

# ANNOTATED MINUTES

Tuesday, December 10, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

## BOARD BRIEFINGS

*Chair Beverly Stein convened the meeting at 9:35 a.m., with Commissioners Sharron Kelley, Gary Hansen and Tanya Collier present, and Vice-Chair Dan Saltzman arriving at 9:40 a.m.*

B-1 Measure 47 Update. Presented by Bill Farver and Dave Warren.

**CHAIR BEVERLY STEIN, BILL FARVER, DAVE WARREN AND SHERIFF DAN NOELLE PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING FRAMEWORK FOR CUTS DUE TO MEASURE 47, ASSUMPTIONS, REDUCTIONS, LEGISLATIVE AND BUDGET ISSUES, BOARD POLICY DECISIONS, HOLDING VACANCIES AND DELAYING START UP OF PROGRAMS. BOARD TO DISCUSS JAIL SITING COMMITTEE RECOMMENDATIONS ON TUESDAY, FEBRUARY 25, 1997.**

*The briefing was recessed at 10:47 a.m. and reconvened at 11:00 a.m.*

**CAROL FORD AND EDWARD CAMPBELL PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION CONCERNING THE SCHEDULE, PROPOSED PROCESS AND OPPORTUNITY FOR CITIZEN INPUT FOR EIGHT JOINT CITY/COUNTY COMMUNITY MEETINGS IN JANUARY AND FEBRUARY, 1997, PLUS FOUR COUNTY COMMUNITY MEETINGS IN GRESHAM, CORBETT, TROUTDALE AND SAUVIE ISLAND. JOHN LEGRY SUGGESTED INVITING STATE LEGISLATORS TO THE COMMUNITY MEETINGS. MS. FORD TO LOOK INTO LOGISTICS OF PROVIDING ON-SITE CHILD CARE.**

B-2 1997 Oregon Legislative Session Update. Presented by Sharon Timko and Gina Mattioda.

**SHARON TIMKO AND GINA MATTIODA  
PRESENTATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION CONCERNING  
DRAFT MULTNOMAH COUNTY LEGISLATIVE  
AGENDA, METRO LOBBY GROUP REGIONAL  
LEGISLATIVE AGENDA, AND SUGGESTED  
PROCESS FOR MULTNOMAH COUNTY  
LEGISLATIVE AGENDA TO BE PRESENTED TO  
MULTNOMAH COUNTY LEGISLATORS AT JOINT  
BRIEFING ON WEDNESDAY, DECEMBER 18, 1996.**

*There being no further business, the meeting was adjourned at 11:50  
a.m.*

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Thursday, December 12, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley and Tanya Collier present, and Commissioner Gary Hansen excused.*

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY,  
SECONDED BY COMMISSIONER COLLIER, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-2)  
WAS UNANIMOUSLY APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

C-1 ORDER Authorizing Execution of Deed D971388 Upon Complete Performance of a Contract to Norman P. Horne

**ORDER 96-211.**

**SHERIFF'S OFFICE**

C-2 Dispenser Class A Liquor License Renewal for ROYAL CHINOOK INN, 2609 NE CORBETT HILL ROAD, CORBETT

**REGULAR AGENDA**

**PUBLIC COMMENT**

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

***LEON SMITH PRESENTED FAVORABLE FISCAL UPDATE OF ALBINA COMMUNITY BANK. ROBERT HEISEY COMMENTED IN OPPOSITION TO REMARKS ATTRIBUTED TO METRO EXECUTIVE OFFICER MIKE BURTON REGARDING JAIL FACILITY SITING IN EAST COUNTY.***

**PUBLIC CONTRACT REVIEW BOARD**

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

R-2 ORDER Exempting from Formal Bidding the Purchase of Used Cars for the Sheriff's Office Undercover Operations

***COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-2. FRANNA HATHAWAY EXPLANATION. ORDER 96-212 UNANIMOUSLY APPROVED.***

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

**NON-DEPARTMENTAL**

R-3 RESOLUTION to Authorize Appeal of LUR 96-00756 CU EN AD (Inverness Jail Expansion Denial by City of Portland Planning Bureau Hearings Officer)

***COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-3. SHERIFF DAN NOELLE COMMENTS IN SUPPORT OF KEEPING JAIL EXPANSION***

**PROJECT MOVING. COUNTY COUNSEL SANDRA DUFFY EXPLANATION OF LEGAL ISSUES REGARDING APPEAL. ALICE BLATT, JIM WORTHINGTON, STELLA ROSSI AND LINDA ROBINSON TESTIMONY IN SUPPORT OF MAINTAINING A FIFTY FOOT ENVIRONMENTAL PROTECTION BUFFER. CITY PLANNER MARGUERITE FEUERSANGER RESPONSE TO QUESTIONS OF COMMISSIONER KELLEY CONCERNING APPEAL, NEGOTIATION AND EXTENSION PROCESSES. MS. DUFFY ADVISED THE BOARD NEEDS TO MAKE A DECISION ON WHETHER TO APPEAL TODAY IN ORDER TO PROTECT ITS LEGAL RIGHTS. MS. FEUERSANGER RESPONSE TO BOARD QUESTIONS. ROBERT TRACHTENBERG SUBMITTED AND DISCUSSED COMMISSIONER KELLEY'S PROPOSED AMENDMENTS ADDING TO THE LAST WHEREAS CLAUSE AND ADDING A FURTHER RESOLVED CLAUSE. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF THE TWO AMENDMENTS. IN RESPONSE TO CONCERNS OF SHERIFF NOELLE, MS. DUFFY SUGGESTED ADDING THE TERM "WILDLIFE CORRIDOR" TO THE KELLEY AMENDMENT. MS. BLATT ADVISED THE CLARIFICATION SOUNDED OKAY WITH HER, BUT THAT SHE IS NOT AUTHORIZED TO SPEAK ON BEHALF OF THE OTHER CONCERNED CITIZENS AND GROUPS. MS. DUFFY ADVISED THAT ALL THE PARTIES TO THE CITY LAND USE HEARING, INCLUDING NW ENVIRONMENTAL, LYN MATTEI, AUDUBON SOCIETY, COLUMBIA SLOUGH, CORRINNE SHERTON, MARY ABRAMS, LINDA ROBINSON, STELLA ROSSI, HELEN COHEN AND JIM WORTHINGTON, WERE NOTIFIED OF TODAY'S MEETING. PROJECT ARCHITECT VERNON ALMON EXPRESSED CONCERN WITH POTENTIAL NEGOTIATED CHANGES WHICH WOULD NECESSITATE TOTAL REDESIGN. MS. DUFFY SUGGESTED SPECIFYING "NORTH WILDLIFE CORRIDOR" TO THE AMENDED LANGUAGE. MS. FEUERSANGER EXPLAINED THE CITY CODE PROHIBITS ANY CHANGES TO**

**THE APPROVED PLAN. BOARD AND CITIZEN DISCUSSION ON SEMANTICS OF CORRIDOR VERSUS HABITAT. FOLLOWING DISCUSSION, COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF AN AMENDED ADDITION TO THE LAST WHEREAS CLAUSE, TO READ: "THE BOARD WISHES TO PROTECT THE COLUMBIA SLOUGH BY PRESERVING A 50 FOOT BUFFER AROUND THE WILDLIFE CORRIDOR OF THE NORTH SIDE OF THE INVERNESS JAIL. AT THE SAME TIME, THE BOARD SEEKS AN EXPEDITIOUS ISSUANCE OF THE BUILDING PERMIT."; AND APPROVAL OF AN AMENDED FURTHER RESOLVED CLAUSE, TO READ: "THE COUNTY SHALL NEGOTIATE FOR AN AGREEMENT THAT PRESERVES A 50 FOOT BUFFER AROUND THE WILDLIFE CORRIDOR OF THE NORTH SIDE OF THE INVERNESS JAIL. IF AN AGREEMENT CANNOT BE REACHED BEFORE THE SCHEDULED PORTLAND CITY COUNCIL HEARING, THE ISSUE OF THE COUNTY'S POSITION ON THIS MATTER WILL RETURN TO THE BOARD OF COMMISSIONERS FOR FURTHER CONSIDERATION." FOLLOWING FURTHER DISCUSSION BETWEEN THE BOARD, MS. DUFFY, MS. BLATT, MS. ROSSI, SHERIFF NOELLE AND JIM WORTHINGTON, AND BOARD COMMENTS IN APPRECIATION OF THE NEGOTIATION EFFORTS OF MS. BLATT AND OTHERS, THE AMENDMENTS WERE UNANIMOUSLY APPROVED. RESOLUTION 96-213 UNANIMOUSLY APPROVED, AS AMENDED.**

*There being no further business, the meeting was adjourned at 10:50 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

*Deborah L. Bogstad*



**MULTNOMAH COUNTY OREGON**

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 SW FIFTH AVENUE  
PORTLAND, OREGON 97204  
CLERK'S OFFICE • 248-3277 • 248-5222  
FAX • (503) 248-5262

**BOARD OF COUNTY COMMISSIONERS**  
BEVERLY STEIN • CHAIR • 248-3308  
DAN SALTZMAN • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
TANYA COLLIER • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213

# AGENDA

## MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

**DECEMBER 9, 1996 - DECEMBER 13, 1996**

*Tuesday, December 10, 1996 - 9:30 AM - Board Briefings ..... Page 2*

*Thursday, December 12, 1996 - 9:30 AM - Regular Meeting .....Page 2*

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

*Thursday, 9:30 AM, (LIVE) Channel 30  
Friday, 10:00 PM, Channel 30  
Sunday, 1:00 PM, Channel 30*

*\*Produced through Multnomah Community Television\**

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

AN EQUAL OPPORTUNITY EMPLOYER

Tuesday, December 10, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**BOARD BRIEFINGS**

- B-1      *Measure 47 Update. Presented by Bill Farver and Dave Warren. 90 MINUTES REQUESTED.*
- B-2      *1997 Oregon Legislative Session Update. Presented by Sharon Timko and Gina Mattioda. ONE HOUR REQUESTED.*
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Thursday, December 12, 1996 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland

**REGULAR MEETING**

**CONSENT CALENDAR**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-1      *ORDER Authorizing Execution of Deed D971388 Upon Complete Performance of a Contract to Norman P. Horne*

**SHERIFF'S OFFICE**

- C-2      *Dispenser Class A Liquor License Renewal for ROYAL CHINOOK INN, 2609 NE CORBETT HILL ROAD, CORBETT*

**REGULAR AGENDA**

**PUBLIC COMMENT**

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

**PUBLIC CONTRACT REVIEW BOARD**

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

R-2            *ORDER Exempting from Formal Bidding the Purchase of Used Cars for the Sheriff's Office Undercover Operations*

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

**NON-DEPARTMENTAL**

R-3            *RESOLUTION to Authorize Appeal of LUR 96-00756 CU EN AD (Inverness Jail Expansion Denial by City of Portland Planning Bureau Hearings Officer)*

GARY HANSEN  
Multnomah County Commissioner  
District 2



1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5219

TO: Chair Bev Stein  
Commissioner Sharron Kelly  
Commissioner Dan Saltzman  
Commissioner Tanya Collier  
Clerk of the Board Deb Bogstad

FROM: Commissioner Gary Hansen

Re: December 3, 1996

DATE: upcoming absences

I will be attending the Governor's Policy Advisory committee meetings on Measure 47 on December 12, 17 and 19<sup>th</sup> at the capitol. I will be unable to attend the BCC meetings.

96 DEC -3 PM 12:54  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

MEETING DATE: DEC 12 1996

AGENDA NO: C-1

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

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

BOARD BRIEFING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of deed to contract purchaser, NORMAN P. HORNE, for completion of Contract #15803 (Property repurchased by former owner).

Deed D971388 and Board Order attached.

*12/13/96 ORIGINAL DEED & COPY of  
ALL TO TAX TITLE*

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

(OR)

DEPARTMENT MANAGER: *James M. DeLaurie*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
96 DEC -4 AM 10:38

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

In the matter of the Execution of )  
Deed D971388 Upon Complete Performance of ) ORDER  
a Contract to ) 96-211  
)  
)  
NORMAN P. HORNE )

It appearing that heretofore, on January 25, 1996, Multnomah County entered into a contract with NORMAN P. HORNE for the sale of the real property hereinafter described; and

That the above contract purchaser have fully performed the terms and conditions of said contract and are now entitled to a deed conveying said property to said purchaser;

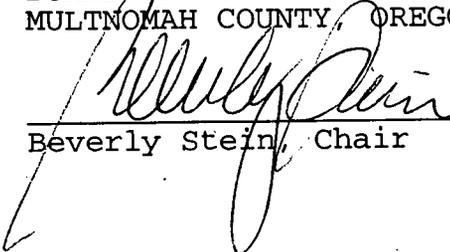
NOW THEREFORE, it is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

S 33 1/3' OF LOT 6, BLOCK 1, KENILWORTH, a recorded subdivision in Multnomah County, State of Oregon.

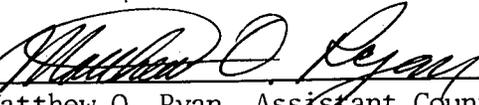
Dated at Portland, Oregon this 12th day of December, 1996.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:  
Laurence Kressel, County Counsel  
for Multnomah County, Oregon

BY   
Matthew O. Ryan, Assistant County Counsel

DEED D971388

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to NORMAN P. HORNE, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

S 33 1/3' OF LOT 6, BLOCK 1, KENILWORTH, a recorded subdivision in Multnomah County, State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$11,796.64.

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

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

NORMAN P. HORNE, 4004 SE 26TH AVE, PORTLAND OR 97202-2925

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 12th day of December, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

*Beverly Stein*  
Beverly Stein, Chair

REVIEWED:  
Laurence Kressel, County Counsel  
for Multnomah County, Oregon

DEED APPROVED:  
Janice Druian, Director  
Assessment & Taxation

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

By *K. A. Tuneberg*  
K. A. Tuneberg

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



MEETING DATE: DEC 12 1996

AGENDA #: C-2

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

### AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Sheriff's Office DIVISION: \_\_\_\_\_

CONTACT: Sergeant Bart Whalen TELEPHONE: 251-2431

BLDG/ROOM #: 313/124

PERSON(S) MAKING PRESENTATION: Sergeant Bart Whalen

#### ACTION REQUESTED:

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

#### SUGGESTED AGENDA TITLE:

This is an OLCC Dispenser Class A License Renewal Application for:

Royal Chinook Inn, Inc.  
2609 NE Corbett Hill Road  
Corbett, Oregon 97019

The background has been checked on applicant: William North

and no criminal history can be found on the above.

*12/13/96 ORIGINAL to Sgt Bart Whalen*

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER: Barton Whalen

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
96 DEC -5 PM 2:56

Any questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**Oregon Liquor Control Commission**

PO Box 22297, Milwaukie, OR 97269 1-800-452-6522

**License Renewal Application**

**IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1996**

License Type: <b>Dispenser Class A</b>	District: <b>1</b>	County/City: <b>2600</b>	RO#: <b>R00011A</b>	<b>421/212</b>
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DA-1307  
 ROYAL CHINOOK INN, INC  
 2609 N.E. CORBETT HILL ROAD  
 CORBETT OR 97019

Licensee(s) **ROYAL CHINOOK INN, INC**

Server Education Designee(s)  
 NORTH, JENNIFER

Tradename **ROYAL CHINOOK INN**  
 2609 N.E. CORBETT HILL ROAD  
 CORBETT OR 97019

**Instructions:**

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before **December 12, 1995** to avoid late fees.

**\*\*Effective March 1, 1995, under OAR 845-05-100(1), you are required to maintain a Liquor Liability Insurance policy of NO LESS THAN \$300,000. Name of Insurance/Bonding Company Farmers Ins & Policy/ID# 034938446**

Operational Questions:	Responses:
(1) Is there a change in your Server Education Designee? If yes, please list their name and Social Security Number. <u>No</u>	Name _____ SS# _____
(2) Please list a daytime phone number. <u>503-695-3237</u>	Phone Number: _____
(3) Please list all <u>arrests or convictions</u> for any crime, violation, or infraction of any law during the last year even if they are not liquor related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name      Offense      Date      City/State      Result
(4) Will anyone share in the profits who is not a licensee? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES   EXPLAIN: _____
(5) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES   EXPLAIN: _____
(6) Did you make any significant changes in operation during the past year that you have not reported to the OLCC, such as changes in menu, hours of operation, or remodeling?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES   EXPLAIN: _____

Food & Liquor Sales - Report below the average monthly sales figures to the nearest dollar for the 12 month period ending September 30, 1996		Amount
A	Average Monthly Alcoholic Beverage Sales (Include Beer, Wine & Distilled Spirits)	\$ <u>1056-</u>
B	Average Monthly Food Sales	\$ <u>5004-</u>
C	Average Monthly Total Sales (Add A + B):	\$ <u>6060-</u>
D	Percent of Food To Total Sales (Divide B By C):	% <u>82.5</u>

**Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.**  
 The County of MULTNOMAH recommends that this license be GRANTED  REFUSED  on (date) 12/12/96  
 Signed: Beverly Stein Title of Signer BEVERLY STEIN, COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Dispenser Class A	400.00
Server Education student fee	2.60
<b>TOTAL FEE TO PAY &gt;&gt;&gt;&gt;PLEASE PAY THIS AMOUNT &lt;&lt;&lt;&lt;</b>	<b>402.60</b>
Late Fees	
IF Renewal Application Is Received After December 11, 1996 but before January 01, 1997	Add 100.00 To Total Due
IF Renewal Application Is Received On or After January 01, 1997.	Add 160.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
<u>William North</u>	<u>[Signature]</u>	<u>11-28-92</u>	<u>542-44-0939</u>	<u>8-23-38</u>

#1

**PLEASE PRINT LEGIBLY!**

MEETING DATE 12/12/96

NAME Leon Smith - Pres./CEO  
ADDRESS Albina Community Bank  
STREET  
2002 NE MLK 97212  
CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R1  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_  
SUBMIT TO BOARD CLERK \_\_\_\_\_

#2

**PLEASE PRINT LEGIBLY!**

MEETING DATE 12-12-96

NAME ROBERT HEISEX  
ADDRESS 14636 N.E. SCHUYLER  
STREET  
PORT 97230  
CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R1  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_  
SUBMIT TO BOARD CLERK \_\_\_\_\_



Albina Community Bank

Sandi Hansen  
Deposit Development Officer

(503) 288-7286 fax (503) 287-0447  
2002 NE Martin Luther King Jr. Blvd., Portland, OR 97212  
e-mail: shansen@albinabank.com <http://www.albinabank.com>



## Albina Community Bank

*We believe in a place called Albina. We believe in the possibilities inherent in the people and places of this community. Possibilities - not Limitations - is not a corporate goal, nor a business strategy. It is the fundamental expression of our defining corporate value - our reason for being. It is who we are.*

**OPEN LESS THAN A YEAR,** Albina Community Bank is proud of the tangible, positive impact it has had on North/Northeast Portland.

### **Commercial projects included:**

E and M Community Market  
Delicious D's Restaurant  
Rustica Restaurant  
Peninsula Children's Center  
Franciscan Enterprise Child Care Fund  
Cookies 'n More

### **Home loans provided:**

44 loans  
84% are in N/NE Portland  
56% made to minority homebuyers/owners

### **Community recognition:**

Business Diversity Award from the Human Rights Commission  
North Portland Bible College Award

### **Corporate community involvement:**

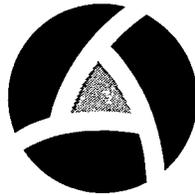
Interstate Firehouse Cultural Center Autumn Soiree  
Friends of Trees tree planting along Alberta  
Walk for Humanity  
Black Education Center's Kwanza Celebration at IFCC  
Scholarship for attendance to the Governor's Leadership Summer Program

### **Employees:**

Women and minorities are well represented at all levels of the bank's staff.  
11 of our 17 employees live in North/Northeast Portland.

Bank employees are involved in several non-profit community organizations, such as:  
Open Meadow Learning Center, 40 Mile Loop Trust, Friends of Trees, House of Umoja,  
TSCC, Boy Scouts, Urban League, Oregon Symphony, Metropolitan Sports Authority,  
Performing Arts Center.

(503) 287-7537 fax (503) 287-1501  
2002 NE Martin Luther King Jr. Blvd., Portland, OR 97212  
email: [info@albinabank.com](mailto:info@albinabank.com) <http://www.albinabank.com>



**ALBINA  
COMMUNITY  
BANK**

# Home of the **5%**<sup>APY</sup> Savings Account

\$50.00 MINIMUM

Stop by and visit us at  
2002 NE M.L.K., Jr. Blvd.  
or call us at 287-7537.

Find out about our  
new *Bank by Mail* and  
other banking services.

\*Annual Percentage Yield

Effective November 1996.  
Consult branch for current APY.



MEMBER FD.I.C.

# Deposit

## ACCOUNTS

### Checking

- Basic Checking
- ACB Premium

### Time Deposits

- ACB CD
- Fixed-rate

### IRAs

- Fixed-rate
- Money Market

### Savings

- Basic Savings
- High Yield Money Market

## CHECKING ACCOUNTS

	Major benefits	Minimum balance to avoid monthly fees	Monthly fees if below minimum balance
BASIC CHECKING	<ul style="list-style-type: none"> <li>• ACB card for ATM banking</li> <li>• Free first order of checks (New accounts only)</li> </ul>	\$0	\$0
ACB PREMIUM CHECKING	<ul style="list-style-type: none"> <li>• ACB card for ATM banking</li> <li>• Free first order of checks (New accounts only)</li> <li>• Variable interest rate based on account balance</li> </ul>	\$1,000	\$10.00

## SAVINGS ACCOUNTS

	Minimum balance to avoid monthly fee	Monthly fee if below minimum balance	Features
BASIC SAVINGS	\$0	\$0	Interest accrued daily and paid quarterly; up to 3 free in-bank withdrawals; ACB card for ATM banking.
HIGH YIELD MONEY MARKET	\$1,000	\$10.00	Interest compounded and paid monthly; earn higher interest on higher balances; write up to 3 checks per statement period; ACB card for ATM banking.

## TIME DEPOSITS

	Minimum opening balance	Term	Features
ACB CD	\$100	6 and 12 months	Interest compounds daily; add to your CD at any time, in amounts of \$100 or more.
FIXED RATE	\$100	32 days to 5 years	Interest rate compounded daily; interest rate guaranteed for length of term.

## IRAs

	Minimum opening balance	Term	Minimum additional deposit	Features
FIXED RATE	\$100	12 to 60 months	\$25	Interest compounds daily, paid monthly.
MONEY MARKET	\$100	No term	\$25	Interest compounds daily; rates competitive with current money market rates.

## MISSION

Albina Community Bancorp's mission is simple:  
to accelerate the redevelopment of N/NE Portland, while ensuring  
that low- and middle-income families and small businesses have an opportunity  
to share in the community's economic upturn.

Accounts are insured by the FDIC to its maximum. All prices, terms  
and conditions are subject to change. Consult Albina Community Bank for current information.

## Albina Community Bank

2002 NE Martin Luther King, Jr. Blvd., Portland, OR 97212

(503) 287-7537 fax: (503) 287-1501

e-mail: [info@albinabank.com](mailto:info@albinabank.com)

<http://www.albinabank.com>



Printed on recycled paper.

Member FDIC

# CHECKING & SAVINGS



Albina Community Bank

# Loans

**GOOD FOR BUSINESS, GOOD FOR THE COMMUNITY—THAT'S WHAT ALBINA COMMUNITY BANK'S BUSINESS LOANS ARE ALL ABOUT.**

We are committed to building a strong economy in N/NE Portland by helping you realize your dreams. When you succeed, the entire community benefits. So whether you are looking to create, grow or expand your business, we are here to help. It's easy to get the loan you need at Albina Community Bank. Our experienced bankers provide full-service banking, quick credit decisions and competitive, flexible terms. Plus, you'll be working with friendly, familiar faces—more than half of our staff lives in the community.

## Commercial Real Estate Loans

**WE PROVIDE CONSTRUCTION/REHABILITATION AND TERM FINANCING ON THE FOLLOWING TYPES OF COMMERCIAL REAL ESTATE:**

- Industrial
- Mixed-Use
- Multi-Family (more than 4 units)
- Office
- Retail

*Investor and owner-occupied properties qualify for financing.*

## Short-Term Loans/Revolving Lines of Credit

**SHORT-TERM LOANS AND REVOLVING LINES OF CREDIT ARE AVAILABLE FOR THE FOLLOWING USES:**

- Accounts Receivable
- Inventory
- Working Capital

*Short-term loans will be extended for a term of up to 90 days, while revolving lines of credit will typically have a one year expiration. Lines of credit are available for commercial businesses, as well as for institutional and community-based developers.*

## Term Loans

**THE FOLLOWING ARE EXAMPLES OF AVAILABLE TERM LOANS:**

- Equipment
- Inventory
- Unsecured
- Secured by marketable securities
- Secured by cash value of life insurance policies
- Loans guaranteed by the Small Business Administration (SBA) or other federal, state or local government agencies

*Term loans for other purposes may be available upon consultation with our personal loan bankers.*

## Other Loans

**AS A FULL-SERVICE BANK, ALBINA COMMUNITY BANK ALSO OFFERS THE FOLLOWING CONSUMER LOAN PRODUCTS:**

- Home Equity
- Automobile-New & Used
- Unsecured Personal Loans
- Secured and Non-secured Credit Cards
- Single-Family home mortgage and home improvement
- Multi-Family (4 units or less)

*Albina Community Bank will strive to meet all of your financing needs and we will do more: We will also look for ways to assist you in growing your business by identifying new markets for your goods and services or by improving management expertise.*

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## BUSINESS LOANS



Albina Community Bank



## MORTGAGE

# Loans

### BECOME A HOME OWNER WITH A MORTGAGE LOAN FROM ALBINA COMMUNITY BANK.

At Albina Community Bank, we think that it is important to provide everyone the opportunity to own their own home. That's why Albina Community Bank offers loan programs that are designed to meet the needs of low- to moderate-income home buyers. With very little down, closing costs that can be financed, and flexible credit terms, we can offer different levels of financial assistance based on need. This brochure contains information on some of the loan programs that meet those needs.

### Purchase/Rehab Loans

- One loan for both purchase and cost of renovations
- Albina Community Bank will loan up to 97% of completed value
- The 3% down payment can be gift funds
- All closing costs can be financed as an unsecured loan with Albina Community Bank
- Borrower's qualifying income cannot exceed 100% of median income for Albina Community Bank's service area
- Flexible credit terms
- Purchase transactions only

### 2% Down Payment Loans

- Albina Community Bank will loan the borrower up to 98% of the sales price
- The 2% down payment can be gift funds
- All closing costs can be financed as an unsecured second loan with Albina Community Bank
- Flexible credit terms
- Owner-occupied purchase transactions only
- Borrower's qualifying income cannot exceed 100% of median income for Albina Community Bank's service area
- Purchase transactions only
- Borrower cannot own any other property at time of loan application
- Home ownership counseling is required
- No pre-payment penalty
- Mortgage cannot be assumed
- No negative amortization

### Albina Community Bank's other Residential Loan Programs include

- Conventional loan financing
- 80% owner-occupied cash-out refinance loans
- Investor loans
- Jumbo loans
- Pre-approvals available for all loan programs
- No-cost pre-qualifications

## MISSION

Albina Community Bancorp's mission is simple:  
to help accelerate redevelopment of N/NE Portland, while ensuring  
that low- and middle-income families and small businesses have an ability  
to share in the community's economic upturn.

Albina Community Bank

P.O. Box 12759, Portland, OR 97212 / 1130 NE Alberta St., Portland, OR 97211

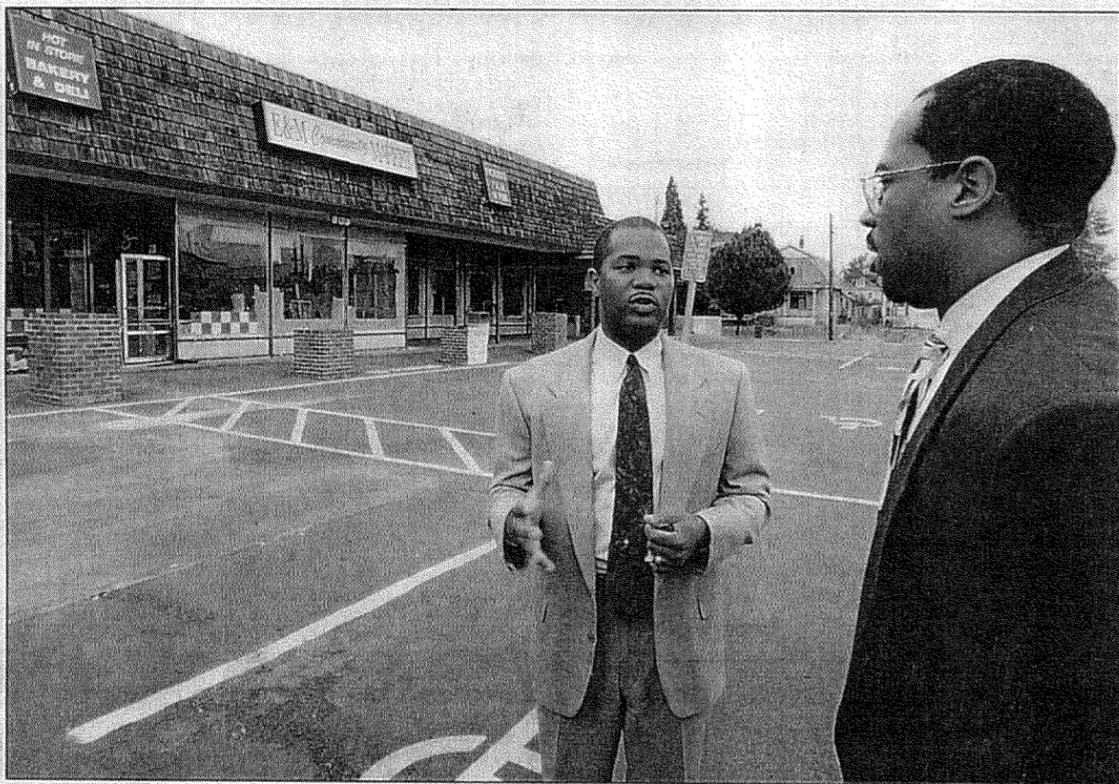
(503) 287-7537

## RESIDENTIAL LOANS



Albina Community Bank

## BUSINESS



James M. Taylor (left) of Albina Community Bank discusses plans for E&M Community Market with general manager William T. Turner.

