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2000-283-01/006

FOR THE
REGULAR MEETING
FILE DATE
JULY 27, 1995

* INSERT IN FRONT OF
FILE - BEFORE AGENDA
"ANNOTATED MINUTES"

THANK YOU VERY MUCH!

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83277

ANNOTATED MINUTES

Thursday, July 27, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commissioners Tanya Collier and Dan Saltzman excused.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-10) WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF AGING SERVICES

- C-1 Ratification of an Intergovernmental Revenue Agreement, Contract #400016, between Multnomah County, Department of Aging Services and the State of Oregon, Senior and Disabled Services Division to Provide Funding for Aging Services Administration, Long Term Care and Contracted Community Services, for the Period July 1, 1995 through June 30, 1996
- C-2 Ratification of an Intergovernmental Revenue Agreement, Contract #400026, between Multnomah County, Department of Aging Services and the City of Portland, Bureau of Parks & Recreation to Provide Funds for District Senior Center, SE Multi-Cultural Center and the Gatekeeper Programs, for the Period July 1, 1995 through June 30, 1996

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-3 RESOLUTION in the Matter of Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally III Person into Custody

RESOLUTION 95-164.

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-4 ORDER in the Matter of Approval of Contract 15788 for the Sale of Certain Tax Foreclosed Real Property to Former Owner DAVID D. RUDOLPH

ORDER 95-165.

C-5 ORDER in the Matter of Approval of Contract 15789 for the Sale of Certain Tax Foreclosed Real Property to Former Owner DAVID D. RUDOLPH

ORDER 95-166.

C-6 ORDER in the Matter of Approval of Contract 15792 for the Sale of Certain Tax Foreclosed Real Property to Former Owners PAULINE EMPEY, JOHN RECTOR, ROSIE RECTOR-LE

ORDER 95-167.

C-7 ORDER in the Matter of the Execution of Deed D951204 Upon Complete Performance of a Contract to JAMES G. CONDON and SARAH J. CONDON

ORDER 95-168.

DEPARTMENT OF HEALTH

C-8 Ratification of Amendment No. 1 to Intergovernmental Agreement, Contract #202424, between Oregon Health Sciences University (OHSU) and Multnomah County, on Behalf of CareOregon, Multnomah County will Pay OHSU Interest on Per Capita Funds for which the County Owes OHSU, for the Period June 2, 1994 through June 1, 1997

SHERIFF'S OFFICE

C-9 In the Matter of Transfer of Found/Unclaimed Property as Listed to the Department of Environmental Services as Outlined in the Multnomah County Code 7.70

C-10 Ratification of an Intergovernmental Agreement, Contract #800416, between the Oregon State Marine Board and the Multnomah County Sheriffs Office River Patrol to Conduct Marine Law Enforcement Activities for the Period July 1, 1995 through June 30, 1996

REGULAR AGENDA
PUBLIC COMMENT

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

***RICHARD KOENIG COMMENTED REGARDING
MULTNOMAH COUNTY FAMILY SERVICES.***

NON-DEPARTMENTAL

R-2 PROCLAMATION in the Matter of Encouraging the Residents of Multnomah County to Support the Activities of 4-H and to Attend the 4-H Livestock, Rabbit, and Poultry Auction at the Multnomah County Fair

***COMMISSIONER KELLEY MOVED AND
CDMMISSIONER HANSEN SECONDED,
APPROVAL OF R-2. PROCLAMATION READ.
PROCLAMATION 95-169 UNANIMOUSLY
APPROVED.***

R-3 Second Reading and Possible Adoption of an ORDINANCE Amending Ordinance Nos. 720 and 771 to Make Changes in the Bylaws of the Metropolitan Human Rights Commission

***PROPOSED ORDINANCE READ BY TITLE ONLY.
COPIES AVAILABLE. COMMISSIONER KELLEY
MOVED AND COMMISSIONER HANSEN
SECONDED, APPROVAL OF SECOND READING
AND ADOPTION. NO ONE WISHED TO TESTIFY.
ORDINANCE 824 UNANIMOUSLY APPROVED.***

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-4 CU 3-95 Review the June 21, 1995 Hearings Officer Decision, APPROVING, Subject to Conditions, a Request for Conditional Use Permit for a Two Bedroom Bed and Breakfast in a MUA Zoning District, for Property Located at 22502 NW GILLIHAN ROAD

***DECISION READ, NO APPEAL FILED. UPON
MOTION OF COMMISSIONER KELLEY,***

**SECONDED BY COMMISSIONER HANSEN,
DECISION UNANIMOUSLY AFFIRMED.**

- R-5 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Comprehensive Framework Plan Policy 34, Trafficways, and the Accompanying Functional Classification of Trafficways Map

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 825 UNANIMOUSLY APPROVED.

- R-6 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Fees for Action Proceedings and Administrative Actions Under MCC 5.10 and Moving County Surveyor Fees from MCC 11.45 to MCC 5.10

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF SECOND READING AND ADOPTION. FOLLOWING BOARD DISCUSSION, MOTION TO CONTINUE ORDINANCE TO A THIRD READING IN ONE WEEK UNANIMOUSLY APPROVED. THIRD READING THURSDAY, AUGUST 3, 1995.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-7 Ratification of an Intergovernmental Agreement, Contract #102276, between Multnomah County, Department of Community and Family Services and the Housing Authority of Portland to Provide two Services: (1) Mi Casa, a Program of Group Living Units for Low Income Persons who have both Serious Mental Illness and Substance Abuse Problems; and (2) Project Open Door, to Provide Housing for Persons with HIV Disease, for the Period July 1, 1995 through June 30, 1997

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-7. REY ESPAÑA EXPLANATION

**AND RESPONSE TO BOARD QUESTIONS.
AGREEMENT UNANIMOUSLY APPROVED.**

DEPARTMENT OF JUVENILE JUSTICE

R-8 Ratification of an Intergovernmental Revenue Agreement, Contract #102916, between Multnomah County Department of Juvenile Justice Services and Clatsop County for the Exclusive Use of One Bed Space in the Juvenile Justice Complex for the Detention of Juveniles Referred to the Clatsop County Juvenile Justice System, for the Period July 1, 1995 through June 30, 1996

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-8. ELYSE CLAWSON
EXPLANATION AND RESPONSE TO BOARD
QUESTIONS. AGREEMENT UNANIMOUSLY
APPROVED.**

There being no further business, the meeting was adjourned.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

ANNOTATED MINUTES

*Tuesday, August 1, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

Chair Stein convened the meeting at 9:32 a.m., with Vice-Chair Sharron Kelley and Commissioner Gary Hansen present, and Commissioners Tanya Collier and Dan Saltzman excused.

BOARD BRIEFING

B-1 Multnomah County Department of Community Corrections Implementation Plan for Arming and Other Safety Measures in Response to Continuum of Safety Task Force Report Pursuant to Board Resolution 95-44 Dated March 9, 1995. Presented by Tamara Holden, Cary Harkaway and Dan Pinkney.

TAMARA HOLDEN, CARY HARKAWAY AND DAN PINKNEY PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

The briefing was adjourned at 10:25 a.m. and the executive session convened at 10:30 a.m.

*Tuesday, August 1, 1995 - 10:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

EXECUTIVE SESSION

E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for Consultation with Counsel Concerning Legal Rights and Duties Regarding Litigation Likely to be Filed. Presented by John DuBay and Scott Pemble.

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 11:53 a.m.

Wednesday, August 2, 1995 - 7:00 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PUBLIC HEARING

Chair Beverly Stein convened the hearing at 7:00 p.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen and Tanya Collier present on behalf of Multnomah County; Mayor Gussie McRobert, Councilors Jack Gallagher, Royal Harshman and Debbie Noah present on behalf of the City of Gresham; Commissioner Dan Saltzman arriving at 7:03 p.m.; Council President Dave Eichner arriving at 7:10 p.m.; and Councilors Robert Moore and Claudiette LaVert excused.

PH-1 The Multnomah County Board of Commissioners and the Gresham City Council Will Convene for the Purpose of Receiving Public Testimony on the Proposed Abatement Contract Between LSI Logic Corporation, Multnomah County and the City of Gresham, to Exempt Portions of LSI Logic Corporation's Proposed Project from Property Tax Assessments Under the Strategic Investment Program (SIP) Pursuant to ORS 285.330 and Multnomah County's Strategic Investment Program Policy, as Adopted by Resolution 95-77. Public Testimony is Limited to Three Minutes Per Person. The Gresham City Council May Take Action on the Contract Agreement at the Conclusion of the Public Hearing. The Multnomah County Commissioners May Take Action on the Contract Agreement During the Regular Meeting on Thursday, August 3, 1995.

CONSULTANTS DAVE THURMAN AND PAUL VICKERY PRESENTATION. COUNTY COUNSEL SANDRA DUFFY PRESENTED LEGAL ASPECTS OF CONTRACT. BOB DAVIS, STEVE LEWIS AND C.N. WINNINGSTAD TESTIMONY IN SUPPORT. JOSEPH TAM TESTIMONY IN OPPOSITION. LSI LOGIC EXECUTIVES JOHN DYSON, JON GIBSON AND LINDA GEE PRESENTATION IN SUPPORT AND RESPONSE TO BOARD QUESTIONS. BONNIE McKEE VAUGHN TESTIMONY IN OPPOSITION. JIM WORTHINGTON TESTIMONY IN SUPPORT. JAMIE PARTRIDGE AND SUSAN KOSHY WRITTEN AND ORAL TESTIMONY IN OPPOSITION.

The hearing was recessed at 7:50 p.m. and reconvened at 7:52 p.m.

SHAR GIARD TESTIMONY IN SUPPORT. BILL RESNICK TESTIMONY IN OPPOSITION. DEANE FUNK WRITTEN AND ORAL TESTIMONY IN

SUPPORT. DAVE MAZZA WRITTEN AND ORAL TESTIMONY IN OPPOSITION. MAX MAYDEW TESTIMONY IN SUPPORT. GRANT REMINGTON TESTIMONY IN OPPOSITION. RON PENNINGTON AND RICHARD GREEN TESTIMONY IN SUPPORT. SAM SHELDON TESTIMONY IN OPPOSITION. MICHAEL DILLON TESTIMONY IN SUPPORT. LISA TELLEFSON WRITTEN AND ORAL TESTIMONY IN OPPOSITION. SUE O'HALLORAN TESTIMONY IN SUPPORT. PATRICIA LUNDEEN TESTIMONY IN OPPOSITION. BOB ROBINSON WRITTEN AND ORAL TESTIMONY IN OPPOSITION. DAVID WIDMARK WRITTEN AND ORAL TESTIMONY IN SUPPORT. MARK NUISMER TESTIMONY IN OPPOSITION. TERRY McCALL AND JERRY GILLHAM TESTIMONY IN SUPPORT. MARCIA ANDERSON TESTIMONY IN OPPOSITION. HAROLD WILLIAMS TESTIMONY IN SUPPORT. TOM CROPPER AND PATRICK WHITCOMB TESTIMONY IN OPPOSITION. DALE ANDERSON TESTIMONY IN SUPPORT. FRANK GEARHART AND RUSS FARRELL TESTIMONY IN OPPOSITION. MAX TALBOT AND CHARLES HAUGH TESTIMONY IN SUPPORT. MR. HAUGH READ LETTER OF SUPPORT FROM FAIRVIEW MAYOR ROGER VANDERHARR. GERRI PECK, RHONDA HUSTON, JOHN MARKS, REGNA MERRITT, EVERETT ANTILLA AND JEFFREY GERRY TESTIMONY IN OPPOSITION. RICK RIZZO, LARRY BURKETT AND DAN McCREATH TESTIMONY IN SUPPORT. LOUISE WEIDLICH WRITTEN AND ORAL TESTIMONY IN OPPOSITION. EVERETT JAROS AND JIM MASTNE TESTIMONY IN OPPOSITION.

AT THE DIRECTION OF CHAIR STEIN, THE CLERK READ THE NAMES OF THE FOLLOWING PERSONS SIGNED UP TO SPEAK WHO CHOSE NOT TO: LYNN FORD IN OPPOSITION, AND DAVID BAUMANN, JAN SWIFT, PAT SWIFT, GEORGE WYATT, BOB WAYT, NINA REGOR, CATHERINE COMER, CAROL COLE, PAUL WARR-KING, TIM MILLER, MICHAEL CHOLBI, KRISTIE NOCKLEBY, BOB HARLAND, LOLA BESSEY, AL RICHARD, WENDY JOYNER-GARCIA, GRETCHEN SCHUETTE, NANCY TISDALE AND CARL ATKINS IN SUPPORT.

There being no further public testimony, Chair Stein recessed the joint hearing at 9:45 p.m. and Mayor McRobert convened the Gresham City Council meeting at 9:54 p.m.

