</p> <p>Total Amount of Agreement \$ _____</p> | <p>Remittance address _____</p> <p>(If different) _____</p> <p>Payment Schedule / Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input checked="" type="checkbox"/> Other \$ <u>15,000+</u> <input type="checkbox"/> Other _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No</p> |
|---|---|

REQUIRED SIGNATURES:

Department Manager

Purchasing Manager

(Class II Contracts Only)

County Counsel

County Chair

Sheriff

Contract Administration

(Class I, Class II Contracts only)

DATE 3/4/99

DATE _____

DATE 2-23-99

DATE March 4, 1999

DATE _____

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 | | | | | | | | | | | |
| 02 | | | | | | | | | | | |
| 03 | | | | | | | | | | | |

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

Intergovernmental Agreement Between Metro and Multnomah County

This agreement is entered into between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro charter, located at 600 NE Grand Ave., Portland, OR 97232; and Multnomah County (County) located at 1120 SW Fifth Avenue, Suite 1530, Portland, OR 97204.

RECITALS

On January 1, 1999 the County became responsible for processing local government boundary changes within its area of jurisdiction. Changes for which the County has become responsible include special district annexations and withdrawals; and special district and city formations and dissolutions.

Because of the previous existence of a boundary commission the County has not performed this function for 30 years and therefore has no staff experienced in this area.

Metro is involved in the boundary change process by virtue of the requirements laid out in Senate Bill 947 of the 1997 Legislative Session (codified in ORS 199 & 268). Those requirements include:

- a. Establishment of a uniform hearing and notification process to apply to all local government boundary changes involving territory within the Metro boundary or its urban reserves;
- b. Establishment of an expedited process for uncontested boundary changes;
- c. Establishment of an appeals commission to hear and decide boundary change disputes between local governments;
- d. Adoption of clear and objective criteria which would be applicable to all boundary changes involving territory within Metro's boundary or its urban reserve areas; and
- e. Performance of ministerial duties with regard to all local government boundary changes within the Metro boundary or its urban reserve areas.

Metro has adopted an ordinance which embodies the requirements laid out in "a" through "e" above. All of these requirements are in addition to existing statutory requirements relative to boundary changes.

Metro has, in addition to these mandated functions, incorporated the most current boundaries into its GIS database. It has also acquired and housed boundary change records previously kept by the Boundary Commission.

Metro has the ability to hire experienced staff to provide multiple jurisdictions with optional staff assistance on local government boundary changes. By joining together the boundary change work of several jurisdictions, Metro can take advantage of economies of scale in hiring such staff.

Metro is empowered by Chapters 268 and 190 of the Oregon Revised Statutes (ORS) to contract with any public agency and Multnomah County has the authority under Chapter 190 of ORS to enter into intergovernmental agreements.

Multnomah County has chosen to use Metro's optional staff services for boundary change processing for a six month pilot period. This is in addition to participation in the boundary change mapping service laid out in Metro Code 3.09.030 (e) and 3.09.110.

TERMS OF AGREEMENT

1. Metro Responsibilities

A. Optional Services Metro shall provide County with the following optional services:

(1) Training Metro staff will train County staff how to accomplish their portion of the tasks of processing boundary changes. Metro staff will prepare information and conduct briefings for County elected officials on their role in the boundary change processes.

(2) Information & Forms Metro staff will supply information & forms to applicants and the County. Metro staff will create and distribute appropriate forms for processing boundary changes as well as keep abreast of all planning matters, utility plans, statutory changes and other details which impact the processing of boundary changes. Of particular importance, Metro will create and distribute forms for certification of petition signatures by the County's Election Department and Assessor's Office.

(3) Specific Tasks Following is a list of specific tasks which Metro will perform:

- a. Receive initiating documents from County.
- b. Check initiating documents for compliance with Metro Code and state statutes. This will include checking the legal description.
- c. In coordination with the County, set hearing date for County Board.
- d. Prepare notice of hearing for publication.
- e. Prepare posting notices.
- f. Prepare notice for necessary parties and other parties.
- g. Have notice of hearing published.
- h. Send notice to necessary parties.
- i. Work with County and applicant to assure that notice is posted and any notice required for other parties is mailed.
- j. Prepare staff report on boundary change for Board.
- k. Attend Board hearing.
- l. Draft ordinance for Board adoption.
- m. Assist County staff in processing requests for election on boundary change.

- n. Prepare record on cases appealed to Metro Boundary Appeals Commission.
- o. Coordinate with Metro's Data Resources Center on the processing of boundary change maps & legal descriptions and distribution of boundary change resolutions/orders/ordinances.
- p. Receive and deal appropriately with any remanded cases or decisions by Metro Boundary Appeals Commission, LUBA, Circuit Court or Court of Appeals.

B. Mapping and Filing Services Metro shall provide County with the following services as required by Metro Code 3.09.030 (e) and 3.09.110:

(1) Start-up services

- a. Create digital boundaries for all special districts in the County using Assessor's cadastral maps.
- b. Develop master map for each special district in the County utilizing Assessor's maps and Boundary Commission information.
- c. Relocate Boundary Commission maps & map books to Metro Library.
- d. Relocate Boundary Commission "short files" (i.e., copy of each Commission staff report, order, map and legal description) to Metro Library.
- e. Design and produce standard annexation map product.
- f. Establish procedures for submitting documentation to Department of Revenue, et.al.

(2) On-going Services

- a. Digitize preliminary annexation maps and submit to Department of Revenue
- b. Update master boundary maps.
- c. Receive DOR comments on preliminary review and assist County staff in resolving any problems prior to final adoption of boundary change.
- d. Receive finally approved boundary changes from County and file with Department of Revenue, Secretary of State, County Elections, County Assessor, utilities and other parties.
- e. Update historical records.

2. County Responsibilities

Multnomah County agrees to:

- A. Receive proposals and transmit them to Metro staff for further processing. The proposals will be accompanied by the processing fee noted below if the County has exceeded its subscription amount.
- B. Provide any necessary County endorsements required by statute.

- C. Deal with the requirements of ORS 198.775 relating to security deposits, if applicable.
- D. Work with the Metro staff and the applicant to assure that notice is posted and any notice required for any parties under ORS 197.763 is mailed.
- E. Assure that proposals transmitted to Metro include a legal description & map and certifications from the Elections and Assessor's offices where appropriate.
- F. Hold hearings and make decisions.
- G. Receive and process any requests for election.
- H. Hold elections on boundary changes when necessary.

3. Mutual Agreement

Metro and County agree to cooperate to the highest degree possible to establish a local government boundary change process which is fair and economical for all parties involved.

4. Term of Agreement

The term of this agreement shall be from January 1, 1999 to June 30, 1999, unless extended by mutual consent by the parties prior to that date.

5. Compensation

A. Initial Costs

(1) The three metropolitan area counties (Clackamas, Multnomah and Washington) and the City of Portland have agreed to establish a shared resource for processing boundary change proposals now that the Boundary Commission is gone. In light of the short time available to pursue this approach, the counties and Portland have agreed to pay a subscription fee to Metro for the first six months as a pilot. The six month cost (Jan.-June/99) of this pilot project is \$57,000. Multnomah County's share of this cost is \$14,250.

(2) Compensation for mapping startup services listed in subsection 1.B.(1) above shall consist of a one-time start-up cost of \$750

B. Ongoing Costs

(1) It is estimated that processing each proposal costs an average of \$2,000. This would be the basic fee for an application. For Multnomah County (and the other three initial participants), there will be no charge of this fee for applications until the subscription amount is exceeded.

(2) For major boundary changes or annexations for more than 100 owners, the fee will be billed on a time and materials basis.

(3) Per proposal costs for mapping and filing services listed in subsection 1.B(2) above for the period 1/1/99 through 6/30/99 are listed on Attachment 1. of this agreement. From 7/1/99, County shall pay the mapping and filing service costs established by the Metro Executive.

6. Agreement Review

Relative to the optional service the agreement shall be reviewed at the end of four months. If Metro and County determine the optional service program should continue, an extension of this portion of the agreement will be made. If the optional service program is to be extended the review should include consideration of subscription rates, personnel needs and other factors. Multnomah County's share in extending the optional services portion of this agreement would depend on the amount of participation of other local jurisdictions.

7. Liability and Indemnity

Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless Metro from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300 Metro shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of Metro, its officers, employees and agents in the performance of this agreement.

8. Termination; Renewal

A. Initial Term This agreement shall not be terminated within the initial six month term. At the end of this initial term, either party may terminate this agreement by notice in writing to the other, mailed or delivered prior to May 31, 1999. All terms of this agreement shall apply during any renewal or extension period unless Metro submits in writing to County on or before May 1, 1999, a list of cost or service adjustments that will apply during the renewal period. County shall be deemed to have accepted such cost or service adjustments if the agreement is not terminated.

B. Extensions Either party may terminate this agreement at the end of any fiscal year (6/30) by notice in writing to the other mailed or delivered not less than six months prior to the end of fiscal year (December 31). Termination pursuant to this provision shall be consistent with the July 1 fiscal year budget cycle. All terms of this agreement shall apply during any renewal or extension period unless Metro submits in writing to County on or before December 1 a list of cost or service adjustments that will apply to the upcoming year. County shall be deemed to have accepted such cost or service adjustments if the Agreement is not terminated.

9. Law of Oregon

Any litigation arising from this Agreement shall be governed by the laws of the state of Oregon and conducted in the circuit court for Multnomah County.

All applicable provisions of ORS chapters 187 and 279, and all other terms and conditions necessary to be inserted into public contracts in the State of Oregon are hereby incorporated as if such provision were a part of this Agreement, including, but not limited to, ORS 279.015 to 279.320.

Specifically, it is a condition of this Agreement that contractor and all employers working under this agreement are subject employers that will comply with ORS 656.017.

10. Assignment

This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party.

11. No Waiver of Claims

The failure to enforce any provision of this Agreement shall not constitute a waiver by either party to that or any other provision.

12. Modification

Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

Multnomah County

Name: Beverly Stein

Title: Multnomah County Chair

Date: March 4, 1999

Metro

Name: _____

Title: _____

Date: _____

REVIEWED:

Thomas Sponsler, County Counsel For Multnomah County, Oregon

By

Jeffrey B. Litwak

Jeffrey B. Litwak, Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 3/4/99
DEB BOGSTAD
BOARD CLERK

ATTACHMENT 1

Metro Boundary Change Mapping and Filing Charges

| | |
|----------------------------------|-------|
| 1 Acre or less | \$ 85 |
| More than 1 acre up to 5 acres | 150 |
| More than 5 acres up to 40 acres | 200 |
| Greater than 40 acres | 300 |

Major boundary changes and annexations of more than 100 properties - Actual Expenses

c:\my documents\wk - 1\igamult2.doc

MEETING DATE: MAR 04 1999
AGENDA NO: R-10
ESTIMATED START TIME: 10:25

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT Ordinance Adding New Provisions to Multnomah County Code (MCC) Chapter 27, Environment and Property, Relating to Boundary Change Processing, and Declaring an Emergency.

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

REGULAR MEETING: DATE REQUESTED: March 4, 1999
AMOUNT OF TIME NEEDED: 10 Min

DEPARTMENT: DES **DIVISION:** Director's Office

CONTACT: Larry Nicholas **TELEPHONE #:** 83355
BLDG/ROOM #: 455-219

PERSON(S) MAKING PRESENTATION Jeff Litwack, Larry Nicholas

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Public Hearing and Enact Ordinance Adding Boundary Change Processing Function to the Department of Environmental Services (MCC27.001) and Authorizing Procedures and Fees to Be set By Resolution (MCC 27.067), and Declaring an Emergency.

*3/5/99 copies to Larry Nicholas, Jeff Litwack
Ordinance Distribution List*

SIGNATURES REQUIRED

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER: *Larry E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 FEB 23 AM 8:45
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS



OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

FAX 248-3377
(503) 248-3138

SUSAN DUNAWAY
KATIE GAETJENS
PATRICK HENRY
GERALD H. ITKIN
JEFFREY B. LITWAK
MATTHEW O. RYAN
KATHRYN A. SHORT
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners (Board)

FROM: Office of County Counsel

DATE: February 23, 1999

RE: Ordinance adding new provisions to Multnomah County Code (MCC) Chapter 27, Environment and Property, Relating to Boundary Change Processing, and Declaring an Emergency

1. **Recommendation/Action Requested:**

Enact ordinance adding boundary change processing function to the Department of Environmental Services (MCC 27.001) and authorizing procedures and fees to be set by resolution (MCC 27.067).

2. **Background/Analysis:**

Chapter 516, 1997 Oregon Laws, dissolved the Boundary Commission for Multnomah, Washington and Clackamas Counties (Counties). On 1/1/99, Multnomah County (County) became responsible for processing boundary change applications within its jurisdiction. The ordinance is necessary for the County to handle these responsibilities.

An IGA is concurrently being presented for Board consideration for Metro to provide boundary change services for the County. By combining the boundary change work of several jurisdictions (Counties and City of Portland), Metro can more economically provide staff assistance for boundary change processing and mapping functions.

The proposed fee resolution adds the boundary change processing fee. The proposed fee is based on Metro's estimate of the average processing cost (\$2,000) and mapping and related services cost (\$450) as provided in the IGA.

