



Multnomah County Oregon

## Board of Commissioners & Agenda

connecting citizens with information and services

### BOARD OF COMMISSIONERS

**Ted Wheeler, Chair**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

**Deborah Kafoury, Commission Dist. 1**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

**Jeff Cogen, Commission Dist. 2**

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Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: [district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

**Judy Shiprack, Commission Dist. 3**

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

**Diane McKeel, Commission Dist. 4**

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5213 FAX (503) 988-5262

Email: [district4@co.multnomah.or.us](mailto:district4@co.multnomah.or.us)

Link to watch live Thursday Board meetings on-line:

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REVISED

**JANUARY 5 & 7, 2010**

**BOARD MEETINGS**

**FASTLOOK AGENDA ITEMS**

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday – Auditor's Briefing on Central Stores: External Sales Report to Management Nov. 2009 10:15 a.m. Tuesday - Briefing on Multnomah County Department Presentations on State and Federal Legislative Agenda
Pg 3	9:30 a.m. Thursday - Appointment of 2010 Board of Commissioners Vice-Chair
Pg 4	R-1 @ 9:30 a.m. Thursday - Second Reading and Possible Adoption of ORDINANCE to Provide for Vehicle Registration Fee for Construction of New Sellwood Bridge
Pg 4	R-3 @ 9:40 a.m. Thursday - RESOLUTION Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Delivery of the Sellwood Bridge Replacement Project
Pg 4	R-5 @ 10:10a.m. Thursday - RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property for Constructing Improvements on Behalf of Dunthorpe-Riverdale Service District No. 1
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Thursday, 9:30 AM, (LIVE) Channel 30

Sunday, 11:00 AM Channel 30

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Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media  
(503) 667-8848, ext. 332 for further info  
or: <http://www.metroeast.org>

Tuesday, January 5, 2010 - **9:00 AM**  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session pursuant to ORS 192.660(2) (d)(e) and/or (h). Only representatives of the news media and designated staff may attend. News media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session. Final decisions are decided in public Board meetings. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
- 

Tuesday, January 5, 2010 - **10:00 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 Auditor's Briefing on Central Stores: External Sales Report to Management November, 2009 presented by Steve March, Multnomah County Auditor, Mark Ulanowicz Principal Auditor, and Garret R. Vanderzanden, Finance Manager. 15 MINUTES REQUESTED.
- B-2 Multnomah County Board of County Commissioners 2010 State and Federal Legislative Agenda presented by Phillip Kennedy-Wong, Department Directors and staff. 60 MINUTES REQUESTED

Thursday, January 7, 2010 - **9:30 AM**  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

Appointment of Commissioner District 4 Diane McKeel as Multnomah County Vice-Chair for the 2010 Calendar Year Pursuant to Section 3.60 of the Multnomah County Home Rule Charter

### **CONSENT CALENDAR - 9:30 AM** **NON-DEPARTMENTAL**

- C-1 Reappointment of Joe Smith to the Portland International Airport CITIZEN NOISE ADVISORY COMMITTEE
- C-2 Reappointment of Joe Markunas, CPA, to the BUSINESS LICENSE APPEALS BOARD
- C-3 Appointment of Todd Barnhart to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

### **DEPARTMENT OF COUNTY MANAGEMENT**

- C-4 BUDGET MODIFICATION DCM-12 Reclassifying a Finance Technician to a Finance Specialist 1 in FREDS, as Determined by the Class/Comp Unit of Central Human Resources

### **DEPARTMENT OF COMMUNITY SERVICES**

- C-5 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner Catherine Mitchell
- C-6 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to Roman Magac

### **DEPARTMENT OF COMMUNITY JUSTICE**

- C-7 BUDGET MODIFICATION DCJ-12 Reclassifying a Vacant Office Assistant Senior in the Business Services Division, as Determined by the Class/Comp Unit of Central Human Resources

**REGULAR AGENDA**  
**PUBLIC COMMENT - 9:30 AM**

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

**REGULAR AGENDA**  
**COUNTY ATTORNEY'S OFFICE – 9:30 AM**

- R-1** Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapters 11.250-11.256 to Provide for a Vehicle Registration Fee for Construction of a New Sellwood Bridge

**DEPARTMENT OF COMMUNITY SERVICES – 9:35 A.M.**

- R-2** Intergovernmental Expenditure Agreement 4600008043 with the City of Portland to Establish City and County Tasks for the Planning and Public Improvement Process Required Under the National Environmental Policy Act Rules in Connection with the Sellwood Bridge Rehab/Replacement Project
- R-3** RESOLUTION Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Delivery of the Sellwood Bridge Replacement Project
- R-4** Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

**DUNTHORPE RIVERDALE SERVICE DISTRICT – 10:00 A.M.**

*(Recess as the Board of County Commissioners and convene as the governing body for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)*

- R-5** RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements on Behalf of the Dunthorpe-Riverdale Service District No. 1 in Unincorporated Multnomah County



*(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service district No. 1 and reconvene as BOARD OF COUNTY COMMISSIONERS)*

**DEPARTMENT OF COUNTY MANAGEMENT – 10:05 A.M.**

- R-6** NOTICE OF INTENT to Apply for Grant Funding of up to \$558,750 of Stimulus Money Directly from the Federal Government or Indirectly through the State to Improve County-Owned Facilities, Reduce Utility Costs, and Lessen Maintenance Time and Expense
- R-7** BUDGET MODIFICATION DCM-13 (FPM 10-02) Transferring \$443,000 from Facilities Contingency Fund 3505 to Capital Fund 2507 for Courthouse Elevators 3 and 4 Modernization Project
- R-8** BUDGET MODIFICATION DCM-14 (FPM 10-04) Appropriating Funds from the City of Portland into Capital Fund 2507 for Expenses Incurred for Requested Tenant Improvements to the Gate Residential Building for the City of Portland Gateway Center for Domestic Violence Services
- R-9** BUDGET MODIFICATION DCM-15 (FPM 10-03) Transferring \$97,000 to the Fiscal Year 2010 Capital Repair and Maintenance Mini-Fund

**DEPARTMENT OF COUNTY HUMAN SERVICES – 10:35 A.M.**

- R-10** BUDGET MODIFICATION DCHS-11 Increasing SUN Service System Division Federal/State Appropriation by \$149,100 in Intergovernmental Agreement Revenue as Follows: Centennial School District \$49,500; David Douglas School District \$21,000; Gresham Barlow School District \$64,100; City of Portland \$12,000 and Leaders Roundtable \$2,500
- R-11** BUDGET MODIFICATION DCHS-21 Increasing Developmental Disabilities Services Division Federal/State Appropriation by \$25,431 in Grant Funding as Follows: Housing Authority of Portland by \$19,431 and Autism Research and Resources of Oregon by \$6,000

**DEPARTMENT OF HEALTH – 10:45 A.M.**

- R-12** BUDGET MODIFICATION HD-10-16 Appropriating \$337,500 in Grant Revenue from the National Association of County and City Health Officials, Designating the Multnomah County Health Department an Advanced Practice Center for Public Health Emergency Preparedness

**PUBLIC CONTRACT REVIEW BOARD – 10:50 A.M.**

*(Recess as the Board of County Commissioners and convene as the governing body for PUBLIC CONTRACT REVIEW BOARD)*

**R-13 RESOLUTION** Reaffirming an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Courts and District Attorney Facility

*(Adjourn as the governing body for Public Contract Review Board and reconvene as BOARD OF COUNTY COMMISSIONERS)*

**BOARD COMMENT – 11:05 A.M.**

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



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**PUBLIC CONTRACT REVIEW BOARD – 10:50 A.M.**

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**BOARD COMMENT – 11:05 A.M.**

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-1  
Est. Start Time: 9:30 AM  
Date Submitted: 12/16/09

**Agenda Title:** Reappointment of Joe Smith to the Portland International Airport CITIZEN NOISE ADVISORY COMMITTEE

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2010 Amount of Time Needed: N/A  
Department: Non-Departmental Division: CIC  
Contact(s): Ted Wheeler, Ruth Langlois  
Phone: 503-988-5531 Ext. 85531 I/O Address: 503/6  
Presenter(s): Consent Calendar

### General Information

#### 1. What action are you requesting from the Board?

Request the reappointment of Joe Smith to the Portland International Airport Citizen Noise Advisory Committee (CNAC)

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

Multnomah County has one citizen appointment to the 15-member Portland International Airport Citizen Noise Advisory Committee (CNAC). This Committee is charged with reporting, in an advisory capacity, to the Director of Aviation for PDX. CNAC also acts on behalf of the local jurisdictions as the official forum to address community noise concerns. CNAC monitors input on the implementation of the current PDX Noise Compatibility Plan, reviews airport noise issues and provides advice on issue resolution and follow up action. CNAC develops ideas and recommends proposals for consideration in future airport noise plans. CNAC participates on advisory committees involved in long-range airport facilities and capital improvement planning and enhances citizen understanding of airport noise management. CNAC periodically briefs the Port of Portland Board of Commissioners on the work of the Committee. CNAC general meets the second Thursday of every month at the Port of Portland Administrative Offices. Members serve 3 year terms and are eligible

for reappointment.

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

No current year/ongoing fiscal impact

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

No legal and/or policy issues involved.

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

N/A

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**Required Signature**

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



**Date:** 12/16/09



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-2  
Est. Start Time: 9:30 AM  
Date Submitted: 12/15/09

**Agenda Title:** Reappointment of Joe Markunas, CPA, to the BUSINESS LICENSE APPEALS BOARD

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

Requested Meeting Date: January 7, 2010 Amount of Time Needed: N/A  
Department: Non-Departmental Division: Chair's Office  
Contact(s): Ted Wheeler, Ruth Langlois  
Phone: (503)988-5531 Ext. 85531 I/O Address: 503/600  
Presenter(s): Consent Agenda

### General Information

**1. What action are you requesting from the Board?**

Recommend approval of reappointment of Joe Markunas, CPA, to the Business License Appeals Board.

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

Business License Law creates an appeals body, known as the Business License Appeals Board, to hear and decide appeals of Business License Bureau determinations on Code issues. As part of the City Code conformity and joint administration, County Code has designated this body to hear appeals of Bureau determination on County Code issues. As a part of the joint administration of the City and County programs, the Intergovernmental Agreement between the City and County requires that one of the public members must be appointed by the Mayor of the City of Portland from a list of candidates provided by the County Chair. Criteria for appointees to this Board include an appropriate level of expertise in accounting methods and tax regulations. Mr. Markunas, as a CPA, meets these criteria.

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

No fiscal impact

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

No legal and/or policy issues involved.

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

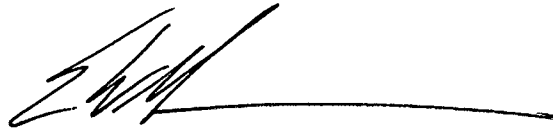
N/A

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**Required Signature**

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

A handwritten signature in black ink, appearing to be "E. W. H.", written over a horizontal line.

**Date: 11/24/2009**

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# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-3  
Est. Start Time: 9:30 AM  
Date Submitted: 12/15/09

**Agenda Title:** Appointment of Todd Barnhart to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	January 7, 2010	Amount of Time Needed:	N/A
Department:	Non-Departmental	Division:	CIC
Contact(s):	Kathleen Todd		
Phone:	503-988-3450	Ext.	22438
	I/O Address:		503/6/CIC
Presenter(s):	Consent Calendar		

### General Information

**1. What action are you requesting from the Board?**

Appointment of 1 new member to the Citizen Involvement Committee.

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

Nominees are passed forward by the Citizen Involvement Committee and appointed to 3-year terms by the Board of County Commissioners. Citizen Involvement Committee members have a 2-term limit. The current nominee will fill a position vacated due to term limits. This candidate has met the appointment criteria set forth by the CIC for membership on the Committee. These include geographic distribution, a letter of recommendation, interviews with current committee members and staff, and participation at CIC discussions, events and meetings.

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

None

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

This nomination process is consistent with the charter provisions establishing the CIC.

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

Acting as an independent, advocate, evaluator and monitor of county citizen involvement, the CIC and its office work to enhance opportunities for citizen participation in policy and decision-making within Multnomah County, thereby increasing the openness of county government.

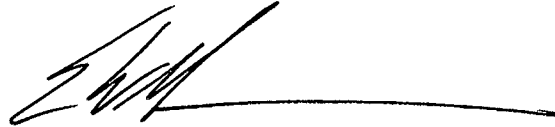
The Office of Citizen Involvement staff actively recruits new members of the CIC to fill vacancies with press releases, outreach to East County cities, Sauvie Island/Corbett Springdale residents, community groups, through social technology such as facebook, blogs, and list-serves as well as word of mouth and various meetings and events. Application materials and recruitment announcements are placed on the County Website. Current members of the CIC recommend this nominee to the Board of County Commissioners for appointment.

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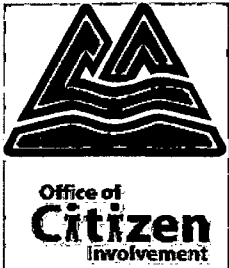
**Required Signature**

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



**Date:** 12/15/09



Office of Citizen Involvement  
**MULTNOMAH COUNTY OREGON**

---

501 SE Hawthorne, Room 192  
Portland, Oregon 97214  
(503) 988-3450 phone  
(503) 988-5674 fax  
[www.citizenweb.org](http://www.citizenweb.org)

December 8, 2009

**MEMORANDUM**

**TO:** Chair Ted Wheeler  
**FROM:** Kathleen Todd  
Office of Citizen Involvement  
**RE:** Appointment to the Citizen Involvement Committee

The following Multnomah County citizen is recommended for appointment to the Citizen Involvement Committee (CIC): Todd Barnhart. If appointed, this new member would serve a three year term, effective through January of 2012.

We are pleased with the range of geographical, personal and occupational experience that Todd brings to the CIC. He has been active in the community and is eager to serve on the CIC. Todd has successfully met the appointment criteria used by the CIC for membership on the Committee which includes a letter of recommendation as well as discussion with committee members and staff. He has also participated at CIC meetings. The prospective appointee's interest form is attached.

cc: file

Todd Barnhart

From: Citizen Involvement  
Sent: Monday, November 16, 2009 1:33 PM  
To: TODD Kathleen M  
Subject: FW: CIC Application

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

From: [mailto:ta@tabarnhart.net]  
Sent: Tuesday, October 13, 2009 9:17 AM  
To: Citizen Involvement  
Subject: CIC Application

Below is the result of your feedback form. It was submitted by  
(ta@tabarnhart.net) on Tuesday, October 13, 2009 at 09:16:53

---

Formtype: CIC Application

name: Todd A Barnhart

address: 3111 Se 29th

city: Portland

state: OR

zip: 97202

homephone: 503-757-5834

workphone: 503-757-5834

employer: self

occupation: writer-activist

resident: Yes

daytime: any

evening: any

experience: • Board Member, First Alternative Coop, Corvallis • Board President (student), Helen Gordon Child Development Center, PSU • Member, Childcare Committee, UO • Member, Family Housing Committee, UO • Chair, Vice-Chair, Westmoreland Family Housing Assn, UO • Community Member, Corvallis Neighborhood Housing Services (now Willamette NHS) • Board Member, Southwest Parent Child Collective • Volunteer, Food Front Coop

references:

Heather Hutchison  
3835 SW Kelly Ave  
Portland, OR 97239  
503.750.6660

Garrett Downen  
2128 SE Hawthorne Blvd, #32  
Portland, OR 97214  
503.889.6989



Todd Barnhart

age: 52

gender: M

Caucasian: true

---



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-4 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-4  
Est. Start Time: 9:30 AM  
Date Submitted: 12/14/09

### BUDGET MODIFICATION: DCM-12

**BUDGET MODIFICATION DCM-12 Reclassifying a Finance Technician to a**  
**Agenda Finance Specialist 1 in FREDS, as Determined by the Class/Comp Unit of**  
**Title: Central Human Resources**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>Consent Calendar</u>
Department:	<u>DCM</u>	Division:	<u>FREDS</u>
Contact(s):	<u>Garret Vanderzanden</u>		
Phone:	<u>503 988-5299</u>	Ext.	<u>24367</u>
		I/O Address:	<u>374/MM</u>
Presenter(s):	<u>N/A Consent</u>		

### General Information

#### 1. What action are you requesting from the Board?

The department is requesting Board approval of Budget Modification DCM-12 reclassifying a Finance Technician position to a Finance Specialist 1 in FREDS (Fleet, Records, Electronics, Distribution and Stores Materiel Management).

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

This modification reflects a Class/Comp decision on a reclassification request initiated by management. Class/Comp reviewed the submitted job duties and description and concluded that a Finance Specialist 1 was the best fit for the position. The reclassification is effective May 17, 2009.

The position is responsible for accounts payable, accounts receivable, performing general ledger corrections, reconciling purchase orders to invoices and collecting customer payments and other miscellaneous administrative support work. These responsibilities are considered routine accounting functions rather than accounting support work. This change impacts program offer 72085 FREDS Materiel Management.

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

The reclassification has a net zero impact on payroll costs in the current year. The pay scale range for a Finance Technician is (\$34,870 - \$42,929) while the pay scale range for a Finance Specialist 1 is (\$38,148 - \$46,896). Personnel cost will increase over time, as the pay scale for the Finance Specialist 1 is higher than a Finance Technician. Ongoing expenses for this position will be absorbed within the FREDS budget.

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

N/A

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

N/A

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## ATTACHMENT A

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### Budget Modification

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

- **What revenue is being changed and why?**  
N/A
- **What budgets are increased/decreased?**  
No budgetary impact in FY10.
- **What do the changes accomplish?**  
Approval of a classification decision from Human Resources Class/Comp unit that best reflects the functions and duties of this position.
- **Do any personnel actions result from this budget modification? Explain.**  
Reclassification of a Finance Technician position to a Finance Specialist 1 in FREDs Material Management.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**  
N/A
- **If a grant, what period does the grant cover?**  
N/A
- **If a grant, when the grant expires, what are funding plans?**  
N/A

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

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**BUDGET MODIFICATION: DCM- 12**

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### Required Signatures

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

*Mindy Harris*

**Date:** 12/11/09

**Budget Analyst:**

*Debra*

**Date:** 12/14/09

**Department HR:**

*Karen Lambert*

**Date:** 12/11/09

**Countywide HR:**

*J. Busby*

**Date:** 11/25/09

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3504	6027	64326	904600	Finance Technician	706634	(1.00)	(42,929)	(12,449)	(14,740)	(70,118)
3504	6029	64326	904600	Finance Specialist 1	706634	1.00	42,929	12,449	14,740	70,118
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	0	0	0	0

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3504	6027	64326	904600	Finance Technician	703344	(1.00)	(42,929)	(12,449)	(14,740)	(70,118)
3504	6029	64326	904600	Finance Specialist 1	703344	1.00	42,929	12,449	14,740	70,118
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	0	0	0	0



Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources

Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

To: Garret Vanderzanden, DCM- FREDS, Finance Manager  
From: Candace Busby, Classification and Compensation Unit (503/4) *C. Busby*  
Date: November 25, 2009  
Subject: Reclassification Request # 1357 (Dorothy Johnson)

We have completed our review of your request and the decision is outlined below.

**Request Information:**

Date Request Received: November 17, 2009	Position Number: 706634
Current Classification: Finance Technician	Requested Classification: Finance Specialist 1
Job Class Number: 6027	Job Class Number: 6029
Pay Grade: 14	Pay Grade: 17

Request is:	<input checked="" type="checkbox"/> Approved as Requested	Effective Date: May 17, 2009
	<input type="checkbox"/> Approved - Revised	
	<input type="checkbox"/> Denied	

Allocated Classification: Finance Specialist 1	Job Class Number: 6029
Pay Range: \$38,147.76 to \$46,896.48 annually	Pay Grade: 17

**Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.**

**Position Information:**

- ☐ Vacant - see New/Vacant Section  
☒ Filled & incumbent reclassified - see Employee Information Section  
☐ Filled & incumbent not reclassified with position See New/Vacant Section

**Employee Information:**

Name of Incumbent Employee: Dorothy Johnson (SAP# 2827)  
New Job Class Seniority Date: May 17, 2009

Date	Job Class and Number	Grade	Step	Rate	Action
5/16/2009	Finance Technician (6027)	14	8	\$20.56	Pre-reclass
5/17/2009	Finance Specialist 1 (6029)	17	5	\$20.56	Post-reclass

Employees in positions reclassified downward to a classification with a lower salary range will receive no change in pay. If an employee's pay exceeds the maximum of the lower salary range, pay will be frozen at the existing rate until the new salary range is higher than the employee's rate of pay. Compensation will be determined in accordance with applicable bargaining agreement or MC Personnel Rule 4-10. Any compensation or seniority adjustments will be processed in accordance with applicable bargaining agreement or MC Personnel Rule 2-80 and 4-10.

Per MC Personnel Rule 5-50-030, when the position is reclassified downward, the employee will be placed on the recall list for reappointment to the higher classification. The employee's Department Human Resource Unit will originate and process required documentation. Contact your Department HR Unit for additional information.

**Reason for Classification Decision:**

This position is responsible for processing accounts receivable and accounts payable actions, and for performing general ledger corrections for the Material Management section of FREDs. The work includes reconciling purchase orders to invoices, collecting customer payments and clearing invoices accordingly, and periodic monitoring of accounts while ensuring accuracy and adherence to county administrative rules and Generally Accepted Accounting Principles (GAAP). The responsibility for these accounts receivable and accounts payable functions are consistent with the Finance Specialist 1 (6029) classification.

**Appeal Rights**

The outcome of a reclassification request may be appealed under Article 15 of the Local 88 contract by filing a Step 3 grievance within fifteen (15) days of receipt of this notification letter.

If you have any questions, please feel free to contact me at 503-988-5015 ext. 24422.

cc: Karin Lamberton, HR Manager  
Susan Giesbrecht, HR Analyst, SR  
Leola Warner, HR Maintainer  
Bryan Lally, Local 88  
Class Comp File Copy





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-5  
Est. Start Time: 9:30 AM  
Date Submitted: 12/21/09

**Agenda Title:** RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner Catherine Mitchell

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b>	January 7, 2010	<b>Amount of Time Needed:</b>	Consent Item
<b>Department:</b>	Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Jerry Elliott		
<b>Phone:</b>	503-988-4624	<b>Ext.</b>	84624
<b>Presenter(s):</b>	Jerry Elliott	<b>I/O Address:</b>	503/1/Tax Title

### General Information

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner Catherine Mitchell.

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

The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on October 2, 2009. Lawyers Title contacted Tax Title on November 5, 2009, on behalf of the former owner, requesting the payoff information to repurchase the property within the 30 days provided by Multnomah County Code Chapter 7. Lawyers title had discovered errors on two 1986 deeds, corrected the documents and re-recorded them to place Catherine Mitchell as the former owner of the subject property.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will

also reinstate the property on the tax roll.

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

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes and expenses.

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

None is anticipated.

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**Required Signature**

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

A handwritten signature in cursive script, reading "M. Cecilia Johnson", is written over a horizontal line.

**Date:**

---

## R532011 Parking Unit P13



## **EXHIBIT B**

### **PROPOSED PROPERTY LISTED FOR REPURCHASE**

LEGAL DESCRIPTION:	Parking Unit P-13, Hall Place Condominium
PROPERTY ADDRESS:	1320 SW Hall Street
TAX ACCOUNT NUMBER:	R532011
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	NA
ASSESSED VALUE:	\$14,510

### **ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:	\$1,644.32
TAX TITLE MAINTENANCE COST & EXPENSES:	\$500.00
PENALTY & FEE:	\$267.95
MINIMUM PRICE REQUEST FOR REPURCHASE	\$2,412.27

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, Catherine Mitchell

**The Multnomah County Board of Commissioners Finds:**

- a. Catherine Mitchell is the former owner of certain real property described as:  
  
Parking Unit P13, Hall Place Condominiums  
(the Property). On or about October 1, 2007 judgment was entered in Multnomah County Circuit Court foreclosing the delinquent taxes levied against the Property.
- b. On October 2, 2009 the County Tax Collector deeded all right, title and interest in the Property to Multnomah County as authorized under ORS 312.200.
- c. Catherine Mitchell has applied to the County in compliance with MCC Section 7.402 to repurchase the Property for \$2,412.27, which amount is not less than that required by ORS 275.180 and MCC Subsection 7.402(C); and it is in the best interest of the County that the Property be sold to the former owner.
- d. The Tax Title Section has received payment in the amount of \$2412.27 from Catherine Mitchell.

**The Multnomah County Board of Commissioners Resolves:**

1. The County Chair is authorized to execute a deed, in substantial compliance with the attached deed, conveying the Property to Catherine Mitchell.

ADOPTED this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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

Until a change is requested, all tax statements shall be sent to the following address:  
CATHERINE MITCHELL  
1320 SW Hall ST #302  
PORTLAND OR 97201-32

After recording return to:  
Multnomah County Tax Title 503/1

**Deed D102198 for R532011**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to Catherine Mitchell, **Grantee**, the following described real property:

Parking Unit P13, Hall Place Condominiums

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$2,412.27.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney  
Page 2 of 2- Resolution and Deed Authorizing Repurchase

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-001**

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, Catherine Mitchell

**The Multnomah County Board of Commissioners Finds:**

- a. Catherine Mitchell is the former owner of certain real property described as:  
  
Parking Unit P13, Hall Place Condominiums  
  
(the Property). On or about October 1, 2007 judgment was entered in Multnomah County Circuit Court foreclosing the delinquent taxes levied against the Property.
- b. On October 2, 2009 the County Tax Collector deeded all right, title and interest in the Property to Multnomah County as authorized under ORS 312.200.
- c. Catherine Mitchell has applied to the County in compliance with MCC Section 7.402 to repurchase the Property for \$2,412.27, which amount is not less than that required by ORS 275.180 and MCC Subsection 7.402(C); and it is in the best interest of the County that the Property be sold to the former owner.
- d. The Tax Title Section has received payment in the amount of \$2412.27 from Catherine Mitchell.

**The Multnomah County Board of Commissioners Resolves:**

1. The County Chair is authorized to execute a deed, in substantial compliance with the attached deed, conveying the Property to Catherine Mitchell.

ADOPTED this 7th day of January, 2010.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

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

CATHERINE MITCHELL  
1320 SW Hall ST #302  
PORTLAND OR 97201-32

After recording return to:  
Multnomah County Tax Title 503/1

**Deed D102198 for R532011**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to Catherine Mitchell, **Grantee**, the following described real property:

Parking Unit P13, Hall Place Condominiums

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$2,412.27.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney



Until a change is requested, all tax statements shall be sent to the following address:  
CATHERINE MITCHELL  
1320 SW Hall ST #302  
PORTLAND OR 97201-32

After recording return to:  
Multnomah County Tax Title 503/1

**Deed D102198 for R532011**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to Catherine Mitchell, **Grantee**, the following described real property:

Parking Unit P13, Hall Place Condominiums

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$2,412.27.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January 2010

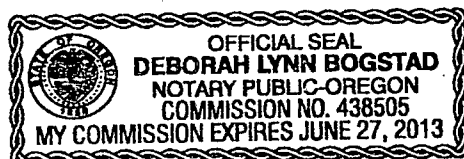


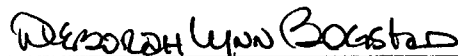
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

STATE OF OREGON )  
COUNTY OF MULTNOMAH )

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.





Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-6  
Est. Start Time: 9:30 AM  
Date Submitted: 12/21/09

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to ROMAN MAGAC

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b>	January 7, 2010	<b>Amount of Time Needed:</b>	Consent Item
<b>Department:</b>	Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Jerry Elliott		
<b>Phone:</b>	503-988-4624	<b>Ext.</b>	84624
<b>Presenter(s):</b>	Jerry Elliott	<b>I/O Address:</b>	503/1/Tax Title

### General Information

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the private sale of a tax-foreclosed property to Roman Magac.

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

The subject property is a strip of land that came into county ownership through the foreclosure of delinquent tax liens in 1981. The strip is more or less 8.3' wide and approximately 116.4' long. The strip is approximately 436'square feet in size. The attached plat map Exhibit A shows it as Tax Lot #1800. The strip is located between 2812 NE Bryant St and 2761 NE Bryant St. An aerial photo, Exhibit B, shows the strip in relation to the two adjacent properties. We propose to sell the strip to the owner of the 2812 SE Bryant St property.

This action affects our Vibrant Communities Program Offer by placing a tax-foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will

also reinstate the property on the tax roll (see Exhibit C).

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

No legal issues are expected. The parcel will be deeded "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

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**Required Signature**

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

A handwritten signature in cursive script, reading "M. Cecilia Johnson". The signature is written in dark ink and is positioned above a horizontal line.

**Date:** 12/21/09

---

2812 NE Bryant St



## EXHIBIT B

R315422



Subject strip

2812 NE Bryant ST

## EXHIBIT C

### LEGAL DESCRIPTION:

Described in that certain TAX FORECLOSURE DEED dated the 9<sup>th</sup> day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

ADJACENT PROPERTY	2812 NE Bryant St
TAX ACCOUNT NUMBER:	R315422
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	More or less 436 square feet
ASSESSED VALUE:	\$400

### ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$19.52
TAX TITLE MAINTENANCE COST & EXPENSES:	\$50.34
RECORDING FEE:	\$26.00
SUB-TOTAL	\$95.86
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$400.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Private Sale of a Tax Foreclosed Property to Roman Magac

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes the following real property:

Described in that certain TAX FORECLOSURE DEED dated the 9<sup>th</sup> day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

- b. The property has a real market value of \$400 on the assessment roll prepared for the County, consistent with the requirement of ORS 275.225(1) (a).
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under applicable zoning ordinances and building codes, as provided under ORS 275.225(1) (b).
- d. Roman Magac has agreed to pay \$400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$400, the Chair on behalf of Multnomah County is authorized to execute a deed, substantially in compliance with the attached deed; conveying to Roman Magac the real property described above.

ADOPTED this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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

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

ROMAN MAGAC  
2812 NE BRYANT ST  
PORTLAND OR 97211

After recording return to:  
Multnomah County Tax Title 503/4

**Deed D102197 for R315422**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to ROMAN MAGAC, **Grantee**, the following real property:

Described in that certain TAX FORECLOSURE DEED dated the 9th day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$400.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-002**

Authorizing the Private Sale of a Tax Foreclosed Property to Roman Magac

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes the following real property:

Described in that certain TAX FORECLOSURE DEED dated the 9<sup>th</sup> day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

- b. The property has a real market value of \$400 on the assessment roll prepared for the County, consistent with the requirement of ORS 275.225(1) (a).
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under applicable zoning ordinances and building codes, as provided under ORS 275.225(1) (b).
- d. Roman Magac has agreed to pay \$400, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$400, the Chair on behalf of Multnomah County is authorized to execute a deed, substantially in compliance with the attached deed; conveying to Roman Magac the real property described above.

ADOPTED this 7th day of January, 2010.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

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

Until a change is requested, all tax statements shall be sent to the following address:  
ROMAN MAGAC  
2812 NE BRYANT ST  
PORTLAND OR 97211

After recording return to:  
Multnomah County Tax Title 503/4

**Deed D102197 for R315422**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to ROMAN MAGAC, **Grantee**, the following real property:

Described in that certain TAX FORECLOSURE DEED dated the 9th day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

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The true consideration for this conveyance is \$400.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

Until a change is requested, all tax statements shall be sent to the following address:  
ROMAN MAGAC  
2812 NE BRYANT ST  
PORTLAND OR 97211

After recording return to:  
Multnomah County Tax Title 503/4

**Deed D102197 for R315422**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to ROMAN MAGAC, **Grantee**, the following real property:

Described in that certain TAX FORECLOSURE DEED dated the 9th day of June 1981, and recorded on June 9, 1981 at Book 1529 and Page 1665 in the Multnomah County Deed Records; being the 23rd property interest listed on Page 1667 of said TAX FORECLOSURE DEED.

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The true consideration for this conveyance is \$400.

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 7th day of January, 2010



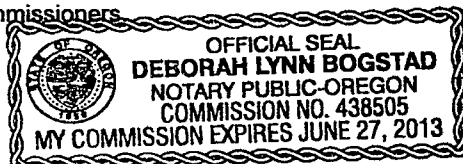
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

STATE OF OREGON

COUNTY OF MULTNOMAH

This Deed was acknowledged before me this 7th day of January 2010, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners





Deborah Lynn Bogstad,  
Notary Public for Oregon;  
My Commission expires: 6/27/2013

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-7 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: C-7  
Est. Start Time: 9:30 AM  
Date Submitted: 12/21/09

### BUDGET MODIFICATION: DCJ- 12

**BUDGET MODIFICATION DCJ-12 Reclassifying a Vacant Office Assistant**  
**Agenda Senior in the Business Services Division, as Determined by the Class/Comp Unit**  
**Title: of Central Human Resources**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Business Services</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
	I/O Address:		<u>503 / 250</u>
Presenter(s):	<u>Consent Calendar</u>		

### General Information

#### 1. What action are you requesting from the Board?

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

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

Reclassification of a 1.00 FTE Office Assistant Senior (6002) position to an Office Assistant 2 (6001) was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on December 16, 2009, to be effective December 28, 2009.

This position will serve in the Business Services unit by providing administrative and business support to the Department. This position is responsible for reception desk coverage including answering the phone, directing calls to the appropriate personnel, and providing information to

visitors. This position will provide general clerical support to the Business Services unit through updating, compiling, and archiving various records and files. In addition, this position will perform payroll time entries for over 50 employees. This position requires two years of general clerical experience, including experience working with clients and/or the public and education equivalent to the completion of the twelfth grade. These functions are consistent with those of the Office Assistant 2 (6001) classification.

This position is part of FY 2010 Program Offer 50001 – DCJ Business Services.

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

There is no fiscal impact for current year FY 2010 because the pay scale ranges for these two positions overlap. This position is ongoing and is expected to be included in the FY2011 budget submittal.

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

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

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

N/A

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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

N/A

- What do the changes accomplish?

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

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

No, this position is currently vacant

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

N/A

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

N/A

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

N/A

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

N/A

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

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BUDGET MODIFICATION: DCJ - 12

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### Required Signatures

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Elected Official or  
Department/  
Agency Director:

for Scott Taylor

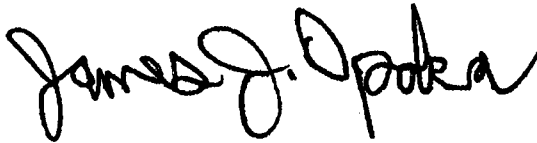
Date: 12/21/09

Budget Analyst:



Date: 12/21/09

Department HR:



Date: 12/21/09

Countywide HR:



Date: 12/18/09

Budget Modification ID: **DCJ-12****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

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



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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6002	65160	509600	Office Assistant Senior	704594	(1.00)	(37,020)	(10,736)	(14,083)	(61,839)
1000	6001	65160	509600	Office Assistant 2	704594	1.00	37,020	10,736	14,083	61,839
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	0	0	0	0

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6002	65160	509600	Office Assistant Senior	704594	(0.52)	(19,250)	(5,583)	(7,323)	(32,156)
1000	6001	65160	509600	Office Assistant 2	704594	0.52	19,250	5,583	7,323	32,156
										0
										0
										0
										0
										0
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										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	0	0	0	0



Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources

Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

To: Joyce Resare, DCJ, Business Services  
From: Olga Ward/Candace Busby, DCM Class Comp  
Date: December 16, 2009  
Subject: Reclassification Request #1370 (vacant)

*Olga Ward*  
*Candace Busby*

We have completed our review of your request and the decision is outlined below.