SANDRA DUFFY EXPLANATION OF AMENDED CONTRACT LANGUAGE, FIRST SOURCE HIRING AGREEMENT AND RESPONSE TO COUNCIL QUESTIONS. LINDA GEE, DALE ANDERSON, JOHN DYSON, GARY BONHAM AND JOHN GIBSON EXPLANATION AND RESPONSE TO COUNCIL QUESTIONS. COUNCIL STATEMENTS IN SUPPORT OF GRANTING LSI LOGIC A TAX ABATEMENT. MAYOR McROBERT READ PORTION OF MARY STEINMANN LETTER OF SUPPORT.

COUNCILOR HARSHMAN MOVED AND COUNCILOR GALLAGHER SECONDED, TO APPROVE AND RECOMMEND TO THE MULTNOMAH COUNTY COMMISSIONERS THE STRATEGIC INVESTMENT PROGRAM AGREEMENT BETWEEN MULTNOMAH COUNTY, CITY OF GRESHAM AND LSI LOGIC, AND AUTHORIZE THE MAYOR AND CITY MANAGER TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF GRESHAM, AS AMENDED TONIGHT: PAGE 4, ADDITIONAL EMPLOYMENT; PAGE 6, PROMOTIONAL PRACTICES; PAGE 16, HOUSING REQUIREMENTS; PAGE 20, CONFIDENTIAL REPORTS; PAGE 22, EMPLOYMENT TRANSPORTATION MATTERS; PAGE 25, COUNTY REPORT ON LSI COMPLIANCE AND FINDINGS; PAGE 29, REGARDING FORCE MAJURE; PAGE 33, ALLOCATION OF FUNDS; AND AMENDMENTS TO THE FIRST SOURCE HIRING AGREEMENT, PAGES 6, 8 AND 9. MOTION UNANIMOUSLY APPROVED.

There being no further business, the meeting was adjourned at 10:35 p.m.

Thursday, August 3, 1995 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Stein convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Tanya Collier and Dan Saltzman present.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY
SECONDED BY COMMISSIONER HANSEN, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-9)
WAS UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Steven L. Cochran, Lisa Simpson and D.C. "Buzz" Daniel to the COMMUNITY HEALTH COUNCIL*
- C-2 *In the Matter of the Appointment of Lewis B. Lawrence to the MULTNOMAH COUNTY DUII COMMUNITY ADVISORY BOARD*
- C-3 *In the Matter of the Re-Appointments of Paul Bragdon, Ursula LeGuin, Susan Hathaway-Marxer, Terry McCall, Paul Millius, Bonnie Morris and Yvonne Williams to the MULTNOMAH COUNTY LIBRARY ADVISORY BOARD*
- C-4 *In the Matter of the Appointments of Greg Asher and Judy Blankenship to the METROPOLITAN HUMAN RIGHTS COMMISSION*

DEPARTMENT OF HEALTH

- C-5 *Ratification of Intergovernmental Agreement Contract 201405 Between Multnomah County and Oregon Health Sciences University, Providing Radiologic Consultation for Interpretation of X-Rays, for the Period November 1, 1994 through October 31, 1996*
- C-6 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 202065 Multnomah County and Oregon Health Sciences University, Providing Additional Funding for Non-Inpatient Medical Care for Low-Income Persons Living with HIV/AIDS, for the Period Upon Execution through February 26, 1996*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 *Ratification of Intergovernmental Agreement Contract 103166 Between Multnomah County and Oregon Health Sciences University, for Purchase of Psychiatric Hospital Services for Adults with Emergency Mental Health Holds, for the Period July 1, 1995 through June 30, 1996*
- C-8 *Ratification of Intergovernmental Agreement Contract 103196 Between Children's Services Division and Multnomah County, Providing Funding for Substance Abuse Services for Clients of the Family Support Team Project, for the Period July 1, 1995 through June 30, 1996*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-9 *ORDER in the Matter of the Execution of Deed D961231 for Repurchase of Tax Acquired Property to Former Owners Lynn A. Houck and Cecelia R. Houck*

ORDER 95-170.

REGULAR AGENDA

PUBLIC COMMENT

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

RICHARD KOENIG WRITTEN AND ORAL COMMENTS REGARDING FAMILY SERVICES MEDIATION PROGRAM.

NON-DEPARTMENTAL

- R-2 *PROCLAMATION in the Matter of Proclaiming the Month of August 1995 a Month of Commemoration of the 50th Anniversary of the Bombings of Hiroshima and Nagasaki*

BETTY MARSH EXPLANATION. PROCLAMATION READ. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-2. CHAIR STEIN THANKED WILPF FOR PRESENTING PROCLAMATION. PROCLAMATION 95-171 UNANIMOUSLY APPROVED.

R-3 *PROCLAMATION in the Matter of Recognizing the Recipients of the Thousand Cranes Peace Award for their Efforts to Reduce Violence and Intolerance through Activities that Focus on Respect and Peaceful Problem Solving*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-3. COMMISSIONER KELLEY READ PROCLAMATION RECOGNIZING 87 AWARD RECIPIENTS AND INVITED BOARD TO AUGUST 6, 1995 EVENT. PROCLAMATION 95-172 UNANIMOUSLY APPROVED.

R-4 *In the Matter of Presenting the Government Finance Officers Association Distinguished Budget Presentation Award to the Budget and Quality Office for the Fiscal Year Beginning July 1, 1994*

CHAIR STEIN PRESENTATION. BOARD GREETED AND ACKNOWLEDGED BUDGET & QUALITY STAFF MARK CAMPBELL, SHAUN COLDWELL, BARRY CROOK, KERI HARDWICK, CHING HAY, KATHY INNES, KATHY NASH, CHRIS TEBBEN, DAVE WARREN, JIM CARLSON AND TOM DARBY. CHAIR COMMENDED EFFORTS OF STAFF, AUDITOR GARY BLACKMER AND COUNTY DEPARTMENTS.

R-5 *Budget Modification NOND 2 Requesting Authorization to Increase Revenues and Expenditures within the Tax Supervising and Commission Division Budget by \$4,300 for Staff Assistance Provided to the City of Gresham and Reclassifying a Tax Sup/Budget Clerk to Tax Sup/Budget Analyst Incorrectly Classified in the Adopted Budget*

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. COURTNEY WILTON EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-6 PUBLIC HEARING and Consideration of Board ORDER in the Matter of the Appeal of RFP 910-36-0047, Custodial Services for Detention Facilities, by Oregon Pacific Corporation.

AT THE REQUEST OF CHAIR STEIN AND UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY POSTPONED INDEFINITELY.

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-7 ORDER in the Matter of the Sale of Surplus County Land: Part of Lot 21, Lamargent Park, Multnomah County, Oregon

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. BOB OBERST EXPLANATION AND RESPONSE TO BOARD QUESTION. COUNSEL LARRY KRESSEL TO PROVIDE INFORMATION REGARDING STATUTORY DISPOSITION OF SALE PROCEEDS. ORDER 95-173 UNANIMOUSLY APPROVED.

R-8 *Third Reading and Possible Adoption of a Proposed ORDINANCE Amending Fees for Action Proceedings and Administrative Actions Under MCC 5.10 and Moving County Surveyor Fees from MCC 11.45 to MCC 5.10*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE THIRD READING AND ADOPTION. JOHN DORST AND BOB HOVDEN EXPLANATION AND REQUEST FOR APPROVAL OF NON-SUBSTANTIVE AMENDMENT. UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER KELLEY SECONDED, AN AMENDMENT DELETING REFERENCE TO SURVEYORS FEES WAS UNANIMOUSLY APPROVED. NO ONE WISHED TO TESTIFY. ORDINANCE 826 UNANIMOUSLY APPROVED, AS AMENDED.

R-9

RESOLUTION in the Matter of Accepting the Multnomah County Strategic Space Plan, as Developed by SERA Architects and the Facilities Client Committee and Adopting Goals for Multnomah County Facilities and Space

COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. BETSY WILLIAMS INTRODUCED SERA ARCHITECTS DON EGGLESTON AND KAREN MOORE. MR. EGGLESTON PRESENTATION IN SUPPORT. WAYNE GEORGE READ LETTERS OF SUPPORT FROM CONKLIN FISKUM & McCORMICK AND GRUBB & ELLIS INTO RECORD. MS. WILLIAMS EXPLANATION AND ACKNOWLEDGEMENT OF EFFORTS OF FACILITIES CLIENTS, COMMITTEE MEMBERS, SERA ARCHITECTS AND STAFF. COMMISSIONER SALTZMAN AND CHAIR STEIN DISCUSSED THEIR PROPOSED AMENDMENTS. FOLLOWING BOARD DISCUSSION AND UPON MOTION OF COMMISSIONER SALTZMAN, SECONDED BY COMMISSIONER HANSEN AN AMENDMENT TO PAGE 2, ADDING "H) PURSUE INNOVATIVE ARRANGEMENTS FOR FINANCING APPROACHES, INCLUDING, BUT NOT LIMITED TO, POTENTIAL PUBLIC PRIVATE PARTNERSHIPS, GROUND LEASE OF COUNTY PROPERTIES IN HIGH VALUE AREAS, LEASE BACK AND LEASE PURCHASE OPTIONS, LAND SWAPS AND INTERGOVERNMENTAL COOPERATION." UNANIMOUSLY APPROVED. BOARD COMMENTS IN SUPPORT. RESOLUTION 95-174 UNANIMOUSLY APPROVED, AS AMENDED.

GENERAL FUND CONTINGENCY REQUESTS

R-10

Budget Modification CFS 1 Requesting Authorization to Transfer \$72,897 from General Fund Contingency to the Adult Mental Health Program Budget to Backfill a Portion of the State Funding Reduction in Adult Outpatient Services

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED APPROVAL OF R-10. KATHY TINKLE EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-11 *Budget Modification NOND 1 Requesting Authorization to Transfer \$50,000 from General Fund Contingency to the Chair's Office Budget to Provide One Time Only Staff and Materials and Services to Multnomah County's Public Safety Coordinating Council to Develop the County Response to Senate Bill 1145, the Community Corrections Act, and Potential GO Bond and Tax Base Public Safety Requests*

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED APPROVAL OF R-11. CHAIR STEIN EXPLANATION AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

R-12 *Budget Modification DES 1 Requesting Authorization to Transfer \$140,000 from General Fund Contingency to the Capital Improvement Program (CIP) Fund, Providing One Time Only Funds for Completion of Various Facilities Management Projects*

COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-12. KERI HARDWICK EXPLANATION. COMMISSIONER KELLEY MOVED AND COMMISSIONER SALTZMAN SECONDED, AMENDMENT AUTHORIZING \$80,000 AND PLACING \$60,000 BACK IN CONTINGENCY. COMMISSIONER KELLEY RESPONSE TO QUESTION OF COMMISSIONER COLLIER. BOARD COMMENTS. AMENDMENT UNANIMOUSLY APPROVED. BUDGET MODIFICATION UNANIMOUSLY APPROVED, AS AMENDED.

R-13 *Budget Modification DES 2 Requesting Authorization to Transfer \$20,000 from General Fund Contingency to DES Administration Budget, to Provide a One Time Only Allocation to the Willamette Light Brigade for Administrative Support to their Volunteer Group through the Association for Portland Progress to Help Coordinate and Secure Lighting of Willamette River Bridges*

COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-13. DARLENE CARLSON EXPLANATION AND INTRODUCTIONS. MS. CARLSON READ LETTER OF SUPPORT FROM RUTH SCOTT. PAULINE ANDERSON, GIL JOHNSTON AND MIKE

**LINDBERG TESTIMONY IN SUPPORT.
COMMISSIONER COLLIER COMMENTS IN
SUPPORT AND RESPONSE TO BOARD QUESTIONS.
BOARD COMMENTS AND DISCUSSION. BUDGET
MODIFICATION APPROVED, WITH
COMMISSIONERS HANSEN, COLLIER, SALTZMAN
AND STEIN VOTING AYE, AND COMMISSIONER
KELLEY VOTING NO.**

The meeting was recessed at 10:59 a.m. and reconvened at 11:02 a.m.