BOB ELLIS/The Oregonian

## Banking on Albina

Ever since December, the Albina area has gotten a big boost, thanks to a lending institution that meets its needs

By ALAN K. OTA  
of The Oregonian staff

Restaurateur James E. Dunbar searched futilely for a loan last winter.

"No bank would lend to me," he recalled. "Except one."

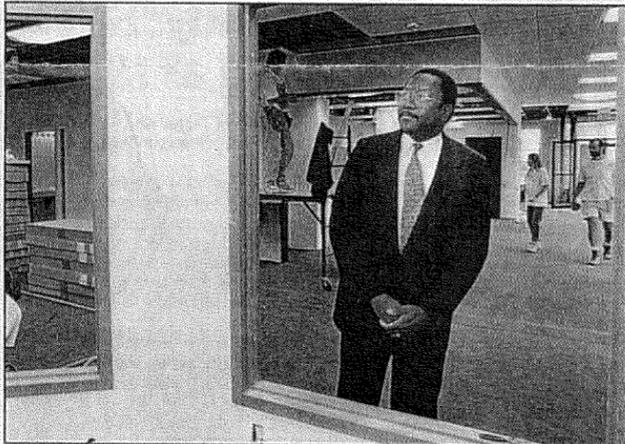
Eight months later, Dunbar's Delicious D's restaurant draws a steady clientele at its new location in Northeast Portland, thanks to a renewable loan, called a line of credit, from the Albina Community Bank.

Down the block, another Albina loan supports construction of a new home. And farther down Northeast Killingsworth Street, Albina supports a new community market affiliated with a local church.

"All you see around here is the name Albina. The sign is all over," Dunbar said. "It seems to be the only bank that's really active in this area."

Since opening in December, the Albina bank has had a big presence in North and Northeast Portland. And it's about to get bigger. Albina President Leon C. Smith says the bank is meeting ambitious goals in its business plan.

In just nine months, the bank has



Leon C. Smith, president and chief executive officer of Albina Community Bank, inspects his new headquarters, which will open Tuesday.

BOB ELLIS/The Oregonian

tripled its assets to \$13 million.

When the bank's new headquarters opens Tuesday on Northeast Martin Luther King Boulevard, it will be an anchor on the long commercial strip north of the Rose Quarter.

Big banks historically have not been aggressive in parts of North and Northeast Portland, Smith said.

Please turn to  
ALBINA, Page B2

## Albina: Bank modeled on Chicago institution

Continued from Page B1

"For a combination of reasons, this market has been underserved in the past. And we are successfully targeting those gaps," Smith said.

"Discrimination played a part, but I would also say that as banks have gotten bigger and bigger to respond to competition, they have lost the institutional ability to serve the small-business market."

Smith, 49, modeled the Albina bank on Chicago's South Shore Community Bank, which is known nationally as a successful promoter of redevelopment. A Chicago native, Smith had observed South Shore's success while working as chief executive officer of the Emerald City Bank in Seattle and as a manager with a half-dozen big banks including the Bank of Boston.

Last year, he snatched the chance to come to Portland and launched meetings to gather support for the new bank.

State Rep. Avel Gordly, D-Portland, a member of the bank holding company's board, has watched Smith build ties to many community groups.

"He's an exceptional leader. We're lucky to have him," she said.

In the last nine months, the bank has put its placards on many homes and retail shops.

About 60 percent of the bank's \$3 million in home lending has gone to minority homeowners, Smith said. And three-quarters of the bank's \$3 million commercial loan portfolio is invested in minority- and women-owned businesses.

At Delicious D's, Dunbar is grateful to the bank and to his late mother. She gave him the recipe for his sweet potato pies. The bank gave him a \$10,000 line of credit.

"Big banks look at you like you're not anybody," Dunbar said.

The Albina bank also supports the E&M Community Market on North Killingsworth Street near Interstate 5, an ambitious renovation of a former Albertson's and Sentry store.

The market, scheduled to open in October, will be run by a company

"All you see around here is the name Albina. The sign is all over. It seems to be the only bank that's really active in this area."

James E. Dunbar,  
a restaurateur who got financing  
from Albina Community Bank

"

affiliated with Emmanuel Temple Full Gospel Pentecostal Church and is backed by \$800,000 in financing from a group of supporters led by the Albina bank.

Other supporters include Key Bank of Oregon, the Oregon Economic Development Department, the Portland Development Commission, the Coalition for Black Men and Portland Community College.

Bishop A.A. Wells, senior pastor of the 500-member church, said organizers of the store are planning an event to thank supporters and mark the opening.

"It's been a community effort," he said. "Many individuals and groups deserve credit."

Smith points to the market and the restaurant as important community resources, the kinds of projects he wants Albina to do more of.

He's pushing to raise \$1 million in a new stock offering, managed by Pacific Crest Securities, to expand the bank.

The bank was started with about \$2 million in seed money that had been given to a community development trust by PacifiCorp to settle a lawsuit concerning rate overcharges.

The bank's initial offering of stock raised \$2.7 million.

"We want investors who will become borrowers and depositors," Smith said. "We want to become a true community bank for North and Northeast Portland."

## To Our Customers, Investors and Supporters:

# "Thank You"

After years of effort on the part of dozens of people,

Albina Community Bank opened on Dec. 19, 1995, with \$1.2 million dollars in deposits.

To celebrate, the bank hosted a "Founders" luncheon at Emanuel Hospital's auditorium. The event was attended by almost 100 investors, depositors and other supporters.

Howard Shapiro, from the bank's board of directors, and Ron Herndon, executive director of the Albina Headstart, were co-emcees. City Commissioner Gretchen Kafoury, Board Chair Michael Henderson and bank president Leon Smith related the history of the bank, its philosophy, its goals and its mission in the community.

With classical guitar music provided by Peter Zisa, photography by Sergio Ortiz and catering by Tony's, the luncheon was a wonderful way to kick off the opening of the newest bank in town.

## Capacity Crowd Welcomes Bank

Hundreds of visitors and friends of Albina Community Bank crowded into our small building to welcome the bank to the neighborhood, Jan. 26. Political leaders, neighborhood representatives, business people, government people, media folks and more were on hand to tour the bank, meet the staff and open accounts.

In a brief ceremony, Pauline Bradford and Ben Priestly of the NE Coalition of Neighborhoods urged the audience to support the bank. "If this bank fails, we have only to look at ourselves," Pauline warned.

Several savings accounts were opened by parents and grandparents for children. The youngest account-holder was age two. No one asked who was the oldest.

It took many people to prepare for this event. Beautiful artwork was displayed by sculptor Charles Tatum, artist Bonnie Meltzer, and gallery owners Roslyn Hill and Bernadette Artharee. Joe (Bean) Keller played cool jazz numbers. Food was provided by Favorites, balloons by Balloons Galore, and flowers by Blaque Elegance.

Faye Burch planned it all. Nick Wickliff photographed it all – and almost four hundred of us enjoyed it all.

Thank you for sharing the day with us.



Leon Smith (center) with Mr. and Mrs. Davy, the bank's first loan customers.

Albina Community Bank

P.O. Box 12759, Portland, OR 97212 / 1130 NE Alberta St., Portland, OR 97211

(503) 287-7537

N / N E P O R T L A N D

# POSSIBILITIES

A newsletter for the many supporters of Albina Community Bank

SPRING 1996

## Possibilities not Limitations

by Leon C. Smith, CEO, Albina Community Bank

- Two years of study.
- Three years of organization.
- \$600,000 in start-up costs.
- 77 investors provided \$4.7 million in capital.
- Bank staff of 14 (half reside in N/NE) with 100 years of combined lending experience.
- A Community Trust with the mission of enhancing the long-term educational, social and economic welfare of the residents of N/NE Portland owns more than one-third of the bank stock and is the largest single shareholder.

These are a few of the vital statistics on Albina Community Bank – one of only six community development banks in the country – created by N/NE residents, for N/NE residents.

**What Albina Community Bank Is:** Our mission is simple: to spread the opportunities for participation in the economic resurgence of N/NE to as many residents as possible, especially low- to moderate-income and minority residents, through home ownership and small business creation.

We're a community bank for all of N/NE Portland. Albina Community Bank was created by local residents to effectively serve the credit needs of local

residents with dignity, trust and respect. Many of the needs transcend issues of race.



In that same spirit, our investors, directors, management and staff of the bank are a truly multicultural, multiracial aggregation of local people who wish the best for N/NE and have dedicated their financial resources and careers to that effort.

**We respond to N/NE Portland's unique lending needs.** HMDA data shows that within recent years, home improvement and home mortgage lending was still conducted in Inner NE at a pace approximately 30% that of the rest of the metropolitan area. The pace of lending in all of N/NE was 66% of that for the broader area. Also just a few years ago, African-Americans still received less than 1/10 of 1% of SBA loan guarantees made in this area, even though they represent 7.5% of the general population.

**We will respond to needs beyond N/NE, where it advances N/NE.** The bank's management and directors

recognize that there are similar needs outside N/NE. Consequently, up to 20 to 30% of ACB's lending activity will occur outside N/NE, with a good business reason that advances ACB's mission in N/NE.



Albina Community Bank

# ACB people

## BEHIND THE DESKS

**Donavon Banks**, *Accounts Services Representative*. Donavon is originally from St. Joseph, Missouri, but has lived for several years in NE Portland. Since he walks to work, Donavon appreciates the cleanness of Portland. He also appreciates working with other African-Americans in a business environment. *Portland Community College*.

**Margo Cheek**, *Controller*. A life-long resident of NE Portland, Margo feels fortunate to live in the same neighborhood in which she was raised, with many of her family close by – and only three minutes from work. Margo's energy and expertise is greatly appreciated as she guides the bank through the convoluted mazes of its first few months. To relax (!) Margo spends as much time as possible with her two young daughters. *CPA; Controller of First Interstate Bank of Oregon, NW Region; BS, PSU in Business/Accounting*.

**Sandi Hansen**, *Deposit Development Officer*. Sandi was raised in North Portland and has fond memories of playing in the marshes of Mocks Bottom, when Swan Island was really an island. She is delighted to continue working with the many community programs and activities that she has been connected with as a teacher and elected official in N/NE Portland. Golf provides a break from the rigors of the bank – and grandchildren provide a break from golf. Chair of Overlook NA; Board of Open Meadow; Board of 40 Mile Loop Land Trust; *past Metro Councilor for N/NW/NE Portland; M. Ed., University of Portland; BS, Lewis and Clark College*.



Sandi Hansen, Sharrell Pouncil, Margo Cheek, Phillis Whitmore and Donavon Banks

**Lynnette Jackson**, *Underwriter*. Lifetime friendships are what Lynnette brought with her from her growing-up days in Berkeley, California. She feels that Portland provides opportunities for young people to develop those types of relationships through its many volunteer groups and civic activities. She likes the cultural diversity that is visible and believes that the bank's vision is one that she can eagerly embrace and support. *Cal-State University; University of Santa Clara*.

**Anthony Jankans**, *Assistant Vice President, Business Development Officer*. Although originally from Philadelphia, Anthony has been busy during the seven years he's lived in Portland. His volunteer work with HOST Development, the Housing Development, and the Portland Housing Center has helped bring about the construction and financing of over 400 units of housing in Portland's central area. Anthony serves with House of Umoja, NAACP Youth Programs, the Tax Supervising and Conservation Commission and OBA's Legislative Committee. *First Interstate Bank; City of Portland, Housing Bureau; St. Martins College; MBA, Central Michigan University*.



Lynn Rogers, Lynnette Jackson and Yolanda Karp

**Yolanda Karp**, *Loan Officer, Residential Lending*. Growing up in busy Mexico City gave Yolanda an appreciation for quiet weekends - something she probably doesn't have too often, now, with two children under the ages of four. Yolanda has lived in Portland for six years and loves its size and beauty. She is a board member of the Hispanic Chamber of Commerce and is excited by the brand new start that the bank brings. *Community Reinvestment Loan Officer, Keybank; Escuela Nacional de Educadoras; Escuela Nacional de Antopologia e Historia*.

**Sharell Pouncil**, *Receptionist*. Another long-time resident of N/NE Portland, Sharell liked growing up with her friends and family close by. Her three-year-old son enjoys the same experience, as he grows up. Sharell feels Portland is a beautiful city and that the bank is a wonderful addition to the city. Her training and technical background have prepared her to be a vital part of the bank. *Associate Degree and Medical Assistant Diploma, Eton Technical Institute*.

**Lynn Sasser Rogers**, *Vice President, Residential Lending*. Lynn has great memories of the "good old days," growing up in Detroit and Cleveland – snowball fights, sledding, hide and seek, and the neighborhood Halloween party in the street. In some ways, Portland reminds her of those places. She especially likes the great recreational opportunities – mountains and beach – that she can enjoy with her husband and three children. Her hope is that she and ACB can provide more home-ownership opportunities to the residents of N/NE Portland, thus increasing the chance that more families can enjoy "good old days." *Community Reinvestment Officer, Keybank; Advisory Council, Project Down Payment; VP of Loan Administration, Jamaal Wilkes Home Loans, Los Angeles, CA; Cleveland State University*.

**Leon Smith**, *President/CEO*. Leon was raised in Chicago's south side and has distinct memories of the abundance of African-American owned businesses; some, the largest in the country. The chance to create that type of community in Portland drew Leon and his family here. He is very excited by the opportunity to have a tangibly positive impact in N/NE Portland. Not only is he making a contribution to the city as bank executive, but also by serving on the board of directors of the Oregon Corporation for Affordable Housing, the Urban League, the Cascade Pacific Council of the Boy Scouts of America and the Oregon Symphony. *Senior Vice President, Bank of Boston, Connecticut; CEO, Emerald City Bank; Vice President, Commercial Real Estate Division, First Chicago Corporation; Assistant Team Leader and Manager, Seafirst Bank; MBA, University of Chicago; JD, Northwestern University; BA, University of Illinois*.

**James Taylor**, *Vice President, Commercial Lending*. James is truly a global citizen, having lived in Turkey, Spain, California and now, NE Portland. He chose NE Portland because of its urban environment and the diversity of its neighborhoods. His love of sports drew him to Linfield College for three years of varsity football, to his current position on the Executive Board of the Portland Metropolitan Sports Authority and to his active tennis schedule. James values Portland's proximity to mountains and beaches, its friendly people and its environmental standards. He also values the mission of the bank to help accelerate redevelopment of N/NE Portland and help residents share in the economic upturn. *Senior Lending Officer, Portland Development Commission; Vice President, Commercial Real Estate Division, Security Pacific Bank Oregon; Business Finance, State of Oregon; US National Bank of Oregon; BA, Linfield College*.



James Taylor, Jim Thomas, Anthony Jankans and Bob Thome

**Jim Thomas**, *Vice President, Commercial Lending*. Another Northwesterner, from Seattle, Jim enjoys the water in Portland and the fact that he can pursue his outdoor activities, running and golfing. He is eager to join community organizations and work as a board member, as he did in Seattle. He is especially interested in low-income housing developments and economic revitalization. Jim feels that ACB brings to the community all the components needed for maximum economic potential to be realized. *Minority and Women Owned Business Consultant, City of Seattle, King County and Small Business Administration; Vice President Rainier Bank/Security Pacific Bank Washington; Senior Lending Officer, Emerald City Bank; BA and MBA, University of Washington*.

**Bob Thome**, *Senior Vice President and Lending Officer*. Bob is a native Northwesterner, growing up in Spokane. During his childhood, he was active in sports, summer and winter. He especially enjoyed the incredibly long sled rides – three to five miles! – that occurred when the city closed the streets. Portland's location between mountains and ocean is a real attraction to Bob and his family of eight children, 14 grandchildren and three great-grandchildren. He looks forward to being part of the excitement and challenge of the new bank. *Western Regional Vice President, The Money Store; Vice President and Manager, Portland Branch, The Money Store; US Small Business Administration; Ed. M, BA Economics, BA Education, Eastern Washington University*.

**Phillis Whitmore**, *Operations Manager*. Born at Emanuel Hospital, Phillis grew up in the Lents neighborhood and well remembers the Lents Rexall Drug Store with its soda fountain. She and her teenage son are musicians in their church and in public groups. In fact, Phillis was the band leader of a now dissolved band and performed at the Mayor's Ball. She feels that the bank will "give back" to the community by helping small businesses in the area. *Western Business University; Portland Community College*.

## Helping serve up success

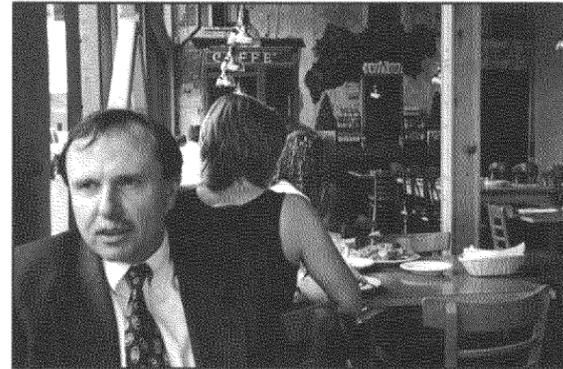
Rustica, NE Weidler

By the time Greg Dolinajec came to ACB, he was completely frustrated with other banks. He was the proud owner of the newly opened – and very popular – Northeast Portland restaurant, Rustica. Greg needed to pay off the loan that bought the building. Even though Rustica was doing a solid business, with solid management and financials in place, banks would not consider even talking to him. Most told him “No,” without ever visiting the restaurant.

Fortunately, a friend directed him to ACB, and a deal that met his pay-off date was struck. The deal also will allow him to develop part of the space into a new pizza restaurant, compatible with Rustica next door.

When Greg bought the space, he wanted to create a place for the neighborhood. A place that served the people of the area. He is pleased with the success he's had in meeting this goal. And, he's pleased that he met up with Albina Community Bank.

“Our needs and the bank's goals are compatible,” he says, as he watches his neighbors come in for lunch.



## The In's and Out's of ACB

by Leon C. Smith, CEO, Albina Community Bank

Albina Community Bank is committed to creating an institution that reflects our deepest values—business discipline and economic opportunity for all.

### Outside ACB

When ACB opened its doors six months ago, we pledged to accelerate redevelopment in North and Northeast Portland and to emphasize service to local residents. June marked the first substantial installment toward fulfilling that promise with \$5 million in loan commitments. This impressive number comprises:

- 48 percent in small business loans. Among these are *Delicious D's*, *Rustica's Italian Restaurant*, *Pro Landscape* and *Durham Construction*. Seventy-four percent of commercial credit is extended to women and minority-owned businesses.
- 50 percent in residential mortgage loans. Of these, 78 percent are located within the North and Northeast Portland area and 60 percent are extended to minority residents.

### Inside ACB

Albina Community Bank employees not only talk the talk, they walk the walk. Many of our employees (half of whom live in N/NE Portland) volunteer a substantial amount of time and energy to helping build a better community. Below are just some of the local activities our employees are involved with:

Open Meadows School, Urban League, Oregon Business Magazine Advisory Committee, Boy Scouts of America, The Oregon Symphony, Volunteers of America, Oregon Public Broadcasting, North/Inner Northeast YMCA, House of Umoja, Oregon Corporation for Affordable Housing, HOST (Home Ownership a Street at a Time), 40 Mile Loop Board of Directors, Portland Metropolitan Sports Authority, Albina Rotary, JHS Financial Services Academy, Interstate Firehouse Cultural Center.

Albina Community Bank

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N / N E P O R T L A N D

# POSSIBILITIES

A newsletter for the many supporters of Albina Community Bank

SUMMER 1996

## More than just loans

### Fashioning the right financing

When Mummywear International was ready to launch its first retail line of specialty women's clothing in the Pacific Northwest, it came to Albina Community Bank to discuss financing.

Headed by Portland entrepreneur and attorney Ken Wilson, Mummywear selected ACB to provide an accounts receivable line of credit. In addition, the bank's contacts helped Ken land Nordstrom as an account where the Mummywear Party and Resort Collection is now being sold.

“Mummywear is designed for women with attitude. The clothing is tight but not outrageous,” says Ken Wilson. “Although we are introducing our clothes in our hometown of Portland, we would like to move into other cities. We hope Albina Community Bank's contacts will continue to be helpful as we expand.”



Our congratulations to Ken and his team. At Albina Community Bank, we believe that community development banking is not just about making loans. It is also effectively networking to assist our clients in growing their businesses. For further information about Mummywear, contact Leon Smith, Albina Community Bank.

“I went to my banker and told him I needed a building for my business. He told me he wasn't interested in a loan under \$500,000. When I talked to Albina Community Bank, they said, 'Sure—we're interested in helping you finance your building.' And, they did.”

—Manuel Castaneda, commercial landscaper.

## The sweet smell of success

### Cookies and More

“Shoot for the moon and if you don't reach it, you'll be among the stars.”

That's the belief of Derrick and Dorothy Keels, who are rapidly reaching the stars with their new bakery Cookies and More.

The Keels have had major life changes this past year. First, Derrick's job brought them to Portland. Then Dorothy decided to stay at home with their three



children and do some baking for a friend's coffee shop. A buyer from Stroheckers tasted her cookies, and now the couple—both working full-time out of the kitchen of their Village Baptist Church—has contracts with Wizers, Kobos, Irvington Market and Stroheckers.

Another customer is Albina Community Bank. Leon Smith, ACB president, introduced the Keels to the late Bill Naito, an ACB investor, to discuss the purchase of commercial ovens. Not only did Naito have the ovens for them, but he arranged a lease for them in the Galleria. They move into their 700 square foot space in mid-July.

Cookies and More can be reached at 313-6111.



Albina Community Bank

# ACB people

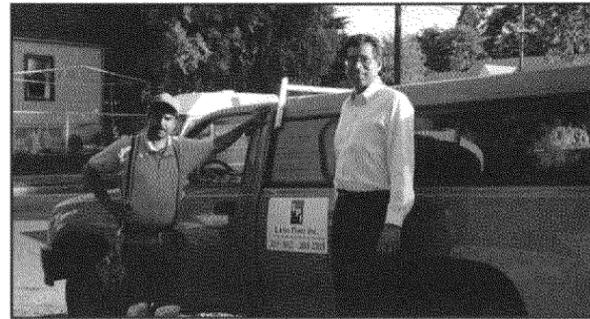
## BEHIND THE DEALS

### Land Port Inc., N. Jersey – Building a solid foundation

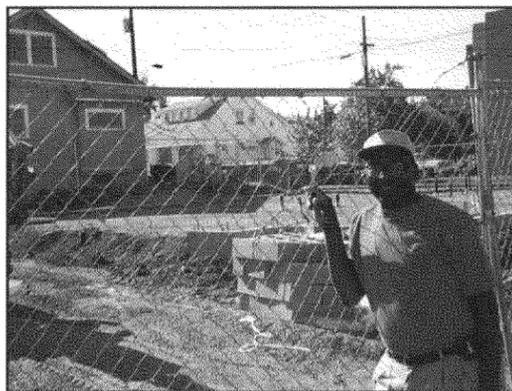
After putting in eight-hour days on their jobs, Dee Nath and Ram Narend go to work! They are partners in Land Port Construction and are building a single-family house in North Portland. This is their third house, but the first ACB construction loan for a single-family residence.

Dee and Ram are motivated by success and have more projects planned in NE Portland. Their first two houses sold before completion and they are convinced that the quality of construction they use ensures future sales.

They found ACB easy to deal with. "We are so grateful! Anthony Jankins went out of his way to help us with this loan," Dee said.



### East side remodeling, NE Emerson Ct – Constructive Credit



Azuwie Ayaribil has been in the remodeling trade for several years, but the two sets of triplexes and townhouses on NE Emerson Court are his first projects in new construction. The units are a joint venture between PDC, Housing Development Center, McAuley Institute and Franciscan Enterprise.

The City of Portland requires all contractors to have a 25% performance bond on government contracts. Azuwie does not qualify for the required \$100,000 bond at this time, but ACB convinced the City to lower its requirement to \$25,000. ACB then provided Azuwie with a letter of credit to begin the project.

"I feel appreciative of the bank's role in securing Azuwie a line of credit," says Will White, Housing Development Center. The center provides training for new construction companies and has been working with Azuwie.

PDC is also happy with the way everything came together for the project.

"Albina Community Bank should make this a priority - providing lines of credit to new contractors," Keith Logan, PDC, advises.

"I could not have started my business without Albina Community Bank. Bob Thome is the hero in this story. He's been a Godsend!"

—Alice E. Wallen, DBA Lumber Source, discussing her relationship with Senior VP Bob Thome during the start-up of her business.

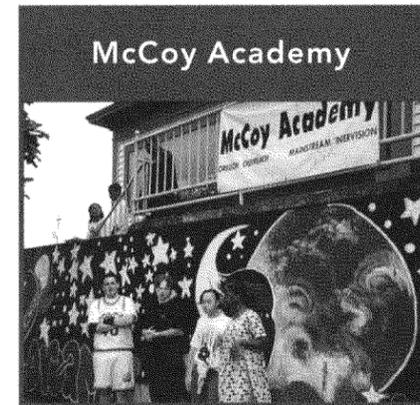
Myrtis Henley and daughter Amy sit in the living room of the home they recently purchased. This is the first home for them and they are delighted with it. "It's our castle!" says Amy.



### Franciscan Enterprise

ACB is helping Franciscan Enterprise fulfill its mission in North and Northeast Portland by financing the purchase of the Texas Lounge on Alberta Street.

The building will provide several retail units, apartments and a small day care center. The rehabilitation of this building will change the entire look and "feel" of the street.



"To have a bank here for the community makes me feel we are in the same business," says Becky Black, executive director of the McCoy Academy. The school was also able to secure a line of credit for expansion purposes. "After eight years, to be able to finally do that—we are very grateful!"

### The Real Deal Evelyn Harris, NE Claremont

Evelyn Harris wanted to support the new "community bank" and had worked with Lynn Rogers in the past, so she decided to contact Lynn about refinancing her rental property. Lynn explained the different financing options to choose from and helped Evelyn maximize her equity.

"I was delighted to learn that I could receive a higher loan-to-value ratio than the norm," she says.

Evelyn, an associate broker with Supreme Realty Group, Inc. was impressed with the quality of service she received. She feels she can confidently refer her clients to ACB.

"As long as I can work with people who are 'deal makers' instead of 'deal breakers,' I will continue to do business with ACB."

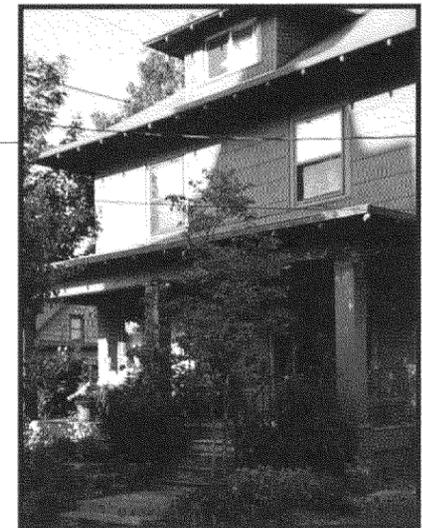
### A Personal Touch – John Fosgren and Jeff Smith, NE Rodney

The first time John Fosgren and Jeff Smith refinanced their old two-story home in the Elliott neighborhood, they had to wait nine months for bank approval. They missed some good interest rates and had to reset remodeling schedules.

"I was made to feel like I was asking for something I didn't deserve," recalls Jeff.

When they came to Albina Community Bank—on the recommendation of a friend—they were delighted by the way Lynn Rogers took care of them.

"Lynn had us complete the application with her on the computer, which made the process much more personal. We didn't have to worry about making mistakes or not knowing what to fill in."



### Refinancing with Finesse – Roy and Helmeta Davy, NE Killingsworth

"I don't think any other bank would have had as much patience," says Helmeta Davy, about the procedures necessary for her and her husband Roy to use one investment property to finance the purchase of another investment property. Through ACB, the Davys – Helmeta works on the cleaning staff of a hospital and Roy is an auto mechanic – were able to refinance the mortgage loan on a duplex they own, and then use that equity as the

down payment on a second duplex.

"The transaction would not have worked at another bank," says Roy. In fact, The Davys discussed the project with two other banks. They also decided not to borrow from mortgage loan companies and pay higher interest rates.

"Other banks will not let an owner do this type of refinancing," explains Lynn Rogers, the loan officer in this transaction.



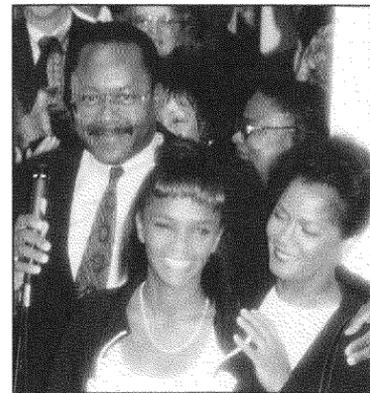
## Albina Bank — Dedicated to Making Dreams Come True

by Leon C. Smith, CEO, Albina Community Bank

We believe in a place called Albina. We believe in the possibilities inherent in the people and places of this community. Possibilities — not Limitations — is not a corporate goal nor a business strategy. It is the fundamental expression of our defining corporate value — our reason for being. It is who we are. After all — you created us.

This corporate value finds tangible expression in the positive impact that Albina Community Bank has on North/Northeast Portland — in the dreams it engenders — in the homeowners, small businesses and wealth it helps to create. It finds expression in the confidence instilled in individuals when they understand that they have an advocate for their dreams such as Albina Community Bank. Confident individuals create confident families and, in turn, confident communities.

Belief in the possibilities inherent in the Albina community and its people is what binds us all together. Yes, the founders, staff and board of directors of Albina Community Bank will always believe in a place called — Albina.



Leon Smith, his wife Yvonne, and their daughter Lauren celebrate the grand opening as a family.

## Albina Bank Vision in Action



Dorothy Jones and her daughter, Yaminah Caldwell, close a loan with Loan Officer James Taylor.



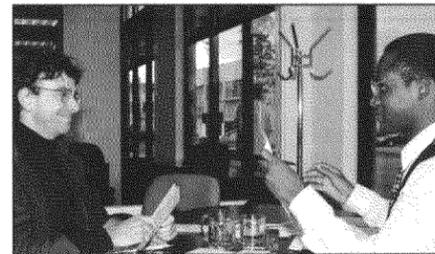
Deborah and Michael Steinbach purchase Albina Bank stock with Jim Bradshaw, vice-president of Pacific Crest Securities and board member of Albina Community Bank.

