



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

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Lonnie Roberts, Commission Dist. 4

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AUGUST 19 & 21, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Public Safety Briefing
Pg 3	9:30 a.m. Thursday Public Comment
Pg 4	9:55 a.m. Thursday Ordinance Amending Code Related to N. Interstate Corridor Plan
Pg 4	10:00 a.m. Thursday Ordinance Amending Code Related to Portion of Killingsworth St.
Pg 4	10:05 a.m. Thursday Ordinance Amending Code Relating to County Flood Hazard Regulations
Pg 4	10:20 a.m. Thursday Code Compliance Program Briefing
Please Note: August 28 Meeting Cancelled	

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Produced through MetroEast Community Media

(503) 667-8848, ext. 332 for further info

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

Tuesday, August 19, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, August 19, 2008 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Public Safety Briefing on (1) Options for the Use of Current Jail Space and (2) Potential Impacts of Ballot Measures 61 and 57 on the County's Plan to Open the Wapato Jail. Presented by Deputy Chief Operating Officer for Public Safety Peter Ozanne, Sheriff Bob Skipper, Department of Community Justice Director Scott Taylor, District Attorney and Presiding Circuit Court Judge Jean Maurer. 2 HOURS REQUESTED.
-

Thursday, August 21, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY JUSTICE**

- C-1 Budget Modification DCJ-04 Reclassifying a Research/Evaluation Analyst 2 to a Data Analyst Senior in the Employees, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

- C-2 Budget Modification DCJ-05 Reclassifying a Community Justice Manager to a Program Manager 1 in the Employee, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF COUNTY MANAGEMENT – 9:30 AM

- R-1 RESOLUTION Approving Reimbursement to the County for County Sponsored Projects from Title III Funding for Fiscal Year 2008 and Authorizing Expenditures for Fiscal Year 2009
- R-2 RESOLUTION Declaring a Portion of the Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus and Approving a Real Property Sublease with the Oregon College of Oriental Medicine

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:40 AM

- R-3 Aging and Disabilities Services Division NOTICE OF INTENT to Apply for a Technology and Low-Income Subsidy Outreach One-time Supplemental Grant from the State of Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program
- R-4 Budget Modification DCHS-02 Increasing Aging and Disability Services Division Appropriation by \$1,200 to Reflect a Grant Received from the American Society on Aging/MetLife Foundation to Host a One-day MindAlert Training for Older Adults and Aging Professionals
- R-5 Budget Modification DCHS-04 Appropriating \$200,000 of County General Fund Contingency to Fund Program Offer 25090: Addictions Detoxification and Post-Detoxification Housing

DEPARTMENT OF HEALTH – 9:50 AM

- R-6 NOTICE OF INTENT to Submit a Proposal to the National Association of County and City Health Officials (NACCHO) for \$5,000 to Support the Health Department's Volunteer Health Reserve Corps Program

DEPARTMENT OF COMMUNITY SERVICES – 9:55 AM

- R-7 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Interstate Corridor Plan in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-8 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Killingsworth Street between NE 14th to 17th Avenues in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-9 First Reading of a Proposed ORDINANCE Amending MCC Chapter 29, Relating to County Flood Hazard Regulations
- R-10 Land Use and Transportation Briefing on Code Compliance Program Progress. Presented by Michael Grimmett, Bill Gotzinger and Karen Schilling. 20 MINUTES REQUESTED.

DEPARTMENT OF COUNTY MANAGEMENT – 10:40 AM

- R-11 NOTICE OF INTENT to Submit a Proposal for a \$45,000 Grant to the Oregon Department of Environmental Quality's Solid Waste Grant Program

BOARD COMMENT

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.



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BOARD COMMENT

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Commissioner Jeff Cogen, District 2

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

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district2@co.multnomah.or.us

MEMORANDUM

TO: Chair Ted Wheeler
Commissioner Maria Rojo de Steffey
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Clerk of the Board Deb Bogstad

FROM: Marissa Madrigal
Chief of Staff to Commissioner Jeff Cogen

DATE: 8/18/2008

RE: Board Meeting Excused Absences

Commissioner Cogen will participate in the Thursday, August 21, 2008 Board Meeting by phone.

KARNES Ana

From: MADRIGAL Marissa D
Sent: Tuesday, August 19, 2008 12:02 PM
To: KARNES Ana
Subject: RE: Commissioner Cogen participation on Thursday 21

503-740-1963, thanks!

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

From: KARNES Ana
Sent: Tuesday, August 19, 2008 11:16 AM
To: MADRIGAL Marissa D
Subject: Commissioner Cogen participation on Thursday 21

Marissa,

Do you have a phone number where I will be able to call Jeff on Thursday?
His cell phone would be good.
Thanks,

**Ana Karnes, Assistant Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214
Phone: 503 988 5274 / 22865
Fax: 503 988 3013
Bldg: 503 / 600 /
ana.karnes@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>**

KARNES Ana

From: MADRIGAL Marissa D
Sent: Wednesday, August 20, 2008 4:51 PM
To: KARNES Ana
Subject: Alternate phone for Jeff tomorrow

Jeff's other phone is 503-284-1133. This one might get better reception.

Marissa Madrigal

Chief of Staff

Multnomah County Commissioner Jeff Cogen

District 2

501 SE Hawthorne Street

Portland, Oregon 97214

503.988.5239



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-1 DATE 8/21/08
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
 Agenda Item #: C-1
 Est. Start Time: 9:30 AM
 Date Submitted: 08/05/08

BUDGET MODIFICATION: DCJ - 04

Agenda Title: Budget Modification DCJ-04 Reclassifying a Research/Evaluation Analyst 2 to a Data Analyst Senior in the Employees, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** N/A
Department: Dept. of Community Justice **Division:** Employee, Community & Clinical Services Division
Contact(s): Shaun Coldwell
Phone: 503-988-3961 **Ext.** 83961 **I/O Address:** 503 / 250
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reclassify a Research/Evaluation Analyst 2 position which has been reviewed by the Class/Comp Unit of Central Human Resources.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Reclassification of a 1.00 FTE Research/Evaluation Analyst 2 position to a Data Analyst Senior was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on July 24, 2008, to be retro-active to November 27, 2007.

This position assumes full responsibility for designing and implementing systems for data retrieval and data analysis within the Research & Evaluation Unit of DCJ. The data retrieval systems have a broad impact within the department. Essential functions include: design, develop, and compile

complex business studies in collaboration with stakeholders on a broad range of assignments; analyze information needs to determine appropriate methodologies and desired output; independently design, create, and maintain programs for data retrieval; assist in end-user training and system execution; investigate and resolve data and calculation errors or inconsistencies; design/develop complex databases in Excel, Access, and SPSS; design quality assurance management reports that include internal processes as well as contracted vendor services; and facilitate discussions with service providers for improvement opportunities. These functions and their level of complexity are consistent with those of the Data Analyst Senior (6456) classification.

This position is located in FY 2009 Program Offer 50003 – DCJ Quality Systems Management & Evaluation Services.

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

There is no fiscal impact for FY 2009 as the personnel costs for these two positions overlap. This position is expected to be ongoing.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other nonmerit factor.

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

N/A

- What do the changes accomplish?

Approval of a reclassification decision from the Class/Comp Unit of Central Human Resources.

- Do any personnel actions result from this budget modification? Explain.

Yes, the current employee in this position will be reclassified to a Data Analyst Senior (6456) retroactive to November 27, 2007.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

N/A

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

N/A

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 04

Required Signatures

**Elected Official or
Department/
Agency Director:**

Kathleen Treb for Scott Taylor

Date: 08/05/08

Budget Analyst:

[Signature]

Date: 08/05/08

Department HR:

James J. Opoka

Date: 08/05/08

Countywide HR:

[Signature]

Date: 08/05/08

Budget Modification ID: DCJ-04

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1									0				
2									0				
3									0				
4									0				
5									0				
6									0				
7									0				
8									0				
9									0				
10									0				
11									0				
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22									0				
23									0				
24									0				
25									0				
26									0				
27									0				
28									0				
29									0				
										0	0	Total - Page 1	
										0	0	GRAND TOTAL	

No fiscal impact, therefore no changes to FY-2009 Budget.

Description:
 Re-class a 6086-Research/Eval Ayst 2 position to a 6456-Data Ayst Sr. Position is located in ECCS, Quality Systems Mgmt & Evaluation Svcs (cc 500300).

ANNUALIZED PERSONNEL CHANGE

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6086	63269	500300	Research/Eval Analyst 2	709126	(1.00)	(54,375)	(15,752)	(14,482)	(84,609)
1000	6456	63269	500300	Data Analyst Senior	709126	1.00	54,375	15,752	14,482	84,609
										0
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										0
TOTAL ANNUALIZED CHANGES						0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
										0
				Same as above because reclass is retro to 11/27/07 (FY08)						0
										0
										0
										0
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										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	0	0	0	0



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # C-2 DATE 8/21/08
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>08/21/08</u>
Agenda Item #:	<u>C-2</u>
Est. Start Time:	<u>9:30 AM</u>
Date Submitted:	<u>08/05/08</u>

BUDGET MODIFICATION: DCJ - 05

Agenda Title:	Budget Modification DCJ-05 Reclassifying a Community Justice Manager to a Program Manager 1 in the Employee, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources
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Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date:	<u>August 21, 2008</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Employee, Community & Clinical Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>Consent Calendar</u>	I/O Address:	<u>503 / 250</u>

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reclassify a Community Justice Manager position which has been reviewed by the Class/Comp Unit of Central Human Resources.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Reclassification of a 1.00 FTE Community Justice Manager position to a Program Manager 1 was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on July 18, 2008. This reclass will become effective after a limited recruitment process is conducted.

This position is located in the Employee, Community & Clinical Services Division (ECCS) and is being reclassified due to a reorganization. This reorganization broadens the scope of responsibilities

by shifting the administration of \$10 million for alcohol & drug and mental health contracting to this position. The position, through subordinate staff, will continue to be responsible for department-wide internal investigations and safety programs, as well as documentation of department-wide policies and procedures. The Community Justice Manager classification was designed to span the scope of responsibilities of Program Supervisor and Program Manager 1 classifications; however, because this position supervises a Community Justice Manager and one other subordinate, the position is allocated to the Program Manager 1 classification.

This position is located in FY 2009 Program Offer 50002 – DCJ Employee, Community & Clinical Services.

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

There is no fiscal impact for FY 2009 as the personnel costs for these two positions overlap. This position is expected to be ongoing.

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

Employees have the right to request evaluation of the appropriateness of their classifications. The Classification/Compensation Unit has a formal process for evaluating these requests. The reclassification for which approval is sought in this request has been reviewed by the Classification/Compensation Unit and the position has been found to be wrongly classed. By contract and under our personnel rules, we are required to compensate employees appropriately based on these findings.

It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other nonmerit factor.

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

N/A

- What do the changes accomplish?

Approval of a reclassification decision from the Class/Comp Unit of Central Human Resources.

- Do any personnel actions result from this budget modification? Explain.

Yes, since this position reclass is due to reorganization a limited recruitment process must be conducted. The current incumbent must go through the application process in order to be considered for this position.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

N/A

- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?

N/A

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 05

Required Signatures

Elected Official or
Department/
Agency Director:

Kathleen Treb for Scott Taylor

Date: 08/05/08

Budget Analyst:

[Signature]

Date: 08/05/08

Department HR:

James J. Opoka

Date: 08/05/08

Countywide HR:

[Signature]

Date: 08/05/08

Budget Modification ID: **DCJ-05**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1										0			
2										0			
3										0			
4										0			
5										0			
6										0			
7										0			
8										0			
9										0			
10										0			
11										0			
12										0			
13										0			
14										0			
15										0			
16										0			
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9620	65077	500200	Community Justice Manager	713076	(1.00)	(69,818)	(25,079)	(15,486)	(110,383)
1000	9615	65077	500200	Program Manager 1	713076	1.00	69,818	25,079	15,486	110,383
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9620	65077	500200	Community Justice Manager	713076	(0.96)	(66,909)	(24,034)	(14,841)	(105,784)
1000	9615	65077	500200	Program Manager 1	713076	0.96	66,909	24,034	14,841	105,784
										0
										0
				Reclass Effective July 18, 2008.						0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	0	0	0	0



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 08/06/08

Agenda Title: **RESOLUTION Approving Reimbursement to the County for County Sponsored Projects from Title III Funding for Fiscal Year 2008 and Authorizing Expenditures for Fiscal Year 2009**

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

Requested meeting Date: August 21, 2008 **Amount of Time Needed:** 5 minutes
Department: Department of County Management **Division:** Director's Office
Contact(s): Bob Thomas
Phone: (503) 988-4283 **Ext.** 84283 **I/O Address:** 503 / 531
Presenter(s): Bob Thomas

General Information

1. What action are you requesting from the Board?

The Department of County Management recommends approval of this Resolution authorizing reimbursement to Multnomah County for County sponsored projects from Title III funding (PL 106-393).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please not which Program Offer this action affects and how it impacts the results.

In June 2007, the Board approved a Resolution electing the methods by which the County would receive federal forest safety net payments from the Forest Service and the Bureau of Land Management (BLM/O&C Lands). This Resolution was for expenditure after federal fiscal year 2007. A portion of each of these payments was designated to be received as Title III project funds. Title III projects are approved by the Board and are paid for by the County out of Title III funds that it receives. The moneys are not dedicated to individual departments but are County resources to be used for the following purposes:

- **Search, rescue, and emergency services.** -- An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

- **Community service work camps.** -- An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.
- **Easement purchases.** -- An eligible county may use these funds to acquire --
 1. easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;
 2. conservation easements; or
 3. both.
- **Forest related educational opportunities.** -- A county may use these funds to establish and conduct forest-related after school programs.
- **Fire prevention and county planning.** -- A county may use these funds for --
 1. efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and
 2. planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.
- **Community forestry.** -- A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

In June 2007, the Board approved \$30,000 of Federal Forest Payments to be designated as Title II Funds for Forest Service and \$20,000 for BLM Resource Advisory Committees to allocate.

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

In FY 2008, the County received \$299,674 in Title III funds from the Forest Service and BLM. Interest earned on unexpended Title III funds was calculated to be \$6,487 for FY 2008. Total Title III revenue is \$306,161.

The County provides ongoing services to the public that qualify for funding under Title III. For the period July 1, 2007 through June 30, 2008, the following County projects qualify for Title III funding:

<u>Fiscal Year 2007-2008 Title III Projects to Approve</u>	
Search and Rescue in National Forests -	
Sheriff Office	\$373,159
<u>DCM Admin Services</u>	<u>\$1,909</u>
Total Search and Rescue projects	\$375,067
Forest Related Educational Opportunities	
Direct Contracts with Service Providers and DCHS Support	\$108,718
<u>DCM Admin Services</u>	<u>\$878</u>
Total Forest Related Educational Opportunities	\$109,596

Fire Prevention and County Planning	
Community Services - Land Use Planning	\$5,411
Support in County Management – Finance Admin	\$830
Total Fire Prevention and County Planning	\$6,241

Total County Title III eligible projects shown above \$490,905

Congress and the President have not approved legislation to extend these payments. The funds received during County fiscal year 2008 are likely to be the last payments made to the County for this purpose. It is in the best interest of the County to continue tracking eligible project expenditures during FY 2009 to ensure adequate documentation for payments already received. Since FY 2009 expenditures are already budgeted in Land Use Planning and the Sheriff's Office, there is no financial impact to the County for this documentation. It is anticipated that the Board will be requested to make a final Title III project approval for eligible FY 2009 projects at the close of the fiscal year next August.

Based on FY 2008 projects, the department is proposing that the Board authorize the following estimated amounts for County FY 2009 Title III projects:

Fiscal Year 2008-2009 Title III Projects to Pre-Approve

Search and Rescue in National Forests -	
Total Sheriff's Office, County Administration	\$180,000
Fire Prevention and County Planning -	
Land Use Planning and Finance Administration	\$6,000
Total County Title III eligible projects shown above	\$186,000

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

The federal legislation requires that the County governing body approve projects for reimbursement from Title III funds. This Resolution is the formal approval of these County projects by the Board.

The County has the ability to approve funding for eligible Title III project costs to groups outside of the County. Any project funds that are approved for use by outside groups would be a direct reduction to County General Fund revenue.

Approval of this resolution will permit the county to gain full credit for Title III funds already deposited into the county general fund for FY 2008. This action is in support of county financial policies by taking full advantage of a federal/state funding source without expanding service costs and crediting title iii funds to programs that are already in place.

This initial legislation expired in October 2006, but was reauthorized for one additional year on May 25, 2007 by Congress and the President. It is advised that these payments not be considered dedicated resources for ongoing programs.

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

As was required by the federal legislation, a Public Notice was published and a 45-day comment period began on June 14th, 2007 and concluded July 30th, 2007. Citizens had the opportunity to provide written comments on the Multnomah County projects that will qualify under Title III. The County received no public comment.

Required Signature

**Elected Official or
Department/Agency
Director:**

Carol M. Ford

Date: 08/06/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving Reimbursement to the County for County Sponsored Projects from Title III Funding for Fiscal Year 2008 and Authorizing Expenditures for Fiscal Year 2009

The Multnomah County Board of Commissioners Finds:

- a. The Secure Rural Schools and Community Self-Determination Act of 2000 (PL 106-393), provides for funding from the United States Forest Service and Bureau of Land Management for use by counties to benefit transportation, education, public safety, law enforcement and other public purposes.
- b. Title III of PL106-393 provides that these funds be dedicated to projects under the following authorized uses: Search, Rescue, and Emergency Services on federal lands; Community Service Work Camps; Easement Purchases; Forest Related Educational Opportunities; Fire Prevention and County Planning; and Community Forestry.
- c. On May 25, 2007, Congress and the President approved a one year extension of PL106-393.
- d. Multnomah County, on June 28, 2007, adopted Resolutions that elected to receive a portion of its annual federal forest payments as Title III project funds for federal fiscal years 2007 (for expenditure after federal fiscal years 2007).
- e. On June 14, 2007, the County published a Public Notice describing proposed Title III projects and opened a forty-five (45) day public comment period. That period ended July 30, 2007.
- f. The County received no comments during this period.
- g. The County currently provides several public services in and adjacent to federal lands that are eligible for Title III funding.
- h. The County received \$306,161 in Title III payments and interest related to those payments during County FY 2008 and authorizes expenditures from those funds for the following projects:

Search, Rescue, and Emergency Services (Sheriff's Office, DCM Administrative costs)	\$375,067
Forest Related Educational Opportunities (Grant to Non-profit, DCHS, DCM)	\$109,596
Fire Prevention and County Planning (Land Use Planning, DCM)	\$6,241
Total County Title III projects shown above	\$490,905

- i. The one year extension of PL106-393 approved in 2007 has since expired.

- j. The County continues to provide services to the public that qualify as Title III projects under the original used defined in b. above.
- k. During the past year there have been several attempts in Congress to reauthorize at least a portion of the federal legislation authorizing the forest payments. It is in the best interest of the County to continue to document eligible Title III projects should the legislation be reauthorized.
- l. During the next fiscal year the County will provide service to the public that would be Title III eligible. This table is an estimate of those services:

Search, Rescue, and Emergency Services (Sheriff's Office, County Administrative costs)	\$180,000
Fire Prevention and County Planning (Land Use Planning)	\$6,000
Total County Title III projects shown above	\$186,000

The Multnomah County Board of County Commissioners Resolves:

- 1. The County projects listed in h. above are authorized to be reimbursed from County Title III funds for expenditures incurred on these projects during the period July 1, 2007 through June 30, 2008.
- 2. The County projects listed in l. above are authorized for the amounts shown for the period July 1, 2008 through June 30, 2009.

ADOPTED this 21st day of August, 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-117

Approving Reimbursement to the County for County Sponsored Projects from Title III Funding for Fiscal Year 2008 and Authorizing Expenditures for Fiscal Year 2009

The Multnomah County Board of Commissioners Finds:

- a. The Secure Rural Schools and Community Self-Determination Act of 2000 (PL 106-393), provides for funding from the United States Forest Service and Bureau of Land Management for use by counties to benefit transportation, education, public safety, law enforcement and other public purposes.
- b. Title III of PL106-393 provides that these funds be dedicated to projects under the following authorized uses: Search, Rescue, and Emergency Services on federal lands; Community Service Work Camps; Easement Purchases; Forest Related Educational Opportunities; Fire Prevention and County Planning; and Community Forestry.
- c. On May 25, 2007, Congress and the President approved a one year extension of PL106-393.
- d. Multnomah County, on June 28, 2007, adopted Resolutions that elected to receive a portion of its annual federal forest payments as Title III project funds for federal fiscal years 2007 (for expenditure after federal fiscal years 2007).
- e. On June 14, 2007, the County published a Public Notice describing proposed Title III projects and opened a forty-five (45) day public comment period. That period ended July 30, 2007.
- f. The County received no comments during this period.
- g. The County currently provides several public services in and adjacent to federal lands that are eligible for Title III funding.
- h. The County received \$306,161 in Title III payments and interest related to those payments during County FY 2008 and authorizes expenditures from those funds for the following projects:

Search, Rescue, and Emergency Services (Sheriff's Office, DCM Administrative costs)	\$375,067
Forest Related Educational Opportunities (Grant to Non-profit, DCHS, DCM)	\$109,596
Fire Prevention and County Planning (Land Use Planning, DCM)	\$6,241
Total County Title III projects shown above	\$490,905

- i. The one year extension of PL106-393 approved in 2007 has since expired.

- j. The County continues to provide services to the public that qualify as Title III projects under the original used defined in b. above.
- k. During the past year there have been several attempts in Congress to reauthorize at least a portion of the federal legislation authorizing the forest payments. It is in the best interest of the County to continue to document eligible Title III projects should the legislation be reauthorized.
- l. During the next fiscal year the County will provide service to the public that would be Title III eligible. This table is an estimate of those services:

Search, Rescue, and Emergency Services (Sheriff's Office, County Administrative costs)	\$180,000
Fire Prevention and County Planning (Land Use Planning)	\$6,000
Total County Title III projects shown above	\$186,000

The Multnomah County Board of County Commissioners Resolves:

- 1. The County projects listed in h. above are authorized to be reimbursed from County Title III funds for expenditures incurred on these projects during the period July 1, 2007 through June 30, 2008.
- 2. The County projects listed in l. above are authorized for the amounts shown for the period July 1, 2008 through June 30, 2009.

ADOPTED this 21st day of August, 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *John S. Thomas*
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Carol M. Ford, Director, Dept. of County Management



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 08/11/08

Agenda Title: **RESOLUTION Declaring a Portion of The Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus and Approving a Real Property Sublease with the Oregon College of Oriental Medicine**

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** 5 Minutes
Department: County Management **Division:** Facilities and Property Management
Contact(s): Carla Bangert
Phone: (503) 988-4128 **Ext** 84128 **I/O Address:** FPM / 274
Presenter(s): Michael Sublett, F&PM

General Information

1. What action are you requesting from the Board?

Declare a portion of the property located at 10615 SE Cherry Blossom Drive, Portland, OR to be surplus and approving a real property sublease with the Oregon College of Oriental Medicine (OCOM).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Multnomah County has leased the approximate 20,822 square foot property known as Cherry Blossom Plaza located at 10615 SE Cherry Blossom Drive, Portland, Oregon. Aging & Disability Services, Department of Human Services (ADS/DCHS) relocated to this newly leased location on July 1, 2008. Approximately 1,490 square feet of usable space which is the first floor of the premises known as the Cherry Blossom Plaza Annex Building is not anticipated to be needed for any County use and has been determined suitable for occupancy by the Oregon College of Oriental Medicine (OCOM). F&PM and ADS/DCHS believe this is a productive and appropriate co-tenancy.

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

Ten months rent at \$1,645.21 per month will bring FY09 tenant revenue of approximately \$16,452. The per square foot rental rate is the same rate paid by the County plus F&PM's six percent (6%) administration fee and will be adjusted by three percent (3%) to reflect the Master Lease scheduled increases. Rent as outlined in the Sublease will make the County whole.

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

None

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

None

Required Signature

**Elected Official or
Department/
Agency Director:**

Carol M. Ford

Date: 08/11/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Portion of County Leased Real Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus; and Approving a Real Property Sublease of that Portion with the Oregon College of Oriental Medicine.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County leased the approximate 20,822 square foot real property known as Cherry Blossom Plaza, located at 10615 SE Cherry Blossom Drive, Portland, Oregon, for the purpose of operating a Department of County Human Services (DCHS); Aging & Disability Services Division (ADS) field office.
- b. A small portion of the leased space at Cherry Blossom Plaza, i.e. approximately 1,490 square feet which is the first floor of the Cherry Blossom Plaza Annex Building; is not needed for any County use and has been determined suitable for occupancy by the Oregon College of Oriental Medicine (OCOM).
- c. OCOM wishes to sublease the approximate 1,490 square foot usable space of the Cherry Blossom Annex Building through June 30, 2010. The attached sublease has been negotiated with OCOM.
- d. The public interest is best served by the sublease to OCOM on the terms and conditions set forth in the attached sublease.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sublease to OCOM. The County Chair is authorized to execute the sublease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute renewals of the sublease and execute amendments to the sublease without further Board action.

ADOPTED this 21st day of August 2008.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management

R-2

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

From: RYAN Matthew O
Sent: Tuesday, August 12, 2008 3:00 PM
To: BANGERT Carla J
Subject: FW: Proposed Sublease for Cherry Blossom Plaza

Carla,

As you know, the County sub-leased in May under Resolution No.08-073 another "small portion of the leased space at Cherry Blossom Plaza". FM should advise the BCC that this is the second sublease at the site. You could advise of that in the APR. Other than that issue this resolution is approved for submission to the BCC for its consideration.

Matthew O. Ryan .
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

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From: BANGERT Carla J
Sent: Monday, August 11, 2008 10:06 AM
To: RYAN Matthew O
Subject: RE: Proposed Sublease for Cherry Blossom Plaza

Matt - I am forwarding the attached Resolution to bring the above proposed sublease to the BCC on August 21. Please advise and I will move forward accordingly.

Thanks,
Carla

Carla Bangert
Senior Property Management Specialist
Multnomah County
Facilities & Property Management
(503) 988-4128
carla.j.bangert@co.multnomah.or.us

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

From: RYAN Matthew O

Sent: Monday, July 14, 2008 2:53 PM
To: BANGERT Carla J
Subject: FW: Proposed Sublease for Cherry Blossom Plaza

Carla,

The attached lease is approved for routing for signatures.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

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From: BANGERT Carla J
Sent: Wednesday, July 09, 2008 8:55 AM
To: RYAN Matthew O
Subject: Proposed Sublease for Cherry Blossom Plaza

Matt - We have been approached by the Oregon College of Oriental Medicine (OCOM) to sublease the main floor of the annex building of approximate 1,490sf. As we have already executed a sublease with IRCO for space at this location, I have used the same basic document. Exhibits "A" and "B" will be attached to the hard copies forwarded to OCOM. Would you please review the attached sublease document and advise. I will then move forward accordingly.

Thanks, in advance, for your assistance.
Carla

Carla Bangert
Senior Property Management Specialist
Multnomah County
Facilities & Property Management
(503) 988-4128
carla.j.bangert@co.multnomah.or.us

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 08-118

Declaring a Portion of County Leased Real Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus; and Approving a Real Property Sublease of that Portion with the Oregon College of Oriental Medicine.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County leased the approximate 20,822 square foot real property known as Cherry Blossom Plaza, located at 10615 SE Cherry Blossom Drive, Portland, Oregon, for the purpose of operating a Department of County Human Services (DCHS); Aging & Disability Services Division (ADS) field office.
- b. A small portion of the leased space at Cherry Blossom Plaza, i.e. approximately 1,490 square feet which is the first floor of the Cherry Blossom Plaza Annex Building; is not needed for any County use and has been determined suitable for occupancy by the Oregon College of Oriental Medicine (OCOM).
- c. OCOM wishes to sublease the approximate 1,490 square foot usable space of the Cherry Blossom Annex Building through June 30, 2010. The attached sublease has been negotiated with OCOM.
- d. The public interest is best served by the sublease to OCOM on the terms and conditions set forth in the attached sublease.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves the sublease to OCOM. The County Chair is authorized to execute the sublease substantially in the form attached to this Resolution.
2. The County Chair is authorized to execute renewals of the sublease and execute amendments to the sublease without further Board action.

ADOPTED this 21st day of August 2008.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept. of County Management

SUBLEASE

Date:

Between: Multnomah County, Oregon ("Sublessor")
Facilities and Property Management
401 N. Dixon Street
Portland, OR 97227
Phone: 503-988-3322
Fax: 503-988-5082

And: Oregon College of Oriental Medicine ("Sublessee")
10525 SE Cherry Blossom Drive
Portland, OR 97216
Phone: 503-515-6455

Sublessor leases to Sublessee and Sublessee leases from Sublessor in the facility known as "Cherry Blossom Plaza", located at 10615 SE Cherry Blossom Drive, Portland, Oregon 97216, the following described property (the "Premises") on the terms and conditions stated below:

The main floor of approximately 1,490 square feet of space in the building commonly known as the Cherry Blossom Plaza Annex Building, as shown on the attached Exhibit "A"

Section 1. Master Lease

Sublessor is the lessee of the Premises by virtue of a lease dated April 17, 2008, hereinafter the "Master Lease", wherein American Property Management Corp., as agent for and on behalf of Weston Investment Co., LLC, is lessor. This Sublease is and shall be at all times subject and subordinate to the Master Lease, attached hereto and made a part of the Sublease as Exhibit "B".

Section 2. Occupancy

- 2.1 **Original Term.** The term of this Sublease shall commence upon the last signature of the parties to the Sublease and continue through June 30, 2010.
- 2.2 **Possession.** Sublessee's right to possession and obligations under this sublease shall commence upon full execution of the Sublease. Sublessor shall have no liability for delays in delivery of possession and Sublessee will not have the right to terminate this sublease because of delay in delivery of possession except as hereinafter provided.
- 2.3 **Early Termination.** Either party may terminate this sublease upon written notice to the other party given not less than 90 days from the termination date.
- 2.4 **Renewal Option.** If the Sublessee is not in default at the time the option is exercised or at the time the renewal term is to commence, Sublessee shall have the option to renew this sublease for one (1) term of one (1) year, as follows:
 - (1) The renewal term shall commence on the day following expiration of the preceding term.
 - (2) The option may be exercised by written notice to Sublessor given not less than 120 days prior to the last day of the expiring term. The giving of such notice shall be sufficient to make the sublease binding for the renewal term without further act of the parties.

- (3) The terms and conditions of the Sublease for the renewal term shall be identical with the original term except for rent. Rent shall be determined as provided in paragraph 3.2.
- (4) The right of renewal shall be valid only for the term the master Lease is in full force and effect, and in the event the Master Lease is terminated for any reason, so shall be this Sublease.

Section 3. Rent

3.1 Rent. Upon commencement of the Sublease, Sublessee shall pay to Sublessor as rent the sum of \$1,645.21 per month. All rent shall be payable without deduction or setoff of any kind on the first day of each month in advance at the address for Sublessor first above stated or at such place as may be designated by Sublessor. Rent for any partial calendar month shall be prorated based on a 30-day month.

3.2 Rent Adjustment. Rent during the term of this Sublease and during the option periods, if any, shall be adjusted as provided in the Master Lease plus a six percent (6%) administration fee. Scheduled increases are as follows:

7/01/2009	\$1,694.56
7/01/2010	\$1,745.40

3.3 Additional Rent. Any sum that Sublessee is required to pay to Sublessor in addition to that paid pursuant to Subsection 3.1 shall be considered additional rent.

Section 4. Use of the Premises.

4.1 Permitted Use. The space shall be used for "movement classes", including physical activities such as Tai Chi, Qigong exercises and yoga classes, and occasionally as a meeting/seminar space and for no other purpose without the prior written consent of the Sublessor and the Master Lessor.

4.2 Restrictions on Use. In connection with the use of the Premises, Sublessee shall:

- (1) Conform to all requirements of the Master Lease and refrain from any activity that would be a breach of the Master Lease.
- (2) Conform to all applicable laws and regulations of any public authority affecting the Premises and correct at Sublessee's expense any failure of compliance created through Sublessee's fault or by reason of Sublessee's use.
- (3) Refrain from any activity that would make it impossible to insure the Premise against casualty, would increase the insurance rate, or would prevent Sublessor from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successors, allowing Sublessor to obtain reduced premium rates for long-term fire insurance policies, unless Sublessee pays the additional cost of the insurance.
- (4) Refrain from any use that would be reasonably offensive to other sublessees or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the property.
- (5) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect selected by Sublessor.
- (6) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof without the written consent of Sublessor.

(7) Sublessee shall use only pre-approved vinyl lettering on door or window glass for signage.

4.3 Hazardous Substances. Sublessee shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Sublessee may use or other handles on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the Permitted Use specified in Section 4.1. Sublessee may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Sublessee's reasonably anticipated needs. Sublessee shall comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of hazardous Substances used, handles, or stored on the Premises. Upon the expiration or termination of this Sublease, Sublessee shall remove all Hazardous Substances from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious, or radioactive substance, waste and material as defined or listed by any Environmental law and shall include, without limitation, petroleum oil and its fractions.

4.4 Parking. Sublessee shall have only one (1) designated parking space at Cherry Blossom Plaza as determined by Sublessor. All other parking shall be off site.

Section 5. Repairs and Maintenance

5.1 Sublessor and Sublessee Responsibilities

- (1) Sublessor shall require Master Lessor to provide such maintenance and repairs as are imposed on Master Lessor under the Master Lease. Sublessor shall have met this obligation if, upon receipt of written notice from Sublessee of a condition requiring maintenance and repair. Sublessor shall have forwarded such notice to the Master Lessor with a request that the work described in the notice be done.
- (2) Sublessee shall take good care of the interior of the Premises and at the expiration of the term surrender the Premises and in as good condition as at the commencement of this Sublease, excepting only reasonable wear attributable to Sublessee's use.
- (3) Sublessee shall make any repairs necessitated by the negligence of Sublessee, its agents, employees, and invitees.