**Request Information:**

Date Request Received: December 8, 2009  
Current Classification: Office Assistant Sr.  
Job Class Number: 6002  
Pay Grade: 14

Position Number: 704594  
Requested Classification: Office Assistant 2  
Job Class Number: 6001  
Pay Grade: 9

Request is: ☒ Approved as Requested  
☐ Approved - Revised  
☐ Denied

Effective Date: December 28, 2009

Allocated Classification: Office Assistant 2  
Pay Range: \$30,129.84 - \$37,020.24 annually

Job Class Number: 6001  
Pay Grade: 9

**Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.**

**Position Information:**

☒ Vacant - see New/Vacant Section  
☐ Filled & incumbent reclassified - see Employee Information Section  
☐ Filled & incumbent not reclassified with position See New/Vacant Section

**New/Vacant Position Information:**

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

**Reason for Classification Decision:**

This position will serve in the Business Services unit by providing administrative and business support to the Department. This position is responsible for reception desk coverage including answering the phone, directing calls to appropriate personnel, and providing information to visitors. This position will provide general clerical support to the Business Services units through updating, compiling, and archiving various records and files. In addition, this position will perform payroll time entries for over 50 employees. The position requires two years of general clerical experience, including experience working with clients and/or the public and education equivalent to the completion of the twelfth grade. This and one other Office Assistant 2 position will be led by an Administrative Analyst. These functions are consistent with those of the Office Assistant 2 (6001) classification.

If you have any questions, please feel free to contact Olga Ward at 503-988-5015 ext. 22747.

cc: James Opoka, HR Manager  
Lorraine Newell, HR Maintainer  
Local 88  
Class Comp File Copy



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: UC-1  
Est. Start Time: 9:30 AM  
Date Submitted: 01/06/2010

**Agenda Title:** **PROCLAMATION Honoring January 11, 2010 as Human Trafficking Awareness Day in Multnomah County, Oregon**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2009 Amount of Time Needed: 5 minutes  
Department: Non-Departmental Division: Commissioners  
Contact(s): Andrew Olsen, Corie Wiren  
Phone: 503.988.5213 Ext. 85213 I/O Address: 503/600  
Presenter(s): Commissioner Diane McKeel

## General Information

**1. What action are you requesting from the Board?**

Making January 11, 2010 Human Trafficking Awareness Day in Multnomah County, Oregon

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

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

None

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

None

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

On Saturday, January 11, at the Red Lion Janzen Beach there will be a Northwest Conference Against Trafficking. Speakers include Sen. Ron Wyden, Mayor Timothy Leavitt of Vancouver, Commissioners Dan Saltzman and Amanda Fritz, Reps. Brent Barton and Jefferson Smith, and Commissioner Diane McKeel. All are encouraged to attend.

---

**Required Signature**

---

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

*Diane McKeel*

**Date:** 01/07/2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 2010-003**

Honoring January 11, 2010 as Human Trafficking Awareness Day in Multnomah County, Oregon

**The Multnomah County Board of Commissioners Finds:**

- a. A resolution passed by Congress in 2007 and proposed by Senators Feinstein, Obama, Luger and Cornyn, designated January 11 of each year as Human Trafficking Awareness Day in the United States.
- b. Human Trafficking is the modern day practice of slavery.
- c. Today in the United States, it is estimated that 200,000 minors are at high risk for being trafficked for sexual exploitation. Ninety percent of the victims are American citizens.
- d. The average age of entry into the sex industry is 12 years old.
- e. Trafficking continues because of the huge potential for profit, based on enormous demand, and because of the negligible or low risk of prosecution.
- f. On January 9, 2010, there will be a Northwest Conference Against Trafficking.

**The Multnomah County Board of Commissioners Proclaims:**

January 11, 2010 as Human Trafficking Awareness Day in Multnomah County, Oregon.

ADOPTED this 7th day of January 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, County Chair

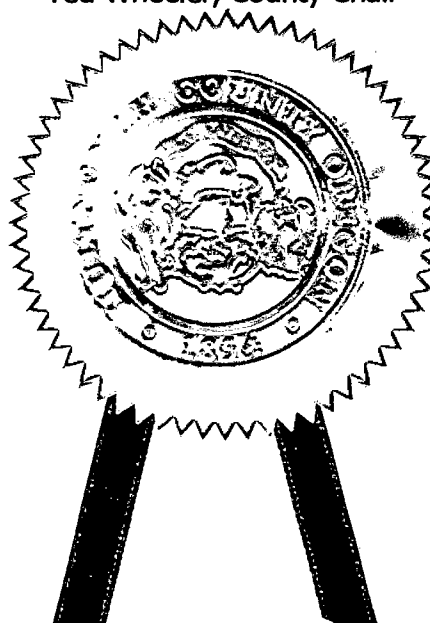
  
Deborah Kafoury,  
Commissioner District 1

  
Judy Shiprack,  
Commissioner District 3

SUBMITTED BY:  
Commissioner Diane McKeel

  
Jeff Cogen,  
Commissioner District 2

  
Diane McKeel,  
Commissioner District 4



**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 1-27-2010

SUBJECT: PUBLIC COMMENT - HELMET - FINES + FEES

AGENDA NUMBER OR TOPIC: Public Comment

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: TERRY PARISER

ADDRESS: P.O. Box 13503

CITY/STATE/ZIP: PORTLAND OR 97213-0503

PHONE: \_\_\_\_\_ DAYS: 503 284-8742 EVES: SAME

EMAIL: customersenspro@hotmail.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: Supplied

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

TERRY PARKER  
P.O. BOX 13503  
PORTLAND, OREGON 97213-0503  
503-284-8742  
customerservpro@hotmail.com

Thank you all for the opportunity to testify. Chair Wheeler, you know the value of a helmet. If I remember correctly, you said something to the effect of: it may have saved your life while skiing on the slopes at Mt. Bachelor. As of January 1<sup>st</sup>, 2010, the State of Oregon has extended mandatory helmet protection for ATV riders and life jacket protection for boaters. Drivers are required to use seatbelts and motorcyclists are required to wear helmets. So why not adult bicyclists? Why, because the government discriminately caters to the bicyclists who have become well organized in their refusal and opposition to accept complying with the majority of common place standards and ethics in a modern society.

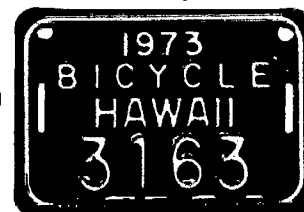
Multnomah County should, could and needs to take the lead by requiring all bicyclists within the county, when riding on public right-of-ways, to wear helmets - or be fined for a primary offense traffic violation at the same dollar amount as a violation for not wearing a seat belt. In Oregon, a bicycle is a vehicle. This would bring bicyclists, at least in the most densely populated county in the state, into conformity with the safety codes the operators of other types of vehicles are required to comply with. Bicyclists must not be an exception to these types of safety codes when similar codes apply to everybody else.

Additionally, Chair Wheeler, as you know, it is invigorating to get out there and have that feeling of freedom while whooshing down those slopes on a pair of skis. I know! I skied for about 12 years. But when I did, undoubtedly like you, I paid hefty fees for the privilege to use the public lands and the developed infrastructure to take me to the top so I could use my skis on those down hill runs. Bicyclists too need to directly pay for the privilege of using their bikes on the exclusive infrastructure that is being provided specifically for them.

In the second part of 1890s, bicycles in Multnomah County were required to be licensed – the money used to pay for bicycle paths. After May 1, 1899, all bicycles in Multnomah County without license tags were seized and held until a payment fee was received. This registration applied to out-of-state bicycles and well as those owned in Oregon. In that Mayor Sam Adams is in the process of shoving through his “500 million dollar” Bicycle Master Plan, Multnomah County needs to revisit history and establish a robust bicycle license and registration fee to pay for any such plan – a fee that also includes a surcharge to pay for all of the overly generous bicycle infrastructure included in the Sellwood Bridge replacement project.

Third, have any of you ever been in a crosswalk and had a bicyclist unexpectedly whiz by within an arms length? I have, many times. There are numerous recorded crashes of bicyclists hitting and injuring pedestrians, including on Multnomah County controlled property such as the Hawthorne Bridge where the bicyclist had to be held by passers by from leaving the scene. Simply put, Multnomah County also needs to require bicyclists to carry insurance.

Currently, not only do bicyclists often bypass common sense safety practices, but they are “freeloading deadbeats” when it comes to paying for the specialized infrastructure they clamor for and arrogantly abuse traffic laws other public roadway users are expected to comply with. With the stroke of a pen, Multnomah County can require all bicyclists to wear helmets. Bicycle license and registration fees might take a little longer, but MUST be considered as a top priority while the insurance issue is studied with the prospects of bringing it to the board for implementation sometime in the near future.





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-1  
Est. Start Time: 9:30 AM  
Date Submitted: 12/08/09

**Second Reading and Possible Adoption of an ORDINANCE Amending**  
**Agenda Multnomah County Code Chapters 11.250-11.256 to Provide for a Vehicle**  
**Title: Registration Fee for Construction of a New Sellwood Bridge**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2010 Amount of Time Needed: 5 minutes  
Department: Non-Departmental Division: County Attorney  
Contact(s): John Thomas  
Phone: (503) 988-3138 Ext. 83138 I/O Address: 503/500  
Presenter(s): John Thomas

### General Information

1. What action are you requesting from the Board?  
Approve first Reading of an Ordinance Amending Vehicle Registration Fees for Construction of a New Sellwood Bridge.
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.  
On October 22, 2009, the Board of Commissioners passed an Ordinance establishing Vehicle Registration Fees for construction of a new Sellwood Bridge. After discussions with ODOT, it was determined that these changes were necessary to bring the Ordinance into conformity with state law.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.  
A hearing will be held in conjunction with the first and second reading of the ordinance.

### Required Signature

Elected Official or  
Department/  
Agency Director:

Date: 11/19/2009



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

Ordinance Amending MCC §§ 11.250-11.256 to Provide for a Vehicle Registration Fee for Construction of a New Sellwood Bridge

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

**The Multnomah County Board of Commissioners Finds:**

- a. On October 22, 2009 the Board adopted Ordinance 1148 establishing a vehicle registration fee to provide a dedicated revenue source for replacement of the Sellwood Bridge in Multnomah County
- b. Oregon Laws Chapter 865 (2009), effective September 28, 2009, grants to counties with a population of 350,000 or more the authority to enact an ordinance establishing vehicle registration fees for the purpose of designing, replacing and acquiring necessary property for engineering and constructing a bridge and its approach that crosses the Willamette River in the City of Portland.
- c. On October 22, 2009 by Ordinance 1148 the Board approved MCC §§ 11.250-11.256 establishing vehicle registration fees for the purpose of funding replacement of the Sellwood Bridge.
- d. It is necessary to amend MCC §§ 11.250-11.256 to conform to state law.

**Multnomah County Ordains as follows:**

**Section 1.** MCC §§ 11.250-11.256 are amended as follows:

**~~MOTOR~~-VEHICLE REGISTRATION FEE**

**§ 11.250 AUTHORITY.**

This ordinance is adopted pursuant to the authority granted by Oregon Laws Chapter 865 (2009).

**§ 11.251 PURPOSE.**

The purpose of this ordinance is to provide funds for the designing, replacing, acquiring necessary property for, engineering and constructing a new Sellwood Bridge and approaches. Except for motor vehicles registered as government-owned vehicles under ORS 805.040, the Sellwood Bridge will be restricted to motor vehicles with a gross vehicle weight rating of 26,000 pounds or less.

**§ 11.252 DEFINITIONS.**

(A) "~~Motor v~~ehicle" shall have the meaning given in ORS ~~801.360~~801.590.

(B) "Registration" or "register" shall have the meaning given in ORS 801.410.

**§ 11.253 FEE IMPOSED; EXEMPTIONS.**

(A) Subject to the exceptions in paragraph B, a vehicle registration fee is imposed on every ~~motor~~-vehicle registered with the State of Oregon Department of Transportation where the address on the application for registration or the renewal of registration is in Multnomah County.

(B) The following ~~motor~~-vehicles are exempt from the vehicle registration fee:

- (1) Snowmobiles and Class I all-terrain vehicles;
- (2) Fixed load vehicles;
- (3) Vehicles registered under ORS 805.100 to disabled veterans;
- (4) Vehicles registered as antique vehicles under ORS 805.010;
- (5) Vehicles registered as vehicles of special interest under ORS 805.020;
- (6) Government-owned or operated vehicles registered under ORS 805.040 or 805.045;
- (7) School buses or school activity vehicles registered under ORS 805.050;
- (8) Law enforcement undercover vehicles registered under ORS 805.060;
- (9) Vehicles registered on a proportional basis for interstate operation;
- (10) Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420 (10) or (11);
- (11) Vehicles registered as farm vehicles under the provisions of ORS 805.300;
- (12) Travel trailers, campers and motor homes.

**§ 11.254 AMOUNT OF THE FEE.**

With the exception of a trailer issued permanent registration as described in ORS 803.415(1)(c), ~~At the time a motor-vehicle is first registered or at the time of registration renewal, the applicant shall pay a county vehicle registration fee of \$3819.00 for each two-year of the registration period. At the time a trailer issued permanent registration is first issued, the applicant shall pay a county vehicle registration fee of \$10.00.~~ This fee is in addition to other fees required to be paid to that State of Oregon under ORS 803.420. The fee shall be collected by the Oregon Department of Transportation on behalf of the Multnomah County.

**§ 11.255 AGREEMENT WITH THE OREGON DEPARTMENT OF TRANSPORTATION.**

Pursuant to ORS ~~801.401~~801.041, the County shall enter into an intergovernmental agreement with the Oregon Department of Transportation ~~ODOT~~ for collection of the fees.

**§ 11.256 USE OF PROCEEDS**

The net proceeds of the fees collected under this subchapter shall be used exclusively to pay the cost of designing, engineering, acquiring necessary property for, and constructing the new Sellwood Bridge.

**Section 2.** The Board Clerk is directed to file a copy of this Ordinance with the Oregon Department of Transportation.

**Section 3.** The effective date of this ordinance is September 1, 2010.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

January 7, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:  
Agnes Sowle, Multnomah County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1151**

Ordinance Amending MCC §§ 11.250-11.256 to Provide for a Vehicle Registration Fee for Construction of a New Sellwood Bridge

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

**The Multnomah County Board of Commissioners Finds:**

- a. On October 22, 2009 the Board adopted Ordinance 1148 establishing a vehicle registration fee to provide a dedicated revenue source for replacement of the Sellwood Bridge in Multnomah County
- b. Oregon Laws Chapter 865 (2009), effective September 28, 2009, grants to counties with a population of 350,000 or more the authority to enact an ordinance establishing vehicle registration fees for the purpose of designing, replacing and acquiring necessary property for engineering and constructing a bridge and its approach that crosses the Willamette River in the City of Portland.
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- (4) Vehicles registered as antique vehicles under ORS 805.010;
- (5) Vehicles registered as vehicles of special interest under ORS 805.020;
- (6) Government-owned or operated vehicles registered under ORS 805.040 or 805.045;
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- (8) Law enforcement undercover vehicles registered under ORS 805.060;
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**§ 11.256 USE OF PROCEEDS**

The net proceeds of the fees collected under this subchapter shall be used exclusively to pay the cost of designing, engineering, acquiring necessary property for, and constructing the new Sellwood Bridge.

**Section 2.** The Board Clerk is directed to file a copy of this Ordinance with the Oregon Department of Transportation.

**Section 3.** The effective date of this ordinance is September 1, 2010.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

January 7, 2010



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Agnes Sowle, Multnomah County Attorney



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-2  
Est. Start Time: 9:35 AM  
Date Submitted: 12/29/09

**Intergovernmental Expenditure Agreement 4600008043 with the City of Portland to Establish City and County Tasks for the Planning and Public Improvement Process Required Under the National Environmental Policy Act**  
**Agenda Title: Rules in Connection with the Sellwood Bridge Rehab/Replacement Project**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2010 Amount of Time Needed: 5 minutes  
Department: Community Services Division: Land Use & Transportation  
Contact(s): Michael Eaton, Project Manager  
Phone: (503) 988-3757 Ext. 247 I/O Address: 446  
Presenter(s): Ian Cannon

### General Information

#### 1. What action are you requesting from the Board?

Approval of an Intergovernmental Agreement with the City of Portland for additional participation in support of the Sellwood Bridge Project.

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

The Sellwood Bridge is deteriorated after approximately 80 years of service, and the bridge has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County has initiated a planning and design process for replacement of the bridge. The Intergovernmental Agreement between the City of Portland and the County continues our relationship with the City as a project partner and arranges for the City to provide participation in public involvement, regulatory oversight, and technical expertise in traffic modeling.

The IGA extends through the end of the Final Environmental Impact Statement (FEIS) process. The scope of work in the IGA is as follows:

- 1) Extends through January 2, 2011.
- 2) City will actively participate in staff and political committees that are part of the project.

- 3) City will assist with public outreach events.
- 4) City will assist with Bureau reviews of FEIS documents.
- 5) City will provide transportation analysis at key intersections.
- 6) Has a not-to-exceed (NTE) amount of \$55,000.

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

The Intergovernmental Agreement NTE amount is 100% reimbursable from state and federal funds dedicated to the Sellwood Bridge Replacement or Rehabilitation Project.

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

N/A

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

The project has had an extensive public involvement process that will extend through the end of the FEIS process and will continue into the Design and Construction Phases.

It began with an outreach program that contacted 100 civic organizations. A Community Task Force has included 20 stakeholders representing a broad range of interest groups. In addition, the process has involved our partners, the City of Portland, Metro, ODOT, and FHWA, as well as other impacted jurisdictions, Clackamas County, the Cities of Clackamas County, TriMet, and the Oregon Legislature.

The Policy Advisory Group (PAG), comprised of elected officials from 10 local jurisdictions, discussed and eventually approved 6 key decision points in the course of arriving at the Preferred Alternative. Public engagement such as open houses, surveys, and public hearings were held prior to these milestones. As a result, the project has enjoyed widespread public support and consensus.

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**Required Signature**

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



**Date: 12/29/09**





## IGA Contract

## Vendor Address

PORTLAND CITY OF OFFICE OF  
TRANSPORTATION  
106/800

## Information

Contract Number 4600008043  
Date 12/02/2009  
Vendor No. 28777  
Contact/Phone Bridges /  
503-988-3757  
Validity Period: 07/01/2009 - 02/02/2011  
Minority Indicator: Not Identified

**Estimated Target Value:** 55,000.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0001	<p>IGA w-Portland re Sellwood Br NEPA Reqmt</p> <p>Plant: F030 Community Service Requirements Tracking Number: 999 <i>Intergovernmental Agreement with the City of Portland Office of Transportation Planning to establish City &amp; County tasks necessary to conduct planning and public involvement required under the National Environmental Policy Act (NEPA) rules in connection with the proposed Sellwood Bridge Project.</i> (WBS: 6700RT1015P600) Effective Dates: 07/01/09 - 01/02/2011 Project Manager: Michael Eaton-Bridge Section 503) 988-3757 x247 [Admin Contact: Cathey Kramer-Yeon Shops(503) 988-5050 x22589]</p>	55,000.000	Dollars	\$ 1.0000

**From:** RYAN Matthew O  
**Sent:** Wednesday, December 02, 2009 10:20 AM  
**To:** KRAMER Cathey M  
**Cc:** CANNON Ian B; EATON Michael J  
**Subject:** Final IGA 4600008043 with Portland re: Sellwood Br NEPA Reqmts

Cathey,

The attached IGA has been reviewed and is approved for submission to the BCC for its consideration. Thanks.

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

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# INTERGOVERNMENTAL AGREEMENT

## Agreement No. 4600008043

This is an Agreement between City of Portland (City) and Multnomah County (County). This Intergovernmental Agreement (IGA) is made pursuant to authority granted in ORS Chapter 190.

### I. RECITALS:

- A. The purpose of this agreement is to establish the City's and the County's tasks necessary to conduct a planning and public involvement process required under the National Environmental Policy Act (NEPA) rules with respect to the proposed Sellwood Bridge Project (Project).
- B. This planning and public involvement process shall examine the impacts of replacing the Sellwood Bridge and includes amongst other tasks "Public Outreach" meetings to explain the Project and receive public comment and concerns.
- C. The County has empanelled a Senior Agency Staff (SAS) group comprised of representatives of jurisdictions, including the City, impacted by the Sellwood Bridge Project.
- D. Through the execution of this Agreement, both the City and County agree to participate in the "Project Management Team" (PMT) to oversee and manage the Sellwood Bridge NEPA Process; it is contemplated at this time the PMT is to be comprised of representatives of the County, the City of Portland, Metro, and the County's engineering consultants.
- E. The City and County now desire to reduce to writing their cooperative roles in the NEPA Process for the Sellwood Bridge Project.

### II. THE PARTIES AGREE AS FOLLOWS:

- A. **TERM.** The term of this agreement shall be from July 1, 2009 through January 2, 2011. The intent of the term is to last through the NEPA process to the NEPA Record of Decision.
- B. **RESPONSIBILITIES OF CITY.** The City agrees to:
  - 1. Designate John Gillam as Project Liaison for the Sellwood Bridge Project. The Project Liaison shall:
    - a. Be the designated primary contact person for the City in all matters related to the services provided under this Agreement;
    - b. Keep the County and the PMT fully and promptly informed of the positions, comments, and questions of the affected City bureaus with respect to the Project;
    - c. Keep all affected City bureaus informed of the positions, comments, and questions of their colleague City bureaus with respect to the Project;
    - d. Attend and actively participate in the PMT including all meetings and other PMT activities and ensure the same for any appropriate City bureau staff, as required;

- e. Upon request from the County, be able to identify the City's final position on a Project issue if City bureaus have varied in their positions;
  - f. As directed by the County, provide input regarding scheduling and regulatory tasks for the Project Work Plan;
  - g. Conduct regular and timely briefings of current project progress to the elected City officials and to the management of all appropriate City bureaus;
  - h. Issue written notice to County (updated as necessary) identifying the persons briefed under this Section; and
  - i. Assist the County in obtaining permits from City bureaus.
2. City's Project Liaison and appropriate City staff (as approved by County) shall actively participate in meetings of the PMT and SAS for the Project. City staff participating in the PMT and the SAS shall be prepared to respond to all inquiries regarding the areas of city responsibility and authority relating to the Project. City staff participating in the PMT and SAS shall also promptly advise City management of the current status of the NEPA process and identify and promptly report to the PMT and SAS any issues of concern perceived by the City with respect to the Project.
3. City's Project Liaison and appropriate City staff shall actively participate in Public Outreach meetings as requested by the County. City personnel participating in the Public Outreach meetings shall be prepared to respond to all inquiries from the public regarding City policies and regulations as they pertain to the ongoing NEPA process for the Project.
4. The City's Project Liaison shall manage an in-house technical advisory committee ("City TAC") comprised of staff from appropriate City bureaus. The City TAC shall meet as necessary. The functions of the City TAC are to review and comment on project developments that may affect City Bureau policies and responsibilities and to be able to provide ongoing project status and updates within the City's management structure. If there are situations where the policies of different City bureaus may be in conflict with one another with respect to the Project, the City's Project Liaison shall assist the County by facilitating the resolution of these situations.
5. When there are materials requiring City review, the review period shall be two (2) weeks unless otherwise specified by the County in writing. The City Project Manager shall coordinate and provide to the County the City TAC's review comments.
6. The City shall provide Transportation Analysis documents by December 30, 2009: Date is contingent upon timely receipt of necessary information and specifications by the County. The documents required are:
  - a. Written justification for a pedestrian-activated traffic signal at SE 6<sup>th</sup> Ave. and Tacoma St.
  - b. Written justification for relocating the access for the Macadam Bay Floating Home Community in Willamette Moorage Park to the City-owned access point immediately south of Freeman Motors, 7524 SW Macadam Ave.

- c. In the future Design Phase of the Sellwood Bridge Project, the City shall assist the Oregon Department of Transportation (ODOT) in the final design of Highway 43 (Macadam Blvd.) and provide necessary design information for the currently planned accesses (as described in the Interchange Area Management Plan Agreement between the City and ODOT).
- 7. Reimbursement shall be under the following terms:
  - a. Total payments to the City will not exceed \$55,000 (including any expenses).
  - b. City shall bill County for the work, as follows:
    - i. City shall submit monthly or quarterly invoices to the County's Project Manager for County approval for actual work performed and authorized expenses incurred within the specific invoice period. The Project Liaison shall submit with invoices a summary of the work done through the period of the invoice and a forecast of the upcoming City-related tasks for the next invoice period.
    - ii. Invoices must show the hours and dates worked, billing rates including overhead, and summarize the nature of work done. Expenses must be fully itemized. Only listed expenses will be reimbursed.

County will reimburse the City for the following expenses:

- a) City's purchases of specialized reference material or informational material required to complete the deliverables under this agreement, with receipts.
- b) The actual, reasonable costs incurred by the City for mailing, copying, or delivering: documents, electronic media, or similar records required for the performance of this Agreement, with receipts.
- c) Travel and per diem costs incurred for required travel outside of the greater Portland metro area; reimbursement in accordance with County reimbursement rates and procedures.
- iii. Unless otherwise approved in writing by the County, invoices shall be submitted to the County not more than 30 days after the end of the billing period. City shall verify any travel, per diem costs, or other expenses with receipts if requested by the County.

#### **C. RESPONSIBILITIES OF COUNTY**

- 1. The County, as owner of the Sellwood Bridge, agrees to serve as the Project Manager for the implementation of the (NEPA) process designed to determine the potential impacts of rebuilding or rehabilitating the Sellwood Bridge and to find the consensus best alternative.
- 2. County will implement the NEPA process, be responsible for developing all required plans and specifications as required under the process, and any follow-up on construction as needed and determined by the planning process.
- 3. County will administer the Federal Highway funding for the project and will pay the City.

**D. TERMINATION.** This agreement may be terminated by either party upon 60 days' written notice.

- E. **INDEMNIFICATION.** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend, and hold harmless City from and against all liability, loss, and costs arising out of or resulting from the acts of County, its officers, employees, and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend, and hold harmless County from and against all liability, loss, and costs arising out of or resulting from the acts of City, its officers, employees, and agents in the performance of this agreement.
- F. **INSURANCE.** Each party shall each be responsible for providing workers' compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
- G. **ADHERENCE TO LAW.** Each party shall comply with all federal, state, and local laws and ordinances applicable to this agreement.
- H. **NON-DISCRIMINATION.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
- I. **ACCESS TO RECORDS.** Each party shall have access to the books, documents, and other records of the other which are related to this agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.
- J. **SUBCONTRACTS AND ASSIGNMENT.** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.
- K. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.
- L. **ADDITIONAL TERMS AND CONDITIONS:**
1. This agreement may be extended or amended in writing upon mutual agreement of the parties to the IGA.
  2. The County designates Michael Eaton as the contact person for Multnomah County. Mr. Eaton's address, phone number, and e-mail address are as follows:

Department of Community Services  
Bridge Section  
1403 SE Water Avenue  
Portland OR 97214  
(503) 988-3757 x247  
[michael.j.eaton@co.multnomah.or.us](mailto:michael.j.eaton@co.multnomah.or.us)

3. The City Project Liaison John Gillam's address, phone number, and e-mail address are as follows:

City of Portland Office of Transportation Planning  
1120 SW 5<sup>th</sup> Ave., Suite 800  
Portland OR 97204  
(503) 823-7707  
[john.gillam@pdxtrans.org](mailto:john.gillam@pdxtrans.org)

4. Official communication regarding this contract shall be via e-mail or writing to the above-named persons or their designates. Designated representatives may only be changed upon written notice to the other party.

**M. FUNDS AVAILABLE.** In the event that funds cease to be available to County in the amounts anticipated for this agreement, County may terminate or reduce the scope of services to be provided and contract funding accordingly.

---

**MULTNOMAH COUNTY, OREGON:**

\_\_\_\_\_  
Ted Wheeler, County Chair

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
M. Cecilia Johnson  
Department Director

Date: \_\_\_\_\_

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

By: \_\_\_\_\_  
Matthew O. Ryan  
Assistant County Attorney

Date: \_\_\_\_\_

**CITY OF PORTLAND**

\_\_\_\_\_  
Amanda Fritz  
Commissioner of Public Utilities

Date: \_\_\_\_\_

\_\_\_\_\_  
Lavonne Griffin-Valade  
City Auditor

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Linda Meng  
City Attorney

Date: \_\_\_\_\_

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 4600008043

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

Amendment #:

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input checked="" type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> <b>INTER-DEPARTMENTAL AGREEMENT (IDA)</b>

Department: Community Services

Division/

Program: Land Use & Transportation Program

Date: 12/02/09

Originator: Michael Eaton

Phone: (503) 988-3757 x247

Bldg/Room: 446/Bridge Shop

Contact: Cathey Kramer

Phone: (503) 988-5050 x22589

Bldg/Room: #425/Yeon

**Description of Contract:** Intergovernmental Agreement (IGA) with the City of Portland Office of Transportation Planning to establish City and County tasks for the planning and public improvement process required under the National Environmental Policy Act (NEPA) rules in connection with the Sellwood Bridge Rehab/Replacement Project.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) \_\_\_\_\_

EEO CERTIFICATION EXPIRES \_\_\_\_\_

PROCUREMENT  
EXEMPTION OR  
CITATION # \_\_\_\_\_

ISSUE  
DATE: \_\_\_\_\_

EFFECTIVE  
DATE: \_\_\_\_\_

END  
DATE: \_\_\_\_\_

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# \_\_\_\_\_ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	City of Portland Office of Transportation Planning			Remittance address	
Address	1120 SW Fifth Ave., Suite 800			(If different)	
City/State	Portland OR			Payment Schedule / Terms:	
ZIP Code	97214			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 823-7707/Fax: (503) 823- 7609 (John Gillam)			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A			<input checked="" type="checkbox"/> Other \$ As invoiced	<input type="checkbox"/> Other
Contract Effective Date	07/01/2009	Term Date	01/02/2011	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$	Original PA/Requirements Amount	\$		
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$		
Amount of Amendment	\$	Amount of Amendment	\$		
Total Amount of Agreement	\$ Not to Exceed \$55,000.00	Total PA/Requirements Amount	\$		

REQUIRED SIGNATURES:

Department Manager

*ABC*  
*12/19/09*  
*M. Cecilia Johnson*

DATE

*12/29/2009*

County Attorney

/s/ Matthew O. Ryan

DATE

12/02/2009

CPCA Manager

DATE

County Chair

*[Signature]*

DATE

01/07/2010

Sheriff

DATE

Contract Administration

DATE

COMMENTS: (WBS: 6700RT1015P600)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # 2-2 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK



# INTERGOVERNMENTAL AGREEMENT

## Agreement No. 4600008043

This is an Agreement between City of Portland (City) and Multnomah County (County). This Intergovernmental Agreement (IGA) is made pursuant to authority granted in ORS Chapter 190.

### I. RECITALS:

- A. The purpose of this agreement is to establish the City's and the County's tasks necessary to conduct a planning and public involvement process required under the National Environmental Policy Act (NEPA) rules with respect to the proposed Sellwood Bridge Project (Project).
- B. This planning and public involvement process shall examine the impacts of replacing the Sellwood Bridge and includes amongst other tasks "Public Outreach" meetings to explain the Project and receive public comment and concerns.
- C. The County has empanelled a Senior Agency Staff (SAS) group comprised of representatives of jurisdictions, including the City, impacted by the Sellwood Bridge Project.
- D. Through the execution of this Agreement, both the City and County agree to participate in the "Project Management Team" (PMT) to oversee and manage the Sellwood Bridge NEPA Process; it is contemplated at this time the PMT is to be comprised of representatives of the County, the City of Portland, Metro, and the County's engineering consultants.
- E. The City and County now desire to reduce to writing their cooperative roles in the NEPA Process for the Sellwood Bridge Project.

### II. THE PARTIES AGREE AS FOLLOWS:

- A. **TERM.** The term of this agreement shall be from July 1, 2009 through January 2, 2011. The intent of the term is to last through the NEPA process to the NEPA Record of Decision.
- B. **RESPONSIBILITIES OF CITY.** The City agrees to:
  - 1. Designate John Gillam as Project Liaison for the Sellwood Bridge Project. The Project Liaison shall:
    - a. Be the designated primary contact person for the City in all matters related to the services provided under this Agreement;
    - b. Keep the County and the PMT fully and promptly informed of the positions, comments, and questions of the affected City bureaus with respect to the Project;
    - c. Keep all affected City bureaus informed of the positions, comments, and questions of their colleague City bureaus with respect to the Project;
    - d. Attend and actively participate in the PMT including all meetings and other PMT activities and ensure the same for any appropriate City bureau staff, as required;

- e. Upon request from the County, be able to identify the City's final position on a Project issue if City bureaus have varied in their positions;
  - f. As directed by the County, provide input regarding scheduling and regulatory tasks for the Project Work Plan;
  - g. Conduct regular and timely briefings of current project progress to the elected City officials and to the management of all appropriate City bureaus;
  - h. Issue written notice to County (updated as necessary) identifying the persons briefed under this Section; and
  - i. Assist the County in obtaining permits from City bureaus.
2. City's Project Liaison and appropriate City staff (as approved by County) shall actively participate in meetings of the PMT and SAS for the Project. City staff participating in the PMT and the SAS shall be prepared to respond to all inquiries regarding the areas of city responsibility and authority relating to the Project. City staff participating in the PMT and SAS shall also promptly advise City management of the current status of the NEPA process and identify and promptly report to the PMT and SAS any issues of concern perceived by the City with respect to the Project.
  3. City's Project Liaison and appropriate City staff shall actively participate in Public Outreach meetings as requested by the County. City personnel participating in the Public Outreach meetings shall be prepared to respond to all inquiries from the public regarding City policies and regulations as they pertain to the ongoing NEPA process for the Project.
  4. The City's Project Liaison shall manage an in-house technical advisory committee ("City TAC") comprised of staff from appropriate City bureaus. The City TAC shall meet as necessary. The functions of the City TAC are to review and comment on project developments that may affect City Bureau policies and responsibilities and to be able to provide ongoing project status and updates within the City's management structure. If there are situations where the policies of different City bureaus may be in conflict with one another with respect to the Project, the City's Project Liaison shall assist the County by facilitating the resolution of these situations.
  5. When there are materials requiring City review, the review period shall be two (2) weeks unless otherwise specified by the County in writing. The City Project Manager shall coordinate and provide to the County the City TAC's review comments.
  6. The City shall provide Transportation Analysis documents by December 30, 2009. Date is contingent upon timely receipt of necessary information and specifications by the County. The documents required are:
    - a. Written justification for a pedestrian-activated traffic signal at SE 6<sup>th</sup> Ave. and Tacoma St.
    - b. Written justification for relocating the access for the Macadam Bay Floating Home Community in Willamette Moorage Park to the City-owned access point immediately south of Freeman Motors, 7524 SW Macadam Ave.