The possibilities of loans,  
directly to residents  
and small businesses in  
North/Northeast Portland...

the possibilities of investing  
directly in the community...

the possibilities of doing business  
with neighbors and friends...

while at the same time  
helping create possibilities  
for the entire community.



Jonathan Ross, of Northeast Portland, opens an account with Customer Service Representative Donavon Banks.



Laine and Harry Robins transact business with Bank Deposit Development Officer Sandi Hansen.

Albina Community Bank  
2002 NE MLK Blvd., Portland, OR 97212  
(503) 287-7537

N / N E P O R T L A N D

# POSSIBILITIES

A newsletter for the many supporters of Albina Community Bank | AUTUMN 1996

## The Grand Opening Was Grand! Albina Community Bank Honored

### Celebrate our new home

What started out as a dream has now become a reality. After a year of planning and hard work, Albina Community Bank is proud to present its brand new location at 2002 NE MLK Blvd. and San Rafael Street. The bank had been operating in temporary facilities at 1130 NE Alberta since mid-December 1995.

Albina Community Bank is the anchor tenant at Albina Corner, a multi-use building designed by R. Peter Wilcox of Portland Community Design. Albina Corner also provides 48 units of affordable housing and 12,000 square feet of commercial space. The bank occupies 5,300 square feet of space in the new four-story building. Thanks to the relentless dedication of many, the bank celebrated its new home with a grand opening celebration on Friday, September 20, 1996. This newsletter



The new Albina Community Bank on the corner of NE MLK Blvd. and San Rafael Street.

is dedicated to the hundreds of people who shared in celebrating Albina Community Bank becoming a reality.

### Business diversity is the key



Only nine months after its opening, Albina Community Bank was awarded the Business Diversity Award from the Portland Metropolitan Human Rights Commission for hiring and maintaining a diverse work force. Albina's new office is an anchor for redevelopment and upgrading of North/Northeast Portland.

Albina Community Bank employees take a minute to celebrate their brand new home at 2002 NE MLK Blvd.

Albina Community Bank emphasizes service to local residents. As of June 30, 1996:

- 74% of the bank's commercial credit was extended to women and minority-owned businesses.
- 50% of the bank's loan portfolio was in residential loans.
- 78% of the bank's residential loans were located within North/Northeast Portland, and 60% were extended to minority residents.



Albina Community Bank

# THE PEOPLE BEHIND THE DREAM

**Albina Community Bank Board**

- Dr. Roger Ahlbrandt  
Dean, School of Business  
Administration  
Portland State University
- Jim Bradshaw  
VP Pacific Crest Securities
- Graham Bryce  
President, QG Investment
- Michael Henderson  
President, PacifiCorp Holding Inc.
- Deborah Swaeuyer-Parks  
President/CEO Oregon Corp.  
for Affordable Housing
- Howard Shapiro  
Portland Business Consultant
- Leon Smith  
President/CEO  
Albina Community Bank

**Albina Community Bancorp  
Board of Directors**

- Dr. Roger Ahlbrandt  
Dean, School of Business  
Administration  
Portland State University
- Bernie Foster  
Publisher, The Skanner
- Ted Gilbert  
President, Barron Equities  
& Resources
- Avel Gordly  
State Representative, Dist. 19
- Michael Henderson  
President, PacifiCorp Holding Inc.
- Sheila Holden  
District Manager, Pacific Power
- Deborah Kennedy  
President, Cole & Weber
- James May  
President/CEO  
Legacy Portland Hospitals
- Howard Shapiro  
Portland Business Consultant
- Leon Smith  
President/CEO  
Albina Community Bank
- Jeanna Woolley  
Management Consultant

**Trustees of NE Portland  
Community Development Trust**

- Amina Anderson  
Executive Director  
Black United Fund
- Lorenzo Poe  
Director, Community and Family  
Services, Multnomah County
- Gretchen Kafoury  
Portland City Commissioner
- Jeanna Woolley  
Management Consultant



Leon Smith, PacifiCorp's Michael Henderson and Sherwood Dudley, co-owner of Couch Street Fish House, visit with senate candidate Tom Bruggere.

The grand opening celebration was a success! Hundreds of people attended the afternoon celebration which included music from local artists, prizes, a grand array of food provided by Albina Community Bank's clients, and even Leon Smith, CEO of Albina Bank, joining in on the "Macarena." Albina Community Bank employees, volunteers, board members and dedicated friends and supporters all contributed to the grand opening.

The grand opening theme was "Golden Opportunities." This theme was carried out with gold-colored and Monopoly-style decorations. The theme symbolized the stability of the bank and the bank's mission: "Possibilities — not Limitations." Guests toured the elegant bank facility, mingled with bank employees, enjoyed delicious food and even talked with some of the bank's current borrowers and investors. Several guests won Portland Monopoly games and other prizes. Courtesy of United Airlines, one guest won two tickets to anywhere in the United States



Sheila Holden, representing the Northeast Coalition of Neighborhoods and the bank Board of Directors introduces the speakers, including Michael Henderson of PacifiCorp (behind her) and Father Robert Krueger from St. Andrews Catholic Church.

Albina Community Bank founding investors Howard and Manya Shapiro enjoy the grand opening festivities.



Albina Community Bank customer Ken Wilson of Mummywear shows off his newest line of resort clothing to a prospective customer. Mummywear is available at Nordstrom's Savvy department.

that United Airlines flies, and another guest won a weekend trip for two to Reno.

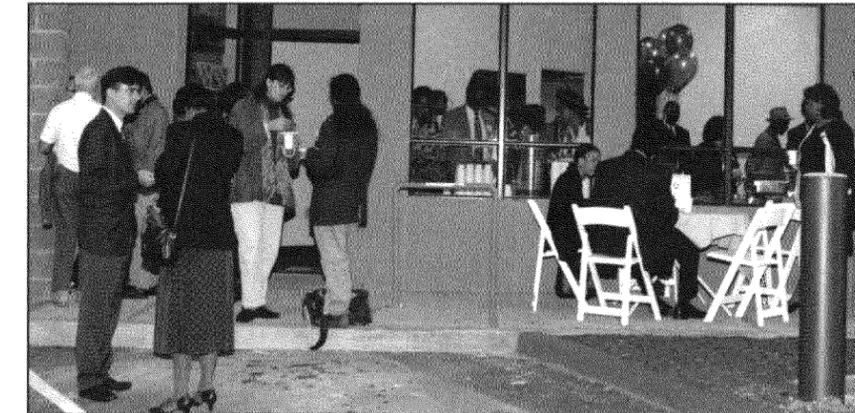
Albina Community Bank would like to extend a special thank you to the speakers at the grand opening celebration. They include:

- Reverend Rozelle Gilmore, Lutheran Inner-City Ministries
- Gretchen Kafoury, Portland City Commissioner and member of the NE Portland Community Development Trust
- Michael Henderson, Albina Community Bank board chairman and president of PacifiCorp Holding Inc.
- Rep. Avel Gordly, District 19 State Representative and Albina Community Bank board member
- Howard Shapiro, Albina Community Bank board member and investor
- Father Robert Krueger, St. Andrews Catholic Church
- Sheila Holden, Albina Community Bank board member and master of ceremonies

Albina Bank is thrilled about its new location! For those of you who haven't had a chance to stop by and say hello, please do so. We would be happy to show you our new home.

Providing the background entertainment for the event was Ronnye Harrison and Friends, Larry Natwick, Jeff Minniweather and Victor Little.

Board Member Ted Gilbert and guest discuss Albina Community Bank's vision for the future during the grand opening celebration.



Grand opening guests enjoyed delicious food catered by Albina Community Bank customers, clients and friends including Roslyn's Garden Coffee House, Sweetwater's Jam House, Delicious D's, Rustica's Italian Caffe and Cookies 'n More.



Portland City Commissioner Gretchen Kafoury, a member of the NE Portland Community Development Trust, shares her vision of the future of North/Northeast Portland during the grand opening program.

## A Big Thank You to...

Albina Community Bank extends a special thank you to the following for making the grand opening celebration such a success!

- |                              |                               |
|------------------------------|-------------------------------|
| Faye Burch & Associates      | Custom Travel and The Skanner |
| Roslyn's Garden Coffee House | Sihya Buntin                  |
| Sweetwater's Jam House       | Michelle Burch                |
| Delicious D's                | Maria Cristobal               |
| Rustica's Italian Caffe      | Gregory Jackson               |
| Cookies 'n More              | Jermaine Jackson              |
| United Airlines              | Keenan Powell                 |
|                              | Nick Wickliff                 |

MEETING DATE: DEC 12 1996  
AGENDA #: R-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Request for Exemption from the formal bidding process to purchase used cars for the Sheriff's Office Undercover Operations

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 12, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Sheriff's Office/Purchasing DIVISION: \_\_\_\_\_

CONTACT: K. Fermentick/F. Hathaway TELEPHONE #: 251-2444/2651  
BLDG/ROOM #: 313\221\421\1st fl

PERSON(S) MAKING PRESENTATION: Franna Hathaway/Kevin Fermentick

#### ACTION REQUESTED:

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

#### SUGGESTED AGENDA TITLE:

ORDER IN THE MATTER OF AN EXEMPTION FROM THE FORMAL BIDDING  
PROCESS TO PURCHASE USED CARS FOR THE SHERIFF'S OFFICE  
UNDERCOVER OPERATIONS

12/5/96 copies of Notice & Application to PERB list, FRANNA,  
Kevin & Dave Boyer SIGNATURES REQUIRED:

12/13/96 copies of notice & order to PERB list, FRANNA,  
ELECTED OFFICIAL: Kevin & Dave Boyer

(OR)  
DEPARTMENT MANAGER: Dave Boyer/VP

96 DEC - 2 PM 4: 16  
BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT**

---

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Purchasing Manager

DATE: December 2, 1996

REQUESTED PLACEMENT DATE: December 12, 1996

RE: ORDER IN THE MATTER OF AN EXEMPTION FROM PUBLIC BIDDING TO  
PURCHASE USED CARS FOR THE SHERIFF'S OFFICE UNDERCOVER OPERATIONS

I. Recommendation/Action Requested:

The Sheriff's Office requests approval of an order exempting from public bidding the purchase of used cars for the Sheriff's Office undercover operations.

II. Background/Analysis:

The Sheriff's Office has a need to exempt from the formal bidding process the purchase of used vehicles which are used in their undercover operation. We have obtained this exemption in the past and we wish to renew this exemption through June 30, 1999.

There are a number of reasons for this exemption:

1. The need to purchase newer model used cars in as unobtrusive a manner as possible.
2. Confidentiality and officer safety are very important criteria for working in an undercover capacity.
3. The need to quickly sell and purchase a new vehicle when the existing vehicle becomes recognizable to the "criminal community."

Three car vendors will be contacted to determine the best prices for the type of vehicle to be used. Purchases may be made from all three, and, to the extent possible with used cars, competition will be solicited and the most competitive priced cars will be purchased.

III. Financial Impact:

It is anticipated that about four vehicles per year will be purchased. The vehicles will be purchased using revenue from SEDE fund and cost is expected to be between \$10,000 and \$17,000 per vehicle.

IV. Legal Issues:

An exemption to the formal bidding process must be granted by the Board of County Commissioners acting as the Public Contract Review Board.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

PCRB Rules 10.140 and 30.010 through 30.040 establish this process.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

N/A



# Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE  
SHERIFF

(503) 255-3600  
TTY (503) 251-2484

## MEMORANDUM

---

TO: FRANNA HATHAWAY, Purchasing Manager

FROM: DAN NOELLE, Sheriff 

DATE: November 18, 1996

SUBJECT: REQUEST FOR AN EXEMPTION FROM PUBLIC BIDDING TO  
PURCHASE USED CARS FOR THE SHERIFF'S OFFICE UNDERCOVER  
OPERATIONS

---

Attached to this memorandum is an order and Board Placement material for the exemption from public bidding for the purchase of used cars for our undercover operations. As you know, we have obtained this exemption in the past and we wish to renew this exemption through June 30, 1998.

There are a number of reasons for this exemption:

1. The desire to purchase newer model cars in as unobtrusive a manner as possible.
2. Confidentiality and officer safety are very important criteria for working in an under cover capacity.
3. The need to quickly sell and purchase a new vehicle when the existing vehicle becomes recognizable to the "criminal community."

Would you please prepare whatever documentation you need in order to place this before the Board. If you need any additional information, please contact Kevin Fermenick at 251-2444.

1996 NOV 25 PM 1:16



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204  
FAX (503) 248-5262

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR • 248-3308  
DAN SALTZMAN • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
TANYA COLLIER • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277 • 248-5222

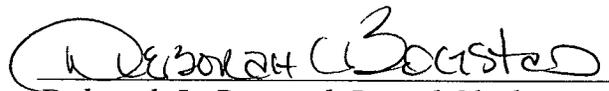
## NOTICE OF HEARING

*The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, December 12, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the matter of exempting from formal bidding the purchase of used cars for the Sheriff's Office undercover operations.*

*A copy of the application is attached.*

*For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.*

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
PUBLIC CONTRACT REVIEW BOARD

  
Deborah L. Bogstad, Board Clerk

*enclosure*

*cc: Dave Boyer  
Franna Hathaway  
Kevin Fermenick*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

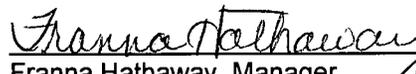
In the Matter of exempting from        )  
formal bidding the purchase of        )  
Used Cars for the Sheriff's Office    )  
Undercover Operations                )        A P P L I C A T I O N

Application to the Public Contract Review Board on behalf of a request from the Sheriff's Office, is hereby made pursuant to the Board's Administrative Rule AR 10.140 adopted under the provisions of ORS279.015 for an order of exemption from the formal bid process to purchase used cars for the Sheriff's Office Undercover Operation from various car dealers. There will be approximately four cars purchased per year at a cost of \$10,000 to \$17,000 each. This request is for a three (3) year period ending June 30, 1999.

This exemption request is due to the following:

1. The need to purchase newer model cars in as unobtrusive manner as possible.
2. Confidentiality and officer safety are very important criteria for working in an undercover capacity.
3. The need to quickly sell and purchase a new vehicle when the existing vehicle becomes recognizable to the "criminal community".
4. Three car vendors will be contacted to determine the best prices for the type of vehicle to be used. Purchases may be made from all three, and, to the extent possible with used cars, competition will be solicited and the most competitive priced cars will be purchased.

Purchasing recommends approval of this exemption as it is not likely to encourage favoritism or diminish competition since the vehicles will be purchased from multiple car dealers.

  
Franna Hathaway, Manager  
Purchasing Section



# MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK  
SUITE 1510, PORTLAND BUILDING  
1120 S.W. FIFTH AVENUE  
PORTLAND, OREGON 97204  
FAX (503) 248-5262

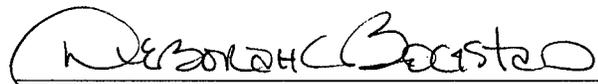
BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR • 248-3308  
DAN SALTZMAN • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
TANYA COLLIER • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277 • 248-5222

## NOTICE OF APPROVAL

*The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, December 12, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 96-212 in the Matter of Exempting from Formal Bidding the Purchase of Used Cars for the Sheriff's Office Undercover Operations.*

*A copy of the Order is attached.*

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON  
PUBLIC CONTRACT REVIEW BOARD

  
Deborah L. Bogstad, Board Clerk

*enclosure*

cc: *Dave Boyer*  
*Franna Hathaway*  
*Kevin Fermenick*

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of exempting from )  
formal bidding the purchase of ) ORDER  
Used Cars for the Sheriff's Office ) 96-212  
Undercover Operations )

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to review, pursuant to ORS 279.015 and PCRB Rule 10.140, an exemption from the formal bidding process the purchase of used cars to be used in undercover operations by the Sheriff's Office. The time period for this exemption shall be through June 30, 1999.

It appearing to the board that the request for exemption, as it appears in the order, is based upon the fact that the nature of the undercover operation requires cars which are not readily identifiable as public agency cars. At least three car dealers will be contacted to determine the best prices for the type of car to be used. To the extent possible with used cars, competition will be solicited and the most competitive priced cars will be purchased.

It appears to the Board that this exemption request is in accord with the requirements of ORS 279.015 and PCRB Rule 10.140; now therefore,

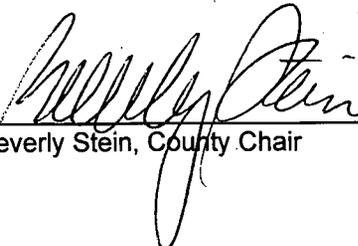
**IT IS ORDERED** that the purchase of undercover cars be exempted from the requirement of the formal competitive bid process through June 30, 1999.

Dated the 12th day of December, 1996



LAURENCE KRESSEL, County Counsel  
for Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT  
REVIEW BOARD:

By   
Beverly Stein, County Chair

By   
Assistant County Counsel John Thomas

MEETING DATE: DEC 12 1996

AGENDA #: R-3

ESTIMATED START TIME: 9:35

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Authorization to Appeal City Hearings Officer Decision  
(CU EN AD) Denying Expansion of Inverness Jail

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 12, 1996

AMOUNT OF TIME NEEDED: 2 hours

DEPARTMENT: Non-departmental DIVISION: County Counsel

CONTACT: Sandra Duffy TELEPHONE #: 3138

BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Sandra Duffy, Dan Noelle

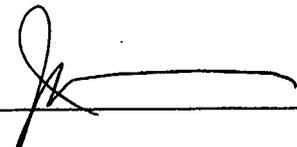
#### ACTION REQUESTED:

INFORMATIONAL ONLY  POLICY DIRECTION  APPROVAL  OTHER

#### SUGGESTED AGENDA TITLE:

Board determination of whether to authorize County Counsel to file a Notice of Appeal to Portland City Council of Hearings Officer denial of County application for conditional use to expand Inverness Jail.

12/13/96 copies to Alice Blatt, Jim Wrentington, Stella Rossi, Linda Robinson, Vernon Almon, Sheriff Joelle, Sharon Dwee, Barbara Simon, Sandra. SIGNATURES REQUIRED: Duffy & BCC

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER:  \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
96 DEC -5 PM 3:03

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

#1

**PLEASE PRINT LEGIBLY!**

MEETING DATE 12-12-96

NAME ALICE P. BLATT  
ADDRESS 15231 NE HOLLADAY  
STREET  
PORTLAND, OR 97230  
CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R3  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_  
SUBMIT TO BOARD CLERK \_\_\_\_\_

#2

**PLEASE PRINT LEGIBLY!**

MEETING DATE 12-12-96

NAME JIM WORTHINGTON  
ADDRESS 3232 S.E. 153 RD.  
STREET  
PORTLAND OR 97236  
CITY ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R-3  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_  
SUBMIT TO BOARD CLERK \_\_\_\_\_

#3

**PLEASE PRINT LEGIBLY!**

MEETING DATE DEC. 12, 1996

NAME STELLA ROSSI  
ADDRESS 3710 N.E. 147  
STREET  
PORTLAND OR 97230  
CITY ZIP

WILKES NEIGHBORHOOD  
I WISH TO SPEAK ON AGENDA ITEM NO. R3  
SUPPORT \_\_\_\_\_ OPPOSE \_\_\_\_\_  
SUBMIT TO BOARD CLERK \_\_\_\_\_

ap. 15 23



**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM BRIEFING  
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SANDRA DUFFY, Chief Assistant County Counsel

TODAY'S DATE: DECEMBER 5, 1996

REQUESTED PLACEMENT DATE: December 12, 1996

RE: RESOLUTION TO AUTHORIZE APPEAL OF LUR 96-00756  
CU EN AD (INVERNESS JAIL EXPANSION DENIAL  
BY CITY PLANNING BUREAU HEARINGS OFFICER)

I. Recommendation/Action Requested:

The City of Portland Land Use Hearings Officer denied the County's application for a conditional use permit to expand Inverness Jail. The Board is requested to approve a Resolution authorizing County Counsel to file a Notice of Appeal to Portland City Council.

II. Background/Analysis:

(See attached memorandum from County Counsel's Office)

III. Financial Impact:

Delays in getting the Inverness Jail expansion occupant-ready will result in additional liability for costs to house County prisoners in alternative facilities

IV. Legal Issues:

The legal issues are:

(1) Who has the authority to authorize an appeal of the City Hearings Officer decision?

(2) Did the Hearings Officer correctly interpret City code when it denied the County's application?

(See attached memorandum from County Counsel's Office.)

V. Controversial Issues:

This matter is controversial. The City Planning Staff informed the Sheriff that he could rely on the official zoning map that existed at the time of the County's conditional use application. The County relied on that representation and spent over \$1/2 m in the design of the jail expansion. The objectors believe the County should comply with the intent of the P zone buffer even though the County is not legally required to do so.

VI. Link to Current County Policies:

Multnomah County Urgent

Benchmark: Public Safety; Reduce Violent Crimes Against People.

Expanding the jail capacity enhances public safety. Approval of the appeal keeps the door open to secure the City building permit which will allow expansion of the jail capacity.

VII. Citizen Participation:

There was citizen involvement throughout the planning process to design the jail expansion. Citizen requests to protect the environment were incorporated into the site plan. Prior to the hearing before the City Hearings Officer, citizens contacted Board members with objections to the site plan. Those objectors testified at the City hearing.

VIII. Other Government Participation:

This decision affects the Sheriff's Office and its ability to comply with Measure 1145. The sheriff will be given physical custody of County prisoners housed in state prisons on January 1, 1998. If the Inverness expansion is not on line, alternative housing will have to be secured.

TO: Board of County Commissioners

FROM: Sandra Duffy  
Chief Assistant County Counsel

RE: Authorization to appeal City of Portland's LUR 96-00756 CU EN AD  
(Inverness jail expansion) to City of Portland City Council

DATE: December 6, 1996

### **I. INTRODUCTION:**

On November 29, 1996, the City of Portland's Bureau of Planning Hearings Officer issued a Report and Decision denying Multnomah County's application for a conditional use to expand the Inverness Jail from 604 prisoners to 1006. The Hearings Officer also denied requested "adjustments" to the application which would have waived requirements for sidewalks; to allow a gravel fire lane to remain in place; and, to allow a portion of the existing paved driveway to remain in the Environmental Protection (P) zone as a transition from the old driveway to a new driveway.

The County has until December 13, 1996, to appeal this denial to the City Council.

### **II. WHO HAS THE AUTHORITY TO MAKE THE DECISION AS TO WHETHER TO APPEAL?**

Portland City Code authorizes an "applicant" or "owner" to appeal an adverse land use decision by a Hearings Officer. PCC 33.730.030.F.

The conditional use application showed: "Bob Nilsen, Multnomah County, Facility and Property Management and the City of Portland" as the applicants in the matter. The Inverness Jail is, and the expansion will be, a facility owned by Multnomah County. The applicant and the owner is the County. While the Sheriff is the sole administrator of the jail (Multnomah County Charter Section 6.50), that authority is limited to jail operations and does not encompass transactions in real estate acquisitions.

The decision to appeal an adverse decision by the City of Portland Hearings Officer is both an administrative matter\* and a policy matter.\*\* The Chair has decided to have the Board decide the matter.

### **III. HISTORY OF THE PROJECT**

January 22, 1996: Hired consultants, KMD Architects and Planners, PC, to help put together application for conditional use permit and prepare the Inverness Jail expansion site design.

May 8, 1996 : Pre-application conference occurred and the Pre-application for the conditional use was submitted at this time.

May 9, 1996 to present: The consultants worked on the site plan design.

July 9, 1996: there was a "walkabout" on the property to get an idea of what kind of environmental concerns needed to be addressed in the site plan.. At that time there were discussions of the Natural Resources Plan that there was supposed to be 50' wide buffer from the natural resource (the slough).. While observations were made that the slough to the south of the site was generally regarded as wildlife habitat and the slough to the north was considered a wildlife corridor, there was no knowledge of P zone boundaries as they existed on the site. The environmental groups requested that the site plan be amended to move the jail expansion footprint 15 feet to the north. That site design change was made.

July 18, 1996: Mike Hayakawa for the City Planning Bureau met with the County and its consultants and told them that the zone lines for the P zone were "literal" and their location could be found by scaling, which was done.

July 24, 1996: Susan Feldman of the City Planning Bureau informed the County that the map, as configured at the time of the County's conditional use application, was the map the County was bound by.

July 24, 26 and 30, 1996: The County consultants worked with Mike Hayakawa from the Planning Bureau to identify the P zone boundaries.

• August 12, 1996: Multnomah County submitted an application for a conditional use to the city of Portland for expansion of the Inverness Jail.

•  
•  
• Legal appeals are routinely approved by County Departments, pursuant to their delegated executive authority from the Chair. For example, Tax Court appeals of Department of Revenue decisions are approved by supervisory appraisers, the Assessor, the Tax Collector or the Director of Assessment and Taxation.

\*\* There is a policy determination which can be made as to whether the County will require itself to do more than is legally required in order to address environmental concerns.

September 19, 1996: the County's conditional use application was deemed "complete" and the 120 day land use decision timeline began to run.

November 3 or 4, 1996: The City determined that the Official Zoning Map did not comport with the narrative text of the Columbia South Shore Plan and that a map correction was required.

November ,1996: The Sheriff learned that Mrs. Alice Blatt (of the Wilkes Neighborhood Association) and Lynn Matei (of Northwest Environmental Advocates) had objections to the Inverness expansion design and wanted to postpone the public hearing set before the City of Portland Bureau of Planning Hearings Officer.

November 5, 1996: The hearing was held, as scheduled, before the City of Portland, Bureau of Planning Hearings Officer.

November 29, 1996: The decision by the Hearings Officer was issued. It denied the County's application.

December 13, 1996: This is the deadline for filing a Notice of Appeal to the City of Portland City Council.

#### **IV. LEGAL ANALYSIS OF THE HEARINGS OFFICER'S DECISION.**

It is not disputed that there is a conflict between the text in the Columbia South Shore Plan which requires a 50' P zone buffer around the Inverness site and the City's official zoning map, which, when translated to an on-the-ground line, does not consistently provide a 50' buffer from top-of-bank to the P zone boundary.

Portland City Code 33.700.070(E)(3) provides:

Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control.

The Hearings Officer determined that PCC 33.70.070 does not apply to this case because there is no conflict between the text of the zoning code and the code maps (as opposed to the Official Zoning Code maps) that illustrate that text. She also states:

There is nothing in the zoning code or any other relevant law that requires a clerical error in the Zoning map to prevail over the clear intent and language of the Comprehensive Plan and Zoning Code.

While the Hearings Officer has interpreted "maps" to be "code maps" and not the Official Zoning Maps, the Planning Bureau interpreted the term "maps" to mean the Official Zoning Maps. It is up to the City Council to determine which interpretation is correct. However, adoption of the Hearings Officer's interpretation may create a great deal of uncertainty in the City Planning Department. There are many demonstrative maps throughout the City code (such as map 515-5 which illustrates the concept of a 50' P zone buffer), but there is no ability to relate that map to an on-the-ground line for developers to use. The Official Zoning Maps have property lines and boundary lines that can be scaled to on-the-ground lines, as was done in this case. Also, there are numerous "code maps" which can conflict and there is no code provision to resolve such a conflict. There is only one official Zoning Map for each parcel. It is the map the City Planners rely on and the map they advise developers to rely on. This decision will cause great uncertainty in the development community.

The Hearings Officer bases her decision on language from the Natural Resources Protection Plan for Columbia South Shore which states that the aerial photographs of the site and supporting documentation of the Plan serve to determine clear legislative intent for where the zoning line SHOULD be located. However, that language goes on to provide that if there is a discrepancy between the P zone line on the aerial photos and the Official Zoning Maps, corrections are to be made to the Official Zoning Maps pursuant to PCC 33.855.070. That has never been done.

I believe it is a realistic expectation that the City Council would reverse the Hearings Officer and allow the conditional use permit to be issued for the Inverness expansion.

However, if the City Council affirmed the interpretation of the Hearings Officer, I would expect that interpretation to withstand a challenge to LUBA.

## **V. WHAT WOULD NOT APPEALING MEAN?**

If the County does not appeal the Hearings Officer decision it will be effective on December 14, 1996. The County could file a new application with a new design (you cannot submit the same application within six months of a denial). As far as I know, there has been no amendment of the Official Zoning Map yet. So, the Sheriff's Office would still have the right to rely on the Official Zoning Map as it exists (with the 50' buffer not accurately memorialized). However, assuming the Sheriff would voluntarily agree to

submit an application for a conditional use with the footprint of the addition entirely outside the 50' buffer as the Natural Resource Plan text indicates it should exist, it would have no map that shows the 50' buffer accurately. Aerial photos from the time of the adoption of the Columbia South Shore Plan could presumably be scaled to aid in trying to figure out where top-of-bank was at the time the Columbia South Shore Plan was adopted (in light of the rains and flooding over the last three winters those banks may now be closer to the Inverness site). It is very unlikely this could all take place in less than 2-3 months. Another public hearing would be required. Another appeal could occur.

The County's consultants have indicated that if the groundbreaking does not occur in the first two weeks of January, the facility will not be ready to house prisoners by January 1, 1998. Each month of delay thereafter, is another month before the facility will be available.

#### **IV. WHAT ROLE IS THERE FOR MEDIATION IN THIS PROCESS?**

Because the Hearings Officer has already issued her decision, mediation cannot affect the outcome of her decision. If an appeal is filed, the Sheriff and the opponents could mediate the design of the jail expansion and the opponents could testify at City Council in favor of the County's appeal. There may be a need to postpone the City Counsel hearing in order to allow time to do a redesign and mediation. If the changes to the design are not a total redesign, we could ask for a remand of the changes to the City Planning Bureau for approval and setting of another public hearing. If the changes equate to a major redesign, however, a new application might need to be filed.

If no appeal is filed, the only role for mediation would be in the context of preparing a new application. Presumably mediation in the context of a new application would result in a longer timeline (before the conditional use permit approval) than mediation in the context of an appeal.

Ms. Alice Blatt, one of the opponents, has had her attorney send the Sheriff a letter which indicates that it is her position that the jail expansion must comply with the 50' P zone buffer requirement. See Exhibit 1 attached. This would mean removal of a 30' wide portion of the new building at the new sallyport location.