5.2 Inspection of Premises. Sublessor shall have the right to enter upon the Premises at any time to determine Sublessee's compliance with this Sublease, to make necessary repairs or to show the Premises to any prospective sublessee, and in addition shall have the right, at any time during the last ninety (90) days of the remaining term of this Sublease, to place and maintain upon the Premises notices for leasing the Premises.

5.3 Interference with Sublessee. In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Sublessor shall not cause unreasonable interference with the use of the Premises by Sublessee. Sublessee shall have neither the right to an abatement of rent nor any claim against Sublessor or Master Lessor for any inconvenience or disturbance resulting from Sublessor's or Master Lessor's activities performed in conformance with the requirements of this provision.

Section 6. Condition of Premises; Alterations

6.1 Condition; Improvements. Sublessee accepts the Premises AS IS. Sublessee acknowledges and agrees that neither Sublessor nor Master Lessor has undertaken any obligation to make nor agreed to make any alteration or improvement to the Premises for Sublessee's use or occupancy thereof. If Sublessee desires to alter or improve the Premises in any way,

Sublessee shall first obtain Sublessor's and Master Lessor's prior written consent to any such alteration or improvement, and any such alterations or improvements shall be made in accordance with the Master Lease.

- 6.2 Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Sublessor or Sublessee shall be the property of Sublessor when installed unless the applicable Sublessor's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Sublessee shall, at Sublessor's option, be removed by Sublessee at Sublessee's expense and the Premises restored unless the applicable Sublessor's consent specifically provides otherwise.

Section 7. Insurance

- 7.1 Insurance Required.** Sublessee, at its expense, shall maintain at all times during the Term of this Sublease commercial general liability insurance in respect of the Premises and the conduct or operation of its business, covering bodily injury and property damage on an "occurrence" form with \$1,000,000 minimum combined single-limit coverage. Multnomah County, its agents, officers and employees shall be named as additional insureds on the policy by endorsement. This coverage shall include Contractual Liability insurance for the indemnity provided under this contract. All policies of insurance shall be issued by good, responsible companies, reasonably acceptable to Sublessor.
- 7.2 Increase in Coverage.** Sublessor may from time to time require that the amount of commercial general liability insurance be increased so that the amount adequately protects Sublessor's interests.
- 7.3 Waiver of Subrogation.** Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire of any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other.
- 7.4 Insurance Required by Sublessor.** Sublessor is self-insured for its property and liability exposures, as subject to the Oregon Tort Claims Act, ORS 30.260 through 30.300.

Section 8. Taxes

- 8.1 Property Taxes.** Sublessee shall pay as due all taxes, assessments and levies on the Premises and all personal property located on the Premises. As used in this section, real property taxes include any fee or charge relating to the use, occupation, or rental of the premises, other than taxes on the net income of Sublessee.
- 8.2 Sublessee Responsibility for Filing Claim for Exemption.** If Sublessee is entitled to an exemption from payment of taxes, Sublessee shall be responsible for obtaining the appropriate exemption. Sublessee shall provide proof of such exemption to Sublessor upon receipt of notice of approval of the exemption.
- 8.3 Special Assessments.** If an assessment for a public improvement is made against the Premises, Sublessor may elect to cause the assessment to be treated the same as general real property taxes under section 8.1.
- 8.4 Contest of Taxes.** Sublessee may contest the amount of any tax or assessment as long as such contest in a manner that does not cause any risk to Sublessor's interest in the Premises.
- 8.5 No Proration of Taxes.** Sublessee shall pay taxes for any tax year in which this lease is in effect on July 1 without proration.
- 8.6 New Charges or Fees.** If a new charge or fee relating to the possession or use of the Premises is assessed or imposed, then, to the extent permitted by law, Sublessee shall pay

such charge or fee. However, Sublessee has no obligation to pay any charge or fee based on the income derived by Sublessor from this lease.

Section 9. Services and Utilities.

Sublessor shall provide utilities and janitorial services in accordance with the provisions of such services by Master Lessor per the Master Lease. Sublessee shall be responsible for reimbursement to Sublessor for their prorata share of any assessed utility adjustment over the stated base year as provided in section 37.2 of the Master Lease.

Section 10. Sublessee's and Sublessor's Representations

- 10.1 Sublessee acknowledges the provisions of the Master Lease and agrees to take the Premises subject to all the terms and conditions of the Master Lease, to use the Premises within the restrictions provided by the Master Lease, and to comply with all terms of the Master Lease, as if sublessee were the tenant and Sublessor were the landlord under the Master Lease, except that sublessee's rent shall be equal to the amount set forth in Section 3 of this Sublease.
- 10.2 Sublessor represents and warrants that Exhibit "B" contains a true, correct, and complete copy of the Master Lease. Sublessee acknowledges and agrees that it has read and is familiar with the terms of the Master Lease.

Section 11. Liens

- 11.1 Except with respect to activities for which Sublessor is responsible, Sublessee shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Sublessee fails to pay any such claims or to discharge any lien, Sublessor may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of nine percent (9%) per annum from the date expended by Sublessor and shall be payable on demand. Such action by Sublessor shall not constitute a waiver of any right or remedy, which Sublessor may have on account of Sublessee's default.
- 11.2 Sublessee may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Sublessor's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Sublessee shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Sublessor cash or sufficient corporate surety bond or other surety satisfactory to Sublessor in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure of sale under the lien.

Section 12. Indemnification

Sublessee hereby agrees to indemnify, defend, protect, and hold harmless Sublessor and Master Lessor from and against any and all losses, liabilities, claims, costs, and expenses (including reasonable attorney fees) arising out of or in any way related to Sublessee's failure to perform its obligations under this Sublease or arising out of use of the Premises by Sublessee or its against, employees, contractors, customers, or invitees.

Section 13. Assignment and Subletting

Sublessee shall not assign its interest under the Sublease not sublet, nor permit temporary use of, all or any portion of the Premises without first obtaining Sublessor's and Master Lessor's prior written consent. No assignment or sublease shall release Sublessee from its obligations under this Sublease.

Section 14. Default. The following shall be events of default:

- 14.1 Default in Rent.** Failure of Sublessee to pay rent or other charge within ten (10) days after it is due.
- 14.2 Default in Other Covenants.** Failure of Sublessee to comply with any term or condition or fulfill any obligation of this Sublease (other than the payment of rent or other charges) within twenty (20) days after written notice by Sublessor specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) days period, this provision shall be complied with if Sublessee begins correction of the default within the twenty (20) days period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 14.3 Insolvency.** Insolvency of Sublessee; an assignment by Sublessee for the benefit of creditors; the filing by Sublessee of a voluntary petition in bankruptcy; an adjudication that Sublessee is bankrupt or the appointment of a receiver of the properties of Sublessee; the filing of any involuntary petition of bankruptcy and failure of Sublessee to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Sublessee to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If Sublessee consists of two or more individuals or business entities, the events of default specified in this Section 14.3 shall apply to each individual unless within ten (10) days after an event of default occurs, the remaining individuals produce evidence satisfactory to Sublessor that they have unconditionally acquired the interest of the one causing the default. If this Sublease has been assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Sublessee under this Sublease.

Section 15. Remedies on Default. In the event of default by Sublessee, this Sublease may be terminated at the option of Sublessor by written notice to Sublessee. Whether or not this Sublease is terminated by the election of Sublessor, Sublessor shall be entitled to pursue any remedies available to Sublessor under applicable law.

Section 16. Surrender at Expiration

- 16.1 Condition of Premises on Termination.** Upon expiration of the sublease term or earlier termination on account of default, Sublessee shall deliver all keys to Sublessor and surrender the Premises in first-class condition and broom clean. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Sublessee is responsible shall be completed prior to expiration or termination of this Sublease.
- 16.2 Removal of Possessions.** Prior to expiration or other termination of the Sublease term, sublessee shall remove all furnishings, furniture, and trade fixtures that remain its property. If Sublessee fails to do so, this shall be an abandonment of the property, and Sublessor may retain the property and all rights of Sublessee with respect to it shall cease or, by notice in writing given to Sublessee within twenty (20) days after removal was required, Sublessor may elect to hold Sublessee to its obligation of removal. If Sublessor elects to require Sublessee to remove, Sublessor may effect a removal and place the property in public storage for Sublessee's account. Sublessee shall be liable to Sublessor for the cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Sublessor.

16.3 Holdover

- (1) If Sublessee does not vacate the Premises at the time required, Sublessor shall have the option to treat Sublessee as a sublessee from month-to-month, subject to all of the provisions of this Sublease. Failure of Sublessee to remove fixtures, furniture, furnishings, or trade fixtures that Sublessee is required to remove under this

Sublease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises and Non-exclusive Premises by another sublessee or with occupancy by Sublessor for any purpose including preparation for a new sublessee.

- (2) If a month-to-month tenancy results from a holdover by sublessee under this Section 16.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Sublessor given not less than twenty (20) days prior to the termination date which shall be specified in the notice. Sublessee waives any notice that would otherwise be provided by law with respect to a month-to-month tenancy.

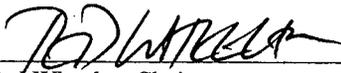
Section 17. Miscellaneous

- 17.1 Nonwaiver.** Waive by either party of strict performance of any provision of this Sublease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 17.2 Notices.** Any notice required or permitted under this Sublease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Sublease or to such other address as may be specified from time to time by either of the parties in writing.
- 17.3 Recordation.** This Sublease shall not be recorded without the written consent of Sublessor.
- 17.4 Risk of Loss.** Sublessee shall be fully responsible for and shall assume all risk of loss of its personal property, furniture, fixtures, equipment, and furnishings in the Premises and Non-exclusive Premises.
- 17.5 Time of Essence.** Time is of the essence of the performance of each of Sublessee's obligations under this Sublease.
- 17.6 Confidentiality of Business Information.** Sublessor and Sublessee acknowledge that Sublessor's use of the Premises and Sublessee's permitted use of the premises may include the creation, management, and retention of business information of a personal or confidential nature, and that the unauthorized acquisition or disclosure of such information may be grounds for civil and/or criminal liability. Sublessor and Sublessee, for themselves, their agents, employees and contractors, agree that, subject to the Oregon Public Records Law, ORS chapter 192, they will refrain from any action that reasonably would be deemed to jeopardize the confidentiality of business information of the other party or to expose such information to disclosure, whether such information has been identified to the other as confidential or otherwise, and will reasonably cooperate with each other to affirmatively protect the confidentiality of all information so designated as confidential or otherwise of a sensitive nature. Sublessor and Sublessee acknowledge and agree that violation of the provisions of this section, except when required under the Public Records Law, may constitute a material breach of the Sublease, for which the non-violating party may terminate the Sublease and for which additional remedies may also be available.
- 17.7 Master Lessor's Consent to Sublease.** The Master Lessor under the Master Lease hereby consents to the foregoing Sublease without waiver of any restriction in the master Lease concerning further assignment or subletting. Master Lessor certifies that, as of the date of Master Lessor's execution hereof, Sublessor, is not in default or breach of any of the provisions of the Master Lease, and that the Master Lease has not been amended or modified except as expressly set forth in the foregoing Sublease. Sublessee's agreement to perform such obligation shall not release Sublessor of its primary and unconditional liability for payment of rental and other charges and performance of Sublessor's obligations as Tenant under the Master Lease during the full term of the Master Lease.
- 17.8 Interest on Rent and Other Charges.** Any rent or other payment required of Sublessee by this Sublease shall, if not paid within ten (10) days after it is due, bear interest at the rate of

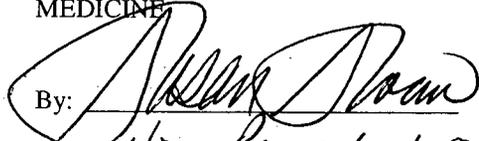
nine percent (9%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid. In addition, if Sublessee fails to make any rent or other payment required by this lease to be paid to Sublessor within five (5) days after it is due, Sublessor may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Sublessor for the costs of collecting the overdue payment. Sublessee shall pay the late charge upon demand by Sublessor. Sublessor may levy and collect a late charge in addition to all other remedies available by Sublessor's default, and collection of a late charge shall not waive the breach caused by the late payment.

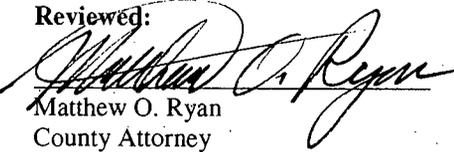
17.9 Proration of Rent. In the event of commencement or termination of this Sublease at a time other than the beginning or end of one of the specified rental periods, then the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Sublessee or paid on its account.

Sublessor:
MUTL NOMAH COUNTY, OREGON

By: 
Ted Wheeler, Chair

Sublessee:
OREGON COLLEGE OF ORIENTAL
MEDICINE

By: 
Title: Vice President of OCOM

Reviewed:

Matthew O. Ryan
County Attorney

Date: August 18, 2008

Master Lessor:
AMERICAN PROPERTY
MANAGEMENT CORP., as agent
for and on behalf of WESTON ~~ASSISTANT~~ KKV
INVESTMENT CO., LLC

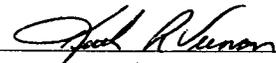
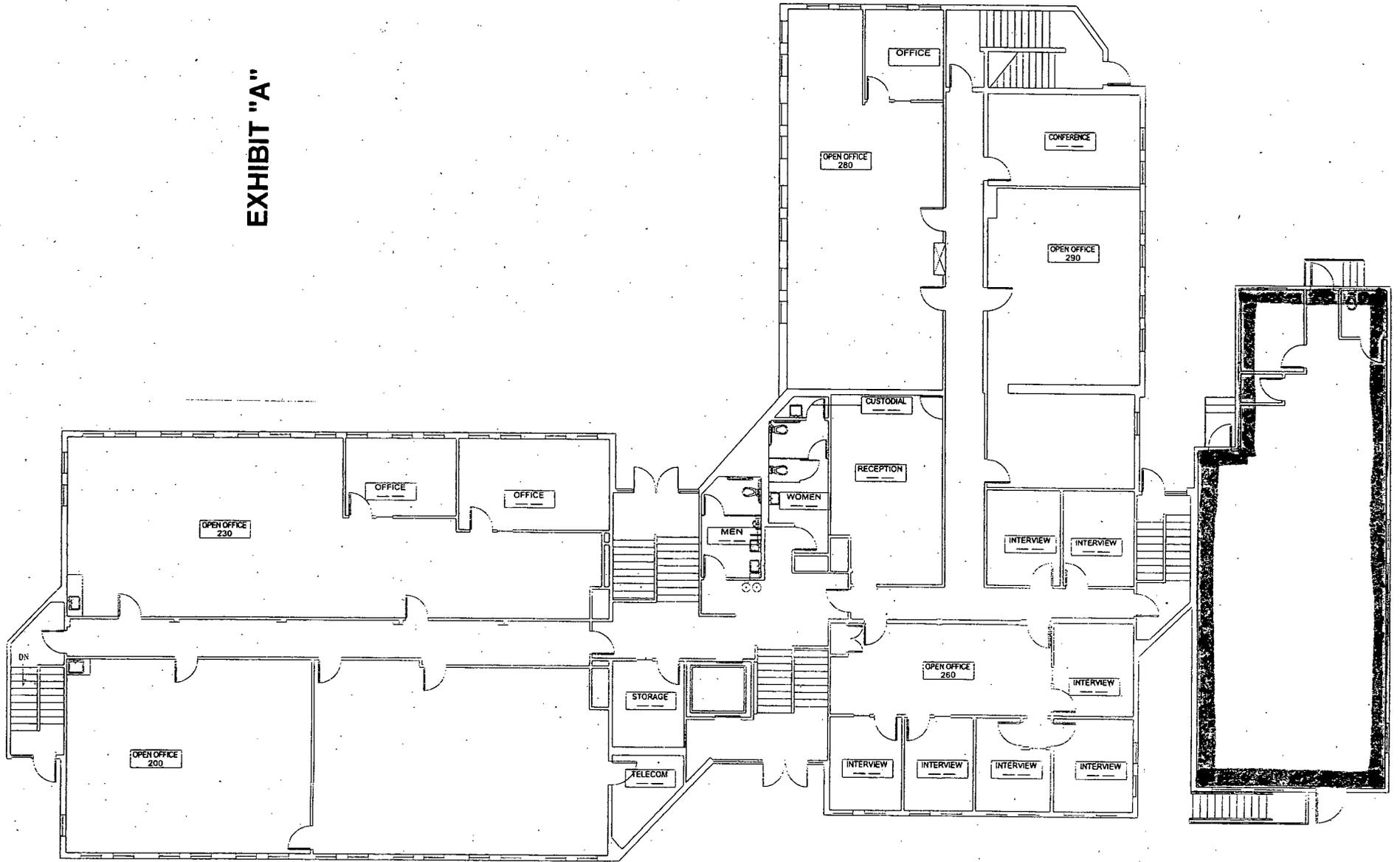
By: 
Date: 8/13/08



EXHIBIT "A"





AMERICAN PROPERTY MANAGEMENT CORP.

2154 N.E. Broadway Portland, Oregon 97232

Mailing Address: P.O. Box 12127, Portland, Oregon 97212

Phone 503-281-7779 Fax 503-460-2616

OFFICE LEASE

This Lease ("LEASE"), dated for reference purposes only,

April 17, 2008

is made by and between

AMERICAN PROPERTY MANAGEMENT CORP. as agent for and on behalf of

WESTON INVESTMENT CO. LLC, ("LESSOR"), and

Multnomah County, Oregon, ("LESSEE")

AMERICAN PROPERTY MANAGEMENT CORP. Account #C-319-7700-01

LESSOR hereby leases to LESSEE the following:

Entire Building consisting of approximately **20,822** square feet ("Premises")

(See Standard of Measurement Section 1.1)

in the **Cherry Blossom Plaza** Office Building

located at **10615 SE Cherry Blossom Drive, Portland, OR 97216** ("Building")

for a term commencing **June 12, 2008**; ("Commencement Date") (see Sections 2.2 and 46.1)

and continuing through **June 30, 2018**; ("Expiration Date")

at an initial Base Rental of **\$21,689.58 (U.S.)** per month ("Base Rent") (see Section 37.1)

payable in advance on the first day of each month at

2154 N.E. Broadway, Suite #200, Portland, Oregon 97232-1561

commencing **July 1, 2008**.

12/20/07

(1)

LESSOR INITIAL LESSEE INITIAL

LESSOR and LESSEE covenant and agree as follows:

1.1 STANDARD OF MEASUREMENT

These square footages are approximations only and may vary from the actual square footage. Prior to occupancy LESSEE may inspect and measure the Premises to confirm the square footage. As of occupancy LESSEE shall be deemed to have accepted the Premises, and will be deemed to have waived any objection to the square footage approximations set forth herein.

2.1 DELIVERY OF POSSESSION

Should LESSOR be unable to deliver possession of the Premises on the date fixed for the Commencement Date of the term, the Commencement Date will be deferred and LESSEE shall owe no rent until receiving notice from LESSOR tendering possession to LESSEE. If possession is not so tendered within 90 days following the Commencement Date of the term, then LESSEE may elect to cancel this LEASE by providing written notice to LESSOR within 10 days following expiration of the 90 day period. LESSOR shall have no liability to LESSEE for delay in delivering possession, nor shall such delay extend the term of this LEASE in any manner.

2.2 EARLY POSSESSION

If LESSEE occupies the Premises prior to said Commencement Date, such occupancy shall be subject to all provisions of this LEASE, such occupancy shall not advance the Expiration Date, and LESSEE shall pay rent for such period at the initial monthly rates set forth above.

After LEASE execution, LESSOR will provide LESSEE access to the Premises for communication work. LESSOR'S contractor will coordinate times of access. LESSEE may begin moving in June 12, 2008 provided the LESSOR is in receipt of a certificate of occupancy from the City of Portland.

2.3 ACCEPTANCE OF PREMISES

Except as may be provided for in any exhibit, appendix or rider hereto, occupancy shall be construed to mean that LESSEE expressly acknowledges that it has fully inspected the Premises and accepts the Premises in their present condition. LESSEE further acknowledges LESSOR shall not be responsible for any alterations, improvements or repairs unless by written agreement of the parties, attached to and made a part of this LEASE.

3.1 RENT PAYMENT

Upon LESSEE'S execution of the LEASE, LESSEE shall pay the Base Rent for the first calendar month of the LEASE term for which rent is payable. LESSEE shall pay the Base Rent for the Premises and any additional charges provided herein without deduction or offset. Rent for any partial month during the lease term shall be prorated to reflect the number of days during the month that LESSEE occupies the Premises based on a thirty (30) day month/360 day year. Rent or any additional charges not paid when due shall bear interest at the rate of one-and-one-half percent (1 1/2%) per month until paid in full. LESSOR may at its option impose a late charge of .10 for each \$1 due or \$50.00, whichever is greater, for rent or other additional charges paid made more than 10 days after its due date in lieu of interest for the first month of delinquency, without waiving any other remedies available for default.

4.1 SECURITY DEPOSIT

None Required

(2)

LESSOR INITIAL  LESSEE INITIAL _____

5.1 USE

LESSEE shall use the Premises for professional business office use for **Aging and Disability Division of Multnomah County or other Multnomah County service offices** only with no retail sales or manufacturing and for no other purpose without LESSOR'S consent. In connection with its use, LESSEE shall at its expense promptly comply with all applicable laws, ordinances, rules and regulations of any public authority and shall not annoy, obstruct, or interfere with the rights of the other tenants of the Building. LESSEE shall create no nuisance nor allow any objectionable fumes, noise, or vibrations to be emitted from the Premises. LESSEE shall not conduct any activities that will increase LESSOR'S insurance rates for any portion of the Building or that will in any manner degrade or damage the reputation of the Building.

6.1 EQUIPMENT

LESSEE shall install in the Premises only such office equipment as is customary for general office use and shall not overload the weight capacity of the floors or the capacity of the electrical circuits of the Premises or Building or alter the plumbing or wiring of the Premises or Building. LESSOR must approve, in advance, the location and manner of installing any electrical, heat generating or communication equipment or exceptionally heavy articles. Any additional air conditioning required because of heat generating equipment or special lighting installed by the LESSEE shall be installed and maintained at LESSEE'S expense. LESSOR shall have no obligation to permit the installation of equipment by any telecommunications provider whose equipment is not then servicing the building.

7.1 SIGNS

No signs, awnings, antennas, or other apparatus shall be painted on or attached to the Building or anything placed on any glass or woodwork of the Premises or positioned so as to be visible from outside the Premises without LESSOR'S written approval as to design, size, location and color. All signs installed by LESSEE shall comply with LESSOR'S standards for signs and all applicable codes and ordinances and all signs and sign hardware shall be removed upon termination of this LEASE with the sign location restored to its former state unless LESSOR elects to retain all or any portion thereof. LESSOR shall provide and install building standard signage in the name of the LESSEE as it appears in this LEASE for the Building lobby and suite entry. LESSEE shall be responsible for all signage expense if the LEASE term is twelve months or less. Any changes thereafter requested by LESSEE and approved by LESSOR shall be at LESSEE'S sole expense.

8.1 UTILITIES AND SERVICES

With the exception of the lower level of the annex building, the LESSOR shall furnish heat, electricity, elevator service, and if the Premises are air conditioned, air conditioning during the normal Buildings hours of 7:00 A.M. to 6:00 P.M., Monday through Friday, except holidays and 7:00 A.M. to 2:00 P.M. Saturdays, except holidays. The acceptable temperature range for the Premises is between 67 degrees to 75 degrees Fahrenheit, as measured from the thermostat level which is approximately sixty inches (60") above the floor, unless there are extreme weather conditions which create an unusually hot or cold condition. In addition, the LESSOR will not be required to maintain the above temperature range in computer server rooms or in areas where the occupancy is above one person per 100 useable square feet of leased space. With the exception of the lower level of the annex building, janitorial service will be provided in accordance with the regular schedule of the Building, which schedule and service may change from time to time. LESSEE shall comply with all government laws and regulations regarding the use or reduction of use of utilities on the Premises. Interruption of services or utilities shall not be deemed an eviction or disturbance of LESSEE'S use and possession of the Premises, render LESSOR liable to LESSEE for damages, or relieve LESSEE from performance of LESSEE'S obligations under this LEASE, but LESSOR shall take all reasonable steps to correct any interruptions in service. Electrical service furnished will be 110 volts unless different service already exists in the Premises. The LESSOR shall only provide repair and maintenance to building standard florescent light fixtures. The LESSOR shall not be responsible for repair, maintenance (including light bulb replacement) for non-building standard light fixtures. LESSEE shall provide its own surge protection for power furnished to the Premises.

The lower level of the annex building will not be gross full service. LESSOR shall only provide lighting. No HVAC, janitorial or power will be provided.

(3)

LESSOR INITIAL LESSEE INITIAL

8.2 EXTRA USAGE

If LESSEE uses excessive amounts of LESSOR provided utilities and/or services of any kind because of operation during normal Building hours and/or outside of normal Building hours, high demands from office machinery and equipment, nonstandard lighting or any other cause, LESSOR may impose a reasonable charge for supplying such extra utilities and/or services, which charge shall be payable monthly by LESSEE in conjunction with rent payments. In case of dispute over any extra charge under this paragraph, LESSOR shall designate a qualified independent engineer whose decision shall be conclusive on both parties. LESSOR and LESSEE shall each pay one-half of the cost of such determination.

8.3 REMOVAL OF DEBRIS

LESSEE shall be solely responsible for and promptly pay for the removal of all debris, cardboard, all and any other refuse generated in LESSEE'S moving into premises including the replacement of office furniture and equipment during tenancy and in vacating the Premises. Upon request, LESSOR shall supply LESSEE the name of a recycling company to remove recyclable items. LESSEE shall pay such additional charge in full upon receipt of statement.

9.1 MAINTENANCE AND REPAIRS

LESSOR shall have no liability for failure to perform required maintenance and repair unless written notice of the needed maintenance or repair is given by LESSEE and LESSOR fails to commence efforts to remedy the problem in a reasonable time and manner. LESSOR shall have the right to erect scaffolding and other apparatus necessary for the purpose of making repairs, and LESSOR shall have no liability for interference with LESSEE'S use because of repairs and installations, nor shall LESSOR be required to provide LESSEE with advance written notice of LESSOR'S access to the Premises. LESSEE shall have no claim against LESSOR for any interruption or reduction of services or interference with LESSEE'S occupancy, and no such interruption or reduction shall be construed as a constructive or other eviction of LESSEE. Repair of damage caused by negligent or intentional acts or breach of this LEASE by LESSEE, its employees, or invitees shall be at LESSEE'S expense.

The LESSOR shall only provide repair and maintenance to building standard florescent light fixtures. The LESSOR shall not be responsible for repair, maintenance (including light bulb replacement) for non-building standard light fixtures.

10.1 ALTERATIONS

LESSEE shall not make any alterations, additions, or improvements to the Premises, change the color or character of the interior, or install any wall or floor covering without LESSOR'S prior written consent. Any such additions, alterations, or improvements, except for removable machinery and unattached moveable trade fixtures shall at once become part of the realty and belong to LESSOR. LESSOR may at its option require that LESSEE remove any alterations and restore the Premises to the original condition upon termination of this LEASE. LESSOR shall have the right to approve the contractor used by LESSEE for any work in the Premises, and to post notices of nonresponsibility in connection with any work being performed by LESSEE in the Premises. LESSEE agrees that any Building or fixture modifications within the LESSEE'S Premises that is required to accommodate the LESSEE, employees or invitees of the LESSEE, as required by the Americans with Disabilities Act (ADA), will be at the expense of the LESSEE.

The LESSEE shall not alter any lock or install a new or additional lock or any bolt on any door of the Premises without prior written consent of the LESSOR. In the event LESSEE desires to change or modify door locks on the Premises, LESSEE shall notify LESSOR in advance and shall use LESSOR'S authorized locksmith and LESSEE shall bear such cost.

(4)

LESSOR INITIAL  LESSEE INITIAL _____

caused by the taking. All condemnation proceeds shall belong to LESSOR, and LESSEE shall have no claim against LESSOR or the condemnation award because of the taking.

16.1 ASSIGNMENT AND SUBLETTING

This LEASE shall bind and inure to the benefit of the parties, their respective heirs, successors, and assigns, provided that LESSEE shall not assign its interest under this LEASE or sublet all or any portion of the Premises without first obtaining LESSOR'S consent in writing. This provision shall apply to all transfers by operation of law including but not limited to mergers and changes in control of LESSEE. No assignment or subletting shall relieve LESSEE of its obligation to pay rent or perform other obligations required by this LEASE, and no consent to one assignment or subletting shall be a consent to any further assignment or subletting. LESSOR shall not unreasonably withhold its consent to any assignment, or to subletting provided the subrental rate or effective rental paid by the assignee is not less than the current scheduled rental rate of the Building for comparable space and the proposed LESSEE is compatible with LESSOR'S normal standards for the Building. If LESSEE proposes a subletting or assignment to which LESSOR is required to consent under this paragraph, LESSOR shall have the option of terminating this LEASE and dealing directly with the proposed sublessee or assignee, or any third party. If an assignment or subletting is permitted, any cash profit, or the net value of any other consideration received by LESSEE as a result of such transaction shall be paid to LESSOR promptly following its receipt by LESSEE. LESSEE shall pay any costs incurred by LESSOR in connection with a request for assignment or subletting, including reasonable attorneys' fees.

17.1 DEFAULT

Any of the following shall constitute a default by LESSEE under this LEASE:

- (a) LESSEE'S failure to pay rent or any other charge under this LEASE within 10 days after it is due.
- (b) LESSEE'S failure to comply with any other term or condition within 10 days following written notice from LESSOR specifying the noncompliance. If such noncompliance cannot be cured within this 10 day period, the provision shall be satisfied if LESSEE commences correction within such period and thereafter proceeds in good faith and with reasonable diligence to effect compliance as soon as possible. Time is of the essence in the performance of this LEASE.
- (c) The making by LESSEE of any general assignment or general arrangement for the benefit of creditors; or the filing by or against LESSEE of a petition to have LESSEE adjudged a bankrupt, or a petition or reorganization or arrangement under any law relating to bankruptcy (unless, in the case of a petition filed against LESSEE, the same is dismissed within sixty (60) days); or the appointment of a trustee or a receiver to take possession of substantially all of LESSEE'S assets located at the Premises or of LESSEE'S interest in this LEASE, where possession is not restored to LESSEE within thirty (30) days; or the attachment, execution, or other judicial seizure of substantially all of LESSEE'S assets located at the Premises or of LESSEE'S interest in this LEASE, where such seizure is not discharged within thirty (30) days.
- (d) Assignment or subletting by LESSEE in violation of Paragraph 16.1.
- (e) Vacation or abandonment of the Premises without the written consent of LESSOR.

17.2 REMEDIES FOR DEFAULT

In case of default as described in Paragraph 17.1, LESSOR shall have the right to the following remedies which are intended to be cumulative and in addition to any other remedies provided under applicable law:

- (a) LESSOR may terminate the LEASE and retake possession of the Premises. Following such retaking of possession, efforts by LESSOR to relet the Premises shall be sufficient if LESSOR follows its usual procedure for finding tenants for the space at rates not less than the current rates for other comparable space in the

(6)

LESSOR INITIAL _____ LESSEE INITIAL _____

This LEASE and the attached Exhibits and Schedules constitute the entire agreement of the parties and supersede all prior written and oral agreements and representations. Neither LESSOR nor LESSEE is relying on any representations other than those expressly set forth herein. There are no implied covenants or other agreements between the parties except as expressly set forth in this LEASE.

29.1 CHAIR MATS

LESSEE shall provide, at LESSEE'S expense, chair mats for all desk rolling chairs within the leased space and will be responsible for carpet wear caused by chairs, which could have been avoided by the use of chair mats.

30.1 PARKING

LESSEE shall have the nonexclusive use of **the entire Building parking lot during the course of the LEASE**. LESSOR has sole control of parking and may designate areas for patrons of the property/Building and assign LESSEE and employees of the LESSEE to designated parking areas. LESSEE and employees shall park their cars only in these areas designated for the purpose by the LESSOR. LESSEE shall furnish to LESSOR license numbers of vehicles used by the LESSEE and the employees of the LESSEE, and notify LESSOR of any changes within five (5) days. If LESSEE or its employees fail to park their vehicles in designated parking areas, then LESSOR may charge LESSEE twenty dollars (\$20.00) per day per vehicle for each or partial day, in any area other than those designated, or if the area is signed as a towing area, to have the vehicle(s) towed at the LESSOR'S option and at the expense of the LESSEE and its employees. LESSEE acknowledges and agrees that LESSOR shall not be responsible for the enforcement of any parking rules or regulations in connection with reserved parking spaces contained in this LEASE and/or in the Building rules.

There shall be no overnight storage of vehicles or trailers in the parking areas or outside of Premises. LESSOR may remove vehicle from property and LESSEE shall bear the cost of such removal.

31.1 COMMON AREA

Deleted in its entirety.

32.1 NOTICE TO OWNERS, BUYERS, AND TENANTS REGARDING HAZARDOUS WASTES OR SUBSTANCES UNDERGROUND STORAGE TANKS

Comprehensive Federal and State laws and regulations have been enacted in the last few years in an effort to develop controls over the use, storage, handling, cleanup, removal and disposal of hazardous wastes or substances. Some of these laws and regulations, such as, for example, the so-called "Superfund Act", provide for broad liability schemes wherein an owner, tenant or other user of the property may be liable for cleanup costs and damages regardless of fault. Other laws and regulations set standards for the handling of asbestos or establish requirements for the use, modification, abandonment or closing of underground storage tanks.