3. Financial Impact:

Metro estimates the cost of processing boundary changes for the Counties and the City of Portland would be \$57,000 for a six-month pilot project. As provided in the proposed IGA, the County's share of this cost for Metro to process all County boundary changes is \$14,250. In addition, Metro will provide mapping services for all areas outside of Metro boundaries. The County's share for these additional mapping services is \$750. Some of the initial \$15,000 cost may be recovered through processing fees applied to the initial cost as provided in the IGA

4. Legal Issues:

Chapter 516, 1997 Oregon Laws requires local jurisdictions to process boundary changes within their boundaries.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Implements Charter and meets good government benchmark.

7. Citizen Participation:

Notification of the Board meeting on _____, 1999, at which the Ordinance is expected to be enacted was given in the normal course. Citizens can comment on the Ordinance at the Board meeting.

8. Other Government Participation:

Metro IGA.

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

5 An ordinance adding new provisions to MCC Chapter 27 relating to boundary changes and
6 declaring an emergency.

7 (Language ~~stricken~~ is deleted; double- underlined language is new.)

8 The Multnomah County Board of Commissioners Finds:

- 9 a. Chapter 516 of Oregon Laws of 1997, dissolved the Boundary Commission for
10 Multnomah, Washington and Clackamas Counties and required local jurisdictions to
11 process boundary change applications within their jurisdictions effective January 1,
12 1999.
- 13 b. Multnomah County (County) is now responsible for processing special district
14 annexations and withdrawals and special district and city formations, dissolutions or
15 mergers.
- 16 c. In addition to the requirements of ORS chapters 198, 221 and 222, boundary changes
17 within a metropolitan service district are subject to requirements established by the
18 district (Metro).
- 19 d. Metro adopted new code chapter 3.09, establishing additional requirements for
20 boundary changes within Metro or its designated urban reserve.
- 21 e. It is necessary for the County to provide for processing boundary change applications
22 and authorize fees.

23 ///

24 ///

25 ///

26 ///

1 Multnomah County Ordains as follows:

2 **Section 1.** MCC 27.001 is amended as follows:

3 **§ 27.001 DEPARTMENT ESTABLISHED; FUNCTIONS.**

4 The Department of Environmental Services (department) is established. The department
5 shall:

6 (A) Provide land use planning recommendations and services to the Planning
7 Commission and the Board in matters of planning, zoning, subdivisions, sales and leases of
8 noncounty real property, and related matters;

9 (B) Provide services and perform duties imposed by state law relating to the
10 construction, maintenance and operation of county roads and bridges, sewerage and solid waste
11 disposal facilities and other public works facilities;

12 (C) Provide required surveys, examinations, inspections, and issuance of permits
13 relating to construction and occupancy of buildings and other facilities;

14 (D) Provide animal control programs and facilities;

15 (E) Provide services and perform duties imposed by state and local law relating to
16 special district annexations and withdrawals; special district and city formations, dissolutions or
17 mergers; and boundary changes within a metropolitan service district (boundary change).

18 (F) Provide county services relating to county service districts and to state, local or
19 private agencies relating to the physical environment;

20 (GF) Operate and maintain county facilities, and manage and maintain county lands;

21 (HG) Plan, implement and coordinate the county's recycling program;

22 (IH) Perform the duties prescribed by state law for the assessor and tax collector;

23 (JI) Perform the duties prescribed by state law for county elections;

24 (KJ) Provide records storage services to the county government;

25 (LK) Provide mail services to the county government;

26 (ML) Except as otherwise provided by the Board, perform the duties prescribed by state

1 law for county clerks. The director may delegate any such duty, but a delegation shall be in
2 writing and filed with the clerk of the Board; and

3 ~~(NM)~~ Provide fleet and electronic services.

4 **Section 2.** The following provisions are added to MCC Chapter 27:

5 **§ 27.067. BOUNDARY CHANGE APPLICATION.**

6 (A) The Chair is authorized to adopt procedures as needed to meet due process
7 requirements relating to boundary changes.

8 (B) For services provided by the department in connection with processing a boundary
9 change petition, the department shall charge fees sufficient to cover the actual cost of
10 services. The deposit amounts shall be set by Board resolution and shall be in
11 addition to any other fees, deposits or charges authorized by law. The actual charges
12 will be based on actual costs including overhead and other related costs, determined at
13 the completion of the process. The difference between the actual costs and the deposit
14 will be billed or refunded to the applicant.

15 **Section 3.** This ordinance, being necessary for the health, safety, and general welfare of the
16 people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its
17 execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

18 FIRST READING AND ENACTMENT: _____

19
20 BOARD OF COUNTY COMMISSIONERS
21 FOR MULTNOMAH COUNTY, OREGON

22 _____
23 Beverly Stein, Chair

24 REVIEWED:

25 Thomas Sponsler, County Counsel
26 For Multnomah County, Oregon

By Jeffrey B. Litwak
Jeffrey B. Litwak, Assistant County Counsel

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 **ORDINANCE NO. 927**
4

5 An ordinance adding new provisions to MCC Chapter 27 relating to boundary changes and
6 declaring an emergency.

7 (Language ~~stricken~~ is deleted; double- underlined language is new.)
8

9 The Multnomah County Board of Commissioners Finds:

- 10 a. Chapter 516 of Oregon Laws of 1997, dissolved the Boundary Commission for
11 Multnomah, Washington and Clackamas Counties and required local jurisdictions to
12 process boundary change applications within their jurisdictions effective January 1,
13 1999.
- 14 b. Multnomah County (County) is now responsible for processing special district
15 annexations and withdrawals and special district and city formations, dissolutions or
16 mergers.
- 17 c. In addition to the requirements of ORS chapters 198, 221 and 222, boundary changes
18 within a metropolitan service district are subject to requirements established by the
19 district (Metro).
- 20 d. Metro adopted new code chapter 3.09, establishing additional requirements for
21 boundary changes within Metro or its designated urban reserve.
- 22 e. It is necessary for the County to provide for processing boundary change applications
23 and authorize fees.

24 Multnomah County Ordains as follows:
25

26 **Section 1.** MCC 27.001 is amended as follows:

1 **§ 27.001 DEPARTMENT ESTABLISHED; FUNCTIONS.**

2 The Department of Environmental Services (department) is established. The department
3 shall:

4 (A) Provide land use planning recommendations and services to the Planning
5 Commission and the Board in matters of planning, zoning, subdivisions, sales and leases of
6 noncounty real property, and related matters;

7 (B) Provide services and perform duties imposed by state law relating to the
8 construction, maintenance and operation of county roads and bridges, sewerage and solid waste
9 disposal facilities and other public works facilities;

10 (C) Provide required surveys, examinations, inspections, and issuance of permits
11 relating to construction and occupancy of buildings and other facilities;

12 (D) Provide animal control programs and facilities;

13 (E) Provide services and perform duties imposed by state and local law relating to
14 special district annexations and withdrawals; special district and city formations, dissolutions or
15 mergers; and boundary changes within a metropolitan service district (boundary change).

16 (F) Provide county services relating to county service districts and to state, local or
17 private agencies relating to the physical environment;

18 (GF) Operate and maintain county facilities, and manage and maintain county lands;

19 (HG) Plan, implement and coordinate the county's recycling program;

20 (IH) Perform the duties prescribed by state law for the assessor and tax collector;

21 (JF) Perform the duties prescribed by state law for county elections;

22 (KJ) Provide records storage services to the county government;

23 (LK) Provide mail services to the county government;

24 (ML) Except as otherwise provided by the Board, perform the duties prescribed by state
25 law for county clerks. The director may delegate any such duty, but a delegation shall be in
26 writing and filed with the clerk of the Board; and

1 (NM) Provide fleet and electronic services.

2 Section 2. The following provisions are added to MCC Chapter 27:

3 **§ 27.067. BOUNDARY CHANGE APPLICATION.**

4 (A) The Chair is authorized to adopt procedures as needed to meet due process
5 requirements relating to boundary changes.

6 (B) For services provided by the department in connection with processing a boundary
7 change petition, the department shall charge fees sufficient to cover the actual cost of
8 services. The deposit amounts shall be set by Board resolution and shall be in
9 addition to any other fees, deposits or charges authorized by law. The actual charges
10 will be based on actual costs including overhead and other related costs, determined at
11 the completion of the process. The difference between the actual costs and the deposit
12 will be billed or refunded to the applicant.

13 Section 3. This ordinance, being necessary for the health, safety, and general welfare of the
14 people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its
15 execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

16 FIRST READING AND ENACTMENT: March 4, 1999.

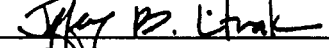


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

22 REVIEWED:

23 Thomas Sponsler, County Counsel
24 For Multnomah County, Oregon

25 By 
26 Jeffrey B. Litwak, Assistant County Counsel

MEETING DATE: MAR 04 1999
AGENDA NO: R-11
ESTIMATED START TIME: 10:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT Resolution Establishing Fees and Charges for Chapter 27, Environment and Property, of Multnomah County Code (MCC) and Repealing Resolution 98-90

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

REGULAR MEETING: DATE REQUESTED: March 4, 1999
AMOUNT OF TIME NEEDED: 10 Min

DEPARTMENT: DES

DIVISION: Director's Office

CONTACT: Larry Nicholas

TELEPHONE #: 83355
BLDG/ROOM #: 455-219

PERSON(S) MAKING PRESENTATION Jeff Litwack, Larry Nicholas

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Public Hearing and Adoption of Resolution Adding Boundary Change Application Fees (MCC 27.067) and Repealing Resolution 98-90.

3/5/99 copies to Larry Nicholas, Jeff
Litwak & Ordinance Distribution list

SIGNATURES REQUIRED

ELECTED OFFICIAL:

(OR)

DEPARTMENT MANAGER:

Larry Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 AM 8:45
MULTNOMAH COUNTY
OREGON



OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

FAX 248-3377
(503) 248-3138

SUSAN DUNAWAY
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JEFFREY B. LITWAK
MATTHEW O. RYAN
KATHRYN A. SHORT
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners (Board)

FROM: Office of County Counsel

DATE: February 23, 1999

RE: Resolution Establishing Fees and Charges for Chapter 27, Environment and Property, of the Multnomah County Code (MCC) and Repealing Resolution 98-90

1. Recommendation/Action Requested:

Adoption of Resolution adding boundary change application fees (MCC 27.067) and repealing Resolution 98-90. The boundary change processing fee is set on page 6, Section 27.067 of the resolution. All other fees and charges established by Resolution 98-90 for MCC Chapter 27, Environment and Property, remain the same, with the exception of two corrections noted below.

2. Background/Analysis:

Chapter 516, 1997 Oregon Laws, dissolved the Boundary Commission for Multnomah, Washington and Clackamas Counties (Counties). On 1/1/99, Multnomah County (County) became responsible for processing boundary change applications within its jurisdiction. The Board is expected to enact an ordinance adding the boundary change processing function to the Department of Environmental Services (MCC 27.001) and authorizing procedures and fees to be set by resolution (MCC 27.067).

An IGA is concurrently being presented for Board consideration for Metro to provide boundary change services for the County. By combining the boundary change work of several jurisdictions (Counties and City of Portland), Metro can more economically provide staff assistance for boundary change processing and mapping functions.

The proposed fee for processing boundary change applications is based on Metro's estimate of average processing cost (\$2,000) and mapping and related services cost (\$300) as provided in Attachment 1 to the IGA.

Additionally, two errors in the resolution under Section 27.066(C) have been corrected. 1. The merged recording fee was increased to \$100 in Ordinance No. 700, but the previous fee still appeared. 2. The real property tax statement delinquent billing fee of \$3 can no longer be properly collected and has not been collected for several years. This fee has been deleted.

3. Financial Impact:

Metro estimates the cost of processing boundary changes for the Counties and the City of Portland would be \$57,000 for a six-month pilot project. As provided in the proposed IGA, the County's share of this cost for Metro to process all County boundary changes is \$14,250. In addition, Metro will provide mapping services for all areas outside of Metro boundaries. The County's share for these additional mapping services is \$750. Some of the initial \$15,000 cost may be recovered through processing fees applied to the initial cost as provided in the IGA

4. Legal Issues:

Chapter 516, 1997 Oregon Laws requires local jurisdictions to process boundary changes within their boundaries.

5. Controversial Issues:

None.

6. Link to Current County Policies:

This provides an appropriate mechanism to implement County policies adopted by Ordinances and codified in the Multnomah County Code.

7. Citizen Participation:

Notification of the Board meeting on March 4, 1999, at which the Resolution is expected to be adopted was given in the normal course. Citizens can comment on the Resolution at the Board meeting.

8. Other Government Participation:

Metro IGA.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR
CHAPTER 27, ENVIRONMENT AND PROPERTY, OF THE MULTNOMAH
COUNTY CODE AND REPEALING RESOLUTION NO. 98-90

The Board of County Commissioners Finds:

- a. Chapter 27, Environment and Property, of the Multnomah County Code provides that the Board shall establish certain fees and charges by resolution.
- b. The Board wishes to establish fees for boundary change processing in accordance with MCC Section 27.067.
- c. All other fees and charges established by Resolution No. 98-90 remain the same.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. The fees and charges for Chapter 27, Environment and Property, of the Multnomah County Code are set as follows:

Section 27.052. MISCELLANEOUS PERMIT FEES.

See Exhibit A attached.

Section 27.053. PLAN REVIEW AND INSPECTION OF
UNDERGROUND INSTALLATIONS AND STREET INTERSECTIONS.