NON-DEPARTMENTAL

R-14 *Request for Ratification of Strategic Investment Program Contract Between Multnomah County, the City of Gresham and LSI Logic Corporation, to Exempt Portions of LSI Logic Corporation's Proposed Project from Property Tax Assessments Under the Strategic Investment Program (SIP) Pursuant to ORS 285.330 and Multnomah County's Strategic Investment Program Policy, as Adopted by Resolution 95-77*

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF LSI CONTRACT AND FSHA.
COUNSEL SANDRA DUFFY PRESENTATION AND
EXPLANATION OF CONTRACT AND FSHA,
INCLUDING STATUTORY REQUIREMENT
REGARDING COMMUNITY SERVICE FEE, HIRING
AGREEMENT, COMMUNITY ENHANCEMENTS,
AFFORDABLE HOUSING, TRAFFIC
MANAGEMENT PLAN, ENVIRONMENTAL ISSUES
AND DISPUTE RESOLUTION/ARBITRATION
CLAUSE. ERIC BEENE AND DEE WALSH
TESTIMONY IN SUPPORT OF HOUSING TRUST
FUND. CAROLYN MORRISON TESTIMONY IN
SUPPORT OF LSI'S ANTICIPATED CHILD CARE
PROGRAM. FOLLOWING EXPLANATION OF
COMMISSIONER COLLIER AND MS. DUFFY, AND
UPON MOTION OF COMMISSIONER COLLIER,
SECONDED BY COMMISSIONER KELLEY,
CONTRACT AMENDMENTS TO PAGE 4,
"COMMITMENT TO THE EXCLUSIVE FULL
SERVICE FIRST SOURCE HIRING AGREEMENT
ATTACHED AS EXHIBIT A OF THIS CONTRACT
SHALL APPLY THROUGHOUT THE TERM OF THIS
AGREEMENT."; PAGE 6, 3 "FIFTY PERCENT OF**

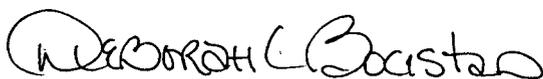
PERSONS HOLDING POSITIONS" AND REPLACING "THESE" WITH "THOSE HIRED"; PAGE 7, ADDS "WHICH"; PAGE 10, D, "LSI SHALL NEGOTIATE WITH TRI-MET OR OTHER TRANSPORTATION ENTITIES FOR THE PROVISION OF ADDITIONAL OUTLYING SCHEDULES WHICH COINCIDE WITH PLANT SHIFT SCHEDULES."; PAGE 16, 2, "THE BOARD OF COUNTY COMMISSIONERS"; PAGE 17, "BOARD OF COUNTY COMMISSIONERS IN CONSULTATION WITH THE CITY, GRESHAM COMMUNITY DEVELOPMENT HOUSING CORPORATION AND COUNTYWIDE HCDC WILL DETERMINE WHICH COMMUNITY PROGRAM WILL RECEIVE THE FUNDS SET OUT IN THE CHART ABOVE." AND CHANGES THE WORD "IDENTIFY"; PAGE 20, 2, "LSI PROPRIETARY INFORMATION CONTAINED IN THE REPORTS AND DOCUMENTS SUBMITTED BY LSI TO THE COUNTY IN SUPPORT OF THE REPORT IS SUBMITTED IN CONFIDENCE. COUNTY AGREES TO TREAT PROPRIETARY INFORMATION IN A CONFIDENTIAL MANNER." AND "THIS CONTRACT IS INTENDED AS THE WRITTEN REQUEST FROM LSI FOR CONFIDENTIALITY AS WELL AS THE COUNTY'S ASSURANCE IT WILL TREAT THE RELEVANT DOCUMENTS AS IDENTIFIED BY LSI AS CONFIDENTIAL DOCUMENTS WHICH CONTAIN PROPRIETARY INFORMATION MAY GIVE COMPETITORS AN UNDUE ADVANTAGE WHICH ARE ALSO ENTITLED TO NON-DISCLOSURE PROTECTION UNDER ORS. ADDITIONALLY, EMPLOYEE SURVEY INFORMATION OF A PRIVATE NATURE IS EXEMPT FROM DISCLOSURE UNDER A DIFFERENT ORS."; PAGE 22, C "DESCRIBE THE RESULTS OF NEGOTIATIONS WITH TRI-MET OR OTHER TRANSPORTATION ENTITIES FOR PROVISION OF ADDITIONAL SCHEDULES FOR EMPLOYEES."; PAGE 25, 5, "THE COUNTY SHALL ALSO PREPARE AN ANNUAL REPORT TO THE PUBLIC DESCRIBING LSI'S COMPLIANCE WITH THE TERMS OF THIS AGREEMENT." AND 3 (2) "THE PROJECT WILL BE CONSISTENT WITH ALL APPLICABLE LAWS AND REGULATIONS."; PAGE 28, "THE ARBITRATOR SHALL BE GUIDED BY

EQUITABLE PRINCIPALS AS APPLIED BY COURTS OF EQUITY IN ORDER TO ARRIVE AT A FAIR RESULT.”; PAGE 29, REMOVE DUPLICATE LANGUAGE; PAGE 33, ADDING “BOARD OF COUNTY COMMISSIONERS”; AND PAGE 33, 6, “THE AGREEMENT SHALL COMMENCE ON THE LAST DATE OF EXECUTION BY THE PARTIES.” WERE UNANIMOUSLY APPROVED. FOLLOWING EXPLANATION AND UPON MOTION OF COMMISSIONER COLLIER, SECONDED BY COMMISSIONER HANSEN, AMENDMENTS TO EXCLUSIVE FULL SERVICE FIRST SOURCE HIRING AGREEMENT PAGE 2, REMOVING K; PAGE 6, “NEITHER EMPLOYEES FROM THE TARGETED POPULATION NOR ANY OTHER EMPLOYEE HIRED UNDER THIS FSHA SHALL HAVE SPECIAL OR ADDITIONAL RIGHTS ARISING FROM THIS FSHA” AND “LSI IS AN AT WILL EMPLOYER” AND REMOVING NUMBER 9, RENUMBERS 10 TO 9, AND 11 TO 10; PAGE 7, E (1) “LSI AND PDCJNP”; PAGE 8, CHANGE 1998 TO JANUARY 1, 1999; PAGE 9, “AND ALL PARTIES EXECUTE THE SIP CONTRACT AND THIS FSHA CONTRACT.” WERE UNANIMOUSLY APPROVED. COMMISSIONERS SALTZMAN AND KELLEY COMMENTS IN SUPPORT. CHAIR STEIN COMMENTS IN OPPOSITION. COMMISSIONERS HANSEN AND COLLIER COMMENTS IN SUPPORT. LSI CONTRACT AND FSHA APPROVED, AS AMENDED, WITH COMMISSIONERS KELLEY, HANSEN, COLLIER AND SALTZMAN VOTING AYE, AND CHAIR STEIN VOTING NO.

There being no further business, the meeting was adjourned at 11:58

a.m.

**OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JULY 31, 1995 - AUGUST 4, 1995

- Tuesday, August 1, 1995 - 9:30 AM - Board Briefing Page 2*
- Tuesday, August 1, 1995 - 10:30 AM - Executive Session Page 2*
- Wednesday, August 2, 1995 - 7:00 PM - SIP Public Hearing Page 2*
- Thursday, August 3, 1995 - 9:30 AM - Regular Meeting Page 3*

*Wednesday's Public Hearing will be *cablecast* live and taped and can be seen by Cable subscribers in Multnomah County on Channel 30.*

*Thursday Meetings of the Multnomah County Board of Commissioners are *cablecast* 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.

Tuesday, August 1, 1995 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFING

- B-1 *Multnomah County Department of Community Corrections Implementation Plan for Arming and Other Safety Measures in Response to Continuum of Safety Task Force Report Pursuant to Board Resolution 95-44 Dated March 9, 1995. Presented by Tamara Holden, Cary Harkaway and Dan Pinkney. 1 HOUR REQUESTED.*
-

Tuesday, August 1, 1995 - 10:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

EXECUTIVE SESSION

- E-1 *The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(h) for Consultation with Counsel Concerning Legal Rights and Duties Regarding Litigation Likely to be Filed. Presented by John DuBay and Scott Pemble. 1 HOUR REQUESTED.*
-

Wednesday, August 2, 1995 - 7:00 PM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

PUBLIC HEARING

- PH-1 *The Multnomah County Board of Commissioners and the Gresham City Council Will Convene for the Purpose of Receiving Public Testimony on the Proposed Abatement Contract Between LSI Logic Corporation, Multnomah County and the City of Gresham, to Exempt Portions of LSI Logic Corporation's Proposed Project from Property Tax Assessments Under the Strategic Investment Program (SIP) Pursuant to ORS 285.330 and Multnomah County's Strategic Investment Program Policy, as Adopted by Resolution 95-77. Public Testimony is Limited to Three Minutes Per Person. The Gresham City Council May Take Action on the Contract Agreement at the Conclusion of the Public Hearing. The Multnomah County Commissioners May Take Action on the Contract Agreement During the Regular Meeting on Thursday, August 3, 1995.*
-

Thursday, August 3, 1995 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *In the Matter of the Appointments of Steven L. Cochran, Lisa Simpson and D.C. "Buzz" Daniel to the COMMUNITY HEALTH COUNCIL*
- C-2 *In the Matter of the Appointment of Lewis B. Lawrence to the MULTNOMAH COUNTY DUII COMMUNITY ADVISORY BOARD*
- C-3 *In the Matter of the Re-Appointments of Paul Bragdon, Ursula LeGuin, Susan Hathaway-Marxer, Terry McCall, Paul Millius, Bonnie Morris and Yvonne Williams to the MULTNOMAH COUNTY LIBRARY ADVISORY BOARD*
- C-4 *In the Matter of the Appointments of Greg Asher and Judy Blankenship to the METROPOLITAN HUMAN RIGHTS COMMISSION*

DEPARTMENT OF HEALTH

- C-5 *Ratification of Intergovernmental Agreement Contract 201405 Between Multnomah County and Oregon Health Sciences University, Providing Radiologic Consultation for Interpretation of X-Rays, for the Period November 1, 1994 through October 31, 1996*
- C-6 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 202065 Multnomah County and Oregon Health Sciences University, Providing Additional Funding for Non-Inpatient Medical Care for Low-Income Persons Living with HIV/AIDS, for the Period Upon Execution through February 26, 1996*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-7 *Ratification of Intergovernmental Agreement Contract 103166 Between Multnomah County and Oregon Health Sciences University, for Purchase of Psychiatric Hospital Services for Adults with Emergency Mental Health Holds, for the Period July 1, 1995 through June 30, 1996*
- C-8 *Ratification of Intergovernmental Agreement Contract 103196 Between Children's Services Division and Multnomah County, Providing Funding for Substance Abuse Services for Clients of the Family Support Team Project, for the Period July 1, 1995 through June 30, 1996*

DEPARTMENT OF ENVIRONMENTAL SERVICES

C-9 *ORDER in the Matter of the Execution of Deed D961231 for Repurchase of Tax Acquired Property to Former Owners Lynn A. Houck and Cecelia R. Houck*

REGULAR AGENDA

PUBLIC COMMENT

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

NON-DEPARTMENTAL

R-2 *PROCLAMATION in the Matter of Proclaiming the Month of August 1995 a Month of Commemoration of the 50th Anniversary of the Bombings of Hiroshima and Nagasaki*

R-3 *PROCLAMATION in the Matter of Recognizing the Recipients of the Thousand Cranes Peace Award for their Efforts to Reduce Violence and Intolerance through Activities that Focus on Respect and Peaceful Problem Solving*

R-4 *In the Matter of Presenting the Government Finance Officers Association Distinguished Budget Presentation Award to the Budget and Quality Office for the Fiscal Year Beginning July 1, 1994*

R-5 *Budget Modification NOND 2 Requesting Authorization to Increase Revenues and Expenditures within the Tax Supervising and Commission Division Budget by \$4,300 for Staff Assistance Provided to the City of Gresham and Reclassifying a Tax Sup/Budget Clerk to Tax Sup/Budget Analyst Incorrectly Classified in the Adopted Budget*

PUBLIC CONTRACT REVIEW BOARD

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

R-6 *PUBLIC HEARING and Consideration of Board ORDER in the Matter of the Appeal of RFP 910-36-0047, Custodial Services for Detention Facilities, by Oregon Pacific Corporation. 20 MINUTES REQUESTED.*

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-7 *ORDER in the Matter of the Sale of Surplus County Land: Part of Lot 21,*

Lamargent Park, Multnomah County, Oregon

- R-8 *Third Reading and Possible Adoption of a Proposed ORDINANCE Amending Fees for Action Proceedings and Administrative Actions Under MCC 5.10 and Moving County Surveyor Fees from MCC 11.45 to MCC 5.10*
- R-9 *RESOLUTION in the Matter of Accepting the Multnomah County Strategic Space Plan, as Developed by SERA Architects and the Facilities Client Committee and Adopting Goals for Multnomah County Facilities and Space. 20 MINUTES REQUESTED.*

GENERAL FUND CONTINGENCY REQUESTS

- R-10 *Budget Modification CFS 1 Requesting Authorization to Transfer \$72,897 from General Fund Contingency to the Adult Mental Health Program Budget to Backfill a Portion of the State Funding Reduction in Adult Outpatient Services*
- R-11 *Budget Modification NOND 1 Requesting Authorization to Transfer \$50,000 from General Fund Contingency to the Chair's Office Budget to Provide One Time Only Staff and Materials and Services to Multnomah County's Public Safety Coordinating Council to Develop the County Response to Senate Bill 1145, the Community Corrections Act, and Potential GO Bond and Tax Base Public Safety Requests*
- R-12 *Budget Modification DES 1 Requesting Authorization to Transfer \$140,000 from General Fund Contingency to the Capital Improvement Program (CIP) Fund, Providing One Time Only Funds for Completion of Various Facilities Management Projects*
- R-13 *Budget Modification DES 2 Requesting Authorization to Transfer \$20,000 from General Fund Contingency to DES Administration Budget, to Provide a One Time Only Allocation to the Willamette Light Brigade for Administrative Support to their Volunteer Group through the Association for Portland Progress to Help Coordinate and Secure Lighting of Willamette River Bridges*

NON-DEPARTMENTAL

- R-14 *Request for Ratification of Strategic Investment Program Contract Between Multnomah County, the City of Gresham and LSI Logic Corporation, to Exempt Portions of LSI Logic Corporation's Proposed Project from Property Tax Assessments Under the Strategic Investment Program (SIP) Pursuant to ORS 285.330 and Multnomah County's Strategic Investment Program Policy, as Adopted by Resolution 95-77. 1 HOUR REQUESTED.*

TANYA COLLIER
Multnomah County Commissioner
District 3



1120 SW Fifth St., Suite 1500
Portland, OR 97204
(503) 248-5217

M E M O R A N D U M

TO: Board Clerks
Chair, Beverly Stein
Commissioner Gary Hansen
Commissioner Sharron Kelley
Commissioner Dan Saltzman

FROM: Stuart Farmer

DATE: June 20, 1995

SUBJECT: Summer Schedule

Please excuse Commissioner Collier from the July 20 & July 27 Board meetings, the July 25 planning meeting and the August 1 briefing.