It is not practical or possible to list all such laws and regulations in this LEASE. Therefore, owners, buyers and tenants are urged to consult legal counsel to determine their respective rights and liabilities with respect to the issues described in this notice as well as all other aspects of the proposed transaction. If hazardous wastes or substances have been, or are going to be used, stored, handled or disposed of on the property, or if the property has or may have underground storage tanks, it is essential that legal and technical advice be obtained to determine, among other things, what permits and approvals have been or may be required, if any, the estimated costs and expenses associated with the use, storage, handling, cleanup, removal or disposal of the hazardous wastes or substances and what contractual provisions and protections are necessary or desirable. It may also be important to obtain expert assistance for site investigations as to the likelihood of hazardous wastes or substances, or underground storage tanks being on the property.

(9)

LESSOR INITIAL  LESSEE INITIAL _____

Although LESSOR will disclose any knowledge it actually possesses with respect to the existence of hazardous wastes or substances, or underground storage tanks on the property, LESSOR has not made investigations or obtained reports regarding the subject matter of this notice, except as may be described in a separate written document signed by LESSOR. LESSOR makes no representations regarding the existence or nonexistence of hazardous wastes or substances, or underground storage tanks on the property. You should contact a professional, such as a civil engineer, geologist, industrial hygienist or other persons with experience in these matters to advise you concerning the property.

The term "hazardous wastes or substances" is used in this notice in its very broadest sense and includes, but is not limited to petroleum base products, paints and solvents, lead cyanide, DDT, printing inks, acids, pesticides, ammonium compounds, asbestos, PCBs and other chemical products. Hazardous wastes or substances and underground storage tanks may be present on all types of real property. This notice is therefore meant to apply to any transaction involving any type of real property, whether improved or unimproved.

32.2 ASBESTOS CONTAINING MATERIALS

- a.) Owner/LESSOR discloses there are known and/or presumed asbestos-containing building materials (ACBM'S) within this Building and the Premises which are common to a building of this age. Attached, as Exhibit "F", is a limited pre-demolition survey identifying suspect materials, which were tested and analyzed. The purpose of this survey was to verify that no ACBM's were present within the Premises that may be impacted during planned tenant improvements.
- b.) Notwithstanding sub-section a, with respect to the Premises; LESSEE has hired an independent company to survey the Building. The survey is attached as Exhibit "F".
- c.) LESSOR further warrants that any alteration, reconstruction, renovation, repair, or service work performed by LESSOR its employees, agents, contractors, invitees and assigns will be undertaken in a manner in compliance with all applicable Federal, State or local law, rule or regulation relating to the removal and containment of ACBM's.

33.1 MODIFICATION

This LEASE may not be modified except by endorsement in writing attached to this LEASE, dated and signed by all the parties hereto, and LESSOR shall not be bound by any oral or written statement of any servant, agent, or employee modifying this LEASE.

34.1 PARTIES AFFECTED

The rights, liabilities and remedies provided for herein shall extend to the heirs, legal representatives, successors and, so far as the terms of this LEASE permit, assigns of the parties hereto, and the words "LESSOR" and "LESSEE" and their accompanying verbs or pronouns, wherever used in this LEASE, shall apply equally to all persons, firms, or corporations which may be or become parties hereto.

35.1 SECURITY

LESSEE and not LESSOR, is responsible for security of the Premises. Any breach in security of the Premises, common areas, common access doors, and/or elevators shall not constitute an eviction of the LESSEE or relieve LESSEE from any of LESSEE'S obligations under this LEASE. All tenants shall have the responsibility for maintaining the security to common access. LESSOR may modify the type or amount of security measures or services provided to the Building or the Premises at any time without notice.

43.1 LESSEE TENANT IMPROVEMENTS OR ALTERATIONS

- (a) The LESSOR must review and approve in writing any LESSEE Tenant Improvements or Alterations to the Premises. The LESSOR requests a walk-through with LESSEE and LESSEE'S contractor prior to commencement of any improvements by LESSEE to the Premises.
- (b) The LESSEE shall be responsible for all Tenant Improvements or Alterations to the Premises not performed by the LESSOR and all costs associated with said LESSEE Tenant Improvements or Alterations. Said Tenant Improvements or Alterations are to comply with applicable building (including Americans With Disabilities Act, or ADA) and fire codes and are to be performed by licensed and bonded contractor with a building permit from the City of Portland or the appropriate governmental agency. Prior to the commencement of work, LESSEE'S general contractor shall provide LESSOR proof of insurance indemnifying LESSOR for claims that may arise during the course of Tenant Improvements or Alterations. All tenant improvements performed by LESSEE shall have prior written approval by LESSOR using materials of quality satisfactory to LESSOR. LESSEE shall provide construction drawings, which will be attached to the LEASE as Exhibit "D" and approved by LESSOR in writing prior to commencement of LESSEE tenant improvements.
- (c) The LESSEE will be responsible for all costs associated with LESSEE Tenant Improvements or Alterations.
- (d) LESSEE to appoint one (1) person as a LESSEE representative project manager regarding all LESSEE Tenant Improvement or Alterations coordination. LESSOR will only interface with that person.
- (e) Before commencing any Tenant Improvements or Alterations using LESSEE outside contractors, LESSEE shall notify LESSOR of the expected commencement and completion dates of the LESSEE tenant improvement work. LESSEE shall not permit any mechanics' or materials' liens to be levied against the Premises or the Building for any labor or materials furnished to LESSEE or its agents or contractors; provided, however, that LESSEE shall not be required to pay or otherwise satisfy any claims or discharge such liens so long as LESSEE, in good faith and at its own expense, contests the same or the validity thereof by appropriated proceedings and posts a bond or takes other steps acceptable to LESSOR that stay enforcement of such lien.
- (f) LESSEE agrees that there shall be no occupancy of the Premises by LESSEE until any/all notices of mechanics' liens are removed from the property and LESSOR is in receipt of lien waivers from all trades for LESSEE Tenant Improvements or Alterations.
- (g) Prior to commencement of any LESSEE Tenant Improvements or Alterations to the Premises, LESSOR shall require LESSEE to have their General Contractor provide LESSOR with proof of Performance and Payment bond acceptable to the LESSOR listing LESSOR as an Obligee.
- (h) LESSOR also requires LESSEE'S construction agreement with LESSEE'S general contractor for the Premises to include a waiver of any right to lien against the LESSOR'S property and a statement that the General Contractor's only resource is the LESSEE and not the LESSOR for any payments related to the improvements of the Premises.
- (i) Upon completion of LESSEE'S Tenant Improvements or Alterations per the construction documents (to be attached to LEASE prior to construction start) approved by LESSOR, LESSOR'S inspection of the completed said Tenant Improvements or Alterations, and LESSEE supplying a full set of lien releases.
- (j) All materials shall be installed in a good workmanship manner, and quality.
- (k) All LESSEE Tenant Improvements or Alterations will need to be routed through the Facilities Permit Program with the City of Portland if the Building is located within the city limits of Portland. All associated charges will be billed to the LESSOR and passed through to the LESSEE for payment upon receipt. LESSEE is aware all inspections and associated fees generated by LESSEE or LESSEE'S contractor will be paid by the LESSEE. All reinspections associated with LESSEE'S Tenant Improvements or Alterations will be paid by LESSEE.
- (l) The LESSEE may not occupy the Premises until LESSOR is in receipt of a copy of a-Certificate of Occupancy. (This only applies to initial Tenant Improvements).

44.1 SITE PLAN

See Exhibit "E" Site Plan

45.1 TELEPHONES

LESSEE agrees, at its expense, to provide voice and data wiring to the Premises and appropriate common areas. LESSEE agrees to put any equipment associated with LESSEE'S voice and data system in the Premises. LESSEE agrees that LESSOR shall not be liable for any damages or other liability incurred by LESSEE or any other parties as a result of LESSEE'S wiring the Premises for voice and data or the existing condition of any voice and data wiring or system. LESSEE further agrees to indemnify and hold harmless LESSOR from any and all liability or claims of LESSEE or others arising or resulting from LESSEE'S wiring of the Premises for voice and data communications. The LESSEE agrees to have LESSEE'S voice/data vendor obtain a low voltage permit and coordinate Building access and installation with the LESSOR.

The LESSOR will agree to remove all existing voice and data lines/wiring prior to Commencement Date if LESSEE so requests in Exhibit "C" prior to LESSEE signing this LEASE. If LESSEE does not request in Exhibit "C" that LESSOR remove all existing voice and data lines/wiring, then LESSEE shall be responsible for any removal required.

If LESSEE decides to use any of the existing voice and data lines/wiring, the LESSOR will not be responsible for removing any existing voice and data lines/wiring.

46.1 TIME IS OF THE ESSENCE

LESSOR and LESSEE acknowledge that time is of the essence in the execution of this LEASE in order to allow LESSOR adequate time to complete the agreed upon Tenant Improvements. Due to the extent of tenant improvements described in Exhibits "B-1" and "B-2" Space Plans and Exhibit "C" Interior Space Work Agreement, the LESSOR'S contractor may require up to **sixty (60) days** after receipt of a building permit in order to complete said improvements. LESSEE understands that the Tenant Improvements described in Exhibits "B-1" and "B-2" Space Plans and Exhibit "C" Interior Space Work Agreement may not be completed by the Lease Commencement date and LESSEE shall not take possession of Premises until said Tenant Improvements are completed.

47.1 EXPIRATION OF OFFER

This offer to lease shall be null and void at the sole option of the LESSOR if not returned to LESSOR signed by LESSEE in an acceptable form to LESSOR and accompanied by appropriate funds by **April 11, 2008**.

48.1 TAX CLAUSE

LESSEE is entitled to claim a LESSOR exemption from real property taxes for the Property. To the extent LESSEE obtains such an exemption, LESSEE shall not be liable for payment to LESSOR of any additional sum for real property taxes, but shall remain liable for payment of any special assessments for which LESSEE does not receive any exemption. The Rent already reflects property tax exemption. LESSEE'S failure to obtain the tax exemption will result in a rent increase based on the actual real property tax paid.

49.1 OPTION TO EXTEND

LESSEE shall be entitled to two (2) consecutive options to extend this LEASE for a term of five (5) years commencing after the initial lease term expiration at the then prevailing market terms and conditions. Base rent during option renewal periods shall be adjusted to one hundred fifty percent (150%) of the trailing CPI for the first year of each option renewal period with a three percent (3%) increase for the remaining four (4) years of each option renewal period, with the exception that in no event will the initial option rent be less than the preceding years rent. LESSEE to provide LESSOR with no less than one hundred twenty (120) days and no more than one hundred eighty (180) days written notice evidencing LESSEE'S exercising of said option to extend prior to the expiration of the initial Lease term or first option period (if exercised). If LESSOR and LESSEE have not fully executed an extension agreement thirty (30) days prior to the expiration of the initial Lease term or first option (if exercised), this option to extend shall be null and void.

- (a.) LESSEE shall have no right to exercise said Option, notwithstanding any provision in the granting of Option to the contrary; (i) during the period commencing with the giving of any notice of Default under Paragraph 17.1 and continuing until the notice Default is cured or; (ii) during the period of time any monetary obligation due LESSOR from LESSEE is unpaid (without regard to whether notice thereof is given to LESSEE), or (iii) during the time LESSEE is in breach of this LEASE, or (iv) in the event the LESSOR has given to LESSEE three (3) or more notices of separate Defaults during the twelve (12) month period immediately preceding the exercise of said Option, whether or not the Defaults are cured.
- (b.) The Option granted to LESSEE in the LEASE is personal to the original LESSEE named on Page 1 hereof and cannot be voluntarily assigned or exercised by any person or entity other than said original LESSEE while the original LESSEE is in full and actual possession of the Premises and without the intention of thereafter assigning or subletting. The Option herein granted to LESSEE is not assignable, either as part of an assignment of this LEASE or separately or apart therefrom, and no Option may be separated from this LEASE in any manner, by reservation or otherwise.

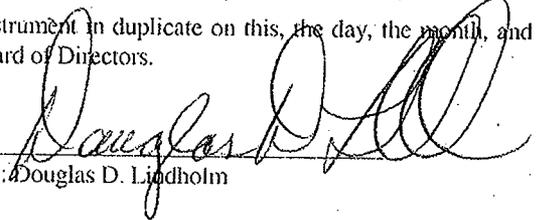
50.1 SPECIAL PROVISION

- (a.) LESSEE at any time during the initial Lease term shall have the option to install a LESSOR approved lift device. All associated installation costs, including but not limited to design costs, permit fees, and equipment costs will be at the LESSEE'S sole cost and expense. All on going costs associated with the lift device, including but not limited to the maintenance, repairs, replacement, inspections, and licensing fees to operate this device will be at the LESSEE'S sole cost and expense.
- (b.) The LESSEE at any time during the initial Lease term shall also have the right to pursue approval and construction of LESSOR approved curb cut along Cherry Blossom Drive. All fees, permits, construction, design costs and on going maintenance, service, repair and replacement costs will be at LESSEE'S sole cost and expense.

In construing of this LEASE, it is understood that the LESSOR or the LESSEE may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine, and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the respective parties have executed this instrument in duplicate on this, the day, the month, and year first hereinbelow written, any corporation signature being by authority of its Board of Directors.

LESSOR:
AMERICAN PROPERTY MANAGEMENT CORP.
as agent for and on behalf of WESTON INVESTMENT CO. LLC
(Federal Tax ID# 93-1173413*)
*Lessee need not supply Lessor a Federal 1099 Form
Address for Notices:
P.O. Box 12127
Portland, Oregon 97212-0127

By: 
Name: Douglas D. Lindholm
Title: Vice President of Commercial Property

DATE: 4/22/08

LESSEE:
Multnomah County, Oregon

By: 
Name: TED WHEELER
Title: CHAIR

Address for Notices:

DATE: APRIL 17, 2008

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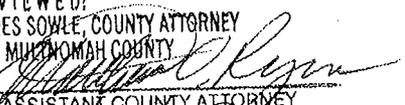
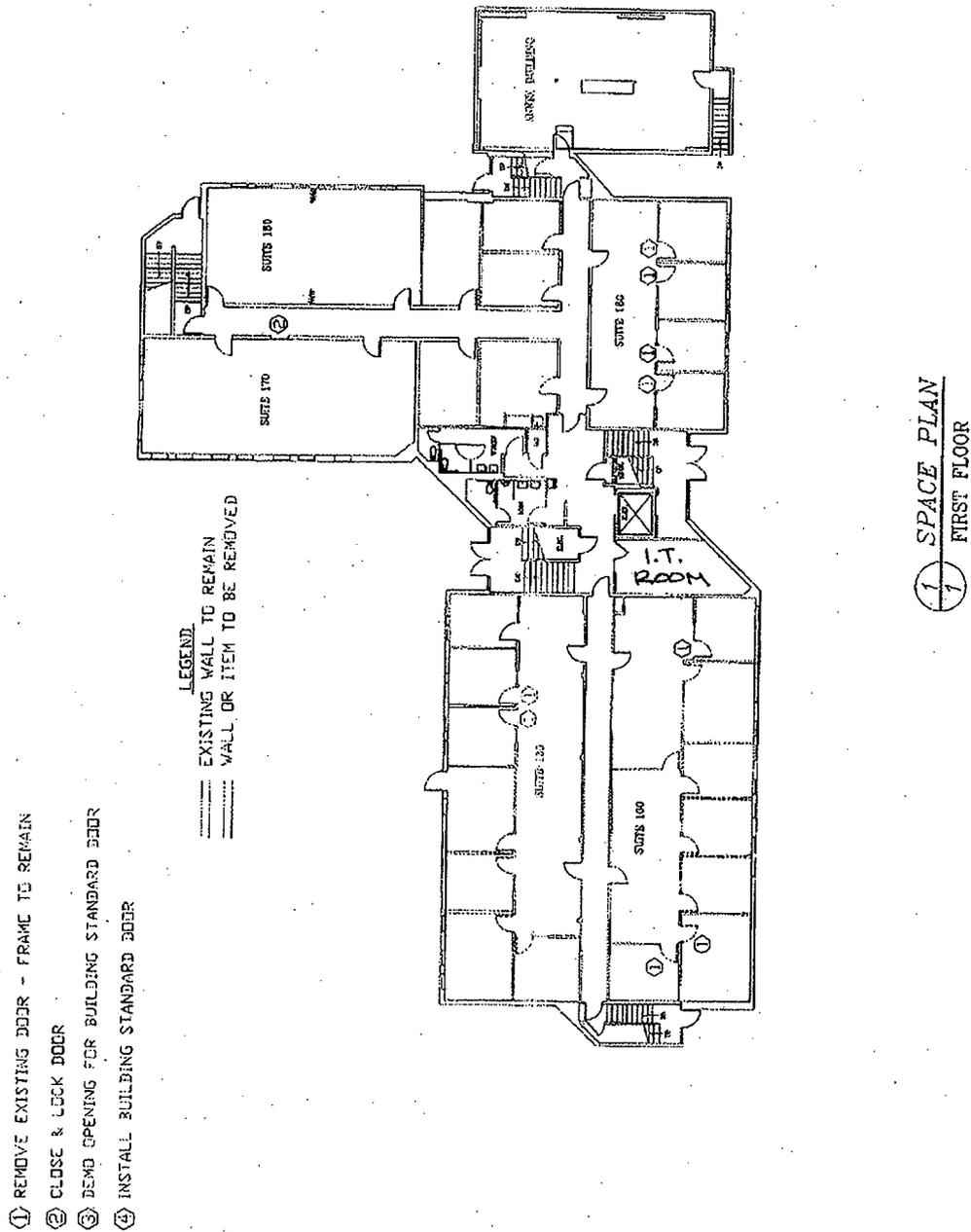
REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY
BY: 
ASSISTANT COUNTY ATTORNEY
DATE: 4/17/08

EXHIBIT "B-1" SPACE PLAN (First Floor)

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01

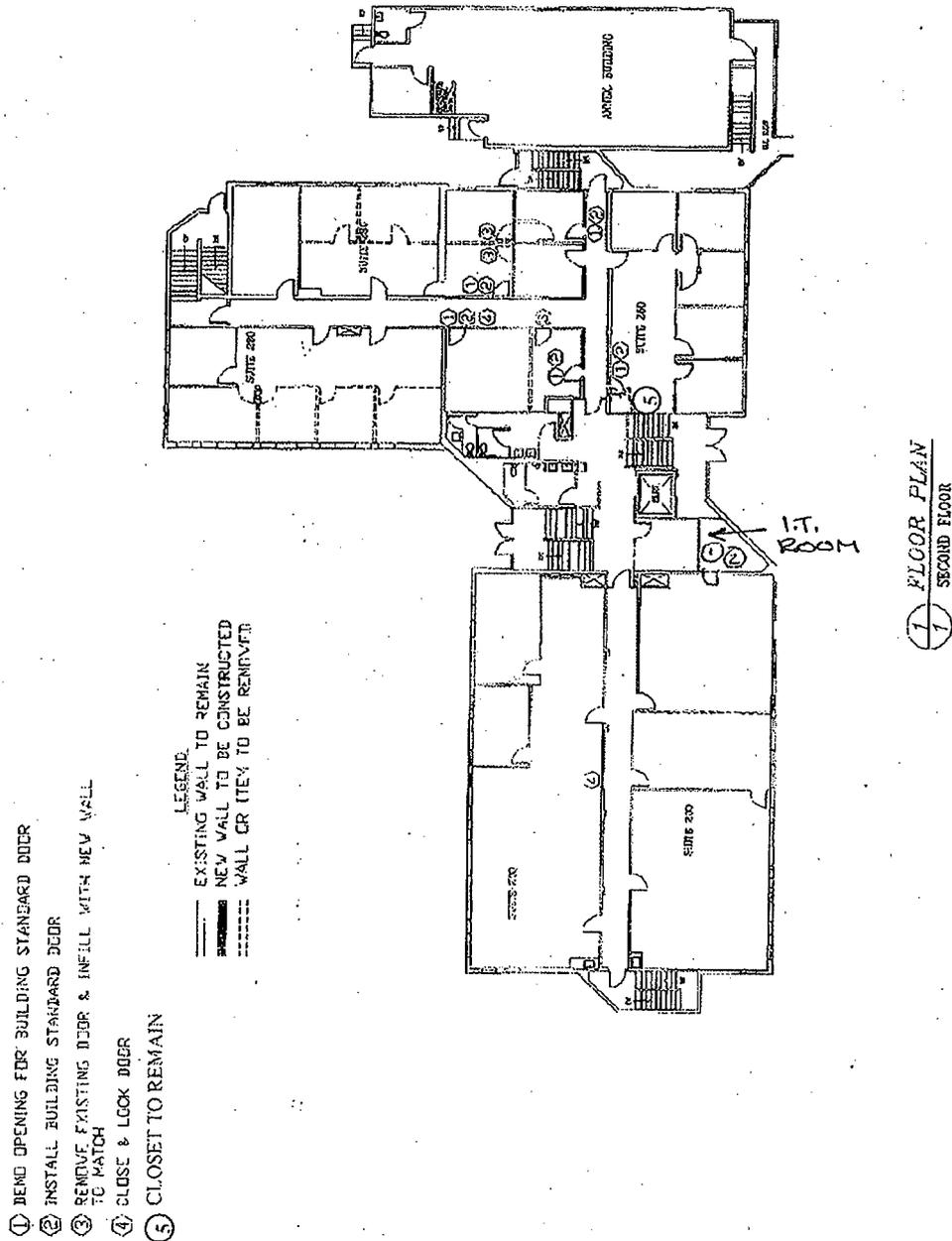


Any changes to this Exhibit "B-1" Space Plan are subject to LESSOR'S approval. Any changes to this plan shall be at LESSEE'S sole cost and expense, shall not delay the Commencement Date, and may delay LESSEE'S occupancy.

If any provision contained in Exhibit "C" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE (ie: Exhibit "B-1" and "B-2" Space Plans), the provisions contained in Exhibit "C" Interior Space Work Agreement shall control.

EXHIBIT "B-2" SPACE PLAN (Second Floor)

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01



Any changes to this Exhibit "B-2" Space Plan are subject to LESSOR'S approval. Any changes to this plan shall be at LESSEE'S sole cost and expense, shall not delay the Commencement Date, and may delay LESSEE'S occupancy.

If any provision contained in Exhibit "C" Interior Space Work Agreement is inconsistent with any other provision contained in this LEASE (ie: Exhibit "B-1" and "B-2" Space Plans), the provisions contained in Exhibit "C" Interior Space Work Agreement shall control.

EXHIBIT "C" INTERIOR SPACE WORK AGREEMENT

LESSEE: Multnomah County, Oregon
 ACCOUNT #C-363-7700-01 BUILDING/SUITE #: Cherry Blossom Plaza

<u>ITEM</u>	<u>ACCEPTED</u>	<u>AGREED</u>	<u>LESSOR</u>	<u>LESSEE</u>
<u>AS-IS</u>	<u>IMPROVEMENTS</u>	<u>EXPENSE</u>	<u>EXPENSE</u>	<u>EXPENSE</u>
PAINTING: (Building Standard Color)	_____	All existing walls have been painted and will remain Weston White. New walls will be painted to match.	X	_____
FLOORCOVERING: (Building Standard Direct Glue Down Carpet, Color/Cove Base Color)	_____	Shampoo existing corridor carpet. Recarpet non-carpeted office areas using building standard carpet and cove base. The storage area floor to remain as is. Color to be: Preparatory #02428 #10102-02238 / Academy Cove base to be: Slate #660 #104 / Fudge	X	_____
VINYL FLOORCOVERING: (Building Standard Vinyl)	_____	Clean all existing vinyl flooring.	X	_____
LIGHTING: (Building Standard Fixtures and Distribution)	X	All existing light fixtures to remain as is, except LESSOR will reposition existing light fixtures, only if required after build out, per Exhibit "B" Space Plan.	_____	_____
ELECTRICAL: (Building Standard 110 Volt)	_____	Ensure all existing outlets work and have cover plates at Lease Commencement Date. Existing electrical in existing walls to remain as is. The only electrical in existing walls to remain as is. The only new electrical outlets and mud rings will be provided where indicated on Exhibit "B" Space Plan. LESSOR to provide "J" boxes in ceiling plenum for LESSEE'S workstations. LESSEE to be responsible for providing and wiring the power poles from the "J" box to the workstations. LESSEE to identify location of a LESSOR approved number of "J" boxes by marking the floor with an "X".	X	_____
CEILING: (Building Standard Acoustical Tile)	X	The existing ceiling system will remain as is, except LESSOR will replace stained or broken ceiling tiles prior to Commencement Date, unless ceiling tile damage is caused by LESSEE'S voice data installation.	_____	_____
PARTITIONS: (Building Standard Sheetrock)	_____	Remove and build partitions using building standard materials per Exhibit "B" Space Plan.	X	_____

*AWX
11/27/06*

LESSOR INITIAL DL LESSEE INITIAL _____

EXHIBIT "C" INTERIOR SPACE WORK AGREEMENT (Continued)

LESSEE: Multnomah County, Oregon
 ACCOUNT #C-363-7700-01 BUILDING/SUITE #: Cherry Blossom Plaza

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>	<u>LESSEE EXPENSE</u>
DOORS/FRAMES: (Building Standard Quality)	<u> X </u>	None, all existing door and doorframes to remain as is, except LESSOR will remove doors where indicated on Exhibit "B" Space Plan, doorframes will remain. LESSOR to replace the double glass entry door on the south side of the building with a wider (approximately 42" wide) single glass left side swing door with a sidelight. Automatic ADA door openers will be placed at both main entrances to the building.	_____	_____
LOCKS/HARDWARE: (Building Standard Quality)	_____	All interior doors are to be supplied with passage doorknobs only (no locks), except where indicated on Exhibit "B" Space Plan. LESSOR to provide <u>2</u> suite entry door keys. <i>PER SUITE</i> LESSOR to provide <u>40</u> building entry keys. LESSOR to provide <u>2</u> common restroom keys.	<u> X </u>	_____
RELIGHTS: (Building Standard Interior)	<u> X </u>	NONE	_____	_____
WINDOWCOVERING: (Building Standard Exterior)	<u> X </u>	NONE	_____	_____
TELEPHONE: (Building Standard Mnd Rings)	<u> X </u>	NONE	_____	_____

CB

LESSOR INITIAL LESSEE INITIAL

EXHIBIT "C" INTERIOR SPACE WORK AGREEMENT (Continued)

LESSEE: Multnomah County, Oregon
 ACCOUNT #C-363-7700-01 BUILDING/SUITE #: Cherry Blossom Plaza

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>	<u>LESSEE EXPENSE</u>
RESTROOMS:	_____	<p><u>Second Floor:</u> The current men's restroom will become an ADA/Unisex restroom and the current women's restroom will become the men's restroom. The LESSOR will provide the new signage. The urinal and stall in the current men's restroom shall be removed. The existing ceramic tiles will be patched to the best of the LESSOR'S ability. No other changes will be made inside the current men's restroom.</p> <p>Directly outside the current men's restroom is a wall and a soffited ceiling with a stair well rail wrapping around said wall, which will all remain as is. The current women's restroom will remain as is since the toilet fixtures are floor mounted and the existing plumbing cannot receive a wall-mounted urinal.</p> <p><u>First Floor:</u> Current men's restroom will become an ADA/Unisex and the women's restroom will remain as is. The LESSOR will provide the new signage. All plumbing fixtures shall remain as is.</p> <p><u>Annex Building:</u> Modification is limited by the location of the exterior door. LESSOR will make the following modifications; the door swing will be reversed to swing out and grab bars will be installed. All plumbing fixtures will remain as is. See Exhibit "R-1" Annex Building Restroom.</p>	X	_____
POWER DOOR OPENER(S):	_____	<p>Install a building standard single door power door opener on the north side and south side building entry doors only. System(s) installed are to be ADA compliant.</p>	X	_____
PARKING:	_____	<p>LESSOR to make available the entire Cherry Blossom Plaza parking lot. LESSOR to paint two (2) handicap symbols at rear of Main Building to existing space #47 and space #48 and re-stripe for handicap spaces along East property line of parking lot where there is currently only one (1) and designate the existing handicap parking space in front of Annex Building for load/unload only. Striping to include parallel parking space along East side of Annex Building. See attached Exhibit "E" Site Plan.</p>	X	_____

EXHIBIT "C" INTERIOR SPACE WORK AGREEMENT (Continued)

LESSEE: Multnomah County, Oregon
 ACCOUNT #C-363-7700-01 BUILDING/SUITE #: Cherry Blossom Plaza

<u>ITEM</u>	<u>ACCEPTED AS-IS</u>	<u>AGREED IMPROVEMENTS</u>	<u>LESSOR EXPENSE</u>	<u>LESSEE EXPENSE</u>
SIDEWALK WEST OF BUILDING ENTRANCE:	_____	The LESSOR will add semi circle concrete sidewalk next to the existing side walk on the Building side of the side walk in front of the two (2) existing trees west of the Building entrance, see attached diagram for dimensions in Exhibit s "S-1", "S-2" and "S-7".	<u> X </u>	_____
SIDEWALK EAST OF BUILDING ENTRANCE:	_____	The LESSOR will add triangular concrete sidewalk next to the existing sidewalk on the Building side of the sidewalk in front of the two (2) existing trees east of the Building entrance, see attached diagram for dimensions in Exhibits "S-3", "S-4" and "S-7".	<u> X </u>	_____
PARKING LOT SIDEWALK TO LOWER LEVEL:	_____	The LESSOR will add triangular concrete sidewalks next to the existing sidewalk where the parking lot sidewalk to the lower level makes two (2) ninety degree (90°) turns, see attached diagram for dimensions in Exhibits "S-5", "S-6" and "S-7".	<u> X </u>	_____
KITCHEN/ I.T. ROOMS 1 st & 2 nd FLOOR	_____	Install building standard 1' x 1' VCT in kitchen/ room area only per Exhibit "B-1" Space Plan. Color to be: <u>V423/Autumn Haze</u> Cove base to be: <u>#104/Fudge</u>	<u> X </u>	_____
EXISTING VOICE AND DATA LINES:	<u> X </u>	Remove all existing voice and data lines/wiring. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	_____	_____

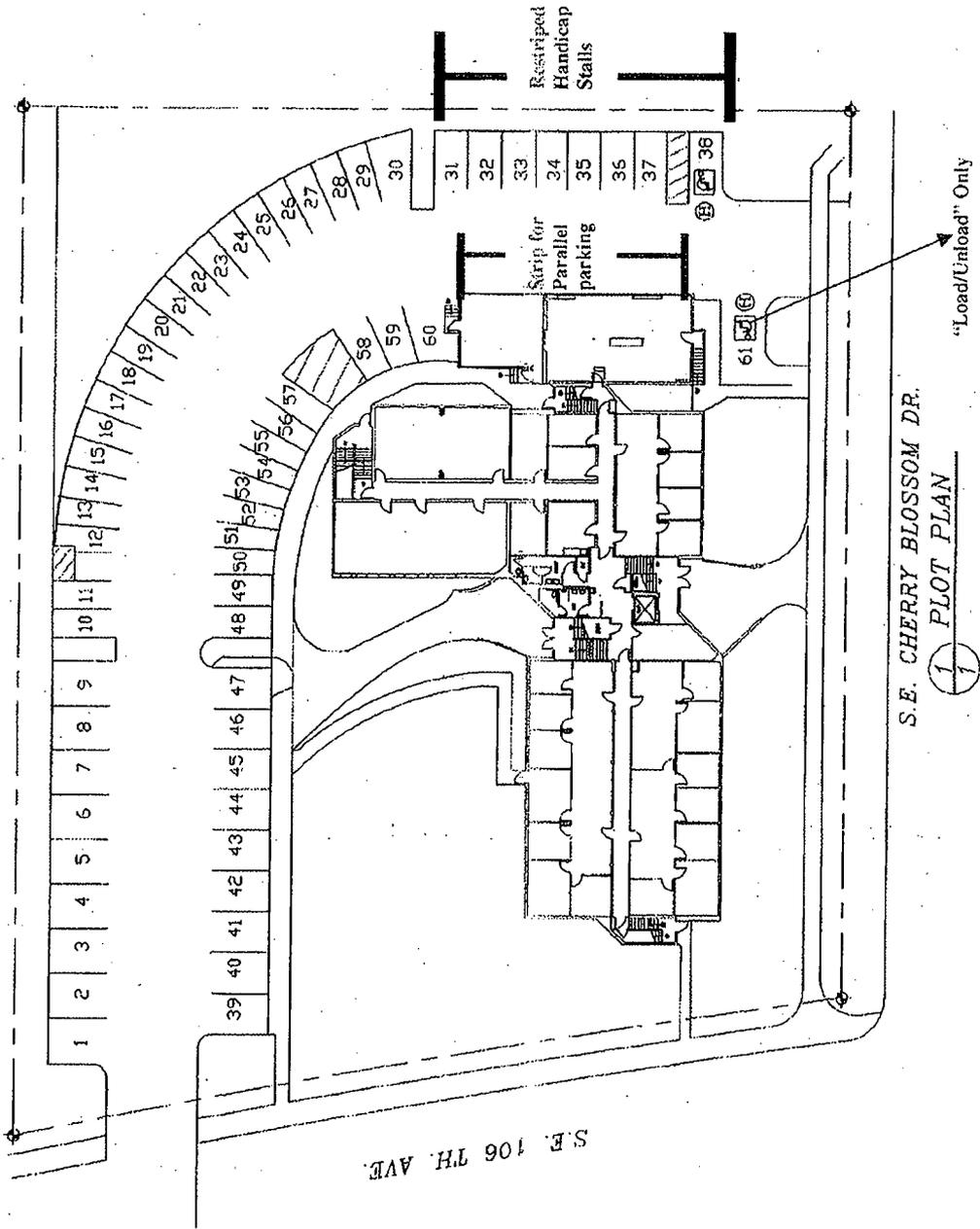
[Handwritten signatures and initials]
 JEW
 11/2/08

If LESSEE is modifying the existing space layout, or expanding their Premises, it is understood and agreed that all Lessor Agreed Tenant Improvement work may be performed during normal business hours and will not be deemed as an interruption of LESSEE'S business and that AMERICAN PROPERTY MANAGEMENT CORP. assumes no liability for damage to any existing hidden electrical located in the walls, ceiling and/or floors (i.e., electrical for phones, fax, computers, office equipment, etc.) that is not indicated on this agreement and brought to the attention of AMERICAN PROPERTY MANAGEMENT CORP. prior to the office remodel or is not equipped with an appropriate power surge protection device. If any provisions contained in this Exhibit "C" Interior Space Work Agreement are inconsistent with any other provisions contained in this LEASE (ie: Exhibit "B" Space Plan), the provisions contained in this Exhibit "C" Interior Space Work Agreement shall control.