- c. In the future Design Phase of the Sellwood Bridge Project, the City shall assist the Oregon Department of Transportation (ODOT) in the final design of Highway 43 (Macadam Blvd.) and provide necessary design information for the currently planned accesses (as described in the Interchange Area Management Plan Agreement between the City and ODOT).
7. Reimbursement shall be under the following terms:
    - a. Total payments to the City will not exceed \$55,000 (including any expenses).
    - b. City shall bill County for the work, as follows:
      - i. City shall submit monthly or quarterly invoices to the County's Project Manager for County approval for actual work performed and authorized expenses incurred within the specific invoice period. The Project Liaison shall submit with invoices a summary of the work done through the period of the invoice and a forecast of the upcoming City-related tasks for the next invoice period.
      - ii. Invoices must show the hours and dates worked, billing rates including overhead, and summarize the nature of work done. Expenses must be fully itemized. Only listed expenses will be reimbursed.

County will reimburse the City for the following expenses:

- a) City's purchases of specialized reference material or informational material required to complete the deliverables under this agreement, with receipts.
  - b) The actual, reasonable costs incurred by the City for mailing, copying, or delivering: documents, electronic media, or similar records required for the performance of this Agreement, with receipts.
  - c) Travel and per diem costs incurred for required travel outside of the greater Portland metro area; reimbursement in accordance with County reimbursement rates and procedures.
- iii. Unless otherwise approved in writing by the County, invoices shall be submitted to the County not more than 30 days after the end of the billing period. City shall verify any travel, per diem costs, or other expenses with receipts if requested by the County.

#### **C. RESPONSIBILITIES OF COUNTY**

1. The County, as owner of the Sellwood Bridge, agrees to serve as the Project Manager for the implementation of the (NEPA) process designed to determine the potential impacts of rebuilding or rehabilitating the Sellwood Bridge and to find the consensus best alternative.
2. County will implement the NEPA process, be responsible for developing all required plans and specifications as required under the process, and any follow-up on construction as needed and determined by the planning process.
3. County will administer the Federal Highway funding for the project and will pay the City.

**D. TERMINATION.** This agreement may be terminated by either party upon 60 days' written notice.

- E. **INDEMNIFICATION.** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend, and hold harmless City from and against all liability, loss, and costs arising out of or resulting from the acts of County, its officers, employees, and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, City shall indemnify, defend, and hold harmless County from and against all liability, loss, and costs arising out of or resulting from the acts of City, its officers, employees, and agents in the performance of this agreement.
- F. **INSURANCE.** Each party shall each be responsible for providing workers' compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
- G. **ADHERENCE TO LAW.** Each party shall comply with all federal, state, and local laws and ordinances applicable to this agreement.
- H. **NON-DISCRIMINATION.** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
- I. **ACCESS TO RECORDS.** Each party shall have access to the books, documents, and other records of the other which are related to this agreement for the purpose of examination, copying, and audit, unless otherwise limited by law.
- J. **SUBCONTRACTS AND ASSIGNMENT.** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.
- K. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.
- L. **ADDITIONAL TERMS AND CONDITIONS:**
1. This agreement may be extended or amended in writing upon mutual agreement of the parties to the IGA.
  2. The County designates Michael Eaton as the contact person for Multnomah County. Mr. Eaton's address, phone number, and e-mail address are as follows:

Department of Community Services  
Bridge Section  
1403 SE Water Avenue  
Portland OR 97214  
(503) 988-3757 x247  
[michael.j.eaton@co.multnomah.or.us](mailto:michael.j.eaton@co.multnomah.or.us)

3. The City Project Liaison John Gillam's address, phone number, and e-mail address are as follows:

City of Portland Office of Transportation Planning  
1120 SW 5<sup>th</sup> Ave., Suite 800  
Portland OR 97204  
(503) 823-7707  
[john.gillam@pdxtrans.org](mailto:john.gillam@pdxtrans.org)


4. Official communication regarding this contract shall be via e-mail or writing to the above-named persons or their designates. Designated representatives may only be changed upon written notice to the other party.

**M. FUNDS AVAILABLE.** In the event that funds cease to be available to County in the amounts anticipated for this agreement, County may terminate or reduce the scope of services to be provided and contract funding accordingly.

**MULTNOMAH COUNTY, OREGON:**

  
\_\_\_\_\_  
Ted Wheeler, County Chair or Designee

Date: 01/07/2010

Approved:   
\_\_\_\_\_  
M. Cecilia Johnson  
Department Director or Designee

Date: 12/29/09

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY

By: /s/ Matthew O. Ryan  
\_\_\_\_\_  
Matthew O. Ryan  
Assistant County Attorney

Date: December 2, 2009

**CITY OF PORTLAND**

\_\_\_\_\_  
Amanda Fritz  
Commissioner of Public Utilities

Date: \_\_\_\_\_

\_\_\_\_\_  
Lavonne Griffin-Valade  
City Auditor

Date: \_\_\_\_\_

Approved as to form:

By: \_\_\_\_\_  
Linda Meng  
City Attorney

Date: \_\_\_\_\_

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-3  
Est. Start Time: 9:40 AM  
Date Submitted: 12/29/09

Agenda Title:	<b>RESOLUTION Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Delivery of the Sellwood Bridge Replacement Project</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2010 Amount of Time Needed: 15 minutes  
Department: Community Services Division: Land Use & Transportation  
Contact(s): Michael Eaton  
Phone: 503-988-3757 Ext. 247 I/O Address: 446  
Presenter(s): Ian Cannon

### General Information

#### 1. What action are you requesting from the Board?

- a. The Bridge Section is seeking direction from the Board to pursue the varied methods for project design and construction for the Sellwood Bridge Replacement Project (the Project). The Bridge Section believes that investigation and comparative analysis of the varied methodologies will render a recommended approach to the Board of County Commissioners which will best meet these articulated needs of the Board regarding the project completion:
- Allows a robust public involvement process;
  - Allows flexibility to work with other agencies on evolving design elements;
  - Lets the County retain significant control over the project design;
  - Incorporates construction contractor input and knowledge into the project design;
  - Provides opportunities to understand risk issues and to explicitly manage risk issues;
  - Frequently results in fewer disputes and claims;
  - Provides good cost certainty
  - And provides opportunities to maximize subcontractor diversity.

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

The Sellwood Bridge is deteriorated after approximately 80 years of service, and the bridge has a vehicle weight limit of 10 tons maximum. TriMet buses and most trucks are excluded from using the bridge. Approximately 30,000 vehicles cross the narrow two-lane bridge each day.

Multnomah County has conducted a planning process for replacement of the bridge. An Environmental Impact Statement will be submitted shortly to the Federal Highway Administration for their approval. After the Record of Decision is given, the County may proceed with design of the bridge.

There are alternative design and construction methodologies for large construction projects other than low-bid which is required of public sector entities by state procurement law unless an exemption is sought. These alternative methodologies include Design/Build and Construction Management/General Contractor forms of project construction.

The Department of Community services will explore all methodologies in order to make a final recommendation to the Board of County Commissioners in accordance with Oregon and County procurement requirements.

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

The resolution has no direct cost implication.

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

State law permits alternative project delivery methods other than low-bid. ORS 279C.335 requires that the Board (acting as the Public Contract Review Board) issue an exemption from the public improvement contracting procedures. In addition, the Federal Government through the FHWA must authorize any Federal Aid project to use any alternative delivery methodology. Further, the County is seeking but does not yet have certification to directly administer federal-aid projects. The certification is required before the County can proceed with consideration of use of an alternative methodology for the project's delivery.

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

In compliance with ORS 279C.335, the Bridge Section will prepare findings and if necessary make an exemption request. If an exemption request is made, we will publish notice of the hearing on the exemption. A public hearing is required before the Public Contract Review Board may authorize use of any process other than low bid. The Bridge Section will comply with any Federal notice or other requirements with respect to the exemption request.

The Project has had an extensive public involvement process that will continue into the Design and Construction Phases. The Public Involvement work began with an outreach program that contacted over 100 civic organizations. A Community Task Force has included 20 stakeholders representing a broad range of interest groups. In addition, the process has involved our partners, the City of Portland, Metro, ODOT and FHWA, as well as other impacted jurisdictions, Clackamas County, TriMet and the Oregon Legislature.

The Policy Advisory Group (PAG), comprised of elected officials from 10 local jurisdictions, discussed and eventually approved 6 key decision points in the course of arriving at the Preferred Alternative. Public engagement such as open houses, surveys and public hearings were held prior to these milestones. As a result, the project has enjoyed widespread public support and consensus.

Future decisions that will consider public participation are: bridge type, architectural treatment,

railings, lighting, surface textures and others.

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**Required Signature**

---

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

A handwritten signature in cursive script, reading "M. Cecilia Johnson". The signature is written in dark ink and is positioned above a horizontal line.

**Date:** 12/29/09

---



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Delivery of the Sellwood Bridge Replacement Project

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County owns and maintains the Sellwood Bridge in the City of Portland which is nearing the end of its service life and in the long-term requires replacement.
- b. The County secured federal and state funding for the public planning and decision-making process which included development of an environmental impact statement in compliance with federal regulations of the National Environmental Policy Act.
- c. On October 22, 2009 the Board enacted a vehicle registration fee that will generate approximately \$127 million for the Sellwood Bridge Replacement Project
- d. By Resolution 09-022 the Board approved a Locally Preferred Alternative with Conditions on February 19, 2009.
- e. The County, through its Department of Community Services, is preparing to move forward with the design and construction of the Sellwood Bridge Replacement Project (Project) pending receipt of Record of Decision.

**The Multnomah County Board of Commissioners Resolves:**

That the Department of Community Services is directed to investigate and complete a comparative analysis of the use Low Bid, the Construction Manager / General Contractor method and the Design / Build method to deliver the Sellwood Bridge Replacement Project and, in compliance with ORS Chapter 279C, to report to the Board its proposed findings for the Board's consideration at a future meeting.

ADOPTED this 7th day of January 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Ted Wheeler, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-004**

Directing the Department of Community Services to Investigate the Use of Alternative Construction Methodologies for the Delivery of the Sellwood Bridge Replacement Project

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County owns and maintains the Sellwood Bridge in the City of Portland which is nearing the end of its service life and in the long-term requires replacement.
- b. The County secured federal and state funding for the public planning and decision-making process which included development of an environmental impact statement in compliance with federal regulations of the National Environmental Policy Act.
- c. On October 22, 2009 the Board enacted a vehicle registration fee that will generate approximately \$127 million for the Sellwood Bridge Replacement Project
- d. By Resolution 09-022 the Board approved a Locally Preferred Alternative with Conditions on February 19, 2009.
- e. The County, through its Department of Community Services, is preparing to move forward with the design and construction of the Sellwood Bridge Replacement Project (Project) pending receipt of Record of Decision.


**The Multnomah County Board of Commissioners Resolves:**

That the Department of Community Services is directed to investigate and complete a comparative analysis of the use Low Bid, the Construction Manager / General Contractor method and the Design / Build method to deliver the Sellwood Bridge Replacement Project and, in compliance with ORS Chapter 279C, to report to the Board its proposed findings for the Board's consideration at a future meeting.

ADOPTED this 7th day of January 2010.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:  
Ted Wheeler, Chair



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

## Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-4  
Est. Start Time: 9:55 AM  
Date Submitted: 11/25/2009

**Agenda Title:** **Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** January 7, 2010 **Amount of Time Needed:** 5 minutes  
**Department:** Community Services **Division:** Land Use & Transportation  
**Contact(s):** Kevin Cook, Lisa Estrin  
**Phone:** 503.988.3043 **Ext.** 26782 **I/O Address:** 455/116  
**Presenter(s):** Kevin Cook

## General Information

### 1. What action are you requesting from the Board?

Land Use Planning is requesting the Board approve the proposed amendments recommended by Multnomah County Planning Commission to bring Multnomah County's Comprehensive Plan and zoning ordinances into compliance with Metro's Title 13 Nature in Neighborhoods program (see Planning Commission Resolution attached). These changes will modify or add fish and wildlife habitat protection to various areas within the Metro jurisdictional boundary and will improve water quality. The proposed ordinance:

- a. Amends Comprehensive Plan Policy 16-D (A) to allow the use of Metro's habitat inventory when considering additional habitat protection areas.
- b. Adopts new Significant Environmental Concern overlay zones in the West Hills, East of Sandy River and Pleasant Valley areas to protect class I and II riparian wildlife habitat identified on Metro's habitat inventory maps that are not currently protected by existing Multnomah County SEC-s or SEC-wr overlay zones.
- c. Amends the Urban (Chapter 11.15) Significant Environmental Concern to include the regulations currently found in the West of Sandy River Significant Environmental Concern for water resource (SEC - wr) code for areas identified as water resource areas within the Pleasant Valley area.
- d. Amends the West Hills (Chapter 33) and East of Sandy River (Chapter 35) Significant

Environmental Concern (SEC) overlay zones to add exceptions for septic system repairs, utility poles, right-of-way expansions, and certain habitat enhancement projects. Modify the definition of the width of the Significant Environmental Concern - stream (SEC-s) overlay to allow for variable buffer widths. Expand the nuisance plant list to include all species identified by Metro.

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

The Metro regional government established the Nature in Neighborhoods (Title 13) program as a regional approach for fish and wildlife habitat protection and water quality improvement in 2005. The program includes voluntary, incentive-based, educational, and regulatory elements. Multnomah County is required to implement the regulatory element of Title 13 for its rural areas within the Metro jurisdictional boundary. The regulations include limitations on how and where development can occur within the riparian resource areas mapped by Metro. Many of the areas identified by Metro as upland habitat are already protected under the County's Significant Environmental Concern for wildlife habitat (SEC-h) overlay zone. The County's existing overlay zones will not be modified by these amendments.

Title 13 is authorized by state administrative rules that implement Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources. State rules designate Metro as the review authority for determining compliance with this program. Metro has reviewed the proposed plan and ordinance amendments and found them to be in substantial compliance with Title 13.

This action contributes to the Land Use Planning program offer that is part of Vibrant Communities. This proposal coordinates with our regional partner, Metro to plan for the protection of wildlife habitat and water quality.

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

None.

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

During the planning process, the Planning Commission provided direction on various policy and planning issues relating to options to comply with Title 13. These included:

- Whether to adopt Metro's Model Ordinance or demonstrate to Metro that the County's existing regulatory framework met the purpose and intent of Title 13.

Metro's Model Ordinance was crafted for urban sized lots and severely limited the total amount of land that could be developed. The County's Significant Environmental Concern (SEC) regulations have been in effect since mid-1995 and protect wildlife habitat and water resources. Both the Planning Commission and planning staff felt it was appropriate to put forth that our current regulations are in compliance with Title 13. Land use planning audited its regulations and received concurrence from Metro that the County's existing SEC regulations generally met the goals of Title 13 and with a few minor changes would be made consistent with them.

- What level of protection to provide riparian and wildlife habitat within Metro jurisdictional boundaries.

Metro's resource study categorized six different levels of significant habitat that can be protected. These categories include three riparian wildlife habitat classes and three upland wildlife habitat classes. Planning staff discussed this issue with property owners at various open houses and with the Planning Commission. Input from the public and Planning Commission was to adopt the minimum necessary to achieve compliance and maintain exemptions for personal use of forest products and farm uses.

- Determine whether the personal use exemption for timber in existing County ordinances could be maintained.

Metro agreed that property owners in the rural area should be allowed to cut timber on their

property for personal use without first obtaining a resource related permit.

- Determine whether the Right to Farm Law (ORS 30.930 through ORS 30.947) would prohibit the County from regulating agricultural buildings.

Staff found that the Right to Farm Law prohibits counties from regulating or prohibiting farm practices on agricultural lands as a "nuisance". However, the law does preserve local governments' right to regulate structures based on the protection of health, safety and welfare. While farm practices are regulated by the Oregon Department of Agriculture, development on farm land is subject to County zoning regulations. For Chapters 33, 35 & 11.15, agricultural buildings (fences will remain exempt) that encroach within the riparian buffers within Metro's boundaries are proposed to be subject to the SEC rules. This provision already is in effect in Chapter 36, West of Sandy River.

- The changes to the West Hills and East of Sandy River codes add exceptions for septic system repairs, utility poles, right-of-way expansions, timber harvests, removal of hazardous trees, personal use of timber, agricultural fences, and certain habitat enhancement projects within Metro's boundary. Additional amendments relate to the definition of the width of the SEC-s overlay allowing for the variation in the buffer widths found in the Metro maps. The nuisance plant list would also be expanded to include species identified by Metro that are not already found in the current SEC code. Changes to the nuisance plant list will apply both inside and outside the Metro boundary.
- Changes to the urban code include the addition of language currently found in the West of Sandy River SEC code for areas identified as water resource areas. The urban code section is applicable to the Pleasant Valley area. Eventually the Pleasant Valley area will annex chiefly to Gresham. Gresham's Pleasant Valley Concept Plan is recognized by Metro as Title 13 compliant. During the interim period prior to annexation, Multnomah County will administer riparian habitat areas under the SEC-water resources code.

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

Land Use Planning conducted four Planning Commission work sessions between September 2008 and April 2009 and held two open house sessions with affected property owners in March 2009. Measure 56 notice was mailed April 13, 2009 to all affected property owners. Three public hearings were held before the Planning Commission on May 4<sup>th</sup>, June 1<sup>st</sup> and August 3, 2009 to develop the plan and ordinance amendments now before the Board of County Commissioners. Staff conducted several site visits to properties that would be affected by new overlays. Staff recommended changes to some of the proposed overlays where appropriate based on observations made at specific sites (these recommended changes are now included as part of the proposed overlay maps).

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**Required Signature**

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



**Date:** 11/25/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. \_\_\_\_\_**

Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

**The Multnomah County Board of Commissioners Finds:**

- a. The Multnomah County Planning Commission, as authorized by Multnomah County Code Chapter subsection 37.0710 has recommended to the Board of County Commissioners the adoption of Ordinances to amend County's Comprehensive Plan Policies and land use regulations.
- b. The Planning Commission held public hearings on May 4, 2009, June 1, 2009 & August 3, 2009 where all interested persons were given an opportunity to appear and be heard.
- c. The changes result from Metro's adoption of the Nature in Neighborhoods (Metro Title 13) program in 2005 to establish a regional approach for fish and wildlife habitat protection and water quality enhancement.
- d. Multnomah County is legally bound to demonstrate compliance with Metro's Title 13 for those areas of the County within the Metro jurisdictional boundary.
- e. The Multnomah County nuisance plant list needs to be expanded to include species that have been identified by Metro as invasive species.
- f. Regulations are being proposed that further restrict the use of property and mailed notice to individual property owners was sent on April 13, 2009 ("Ballot Measure 56" notice). Notice of the hearings was published in the "Oregonian" newspaper and on the Land Use Planning web site on April 13, 2009, May 11, 2009, and July 13, 2009.

**Multnomah County Ordains as follows:**

**Section 1.     § 33.4515 is amended as follows:**

**33.4515 Exceptions**

(A) Except as specified in (B) below, a~~an~~ SEC permit shall not be required for the following:

(A~~1~~) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

~~(B2)~~ The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

~~(C3)~~ Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

~~(D4)~~ The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

~~(E5)~~ Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

~~(F6)~~ The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

~~(G7)~~ The maintenance and repair of existing flood control facilities;

~~(H8)~~ Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~that which~~ [-1]) for the SEC, SEC-w, and SEC-v overlays, do not require any modification to the exterior of the structure, and [2]) for the SEC-h and SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;

~~(I9)~~ All type A Home Occupations;

~~(J10)~~ Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(11) Alteration, repair, or replacement of septic system drainfields due to system failure;

(12) Single utility poles necessary to provide service to the local area;

(13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except

that agricultural fences shall not require an SEC-s permit.

**Section 2.**      **§ 33.4525 is amended as follows:**

**33.4525 Applicable Approval Criteria**

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<b>Zoning Designation</b>	<b>Approval Criteria (MCC#)</b>
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(BC) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(C) ~~For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

(D) ~~For Goal 5 protected stream resources designated "3C",~~ the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

**Section 3.**      **§ 33.4575 is amended as follows:**

**33.4575 Criteria for Approval of SEC-s Permit -Streams**

(A) Definitions:

(1) *Protected Streams* ~~— consist of~~ Those streams which have been found through a Goal 5 ESEE analysis ~~and protected by Ordinance 830 to be either "2 A", "3 A", or "3 C", are identified as~~



~~protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) *Stream Conservation Area* – ~~For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575 (B) through (E).~~

(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) Except for the ~~following~~ exempt uses listed in MCC 33.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 33.4575 (C) through ~~(E)~~.

~~(1) Forest practices conducted under the Forest Practices Act~~

~~(2) Planting of native vegetation~~

~~(3) Agricultural uses~~

~~(4) Maintenance, but not expansion, of existing developments~~

~~(5) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width~~

~~(6) Single utility poles necessary to provide service to the local area~~

\* \* \* \* \*

(D) For the protected stream resources, ~~designated "3-C"~~ the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a

Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);
- (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
- (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);
- (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

\* \* \* \* \*

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(2) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 4.      § 35.4515 is amended as follows:**

**35.4515 Exceptions**

(A) Except as specified in (B) below, A an SEC permit shall not be required for the following:

- (A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;
- (B2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;
- (C3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

- (D4) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (E5) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- (F6) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- (G7) The maintenance and repair of existing flood control facilities;
- (H8) Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~which that~~ [1]) for the SEC, ~~SEC-w, and SEC-v~~ overlays, do not require any modification to the exterior of the structure, and [2]) for the ~~SEC-h and SEC-s~~ overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein.
- (I9) All type A Home Occupations;
- (J10) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;
- (11) Alteration, repair, or replacement of septic system drainfields due to system failure;
- (12) Single utility poles necessary to provide service to the local area;
- (13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and
- ~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.
- (15) In addition to the exemptions listed in (A) above, within Metro's 2009 jurisdictional boundary an SEC permit shall not be required for the enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.
- (B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except that agricultural fences shall not require an SEC-s permit.

**Section 5.      § 35.4525 is amended as follows:**

### 35.4525 Applicable Approval Criteria

~~(A) The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

~~(B)~~ The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	<del>3335.4560</del> 4555
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	3335.4575

~~(B)~~ The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(E)~~ For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

**Section 6.** §§ 35.4560, 35.4565 and 35.4570 are deleted as follows:

#### **35.4560 Criteria for Approval of SEC-w Permit—Significant Wetlands**

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1 inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

~~(A) In addition to other SEC Permit submittal requirements, the application shall also include:~~

(1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;

(2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

(5) Detailed Mitigation Plans as described in subsection (D), if required;

(6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) The applicant shall demonstrate that the proposal:

(1) Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) Will not cause significant degradation of groundwater or surface water quality;

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse

impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 35.4560 (A);

(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 35.4560 (B) (2);

(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

(a) On the site of the impacted wetland, with the same kind of resource;

(b) Off site, with the same kind of resource;

(c) On site, with a different kind of resource;

(d) Off site, with a different kind of resource.

### **35.4565 Criteria for Approval of SEC-v Permit-Significant Scenic Views**

(A) Definitions:

(1) *Significant scenic resources* consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

(2) *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

Bybee-Howell House  
Virginia Lakes

Sauvie Island Wildlife Refuge  
Kelley Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island

~~(3) Visually subordinate means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.~~

~~(B) In addition to the information required by MCC 35.4520, an application for development in an area designated SEC-v shall include:~~

- ~~(1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~
- ~~(2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;~~
- ~~(3) A list of identified viewing areas from which the proposed use would be visible; and,~~
- ~~(4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.~~

~~(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:~~

- ~~(1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.~~
- ~~(2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.~~
- ~~(3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.~~
- ~~(4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.~~

~~(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~

~~(6) Limiting structure height to remain below the surrounding forest canopy level.~~

~~(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:~~

~~(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:~~

- ~~1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;~~
- ~~2. The facility is necessary for public service; and~~
- ~~3. The break in the skyline is the minimum necessary to provide the service.~~

~~(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.~~

~~(E) The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC 35.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.~~

### **35.4570 Criteria for Approval of SEC-h Permit-Wildlife Habitat**

~~(A) In addition to the information required by MCC 35.4520 (A), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;~~

~~For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an~~



~~area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.~~

~~(2) Location of existing and proposed structures;~~

~~(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;~~

~~(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.~~

**(B) Development standards:**

~~(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.~~

~~(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.~~

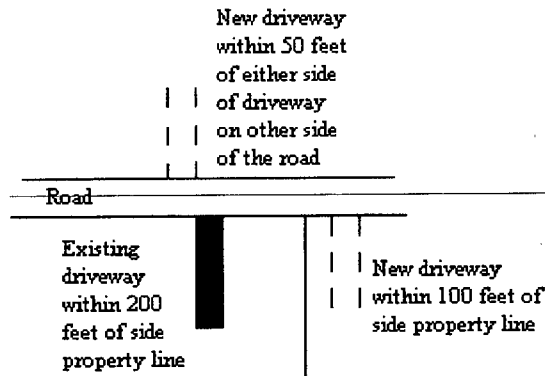
~~(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.~~

~~(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:~~

~~(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or~~

~~(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.~~

~~(c) Diagram showing the standards in (a) and (b) above.~~



For illustrative purposes only.

(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).

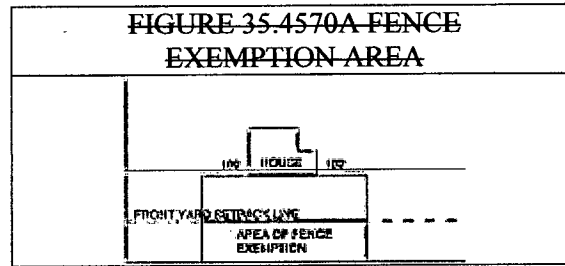
1. The modification shall be the minimum necessary to allow safe access onto the public road.
2. The County Road Official shall provide written findings supporting the modification.

(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.

(6) Fencing within a required setback from a public road shall meet the following criteria:

- (a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.
- (b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.
- (c) Cyclone, woven wire, and chain link fences are prohibited.
- (d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.
- (e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and

meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water-Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife

Scientific Name	Common Name
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coquimboides</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarraehoides</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:

- (1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or
- (2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).
- (3) The wildlife conservation plan must demonstrate the following:
  - (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.
  - (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

~~(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

**Section 7.**      **§ 35.4575 is amended as follows:**

**35.4575 Criteria for Approval of SEC-s Permit -Streams**

**(A) Definitions:**

~~(1) *Protected Streams* - consist of those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 - A", "3 - A", or "3 - C", are identified as protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

~~(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.~~

~~(3) *Stream Conservation Area* – For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designed on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted of the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 35.4575 (B) through (E).~~

~~(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.~~

(B) Except for the following-exempt uses listed in MCC 35.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 35.4575 (C) through (EF).

- ~~(1) Forest practices conducted under the Forest Practices Act~~
- ~~(2) Planting of native vegetation~~
- ~~(3) Agricultural uses~~
- ~~(4) Maintenance, but not expansion, of existing developments~~
- ~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~
- ~~(6) Single utility poles necessary to provide service to the local area~~

\* \* \* \* \*

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

- (1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:
  - (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 35.4575 (C);
  - (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
  - (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 35.4575 (D) (1);
  - (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

\* \* \* \* \*

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

- (1) The planting of any invasive non-native or noxious vegetation as listed in MCC 35.4575(A)(4) is prohibited. In addition, the following nuisance plant species shall not be planted:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler's Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus seppium</u>	<u>Lady's nightcap</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann's Lace</u>
<u>Elodea densa</u>	<u>South American Water-weed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane's Bill</u>
<u>Geranium roberianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John's Wort</u>
<u>Ilex aquafolium</u>	<u>English Holly</u>
<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
<u>Lemna minor</u>	<u>Duckweed, Water Lentil</u>

<u>Scientific Name</u>	<u>Common Name</u>
<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>
<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
<u>Poa annua</u>	<u>Annual Bluegrass</u>
<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
<u>Rhus diversiloba</u>	<u>Poison Oak</u>
<u>Rubus discolor</u>	<u>Himalayan Blackberry</u>
<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
<u>Urtica dioica</u>	<u>Stinging Nettle</u>
<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
<u>various genera</u>	<u>Bamboo sp.</u>

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

~~(FG)~~ For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 8.**      **§ 11.15.6400 is amended as follows:**

**11.15.6400 Purposes**

The purposes of the Significant Environmental Concern (SEC) subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

**Section 9.**      **§ 11.15.6401 is added as follows:**

**11.15.6401 Definitions.**

(A) Development: Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetative cover in the Water Resource Area or Habitat Area on a lot or parcel.

(B) Nuisance, invasive non-native and native plants: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. Native plants are those listed in the latest edition of the Metro Native Plant List.

(C) Practicable, Practical: As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(D) Top of Bank: The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

**Section 10.**      **§ 11.15.6406 is amended as follows:**

**11.15.6406 Exceptions**

An SEC permit shall not be required for the following:

(A) ~~\_\_\_\_\_ Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;~~

(A) Farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district except that agricultural fences shall not require an SEC-wr permit;

(B) ~~\_\_\_\_\_ The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;~~



- (C).——Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);
- (D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;
- (E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;
- (F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;
- (G) The maintenance and repair of existing flood control facilities;
- ~~(H)——Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;~~
- (H) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and lawns that were in existence prior to the effective date of this ordinance;
- (I) All type A Home Occupations.
- (J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.
- (K) Alteration, repair, or replacement of septic system drainfields due to system failure;
- (L) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;
- (M) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County;
- (N) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and
- (O) Single utility poles necessary to provide service to the local area.
- (P) Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC .2282 Responses to and Emergency/Disaster Event, provided that after the emergency has passed, adverse impacts are mitigated.

**Section 11.**     **§ 11.15.6408 is amended as follows:**

**11.15.6408     Application for SEC Permit**

~~An application for an SEC permit for a use or for the change or alteration of an existing use on land-~~

designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

(A) — For a Permitted Use, an Accessory Use, or a Use Under Prescribed Conditions, in the manner provided in MCC .8210(B); and

(B) — For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in the manner provided in MCC .8210 and .8215.

(C) — An application for an SEC permit shall include the following:

(1) — A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) — A map of the property showing:

- (a) Boundaries, dimensions, and size of the subject parcel;
- (b) Location and size of existing and proposed structures;
- (c) Contour lines and topographic features such as ravines or ridges;
- (d) Proposed fill, grading, site contouring or other landform changes;
- (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
- (f) Location and width of existing and proposed roads, driveways, and service corridors.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC (SEC): All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SEC, SEC-wr, and SEC-h.

(2) A map of the property drawn to scale showing:

- (a) Boundaries, dimensions, and size of the subject parcel;
- (b) Location and size of existing and proposed structures;

- (c) Contour lines and topographic features such as ravines or ridges;
  - (d) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;
  - (e) Proposed fill, grading, site contouring or other landform changes;
  - (f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; and
  - (g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.
- (3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.
- (4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development.
- (C) SEC-Water Resource (SEC-wr): In addition to the information requirements listed in MCC .6408(A) above, the following information shall be submitted for applications within the SEC-wr overlay.
- (1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a de-lination of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;
  - (2) The location of wetlands;
  - (3) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual;
  - (4) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;
  - (5) An assessment of the existing condition of the Water Resource Area in accordance with Table 2 Riparian/Vegetated Corridor Standards;
  - (6) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in Table 1;
  - (7) A detailed Mitigation Plan as described in MCC .6428(E), if required;
  - (8) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH); and
  - (9) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal.

including the amounts and methods.

**Section 12.**     § 11.15.6409 is amended as follows:

**11.15.6409     Applicable Approval Criteria**

(A)     ~~The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(B)     The approval criteria that apply to uses in areas designated SEC ~~SEC-w, SEC-v, SEC-h and SEC-s~~ wr on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria
<u>SEC</u>	<u>MCC .6420</u>
<del>SEC-w (wetlands)</del>	<del>MCC .6422</del>
<del>SEC-v (scenic views)</del>	<del>MCC .6424</del>
<del>SEC-h (wildlife habitat)</del>	<del>MCC .6426</del>
<del>SEC-s (streams)</del>	<del>MCC .6428</del>
<u>SEC-wr (water resources)</u>	

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s wr zoning subdistricts) were created digitally by interpreting various data sources, ~~including the hand drawn maps contained in the Goal 5 ESEE report.~~ Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-s~~wr~~ zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(C)     An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(D)     For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

(ED)     ~~For Goal 5 resources designated "3C"~~ protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

**Section 13.**     § 11.15.6410 is amended as follows:

#### **11.15.6410 SEC Permit – Required Findings**

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .64206 through .6428.

#### **Section 14. §§ 11.15.6412, 11.15.6414, and 11.15.6416 are deleted as follows:**

##### **11.15.6412 — Decision by Planning Director**

- (A) ~~—— A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.~~
- (B) ~~—— The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.~~
- (C) ~~—— Within thirty business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.~~
- (D) ~~—— A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

##### **11.15.6414 — Decision by a Hearings Officer**

- (A) ~~—— A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.~~
- (B) ~~—— Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.~~
- (C) ~~—— The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

##### **11.15.6416 — Appeals**

- (A) ~~—— A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.~~
- (B) ~~—— A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.~~

#### **Section 15. § 11.15.6413 is added as follows:**

##### **11.15.6413 Existing Uses.**

Uses that legally existed on January XX, 2010, that are not included as Exceptions in section MCC .6406, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in MCC .6400 through .6428, except for changes to a structure as described in Sections (1) or (2) below;

(1) In areas subject to the provisions of the SEC, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (B) above may be replaced within the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of MCC .6408, .6422 & .6428 shall be obtained.

**Section 16.**     **§§ 11.15.6422 and 11.15.6424 are deleted as follows:**

**11.15.6422 — Criteria for Approval of SEC w Permit — Significant Wetlands**

Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:

(A) — In addition to other SEC Permit submittal requirements, the application shall also include:

(1) — A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;

(2) ~~— A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

(3) ~~— A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

(4) ~~— A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;~~

(5) ~~— Detailed Mitigation Plans as described in subsection (D), if required;~~

(6) ~~— Description of how the proposal meets the approval criteria listed in subsection (B) below.~~

(B) ~~— The applicant shall demonstrate that the proposal:~~ [Amended 1994, Ord. 801 § 3]

(1) ~~— Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;~~

(2) ~~— Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;~~

(3) ~~— Will not cause significant degradation of groundwater or surface water quality;~~

(4) ~~— Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;~~

(5) ~~— Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).~~

(C) ~~— A finding of no practicable alternative is to be made only after demonstration by the applicant that:~~

(1) ~~— The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An alternative site is to be considered practicable if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;~~

(2) ~~— The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and~~

(3) ~~— In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.~~

~~(4) — This section is only applicable for wetland resources designated "3-C".~~

~~(D) — A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

~~(1) — A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);~~

~~(2) — A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~

~~(3) — A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);~~

~~(4) — Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:~~

~~(a) — On the site of the impacted wetland, with the same kind of resource;~~

~~(b) — Off site, with the same kind of resource;~~

~~(c) — On site, with a different kind of resource;~~

~~(d) — Off site, with a different kind of resource.~~

#### **11.15.6424 — Criteria for Approval of SEC-v Permit Significant Scenic Views**

~~Significant scenic resources~~ consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

~~Identified Viewing Areas~~ are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. ~~Identified Viewing Areas are:~~

~~Bybee-Howell House~~

~~Virginia Lakes~~

~~Sauvie Island Wildlife Refuge~~

~~Kelley Point Park~~

~~Smith and Bybee Lakes~~

~~Highway 30~~

~~The Multnomah Channel~~

~~The Willamette River~~

~~Public roads on Sauvie Island~~

~~Visually subordinate~~ means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

~~(A) — In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-v shall include:~~

~~(1) — Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~



(2) — Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;

(3) — A list of identified viewing areas from which the proposed use would be visible; and

(4) — A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(B) — Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) — Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

(2) — Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) — No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

(4) — Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

(5) — Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) — Limiting structure height to remain below the surrounding forest canopy level.