See Exhibit B attached

Section 27.054: ROAD VACATION APPLICATION.

| | |
|--------------------|-------------------------------------|
| Feasibility study: | \$200.00 |
| Application: | 120% of estimated costs |
| Minimum: | \$1,000.00 plus \$65.00 for posting |

Section 27.055. STREET AND ROAD WIDENING PERMITS.

- (B) The construction permit deposit schedule for engineering, design, project management, and administration shall be as follows:

| Project Cost as Estimated by the County | Deposit |
|---|--|
| Minimum Deposit | 800.00 |
| \$4,000.00 to \$10,000.00 | 20% |
| \$20,000.00 to \$50,000.00 | \$2,000.00 plus 12.0% over \$10,000.00 |
| \$50,000.00 and over | \$6,800.00 plus 10.0% over \$50,000.00 |

Section 27.056.

MISCELLANEOUS PUBLIC WORKS FEES.

For services provided by the department in connection with design, plan review and inspection of items not set forth elsewhere, the department shall charge fees sufficient to cover the actual cost of services. The following are deposits only. The actual charges will be based on actual costs including overhead and other related costs, determined at the completion of the project. The difference between the actual costs and the deposit will either be billed or refunded to the permit holder.

| Project cost as Estimated by the county | Deposit |
|--|--|
| Minimum deposit | \$800.00 |
| \$4,000.00 to \$10,000.00 | \$20% |
| \$10,000.00 to \$50,000.00 | \$2,000.00 plus 12.0% over \$10,000.00 |
| \$50,000.00 and over | \$6,800.00 plus 10.0% over \$50,000.00 |

Section 27.059.

ZONE REVIEW AND ZONING INSPECTIONS.

For conducting any zone review prior to the issuance of a building or mobile home permit, the department shall charge a fee of \$25.00 or 15 percent of the permit fee, whichever is greater; provided that the fee for review of applications for permits to construct one- or two-family dwellings shall not exceed \$25.00. Zoning review fees are payable upon permit application. For conducting any zoning inspection during construction or after completion of construction, the department shall charge a fee equal to the greater of \$25.00 or 35 percent of the building permit fee, to be collected at the time the permit is issued, provided, however, that no fee for zoning inspection of one- and two-family dwellings shall exceed \$25.00. Zoning inspection fees are payable upon permit issuance.

Section 27.060.

FILING OF MAP SURVEYS.

A fee of \$100.00 shall accompany each filing of a map of survey

Section 27.061. FEES FOR CERTAIN DOCUMENTS; PUBLIC LAND CORNER PRESERVATION ACCOUNT.

Document filing fee: \$3.00

Section 27.062.

COUNTY SURVEYOR FEES.

A. Fees are based on the following procedures and requirements on partition, subdivision and condominium plats.

- (1) Submit a boundary survey to the County surveyor a minimum of 30 days prior to the submission of the final subdivision or condominium plat. If warranted, the county surveyor may waive this requirement.
- (2) In addition to the requirements of ORS 209.250, a survey, and a partition plat if a separate survey has not been filed shall show all obvious encroachments or hiatus created by deeds, buildings, fences, cultivation, previous surveys and plats, or similar means and

any other conditions that may indicate that the ownership lines as surveyed may be different than those shown on the survey.

- (3) The county surveyor may refuse to approve a plat if the surveyor finds an encroachment or hiatus. Evidence that the hiatus or encroachment has been eliminated may be required, or the county surveyor may require that it be shown on the plat if it cannot be eliminated.
 - (4) All partition, subdivision, and condominium final plats, including those inside city limits, shall be checked and approved by the county surveyor prior to recording. No plat shall be recorded without such approval. This approval by the county surveyor shall be valid for 30 days from the date of approval to the date submitted for recording, after 30 days the approval is withdrawn and must be resubmitted.
 - (5) All partition, subdivision, and condominium final plats submitted for approval shall be accompanied by a report, issued by a title insurance company, or authorized agent to perform such service in Oregon, setting forth ownership and all easements of record, together with a copy of the current deed and easements for the platted property, and copies of the deeds for all abutting properties and other documentation as required by the county surveyor. The report shall have been issued no more than 15 days prior to plat submittal to the county surveyor. A supplemental report may be required by the county surveyor.
- (B) A deposit for the following county surveyor functions shall be made with the submission of the material. The final fee will be determined at completion of the project based on actual costs incurred by Multnomah County including overhead and other related costs. The difference between the actual costs and the deposit will be paid prior to approval of the final plat or refunded to the applicant except for post-monumented plats, which will not be refunded until after completion of the interior monumentation; the survey filing fee is non-refundable.

- (1) Partition Plat Review, the deposit shall be:

| | |
|-------------------|---------------|
| Base Deposit | \$480.00 plus |
| Survey filing Fee | \$100.00 |

- (2) Pre-monumented Plat Review, the deposit shall be:

| | |
|---|---------------------|
| Base Deposit | \$700.00 plus |
| Survey Filing Fee | \$100.00 plus |
| Per Lot, Tract, or Parcel | \$ 35.00 each, plus |
| Per gross acre of the subdivision if the average Lot size exceeds 15,000 sq. ft | \$ 31.00 per acre |

- (3) Post-Monumented Plat Review, the deposit shall be:

An estimate by the county surveyor based on the complexity of the plat at 120 percent of the estimate; the minimum deposits shall be:

| | |
|--|--------------------|
| Base Deposit | \$795.00 plus |
| Survey Filing Fee | \$100.00 plus |
| Per Lot, Tract, or Parcel | \$45.00 each, plus |
| Per gross acre of the subdivision if the average lot size exceeds 15,000 sq. ft. | \$31.00 per acre |

- (4) For Condominium Plat Review, the deposit shall be:

| | |
|-------------------|---------------------|
| Base Deposit | \$770.00 plus |
| Each Building | \$105.00 each, plus |
| Survey Filing Fee | \$100.00 |

- (5) For Condominium Plat Amendment Review, the deposit shall be:

| | |
|-------------------|---------------|
| Base Deposit | \$500.00 plus |
| Survey Filing Fee | \$100.00 |

- (C) Posting of street vacations in accordance with ORS 271.230(2) \$ 65.00
- (D) Review, Approval, and Posting of Affidavits of correction \$ 45.00 plus county clerk's recording fee
- (E) For services required by ORS 100.115 in connection with reclassification or withdrawal of variable property from unit ownership as provided in ORS 100.115(1) or (2), or removal of property from any condominium plat as provided in ORS 100.600(2), the fee will be \$150.00.
- (F) In accordance with ORS 92.070(5), (1997), relating to the reestablishment of Subdivision Plat Monuments and the review and recordation of the required surveyor's affidavit in support thereof, the affidavit recording fee shall be \$100.00 plus the county clerk's recording fee.
- (G) In accordance with ORS 100.115(6), (1997), relating to Declaration Amendment Review service, the fee shall be \$100.00 plus the county clerk's recording fee.

Section 27.064.

BOOK OF RECORDS.

| | |
|--------------------------------------|---------|
| Minimum per roll of 16mm: | \$12.00 |
| Minimum per roll for 35mm microfilm: | \$15.00 |
| Minimum for microfiches: | \$ 2.00 |

Section 27.065.

MAP REPRODUCTIONS AND LOANS.

For the services of the department of General Services in reproducing and loaning maps, fees shall be charged in accordance with the following schedules:

| Standard Weight | Blackline | Sepia |
|--------------------------------------|-----------|--------|
| ¼ Section 30 inches x 36 inches | \$3.00 | \$5.00 |
| 600 Scale 21 inches x 33 inches | \$2.00 | \$3.00 |
| Plat 18 inches x 24 inches | \$2.00 | \$2.00 |
| 1,000 Scale 13 inches x 21 inches | \$1.00 | \$2.00 |

Photostat copy where no tracing exists: \$5.00

Office duplicator copy of a portion of a map: \$1.50

For loaning sepia or plat tracing, 48-hour
limit excluding weekends and holidays: \$0.50 each

Each additional 48 hours excluding weekends and holidays: \$2.00 each

Condominium hardboard and tracing recording: \$9.00 per page.

Section 27.066.

ASSESSMENT AND TAXATION FEES.

(A) For any printout or copy of an appraisal card for any tax account, the division of assessment and taxation shall charge a fee of \$1.00 per page, provided that where printouts or appraisal cards are requested and provided for more than one tax year or for any tax year other than the current year, the division shall charge an additional fee of \$1.00 for each such year.

(B) For the division's services in gathering, preparing or providing nonstandard information upon the request, the division shall collect a fee equal to its actual cost, as determined by the director of the division.

(C) In addition, the division shall charge the following fees for copies provided by it:

| | |
|--------------------------------------|----------|
| Assessment roll—microfiche | \$ 80.00 |
| Property owners index—microfiche | 20.00 |
| Property address index—microfiche | 20.00 |
| Sales ratio tape—magnetic tape | 100.00 |
| Sales data—microfiche, per month | 50.00 |
| Individual copies of microfiche: | |
| First copy | 10.00 |
| Each additional copy | 1.00 |
| Assessment roll-magnetic tape | 750.00 |
| Tax bill file—magnetic tape | 250.00 |
| AT-42 COBOL subroutine—magnetic tape | 50.00 |
| Data dictionary | 25.00 |
| Merged recording indices—microfiche | 100.00 |
| Appraisal characteristics—microfiche | 130.00 |
| Record indexing fee, per document | 1.00 |

Section 27.067.

BOUNDARY CHANGE APPLICATION.

For services provided by the department in connection with processing a boundary change petition, the department shall charge fees sufficient to cover the actual cost of services. The following is a deposit only and is in addition to any other fees, deposits or charges authorized by law. The actual charges will be based on actual costs including overhead and other related costs, determined at the completion of the process. The difference between the actual costs and the deposit will either be billed or refunded to the applicant. Minimum Deposit: \$2,300 per application (includes Metro mapping service fee).

Section 27.605.

PERMITS.

| | |
|------------------|---------|
| Ammonia storage: | \$25.00 |
|------------------|---------|

Section 27.783.

SEWER USER SERVICE CHARGES.

| | |
|--|------------------|
| Per equivalent dwelling unit, per month: | \$14.00 |
| Pumping, per 1,000 cubic feet water consumption per month: | \$0.50 to \$2.00 |

Section 27.784.

SENIOR CITIZENS RATE

| | |
|------------|--------|
| Per month: | \$7.00 |
|------------|--------|

Section 27.788.

CONNECTION FEES.

- (A) The following fees for connection with a public sewer inside or outside the district shall become effective November 1, 1984, and shall be based on equivalent dwelling units and shall be as follows:

- (1) Residential Users:
 - (a) Single-family unit connection fee, October 1, 1984: \$1,100.00
 - (b) Multifamily unit connection fee:
 - (i) First living unit: \$1,100.00
 - (ii) Each additional living unit: \$ 935.00
- (2) Nonresidential users: The formula for computing the connection fee for a nonresidential user shall be equal to the equivalent dwelling units multiplied by \$1,100.00. Equivalent dwelling units shall be determined by table 2 of MCC 8.70.360.
- (3) Combined dwelling units and others: Where both dwelling units and other occupancies are combined on the same property, the charges for sanitary connection shall be at the living unit rate for the dwelling units required in subsection (A)(1)(b) of this section, plus the rates given in (A)(2) for the nonresidential users of the property.

Section 27.790.

EXTRA-STRENGTH INDUSTRIAL WASTE.

- (D) *Extra-strength rates.* Effective October 1, 1984:

| | |
|-----------------------------|---------|
| BOD, per pound | \$0.097 |
| Suspended solids, per pound | \$0.106 |
- (E) *Industrial waste discharge permit fees.*
 - (1) The engineer shall determine the effective period for the permit, based upon such factors as concentration, volume, and origin of the discharge. In no case shall an industrial waste permit be effective for a period exceeding five years.
 - (2) Except as provided in subsection (F)(2)[sic], fees for industrial waste discharge permits shall be \$75.00 for each permit and \$50.00 for each renewal of a permit. However, permit renewals which involve new or additional discharges from those in the preceding permit shall have a fee of \$75.00. Where a permit is issued as a result of a violation, the permit fee shall be \$150.00. Fees are payable to the county as part of the application for the permit or permit renewal.
 - (3) Where the owner of a property is discharging industrial wastes prior to the effective date of the ordinance comprising this subchapter, the owner shall be issued an industrial waste discharge permit at no charge, but will then be subject to the renewal fees and requirements of this section.
- (F) *Minimal charges suspension.* The engineer may establish a minimum limit for monthly extra-strength charges. The billing for all accounts whose monthly extra-strength charges are below this minimum limit will be suspended until such time as they are found to be higher.

- (G) *Adjustments.* The engineer may check sewage strength as outlined in this section and adjust charges where applicable at any time in accordance with the most recent analysis.
- (H) *Resampling request; fees.* Any discharger may request the district to resample wastewater at no charge if 18 months or more have elapsed since the last such sampling. If less than 18 months have elapsed since the last sampling, then requests for the district to resample wastes shall be submitted in writing and accompanied by full payment for the resampling fee. The fee to each account for five days of sampling is \$500.00 per sample, per sampling point. The fee for one day's resampling is \$125.00 per sample, per sampling point.

2. This resolution takes effect and Resolution 98-90 is repealed on March ____, 1999.

ADOPTED this ____ day of March, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Jeffrey B. Litwak
Jeffrey B. Litwak, Assistant County Counsel

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-24

ESTABLISHING FEES AND CHARGES FOR CHAPTER 27, ENVIRONMENT AND PROPERTY, OF THE MULTNOMAH COUNTY CODE, AND REPEALING RESOLUTION NO. 98-90

The Board of County Commissioners Finds:

- a. Chapter 27, Environment and Property, of the Multnomah County Code provides that the Board shall establish certain fees and charges by resolution.
- b. The Board wishes to establish fees for boundary change processing in accordance with MCC Section 27.067.
- c. All other fees and charges established by Resolution No. 98-90 remain the same.