LESSOR INITIAL *[Signature]* LESSEE INITIAL _____

EXHIBIT "E" SITE PLAN

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01



The above Floor Plan is meant to show the approximate location of the Premises in relation to the rest of the floor only. It may not show an accurate as-built drawing and is not meant for tenant improvement purposes.



Engineering +
Environmental

April 14, 2008

Mike McBride
Environmental Health and Safety Specialist
Multnomah County Facilities and Property Management
410 North Dixon Street
Portland, Oregon 97227-1865

Re: Limited Asbestos Survey Results Letter
Cherry Blossom Plaza - 10615 SE Cherry Blossom Drive, Portland, Oregon
PBS Project No. 15194.815 Task 0001

Dear Mr. McBride,

BACKGROUND

On April 2, 2008, PBS Engineering + Environmental (PBS) met with Multnomah County Facilities representatives, to discuss renovation activities to various floors and office spaces in the Cherry Blossom Plaza Building. It is PBS' understanding that the project will involve the removal of various partition walls, and relocation of door frames in the above-mentioned area. PBS completed limited sampling of suspect asbestos-containing building materials (ACBM's) survey that may be impacted during this project.

FINDINGS

During the site visit, ACBM's were sampled by Jay Doane, an AHERA accredited Building Inspector. Each bulk sample was assigned a unique identification number and delivered to Lab/Cor Portland, Inc. under chain of custody. All of the asbestos bulk samples were analyzed using Polarized Light Microscopy (PLM), which has a reliable limit of quantification of one percent asbestos by volume. A total of six asbestos bulk samples were collected and analyzed for asbestos content.

MATERIALS TESTING POSITIVE FOR ASBESTOS

- Joint compound on the first floor north side, east end wall

Note: sample number 15194.815-0001 was resubmitted to the laboratory for point count analysis, and was found to contain **less than 1%** asbestos.

Please refer to the attached LabCor analytical report for specific sample results.

MATERIALS TESTING NEGATIVE FOR ASBESTOS

The following materials tested negative for asbestos:

- Gypsum wallboard and joint compound various locations throughout building
- Residual carpet mastic and leveling compound
- Hard fitting on fiberglass insulated pipes in mechanical space off first floor men's room
- Lay-in ceiling tiles throughout building

Under the current regulations, the EPA, DEQ and OSHA classifies a material as "asbestos-containing" if analytical results indicate the material is (greater than) >1%. However, in a policy clarification dated January 5, 1995 by the EPA (Asbestos NESHAP) has stated, when joint compound and/or tape is applied to wallboard, it becomes an integral part of the wallboard and in effect becomes one material forming a wall system. EPA recommends a

Mike McBride
Environmental Health and Safety Specialist
Re: Cherry Blossom Plaza - Limited Asbestos Survey
April 14, 2008
Page 2 of 2

composite analysis of the wall system to determine asbestos content. OSHA, however still refers to the joint compound and/or tape as an "added" material or layer system.

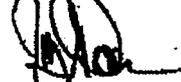
Potential contractors should be aware that asbestos-containing joint compound (less than) <1% may be present in the Cherry Blossom Plaza Building. The EPA and DEQ would consider this a non-regulated material. OSHA still considers the disturbance of this material as Class II asbestos work requiring respiratory protection, training, initial air monitoring, and dust suppression to ensure worker safety.

OTHER POSSIBLE MATERIAL IMPACTS - INTERIOR RENOVATION ACTIVITIES

ACBM's may exist in other locations in the Cherry Blossom Plaza including but not limited to vinyl floor tile/mastic, caulking, pipe insulation, gypsum wallboard systems, troweled-on fireproofing, textured wall ceilings plasters, and thermal system insulation. Any additional suspect ACBM's encountered, that were not a part of this limited survey should be tested prior to impact. Proper precautions should be exercised when accessing areas that are considered inaccessible; i.e., areas requiring selective demolition or those requiring fall protection to gain access. Contractors that have the potential for impacting ACBM's are advised to confirm Oregon Occupational Safety and Health Administration training requirements and ensure that proper worker protection and work practices are implemented.

Please call me if you have any questions regarding these results. My direct line is 360.213.0455.

Sincerely,



Jay J. Doane
AHERA Building Inspector

Attachments: PBS Bulk Sample Inventory
Lab/Cor Portland, Inc., Bulk Sample Analysis Data

<u>Code</u>	<u>Material</u>	<u>Location</u>	<u>Results</u>	<u>Lab</u>
15194.815-0001	Gypsum Wallboard/Joint Compd.	First floor; north side; east end wall		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	fine compact powder, white	3% Chrysotile	
	Layer 2	compact chalky material w/ paper, white	No Asbestos Detected	
15194.815-0002	Gypsum Wallboard/Joint Compd.	First floor; south side; central wall		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	compact powder, off white	No Asbestos Detected	
	Layer 2	compact chalky material w/ paper, white	No Asbestos Detected	
15194.815-0003	Mastic/Levelling Compound	First floor south side; residual carpet mastic		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	mastic, yellow	No Asbestos Detected	
	Layer 2	compact chalky material, white	No Asbestos Detected	
15194.815-0004	Hard Fittings/Fiberglass	First floor; men's room HWH closet		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	loose fibrous material, yellow	No Asbestos Detected	
	Layer 2	compact fibrous powder, offwhite	No Asbestos Detected	
15194.815-0005	Gypsum Wallboard/Joint Compd.	Second floor; east wind; west side wall		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	fine compact powder, white	No Asbestos Detected	
	Layer 2	compact chalky material, pink	No Asbestos Detected	
15194.815-0006	Gypsum Wallboard/Joint Compd.	Second floor; south side; central wall		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	off white compact chalky material w/ paper	No Asbestos Detected	
15194.815-0007	Lay-in Ceiling Tile	Second floor; south east corner; 2"x4" pinhole/fissure new		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	grey compressed fibers	No Asbestos Detected	
15194.815-0008	Lay-in Ceiling Tile	Second floor; south east corner; 2"x4" pinhole/fissure old		Lab Cor
	Layer:	Description:	Analysis:	
	Layer 1	tan compressed fibers	No Asbestos Detected	

Asbestos and Environmental Analysis

Client: PBS Engineering and Environmental
4412 SW Corbett Ave
Portland, OR 97239

Report Number: 080582R01
Report Date: 04/03/2008

Job Number: 080582

P.O. No: n/a

Project Name:

Project Number: 15194.815 Task 0001

Project Notes:

Client Sample ID: 15194.815-0001		Sample ID: S1			Date Analyzed: 04/03/2008	
Client Sample Description:					Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:	
Layer 01						
fine compact powder, white	50 %	3 %	-	-	3 %	
Layer 02						
compact chalky material w/ paper, white	50 %	-	-	-	NAD	
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix	
Layer 01	2 %	-	-	-	95 %	
Layer 02	5 %	-	-	-	95 %	

Client Sample ID: 15194.815-0002		Sample ID: S2			Date Analyzed: 04/03/2008	
Client Sample Description:					Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:	
Layer 01						
compact powder, off white	80 %	-	-	-	NAD	
Layer 02						
compact chalky material w/ paper, white	20 %	-	-	-	NAD	
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix	
Layer 01	-	-	-	-	100 %	
Layer 02	10 %	-	-	-	90 %	

Client Sample ID: 15194.815-0003		Sample ID: S3			Date Analyzed: 04/03/2008	
Client Sample Description:					Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:	
Layer 01						
mastic, yellow	5 %	-	-	-	NAD	
Layer 02						
compact chalky material, white	95 %	-	-	-	NAD	
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix	
Layer 01	3 %	-	-	-	97 %	
Layer 02	-	-	-	-	100 %	

Job Number: 080582

Report Number: 080582R01

Report Date: 04/03/2008

Client Sample ID: 15194.815-0004		Sample ID: S4		Date Analyzed: 04/03/2008	
Client Sample Description:				Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Layer 01					
loose fibrous material, yellow	5%				NAD
Layer 02					
compact fibrous powder, offwhite	95%				NAD
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
Layer 01			100%		
Layer 02	5%		20%		75%

Client Sample ID: 15194.815-0005		Sample ID: S5		Date Analyzed: 04/03/2008	
Client Sample Description:				Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Layer 01					
fine compact powder, white	90%				NAD
Layer 02					
compact chalky material, pink	10%				NAD
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
Layer 01					100%
Layer 02	4%				96%

Client Sample ID: 15194.815-0006		Sample ID: S6		Date Analyzed: 04/03/2008	
Client Sample Description:				Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Homogeneous					
compact chalky material w/ paper, off white	100%				NAD
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
	2%	13%			85%

Client Sample ID: 15194.815-0007		Sample ID: S7		Date Analyzed: 04/03/2008	
Client Sample Description:				Analyst: Payam Amin	
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Homogeneous					
compressed fibers, grey	100%				NAD
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
	40%	40%			20%

Asbestos and Environmental Analysis

Job Number: 080582

Report Number: 080582R01

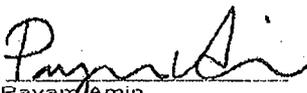
Report Date: 04/03/2008

Client Sample ID: 15194.815-0008	Sample ID: S8	Date Analyzed: 04/03/2008
Client Sample Description:		Analyst: Payam Amin
Asbestos Mineral Fibers	Percent of Sample: Chrysotile Amosite Crocidolite	Percent Asbestos:
Homogeneous		
compressed fibers, tan	100 %	NAD
Other Fibers	Fibrous Mineral Glass Cellulose Wool Synthetic-Other	Matrix
	100 %	

This laboratory participates in the National Voluntary Laboratory Accreditation Program (NVLAP).
Testing method is per 40 CFR 763 Subpart F, Appendix A, PLM.

Layered samples are considered non-homogeneous. "Misc" is miscellaneous. "NAD" is No Asbestos Detected.
Asbestos consists of the following minerals: chrysotile, amosite, crocidolite, tremolite, actinolite, anthophyllite.
Small diameter fibers such as those found in vinyl floor tiles, may not be detected by PLM.
Asbestos detection interferences may result from material binders.
Qualitative and quantitative TEM analysis may be recommended for difficult samples.
Quantitative analysis by PLM point count or TEM is recommended for samples testing at < or = to 1% asbestos.
The following estimate of error for this method by visual estimation of asbestos percent are as follows:
1% asbestos: 0-3% error, 5% asbestos: 1-9% error, 10% asbestos: 5-15% error, 20% asbestos: 10-30% error.
This report pertains only to the samples listed on the report. Report considered valid only when signed by analyst.

Reviewed by:

x 
Payam Amin
Analyst

080582



Engineering + Environmental

TRANSMITTAL AND CHAIN OF CUSTODY FOR ASBESTOS BULK SAMPLES

Project No.: 15194.815 Task 0001

Individuals signing this form warrant that the information provided is correct and complete. The Sender should keep a copy and send the original. The Receiver should complete the form, keep a copy and return the original to the Sender. Receiver shall report damage of package immediately to Sender.

SENDER

Date Sent: April 02, 2008

PBS Engineering + Environmental
4412 SW Corbett Avenue
Portland, OR 97239
503.248.1939, Fax: 503.248.0223

Tamara Anderson
Name

Tamara Anderson 4/2/08
Authorized Signature Date

RECEIVER

Date Received: 4/2/08 2:05 pm

Company: Lab Cor
Address: 4321 SW Corbett Ave Ste A
Portland, OR 97239
503-224-5055

NIA LEWIS
Name

[Signature] 4/2/08
Authorized Signature Date

Sender's ID No.	Brief Description	Receiver's ID No.
15194.815-0001		
15194.815-0002		
15194.815-0003		
15194.815-0004		
15194.815-0005		
15194.815-0006		
15194.815-0007		
15194.815-0008		

Please analyze the enclosed 8 sample(s) for asbestos content using PLM with dispersion staining. PBS requests prior notification if samples will be disposed.
Request verbal results by: _____ AM/PM _____ Date.

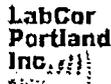
Please fax and mail the results to the above address.

TURNAROUND DESIRED: 48 Hour

SPECIAL INSTRUCTIONS:

[Empty box for special instructions]

JD/JS



Lab/Cor Portland, Inc.

4321 SW Corbett Ave., Ste A
Portland, OR 97239

BULK SAMPLE ASBESTOS ANALYSIS

Phone: (503) 224-5055
Fax: (503) 228-8282
http://labcorp.dw.net

Asbestos and Environmental Analysis

Client: PBS Engineering and Environmental

Report Number: 080652R01

Report Date: 04/10/2008

P.O. No: n/a

Job Number: 080652

Project Name:

Project Number: 15194.617-815

Project Notes:

Client Sample ID:	15194.617-0004	Sample ID:	S1	Date Analyzed:	04/10/2008
Client Sample Description:	080580-S4	Analyst:	Izumi Harris		
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Homogenous compact powder, white	100%	1.75%			1.28%
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
					98.72%

Comments: Originally 080580-S4

Client Sample ID:	15194.815-0001	Sample ID:	S2	Date Analyzed:	04/10/2008
Client Sample Description:	080582-S1	Analyst:	Izumi Harris		
Asbestos Mineral Fibers	Percent of Sample:	Chrysotile	Amosite	Crocidolite	Percent Asbestos:
Homogeneous compact powder, white	100%	2%			0.6%
Other Fibers	Fibrous Glass	Cellulose	Mineral Wool	Synthetic Other	Matrix
					99.4%

Comments: Originally 080582-S1

This laboratory participates in the National Voluntary Laboratory Accreditation Program (NVLAP). Testing method is per 40 CFR 763 Subpart F, Appendix A, PLM.

Layered samples are considered non-homogeneous. "Misc" is miscellaneous. "NAD" is No Asbestos Detected. Asbestos consists of the following minerals: chrysotile, amosite, crocidolite, tremolite, actinolite, anthophyllite. Small diameter fibers such as those found in vinyl floor tiles, may not be detected by PLM. Asbestos detection interferences may result from material binders. Qualitative and quantitative TEM analysis may be recommended for difficult samples. Quantitative analysis by PLM point count or TEM is recommended for samples testing at < or = to 1% asbestos. The following estimate of error for this method by visual estimation of asbestos percent are as follows: 1% asbestos: 0-3% error, 5% asbestos: 1-9% error, 10% asbestos: 5-15% error, 20% asbestos: 10-30% error. This report pertains only to the samples listed on the report. Report considered valid only when signed by analyst.

Reviewed by:

Izumi Harris
Izumi Harris
Analyst

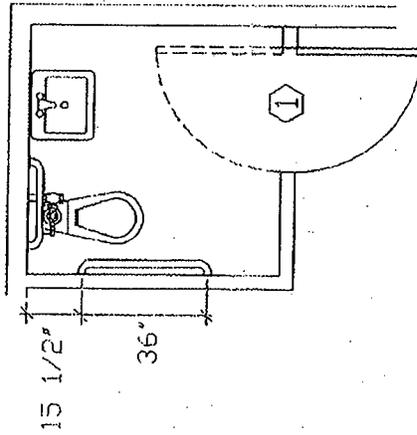


F-8

EXHIBIT "R-1" ANNEX BUILDING RESTROOM

Multnomah County, Oregon
10615 SE Cherry Blossom Drive
Portland, OR 97216
Account #C-363-7700-01

LEGEND
===== EXISTING WALL TO REMAIN
----- WALL OR ITEM TO BE REMOVED



① REVERSE EXISTING DOOR SWING

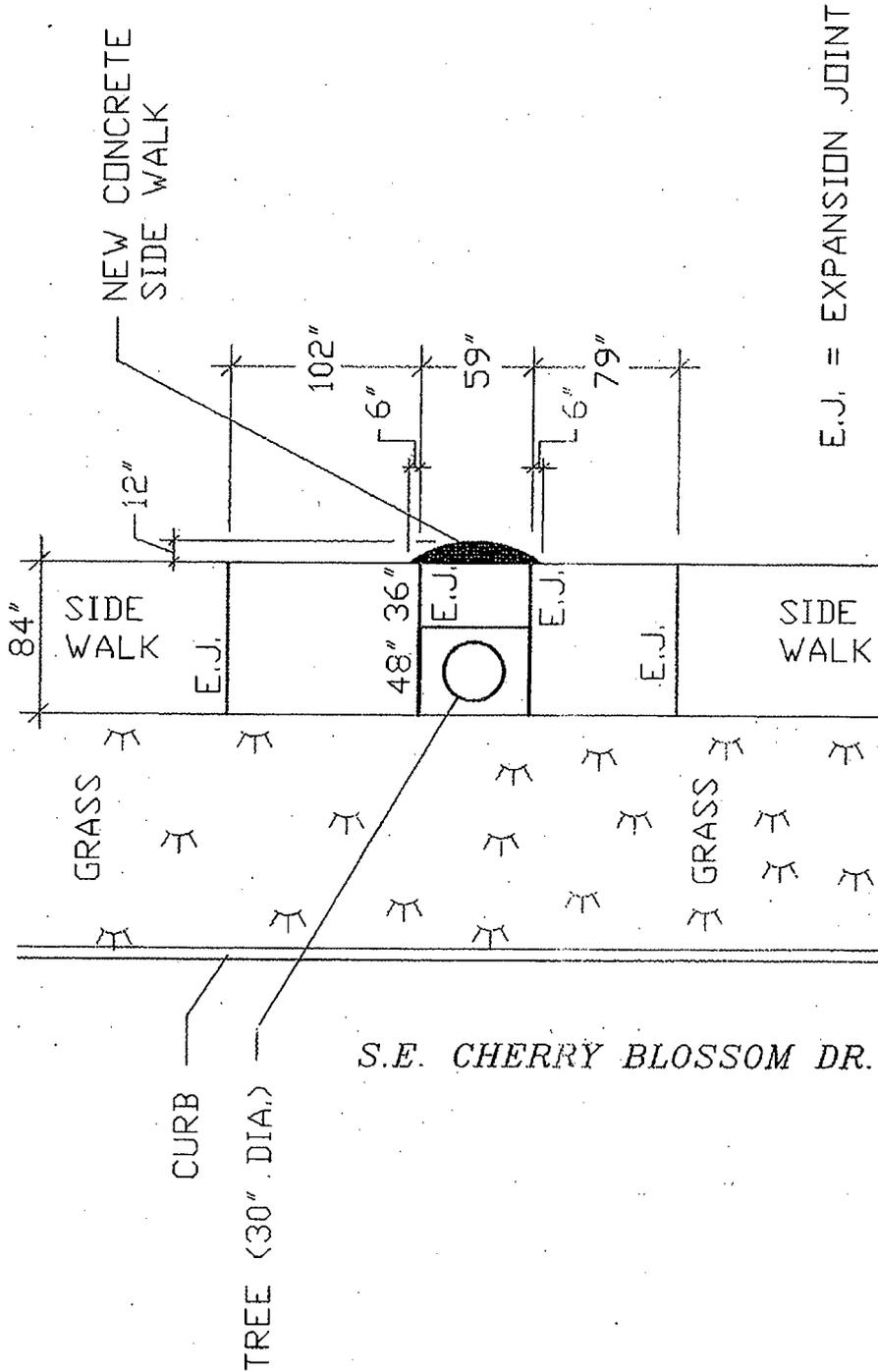
③
DETAIL
ANNEX. BUILDING
REST ROOM

(25)

LESSOR INITIAL _____ LESSEE INITIAL _____

EXHIBIT "S-1" SIDEWALK WEST OF BUILDING ENTRANCE

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01

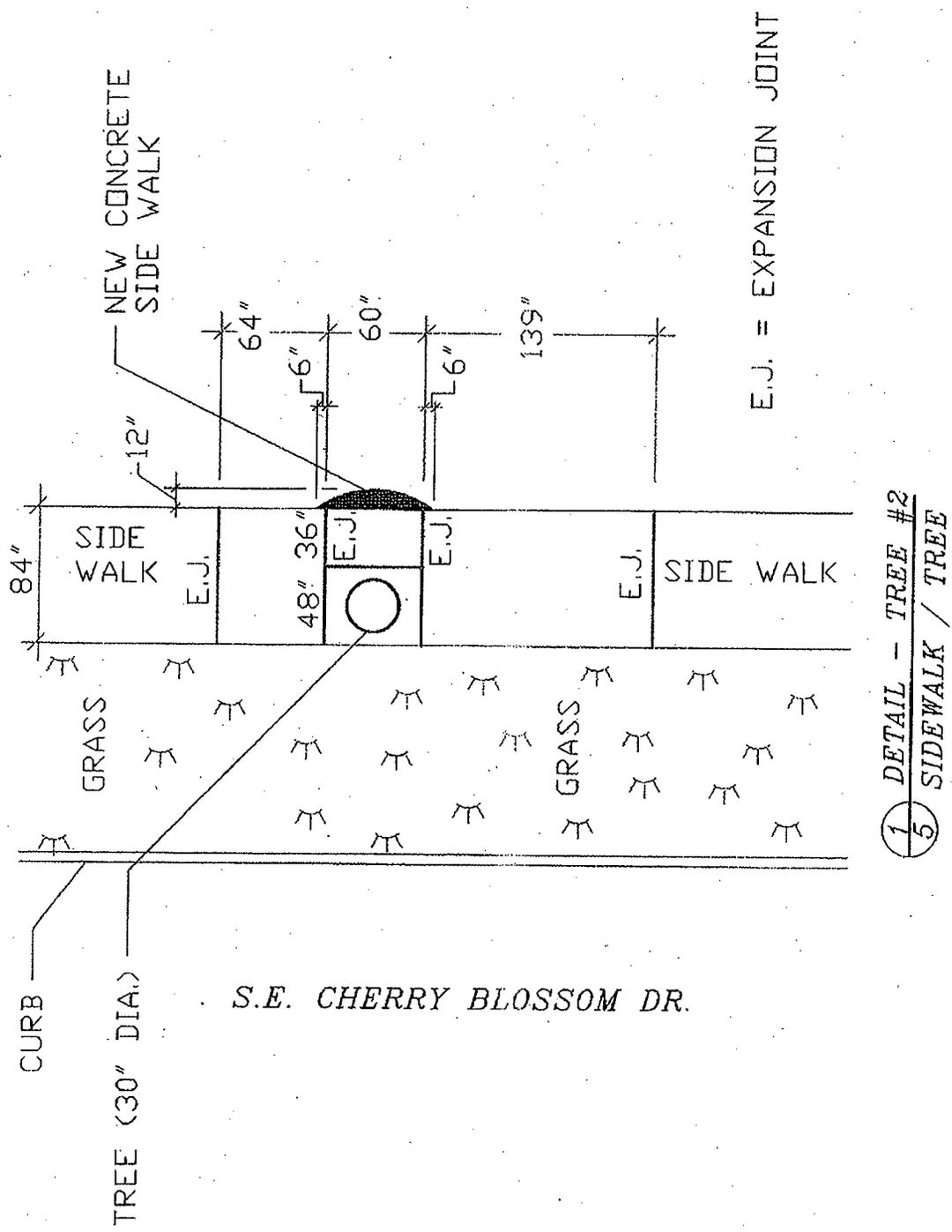


1
 4

DETAIL - TREE #1
 SIDEWALK / TREE

EXHIBIT "S-2" SIDEWALK WEST OF BUILDING ENTRANCE

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01



1
5
DETAIL - TREE #2
SIDEWALK / TREE

EXHIBIT "S-3" SIDEWALK EAST OF BUILDING ENTRANCE

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01

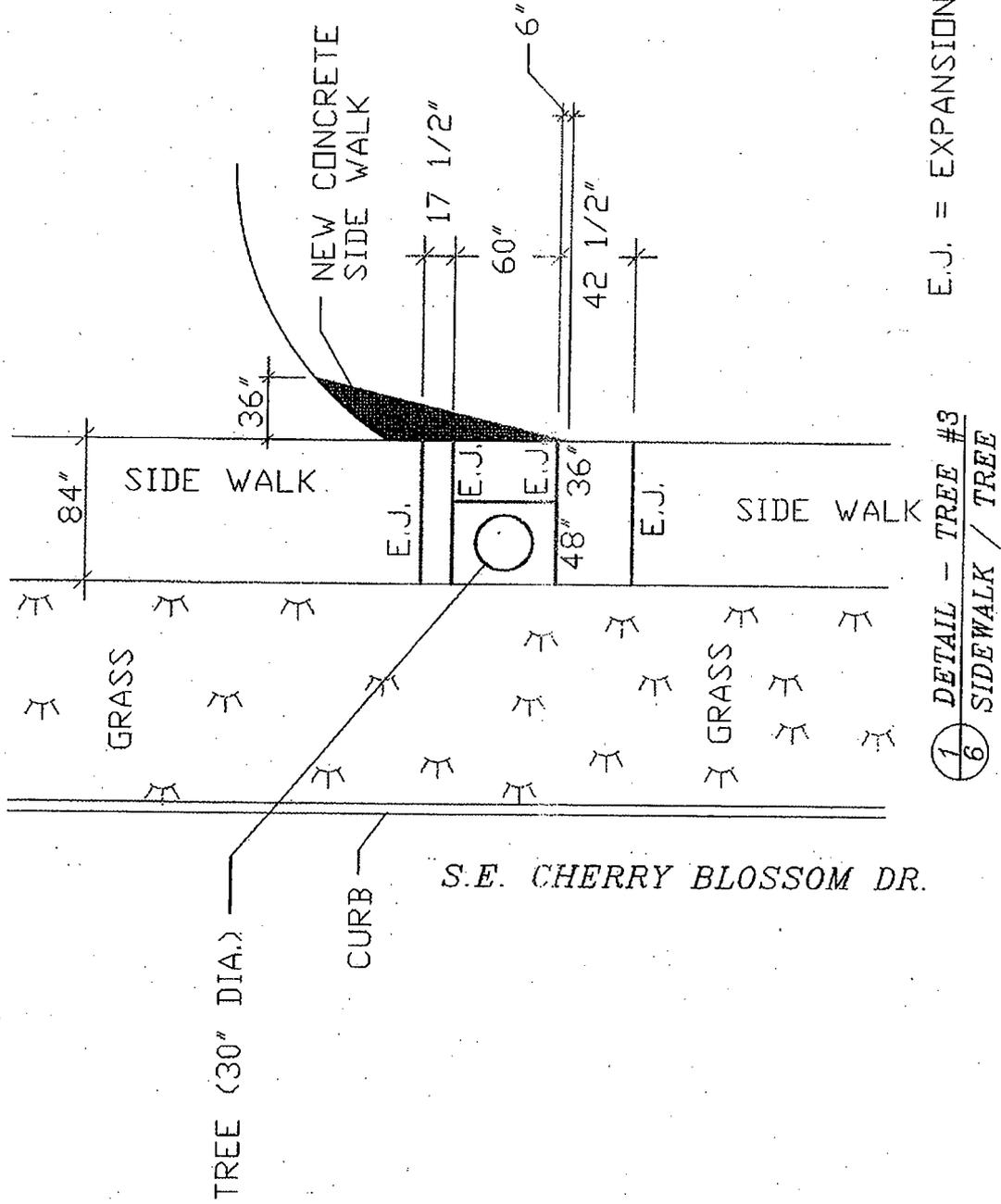
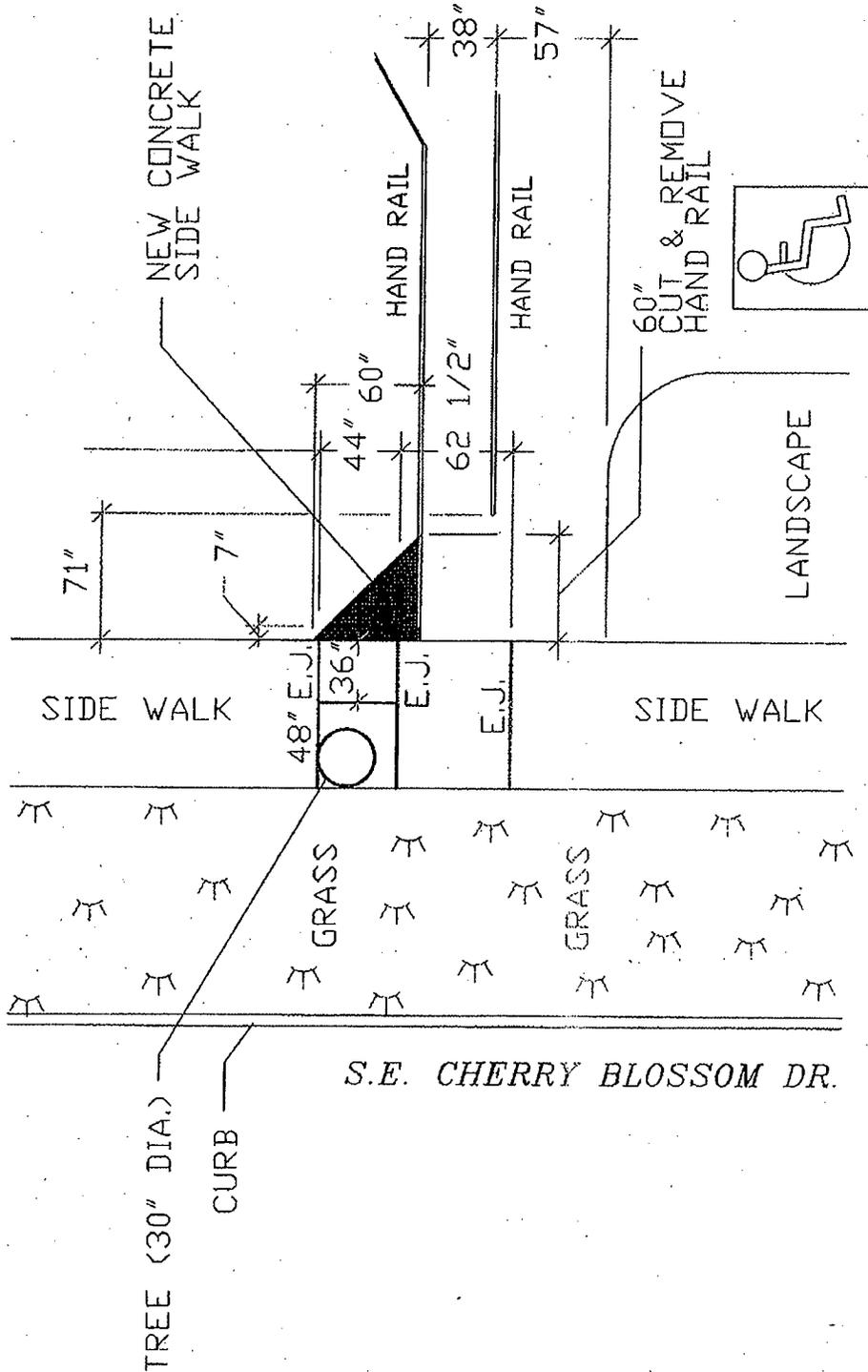