#### **VII. COSTS**

The consultants estimate that it would cost an additional \$500,000 to \$600,000 dollars to do a complete redesign. Escalating costs of

construction (inflation) would be an additional cost. Design changes could also mean more expensive methods of construction or materials.

LAW OFFICES OF

**JOHNSON · KLOOS · SHERTON**

A PROFESSIONAL CORPORATION

LAND, AIR & WATER LAW

ALLEN L. JOHNSON

BILL KLOOS

CORINNE C. SHERTON

RECEIVED

DEC 05 1996

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WEB <http://orlanduse.com/>

December 4, 1996

Dan Noelle, Sheriff  
Multnomah County Sheriff's Office  
12240 N.E. Glisan St.  
Portland, OR 97230

Re: Inverness Jail Expansion

Dear Sheriff Noelle:

I am in receipt of your letter dated November 22, 1996, in which you invite my client, Alice Blatt, to take part in mediation concerning the above referenced matter. Ms. Blatt is concerned that there are some factual inaccuracies in the second paragraph of your letter, but she is willing to meet with you and other interested parties to discuss the Inverness Jail Expansion project. However, you should be aware that it is Ms. Blatt's position that any project on this site must comply with the Environmental Protection Overlay Zone (P Zone) as it was applied to the property by the Natural Resources Protection Plan for the Columbia South Shore adopted on November 17, 1993. Under the Natural Resources Protection Plan, the area protected by the P zone along the north side of the site includes a transition area extending 50 ft. from the top of the bank of the slough.

Please be advised that Ms. Blatt has participated in the City of Portland Hearings Officer conditional use proceeding regarding this project on her own behalf, not as a representative of the Columbia Slough Watershed Council, of which she is a member. The Columbia Slough Watershed Council was represented in the City of Portland proceeding by its Coordinator, Jay Mower. Mr. Mower's address is 7040 NE 47th Ave.; Portland, OR 97218. He can be reached at (503) 281-1132. I also suggest that you contact Lyn Mattei, who participated in the city proceedings on behalf of Northwest Environmental Advocates. Ms. Mattei can be reached at (503) 295-0490. Her address is Suite 302, 133 SW 2nd Ave., Portland OR 97204.

Dan Noelle, Sheriff  
December 4, 1996  
Page 2

Concerning possible dates for a mediation session, Ms. Blatt and I would be available on the morning of Wednesday December 11, or on Thursday, December 12. Please contact me with regard to other possible dates, or for setting a specific date, time and location.

Sincerely,



Corinne C. Sherton

cc: County Chair Bev Stein  
County Commissioners  
Sandra Duffy  
Lyn Mattei  
Jay Mower  
Alice Blatt

**BOGSTAD Deborah L**

---

**From:** TRACHTENBERG Robert J  
**Sent:** Tuesday, December 10, 1996 12:50 PM  
**To:** TYLER Cameron V; CARLSON Darlene M; DELMAN Mike H; 'ROJO Maria D'  
**Cc:** BOGSTAD Deborah L  
**Subject:** proposed amendment for R-3 Inverness Appeal

I forward this item as we did not reconvene to discuss the agenda. I assume at this point it will be discussed in this or another form on Thursday.

-----  
**From:** TRACHTENBERG Robert J  
**Sent:** Tuesday, December 10, 1996 8:30 AM  
**To:** SIMON Barbara M; STEIN Beverly E; SCHOLLES Rhys R; DUFFY Sandra N  
**Cc:** BAX Carolyn M; KELLEY Sharron E  
**Subject:** R-3 Inverness Appeal - REVISED proposed amendment

-----  
Add the following Whereas Clauses>

6. The Board wishes to protect the Columbia Slough by preserving a 50 foot buffer around the Inverness or providing an equivalent environmental approach . At the same time, the Board seeks an expeditious issuance of the building permit.

Keep the first BE IT RESOLVED CLAUSE AND ADD THE FOLLOWING CLAUSES:

BE IT FURTHER RESOLVED that the County shall request a delay in the hearing of this appeal before the City Council for the purpose of negotiating a settlement of the issues; and

BE IT FURTHER RESOLVED that the County shall negotiate for an agreement that preserves the 50 foot buffer around the Inverness or provides an equivalent environmental approach.

SHARRON KELLEY  
Multnomah County Commissioner  
District 4



Portland Building  
1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5213  
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

## MEMORANDUM

TO: Board of Commissioners

FROM: Commissioner Sharron Kelley

SUBJECT: R-3 Inverness Appeal - proposed amendment

DATE: December 12, 1996

---

Add the following Whereas Clause:

6. The Board wishes to protect the Columbia Slough by preserving a 50 foot buffer around the Inverness Jail or providing an equivalent environmental approach. At the same time, the Board seeks an expeditious issuance of the building permit.

Keep the first BE IT RESOLVED CLAUSE (substituting a semicolon and the word "and") AND ADD THE FOLLOWING RESOLVED CLAUSES:

BE IT FURTHER RESOLVED that the County shall request a delay in the hearing of this appeal before the City Council for the purpose of negotiating a settlement of the issues; and

BE IT FURTHER RESOLVED that the County shall negotiate for an agreement that preserves the 50 foot buffer around the Inverness Jail or provides an equivalent environmental approach.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Authorizing the Appeal of )  
the Denial of LUR 96-00756 CU EN AD ) RESOLUTION  
Inverness Jail Expansion )

WHEREAS, the matter of authorizing an appeal of the City of Portland, Bureau of Planning, Hearings Officer denial of County application in LUR 96-00756 CU EN AD, (for the expansion of Inverness Jail) came before the Board of County Commissioner (Board) on December 12, 1996; and

WHEREAS, proponents and opponents of the Inverness Jail expansion appeared and spoke before the Board; and

WHEREAS, the Board based upon the testimony, evidence and state and local law, makes the following findings:

1. The Board has the authority to make the determination whether to appeal an adverse land use decision by the City of Portland as the applicant, by and through its Department of Environmental Services Facilities Management and as the governing body of the County which is the owner of all the physical facilities of the County.
2. One of the urgent benchmarks of the county is to provide increased public safety to the citizens of Multnomah County; increased jail capacity will help the County increase public safety.
3. House Bill 1145 passed by the Oregon Legislature in 1995 requires the County to provide jail facilities to additional categories of prisoners beginning January 1, 1997 and to take physical custody January 1, 1998.
4. The County has entered into an agreement with the State of Oregon to house County prisoners in state facilities until January 1, 1998, at County expense.
5. The County will have these State housed County prisoners released to County custody on January 1, 1998, making time of the essence in securing the required development permits.

THEREFORE, IT IS RESOLVED that an appeal should be taken to Portland City Council of the adverse land use decision in the above-captioned matter denying the County's application for a conditional use to expand Inverness Jail.

APPROVED this 12th day of December, 1996.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:  
LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*  
Sandra N. Duffy  
Chief Assistant County Counsel

12/10/96

p. 1

To: Multnomah County Board of Commissioners

From: Alice P. Blatt (interested party of long standing)

Re: LUR 96-00756 CU EN AD (Inverness Expansion)

NOTES RE ACCOMPANYING DOCUMENTS:

Document 1 (Pre-application conference summary, 5/8/96) indicates clearly that Sheriff's Office representatives & architect were supplied volumes of written material and much verbal direction from which to make Environmental Zoning (E-zone) determinations, including directions to use the Natural Resources Protection Plan (NRPP) document, and explanations of the trigger mechanism for compliance with the NRPP. No neighborhood association or Watershed Council representatives were present; the WC was not notified.

Document 2 (Planner Feuersanger to architect Jackson, 8/29/96) indicates clearly that even by the end of August, no readily identifiable proposed new building footprints or roadways had been submitted. At about this time, we were assured by Feuersanger that city was firmly enforcing E-zone requirements (no reason for concern).

Document 3 (City Ordinance adopting NRPP, November, 1993) This Plan & Ordinance represented the culmination of over three years of citizen effort, up to the State Supreme Court level, to require remand of an earlier inadequate Natural Resources Management Plan. Following passage of this ordinance, all property owners, including Multnomah County, were notified of this law & its provisions.

Documents 4 & 5 (Excerpts from NRPP & its appendices A & C) Full green book document was supplied to applicant at pre-app. Include clear textual instructions regarding buffers surrounding Inverness, and their highest priority value. All maps (including the aerial), except the one obviously conflicting one, were in clear agreement with that text.

Document 6 (Hierarchy of Regulations segment from Portland City Code) from which Sheriff's Office counsel decided it could rely on the erroneous map, and, in fact, circumvent the obvious intent of the NRPP, the Columbia South Shore Plan District, and the adopted Ordinance.

Documents 7, 8, 9, 10 (Legal interpretations by Corinne Sherton, former LUBA referee, and Lyn Mattei, Northwest Environmental Advocates representative), including verification that NRPP, et al, were in fact, Portland's compliance documents with State-wide Planning Goal 5 (Natural Resources)

Document 11 (Minutes from Columbia Slough Watershed Council meetings of 6/24 & 7/29, and intervening tour notes, 7/9):

6/24 focussed almost exclusively on new jail sites--only one final comment about Inverness

(cont'd)

*Alice P. Blatt*

County Commissioners

Blatt

Inverness

12/10/96

7/9 Tour--much comment about E-zone along north side of Inverness site, including encroachment at west end of north side (contrary to Jackson's testimony at 11/5 hearing); no request to move building north (claimed in Duffy memo). Oldham responded to our comments by stating city had not informed them of E-zone (totally belied by pre-app notes and documents provided on 5/8/96) [checked with 5 of those who attended]

Interval: Oldham thanked us for identifying E-zone issue so they could deal with it in advance; we assumed this meant compliance with the law, as we knew it, from years of participation.

7/29 meeting again focussed on new jail sites; three comments about Inverness, including two by Blatt--one parroting the unwarranted accusation by Oldham, that the city had not informed them of the E-zone, and including clear reference to 50' from top of bank; explanation of \$10,000 improvement trigger for compliance [out of ignorance later realized]

Only other meetings of which we are aware:

- 9/19 (ironically the day on which application was officially declared complete) requested by Sheriff's consultant, to discuss new site issues related to E-zones, with individuals from Watershed Council who had expressed interest in E-zone compliance. No committee was ever appointed by WC to negotiate Inverness matters; Lyn Mattei represented NEA; I represented myself, still assuming full north-side compliance at Inverness [Expressed concerns about road fence on South side]
- 10/21 Meeting with Jackson, Nilsen, Cook at NEA office; first real examination of north-side plan; no clear definition of buffer width from Sheriff's reps; requested site visit.
- 10/24 Site visit--whole top of bank disrupted; true nature of situation painfully apparent.
- 11/1 Blatt & Mower (WC coordinator) met with Sheriff's reps and Commissioner Kelley & staff; every request for delay of hearing to allow discussion, possible redesign, or building movement was met with absolute no by Oldham.

I have included a rather comprehensive documentation of all meetings in which any of us participated with the Sheriff's representatives, because of Sandra Duffy's testimony before the Hearings Officer on 11/5/96 that "we (the Sheriff's reps) have worked with them (these environmental groups) steadily for five months--absolutely every request made by these environmental groups were responded to....!" (I will supply exact transcript of that hearing soon) and because of Sheriff Noelle's statement to you at a briefing on November 14, that they had met with the Watershed Council eight times.

(to be continued)

*Blatt*

Mailed 4/24/96



CITY OF  
**PORTLAND, OREGON**

BUREAU OF PLANNING

Charlie Hales, Commissioner  
David C. Knowles, Director  
1120 S.W. 5th, Room 1002  
Portland, Oregon 97204-1966  
Telephone: (503) 823-7700  
FAX (503) 823-7800

**Pre-Application Conference Summary**

Pre-Application No.: PC 96-104  
Date of Conference: May 8, 1996.

<b>Applicant:</b>	Don Jackson (221-1474)	
<b>Request:</b>	Conditional Use Review to expand the Inverness Jail. The addition is for 78,350 square feet, the number of inmates will increase from 450 to 900, and 210 new parking spaces will be added. Parking demand will increase from 90 to 300 spaces. No information is provided on changes in the number of staff or trip generation. No development is proposed within the environmental zone.	
<b>Location:</b>	11540 NE Inverness Drive	<b>Zoning:</b> IG2 h, p, x (CSSPD)
<b>Legal:</b>	Bl 99-1/2, Parkrose, Tls 29 and 47, Sec. 15, T1N R2E Map: 2442	
<b>Neighborhood:</b>	Parkrose, Argay, CCA.	<b>School District:</b> Parkrose
<b>Previous cases:</b>	DR 80-05-05, SRZ 73-89, 33-90, 74-90, 97-90, MP 15-88, LUR 92-123, LUR 92-283, LUR 94-473, LUR 96-214.	
<b>BOP staff present:</b>	Hayakawa.	
<b>Others present:</b>	See attached.	

- Caveat.** This memorandum summarizes the issues which were discussed at your pre-application conference. Its contents reflect what was discussed at the conference, provides answers to questions which were asked, and identifies the substantive and procedural requirements that must be followed to develop your project. The requirements and information contained in these notes are specific to the project as you defined it at the conference. If you change your application significantly, another pre-application conference is required.

You describe your proposal as a Conditional Use Review to expand the Inverness Jail. The addition is for 78,350 square feet, the number of inmates will increase from 450 to 900, and 210 new parking spaces will be added. Parking demand will increase from 90 to 300 spaces. No information is provided on changes in the number of staff or trip generation. No development is proposed within the environmental zone. There may be some nonconforming development within the environmental zone.

*Statement by applicant in response to question from Hayakawa re Sp-zone*

A pre-application conference is only valid for one year. You must therefore submit your application within one year of the date of the conference. There are no exceptions. You must provide a copy of these notes with your application. These notes have been prepared by the planner that presided at the conference. All questions should be directed to that individual, or the case planner, if present at the conference. The site plan which you submitted is attached to these notes.

These notes provide information on issues raised by city agencies, neighborhood associations and other agencies that respond. In certain situations, you may be required to obtain approval from agencies outside of the City of Portland, including special districts (such as drainage districts and water districts), state and federal agencies. Whenever possible, the City of Portland will notify you of other approvals which may be required. In this case, you should contact the Multnomah County Drainage District No. 1 (Tim Hayford, 281-5675).

2. **Application(s) required.** Based upon the information which was provided in writing and at the pre-application conference, the following land use reviews are required:

A. A Type III Conditional Use Review is required because you wish to construct a major expansion to an existing Detention Facility. In order to be approved, it must be found that the criteria of 33.815.205, the Cully Parkrose Community Plan, the Transportation Element of the Comprehensive Plan and the Transportation Planning Rule are met. The Hearings Officer will consider this application through a public review.

B. Type II Adjustments will be required if this project does not meet any of the applicable site development standards. In order to be approved, adjustments must be found to meet the criteria of 33.805.040 and the Transportation Planning Rule. Adjustments may be processed concurrently with the conditional use application.

C. Because the valuation of the project exceeds \$10,000, the entire site must be brought up to code for certain site development standards (see 33.258.070) up to a cap of 10% of the valuation of the project. If you are unable to meet this requirement, adjustments will be required.

D. A Type II environmental review is required if you propose any development in the environmental zone. In order to be approved, it must be found that the applicable criteria in 33.515.280 (D) and the Transportation Planning Rule are met. The site is within the Columbia South Shore Natural Resources Management Plan area (Site K) and therefore you must use that document to identify the environmental resources on your property.

3. **Fees.** The land use reviews identified above have the following fees.

<u>Land Use Review</u>	<u>Fee</u>
Conditional Use Review	\$2,516
Adjustments	\$514.50 each.
Environmental Review	\$425.50

4. **Ownership.** Because quasi-judicial land use reviews are specific to certain parcels, accurate ownership information is important. It is your responsibility to correctly identify all parcels in question and all owners. You must identify all parcels which are included in the proposal as well as any adjacent parcels in the same ownership. Staff relies upon the accuracy of the information that you provide.

5. **Posting.** Because this proposal will require a Type III review, you must post the property with signs. One sign is required for every 600 lineal feet and one for every separate frontage and these signs must be erected at least 30 days before the public hearing. The signs can be purchased at the Permit Center at the time that you submit your application for \$5.00. The assigned staff will write you a letter notifying you when your application is complete and at that time, will provide you with the notice which must be attached to the sign.

6. **Site Plan.** You have been provided with a sample site plan which also identifies the information that the site plan must include. Your site plan must be understandable and at least one plan which is 8-1/2"X11" in size must be submitted. For the environmental review application, please submit the elements identified in 33.430.130 and 33.430.240.

- 7. **Written Statement.** At the conference, you were given an application form. Please submit all information which is necessary for staff, the Hearings Officer and those that will be notified to understand this request. It is your burden to clearly explain the nature and purpose of the application and to demonstrate that the application complies with the criteria identified above. Accurate information will assist us in understanding your request better and because your file will be public information, accurate information will result in more pertinent and informed testimony from those who wish to participate.

Based upon the information provided in writing and discussed at the conference, you must provide the following materials in order for your application to be considered complete. Your application will be considered complete if it is found that all of the following elements are submitted.

**Conditional Use Review.**

- \_\_\_ Discussion on how the proposal complies with the applicable criteria (33.815.205).
- \_\_\_ Discussion on how the proposal complies with the applicable site development standards.
- \_\_\_ Discussion on how the proposal upgrades nonconforming site development standards (33.258.070).
- \_\_\_ Discussion on how the Adjustment criteria are met (33.805.040), if applicable.
- \_\_\_ Discussion on how the elements of the Columbia South Shore Plan District are met.
- \_\_\_ Discussion on how the proposal is supportive of the Transportation Element of the Comprehensive Plan.
- \_\_\_ Discussion on how previously imposed conditions of approval are met.
- \_\_\_ Discussion on how the proposal complies with the Transportation Planning Rule.
- \_\_\_ Discussion on how the proposal is consistent with the Cully Parkrose Community Plan.
- \_\_\_ All materials required by the Bureau of Planning and other agencies, as described below.

**Environmental Review.**

- \_\_\_ Discussion on how the proposal complies with the applicable criteria [33.515.280-(D)]
- \_\_\_ Application requirements of 33.430.130 and 33.430.240.
- \_\_\_ Discussion on how the proposal complies with the Transportation Planning Rule.
- \_\_\_ All materials required by the Bureau of Planning and other agencies, as described below.

In order to assess your proposal thoroughly, please submit a drawing showing existing topography and site conditions, a detailed site plan, sections as appropriate, a construction management plan, approval from the Bureau of Environmental Services of proposed improvements within the stream areas, flow calculations, changes in contour within the stream area, storm drainage facilities and water quality facilities. If the plans are larger than 8-1/2" X 11", please submit at least one copy of each plan reduced to 8-1/2" X 11".

8. **Responses from other agencies.** Written responses from other agencies are attached for your convenience. If you have further questions or comments regarding these issues, please contact the staff member from that agency whose name and telephone number can be found on the written response or attendance sheet. Written responses have been received from the following agencies and should be attached to these notes:
- City Forester. Vince Salomone (823-4489) responds that street trees are required.
  - Bureau of Transportation Engineering and Development. Ernie Yuzon (823-7168) responds that sidewalks along NE Inverness Drive may be required.
  - Bureau of Traffic Management. Omar Agha (823-5171) responds that a traffic study will be required.
  - Transportation Planning Division of the Office of Transportation. Monique Wahba (823-7265) identifies the applicable policies and responds that the primary issues which must be addressed are the large number of proposed parking spaces, provision of bicycle and pedestrian facilities, appropriate transit improvements, carpool and vanpool parking and a TDM plan.
  - Bureau of Water Works. Tom Chambers (823-7477) responds that an upsize will be required before additional water service can be made available.
  - Bureau of Environmental Services. Dan LaFave (823-7054) responds that reconnection to the sanitary sewer with a large line will be reviewed through the plan review process. Water quality facilities will be required for stormwater disposal.
  - Bureau of Buildings and Fire Marshal. In a written response, the Bureau of Buildings informs you of building and fire code requirements.
9. **Title 33 and other regulatory issues.** The following are zoning and other regulatory issues which are of particular importance to this project and are being highlighted for your information.
- a. Specific approval. You must submit a specific proposal for approval. The proposal must include specific uses and levels of activity and a specific site plan. Future projects which cannot be specifically described may be considered but cannot be approved. Additional discretionary review will be required for such projects at a future date.
  - b. Parking. The Office of Transportation and Bureau of Planning are concerned that adequate but not excessive parking is provided. The parking element will be an integral part of the information required by the Office of Transportation. It will be essential for you to provide supply and demand data for parking and a specific strategy through which parking in residential areas will be avoided.
  - c. Neighborhood associations. It is very important to begin a dialogue with nearby neighborhood associations.
  - d. Nonconforming development. 33.258.070 requires an upgrade of certain nonconforming development up to a cap of 10 percent of the value of the project. You must address this requirement as part of the master plan.
  - e. TPR. The Interim Regulations of the Transportation Planning Rule are mandatory approval criteria. The Planning Commission is currently considering code amendments which codify these regulations. The next public hearing will be held in May and it is expected that the City Council will be considering these amendments this summer. A copy of the original recommendation is enclosed for your convenience.
  - f. Fees. The current fee schedule is enclosed. This schedule is adjusted annually according to the Consumer Price Index. Fees will increase on July 1, 1996. Any application which is submitted after that date will be subject to the increased fee.

- g. Landscaping in the environmental zone. 33.515.278 (A) requires that all environmentally zoned areas must be landscaped.
- h. Stormwater. Please work with Dan LaFave on stormwater disposal issues (823-7054).
- i. Environmental review. Environmental review is not required for stormwater disposal if development standards can be met. Those standards are 33.515.278. Otherwise, environmental review will be required. Detention facilities may not be located within the environmental zone.
- j. Number of parking spaces. Please work with Omar Agha (823-5171) and Monique Wahba (823-7265) on parking issues. You are proposing a significant increase in the number of parking spaces and transportation policies require adequate but not excessive parking. You will have a significant burden to show why this large number of parking spaces will be required. During the conference, you were asked to provide information on the idiosyncrasies of this type of land use to explain the demand for parking.
- k. Trail. It is not possible to tell whether the designated recreational trail is on your property. If it is, please contact the Bureau of Parks and Recreation regarding trail requirements (Mary Ann Cassin at 823-5227).
- l. Traffic study. A traffic study will be required. Please work directly with Omar Agha on the required elements and information (823-5171).
- m. Tri-Met. Please contact Ken Zatarain at 238-4970 regarding transit service.
- n. Nonconforming development within the environmental zone. 33.515.272 (B)(17) requires that nonconforming development within the environmental zone be removed if alterations which exceed \$10,000 in valuation are proposed. The location of fences, among other things, were discussed briefly during the conference. This provision applies to the fences in the environmental zone and any other nonconforming development.
10. Neighborhood Association. This site is located in the Parkrose Neighborhood. Please contact Doris Nichols at 253-5682. Also, due to its proximity to the Argay Neighborhood, you may wish to contact Ellen Juett at 254-5432. Finally, you may wish to contact Anne Nickle of the Columbia Corridor Association at 287-8686. It is very important that you present your proposal to the neighborhood association and obtain feedback. All property owners within 400 feet and all neighborhood associations and recognized organizations within 1,000 feet of your site will receive notification of your proposal.
11. Items provided to the applicant. The following items are either enclosed or have been provided to you at the pre-application conference:
- A. Application form.
  - B. Pre-Application Conference Packet.
  - C. Transportation Planning Rule.
  - D. Transportation Element of the Comprehensive Plan.
  - E. 120-day waiver and information.
  - F. 33.140, Employment and Industrial Zones.
  - G. 33.248, Landscaping and Screening.
  - H. 33.258, Nonconforming Situations.
  - I. 33.266, Parking and Loading.
  - J. 33.515, Columbia-South-Shore Plan District.
  - K. Interim Implementation of the TPR Proposed Draft.
  - L. 33.805, Adjustments.
  - M. 33.815, Conditional Uses.
  - N. Cully/Parkrose Community Plan.
  - O. Columbia South Shore Natural Resources Management Plan (Protection Plan)

P. Portland Native Plant List.

Q. Interim Implementation of the TPR Proposed Draft.

12. **120-day waiver.** In order to assure that the decision on your application is rendered within 120 days, any appeal of your proposal to the City Council will be held based on the evidence submitted as part of your first hearing (to the Hearings Officer, Design Commission or Landmarks Commission). If you prefer a process that allows for a full evidentiary hearing if there is an appeal to the City Council, you must waive the 120-day deadline within 14 days of the date of the submittal of your application. A letter describing this issue is contained in your packet.

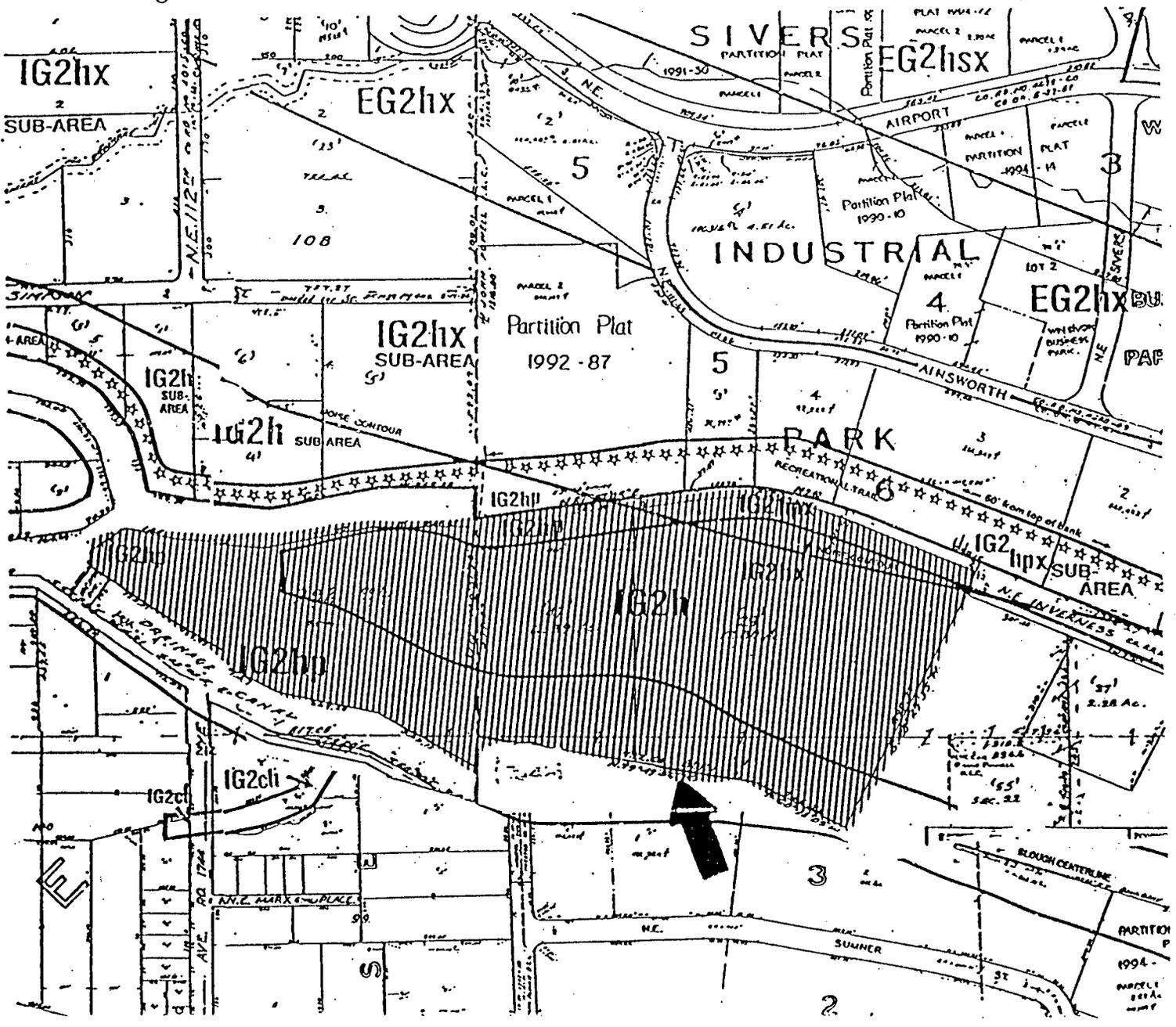
Notes were prepared on May 9, 1996.

10:30 am. PC 96-104

May 8, 1996 (Wednesday)

**Applicant:** Don Jackson (221-1474)  
**Request:** Conditional Use Review to expand the Inverness Jail. The addition is for 78,350 square feet, the number of inmates will increase from 450 to 900, and 210 new parking spaces will be added. Parking demand will increase from 90 to 300 spaces. No information is provided on changes in the number of staff or trip generation. No development is proposed within the environmental zone. Previous case: 95-000473 CU.

**Location:** 11540 NE Inverness Drive      **Zoning:** IG2 h, p, x (CSSPD)  
**Legal:** Bl 99-1/2, Parkrose, Tls 29 and 47, Sec. 15, T1N R2E Map: 2442  
**Neighborhood:** Parkrose, Argay, CCA.      **School District:** Parkrose





CITY OF  
**PORTLAND, OREGON**

BUREAU OF PLANNING

Charlie Hales, Commissioner  
David C. Knowles, Director  
1120 S.W. 5th, Room 1002  
Portland, Oregon 97204-1966  
Telephone: (503) 823-7700  
FAX (503) 823-7800

August 29, 1996

Macdonald Jackson  
KMD Architects  
421 SW 6th Avenue, Suite 1300  
Portland, OR 97204

Re: Case File LUR 96-00756 CU EN AD

Dear Mr. Jackson,

We received your application for a conditional use permit at 11540 NE Inverness Drive on August 14. In order to continue to process your application, we need additional information. Until we receive this information, your application cannot be considered complete.

1. Site Plan: The site plan submitted is difficult to read because it contains more information than is necessary and not enough of what is necessary. Please provide a revised site plan that clearly shows the following (and eliminates any internal floor plan information):

- existing building footprints -- setbacks (from property lines and environmental zone lines), dimensions and square footage
- proposed building footprints -- setbacks (from property lines and environmental zone lines) dimensions, and square footage
- existing roads/driveways with dimensions
- proposed roads/driveways with dimensions

2. Transportation Demand Management Techniques (TDM): The purpose of TDM is to reduce vehicle miles traveled to and from the site. They have not been included as part of your application. A description of proposed techniques is required as part of your application. Examples of TDM include staggered work shifts and instituting a carpool program. You may contact Monique Wahba at 823-7265 in Transportation Planning to get more information.