The Multnomah County Board of Commissioners Resolves:

1. The fees and charges for Chapter 27, Environment and Property, of the Multnomah County Code are set as follows:

Section 27.052. MISCELLANEOUS PERMIT FEES.

See Exhibit A attached.

Section 27.053. PLAN REVIEW AND INSPECTION OF UNDERGROUND INSTALLATIONS AND STREET INTERSECTIONS.

See Exhibit B attached

Section 27.054: ROAD VACATION APPLICATION.

| | |
|--------------------|-------------------------------------|
| Feasibility study: | \$200.00 |
| Application: | 120% of estimated costs |
| Minimum: | \$1,000.00 plus \$65.00 for posting |

Section 27.055. STREET AND ROAD WIDENING PERMITS.

- (B) The construction permit deposit schedule for engineering, design, project management, and administration shall be as follows:

| Project Cost as Estimated by the County | Deposit |
|---|--|
| Minimum Deposit | 800.00 |
| \$4,000.00 to \$10,000.00 | 20% |
| \$20,000.00 to \$50,000.00 | \$2,000.00 plus 12.0% over \$10,000.00 |
| \$50,000.00 and over | \$6,800.00 plus 10.0% over \$50,000.00 |

Section 27.056. MISCELLANEOUS PUBLIC WORKS FEES.

| Project cost as Estimated by the county | Deposit |
|---|--|
| Minimum deposit | \$800.00 |
| \$4,000.00 to \$10,000.00 | \$20% |
| \$10,000.00 to \$50,000.00 | \$2,000.00 plus 12.0% over \$10,000.00 |
| \$50,000.00 and over | \$6,800.00 plus 10.0% over \$50,000.00 |

Page 2 of 7 RESOLUTION NO. 99-24

eliminated may be required, or the county surveyor may require that it be shown on the plat if it cannot be eliminated.

- (4) All partition, subdivision, and condominium final plats, including those inside city limits, shall be checked and approved by the county surveyor prior to recording. No plat shall be recorded without such approval. This approval by the county surveyor shall be valid for 30 days from the date of approval to the date submitted for recording, after 30 days the approval is withdrawn and must be resubmitted.
 - (5) All partition, subdivision, and condominium final plats submitted for approval shall be accompanied by a report, issued by a title insurance company, or authorized agent to perform such service in Oregon, setting forth ownership and all easements of record, together with a copy of the current deed and easements for the platted property, and copies of the deeds for all abutting properties and other documentation as required by the county surveyor. The report shall have been issued no more than 15 days prior to plat submittal to the county surveyor. A supplemental report may be required by the county surveyor.
- (B) A deposit for the following county surveyor functions shall be made with the submission of the material. The final fee will be determined at completion of the project based on actual costs incurred by Multnomah County including overhead and other related costs. The difference between the actual costs and the deposit will be paid prior to approval of the final plat or refunded to the applicant except for post-monumented plats, which will not be refunded until after completion of the interior monumentation; the survey filing fee is non-refundable.

- (1) Partition Plat Review, the deposit shall be:

| | |
|-------------------|---------------|
| Base Deposit | \$480.00 plus |
| Survey filing Fee | \$100.00 |

- (2) Pre-Monumented Plat Review, the deposit shall be:

| | |
|---|---------------------|
| Base Deposit | \$700.00 plus |
| Survey Filing Fee | \$100.00 plus |
| Per Lot, Tract, or Parcel | \$ 35.00 each, plus |
| Per gross acre of the subdivision if the average Lot size exceeds 15,000 sq. ft | \$ 31.00 per acre |

- (3) Post-Monumented Plat Review, the deposit shall be:

An estimate by the county surveyor based on the complexity of the plat at 120 percent of the estimate; the minimum deposits shall be:

| | |
|--|--------------------|
| Base Deposit | \$795.00 plus |
| Survey Filing Fee | \$100.00 plus |
| Per Lot, Tract, or Parcel | \$45.00 each, plus |
| Per gross acre of the subdivision if the average lot size exceeds 15,000 sq. ft. | \$31.00 per acre |

- (4) For Condominium Plat Review, the deposit shall be:

| | |
|-------------------|---------------------|
| Base Deposit | \$770.00 plus |
| Each Building | \$105.00 each, plus |
| Survey Filing Fee | \$100.00 |

- (5) For Condominium Plat Amendment Review, the deposit shall be:

| | |
|-------------------|---------------|
| Base Deposit | \$500.00 plus |
| Survey Filing Fee | \$100.00 |

- (C) Posting of street vacations in accordance with

| | |
|----------------|----------|
| ORS 271.230(2) | \$ 65.00 |
|----------------|----------|

- (D) Review, Approval, and Posting of Affidavits of \$ 45.00 plus county clerk' correction recording fee

- (E) For services required by ORS 100.115 in connection with reclassification or withdrawal of variable property from unit ownership as provided in ORS 100.115(1) or (2), or removal of property from any condominium plat as provided in ORS 100.600(2), the fee will be \$150.00.

- (F) In accordance with ORS 92.070(5), (1997), relating to the reestablishment of Subdivision Plat Monuments and the review and recordation of the required surveyor's affidavit in support thereof, the affidavit recording fee shall be \$100.00 plus the county clerk's recording fee.

- (G) In accordance with ORS 100.115(6), (1997), relating to Declaration Amendment Review service, the fee shall be \$100.00 plus the county clerk's recording fee.

Section 27.064.

BOOK OF RECORDS.

| | |
|--------------------------------------|---------|
| Minimum per roll of 16mm: | \$12.00 |
| Minimum per roll for 35mm microfilm: | \$15.00 |
| Minimum for microfiches: | \$ 2.00 |

Section 27.065.

MAP REPRODUCTIONS AND LOANS.

For the services of the department in reproducing and loaning maps, fees shall be charged in accordance with the following schedules:

| Standard Weight | Blackline | Sepia |
|-----------------------|-----------|--------|
| ¼ Section | | |
| 30 inches x 36 inches | \$3.00 | \$5.00 |
| 600 Scale | | |
| 21 inches x 33 inches | \$2.00 | \$3.00 |

Plat

| | | |
|-----------------------|--------|--------|
| 18 inches x 24 inches | \$2.00 | \$2.00 |
| 1,000 Scale | | |
| 13 inches x 21 inches | \$1.00 | \$2.00 |

Photostat copy where no tracing exists: \$5.00

Office duplicator copy of a portion of a map: \$1.50

For loaning sepia or plat tracing, 48-hour limit excluding weekends and holidays: \$0.50 each

Each additional 48 hours excluding weekends and holidays: \$2.00 each

Condominium hardboard and tracing recording: \$9.00 per page.

Section 27.066. **ASSESSMENT AND TAXATION FEES.**

- (A) For any printout or copy of an appraisal card for any tax account, the division of assessment and taxation shall charge a fee of \$1.00 per page, provided that where printouts or appraisal cards are requested and provided for more than one tax year or for any tax year other than the current year, the division shall charge an additional fee of \$1.00 for each such year.
- (B) For the division's services in gathering, preparing or providing nonstandard information upon the request, the division shall collect a fee equal to its actual cost, as determined by the director of the division.
- (C) In addition, the division shall charge the following fees for copies provided by it:

| | |
|--------------------------------------|----------|
| Assessment roll-microfiche | \$ 80.00 |
| Property owners index-microfiche | 20.00 |
| Property address index-microfiche | 20.00 |
| Sales ratio tape-magnetic tape | 100.00 |
| Sales data-microfiche, per month | 50.00 |
| Individual copies of microfiche: | |
| First copy | 10.00 |
| Each additional copy | 1.00 |
| Assessment roll-magnetic tape | 750.00 |
| Tax bill file-magnetic tape | 250.00 |
| AT-42 COBOL subroutine-magnetic tape | 50.00 |
| Data dictionary | 25.00 |
| Merged recording indices-microfiche | 100.00 |
| Appraisal characteristics-microfiche | 130.00 |
| Record indexing fee, per document | 1.00 |

Section 27.067. **BOUNDARY CHANGE APPLICATION.**

For services provided by the department in connection with processing a boundary change petition, the department shall charge fees sufficient to cover the actual cost of services. The following is a deposit only and is in addition to any other fees, deposits or charges authorized by

law. The actual charges will be based on actual costs including overhead and other related costs, determined at the completion of the process. The difference between the actual costs and the deposit will either be billed or refunded to the applicant. Minimum Deposit: \$2,300 per application (includes Metro mapping service fee).

Section 27.605.

PERMITS.

Ammonia storage: \$25.00

Section 27.783.

SEWER USER SERVICE CHARGES.

Per equivalent dwelling unit, per month: \$14.00
Pumping, per 1,000 cubic feet water consumption per month: \$0.50 to \$2.00

Section 27.784.

SENIOR CITIZENS RATE

Per month: \$7.00

Section 27.788.

CONNECTION FEES.

(A) The following fees for connection with a public sewer inside or outside the district shall become effective November 1, 1984, and shall be based on equivalent dwelling units and shall be as follows:

(1) Residential Users:

(a) Single-family unit connection fee, October 1, 1984: \$1,100.00

(b) Multifamily unit connection fee:

(i) First living unit: \$1,100.00
(ii) Each additional living unit: \$ 935.00

(2) Nonresidential users: The formula for computing the connection fee for a nonresidential user shall be equal to the equivalent dwelling units multiplied by \$1,100.00. Equivalent dwelling units shall be determined by table 2 of MCC 8.70.360.

(3) Combined dwelling units and others: Where both dwelling units and other occupancies are combined on the same property, the charges for sanitary connection shall be at the living unit rate for the dwelling units required in subsection (A)(1)(b) of this section, plus the rates given in (A)(2) for the nonresidential users of the property.

Section 27.790.

EXTRA-STRENGTH INDUSTRIAL WASTE.

(D) *Extra-strength rates.* Effective October 1, 1984:

BOD, per pound \$0.097
Suspended solids, per pound \$0.106

(E) *Industrial waste discharge permit fees.*

- (1) The engineer shall determine the effective period for the permit, based upon such factors as concentration, volume, and origin of the discharge. In no case shall an industrial waste permit be effective for a period exceeding five years.
 - (2) Except as provided in subsection (F)(2)[sic], fees for industrial waste discharge permits shall be \$75.00 for each permit and \$50.00 for each renewal of a permit. However, permit renewals which involve new or additional discharges from those in the preceding permit shall have a fee of \$75.00. Where a permit is issued as a result of a violation, the permit fee shall be \$150.00. Fees are payable to the county as part of the application for the permit or permit renewal.
 - (3) Where the owner of a property is discharging industrial wastes prior to the effective date of the ordinance comprising this subchapter, the owner shall be issued an industrial waste discharge permit at no charge, but will then be subject to the renewal fees and requirements of this section.
- (F) *Minimal charges suspension.* The engineer may establish a minimum limit for monthly extra-strength charges. The billing for all accounts whose monthly extra-strength charges are below this minimum limit will be suspended until such time as they are found to be higher.
- (G) *Adjustments.* The engineer may check sewage strength as outlined in this section and adjust charges where applicable at any time in accordance with the most recent analysis.
- (H) *Resampling request; fees.* Any discharger may request the district to resample wastewater at no charge if 18 months or more have elapsed since the last such sampling. If less than 18 months have elapsed since the last sampling, then requests for the district to resample wastes shall be submitted in writing and accompanied by full payment for the resampling fee. The fee to each account for five days of sampling is \$500.00 per sample, per sampling point. The fee for one day's resampling is \$125.00 per sample, per sampling point.

2. This resolution takes effect and Resolution 98-90 is repealed on March 4, 1999.

ADOPTED this 4th day of March, 1999.



THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

By 
Jeffrey B. Litwak, Assistant County Counsel

Section 27.052. MISCELLANEOUS PERMIT FEES

Miscellaneous permit fees.

The following fees shall be charged for permits:

- (A) For overweight or overdimensional moves, except for moves as specified in MCC 5.10.215(B), either single trip or annual permit, the fee shall be \$8.00. Future fee increases by the Oregon Department of Transportation shall automatically increase the county's fee for this service to the same level, without action of the board of county commissioners.
- (B) For building and structure move permits issued under authority of ORS 483.502 to 483.536. All permittees shall post a deposit of \$1,000.00 prior to issuance of a permit. Non-refundable permit application, investigation and issuance fees for structures under 14 feet in width and 15 feet in height shall be \$115.00. For structures exceeding the above-dimensions the non-refundable permit fee shall be \$145.00. Inspection fees to be billed at the actual costs incurred by the county including overhead and equipment costs. For over-dimensional moves other than house moves the non-refundable permit fees for heights over 17 feet in width shall be \$75.00 for a normal work-day, and \$350.00 for holidays and weekends.
- (C) For permits issued for manholes for storm and sanitary sewers, the fee shall be \$30.00 per manhole.
- (D) For permits issued for canopies, awnings and marquees a fee of \$40.00 shall be charged.
- (E) For permits issued for construction or reconstruction of driveway approaches the fees shall be:
 - (1) \$90.00 first driveway approach.
 - (2) \$60.00 each additional driveway approach inspected at the same time as first approach.
 - (3) Common accessway permit fees for plan review and inspection shall be \$120.00 or \$0.06 per square foot of common accessway, whichever is greater. The above fee will include the first driveway approach fee under section 5.10.215(E).
 - (4) \$90.00 for agriculture approaches.
 - (5) \$90.00 for temporary logging approaches.
- (F) For permits issued for sewer connections the fee shall be \$1200.00 per connection.
- (G) For a drilling or boring test hole permit the fee shall be \$84.00 each.
- (H) For curb drain outlet construction or reconstruction, including drainage connections to catchbasins, a fee of \$20.00 shall be charged.
- (I) For sidewalk construction or reconstruction the fee shall be \$0.25 per square foot with a minimum fee of \$10.00. For curb construction or reconstruction the fee shall be \$0.35 per lineal foot with a minimum fee of \$10.00.
- (J) The fee to release advertising benches picked up within the right-of-way shall be \$50.00 per bench.
- (K) For any excavation, construction, reconstruction, repair, removal, abandonment, placement or use within the right-of-way, except where otherwise provided in MCC 5.10.200 to 5.10.260, the permit fee shall be a minimum of \$50.00.
- (L) For material filling or excavating within the public right-of-way the permit fee shall be \$50.00.