EXHIBIT "S-4" SIDEWALK EAST OF BUILDING ENTRANCE

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01

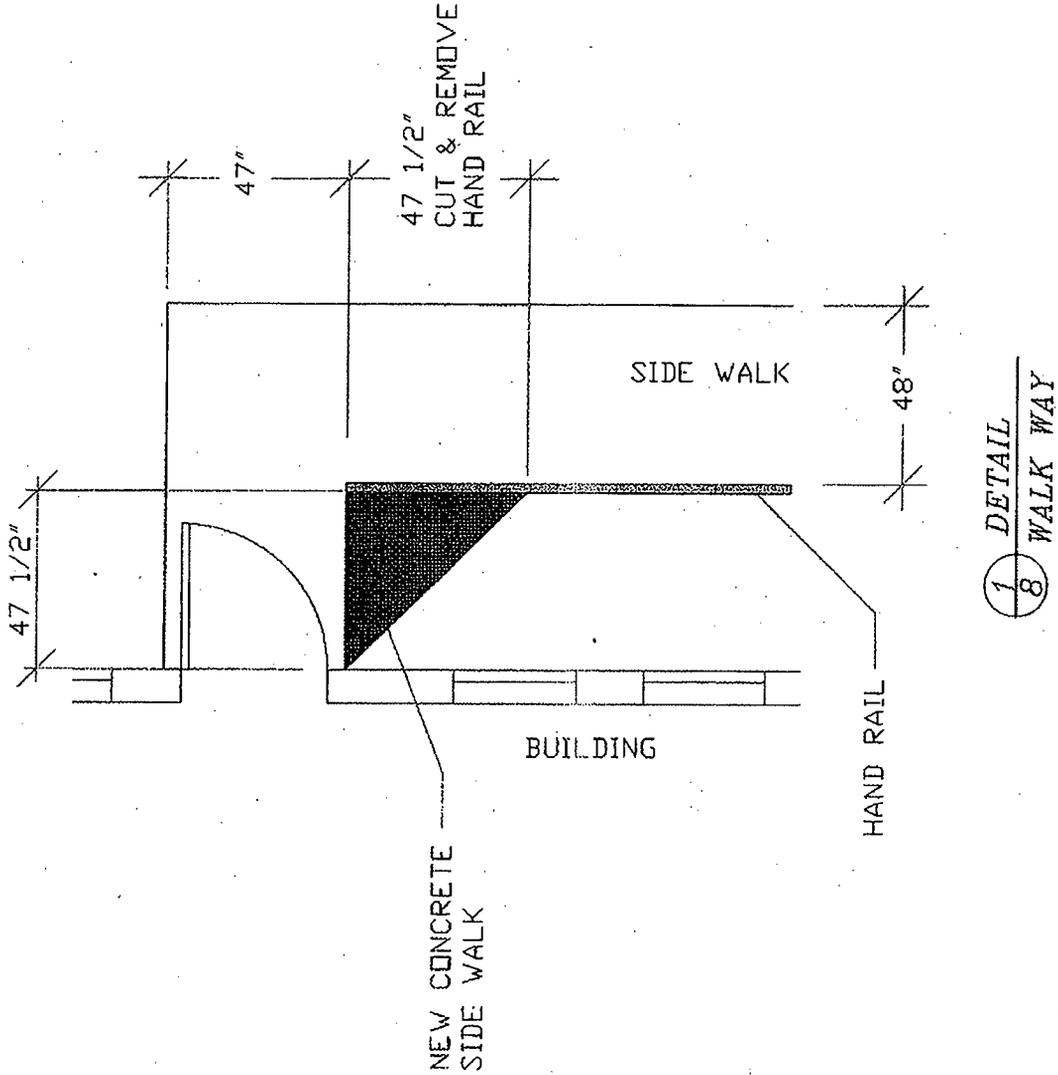


E.J. = EXPANSION JOINT

17 DETAIL - TREE #4
 7 SIDEWALK / TREE

EXHIBIT "S-5" PARKING LOT SIDEWALK TO LOWER LEVEL

Multnomah County, Oregon
10615 SE Cherry Blossom Drive
Portland, OR 97216
Account #C-363-7700-01

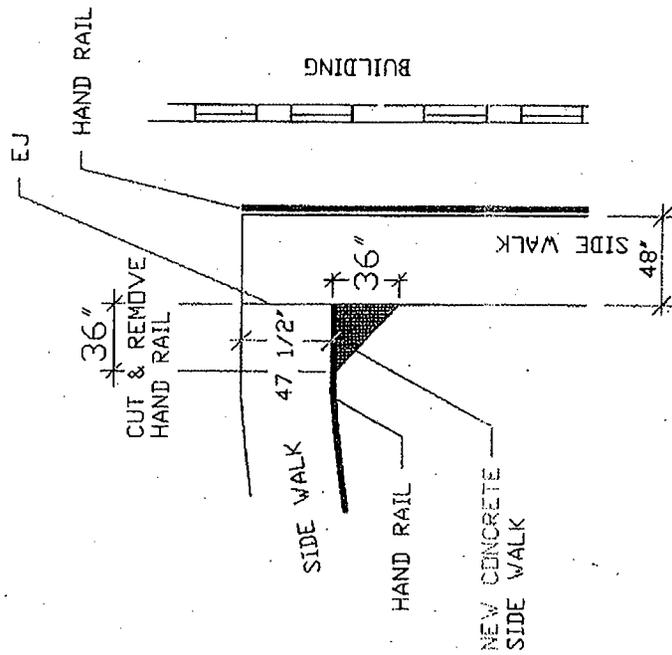


(30)

LESSOR INITIAL *[Signature]* LESSEE INITIAL _____

EXHIBIT "S-6" PARKING LOT SIDEWALK TO LOWER LEVEL

Multnomah County, Oregon
 10615 SE Cherry Blossom Drive
 Portland, OR 97216
 Account #C-363-7700-01



1
9

DETAIL
WALK WAY

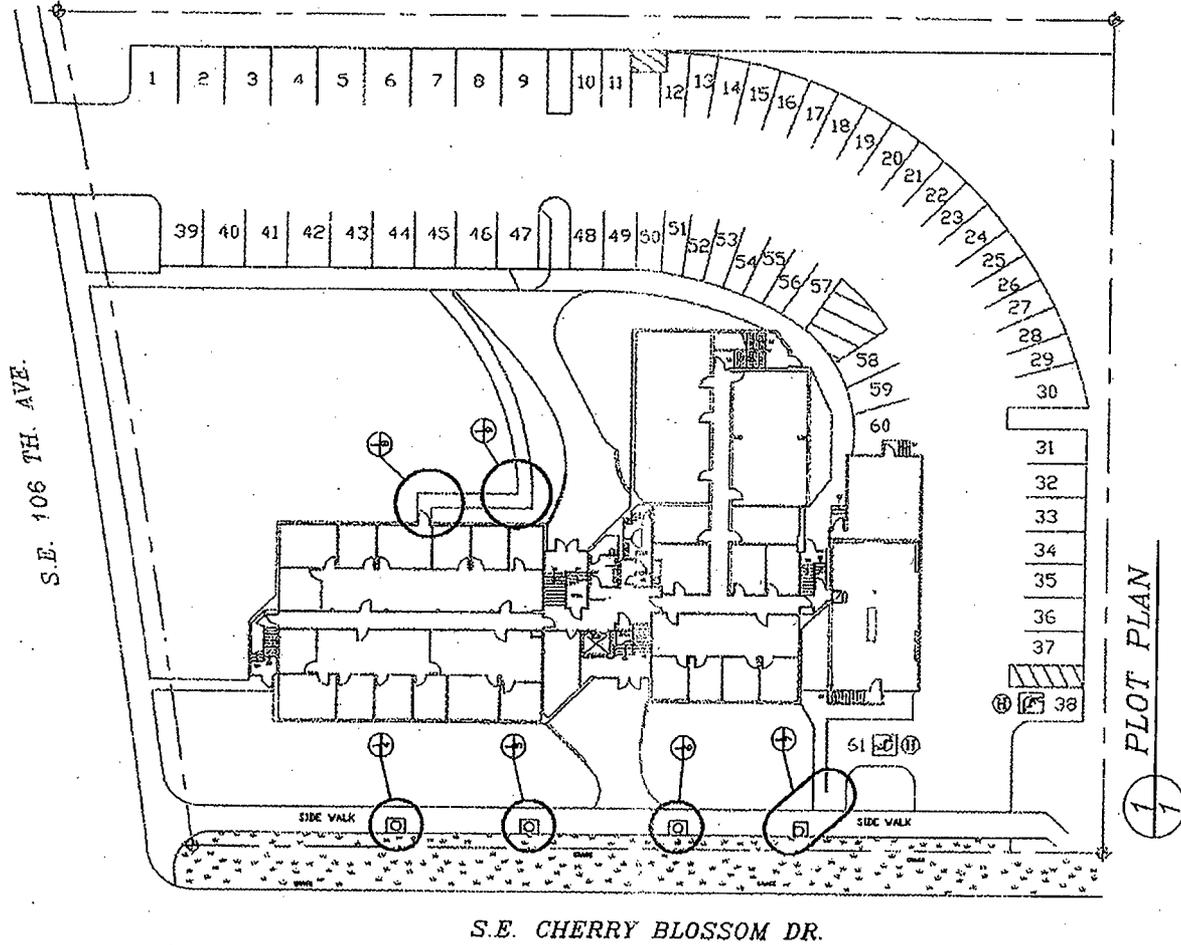
E.J. = EXPANSION JOINT

(31)

LESSOR INITIAL LESSEE INITIAL

EXHIBIT "S-7" SIDEWALK MODIFICATION OVERVIEW

Multnomah County, Oregon
10615 SE Cherry Blossom Drive
Portland, OR 97216
Account #C-363-7700-01



(32)

LESSOR INITIAL LESSEE INITIAL



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # _____ DATE _____
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
 Agenda Item #: R-3
 Est. Start Time: 9:40 AM
 Date Submitted: 08/11/08

Agenda Title: Aging and Disabilities Services Division NOTICE OF INTENT to Apply for a Technology and Low-Income Subsidy Outreach One-time Supplemental Grant from the State of Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program

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

Requested Meeting Date:	<u>August 21, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Dep. of County Human Services</u>	Division:	<u>Aging & Disability Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>167/1/620</u>
Presenter(s):	<u>Mary Shortall</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) is requesting approval for a Notice of Intent to apply for a Technology and Low-Income Subsidy (LIS) Outreach One-time Supplemental Grant from the State of Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

These funds have been made available to local SHIBA programs through a supplemental grant award to the State Health Insurance Program resulting from the Medicare, Medicaid, and SCHIP Extension Acts of 2007 (MMSEA). A total of \$22,400 grant (\$13,400 for LIS Outreach and \$9,000 for technology upgrade purchases) is being offered to Aging and Disability Services Division (ADSD).

This action will impact program offer #25020 - Aging and Disability Division (ADS) Access and Early Intervention Services. The impact of the LIS Outreach portion of the grant is that we will provide more targeted outreach and enrollment of low income seniors eligible for assistance accessing non County programs and resources to pay for Medicare premiums and prescription assistance. These outreach venues will take place in neighborhood setting and staffed by volunteers.

The technology portion of the grant allows us to upgrade existing insurance counseling sites to provide better customer service for clients.

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

The grant would cover additional ADS expenditures that may result in increased enrollment of eligible beneficiaries for the SSA Low-Income Subsidy in Multnomah County area. The grant would also cover any technology upgrades costs incurred to improve volunteer network's ability to reach and locally serve Medicare beneficiaries. Such purchases may include computers, printers, ink cartridges, LCD projectors, and/or Internet access.

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

There are no legal and/or policy issues associated with applying for this grant.

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

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
State of Oregon SHIBA Program
- **Specify grant (matching, reporting and other) requirements and goals.**
No matching required, funding being used to help expand capacity.
- **Explain grant funding detail – is this a one time only or long term commitment?**
Yes. This is a one-time supplemental grant.
- **What are the estimated filing timelines?**
August 31, 2008
- **If a grant, what period does the grant cover?**
The grant covers July 1, 2008 to June 30, 2009 fiscal period.
- **When the grant expires, what are funding plans?**
No plans to continue funding when grant expires.
One-time capacity funding only, ongoing outreach will continue with regular funding.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
The grant does not pay indirect overhead costs.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 08/13/08

Budget Analyst:



Date: 08/13/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-4 DATE 8/21/08
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-4
Est. Start Time: 9:45 AM
Date Submitted: 08/06/08

Agenda Title: **Budget Modification DCHS-02 Increasing Aging and Disability Services Division Appropriation by \$1,200 to Reflect a Grant Received from the American Society on Aging/MetLife Foundation to Host a One-day MindAlert Training for Older Adults and Aging Professionals**

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** 5 minutes
Department: Dept. of County Human Services **Division:** Aging & Disability Services
Contact(s): Kathy Tinkle
Phone: 503-988-3691 **Ext.** 26858 **I/O Address:** 167/1/620
Presenter(s): Mary Shortall

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) recommends approval of budget modification DCHS-02 increasing Aging and Disability Services Division (ADSD) appropriation by \$1,200 to reflect a one time only (OTO) grant from the American Society on Aging (ASA)/MetLife Foundation; which will be utilized to host a one-day MindAlert training for older adults and aging professionals.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

ADSD--in collaboration with Portland Parks and Recreation, Portland Community College's Senior Studies Institute, and Hollywood Senior Center--will host a one-day MindAlert training session on programs and techniques that promote cognitive fitness in older adults. The MindAlert Program seeks to disseminate research and innovative practices that address steps that older adults can take to maintain and enhance cognitive and mental functions in their later years. Recent research has shown that mental function can be significantly improved by appropriate training and practice, even among older adults who showed a clear decline in certain cognitive functions, including memory loss.

This train-the-trainer event will equip attendees such as ADSD, senior center, adult learning, senior

housing, and parks and recreation staff with new methods for enhancing cognitive functioning in older adults. This training will take place by November 30, 2008.

ADSD will coordinate with a chosen MindAlert faculty member to tailor program materials to the local community. In collaborating with its partners, ADSD will recruit and register 15-25 older adults to participate in a morning demonstration program. At least 25 professionals from ADSD and a variety of community organizations will observe the morning demonstration. In the afternoon the ADSD professionals will participate in a session that focuses on implementing approaches covered in the morning demonstration.

ADSD will be responsible for locating and securing an accessible facility to accommodate 50 participants, as well as providing catering services for morning refreshments for all participants and lunch for professionals participating in the all-day program. ADSD and its partners will make available audio visual equipment as requested by the MindAlert faculty.

The proposed changes impact Program Offer # 25020 - ADS Access & Early intervention Services.

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

ASA will provide ADSD with an amount not to exceed \$1,200, distributed in two payments: \$700 upon receiving the signed Memorandum of Understanding (MOU), and \$500 for program operations and catering costs within 30 days of receiving participant evaluations of the MindAlert Program.

The following expenses increase: Supplies by \$800; Travel & Training by \$369; and Grant Paid Indirect by \$44.

Department grant paid indirect revenue increases by \$20 with a corresponding increase in supplies.

Service reimbursement from the grant to the General Fund increases by \$24.

ASA will cover remaining conference related costs including - the trainer's costs such as transportation, lodging, and honorarium.

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

There are no legal and/or policy issues associated with applying for this grant.

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

ADSD will coordinate with a chosen MindAlert faculty member to tailor program materials to the local community. In collaboration with its partners, ADSD will recruit and register 15-25 older adults to participate in a morning demonstration program, and at least 25 professionals from ADSD and a variety of community organizations to observe the demonstration and then participate in an afternoon session that focuses on implementing approaches covered in the morning.

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

This budget modification increases Aging & Disabilities Services Division appropriation by \$1,200. The additional revenue funds materials & services expenses necessary to locate and secure an accessible facility to accommodate 50 participants, as well as catering services to provide morning refreshments for all participants, and lunch for professionals participating in the all-day program. ADSD and its partners will make available audio visual equipment as requested by the MindAlert faculty.

- **What budgets are increased/decreased?**

Aging & Disability Services appropriation increases by \$1,200.

Internal service provider's budgets increase by a total of \$44

- **What do the changes accomplish?**

This train-the-trainer event will train attendees such as ADSD, senior center, adult learning, senior housing, and parks and recreation staff on new methods for enhancing cognitive functioning in older adults.

- **Do any personnel actions result from this budget modification? Explain.**

No.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Indirect is covered.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

This is one-time only revenue.

- **If a grant, what period does the grant cover?**

The grant covers July 1, 2008 to June 30, 2009 period (anticipated completion by November 30, 2008).

- **If a grant, when the grant expires, what are funding plans?**

No plans to continue funding when grant expires.

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS-02

Required Signatures

**Elected Official or
Department/
Agency Director:**



Date: 08/05/08

Budget Analyst:



Date: 08/05/08

Budget Modification ID: **DCHS-02**

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	30-01	32293	25027	40			ADSDIVADM201ASA	50210		(1,200)	(1,200)		OP Nongovt'l Prog
2	30-01	32293	25027	40			ADSDIVADM201ASA	60240		800	800		Supplies
3	30-01	32293	25027	40			ADSDIVADM201ASA	60260		356	356		Travel & Training
4	30-01	32293	25027	40			ADSDIVADM201ASA	60350		24	24		Central Indirect [2.07%]
5	30-01	32293	25027	40			ADSDIVADM201ASA	60355		20	20		Dept Indirect [1.73%]
6													
7	19	1000		20		9500001000		50310		(24)	(24)		Indirect Reimb. In Gen Fund
8	19	1000		20		9500001000		60470		24	24		CGF Contingency Expenditure
9													
10	26-00	1000	25000	40			CHSDO.IND1000	50370		(20)	(20)		Dept Indirect Reimb Rev.GF
11	26-00	1000	25000	40			CHSDO.IND1000	60240		20	20		Supplies
12													
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28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 8/21/08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-5
Est. Start Time: 9:47 AM
Date Submitted: 08/08/08

BUDGET MODIFICATION: DCHS-04

Agenda Title: Budget Modification DCHS-04 Appropriating \$200,000 of County General Fund Contingency to Fund Program Offer 25090 – Addictions Detoxification and Post-Detoxification Housing

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

Requested Meeting Date:	<u>August 21, 2008</u>	Amount of Time Needed:	<u>10 mins</u>
			<u>Mental Health and</u>
			<u>Addiction Services Division</u>
Department:	<u>County Human Services</u>	Division:	
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Karl Brimner and Ray Hudson</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services (DCHS) recommends approval of budget modification DCHS-04 to transfer \$200,000 of General Fund Contingency for one time only funding of Program Offer 25090 – Addictions Detoxification and Post-Detoxification Housing.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The FY 2009 Adopted Budget Note titled, “Pretrial Continuum, Sobering and Detox Programs, Mental Health Crisis Triage and Sub-Acute Capital and Jail Reentry Plan” states the following concerning funding for Detox:

Stable funding for the Sobering and Detox Programs. The Chair has sponsored discussions with various community partnerships around stable, increased funding for the sobering and detox programs offered by Central City Concern. Those discussions have produced some positive developments, but are not complete. To insure continuity for FY09, the Chair may need to request some additional funding.

The Addictions Detoxification and Post-Detoxification Housing program, through Central City Concern, serves a regional clientele from Multnomah, Washington, and Clackamas counties. Earlier this year, the Department and Central City Concern requested \$100,000 from Clackamas County, and \$100,000 from Washington County in funding for their residents that are admitted into this program. The Department's original budget for this Program Offer was calculated based on the belief that Clackamas and Washington County would provide Multnomah County with the requested funding. However, both Washington and Clackamas counties have recently made clear to both the Department and Central City Concern that they would not contribute funding toward the Detoxification program. Their view is that there is "regional" funding dollars that the Department receives from the state for the detoxification program, which should include funding for their clientele.

In the event this contingency request is denied, the impact will be that the Addictions Detoxification and Post-Detoxification Housing program will need to close as soon as the funding has been depleted. An early estimate from the program manager in Addiction Services/Outreach indicates the closing date would occur at the end of May 2008.

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

The General Fund Contingency is reduced by \$200,000 and the appropriation for DCHS is increased by a like amount.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**
N/A
- **What budgets are increased/decreased?**
The General Fund Contingency decreases by \$200,000, and Program Offer 25090 – Addictions Detoxification and Post-Detoxification Housing increases by \$200,000.
- **What do the changes accomplish?**
Will allow the Addictions Detoxification and Post-Detoxification Housing program to continue to serve a regional clientele; making up for a shortfall of \$200,000 caused by Clackamas and Washington counties' inability to contribute funding.
- **Do any personnel actions result from this budget modification? Explain.**
N/A
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
The revenue is one-time-only in nature, and the Addictions Detoxification and Post-Detoxification Housing is an ongoing program. The plan is to request General Fund in FY 2010 to fund this program.
- **If a grant, what period does the grant cover?**
N/A
- **If a grant, when the grant expires, what are funding plans?**
N/A

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- **Why was the expenditure not included in the annual budget process?**
The Department's original budget for this Program Offer was calculated based on the belief that Clackamas and Washington County would provide Multnomah County with the requested funding. However, both Washington and Clackamas counties have recently made clear to both the Department and Central City Concern that they would not contribute funding toward the Detoxification program. Their view is that there is "regional" funding dollars that the Department receives from the state for the detoxification program, which should include funding for their clientele.
- **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
The Department is already attempting to cover unexpected Mental Health expenditures through accumulated cost savings and attrition. An example would be the possible shortfall for the Sobering

Station, due to unsuccessful grant bid. The Department does not have enough cost savings to cover this unforeseen shortfall.

- **Why are no other department/agency fund sources available?**

Funds are allocated elsewhere.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

There will be no revenue, cost savings, or any anticipated payback to the contingency account; if the contingency request is approved. The plan for future ongoing funding will be to request General Fund in FY 2010 to fund this program.

- **Has this request been made before? When? What was the outcome?**

No previous requests have been made.

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS-04

Required Signatures

**Elected Official or
Department/
Agency Director:**



Date: 08/08/08

Budget Analyst:



Date: 08/08/08

Budget Modification ID:

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal
					Internal Order	Cost Center	WBS Element					
1	19	1000		20		9500001000				(200,000)		
2		1000	25090	40			MA AS CONT DETOX CGF	60160	206,610	406,610	200,000	
3												
4		1505	25090	40			MA AS CONT DETOX CLK	50200	100,000	0	100,000	
5		1505	25090	40			MA AS CONT DETOX CLK	60160	100,000	0	(100,000)	
6		1505	25090	40			MA AS CONT DETOX WA	50200	100,000	0	100,000	
7		1505	25090	40			MA AS CONT DETOX WA	60160	100,000	0	(100,000)	
8										0		
9										0		
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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 8-21-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
 Agenda Item #: R-6
 Est. Start Time: 9:50 AM
 Date Submitted: 08/08/08

**NOTICE OF INTENT to Submit a Proposal to the National Association of
 Agenda County and City Health Officials (NACCHO) for \$5,000 to Support the Health
 Title: Department's Volunteer Health Reserve Corps Program**

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** 5 minutes

Department: Health **Division:** Director's Office

Contact(s): Zumana Rios, Christine Bernsten

Phone: 503-988-3663 **Ext.** 26115 **I/O Address:** 160/8

Presenter(s): Zumana Rios, Christine Bernsten

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for \$5,000 in grant funding from the National Association of County and City Health Officials (NACCHO) to support the Health Department's volunteer Health Reserve Corps program.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Health Department received funding from the Office of the Surgeon General to establish a volunteer Health Reserve Corps (HRC) from 2002-2005. The HRC is a voluntary unit made up of over 300 local licensed health care professionals who will be called upon to assist in the response to large-scale health or medical emergencies.

The Health Reserve Corps program provides a unique opportunity for health professionals to become a prepared and effective part of the health response to an emergency. Identifying and training providers prior to an emergency increases our county's ability to rapidly and effectively respond to community health needs as they occur.

Multnomah County Health Reserve Corps volunteers have participated in a number of response activities including Health Department emergency preparedness exercises, Project Homeless Connect, and Operation Welcome Oregon (local response to support Hurricane Katrina victims).

This grant award from NACCHO would allow us to continue to build our unit and ensure all volunteers receive adequate orientation to the program and their roles in an emergency. Funding will be used to support recruitment, orientation and ongoing communication activities.

This grant supports Program Offer 40005 – Public Health and Regional Health Systems Emergency Preparedness.

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

This grant would provide one-time funding of \$5,000 to build the capacity and sustain the activities of Multnomah County's Health Reserve Corps. This includes funds to pay for staff, provide volunteer training, procure necessary materials and services, and cover usual County indirect and internal services costs.

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

None.

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

The Health Reserve Corps (HRC) is made up of citizens who live or work in Multnomah County and are licensed health care providers. Citizens will participate in HRC orientation sessions, trainings and exercises, and be activated to support the Health Department's response to large-scale emergencies.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
The National Association of County & City Health Officials (NACCHO).
- **Specify grant (matching, reporting and other) requirements and goals.**
This grant has no matching requirements. The goal of the grant is to support continued development and expansion of the Health Department's volunteer Health Reserve Corps.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one time only grant in the amount of \$5,000.
- **What are the estimated filing timelines?**
The grant application is due September 15, 2008.
- **If a grant, what period does the grant cover?**
The grant covers project activities that take place from January 1, 2009 – December 31, 2009.
- **When the grant expires, what are funding plans?**
Both the program administrators and the grants development team will continue to look for additional funding to support the program.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
All indirect costs will be covered through the grant.

ATTACHMENT B

Required Signatures

**Elected Official or
Department/
Agency Director:**

Lillian Shirley

Date: 08/07/08

Budget Analyst:

Angela Burdine

Date: 08/08/08



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-4570 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Christian Elkin, Senior Budget Analyst

DATE: August 7, 2008

SUBJECT: General Fund Contingency Request for \$200,000 of one-time only funding for the Addictions Detoxification and Post-Detoxification Housing Program (Budget Modification DCHS-04).

A \$200,000 General Fund Contingency request is being proposed to provide a full year of funding for the Addictions Detoxification and Post-Detoxification Housing Program (Program Offer 25090). At the time the budget was adopted, the program was in the process of requesting \$100,000 from both Washington and Clackamas counties to reimburse the County for their residents who are admitted into the program. Both counties have made it clear to both the Department and Central City Concern that they will not be contributing funding toward the program, as they feel that the program receives "regional" funding from the state which should cover their clientele.

Without this funding the program anticipates that the Addictions Detoxification and Post-Detoxification Housing program will need to close as soon as the funding has been depleted. An early estimate from the program manager in Addiction Services/Outreach indicates the closing date would occur at the end of May 2008.

A set-aside of \$2.4 million was placed in contingency for this and other programs and was identified in a budget note titled, "Pretrial Continuum, Sobering and **Detox Programs**, Mental Health Crisis Triage and Sub-Acute Capital and Jail Reentry Plan"

This additional \$2.4 million placed in contingency can be allocated as needed amongst any of the following issues:

A. Changes to **the pretrial system**. The Deputy Chief Operating Officer is working with the current CJAC pre-trial work group in developing a proposal for a cost efficient, data driven pretrial data collection and release decision framework. The recommendations will address the best long term structure for providing pretrial services in the County. The goals of the project are:

1. Streamlined data gathering system; create one system, used by all criminal justice staff to gather relevant information for evaluation, classification, and potential release of inmates.
2. Uniform release criteria, validated to increase likelihood of no additional criminal behavior and appearance for legal proceedings.

3. Appropriate levels of supervision to govern releases, based on dangerousness to community and likelihood of court appearance.
4. Overall most efficient use of system resources by providing a single, prompt comprehensive review that results in timely release decision and appropriate level of supervision. Maintain a single list of most likely to be released. Have list available as needed, subject to jail override based on conduct in jail and/or changes in charges by the DA.

B. Stable funding for the sobering and detox programs. The Chair has sponsored discussions with various community partnerships around stable, increased funding for the sobering and detox programs offered by Central City Concern. Those discussions have produced some positive developments, but are not complete. To insure continuity for FY09, the Chair may need to request some additional funding.

C. A Mental Health Crisis Triage Center/Sub-Acute Facility would supply much-needed 24/7 psychiatric support for mentally ill persons, diverting them from the far more costly options of incarceration or hospital admission. Sub-acute service ensures that individuals who might otherwise be hospitalized will have the opportunity to stabilize and return to their community. The Board directs the Department of County Human Services (DCHS) to bring forward a plan for operating the Sub-Acute Facility for Mental Health to the Board by September 1st.

This budget note will allow consideration of additional one time only expenditures if needed to move forward on construction of the Sub-Acute Facility for Mental Health in the event the County is not able to find the cooperation and full commitment necessary from the City, the State and/or partner agencies.

D. Jail reentry plan: This budget note earmarks an additional expenditure of up to \$500,000 in contingency for the Multnomah County Second Chance Project: Successful Reentry from Jail to Community. The funds would be released following Board adoption of a "Plan for The Multnomah County Second Chance Project: Successful Reentry from Jail to Community".

To prepare the Plan for The Multnomah County Second Chance Project: Successful Reentry from Jail to Community we must establish a work group to:

- Prepare an inventory of current services for jail reentry; this would include services in the Department of Community Justice for reentry from prison, jail discharge planning, transition services, Project 57, and others;
- Design The Multnomah County Second Chance Project including housing, employment, health and mental health care, reunification with families, drug and alcohol treatment, recovery support, parenting classes for incarcerated parents, domestic violence prevention services;
- Identify staff functions that would seek to "span" the boundary between the jail and community providers and to determine the necessary training and/or qualifications for this work. For example, staff could be located in the jails to facilitate jail staff training and to work with the inmates on their individual reentry plans while they are incarcerated – plans would include linking inmates to housing and service providers. Also, staff could be located in the community to advocate for increased employment and other reentry services by working with service providers, employers, faith-based groups and others.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the financial policies adopted by the Board of County Commissioners for using General Fund Contingency.

- Criteria 1 – States contingency requests should be for one-time-only purposes.
The request is one time only in nature, however, future funding will need to be identified to support this program after FY 2009.
- Criteria 2 – Addresses emergencies and unanticipated situations necessary to keep a public commitment or fulfill a legislative or contractual mandate or which can be demonstrated to result in significant administrative or programmatic efficiencies that cannot be covered by existing appropriations.
The request is not an emergency or unanticipated.
- Criteria 3 – Addresses items identified in Board Budget Notes.
The funding request does address items identified in a budget note (see above).

This request meets the intent of the above contingency financial policies; therefore, assuming the conditions of the budget note have been met to the satisfaction of the Board of County Commissioners, the request should be granted.

If approved this action will reduce the Board earmark of \$2.4 million to \$2.2 million.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/21/08
 Agenda Item #: R-7
 Est. Start Time: 9:55 AM
 Date Submitted: 08/06/08

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

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

Requested Meeting Date: August 21, 2008 Amount of Time Needed: 5-minutes
 Department: Community Services Division: Land Use & Transportation
 Contact(s): Adam Barber
 Phone: 503.988.3043 Ext. 22599 I/O Address: 455/1/116
 Presenter(s): Adam Barber

General Information

1. What action are you requesting from the Board?

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

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

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

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

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (08/11/08) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (08/22/08) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

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

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 08/06/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Interstate Corridor Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On August 14, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1118.
- f. Since the adoption of Ordinance 1118, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 6, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Date
1	Ordinance adopting and implementing the North Interstate Corridor Plan and amending the Comprehensive Plan Map and Citywide Design Guidelines. (PDX Ord. #182072)	8/22/08
2	Exhibit A: Planning Commission Report and Recommendations to the Portland City Council	6/08
3	Exhibit B: Interstate MAX Station Area Revitalization Strategy	6/02
4	Exhibit C: Interstate Light Rail Corridor Zoning Project Existing Conditions Report	11/07
5	Exhibit D: Interstate Corridor Redevelopment Scenarios	8/9/07
6	Exhibit E: Transportation Memo and Analysis	6/30/08

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

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

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

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

FIRST READING AND ADOPTION: August 21, 2008

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting and implementing the North Interstate Corridor Plan and amending the Comprehensive Plan Map and Citywide Design Guidelines. (**PDX Ord. #182072**)
2. Exhibit A: Planning Commission Report and Recommendations to the Portland City Council
3. Exhibit B: Interstate MAX Station Area Revitalization Strategy
4. Exhibit C: Interstate Light Rail Corridor Zoning Project Existing Conditions Report
5. Exhibit D: Interstate Corridor Redevelopment Scenarios
6. Exhibit E: Transportation Memo and Analysis

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1118

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Interstate Corridor Plan in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On August 14, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1118.
- f. Since the adoption of Ordinance 1118, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 6. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 6, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Date
1	Ordinance adopting and implementing the North Interstate Corridor Plan and amending the Comprehensive Plan Map and Citywide Design Guidelines. (PDX Ord. #182072)	8/22/08
2	Exhibit A: Planning Commission Report and Recommendations to the Portland City Council	6/08
3	Exhibit B: Interstate MAX Station Area Revitalization Strategy	6/02
4	Exhibit C: Interstate Light Rail Corridor Zoning Project Existing Conditions Report	11/07
5	Exhibit D: Interstate Corridor Redevelopment Scenarios	8/9/07
6	Exhibit E: Transportation Memo and Analysis	6/30/08

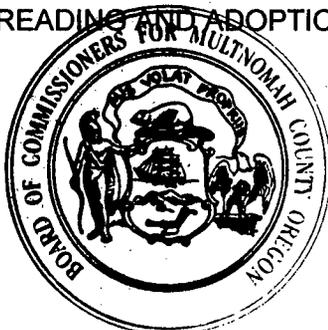
Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance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

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

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

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

FIRST READING AND ADOPTION: August 21, 2008



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra Duffy*
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting and implementing the North Interstate Corridor Plan and amending the Comprehensive Plan Map and Citywide Design Guidelines. (PDX Ord. #182072)
2. Exhibit A: Planning Commission Report and Recommendations to the Portland City Council
3. Exhibit B: Interstate MAX Station Area Revitalization Strategy
4. Exhibit C: Interstate Light Rail Corridor Zoning Project Existing Conditions Report
5. Exhibit D: Interstate Corridor Redevelopment Scenarios
6. Exhibit E: Transportation Memo and Analysis

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



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-8
Est. Start Time: 10:00 AM
Date Submitted: 07/29/08

Agenda Title: **First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Killingsworth Street between NE 14th to 17th Avenues in Compliance with Metro's Functional Plan and Declaring an Emergency**

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

Date Requested: August 21, 2007 **Time Requested:** 2 minutes
Department: Community Services **Program:** Land Use & Transportation
Contact(s): Adam Barber
Phone: 503-988-3043 **Ext.** 22599 **I/O Address:** 455/116
Presenter(s): Adam Barber

General Information

1. What action are you requesting from the Board?

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

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

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

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

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (08/04/08) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (08/16/08) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

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

Required Signatures

**Department/
Agency Director:**



Date: 07/28/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Killingsworth Street between NE 14th to 17th Avenues in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On November 8, 2007, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1102.
- f. Since the adoption of Ordinance 1102, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

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

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Comprehensive Plan Maps and Zoning Map for properties along and adjacent to Killingsworth Street between NE 14th to 17th Avenues. (PDX Ord. #182051)	8/16/08
2	Exhibit A: Planning Commission Report and Recommendations to the Portland City Council	6/08
3	Killingsworth Rezoning Project Map	5/27/08

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

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

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

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

FIRST READING AND ADOPTION: August 21, 2008

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Comprehensive Plan Maps and Zoning Map for properties along and adjacent to Killingsworth Street between NE 14th to 17th Avenues.
(PDX Ord. #182051)
2. Exhibit A: Planning Commission Report and Recommendations to the Portland City Council.
3. Killingsworth Rezoning Project Map

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1119

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Killingsworth Street between NE 14th to 17th Avenues in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On November 8, 2007, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1102.
- f. Since the adoption of Ordinance 1102, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

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

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Portland Comprehensive Plan Maps and Zoning Map for properties along and adjacent to Killingsworth Street between NE 14th to 17th Avenues. (PDX Ord. #182051)	8/16/08
2	Exhibit A: Planning Commission Report and Recommendations to the Portland City Council	6/08
3	Killingsworth Rezoning Project Map	5/27/08

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

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

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

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

FIRST READING AND ADOPTION: August 21, 2008

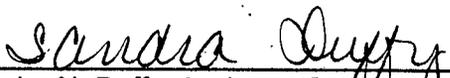


BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Portland Comprehensive Plan Maps and Zoning Map for properties along and adjacent to Killingsworth Street between NE 14th to 17th Avenues. (PDX Ord. #182051)
2. Exhibit A: Planning Commission Report and Recommendations to the Portland City Council.
3. Killingsworth Rezoning Project Map

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



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-9
Est. Start Time: 10:05 AM
Date Submitted: 08/06/08

Agenda Title: **First Reading of a Proposed ORDINANCE Amending MCC Chapter 29, Relating to County Flood Hazard Regulations**

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** 15-Minutes
Department: Community Services **Division:** Land Use & Transportation Planning
Contact(s): Adam Barber, Senior Planner
Phone: 503.988.3043 **Ext.** 22599 **I/O Address:** 455/1/116
Presenter(s): Adam Barber, Senior Planner

General Information

1. What action are you requesting from the Board?

The Planning Commission is recommending proposed amendments to the county's Flood Hazard regulations. This ordinance is used to review proposed development either within the 100-year floodplain or within a watercourse. These amendments are proposed in response to a floodplain management program Community Assistance Visit (CAV) "audit" performed by the Department of Land Conservation Department (DLCD) in 2006. The purpose of the CAV was for DLCD to provide technical assistance while simultaneously ensuring the community remains in compliance with the minimum participation requirements of the National Flood Insurance Program (NFIP).