3. Traffic Study: The traffic study required by the Traffic Management Section was to address two issues. One of the issues, examination of parking demand versus supply, was not addressed in the traffic study (additional trip information is added on p. 14 of your application but it is not clear that this is adequate). Specific information regarding your

proposed number of spaces and how they will be used is needed, along with recommendations for any identified impacts. Please contact Jamie Charbonneau at 823-5165 for more information on what is required for your application.

4. Fences: Your application for adjustment requests is unclear. On p. 3, you state that "Security fencing will be maintained on the site perimeter at its present 10 foot height." But on p. 13 you are requesting a height adjustment from 8 to 14 feet. Please describe in more detail exactly what is planned for the all site fencing, including perimeter site fencing. Include a discussion of where the existing fencing is located, what it looks like, if it is to remain, and the extent and character of proposed fencing. Please clarify which fencing is proposed and at what height. Depending upon your request for such activity within the "p" zone, an environmental review may be required per Section 33.515.276(B)(1), Columbia South Shore Plan District.
5. Staging: You amended your application to include staging activities on the site to the east. It appears that such activity would occur within the environmental zone. Staging activities within the environmental zone of the Columbia South Shore Plan District are prohibited. All staging activity must take place outside the environmental zone boundary.
6. Landscaping: Landscaping is required for structured parking the IG2 zone, per Section 33.266.130(E), Parking and Loading. It appears that 10 feet of L1 or 5 feet of L2 landscaping is required. Your site plan and application does not address this requirement.
7. Building appearance: How the facility will relate to the surrounding area is an important approval criterion (Section 33.815.205). You did not state the proposed height of the structured parking building. Building elevations are necessary to determine consistency with the character of surrounding uses and development. Building coverage is stated as 26 percent of the site. Please confirm this by providing footprint square footage and total site area calculations.
8. Pedestrian Standards: Pedestrian standards of the EG2 zone apply to your site per 33.515.257. Your application states that this requirement is met, however, your site plan does not show pedestrian facilities.
9. Hazardous Substances: Your application (refer to page 4) notes proposed storage of "chemical agents and related security items." Section 33.140.120, Hazardous Substances, requires review if certain hazardous substances and quantities are proposed to be stored on site.

Please define what will be stored and in what quantities, according to Table 140-2 of this section.

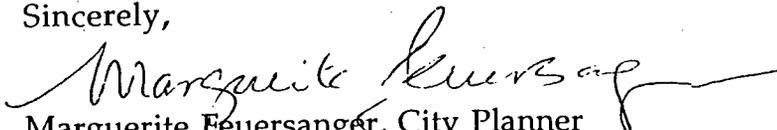
Notes:

- The use of Adjustment Criteria, Section 33.805 (G) through (M) is questionable for the adjustment requests. To satisfy these criteria, findings must be made that "application of the regulation in question would preclude all reasonable economic use of the site." In consideration of your requests, especially the one to allow existing road improvements within the Environmental Protection Zone (p), the (A) through (N) approval criteria are more appropriate. These criteria allow for modifications if the development continues to meet the purpose of those regulations to be modified.
- The site is within a "cultural sensitivity area" of the Columbia South Shore Plan District (see Section 33.515.262(D)(5)). I have requested a zoning confirmation letter for your site since the City has conducted studies in an area including your site. A state archaeological permit may be needed before site development. Any discoveries of cultural resources during project construction must follow state and federal regulations.

Our Zoning Code allows you 30 days to complete your application. Since the 30 days began on the day we received the application, the deadline is **September 14**. However, if the 30-day period is not enough time, you may request--in writing--an extension of the deadline up to 180 days from your original application date. This would give you until **February 14, 1996**. If an extension is necessary, we must receive that written request by **September 14**. Please be aware that if we do not receive the requested information within the 180-day period, your application will be considered complete and we will process it using the information we have at that time. If your application is complete prior to **February 14**, we will begin processing it at that time.

Please write or call me at 823-7830 if you have any questions. I look forward to working with you and will notify you when your application is considered complete.

Sincerely,

  
Marguerite Feuersanger, City Planner  
Development Review Section

cc: Bob Nilsen, Multnomah County  
Application Case File

1.31.95 14-day shf

ORDINANCE No. 167127 (11/17/93)

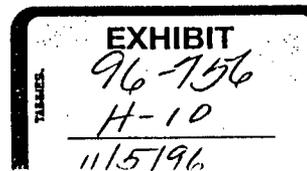
Amend Title 33 of the City Code relating to the Columbia South Shore Plan District, Environmental Zone, Adjustments, and Definitions, amend Official Zoning Maps, and adopt Natural Resources Protection Plan for the Columbia South Shore.  
(Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

**General Findings**

1. The Columbia South Shore Plan District contains many significant natural resources worthy of protection or conservation.
2. Protection and conservation of these resources will help achieve state and federal standards for water quality.
3. Protection and conservation of these resources will also protect public health and safety by directing development away from portions of the City needed for flood storage and stormwater drainage.
4. Accomplishment of these public purposes within the Columbia South Shore should be done through land use regulations that are, wherever practicable, clear and objective.
5. In 1980 the Portland City Council adopted the Portland Comprehensive Plan which contained Policy 8.13, Sensitive Natural Areas, designed to protect significant natural resources.
6. In 1981 the Oregon Land Conservation and Development Commission acknowledged the Portland Comprehensive Plan as being in conformance with statewide Land Use Goals and Guidelines.
7. As part of acknowledgment the City was required by Comprehensive Plan Policy 8.9 to develop a Natural Drainageway Overlay Zone to aid in compliance with Statewide Planning Goal 5 prior to the first periodic review.
8. In September of 1981 the Oregon Land Conservation and Development Commission adopted Oregon Administrative Rule 660-16 which identified a process which local jurisdictions were to follow to comply with Statewide Planning Goal 5. The City is required to follow this process during the first periodic review of Portland's acknowledged Comprehensive Plan.
9. In April of 1987 the City Council adopted Ordinance 156564 which applied interim environmental protection measures for the Columbia South Shore in the form of the Significant Environmental Control Overlay Zone, and a provision in City Code Chapter 33.705, Columbia South Shore Plan District, requiring a Water Features Setback.



10. In June of 1988 the City Council adopted environmental regulations including amendments to the Comprehensive Plan and Title 33 of the City Code. This action replaced the Drainageway Overlay Zone requirement of Comprehensive Plan Policy 8.9.
11. In May of 1989 the City Council adopted Ordinance 161896 which applied environmental zoning to certain properties in the Columbia Corridor. The Columbia South Shore is part of the Columbia Corridor. The interim environmental protection measures and water features regulations adopted by Ordinance 156564 were removed from properties in the Columbia Corridor.
12. In November of 1990 the City Council adopted Ordinance 163609 which adopted the *Natural Resources Management Plan for the Columbia South Shore*. This plan took an area-wide, regional permit approach to natural resource protection. The plan was intended to optimize opportunities for efficient urban development while providing for the protection of significant water, wetland, riparian, and upland natural resource areas; the creation of several larger natural resource nodes, and the protection, enhancement, and restoration of a riparian wildlife corridor. It also served as the basis for requesting approval for alteration of certain wetlands from state and federal regulatory agencies. On appeal to the Land Use Board of Appeals, Court of Appeals, and Supreme Court, the plan was remanded to the City.
13. The City entered into negotiations with the prevailing party of the remanded *Natural Resources Management Plan for the Columbia South Shore* and other interested parties, to resolve issues of conflict. A tentative agreement was reached, at which time an amended Natural Resources Management Plan was produced. The amended Plan was presented to the Planning Commission in public hearing on October 10, 1992. Due to public testimony, the Planning Commission requested that the Bureau of Planning hold workshops and work with interested parties to resolve remaining conflicts, and to reduce uncertainty to development by the use of development standards where appropriate. The *Natural Resources Protection Plan for the Columbia South Shore* was prepared in response to issues raised in the workshops. The Plan was introduced to the Planning Commission on July 27, 1993. Further public testimony was received on the Plan.
14. On August 10, 1993 the Planning Commission approved and forwarded to the City Council for public hearing and adoption the *Natural Resources Protection Plan for the Columbia South Shore*. The plan has been developed to provide an area-wide approach toward natural resource protection similar to the plan adopted in November 1990, and responds to issues leading to remand of the plan and issues brought forth in public hearing before the Planning Commission. Unlike the 1990 plan, it does not request approval for alteration of wetlands from state and federal regulatory agencies.
15. The inventory and analysis of natural resources, as required by Statewide Planning Goal 5 and the Goal 5 Administrative Rule, form the basis for the natural resources protection measures contained in the *Natural Resources Protection Plan for the Columbia South Shore*.

16. The State post-acknowledgment requirements were followed in the development of the plan and its implementing actions. Notice of the proposed action was mailed to the Oregon Department of Land Conservation and Development on August 16, 1993 along with copies of the Planning Commission recommendation, including amendments to Title 33 and the Official Zoning Maps.
17. The *Natural Resources Protection Plan for the Columbia South Shore* identifies and preserves natural resources that contribute to the high quality of life that Portlanders desire.
18. It is in the public interest for the *Natural Resources Management Plan for the Columbia South Shore*, including amendments to Title 33 and the Official Zoning Maps, to be adopted and implemented.

### Statewide Goal Findings

19. State law requires that any ordinance adopting, repealing, or amending land use regulations or comprehensive plan policies comply with the Statewide Planning Goals. Because of the limited scope of this ordinance only a few of these goals apply.
20. Statewide Planning Goal 1 addresses Citizen Involvement. Goal 1 requires citizens be given opportunities to review and influence proposed policies before they are considered in public hearings. This requirement has been met for the reasons stated in the procedural finding below. Statewide Goal 1 also requires that technical data related to energy, natural environment, political, legal, economic, social, and cultural considerations be available at a public location. All these supporting data are in public documents available for inspection at the Portland Planning Bureau. These requirements have been met.
21. Statewide Planning Goal 2 addresses Land Use Planning. Goal 2 requires that site specific ordinances be based on an analysis of alternative implementing measures. This analysis has been done. The implementing measures in the *Natural Resources Protection Plan for the Columbia South Shore* include exemptions, standards, and approval criteria.
22. Statewide Planning Goal 5 addresses Open Space, Scenic and Historic Areas, and Natural Resources. This Ordinance address only natural resources. Open space is protected by Chapter 33.100 of the zoning code. No significant aggregate resources are known to exist within the Columbia South Shore. Cultural resources do exist, and their significance is being determined under another study. Scenic resource protection measures have been adopted for the Columbia South Shore. Development in environmentally-zoned areas which contain scenic values will be considered as part of environmental reviews. Historic resources are protected by Chapter 33.222 of the zoning code. Resource location, quantity, and quality was determined during the 1989 environmental zoning of the Columbia Corridor, of which the Columbia South Shore is a part, and during the analysis of wetland resources for the *Natural Resources Management Plan for the Columbia South Shore* in 1990. Information was updated and a summary is found in Chapter 2 of the *Natural Resources Protection Plan for the Columbia South Shore*. Chapter 3 of the *Natural Resources Protection Plan for the Columbia South Shore* contains an analysis of the economic, social, environmental, and energy consequences of permitting,

limiting, or prohibiting conflicting uses. The analysis is supplemented by materials and testimony presented to the Planning Commission and City Council. Most protected sites were chosen in part because they contained resource values associated with flood storage and stormwater passage, functions necessary to protect people and property from flood hazard. Most protected sites were also chosen because they are connected and provide a corridor for passage of wildlife through and into the City. Protected sites between NE 158th Avenue and NE 185th Avenue, near the cross-levee at about NE 142nd Avenue, at about 110th Avenue, and around Johnson Lake also form larger areas for feeding, resting, nesting, and cover for wildlife that is sensitive to intense human or urban activity. Protected resources within these larger areas were also chosen because they provide diversity of habitat, which in turn promotes use by a greater number of wildlife species. Protected sites along the adopted route for the Columbia Slough Trail were also chosen because they provide interest and attraction to pedestrian users, promoting use of an energy-efficient mode of transportation. Most protected sites were also chosen because they provide basic design elements, such as edges and reference points, which help identify and define the Columbia South Shore and its sub-areas. The level of protection necessary to carry out the Portland Comprehensive Plan and statewide land use goals is contained in amendments to Title 33 contained in Appendix B of the *Natural Resources Protection Plan for the Columbia South Shore* and amendments to the Official Zoning Map contained in Appendix A of the *Natural Resources Management Plan for the Columbia South Shore*. The zoning maps depict environmental conservation and environmental protection zones. The areas described by the zoning maps are smaller than the areas identified as inventory sites. Smaller areas usually represent decisions to allow some inventoried resources to be destroyed because of overriding benefits of development, but in a few cases subsequent field visits identified changes in the location, quantity, or quality of the resource. In summary environmental protection zones represent decisions to preserve significant resources and their values by severely limiting conflicting uses, while environmental conservation zones represent decisions to conserve resources and their values by limiting conflicting uses, but to a lesser degree. The regulations in the *Natural Resources Protection Plan for the Columbia South Shore* are sufficient to carry out these decisions. In conclusion, the City has developed a program which, as a whole, meets the requirements of Statewide Planning Goal 5.

23. Statewide Planning Goal 6 addresses Air, Water, and Land Resources. Many of the provisions of this ordinance improve water quality for the Columbia Slough by limiting conflicting development which may pollute surface or groundwater by discharge which would be carried into the resource. It also allows the limited development of resource enhancement projects, including water quality facilities when resources can be protected. The requirements of Goal 6 have been met.
24. Statewide Planning Goal 7 addresses Areas Subject to Natural Disasters and Hazards. Provisions of this ordinance require preservation of stormwater conveyance values of the resource, and protect areas for flood storage. Public health, safety, and welfare will be protected by environmental regulation. The requirements of Goal 7 have been met.

25. Statewide Planning Goal 8 addresses Recreational Needs. Provisions of this ordinance allow construction of the Columbia Slough Trail in accordance with the adopted plan. It also allows limited development of other recreation facilities when resources can be protected. The requirements of Goal 8 have been met.
26. Statewide Planning Goal 9 addresses Economic Development. Provisions of this ordinance allow construction of sewer and water lines, streets, and other infrastructure to support surrounding industrial and commercial development when resources on which the environmental protection zone is placed can be protected. It also allows fill or alteration of resources on which the environmental conservation zone is placed when mitigation for lost resource values is made in conformance with plan district regulations. Certainty is provided for industrial and commercial development by allowing it outside of environmental zones under clear and objective measures, and providing clear review requirements for mitigation of resources zoned environmental conservation lost to development. The requirements of Goal 9 have been met.
27. Statewide Planning Goal 10 addresses Housing. Provisions of this ordinance allow the continuation of nonconforming housing in the Columbia South Shore. There are no residential zones in the Columbia South Shore. The requirements of Goal 10 have been met.
28. Statewide Planning Goal 11 addresses Public Facilities and Services. Provisions of this ordinance allow construction of sewer and water lines, streets, and other infrastructure to support surrounding industrial and commercial development when resources on which the environmental protection zone is placed can be protected. It requires preservation of stormwater conveyance values of the resource, and protect areas for flood storage. It also allows the limited development of resource enhancement projects, including water quality facilities when resources can be protected. Public health, safety, and welfare will be protected by environmental regulation. The requirements of Goal 11 have been met.
29. Statewide Planning Goal 12 addresses Transportation Facilities. Provisions of this ordinance allow construction of streets and other transportation facilities to support surrounding industrial and commercial development when resources on which the environmental protection zone is placed can be protected. It allows construction of the Columbia Slough Trail in accordance with the adopted plan. The requirements of Goal 12 have been met.
30. Statewide Planning Goal 13 addresses Energy Conservation. Provisions of this ordinance allow efficient provision of urban infrastructure across protected resources when resources can be protected. It encourages vegetation which shades and cools nearby development in the summer, and breaks and blocks winter winds, reducing heating needs. By protecting water quality through natural means, it reduces the need for more costly and energy-consuming treatment methods, both in terms of construction and ongoing maintenance. Provision of recreation opportunities close to population centers also reduces the need for auto travel for leisure activities. The requirements of Goal 13 have been met.

31. Statewide Planning Goal 14 addresses Urbanization. Provisions of this ordinance have taken into consideration the economic, social, environmental, and energy consequences of permitting, limiting, or prohibiting conflicting uses. The requirements of Goal 14 have been met.

### **Comprehensive Plan Findings**

32. State law, the Portland Comprehensive Plan, and the City Planning and Zoning Code require that land use regulations comply with comprehensive plan goals and policies. Because of the limited scope of this ordinance only Comprehensive Plan Goals 1, 2, 4, 5, 6, 7, 8, 9, and 11 apply.
33. Goal 1 addresses Metropolitan Coordination. This goal has been met because areas identified as significant in the Metropolitan Greenspaces Inventory are included within the City's inventory of significant resources.
34. Goal 2 addresses Urban Development. Policy 2.8 requires that urban densities be limited in forested areas. This policy has been met by protecting significant forested resources with the environmental zone, particularly on portions of Inventory Sites G, CC, and II.
35. Goal 4 addresses Housing. This goal has been met for the reasons stated in the findings for Statewide Planning Goal 10.
36. Goal 7 addresses energy. This goal has been met for the reasons stated in the findings for Statewide Planning Goal 13.
37. Goal 8 addresses the environment. This goal has been met for the reasons stated in the findings for Statewide Planning Goals 5 and 6. Some City Goal 8 policies address natural hazards. These policies have been met for the reasons stated in the finding for Statewide Planning Goal 7.
38. Goal 9 addresses Citizen Involvement. This goal has been met for the reasons stated in the findings for Statewide Planning Goal 1.
39. Goal 11 addresses Public Facilities. This goal has been met for the reasons stated in the findings for Statewide Planning Goals 8, 11, and 12.

### **Procedural Findings**

40. This ordinance contains amended land use regulations (Appendix B of the *Natural Resources Protection Plan for the Columbia South Shore*) and amended zoning maps (Appendix A of the *Natural Resources Protection Plan for the Columbia South Shore*) which can only be adopted through a legislative procedure. The requirement for a legislative procedure has been met because required notice was provided for the Planning Commission hearing of November 10, 1992, December 8, 1992, December 22, 1992, January 12, 1993, July 27, 1993, and August 10, 1993. The Planning Commission recommended adoption on August 10, 1993. The City Council hearing of October provided the required two weeks between the Commission's recommendation and Council's consideration. Additional notification was provided for the Council's October 6, 1993 hearing. The City Auditor has also provided required notice of the Council's deliberations.

**ORDINANCE No.**

NOW, THEREFORE, the Council directs:

- a. The facts, findings, conclusions, and recommendations of the Planning Commission Report to the City Council in the form of the letter of transmittal and the *Natural Resources Protection Plan for the Columbia South Shore*, dated October 6, 1993, and the testimony and supporting data used by the Planning Commission in its decision and provided to the City Council as public testimony are hereby adopted by the City Council as the basis for the Council's action.
- b. Based upon the Planning Commission recommendations, the documents identified in directive "a," and public testimony received by the City Council, Title 33 of the City Code is amended as shown in Appendix B of the *Natural Resources Protection Plan for the Columbia South Shore*.
- c. Based upon the Planning Commission recommendations, the documents identified in directive "a," and public testimony received by the City Council, the Official Zoning Maps are amended as shown in Appendix A of the *Natural Resources Management Plan for the Columbia South Shore*.
- d. If any portion of the zoning code or zoning maps amended by this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed, and in no way affects the remaining portions.

Passed By the Council,

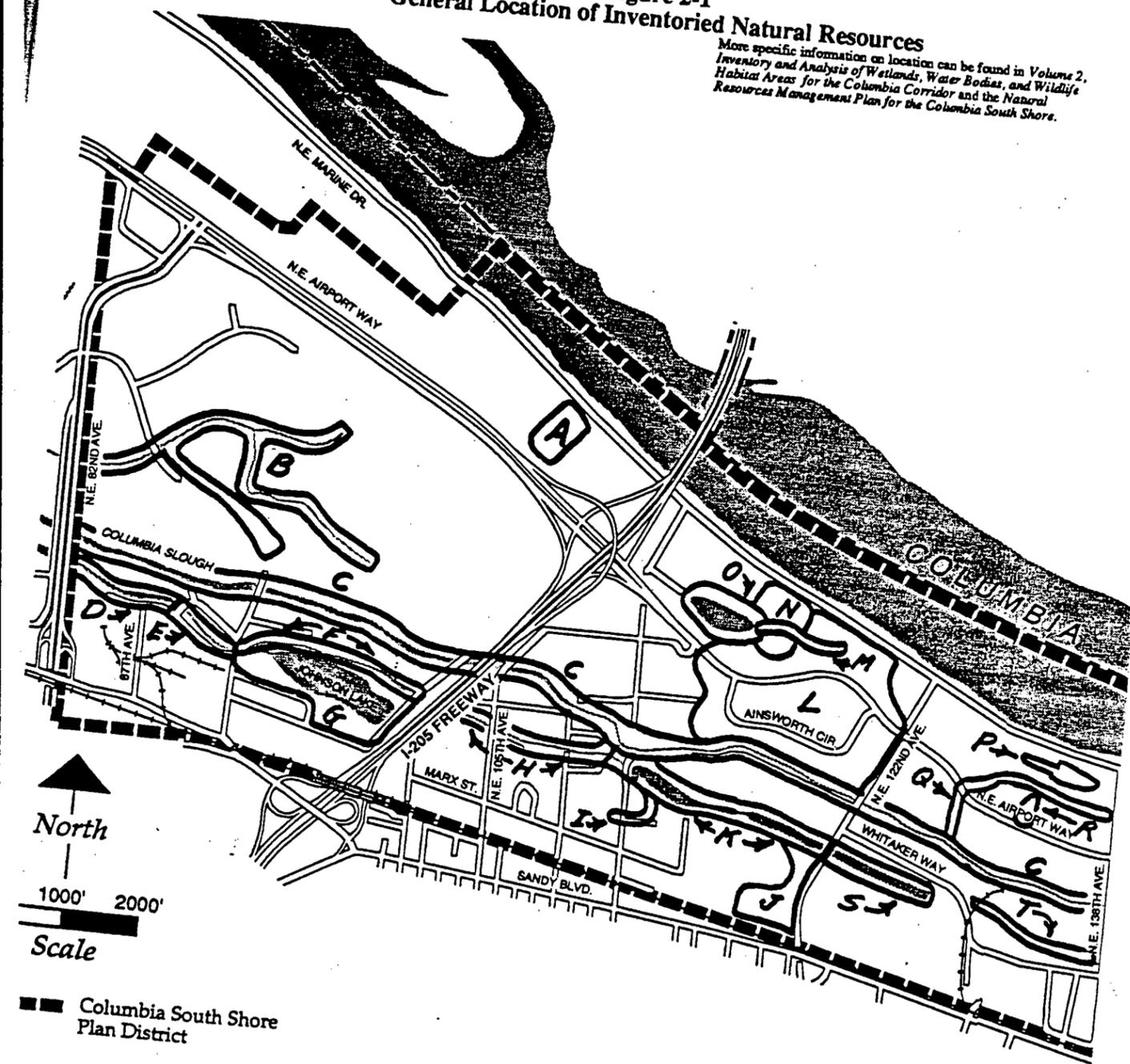
Commissioner Charlie Hales  
D. Brown  
October 1, 1993

**Barbara Clark**  
Auditor of the City of Portland  
By

Deputy

**Figure 2-1**  
**General Location of Inventoried Natural Resources**

More specific information on location can be found in *Volume 2, Inventory and Analysis of Wetlands, Water Bodies, and Wildlife Habitat Areas for the Columbia Corridor and the Natural Resources Management Plan for the Columbia South Shore.*



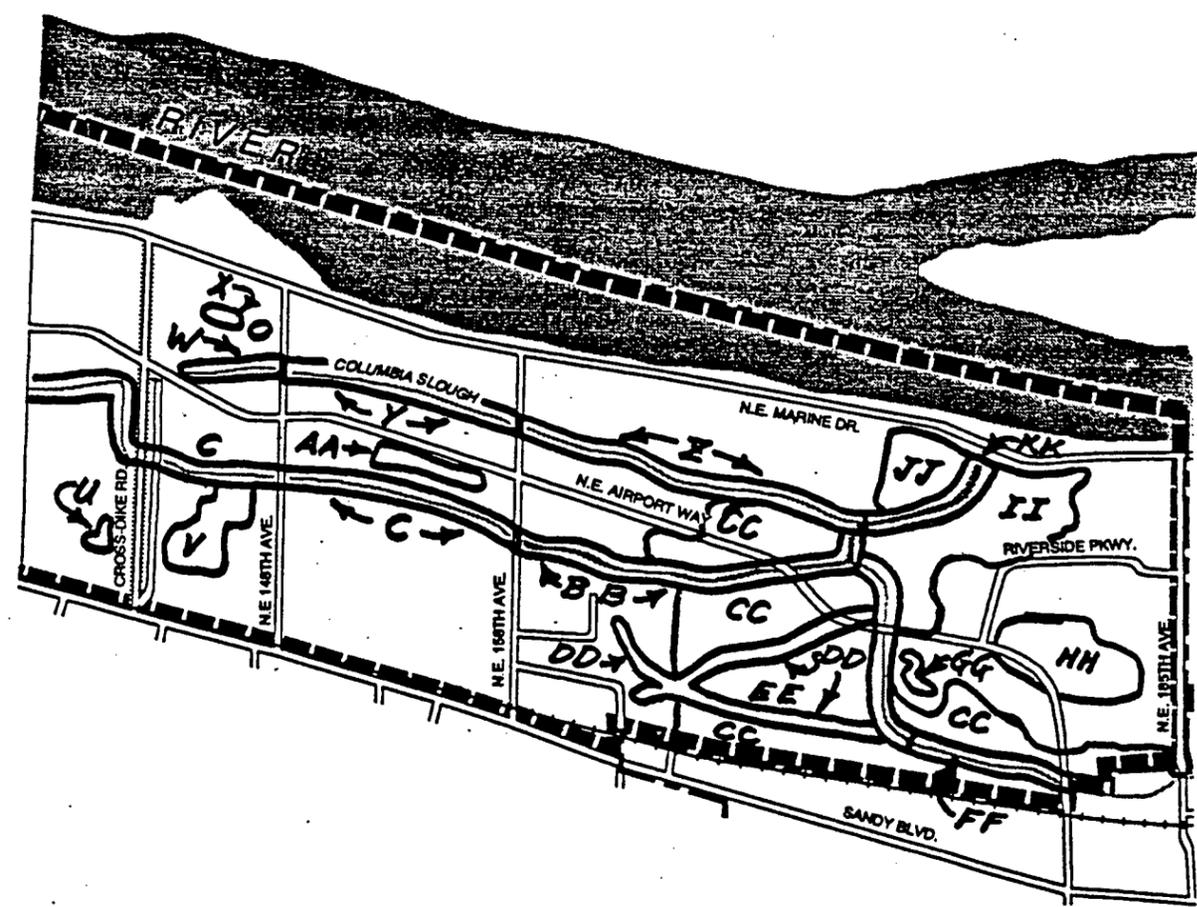
North  
 1000' 2000'  
 Scale

■ Columbia South Shore Plan District

October 6, 1993

**RESOURCE QUANTITY**

Size of the natural resource sites inventoried is based on estimates contained in *Volume 2, Inventory and Analysis of Wetlands, Water Bodies, and Wildlife Habitat Areas for the Columbia Corridor and the 1991 Natural Resources Management Plan for the Columbia South Shore.* For wetlands which are outside of an Environmental Zone, it is the area which meets the state and federal definitions of wetlands. It is important to note that, even though a wetland may meet this definition and is therefore under state or federal jurisdiction, it may not be regulated or only portions of it may be regulated because of certain circumstances such as prior conversion to cropland. The City recognizes wetlands as delineated for the 1991 Plan, and has addressed the issue of regulation in the ESEE portion of this document and in the 1992 amended *Natural Resources Management Plan for the Columbia South Shore.* Figure 2-2, *Size of Resource Sites Inventoried*, on page 12 is a summary of inventoried natural resource sites, including wetlands, and their approximate size. This figure also introduces a resource site identification code which will be used throughout this document.