- (M) For underground storm or sanitary sewer construction, reconstruction or repair permits, including property service and laterals not maintained by the county, the fees shall be:

| <i>Length of Conduit Constructed, Reconstructed, Repaired or Exposed for Repair</i> | <i>Fee</i> |
|---|---|
| 0—50 feet | \$50.00 |
| 51—100 feet | 60.00 |
| 101—200 feet | 70.00 |
| 201—300 feet | 75.00 |
| 301—400 feet | 80.00 |
| 401—500 feet | 85.00 |
| 501 feet and over | \$85.00 plus \$0.07 per foot over 500 feet |

Conduit diameters exceeding 24 inches shall be assessed a surcharge onto the above rates of \$0.01 per foot of diameter per foot of length.

- (N) If work is commenced on a project requiring a permit without first securing the permit, the fee shall be double the fee established in this section. If the fee required by this subsection is not paid directly to the department by the owner of the property the person paying the penalty shall be required to notify the owner that the penalty was imposed. Payment of the fee shall not relieve or excuse any person from penalties imposed for violation of any applicable statutes or ordinances.
- (O) A permit deposit for each permit authorizing work under ORS 374.305 not covered in this section shall be 120 percent of estimated amount charges based on the estimated hours or part thereof for plan review and/or inspection. The final fee will be determined at completion of the project based on the actual costs incurred by Multnomah County including overhead and other related costs. The difference between the two amounts will be billed or refunded to the permit holder with the minimum fee being \$50.00.
- (P) Permits under this section shall be issued without charge when a permit is required as a direct result of a county public works improvement.

- (Q) For temporary closure of any street or any portion of a street the fee shall be \$84.00. [Ord. 126 § 9 (1976); Ord. 195 § 6 (1979); Ord. 256 § 2 (1980); Ord. 278 § 3 (1981); Ord. 367 § 1 (1983) (court of appeals held that payment of fee for permit by utility companies was in violation of ORS 758.010 on May 16, 1984, supreme court denied petition for review August 8, 1984, court of appeals decision became enforceable September 10, 1984); Ord. 467 § 2 (1985); Ord. 826 § 2(A)—(H) (1995)]

Cross references—Building permit fees, 9.10.100; electrical permit fees, 9.20.070; plumbing permit fees, 9.30.100; permit for construction in right-of-way, 11.60.070.

SECTION 27.053. PLAN REVIEW AND INSPECTION OF UNDERGROUND INSTALLATIONS AND STREET INTERSECTIONS

EXHIBIT B

Fees for plan review and inspection of underground installations and street intersections.

(A) For plan review and inspection of any storm sewer line installation, when completed facilities are to be maintained by the county, the fee shall be:

| <i>Estimated or Bid Construction Cost</i> | <i>Fee</i> |
|---|---|
| \$ 0.00—\$ 1,000.00 | \$50.00 |
| 1,000.00— 5,000.00 | \$50.00 plus 1.25% over \$1,000.00 |
| 5,000.00— 10,000.00 | \$100.00 plus 1.00% over \$5,000.00 |
| 10,000.00— 15,000.00 | \$150.00 plus 0.90% over \$10,000.00 |
| 15,000.00— 20,000.00 | \$195.00 plus 0.80% over \$15,000.00 |
| 20,000.00— 25,000.00 | \$235.00 plus 0.70% over \$20,000.00 |
| 25,000.00— 30,000.00 | \$270.00 plus 0.60% over \$25,000.00 |
| 30,000.00— 35,000.00 | \$300.00 plus 0.50% over \$30,000.00 |
| 35,000.00— 40,000.00 | \$325.00 plus 0.40% over \$35,000.00 |

| <i>Estimated or Bid Construction Cost</i> | <i>Fee</i> |
|---|---|
| 40,000.00— 45,000.00 | \$345.00 plus 0.30% over \$40,000.00 |
| 45,000.00— 50,000.00 | \$360.00 plus 0.20% over \$45,000.00 |
| 50,000.00 and over | \$370.00 plus 0.74% over \$50,000.00 |

(B) When submitting plans for review, the applicant shall submit a copy of the engineer's estimate or the bid construction cost. No plans will be reviewed without the required cost figures. If, in the opinion of the director of the department, the cost figures appear unreasonable, the director shall establish the permit fee based upon the director's cost estimate of the work to be done. The director shall submit a report to the county executive/chairman of the board of county commissioners whenever a cost estimate is adjusted by him and shall state his reasons therefor.

(C) For utility lines, including storm and sanitary sewers, to be maintained by others, not connecting to a county-maintained system but located within county-controlled right-of-way or easements, the plan review and inspection fee will be \$40.00 plus \$0.10 per foot of line.

(D) For storm or sanitary sewer line systems located on private land connecting to county-maintained systems the plan review and inspection fee will be a minimum of \$40.00 plus \$10.00 for each acre or fraction thereof within the development area. Developments requiring both storm and sanitary system review will be charged that rate for each.

(E) A sewer line system for fee purposes means a line with two or more connections including lateral lines, house branches, inlets or any other appurtenance contributing discharge.

(F) Plan review and inspection fees will be established by the director for connections to a county system where the development area is not discernable or applicable. A deposit shall be 120 percent of estimated amount of charges based on the estimated hours or parts thereof required for plan review and/or inspection. The final fee will be determined at completion of the project based on costs incurred by Multnomah County including overhead and other related costs. The difference between the actual costs and the deposit will be billed or refunded to the permit holder.

(G) For plan review and inspection of each street intersection or vehicle access, either public or private, other than a standard driveway approach, a fee of \$40.00 will be charged.

(H) Plans shall be reviewed by Multnomah County under this section for compatibility with the comprehensive plan, conformance to county design criteria, as applicable, and for general protection of county facilities as considered necessary.

(I) Inspection by Multnomah County under this section will be cursory only and will not relieve the owner, contractor or engineer of responsibility for the project being completed according to plans and specifications.

[Ord. 126 § 10 (1976); Ord. 826 § 2(I), (J) (1995)]
Cross references—Land divisions, ch. 11.45; street standards, ch. 11.60.

BUDGET MODIFICATION NO.

DES 99-08

(For Clerk's Use) Meeting Date

MAR 04 1999

Agenda No.

B-12

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DEPARTMENT DES

(Date)

CONTACT Hank MigginsDIVISION Animal ControlTELEPHONE 248-3790 x234

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Hank Miggins

SUGGESTED

AGENDA TITLE Information Systems Analyst 3 - Staff Addition

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

The individual hired for this position would be responsible for all of the information system management at Animal Control, the telecommunications support, and the Web-site. Currently, MCAC does not have on-site support for the data-base licensing and tracking system and there is no individual available who can maintain and upgrade the system.

3. REVENUE IMPACT

Since the data-bases have been migrated from ISD to the local LAN, ISD charges of approximately \$125,000 annually will be reduced to about \$25,000, thus providing the reduction in expenditures to support the cost of this position. Otherwise, there is no direct revenue impact.

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of

Date

\$

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

BOARD OF
COUNTY COMMISSIONERS
89 FEB 25 PM 3:04
MULTNOMAH COUNTY
OREGON

(Compute on a full-year basis even though this action affects only a part

of the fiscal year (FY).)

| | | | ANNUALIZED | | |
|----------------------------|------------------------------|---------------------------------|---------------------|-------|------------------------------|
| FTE Increase (Decrease) | POSITION TITLE | BASE PAY Increase (Decrease) | Increase/(Decrease) | | TOTAL Increase (Decrease) |
| | | | Fringe | Ins. | |
| 1.00 | Info Systems Analyst 3 6188 | 41,990 | 4,135 | 8,664 | 54,789 |
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| | | | | | 0 |
| 1.00 | TOTAL CHANGE (ANNUALIZED) | 41,990 | 4,135 | 8,664 | 54,789 |

6. CURRENT YEAR PERSONNEL
DOLLAR CHANGES

(Calculate costs/savings that will take place in this FY; these should

explain the actual dollar amounts being changed by this BudMod.)

CURRENT F
Y

| Permanent Positions, Temporary, Overtime, or Premium | Explanation of Change | BASE PAY Increase (Decrease) | Increase/(Decrease) | | TOTAL Increase (Decrease) |
|---|---|--|---------------------|-------|-------------------------------------|
| | | | Fringe | Ins. | |
| Info Systems Analyst 3 | Add permanent position for remainder of 1998-99 | 13,997 | 1,378 | 2,888 | 18,263 |
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| | | | | | 0 |
| TOTAL CURRENT FISCAL YEAR CHANGES | | 13,997 | 1,378 | 2,888 | 18,263 |

| BudModID | Line | gc | Fund | Org | JCN | FTE | Base | Description |
|----------|------|-----|------|------|------|------|-------------|---|
| DES99-08 | 1 | 030 | 100 | 5820 | 6188 | 0.33 | 13,997 1378 | Information Systems Analyst 3 for 1/3 of year |

| BudModID | Line | Fund | Agcy | Org | Object | Revenue | Amount | Description |
|----------|------|------|------|------|--------|---------|---------|---------------------------------------|
| DES99-08 | 1 | 100 | 030 | 5820 | 5100 | | 13997 | Increase Permanent |
| DES99-08 | 2 | 100 | 030 | 5820 | 5500 | | 1378 | Increase Salary-Related |
| DES99-08 | 3 | 100 | 030 | 5820 | 5550 | | 2888 | Increase Insurance |
| DES99-08 | 4 | 100 | 030 | 5820 | 7200 | | (18263) | Decrease service reimbursement to ISD |

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Hank Miggins, Director of Animal Control
DATE: February 12, 1999
RE: Information Systems Analyst 3 Position

1. Recommendation/Action Requested:

Approval of the addition of an Information Systems Analyst 3 position in the Animal Control Division.

2. Background/Analysis:

Animal Control completed the database migration from ISD to the Division's LAN system. Two things were accomplished; 1) the database is Y2K compliant and 2) three databases that did not communicate were migrated into one database. The ISA3 position will provide the technical support necessary to maintain the database and the LAN.

3. Financial Impact:

There is no financial impact. The \$105,000 expenditure to ISD to maintain the original databases will be reduced to approximately \$25-30,000. Also, the necessity to have the current LAN supervisor maintain the Division's system, at approximately \$25/hour, will be reduced significantly.

4. Legal Issues:

None

5. Controversial Issues:

None

6. Link to Current County Policies:

Under current policies to decentralize certain functions, the migration provided for this with the added benefits stated in #2.

7. Citizen Participation:

The Animal Control Advisory Committee has been appraised of this recommendation and agrees with the proposal.

8. Other Government Participation:

None

REQUEST TO CREATE/RECLASSIFY A POSITION *Attachment B*

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

a. *See Attached Classification Description*

b.

c.

d.

e.

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

2. State the proposed classification title:

Information Systems Analyst 3

3. Is this a new position? ☒ Yes ☐ No

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

5. Proposed effective date of change: *11/1/99*

Hiring Manager: *Hank Higgins*

Date: *11/15/99*

Department/Division: *Environmental Services
Animal Control*

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.
☐ Approved for classification title.
☐ Denied (for Reclassification Requests only).

Analyst Name: *Donald Henderson*

Date: *11/27/99*

INFORMATION SYSTEMS ANALYST 1, 2 and 3
(Nonexempt/Classified)

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION: To perform professional level information systems duties in the development, installation and maintenance of application software and the maintenance and administration of computer systems and applications; to provide technical support and assistance to County information system users; and to perform a variety of analytical duties relative to assigned area of responsibility.

DISTINGUISHING CHARACTERISTICS

Information Systems Analyst 1 - This is the entry level class in the Information Systems Analyst series. This class is distinguished from the Information Systems Analyst 2 by the performance of the more routine tasks and duties assigned to positions within the series including support of the least complex systems and applications. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Information Systems Analyst 2 - This is the full journey level class within the Information Systems Analyst series. Employees within this class perform the full range of duties as assigned. Positions at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. Positions in this class are flexibly staffed and are normally filled by advancement from the 1 Level, or when filled from the outside, have prior experience. This class is distinguished from the Information Systems Analyst 3 in that the latter performs the most complex duties assigned to classes within this series including the support maintenance and administration of large/complex systems.