Thank you.

1995 JUN 20 PM 1:57
MULTNOMAH COUNTY
OREGON

MEMORANDUM

DATE: June 29, 1995
TO: Office of the Board Clerk
FROM: Andrea Jilovec *AS*
SUBJECT: Commissioner Saltzman's Summer Schedule

BOARD OF
COUNTY COMMISSIONERS
1995 JUN 29 PM 5:25
MULTNOMAH COUNTY
OREGON

Commissioner Saltzman will be out of the office on the following dates:

Monday - Friday, July 3 - 7, Vacation
Friday, July 14, Vacation

From Monday, July 24, through Friday, August 4, Commissioner Saltzman has been called to jury duty, although he may not be chosen as a juror. I will continue to schedule appointments for him throughout the jury duty period, however, I will attempt to limit the meetings to afternoons only, with the disclaimer that meetings may be rescheduled at the last minute.

8/1/95 ^oJury Duty

Meeting Date: AUG 01 1995
Agenda No. : E-1

(Above Space for Board Clerk's Use *ONLY*)

AGENDA PLACEMENT FORM

SUBJECT: Executive Session

BOARD BRIEFING: Date Requested:
Amount of Time Needed:

REGULAR MEETING: Date Requested: 8/1/95
Amount of Time Needed: 1 Hour Requested

DEPARTMENT: Nondepartmental DIVISION: County Counsel

CONTACT: John DuBay TELEPHONE: X-3138
BLDG/ROOM: 106/1530

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if available):

Executive Session Pursuant to ORS 190.660(1)(h) to Discuss Pending Litigation

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

OR

MANAGER: _____

Any Questions? Call the Office of the Board Clerk at 248-3277 or 248-5222.
forms\apf.doc

1995 JUL 27 PM 1:33
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

HAPPY ROCK MOORAGE
ZONING VIOLATION
SUMMARY

**ZONING VIOLATION SUMMARY
HAPPY ROCK MOORAGE
ZV 30-93**

17 May 1994

MEMO

To Gerald Itkin, Assistant County Counsel
Office of County Counsel
Bldg 106 (Portland Building), Suite 1530

From Irv Ewen
Zoning Code Enforcement Office
County Planning Department
Bldg 412 (DES Building), Rm 110

REGARDING ZONING VIOLATION CASE REFERENCED ABOVE:

Site Address	23606 N W St Helens Road
Tax Roll Descr	Tax Lot 27 situated in the southeast quarter of Section 18, Township 3 North, Range 2 West, W M.
Site Size	1.39 Acres
Tax Roll Acct #	R-97236-0270
State ID Number	Not yet assigned
Owner of Record	Clare & Estella Curtis
Tax Strmts mailed to:	23606 N W St Helens Road Portland, Oregon - - 97231-1711
Zoning District	MUA-20, "Multiple-Use Agriculture" (MCC 11.15.2122 thru .2150)
Effective date of Code	26 July 1979
Map References	Assessor's 400 Scale Full-Section Map, Section 36, T 3 N, R 2 W, WM Sectional Zoning Map # 11 (in the Northwest "A" Zoning Map book)

CHRONOLOGY OF CASE

1974 Application made for CS, "Community Service". Hearings authority, under case number CS 26-74, approved "... a pleasure boat moorage and tie-up facility for 80 spaces maximum." (A marina with 80 boat slips and upland parking was authorized. No approval was given for floating homes.)

1974 Under case number BA 165-74 approval was granted to allow a gravel parking surface.

19 APR 77 Hearings Council Meeting to consider two cases for same property:

1. CU 4-77g Willamette River Greenway Conditional Use Extraordinary Exception (Moorage)s
2. M 29-77 Access by Easement

Decision #1 was to: "Approve a Willamette River Greenway Extraordinary Exception to expand an existing moorage for 40 pleasure boats within the Willamette River Greenway and adopt the Staff Report."

Decision #2 was to: "Approve the request of access by easement subject to conditions and adopt the Staff Report."

In the "Findings of Fact" section of the Decision, Under Item 6 entitled "Site Characteristics" it states: "Development existing on the property consists of a boat ramp, gravelled parking area, restrooms, moorage spaces, boat houses, and a caretaker's houseboat."

Applicants for this hearing were C W Curtis and Reid Holcomb.

The Curtis's, Clare W (aka "Curt") and Estella (aka "Ginger") are the present owners of Happy Rock Marina.

OCT 77 Multnomah County Framework Plan, Policy 26, regarding areas suitable for houseboats states (as published):

Strategies

A. The following areas should be designated on the Framework Plan map as suitable for houseboats:

1. Multnomah Channel
 - a. From Rocky Point Moorage to the Columbia County line.
 - b. From 1/2 mile north of the Sauvie Island Bridge to Gays Moorage on the west side of Multnomah Channel.
 - c. The area of Mayfair and Sauvie Island Moorage on the east side of the channel **should** be limited to the existing areas. (Bold emphasis added.)

26 MAY 80 Copy of "Public Notice" from U S Department of Defence regarding Happy Rock about work already done without appropriate approvals or permits.

"Description of Work": Drive single wooden piles, 3-pile dolphins and attach floats. Report states:

"After appropriate legal action was taken regarding this unauthorized work, the Portland District, Corps of Engineers, requested that the applicant apply for an after-the-fact permit."

Applicant was identified as Reid Holcomb.

12 JUN 80 Letter to Reid Holcomb (property owner) from T Douglas Cowley (County Planning Staff person) regarding the notice from the U S Army, Corps of Engineers. Mr Cowley indicates that a public hearing and land use permits may be needed from our office.

13 JUN 80 Moorage survey card.

Reid Holcomb is shown to be the property owner.
Clair Curtis is shown to be the Marina Owner.

Facilities on Water indicate:

1. 4 combo house boats and boathouses under construction.
2. 4 combo and boathouses existing
3. One office which is combination residence and boat storage office.

JUL 80 The Houseboat Policy, Policy 26, as contained in the "Multnomah County Comprehensive Framework Plan, Volume 2: Policies" states (as published):

Strategies

A. The following areas are designated as suitable for houseboats (Bold emphasis added):

1. Multnomah Channel
 - a. From Rocky Point Moorage to the Columbia County line.
 - b. From 1/2 mile north of the Sauvie Island Bridge to Gays Moorage on the west side of Multnomah Channel.
 - c. The area of Mayfair and Sauvie Island Moorage on the east side of the chanel should be limited to the existing areas.

- 04 SEP 80 Letter from Ron Kratz, Asst Planner doe Multnomah County to Reid Holcomb, property owner at Happy Rock. Letter acknowledges having reviewed plans for Happy Rock Moorage. Also, indicates vegetation requirements for site.
- 13 SEP 83 The Board of County Commissioners adopted Ordinance # 394. This was:
 "An Ordinance Amending the Multnomah County Comprehensive Framework Plan Findings Section and Policy Section Adopted October 1977 and REvised in June, 1980 (PC 23-81, Ordinance A)"
 In this Ordinance regarding Policy 26, it states (verbatim):
 THE FOLLOWING AREAS ARE DESIGNATED AS SUITABLE FOR HOUSEBOATS;
 1. MULTNOMAH CHANNEL (WEST SIDE).
 (A) FROM ROCKY POINT MOORAGE, OR FROM AN AREA 1650 FEET NORTH OF THE SOUTHERN BOUNDARY OF SECTION 36, T3N, R2W, KNOWN AS ROCKY POINT, NORTH TO THE COLUMBIA COUNTY BOUNDARY.
 (B) FROM THE CITY OF PORTLAND CORPORATE LIMITS NORTH TO 1/2 MILE NORTH OF THE SAUVIE ISLAND BRIDGE.
- 27 SEP 93 Mult Co "Property Inquiry / Response Form" prepared by Mark Hess (County Planner) in response to inquiry by Dave Campbell of 23570 N W St Helens Road.
 Response message was:
 "Happy Rock Moorage exceeds the 8 houseboats on record at the time Policy 26 limits became effective. The houseboats beyond that number cannot be allowed under current plan and zoning."
 The Inquiry/Response form was turned over to Irv Ewen, Zoning Code Enforcement.
- 06 OCT 93 "Notice of Zoning Violation" letter sent to Clare & Estella Curtis via Certified Mail (as Certificate # P 426 968 042). Letter cites that they are operating a houseboat moorage where the number of houseboats (ie: "Floating Homes") exceeds the allowed number.
 By inference, based upon the moorage survey performed in 1980, the allowable limit of houseboats was set at eight.
- 25 OCT 93 Response letter from the Curtis's, current full owners of Happy Rock.
 Their letter indicates that they were led to believe the only limitation to the number of houseboats was based upon the capacity of their sewage disposal system. They claim to have made sufficient improvements in the sewage disposal system to adequately serve all the houseboats there.
 They claim to meet all of the criteria outlined in Policy 26, 1 thru 7.
 They also challenge the limitation of 8 houseboats as implied in the NOV letter.
 They would like to have the thirty or more houseboats now moored at the site to be "grandfathered" in.

- 26 OCT 94 Copy of letter to Mr & Mrs Curtis from Jerry Hedrick, Natural Resource Coordinator with the State of Oregon, Division of State Lands. Letter advises the Curtis's to seek resolution of the zoning problem.
- 23 NOV 93 Letter from Multco zoning to William Baughman regarding situation at Happy Rock.
Mr Baughman had contacted the Chair's Office by letter dated 14 OCT 93. The Chair's office in turn asked us to respond to his letter of inquiry. Our explanatory response letter dealt with each of his concerns.
- 24 NOV 93 Letter (undated) received from Dewayne & Lee Derrick concerning Happy Rock. Theirs is a letter of support for Happy Rock, citing that "This marina is meticulously kept up."
- 26 NOV 93 Response letter sent to Derricks, outlining policies and procedures regarding alleged violations of the zoning code.
- 04 JAN 94 Letter from Multco to the Curtis's. Purpose of letter was to clarify County Zoning issues and answer questions raised regarding the situation at Happy Rock. History and prior case numbers were noted. None of the prior zoning cases requested allowing houseboats at the site.
Three "options" were offered to the Curtis's:
1. Challenge our NOV letter of 06 OCT 93. They would prepare arguments against our allegations and provide documentation supporting their claim.
 2. They would apply now for a Comprehensive Plan change to expand the areas "Designated as Suitable for Houseboats" in Policy 26 to include Happy Rock moorage site.
 3. Reduce the number of houseboats moored at Happy Rock to no more than eight. Participate in the Rural Area Planning Program for Sauvie Island and Multnomah Channel which is anticipated to begin in about 1 to 3 years.
- 23 FEB 94 Letter received from the Curtis's in response to our letter of 04 JAN 94.
The Curtis's contend that:
1. The 1980 survey was incorrect in the amount of houseboats at the site.
 2. There was gross discrimination in the 1983 action (Policy 26) in which Happy Rock was excluded as a houseboat moorage even though they met the criteria.
- The Curtis's first counter-proposal is:
1. They want eight months to document that there were sixteen more houseboats present at the site in 1983 than the eight floating homes that we show.
 2. Freeze the limit to twenty four houseboats until the Rural Area Planning Program is finished.
 3. Then apply to be allowed in the proper zoning for houseboats.

The Curtis's second counter-proposal is:

1. "Grandfather" the existing twenty four houseboats, allowing them to stay until the Rural Area Plan is adopted for Sauvie Island and the Channel.
2. Then place Happy Rock in the zoning for houseboats/boathouses at that time as they should have been in 1983.

Respectfully submitted,

Irving G Ewen

HOUSEBOAT MOORAGE
IN
MULTNOMAH CHANNEL

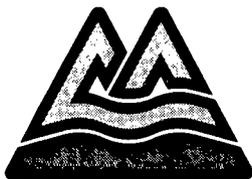
HOUSEBOAT MOORAGES IN MULTNOMAH CHANNEL

This table lists moorages and marinas in unincorporated Multnomah County as of July, 1995. The list is generated from Multnomah County Assessment and Taxation Moorage Reports, Review of Land Use Records at the Multnomah County Planning Division, and State Marine Board Licenses.