(7) — Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

(a) — New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

(i) — The new facility could not be located in an existing transmission corridor or built upon an existing facility;

(ii) — The facility is necessary for public service; and

(iii) — The break in the skyline is the minimum necessary to provide the service.

(C) — Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

(D) — The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC .6418, in order to make the development visually subordinate. The extent and type of

conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

**Section 17. § 11.15.6423 is added as follows:**

**11.15.6423 General Requirements for Approval in Areas Designated as SEC-wr.**

The requirements in this section shall be satisfied for development in the SEC-h and SEC-wr areas in addition to the provisions of MCC .6426 or MCC .6428 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water resource or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

(C) The following nuisance plants, in addition to the nuisance plants defined in MCC .6401, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Table 1  
Nuisance Plant List

Common Name	Scientific	Common Name	Scientific
Lesser celandine	Chelidonium majus	Fall Dandelion	Loentodon autumnalis
Canada Thistle	Cirsium arvense	Purple Loosestrife	Lythrum salicaria
Common Thistle	Cirsium vulgare	Eurasian Watermilfoil	Myriophyllum spicatum
Western Clematis	Clematis ligusticifolia	Reed Canary grass	Phalaris arundinacea
Traveler' s Joy	Clematis vitalba	Annual Bluegrass	Poa annua
Poison hemlock	Conium maculatum	Swamp Smartweed	Polygonum coccineum
Field Morning-glory	Convolvulus arvensis	Climbing Binaweed	Polygonum convolvulus
Night-blooming Morningglory	Convolvulus nyctagineus	Giant Knotweed	Polygonum sachalinense

Common Name	Scientific		Common Name	Scientific
Lady' s nightcap	Convolvulus seppium		English, Portuguese/ Laurel	Prunus laurocerasus
Pampas grass	Cortaderia selloana		Poison Oak	Rhus diversiloba
Hawthorn, except native species	Crataegus sp. except C. douglasii		Himalayan Blackberry	Rubus discolor
Scotch broom	Cytisus scoparius		Evergreen Blackberry	Rubus laciniatus
Queen Ann' s Lace	Daucus carota		Tansy Ragwort	Senecio jacobaea
South American Waterweed	Elodea densa		Blue Bindweed	Solanum dulcamara
Common Horsetail	Equisetum arvense		Garden Nightshade	Solanum nigrum
Giant Horsetail	Equisetum telemateia		Hairy Nightshade	Solanum sarrachoides
Crane' s Bill	Erodium cicutarium		Common Dandelion	Taraxacum officinale
Robert Geranium	Geranium roberianum		Common Bladderwort	Utricularia vulgaris
English Ivy	Hedera helix		Stinging Nettle	Urtica dioica
St. John' s Wort	Hypericum perforatum		Periwinkle (large leaf)	Vinca major
English Holly	Ilex aquafolium		Periwinkle (small leaf)	Vinca minor
Duckweed, Water Lentil	Lemna minor		Spiny Cocklebur	Xanthium spinosum
Fall Dandelion	Loentodon autumnalis		Bamboo sp.	various genera
Purple Loosestrife	Lythrum salicaria			

**Section 18.     § 11.15.6426 is ~~amended~~ ~~deleted~~ as follows:**

**~~11.15.6426 — Criteria for Approval of Section h Permit Wildlife Habitat~~**

~~(A) — In addition to the information required by MCC 6408(C), an application for development in an area designated Section h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) — Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non-forested "cleared" areas;~~

~~For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A~~

non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

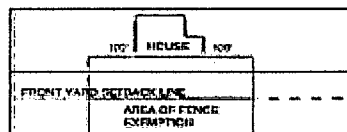
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE .6400A-1



FENCE EXEMPTION AREA

(7) The following nuisance plants shall not be planted on the subject property and shall be

removed and kept removed from cleared areas of the subject property:

~~(CB) — Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.~~

~~(1) — The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or~~

~~(2) — The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section B.~~

~~(3) — The wildlife conservation plan must demonstrate the following:~~

~~(a) — That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.~~

~~(b) — That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.~~

~~(c) — That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) — That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) — That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

**Section 19.**     § 11.15.6428 is deleted as follows:

**11.15.6428 — Criteria for Approval of SEC-s Permit Streams**

~~Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to be either "2 A", "3 A", or "3 C", are identified as protected in the Comprehensive Framework Plan, and are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

~~Development — Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.~~

~~Stream Conservation Area — An area extending 300' upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to~~

demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through (D).

(A) — ~~Except for the following exempt uses, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 11.15.6428(B) through (D).~~

(1) — ~~Forest practices conducted under the Forest Practices Act~~

(2) — ~~Planting of native vegetation~~

(3) — ~~Agricultural uses [Amended 1995, Ord. 832 § 2]~~

(4) — ~~Maintenance, but not expansion, of existing developments~~

(5) — ~~Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~

(6) — ~~Single utility poles necessary to provide service to the local area~~

(B) — ~~In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:~~

(1) — ~~A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;~~

(2) — ~~A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;~~

(3) — ~~A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;~~

(4) — ~~A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (D)(5) below;~~

(5) — ~~A detailed Mitigation Plan as described in subsection (C), if required; and~~

(6) — ~~A description of how the proposal meets the approval criteria listed in subsection (C) below.~~

(C) — ~~For stream resources designated "3-C" the applicant shall demonstrate that the proposal:~~

(1) — ~~Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

(a) — ~~A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);~~

(b) — ~~A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~

(c) — ~~A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);~~

(d) — An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

(D) — Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) — A bridge or arched culvert which does not disturb the bed or banks of the stream and which maintains the existing flood-carrying capacity for the altered portion of the stream shall be utilized for any crossing of a protected stream. [Amended 1999, Ord. 931 § IV]

(2) — All storm water generated by a development shall be collected and disposed of on-site into dry-wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

(3) — Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area

(4) — Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

(5) — Satisfaction of the erosion control standards of MCC .6730.

(6) — Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

(7) — Demonstration of compliance with all applicable state and federal permit requirements.

(E) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 20.** § 11.15.6429 is added as follows:

#### **11.15.6429 CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE**

Except for the exempt uses listed in MCC .6406 and the existing uses pursuant to MCC .6412, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC .6408(A) and (C), and meets the general requirements in MCC .6422.

(A) Development on Low Impact Sites - Development on parcels in locations that would have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

(1) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature.

Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments

away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest re-source protection.

(B) Alternatives Analysis - Development pro-posed within a Water Resource Area may be al-lowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternative analysis which demonstrates that:

- (1) No practicable alternatives to the re-quested development exist that will not disturb the Water Resource Area; and
- (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;
- (3) Development shall occur as far as practically possible from the stream; and
- (4) The Water Resource Area can be re-stored to an equal or better condition; or
- (5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be al-lowed to encroach into the 200' SEC-wr over-lay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

- (1) Site assessment information pursuant to MCC .6408(A) and (C) has been submitted.
- (2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.
- (3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.
- (4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.
- (5) The area of encroachment will be re-placed with added buffer area at a 1:1 ratio.
- (6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

(D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

- (1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.
- (2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater ) shall be removed with-out a one-for-one replacement with comparable species. The site plan for the



pro-posed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.

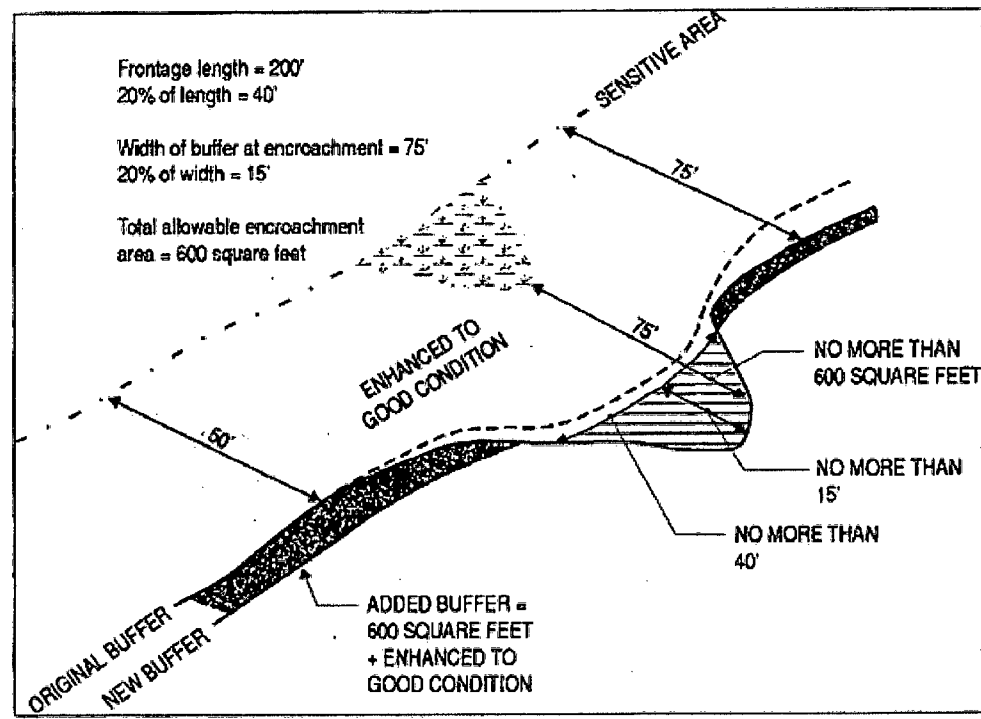
(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drain-age courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

(4) The Water Resource Area shall be re-stored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

(6) Where existing vegetation has been re-moved, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

Figure 2



(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.

(8) Stormwater quantity control and quality control facilities:

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SEC-wr. This section establishes how mitigation can occur.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;

2. The functional values of the Water Resource Area that may be affected by the proposed development;

3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;

4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.

(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for re-source losses.

(b) The following ratios apply to the creation or restoration of natural re-source areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

Creation (off-site) 2:1

Restoration (off-site) 1.5:1

Creation (on-site) 1.5:1

(Restoration (on-site) 1:1

(c) Only marginal or degraded water re-source areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.

(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.

(f) Compensation shall be completed prior to initiation of development where possible.

(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

(3) Mitigation Plan Standards - Natural re-source mitigation plans shall contain the following information:

(a) A description of adverse impacts that could be caused as a result of development.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

#### Table 2

#### Riparian/Vegetated Corridor Standards

<u>Existing Riparian/Vegetated Corridor Condition</u>	<u>Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation</u>
<p><u><i>Good Corridor</i></u></p> <p><u>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</u></p> <p><u>and</u></p> <p><u>Greater than 50% tree canopy exists (aerial measure)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</u></p> <p><u>Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development.</u></p> <p><u>Revegetate impacted area per approved plan to reestablish "good" corridor conditions</u></p>
<p><u><i>Marginal Corridor</i></u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering 50% - 80% of the area</u></p> <p><u>and/or</u></p> <p><u>26-50% tree canopy exists (aerial measure)</u></p> <p><u>(Restoration up to "good" corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish "good" corridor conditions</u></p>

<p><u>Degraded Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</u></p> <p><u>and/or</u></p> <p><u>Less than 25% tree canopy exists (aerial measure)</u></p> <p><u>and/or</u></p> <p><u>Greater than 10% of the area is covered by invasive, non-native species</u></p> <p><u>(Restoration up to “good” corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish “good” corridor conditions</u></p>
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**Section 21. Comprehensive Framework Plan Policy 16-D: Fish and Wildlife Habitat is amended to read as follows:**

## POLICY **16-D**: FISH AND WILDLIFE HABITAT

It is the County’s policy to protect significant fish and wildlife habitat and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

### STRATEGIES

- A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas and to delineate sensitive big game winter habitat areas. If necessary, supplement this information with additional professional analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.

1. In 2001, the Metropolitan Service District (Metro) inventoried the riparian and wildlife habitat within its jurisdiction for riparian and wildlife habitat quality. Within Metro’s boundaries, the County may rely upon Metro’s riparian and wildlife habitat inventories and mapping to identify and protect fish and wildlife habitat.

- B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.
- C. Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

**Section 22.** The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Streams (SEC-s) overlay zone as shown on Exhibits A and B: 30, 39, 40, 49, 50, 51, 60, 61, 62, 72, 73, 77, 83, 85, 86, 87, 88, 651, 652, 655, 656, 667, 668, 671, 672, 674, and 683.

**Section 23.** The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Water Resources (SEC-wr) overlay zone as shown on Exhibit C: 529, 534, 535, 540, 541, and 542.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

January 7, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

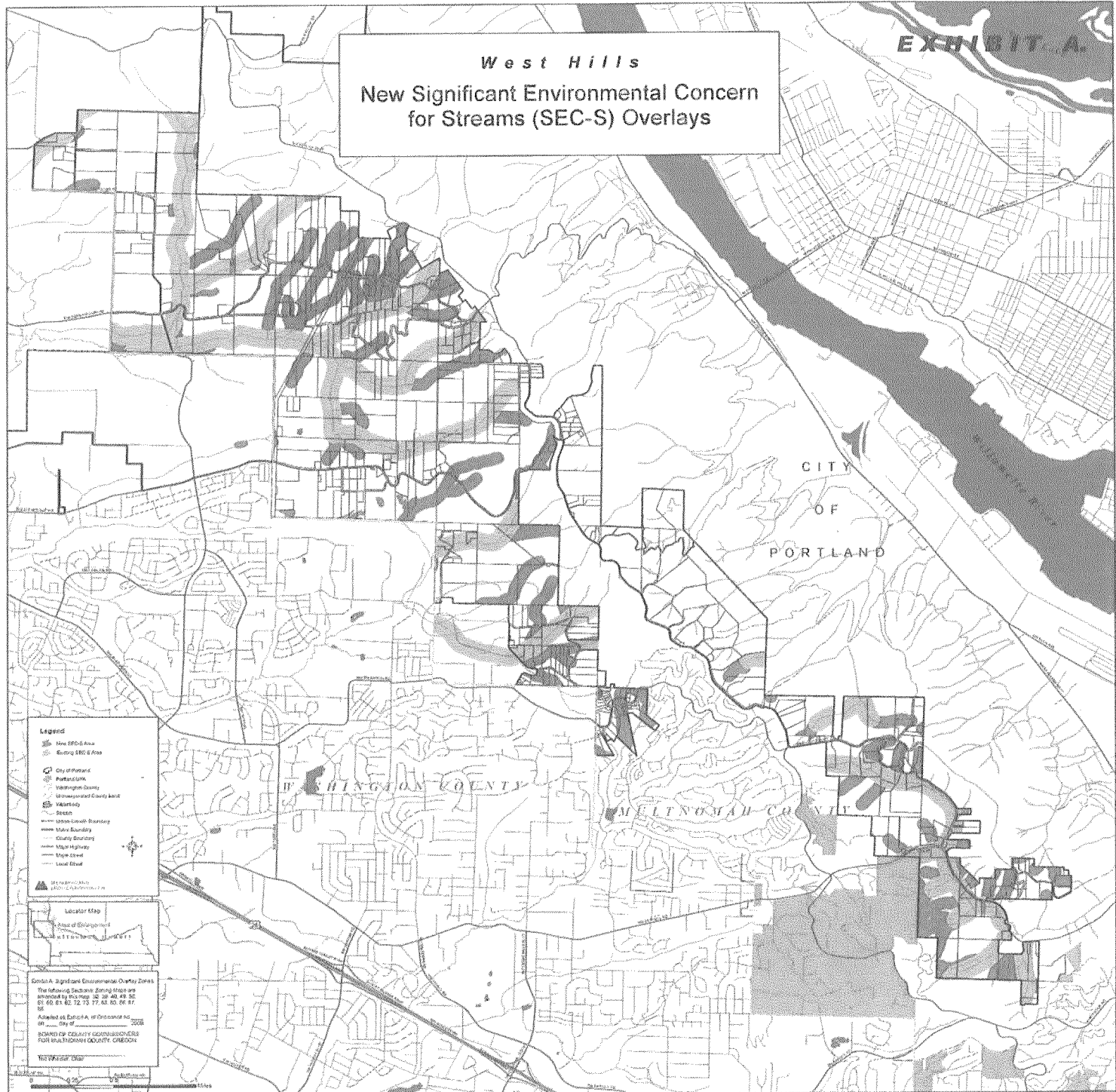
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

*West Hills*  
 New Significant Environmental Concern  
 for Streams (SEC-S) Overlays



- Legend**
- New SEC-S Area
  - Existing SEC-S Area
  - City of Portland
  - Washington County
  - Unincorporated County Area
  - Vacant
  - Beach
  - State County Boundary
  - County Boundary
  - Major Highway
  - Major Road
  - Local Road

**Locator Map**

Area of Study

Scale: 1 inch = 10 miles

Exhibit A: Significant Environmental Overlay Zones  
 The following Significant Environmental Overlay Zones are  
 identified by the map: 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

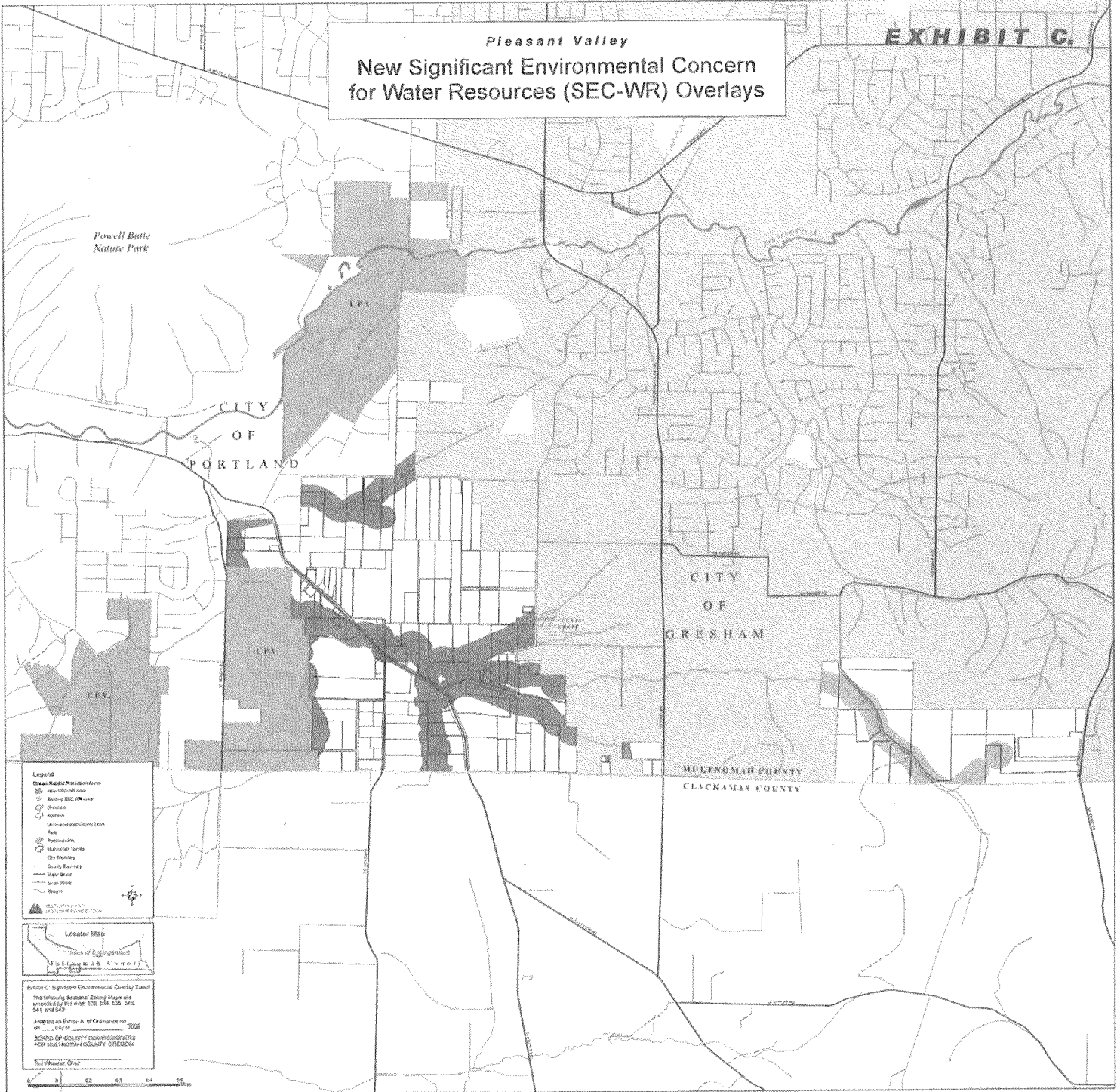
Adopted as Exhibit A, of Ordinance No. 2008-000000  
 BOARD OF COUNTY COMMISSIONERS  
 MULTNOMAH COUNTY, OREGON

Not to Scale





Pleasant Valley  
New Significant Environmental Concern  
for Water Resources (SEC-WR) Overlays



#1

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1-7-09-2010

SUBJECT: R4 : Riparian Ordinance

AGENDA NUMBER OR TOPIC: R4

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Carol Chesarek

ADDRESS: 13300 NW Germantown Rd

CITY/STATE/ZIP: Portland, OR 97231

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: attached

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

January 7, 2010

To: Multnomah County Board of Commissioners

Re: R-4 Second Reading and Possible Adoption of an ORDINANCE Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

Dear Chair Wheeler and Commissioners,

Thank you for the opportunity to provide a few comments today.

I support the Ordinance implementing Metro Title 13, Nature in Neighborhoods.

Metro went through an extensive public input process before adopting Metro Title 13, with multiple hearings, several public notices sent to property owners, and extensive press coverage because at the time Measure 37 was on an upcoming ballot. Many people believe that the habitat protection measures they adopted in Title 13 were limited because of the political climate at the time.

There was some confusion at the December reading of this Ordinance about whether the County's SEC overlays will apply in new urban areas. The Metro Title 13 protections will continue to apply in new urban areas. But the County's 600' wide significant stream overlays (SEC-S), as well as the habitat and view overlays (SEC-H and SEC-V) are all based on ESEE analysis and tradeoffs for energy, environment, social, and economic impacts on rural lands, and they will not apply in new urban areas. I've been told that Area 93 was excluded from this Ordinance for that reason.

The county will either need to develop new environmental protection standards (based on a new ESEE analysis for Area 93 and any other new urban areas where the County is responsible for governance), or use the Metro Title 13 standards (which were developed for urban areas, but which will protect a much narrower riparian corridor than the County's 600' wide SEC-S overlay for significant streams), or use Title 13 compliant standards for urban areas implemented by either City of Portland or Clean Water Services.

I have attached snapshots from Metro's Title 13 habitat inventory and with their mapped Title 13 protections (which you are implementing today). The dark green areas on the habitat inventory are closed canopy forest areas, which were rated the highest value upland habitat. Note that these upland habitat areas are not protected by Title 13.

Also attached are "before and after" photos of Cedar Mill Creek, which show the creek and forest canopy before and after Forest Heights was developed. While reasonably wide riparian corridors were protected in Forest Heights, street connectivity across the many streams is severely limited due environmental concerns and the financial cost of stream crossings. Infrastructure for urban development in this form is less efficient and more expensive, the resulting neighborhood is less walkable and more difficult to serve.

The County's current 600' wide riparian corridors are based on extensive research. The conclusions of the county's 1996 studies and analysis of the West Hills have been affirmed by the recent mapping of important Natural Landscape Features for the Reserves process.

Here are two key quotes from the County's Goal 5 Report for the West Hills (Multnomah County West Hills Reconciliation Report (Revised – May 1996)), which included the ESEE analysis for the West Hills natural resources (riparian areas, upland wildlife habitat, and important viewsheds):

The Multnomah County West Hills Reconciliation Report (Revised – May 1996) says in part:

"Thus it is the quantity of the West Hills Wildlife Habitat Area in relation to its quality and location that are critical to this inquiry. High quality habitat elsewhere in Multnomah County cannot substitute for even medium quality habitat in the West Hills. It is because medium quality habitat is limited, and threatened by conflicting uses at a particular location, that makes the West Hills a significant Goal 5 resource."

The report also says:

"Continued development in the West Hills wildlife area could result in the fragmentation, and therefore the degradation of both the West Hills' and Forest Park's natural systems, the loss of species diversity, the permanent loss of natural populations to catastrophe such as fire, and the weakening of plant and animal populations due to the lack of genetic diversity available in larger areas."

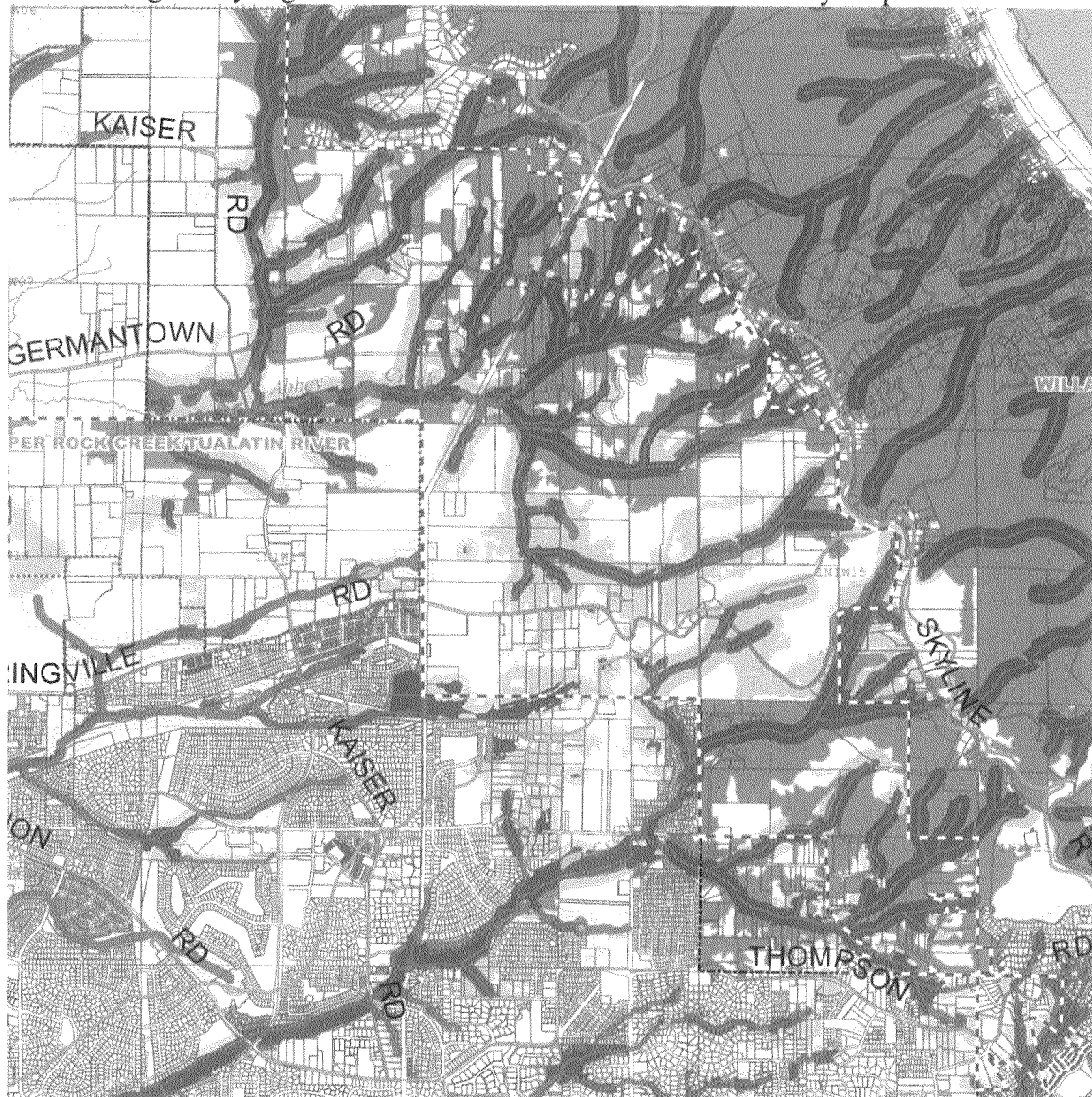
Please let me know if you have any questions, or if I can provide additional information.

Thank you.

A handwritten signature in cursive script that reads "Carol Chesarek".

Carol Chesarek

# Metro's Regionally Significant Fish and Wildlife Habitat Inventory Map



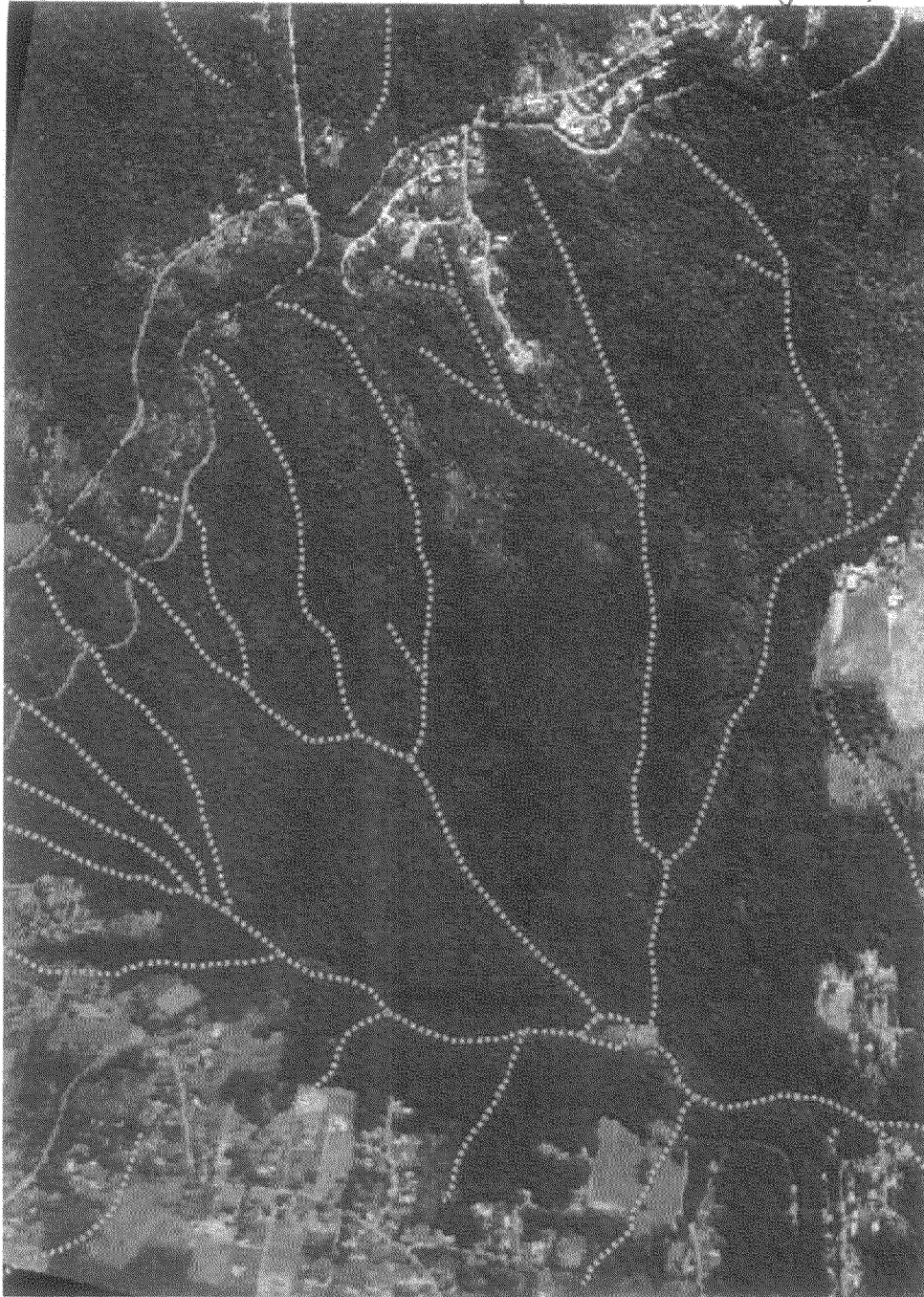
## Wildlife Habitat

-  Riparian Corridors / Wildlife Habitat Class I
-  Riparian Corridors / Wildlife Habitat Class II
-  Riparian Corridors Class III
-  Upland Wildlife Habitat Class A
-  Upland Wildlife Habitat Class B
-  Upland Wildlife Habitat Class C
-  Riparian Impact Areas
-  Upland Impact Areas





Cedar Mill Creek 1984 (pre-Forest Heights)



Cedar Mill Creek and Forest Heights 2002

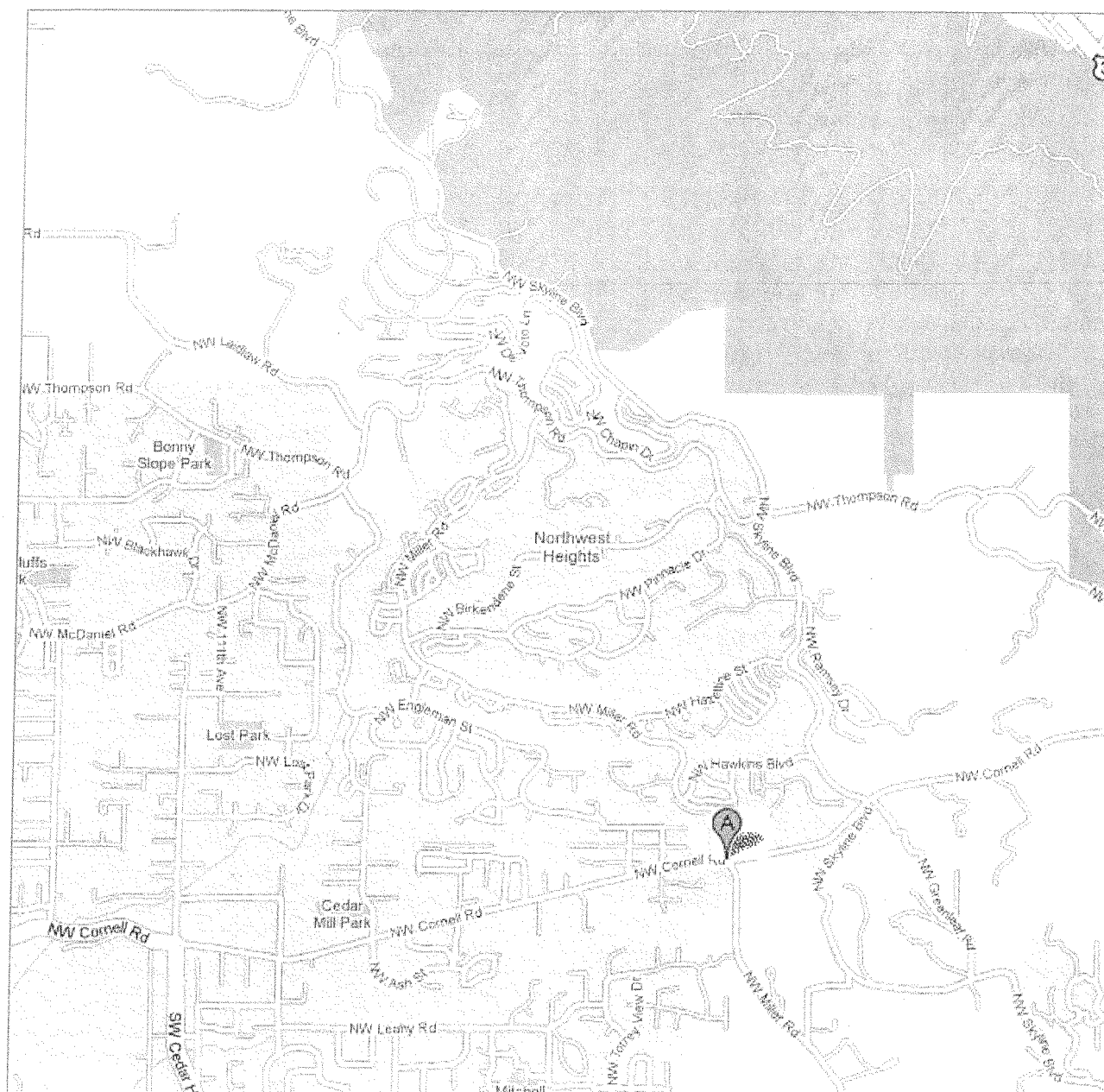




Address **NW Cornell Rd & NW Miller Rd**  
**Portland, OR 97229**

Get Google Maps on your phone

Text the word "GMAPS" to 466453





#2

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 1/7/2010

SUBJECT: SEC EDUCLARS

AGENDA NUMBER OR TOPIC: R4

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: JOE RAYHAWK

ADDRESS: 15248 NW GERMANTOWN ROAD

CITY/STATE/ZIP: PORTLAND OR 97231

PHONE: DAYS: 503 289 0744 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

Title: Prepared Public Comments for Multnomah County Board Meeting

Author: Joe Rayhawk

15248 NW Germantown Road

Portland, OR

Date: January 7, 2010

My name is Joe Rayhawk

I own a 34-acre horse property at 15248 NW Germantown Road which is in Multnomah County. The farm is covered by the SEC-Habitat overlay and has large sections covered by SEC-Stream buffers.