Information Systems Analyst 3 - This is the advanced journey level class in the Information Systems Analyst series. Positions at this level are distinguished from other classes within the series by the level of responsibility assumed and the complexity of duties assigned. Employees perform the most difficult and responsible types of duties assigned to classes within this series including maintaining the most complex County applications and performing systems analysis duties. Employees at this level are required to be fully trained in all procedures related to assigned area of responsibility.

SUPERVISION RECEIVED AND EXERCISED

Information Systems Analyst 1: Receives immediate supervision from higher level supervisory or management staff.

Information Systems Analyst 2: Receives general supervision from higher level supervisory or management staff.

Information Systems Analyst 3: Receives direction from higher level supervisory or management staff.

May exercise functional and technical supervision over lower level information systems staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - *Essential and other important responsibilities and duties may include, but are not limited to, the following:*

Essential Functions:

Perform a variety of professional level duties to support information technology systems and programs in assigned area; serve as liaison between system users and information systems staff in the development, implementation, administration and maintenance of information systems, computer programs and software applications.

Install and maintain application software and computer hardware; provide technical assistance to system users in accordance with applicable information systems policies, procedures, methods and techniques.

Develop, install and maintain software applications; troubleshoot and rectify application software problems; evaluate new software/hardware and recommend changes as needed; prepare and update user manuals and system documentation.

Participate in the evaluation and testing of system upgrades; install or upgrade software applications; troubleshoot hardware and software related problems; coordinate and document testing for new or revised software applications; assist in deployment of new applications in assigned areas.

Perform system maintenance activities on various files; monitor system disks for space; maintain system security; reset user passwords; grant or revoke system access.

Provide support to local area networks; create and modify user accounts; maintain electronic mail access; install and configure hardware and software; enable local area network connection; maintain file servers; monitor network performance; troubleshoot network problems; coordinate maintenance and repair with information systems or vendor staff.

Respond to requests from users regarding system operations; provide solutions to operations problems; refer users to appropriate staff member.

Develop written technical documentation, internal operating procedures, and user manuals and instructions; develop instructional materials and conduct training programs on software applications; update technical and training manuals as required.

Perform a variety of complex systems analysis duties in the design, implementation and maintenance of management information systems and supporting computer hardware and software applications; program new applications or enhance existing programs.

As assigned, perform database administration duties; provide support to programming staff in planning, designing and implementing application databases; maintain database security and user access; design, create and maintain physical objects including tables, files, libraries and indexes to support computer applications using database management systems; monitor database performance and troubleshoot problems; monitor and maintain space allocation for databases and files.

Create various reports, charts and other materials from multiple layers of data stored in County data bases; assist in data base maintenance and quality control.

Analyze user needs; design, write and execute programs in a variety of programming environments; design input and output documents including screens, forms and reports.

Prepare project cost estimates and justification for new or enhanced system modifications; may prepare requests for proposals for vendor services.

Perform quality assurance duties; review new application software for compliance with applicable quality assurance standards before implementation.

Marginal Functions:

Attend and participate in professional group meetings; stay abreast of new trends and innovations in the field of information systems.

Perform related duties and responsibilities as required.

QUALIFICATIONS

Information Systems Analyst 1

Knowledge of:

Basic theories and applications of computer science.

Basic principles and practices of applications systems programming.

Personal computer hardware and software components.

Basic methods and techniques used in the installation, trouble shooting and maintenance of software applications.

Basic methods and techniques used in the installation, trouble shooting, upgrading and problem resolution of information systems.

Operational characteristics of various computer programs, networks, software packages and programming languages.

Basic characteristics of various computer programs, networks, software packages and programming languages.

Ability to:

Provide technical support for the implementation and maintenance of various software applications.

Create various reports, charts and other materials from multiple layers of data stored in County data bases.

Respond to and identify user needs and determine resolutions.

Learn methods and techniques of application development, system design and programming.

Learn to recommend, design, implement and install computer software applications.

Learn to apply a wide variety of computer programming languages.

Learn to detect, isolate and resolve application problems.

Learn to analyze and assess the technological needs of County departments.

Learn to install, trouble shoot and upgrade County information systems.

Learn to evaluate, test, implement and support new operating systems.

Learn to analyze and assess the technological needs of County departments.

Perform routine systems analysis duties.

Recommend appropriate technology to meet client needs.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Maintain mental capacity which allows for effective interaction and communication with others.
Maintain physical condition appropriate to the performance of assigned duties and responsibilities.
Maintain effective audio-visual discrimination and perception needed for making observations, communicating with others, reading, writing and operating assigned equipment.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: One year experience in applications programming and/or systems analysis.

Training: Equivalent to a Bachelors degree from an accredited college or university with major course work in computer science, information systems or a related field.

Information Systems Analyst 2: In addition to the qualifications for Information Systems Analyst 1:

Knowledge of:

Methods and techniques of application development, system design and programming.
Methods and techniques of system design, programming and software installation.
Principles and procedures of quality assurance and security related to computer information systems.
Principles and practices of computer science and information systems.
Principles and practices of software troubleshooting.
Operational characteristics of a variety of computer platforms and operating systems.
Methods and techniques used in the installation, trouble shooting and maintenance of information systems.
Pertinent Federal, State and local codes, laws and regulations.

Ability to:

Recommend, design, implement and install computer software applications.
Apply a wide variety of computer programming languages.
Detect, isolate and resolve information system problems.
Analyze and assess the technological needs of County departments.
Independently perform systems analysis activities.
Install, trouble shoot and upgrade County information systems.
Evaluate, test, implement and support new operating systems.
Oversee quality assurance and security procedures for information system services.
Analyze and assess the technological needs of County departments.
Perform a variety of responsible systems analysis duties.
Monitor, maintain and administer a variety of network operating systems.
Design, implement and maintain information systems and supporting hardware and software applications.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: Three years of increasingly responsible software applications programming and/or systems analysis experience.

Training: Equivalent to a Bachelors degree from an accredited college or university with major course work in computer science, information systems or a related field.

Information Systems Analyst 3: In addition to the qualifications for Information Systems Analyst 2:

Knowledge of:

Advanced programming techniques including integrated database management applications.
Operational characteristics and capabilities of data base management systems.
Principles and procedures of quality assurance and security related to computer applications.
Principles, practices, methods and techniques of providing information systems project management services.
Methods and techniques of system design, programming and software installation.
Advanced principles and practices of computer science and information systems.
Advanced principles and practices of information systems programming.
Advanced principles and practices of software troubleshooting.

Ability to:

Perform highly advanced programming and data base management duties.
Oversee quality assurance and security procedures for applications services.
Interpret and analyze user information systems requirements and develop solutions.
Perform highly advanced systems programming duties.
Install, test and configure hardware and software applications and programs.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience: Five years of increasingly responsible software applications programming and/or systems analysis experience.

Training: Equivalent to a Bachelors degree from an accredited college or university with major course work in computer science, information systems or a related field.

WORKING CONDITIONS

Environmental Conditions: Office environment; exposure to computer screens.

Physical Conditions: Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; extensive use of computer keyboard; extensive communication with systems users; near visual acuity for performing programming or software installation functions.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

February 22, 1999

(Date)

DEPARTMENT: Enviromental ServicesDIVISION: -AdministrationCONTACT: Lance DuncanPHONE: 248-3278

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

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

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

BOARD OF
 COUNTY COMMISSIONERS
 99 FEB 23 PM 3:04
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Approval of contingency request for \$14,450 , to establish a shared staff resource through Metro for processing annexation applications

TOTAL \$14,450

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

General
 (Specify Fund)

Fund Contingency BEFORE THIS MODIFICATION (as of 2/25/99): \$ 3,282,249
 AFTER THIS MODIFICATION: \$ 3,267,799

| | | | |
|--|-------------------------|---|-------------------------|
| Originated By: <u>Hammy Tongolo</u> | Date: <u>2/23/99</u> | Department Director: <u>Larry Nicholas</u> | Date: <u>2/23/99</u> |
| Plan / Budget Analyst: <u>Chris Hany</u> | Date: <u>2/25/99</u> | Employee Services: | Date: |
| Board Approval: <u>DEBORAH C. BOGSTER</u> | Date: <u>3/4/99</u> | | |

Budget Modification DES99-09

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Categor | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|----------------|--------|----------------|----------------|-----------------------------|----------|-------------------------|
| 1 | | | 100 | 030 | 5010 | | | 6050 | 21,696 | 36,146 | 14,450 | | Metro IGA |
| 2 | | | 100 | 070 | 9120 | | | 7700 | | | (14,450) | | Decrease GF Contingency |
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| BudModID | Line | Fund | Agcy | Org | Object | Revenue | Amount | Description |
|----------|------|------|------|-----|--------|---------|---------|-----------------------|
| DES99-09 | | 1 | 100 | 030 | 5010 | 6050 | 14450 | Metro IGA |
| DES99-09 | | 2 | 100 | 070 | 9120 | 7700 | (14450) | Reduce GF Contingency |

Staff Report Supplement

To: Board of County Commissioners

From: Larry F. Nicholas, DES Director

Date: January 26, 1999

Subject: Contingency Request for Metro Annexation Application Processing Pilot Project

I. Recommendation/Action Requested

Approval of contingency request for \$14,450, to establish a shared staff resource for processing annexation applications.

II. Background/Analysis

As of January 1, 1999, State legislation dissolved the Metropolitan Boundary Commission for Multnomah, Washington, Clackamas Counties. These Counties consequently became responsible for processing boundary change applications within their jurisdictions. This program will begin as a six-month pilot project to develop an economically efficient system for processing boundary changes and mapping functions.

III. Financial Impact

The pilot program cost over the six-month period will be \$57,000. The participating Counties and City of Portland will each be required to contribute one quarter of the cost as a subscription fee. For the pilot jurisdictions, the estimated base fee of \$2,000 will not be charged for applications until the subscription amount is exceeded. Fees for major boundary changes or annexations involving more than 100 owners will be billed on a time and materials basis. It is anticipated there will be eight applications average, at a cost of \$450 per application to local governments. Metro will also provide mapping services for all areas outside of Metro boundaries. The County's share for these additional mapping services is \$750.00.

This is a proposal originating from Metro, developed outside the County's normal budget process, and therefore there will be a requirement for on-going funding beyond the pilot phase.

IV. Legal Issues

County has drafted an ordinance establishing fees and charges for Chapter 27, Environment and Property, of the Multnomah County Code and repealing Resolution 98-90. The metro Council has already drafted their ordinance #98-791, governing Metro's responsibilities prescribed by State legislation; pursuant to ORS268.347 – 354.

Staff Report on Metro Annexation Services Contingency Request
Page 2

V. Controversial Issues
None

VI. Link to Current County Policy

Implements County Charter and meets good government benchmark.

VII Citizen Participation

Public hearings on proposed boundary changes will be held, if necessary party requests a hearing in writing.

VIII Other Government Participation.

Metro IGA

1. **Attachment to Bud Mod No. DES 99-09**
2. **Amount requested from general fund contingency** \$14,450
3. **Summary of Request:** Decreases General Fund contingency \$14,450, and increases DES Administration's County Supplement by the same amount, to fund a partial year pilot project with Metro to provide annexation services.
4. **Has the expenditure for which this transfer is sought been included in any budget request during the past five years? No. If so, when?** N/A .
5. **If so, what were the circumstances of its denial?** N/A.
6. **Why was this expenditure not included in the annual budget process?** This is a proposal originating from Metro, developed outside the County's normal budget process and timeline, and therefore its discussion of issues and opportunities.
7. **What efforts have been made to identify funds from another source within the Department to cover this expenditure? Why are no other sources of funds available?** In the event that the department's full budget appropriation is not used it will become General Fund BWC for the next year, and will in that way be covered. We currently do not anticipate having funds available for this activity without asking for contingency.
8. **Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
9. **Attach any additional information or comments you feel helpful.**

Signature of Department Head/Elected Official



R-13
3/4/99

MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

BUDGET & QUALITY

PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

TO: Board of County Commissioners

FROM: Ching Hay, Budget Analyst *CH*

DATE: Monday, March 01, 1999

SUBJECT: Contingency Request by the Department of Environmental Services
Budget Modification DES 99-09

The Department of Environmental Services is requesting \$14,450 from the General Fund contingency to pay for a shared staff resource for a new requirement for Counties to process boundary change applications within their jurisdictions. This new requirement came about as a result of the State legislature dissolving the Metropolitan Boundary Commission for Multnomah, Washington, and Clackamas Counties as of January 1, 1999. This request will begin a 6 month pilot project to develop a system for processing boundary changes and mapping functions.

The total anticipated cost is \$57,000 for a 6 month period. Other Counties and the City of Portland are expected to contribute one quarter of the cost. They will not be charged for applications until their subscription amount has been exceeded.

This request was not identified as a potential use of General Fund Contingency during budget deliberations. This request comes about as a result of a proposal developed by Metro to deal with the abolishment of the Boundary Commission.

The Budget Office is recommending approval of this request to fund this proposal through the end of FY 1998. It is understood that this proposal relies on one-time-only funds, and that the Department will be responsible for identifying permanent funding after FY 1999.