MOORAGE NAME	POLICY 26 DESIGNATION	NUMBER OF HOUSEBOATS AUTHORIZED OR DOCUMENTED	NUMBER OF HOUSEBOATS EXISTING IN 1995
1. Fred's Marina	Yes	4	3
2. Lucky Landing (American Marine)	Yes	2	1
3. Gulbrandson's Marina	Yes	0	0
4. Cassidy's Marina Way	Yes	20	15
5. Larson's Moorage	Yes	?*	11*
6. Channel Island Marina (under construction)	Yes	19	2
7. Bridgeview Moorage	Yes	29	28
8. Sauvie Island Moorage	No	48	47
9. Mayfair Moorage	No	18	18
10. Mullican Moorage	No	0	<u>2</u>
11. Happy Rock Moorage	No	1	<u>29</u>
12. Rocky Point Moorage	Yes	40	36
13. Schendels Big Oak Marina	Yes	?*	15*
14. Casselman's Cove Moorage	Yes	18	0
15. Casselman's Wharf Moorage	Yes	16	<u>29</u>
16. Hamer's Moorage (under construction)	Yes	19	0

*Research pending 7/31/95 RE: Prior approvals for Larson's Moorage & Schendel's Big Oak Marina

**HAPPY ROCK MOORAGE
OPTIONS**



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

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

Date: July 31, 1995

TO: Board of County Commissioners

FROM: John Dubay, *chief Assistant County Counsel*
R. Scott Pemble, *Planning Director*

RE: Happy Rock Moorage Options

The County has the following options in response to threatened litigation by owners of the Happy Rock Marina.

Plus (Staff Perspective)

1. Enforcement.

Consistent with past practices with other moorage.

2. Change Plan or Code to Grandfather houseboats in that existed September, 1983.

Avoids displacing houseboats which potentially have long term status, *i.e.*, since 1983.

3. Change Plan Policy 26 to include Happy Rock.

Avoids displacing some houseboats while maintaining current development standards (14/15 could remain).

4. Do nothing until Sauvie Island/Multnomah RAP is adopted.

It will clarify houseboat moorage policy.

Minus (Staff Perspective)

It will displace 28 houseboats. This may cause a hardship because there are limited moorage spaces available for houseboats (includes Columbia County and Portland and Gresham).

Treated other moorage violations on Multnomah Channel differently.

It will displace some houseboats (est. 14). This may cause a hardship because there are limited moorage spaces available for houseboats (Columbia County and Portland and Gresham).

It will take 11/2 years for closure. Affected parties will remain in limbo. The Curtis's may take several actions, *e.g.*, file suite or apply for CU permit.

DAVIS WRIGHT TREMAINE

LAW OFFICES

2300 FIRST INTERSTATE TOWER · 1300 SW FIFTH AVENUE · PORTLAND, OR 97201-5682
(503) 241-2300 · FAX: (503) 778-5299

GREGORY S. HATHAWAY
DIRECT DIAL: (503) 778-5207

June 26, 1995

HAND DELIVERED

John L. DuBay
Chief Assistant County Counsel
Multnomah County
1120 S.W. Fifth Avenue, Suite 1530
Portland, OR 97204

Re: Clare and Estelle Curtis - Happy Rock Moorage

Dear John:

As you know, this firm represents Clare and Estelle Curtis, owners of the Happy Rock Moorage located on the mainland West side of the Multnomah Channel in Multnomah County. The Happy Rock Moorage is located approximately five (5) miles downstream of the Sauvie Island Bridge. On October 6, 1993, the Multnomah County Zoning Code Enforcement Office sent the Curtises a Notice of Zoning Violation. The notice alleged that the Curtises were operating a houseboat moorage where the number of houseboats exceeded that allowed by ordinance. In particular, the notice provided that the moorage had twelve (12) houseboats and the maximum number allowed was eight (8).

Since October 1993, the Curtises and their consultants and legal representatives have been meeting with Planning Director Scott Pemble, Planner Mark Hess, and most recently you, to discuss a resolution of this alleged zoning violation to ensure that the County Comprehensive Plan and Zoning Code were in compliance and to mitigate the need to "displace" a number of families from their homes.

John, as you know, it has been our position that in 1983, the Multnomah County Board of Commissioners grandfathered those houseboat moorages existing outside the Policy 26 boundaries (i.e., areas designated as suitable for houseboats), and

limited the use to levels of development existing at the time of adoption of Ordinance No. 394 (9/13/83).¹ The only houseboat moorages existing outside the Policy 26 designated area on the Multnomah Channel on September 13, 1983 were the Mayfair, Sauvie Island and Happy Rock moorages. The Happy Rock Moorage is on the edge (approximately 500 feet South) of the Policy 26 area suitable for houseboats. At the time of adoption of Ordinance No. 394, the Happy Rock Moorage had twenty-three (23) houseboats or floating homes. Presently, the Happy Rock Moorage has twenty-four (24) floating homes.

As a result, even under our legal interpretation, one (1) floating home will have to be removed to be in compliance with County Policy 26 and the Zoning Code. However, the displacement of one (1) floating home is significantly less than the sixteen (16) floating homes the County has suggested will have to be displaced to be in compliance with the County's land use laws.

On September 8, 1994, I met with Scott Pemble to discuss a resolution of the alleged zoning violation and presented Mr. Pemble with our legal position and a solution to the problem. Essentially, I stated our legal position as outlined above and agreed that the Curtises would limit the number of houseboats to the number which existed as of September 13, 1983. I also advised Mr. Pemble that we would document the existence of the twenty-three (23) floating homes which existed as of that date. Furthermore, I advised Mr. Pemble that the Curtises would be willing to remove one (1) floating home to be in compliance with the 1983 ordinance.

¹ Policy 26 states:

THE FOLLOWING AREAS ARE DESIGNATED AS SUITABLE FOR HOUSEBOATS:

1. MULTNOMAH CHANNEL (WEST SIDE).
 - (A) FROM ROCK POINT MOORAGE, OR FROM AN AREA 1650 FEET NORTH OF THE SOUTHERN BOUNDARY OF SECTION 36, T3N, R2W, KNOWN AS ROCKY POINT, NORTH TO THE COLUMBIA COUNTY BOUNDARY.
 - (B) FROM THE CITY OF PORTLAND CORPORATE LIMITS NORTH TO 1/2 MILE NORTH OF THE SAUVIE ISLAND BRIDGE.
2. OREGON SLOUGH.
 - (A) THE SOUTH SHORE OF TOMAHAWK ISLAND.
 - (B) ANY OTHER AREAS IDENTIFIED AS SUITABLE FOR HOUSEBOATS BY THE HAYDEN ISLAND PLAN.
3. COLUMBIA RIVER (NEAR 185TH AVENUE).
 - (A) FROM THE NORTHWEST CORNER, GEORGE B. PULLEN D.L.C., TO THE NORTHEAST CORNER, PULLEN D.L.C.

HOUSEBOATS AND MOORAGES EXISTING OUTSIDE THESE AREAS SHALL BE LIMITED TO EXISTING SITES AND LEVELS OF DEVELOPMENT. (Emphasis added)

John L. DuBay
June 26, 1995
Page 3

Since that time, I have periodically checked with the County to determine how the County intended to proceed in this matter. Recently, the Curtises and I met with you and Scott Pemble to re-initiate our proposal of last year to seek an appropriate and timely solution to this problem. I emphasized to you that the County could interpret Ordinance No. 394 in a manner which "grandfathered" houseboat moorages to existing levels of development as of September 9, 1993, and that the Happy Rock Moorage could qualify twenty-three (23) floating homes. I also emphasized the reasonableness of such an interpretation in light of the fact that it would eliminate a wholesale displacement of floating homes with "nowhere to go" and allow the Happy Rock Moorage to continue to operate as it has for the past 17 years without any complaints.

The equities in the County handling this matter as we have proposed is consistent with how the County in the past has dealt with the Happy Rock Moorage. For example, the County has always taken the position that the Happy Rock Moorage was "grandfathered" for floating homes. Further, when the Curtises purchased the Happy Rock Moorage in 1989, Mark Hess advised the Curtises' appraisal firm of Moscato, Ofner & Associates that the Happy Rock Moorage was "grandfathered" but could not be expanded. It was on this basis that the Curtises bought out their partners and purchased the Happy Rock Moorage and became sole owners. At that time, Happy Rock Moorage had twenty-four (24) floating homes. As a result, until the notice of violation on October 6, 1993, the Curtises were of the belief they were lawfully operating the moorage.

The uncertainty of whether a substantial number of the tenants will be displaced has put the entire moorage in limbo and created a very stressful situation. Given the uncertainty of their situation, the Curtises have advised me they are prepared to file a declaratory judgment action in Multnomah County Circuit Court to have the Circuit Court determine whether under Ordinance No. 394 the Happy Rock Moorage has been grandfathered for twenty-three (23) houseboats. The Curtises and their tenants must have a resolution of this issue as soon as possible so they may have certainty of their future.

John L. DuBay
June 26, 1995
Page 4

We would prefer to continue to cooperate with the County and equitably resolve this situation. Please let me know as soon as you can how the County intends to proceed in this matter. I have enclosed a document book in support of our proposal for your consideration.

Yours very truly,

DAVIS WRIGHT TREMAINE

A handwritten signature in black ink that reads "Gregory S. Hathaway". The signature is written in a cursive style with a long, sweeping underline.

Gregory S. Hathaway

GSH:lkt
Enclosure
f:\3\36461\4\dubay6.ltr

cc w/encl: Scott Pemble, Planning Director, Multnomah County
Clare and Estelle Curtis

DOCUMENTS IN SUPPORT
of
HAPPY ROCK MOORAGE'S
PROPOSAL
regarding
NOTICE OF ZONING VIOLATION

June 12, 1995

On behalf of
Clare and Estelle Curtis
Happy Rock Moorage

Prepared by
Gregory S. Hathaway
Davis Wright Tremaine

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RECYCLED PAPER MADE FROM 20% POST CONSUMER WASTE

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2.	Policy 26, July 1980.
3.	Policy 26, September 1983.
4.	Notice of Zoning Violation, dated October 6, 1993.
5.	Letters of Support.

05/19 11:39 1994

FROM:

503 248 3389

TO: 5037785299

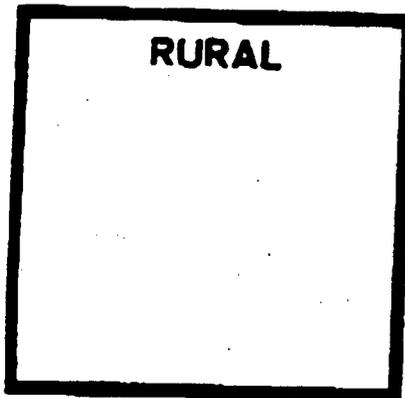
PAGE: 1

MAY 19 '94 10:18

TO: 97785299

FROM: MULT. CO. R/W

T-289 P. 01



FRAMEWORK PLAN

October 1977



MULTNOMAH COUNTY OREGON

HOUSEBOAT POLICY

THE COUNTY'S POLICY IS TO PROVIDE FOR THE LOCATION OF HOUSEBOATS IN A MANNER WHICH ACCORDS WITH:

- A. THE APPLICABLE POLICIES IN THIS PLAN;
- B. THE HOUSING POLICY LOCATION CRITERIA APPLICABLE TO THE SCALE OF THE MOORAGE (SEE POLICY NO. 24);
- C. THE HOUSEBOAT LOCATIONAL CRITERIA.

26

HOUSEBOAT LOCATIONAL CRITERIA

- a. The water depth of mean low water exceeds a minimum of five feet;
- b. Siltation problems will not preclude the economic use of the waterway for moorages;
- c. The waterway on which the proposed moorage is located should not be used for deep draft vessels;
- d. The area is shielded from adverse wind patterns, large wave wash, icy conditions and other hazards;
- e. Adequate land area exists to accommodate parking and other accessory building requirements;
- f. The proper operation and maintenance of dikes is not affected by the moorage;
- g. The lands do not have significant recreational, ecological, or wild-life habitat value; and
- h. The lands do not directly abut lands zoned for exclusive agricultural use.

STRATEGIES

- A. The following areas should be designated on the Framework Plan map as suitable for houseboats:

1. Multnomah Channel

- a. From Rocky Point Moorage to the Columbia County line.
- b. From 1/2 mile north of the Sauvie Island Bridge to Gays Moorage on the west side of Multnomah Channel.
- c. The area of Mayfair and Sauvie Island Moorage on the east side of the channel should be limited to the existing areas.

2. Oregon Slough

- a. Areas identified by Hayden Island Comprehensive Plan as suitable for houseboats, including the south side of Tomahawk Island.
- b. ~~_____~~ . Bride (or City of Portland boundary).