I am here to again strongly endorse the enactment of the new SEC rules.

I believe the strengthening of control especially for SEC-Streams is good for the community.

I want to mention that while this effort makes the SEC-Habitat rules more consistent across the county and more restricting, most of the restriction actually went into effect with the initial SEC overlays in 1995.

I formally withdraw the request I made at the first reading with respect to the location of the SEC-Stream Buffers.

I will pursue correcting the maps using the process that Kevin Cook described at the First Reading.

At the first reading, I suggested that you should have notes about these restrictions added to the deeds.

I suggested that due to two concerns.

First, that someone buying the property would not otherwise be informed of the restriction.

This could lead to many bad outcomes. For example, We have considered building a small building down near the creek to hold fence repair supplies and spare gas. It is by the way, a royal pain to run out of gas down the and have to walk about a 1/4 mile up hill to get a can of gas.

Someone else might build a barn without checking in the honest belief that no permits are required for agricultural buildings.

Second, I believe that it can be argued even now that the county has not given enough notice.

I believe that even now, a landowner might not understand that the restrictions exist.

So, I repeat the suggestion that restriction notices be added to the deeds.

I also suggest that you add the ability to display overlays to any online mapping applications such as SAIL.

This will almost certainly be the path for many people, including real estate agents and title companies, to do initial reviews.

#3

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 10-1-7-10

SUBJECT: RY Riparian Ordinance

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR: / AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Greg Malinowski

ADDRESS: 13950 N.W. Springville Ln

CITY/STATE/ZIP: Port OR 97229

PHONE: \_\_\_\_\_ DAYS: 503.297.9398 EVES: \_\_\_\_\_

EMAIL: gregory.malinowski57@gmail.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: Stream Protections

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1152**

Amending MCC Chapters 33, 35 and 11.15; the Multnomah County Comprehensive Framework Plan; and the Multnomah County Sectional Zoning Maps Relating to Significant Environmental Concern, Zoning Overlays in Response to the Requirements of Metro Title 13, Nature in Neighborhoods

**The Multnomah County Board of Commissioners Finds:**

- a. The Multnomah County Planning Commission, as authorized by Multnomah County Code Chapter subsection 37.0710 has recommended to the Board of County Commissioners the adoption of Ordinances to amend County's Comprehensive Plan Policies and land use regulations.
- b. The Planning Commission held public hearings on May 4, 2009, June 1, 2009 & August 3, 2009 where all interested persons were given an opportunity to appear and be heard.
- c. The changes result from Metro's adoption of the Nature in Neighborhoods (Metro Title 13) program in 2005 to establish a regional approach for fish and wildlife habitat protection and water quality enhancement.
- d. Multnomah County is legally bound to demonstrate compliance with Metro's Title 13 for those areas of the County within the Metro jurisdictional boundary.
- e. The Multnomah County nuisance plant list needs to be expanded to include species that have been identified by Metro as invasive species.
- f. Regulations are being proposed that further restrict the use of property and mailed notice to individual property owners was sent on April 13, 2009 ("Ballot Measure 56" notice). Notice of the hearings was published in the "Oregonian" newspaper and on the Land Use Planning web site on April 13, 2009, May 11, 2009, and July 13, 2009.

**Multnomah County Ordains as follows:**

**Section 1.     § 33.4515 is amended as follows:**

**33.4515 Exceptions**

(A) Except as specified in (B) below, aAn SEC permit shall not be required for the following:

(A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

~~(B2)~~ The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

~~(C3)~~ Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);

~~(D4)~~ The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

~~(E5)~~ Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

~~(F6)~~ The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

~~(G7)~~ The maintenance and repair of existing flood control facilities;

~~(H8)~~ Uses legally existing on ~~November 17, 1994~~ January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~that which:~~ [-1]) for the SEC, SEC-w, and SEC-v overlays, do not require any modification to the exterior of the structure, and [2] for the SEC-h and SEC-s overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;

~~(I9)~~ All type A Home Occupations;

~~(J10)~~ Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(11) Alteration, repair, or replacement of septic system drainfields due to system failure;

(12) Single utility poles necessary to provide service to the local area;

(13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(15) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses, except

that agricultural fences shall not require an SEC-s permit.

**Section 2.**      § 33.4525 is amended as follows:

**33.4525 Applicable Approval Criteria**

(A) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

<b>Zoning Designation</b>	<b>Approval Criteria (MCC#)</b>
SEC-w (wetlands)	33.4560
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	33.4575

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area extending 300 feet from the nearest point on the centerline on both sides of the protected stream. In the event of a mapping inconsistency, the~~ SEC-s zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(BC) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(C) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(D) For Goal 5 protected stream resources designated "3C", the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.~~

**Section 3.**      § 33.4575 is amended as follows:

**33.4575 Criteria for Approval of SEC-s Permit -Streams**

(A) Definitions:

(1) *Protected Streams* ~~— consist of those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 A", "3 A", or "3 C", are identified as~~

~~protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

(2) *Development* – Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

(3) *Stream Conservation Area* – ~~For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted on the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 33.4575 (B) through (E).~~

(4) *Nuisance or Invasive Non-Native Plants*: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) ~~Except for the following exempt uses listed in MCC 33.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 33.4575 (C) through (EF).~~

~~(1) Forest practices conducted under the Forest Practices Act~~

~~(2) Planting of native vegetation~~

~~(3) Agricultural uses~~

~~(4) Maintenance, but not expansion, of existing developments~~

~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~

~~(6) Single utility poles necessary to provide service to the local area~~

\* \* \* \* \*

(D) ~~For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:~~

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a

Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 33.4575 (C);
- (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
- (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 33.4575 (D) (1);
- (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

\* \* \* \* \*

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 33.4570(B)(7) and MCC 33.4570(A)(4) is prohibited. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(2) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 4.**     **§ 35.4515 is amended as follows:**

**35.4515 Exceptions**

(A) Except as specified in (B) below, Aan SEC permit shall not be required for the following:

(A1) Farm use, as defined in ORS 215.203 (2) (a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695 (9) or on upland areas;

(B2) The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C3) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905 (6);



~~(D4)~~ The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

~~(E5)~~ Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

~~(F6)~~ The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

~~(G7)~~ The maintenance and repair of existing flood control facilities;

~~(H8)~~ Uses legally existing on November 17, 1994 January X, 2010; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure ~~which that~~ [1]) for the SEC, ~~SEC-w, and SEC-v~~ overlays, do not require any modification to the exterior of the structure, and [2]) for the ~~SEC-h and SEC-s~~ overlays, require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein.

~~(I9)~~ All type A Home Occupations;

~~(J10)~~ Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure;

(11) Alteration, repair, or replacement of septic system drainfields due to system failure;

(12) Single utility poles necessary to provide service to the local area;

(13) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

~~(K)~~ (14) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List.

(15) In addition to the exemptions listed in (A) above, within Metro's 2009 jurisdictional boundary an SEC permit shall not be required for the enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County.

(B) Within Metro's 2009 jurisdictional boundary, an SEC-s permit is required for agricultural buildings, structures and development associated with farm practices and agricultural uses; except that agricultural fences shall not require an SEC-s permit.

**Section 5.**      **§ 35.4525 is amended as follows:**

### 35.4525 Applicable Approval Criteria

~~(A) The approval criteria in MCC 35.4555 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(BA) The approval criteria that apply to uses in areas designated SEC-w, SEC-v, SEC-h and SEC-s on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria (MCC#)
SEC-w (wetlands)	<del>3335.45604555</del>
SEC-v (scenic views)	33.4565
SEC-h (wildlife habitat)	33.4570
SEC-s (streams)	<del>3335.4575</del>

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s zoning subdistricts) were created digitally by interpreting various data sources including the hand drawn maps contained in the Goal 5 ESEE report and Metro's riparian and wildlife habitat inventories. Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. In the event of a mapping inconsistency, the SEC-s zoning subdistrict shall be interpreted to be the Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(ED) For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.~~

**Section 6.** §§ 35.4560, 35.4565 and 35.4570 are deleted as follows:

#### **35.4560 Criteria for Approval of SEC-w Permit—Significant Wetlands**

~~Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1 inch = 200 feet made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:~~

~~(A) In addition to other SEC Permit submittal requirements, the application shall also include:~~

(1) A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;

(2) A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

(5) Detailed Mitigation Plans as described in subsection (D), if required;

(6) Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) The applicant shall demonstrate that the proposal:

(1) Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) Will not cause significant degradation of groundwater or surface water quality;

(4) Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse

impact on a wetland. An *alternative site* is to be considered *practicable* if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) This section is only applicable for wetland resources designated "3-C".

(D) A Mitigation Plan and monitoring program may be approved upon submission of the following:

(1) A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC 35.4560 (A);

(2) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;

(3) A Mitigation Plan which demonstrates retention of the resource values addressed in MCC 35.4560 (B) (2);

(4) Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:

(a) On the site of the impacted wetland, with the same kind of resource;

(b) Off site, with the same kind of resource;

(c) On site, with a different kind of resource;

(d) Off site, with a different kind of resource.

### **35.4565 Criteria for Approval of SEC v Permit Significant Scenic Views**

(A) Definitions:

(1) *Significant scenic resources* consist of those areas designated SEC v on Multnomah County sectional zoning maps.

(2) *Identified Viewing Areas* are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. Identified Viewing Areas are:

Bybee Howell House  
Virginia Lakes

Sauvie Island Wildlife Refuge  
Kelley Point Park  
Smith and Bybee Lakes  
Highway 30  
The Multnomah Channel  
The Willamette River  
Public roads on Sauvie Island

(3) ~~Visually subordinate~~ means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

(B) In addition to the information required by MCC 35.4520, an application for development in an area designated SEC-v shall include:

- (1) Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;
- (2) Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;
- (3) A list of identified viewing areas from which the proposed use would be visible; and,
- (4) A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (C) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(C) Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be ~~visually subordinate~~. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

- (1) Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.
- (2) Use of nonreflective or low reflective building materials and dark natural or earthtone colors.
- (3) No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.
- (4) Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

~~(5) Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.~~

~~(6) Limiting structure height to remain below the surrounding forest canopy level.~~

~~(7) Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:~~

~~(a) New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:~~

~~1. The new facility could not be located in an existing transmission corridor or built upon an existing facility;~~

~~2. The facility is necessary for public service; and~~

~~3. The break in the skyline is the minimum necessary to provide the service.~~

~~(D) Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.~~

~~(E) The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC 35.4550, in order to make the development visually subordinate. The extent and type of conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.~~

### **35.4570 Criteria for Approval of SEC h Permit – Wildlife Habitat**

~~(A) In addition to the information required by MCC 35.4520 (A), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non forested "cleared" areas;~~

~~For the purposes of this section, a *forested area* is defined as an area that has at least 75 percent crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an~~

area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A ~~non-forested "cleared"~~ area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

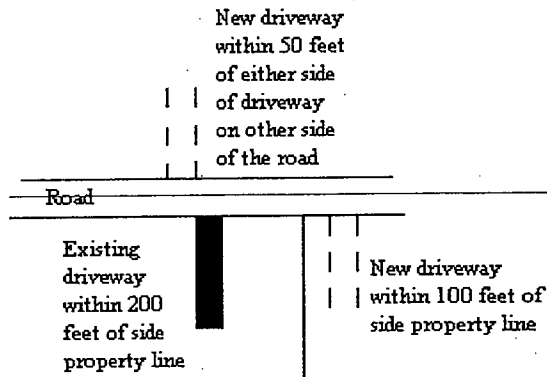
(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) For the purpose of clustering access road/driveway approaches near one another, one of the following two standards shall be met:

(a) The access road/driveway approach onto a public road shall be located within 100 feet of a side property line if adjacent property on the same side of the road has an existing access road or driveway approach within 200 feet of that side property line; or

(b) The access road/driveway approach onto a public road shall be located within 50 feet of either side of an existing access road/driveway on the opposite side of the road.

(c) Diagram showing the standards in (a) and (b) above.



For illustrative purposes only.

~~(d) The standards in this subsection (4) may be modified upon a determination by the County Road Official that the new access road/driveway approach would result in an unsafe traffic situation using the standards in the Multnomah County "Design and Construction Manual," adopted June 20, 2000, (or all updated versions of the manual). Standards to be used by the Road Official from the County manual include Table 2.3.2, Table 2.4.1, and additional referenced sight distance and minimum access spacing standards in the publication A Policy on Geometric Design of Highways and Streets by the American Association of State Highway and Transportation Officials (AASHTO) and the Traffic Engineering Handbook by the Institute of Transportation Engineers (ITE).~~

~~1. The modification shall be the minimum necessary to allow safe access onto the public road.~~

~~2. The County Road Official shall provide written findings supporting the modification.~~

~~(5) The development shall be within 300 feet of a side property line if adjacent property has structures and developed areas within 200 feet of that common side property line.~~

~~(6) Fencing within a required setback from a public road shall meet the following criteria:~~

~~(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.~~

~~(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.~~

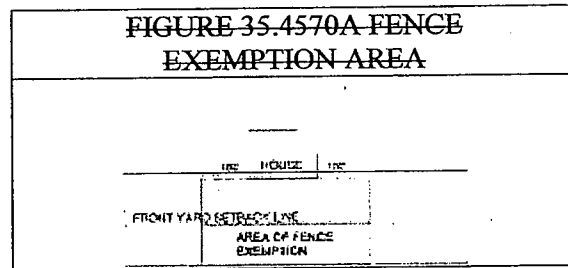
~~(c) Cyclone, woven wire, and chain link fences are prohibited.~~

~~(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.~~

~~(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and~~



meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.



(7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property:

Scientific Name	Common Name
<i>Chelidonium majus</i>	Lesser celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Conium maculatum</i>	Poison hemlock
<i>Convolvulus arvensis</i>	Field Morning glory
<i>Convolvulus nyctagineus</i>	Night-blooming Morning glory
<i>Convolvulus sepium</i>	Lady's nightcap
<i>Cortaderia selloana</i>	Pampas grass
<i>Crataegus sp. except C. douglasii</i>	hawthorn, except native species
<i>Cytisus scoparius</i>	Scotch broom
<i>Daucus carota</i>	Queen Ann's Lace
<i>Elodea densa</i>	South American Water weed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telemateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Laburnum watereri</i>	Golden Chain Tree
<i>Lemna minor</i>	Duckweed, Water-Lentil
<i>Loentodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife

Scientific Name	Common Name
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canary grass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coquimbifolium</i>	Swamp Smartweed
<i>Polygonum convolvulus</i>	Climbing Binaweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese- Laurel
<i>Rhus diversiloba</i>	Poison Oak
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum nigrum</i>	Garden Nightshade
<i>Solanum sarrahoideis</i>	Hairy Nightshade
<i>Taraxacum officinale</i>	Common Dandelion
<i>Utricularia vulgaris</i>	Common Bladderwort
<i>Urtica dioica</i>	Stinging Nettle
<i>Vinca major</i>	Periwinkle (large leaf)
<i>Vinca minor</i>	Periwinkle (small leaf)
<i>Xanthium spinosum</i>	Spiny Cocklebur
various genera	Bamboo sp.

(C) Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist.

(1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

(2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section (B) and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section (B).

(3) The wildlife conservation plan must demonstrate the following:

(a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

(b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

~~(c) That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

~~(d) That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

~~(e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

~~(4) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

**Section 7.**      § 35.4575 is amended as follows:

**35.4575 Criteria for Approval of SEC-s Permit -Streams**

**(A) Definitions:**

~~(1) *Protected Streams* - consist of t~~Those streams which have been found through a Goal 5 ESEE analysis and protected by Ordinance 830 to be either "2 - A", "3 - A", or "3 - C", are identified as protected in the Comprehensive Framework Plan, and those streams and wetlands mapped by Metro's Title 13 as Habitat Conservation Areas as modified through the planning process are designated SEC-s on the Multnomah County Sectional Zoning Maps.

~~(2) *Development* -~~ Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.

~~(3) *Stream Conservation Area* -~~ For the protected streams originally designated by Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designed on the zoning maps as SEC-s is an area which extends 300 feet from the centerline on both sides of the protected stream. An area extending 300 feet upslope from and perpendicular to the centerline of a protected stream. Within Metro's jurisdictional boundaries, the Stream Conservation Area protected by Ordinance XXX, adopted January XX, 2010, varies and shall be as depicted of the Multnomah County Zoning Maps and is from the centerline on both sides of the protected stream for the width of the mapped overlay. Any development proposed within a Stream Conservation Area shall be required to demonstrate that the development satisfies the standards of MCC 35.4575 (B) through (E).

~~(4) *Nuisance or Invasive Non-Native Plants:*~~ Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List.

(B) Except for the following exempt uses listed in MCC 35.4515, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 35.4575 (C) through ~~(EF)~~.

- ~~(1) Forest practices conducted under the Forest Practices Act~~
- ~~(2) Planting of native vegetation~~
- ~~(3) Agricultural uses~~
- ~~(4) Maintenance, but not expansion, of existing developments~~
- ~~(5) Right of way widening for existing rights of way when additional right of way is necessary to ensure continuous width~~
- ~~(6) Single utility poles necessary to provide service to the local area~~

\* \* \* \* \*

(D) For the protected stream resources, designated "3-C" the applicant shall demonstrate that the proposal:

(1) Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:

- (a) A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC 35.4575 (C);
- (b) A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
- (c) A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC 35.4575 (D) (1);
- (d) An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

\* \* \* \* \*

(F) For those Stream Conservation Areas located within Metro's jurisdictional boundaries, the following requirements apply in addition to (C) through (E) above:

(1) The planting of any invasive non-native or noxious vegetation as listed in MCC 35.4575(A)(4) is prohibited. In addition, the following nuisance plant species shall not be planted:

<u>Scientific Name</u>	<u>Common Name</u>
<u>Chelidonium majus</u>	<u>Lesser celandine</u>
<u>Cirsium arvense</u>	<u>Canada Thistle</u>
<u>Cirsium vulgare</u>	<u>Common Thistle</u>
<u>Clematis ligusticifolia</u>	<u>Western Clematis</u>
<u>Clematis vitalba</u>	<u>Traveler's Joy</u>
<u>Conium maculatum</u>	<u>Poison hemlock</u>
<u>Convolvulus arvensis</u>	<u>Field Morning-glory</u>
<u>Convolvulus nyctagineus</u>	<u>Night-blooming Morning-glory</u>
<u>Convolvulus seppium</u>	<u>Lady's nightcap</u>
<u>Cortaderia selloana</u>	<u>Pampas grass</u>
<u>Crataegus sp. except C. douglasii</u>	<u>hawthorn, except native species</u>
<u>Cytisus scoparius</u>	<u>Scotch broom</u>
<u>Daucus carota</u>	<u>Queen Ann's Lace</u>
<u>Elodea densa</u>	<u>South American Water-weed</u>
<u>Equisetum arvense</u>	<u>Common Horsetail</u>
<u>Equisetum telemateia</u>	<u>Giant Horsetail</u>
<u>Erodium cicutarium</u>	<u>Crane's Bill</u>
<u>Geranium roberianum</u>	<u>Robert Geranium</u>
<u>Hedera helix</u>	<u>English Ivy</u>
<u>Hypericum perforatum</u>	<u>St. John's Wort</u>
<u>Ilex aquafolium</u>	<u>English Holly</u>
<u>Laburnum watereri</u>	<u>Golden Chain Tree</u>
<u>Lemna minor</u>	<u>Duckweed, Water Lentil</u>

<u>Scientific Name</u>	<u>Common Name</u>
<u>Loentodon autumnalis</u>	<u>Fall Dandelion</u>
<u>Lythrum salicaria</u>	<u>Purple Loosestrife</u>
<u>Myriophyllum spicatum</u>	<u>Eurasian Watermilfoil</u>
<u>Phalaris arundinacea</u>	<u>Reed Canary grass</u>
<u>Poa annua</u>	<u>Annual Bluegrass</u>
<u>Polygonum coccineum</u>	<u>Swamp Smartweed</u>
<u>Polygonum convolvulus</u>	<u>Climbing Binaweed</u>
<u>Polygonum sachalinense</u>	<u>Giant Knotweed</u>
<u>Prunus laurocerasus</u>	<u>English, Portugese Laurel</u>
<u>Rhus diversiloba</u>	<u>Poison Oak</u>
<u>Rubus discolor</u>	<u>Himalayan Blackberry</u>
<u>Rubus laciniatus</u>	<u>Evergreen Blackberry</u>
<u>Senecio jacobaea</u>	<u>Tansy Ragwort</u>
<u>Solanum dulcamara</u>	<u>Blue Bindweed</u>
<u>Solanum nigrum</u>	<u>Garden Nightshade</u>
<u>Solanum sarrachoides</u>	<u>Hairy Nightshade</u>
<u>Taraxacum officinale</u>	<u>Common Dandelion</u>
<u>Urtica dioica</u>	<u>Stinging Nettle</u>
<u>Vinca major</u>	<u>Periwinkle (large leaf)</u>
<u>Vinca minor</u>	<u>Periwinkle (small leaf)</u>
<u>Xanthium spinosum</u>	<u>Spiny Cocklebur</u>
<u>various genera</u>	<u>Bamboo sp.</u>

(2) The revegetation of disturbed areas shall primarily use native plants. A list of native plants can be found in the latest edition of the Metro Native Plant List.

(3) Outside storage of hazardous materials as determined by DEQ is prohibited, unless such storage began before the effective date of this ordinance; or, unless such storage is contained and approved during development review.

(FG) For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 8.     § 11.15.6400 is amended as follows:**

**11.15.6400 Purposes**

The purposes of the Significant Environmental Concern (SEC) subdistrict are to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things, river corridors, streams, lakes and islands, domestic water supply watersheds, flood water storage areas, natural shorelines and unique vegetation, wetlands, wildlife and fish habitats, significant geological features, tourist attractions, archaeological features and sites, and scenic views and vistas, and to establish criteria, standards, and procedures for the development, change of use, or alteration of such features or of the lands adjacent thereto.

**Section 9.     § 11.15.6401 is added as follows:**

**11.15.6401 Definitions.**

(A) Development: Any manmade change defined as buildings or other structures, mining, dredging, paving, filling, or grading in amounts greater than ten (10) cubic yards on any lot or excavation. Any other activity that results in the removal of more than 10 percent of the existing vegetative cover in the Water Resource Area or Habitat Area on a lot or parcel.

(B) Nuisance, invasive non-native and native plants: Nuisance and invasive non-native plants include the those plants listed in the latest edition of the Metro Nuisance Plant List and the Prohibited Plant List, and include those plants listed in the latest edition of the State of Oregon Noxious Weed List. Native plants are those listed in the latest edition of the Metro Native Plant List.

(C) Practicable, Practical: As in No Practicable Alternative. Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

(D) Top of Bank: The same as "bankfull stage" which means the stage or elevation at which water overflows the natural banks of streams or other waters of this state and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

**Section 10.    § 11.15.6406 is amended as follows:**

**11.15.6406 Exceptions**

An SEC permit shall not be required for the following:

(A) ——— Farm use, as defined in ORS 215.203(2)(a), including buildings and structures accessory thereto on "converted wetlands" as defined by ORS 541.695(9) or on upland areas;

(A) Farming practices as defined in ORS 30.930 and agricultural use as defined in OAR 603-095-0010, except that buildings and other development associated with farm practices and agricultural uses are subject to the requirements of this district except that agricultural fences shall not require an SEC-wr permit;

(B) ——— The propagation of timber or the cutting of timber for public safety or personal use or the cutting of timber in accordance with the State Forest Practices Act;

(C) Customary dredging and channel maintenance and the removal or filling, or both, for the maintenance or reconstruction of structures such as dikes, levees, groins, riprap, drainage ditch, irrigation ditches and tile drain systems as allowed by ORS 196.905(6);

(D) The placing, by a public agency, of signs, markers, aids, etc., to serve the public;

(E) Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses on public lands;

(F) The expansion of capacity, or the replacement, of existing communication or energy distribution and transmission systems, except substations;

(G) The maintenance and repair of existing flood control facilities;

~~(H) Uses legally existing on November 17, 1994; provided, however, that any change, expansion, or alteration of such use (except for changes to a structure which 1) for the SEC, SEC-w, and SEC-v overlays do not require any modification to the exterior of the structure, and 2) for the SEC-h and SEC-s overlays require the addition of less than 400 square feet of ground coverage to the structure) shall require an SEC permit as provided herein;~~

(H) Routine repair and maintenance of structures, roadways, driveways, utility facilities, and lawns that were in existence prior to the effective date of this ordinance;

(I) All type A Home Occupations.

(J) Type B Home Occupations that require the addition of less than 400 square feet of ground coverage to the structure.

(K) Alteration, repair, or replacement of septic system drainfields due to system failure;

(L) Stream enhancement or restoration projects limited to removal by hand of invasive vegetation and planting of any native vegetation on the Metro Native Plant List;

(M) Enhancement or restoration of the riparian corridor for water quality or quantity benefits, or for improvement of fish and wildlife habitat, pursuant to a plan that does not include placement of buildings or structures and does not entail grading in an amount greater than 10 cubic yards. This exemption is applicable to plans that are approved by Soil and Water Conservation District, the Natural Resources Conservation District, or the Oregon Department of Fish and Wildlife under the provisions for a Wildlife and Habitat Conservation Plan, and submitted to the County;

(N) Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width; and

(O) Single utility poles necessary to provide service to the local area.

(P) Work necessary to protect, repair, maintain, or replace existing structures, utility facilities, service connections, roadways, driveways, accessory uses and exterior improvements in response to emergencies pursuant to the provisions of MCC .2282 Responses to and Emergency/Disaster Event, provided that after the emergency has passed, adverse impacts are mitigated.

## **Section 11.     § 11.15.6408 is amended as follows:**

### **11.15.6408     Application for SEC Permit**

~~An application for an SEC permit for a use or for the change or alteration of an existing use on land~~

designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

(A) — For a Permitted Use, an Accessory Use, or a Use Under Prescribed Conditions, in the manner provided in MCC .8210(B); and

(B) — For a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service Use as specified in MCC .7005 through .7030, or for a change of zone classification or for any other action as specified in MCC .8205, the SEC permit application shall be combined with the required application for the proposed action and filed in the manner provided in MCC .8210 and .8215.

(C) — An application for an SEC permit shall include the following:

(1) — A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.

(2) — A map of the property showing:

(a) — Boundaries, dimensions, and size of the subject parcel;

(b) — Location and size of existing and proposed structures;

(c) — Contour lines and topographic features such as ravines or ridges;

(d) — Proposed fill, grading, site contouring or other landform changes;

(e) — Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;

(f) — Location and width of existing and proposed roads, driveways, and service corridors.

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420 through .6428. An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

(A) General SEC (SEC): All applications for SEC permits shall include the information listed in this section in sufficient detail for County staff to evaluate the impacts of the proposal. The applicant is responsible for providing all of the required information. In addition to the information listed in this section, the application shall contain the supplemental information that is listed for the resource area in which the development is proposed.

(1) A written description of the proposed development and how it complies with the requirements applicable to the resource area in which development is proposed as listed in SEC, SEC-wr, and SEC-h.

(2) A map of the property drawn to scale showing:

(a) Boundaries, dimensions, and size of the subject parcel;

(b) Location and size of existing and proposed structures;



- (c) Contour lines and topographic features such as ravines or ridges;
  - (d) Location of natural drainageways, springs, seeps, and wetlands on the site. The Planning Director may require the applicant to provide the location of the SEC-wr boundary, topography, or the location of development as determined by a registered professional surveyor or engineer;
  - (e) Proposed fill, grading, site contouring or other landform changes;
  - (f) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas; and
  - (g) Location and width of existing and proposed roads, driveways, parking and maneuvering areas, and service corridors and utilities.
  - (3) A scaled drawing of the building design and elevations that show the relationship between the building and existing and finished grades and existing or proposed vegetation.
  - (4) Application for a flood hazard permit, erosion control permit, and/or other required natural hazards permit for the proposed development.
- (C) SEC-Water Resource (SEC-wr): In addition to the information requirements listed in MCC .6408(A) above, the following information shall be submitted for applications within the SEC-wr overlay.
- (1) A topographic map of the development area and adjacent areas of the site at contour intervals of five feet or less showing a de-lineation of the Water Area or Habitat Area as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, and utility installations;
  - (2) The location of wetlands;
  - (3) Preparation of plans and surveys - Inventories, assessment of existing conditions, and mitigation or restoration plans shall be prepared by a qualified professional such as a fish or wildlife biologist at the discretion of the Planning Director. Wetlands shall be identified and delineated by a qualified wetland specialist as set forth in the 1987 Corps of Engineers Wetland Delineation Manual;
  - (4) The applicant shall provide evidence that when federal or state requirements apply, that the agency has been contacted, and shall provide an assessment of whether the project can meet the requirements based on the agency response;
  - (5) An assessment of the existing condition of the Water Resource Area in accordance with Table 2 Riparian/Vegetated Corridor Standards;
  - (6) An inventory of vegetation, including percentage ground and canopy coverage, and location of nuisance plants listed in Table 1;
  - (7) A detailed Mitigation Plan as described in MCC .6428(E), if required;
  - (8) The location of all existing trees of a caliper greater than six (6) inches in diameter at breast height (DBH); and
  - (9) A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal.

including the amounts and methods.

**Section 12.     § 11.15.6409 is amended as follows:**

**11.15.6409     Applicable Approval Criteria**

(A) ~~The approval criteria in MCC .6420 shall apply to those areas designated SEC on the Multnomah County zoning maps.~~

(B) The approval criteria that apply to uses in areas designated SEC ~~SEC-w, SEC-v, SEC-h and SEC-s~~ wr on Multnomah County zoning maps shall be based on the type of protected resources on the property, as indicated by the subscript letter in the zoning designation, as follows:

Zoning Designation	Approval Criteria
<u>SEC</u>	<u>MCC .6420</u>
SEC-w (wetlands)	MCC .6422
SEC-v (scenic views)	MCC .6424
SEC-h (wildlife habitat)	MCC .6426
SEC-s (streams)	MCC .6428
<u>SEC-wr (water resources)</u>	

(B) The zoning maps used to designate the Stream Conservation Areas (SEC-s wr zoning subdistricts) were created digitally by interpreting various data sources, ~~including the hand drawn maps contained in the Goal 5 ESEE report.~~ Care was taken in the creation of the maps, but in some instances mapping inaccuracies have occurred during the process. ~~For those areas included in Ordinance 830 (West Hills Rural Area Plan), the Stream Conservation Area designated on the zoning maps as SEC-s is an area which extends extending 300 feet from the nearest point on the centerline on both sides of the protected stream.~~ In the event of a mapping inconsistency, the SEC-~~swr~~ wr zoning subdistrict shall be interpreted to be the defined Stream Conservation Area.

(C) An application for a use on a property containing more than one protected resource shall address the approval criteria for all of the designated resources on the property. In the case of conflicting criteria, approval shall be based on the ability of the proposed development to comply as nearly as possible with the criteria for all designated resources that would be affected.

~~(D) For Goal 5 resources designated "2A" or "3A", a proposed development must comply with the approval criteria in order to be approved.~~

~~(ED)~~ For Goal 5 resources designated "3C" protected stream resources, the approval criteria shall be used to determine the most appropriate location, size and scope of the proposed development, in order to make the development compatible with the purposes of this section, but shall not be used to prohibit a use or be used to require removal or relocation of existing physical improvements to the property.

**Section 13.     § 11.15.6410 is amended as follows:**

#### **11.15.6410 SEC Permit – Required Findings**

A decision on an application for an SEC permit shall be based upon findings of consistency with the purposes of the SEC district and with the applicable criteria for approval specified in MCC .6420~~6~~ through .6428.