As of February 25, 1999, there was \$3,282,249 in the General Fund Contingency Reserve. This budget modification will reduce that amount to \$3,267,799.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 FEB 29 PM 3:08

MAR 04 1999

R-14

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR: February 22, 1999

(Date)

DEPARTMENT: Enviromental ServicesDIVISION: DES-AdministrationCONTACT: Lance DuncanPHONE: 248-3278

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

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

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

x PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Addition of Human Resource support position to DES-Human Resource Unit, which now consists of on staff in directing all Human Resource functions for 560 Employees.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None

TOTAL \$0

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 PM 3:04
MULTNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

_____ Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
(Specify Fund) AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION NO. DES 99-12

| 5. ANNUALIZED PERSONNEL CHANGE (Change on a full-year basis even though this action affects only a part of the fiscal year (FY)). | | | | | |
|---|---------------------------------|---------------|--------------|--------------|---------------|
| | | ANNUALIZED | | | |
| FTE | POSITION TITLE | BASE PAY | FRINGE | INSUR | TOTAL |
| 1.00 | Employee Services Specialist 1 | 33,298 | 8,393 | 6,362 | 48,053 |
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| | | | | | 0 |
| 1.00 | TOTAL ANNUALIZED CHANGES | 33,298 | 8,393 | 6,362 | 48,053 |

| 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 Bud Mod. | | | | | |
|---|--|---------------|--------------|--------------|---------------|
| | | CURRENT YEAR | | | |
| FTE | POSITION TITLE EXPLANATION | BASE PAY | FRINGE | INSUR | TOTAL |
| 0.50 | Employee Services Specialist 1 | 13,874 | 3,497 | 2,650 | 20,021 |
| | | | | | 0 |
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| 0.50 | TOTAL CURRENT FISCAL YEAR CHANGES | 13,874 | 3,497 | 2,650 | 20,021 |

BUDGET MODIFICATION #DES 99-12

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

| Line No. | Doc No. | Action | Fund | Agency | Org | Activity | Report Categor | Object | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|---------|--------|------|--------|------|----------|----------------|--------|----------------|----------------|-----------------------------|----------|--------------------------------|
| 1 | | | 100 | 030 | 5010 | | | 5100 | 356,092 | 369,966 | 13,874 | | Increase Personnel Services |
| 2 | | | 100 | 030 | 5010 | | | 5500 | 60,263 | 63,760 | 3,497 | | Increase Fringe Benefits |
| 3 | | | 100 | 030 | 5010 | | | 5550 | 43,049 | 45,699 | 2,650 | | Increase Insurance Benefits |
| 4 | | | 100 | 030 | 5010 | | | 6230 | 14,000 | 19,000 | 5,000 | | Increase Supplies |
| 5 | | | 100 | 030 | 5010 | | | 7150 | 7,542 | 7,869 | 327 | | Increase Telecommunications |
| 6 | | | 100 | 030 | 5010 | | | 8400 | 5,400 | 7,900 | 2,500 | | Personal Computer |
| 7 | | | 100 | 030 | 5010 | | | 6110 | 235,107 | 204,259 | (27,848) | | Decrease Professional Services |
| 8 | | | | | | | | | | | | | |
| 9 | | | | | | | | | | | | | |
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| 47 | | | | | | | | | | | | | |
| 48 | | | | | | | | | | | | | |
| | | | | | | | | | | | 0 | 0 | GRAND TOTAL |

| BudModID | Line | Fund | Agcy | Org | Object | Revenue | Amount | Description |
|----------|------|------|------|-----|--------|---------|----------|--------------------------------|
| DES99-12 | 1 | 100 | 030 | 501 | 5100 | | 13,874 | Increase Personnel Services |
| DES99-12 | 2 | 100 | 030 | 501 | 5500 | | 3,497 | Increase Fringe Benefits |
| DES99-12 | 3 | 100 | 030 | 501 | 5550 | | 2,650 | Increase Insurance Benefits |
| DES99-12 | 4 | 100 | 030 | 501 | 6230 | | 5,000 | Increase Supplies |
| DES99-12 | 5 | 100 | 030 | 501 | 7150 | | 327 | Increase Telecommunications |
| DES99-12 | 6 | 100 | 030 | 501 | 8400 | | 2,500 | Personal Computer |
| DES99-12 | 7 | 100 | 030 | 501 | 6110 | | (27,848) | Decrease Professional Services |

| BudModID | Line | gc | Fund | Org | JCN | FTE | Base | Description | |
|----------|------|----|------|-----|------|------|------|-------------|--|
| DES99-12 | | 1 | 030 | 100 | 5010 | 9080 | 0.50 | 13,874 | Addition of Employee Services Specialist |

Staff Report Supplement

To: BOARD OF COUNTY COMMISSIONERS

From: Larry Nicholas, Environmental Services Director

Date: February 23, 1999

Subject: Budget Modification to add Employee Services Specialist

I. Recommendation/Action Requested

Approvals of budget modification to add Human Resource position (1.0 FTE) in DES – Human Resource Unit.

II. Background/Analysis

The recent re-engineering of Central Human Resource Department has resulted in the decentralization of all Human Resource functions to the Departments that constitute County Government. DES Human Resource Unit currently consists of only one staff member handling and supporting all Human Resource functions involving 560 FTE.

III. Financial Impact

All Personnel and Miscellaneous Services costs associated with the addition of this staff position will be borne out of Professional Services account within DES-Administration current Adopted Budget appropriation.

IV. Legal Issues

None

V. Controversial Issues

None

VI. Link to Current County Policy

Conforms with established professional and technical work in support of the County's personnel programs.

VII. Citizen Participation

None

VIII. Other Government Participation.

None

MEETING DATE: MAR 04 1999
AGENDA NO: R-15
ESTIMATED START TIME: 10:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Setting a Public Hearing date for Legalization of McNamee Road

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

REGULAR MEETING: DATE REQUESTED: March 4, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DES DIVISION: Transportation
CONTACT: Bob Hovden TELEPHONE #: 306-5573
BLDG/ROOM #: 455/121

PERSON(S) MAKING PRESENTATION: Bob Hovden

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☒ OTHER

Set Public Hearing to consider Legalization of McNamee Road.

SUGGESTED AGENDA TITLE:

Setting a Public Hearing for Legalization of McNamee Road.

3/5/99 CERTIFIED true COPIES to Robert
Hovden & CANNEY KRAMER

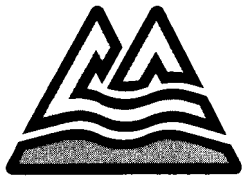
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: A. L. E. Nicholas

HEARD BY
COUNTY COMMISSIONERS
99 FEB 25 PM 3:02
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DIANE LINN • DISTRICT 1 • 248-5220
SERENA CRUZ • DISTRICT 2 • 248-5219
LISA NAITO • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Robert A. Hovden, County Surveyor
DATE: February 23, 1999
RE: **Setting Hearing for Legalization of McNamee Road**

1. Recommendation/Action Requested: Set Hearing to consider legalization of McNamee Road for April 15, 1999 at 9:30 a.m.
2. Background/Analysis: In 1994, the Board of Commissioners started proceedings for legalizing McNamee road in its traveled location. The survey of said road was delayed do to heavy demands on survey crews caused by storm damage and the 207th/Glisan/Halsey project. The survey is now completed and will be ready for a public hearing on April 15, 1999.
3. Financial Impact: Cost to the road fund for costs of the legalization process.
4. Legal Issues: This legalization is following procedures as required by ORS 368.201 to 368.221.
5. Controversial Issues: Some adjacent property owners maybe upset by the new right-of-way being part of what they thought they owned. The new county right-of-way will follow the existing traveled roadway (as close as possible) and no changes to the road are planned.
6. Link to Current County Policies: N/A
7. Citizen Participation: All adjacent property owners will be served legal notice of the public hearing to consider this legalization and notice will be posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.
8. Other Government Participation: N/A

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-25

Notice of Public Hearing for Legalization of McNamee Road

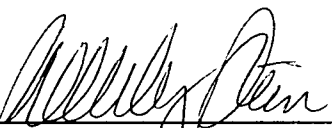
The Multnomah County Board of Commissioners Orders:

1. The Board of County Commissioners will hold a hearing on Thursday, April 15, 1999, at 9:30 a.m., in Room 602, Multnomah County Courthouse, 1021 SW Fourth Avenue, Portland, Oregon.
2. The purpose of the hearing is to determine if a portion of McNamee Road, County Road No. 5013, should be ordered as a lawful County road and public highway. The hearing will concern McNamee Road from the City Limits of Portland (about 950 feet north of Skyline Blvd.) northerly approximately 4.25 miles to the south end of County Road No. 399-A.
3. This road has been resurveyed. All persons interested in or concerned with the road are invited to attend the hearing. Objections must be filed in the Multnomah County Surveyor's Office, 1600 SE 190th Avenue, Portland, Oregon 97233, on or before the April 15, 1999 public hearing. For more information, call Robert Hovden, County Surveyor at 306-5573.
4. This legalization proceeding is under authority of ORS 368.201 to 368.221.

ADOPTED this 4th day of March, 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

MEETING DATE: MAR 04 1999
AGENDA NO: R-16
ESTIMATED START TIME: 10:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Purchase of land for North Portland Clinic Project

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: March 4, 1999

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DES

DIVISION: Facilities & Property Mgmt.

CONTACT: Bob Oberst

TELEPHONE #: 248-3851

BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Purchase of Land for Construction of North
Portland Health Services Department Clinic

3/4/99 ORIGINAL AGREEMENT & COPIES
OF ALL TO BOB OBERST

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: Robert Oberst

W. Lane E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
99 FEB 25 AM 8:44
MULTNOMAH COUNTY
OREGON

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners

From: Facilities & Property Management, Department of Environmental Services

Date: February 19, 1998

**Re: Purchase of Land for Construction of North Portland Health Services
Department Clinic.**

1. Recommendation/Action Requested: Board of Commissioners Order for purchase of land for construction of North Portland Clinic facility for Department of Health Services.
2. Background/Analysis: The Board, by its Resolutions No. 96-55 and No. 96-154, found that acquisition of land, including that described in the AGREEMENT FOR PURCHASE AND SALE before the Board in this matter, is necessary for construction of the North Portland Clinic facility for Department of Health Services and authorized legal counsel to prosecute proceedings to acquire the land if no satisfactory agreement could be reached for purchase of the land.

The Board, in an executive session on November 24, 1998 directed Facilities & Property Management Division to offer to purchase the land described in the said AGREEMENT FOR PURCHASE AND SALE for the sum of \$180,000.00, based upon appraisals of value and estimated costs of eminent domain. This offer was communicated to the owner, Larry B. Anderson, on December 29, 1998 and was accepted. The AGREEMENT FOR PURCHASE AND SALE is submitted for approval and execution.

3. Financial Impact: Purchase price in the AGREEMENT FOR PURCHASE AND SALE before the Board is \$180,000.00. Closing costs are estimated to be less than \$1,000.00
4. Legal Issues: None expected.
5. Controversial Issues: None, to the Department's knowledge.
6. Link to Current County Policies: The Health Services Department North Portland Clinic facilities will contribute to the achievement of the County's Access to Services benchmark. Land acquisition is not directly linked to County Policies, to the Department's knowledge.

7. Citizen Participation: Multnomah County Department of Health Services conducted the following public participation activities:
- (a) May 2 and 3, 1996 mailed out 10,000 mailers to area addresses with information about health services, proposed new clinic and advising of an information fair to be held in the community on May 14th.
 - (b) May 3, 1996 walked around site of proposed new clinic and discussed new clinic with area businesses and hung information on door hangers.
 - (c) May 6, 1996 met with all presidents of area neighborhood associations, who were supportive.
 - (d) May 14, 1996 held information at North Portland YWCA attended by approximately 60 people and received 32 completed forms requesting further information on the project.
 - (e) May 21, 1996 met with Business Boosters; Boosters were supportive.
 - (f) July 5, 1996 met with local and corporate staff of Legacy Clinic in St. Johns to discuss plans and possibilities for cooperation between Legacy and County.
 - (g) July 8, 1996 met with St. Johns Neighborhood Association where two-thirds of attendees spoke in favor of the project and six to eight attendees wanted to help resolve the siting issue by locating the clinic in some other part of St. Johns. The Association voted to ask the County to have more community meetings to inform everyone.
 - (h) August 1, 1996 second mailing of 10,000 flyers to area residents and patients providing information on a community meeting to be held August 14, 1996 to discuss additional health service and clinic siting.
 - (i) August 14, 1996 community meeting for discussion with public of health services to be provided and siting of proposed clinic.
8. Other Government Participation: None.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDER NO. 99-26

**Authorizing Execution of Agreement for Purchase and Sale of Certain Real Property
for the Construction of Department of Health North Portland Health Clinic Project**

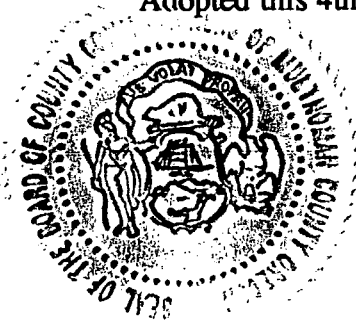
The Multnomah County Board of Commissioners Finds:

- a) The Multnomah County Department of Health provides health care services to clients in the North Portland area and immediately surrounding areas.
- b) The existing clinic is no longer adequate in size to provide such services.
- c) Real property suited to the construction of a clinic adequate to provide such services has been identified.
- d) The parcel described in the attached Agreement for Purchase and Sale before the Board this date is a part of said real property and has been determined to be available at a reasonable price from the owner, Larry B. Anderson.
- e) It appears that the purchase of the parcel described in the Agreement for Purchase and Sale before the Board this date will benefit Multnomah County.