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The CAV found that not only was the county in compliance with the NFIP in most circumstances, but was found to exceed the minimum requirements in many instances. There were, however, a few minor required ordinance changes identified. During the CAV, DLCD staff also helped identify other ordinance revisions that may benefit the county in joining the NFIP Community Rating System (CRS) in the near future. The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities exceeding the minimum NFIP requirements. As a result of enrollment, flood insurance premium rates are often discounted for

citizens up to 45% to reflect the reduced flood risk. We see value in applying for CRS participation, although we must first complete the CAV process which requires amendments to the Flood Hazard regulations. Both the ordinance revisions required by the CAV process and those recommended for CRS participation are proposed at this time.

The Land Use and Transportation Program has adopted two sets of Flood Hazard regulations. Chapter 29.620 *et. seq.* applies within the West of the Sandy River Plan Area. Chapter 29.600 *et. seq.* applies everywhere else. The main difference being the West of the Sandy River Plan Area contains a General Development Standard section primarily addressing excavation and fill activities. These general standards were added in 2002 in order to comply with Title 3 of the Metro Urban Growth Management Functional Plan and were only required to apply to the West of Sandy River Plan Area. These regulations are intended to reduce the risk of flooding and protect water quality. We are proposing to combine these two sets of nearly identical regulations into one to bring the rest of the lands within Metro boundaries into compliance with the Metro Title 3 flood management provisions and to simplify implementation. This combination may also help us achieve a more favorable CRS rating upon enrollment.

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

There are no anticipated fiscal impacts to the county as a result of these ordinance amendments. The proposed revisions will clarify approval criteria, provide better flood protection for the citizens of the unincorporated county and will allow the county to enroll in the CRS process.

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

Multnomah County is responsible for administration of a local floodplain management ordinance that must contain, at a minimum, Federal regulation requirements of the National Flood Insurance Program that provide performance standards for activities in the floodplains. Deficiencies in the county's local floodplain management ordinance have been identified by the Federal Emergency Management Agency which must be corrected in order to allow the citizens of unincorporated Multnomah County to continue to be eligible for flood insurance. These deficiencies relate to standards regulating unfinished garage construction, foundation anchoring requirements, provisions to ensure adequate drainage around and away from a building, development standards within an unmapped floodway and below grade crawlspace construction. This proposed ordinance corrects these deficiencies.

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

Notice of the April 8th, 2008 Planning Commission Hearing was mailed to all owners of property within the 100-year floodplain and notice of this Board of County Commissioners hearing was published in the Oregonian newspaper. The April hearing was continued until June 2nd, 2008 at which time the Planning Commission voted and approved the proposed revisions. The Federal Emergency Management Agency and the Department of Land Conservation and Development have both been notified of this project and have worked closely with staff in the preparation of the draft ordinance. In addition, the City of Portland and City of Gresham Building Bureaus have been notified and participated in this ordinance revision project as well. These cities provide building permit services for development within the unincorporated portions of the county.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 08/06/08

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 29, Relating to County Flood Hazard Regulations

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

The Multnomah County Board of Commissioners Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter 37 to recommend to the Board of County Commissioners the adoption, revision, or repeal of regulations intended to carry out all or part of a plan adopted by the Board. The Planning Commission recommended adoption of the proposed amendments June 2nd, 2008.
- b. Flood Hazard regulations implement Policy 14 of the County Comprehensive Framework Plan, for Development Limitations, and related provisions of the County's Rural Area Plans. The regulations apply to certain rural unincorporated lands that are generally within the 100 year flood boundary as identified by the Federal Emergency Management Agency (FEMA).
- c. Flood Hazard standards are necessary to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions, and to allow property owners to participate in the National Flood Insurance Program (NFIP).
- d. The Flood Hazard regulations applicable in the West of the Sandy River Rural Plan Area were last amended in 2003 by Ordinance 996. The Flood Hazard regulations applicable in all other areas were last updated in 1999 by Ordinance 931.
- e. In 2007, Multnomah County was informed by the Department of Land Conservation and Development (DLCD) through a Community Assistance Visit that the Flood Hazard regulations must be amended for the county to remain in compliance with the minimum participation requirements of the National Flood Insurance Program.
- f. Additional changes recommended by DLCD will assist the county in enrolling in the FEMA sponsored Community Rating System, a voluntary program that encourages community floodplain management activities that exceed minimum NFIP requirements. Enrollment can result in reduced flood insurance premiums for citizens.
- g. Updating the Flood Hazard standards is an opportunity to bring remaining lands into compliance with Metro Title 3 and to combine the two Flood Hazard ordinances to achieve administrative efficiencies.
- h. Proposed changes are necessary to ensure that the building codes limit risk of flood related hazards as envisioned in Policy 14, to fully implement Title 3, and to ensure property owners maintain eligibility for insurance through the NFIP.

- i. Optional changes are also appropriate as they further protect public and private development from flood loss and may help to reduce flood insurance rates.

Multnomah County Ordains as follows:

Section 1. MCC § 29.600- is amended as follows:

FLOOD HAZARD REGULATIONS

29.600- Purposes.

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within unincorporated Multnomah County to participate in the National Flood Insurance Program and to comply with Metro Title 3 Requirements.

Section 2. MCC § 29.601 is amended as follows:

29.601 Definitions.

For the purpose of this subchapter, the following definitions shall apply:

ALTERATION. To modify, change or make different.

AREAS OF SPECIAL FLOOD HAZARD. All lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps (FIRM) as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood Insurance Rate Maps.

The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the most recent scientific and engineering report entitled "The Flood Insurance Study, Multnomah County Oregon Unincorporated Areas", with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood Insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 29.608 shall be the basis for regulation until a new FIRM is issued.

These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood

Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on the FIRM maps always includes the letter A to identify a zone of specified risk. (Zone A is the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by approximate methods of analysis).

BASEMENT. Any area of the building having its floor sub grade (below ground level) on all sides.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

DESIGN FLOOD ELEVATION. The elevation of the base flood elevation, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) or within any watercourse.

ELEVATED BUILDING. For insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

ELEVATION CERTIFICATE. The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or flood-proofing requirements of new and substantially improved structures.

ENCROACHMENT. To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line and does not protrude above the topography at the time the Flood Insurance Rate Map was developed is not considered an encroachment.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of the special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPROOFING CERTIFICATE. Documentation of certification by an Oregon registered professional engineer or architect that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the flood-proofing requirements of this subchapter.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION. Includes substantial improvement to existing structures, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial

improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and/or roofed building including a gas or liquid storage tank that is principally above ground. A building with only one wall and no roof or a building with no walls and a roof, for example, is considered a structure.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor including donated labor and materials.
- (3) The value of these alterations to an existing structure is measured cumulatively to avoid exempting a substantial improvement implemented in phases over time..
- (4) Substantial Improvement does not, however, include either:
 - (a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or
 - (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

Section 3. MCC § 29.602 is amended as follows:

29.602 Areas Affected.

The provisions of MCC 29.600 - 29.611 shall apply to all areas of special flood hazard, as defined by MCC 29.601. The provisions of 29.609 shall also apply to any relocation, encroachment or alteration of a watercourse.

Section 4. MCC § 29.603 is amended as follows:

29.603 Permits.

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling (see "Development" under MCC 29.601) shall occur in areas of special flood hazard unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County. Variances to the Flood Hazard regulations are not allowed.

(1) Improvements to a structure, dwelling or mobile home or other development, which do not meet the definition of "Development" under MCC 29.601, are exempted from obtaining a Floodplain Development Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.601 are subject to a Floodplain Development permit and the Watercourse Relocation and Alteration standards of MCC 29.609.

Section 5. MCC § 29.604 is amended as follows:

29.604 Exemption from Development Standards.

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation certificate or survey, certified by a State of Oregon registered land surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood elevation. This exemption is only possible when flood elevation data is available. If a critical facility is proposed, the entire parcel must be at least three feet above the base flood elevation (or above the 500-year flood elevation, which ever is higher) in order to be considered exempt from the requirements of MCC 29.606.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.606 (B) through (D).

(C) Forest practices approved under the Forest Practices Act are not regulated by this subchapter.

(D) The following drainage district maintenance activities are not regulated by this subchapter when regulated by an Army Corps of Engineers Nationwide 31 permit - Routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing drainage, flood control, and related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch clearing within the hydraulic cross-section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, provided that:

(1) The project is consistent with Division of State Lands, five-year renewable general authorization permit, five-year renewable Army Corps of Engineers Nationwide 31 permit and all other applicable local, regional, county and state laws and regulations. The preconstruction notification and annual reporting required by the Army Corp's Nationwide 31 permit must also be submitted to Multnomah County planning by the drainage districts for review and comment.

(2) The project does not encroach closer to a water feature than existing operations and development; and

(3) Vegetation native to the metro area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.

Section 6. MCC § 29.605 is amended as follows:

29.605 Application Information Required.

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the surveyed boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project. The FIRM map and panel number shall also be provided on the map.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.606. A State of Oregon registered professional engineer or architect shall stamp the plans and include a statement that the plans meet the applicable requirements of MCC 29.606.

(C) An elevation certificate based on construction drawings which have been signed by a State of Oregon registered professional land surveyor, or a flood-proofing certificate signed by a State of Oregon registered professional engineer or architect, depending on the type of development proposed. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the floodplain development permit and this subchapter.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

Section 7. MCC § 29.606 is amended as follows:

29.606 Development Standards.

Unless otherwise stated below, the following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as defined in 29.601: (The General Development Standards of 29.606(A) are only applicable in the West of Sandy River Rural Plan area and/or within the Metro Jurisdictional Boundary)

(A) General Development Standards - Applicable only in the West of Sandy River Rural Plan Area and/or within the Metro Jurisdictional Boundary.

(1) Development, excavation and fill shall be performed in a manner that maintains or increases flood storage and conveyance capacity and does not increase the design flood elevation.

(2) All fill placed at or below the design flood elevation in areas of special flood hazard shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed and not be allowed in the floodway during the wet weather season.

(5) Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality shall be prohibited in areas of special flood hazard.

(B) Except as provided in subsection (A) above, this subsection applies to all structures within areas of special flood hazard in unincorporated Multnomah County as defined in 29.601.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, duct systems, plumbing, and air conditioning equipment and other service facilities located a minimum of one foot above the base flood elevation to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials and utility equipment resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (Note: this requirement is not applicable for flood-proofed nonresidential structures).

1. Designs for meeting this requirement must be certified by a State of Oregon registered professional engineer or architect and must meet or exceed the following minimum criteria:

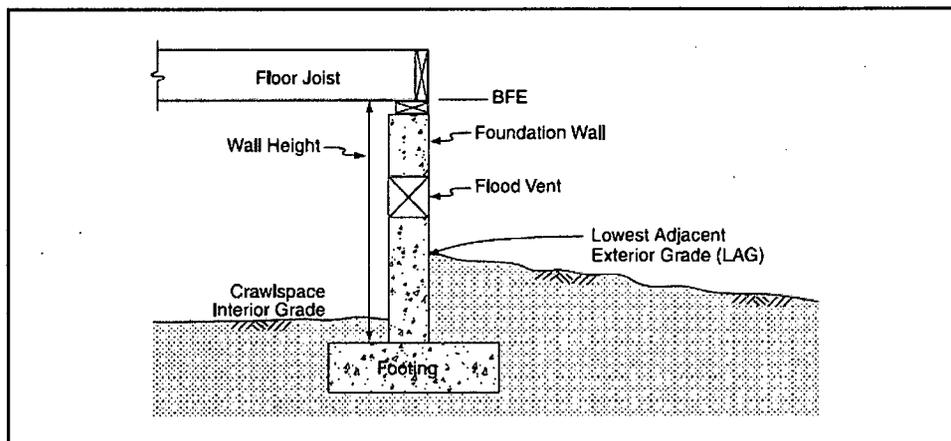
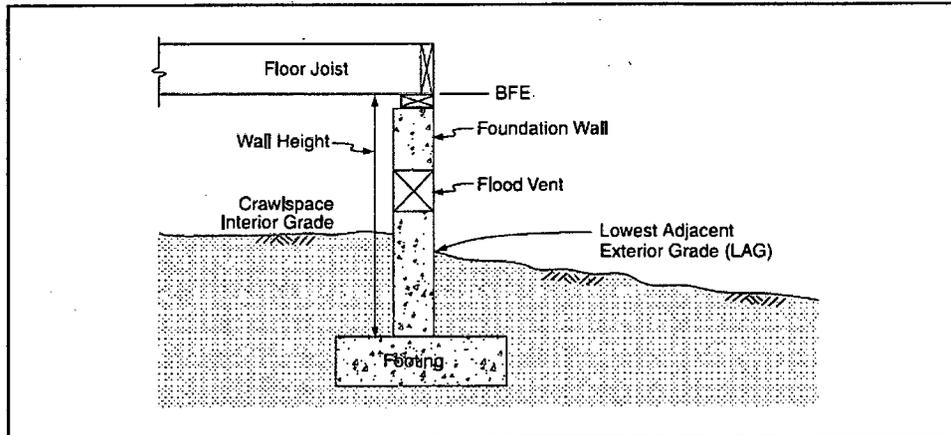
a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above the lowest adjacent exterior grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters and the covering device does not reduce the minimum required total net area of the opening.

(2) Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. Positive drainage away from a structure's foundation shall also be provided to avoid ponding of water adjacent to the foundation after floodwaters recede.

(3) Below-grade crawlspace construction (see figure 2 below).

In addition to meeting the previous development standards for all structures, all below-grade crawlspaces shall meet the following standards. Below-grade crawlspace construction in accordance with the requirements listed below will not be considered a basement.



(a) The interior grade of a crawlspace below the base flood elevation shall not be more than two-feet below the lowest adjacent exterior grade.

(b) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.

(c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Drainage examples include natural drainage through porous well drained soils, perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.

(d) The velocity of floodwaters shall not exceed five-feet per second for any proposed below grade crawlspace location. The Multnomah County Flood Insurance Study contains Floodway Data Tables presenting information on mean floodway velocities at each cross section along the river or stream. Other types of foundations, such as open pile or column foundations, that allow floodwaters to flow freely beneath the building, are recommended for areas exceeding five-feet per second flood velocities.

(e) The below-grade crawlspace area should be designed so that it is easily accessible for physical post-flood clean-up and ventilation. The land owner must record a notice acknowledging below-grade crawlspace construction is not recommended by the Federal Emergency Management Agency and that this type of construction can increase flood insurance premiums for homeowners.

(4) When applicable, the horizontal line of the base flood elevation shall be surveyed and clearly marked and labeled, by a State of Oregon registered professional land surveyor, on an inside wall of any structure or inside foundation wall when a crawlspace is proposed to provide a visual reference for the building inspector. This reference line is not intended to be permanent and can be removed, covered or painted over at the conclusion of all building inspections. This marking is not applicable when the entire structure, including above grade foundation walls, will be elevated above the base flood elevation.

(C) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes not considered a Critical Facility, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base elevation. Floating dwellings do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

A garage attached to a residential structure can be constructed with the garage floor slab below the base flood elevation but must be designed to allow for the automatic entry of flood waters. Openings must meet the requirements of 29.606(B) and are required in two different exterior walls of the garage (two different walls or one wall and one garage door).

In addition to allowing the automatic entry of flood waters, the areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garage doors without openings specifically designed to allow for the free flow of floodwaters do not meet these opening requirements. Gaps that may be present between the door segments and

between the garage door and the garage door jam do not guarantee the automatic entry and exist of floodwaters. The human intervention necessary to open garage doors is not an acceptable means of meeting the opening requirements.

(2) Be placed on a permanent foundation and shall be anchored to prevent flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood.

(4) Conduct a finished construction elevation survey of the lowest floor. This survey shall be completed by a State of Oregon registered land surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood elevation. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

(a) The finished construction elevation certificate and stamped documentation certifying that the structure has been built in compliance with the applicable provisions of 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the finished construction elevation certificate is submitted. The deposit/bond may be used to obtain the elevation certificate, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the finished construction elevation certificate, unless utilized to obtain compliance.

(D) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure, including a detached garage, shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood elevation and be anchored to prevent flotation, collapse, or lateral movement of the structure. Floating nonresidential structures do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other

source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding; or, together with attendant utility and sanitary facilities, shall:

(a) Be flood proofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood elevation; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a State of Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.

(2) The applicant shall provide either a finished construction elevation certificate prepared by a State of Oregon Registered professional engineer or architect for a non-elevated, non-residential structure.

(a) The finished construction elevation certificate/flood proofing certificate and stamped documentation certifying the structure has been built in compliance with the applicable provisions of MCC 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the finished construction elevation certificate and stamped documentation is submitted. The bond/deposit may be used to obtain the elevation certificate or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the finished construction elevation certificate or stamped documentation, unless utilized to obtain compliance.

(E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(F) Recreational Vehicles

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of section 29.606(B) and (C).

(G) Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the areas of special flood hazard. Construction of new critical facilities shall be permissible within the special flood hazard area if:

- (1) No feasible alternative is available,
- (2) The lowest floor is elevated three feet above the base flood elevation, or to the elevation of the 500-year flood, whichever is higher,
- (3) At least one access route to the critical facility shall be either located or elevated at or above the flood elevation referenced above to assure the route will remain passable during flood events.
- (4) Flood proofing and sealing measures must be taken to ensure that toxic substances will not be displaced or released into floodwaters,
- (5) The construction meets the requirements of MCC 29.606(D) except the lowest floor elevation shall meet (G)(2) above.

(H) Land Division Proposals

County review of proposed land divisions are subject to separate criteria in the county zoning code titled "Land Divisions" which are designed to minimize flood damage.

Section 8. MCC § 29.607 is amended as follows:

29.607 Floodway Requirements.

In areas identified as a floodway in MCC 29.602, the following restrictions, in addition to the requirements of MCC 29.606, shall apply:

(A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway, including fill, new construction, substantial improvements and other development, is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a State of Oregon registered professional engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

(2) If Section (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of MCC 29.606.

(B) In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the communities FIRM, unless:

(1) It is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community, and

(2) The applicable requirements of 29.606 are met.

Section 9. MCC § 29.609 is amended as follows:

29.609 Watercourse Relocation and Alteration.

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a State of Oregon registered professional engineer, is provided which demonstrates that:

(1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;

(2) The area subject to inundation by the base flood discharge will not be increased;

(3) The alteration or relocation will cause no measurable increase in base flood levels.

Section 10. MCC § 29.610 is amended as follows:

29.610 County Records.

Multnomah County or its designee shall obtain and maintain on file the final construction elevation (in relation to the National Geodetic Vertical Datum (NGVD) 1929 or NAVD 1988) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved flood proofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD 1929 or NAVD 1988) to which the structure was flood proofed and shall also maintain the flood proofing certifications required pursuant to MCC 29.606.

Section 11. MCC §§ 29.620- through 29.630 are repealed as follows:

Section 12. MCC § 36.6183 is amended as follows

36.6183 Approval Criteria for lands not zoned Exclusive Farm Use.

To be approved all applications for Planning Director Review, Community Service Review or Building Permit Review of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

* * *

(4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;

(b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.350 through 29.365 when applicable;

(c) The facility shall comply with Flood Hazard regulations of MCC 29.600 through 29.611 when applicable; and

(d) Alteration or disturbance of native vegetation and topography shall be minimized.

* * *

Section 13. MCC § 37.0915 is hereby amended to read as follows

37.0915 Violations

Any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of:

(A) MCC Chapters 33, 34, 35, 36 and 38; §§ 29.001 through 29.365 and 29.500 through 29.611; Multnomah County Road Rules or the terms and conditions of any permit issued under those code provisions; or

(B) Any statute adopted by the Oregon Legislature and those land use planning goals and rules of the Land Conservation and Development Commission (LCDC) that apply directly to the County through ORS 197.646

may be subject to enforcement and fines as provided in this subchapter.

FIRST READING: August 21 2008

SECOND READING AND ADOPTION: September 4, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services

BEFORE THE PLANNING COMMISSION
for MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC-08-003

In the matter of recommending that the Board of Commissioners adopt revisions to the County Building Codes pertaining to Flood Hazards (Multnomah County Code 29.600 – 29.611 & 29.620 – 29.630).

The Planning Commission of Multnomah County Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter 37 to recommend to the Board of County Commissioners the adoption, revision, or repeal of regulations intended to carry out all or part of a plan adopted by the Board.
- b. Flood Hazard regulations implement Policy 14 of the County Comprehensive Framework Plan, for Development Limitations, and related provisions of the County's Rural Area Plans. The regulations apply to certain rural unincorporated lands that are generally within the 100 year flood boundary as identified by the Federal Emergency Management Agency (FEMA).
- c. Flood Hazard standards are necessary to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions, and to allow property owners to participate in the National Flood Insurance Program (NFIP).
- d. The Flood Hazard regulations applicable in the West of the Sandy River Rural Plan Area were last amended in 2003 by Ordinance 996. The Flood Hazard regulations applicable in all other areas were last updated in 1999 by Ordinance 931.
- e. In 2007, Multnomah County was informed by the Department of Land Conservation and Development (DLCD) through a Community Assistance Visit that the Flood Hazard regulations must be amended for the county to remain in compliance with the minimum participation requirements of the National Flood Insurance Program.
- f. Additional changes recommended by DLCD will assist the county in enrolling in the FEMA sponsored Community Rating System, a voluntary program that encourages community floodplain management activities that exceed minimum NFIP requirements. Enrollment can result in reduced flood insurance premiums for citizens.
- g. Updating the Flood Hazard standards is an opportunity to bring remaining lands into compliance with Metro Title 3 and to combine the two Flood Hazard ordinances to achieve administrative efficiencies.

- h. Proposed changes are necessary to ensure that the building codes limit risk of flood related hazards as envisioned in Policy 14, to fully implement Title 3, and to ensure property owners maintain eligibility for insurance through the NFIP.
- i. Optional changes are also appropriate as they further protect public and private development from flood loss and may help to reduce flood insurance rates.

The Planning Commission of Multnomah County Resolves:

- 1. The proposed ordinance revisions in Exhibit A to the Staff Report, including the combining of the two sets of Flood Hazard regulations, are hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 2nd day of June, 2008.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON


John Ingle, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending MCC Chapter 29, Relating to County Flood Hazard Regulations

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

The Multnomah County Board of Commissioners Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter 37 to recommend to the Board of County Commissioners the adoption, revision, or repeal of regulations intended to carry out all or part of a plan adopted by the Board. The Planning Commission recommended adoption of the proposed amendments June 2nd, 2008.
- b. Flood Hazard regulations implement Policy 14 of the County Comprehensive Framework Plan, for Development Limitations, and related provisions of the County's Rural Area Plans. The regulations apply to certain rural unincorporated lands that are generally within the 100 year flood boundary as identified by the Federal Emergency Management Agency (FEMA).
- c. Flood Hazard standards are necessary to promote the public health, safety and general welfare, to minimize public and private losses due to flood conditions, and to allow property owners to participate in the National Flood Insurance Program (NFIP).
- d. The Flood Hazard regulations applicable in the West of the Sandy River Rural Plan Area were last amended in 2003 by Ordinance 996. The Flood Hazard regulations applicable in all other areas were last updated in 1999 by Ordinance 931.
- e. In 2007, Multnomah County was informed by the Department of Land Conservation and Development (DLCD) through a Community Assistance Visit that the Flood Hazard regulations must be amended for the county to remain in compliance with the minimum participation requirements of the National Flood Insurance Program.
- f. Additional changes recommended by DLCD will assist the county in enrolling in the FEMA sponsored Community Rating System, a voluntary program that encourages community floodplain management activities that exceed minimum NFIP requirements. Enrollment can result in reduced flood insurance premiums for citizens.
- g. Updating the Flood Hazard standards is an opportunity to bring remaining lands into compliance with Metro Title 3 and to combine the two Flood Hazard ordinances to achieve administrative efficiencies.
- h. Proposed changes are necessary to ensure that the building codes limit risk of flood related hazards as envisioned in Policy 14, to fully implement Title 3, and to ensure property owners maintain eligibility for insurance through the NFIP.
- i. Optional changes are also appropriate as they further protect public and private development from flood loss and may help to reduce flood insurance rates.

Multnomah County Ordains as follows:

Section 1. MCC § 29.600- is amended as follows:

FLOOD HAZARD REGULATIONS (~~Excluding West of Sandy River Plan Area~~)

29.600- Purposes.

The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within unincorporated Multnomah County to participate in the National Flood Insurance Program and to comply with Metro Title 3 Requirements.

Section 2. MCC § 29.601 is amended as follows:

29.601 Definitions.

For the purpose of this subchapter, the following definitions shall apply:

ALTERATION. To modify, change or make different.

AREAS OF SPECIAL FLOOD HAZARD. All lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps (FIRM) as published by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February, 1996 flood when located outside of the flood areas identified on the Flood Insurance Rate Maps.

The Areas of Special Flood Hazard identified by the Federal Insurance Administration in the most recent scientific and engineering report entitled "The Flood Insurance Study, Multnomah County Oregon Unincorporated Areas", with accompanying Flood Insurance Rate Maps (FIRM), are hereby adopted by reference. Maps produced by the Metro Data Regional Center that identify the area of inundation for the February 1996 flood are also adopted by reference. The Flood Insurance Study is on file at the Multnomah County Planning Office. The best available information for flood hazard area identification as outlined in MCC 29.608 shall be the basis for regulation until a new FIRM is issued.

These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on the FIRM maps always includes the letter A to identify a zone of specified risk. (Zone A is the flood insurance rate zone that corresponds to the 1-percent annual chance floodplains that are determined in the Flood Insurance Study by approximate methods of analysis).

BASEMENT. Any area of the building having its floor sub grade (below ground level) on all sides.

CRITICAL FACILITY. A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

DESIGN FLOOD ELEVATION. The elevation of the base flood elevation, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood prone soils or similar methodologies.

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and or within any watercourse.

ELEVATED BUILDING. For insurance purposes, a non basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

ELEVATION CERTIFICATE. The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.

ENCROACHMENT. To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line and does not protrude above the topography at the time the Flood Insurance Rate Map was developed is not considered an encroachment by this subdistrict.

FLOOD OR FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of the special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

FLOODPROOFING CERTIFICATE. Documentation of certification by an Oregon registered professional engineer or architect that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements of this subchapter.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement).

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

NEW CONSTRUCTION. Structures for which the "start of construction" commenced on or after the effective date of this ordinance.

RECREATIONAL VEHICLE. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION. Includes substantial improvement to existing structures, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include the land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement to an existing structure, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and/or roofed building including a gas or liquid storage tank that is principally above ground. A building with only one wall and no roof or a building with no walls and a roof, for example, is considered a structure.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) Before the improvement or repair is started; or
- (2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before-damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor including donated labor and materials.

(3) The value of these alterations to an existing structure is measured cumulatively to avoid exempting a substantial improvement implemented in phases over time.

(34) Substantial Improvement does not, however, include either:

(a) The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or

(b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

WATERCOURSE. A channel in which a flow of water occurs, either continuously or intermittently with some degree of regularity. Watercourses may be either natural or artificial. Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

Section 3. MCC § 29.602 is amended as follows:

29.602 Areas Affected.

~~_____ (A) The provisions of MCC 29.600 - 29.611 shall apply to all areas of special flood hazard, within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA) and any watercourse as defined by MCC 29.601. The provisions of 29.609 shall also apply to any relocation, encroachment or alteration of a watercourse.~~

~~_____ (1) These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.~~

~~(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.~~

Section 4. MCC § 29.603 is amended as follows:

29.603 Permits.

(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling (see "Development" under MCC 29.601) shall occur in areas of special flood hazard on lands within the 100-year flood boundary unless a Floodplain Development Permit specifically

authorizing the proposal has been obtained from Multnomah County. Variances to the Flood Hazard regulations are not allowed.

(1) Improvements to a structure, dwelling or mobile home or other development, which does not meet the definition of "Development" under MCC 29.601 require a land use permit, grading permit or building permit, are exempted from obtaining a Floodplain Development Hazard Permit.

(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.601 are subject to a Floodplain Development Hazard permit and the Watercourse Relocation and Alteration standards requirements of MCC 29.609.

~~(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.~~

(C) Transportation maintenance activities may be evaluated in an annual Flood Hazard permit. This permit will confirm that the typical Best Management Practices used to accomplish routine transportation maintenance projects meet applicable Flood Hazard regulations. Eligible activities include routine cleaning and maintenance of ditches and culverts, replacement culverts, unanticipated emergency response activities and the permitting of new driveway culverts crossing a county maintained ditch. After the fact notification of the location and scope of all transportation maintenance activities is required.

Section 5. MCC § 29.604 is amended as follows:

29.604 Exemption from Development Standards.

The following are exempt:

(A) Land may be exempted from the requirements of MCC 29.606 upon review and approval by the Director of an acceptable elevation certificate or survey, certified by a State of Oregon registered Professional Engineer or land surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level elevation. This exemption is only possible when flood elevation data is available. If a critical facility is proposed, the entire parcel must be at least three feet above the base flood elevation (or above the 500-year flood elevation, which ever is higher) in order to be considered exempt from the requirements of MCC 29.606.

(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.606 (B) through (D).

(C) Forest practices ~~conducted~~ approved under the Forest Practices Act are not regulated by this subchapter.

(D) The following drainage district maintenance activities are not regulated by this subchapter when regulated by an Army Corps of Engineers Nationwide 31 permit - Routine operations, repair, maintenance, alteration, rehabilitation, or replacement of existing drainage, flood control, and related facilities, including any structures, pump stations, water control structures, culverts, irrigation systems, roadways, utilities, accessory uses (such as off-load facilities that facilitate water-based maintenance), erosion control projects, levees, soil and bank stabilization projects, dredging and ditch

clearing within the hydraulic cross-section in existing storm water conveyance drainageways, habitat restoration and enhancement projects, or other water quality and flood storage projects required to be undertaken pursuant to ORS chapters 547 or 554 or Titles 33 or 44 of the Code of Federal Regulations, provided that:

(1) The project is consistent with Division of State Lands, five-year renewable general authorization permit, five-year renewable Army Corps of Engineers Nationwide 31 permit and all other applicable local, regional, county and state laws and regulations. The preconstruction notification and annual reporting required by the Army Corp's Nationwide 31 permit must also be submitted to Multnomah County planning by the drainage districts for review and comment.

(2) The project does not encroach closer to a water feature than existing operations and development; and

(3) Vegetation native to the metro area is maintained, enhanced and restored, if disturbed; other vegetation is replaced, if disturbed, with non-invasive vegetation; and the planting of native vegetation and the removal of invasive non- native vegetation is encouraged.

Section 6. MCC § 29.605 is amended as follows:

29.605 Application Information Required.

An application for development subject to a Floodplain Development Permit shall include the following:

(A) A map showing the property line locations, the surveyed boundaries of the 100 year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project. The FIRM map and panel number shall also be provided on the map.

(B) Detailed construction drawings showing compliance with the development standards specified in MCC 29.606. A State of Oregon registered professional licensed engineer or architect shall stamp the plans and include a statement that the plans meet the applicable requirements of MCC 29.606.

(C) An elevation certificate based on construction drawings which have been signed by a State of Oregon registered professional land surveyor, or a floodproofing certificate signed by a State of Oregon registered professional engineer or architect, depending on the type of development proposed. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.

(D) A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the floodplain development permit and this subchapter.

(E) Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.