3. Columbia River Main Stem - 185th and Marine Drive Area.

- a. Area 1500' west of Bill's Moorage to Big Eddy Marina.

NOTE: No houseboats will be located in the Columbia Gorge east of the mouth of the Sandy River, or in violation of Federal Aviation Administration clear zone standards.

B. The following strategies should be addressed as part of the Community Development Ordinance:

1. The Zoning Article should include:

- a. A Waterfront Houseboat Zone to be applied to those areas designated on the Plan with the following conditions:
 - (1) Within rural areas the development does not create the necessity for urban level services, including roads.
 - (2) Design review of proposed facilities can ensure its compatibility with the natural river setting, allow for some open space, and wherever feasible encourage the provision of some public access to the waterway.
 - (3) Any effects which houseboat developments may have on adjacent or nearby natural resource zones such as forestry and agriculture will be within acceptable limits and adequate buffering will be provided if necessary.
- b. Boat marina and moorages will be permitted as conditional uses in the waterfront houseboat provisions.
- c. ~~Houseboats shall be permitted in the waterfront houseboat zone...~~
~~...of services, except of water, available as shown the~~
~~...the Portland, Oregon, and Clackamas County~~
~~...steps of engineering regulations on the waterway~~

05/19 11:40 1994

FROM:

503 248 3389

TO: 5037785299

PAGE: 4

MAY 19 '94 10:19

TO: 97785299

FROM: MLLT. CO. R/W

T-289 P. 04

2. The Development Standards Article should include: a County floating structure ordinance to control houseboat and moorage construction and safety. Any linear space expansion of existing moorages necessitated by the adoption of such an ordinance will be allowed.

05/19 11:41 1994

FROM:

503 248 3389

TO: 5037785299

PAGE: 5

MAY 19 '94 10:20

TO: 97785299

FROM: MULT. CO. R/W

T-289 P.05

MULTNOMAH COUNTY COMPREHENSIVE FRAMEWORK PLAN

Volume 2: Policies

July 1980

Multnomah County, Oregon

HOUSEBOAT POLICY

26

THE COUNTY'S POLICY IS TO PROVIDE FOR THE LOCATION OF HOUSEBOATS IN A MANNER WHICH ACCORDS WITH:

- A. THE APPLICABLE POLICIES IN THIS PLAN;
- B. THE HOUSING POLICY LOCATION CRITERIA APPLICABLE TO THE SCALE OF THE MOORAGE (SEE POLICY NO. 24);
- C. THE HOUSEBOAT LOCATIONAL CRITERIA.

HOUSEBOAT LOCATIONAL CRITERIA

- A. The water depth of mean low water exceeds a minimum of five feet;
- B. Siltation problems will not preclude the economic use of the waterway for moorages;
- C. The waterway on which the proposed moorage is located should not be used for deep draft vessels;
- D. The area is shielded from adverse wind patterns, large wave wash, icy conditions and other hazards;
- E. Adequate land area exists to accommodate parking and other accessory building requirements;
- F. The proper operation and maintenance of dikes is not affected by the moorage;
- G. The lands do not have significant recreational, ecological, or wild-life habitat value; and
- H. The lands do not directly abut lands zoned for exclusive agricultural use.

STRATEGIES

- A. The following areas are designated as suitable for houseboats.
 - 1. Multnomah Channel
 - a. From Rocky Point Moorage to the Columbia County line.
 - b. From 1/2 mile north of the Sauvie Island Bridge to Gays Moorage on the west side of Multnomah Channel.

- c. The area of Mayfair and Sarvie Island Moorage on the east side of the channel should be limited to the existing areas.
- 2. Oregon Slough
 - a. Areas identified by Hayden Island Comprehensive Plan as suitable for houseboats, including the south side of Tomahawk Island.
 - c. [REDACTED]
- 3. Columbia River Main Stem - 185th and Marine Drive Area.
 - a. Area 1500' west of Bill's Moorage to Big Eddy Marina.

NOTE: No houseboats will be located in the Columbia Gorge east of the mouth of the Sandy River, or in violation of Federal Aviation Administration clear zone standards.

B. The following strategies should be addressed as part of the Community Development Ordinance:

1. The Zoning Article should include:

- a. A Waterfront Houseboat Zone to be applied to those areas designated on the Plan with the following conditions:
 - (1) Within rural areas the development does not create the necessity for urban level services, including roads.
 - (2) Design review of proposed facilities can ensure its compatibility with the natural river setting, allow for some open space, and wherever feasible encourage the provision of some public access to the waterway.
 - (3) Any effects which houseboat developments may have on adjacent or nearby natural resource zones such as forestry and agriculture will be within acceptable limits and adequate buffering will be provided if necessary.
- b. Boat Marina and Moorages will be permitted as conditional uses in the waterfront houseboat provisions.

c. [REDACTED]
 [REDACTED]
 [REDACTED]
 [REDACTED]

2. The Development Standards Article should include: a County floating structure ordinance to control houseboat and moorage construction and safety. [REDACTED]
 [REDACTED]

POLICY 26: HOUSEBOATS

ADOPTED
9/13/83
ORD. # 394

INTRODUCTION

Houseboats have been a housing option in Multnomah County for nearly a hundred years. Once little more than floating shacks, houseboats today are often substantial structures with all the amenities of traditional houses, and are home to middle and upper income citizens.

Moorage sites are limited in the County, and demand for moorage space is high. Local moorages are all at or near capacity. However, demand for houseboat space should not be equated with need. Houseboats were not considered in Multnomah County's housing needs inventory, nor are they required to fulfill the County's housing obligation. Projected housing demand to the year 2000 can be met with lands already zoned for residential development. Therefore, houseboats may be considered a desired housing choice, but not a needed one.

The demand for houseboat space conflicts with other legitimate demands on the finite amount of available public waterways in the County. A houseboat location policy must attempt to reconcile the conflicting interests of houseboat owners, recreational boaters, conservationists, industrial developers, and the general public. It must ensure the protection of houseboat residents from the inherent hazards of waterway life and also provide for protection of the general public from possible negative impacts of houseboat development.

POLICY 26

THE COUNTY, IN ORDER TO PROVIDE A BROAD RANGE OF HOUSING OPPORTUNITIES FOR ITS CITIZENS, RECOGNIZES HOUSEBOATS AS A HOUSING OPTION. THEREFORE, IT IS THE COUNTY'S POLICY TO PROVIDE FOR THE LOCATION OF HOUSEBOATS IN A MANNER WHICH ACCORDS WITH.

- A. THE APPLICABLE POLICIES IN THIS PLAN, INCLUDING POLICIES 2 (OFF-SITE EFFECTS), 13 (AIR, WATER, NOISE), 15 SIGNIFICANT ENVIRONMENTAL CONCERN), 16 (NATURAL RESOURCE), 21 (HOUSING CHOICE), 24 (HOUSING LOCATION), 32 CAPITAL IMPROVEMENTS), 34 (TRAFFICWAYS), 36 (TRANSPORTATION SYSTEM DEVELOPMENT), 37 (UTILITIES), and 38 (FACILITIES).
- B. ANY OTHER APPLICABLE FEDERAL, STATE OR LOCAL POLICIES THAT REGULATE WATERWAY AREA DEVELOPMENT.
- C. THE FOLLOWING CRITERIA FOR LOCATING OR EXPANDING A HOUSEBOAT MOORAGE:
 - 1. THE MEAN LOW WATER LINE EXCEEDS FIVE FEET;
 - 2. THE MOORAGE AREA SHOULD BE PROTECTED FROM SILTATION PROBLEMS WHICH MIGHT REQUIRE COSTLY DREDGING TO ACHIEVE THE PROPER WATER DEPTH;

3. THE MOORAGE IS ADEQUATELY PROTECTED FROM THE ADVERSE EFFECTS OF WIND, WAVE ACTION, ICY CONDITIONS, AND OTHER HAZARDS;
4. ADEQUATE LAND AREA EXISTS TO ACCOMMODATE PARKING AND ANY ACCESSORY BUILDING REQUIREMENTS;
5. THE PROPER MAINTENANCE AND OPERATION OF DIKES, AS DETERMINED BY THE ARMY CORPS OF ENGINEERS, IS NOT ADVERSELY AFFECTED BY THE MOORAGE;
6. THE UPLAND AREA ADJACENT TO THE MOORAGE DOES NOT HAVE UNIQUE RECREATIONAL, ECOLOGICAL, OR WILDLIFE HABITAT VALUE; AND
7. THE UPLAND AREA ADJACENT TO THE MOORAGE IS NOT ZONED FOR EXCLUSIVE AGRICULTURAL USE.

THE FOLLOWING AREAS ARE DESIGNATED AS SUITABLE FOR HOUSEBOATS:

1. MULTNOMAH CHANNEL (WEST SIDE). 26

- (A) FROM ROCKY POINT MOORAGE, OR FROM AN AREA 1650 FEET NORTH OF THE SOUTHERN BOUNDARY OF SECTION 36, T3N, R2W, KNOWN AS ROCKY POINT, NORTH TO THE COLUMBIA COUNTY BOUNDARY.
- (B) FROM THE CITY OF PORTLAND CORPORATE LIMITS NORTH TO 1/2 MILE NORTH OF THE SAUVIE ISLAND BRIDGE.

2. OREGON SLOUGH.

- (A) THE SOUTH SHORE OF TOMAHAWK ISLAND.
- (B) ANY OTHER AREAS IDENTIFIED AS SUITABLE FOR HOUSEBOATS BY THE HAYDEN ISLAND PLAN.

3. COLUMBIA RIVER (NEAR 185TH AVENUE).

- (A) FROM THE NORTHWEST CORNER, GEORGE B. PULLEN D.L.C., TO THE NORTHEAST CORNER, PULLEN D.L.C.

HOUSEBOATS AND MOORAGES EXISTING OUTSIDE THESE AREAS SHALL BE LIMITED TO EXISTING SITES AND LEVELS OF DEVELOPMENT.

NO HOUSEBOATS SHALL BE LOCATED ON THE COLUMBIA RIVER EAST OF THE SANDY RIVER, OR IN VIOLATION OF FEDERAL AVIATION ADMINISTRATION CLEAR ZONE STANDARDS, OR IN VIOLATION OF ANY OTHER APPLICABLE FEDERAL, STATE OR LOCAL STANDARDS.

STRATEGIES

- A. As part of the continuing planning program, the County should consider the provision of commercial accessories and/or community service uses as a condition of moorage development, in order to mitigate the impacts of moorage populations.

B. The Zoning Ordinance should be amended to:

1. Allow for the location and expansion of houseboat moorages within designated areas.
2. Include safety and fire protection standards to provide a safe living environment for houseboat dwellers.
3. Provide standards which minimize the adverse effects of houseboat development on surrounding areas.





MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
AND DEVELOPMENT
2115 S.E. MORRISON STREET
PORTLAND, OREGON 97214
(503) 248-3043

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

06 October 1993

Clare & Estella Curtis
Happy Rock Moorage
23606 N W St Helens Road
Portland
Oregon - - 97231-1711

Subject: **Notice of Zoning Violation (Certificate # P 426 968 042)
Regarding Property Located at 23606 N W St Helens Road
(Also Known as Happy Rock Moorage)**

Dear Mr & Ms Curtis:

It was recently brought to our attention that certain conditions relevant to land use are in violation of Multnomah County rules and regulations at the location referenced above. The reported activity was:

Operating a houseboat moorage where the number of houseboats exceeds that allowed by ordinance.

County records indicate that you have eleven (12) floating dwellings moored at the site. [Eight (8) is the maximum number allowed.] :

- | | | |
|-------|----------------------------|-------------------------------------|
| 1. | Houseboat/combo, # FH 0885 | Curtis, Clare & Estella |
| ✗ 2. | Boathouse/combo, # C 1750 | Duray, Julian & Myrna |
| ✗ 3. | Houseboat/combo | Banton, Lyle & Dolores |
| ✗ 4. | Boathouse/combo, # C 1074 | Dawes, Jill & Roger |
| 5. | Houseboat, # FH 0796 | Campbell, David C |
| ✗ 6. | Boathouse/combo, # C 0454 | Baughman, Larry
Baughman, Carol |
| 7. | Houseboat/combo | Willis, Patrick
Cleveland, Julie |
| 8. | Houseboat, # FH 0383 | Muckle, Ophir |
| 9. | Boathouse/combo, # C 0829 | Heywood, Chris & Arthur |
| ✗ 10. | Houseboat/combo, BH 1064 | Brown, Roger |
| ✗ 11. | Houseboat, FH 0654 | Rojeski, Zygment |
| ✗ 12. | Houseboat, # FH 0700 | Todd, Gerald |

Site statistics for the moorage are:

1. Tax Roll Descr Tax Lot 27 situated in the southeast quarter of Section 18, Township 3 North, Range 2 West, W M.
2. Property Owner Happy Rock Moorage, Inc
3. Tax Acct Numbers R-982360270
4. State I D Numbers Not assigned yet
5. Site Size 1.39 Acres

The property has a base zone of MUA-20, "Multiple Use Agriculture" as shown on the County's Sectional Zoning Map, #11 (in the Northwest "A" Zoning Map Book).