October 6, 1993

EXCERPTS FROM NATURAL RESOURCES PROTECTION PLAN FOR THE  
COLUMBIA SOUTH SHORE 4

SITE	CONFLICTING USES	CONCLUSION AND CONFLICT RESOLUTION
C	Residential, Commercial, Industrial, Agricultural, Nonconforming, Recreational, Basic Utilities, Drainage District Activities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors, Airports	<p>Necessary for drainageway purposes. Critical for wildlife corridor. Future water quality projects by BES may require Plan amendment.</p> <p>Natural resource values (especially drainage, wildlife corridor) are more significant than most conflicting uses. However, surrounding land uses may need utility and road access through the resource in order to function efficiently. Resource maintenance for certain values such as storm drainage is also important and necessary for support of surrounding land uses, in spite of adverse impacts on other resource values.</p> <p><b>DECISION:</b> Protect the resource at the highest level. Limit conflicting uses within 50 feet of the resource to those which can occur without adverse long-term impacts. Reduce impacts of activities which must occur in the resource (drainage district maintenance, utility and road access to adjacent property, etc.). Encourage enhancement, mitigation along site to enhance resource values.</p>
D	Industrial, Agricultural, Recreational, Basic Utilities, Drainage District Activities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors	<p>Necessary for drainageway purposes. Critical for wildlife corridor. Future water quality projects by BES may require Plan amendment.</p> <p>Natural resource values (especially drainage, wildlife corridor) are more significant than most conflicting uses. However, surrounding land uses may need utility and road access through the resource in order to function efficiently. Resource maintenance for certain values such as storm drainage is also important and necessary for support of surrounding land uses, in spite of adverse impacts on other resource values.</p> <p><b>DECISION:</b> Protect the resource at the highest level. Limit conflicting uses within 50 feet of the resource to those which can occur without adverse long-term impacts. Reduce impacts of activities which must occur in the resource (drainage district maintenance, utility and road access to adjacent property, etc.). Encourage enhancement, mitigation along site to enhance resource values.</p>
E	Industrial, Agricultural, Nonconforming, Recreational, Basic Utilities, Drainage District Activities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors	<p>Necessary for drainageway purposes. Critical for wildlife corridor. Future water quality projects by BES may require Plan amendment.</p> <p>Natural resource values (especially drainage, wildlife corridor) are more significant than most conflicting uses. However, surrounding land uses may need utility and road access through the resource in order to function efficiently. Resource maintenance for certain values such as storm drainage is also important and necessary for support of surrounding land uses, in spite of adverse impacts on other resource values.</p> <p><b>DECISION:</b> Protect the resource at the highest level. Limit conflicting uses within 50 feet of the resource to those which can occur without adverse long-term impacts. Reduce impacts of activities which must occur in the resource (drainage district maintenance, utility and road access to adjacent property, etc.). Encourage enhancement, mitigation along site to enhance resource values.</p>

SITE	CONFLICTING USES	CONCLUSION AND CONFLICT RESOLUTION
J	Industrial, Agricultural, Recreational, Nonconforming, Basic Utilities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors	<p>Unusual site because it contains a significant stand of older oak trees of good habitat value. Isolated from other resources. Significant portion already developed.</p> <p>Although a good habitat site, commitments have been made to allow conflicting industrial-related uses (subdivision, provision of services, etc.). Prohibiting conflicting uses would not result in protecting significant resource values, and would reduce employment potential by up to about 225.</p> <p><b>DECISION:</b> Allow conflicting uses. Encourage the property owner to incorporate the remaining oak trees into any future development.</p>
K	Commercial, Industrial, Agricultural, Nonconforming, Recreational, Basic Utilities, Drainage District Activities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors	<p>High value habitat area, source of springs. Part of "Little Four Corners."</p> <p>Natural resource values (especially drainage, wildlife corridor) are more significant than most conflicting uses. However, surrounding land uses may need utility and road access through the resource in order to function efficiently. Resource maintenance for certain values such as storm drainage is also important and necessary for support of surrounding land uses, in spite of adverse impacts on other resource values.</p> <p><b>DECISION:</b> Protect the resource at the highest level. Limit conflicting uses within 50 feet of the resource to those which can occur without adverse long-term impacts. Reduce impacts of activities which must occur in the resource (drainage district maintenance, utility and road access to adjacent property, etc.). Encourage enhancement, mitigation along site to enhance resource values.</p>
L	Commercial, Industrial, Agricultural, Nonconforming, Recreational, Basic Utilities, Drainage District Activities, Institutional, Detention Facilities, Mining, Overhead Utilities/ Broadcast Facilities, Rail/Utility Corridors	<p>Much of this area has already been developed. Remaining resources of fairly low quality, isolated. Subdivision already approved. Adjacent to Airport Way and the I-205 interchange, increasing value of the land for conflicting uses. Conflicting uses are of greater value than natural resources.</p> <p><b>DECISION:</b> Allow conflicting uses</p>

urbanization on natural resources (including wetlands) in the Columbia South Shore in the following manner:

1. Chapter 2 inventories significant natural resources. It identifies resources and summarizes the location, quantity, and quality of each. Inventoried resources include sloughs and drainageways, wetlands, riparian areas, and upland areas containing important wildlife habitat.
2. Chapter 3 identifies uses which may conflict with inventoried resources or resource values. It discusses what economic, social, environmental, and energy consequences may result from both protecting resources and allowing conflicting uses. It resolves identified conflicts between resources and conflicting uses by protecting the resource fully, allowing the conflicting use fully, or allowing conflicting uses in a limited manner so as to protect the resource to some desired level.
3. Chapter 4 and the Appendix describes elements of the Plan which implement the decisions on resource protection made in Chapter 3. They include a variety of land use regulations, guidelines, advisory committee formation, and governmental programs.

This chapter contains a description of the Plan. Figure 4-1 provides a generalized view of resources to be protected, while the remainder of Chapter 4 describes the regulatory and non-regulatory measures intended to implement it. The appendix contains maps showing resource boundaries and zoning, amendments to Columbia South Shore Plan District regulations regarding natural resource protection, mitigation guidelines for activities not regulated through this Plan, and a more complete description of the mitigation advisory committee, drainage district/PDC agreement, and other resource protection mechanisms.

## ZONING MAP AMENDMENTS

Resources protected at the highest level and the area necessary to protect the resource (transition area) are zoned EP, Environmental Protection. Resources whose values are significant but can be altered through mitigation and their transition area are zoned EC, Environmental Conservation. Resources which have been inventoried but not protected by the City are not zoned with an environmental zone, although they may be subject to state and federal regulations. Amended Official Zoning Maps are contained in Appendix A. Boundaries of protected resources are identified on the 1"=200' (approx.) aerial photograph in Appendix C.

The aerial photographs of Appendix C serve as the basis for zoning map amendments of Appendix A. The aerial photographs and supporting documentation of this Plan serve as determining clear legislative intent for where the zoning line should be located? If there is a discrepancy between the line shown in Appendix C and the Official Zoning Maps, correction of the zoning will be done under existing regulations of Section 33.855.070, Corrections to the Official Zoning Maps.

Through the Plan, zoning will change as development is proposed on land zoned EC. Mitigation for development on the EC-zoned land and its transition area will be zoned EP if it is outside an existing EP-zoned area, and the EC zone will be removed from the altered resource and its transition area. This will be done through the environmental review process.

## PLAN DISTRICT AMENDMENTS

Generally, development or land uses on land containing a protected resource will require planting in the transition area, and land uses or activities within areas zoned EC or EP and subject to environmental review must meet the other natural resource protection requirements of the Columbia South Shore Plan District. Natural resources zoned EC can be destroyed or altered if identified natural resource values are mitigated. Some nonconforming activities within a protected resource are subject to additional regulations to accelerate conformance. Since amendments to Chapter 33.430, Environmental Zone, will exempt environmentally-zoned land from the regulations of 33.430, the Plan District regulations are the major land use protection measure for significant natural resources in the Columbia South Shore.

For purposes of this Plan, areas protected with the Environmental Zone (either EC or EP) fall into two categories: the protected resource and the area necessary to protect the resource (transition area). A protected resource can be either an area inventoried under this Plan or a mitigation site for alteration of another resource inside or outside of the Columbia South Shore.

A transition area is land necessary to protect a mitigation area or protected resource from impacts of other urban development. It is set at 50 feet in depth, based on scientific evidence in the record, with three exceptions. These exceptions are in Sites F, S, and II as noted in the ESEE analysis of Chapter 3, where a reduced transition area can still provide adequate protection for larger forested resource areas and respond to adjacent development needs. Resource protection areas are included in the Environmental Zone.

EC-zoned resources contain significant resource values which must be protected, although the resource may at some time be altered to allow conflicting uses identified in the Plan. Until that time, however, it is necessary to protect their values through application of a resource protection area.

### DEVELOPMENT REVIEW

Development in the Environmental Zone is restricted. Certain land uses or activities can be allowed if standards are met. Others, either because of the uncertain nature of the impacts or potential incompatibility with the protected resource, must first undergo land use review.

Figure 4-2, Review Level, identifies the lowest level of review allowed for various land uses or activities within each location category. If more than one category applies to a proposed use or activity, the highest level of review noted in Figure 4-2 applies. A higher level of review may be necessary if the application is incomplete or the proposed land use or activity does not meet applicable standards and requirements of the Plan.

All allowed land uses and activities in Figure 4-2 must meet standards which are contained in a later section of this chapter. Land uses and activities noted in Figure 4-2 as requiring review will also have to meet applicable approval criteria. All approval criteria are contained in a section of this chapter following the Plan standards, and applicable ones are listed in Figure 4-2 in parenthesis following the note that review is required.

Information of Figure 4-2 is incorporated into the Columbia South Shore Plan District regulations of Title 33, but in a different format. See Appendix B.



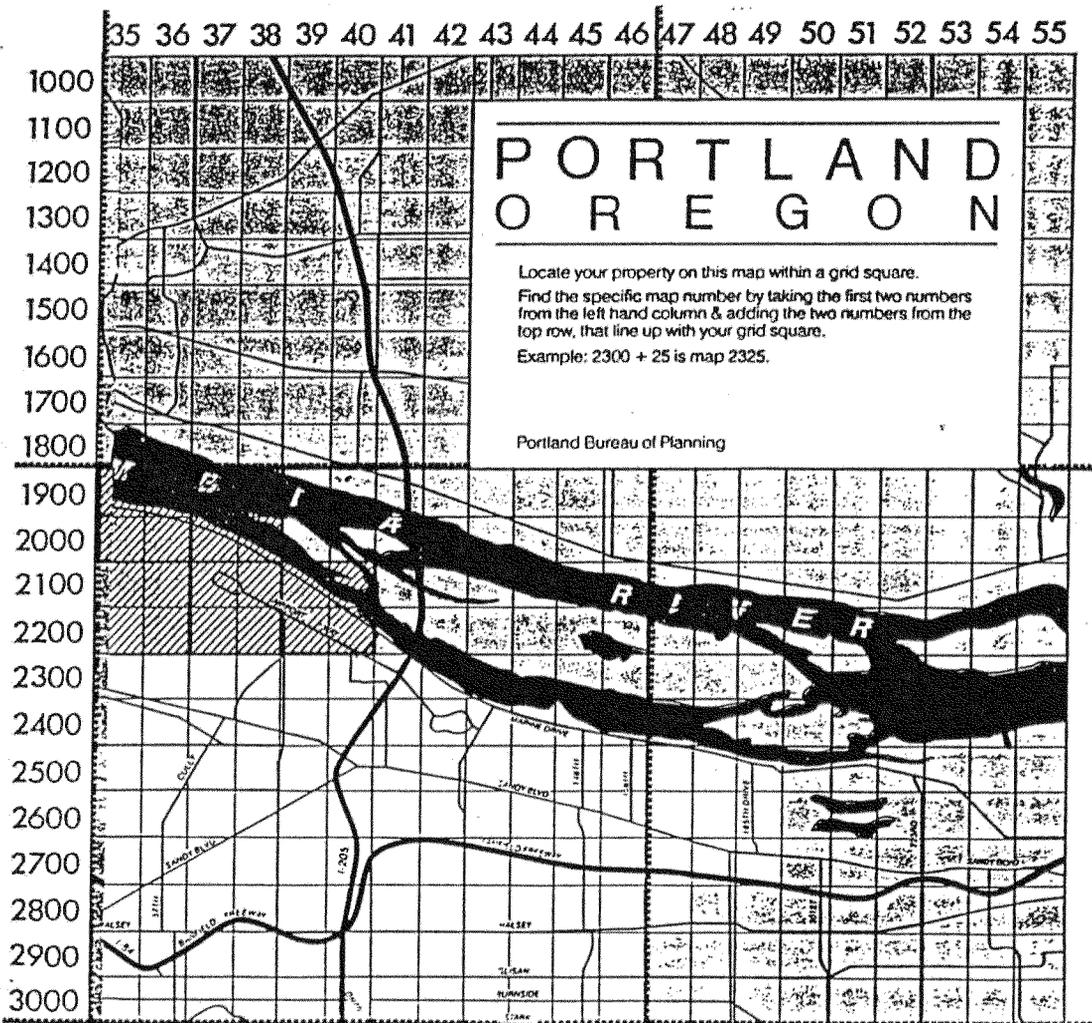
### ZONING MAPS

HEARINGS OFFICER  
RECORD H-5  
(partial)

This appendix contains City of Portland zoning maps for the Columbia South Shore Plan District. They show changes in environmental zone boundaries resulting from the Natural Resources Protection Plan. Both existing and proposed zone lines are shown, along with brief notes describing the change.

### INDEX TO CITY ZONING MAPS

**Note:** Because of the size of the zoning maps, only those portions of each zoning map containing changes to the environmental zone are included.



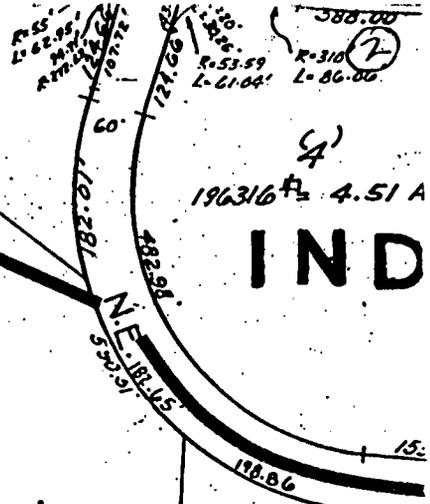
784.45

3

108

St. 787.27  
Decided for St. BR 1039 P9402 3-7-26

300.01  
1316.00  
W JOHN POWELL (L.C.)



IG2hx

5

419482 # = 9.63 Ac.  
SUB-AREA

108 (6)  
IG2h SUB-AREA  
NOISE CONTOUR  
Move EC zone line south

change zone to EP

IG2chx SUB-AREA

IG2ch SUB-AREA



IG2ch

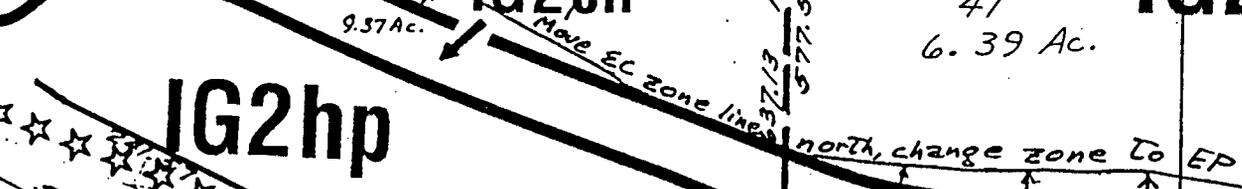
IG2h

(47)  
6.39 Ac.

(29)  
12.80 Ac.

IG2hp

IG2ch



2542

22

99 IG2h

732.64 BDRY  
N.79°49'56"W.

NOTE: This entire 1/4 section lies within the COLUMBIA SOUTH SHORE PLAN DISTRICT

NOTE: Zoning designations verify zoning prior to develop



# RESOURCE BOUNDARY LOCATION

This appendix contains a series of aerial photographs showing boundaries for resources protected under the Natural Resources Protection Plan. Physical features present at the time of Plan adoption are used to identify the edge of resource (top-of-bank, edge of tree line, middle of road, etc.). Unless specifically stated on the map, top-of-bank is used as the edge. If there is a disagreement of resource location, the most recent topographic map, aerial photograph, or similar document at the time of Plan adoption can be used.

Because of limited reproduction capabilities, it may be difficult to identify precise features in this document. The original document is on file at the City of Portland Bureau of Planning office and may be reviewed on request.

Figure C-1 is a map showing resource location. Resource identification is the same as used in the Plan, so information can be cross-referenced. Following the map is a table of contents which lists appendix page numbers on which the aerial photograph of the resource can be found.

Figure C-1  
General Location of Protected Natural Resources

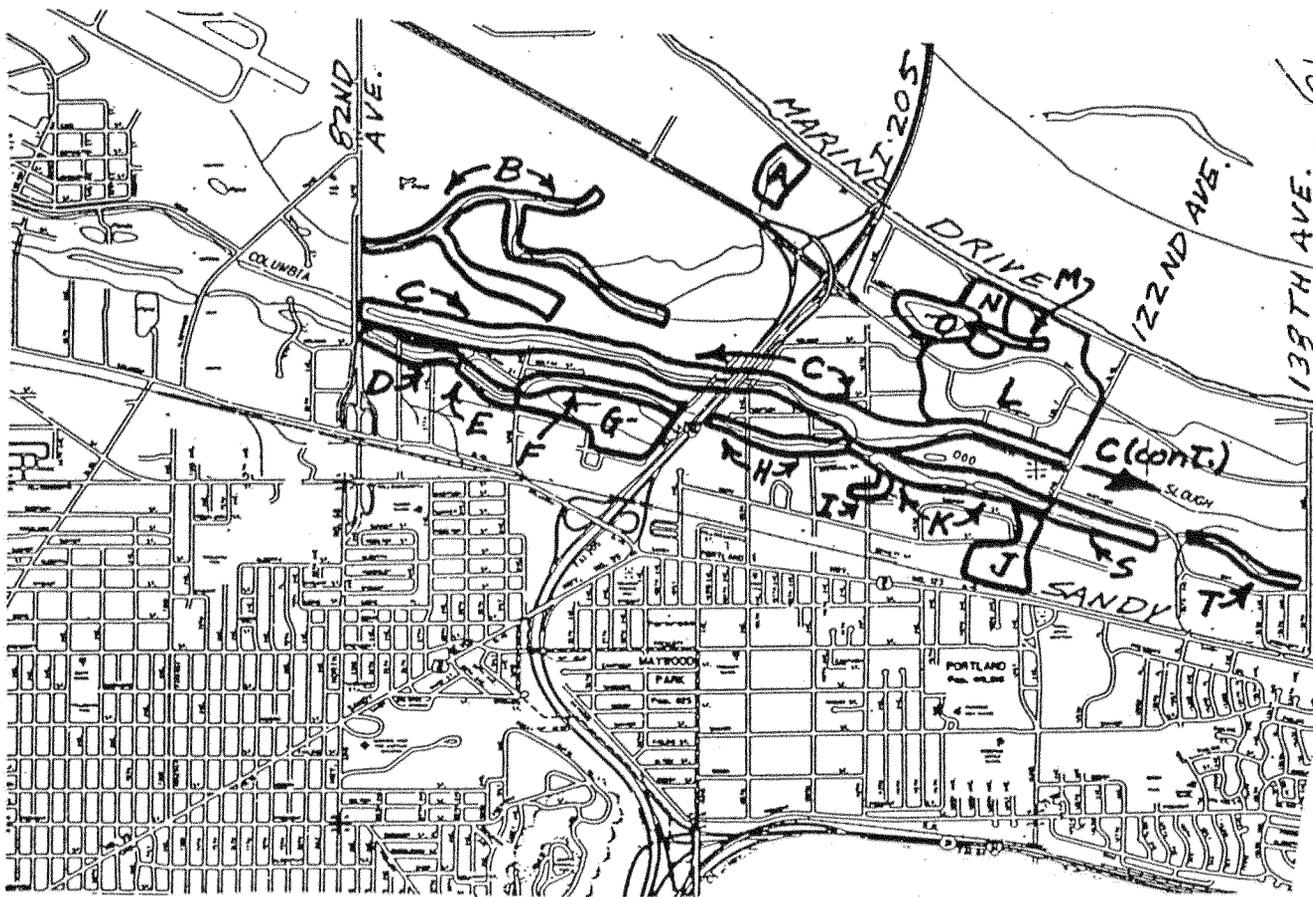
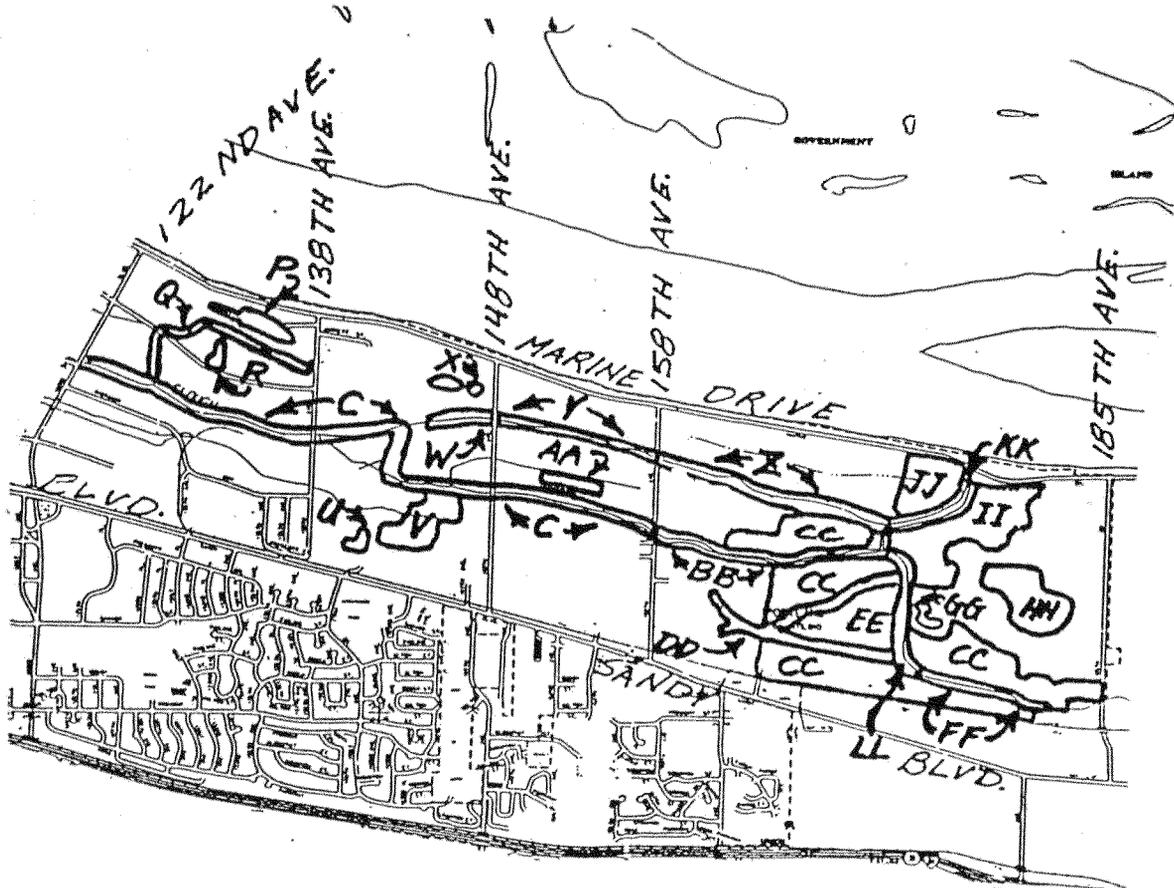
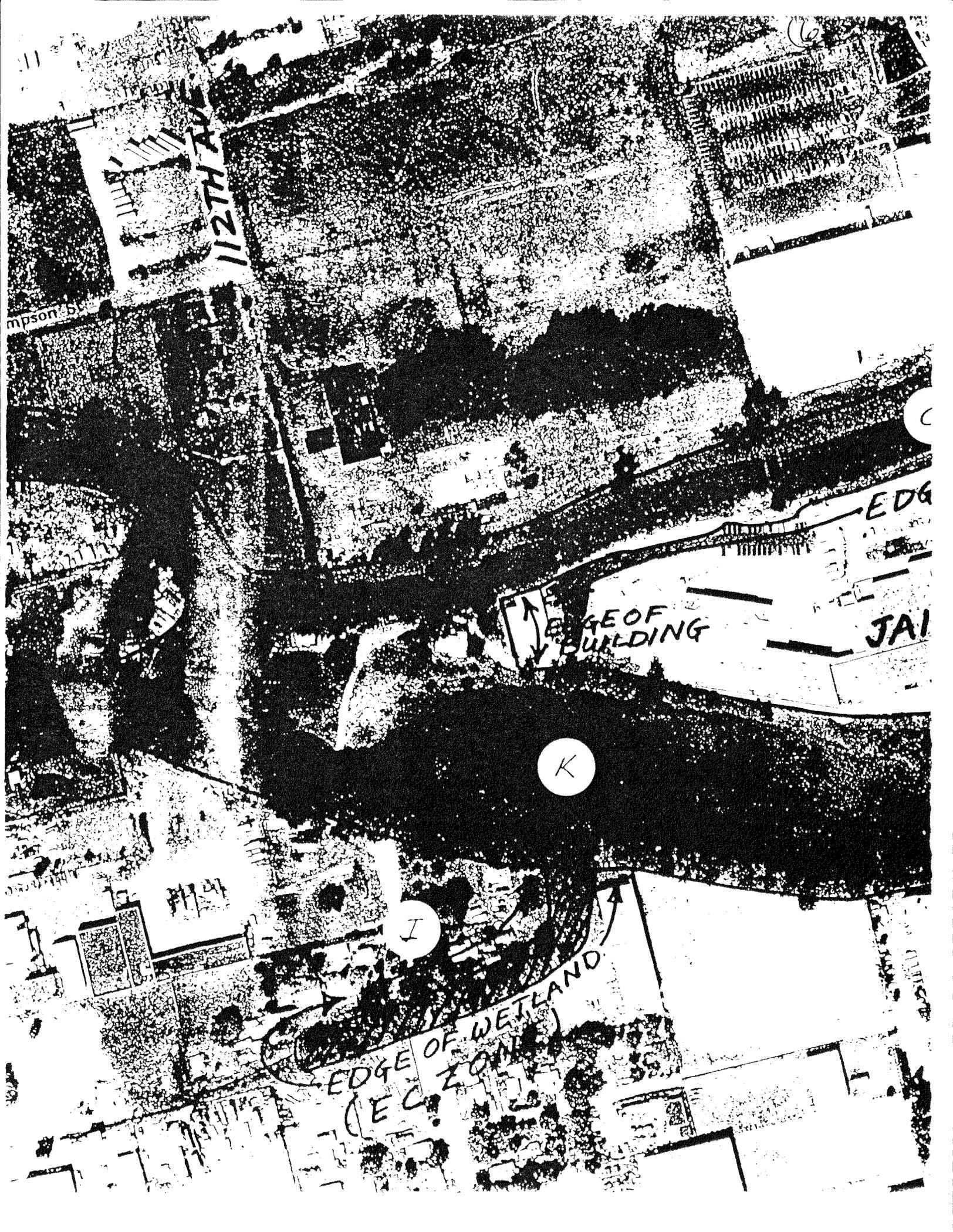


Figure C-2  
Table of Contents for Aerial Photographs of Protected Resources

Resource	Pages	Resource	Pages	Resource	Pages
A	2, 3	N	n.p.	AA	n.p.
B	4, 6	O	8	BB	18, 19
C	4, 5, 7, 9-14, 16	P	n.p.	CC	18, 20, 21
D	5	Q	11	DD	18, 20
E	5	R	11	EE	18, 20
F	5, 7	S	12	FF	20, 21
G	5, 7	T	n.p.	GG	n.p.
H	9	U	n.p.	HH	n.p.
I	9, 10	V	13, 14	II	19
J	n.p.	W	13, 14	JJ	n.p.
K	9, 10, 12	X	n.p.	KK	19
L	n.p.	Y	15	LL	19, 20
M	n.p.	Z	15, 17, 19		





112TH AV

mpson

EDGE OF BUILDING

EDGE OF WETLAND  
(E.C. ZONE)

EDG

JAI

I

K

C

Ainsworth Circle

OF ROAD OR PAVED AREA

Inverness Dr



in question. This does not preclude requests for zone changes or Comprehensive Plan map amendments.

- f. When used with numbers, "Up to x," "Not more than x" and "a maximum of x" all include x.
3. Conjunctions. Unless the context clearly indicates otherwise, the following conjunctions have the following meanings:
    - a. "And" indicates that all connected items or provisions apply;
    - b. "Or" indicates that the connected items or provisions may apply singly or in combination;
    - c. "Either...or" indicates that the connected items or provisions apply singly, but not in combination.
  4. Lists. Lists of items that state "including the following," "such as," or similar language are not limited to just those items. The lists are intended to provide examples, but not to be exhaustive of all possibilities.

**E. Hierarchy of regulations.**

1. Different levels of regulations. In general, an area with base zoning, overlay zoning, and/or in a plan district is subject to all of the regulations of each. When the regulations conflict, unless specifically indicated otherwise, the regulations in a plan district supersede regulations in an overlay zone, and the regulations in an overlay zone supersede regulations in base zones. The regulations for plan districts and overlay zones also supersede conflicting regulations for a specific use or development stated in the 200s series of chapters unless specifically stated otherwise.
2. Regulations at the same level. When regulations at the same level conflict, those that are more specific to the situation apply. An example would be the parking space requirement for houseboats in moorages, two spaces per unit, which is stated in the Floating Structures chapter. This would supersede the standard residential requirement of one space per unit stated in the Parking chapter. When the regulations are equally specific or when it is unclear which regulation to apply, the most restrictive applies. Regulations at the same level include such situations as two different standards in a base zone or regulations from separate chapters in the the 200s series of chapters.
3. Figures, tables, and maps. Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control.

- F. Applying the code to specific situations.** Generally, where the code cannot list every situation or be totally definitive, it provides guidance through the use of descriptions and examples. In situations where the code provides this guidance, the descriptions and examples are used to determine the applicable regulations for the situation. If the code regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the stated intent of the regulation and its relationship to other regulations and situations are considered.

3. Where the development rights of one site are dependent on the performance of conditions by the owner of another site (such as the transfer of development rights), the covenants are judicially enforceable by the owner of one site against the owner of another.

**B. Adopting the covenant.** The form of all covenants must be approved by the City Attorney. The covenant must run with the land. The covenant must be attached to the deed and be recorded in the appropriate records of the county in which the site is located. Proof of the recording must be made prior to the issuance of any building permits.

### **33.700.070 General Rules for Application of the Code Language**

(Amended by Ord. 169535, effective 1/8/96.) The rules of this section apply to this Title and any conditions of a land use approval granted under this Title.

**A. Reading and applying the code.** Literal readings of the code language will be used. Regulations are no more or less strict than as stated. Applications of the regulations that are consistent with the rules of this section are nondiscretionary actions of the Planning Director to implement the code. The action of the Planning Director is final.

**B. Ambiguous or unclear language.** Where the language is ambiguous or unclear, the Planning Director may issue a statement of clarification processed through a Type III procedure, or initiate an amendment to Title 33 as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

**C. Situations where the code is silent.** Proposals for uses where the code is silent or where the rules of this section do not provide a basis for concluding that the use is allowed are prohibited. The Planning Director may initiate an amendment to Title 33 to add a new use category, as stated in Chapter 33.835, Goal, Policy, and Regulation Amendments.

#### **D. Terms.**

1. Defining words. Words used in the zoning code have their dictionary meaning unless they are listed in Chapter 33.910, Definitions. Words listed in the Definitions chapter have the specific meaning stated, unless the context clearly indicates another meaning.
2. Tenses and usage.
  - a. Words used in the singular include the plural. The reverse is also true.
  - b. Words used in the present tense include the future tense. The reverse is also true.
  - c. The words "must," "will," and "may not" are mandatory.
  - d. "May" is permissive.
  - e. "Prohibited" means that an adjustment, conditional use, or other land use review may not be requested in order to allow an exception to the regulation

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November 4, 1996

Ms. Elizabeth Normand  
Hearings Officer  
City of Portland Bureau of Planning  
1120 SW Fifth Ave., Room 1002  
Portland, OR 97203-1966

Re: Inverness Jail Expansion  
File No. LUR 96-00756 CU EN AD

Dear Ms. Normand:

This letter is being submitted on behalf of Alice Blatt. Ms. Blatt is Chair of the Wilkes Community Group, a recognized City of Portland neighborhood association. Ms. Blatt has worked for many years to preserve the environmental resources of the Columbia Slough, which adjoins the subject property.