**Section 14.** §§ 11.15.6412, 11.15.6414, and 11.15.6416 are deleted as follows:

#### **11.15.6412 ~~Decision by Planning Director~~**

- (A) ~~— A decision on an SEC permit application for a Permitted Use or a Use Under Prescribed Conditions shall be made by the Planning Director.~~
- (B) ~~— The Director may approve the proposal or approve it with such modifications and conditions as may be consistent with the Comprehensive Plan and necessary to assure compatibility with applicable criteria of MCC .6420 through .6428.~~
- (C) ~~— Within thirty business days following receipt of a completed application for an SEC permit, the Planning Director shall file the decision with the Director of Environmental Services and shall mail a copy of the decision to the applicant and to other persons who request the same.~~
- (D) ~~— A decision by the Planning Director on an SEC permit application shall include written conditions, if any, and findings and conclusions. The conditions, findings, and conclusions shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

#### **11.15.6414 ~~Decision by a Hearings Officer~~**

- (A) ~~— A decision on an SEC permit application for a Conditional Use as specified either in the underlying district or in MCC .7105 through .7640, or for a Community Service use as specified in MCC .7005 through .7030, shall be made by the Hearings Officer in conjunction with the decision on the use proposal associated therewith.~~
- (B) ~~— Action by the Hearings Officer on an SEC permit application shall be taken pursuant to MCC .8205 through .8250.~~
- (C) ~~— The findings and conclusions made by the Hearings Officer and the conditions or modifications of approval, if any, shall specifically address the relationships between the proposal and the applicable criteria in MCC .6420 through .6428.~~

#### **11.15.6416 ~~Appeals~~**

- (A) ~~— A decision by the Planning Director on an application for an SEC permit may be appealed to the Hearings Officer in the manner provided in MCC .8290 and .8295.~~
- (B) ~~— A decision by the Hearings Officer on an application for an SEC permit may be appealed to the Board of County Commissioners in the manner provided in MCC .8255.~~

**Section 15.** § 11.15.6413 is added as follows:

#### **11.15.6413 Existing Uses.**

Uses that legally existed on January XX, 2010, that are not included as Exceptions in section MCC .6406, may utilize the provisions of this section. This section is intended to define the circumstances under which existing development can be improved or replaced under limited requirements in recognition of the pre-existing status. The SEC provisions are also not intended to make existing uses non-conforming. However, approval of proposals for alteration of uses that were non-conforming prior to the SEC ordinance, must obtain an SEC permit in addition to demonstrating compliance with the non-conforming use provisions of this Chapter.

(A) Change, expansion, or alteration of existing uses shall require an SEC permit as provided in MCC .6400 through .6428, except for changes to a structure as described in Sections (1) or (2) below:

(1) In areas subject to the provisions of the SEC, change, or alteration of existing uses which do not require any modification to the exterior of the structure;

(2) Within the SEC-wr and SEC-h - addition of less than 400 square feet of ground coverage to the structure. This provision is intended to allow a maximum of 400 square feet of additional coverage to the structure that existed on the effective date of this ordinance.

(B) Replacement or restoration of existing structures that were unintentionally destroyed by fire or other casualty, or natural disaster within the same foundation lines shall not require an SEC permit. The redevelopment must be commenced within one year from the date of the loss, and may include addition of a maximum 400 square feet of ground coverage. Structures which are expanded up to 400 square feet under this provision, may not subsequently expand under the provision in (A)(2) above.

(C) Within the SEC-wr, lawfully established structures that do not meet the casualty loss provisions of (B) above may be replaced within the same foundation lines or area of ground coverage when the entire remaining vegetated corridor on the project site, or the first 50 feet closest to the stream, or an area equal to the ground coverage of the building and attached structures and paved areas, whichever is less, is enhanced to "good" condition pursuant to Table 2. Replacement shall be processed as a Type II review.

(D) If development under this section is proposed to be located closer to a protected water feature, approval of a permit under the provisions of MCC .6408, .6422 & .6428 shall be obtained.

**Section 16. §§ 11.15.6422 and 11.15.6424 are deleted as follows:**

**11.15.6422 — Criteria for Approval of SEC w Permit — Significant Wetlands**

**Significant wetlands consist of those areas designated as Significant on aerial photographs of a scale of 1"=200' made a part of the supporting documentation of the Comprehensive Framework Plan. Any proposed activity or use requiring an SEC permit which would impact those wetlands shall be subject to the following:**

**(A) — In addition to other SEC Permit submittal requirements, the application shall also include:**

**(1) — A site plan drawn to scale showing the wetland boundary as determined by a documented field survey, the location of all existing and proposed watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval of no greater than five feet;**

(2) — A description and map of the wetland area that will be affected by the proposed activity. This documentation must also include a map of the entire wetland, an assessment of the wetland's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;

(3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;

(4) — A study of any flood hazard, erosion hazard, or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards;

(5) — Detailed Mitigation Plans as described in subsection (D), if required;

(6) — Description of how the proposal meets the approval criteria listed in subsection (B) below.

(B) — The applicant shall demonstrate that the proposal: [Amended 1994, Ord. 801 § 3]

(1) — Is water dependent or requires access to the wetland as a central element of its basic design function, or is not water dependent but has no practicable alternative as described in subsection (C) below;

(2) — Will have as few adverse impacts as is practical to the wetland's functional characteristics and its existing contour, vegetation, fish and wildlife resources, shoreline anchoring, flood storage, general hydrological conditions, and visual amenities. This impact determination shall also consider specific site information contained in the adopted wetlands inventory and the economic, social, environmental, and energy (ESEE) analysis made part of the supporting documentation of the comprehensive plan;

(3) — Will not cause significant degradation of groundwater or surface water quality;

(4) — Will provide a buffer area of not less than 50 feet between the wetland boundary and upland activities for those portions of regulated activities that need not be conducted in the wetland;

(5) — Will provide offsetting replacement wetlands for any loss of existing wetland areas. This Mitigation Plan shall meet the standards of subsection (D).

(C) — A finding of no practicable alternative is to be made only after demonstration by the applicant that:

(1) — The basic purpose of the project cannot reasonably be accomplished using one or more other practicable alternative sites in Multnomah County that would avoid or result in less adverse impact on a wetland. An alternative site is to be considered practicable if it is available for purchase and the proposed activity can be conducted on that site after taking into consideration costs, existing technology, infrastructure, and logistics in achieving the overall project purposes;

(2) — The basic purpose of the project cannot be accomplished by a reduction in the size, scope, configuration, or density of the project as proposed, or by changing the design of the project in a way that would avoid or result in fewer adverse effects on the wetland; and

(3) — In cases where the applicant has rejected alternatives to the project as proposed due to constraints, a reasonable attempt has been made to remove or accommodate such constraints.

(4) ~~This section is only applicable for wetland resources designated "3-C".~~

(D) ~~A Mitigation Plan and monitoring program may be approved upon submission of the following:~~

(1) ~~A site plan and written documentation which contains the applicable information for the replacement wetland as required by MCC .6372 and .6376 (A);~~

(2) ~~A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;~~

(3) ~~A Mitigation Plan which demonstrates retention of the resource values addressed in MCC .6376 (B)(2);~~

(4) ~~Documentation that replacement wetlands were considered and rejected according to the following order of locational preferences:~~

(a) ~~On the site of the impacted wetland, with the same kind of resource;~~

(b) ~~Off site, with the same kind of resource;~~

(c) ~~On site, with a different kind of resource;~~

(d) ~~Off site, with a different kind of resource.~~

#### **11.15.6424 ~~Criteria for Approval of SEC-v Permit Significant Scenic Views~~**

~~Significant scenic resources~~ consist of those areas designated SEC-v on Multnomah County sectional zoning maps.

~~Identified Viewing Areas~~ are public areas that provide important views of a significant scenic resource, and include both sites and linear corridors. ~~Identified Viewing Areas are:~~

Bybee Howell House

Virginia Lakes

Sauvie Island Wildlife Refuge

Kelley Point Park

Smith and Bybee Lakes

Highway 30

The Multnomah Channel

The Willamette River

Public roads on Sauvie Island

~~Visually subordinate~~ means development does not noticeably contrast with the surrounding landscape, as viewed from an identified viewing area. Development that is visually subordinate may be visible, but is not visually dominant in relation to its surroundings.

(A) ~~In addition to the information required by MCC .6408(C), an application for development in an area designated SEC-v shall include:~~

(1) ~~Details on the height, shape, colors, outdoor lighting, and exterior building materials of any proposed structure;~~

(2) — Elevation drawings showing the appearance of proposed structures when built and surrounding final ground grades;

(3) — A list of identified viewing areas from which the proposed use would be visible; and

(4) — A written description and drawings demonstrating how the proposed development will be visually subordinate as required by (B) below, including information on the type, height and location of any vegetation or other materials which will be used to screen the development from the view of identified viewing areas.

(B) — Any portion of a proposed development (including access roads, cleared areas and structures) that will be visible from an identified viewing area shall be visually subordinate. Guidelines which may be used to attain visual subordination, and which shall be considered in making the determination of visual subordination include:

(1) — Siting on portions of the property where topography and existing vegetation will screen the development from the view of identified viewing areas.

(2) — Use of nonreflective or low reflective building materials and dark natural or earthtone colors.

(3) — No exterior lighting, or lighting that is directed downward and sited, hooded and shielded so that it is not highly visible from identified viewing areas. Shielding and hooding materials should be composed of nonreflective, opaque materials.

(4) — Use of screening vegetation or earth berms to block and/or disrupt views of the development. Priority should be given to retaining existing vegetation over other screening methods. Trees planted for screening purposes should be coniferous to provide winter screening. The applicant is responsible for the proper maintenance and survival of any vegetation used for screening.

(5) — Proposed developments or land use shall be aligned, designed and sited to fit the natural topography and to take advantage of vegetation and land form screening, and to minimize visible grading or other modifications of landforms, vegetation cover, and natural characteristics.

(6) — Limiting structure height to remain below the surrounding forest canopy level.

(7) — Siting and/or design so that the silhouette of buildings and other structures remains below the skyline of bluffs or ridges as seen from identified viewing areas. This may require modifying the building or structure height and design as well as location on the property, except:

(a) — New communications facilities (transmission lines, antennae, dishes, etc.), may protrude above a skyline visible from an identified viewing area upon demonstration that:

(i) — The new facility could not be located in an existing transmission corridor or built upon an existing facility;

(ii) — The facility is necessary for public service; and

(iii) — The break in the skyline is the minimum necessary to provide the service.

(C) — Mining of a protected aggregate and mineral resource within a PAM subdistrict shall be done in accordance with any standards for mining identified in the protection program approved during the Goal 5 process. The SEC Application for Significant Scenic Views must comply only with measures to protect scenic views identified in the Goal 5 protection program that has been designated for the site.

(D) — The approval authority may impose conditions of approval on an SEC v permit in accordance with MCC .6418, in order to make the development visually subordinate. The extent and type of

conditions shall be proportionate to the potential adverse visual impact of the development as seen from identified viewing areas, taking into consideration the size of the development area that will be visible, the distance from the development to identified viewing areas, the number of identified viewing areas that could see the development, and the linear distance the development could be seen along identified viewing corridors.

**Section 17. § 11.15.6423 is added as follows:**

**11.15.6423 General Requirements for Approval in Areas Designated as SEC-wr.**

The requirements in this section shall be satisfied for development in the SEC-h and SEC-wr areas in addition to the provisions of MCC .6426 or MCC .6428 as applicable.

(A) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restriction on timing of soil disturbing activities.

(B) Outdoor lighting shall be of a fixture type and shall be placed in a location so that it does not shine directly into undeveloped water re-source or habitat areas. Where illumination of a water resource or habitat area is unavoidable, it shall be minimized through use of a hooded fixture type and location. The location and illumination area of lighting needed for security of utility facilities shall not be limited by this provision.

(C) The following nuisance plants, in addition to the nuisance plants defined in MCC .6401, shall not be used as landscape plantings within the SEC-wr and SEC-h Overlay Zone:

Table 1  
Nuisance Plant List

Common Name	Scientific		Common Name	Scientific
Lesser celandine	Chelidonium majus		Fall Dandelion	Loentodon autumnalis
Canada Thistle	Cirsium arvense		Purple Loosestrife	Lythrum salicaria
Common Thistle	Cirsium vulgare		Eurasian Watermilfoil	Myriophyllum spicatum
Western Clematis	Clematis ligusticifolia		Reed Canary grass	Phalaris arundinacea
Traveler' s Joy	Clematis vitalba		Annual Bluegrass	Poa annua
Poison hemlock	Conium maculatum		Swamp Smartweed	Polygonum coccineum
Field Morning-glory	Convolvulus arvensis		Climbing Binaweed	Polygonum convolvulus
Night-blooming Morningglory	Convolvulus nyctagineus		Giant Knotweed	Polygonum sachalinense



Common Name	Scientific		Common Name	Scientific
Lady' s nightcap	Convolvulus seppium		English, Portuguese/ Laurel	Prunus laurocerasus
Pampas grass	Cortaderia selloana		Poison Oak	Rhus diversiloba
Hawthorn, except native species	Crataegus sp. except C. douglasii		Himalayan Blackberry	Rubus discolor
Scotch broom	Cytisus scoparius		Evergreen Blackberry	Rubus laciniatus
Queen Ann' s Lace	Daucus carota		Tansy Ragwort	Senecio jacobaea
South American Waterweed	Elodea densa		Blue Bindweed	Solanum dulcamara
Common Horsetail	Equisetum arvense		Garden Nightshade	Solanum nigrum
Giant Horsetail	Equisetum telemateia		Hairy Nightshade	Solanum sarrachoides
Crane' s Bill	Erodium cicutarium		Common Dandelion	Taraxacum officinale
Robert Geranium	Geranium roberianum		Common Bladderwort	Utricularia vulgaris
English Ivy	Hedera helix		Stinging Nettle	Urtica dioica
St. John' s Wort	Hypericum perforatum		Periwinkle (large leaf)	Vinca major
English Holly	Ilex aquafolium		Periwinkle (small leaf)	Vinca minor
Duckweed, Water Lentil	Lemna minor		Spiny Cocklebur	Xanthium spinosum
Fall Dandelion	Loentodon autumnalis		Bamboo sp.	various genera
Purple Loosestrife	Lythrum salicaria			

**Section 18. § 11.15.6426 is amended ~~deleted~~ as follows:**

**~~11.15.6426 — Criteria for Approval of SEC h Permit Wildlife Habitat~~**

~~(A) — In addition to the information required by MCC .6408(C), an application for development in an area designated SEC h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:~~

~~(1) — Location of all existing forested areas (including areas cleared pursuant to an approved forest management plan) and non forested "cleared" areas;~~

~~For the purposes of this section, a forested area is defined as an area that has at least 75% crown closure, or 80 square feet of basal area per acre, of trees 11 inches DBH and larger, or an area which is being reforested pursuant to Forest Practice Rules of the Department of Forestry. A~~

non-forested "cleared" area is defined as an area which does not meet the description of a forested area and which is not being reforested pursuant to a forest management plan.

(2) Location of existing and proposed structures;

(3) Location and width of existing and proposed public roads, private access roads, driveways, and service corridors on the subject parcel and within 200 feet of the subject parcel's boundaries on all adjacent parcels;

(4) Existing and proposed type and location of all fencing on the subject property and on adjacent properties and on properties entirely or partially within 200 feet of the subject property.

(B) Development standards:

(1) Where a parcel contains any non-forested "cleared" areas, development shall only occur in these areas, except as necessary to provide access and to meet minimum clearance standards for fire safety.

(2) Development shall occur within 200 feet of a public road capable of providing reasonable practical access to the developable portion of the site.

(3) The access road/driveway and service corridor serving the development shall not exceed 500 feet in length.

(4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

(5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

(6) Fencing within a required setback from a public road shall meet the following criteria:

(a) Fences shall have a maximum height of 42 inches and a minimum 17 inch gap between the ground and the bottom of the fence.

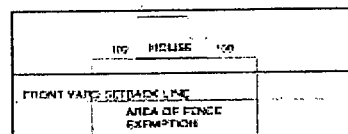
(b) Wood and wire fences are permitted. The bottom strand of a wire fence shall be barbless. Fences may be electrified, except as prohibited by County Code.

(c) Cyclone, woven wire, and chain link fences are prohibited.

(d) Fences with a ratio of solids to voids greater than 2:1 are prohibited.

(e) Fencing standards do not apply in an area on the property bounded by a line along the public road serving the development, two lines each drawn perpendicular to the principal structure from a point 100 feet from the end of the structure on a line perpendicular to and meeting with the public road serving the development, and the front yard setback line parallel to the public road serving the development.

FIGURE .6400A 1



FENCE EXEMPTION AREA

(7) The following nuisance plants shall not be planted on the subject property and shall be

removed and kept removed from cleared areas of the subject property:

(CB) ~~Wildlife Conservation Plan. An applicant shall propose a wildlife conservation plan if one of two situations exist:~~

(1) ~~The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or~~

(2) ~~The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having a less detrimental impact on forested wildlife habitat than the standards in Section B.~~

(3) ~~The wildlife conservation plan must demonstrate the following:~~

(a) ~~That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.~~

(b) ~~That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.~~

(c) ~~That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.~~

(d) ~~That revegetation of existing cleared areas on the property at a 2:1 ratio with newly cleared areas occurs if such cleared areas exist on the property.~~

(e) ~~That revegetation and enhancement of disturbed stream riparian areas occurs along drainages and streams located on the property.~~

(4) ~~For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the applicant shall submit a Wildlife Conservation Plan which must comply only with measures identified in the Goal 5 protection program that has been adopted by Multnomah County for the site as part of the program to achieve the goal.~~

**Section 19.**     § 11.15.6428 is deleted as follows:

**11.15.6428** ~~Criteria for Approval of SEC-s Permit Streams~~

~~Protected Streams consist of those streams which have been found through a Goal 5 ESEE analysis to be either "2 A", "3 A", or "3 C", are identified as protected in the Comprehensive Framework Plan, and are designated SEC-s on the Multnomah County Sectional Zoning Maps.~~

~~Development—Any act requiring a permit stipulated by Multnomah County Ordinances as a prerequisite to the use or improvement of any land, including a building, land use, occupancy, sewer connection or other similar permit, and any associated grading or vegetative modifications.~~

~~Stream Conservation Area—An area extending 300' upslope from and perpendicular to the centerline of a protected stream. Any development proposed within a Stream Conservation Area shall be required to~~

demonstrate that the development satisfies the standards of MCC 11.15.6428(A) through (D).

(A) — Except for the following exempt uses, no development shall be allowed within a Stream Conservation Area unless approved by the Approval Authority pursuant to the provisions of MCC 11.15.6428(B) through (D):

- (1) — Forest practices conducted under the Forest Practices Act
- (2) — Planting of native vegetation
- (3) — Agricultural uses [Amended 1995, Ord. 832 § 2]
- (4) — Maintenance, but not expansion, of existing developments
- (5) — Right-of-way widening for existing rights-of-way when additional right-of-way is necessary to ensure continuous width
- (6) — Single utility poles necessary to provide service to the local area

(B) — In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

- (1) — A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads, watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;
- (2) — A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;
- (3) — A description and map of soil types in the proposed development area and the locations and specifications for all proposed draining, filling, grading, dredging, and vegetation removal, including the amounts and methods;
- (4) — A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (D)(5) below;
- (5) — A detailed Mitigation Plan as described in subsection (C), if required; and
- (6) — A description of how the proposal meets the approval criteria listed in subsection (C) below.

(C) — For stream resources designated "3 C" the applicant shall demonstrate that the proposal:

- (1) — Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:
  - (a) — A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);
  - (b) — A description of the applicant's coordination efforts to date with the requirements of other local, State, and Federal agencies;
  - (c) — A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);

(d) — An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.

(D) — Design Specifications

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

(1) — A bridge or arched culvert which does not disturb the bed or banks of the stream and which maintains the existing flood carrying capacity for the altered portion of the stream shall be utilized for any crossing of a protected stream. [Amended 1999, Ord. 931 § IV]

(2) — All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.

(3) — Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area

(4) — Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.

(5) — Satisfaction of the erosion control standards of MCC .6730.

(6) — Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.

(7) — Demonstration of compliance with all applicable state and federal permit requirements.

(E) — For Protected Aggregate and Mineral (PAM) resources within a PAM subdistrict, the Mitigation Plan must comply only with measures identified in the Goal 5 protection program that has been designated for the site.

**Section 20. § 11.15.6429 is added as follows:**

**11.15.6429 CRITERIA FOR APPROVAL OF SEC-WR PERMIT -WATER RESOURCE**

Except for the exempt uses listed in MCC .6406 and the existing uses pursuant to MCC .6412, no development shall be allowed within a Water Resource Area unless the provisions of section (A) or (B) or (C) below are satisfied. An application shall not be approved unless it contains the site analysis information required in MCC .6408(A) and (C), and meets the general requirements in MCC .6422.

(A) Development on Low Impact Sites - Development on parcels in locations that would have low impacts on Water Resource Areas may be exempt from the Alternatives Analysis in (B) below. Development on sites that meet the following criterion may be allowed pursuant to the other applicable requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E):

(1) The development site is at least one hundred (100) feet from top of bank or top of ravine, which ever results in a greater distance from the Protected Water Feature.

Top of ravine is the break in the > 25% slope. Slope should be measured in 25-foot increments

away from the water feature until the slope is less than 25% (top of ravine), up to a maximum distance of 200' from the water feature. Where multiple resources are present (e.g., stream with wetlands along banks), the starting point for measurement should be whichever offers greatest re-source protection.

(B) Alternatives Analysis - Development pro-posed within a Water Resource Area may be al-lowed if there is no alternative, when the other requirements of this district including the Development Standards of (D) and the provisions for Mitigation in (E) are met. The applicant shall prepare an alternative analysis which demonstrates that:

- (1) No practicable alternatives to the re-requested development exist that will not disturb the Water Resource Area; and
- (2) Development in the Water Resource Area has been limited to the area necessary to allow for the proposed use;
- (3) Development shall occur as far as practically possible from the stream; and
- (4) The Water Resource Area can be re-stored to an equal or better condition; or
- (5) Any net loss on the property of resource area, function and/or value can be mitigated.

(C) Buffer Averaging - Development may be al-lowed to encroach into the 200' SEC-wr over-lay zone or "buffer" when the provisions of (1) through (6) below are satisfied. These provisions are intended to allow development to extend a specific amount into the edges of the overlay zone without an alternatives analysis in exchange for increasing the area of vegetated corridor on the property that is in good condition.

- (1) Site assessment information pursuant to MCC .6408(A) and (C) has been submitted.
- (2) The riparian/vegetated corridor is certified to be in a marginal or degraded condition pursuant to Table 2. Buffer averaging is not allowed to encroach in areas certified to be in good condition.
- (3) The maximum encroachment does not exceed 20% of the frontage length of the vegetated corridor by 20% of the required width.
- (4) The entire remaining vegetated corridor on the project site or the first 50 feet closest to the stream (whichever is less) will be enhanced to "good" condition pursuant to Table 2.
- (5) The area of encroachment will be re-placed with added buffer area at a 1:1 ratio.
- (6) The replacement area will be incorporated into the remaining vegetated corridor on the project site and meet the "good" condition pursuant to Table 2, regardless of its distance from the resource area.

(D) Development Standards- Development within the Water Resource Area shall comply with the following standards:

- (1) Development of trails, rest points, viewpoints, and other facilities for the enjoyment of the resource must be done in such a manner so as to minimize impacts on the natural resource while allowing for the enjoyment of the natural resource.
- (2) Development in areas of dense standing trees shall be designed to minimize the numbers of trees to be cut. No more than 50 percent of mature standing trees (of 6-inch DBH greater ) shall be removed with-out a one-for-one replacement with comparable species. The site plan for the

pro-posed activity shall identify all mature standing trees by type, size, and location, which are proposed for removal, and the location and type of replacement trees.

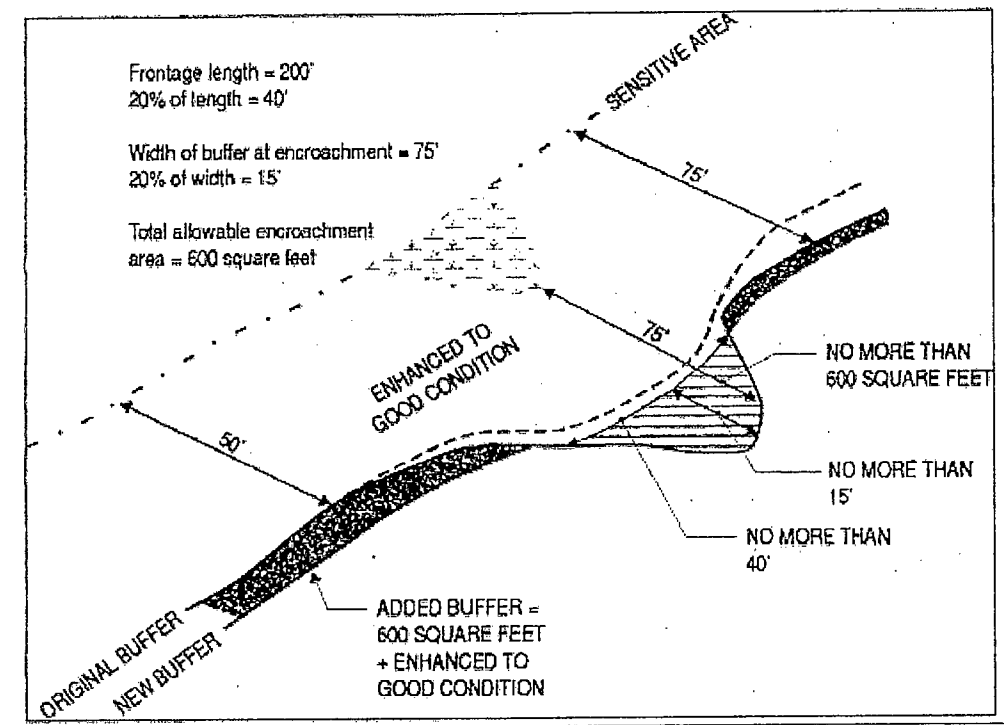
(3) Areas of standing trees, shrubs, and natural vegetation will remain connected or contiguous, particularly along natural drain-age courses, so as to provide a transition between the proposed development and the natural resource, to provide food, water, and cover for wildlife, and to protect the visual amenity values of the natural resource.

(4) The Water Resource Area shall be re-stored to "good condition" and maintained in accordance with the mitigation plan pursuant to (E) below and the specifications in Table 2.

(5) To the extent practicable, existing vegetation shall be protected and left in place. Work areas shall be carefully located and marked to reduce potential damage to the Water Resource Area. Trees in the Water Resource Area shall not be used as anchors for stabilizing construction equipment.

(6) Where existing vegetation has been re-moved, or the original land contours disturbed, the site shall be revegetated, and the vegetation shall be established as soon as practicable. Nuisance plants, as identified in Table 1, may be removed at any time. Interim erosion control measures such as mulching shall be used to avoid erosion on bare areas. Nuisance plants shall be replaced with non-nuisance plants by the next growing season.

Figure 2



(7) Prior to construction, the Water Resource Area shall be flagged, fenced or otherwise marked and shall remain undisturbed except as otherwise allowed by this district. Such markings shall be maintained until construction is complete.

(8) Stormwater quantity control and quality control facilities:

(a) Stormwater management shall be conducted in a manner that does not increase the flow of stormwater to the stream above pre-development levels.

(b) The stormwater quantity control and quality control facility may only encroach a maximum of 25 feet into the outside boundary of the Water Resource Area of a primary water feature; and

(c) The area of encroachment must be replaced by adding an area equal in size and with similar functions and values to the Water Resource Area on the subject property.

(E) Mitigation - Mitigation shall be required to offset the impacts of development within the SECV. This section establishes how mitigation can occur.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing or compensating for adverse impacts to regulated natural resource areas.

(a) When a proposed use or development activity could cause adverse impacts to a natural resource area, the preferred sequence of mitigation as defined in 1. through 5. below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

1. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated natural resource area;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;

3. Compensating for the impact by repairing, rehabilitating, or restoring the affected environment;

4. Compensating for the impact by replacing, enhancing or providing substitute resources or environments on-site.

5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments off-site.

(b) When evaluating potential impacts to the natural resource, the County may consider whether there is an overriding public benefit, given:

1. The extent of the public need for the proposed development;

2. The functional values of the Water Resource Area that may be affected by the proposed development;

3. The extent and permanence of the adverse effects of the development on the Water Resource Area, either directly or indirectly;

4. The cumulative adverse effects of past activities on the Water Resource Area, either directly or indirectly; and

5. The uniqueness or scarcity of the Water Resource Area that may be affected.

(2) Compensatory Mitigation: General Requirements. As a condition of any permit or other approval allowing development which results in the loss or degradation of regulated natural resource areas, or as an enforcement action, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or violator.



(a) Any person who alters or proposes to alter regulated natural resource areas shall restore or create natural resource areas equivalent to or larger than those altered in order to compensate for re-source losses.

(b) The following ratios apply to the creation or restoration of natural re-source areas. The first number specifies the amount of natural resource area to be created and the second specifies the amount of natural resource area to be altered or lost.

Creation (off-site) 2:1

Restoration (off-site) 1.5:1

Creation (on-site) 1.5:1

(Restoration (on-site) 1:1

(c) Only marginal or degraded water re-source areas as described in Table 2 may be the subject of a restoration project proposed as part of a Mitigation Plan.

(d) Highest priority sites for mitigation are marginal or degraded corridors that are closest to a natural drainage, and areas which will increase contiguous areas of standing trees, shrubs, and natural vegetation along drainages.

(e) The off-site mitigation shall be as close to the development as is practicable above the confluence of the next downstream tributary, or if this is not practicable, within the watershed where the development will take place or as otherwise specified by the County.

(f) Compensation shall be completed prior to initiation of development where possible.

(g) In order to ensure that on-site mitigation areas are established and maintained, the property owner shall record the mitigation plan approval in the deed records of Multnomah County. In order to ensure that off-site mitigation areas will be protected in perpetuity, the owner shall cause a deed restriction to be placed on the property where the mitigation is required. The deed restriction shall be irrevocable unless a statement of release is signed by an authorized representative of Multnomah County.

(3) Mitigation Plan Standards - Natural re-source mitigation plans shall contain the following information:

(a) A description of adverse impacts that could be caused as a result of development.

(b) An explanation of how adverse impacts to resource areas will be avoided, minimized, and/or mitigated.

(c) A list of all responsible parties including, but not limited to, the owner, applicant, contractor or other persons responsible for work on the development site.

(d) A map drawn to scale, showing where the specific mitigation activities will occur.

(e) An implementation schedule, including timeline for construction, mitigation, mitigation maintenance, monitoring, reporting and a contingency plan. All in-stream work in fish-bearing streams must be done in accordance with the Oregon Department of Fish and Wildlife in-stream timing schedule.

Table 2

Riparian/Vegetated Corridor Standards

<u>Existing Riparian/Vegetated Corridor Condition</u>	<u>Requirements of Riparian/Vegetated Corridor Protection, Enhancement, and/or Mitigation</u>
<p><u><i>Good Corridor</i></u></p> <p><u>Combination of native trees, shrubs, and groundcover covering greater than 80% of the area</u></p> <p><u>and</u></p> <p><u>Greater than 50% tree canopy exists (aerial measure)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand.</u></p> <p><u>Provide the County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore condition and mitigate any habitat or water quality impacts related to development.</u></p> <p><u>Revegetate impacted area per approved plan to reestablish "good" corridor conditions</u></p>
<p><u><i>Marginal Corridor</i></u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering 50% - 80% of the area</u></p> <p><u>and/or</u></p> <p><u>26-50% tree canopy exists (aerial measure)</u></p> <p><u>(Restoration up to "good" corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically with small equipment, as appropriate to minimize damage to existing native vegetation.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish "good" corridor conditions</u></p>

<p><u>Degraded Corridor</u></p> <p><u>Combination of native trees, shrubs, and groundcovers covering is less than 50% of the area</u></p> <p><u>and/or</u></p> <p><u>Less than 25% tree canopy exists (aerial measure)</u></p> <p><u>and/or</u></p> <p><u>Greater than 10% of the area is covered by invasive, non-native species</u></p> <p><u>(Restoration up to "good" corridor required)</u></p>	<p><u>Provide certification, pursuant to the procedures provided by the Planning Director, by a professional ecologist/biologist that the riparian/vegetated corridor meets condition criteria.</u></p> <p><u>Remove any invasive non-native or nuisance species and debris and noxious materials within the corridor by hand or mechanically as appropriate.</u></p> <p><u>Provide County with a native plant revegetation plan appropriate to the site conditions developed by an ecologist/biologist or landscape architect to restore to a good corridor condition.</u></p> <p><u>Vegetate corridor to establish "good" corridor conditions</u></p>
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**Section 21.** Comprehensive Framework Plan Policy 16-D: Fish and Wildlife Habitat is amended to read as follows:

## POLICY **16-D**: FISH AND WILDLIFE HABITAT

It is the County's policy to protect significant fish and wildlife habitat and to specifically limit conflicting uses within natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

### STRATEGIES

- A. Utilize information provided by the Oregon Department of Fish and Wildlife to identify significant habitat areas and to delineate sensitive big game winter habitat areas. If necessary, supplement this information with additional professional analysis to identify additional significant habitat areas and natural ecosystems within rural portions of the County.

1. In 2001, the Metropolitan Service District (Metro) inventoried the riparian and wildlife habitat within its jurisdiction for riparian and wildlife habitat quality. Within Metro's boundaries, the County may rely upon Metro's riparian and wildlife habitat inventories and mapping to identify and protect fish and wildlife habitat.

- B. Apply the SEC overlay zone to all significant habitat areas not already zoned Willamette River Greenway.
- C. Include provisions within the Zoning Ordinance to review development proposals which may affect natural ecosystems within the rural portions of the County and sensitive big game winter habitat areas.

**Section 22.** The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Streams (SEC-s) overlay zone as shown on Exhibits A and B: 30, 39, 40, 49, 50, 51, 60, 61, 62, 72, 73, 77, 83, 85, 86, 87, 88, 651, 652, 655, 656, 667, 668, 671, 672, 674, and 683.

**Section 23.** The following Sectional Zoning Maps are amended to apply the Significant Environmental Concern for Water Resources (SEC-wr) overlay zone as shown on Exhibit C: 529, 534, 535, 540, 541, and 542.