In addition, the following "overlay" zones apply to the site and affect the uses allowed:

1. WRG, "Willamette River Greenway"
2. CS, "Community Service"
3. FF, "Flood Fringe", and
4. FW, "Flood Way"

The following Zoning Ordinance subsections apply to this site and the uses referenced:

MCC 11.15.2122 thru .2150, MUA-20, "Multiple-Use Agriculture"
.2122, "Purposes"

This portion of the Ordinance notes that:
"The purposes of the Multiple-Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agricultural uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies."

Use of this property for a houseboat moorage does comply with the following Comprehensive Plan Policies:

- #10 - Multiple-Use Agriculture
- #15 - WRG, "Willamette River Greenway"
- #26 - Houseboats

Use of the property for a boathouse or houseboat moorage as a CS use (a type of Conditional Use) is allowable. However, the number of houseboats moored there can not exceed a fixed number, which is eight (8) which has been established for this site.

.2126, "Uses"

This subsection references three kinds of "Uses" permitted in the MUA-20 District:

1. "Primary Uses" (under MCC 11.15.2128),
2. "Uses Permitted Under Prescribed Conditions" (under MCC 11.15.2130), and/or
3. "Conditional Uses" (under MCC 11.15.2132).

.2132, "Conditional Uses"

- (A) "Community Service Uses pursuant to the provisions of MCC 11.15.7005 through .7041;"

A boathouse moorage is an allowed use under the CS section.

County standards indicate that a maximum of eight (8) houseboats may be moored at this site.

MCC 11.15.6350 thru .6376, WRG, "Willamette River Greenway"

.6350, "Purposes"

"The purposes of the Willamette River Greenway subdistrict are to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River;"

" . . . to establish Greenway Compatibility Review Areas; and to establish criteria, standards and procedures for the intensification of uses, change of uses, or the development of land within the Greenway."

Any changes of use, such as an increase in intensity of use (ie: adding more floating homes than the established limit allows) requires approval at a public hearing. We can find no evidence of such an application having been made or approved.

In conclusion, it appears that the situation observed on your property, exceeding the mooring of more than eight houseboats, is in conflict with the Zoning Ordinance.

The unauthorized floating dwelling units must be removed from the moorage within sixty (60) days from the date of this notice. Failure to reduce the number of structures (from twelve) to the allowable number (of eight) can result in the imposition of fines, court action, and other legal proceedings necessary to gain compliance with zoning requirements.

If you feel that this "Notice of Zoning Violation" has been issued in error, please advise us in writing and include documentation supporting your claim.

In the interim, if you have any questions regarding this matter, please contact Mark Hess of our staff. Mr Hess is usually available for consultation between 3:15 P M and 4:30 P M weekdays.

Sincerely,



Irving G Ewen

Zoning Code Enforcement Office

cc: Zoning Violation Case File, ZV 42-93
Related case files; CU 04-77 "g", M 29-77, & CS 26-74
R Scott Pemble, Planning Director, DES Bldg (Bldg 412), Room 106
Mark R.Hess, County Planning Staff, DES Bldg (Bldg 412) Room 103
Carol Zurawski, Bldg 166, Room 400
Jerry Hedrick, Oregon Division of State Lands
Don Weidinger, U S Army, Corps of Engineers
Judy Lenton, U S Army, Corps of Engineers

encl: Excerpts from Zoning Ordinance cited above.

This notice is issued in accordance with Chapter 11.15 of the Multnomah County Code. Pursuant to MCC 11.15.9053 (Penalties), failure to remedy violation can result in a fine of up to \$500.00 for each day the violation continues beyond this 60 day notice period.

Oct. 12, 1993

Mr. Irving G. Ewen:

Re: Notice of Spring Violation Cert # P426-968042

Happy Rock Marriage

We have a Brown & Bath Houseboat
& have lived happy for 37 years on the river.
This is a lovely peaceful marriage. The
bank is beautiful with trees that have been
planted & all kinds of flowers. We have a
peace area which is enjoyed by all.

My husband is a World War II Veteran
& he has found peace living here, which is
what he fought for PEACE. We feel very safe,
I can sit out on our porch on a hot fire &
enjoy it all without fear.

I cannot understand at this time of
our life why we have to be served & go through
trying times when we are so happy.

We would like to invite you down so
we could show you the beauty & care of this
Marriage. Coffee Included. ^{Sincerely} Frank & The Mable

October 12, 1993

Multnomah County Oregon
Department of Environmental Services
Division of Planning and Development
2115 S.E. Morrison St.
Portland, Or. 97214

REFERENCE: Case Number ZV 42-93
Happy Rock Moorage @ 23606 N.W. St. Helens Rd.

ATTENTION: Irving G. Ewen
Zoning Code Enforcement Office

Dear Sir:

After attending a meeting at the above mentioned moorage, we felt compelled to address some very serious concerns that were brought to our attention regarding the letter sent to our moorage owners by your office on October 6, 1993.

Our houseboat was built in 1978 at Happy Rock Moorage. Since that time the ownership has transferred from the original builder to another party and in December, 1991 we purchased it with the plans to eventually move full time to the river. To our knowledge, during the 15 years since this residence was built, it has been moored at Happy Rock. In October of this year, we made the decision to move onto our houseboat full time. Now, three weeks before taking up full time residency, we are alarmed to learn that according to your letter, we have 60 days to locate a new moorage for our house. If you are at all familiar with the Multnomah Channel moorages, the relocation will not be an easy task. There are no spaces available on the channel without considerable cost because of very strict regulations regarding sizes and structure requirements of other moorage owners. After considerable investigation into the offerings of other moorages, we have found that Happy Rock is the nicest moorage available to a variety of houseboats and their owners. The Curtis's have done a fantastic job in keeping up with the ever pressing demands of tenants, keeping the moorage "river friendly", clean and up to date with regards to new and existing requirements from the various agencies who deal with river homes.

Although we have only been paying personal property taxes on our houseboat for two years, we know that the previous owners were in compliance with the necessary tax payments and to our knowledge so are the rest of the residents at Happy Rock. It escapes us as to why the number of structures has not been questioned before. In fact, last spring the tax person physically inspected and assessed our home and had to be aware of how many other homes were also located at this moorage. With this information alone and the revenue it generates for the county, we do not understand the urgency for us to move. Perhaps it is just a matter of miscommunication or no system for cross checking existing moorages but we feel it would be a great injustice for a moorage of this quality to be closed down for what appears to be a vendetta from a disgruntled tenant or another moorage owner, especially when it has been operating for the past 16 years in the same manner as it does now.

Thank you for your time.

Charlie and Becky Remington (P. O. Box 579 - Scappoose, Or. 97056)
23606 N.W. St. Helens Rd. S-11 BH0702
Portland, Or. 97231

12 October 1993

Irving G. Ewen
Zoning Code Enforcement Office
2115 S.E. Morrison Street
Portland, Oregon 97231-1711

Subject: In Regards to Notice of Zoning Violation (Certificate # P 426 968 042) Regarding Property Located at N. W. St. Helens Road (Also Known as Happy Rock Moorage)

Dear Sir:

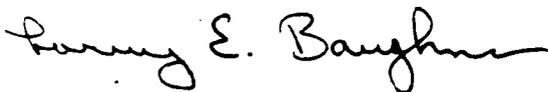
I'm a concerned tenant of the Happy Rock Moorage. I've been a tenant of this moorage since 1987, and I find it very interesting to find that I may be evicted within 60 days. I also find it very difficult to understand why in fact this action is taking place since MUA-20, "Multiple-Use Agriculture" states; to encourage the use of non-agricultural lands for other purposes, such as recreation.

I also find it very interesting that the county records indicate that twelve floating dwellings are moored at this site when actually there are in excess of 30 such dwellings, not including the boat moorage. This has been the case since I purchased my House/combo, # C 0454 in the summer of 1987.

Additionally, if this action is taken, in excess of twenty families will have to move their floating homes. Two questions come to mind. How will the twenty unlucky owners be chosen, and by what method that would insure fairness to everyone? Secondly where would they move to considering space on the channel is very limited?

I also find it difficult to understand how anyone could make a moorage profitable with a maximum of 8 tenants under any circumstances.

I remain a very concerned tenant of the Happy Rock Moorage and would appreciate your help in this matter.



Larry E. Baughman
5200 S. W. 208th Ct.
Aloha, Oregon 97007

cc: R. Scott Pemble, Planning Director, DES Bldg (Bldg 412), Rm106
Mark R. Hess, County Planning Staff, Des Bldg (Bldg 412).Rm103
Jerry Hedrick, Oregon Division of State Lands
Happy Rock Moorage C/O Clare & Estella Curtis
Barbara Roberts, Governor of Oregon
Jeannette Hamby, State Senator
Charles Starr, State Representative

Patrick C. Willis
23602 N.W. St. Helens Rd.
Portland, OR 97231
(503) 543-3206

Oct. 18, 1993

Irving G. Ewen
Zoning Code Enforcement Office
Division of Planning and Development
2115 S.E. Morrison St.
Portland, OR 97214

Dear Mr. Ewen,

It was brought to my attention that your office filed a Notice of Zoning Violation, Case # ZV 42-93, against the owners/property at Happy Rock Moorage (23606 N.W. St. Helens Rd., Certificate # P 426 968 042). The purpose of this letter is to give support for the owners, Clare and Estella Curtis, as it pertains to correcting/solving this problem.

I have lived on the river for over eight years and have had boats at various other moorage's for over 20 years. The Curtis' are by far the most conscientious and caring moorage owners I have known. They go the extra mile to insure the moorage is a safe, clean and quality place to live or moor a boat. They are constantly surveying the docks and upland areas to make needed repairs and improvements. They pay a great deal of attention in maintaining the utilities in good operating condition. If you were to compare Happy Rock Moorage with other moorage's on Multnomah Channel, or the Willamette/Columbia area, you would list Happy Rock as one of the finer, well kept moorage's. Aside from the physical condition the Curtis' keep the moorage, they treat their tenants with respect and consideration. A number of residents of the moorage are retired and have restricted incomes. The Curtis' have managed the moorage to insure these people do not get "run off" the river and forced to loose their homes and their life style by imposing drastic rent increases or making major alterations in the moorage.

Your letter states that Happy Rock Moorage is in conflict with the Zoning Ordinance by having more houseboats on the moorage than the number allowed. The Curtis' have not expanded Happy Rock Moorage to accommodate more houseboats, however, some boathouses may have been converted to houseboats/combos or weekend places.

Your letter also states that the number of "unauthorized floating dwellings must be removed in 60 days". This is a very harsh and disrespectful request of the County. For the majority of the tenants at Happy Rock, this request is not an option. There are not enough moorage's on the river for houses to move to and the expense, if moorage space were available, would be far beyond the ability of most of the tenants to afford, forcing them out of their homes and the life styles they have chosen.

I have a strong personal stake in this situation. I live at Happy Rock Moorage, my parents live at Happy Rock Moorage and I plan to raise my daughter at Happy Rock Moorage. I do understand that Multnomah County Zoning Ordinances are designed to protect the livability and economic health of the county; but I don't believe the ordinaries were meant to force people out of their homes or force people to make major life style changes.

I hope that this issue can be resolved with as little pressure and energy as possible. If there is anything I can do to further support the Curtis' or expedite a zoning change, if needed, please do not hesitate to contact me.

Sincerely,

C.C. CURTIS

Patrick C. Willis

Lyle & Elsie Willis
Happy Rock Moorage
23600 N. W. St. Helens Rd., SP-S10
Portland, OR 97231

Oct. 18, 1991

Mr. Irving G. Ewen
Multnomah County Oregon
Department of Environmental Services
2115 S. E. Morrison St.
Portland, OR 97214

Re: Notice of Zoning Violation regarding
Happy Rock Moorage dated 10/6/93
to Clara and Estella Curtis

Dear Sir:

We have had our houseboat tied up here since May, 1979. We liked the location so well that we finally decided to live here permanently in 1989.

The moorage is always kept clean and pleasant. We have electricity and garbage service. The water connection we understood when we made arrangements to live here, was our responsibility. The walks are always treated so it will not be slippery. There is a convenient launching ramp, also. Lights are on at night along the walks for safety.

There's been a beach with a picnic area, a bon fire stand and a pretty flower garden. There is also a clean parking area plus space for RV parking. Many shrubs and beautiful rhododendrons and plants have been added.

We sincerely hope things can be settled so that we can continue living here. We have always felt the location of the houseboat moorage is legal and always has been.