The proposed conditional use is not in compliance with the Environmental Protection Overlay Zone (P zone) applied to the subject property, to protect the Columbia Slough, by the city's Natural Resources Protection Plan for the Columbia South Shore (hereafter "Resource Protection Plan") and Columbia South Shore Plan District (hereafter "Plan District;" Portland City Code (PCC) Chapter 33.515). The proposed site plan shows portions of the north side of the expanded jail structure, and areas of pavement adjacent to the north side of the expanded structure, located within 50 feet of the top of the bank of the Columbia Slough.<sup>1</sup> These uses are not allowed in the P zone. PCC 33.515.276 and 33.516.280.D.

The Staff Report in this matter takes the position that this encroachment into the P zone may occur because the decision made in the Resource Protection Plan to locate the boundary of the P zone at this site at 50 feet from the top of the bank of the Columbia Slough "was not accurately transferred to the official City Zoning Maps." Staff Report, p. 4. The Staff Report goes on to

<sup>1</sup> This letter does not address the triangle of existing paved area proposed to be left in the P zone at the northeast corner of the site or the adjustment to PCC 33.515.278.B(17)(a) and (b) requested for that purpose. That issue will be addressed in a separate letter submitted by Ms. Blatt.

Please reply to Salem office

EXHIBIT  
96-756

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state that the Zoning Map shows the boundary of the P zone to be located as close as 10 feet from the top of the bank along the south side of the portion of the Columbia Slough adjoining the subject site to the north. According to the Staff Report, development can be approved as long as it is consistent with what is shown on the Zoning Map, regardless of what is allowed by other documents and maps adopted by the City. We believe the Staff Report is incorrect.

The Plan District provides as follows with regard to the location of Environmental zones in the Columbia South Shore area:

**"Subareas of the Environmental Zone in the Columbia South Shore.** Each environmental zone in the Columbia South Shore contains a protected natural resource and a transition area surrounding the protected resource. The purpose of the transition area is to protect the adjacent natural resource. The transition area provides a buffer between the protected resource and impacts of adjacent development. The transition area is the outer 50 feet of the environmental zone, except as shown on Map 515-5. \* \* \*" (Emphasis added.) PCC 33.515.270.B.

The above text is followed by Figure 515-7, which illustrates that the Environmental zone boundary line is located at the outer edge of the 50-foot transition area referred to above. Map 515-5 (Environmental Transition Areas) specifically designates areas adjoining the subject site to the north and south as "Protected Natural Resources where the Transition Area is 50 [feet]."

The basis for the staff interpretation is not explained in the Staff Report. Presumably the staff believes an admittedly erroneous Zoning Map controls over contrary provisions of the Plan District. We find no basis for this conclusion in the "Hierarchy of Regulations" provisions of PCC 33.700.070.E(3), which provides:

"Figures, tables, and maps. Where there are differences of meaning between code text and figures or tables, the code text controls. Where there are differences between code text and maps, the maps control." (Emphases added.)

Here there is not only a conflict between the text of the Plan District and the Zoning Map, but also a conflict between the Plan District Environmental Transition Areas Map and the Zoning Map. Both the Plan District Environmental Transition Areas Map and the Zoning Map are part of the Code. See PCC 33.10.050.A. PCC 33.700.070.E(3) refers to "code \* \* \* maps," generally, not just Zoning Maps. It does not require that an erroneous Zoning Map control over contrary Plan District text and maps.

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There is an additional reason why the conflict resolution suggested by the staff is unacceptable. The Resource Protection Plan and Plan District were adopted to ensure compliance with Statewide Planning Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources). Ordinance No. 167127 (Exhibit 1), adopted November 17, 1993, makes this very clear. It explains that the Resource Protection Plan and Plan District were adopted to replace former E-Zone and Natural Resource Management Plan provisions. These provisions were adopted by the City in an attempt to carry out Goal 5 planning requirements, but were eventually remanded by LUBA. See Blatt v. City of Portland, 21 Or LUBA 337, 349-53 (1991). During a two-year period from 1991 through 1993, Ms. Blatt, city staff property owners and other interested citizens went through a lengthy, detailed negotiation process that resulted in the specific protections for natural resources found in the Resource Protection Plan.

General Finding 15 of Ordinance No. 167127 states that the inventory and analysis of natural resources required by Goal 5 and the Goal 5 rule (OAR Chapter 660, Division 16) "form the basis for the natural resources protection measures contained in the [Resource Protection Plan]." Further, Statewide Goal Finding 22 describes how various chapters of the Resource Protection Plan satisfy the inventory, conflicting use identification, economic, social, environmental and energy (ESEE) consequences analysis, and program adoption requirements of Goal 5 and the Goal 5 rule. The finding includes the following statements:

"\* \* \* The level of protection necessary to carry out the Portland Comprehensive Plan and statewide land use goals is contained in amendments to Title 33 contained in Appendix B of the [Resource Protection Plan] and amendments to the Official Zoning Map contained in Appendix A of the [Resource Protection Plan]. \* \* \* In summary, [P] zones represent decisions to preserve significant resources and their values by severely limiting conflicting uses \* \* \*. The regulations in the [Resource Protection Plan] are sufficient to carry out these decisions. In conclusion, the City has developed a program which, as a whole, meets the requirements of Statewide Planning Goal 5." (Emphasis added.)

The Resource Protection Plan (Exhibit 2) identifies the portion of the Columbia Slough adjoining the subject property to the north as Site C. Resource Protection Plan, p. 12. The inventory of natural resource values, identification of conflicting uses and ESEE consequence analysis for Site C are found at pages 19 and 44 of the Resource Protection Plan. Even more important is the conclusion and conflict resolution for Site C, which provides:

"Protect the resource at the highest level. Limit conflicting uses within 50 feet of the resource to those which can occur without adverse long-term impacts. Reduce impacts of activities which must occur in the resource (drainage district maintenance, utility and road access to adjacent property, etc.). Encourage

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enhancement, mitigation along site to enhance resource values." Resource Protection Plan, p. 55.

Finally, the program for carrying out the above decision for Site C, as well as the city's decisions with regard to other Columbia South Shore natural resource sites, is described as follows:

"\* \* \* Since amendments to Chapter 33.430, Environmental Zone, will exempt environmentally-zoned land from the regulations of [Chapter] 33.430, the Plan District regulations are the major land use protection measure for significant natural resources in the Columbia South Shore.

"For purposes of this Plan, areas protected with the Environmental Zone \* \* \* fall into two categories: the protected resource and the area necessary to protect the resource (transition area). \* \* \*

"A transition area is land necessary to protect a \* \* \* protected resource from impacts of other urban development. It is set at 50 feet in depth, based on scientific evidence in the record, with three exceptions. These exceptions are in Sites F, S and II as noted in the ESEE analysis of Chapter 3 \* \* \*. Resource protection areas are included in the Environmental Zone." (Emphases added.) Resource Protection Plan, p. 75.

Thus, after a lengthy, laborious public planning process, undertaken to comply with Goal 5, the City made a decision to grant the "highest level" of protection to the Columbia Slough adjoining the subject property to the north, and to use the P zone to protect an area 50 feet from this resource from conflicting uses. The Plan District adopted by the City, including the Transition Areas Map that is part of that Plan District, are consistent with that decision and adequate to carry it out. Unfortunately, due to a scrivener's error, the Zoning Map adopted by the City was inconsistent with that decision. How to resolve the conflict between the Plan District and the Plan District Map and the Zoning Map is a question of interpretation. The City must choose the interpretation that is consistent with the decision it reached at the conclusion of its Goal 5 planning process and the requirement of the Goal 5 rule that "plan and zone designations must be consistent with this decision."<sup>2</sup> ORS 197.829(1)(d); OAR 660-16-010(3).

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<sup>2</sup> The Goal 5 rule also requires that the inventory of natural resources, and reasons supporting the city's decision with regard to protection of resource sites must be "presented in the comprehensive plan." OAR 660-16-010(3). To the extent the Resource Protection Plan is required to be or has been adopted as part of the City's comprehensive plan, its provisions must control over those of an inconsistent Zoning Map.

Ms. Elizabeth Normand

November 4, 1996

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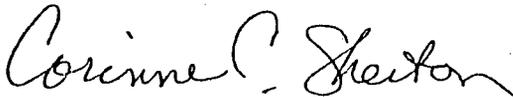
Finally, it is not inequitable to require applicant Multnomah County to comply with the provisions of the Resource Protection Plan and Plan District, despite the admitted error in the Zoning Map with regard to the subject property. City Planning Bureau staff conducted a pre-application conference with county representatives on May 8, 1996. The official summary of that meeting (Exhibit 3), at point 2.D, informs the applicant that a Type II environmental review will be required if it proposes any development in the environmental zone. It also advises the applicant that the site is within the area covered by the Resource Protection Plan and, therefore, "you must use that document to identify the environmental resources on your property." (Emphasis added.) In addition, Duncan Brown, city Senior Planner and authority on planning for the Columbia South Shore, who was present at that pre-application conference, has stated to Ms. Blatt that the applicants' representatives were told that development must be kept out of the P zone, and that on the subject property the P zone extends 50 feet from the top of the bank of the Columbia Slough.

Based on the above, we ask that the county's conditional use application be denied. The county has provided no basis for approving an application that proposes placing detention facilities and new paved areas within the P zone on the south shore of the Columbia Slough, and that fails to provide for removal of existing paved areas, as required by PCC 33.515.278.B(17)(a).

Thank you for your consideration of this issue. Please send a copy of the Hearings Officer's decision on this application both to myself, at the JKS Salem office, and to Ms. Blatt directly, at 15231 NE Holladay; Portland, OR 97230.

Respectfully submitted,

Johnson ♦ Kloos ♦ Sherton



Corinne C. Sherton

Encl.

cc: Alice Blatt

8

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November 12, 1996

Ms. Elizabeth Normand  
Hearings Officer  
City of Portland Bureau of Planning  
1120 SW Fifth Ave., Room 1002  
Portland, OR 97203-1966

VIA FACSIMILE

Re: Inverness Jail Expansion  
File No. LUR 96-00756 CU EN AD

Dear Ms. Normand:

This letter is an addendum to the letter dated November 4, 1996 which I submitted on behalf of Alice Blatt, Chair of the Wilkes Community Group, a recognized City of Portland neighborhood association.

In my November 4, 1996 letter, I argued the City must resolve the conflict between (1) the text and maps of the Code's Columbia South Shore Plan District (PCC Chapter 33.515); and (2) the Code Zoning Map, in favor of the Plan District text and maps because to do otherwise would be inconsistent with the planning process required by Statewide Planning Goal 5 and the Goal 5 Administrative Rule (OAR Chapter 660, Division 16). Attached to this letter you will find additional proof that the Natural Resources Protection Plan for the Columbia South Shore (hereafter "Resource Protection Plan") and Columbia South Shore Plan District were adopted and relied on by the City to comply with Goal 5. The Land Conservation and Development Commission's Periodic Review Order 95-PR/00447, dated July 25, 1995, and the attached excerpts from the November 28, 1994 DLCD Staff Report (Exhibit F) to the order, demonstrate that the Resource Protection Plan adopted by Ordinance No. 167127 on November 17, 1993 was submitted to LCDC for review, and that the Resource Protection Plan was found to comply with Goal 5. See November 28, 1994 Staff Report, pp. 9, 10, 28. As explained in detail in my November 4, 1996 letter, the Resource Protection Plan makes it clear that a decision as made by the City to protect the Columbia Slough resource at the subject site "at the highest level," and specifically through protection of a 50-foot transition area from the top of the bank of the slough.

Ms. Elizabeth Normand

November 12, 1996

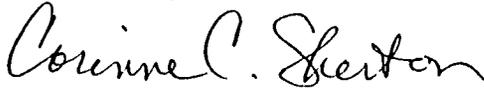
Page 2

Finally, I wish to call your attention to PCC 33.700.070.F (Applying the Code to Specific Situations). This provision states that where code regulations, descriptions and examples do not provide adequate guidance to clearly address a specific situation, "the stated intent of the regulation and its relationship to other regulations and situations are considered." If the text and maps of the Plan District are not sufficiently clear in themselves, the legislative intent of the Plan District is made crystal clear in the text of the Resource Protection Plan, which was itself adopted by Ordinance No. 167127.

In conclusion, the text of the Resource Protection Plan, the City's Goal 5 planning process and the text and maps of the Plan District are all in harmony with regard to the location of the EP-zone boundary on the subject site. The only contrary document is the Zoning Map, and this discrepancy is admittedly the result of a clerical error. This conflict must be resolved consistently with Goal 5, the Goal 5 Rule, the Resource Protection Plan and the Plan District, and the county's conditional use application denied.

Thank you for your time in considering these matters.

Sincerely,



Corinne C. Sherton

Enc.

cc: Lyn Mattei  
Alice Blatt

**BEFORE THE  
LAND CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF OREGON**

**IN THE MATTER OF THE PERIODIC ) COMMISSION'S  
REVIEW OF THE CITY OF PORTLAND'S ) PERIODIC REVIEW  
COMPREHENSIVE PLAN AND ) ORDER 95-PR/00447  
LAND USE REGULATIONS )**

This matter came before the Land Conservation and Development Commission (Commission) on December 9, 1994, January 20, 1995 and May 26, 1995 as a final periodic review order pursuant to ORS 197.644, Oregon Laws 1991, Chapter 612, Section 8(1) and OAR 660, Division 19. The Commission, having fully considered the City of Portland's periodic review order, comments and objections of interested parties and the report of the Director of the Department of Land Conservation and Development, now enters its:

**Findings of Fact**

1. On May 1, 1981, the Land Conservation and Development Commission acknowledged the City of Portland's comprehensive plan and land use regulations to be in compliance with the Statewide Planning Goals (Exhibit A).
2. On August 28, 1987, the department notified the city of requirements under periodic review and initiated the periodic review process (Exhibit B).
3. On March 8, 1989, the City of Portland submitted its proposed periodic review order to the department (Exhibit C). The department commented on the submittal on December 5, 1989 (Exhibit D).
- \* 4. On December 29, 1993, the City of Portland submitted its final local periodic review order to the department (Exhibit E). Referenced in the final order are separate plans for the following areas of the city: Smith and Bybee Lakes, Columbia South Shore, Balch Creek, Johnson Creek Basin, Northwest Hills, Southwest Hills, Fanno Creek, and East Buttes Terraces and Wetlands. The department's report and recommendations and the Commission's findings

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and decisions were arrived at separately for each planning area. The Goal 5 implementing regulations for the Columbia South Shore area are separate and distinct from the implementing regulations for the other planning areas. The same Goal 5 implementing regulations have been applied to all of the planning areas except Columbia South Shore; some planning areas have additional regulations which are specific to that area.

5. On December 9, 1994, January 20, 1995 and May 26, 1995, the Commission reviewed the City of Portland's final periodic review order and proposed work program. The Commission amended and adopted the Director's November 28, 1994 and April 28, 1995 reports (Exhibits F and G). Based on this review, the Commission finds that:

(a) Portions of the periodic review for the City of Portland adequately address the applicable review factors (LCDC Order #95-PR/00447). The department's report of November 28, 1994, "Section B" (pp. 37 through 41) describes the portions of the city's final periodic review order which fully met state requirements and required no further review by the Commission.

(1) The November 28th report also contains a review of the city's submittal for compliance with Goal 5. Several Goal 5 resources do not exist within the city (p. 8). Several resources are adequately addressed (p. 9). The city's plan and implementing regulations for the Columbia South Shore fully comply with Goal 5 (pp. 10 through 13). For seven (7) remaining planning areas, the city meets some, but not all, of the requirements of Goal 5 (pp. 13 through 29).

(2) The department's reports of April 28, 1995 and May 26, 1995 "Response to Objections" review amendments to the city's final periodic review order (the amended order was submitted on April 14, 1995, pursuant to OAR 660-19-085(4)). The April 28th report finds that the city fully complies with Goal 5 for the remaining seven planning areas (pp. 5 through 16).

(3) The May 26th report amends the findings in the April 28th report to state that the city has not provided clear and objective standards for utilities within the E-zone (pp. 6, 7 and 9). Based on the May 26th report, the Commission did not accept the following finding in the November 28, 1994 report:

"In Section 33.430.020 above, the description of the 'EP' zone is to 'protect' the resource.

owners in designing their allowed developments so long as that flexibility is not so great as to avoid or violate the level of protection required by the city's Goal 5 program decision for the resources or resource sites at issue.

2. The development standards in the city's zoning code (Sections 33.430.110 through 33.430.170) specifically identify the uses that are allowed, not allowed and conditionally allowed, and contain clear and objective approval criteria for allowed and conditionally allowed uses. These code provisions comply with the requirements of Goal 5 and the Goal 5 rule.

3. The city's Environmental Review Process (ER) is a second element of the city's Goal 5 program, and is intimately connected with the clear and objective standards. The ER process is designed and intended to offer flexibility to affected landowners in designing their otherwise allowed developments in the city's Environmental Zones. However, the flexibility allowed by the ER process is limited by the development standards and that limitation ensures that the level of protection required for the resources or resource sites at issue by the city's Goal 5 decision cannot be avoided or violated by use of the ER process. For example, in order to gain approval for a development through the ER process, a developer must show that the proposal is less detrimental to protected resources in the E-zone than it would be if approved pursuant to the development standards. Consequently, although the ER process allows more discretion and flexibility than the more rigid and strict development standards, the ER process, as an integrated element of the city's Goal 5 program, complies with Goal 5 and the Goal 5 rule.

Overall Conclusion

Based on the foregoing findings and the Director's report, as amended, the Commission concludes that the City of Portland's periodic review order and comprehensive plan and land use regulations meet statutory and rule requirements for periodic review and can be sustained pursuant to OAR 660-19-090(5)(a), except for portions of the city's order that are subject to the periodic review work program which is concurrently approved by the Commission (Order #95-PR/00448). This order (#95-PR/00447) is separate and severable with respect to each of the eight individual plans submitted by the city and with respect to Order #95-PR/00448.

THEREFORE, IT IS ORDERED THAT:

The City of Portland's periodic review order is sustained except for portions of the city's order that are subject to the Commission's work program approval (Order #95-PR/00448).

DATED THIS 25TH DAY OF JULY 1995.

FOR THE COMMISSION:



Richard P. Benner, Director  
Department of Land  
Conservation and Development

NOTE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provision of ORS 183.482 and 197.650.

\*\* Copies of all exhibits are available for review at the Department's office in Salem.

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DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
PERIODIC REVIEW

City of Portland

Final Order Received:  
December 29, 1993

Commission Review:  
December [8-] 9, 1994

Work Program Received:  
February 16, 1994

I. ACTION OF THE DIRECTOR

Referral of the city of Portland's final periodic review order and work program to the Land Conservation and Development Commission.

Recommended Action:

Sustain portions of the city of Portland's Final Periodic Review Order as in compliance with the periodic review factors as specified in this report. Approve the city's periodic review work program, with amendments, as specified in this report.

DCLD FIELD REPRESENTATIVE:

Jim Sitzman: 731-4065

LEAD REVIEWER:

Jim Hinman: 373-0088

LOCAL GOVERNMENT CONTACT:

Robert E. Clay: 823-7713

DATE OF REPORT:

[~~November 2, 1994~~]

Amended November 28, 1994

Note: New text is shown in underlined italics; deleted text lined out within brackets [-].

City of Portland

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November [2] 28, 1994

Resources Addressed by the City Which Comply with Goal 5

The city has adequately addressed the following Goal 5 resources within its planning area (Proposed Order, pages 109 through 122, and Final Order, pages 1 through 4). The department concurs with the city's findings. No objections have been received with respect to these resources:

- Land needed or desirable for open space;
- Mineral and aggregate resources;
- Energy sources;
- Outstanding scenic views and sites (part); and
- Potential and approved Oregon recreation trails.

Resources Addressed by the City Which Do Not Comply with Goal 5

For the following resources, the city must complete additional planning work to fully comply with Goal 5:

- Fish and wildlife areas and habitats;
- Ecologically and scientifically significant natural areas;
- Outstanding scenic views and sites within "E" zones;
- Water areas, wetlands, watersheds and groundwater resources;
- Historic areas, sites, structures and objects; and
- Cultural areas.

**Natural areas:**

**Fish and wildlife areas and habitats;**  
**Ecologically and scientifically significant natural areas;**  
**Scenic Areas;**  
**Water areas, wetlands, watersheds and groundwater resources.**

To address the resources listed immediately above, the city submitted several area plans with the final periodic review order. These plans are reviewed below. The Skyline West plan was not adopted until after the final order was submitted. Therefore, the Skyline West plan is not included in this review. The following plans were submitted:

- Columbia Corridor, ordinance #161895, 4/16/89
- Smith and Bybee Lakes, ordinance #163610, 11/8/90
- Columbia South Shore, ordinance #167127, 11/17/93
- Balch Creek, ordinance #163770, 1/9/91

\*

City of Portland

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November [2] 28, 1994

- Johnson Creek Basin, ordinance #164472, 7/17/91
- Northwest Hills, ordinance #164517, 7/31/91
- Southwest Hills, ordinance #165002, 1/23/92
- Fanno Creek, ordinance #166430, 4/7/93, (readoption 1/19/94)
- East Buttes Terraces & Wetlands, ordinance #166572,
- Skyline West, #168154, 8/17/94 (adopted after submittal of the final order and work program)

Following the area plans is a review of the "E" zone, which is the implementing measure for these plans (except for Columbia South Shore, which has its own version of the "E" zone).

→\*

### Columbia South Shore

**Inventories.** This area includes 33 sites, which are classified as either (1) water features or (2) wetlands, riparian areas, and uplands. The inventory is summarized for each site in Figure 2-3 (pp. 18-27).

**Conflicting Uses.** The plan discusses "compatible" and "conflicting" uses in general terms (pp. 31-34). Figure 3-1 lists the conflicting uses which apply to each resource site. (pp. 43-52).

**ESEE Analyses.** The plan summarizes the city's site-by-site ESEE analysis in Figure 3-1 (pp. 43-52). Figure 3-1 is drawn from over 400 pages of ESEE findings in Appendix "D" of the plan.

**Goal 5 Decisions.** The city's decision for each resource site is explained in Figure 3-2 (pp. 54-68). The plan states where the decision is to:

\*→

- "Allow the conflicting use" (sites "J" "L" and "M" for example);
- "Protect at the highest level" (sites "C" "D" and "E" for example); or
- "Protect the resource with the 'EC' zone. Allow the conflicting use if resource values can be preserved through mitigation" (sites "A" "B" and "I" for example).

The first two categories above correspond directly to the "3B-Allow the conflicting use" and "3A-Preserve the resource site" decisions in OAR 660--Division 16, "Flow Chart." The third category above best fits the remaining category in the rule, "3C-Specifically limit conflicting use."

City of Portland

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November [2] 28, 1994

**Recommendation 4: Undertake a comprehensive rewrite of the E-zone process, including new inventory, new maps and a new ESEE analysis. . .**

Portions of this recommendation are accepted.

In its response to the objections, above, the department found the city's inventories and mapping to be adequate. Although some problems were noted with the ESEE analyses, they were found to be adequate for Columbia South Shore, Fanno Creek, Southwest Hills and East Buttes, except where more detail may be necessary to provide the basis for clear and objective standards in the "EC" zone. Also, it was determined that only the "EC" zone was required to have clear and objective standards.

\* The Columbia South Shore plan, which employs a methodology distinct from the other plans and has its own implementing ordinance, was found to fully comply with Goal 5.

For the following plans, the ESEE analyses are not adequate and must be amended: Smith and Bybee Lakes, Balch Creek, Northwest Hills, and Johnson Creek. For these reasons, the department's recommendation does not require the city to revisit the entire Goal 5 process for all planning areas.

**Conclusion: Habitat, natural, scenic, water, wetland, watershed, and groundwater areas.**

The city's Final Periodic Review Order has not adequately addressed Goal 5 for fish and wildlife habitat, natural areas, scenic areas, water areas, wetlands, watersheds, and groundwater resources. The Skyline plan was not submitted with the city's final periodic review order and, consequently, becomes a task under the "new" periodic review rule. The Columbia Steel Castings decision defines the standard which an ESEE analysis must meet. The resource protection plans listed below, which did not meet this standard, were completed prior to the court's decision. It is apparent that the city read the court's decision carefully because all of the plans completed since 1992 provide much greater detail in their ESEE analyses and are found, above, to be adequate. The issues of clear and objective standards in the "E" zone and the effects of resource protection on residential buildable lands also need to be addressed.

The issues which were not resolved in the city's Final Order become work tasks under the "new" periodic review rule, OAR 660--Division 25. The Director recommends that the following tasks be approved in the city's work program:

- (a) Adopt a natural resource protection plan and implementing measures for the

# NORTHWEST ENVIRONMENTAL ADVOCATES



Mr. David C. Knowles,  
 Director of Planning  
 City of Portland Bureau of Planning  
 1120 S.W. Fifth Avenue, Room 1002  
 Portland, OR 97204-1966

October 25, 1996

Columbia/Willamette  
 RIVERWATCH  
 133 S.W. 2nd Ave. #302  
 Portland, OR 97204

RE: Inverness Jail Expansion  
 Mapping Error  
 LUR 96-00756 CU EN AD

Washington Office  
 P.O. Box 733  
 Clinton, WA 98236  
 (360) 341-3406

Dear Mr. Knowles:

It has just come to our attention that the Environmental Protection zone line along the north boundary of the Multnomah County Jail west of N.E. 122nd Avenue at N.E. Inverness Drive, is in error and does not reflect the 50-foot-wide Transition Area as required by the *Columbia South Shore Natural Resources Protection Plan* as implemented by City Code Chapter 33.535, Columbia South Shore Plan District. The requirement of a 50-foot-wide Transition area for this site is also apparent from Map 515-5, Environmental Transition Areas, Map 1 of 2, in the Portland Zoning Code.

Because this is a mapping error, we request that the City immediately initiate a Zoning Map error correction. Because the error is obvious, we also ask that the new zone line, including the required 50-foot-wide Transition area, be taken into consideration in your present review of the Inverness Jail Expansion (LUR 96-0075 CU EN AD). The applicants were aware of the need to set their activities back 50 feet from the resource boundaries during the pre-application conference, so this requirement is not a surprise to them.

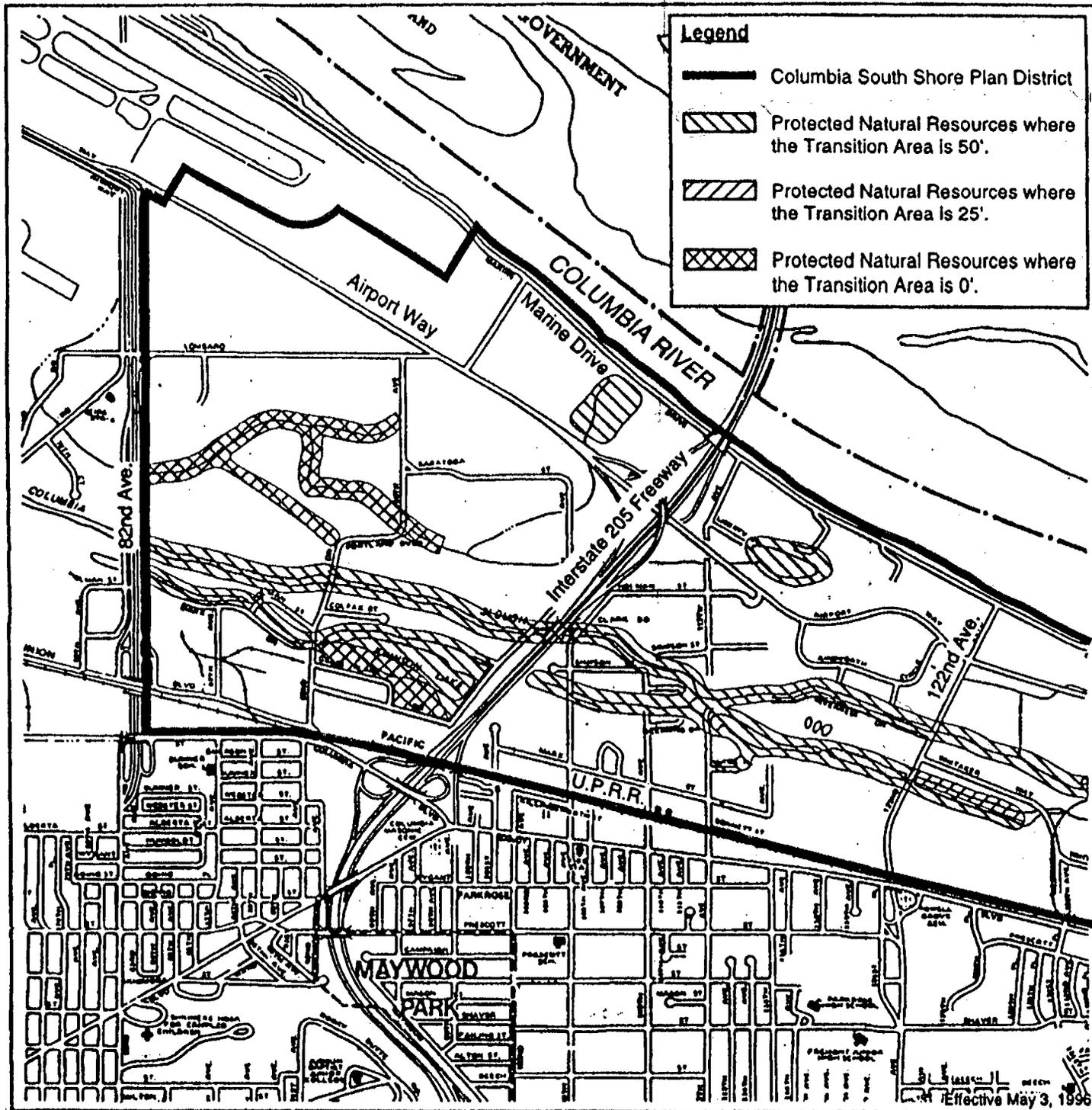
Very Truly Yours,

*s/z*

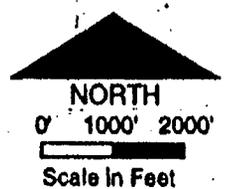
Lyn Mattei, Esq., for  
 Northwest Environmental Advocates

C:

Dr. Alice Blatt for EPDC and Wilkes Neighborhood Association



- Legend**
-  Columbia South Shore Plan District
  -  Protected Natural Resources where the Transition Area is 50'.
  -  Protected Natural Resources where the Transition Area is 25'.
  -  Protected Natural Resources where the Transition Area is 0'.