FIRST READING:

December 17, 2009

SECOND READING AND ADOPTION:

January 7, 2010



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra Duffy  
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**EXHIBIT A.**

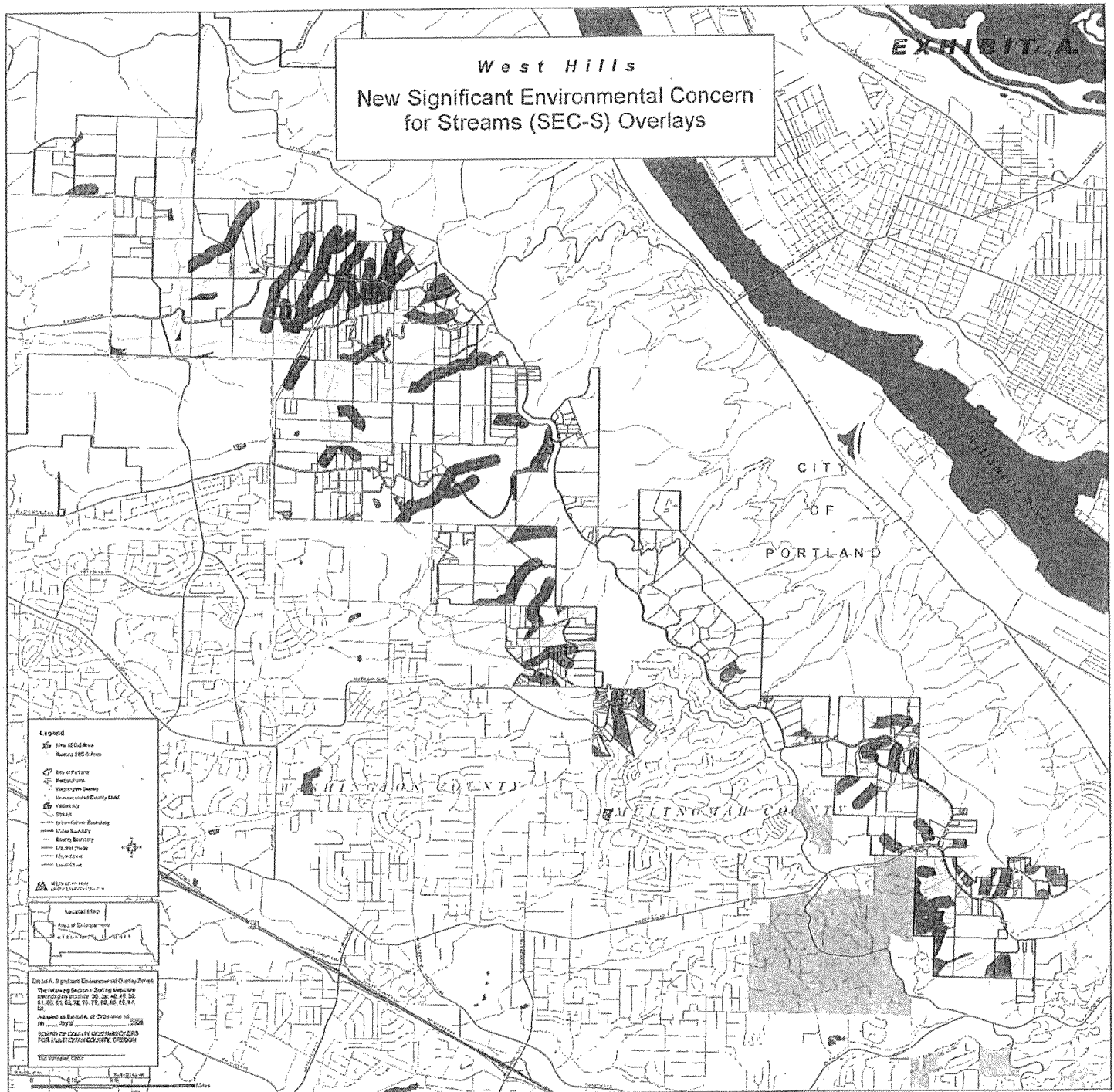
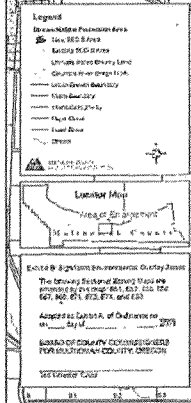
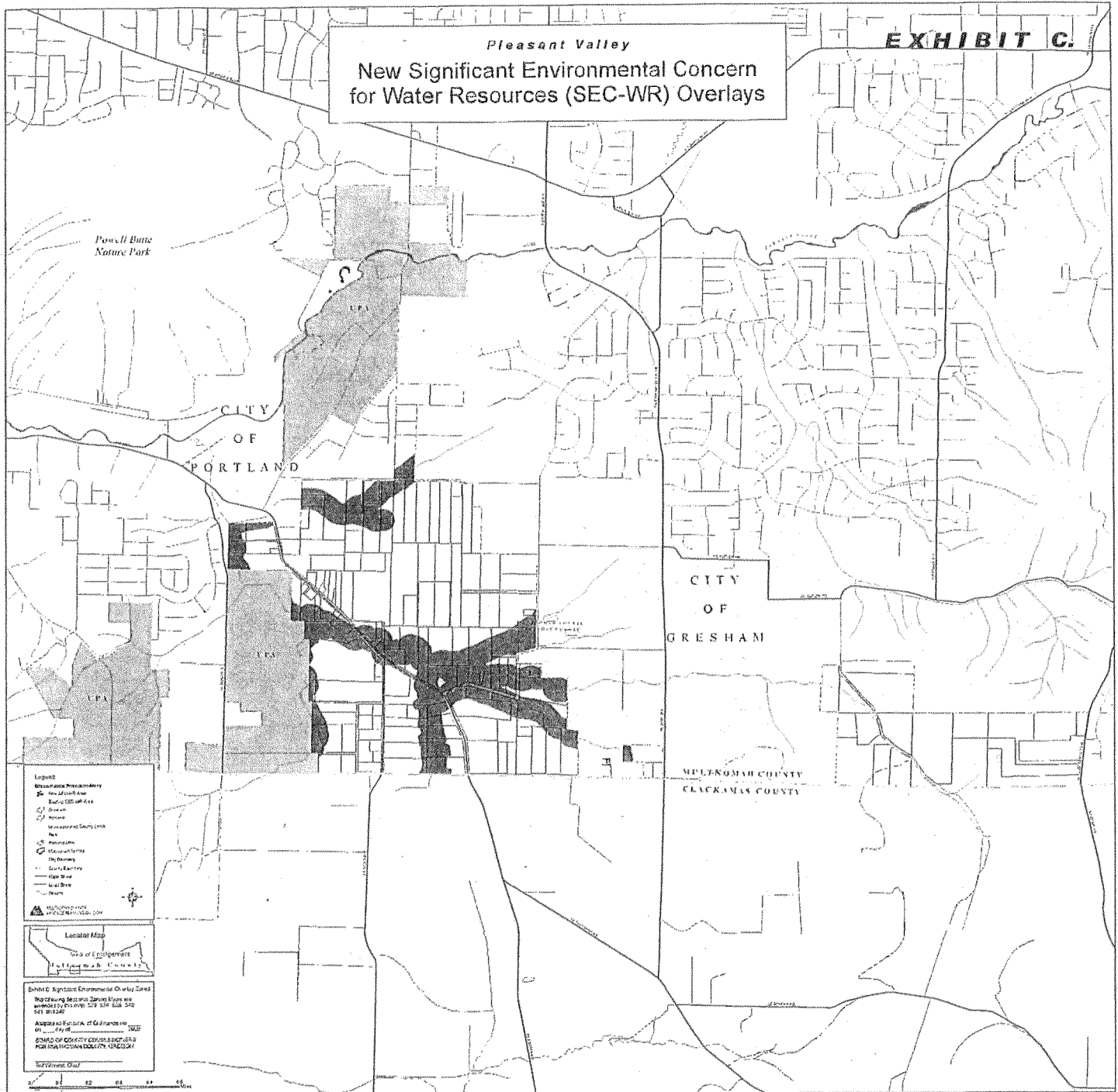


EXHIBIT B.

*Columbia River Gorge National Scenic Area*



### New Significant Environmental Concern for Water Resources (SEC-WR) Overlays





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-5  
Est. Start Time: 10:00 AM  
Date Submitted: 12/24/09

**Agenda Title:** **RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements on Behalf of the Dunthorpe-Riverdale Service District No. 1 in Unincorporated Multnomah County**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** January 7, 2010 **Amount of Time Needed:** 5 minutes  
**Department:** Community Services **Division:** Road Services  
**Contact(s):** Patrick Hinds, Program Manager, and Tom Hansell, Manager of the Dunthorpe-Riverdale Service District No. 1  
**Phone:** (503) 988-3712 **Ext.** 83712 **I/O Address:** #425/Yeon  
**Presenter(s):** Patrick Hinds, Tom Hansell, and Matthew O. Ryan, Assistant County Attorney

### General Information

#### 1. What action are you requesting from the Board?

Convene as the governing body of the Dunthorpe-Riverdale Service District and adopt the Resolution authorizing the acquisition of easements necessary for the construction and maintenance of this Service District project and to use condemnation, if necessary.

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

The Dunthorpe-Riverdale Service District's current year capital program was adopted to construct a 500 foot long, 8 inch diameter bypass pipe to divert 0.5 cubic feet per second of flow from the Elk Rock pump station into the Tryon pump station. The project had been identified in the District's 20-year Sanitary Systems Facility Plan as a high priority in order to forestall an expensive capacity upgrade at the Elk Rock pump station. Placement of the bypass line will alleviate capacity problems identified at Elk Rock pump station and will extend the estimated date of the pump station upgrade to 2023.

Location for the bypass pipe has been selected and will have the least amount of impact on private property, while still achieving the District's objective. The preferred location for the bypass pipe



alignment places the pipe onto property owned by the Riverdale School District. The District has been working with the Riverdale School Superintendent and School Board, who have voiced support for the project but did express concerns that the District could have the potential to negatively impact their Riverdale School Construction project, which is occurring at the same time and location. In response to the School's comments, the District is working with the school to enter into an intergovernmental agreement to provide for the School to construct the District project using the School's existing general contractor, a strategy the School promoted to the District.

The shift to having the School construct the District's project has been supported by the City of Portland who prepared the 100 percent design. The City of Portland's Bureau of Environmental Services, through an intergovernmental agreement with the District, is responsible for design and construction of the District capital improvements. The District is working with the City to obtain their release to allow the School to construct the bypass pipe. Additionally, under the terms of the existing agreement, the District is responsible to acquire all necessary easements for District operations. The District and the City of Portland share in the cost of any capital improvements based on the calculated use of the facilities within the three tributary drainage basins serving both District and City residents. The current allocation for this drainage basin assigns 78.3 percent of construction cost to the District. The original project estimate is \$525,000, which includes design, right-of way, and construction charges. The agreement further prescribes that the District incurs 100 percent of the costs to acquire easements located inside the District boundaries.

Additionally, in the area impacted by this project, an abutting property owner has an existing easement interest over the School's property. With passage of this Resolution, the District will begin negotiations with the abutting property owner requesting their consent to allow the proposed bypass pipe installation in the area where they have a perpetual and exclusive easement.

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

The District has secured the necessary resources to construct and maintain this new infrastructure. Through the authority of Oregon Revised Statutes (ORS) and Local Budget Law, the District has established sewer rates to meet the District's current and forecasted operational, maintenance, capital, and debt repayment requirements.

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

The Multnomah County Board serving as the governing body of the Dunthorpe-Riverdale Service District is granted authority under ORS to establish fees necessary to support construction, maintenance, and operations of district facilities. Through the District's 20-year Sanitary Systems Plan, this project has been identified as high priority and necessary to delay larger capital improvements. In anticipation of funding the District's share of the project, the District's construction reserve has been increasing in anticipation of constructing this project in the Spring of 2010.

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

The District will continue to coordinate with Riverdale School and community to acquire the necessary easements and sustain their involvement through construction.

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**Required Signature**

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



**Date:** 12/24/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON, ACTING AS THE  
GOVERNING BODY FOR DUNTHORPE-RIVERDALE SANITARY SERVICE DISTRICT NO. 1

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements on Behalf of the Dunthorpe-Riverdale Service District No. 1 in Unincorporated Multnomah County

**The Multnomah County Board of Commissioners Finds:**

- a. It is necessary for the Dunthorpe-Riverdale Service District No. 1 (the "District") to acquire the real property interests as described in the attached Exhibit A (the "Property") for purposes of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring and maintaining a sewer or sewer appurtenances (the "Project").
- b. The Project has been identified on the District's 20-year Sanitary Systems Facility Plan.
- c. The estimated Project cost is \$525,000.00. The District is responsible for 78.3% of the cost of the Project. The remainder of the cost of the Project will be borne by the City of Portland.
- d. The Board of County Commissioners has authority to convene as the Board for the Dunthorpe-Riverdale Service District No. 1.
- e. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- f. It is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**The Multnomah County Board of Commissioners Resolves:**

1. It is necessary to acquire the property for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of, or other parties with interests in, the Property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the Property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of

judgment conveying the Property to the County is authorized.

4. It is necessary to obtain possession of the Property as soon as possible to allow construction to proceed and be completed on schedule within its budgetary limits.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the Property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property which shall, upon obtaining possession of the Property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Dunthorpe-Riverdale Service District No. 1 in such sum for deposit.

ADOPTED this 7th day of January, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON,  
GOVERNING BODY FOR DUNTHORPE-  
RIVERDALE SERVICE DISTRICT NO. 1.

---

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**EXHIBIT "A"**

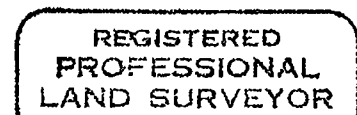
PARCEL 1:

An exclusive and perpetual easement for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a sewer or sewers and appurtenances, through, under, over, and along the following real property more particularly described as follows:

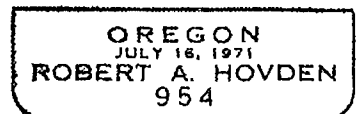
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Containing 6,585 square feet, more or less.



*Robert A. Hovden*



RENEWS 7-01-2011

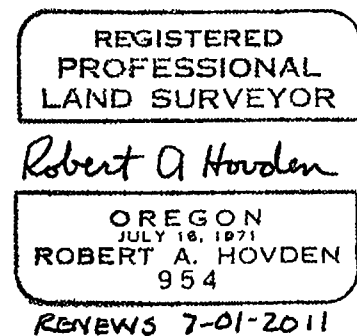
PARCEL 2:

A temporary (beginning January 1, 2010 and expiring June 1, 2012) easement for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a sewer or sewers and appurtenances, through, under, over, and along the following real property more particularly described as follows:

A portion of Lot 23, Abernethy Heights, Multnomah County Plat Records situated in the SW one-quarter of Section 35, Township 1 South, Range 1 East, Willamette Meridian, Multnomah County, Oregon described as follows:

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Containing 3,386 square feet, more or less.



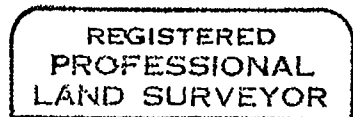
PARCEL 3:

A temporary (beginning January 1, 2010 and expiring June 1, 2012) easement for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a sewer or sewers and appurtenances, through, under, over, and along the following real property more particularly described as follows

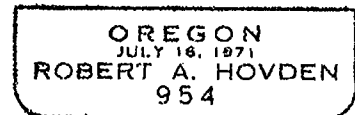
A portion of Lots 22 and 23, Abernethy Heights, Multnomah County Plat Records situated in the SW one-quarter of Section 35, Township 1 South, Range 1 East, Willamette Meridian, Multnomah County, Oregon described as follows:

Commencing at a 1/2" iron pipe at the Northwest corner of that tract of land conveyed to School District Number 51 of Multnomah County, Oregon by deed recorded December 30, 1947 in Book 1232, Page 265, Multnomah County Deed Records (MCDR); thence N89°37'E along the North line of said Book 1232, Page 265 tract, a distance of 10.00 feet to an angle corner in the East line of the heretofore described Parcel 1; thence South, along the East line of said Parcel 1, a distance of 15.22 feet to the true point of beginning; thence South along the East line of said Parcel 1 and the Southerly extension thereof, a distance of 153.68 feet; thence N89°37'E, a distance of 10.00 feet; thence North, a distance of 133.68 feet, to a point that is 35.22 feet South of the North line of said Book 1232, Page 265 tract; thence N89°37'E, a distance of 50.00 feet; thence North, a distance of 20.00 feet to a point that is 15.22 feet South of the North line of said Book 1232, Page 265 tract; thence S89°37'W parallel with said North line, a distance of 60.00 feet to the true point of beginning.

Containing 2,537 square feet, more or less.



*Robert A. Hovden*



RENEWS 7-01-2011

PARCEL 4:

An exclusive and perpetual access easement, for the purpose of inspecting, monitoring and maintaining the sewer and appurtenances constructed within the above-referenced Parcel 1. This access easement is over and along the following real property more particularly described as follows:

A portion of Lot 23, Abernethy Heights, Multnomah County Plat Records situated in the SW one-quarter of Section 35, Township 1 South, Range 1 East, Willamette Meridian, Multnomah County, Oregon described as follows:

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Containing 4,220 square feet, more or less.

As shown on the attached EXHIBIT MAP, herein made a part of this document. In the event of a conflict or discrepancy between the map as shown on the EXHIBIT MAP and the written legal description, the written legal description shall prevail.

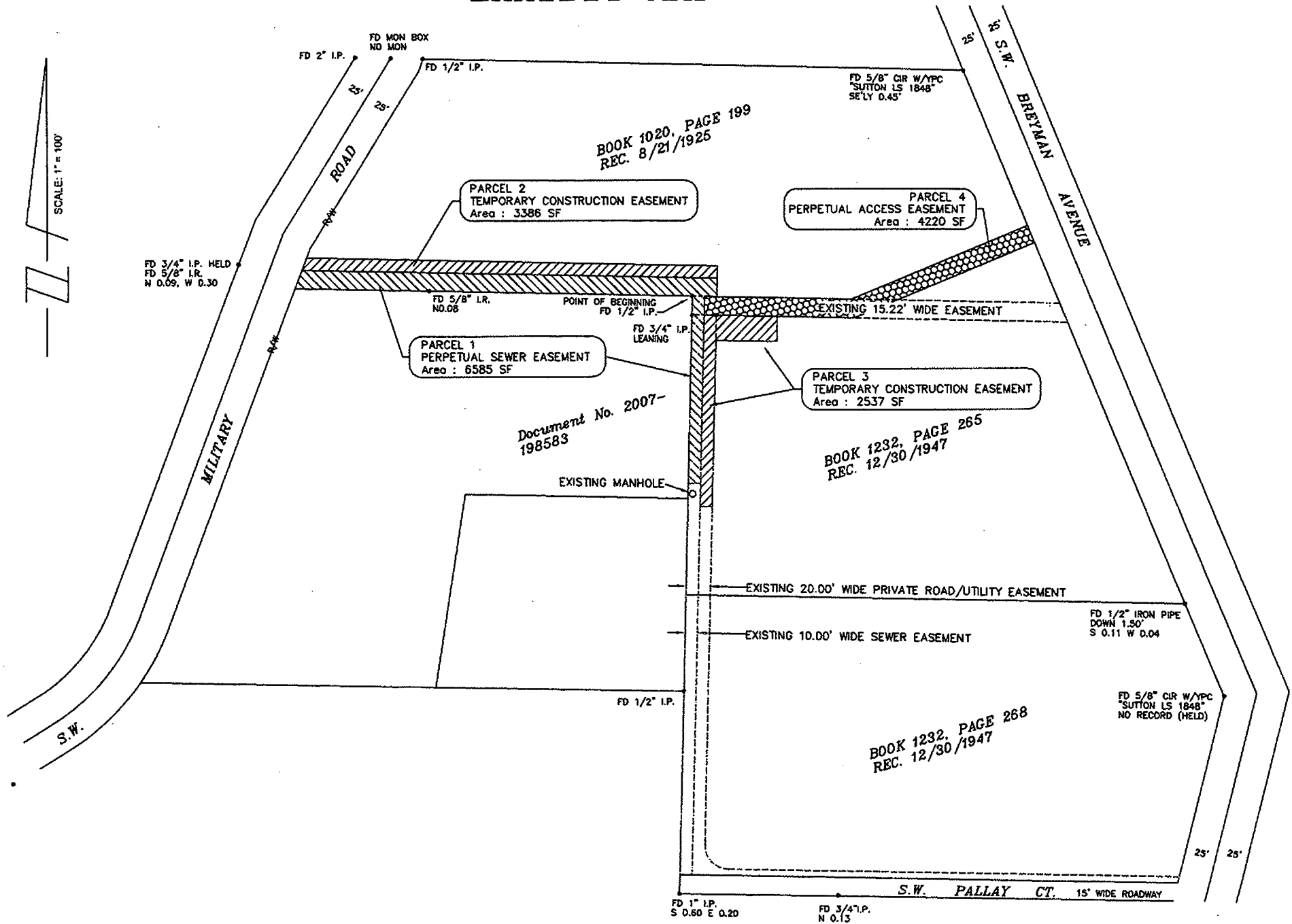
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert A. Hovden*

OREGON  
JULY 16, 1971  
ROBERT A. HOVDEN  
954

RENEWS 7-01-2011

# EXHIBIT MAP





BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON, ACTING AS THE  
GOVERNING BODY FOR DUNTHORPE-RIVERDALE SANITARY SERVICE DISTRICT NO. 1

**RESOLUTION NO. 2010-005**

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing Improvements on Behalf of the Dunthorpe-Riverdale Service District No. 1 in Unincorporated Multnomah County

**The Multnomah County Board of Commissioners Finds:**

- a. It is necessary for the Dunthorpe-Riverdale Service District No. 1 (the "District") to acquire the real property interests as described in the attached Exhibit A (the "Property") for purposes of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring and maintaining a sewer or sewer appurtenances (the "Project").
- b. The Project has been identified on the District's 20-year Sanitary Systems Facility Plan.
- c. The estimated Project cost is \$525,000.00. The District is responsible for 78.3% of the cost of the Project. The remainder of the cost of the Project will be borne by the City of Portland.
- d. The Board of County Commissioners has authority to convene as the Board for the Dunthorpe-Riverdale Service District No. 1.
- e. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury.
- f. It is necessary to acquire immediate possession of the Property to allow construction to proceed and be completed on schedule and within budgetary limitations.

**The Multnomah County Board of Commissioners Resolves:**

1. It is necessary to acquire the property for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of, or other parties with interests in, the Property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the Property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of

judgment conveying the Property to the County is authorized.

4. It is necessary to obtain possession of the Property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the Property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property which shall, upon obtaining possession of the Property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Dunthorpe-Riverdale Service District No. 1 in such sum for deposit.

ADOPTED this 7th day of January, 2010.

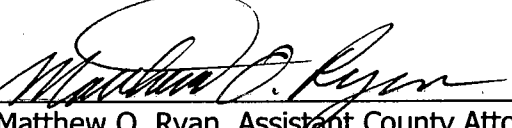


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON,  
GOVERNING BODY FOR DUNTHORPE-  
RIVERDALE SERVICE DISTRICT NO. 1.

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

**EXHIBIT "A"**

PARCEL 1:

An exclusive and perpetual easement for the purpose of accessing, laying down, installing, constructing, reconstructing, operating, inspecting, monitoring, and maintaining a sewer or sewers and appurtenances, through, under, over, and along the following real property more particularly described as follows:

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Containing 6,585 square feet, more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert A. Hovden*

OREGON  
JULY 16, 1971  
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RENEWS 7-01-2011

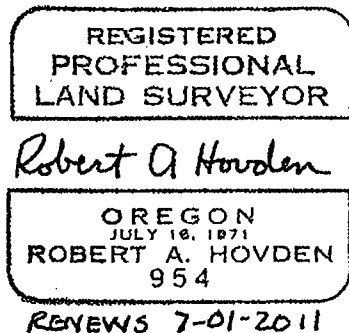
PARCEL 2:

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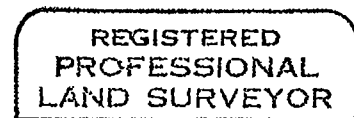
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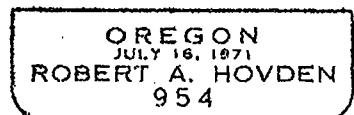
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*Robert A. Hovden*



RENEWS 7-01-2011

PARCEL 4:

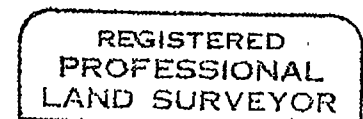
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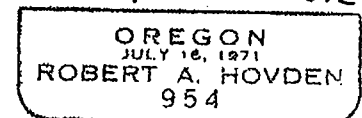
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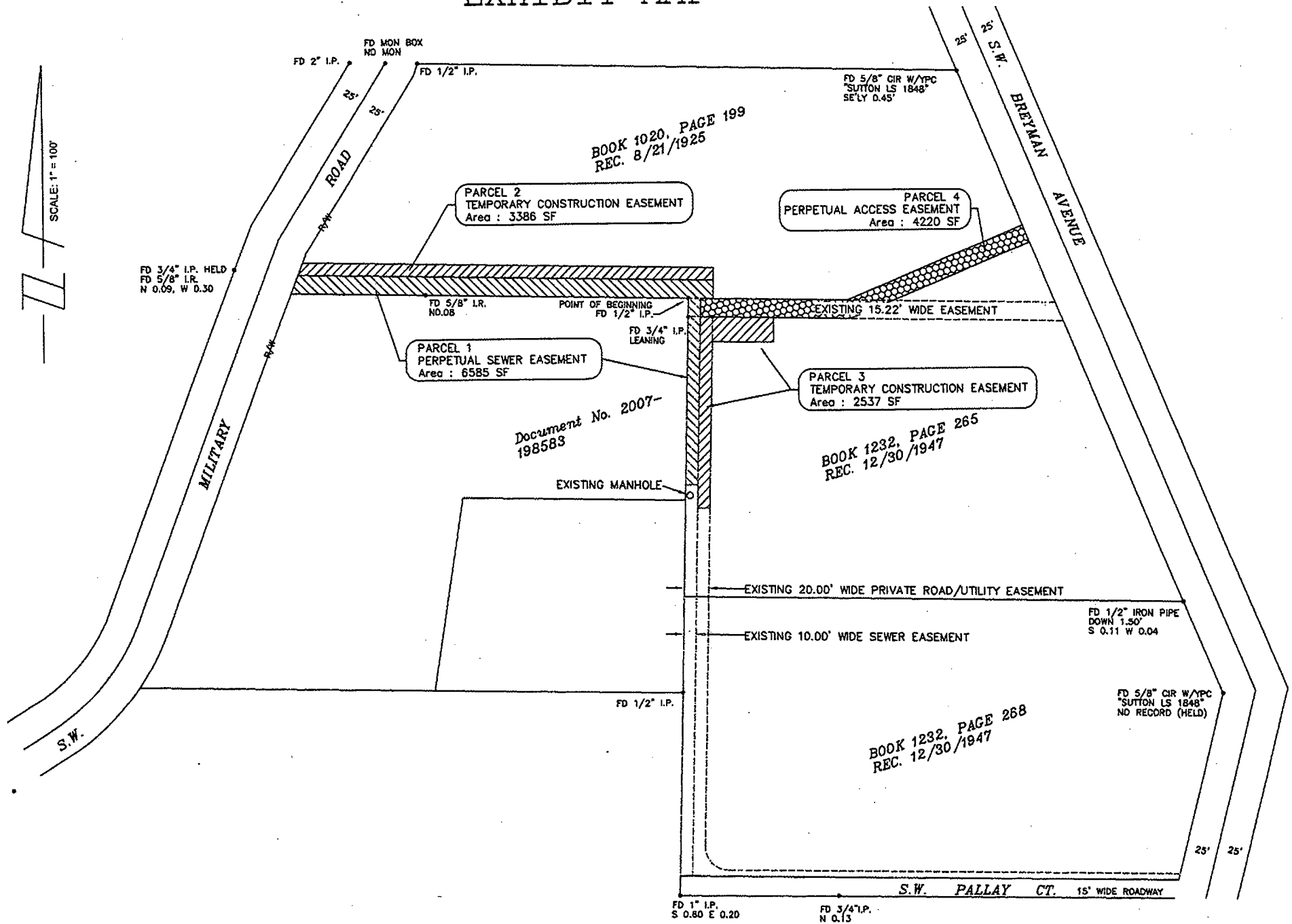


*Robert A. Hovden*



RENEWS 7-01-2011

# EXHIBIT MAP





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (long form)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-6  
Est. Start Time: 10:05 AM  
Date Submitted: 12/14/09

Agenda Title:	<b>NOTICE OF INTENT to Apply for Grant Funding of up to \$558,750 of Stimulus Money Directly from the Federal Government or Indirectly through the State to Improve County-Owned Facilities, Reduce Utility Costs, and Lessen Maintenance Time and Expense</b>
---------------	--

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

Requested Meeting Date: January 7, 2010 Amount of Time Needed: 15 minutes  
Department: Department of County Management Division: Facilities & Property Mgmt  
Contact(s): Bob Thomas, John Lindenthal, Jon Schrotzberger, Clark Jurgemeyer (main contact)  
Phone: 503.988.3074 Ext. 83074 I/O Address: 274  
Presenter(s): Bob Thomas, Clark Jurgemeyer

### General Information

#### 1. What action are you requesting from the Board?

Authorize submittal of various grant requests to pay for Energy Conservation Measure (ECM) capital improvement projects that would improve and lower the cost of County-owned facility operations and maintenance.

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

The projects proposed for submittal would accelerate efforts to improve our ability to operate and maintain County-owned facilities with high-performance systems, equipment and components. Over the last decade, the County has successfully picked the low-hanging fruit of energy conservation measures. The proposed grant requests provide one-time opportunities to upgrade and expand our money-saving efforts.

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

All grant proposals include shared costs. Where Business Energy Tax Credit (BETC) and Energy Trust of Oregon Inc. (ETO) funds are proposed, those costs would be reimbursed after County expenditure. No local matching funds from the County are included.



- a. Improved Lighting Controls (ILC) – Shared costs would come from estimated ETO incentives (\$55,000);
- b. Improved Lighting Efficiency (ILE) – Shared costs would come from estimated ETO incentives (\$77,500); and
- c. Improved Lighting for Healthcare (ILH) – Shared costs would come from estimated ETO incentives (\$53,750).

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

Whether directly from the federal government or through the State, accepting stimulus money will obligate the County to provide monthly reporting and perhaps project auditing to verify that funds are spent in accordance with the grant program requirements.

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

The County would work with the Energy Trust of Oregon Inc. (ETO) and other parties to share costs and make our requests more competitive and attractive to grant applications reviewers.

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# ATTACHMENT A

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## Grant Application/Notice of Intent

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

- **Who is the granting agency?**

Federal government directly (or indirectly through the State) in addition to potential incentives and incentives from Energy Trust of Oregon Inc. (ETO), and other agencies or organizations yet to be determined.

- **Specify grant (matching, reporting and other) requirements and goals.**

IMPROVED LIGHTING CONTROLS (ILC) – The ILC proposal provides occupancy and vacancy sensors at 17 sites. The sensors would be installed in small closed rooms (e.g. break rooms, copy rooms, storage rooms, and offices) so that during the day lights would be off unless occupied. The room-based controls do not conflict with the Building Automation Systems (BAS) proposal that controls entire buildings, floors or zones (not individual rooms). The proposal duplicates control work proposed in the ILE, ILJ, and proposed for "full faith and credit borrowing", which would free up some of those funds for additional or contingency work. Our compelling story is that turning off lighting is simplest way to save money and we would provide controls at multiple sites including health, justice and library operations. Project total (\$220,000) less shared costs (\$55,000) result in a \$165,000 grant request.

IMPROVED LIGHTING EFFICIENCY (ILE) – The ILE proposal provides lamps, ballasts, fixtures and controls (occupancy and vacancy sensors) at 3 sites (justice, library, and services). The sensors would be installed in small closed rooms (e.g. break rooms, copy rooms, storage rooms, and offices) so that during the day lights would be off unless occupied. The room-based controls do not conflict with the Building Automation Systems (BAS) proposal that controls entire buildings, floors or zones (not individual rooms). The proposal duplicates control work proposed in the ILC, which would free up some of those funds for additional or contingency work. Our story will focus on replacing fixtures (which has been a larger capital burden than simply upgrading lamps and ballasts). Project total (\$310,000) less shared costs (\$77,500) result in a \$232,500 grant request.

IMPROVED LIGHTING for HEALTHCARE (ILH) – The ILH proposal provides lamps, ballasts, fixtures and controls (occupancy and vacancy sensors) at 4 healthcare sites. The sensors would be installed in small closed rooms (e.g. break rooms, copy rooms, storage rooms, and offices) so that during the day lights would be off unless occupied. The room-based controls do not conflict with the Building Automation Systems (BAS) proposal that controls entire buildings, floors or zones (not individual rooms). The proposal duplicates control work proposed in the ILC, which would free up some of those funds for additional or contingency work. Our story will focus on replacing fixtures (which has been a larger capital burden than simply upgrading lamps and ballasts). We may get points for targeting healthcare. Project total (\$215,000) less shared costs (\$53,750) result in a \$161,250 grant request.

REPORTING REQUIREMENTS – All projects using federal stimulus money must submit monthly reports, but requirements for each funding source have not been published.

- **Explain grant funding detail – is this a one time only or long term commitment?**

One time only grant funding.

- **What are the estimated filing timelines?**

December 15, 2009.

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

From time of award until February 2012.

- **When the grant expires, what are funding plans?**

Lighting improvements will revert to Capital Budget and Operation & Maintenance Budget.

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

Administrative expenses and County staff time are included in the proposed grants.

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## ATTACHMENT B

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### Required Signatures

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Elected Official or  
Department/  
Agency Director:



Date: 12/14/09

Budget Analyst:



Date: 12/14/09



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-7 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-7  
Est. Start Time: 10:20 AM  
Date Submitted: 12/21/09

### BUDGET MODIFICATION: DCM-13 (FPM 10-02)

**BUDGET MODIFICATION DCM-13 (FPM 10-02) Transferring \$443,000 from**  
**Agenda Facilities Contingency Fund 3505 to Capital Fund 2507 for Courthouse**  
**Title: Elevators 3 and 4 Modernization Project**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b>	<u>January 7, 2010</u>	<b>Amount of Time Needed:</b>	<u>5 mins</u>
<b>Department:</b>	<u>County Management</u>	<b>Division:</b>	<u>FPM</u>
<b>Contact(s):</b>	<u>John Lindenthal, Sam Lasko</u>		
<b>Phone:</b>	<u>503 988-4213</u>	<b>Ext.</b>	<u>84213</u>
		<b>I/O Address:</b>	<u>274/1</u>
<b>Presenter(s):</b>	<u>John Lindenthal</u>		

### General Information

#### 1. What action are you requesting from the Board?

Requested action is to transfer budget and expenditure authority from Facility Fund 3505 to Capital Project Fund 2507 (\$443,000) for the following project:

Courthouse Elevators 3 & 4 Modernization (CP08.10.66).

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

At the meeting of the Board of County Commissioners on November 5, 2009, we provided a briefing of the status of several capital projects for the Board's consideration for funding. At the briefing, the Board gave their consensus direction to proceed with the projects as presented. During the briefing the Board was informed that there is currently \$443,000 budgeted for debt service that will not be used for that purpose, and that Facilities will bring a budget modification request to reallocate these funds to the Courthouse Elevators project. Using these funds still leaves a financing gap of \$307,000 as the elevator project total cost is estimated at \$750,000.

Approval from Mindy Harris, Chief Financial Officer through the attached Declaration of Official Intent received on November 20, 2009 to proceed with the project for the Courthouse elevators, using the existing \$443,000 that was previously allocated for debt service; with the understanding the remaining \$307,000 will be included in a future financial package once financing strategy is finalized. Directions indicate this budget modification be presented to the Board no later than January 14, 2010.

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

Fiscal year FY10: No overall fiscal impact.

Decrease Fund 3505 60470 Contingency and increase Fund 3505 60560 Cash Transfer.

Increase Fund 2507 50320 Cash Transfer and 60530 Buildings.

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

Senate Bill 916, which made several changes to Oregon Budget Law. The relevant section is highlighted below — deletions from statute are shown in *italics*, and additions to the statute are shown in **bold**.

**SECTION 9.** ORS 294.450 is amended to read:

294.450. Subject to the provisions contained in the charter of any city or county or in any law relating to municipal corporations:

(3) Transfers of appropriations or of appropriations and a like amount of budget resources may be made [*from the general fund*] **between funds** of the municipal corporation [*to any other fund*] when authorized by an official resolution or ordinance of the governing body. The resolution or ordinance shall state the need for the transfer, the purpose for the authorized expenditures embodied in the appropriation and the amount of appropriation transferred.

Effective date of Senate Bill 916 is January 1, 2010.

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

None.

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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?

Fund 2507 50320 Cash Transfer is increased to reflect transfer from Fund 3505 60470 Contingency.