Section 7. MCC § 29.606 is amended as follows:

29.606 Development Standards.

Unless otherwise stated below, the following development standards shall apply within all portions of unincorporated Multnomah County to all new construction, substantial improvement or other development in areas of special flood hazard, as defined in 29.601 within the 100-year flood boundary: (The General Development Standards of 29.606(A) are only applicable in the West of Sandy River Rural Plan area and/or within the Metro Jurisdictional Boundary)

(A) General Development Standards - Applicable only in the West of Sandy River Rural Plan Area and/or within the Metro Jurisdictional Boundary.

(1) Development, excavation and fill shall be performed in a manner that maintains or increases flood storage and conveyance capacity and does not increase the design flood elevation.

(2) All fill placed at or below the design flood elevation in areas of special flood hazard shall be balanced with at least an equal amount of soil material removal.

(3) Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.

(4) Temporary fills permitted during construction shall be removed and not be allowed in the floodway during the wet weather season.

(5) Uncontained areas of hazardous materials as defined by the Oregon Department of Environmental Quality shall be prohibited in areas of special flood hazard.

(AB) All Structures Except as provided in subsection (A) above, this subsection applies to all structures within areas of special flood hazard in unincorporated Multnomah County as defined in 29.601.

(1) All new construction and substantial improvement shall:

(a) Comply with Oregon State Building Codes.

(b) Have the electrical, heating, ventilation, ~~duct systems~~, plumbing, and air conditioning equipment and other service facilities ~~shall be designed and/or located~~ a minimum of one foot above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding.

(c) Use materials and utility equipment resistant to flood damage.

(d) Using methods and practices that minimize flood damage.

(e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. (Note: this requirement is not applicable for floodproofed nonresidential structures).

1. Designs for meeting this requirement must ~~either~~ be certified by a State of Oregon registered professional engineer or architect and must meet or exceed the following minimum criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one foot above the lowest adjacent exterior grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters and the covering device does not reduce the minimum required total net area of the opening.

(2) Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. Positive drainage away from a structure's foundation shall also be provided to avoid ponding of water adjacent to the foundation after floodwaters recede.

(3) Below-grade crawlspace construction (see figure 2 below).

In addition to meeting the previous development standards for all structures, all below-grade crawlspaces shall meet the following standards. Below-grade crawlspace construction in accordance with the requirements listed below will not be considered a basement.

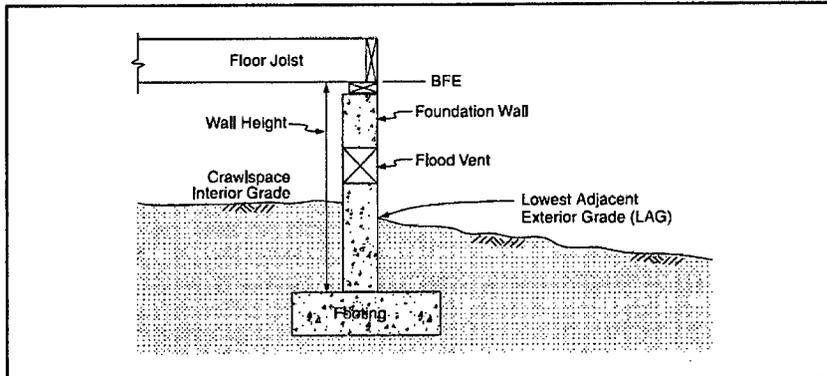


Figure 1 Preferred crawlspace construction.

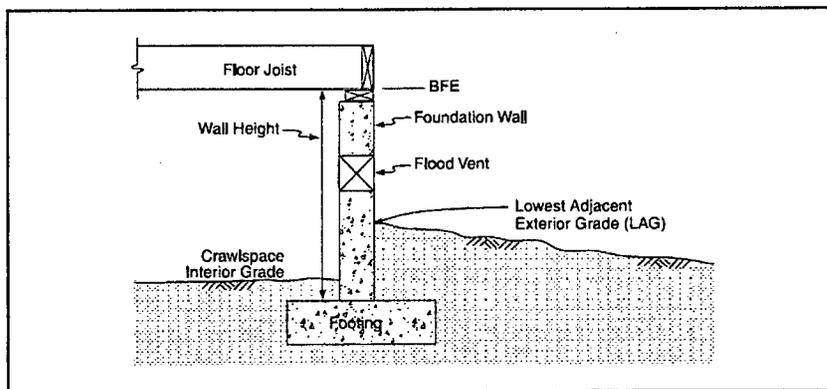


Figure 2 Below-grade crawlspace construction.

(a) The interior grade of a crawlspace below the base flood elevation shall not be more than two-feet below the lowest adjacent exterior grade.

(b) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.

(c) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. Drainage examples include natural drainage through porous well drained soils, perforated pipes, drainage tiles, or gravel/crushed stone drainage by gravity or mechanical means.

(d) The velocity of floodwaters shall not exceed five-feet per second for any proposed below grade crawlspace location. The Multnomah County Flood Insurance Study contains Floodway Data Tables presenting information on mean floodway velocities at each cross section along the river or stream. Other types of foundations, such as open pile or column foundations, that allow floodwaters to flow freely beneath the building, are recommended for areas exceeding five-feet per second flood velocities.

(e) The below-grade crawlspace area should be designed so that it is easily accessible for physical post-flood clean-up and ventilation. The land owner must record a notice acknowledging below-grade crawlspace construction is not recommended by the Federal Emergency Management Agency and that this type of construction can increase flood insurance premiums for homeowners.

(4) When applicable, the horizontal line of the base flood elevation shall be surveyed and clearly marked and labeled, by a State of Oregon registered professional land surveyor, on an inside wall of any structure or inside foundation wall when a crawlspace is proposed to provide a visual reference for the building inspector. This reference line is not intended to be permanent and can be removed, covered or painted over at the conclusion of all building inspections. This marking is not applicable when the entire structure, including above grade foundation walls, will be elevated above the base flood elevation.

(BC) Residential Structures.

New construction and substantial improvement of any residential structure, including manufactured homes not considered a Critical Facility, shall:

(1) Have the lowest floor, including basement, elevated to at least one foot above the base elevation flood level as indicated on the Elevation Certificate. Floating dwellings do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

A garage attached to a residential structure can be constructed with the garage floor slab below the base flood elevation but must be designed to allow for the automatic entry of flood waters. Openings must meet the requirements of 29.606(B) and are required in two different exterior

~~walls of the garage (two different walls or one wall and one garage door). For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.~~

In addition to allowing the automatic entry of flood waters, the areas of the garage below the base flood elevation must be constructed with flood resistant materials. Garage doors without openings specifically designed to allow for the free flow of floodwaters do not meet these opening requirements. Gaps that may be present between the door segments and between the garage door and the garage door jam do not guarantee the automatic entry and exist of floodwaters. The human intervention necessary to open garage doors is not an acceptable means of meeting the opening requirements.

(2) Be placed on a permanent foundation and shall be anchored to ~~resist~~ prevent flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie-downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.

(3) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood.

(34) Conduct a ~~finished construction~~ as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon registered ~~professional engineer or land surveyor~~ and must certify that the structure's lowest floor was elevated to at least one foot above the base flood ~~level~~ elevation. The lowest floor, including basement, shall be elevated to at least two feet above the base flood elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding.

(a) ~~The as-built~~ finished construction elevation ~~survey certificate and stamped documentation certifying that the structure has been built in compliance with the applicable provisions of 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the ~~as-built~~ finished construction elevation ~~survey certificate~~ is submitted. The deposit/bond may be used to obtain the elevation ~~survey certificate~~, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the ~~as-built~~ finished construction elevation ~~survey certificate~~, unless utilized to obtain compliance.

(CD) Nonresidential Structures.

New construction and substantial improvement of any commercial, industrial or other non-residential structure, including a detached garage, shall:

(1) Have the lowest floor including basement, elevated at least one foot above the base flood elevation and be anchored to prevent flotation, collapse, or lateral movement of the structure. level Floating nonresidential structures do not need to be elevated but must be able to rise with flood waters to the design flood elevation required by this section. This will require consideration of the piling heights. The lowest floor, including basement, shall be elevated to at least two feet above the base flood

elevation where flood elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative federal, state or other source. Where flood elevation data is not available, a State of Oregon registered professional engineer or architect shall also verify that the proposed construction will be reasonably safe from flooding; or, together with attendant utility and sanitary facilities, shall:

(a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood ~~level~~elevation; and

(b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and

(c) Be certified by a State of Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans~~standards of this subsection are satisfied.~~

(2) ~~The applicant shall provide either an as-built finished construction elevation survey certificate prepared of the lowest floor completed by a State of Oregon Registered professional engineer or land surveyor or architect for a non-elevated, non-residential structure certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.606(C)(1)(a) through (e).~~

(a) ~~The as-built finished construction elevation certificate/floodproofing certificates survey or and stamped documentation certifying the structure has been built in compliance with the applicable provisions of MCC 29.606 shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

(b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built finished construction elevation survey certificate or and stamped documentation is submitted. The bond/ deposit may be used to obtain the elevation survey certificate or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built finished construction elevation survey certificate or stamped documentation, unless utilized to obtain compliance.

(DE) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.

All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:

- (1) Minimize infiltration of floodwaters into the system;
- (2) Minimize discharge from systems into floodwaters;
- (3) Avoid impairment or contamination during flooding.

(EF) Recreational Vehicles in Campground or Recreational Development

Recreational vehicles utilized on sites within Zones A1-A30, AH and AE on the community's FIRM shall either:

- (1) Be on the site for fewer than 180 consecutive days, or
- (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of section 29.606(AB) and (BC).

(G) Critical Facilities

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the areas of special flood hazard. Construction of new critical facilities shall be permissible within the special flood hazard area if:

- (1) No feasible alternative is available.
- (2) The lowest floor is elevated three feet above the base flood elevation, or to the elevation of the 500-year flood, whichever is higher.
- (3) At least one access route to the critical facility shall be either located or elevated at or above the flood elevation referenced above to assure the route will remain passable during flood events.
- (4) Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced or released into floodwaters.
- (5) The construction meets the requirements of MCC 29.606(D) except the lowest floor elevation shall meet (G)(2) above.

(H) Land Division Proposals

County review of proposed land divisions are subject to separate criteria in the county zoning code titled "Land Divisions" which are designed to minimize flood damage.

Section 8. MCC § 29.607 is amended as follows:

29.607 Floodway Requirements.

In areas identified as a floodway in MCC 29.602 on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.606, shall apply:

- (A) No development shall be permitted that would result in any measurable increase in base flood levels.

(1) Encroachment into the floodway, including fill, new construction, substantial improvements and other development, is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a State of Oregon registered professional engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.

(2) If Section (A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of MCC 29.606.

(B) In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the communities FIRM, unless:

(1) It is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community, and

(2) The applicable requirements of 29.606 are met.

Section 9. MCC § 29.609 is amended as follows:

29.609 Watercourse Relocation and Alteration.

Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.

(A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a State of Oregon registered professional engineer, is provided which demonstrates that:

- (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;
- (2) The area subject to inundation by the base flood discharge will not be increased;
- (3) The alteration or relocation will cause no measurable increase in base flood levels.

Section 10. MCC § 29.610 is amended as follows:

29.610 County Records.

Multnomah County or its designee shall obtain and maintain on file the ~~actual~~ final construction elevation (in relation to the National Geodetic Vertical Datum (NGVD) 1929 or NAVD 1988) of the

lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.

(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD 1929 or NAVD 1988) of to which the structure was floodproofed and shall also maintain the floodproofing certifications required pursuant to MCC 29.606(C)(1)(b)-(d).

Section 11. MCC §§ 29.620- through 29.630 are repealed as follows:

~~29.620* WEST OF SANDY RIVER FLOOD HAZARD REGULATIONS~~

~~29.620 Purposes.~~

~~———— The purposes of the Flood Hazard Standards are to promote the public health, safety and general welfare, to reduce the risk of flooding and maintain the functions and values of floodplains such as allowing for the storage and conveyance of stream flows through existing and natural flood conveyance systems, and to minimize public and private losses due to flood conditions in specific areas and to allow property owners within the West of Sandy River Plan Area of unincorporated Multnomah County to participate in the National Flood Insurance Program. (Title 3)~~

~~29.621 Definitions.~~

~~———— For the purpose of this subchapter, the following definitions shall apply:~~

~~———— **ALTERATION.** To modify, change or make different.~~

~~———— **DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the areas shown within 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse.~~

~~———— **DESIGN FLOOD ELEVATION.** The elevation of the 100-year flood as defined by FEMA Flood Insurance Rate Maps, or in areas without maps, the elevation of the 25-year storm, or the edge of mapped flood-prone soils or similar methodologies.~~

~~———— **ELEVATION CERTIFICATE.** The document used to certify the FIRM Zone and base flood elevation of the development area of a property, and to determine the required elevation or floodproofing requirements of new and substantially improved structures.~~

~~———— **ENCROACHMENT.** To fill, construct, improve, or develop beyond the original bank line of the watercourse. Bank stabilization or restoration of a watercourse which does not protrude beyond the original banks line is not considered an encroachment by this subdistrict.~~

~~———— **FLOOD MANAGEMENT AREA.** All lands contained within the 100-year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published~~

by the Federal Emergency Management Agency (FEMA), and the area of inundation for the February 1996 flood.(Title 3)

———— **FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

———— **RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

———— **SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

———— **SUBSTANTIAL IMPROVEMENT.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

———— (1) — Before the improvement or repair is started; or

———— (2) — If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The costs to repair must be calculated for full repair to "before damage" condition, even if the owner elects to do less. The total costs to repair include both structural and finish materials and labor.

———— (3) — Substantial Improvement does not, however, include either:

———— (a) — The portion of any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by local building officials and which are the minimum necessary to assure safe living conditions or

———— (b) — Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

———— **WATERCOURSE.** Natural and artificial features which transport surface water. Watercourse includes a river, stream, creek, slough, ditch, canal, or drainageway.

29.622 Areas Affected.

———— (A) — The provisions of MCC 29.620 – 29.630 shall apply within the West of Sandy River Plan Area to all areas within the 100 year flood boundary as identified on the Flood Boundary and Floodway Maps and the Flood Insurance Rate Maps as published by the Federal Emergency Management Agency (FEMA), the area of inundation for the February 1996 flood, and any watercourse as defined by MCC 29.621.(Title 3)

———— (1) — These maps may be periodically revised or modified by FEMA in accordance with prescribed procedures pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 92-

~~234). In order to employ the best available information and maintain compliance with Federal Flood Insurance Program regulations, Multnomah County shall utilize any such revisions or modifications upon their effective date.~~

~~(2) On the Multnomah County Zoning Map, all areas depicted as being Flood Fringe (FF), Floodway (FW) or Flood Hazard (FH) with this ordinance are repealed from requiring a Flood Hazard Permit.~~

29.623 Permits.

~~(A) No structure, dwelling or manufactured home shall be erected, located, altered, improved, repaired or enlarged and no other new development including but not limited to grading, mining, excavation and filling shall occur on lands within Flood Management Areas unless a Floodplain Development Permit specifically authorizing the proposal has been obtained from Multnomah County.~~

~~(1) Improvements to a structure, dwelling or mobile home, which does not require a land use permit, grading permit or building permit, are exempted from obtaining a Flood Hazard Permit.~~

~~(B) Alterations, modifications or relocations to any watercourse as defined in MCC 29.621 are subject to a Flood Hazard permit and the Watercourse Relocation requirements of MCC 29.629.~~

~~(1) Regular maintenance of ditches and dikes within the Sauvie Island Drainage District is exempted from obtaining a Flood Hazard Permit.~~

29.624 Exemption from Development Standards.

~~The following are exempt:~~

~~(A) Land may be exempted from the requirements of MCC 29.626 upon review and approval by the Director of an acceptable elevation survey, certified by a State of Oregon Registered Professional Engineer or Land Surveyor, which demonstrates that the entire subject parcel is at least one foot above the base flood level.~~

~~(B) The reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Historic Sites Inventory may be permitted without regard to the requirements of MCC 29.626.~~

~~(C) Forest practices conducted under the Forest Practices Act.~~

29.625 Application Information Required.

~~An application for development subject to a Floodplain Development Permit shall include the following:~~

~~(A) A map showing the property line locations, the boundaries of the 100-year floodplain on the parcel, roads, and driveways, existing structures, watercourses and the location of the proposed development(s), topographic elevations for the proposed development and areas of grading or filling required for the project.~~

~~———— (B) — Detailed construction drawings showing compliance with the development standards specified in MCC 29.626. A licensed engineer or architect shall stamp the plans and include a statement that the plans meet the requirements of MCC 29.626.~~

~~———— (C) — An elevation certificate signed by a Registered Professional Land Surveyor, Engineer or Architect. The certificate shall be accompanied by a plan of the property which shows the location and elevation of a benchmark on the property.~~

~~———— (D) — A written narrative specifying building materials and methods that will be utilized to comply with the requirements of the Floodplain Permit.~~

~~———— (E) — Evidence that the applicant has obtained, when necessary, prior approval from those Federal, State and/or local governmental agencies with jurisdiction over the proposed development.~~

29.626 Development Standards.

~~———— The following standards shall apply to all new construction, substantial improvement or other development in Flood Management Areas:—~~

~~———— (A) — General Development Standards~~

~~———— (1) — Development, excavation and fill shall be performed in a manner to maintain or increase flood storage and conveyance capacity and not increase design flood elevations.~~

~~———— (2) — All fill placed at or below the design flood elevation in Flood Management Areas shall be balanced with at least an equal amount of soil material removal.~~

~~———— (3) — Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm winter conditions.~~

~~———— (4) — Temporary fills permitted during construction shall be removed.~~

~~———— (5) — Uncontained areas of hazardous materials as defined by DEQ shall be prohibited in Flood Management Areas.(Title 3)~~

~~———— (B) — All Structures.~~

~~———— (1) — All new construction and substantial improvement shall:~~

~~———— (a) — Comply with Oregon State Building Codes.~~

~~———— (b) — Have the electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~———— (c) — Use materials resistant to flood damage.~~

~~———— (d) — Using methods and practices that minimize flood damage.~~

~~_____ (e) For areas that are fully enclosed below the lowest floor and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.~~

~~_____ 1. Designs for meeting this requirement must either be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:~~

~~_____ a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

~~_____ b. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

~~_____ (C) Residential Structures:~~

~~_____ New construction and substantial improvement of any residential structure, including manufactured homes, shall:~~

~~_____ (1) Have the lowest floor, including basement, elevated to at least one foot above the base flood level as indicated on the Elevation Certificate. For purposes of this section, an unfinished garage (either attached or detached) may be considered a non-residential structure.~~

~~_____ (2) Be placed on a permanent foundation and shall be anchored to resist flotation, collapse and lateral movement by providing tie downs (anchor bolts, seismic tie downs) and anchoring as specified in OAR 814-23-005 through 080 and State of Oregon 1 and 2 Family Dwelling Specialty Code, as appropriate to the construction type.~~

~~_____ (3) Conduct an as-built elevation survey of the lowest floor. This survey shall be completed by a State of Oregon Registered Professional Engineer or Land Surveyor and must certify that the structure's lowest floor was elevated to at least one foot above the base flood level.~~

~~_____ (a) The as-built elevation survey shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

~~_____ (b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey is submitted. The deposit/bond may be used to obtain the elevation survey, without notice, if it is not completed and submitted prior to occupancy of the dwelling. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey, unless utilized to obtain compliance.~~

~~_____ (D) Nonresidential Structures:~~

~~_____ New construction and substantial improvement of any commercial, industrial or other non-residential structure shall:~~

~~_____ (1) Have the lowest floor including basement, elevated at least one foot above the base flood level; or, together with attendant utility and sanitary facilities, shall:~~

~~_____ (a) Be floodproofed such that the structure, including the attendant utility and sanitary facilities, shall be substantially impermeable to the passage of water to an elevation at least one foot above the base flood level; and~~

~~_____ (b) Have structural components capable of withstanding hydrostatic and hydrodynamic loads, effects of buoyancy, flood depths, pressures, velocities and other factors associated with the base flood; and~~

~~_____ (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied.~~

~~_____ (2) Provide an as-built elevation survey of the lowest floor completed by a State of Oregon Registered Professional Engineer or Land Surveyor certifying that the structure's lowest floor was elevated to at least one foot above the base flood level; or submit a stamped documentation by a State of Oregon Registered Professional Engineer certifying the structure has been built in compliance with MCC 29.626(D)(1)(a) through (c).~~

~~_____ (a) The as-built elevation survey or stamped documentation shall be submitted to Multnomah County Land Use Planning prior to occupancy of the structure.~~

~~_____ (b) Prior to issuance of a building permit or start of development, a performance bond or cash deposit of \$1000.00 shall be required to assure that the as-built elevation survey or stamped documentation is submitted. The bond/deposit may be used to obtain the elevation survey or documentation, without notice, if it is not completed and submitted prior to occupancy or use of the structure or development. The performance bond or cash deposit shall be released upon submittal of the as-built elevation survey or stamped documentation, unless utilized to obtain compliance.~~

~~_____ (E) On Site Waste Disposal Systems, Wells, Water Systems and Sewer Systems.~~

~~_____ All new and replacement water and sewer systems, including on-site waste disposal systems, shall be designed to:~~

~~_____ (1) Minimize infiltration of floodwaters into the system;~~

~~_____ (2) Minimize discharge from systems into floodwaters;~~

~~_____ (3) Avoid impairment or contamination during flooding.~~

~~_____ (F) Recreational Vehicles in Campground or Recreational Development~~

~~_____ Recreational vehicles utilized on sites within Zones A1 A30, AH and AE on the community's FIRM shall either:~~

~~_____ (1) Be on the site for fewer than 180 consecutive days, or~~

~~_____ (2) Be fully licensed and ready for highway uses, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~

~~_____ (3) Meet the requirements of MCC 29.626(B) and (C).~~

29.627 Floodway Requirements.

~~_____ In areas identified as floodway on the Flood Boundary and Floodway Maps, the following restrictions, in addition to the requirements of MCC 29.626, shall apply:~~

~~_____ (A) No development shall be permitted that would result in any measurable increase in base flood levels.~~

~~_____ (1) Encroachment into the floodway is prohibited, unless a detailed step backwater analysis and conveyance compensation calculations, certified by a Registered Professional Engineer, are provided which demonstrates that the proposed encroachment will cause no measurable increase in flood levels (water surface elevations) during a base flood discharge.~~

29.628 Procedure When Base Flood Elevation Data is Not Available.

~~_____ (A) For the purposes of administering MCC 29.626 in areas where detailed base flood elevation data has not been provided by FEMA, the Land Use Planning Division shall obtain, review and utilize any base flood elevation and floodway data available from federal, state or local sources to assure that the proposed construction will be reasonably safe from flooding and may exercise local judgment based on historical data.~~

~~_____ (B) In areas where detailed base flood elevation data has not been provided by FEMA, all proposals for subdivisions or other new developments greater than 50 lots or five acres, whichever is less, shall provide detailed base flood elevation data and floodway data.~~

29.629 Watercourse Relocation and Alteration.

~~_____ Prior to approving any relocation, encroachment or alteration of a watercourse, the Land Use Planning Division shall provide mailed notice of the proposal to adjoining communities and to the Department of Land Conservation and Development Floodplain Coordinator. Copies of such notice shall also be provided to the Federal Insurance Administration.~~

~~_____ (A) No relocation, encroachment or alteration of a watercourse shall be permitted unless a detailed hydraulic analysis, certified by a Registered Professional Engineer, is provided which demonstrates that:~~

~~_____ (1) The flood carrying capacity for the altered or relocated portion of the watercourse will be maintained;~~

~~_____ (2) The area subject to inundation by the base flood discharge will not be increased;~~

~~_____ (3) The alteration or relocation will cause no measurable increase in base flood levels.~~

29.630 County Records.

~~_____ Multnomah County or its designee shall obtain and maintain on file the actual elevation (in relation to NGVD) of the lowest floor, including basement, of all new or substantially improved structures in areas subject to the provisions of this Section.~~

~~(A) For all new or substantially improved floodproofed structures in areas subject to the provisions of this Section, Multnomah County shall obtain and maintain on file the actual elevation (in relation to NGVD) of the floodproofing and shall also maintain the floodproofing certifications required pursuant to MCC 29.626(D)(1)(b) and (c).~~

Section 12. MCC § 36.6183 is amended as follows

36.6183 Approval Criteria for lands not zoned Exclusive Farm Use.

To be approved all applications for Planning Director Review, Community Service Review or Building Permit Review of a wireless communications facility (WCF) shall demonstrate compliance with the following:

(A) General and Operating Requirements

* * *

(4) Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(a) The facility shall comply with Significant Environmental Concern regulations when applicable, including the conditions of an SEC permit for any excavation or removal of materials of archaeological, historical, prehistorical or anthropological nature;

(b) The facility shall comply with Grading and Erosion Control regulations of MCC 29.350 through 29.365 when applicable;

(c) The facility shall comply with Flood Hazard regulations of MCC 29.620-600 through 29.630-611 when applicable; and

(d) Alteration or disturbance of native vegetation and topography shall be minimized.

* * *

Section 13. MCC § 37.0915 is hereby amended to read as follows

37.0915 Violations

Any use of land, land division, adjustment to property boundaries, work within a County right-of-way, or other activity by a person in violation of any provision of:

(A) MCC Chapters 33, 34, 35, 36 and 38; §§ 29.001 through 29.365 and 29.500 through 29.630611; Multnomah County Road Rules or the terms and conditions of any permit issued under those code provisions; or

(B) Any statute adopted by the Oregon Legislature and those land use planning goals and rules of the Land Conservation and Development Commission (LCDC) that apply directly to the County through ORS 197.646

may be subject to enforcement and fines as provided in this subchapter.

FIRST READING:

August 21 2008

SECOND READING AND ADOPTION:

September 4, 2008

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-10
Est. Start Time: 10:20 AM
Date Submitted: 08/06/08

Agenda Title: Land Use and Transportation Briefing on Code Compliance Program Progress

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

Requested Meeting Date: August 21, 2008 **Amount of Time Needed:** 20 minutes
Department: Community Services **Division:** Land Use and Trans Planning
Contact(s): Michael Grimmett
Phone: 503 988-5050 **Ext.** 29640 **I/O Address:** 455/116
Presenter(s): Michael Grimmett, Bill Gotzinger, Karen Schilling

General Information

1. What action are you requesting from the Board?

This is a briefing on the status of the County Code Compliance Program for land use and transportation regulations. No action requested.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

This briefing will satisfy the Board's request for regular program updates and provide a report on progress made with an additional Code Compliance Specialist hired as approved in the 2007-08 budget. The Code Compliance office is located within the Land Use and Transportation Program, part of the Vibrant Communities Program Offer.

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

None

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

None

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

A similar briefing will be conducted in August for the Columbia River Gorge Commission. The County's Planning Commission will also have a briefing in September.

Required Signature

**Elected Official
or Department/
Agency Director:**



Date: 08/06/08

Department of Community Services
Land Use and Transportation Program
Code Compliance
MULTNOMAH COUNTY OREGON



Code Compliance Program Briefing
to the
Board of County Commissioners

August 2008

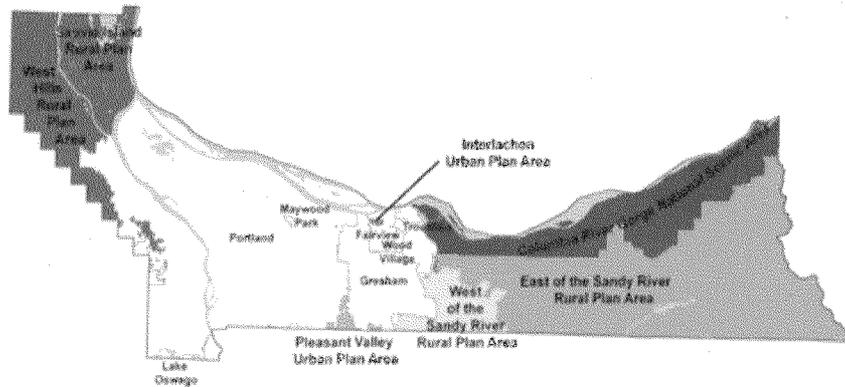
Code Compliance Program Briefing

- Jurisdiction and Background
- Performance Measures
- Operations Summary
- Case Priority Criteria
- Zoning Violation Cases
- Review of Fiscal Year 2007-08 Activity



Land Use and Transportation Program
MULTNOMAH COUNTY OREGON
Code Compliance

Program Jurisdiction: Multnomah County Rural/Urban Plan Areas



Program Background

- 2004 – Multnomah County Board of County Commissioners (BCC) and Columbia River Gorge Commission (CRGC) adopted the new Code Compliance Program.
- 2007 – Stop Work Order process and Enforcement of Right-of-Way regulations/rules adopted by BCC and CRGC to Program jurisdiction.
- September 2007 – Additional staff joined the Code Compliance Program, bringing staff total to two Full Time Employees.

Program Performance Measures

- Number of Complaints received.

FY 06-07 = 91

FY 07-08 = 102

- Number of Cases resolved without enforcement (Goal = 100%).