Sincerely,

Lyle & Elsie Willis

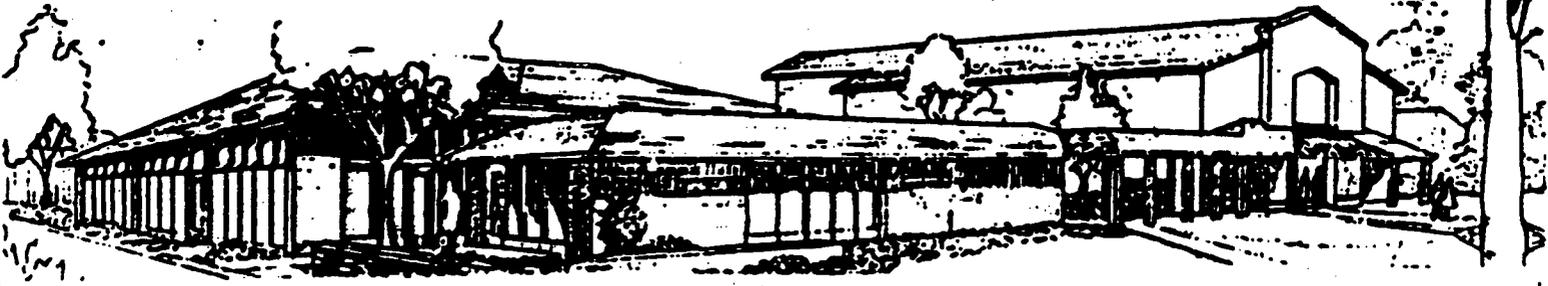
Elsie N. Willis

Lyle & Elsie Willis

cc: R Scott Famble, Planning Director, DES Bldg (Bldg 412) Room 106
Mark R Hess, County Planning Staff, DES Bldg (Bldg 412) Room 103
Carol Zurawski, Bldg 166, Room 400
Jerry Hedrick, Oregon Division of State Lands
Don Weidinger, U S Army, Corps of Engineers
Judy Lenton, U S Army, Corps of Engineers

Our mailing address is P. O. Box 798
Scappoose, OR 97056-0798

St. Anthony's



10-19-93

mailed 10-19-93
DB

Dear Mr. Ewen,

I'm writing in regard your notice of zoning violation at Happy Rock moorage. I moor my boat at the moorage & am concerned about the alleged violation. Because the houseboats & bathhouses have been there for 15+ years without challenge it seems fitting that a zoning change be made. I recommend a hearing take place & an adjustment or rezoning be established.

Sincerely,

David Solomon



LEMCO SPECIALITIES

GENERAL CONTRACTOR
2840 NW WHITMAN CT. PORTLAND, OR 97229
(503) 645-8028 MOBILE TEL: 781-3204

DEPT. OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING
2115 S.E. MORRISONST.
PORTLAND, OR. 97214

OCT/20/93.

ZONING CODE ENFORCEMENT OFFICER

CASE # ZV 42-93
% HAPPY ROCK
MOORAGE

DEAR MR. IRVING G. EWEN.

PLEASE BE ADVISED, THAT MY WIFE & I AS INDIVIDUALS,
WISH TO WRITE THIS MESSAGE UNDER PROTEST TO THIS NOTICE OF ZONING
VIOLATION.

WE HAVE BEEN VERY HAPPY THE LAST 7-8 YEARS IN THIS PROTECTED AREA.
PRIOR TO MOVING HERE WE EXPERIENCED AT OTHER LOCATIONS, MANY
PROBLEMS WICH WE DONT HALF TO COPE WITH HERE. WHAT A RELIEF. NOW
WITH THIS THREAT OF EXPONGEING WHAT THE CURTIS HAVE WORKED SO
HARD FOR, & STILL CONTINUE TO IMPROVE THE MOORAGE STANDARDS, SLIPS
& GROUNDS, I CANT BELIEVE ANY ONE OR FEW INDIVIDUALS CAN RAISE AN
UNJUSTIFIABLE ISSUE AS WHAT IS NOW IN THIS PAPERWORK MODE.
I GUESS THEYDONT HAVE ENOUGHIT CONSTRUCTIVE THINGS TO DO , THAN
UNDO SUCH PRECIOUS HARD WORK & PLEASURE ITEMS THAT GO ON DAILY
AT THIS MOORAGE. I CANT BELIEVE THIS UNRILISTIC ISSUE HAS BEEN
CARRIED THIS FAR.

I KNEW THE CURTIS BEFORE MOVING HERE & THEY REALLY
TRY HARD, & WOULD BE THE LAST TO INCOVIENCE THERE PEOPLE INVOLVED.
I PERSONALLY WILL FIGHT TO THE LAST ON THIS ACTION.

SINCERLY,

P.S. IF YOU HAVE CONCERNS THAT YOU NEED
TO CONTACTME. FAX SAME # ABOVE.

Oct. 21 1993

I have been living at Happy Rock moorage for four and a half years.

Happy Rock is one of the cleanest moorages on the channel, if not the cleanest.

Now I understand that within 60 days some or all of the houseboats at Happy Rock may be forced to move because of some zoning violation.

First of all, if someone does have to be moved, how do you select who is to be moved?

Secondly, if a houseboat or more than one houseboat is selected to move, where does it move? There are very few, if any openings, and the buy-in cost of these moorages would make it almost impossible for most of the people here to afford. When I moved to Happy Rock, I had a choice of three moorages to move to. I chose Happy Rock because it was the cleanest, well lit and best maintained moorages in the Multnomah Channel, thanks to the work that Curt and Ginger Curtis have done.

Sincerely,

Chris A Heywood

23599 N.W. St. Helens Hwy.

P.O. Box 763
Scappoose Or. 97056

3170 NW 179
Portland, OR 97229

October 21, 1993

Irving G. Ewen
Zoning Code Enforcement Office
Multnomah County Oregon
Division of Planning & Development
2115 S.E. Morrison St.
Portland, OR 97214

Dear Mr. Ewen:

We are the owners of a "weekender" floating home/boathouse combo at Happy Rock Moorage. We would like to comment about our experiences and observations regarding this moorage.

Before we purchased our houseboat, we rented on 3 different occasions and moorages. None of the previous moorages were as well maintained; indeed, the owners were non-residents and their indifference was evident. This is not the case with the Curtises. They are continually improving and upgrading. They are very concerned about the environment and require their tenants to keep their property maintained in order to protect it as well. Several elderly people reside on the moorage and the Curtises recently installed a new ramp for their safety.

They are very conscientious in attempting to keep the rent affordable, so that people on fixed incomes can remain there. If the Curtises are required to reduce the number of houseboats, the result would be an enormous increase in rent and possibly even closure of the moorage. The consequence would also be loss of tax revenue for Multnomah County and displacement of these retired senior citizens. In our opinion, such a move would benefit no one. All parties should work together for an acceptable solution.

Sincerely,


Julian & Myrna Duray

Owner, Boathouse/combo #C 1750

xc: Mark R. Hess, County Planning Staff
Carol Zurawski, Bldg. 166, Room 400
Jerry Hedrick, Oregon Division of State Lands
Don Weidinger, US Army, Corps of Engineers
Judy Lenton, US Army, Corps of Engineers

October 22, 1993

Multnomah Co. Division of
Planning and Development
2115 S. E. Morrison St.
Portland, OR 97214

Dear Sirs:

I am the owner of a small older boat (21 feet) and have been renting open moorage space for the past four years at the Happy Rock Moorage on NW St Helens Road.

This letter is in concern over the notice of zoning violation recently given to Happy Rock. I believe this is a grave injustice.

I have been a boater virtually all of my adult life and on Oregon's waterways--mostly the Willamette, Columbia and Multnomah Channel--since 1968. My family and I have enjoyed and appreciated the delights of this wonderful environment. Four years ago, we discovered Happy Rock and were fortunate to find space available. We have been so pleased that it has been our intention to stay as long as we were able to keep boating our number one recreation.

With this background, I'd like to express my opinion that the owner/operators of Happy Rock have maintained an outstanding stewardship of their small waterfront section of our Oregon heritage.

I believe they have shown how to "do it right" so future generations will have available the opportunities we have enjoyed.

I urge your body to reconsider the tearing apart of Happy Rock; with its serene setting and well maintained and "secure" facilities. Owners like those at Happy Rock deserve commendation and emulation.

Sincerely,

Dick Hawkins
12185 NW Big Fir Ct.
Portland, Oregon 97229

Bcc: CW CURTIS

October 24, 1993

Mr. Mark Hess
Dept. of Environmental Services
Division of Planning and Development
2115 SE Morrison St.
Portland, Oregon 97214

Re: Happy Rock Moorage

Dear Mr. Hess:

I am a boat tenant at Happy Rock.

I understand your department has cited Happy Rock for a zoning infraction, specifically for mooring more houseboats than zoning allows without prior approval or an application therefore.

I wish to add my voice to those who feel Happy Rock Moorage should receive permission to "intensify" their usage of the site in question.

I speak as one familiar with other moorage facilities on the river as well as elsewhere. Over the years I have moored boats on the Oregon coast, in Hawaii, California and Washington. I have some knowledge of zoning matters. I was at one time Planning Director for Quadrant Corporation, a subsidiary of Weyerhaeuser and served as Zoning and Subdivision Examiner for King County, Washington for a number of years.

I can certainly appreciate your department's desire and obligation to:

"...protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of the Willamette River."

And I certainly agree with those aims.

When I look around the area, particularly at the moorage facilities of Happy Rock's immediate neighbors and competitors, it seems to me that nowhere is the river in better hands than it is in Curt's and Ginger's. Though their facilities may not be the most expensive, no moorage I'm familiar with, and I looked all of them over carefully before I moved into Happy Rock, is quieter, cleaner, neater, safer, better patrolled than their's. It is well and imaginatively planted, well laid out, well maintained.

I look at other moorages, particularly those in the immediate area, and find abandoned, beat-up boats, trailers, autos heavily entwined in black berry bushes. I find barely passable roads, junky houseboats festooned with plastic tarps, untended piles of surplus building materials, weeds and loose trash blowing about. Their waterways are often cluttered with

floating debris, their walkways, ramps, outhouses barely usable. I find this is especially true where houseboats alone are moored.

You don't find this stuff at Happy Rock.

I am perfectly at ease about the security of my boat at Happy Rock. content to bring my family and guests with me to enjoy the place. I grant you there are moorages with more expensive walkways, outbuildings, etc. but none I'd rather entrust my boat and pleasure to.

I honestly believe that if I were you and had the obligation to oversee and protect the unique and valuable asset the channel represents I would hope all of it would come under the care and attention of people as energetic, imaginative, hard-working, dedicated, yes, "persnickety" as the Curtis' are.

I urge you to allow (encourage) the Happy Rock Moorage to continue its operation just as it is. With the efforts of the Curtis' and their staff that part of the river is in good hands.

Yours truly,

Graydon Beeks
314 E. Jackson St.
Monmouth, Oregon 97361

Oct. 25, 1993

Re: Zoning Violation, case #ZV42-93
Against Happy Rock Moorage
23606 N.W. St, Helens Rd.
Certificate # P426-968-042
Owners: Clare and Estella
Curtis.

A problem has come to my attention and all other 31 tenants of this moorage. The problem seems to have the only solution of kicking us out of our home sites. That is not as easy as leaving an apartment or a house. It involves moving a complete house, when there is no place to move them to.

The Department of Environmental Services says this moorage is only suppose to have "8" tenants. That means that 24 of us will have to move in "2 months".

How come for 19 years, this moorage and all the tenants have paid all taxes and permits like any other business and all of a sudden we are breaking numerous laws?

I bought this houseboat over 3 years ago and while looking for one, I looked in almost all the moorages in the Portland area. This moorage is one of the cleanest, well kept and safest one I found. Our houses and personal property is well looked after by the owners and managers. So one can leave and feel good that things will be right when you return. This peaceful life-style can't be found in some towns or sections of towns elsewhere.

If this mess is a paper trail or zoning problem, I feel a meeting could be called and see about correcting it to the advantage of both sides.

Thank you for your time.

23598 N.W. St. Helens Rd.
Portland, Oregon 97231

cc: Ms. Beverly Stein
Mark R. Hess
Irving G. Ewen
C.E. Curtis

David G. Murch
Mary Jane Murch
3035 SW 180th P1
Beaverton, OR 97006

November 6, 1993

Multnomah County Oregon
Department Of Enviromental Services
Division of Planning
and Development
2115 SE Morrison Street
Portland, Oregon 97214

Regarding: Property operated by Clare and Estelle Curtis
23606 NW St Helens Road
Case #: ZV 42-93

Dear Mr Ewen:

We the undersigned disagree with the alleged zoning code violation by Clare and Estelle Curtis, who own Happy Rock Moorage.

They have contributed greatly to the area by planting trees, grass and shrubbery which all contributes to the scenic and natural beauty of the river. They are continually working to upgrade and maintain the property, and strongly encourage the tenants to do the same. They have created, out of little more than swampland, a park like setting for the moorage. This is a community service by any standard.

If this outrageous zone action is continued many families will be displaced, which definitely will not be a community service.

We feel you should re-examine the site and expand the zone area to include Happy Rock Moorage or grant an immediate variance.

Thank you for your prompt consideration in this matter.

Sincerely,

David G. Murch
Mary Jane Murch