Columbia South Shore  
Plan District Boundary

**Map 515-5**  
**Environmental**  
**Transition Areas**

Map 1 of 2

Mr. Myers-Eatwell said the Small Craft Regatta would take place on Sunday, July 28. He distributed a flyer describing the event.

Small Craft  
Regatta

Ms. Leahy described recent and planned community cable access programming on water-related issues. She said there had been a recent Spanish-speaking program on the Slough, and the topic for the August program would be the Columbia Corridor. She wondered whether representatives from the Council would be interested in framing the issues that may be important, to assist the program. She said moderated forums were often effective for this type of issue. She said the program would be English-speaking, and would involve one issue or several.

Community  
Access  
Programming

There was discussion on what type of representation from the Council would be appropriate. Mr. Keaton, Mr. Hayford, and Ms. Blatt all indicated willingness to work on the project. There was consensus that if they presented their own views, as knowledgeable individuals and not official positions of the Council, they did not need Council approval.

Ms. Abrams said the City of Portland had formed an advisory committee on stormwater drainage, and they were seeking someone from the Council to express interests and goals. Mr. Clark noted the Council had not discussed these issues. Ms. Mattei said it would be difficult for one person to present a consensus opinion for the Council. Ms. Robinson said several individuals could help.

Stormwater  
Drainage  
Advisory  
Committee

Ms. Wiley described her involvement in the group and noted the other types of groups represented. She said the group was primarily watershed conservation oriented, and that many issues were inter-agency ones. She then described some of the issues discussed by the group.

Mr. Clark said Ms. Wiley could represent the interests of Council, stepping outside of her facilitation role. He said she understood well the Council and its concerns.

Mr. Hayford asked whether many problems were being considered by the stormwater group. Ms. Wiley said they were, in a non-technical way. Mr. Hayford said he would be interested in being notified of the group's next meeting.

Ms. Mattei noted that in the last two weeks a proposed new jail in the south shore area had been on a fast track. She said Mr. Daybareiner had come to give an update on the project. She suggested the jail siting as a hot topic.

Multnomah  
County Jail  
Project  
"Hot Topic"

Mr. Daybareiner distributed "Fact Sheet: New Multnomah County Jail and Drug & Alcohol Treatment Center." He noted that it was still early in the process. He reviewed the site selection process, noting the idea was to tandem with Inverness Jail. He said key issues were that 1) the County had to follow all land use regulations; 2) A citizen advisory committee would be formed with representatives of all the sites considered, and evaluation criteria would be determined. He said after the sites were identified there could be walking tours, and environmental issues could be described.

Ms. Barthel then distributed maps of the environmental overlay zones for the sites now under consideration.

Mr. Hayford asked what security measures would be necessary for the facility. Mr. Oldham said there would be high security measures, even for the drug and alcohol portion of the facility.

Mr. Bergman said the land supply was not inexhaustible, and wondered whether there was a real need for a large amount of acreage. He asked whether it would be better to build the facility "up." Mr. Daybareiner said the county was looking to acquire more land than it would need immediately, for the number of prisoners would undoubtedly grow. Mr. Oldham described the issues involved if the facility were more than three floors high. He noted the facility was a jail, not a prison, and described the transportation issues as a result of this. Mr. Daybareiner said sight lines were also an issue, which became more complex as the building got higher.

Mr. Daybareiner said it would be well to have a site selected by the end of the year, which was a somewhat tight timeframe. He said they wanted to make sure there was sufficient time for public input, however.

r. Bergman said he would like to see a conceptual design. There was consensus that the matter would be an agenda item at the next Council meeting.

Ms. Mattei asked whether others would be interested in a site visit. A site tour sign-up sheet was circulated.

Ms. Mattei said the Council should also see the Inverness Jail expansion plans, for the pond in that project had environmental issues.

Ann Squier introduced herself and her background in Environmental Law. She began an overview of history and current status of the Clean Water Act, beginning with the 1899 Rivers and Harbors Act, and the Refuse Act. She noted the 1948 Water Pollution Control Act, introduced the first Federal subsidies for water treatment plants. She described the beginnings of the Federal Water Pollution Control Administration, requiring more state involvement in pollution issues. She said this Administration set standards for water cleanliness.

*History of the  
Clean Water  
Act*

Ms. Squier then described the history of the cleanup of the Willamette River, which had been nationally recognized.

Ms. Squier tracked the development of pollution problems and regulations in the 1960s and 1970s, including the Clean Air Act of 1970 and the Federal Water Pollution Control Act of 1972, which became the Clean Water Act. She said the Act had a broad focus, and described the goals of the Act. She said Congress passed the act, but President Nixon vetoed it due to costs. She said the veto was overridden by Congress the next day.

3. Squier described the conflict between the zero-discharge and "fishable/swimmable" complying discharge approach. She said the tension from this conflict remained even today.

Ms. Squier then showed a chart she had devised showing the relationship between the following components, and she described issues surrounding each one: non-point sources; Water Quality Limited 303D; point sources (BPT/BAT); TMDL priorities; effluent to meet water quality standards; and stormwater permit programs. She used the chart to illustrate cases and issues involving the EPA.

Ms. Squier asked regarding the Clean Water Act, "Has it worked?" She said there was no exhaustive data to evaluate the "big picture" and whether there had been, for example, a 2% improvement since 1972. She said it was clear there were many improvements. She said however, there was more development, companies were more high tech, and land surfaces more disturbed.

Ms. Squier said in pollution control, some areas were barely "holding their own," and others were losing ground. She said there was evidence of overall continuing decline, but this was not definitive. She said this was partly evidenced by declining diversity. She said sometimes, it was clear there was simply more data available, not that things had gotten worse.

As far as the Act's future, Ms. Squier said the watershed approach would be laced through the Act. She said there would be an increased amount of pollutant credit trading, as there had been in the Clean Air Act. She said this assumed there was a level of pollution that was acceptable.

Mr. Hayford said Oregon was in a difficult position, for more streams were being listed as water-quality limited, yet the DEQ had fewer staff and declining funding. Ms. Squier reviewed how the EPA had reacted to a similar situation in Georgia.

ENVIRONMENTAL OVERLAP FOR 000020000 NOV 21 1996 11:00 AM

**CSWC- Multnomah County Jail Siting Field Trip:**  
**July 9, 1996**

**Attendance ( CSWC)**

Lyn Mattei,  
Alice Blatt,

Helen Sherman Cohen,  
Susan Barthel

David Myers Edwell  
Linda Robinson

**Sheriff's Office and Consultants:**

Dan Oldham, Exec Assistant to Sheriff Noelle  
Commander Greg Schar, 248- 5129  
Bob Obrist- Multnomah Co Property Acquisitions  
Staff person \_\_\_\_\_  
Don Barney, Tim Dabareiner- Barney and Worth

City Permit Reviewer - Mike Hayakawa  
Type 3 underway

Architect: KMD Kaplan, McLaughlin, Diaz 421 SW 6 #1300 97204

**Inverness Jail Expansion Comments:**

- 
- 
1. Will construction or fence encroach on the E Zone? The narrow bank at the western end appears to be within the E Zone and would impinge on wildlife corridor.
  2. Parking spaces are currently located along the top of bank on main slough arm.... also an apparent E Zone encroachment
  3. Will Prison Pond and w. peninsula area be impacted? (probably not?)
  4. Use of west gate and Prison Pond bridge as a second exit (emergency only) will likely be required by contractor/union rules. Heavy use/construction would be a problem in this sensitive area.
  5. Will there be Building lighting? The current lighting would be continued
  6. Street lighting and sidewalks are being proposed as a permit requirement. These could be disruptive of both the wildlife use and banks if on the slough side and top of bank.
  7. Site prep is beginning immediately- there are native plants to salvage- but its too hot and dry in this season. Work crews could be available.
  8. It appears that there will be no impacts to BES restored and replanted areas. However, the fence placement should be watched.

**Trappold site: comments**

1. What are the water rights issues?
2. Is site entirely " prior converted wetlands" ?
3. What are the opportunities to protect and enhance the North Slough? Currently the bank has no transition zone along north side
4. Trappold's culvert over the slough has been filled in and expanded recently- apparently illegally.

**Sandy Blvd Business park: Comments**

1. This site lies on the RR- perfect for rail service
2. Will Mason street be vacated?
3. What type of drainage way runs through the property?
4. There are concerns about sufficient E Zone protection on the section abutting the Slough.
5. This property would be directly across the slough from the 40 Mile Loop route (visibility)
6. Sandy Blvd is a high traffic area... this presents heavy visual impact

**Wagner/ Galitzki site: Comments**

1. Can deed restriction placed on this site protect the springs and bog in perpetuity?
2. Does the minimum 35 acres site size include buffers required? (Yes)
3. Lyn Mattei has aerial views of the site
4. This site may present too many challenges because its Environmental configurations may preclude building something in a square or rectangle configuration

**All sites:**

Revenue producing jobs were promised by the city when the infrastructure investments were targeted to this area. The tradeoff of jobs for environmental zone shrinkage is even more difficult to swallow when a non-revenue producing use like a jail is proposed., not

Notes: Susan Barthel

Ms. Noble asked how much passenger growth the Port anticipated for the airport. Mr. Smith said some of the questions of future growth would be answered during the master planning process.

Ms. DeMarco said the Port responded to the number of people choosing to use the airport, and the amount of cargo shipped. Mr. Smith said they would take a fresh look at the airport during the master planning process and consider many options and outlooks.

There was a discussion on transportation issues and interaction with future light rail. Mr. Keaton said the east-west light rail was not always full, but there was a constant flow of traffic to the airport, so light rail service would make sense.

Ms. Blatt said while canoeing past the National Guard site, oil slicks were visible on the water. She asked whether it could be assumed there were efforts being made to mitigate this effect. Ms. Siegfried said the Guard was taking a responsible approach, and that a sheen on the water could also indicate biological activity. Ms. Siegfried asked Ms. Blatt to call to discuss the matter further.

Ms. Cortese noted the Education Committee had wanted the Port to address the following issues: mitigation of the effects of de-icing; expansion of parking lots and its effect on stormwater runoff; expansion plans; Subaru wetlands; spill containment from jet fuel leaks; lack of light rail service and how the CSWC could become involved.

Ms. Wiley said many of these issues concerned current operations as well as the Master Planning process.

Mr. Myers-Eatwell asked whether some services currently offered by PDX could be relegated to McMinnville or Troutdale. Mr. Smith said those alternatives could be considered. Ms. DeMarco noted the airport was physically limited because of the river.

There was consensus there would be a followup presentation by Ms. Siegfried on the operational issues.

Mr. Smith said there was opportunity for involvement by the CSWC in the Master planning process through Ms. Siegfried, and because a CSWC rep could serve on the Policy Advisory Committee.

The Council took a dinner break from 6:35 to 6:55 p.m.

Dinner Break

Mr. Daybareiner distributed "Fact Sheet: New Multnomah County Corrections Facility," "Fact Sheet: Inverness Jail Expansion," "Initial Site Screening Factors," and "Potential Sites in the Columbia South Shore." He introduced Terry Harkaway, Multnomah County Community Corrections, Dan Oldham, Executive Assistant to Sheriff Noelle, Bob Oberst, Multnomah County, and Greg Sharp, Inverness Jail.

Jail Siting and Inverness Expansion Presentation

Mr. Daybareiner reviewed displays titled "Initial Site Screening Factors," "Site Search Areas," and "Potential Sites." He reviewed how the Siting Committee will work and the composition of the committee, as well as the workshops expected to be held. He said there would be many opportunities for input by the CSWC.

Mr. Harrison asked what the original capacity of Inverness had been. Mr. Sharp said it had originally be 210, then had been expanded to 530, and now served 604. He said the expansion would allow another 400 inmates.

Mr. Myers-Eatwell described the tour of potential sites taken by several CSWC members. He said the sites were all productive farmland, and it was sad to see this usage change. He said given the screening factors, any of sites A, B, or C could be workable. He said B was the largest site and would be his choice.

Ms. Blatt said she served on the board of a community group that included two of these sites within its borders. She noted there was housing on the street that bordered site B, so that would be the community group's least favorite alternative.

Ms. Abrams said these types of development had "good track records" working with them on restoration. She said they tended to meet their obligations and be helpful throughout the process.

Mr. Myers-Eatwell said it would be good to stipulate a certain number of construction jobs would go to the community, and this would make it more attractive to communities.

Mr. Keaton noted inmates came from communities. He said the projects would also provide a pool of people to work on watershed projects.

Ms. Noble said Marine Drive was a scenic drive, and she was concerned with visibility from that street. She said site B was near a neighborhood, and site C included some wetlands.

Mr. Daybareiner noted there were sites now visible from Marine Drive that included barbed wire and wrecked autos. He said the design would be made as attractive as possible.

There was discussion on the pre-application process underway for Inverness. Ms. Blatt noted no one had previously advised the County of the Environmental Zone, and it was too bad a citizen had to be the watchdog. She said one problem she had, was that in appealing the original Natural Resources Management Plan, they had been told the most they could get protected was 50 feet, due to the need for large parcels for transportation-dependent industry. She asked if things had changed drastically, and if they had, whether some of the land could go back to the public domain. Mr. Daybareiner said the Siting Committee could consider that observation. Ms. Blatt noted site C had springs, a monoculture bog, blackberries, and nettles. She wondered if a jail would have a different environmental impact than a warehouse, and whether any other locations might have possible sites. 

Mr. Harrison noted there were two locations in southeast Portland also under consideration. He asked whether properties with abandoned buildings, which could be demolished, had been considered as well as vacant land. Mr. (Bob) said they had considered some properties with improvements and/or structures, including the old Reidel site, which had several buildings.

Mr. Clark said there were sizable pieces of property in the Rivergate area, and asked whether the price of those properties was feasible. Mr. (Bob) said they had several discussions with the Port about Rivergate sites, and the Port's response was "no". He said the Port had spent a great deal of money developing Rivergate and it was envisioned as an industrial area. He said some neighboring businesses in Rivergate did not think the facility "fit" the area.

Mr. Daybareiner said the wetlands issues surrounding site C must be addressed, to determine what portion needed to be avoided. He concluded the CSWC should be represented on the Siting Advisory Committee, and that the group would meet twice per month for four months.

Ms. Barthel said Ms. Mattei was interested in E-Zone delineations, as was Ms. Blatt. Mr. Keaton said he would work on the Siting Advisory Committee. Ms. Hempstead said the Council would need to discuss the issues and agree on what Mr. Keaton represented to the Committee. Ms. Barthel said he should also report back to the Council on the progress of the Committee.

Committee Reports were presented.

Administrative Committee: Ms. Barthel distributed the Job Announcement and Position Description

Administrative  
Committee

for the CSWC Watershed Coordinator. She said applications would be solicited until August 7. She said the Committee was developing basic screening criteria, and asked whether anyone else wished to be involved in the screening process. Ms. Skenderian said she would be. Mr. Keaton said he would be available after August 9, if needed.

Education Committee: Ms. Cortese said the Committee had not scheduled a presentation for August. She asked whether a followup was needed on a topic previously presented.

*Education  
Committee*

Mr. Myers-Eatwell said presenters should be encouraged to be environmentally responsible in the amount of paper they distributed to the Council.

There was discussion on what should be heard in August. There was consensus more information from the Port on the airport issues would be helpful.

Electronic Data and Mapping Committee: It was agreed that the planned exercise would be first on the agenda of the next meeting. Mr. Clark said he hoped all Council members would "do their homework" on this matter. He said they wanted as much input as they could get as far as possible topics, and these would then be prioritized.

*Electronic  
Data &  
Mapping  
Committee*

There was discussion on the PIA Master Plan Public Advisory Committee representation. Mr. Franks said he would serve as the representative.

*PIA Master  
Plan Committee*

There was discussion on the Metro Water Resources Policy Advisory Committee. Ms. Skenderian reviewed information about the Committee, noting it met the third Monday of each month from 11:30 to 3:30. She said the group was important in regional planning efforts.

*Water Resources  
Advisory  
Committee*

There was discussion on attendance at the present meeting, and that summer attendance was lower than other times of the year. It was noted that many people would be back from vacation for the next meeting, August 26.

*Attendance*

Ms. Blatt said regarding the matter discussed earlier, the Natural Resources Protection Plan for the Columbia South Shore, which was, technically, east of the airport, provided a 50 foot buffer from the top of the bank. She said if buildings were currently non-complying, when future building or expansion of \$10,000 in value or more was undertaken, 10% of the building amount must go toward achieving compliance.

*Buffer Zone*

The meeting was adjourned at 8:05 p.m.

*Adjournment*

Respectfully Submitted,

Nancy Scott

**Linda Robinson**  
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Tel: (503) 261-9566  
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November 12, 1996

Ms Elizabeth Normand, Hearings Officer  
City of Portland Bureau of Planning  
1120 SW Fifth Ave #1002  
Portland, OR 97203-1966

**RE: Inverness Jail Expansion**  
**File No. LUR 96-00756 CU EN AD**

The proposed conditional use is not in compliance with the environmental protection overlay zone (P-Zone) applied to the property to protect the Columbia Slough.

This letter is being submitted as a supplement to my testimony at the Hearing on November 5, 1996, where I testified about the intent of provisions in the Columbia South Shore Plan District.

**Applicant Awareness of Environmental Protection Zone Concerns**

The applicant stated at the hearing that members of the Columbia Slough Watershed Council expressed concern, during the tour of the jail on July 9, 1996, about the proposed structure encroaching into the P-Zone on the south side of the site. It was implied that no mention was made about encroachment on the north side of the site. While other members of that group may have focused on the problem on the south side, I want to make it clear that my initial concern was the problem on the north side -- the fact that the preliminary plans showed the existing paving remaining in the P-Zone plus additional paving and part of the new structure protruding into the P-Zone as well. This was pointed out to those leading the tour more than once -- as we looked at the preliminary plans and again as we toured the grounds.

**The Mapping Error Issue**

The Staff Report admits there is a mapping error, but takes the position that this encroachment into the protection zone is permitted because such development is consistent with what is shown in the Zoning Map, regardless of what is allowed by other documents and maps. PCC 33.700.070.E(3) *Figures, Tables and Maps*, which states that "When there are differences between code text and maps, the maps control," is cited for this interpretation. I believe this interpretation is incorrect, primarily because this is a conflict between maps, not just a conflict between text and maps.

While I could find no specific language in the code regarding how conflicts between maps should be handled, PCC 33.700.070.E(1) *Different Levels of Regulations* clearly states: "When the regulations conflict, unless specifically indicated otherwise, the regulations in a plan district supersede regulations in an overlay zone, and the regulations in an overlay zone supersede regulations in base zones." Since

Ms Elizabeth Normand, Hearings Officer

Page 2

November 12, 1996

Map 515-5 is part of the Columbia South Shore Plan District and the 1/4 Section Map 2442 is part of the base zone document, shouldn't the Plan District map supersede the base zone map?

Attached is an enlarged copy of Map 515-5 (from the Natural Resources Protection Plan for the Columbia South Shore), which clearly shows a 50' transition area at this site. Map 515-5 is dated May 3, 1996, before the date of the applicant's Pre-Application Conference on May 8, 1996.

**Intent**

There has already been substantial oral and written testimony that the intent of the P-Zone, the Protection Plan and the Columbia South Shore Plan District is to protect the resource -- the Columbia Slough. The provisions of the Protection Plan were incorporated into Title 33 of the City Code relating to the Columbia South Shore Plan District by Ordinance No. 167127, passed on 11/17/93 and effective 12/17/93. That Ordinance specifically states that the ordinance adopts the Natural Resources Protection Plan for the Columbia South Shore -- and that it amends the Plan District, the Environmental Zone, Adjustments and Definitions, and the Official Zoning Maps. (Ord. #167127, p. 1)

Ordinance 167127 states that the inventory and analysis of natural resources required by Goal 5 form the basis for the protection measures contained in the Protection Plan. Clearly, protection of the resource was the primary intent.

On November 5, 1996, I testified about the intent of section 17.a. and 17.b. of the Columbia South Shore Plan District (p. 515-35). These paragraphs were added to meet the concerns of the business community that landowners and developers not be required to remove buildings that were in the P-Zone at the time the Protection Plan was adopted -- and at the same time, to assure that existing parking and drives be removed when improvements were made to the property. Minor improvements would require that unpaved areas be removed; major changes (over \$10,000) would require that paved areas be removed. These are not arbitrary provisions slipped into the Protection Plan. They were carefully negotiated over a period of several months.

The expansion of the jail, which more than doubles the inmate capacity of the facility, is a major improvement on the property and clearly triggers these provisions.

**Issuance of Permits (Building, Electrical and Plumbing)**

While at the Planning Bureau to obtain copies of documents needed to prepare this testimony, I learned that Multnomah County and its agents have already applied for, and been granted, several permits related to this project. Specifically, the following permits have been granted:

BLD96-04569 Inverness Jail  
BLD96-04272 Inverness Jail  
BLD96-03498 Inverness Jail  
BLD96-03671 BLD96-03671  
ELE96-04932 Hoffman Const  
ELE96-02066 Mult County

Ms Elizabeth Normand, Hearings Officer

Page 3

November 12, 1996

PLM96-75922 09675922 Westech

PLM96-02192 Office Trailer

PLM96-02379 Inverness Jail

PLM96-02080 BLD96-03671

It appears that some, if not all, of these permits were issued as "partial permits" for the construction of new dormitory areas at the jail -- and that construction activity is already in progress at the site, despite the fact that they have not yet completed the Conditional Use Review. I question whether that is appropriate, and legal, action by the applicant.

**Setting an Example**

Finally, I am appalled that Multnomah County would take advantage of such a minor mapping error when designing the expansion of an existing facility, when the mapping error is so obviously in contradiction to the text of the District Plan and when other maps in the Zoning Code documents clearly show P-Zone boundaries consistent with the text.

I am even more appalled that the City of Portland Planning Bureau would allow this to happen, and would fail to uphold the intent of this important provision in the Columbia South Shore District Plan.

It sets an unconscionable example to other landowners and developers. It tells them that "anything goes" if you can find a mistake or loophole to circumvent the letter of the law -- and the intent of the law.

Respectfully,

Linda Robinson, Member  
Columbia Slough Watershed Council

cc: Sharon Kelley  
Charlie Hales

November 4, 1996

Elizabeth Normand  
Hearings Officer  
City of Portland

RE: LUR 96-00756 CU AD

The Columbia South Shore Natural Resources Protection Plan was adopted by Portland City Council in 1993 and every text and every map, except the zoning map, indicates the 50 foot buffer from the top of the bank.

The staff report, page 4, 1st paragraph, implies that the error was identified before the formal application was submitted but that the Correction Review had not started, so the application was submitted and accepted with all parties, except the citizens, aware of the error.

We, the undersigned, object strongly to Section 33.700.070 E. 3. of the Portland Zoning Code, which reads: "Where there are differences of meaning between code text and figures or tables, the code text controls. When there are differences between code text and maps, the maps control." Such a provision allows a single mapping error by one individual planner to upend and reverse the obvious intent and meaning of an entire ordinance, leaving an affected citizen (except the immediate property owner) totally without recourse. Such is the case in LUR 96-00756 CU AD (Inverness Jail Expansion).

Louise Cody Treasurer  
Centennial N. Assoc.

Jane Baker, Land Use Chair  
Hazelwood Neighborhood Assoc.

Liz Callison, Friends of West Hill Streams  
244-0641

Jim WORTHINGTON - LAND USE Chair - CENTENNIAL NEIGHBORHOOD ASSOC.

Robert V. Luce Centennial Bd.

Don Sawyer, Pasa Paderosa Heights Assn. of Neighbors

Peter M. Smith, President, East County Coordinating Committee

Frank [unclear] [unclear] PMA

10-136  
H-13  
11/5/96

Hot Topic

Ms. Blatt alerted the CSWC to a mapping error she had discovered that pertained to an upcoming Conditional Use Land Use Hearing set for November 5 to expand the Multnomah County Inverness Jail. She learned of this last week on a site visit.

Hot Topic:  
Inverness  
Expansion  
Hearing

Ms. Blatt said much had been done in the past to insure a 50 ft. buffer along both sides of the Slough. The zoning maps were developed from aerial photographs. Somehow a error was made that failed to show the 50 ft. buffer on the NW portion of the jail site. The development plans show a building and driveway that substantially intrude into what should be the buffer zone and leaves only about a 5 ft buffer. She had also been told by Bureau of Planning that when there is a discrepancy between text and a map, the map prevails.

Ms. Abrams said some of the area along the north side of the jail property was already paved. Ms. Blatt said yes, but the plans stipulate that when non-conforming uses exist in what later became Environmental Zones they are to be removed when new development occurs above a certain trigger amount. The site is to be restored according to a formula. For every \$10,000 of improvements \$1,000 worth of restoration wildlife/habitat improvements must be made.

Ms. Nickel said they spent years working out the language. She thought the map was meant to illustrate and support the language.

Ms. Blatt said she had spoken to the sheriff's office and others, including the architect. They say they cannot modify the plans at this point; that they made their decisions based on the zoning map. She said she does not want to delay the expansion of the jail, but she worked too long and hard and made many compromises that resulted in the modest 50 ft. buffer. She said originally, ODF&W said 300 ft. would be needed for an adequate wildlife corridor, and through negotiation and compromise it got whittled down to 50 ft. Now, even that is at risk here because of a mapping error. She said she had no recourse other than to appeal and delay the process.

Mr. Houck said this is a great example of government not setting an example. He thought the CSWC should write a letter to Bev Stein and the County Commissioners saying the County should follow the spirit of the regulations. He said City Commissioner Hales and David Knowles, Director of BOP, needs to hear how poorly this was done.

Mr. Houck said he favors having a meeting with BOP and Multnomah County prior to the Nov. 5 hearing. He recommended that Jay Mower set it up for Monday. Mr. Houck, Ms. Robinson, Ms. Blatt, Ms. Abrams, Ms. Barthel and Ms. Hempstead were willing to attend. If warranted, a letter will be drafted and distributed.

Dinner Break

During dinner Ms. Barthel introduced Daisy Santos-Miller, a private consultant who specializes in public involvement with nontraditional audiences. She was instrumental in organizing the talent for a new video production entitled, "Clean Rivers: Why Should I Care?" Two young adults who performed in the production were introduced, Luke Calvin and Nicole Hopkins.

Clean Rivers  
Video

The group then watched the video. Following applause CSWC members asked questions.

Advertisements in N/NE Portland newspapers gave notice that an audition would be held at Matt Dishman Community Center. Fifty people showed up. Most were raw talent with no previous experience. The producers partnered with four high schools: Grant, Roosevelt, David Douglas, and Jefferson. There was a short turnaround time. The student performers were paid a stipend. Luke is currently working on developing a pamphlet that could accompany the video tape. It was noted the

SHARRON KELLEY  
Multnomah County Commissioner  
District 4



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Portland, Oregon 97204  
(503) 248-5213  
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MEMORANDUM

TO: Board of Commissioners  
FROM: Commissioner Sharron Kelley  
SUBJECT: R-3 Inverness Appeal - proposed amendment  
DATE: December 12, 1996

-----  
Add the following Whereas Clause:

- 6. The Board wishes to protect the Columbia Slough by preserving a [50 foot] buffer around the Inverness Jail or providing an equivalent environmental approach. At the same time, the Board seeks an expeditious issuance of the building permit.

Keep the first BE IT RESOLVED CLAUSE (substituting a semicolon and the word "and") AND ADD THE FOLLOWING RESOLVED CLAUSES:

BE IT FURTHER RESOLVED that the County shall request a delay in the hearing of this appeal before the City Council for the purpose of negotiating a settlement of the issues; and

BE IT FURTHER RESOLVED that the County shall negotiate for an agreement that preserves the [50 foot] buffer around the Inverness Jail or provides an equivalent environmental approach.

If an agreement cannot be reached before the scheduled City Council hearing, the issue of the County's position on this matter will return to the BCC for further consideration.

requires Board to authorize extension of time for City Council hearing

(north side)

site

wildlife corridor of the

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Authorizing the Appeal of the ) RESOLUTION  
Denial of LUR 96-00756 CU EN AD ) 96-213  
(Inverness Jail Expansion) )

WHEREAS, the matter of authorizing an appeal of the City of Portland, Bureau of Planning, Hearings Officer denial of County application in LUR 96-00756 CU EN AD, (for the expansion of Inverness Jail) came before the Board of County Commissioner (Board) on December 12, 1996; and

WHEREAS, proponents and opponents of the Inverness Jail expansion appeared and spoke before the Board; and

WHEREAS, the Board based upon the testimony, evidence and state and local law, makes the following findings:

1. The Board has the authority to make the determination whether to appeal an adverse land use decision by the City of Portland as the applicant, by and through its Department of Environmental Services Facilities Management and as the governing body of the County which is the owner of all the physical facilities of the County.
2. One of the urgent benchmarks of the county is to provide increased public safety to the citizens of Multnomah County; increased jail capacity will help the County increase public safety.
3. House Bill 1145 passed by the Oregon Legislature in 1995 requires the County to provide jail facilities to additional categories of prisoners beginning January 1, 1997 and to take physical custody January 1, 1998.
4. The County has entered into an agreement with the State of Oregon to house County prisoners in state facilities until January 1, 1998, at County expense.

5. The County will have these State housed County prisoners released to County custody on January 1, 1998, making time of the essence in securing the required development permits.

6. The Board wishes to protect the Columbia Slough by preserving a 50 foot buffer around the wildlife corridor of the north side of the Inverness Jail. At the same time, the Board seeks an expeditious issuance of the building permit.

THEREFORE, IT IS RESOLVED that an appeal should be taken to Portland City Council of the adverse land use decision in the above-captioned matter denying the County's application for a conditional use to expand Inverness Jail; and

IT IS FURTHER RESOLVED that the County shall negotiate for an agreement that preserves a 50 foot buffer around the wildlife corridor of the north side of the Inverness Jail. If an agreement cannot be reached before the scheduled Portland City Council hearing, the issue of the County's position on this matter will return to the Board of Commissioners for further consideration.

APPROVED this 12th day of December, 1996.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

Sandra N. Duffy, Chief Assistant County Counsel