FY 06-07 = 118 of 120 (98%)

FY 07-08 = 89 of 91 (98%)

Program Operations Summary

- Additional Code Compliance Specialist
- Staff received Code Enforcement Certification
- Coordination with City of Portland and City of Gresham
- Coordination with Oregon Department of Forestry
- Voluntary Compliance Process working well with Property Owners to meet compliance goals

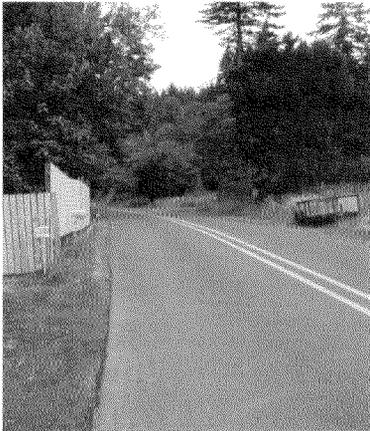
Case Priority Criteria Categories

- Public Health, Safety and Welfare
 - including Right-of-Way
- Significant Environmental Impact
- Property Owner request to resolve complaint or violation

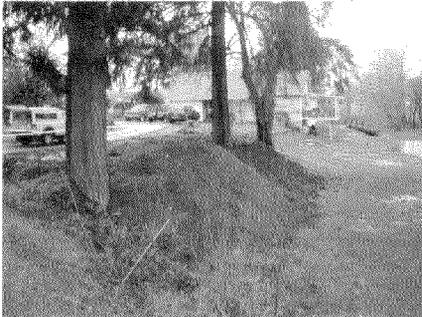
Public Health, Safety & Welfare



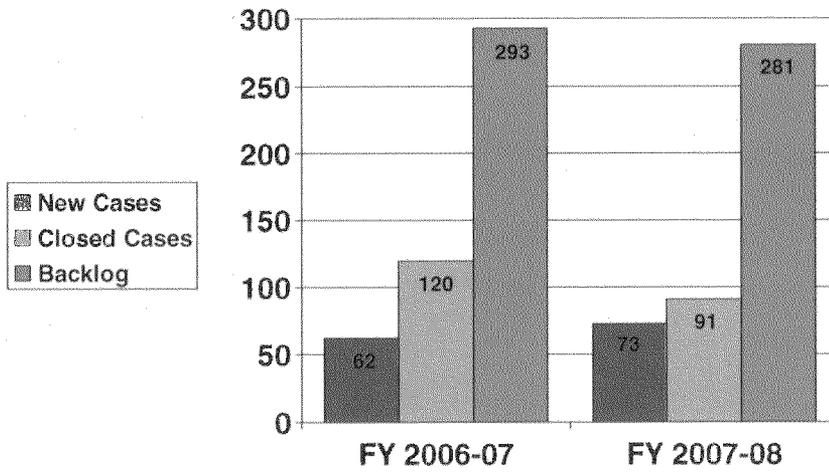
Right-of-Way



Significant Environmental Impact



Case Load Trend



FY 2007-08 Cases

- 70 - New Complaint Cases
- 03 - New Zoning Violations

73 – Total New Cases

New Case Criteria Breakdown

■ **38 - Active Priority Criteria Cases**

- 16 Environmental Impact
- 16 ROW/Safety
- 06 Owner Request

■ **32 - Non-Priority Complaint Cases**

FY 07-08 Zoning Violation (ZV) Cases

- Three ZV cases affirmed by Hearings Officer
 - Two ZV cases appealed to Circuit Court
 - One ZV case under resolution
-

FY 2007-08 – Closed Complaint and Zoning Violation Cases

■ 91 – Total Closed Cases

- 84 - Complaint Cases Closed
- 07 - Zoning Violation Cases Closed

Looking forward

- Reviewing zoning violation policy and process
- Program Development:
 - Update Policy and Procedures Manual to reflect revisions in program implementation and jurisdiction

Thank You



**Department of Community Services
Land Use and Transportation Program
Code Compliance
MULTNOMAH COUNTY OREGON**



Code Compliance Program Briefing
to the
Board of County Commissioners

August 21, 2008

Code Compliance Program Briefing

- Jurisdiction and Background
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- Operations Summary
- Case Priority Criteria
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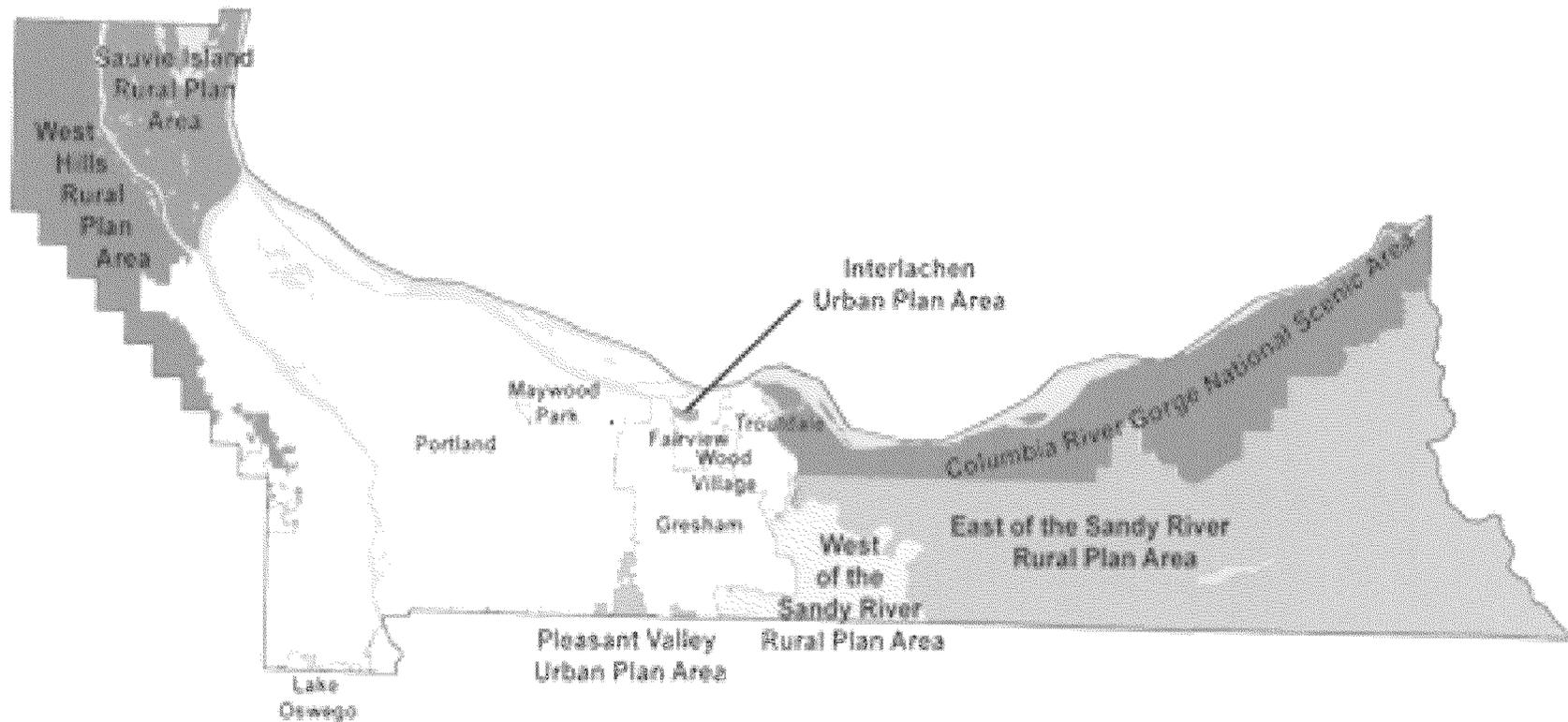


Land Use and Transportation Program

MULTNOMAH COUNTY OREGON

Code Compliance

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Case Priority Criteria Categories

- Public Health, Safety and Welfare
 - including Right-of-Way

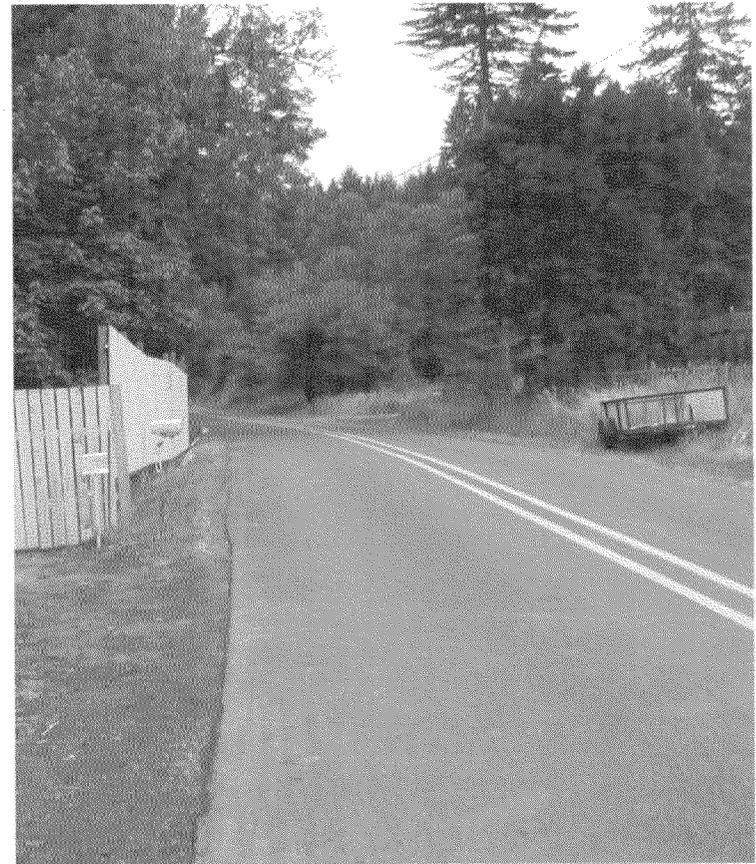
- Significant Environmental Impact

- Property Owner request to resolve complaint or violation

Public Health, Safety & Welfare



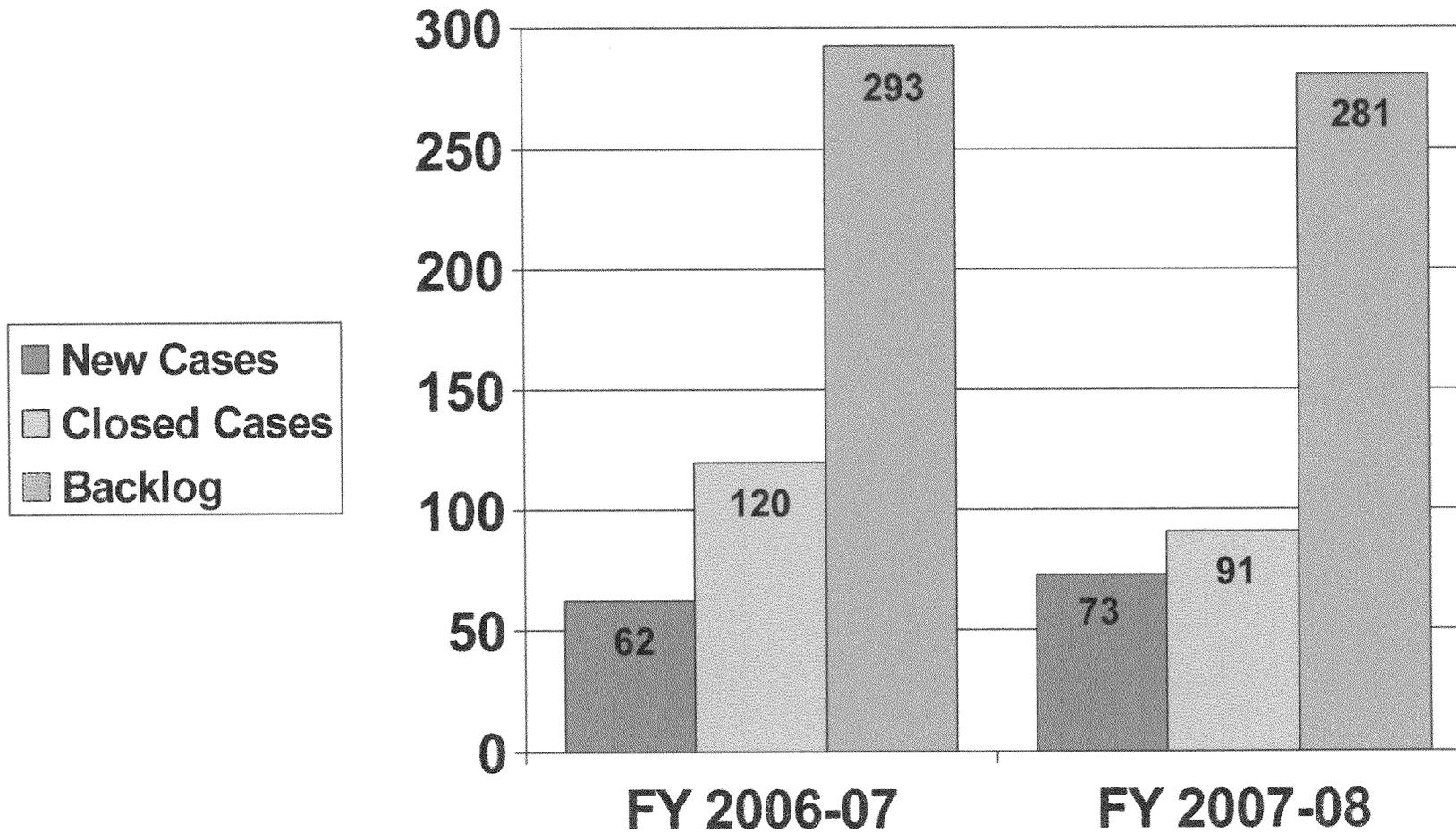
Right-of-Way



Significant Environmental Impact



Case Load Trend



FY 2007-08 Cases

- 70 - New Complaint Cases
- 03 - New Zoning Violations

73 – Total New Cases

New Case Criteria Breakdown

- **38 - Active Priority Criteria Cases**
 - **16 Environmental Impact**
 - **16 ROW/Safety**
 - **06 Owner Request**

- **32 - Non-Priority Complaint Cases**

FY 07-08 Zoning Violation (ZV) Cases

- Three ZV cases affirmed by Hearings Officer
 - Two ZV cases appealed to Circuit Court
 - One ZV case under resolution

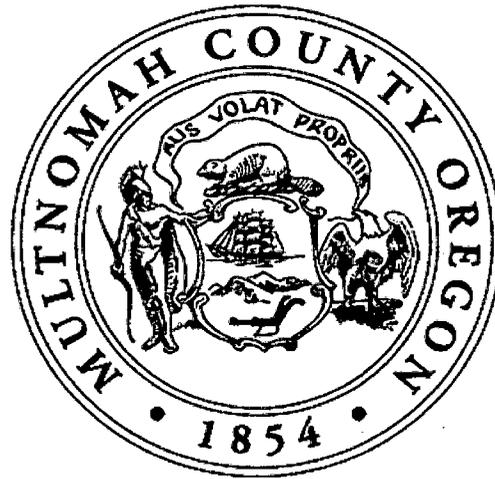
FY 2007-08 – Closed Complaint and Zoning Violation Cases

- 91 – Total Closed Cases
 - 84 - Complaint Cases Closed
 - 07 - Zoning Violation Cases Closed

Looking forward

- Reviewing zoning violation policy and process
- Program Development:
 - Update Policy and Procedures Manual to reflect revisions in program implementation and jurisdiction

Thank You



**Department of Community Services
Land Use and Transportation Program
Code Compliance
MULTNOMAH COUNTY OREGON**



Code Compliance Program Briefing
to the
Board of County Commissioners

August 21, 2008

Code Compliance Program Briefing

- Jurisdiction and Background
- Performance Measures
- Operations Summary
- Case Priority Criteria
- Zoning Violation Cases
- Review of Fiscal Year 2007-08 Activity

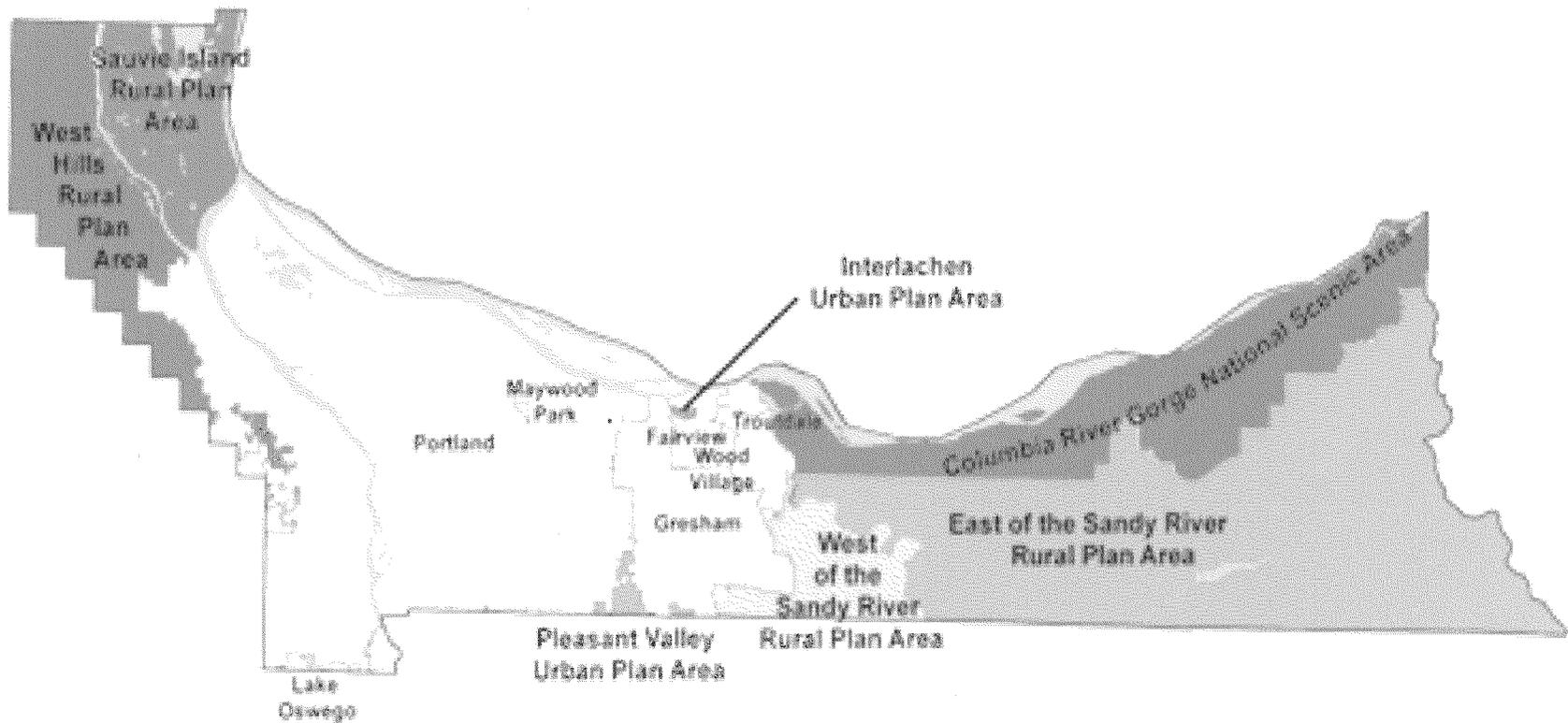


Land Use and Transportation Program

MULTNOMAH COUNTY OREGON

Code Compliance

Program Jurisdiction: Multnomah County Rural/Urban Plan Areas



Program Background

- 2004 – Multnomah County Board of County Commissioners (BCC) and Columbia River Gorge Commission (CRGC) adopted the new Code Compliance Program.
 - 2007 – Stop Work Order process and Enforcement of Right-of-Way regulations/rules adopted by BCC and CRGC to Program jurisdiction.
 - September 2007 – Additional staff joined the Code Compliance Program, bringing staff total to two Full Time Employees.
-

Program Operations Summary

- Additional Code Compliance Specialist
 - Staff received Code Enforcement Certification
 - Coordination with City of Portland and City of Gresham
 - Coordination with Oregon Department of Forestry
 - Voluntary Compliance Process working well with Property Owners to meet compliance goals
-

Case Priority Criteria Categories

- Public Health, Safety and Welfare
 - including Right-of-Way

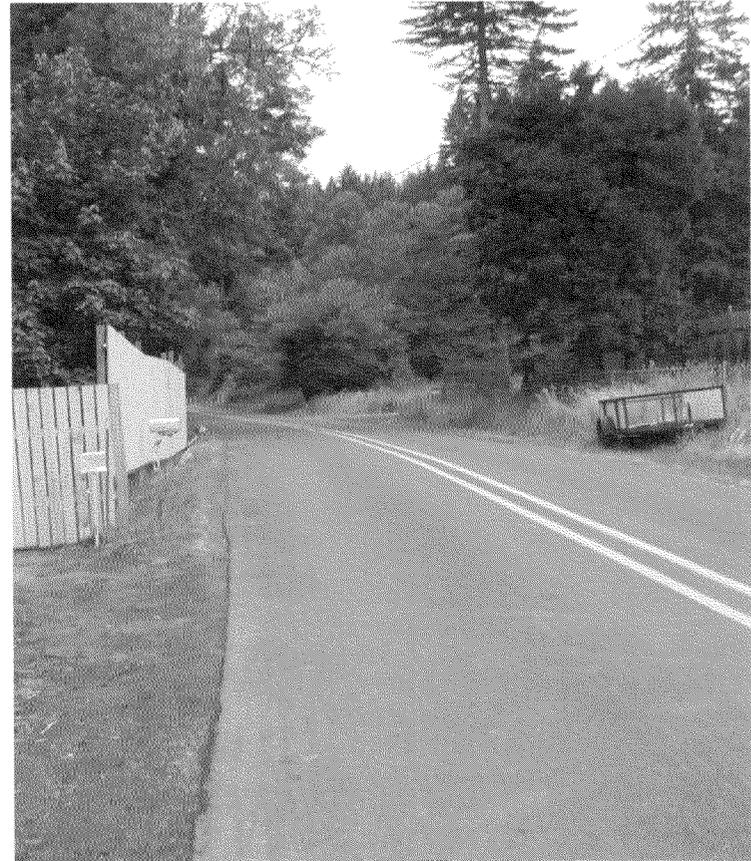
 - Significant Environmental Impact

 - Property Owner request to resolve complaint or violation
-

Public Health, Safety & Welfare



Right-of-Way



Significant Environmental Impact



Program Performance Measures

- Number of Complaints received.

FY 06-07 = 91

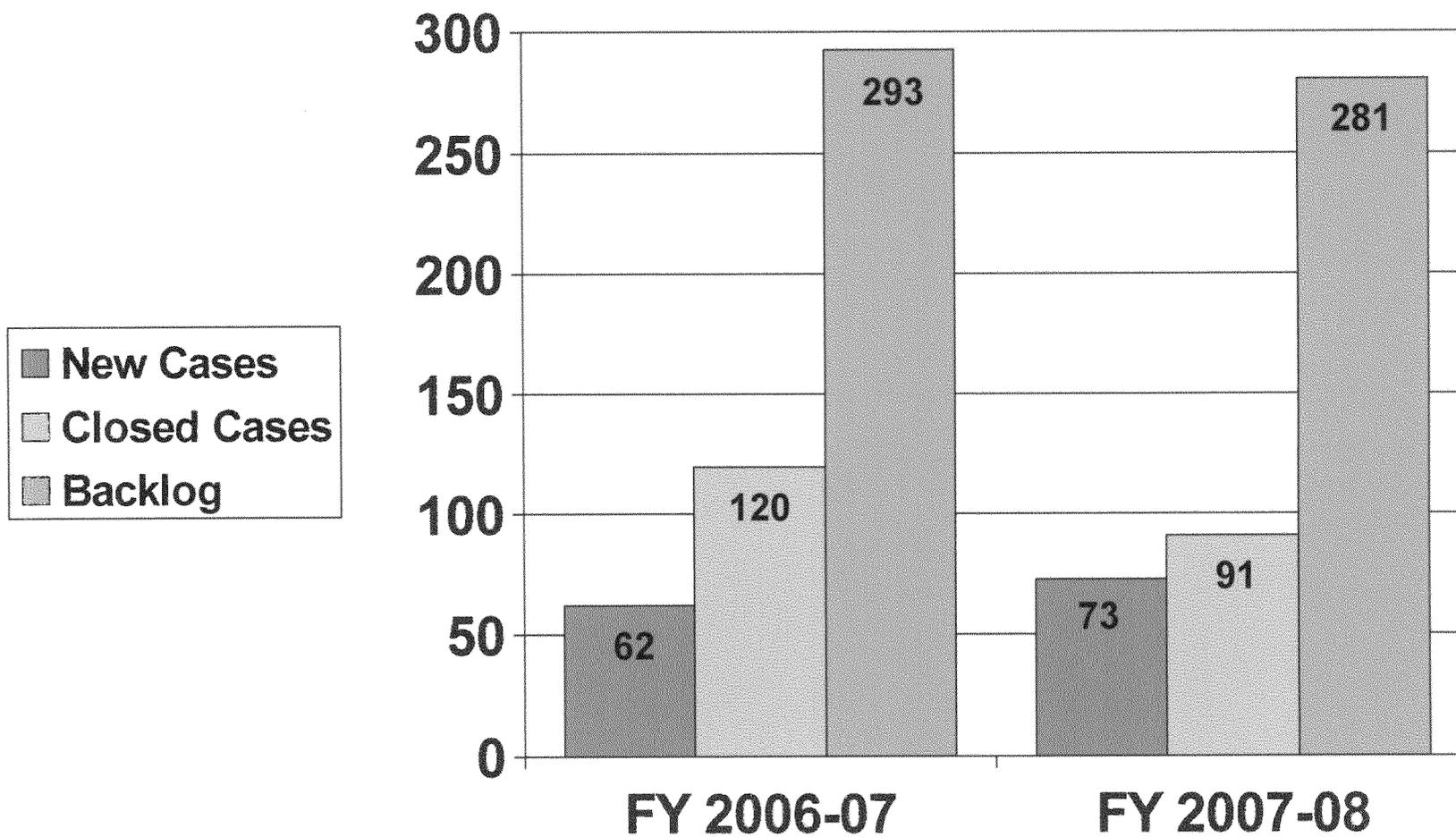
FY 07-08 = 102

- Number of Cases resolved without enforcement (Goal = 100%).

FY 06-07 = 118 of 120 (98%)

FY 07-08 = 89 of 91 (98%)

Case Load Trend



FY 2007-08 Cases

- 70 - New Complaint Cases
 - 3 - New Zoning Violations

73 – Total New Cases

New Case Criteria Breakdown

- **38 - Active Priority Criteria Cases**
 - **16 Environmental Impact**
 - **16 ROW/Safety**
 - **6 Owner Request**

 - **32 - Non-Priority Complaint Cases**
-

FY 07-08 Zoning Violation (ZV) Cases

- Three ZV cases affirmed by Hearings Officer
 - Two ZV cases appealed to Circuit Court
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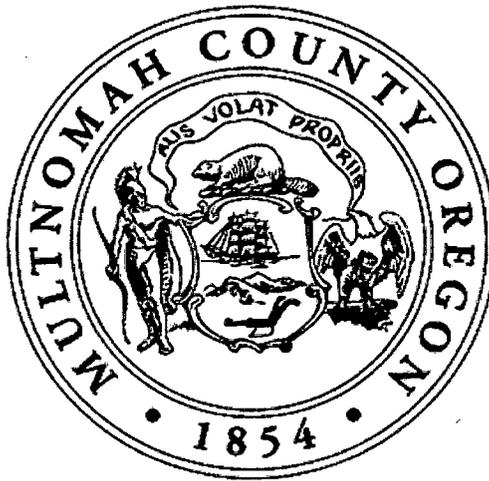
FY 2007-08 – Closed Complaint and Zoning Violation Cases

- 91 – Total Closed Cases
 - 84 - Complaint Cases Closed
 - 7 - Zoning Violation Cases Closed
-

Looking forward

- Reviewing zoning violation policy and process
- Program Development:
 - Update Policy and Procedures Manual to reflect revisions in program implementation and jurisdiction

Thank You



MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 27 Aug 08

SUBJECT: MC ENFORCEMENT BRIEFING

AGENDA NUMBER OR TOPIC: R-10

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: BOB LEPPER

ADDRESS: PO BOX 94

CITY/STATE/ZIP: TROUTDALE

PHONE: DAYS: 503-695-5276

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

AMENDED

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 8-21-08
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-11
Est. Start Time: 10:40 AM
Date Submitted: 08/15/08

Agenda Title: NOTICE OF INTENT to Submit a Proposal for a \$30,000 Grant to the Oregon Department of Environmental Quality's Solid Waste Grant Program

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

Requested Meeting Date: August 21, 2008 (if possible) **Amount of Time Needed:** 5 minutes
Department: DCM **Division:** Sustainability
Contact(s): Molly Chidsey
Phone: 503-988-4094 **Ext.** x84094 **I/O Address:** 503/4/Sustainability
Presenter(s): Molly Chidsey

General Information

1. What action are you requesting from the Board?

Authorization to submit a proposal for \$30,000 to Oregon Department of Environmental Quality's Solid Waste Grant Program to request one-time funding to evaluate recycling and waste prevention needs in unincorporated Multnomah County and potential development of a solid waste and recycling management plan.

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

Please note which Program Offer this action affects and how it impacts the results.

Businesses and residents in unincorporated Multnomah County have inconsistent access to recycling services and information. Further, residents and businesses in these areas pay unknown rates for garbage and recycling services, report a lack of recycling access, and indicate that illegal dumping and trash burning in unincorporated areas are problems that need to be addressed. Through this grant, Multnomah County would (1) assess the needs for recycling and waste prevention services and outreach in unincorporated areas of the county, and (2) based on those findings, develop the first-ever Solid Waste Management Plan for Multnomah County, focused on unincorporated areas of the county.

Oregon statute (ORS 459) gives counties in Oregon the authority to regulate solid waste and recycling in their counties. In Multnomah County, some of this responsibility has been transferred to the incorporated municipalities of Portland and Gresham. Multnomah County, unlike other counties in Oregon, does not have a program to manage recycling services. Therefore, the areas of unincorporated Multnomah County outside of the Portland and Gresham Urban Services Districts are not currently served by a comprehensive solid waste and recycling program.

Oregon Statute 459(A) requires that Multnomah, Clackamas, and Washington counties, in aggregate achieve a recycling recovery rate of 64 percent for the calendar year 2009. These three counties also are covered by Metro's Regional Solid Waste Management Plan, which requires certain services as part of its regional service standard (RSS). Unincorporated Multnomah County residents and businesses are included in these regional goals.

The grant project would be broken down into two phases:

Phase I: 2009

- Multnomah County would use grant funds to hire Community Environmental Services, a non-profit based organization out of Portland State University, to conduct a needs assessment on recycling and waste prevention in unincorporated Multnomah County.
- Based on their findings, a final report of recommendations would be made available to the Board of Commissioners and used as a starting point for the creation of a Solid Waste Management Plan.

Phase II: 2010

- Multnomah County would hire a contractor to write a Solid Waste Management Plan. This would be brought to the Board of County Commissioners for their consideration and approval.
- 3. Explain the fiscal impact (current year and ongoing).**
Multnomah County is requesting a total of \$30,000 to cover a one-year project period.
 - 4. Explain any legal and/or policy issues involved.**
Multnomah County to date has not played a formal role in implementing Oregon's recycling laws, including the Recycling Opportunity Act (SB 405 from 1983) the Oregon Recycling Act (SB 66 from 1991) and the latest which set waste generation goals for the State (HB 3744 from 2001). These are codified in ORS 459 and 459A.¹ However, the state of Oregon gives authority to counties for implementation. And while urban incorporated areas are covered by Portland and Gresham's programs, the question of who is responsible for overseeing solid waste and recycling systems in unincorporated areas is unanswered. If this project is funded, we would work with the County Attorney's office to assess the county's role in implementing this statute with input from Oregon DEQ.
 - 5. Explain any citizen and/or other government participation that has or will take place.**
Metro has agreed to partner with Multnomah County to support development of a Solid Waste Management Plan. In addition, Oregon DEQ has expressed interest in this project and has offered programmatic support.

¹ ORS 459 <http://landru.leg.state.or.us/ors/459.html>, and ORS 459A <http://landru.leg.state.or.us/ors/459a.html>.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**
Oregon Department of Environmental Quality (DEQ).
- **Specify grant (matching, reporting and other) requirements and goals.**
Oregon DEQ's Solid Waste Grant Program support waste prevention, reuse, and recycling projects that help Oregon meet its waste generation and recovery goals. Grantees are expected to submit semi-annual progress and expenditure reports, as well as a final report at the end of the project. Other project support encouraged includes public support, matching funds, and/or letters of support.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one-time only grant in the amount of \$30,000 for a 12-month (one year) project period.
- **What are the estimated filing timelines?**
The grant is due on August 29th, 2008.
- **If a grant, what period does the grant cover?**
The grant funding period is one year, from January 2009 – January 2010.
- **When the grant expires, what are funding plans?**
As the grant will fund planning for a Solid Waste Management Plan for Multnomah County, the county would be eligible for funding from DEQ and Metro to begin recycling program implementation. Additional funding revenues (i.e. garbage collection fees) would be investigated as a part of the planning process funded under this grant.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
All indirect costs will be covered through the grant.

ATTACHMENT B

Required Signatures

**Elected Official or
Department/
Agency Director:**

Carol M. Ford

Date: 08/19/08

Budget Analyst:

Debra

Date: 08/19/08



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

REVISED

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # _____ DATE _____
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 08/21/08
Agenda Item #: R-11
Est. Start Time: 10:40 AM
Date Submitted: 08/15/08

Agenda Title: NOTICE OF INTENT to Submit a Proposal for a \$45,000 Grant to the Oregon Department of Environmental Quality's Solid Waste Grant Program

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

Requested Meeting Date: August 21, 2008 Amount of Time Needed: 5 minutes
Department: DCM Division: Sustainability
Contact(s): Molly Chidsey
Phone: 503-988-4094 Ext. 84094 I/O Address: 503/4/Sustainability
Presenter(s): Molly Chidsey

General Information

1. What action are you requesting from the Board?

1 year / 30,000 =

Authorization to submit a proposal for \$45,000 to Oregon Department of Environmental Quality Solid Waste Grant Program to request one-time funding to evaluate Multnomah County's recycling responsibility in unincorporated areas.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Businesses and residents in unincorporated Multnomah County have inconsistent access to recycling services and information. Further, residents and businesses in these areas pay unknown rates for garbage and recycling services, and report a lack of recycling access, and indicate that illegal dumping and trash burning in unincorporated areas are problems that need to be addressed. Through this grant, Multnomah County would (1) assess the needs for recycling and waste prevention services and outreach in unincorporated areas of the county, and (2) based on those findings, develop the first-ever Solid Waste Management Plan for Multnomah County, focused on unincorporated areas of the county.

Oregon statute (ORS 459) gives counties in Oregon the authority to regulate solid waste and recycling in their counties. In Multnomah County, this responsibility has mainly been transferred to

the incorporated municipalities of Portland and Gresham. Multnomah County, unlike other counties in Oregon, does not have a program to manage recycling services. Therefore, the areas of unincorporated Multnomah County outside of the Portland and Gresham Urban Services Districts are not served by a comprehensive solid waste and recycling program.

Oregon Statute 459(A) requires that Multnomah, Clackamas, and Washington counties, in aggregate achieve a recycling recovery rate of 64 percent for the calendar year 2009. These three counties also are covered by Metro's Regional Solid Waste Management Plan, which requires certain services as part of its regional service standard (RSS).

The grant project would be broken down into two phases:

Phase I: 2009

- Multnomah County would use grant funds to hire Community Environmental Services, a non-profit based organization out of Portland State University, to conduct a needs assessment on recycling and waste prevention in unincorporated Multnomah County.
- Based on their findings, a final report of recommendations would be made available to the Board of Commissioners and used as a starting point for the creation of a Solid Waste Management Plan.

Phase II: 2010

- Multnomah County would hire a contractor to write a Solid Waste Management Plan. This would be brought to the Board of County Commissioners for their consideration and approval.

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

This grant will provide \$45,000 for a two-year project period.

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

There are no legal or policy issues related to the research/evaluation project.

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

Metro has agreed to partner with Multnomah County in development of a Solid Waste Management Plan. In addition, Oregon DEQ has expressed interest in this project and has offered support.

ATTACHMENT A

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

Oregon Department of Environmental Quality (DEQ)

- **Specify grant (matching, reporting and other) requirements and goals.**

Oregon DEQ's Solid Waste Grant Program support waste prevention, reuse, and recycling projects that help Oregon meet its waste generation and recovery goals. Grantees are expected to submit semi-annual progress and expenditure reports, as well as a final report at the end of the project.

Other project support encouraged includes public support, matching funds, and/or letters of support.

- **Explain grant funding detail -- is this a one time only or long term commitment?**

This is a one-time only grant in the amount of \$45,000 for a 24-month (two year) project period.

- **What are the estimated filing timelines?**

The grant is due on August 29th, 2008.

- **If a grant, what period does the grant cover?**

The grant funding period is two years, from January 2009 – December 2010.

- **When the grant expires, what are funding plans?**

As the grant will fund planning for a Solid Waste Management Plan for Multnomah County, the county would be eligible for funding from DEQ and Metro to begin recycling program implementation. Additional funding revenues (i.e. garbage collection fees) would be investigated as a part of the planning process funded under this grant.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

All indirect costs will be covered through the grant.

ATTACHMENT B

**Elected Official or
Department/
Agency Director:**

Carol M. Ford

Date: 08/19/08

Budget Analyst:

Debra

Date: 08/19/08



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	<u>08/21/08</u>
Agenda Item #:	<u>R-11</u>
Est. Start Time:	<u>10:40 AM</u>
Date Submitted:	<u>08/15/08</u>

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Requested Meeting Date:	<u>August 21, 2008</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>DCM</u>	Division:	<u>Sustainability</u>
Contact(s):	<u>Molly Chidsey</u>		
Phone:	<u>503-988-4094</u>	Ext.	<u>84094</u>
		I/O Address:	<u>503/4/Sustainability</u>
Presenter(s):	<u>Molly Chidsey</u>		

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**Elected Official or
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Carol M. Ford

Date: 08/19/08

Budget Analyst:

Debra

Date: 08/19/08