The Multnomah County Board of Commissioners Orders:

- 1. The Chair of the Multnomah County Board of Commissioners is authorized and directed to execute the attached Agreement for Purchase and Sale before the Board this date and any other documents required for the completion of this purchase on behalf of Multnomah County.

Adopted this 4th day of March, 1999.



**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By  _____

John Thomas, Assistant County Counsel

AGREEMENT FOR PURCHASE AND SALE

THIS AGREEMENT OF PURCHASE AND SALE (the "Agreement") is made and entered into as of February 18, 1999 by and between Larry B. Anderson (the "Seller"), and Multnomah County (the "Buyer").

Recitals

A. The Seller is the owner of the real property and improvements on it hereinafter referred to as the "Property," described as follows:

The Northwesterly half of Lot 4, Block 43, according to the duly filed plat of JAMES JOHN'S ADDITION TO THE TOWN OF ST. JOHNS, in the City of Portland, filed December 18, 1876, in Plat Book 1, Page 78, Records of the County of Multnomah and State of Oregon.

B. The Buyer desires to purchase from the Seller, and the Seller desires to sell to the Buyer the Property. The terms of this Agreement are as follows:

1. Purchase and Sale. The Seller agrees to sell to the Buyer, and the Buyer agrees to purchase from the Seller, the Property upon the terms and conditions set forth in this Agreement.

2. Purchase Price. The purchase price for the Property shall be \$180,000.

3. Payment of Purchase Price. The purchase price shall be payable as follows:

(a) On or before the closing date, the Buyer shall deposit into escrow cash, a wire transfer of funds, a certified check, or a cashier's check in the amount of \$180,000.

(b) Upon execution of this agreement, Buyer shall pay to Seller in addition to the purchase price, the sum of \$20,005.25 as relocation payments payable to Buyer under state law as a result of this agreement. Buyer agrees that said sum together with the sum of \$950.00 for moving of buyer's residential personal property (which \$950.00 will be paid upon submission of an application) is the entire sum due to Buyer as relocation for Buyer and Buyer's immediate family for expenses related to moving of Buyer's personal property from the Property as a result of this transaction. Buyer and Seller agree that Buyer may be entitled to additional relocation benefits in addition to expenses related to moving Seller's personal property. Application for such benefits shall be made through Buyer's agent, the Oregon Department of Transportation.

4. Escrow

(a) Opening of Escrow. Buyer has opened an Escrow for consummating this transaction at Oregon Title Insurance Company ("Escrow Holder"). The Buyer and the Seller shall deliver a fully executed copy of this Agreement to the Escrow Holder. The Buyer and the Seller hereby authorize their respective attorneys to execute and deliver into escrow any additional or supplemental instructions as may be necessary or convenient to implement the terms of this Agreement and to close this transaction.

(b) Closing Date. This transaction shall close on or before March 19, 1999 (the "Closing Date").

5. Conditions to Closing

(a) Conditions Precedent to Buyer's Obligations. The close of escrow and the Buyer's obligations are subject to the satisfaction, not later than the Closing Date (unless otherwise provided), of the following conditions, and the obligations of the parties with respect to such conditions are as follows:

(i) Title. At closing the Seller shall convey fee simple title to the Property by statutory warranty deed, subject only to nondelinquent real property taxes, exceptions numbered 1, 2, 3, 4 and 5 on Preliminary Title Report Order No. 761823m attached hereto as Exhibit 1 and other matters that may be approved in writing by the Buyer.

(ii) No Material Changes. At the Closing Date, there shall have been no material adverse changes related to or connected with the Property, whether directly or indirectly.

(iii) Title Insurance. As of the close of escrow, the Escrow Holder shall have issued or shall have committed to issue the title policy to the Buyer.

The conditions set forth in this Paragraph 5(a) are solely for the benefit of the Buyer and may be waived only by the Buyer. The Buyer shall at all times have the right to waive any condition. Such waiver or waivers shall be in writing to the Seller. The waiver by the Buyer of any condition shall not relieve the Seller of any liability or obligation with respect to any representation, warranty, covenant, or agreement of the Seller. Neither the Seller nor the Buyer shall act or fail to act for the purpose of permitting or causing any condition to fail (except to the extent the Buyer, in its own discretion, exercises its right to disapprove any such items or matters).

(b) Conditions Precedent to Seller's Obligations. The close of escrow and the Seller's obligations are subject to the Buyer's delivery to the Escrow Holder on or before the Closing Date, for disbursement as provided herein, of the purchase price and the documents and materials described in Paragraph 6(b).

(c) Failure of Conditions to Closing. In the event any of the conditions set forth in Paragraph 5(a) or Paragraph 5(b) are not timely satisfied or waived, for a reason other than the default of the Buyer or the Seller under this Agreement:

(i) This Agreement, the escrow, and the rights and obligations of the Buyer and the Seller shall terminate, except as otherwise provided herein; and

(ii) The Escrow Holder is hereby instructed to promptly return to the Seller and the Buyer all funds and documents deposited by them, respectively, in escrow that are held by the Escrow Holder on the date of the termination (minus, in the case of the party otherwise entitled to such funds, however, the amount of any cancellation charges required to be paid by that party under Paragraph 5(d)).

(d) Cancellation Fees and Expenses. In the event this escrow terminates because of the nonsatisfaction of any condition for a reason other than the default of the Seller under this Agreement, the cancellation charges required to be paid by and to the Escrow Holder shall

be borne by the Buyer. In the event this escrow terminates because of the Seller's default, the cancellation charges required to be paid by and to the Escrow Holder shall be borne by the Seller.

6. Deliveries to Escrow Holder

(a) By Seller. On or before the Closing Date, the Seller shall deliver the following in escrow to the Escrow Holder:

(i) Deed. A statutory warranty deed, substantially in the form attached as Exhibit 2, duly executed and acknowledged in recordable form by the Seller, conveying the Property to the Buyer subject only to nondelinquent property taxes, items exceptions 1,2,3,4 and 5 on Exhibit 1, and other matters that may be approved in writing by the Buyer.

(ii) Nonforeign Certification. The Seller represents and warrants that it is not a "foreign person" as defined in IRC §1445. The Seller will give an affidavit to the Buyer to this effect in the form required by that statute and related regulations.

(iii) Lien Affidavits. Any lien affidavits or mechanic's lien indemnifications as may be reasonably requested by the Escrow Holder in order to issue the title policy.

(b) By Buyer. On or before the Closing Date, the Buyer shall deliver the following in escrow to the Escrow Holder:

(i) Purchase Price. The purchase price in accordance with Paragraph B.3a above.

7. Deliveries to Buyer at Closing/Rights to Personal Property Remaining on Premises. The Seller shall deliver possession of the Property to the Buyer at close of escrow together with all keys to all entrance doors to the improvements on the Property. The parties further agree that all personal property on the premises on the date of closing shall be deemed to be abandoned by Seller and may be disposed of by Buyer at Buyer's sole discretion without any liability to Seller.

8. Title Insurance. At closing, the Seller shall provide, at Buyer's expense, an ALTA Standard Owner's title insurance policy in the amount of the purchase price specified above, insuring title vested in the Buyer, subject only to nondelinquent real property taxes, items 1, 2, 3, 4, and 5 of the Preliminary Title Report attached hereto as Exhibit 1 and other matters that may be approved in writing by the Buyer.

9. Adjustments. The Buyer shall pay all escrow fees and costs and all recording charges. The Buyer and the Seller shall each pay legal fees and professional fees of other consultants incurred by the Buyer and the Seller, respectively.

10. Prorations

(a) General. Taxes shall be prorated between Buyer and Seller as of the Closing Date. For the purpose of calculating proration, the Buyer shall be deemed to be in title to the Property and, therefore responsible for the taxes for the entire day following the Closing Date.

12. Seller's Representations and Warranties. In addition to any express agreements of the Seller contained here, the following constitute representations and warranties of the Seller to the Buyer:

(i) Except as revealed by Exhibit 1, there are no proceedings, governmental administrative actions, or judicial proceedings pending or, to the best of the Seller's knowledge, contemplated under any federal, state, or local laws relating to the property.

(ii) Seller will not enter into any new leases after the date of this agreement.

(iii) No leasing or brokerage fees or commissions of any nature whatsoever shall become due or owing to any person, firm, corporation, or entity after closing with respect to the sale of the Property.

13. As Is. Other than the Seller's representations and warranties contained in this Agreement and those contained in any instrument delivered to the Buyer at closing, the Buyer acknowledges that it is purchasing the Property AS IS.

14. Buyer's Representations and Warranties. In addition to any express agreements of the Buyer contained here, the following constitute representations and warranties of the Buyer to the Seller:

(a) The Buyer has the legal power, right, and authority to enter into this Agreement and the instruments referred to here and to consummate the transactions contemplated here.

(b) All requisite action has been taken by the Buyer in connection with entering into this Agreement and the instruments referred to here and the consummation of the transactions contemplated here. No further consent of any other party is required.

(c) The persons executing this Agreement and the instruments referred to here on behalf of the Buyer have the legal power, right, and actual authority to bind the Buyer to the terms and conditions of this Agreement.

15. Notices. All notices or other communications required or permitted under this Agreement shall be in writing, and shall be personally delivered (including by means of professional messenger service) or sent by registered or certified mail, postage prepaid, return receipt requested, and shall be deemed received three days after deposit in the United States mail.

To Buyer: c/o Bob Oberst
2505 SE 11th
Portland, OR 97202

To Seller: c/o Phillip Yates
30240 SW Parkway Avenue
Wilsonville, OR 97070

Notice of change of address shall be given by written notice in the manner detailed in this paragraph.

16. Required Actions of Buyer and Seller. The Buyer and the Seller agree to execute all such instruments and documents and to take all actions pursuant to the provisions of this Agreement in order to consummate the purchase and sale contemplated and shall use their best efforts to accomplish the close of escrow in accordance with the provisions here.

17. Entry. The Buyer, its agents, and designees shall prior to closing have reasonable access to the Property.

18. Legal and Equitable Enforcement of This Agreement

(a) Default by the Seller. In the event the close of escrow and the consummation of the transaction here contemplated do not occur by reason of any default by the Seller, the Buyer shall have the right to pursue any other remedy available to it at law or equity, including the specific performance of this Agreement.

(b) Default by the Buyer. In the event the close of escrow and the consummation of the transaction here contemplated do not occur by reason of any default by the Buyer, Seller shall have the right to pursue any other remedy available to it at law or equity, including the specific performance of this Agreement.

19. Miscellaneous

(a) Partial Invalidity. If any term or provision of this Agreement or the application to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby, and each such term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

(b) Waivers. No waiver of any breach of any covenant or provision contained here shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision here contained. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

(c) Survival of Representations. The covenants, agreements, representations, and warranties made here shall survive the close of escrow and shall not merge into the deed and the recordation of it in the official records.

(d) Successors and Assigns. This Agreement shall be binding on and shall inure to the benefit of the permitted successors and assigns of the parties to it.

(e) Attorney Fees. In the event a party to this Agreement brings any action or suit against another party to this Agreement by reason of any breach of any of the covenants, agreements, or provisions on the part of the other party arising out of this Agreement, then in that event the prevailing party shall be entitled to have and recover from the other party all costs and expenses of the action or suit, including actual attorney fees, at trial and on appeal.

(f) Entire Agreement. This Agreement (including any exhibits attached to it) is the final expression of, and contains the entire agreement between, the parties with respect to the subject matter of the Agreement and supersedes all prior understandings with respect to it, including but not limited to, the Sale Agreement and Receipt for Earnest Money and all addenda thereto and/or modifications thereof. This Agreement may not be modified, changed, supplemented, or terminated, nor may any obligations under it be waived, except by written instrument signed by the party to be charged or by its agent duly authorized in writing or as

otherwise expressly permitted here. The parties do not intend to confer any benefit on any person, firm, or corporation other than the parties hereto.

(g) Time of Essence. The Seller and the Buyer hereby acknowledge and agree that time is strictly of the essence with respect to each and every term, condition, obligation, and provision.

(h) Construction. Headings at the beginning of each paragraph and subparagraph are solely for the convenience of the parties and are not a part of this Agreement. Whenever required by the context of this Agreement, the singular shall include the plural, and the masculine shall include the feminine, and vice versa. This Agreement shall not be construed as if it had been prepared by one of the parties, but rather as if both parties had prepared it. Unless otherwise indicated, all references to paragraphs and subparagraphs are to this Agreement. All exhibits referred to in this Agreement are attached and incorporated by this reference. In the event the date on which the Buyer or the Seller is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

20. Governing Law. The parties acknowledge that this Agreement has been negotiated and entered into in the state of Oregon. The parties expressly agree that this Agreement shall be governed by, interpreted under, and construed and enforced in accordance with the laws of the state of Oregon.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH MAY LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date and year written above.

BUYER:

By: [Signature]

Multnomah County Chair

Title

Date: March 4, 1999

SELLER: Larry B. Anderson

L. B. Anderson

Date: 2/18/99

REVIEWED:
THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY

BY [Signature]

ASSISTANT COUNTY COUNSEL

DATE 2/18/99

STATE OF OREGON

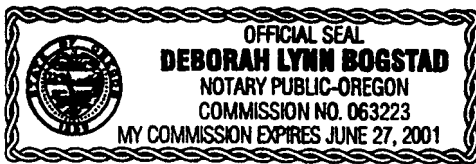
)

) ss

COUNTY OF MULTNOMAH

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The foregoing instrument was acknowledged before me this 4th day of March, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01