- What budgets are increased/decreased?

Fund 3505 budget decreased by \$443,000 / Fund 2507 budget increased by \$443,000.

- What do the changes accomplish?

Transfers partial funding to Capital for the execution of necessary elevator modernization at the County Courthouse.

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

No

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

N/A

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

Remainder of project cost estimated to be \$307,000 will be included in a financing strategy to be determined by the Board.

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

N/A

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

N/A

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

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**BUDGET MODIFICATION: DCM-13 (FPM 10-02)**

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### Required Signatures

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



**Date:** 12/22/09

**Budget Analyst:**



**Date:** 12/21/09

**Department HR:**

N/A

**Date:** \_\_\_\_\_

**Countywide HR:**

N/A

**Date:** \_\_\_\_\_



Budget Modification ID: **DCM 13 (FPM 10-02)****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	72-50	3505				902575		60470	(2,396,436)	(1,953,436)	443,000		Fund 3505 Contingency
2	72-50	3505				902575		60560	(5,364,694)	(5,807,694)	(443,000)		Fund 3505 Cash Transfer
3									0				
4	72-50	2507				902900		50320	(5,629,051)	(6,072,051)	(443,000)		Fund 2507 Cash Transfer
5	72-50	2507				902900		60530	30,562,374	31,005,374	443,000		Fund 2507 Buildings
6									0				
7									0				
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**Department of County Management**  
**MULTNOMAH COUNTY OREGON**  
**Finance and Risk Management Division**  
**501 SE Hawthorne, Suite 531**  
**Portland, Oregon 97214**  
**(503) 988-3312 phone**  
**(503) 988-3292 fax**

**Memorandum**

**To:** Bob Thomas, Facilities Director  
John Lindenthal, Capital Improvement Program Manager

**From:** Mindy Harris, Chief Financial Officer *Mindy Harris*  
Interim Director, Department of County Management

**Date:** November 20, 2009

**Subject:** Authorization to Proceed with Deferred Maintenance Project – Courthouse Elevators Update

At the meeting of the Board of County Commissioners on November 5, 2009, we provided a briefing of the status of several capital projects for the Board's consideration for funding. At the briefing, the Board gave their consensus direction to proceed with the projects as presented.

The funding for the projects is yet to be finalized. However, financing options described to the Board included the use of one time only funding, issuance of a full faith & credit bond, or a combination thereof. In addition, during the description of the courthouse elevators maintenance project, the Board was informed that there is currently \$443,000 budgeted for debt service that will not be used for that purpose, and that Facilities will bring a budget modification request to reallocate these funds to the Courthouse Elevators maintenance project. Using these funds will leave a financing gap of \$307,000, as the project total cost is estimated at \$750,000.

The Board also gave its consensus direction for County to explore financing alternatives for the projects, including a directive to bring a resolution to the Board in early December whereby the Board would authorize up to \$13.9 million in full faith & credit debt. It is unclear at this time whether the projects will be financed with existing funding or through a debt issue, but it is sufficiently clear that the Board supports our proceeding with the projects however they may be financed.

Therefore, you have my approval to proceed with the maintenance project for the courthouse elevators, using the existing \$443,000 that was previously allocated for debt service, with the understanding that the remaining \$307,000 will be included in the financing package for all the projects once the financing strategy is finalized. Please see that the budget modification described above is presented to the Board for approval as soon as possible, and no later than January 14, 2010.

Please let me know if you have questions or need additional information or assistance.

**C:** Jana McLellan, COO  
Mark Campbell, Sr. Revenue & Debt Analyst



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-8 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-8  
Est. Start Time: 10:25 AM  
Date Submitted: 12/22/09

### BUDGET MODIFICATION: DCM-14 (FPM 10-04)

**BUDGET MODIFICATION DCM-14 (FPM 10-04) Appropriating Funds from the City of Portland into Capital Fund 2507 for Expenses Incurred for**  
**Agenda Title: Requested Tenant Improvements to the Gate Residential Building for the City of Portland Gateway Center for Domestic Violence Services**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>5 mins</u>
Department:	<u>County Management</u>	Division:	<u>FPM</u>
Contact(s):	<u>John Lindenthal, Brett Taute</u>		
Phone:	<u>503 988-4213</u>	Ext.	<u>84213</u>
	I/O Address:		<u>274/1</u>
Presenter(s):	<u>John Lindenthal</u>		

### General Information

#### 1. What action are you requesting from the Board?

To deposit \$600,000 from the City of Portland into Fund 2507 for the expenses incurred for the requested tenant improvements to the Gateway Residential building for the City of Portland Gateway Center for Domestic Violence Services.

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

On October 22, the Board of County Commissioners approved a Lease and IGA with the City of Portland to use the Gateway Residential Building for the City of Portland Gateway Center for Domestic Violence Services. As part of that agreement, the City agreed to pay up to \$600,000 for requested tenant improvement to the facility for the program, section 5 of the lease agreement describes this agreement.

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

Fiscal Year FY10: Addition of \$600,000 to fund 2507 (held in reserve for the above referenced work).

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

Lease Agreement 30000944, attached

IGA 30000956, attached

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

City of Portland is scheduled to pay Multnomah County up to \$600,000 per the agreed to terms in section 5 of Lease Agreement 30000944.

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## ATTACHMENT A

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### Budget Modification

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

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

Fund 2507 50236, IG Charges for Services is increased to reflect payments from the City of Portland.

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

Fund 2507 50236, IG Charges for Services is increased.

- **What do the changes accomplish?**

Allows for requested tenant improvement to the facility; section 5 of the lease agreement describes this agreement.

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

No.

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

N/A

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

Fiscal Year FY10: One time only Addition of up to \$600,000 through three \$200,000 payments from the City of Portland to fund 2507 (held in reserve for the above referenced work).

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

N/A

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

N/A

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

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**BUDGET MODIFICATION: DCM-14 (FPM 10-04)**

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### Required Signatures

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



**Date:** 12/22/09

**Budget Analyst:**



**Date:** 12/21/09

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

Budget Modification ID: **FPM10-04****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1										0			
2										0			
3										0			
4	72-50	2507					CP08.10.451	50236	0	(600,000)	(600,000)	-	IG Charges for Services
5										0			
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8										0			
9										0			
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# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (long form)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-9 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-9  
Est. Start Time: 10:30 AM  
Date Submitted: 12/22/09

### BUDGET MODIFICATION: DCM-15 (FPM 10-03)

**Agenda Title:** BUDGET MODIFICATION DCM-15 (FPM 10-03) Transferring \$97,000 to the Fiscal Year 2010 Capital Repair and Maintenance Mini-Fund

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

Requested Meeting Date:	<u>January 7, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Management</u>	Division:	<u>FPM</u>
Contact(s):	<u>John Lindenthal, Alan Proffitt</u>		
Phone:	<u>503-988-4213</u>	Ext.	<u>84213</u>
		I/O Address:	<u>274/1</u>
Presenter(s):	<u>John Lindenthal</u>		

### General Information

#### 1. What action are you requesting from the Board?

Requested action is to transfer \$97,000 to the FY10 Capital Repair and Maintenance Mini-Fund (CP10.10.04). This will change the total FY10 budget authorization from \$175,000 to \$272,000.

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

The Board included the following Budget Note in the FY05 Adopted Budget. No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi-annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15, created to implement this process.

The Capital Repair and Maintenance mini-fund is funded each year to respond to unplanned repairs



and capital maintenance in Tier 1 buildings. There has been quite a draw on the fund this budget year for various projects that include building windows, HVAC, and lighting, etc. This transfer will provide for some on-going FY10 Capital Repair and Maintenance mini-fund funding.

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

Fiscal year FY10: No overall fiscal impact. Transfer \$97,000 budget expenditure authority from the following projects: MCE Parking Lot Drainage (CP10.09.23) - \$37,000; GCC Services Building Window Replacement (CP10.09.50) - \$45,000; GCC Masonry Sealing (CP10.09.49) - \$15,000 to Capital Repair and Maintenance Mini-Fund (CP10.10.04).

The Projects listed were completed under budget with the project managers finding alternate methods to perform the project goals at significant savings.

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

None.

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

None.

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## ATTACHMENT A

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### Budget Modification

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

- What revenue is being changed and why?  
N/A
- What budgets are increased/decreased?  
No budget change except at project level.
- What do the changes accomplish?  
N/A
- Do any personnel actions result from this budget modification? Explain.  
No
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?  
N/A
- Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?  
N/A
- If a grant, what period does the grant cover?  
N/A
- If a grant, when the grant expires, what are funding plans?  
N/A

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

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**BUDGET MODIFICATION: DCM-15 (PROJECT REALLOCATION: FPM 10-03)**

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### Required Signatures

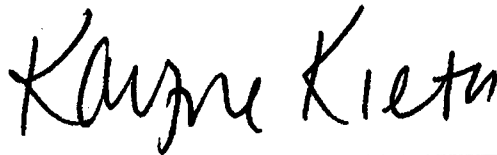
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**Facilities and  
Property  
Management  
Director:**



**Date:** 12/21/09

**Chief Financial  
Officer:**



**Date:** 12/21/09

**Budget Director:**

**Date:**

Budget Modification ID: **FPM 10-03 CORRECTED****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	72-50	2509				60530	CP10.09.23		(39,922)	(2,922)	37,000		Parking lot Drainage near entrance/Asphalt
2	72-50	2509				60530	CP10.09.50		(87,763)	(42,763)	45,000		Window Replacement B448
3	72-50	2509				60530	CP10.09.49		(47,954)	(32,954)	15,000		Masonry Sealing
4	72-50	2509				60530	CP10.10.04		(175,000)	(272,000)	(97,000)		Capital Repair
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Budget Modification ID: **FPM10-03****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	72-50	2509					CP10.09.23		(39,922)	(2,922)	37,000		Parking lot Drainage near entrance/Asphalt
2	72-50	2509					CP10.09.50		(87,763)	(42,763)	45,000		Window Replacement B448
3	72-50	2509					CP10.09.49		(47,954)	(32,954)	15,000		Masonry Sealing
4	72-50	2509					CP10.10.04		(175,000)	(272,000)	(97,000)		Capital Repair
5										0			
6										0			
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# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-10 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-10  
Est. Start Time: 10:35 AM  
Date Submitted: 12/14/09

### BUDGET MODIFICATION: DCHS -11

**BUDGET MODIFICATION DCHS-11 Increasing SUN Service System Division Federal/State Appropriation by \$149,100 in Intergovernmental Agreement Revenue as Follows: Centennial School District \$49,500; David Douglas School District \$21,000; Gresham Barlow School District \$64,100; City of Portland \$12,000 and Leaders Roundtable \$2,500**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>SUN Services Division</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
	I/O Address:		<u>167/620</u>
Presenter(s):	<u>Peggy Samolinski</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-11. This budget modification increases intergovernmental revenue by a total of \$149,100 in the SUN Service System Division, Community Schools program which funds an increase in pass through to support and enhance SUN Community School services, an increase in professional services and increases a Program Development Specialist, from .5 FTE to .62 FTE and nominally increases funding for temporary staffing.

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

Program Offer # 25145 – SUN Community Schools focuses on school-age children, at risk of academic failure, and their families. The program works to provide school-based educational, recreational, social and health services that remove barriers for students and families so that they can

achieve educational success and lifelong self-sufficiency. Budget Modification DCHS-11 increases the DCHS Fiscal Year 2010 budget by \$149,100 and will fund the following:

- Support and Enhance SUN Community School services at 3 existing sites within the Centennial School District.
- Support and Enhance SUN Community School services at 2 existing sites within the Gresham Barlow School District.
- Expand services to a new school site within the Gresham Barlow School District.
- Increase current Program Development Specialist (714082) from .5 FTE to .62 FTE; partially fund a Data Analyst Senior and a Research Evaluation Analyst Senior currently fully funded with CGF; and increase temporary staffing.
- Increase Professional Services funding.

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

The Fiscal Year 2010 budget for the DCHS SUN Service Systems, SUN Community Schools, Program Offer # 25145, will increase by \$149,100. This will increase the following expenses; pass-through and program support by \$109,500; professional services by \$15,700; permanent personnel costs by \$22,900; temporary personnel costs by \$1,000. The personnel costs will include adding .12 FTE to a .50 FTE Program Development Specialist allowing \$13,900 CGF resources to restore needed professional services that were reduced in the Fiscal Year 2010 budget. Furthermore, Service reimbursement from Federal/State to the risk management fund increases by \$1,688.

The intergovernmental agreements with Centennial School District, City of Portland, and the Leaders Roundtable, are one-time-only agreements. When the funding ends, the enhanced services will discontinue or return to previous levels.

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

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

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

N/A

# ATTACHMENT A

## Budget Modification

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

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

Budget modification DCHS-11 increases Program Offer # 25145- SUN Community Schools, Fiscal Year 2010 Federal/State Fund by \$149,100.

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

Program Offer # 25145 - SUN Community Schools, Fiscal Year 2010 budget will be increased by \$149,100. Service reimbursement from Federal/State to the risk management fund increases by \$1,688. CGF Personnel budget will decrease by \$13,900 and CGF Professional Services budget will increase by \$13,900.

- **What do the changes accomplish?**

Budget Modification DCHS-11 increases the DCHS Fiscal Year 2010 budget by \$149,100 to reflect contributions from three school districts (Centennial, David Douglas and Gresham Barlow), the City of Portland and the Leaders Roundtable. The funding will support and expand SUN Community School services at three existing sites and allow for expansion of services to a new school site.

Additionally, the funding will provide support evaluation and technical assistance capacity including adding .12 FTE to an existing .50 FTE Program Development Specialist and replaces .14 FTE CGF funded FTE with grant funding for SUN Community School grants allowing CGF to be used for needed professional services cut in the fiscal 2010 budget process.

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

Yes, Budget Modification DCHS-11 adds .12 FTE to an existing .50 FTE Program Development Specialist and replaces .14 CGF funded FTE with grant funding. These positions will provide support evaluation and technical assistance for SUN Community School grants.

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

These grant funds do not allow for indirect charges.

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

The revenue agreements with Centennial School District, City of Portland and the Leaders Roundtable are one-time-only agreements. When the funding ends, the enhanced services will discontinue or return to previous levels. The intergovernmental agreement with Gresham-Barlow School District has both short term and long term funding streams. The funding stream to support and expand services at three existing SUN CS sites is a one-time only agreement. When the funding ends, the enhanced services will discontinue or return to previous levels. The funding stream to provide evaluation and technical assistance is ongoing for three years, with possible renewal for a fourth and fifth year. Finally, the intergovernmental agreement with David Douglas School District is ongoing for three years, with possible renewal for a fourth and fifth year. When the funding ends the services will return to previous levels.

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

N/A

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

N/A

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



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## ATTACHMENT B

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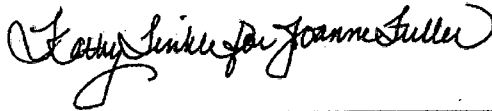
**BUDGET MODIFICATION: DCHS - 11**

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### Required Signatures

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

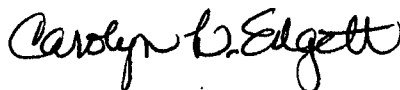


**Date:** 12/07/09

**Budget Analyst:**

**Date:** 12/14/09

**Department HR:**



**Date:** 12/07/09

**Countywide HR:**



**Date:** 12/09/09

Budget Modification ID: **DCHS-11****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	22-20	32365	25145	40			SCPSP.SUN.CENTENNIAL	50200	0	(49,500)	(49,500)		IG - OP - Other
2	22-20	32365	25145	40			SCPSP.SUN.CENTENNIAL	60160	0	49,500	49,500		Pass Through & Program Support
3	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	50200	0	(60,000)	(60,000)		IG - OP - Other
4	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60160	0	60,000	60,000		Pass Through & Program Support
5										0			
6	22-20	32366	25145	40			SCPSP.SUN.PDX.MAYOR	50200	0	(12,000)	(12,000)		IG - OP - Other
7	22-20	32366	25145	40			SCPSP.SUN.PDX.MAYOR	60170	0	12,000	12,000		Professional Services
8	22-20	49000	25145	40			SCPSP.SUN.MISC	50300	0	(2,500)	(2,500)		OP - Donations
9	22-20	49000	25145	40			SCPSP.SUN.MISC	60170	0	2,500	2,500		Professional Services
10										0			
11	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	50200	0	(21,000)	(21,000)		IG - OP - Other
12	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60000	0	12,171	12,171		Permanent
13	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60130	0	3,791	3,791		Salary Related Expenses
14	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60140	0	3,288	3,288		Insurance Benefits
15	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60100	0	290	290		Temporary
16	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60135	0	25	25		Non Base Fringe
17	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60145	0	435	435		Non Base Insurance
18	22-20	32368	25145	40			SCPSP.SUN.DDOUGLAS	60170	0	1,000	1,000		Professional Services
19										0			
20	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	50200	0	(4,100)	(4,100)		IG - OP - Other
21	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60000	0	2,303	2,303		Permanent
22	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60130	0	723	723		Salary Related Expenses
23	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60140	0	624	624		Insurance Benefits
24	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60100	0	97	97		Temporary
25	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60135	0	8	8		Non Base Fringe
26	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60145	0	145	145		Non Base Insurance
27	22-20	32367	25145	40			SCPSP.SUN.GRESH-BARLOW	60170	0	200	200		Professional Services
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

Budget Modification ID: **DCHS-11****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
30	72-10	3500		20		705210		50316	(52,159,499)	(52,161,187)	(1,688)		Svc Rmb F/S to Risk
31	72-10	3500		20		705210		60330	186,340	188,028	1,688		Claims Paid
32										0			
33	22-20	1000	25143	40			SCPSS.CGF	60000	452,336	443,411	(8,925)		Permanent
34	22-20	1000	25143	40			SCPSS.CGF	60130	134,351	131,600	(2,751)		Salary Related Expenses
35	22-20	1000	25143	40			SCPSS.CGF	60140	116,457	114,233	(2,224)		Insurance Benefits
36	22-20	1000	25143	40			SCPSS.CGF	60170	94,880	108,780	13,900		Professional Services
37										0			
38										0			
39										0			
40										0			
41										0			
42										0			
43										0			
44										0			
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46										0			
47										0			
48										0			
49										0			
50										0			
51										0			
52										0			
53										0			
54										0			
55										0			
56										0			
57										0			
58										0			
											0	0	Total - Page 2
											0	0	GRAND TOTAL

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32368	6450		SCPSP.SUN.DDOUGLAS	Data Analyst Senior	700545	0.08	4,755	1,409	1,186	7,350
32368	6087		SCPSP.SUN.DDOUGLAS	Research Evaluation Analyst Sr	712159	0.04	2,792	913	695	4,400
32368	6021		SCPSP.SUN.DDOUGLAS	Program Development Specialist	714082	0.10	4,624	1,469	1,407	7,500
32367	6450		SCPSP.SUN.GRESH-BARLO	Data Analyst Senior	700545	0.01	746	218	186	1,150
32367	6087		SCPSP.SUN.GRESH-BARLO	Research Evaluation Analyst Sr	712159	0.01	632	211	157	1,000
32367	6021		SCPSP.SUN.GRESH-BARLO	Program Development Specialist	714082	0.02	925	294	281	1,500
1000	6450	65076	SCPSS.CGF	Data Analyst Senior	700545	(0.08)	(4,755)	(1,409)	(1,186)	(7,350)
1000	6450	65076	SCPSS.CGF	Data Analyst Senior	700545	(0.01)	(746)	(218)	(186)	(1,150)
1000	6087	65076	SCPSS.CGF	Research Evaluation Analyst Sr	712159	(0.01)	(632)	(211)	(157)	(1,000)
1000	6087	65076	SCPSS.CGF	Research Evaluation Analyst Sr	712159	(0.04)	(2,792)	(913)	(695)	(4,400)
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.12	5,549	1,763	1,688	9,000

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

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32368	6450		SCPSP.SUN.DDOUGLAS	Data Analyst Senior	700545	0.08	4,755	1,409	1,186	7,350
32368	6087		SCPSP.SUN.DDOUGLAS	Research Evaluation Analyst Sr	712159	0.04	2,792	913	695	4,400
32368	6021		SCPSP.SUN.DDOUGLAS	Program Development Specialist	714082	0.10	4,624	1,469	1,407	7,500
32367	6450		SCPSP.SUN.GRESH-BARLO	Data Analyst Senior	700545	0.01	746	218	186	1,150
32367	6087		SCPSP.SUN.GRESH-BARLO	Research Evaluation Analyst Sr	712159	0.01	632	211	157	1,000
32367	6021		SCPSP.SUN.GRESH-BARLO	Program Development Specialist	714082	0.02	925	294	281	1,500
1000	6450	65076	SCPSS.CGF	Data Analyst Senior	700545	(0.08)	(4,755)	(1,409)	(1,186)	(7,350)
1000	6450	65076	SCPSS.CGF	Data Analyst Senior	700545	(0.01)	(746)	(218)	(186)	(1,150)
1000	6087	65076	SCPSS.CGF	Research Evaluation Analyst Sr	712159	(0.01)	(632)	(211)	(157)	(1,000)
1000	6087	65076	SCPSS.CGF	Research Evaluation Analyst Sr	712159	(0.04)	(2,792)	(913)	(695)	(4,400)
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.12	5,549	1,763	1,688	9,000



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-11 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-11  
Est. Start Time: 10:40 AM  
Date Submitted: 12/23/09

### BUDGET MODIFICATION: DCHS - 21

**BUDGET MODIFICATION DCHS-21 Increasing Developmental Disabilities Services Division Federal/State Appropriation by \$25,431 in Grant Funding as Agenda Follows: Housing Authority of Portland by \$19,431 and Autism Research and Title: Resources of Oregon by \$6,000**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Developmental Disabilities Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
	I/O Address:		<u>167/1/240</u>
Presenter(s):	<u>Patrice Botsford</u>		

### General Information

#### 1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-21. This budget modification increases Developmental Disabilities Services Division (DDSD) Fiscal Year 2010 budget by \$25,431 in grant funding as follows: Housing Authority of Portland (HAP) by \$19,431 and Autism Research and Resources of Oregon by \$6,000. This budget modification increases Coordinating, Monitoring and Business Unit program services by \$25,431.

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

Program Offer # 25015 – Coordinating, Monitoring & Business Unit program provides comprehensive and in-home support services to more than 1,414 adults and children with developmental disabilities. The program is responsible for arranging placements and facility support services, monitoring services provided by contracted agencies and/or families, and accessing and

tracking funding associated with the services and supports.

At the time that the Fiscal Year 2010 budget was prepared, the grant revenue projections were based on estimates provided by the grantor. Budget Modification DCHS-21 adjusts the DCHS Fiscal Year 2010 budget to reflect the actual award amounts. The Housing Authority of Portland (HAP) awarded an additional \$19,431 which is the result of an increase in HAP Homelessness Prevention and Rapid Re-Housing (HPRP) of \$27,053 and a decrease in HAP Portland General Fund (PGF) of \$7,622. The additional HAP funding will allow financial assistance to 143 qualified clients and 70 households.

The Autism Research and Resources of Oregon (ARRO) funding of \$6,000 will provide housing stabilization for 12 eligible families of children that have autism.

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

The Housing Authority of Portland and Autism Research Resources of Oregon grants are renewed annually. Services associated with these funding sources are adjusted based on the amount of grant funding received.

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

N/A

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

N/A

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## ATTACHMENT A

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### Budget Modification

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

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

Budget modification DCHS-21 increases Developmental Disabilities Services Division Fiscal Year 2010 budget by \$25,431 in grant funding as follows: Housing Authority of Portland (HAP) grant funding by \$19,431 and Autism Research and Resources of Oregon by \$6,000. This budget modification increases Coordinating, Monitoring and Business Unit program services by \$25,431.

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

The Fiscal Year 2010 budget for the Coordinating, Monitoring and Business Unit program will be increased by \$25,431. This funding will increase the following expense: direct client assistance by \$25,431.

- **What do the changes accomplish?**

Budget Modification DCHS-21 increases the DCHS Fiscal Year 2010 budget by \$25,431 awarded through the Housing Authority of Portland (HAP) and Autism Research and Resources of Oregon. HAP funds allow financial assistance, housing relocation and stabilization services to 143 qualified clients and 70 households. These services include rental assistance, security and utility deposits, utility payments, moving costs and motel vouchers. Autism Research and Resources of Oregon (ARRO) funds allow the same services. However, these funds are for families of individuals with autism that have exhausted all other community resources and find themselves facing a pending eviction or utility shut off notice. ARRO funds allow housing stabilization assistance for 12 eligible families of children with autism.

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

No personnel actions result from this budget modification.

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

These grant funds do not allow for indirect charges.

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

The grants are renewed every year. Based on the actual amount received, the services associated with these funding sources will be adjusted accordingly.

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

The Housing Authority of Portland grant period is July 1, 2009 through June 30, 2010. The Autism Research and Resources of Oregon grant period is September 1, 2009 through March 31, 2010.

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

The grants are renewed every year. Based on the actual amount received, the services associated with these funding sources will be adjusted accordingly.

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

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## ATTACHMENT B

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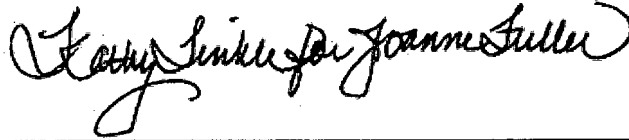
BUDGET MODIFICATION: DCHS-21

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### Required Signatures

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Elected Official or  
Department/  
Agency Director:



Date: 12/23/09

Budget Analyst:



Date: 12/23/09

Department HR:

N/A

Date:

Countywide HR:

N/A

Date:



Budget Modification ID: **DCHS-21****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	20-50	32372	25015	41			DD10 HSG ARRO	50200	0	(6,000)	(6,000)		IG-OP-Other
2	20-50	32372	25015	40			DD10 HSG ARRO	60155	0	6,000	6,000		Direct Client Assistance
3										0			
4	20-50	32203	25015	41			DD10 HAP PGF	50200	(14,126)	(6,504)	7,622		IG-OP-Other
5	20-50	32203	25015	40			DD10 HAP PGF	60155	14,126	6,504	(7,622)		Direct Client Assistance
6													
7	20-50	32377	25015	41			DD10 HAP ARRA HPRP	50195	0	(27,053)	(27,053)		IG-OP-Fed Thru Other
8	20-50	32377	25015	40			DD10 HAP ARRA HPRP	60155	0	27,053	27,053		Direct Client Assistance
9										0			
10										0			
11										0			
12										0			
13										0			
14										0			
15										0			
16										0			
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-12 DATE 01/07/2010  
DEBORAH L. BOGSTAD, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-12  
Est. Start Time: 10:45 AM  
Date Submitted: 12/16/09

### BUDGET MODIFICATION: HD-10-16

**BUDGET MODIFICATION HD-10-16 Appropriating \$337,500 in Grant Revenue from the National Association of County and City Health Officials, Designating the Multnomah County Health Department an Advanced Practice Center for Public Health Emergency Preparedness**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date:	<u>January 7, 2010</u>	Amount of Time Needed:	<u>5 Minutes</u>
Department:	<u>Health Department</u>	Division:	<u>Director's Office</u>
Contact(s):	<u>Lester A. Walker, Finance and Budget Manager</u>		
Phone:	<u>(503) 988-3674</u>	Ext.	<u>26457</u>
	I/O Address:		<u>167/2/210</u>
Presenter(s):	<u>KaRin Johnson, Deputy Director; James Spitzer, Program Manager</u>		

### General Information

#### 1. What action are you requesting from the Board?

Approval of appropriation of \$337,500 in revenue from the National Association of County & City Health Officials (NACCHO).

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

The Multnomah County Health Department (MCHD) has been awarded a grant under NACCHO's Excellence in Innovative Public Health Preparedness Solutions project. This grant designates MCHD as a NACCHO Advanced Practice Center (APC) for public health emergency preparedness. MCHD will focus its APC activities on developing products that address local health departments' needs for effective just-in-time training (JITT), and their needs for emergency mass prevention/treatment and disease investigation/epidemiology capacity.

The primary tasks under this grant will be to:

- Provide local health departments (LHDs) with a model that describes: a) how JITT philosophy and methods can address the behavioral, intellectual, and emotional needs of emergency responders, b) how generic JITT tools might be tailored to various emergency management processes and procedures, and c) how to effectively implement JITT in LHD plans and operations.
- Provide LHDs with methods to a) evaluate emergency public health circumstances that may require significant health and disease investigation and analysis as well as mass prevention or treatment operations, and b) guide effective allocation of scarce resources among investigation and prevention/treatment functions.
- Provide LHDs with "best practice" JITT tools (e.g., written curricula/training guides, videos, hands-on practice procedures) to train personnel called on to staff large scale prevention/treatment and epidemiological investigation operations. These tools are intended to train individuals who have little or no experience in these types of operations.

A Notice of Intent (NOI) authorizing the Health Department to apply for grant funding through NACCHO was approved by the Board on April 30, 2009.

This increase in funding affects Program Offer 40005 – Public Health and Regional Health Systems Emergency. The Emergency Preparedness program already includes the development and maintenance of emergency plans, an incident management team, and collaborative relationships with government, private and non-profit organizations. As part of this work, the Emergency Preparedness program has developed many plans, protocols, and video documentation that are best or promising practices within the field. This grant program will transform some of our existing products into JITT training for the County and for NACCHO's APC Product Matrix.

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

Approval of this budget modification will increase the Health Department's federal/state FY 2010 budget by \$337,500. The remaining grant award of \$112,500 will be included in the FY 2011 budget.

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

None

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

The previous work that has been done in emergency preparedness in Multnomah County has provided the knowledge and expertise to act as an Advanced Practice Center in the area of public health preparedness. This project will build on those experiences and the relationships we have built with our emergency preparedness partners.

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# ATTACHMENT A

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## Budget Modification

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

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

The Health Department's federal/state revenue budget will increase by \$337,500 in FY 2010 as a result of the work performed under this award.

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

As a result of this budget modification, the Health Department's budget will have the following changes:

- Permanent budget will increase by \$129,425
- Temporary budget will increase by \$13,251
- Salary Related Expenses budget will increase by \$40,729
- Non Base Fringe budget will increase by \$4,170
- Insurance Benefits budget will increase by \$35,147
- Non Base Insurance budget will increase by \$5,290
- Professional Services budget will increase by \$32,588
- Printing budget will increase by \$15,000
- Rentals budget will increase by \$563
- Supplies budget will increase by \$857
- Travel & Training budget will increase by \$3,600
- Local Travel/Mileage will increase by \$3,900
- Central indirect budget will increase by \$8,395
- Department indirect budget will increase by \$20,463
- Internal Services Telecommunications budget will increase by \$6,813
- Internal Services Data Processing budget will increase by \$7,794
- Internal Services Building Management budget will increase by \$8,777
- Internal Services Distribution/Postage budget will increase by \$738

- **What do the changes accomplish?**

The JIT training tools developed as a result of this grant will:

- Provide instructions tailored to roles and specific operations to assure that individuals assigned to operations achieve operational objectives;
- Decrease investment in general preparedness training sessions which are typically inadequate for the wide array of prospective emergency operations and include many individuals who will not be available when the actual event occurs;
- Reduce leadership angst about not being able to invest sufficient time in emergency preparedness given the pressures of other programs and budget restrictions; and
- Produce an APC product that can be used by other local health centers throughout the country and fashioned to answer a variety of different emergency situations.

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

Additional FTE will be added to the Health Department's FY 2010 budget as follows:

- 0.75 FTE Program Supervisor – Class/comp has reviewed and approved this position on 10/10/2009 (Class Comp Request #1300)
- 0.75 FTE Research Evaluation Analyst 2 – Class/comp has reviewed and approved this position on 10/12/2009 (Class/comp Request #1306)
- 0.75 FTE Program Development Specialist – Class/comp has reviewed and approved this position on 10/12/2009 (Class/comp Request #1305)
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
The revenue covers these costs.
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**  
This is a one-time only award.
- **If a grant, what period does the grant cover?**  
October 1, 2009 – September 29, 2010
- **If a grant, when the grant expires, what are funding plans?**  
When the grant expires, the project will be complete. However, funding for additional years may be provided by NACCHO or sought from other sources to continue JIT training work in other emergency preparedness areas if deemed necessary.

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

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## ATTACHMENT B

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BUDGET MODIFICATION: HD-10-16

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### Required Signatures

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Elected Official or  
Department/  
Agency Director:

*Jillian Shirley / w2*

Date: 12/10/09

Budget Analyst:

/s/ *Shannon Basby*

Date: 12/16/09

Department HR:

FOR KATHLEEN FULLER-POE  
*Larry Brown, SR. HRA*

Date: 12/09/2009

Countywide HR:

*Joe E. Ott*

Date: 12/11/09

Budget Modification ID: **HD-10-16****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	40-00	32381	40005	0030			4CA134-1	50195	-	(337,500)	(337,500)		Increase IG-OP-Other
2	40-00	32381	40005	0030			4CA134-1	60000	-	129,425	129,425		Increase Permanent
3	40-00	32381	40005	0030			4CA134-1	60100	-	13,251	13,251		Increase Temporary
4	40-00	32381	40005	0030			4CA134-1	60130	-	40,729	40,729		Increase Salary Related Expenses
5	40-00	32381	40005	0030			4CA134-1	60135	-	4,170	4,170		Increase Non Base Fringe
6	40-00	32381	40005	0030			4CA134-1	60140	-	35,147	35,147		Increase Insurance Benefits
7	40-00	32381	40005	0030			4CA134-1	60145	-	5,290	5,290		Increase Non Base Insurance
8	40-00	32381	40005	0030			4CA134-1	60170	-	32,588	32,588		Increase Professional Services
9	40-00	32381	40005	0030			4CA134-1	60180	-	15,000	15,000		Increase Printing
10	40-00	32381	40005	0030			4CA134-1	60210	-	563	563		Increase Rentals
11	40-00	32381	40005	0030			4CA134-1	60240	-	857	857		Increase Supplies
12	40-00	32381	40005	0030			4CA134-1	60260	-	3,600	3,600		Increase Travel & Training
13	40-00	32381	40005	0030			4CA134-1	60270	-	3,900	3,900		Increase Local Travel/Mileage
14	40-00	32381	40005	0030			4CA134-1	60350	-	8,395	8,395		Increase Central Indirect
15	40-00	32381	40005	0030			4CA134-1	60355	-	20,463	20,463		Increase Department Indirect
16	40-00	32381	40005	0030			4CA134-1	60380	-	6,813	6,813		Increase Intl Svc Telephone
17	40-00	32381	40005	0030			4CA134-1	60380	-	7,794	7,794		Increase Intl Svc Data Proc
18	40-00	32381	40005	0030			4CA134-1	60430	-	8,777	8,777		Increase Intl Svc Bldg Mgmt
19	40-00	32381	40005	0030			4CA134-1	60460	-	738	738		Increase Intl Svc Dist/Postage
20										0			
21										0			
22	19	1000		0020		95000010000		50310	-	(8,395)	(8,395)		Indirect reimbursement revenue in GF
23	19	1000		0020		95000010000		60470	-	8,395	8,395		CGF Contingency expenditure
24										0			
25	40-90	1000	40040	0030		409050		50370	(5,001,186)	(5,021,649)	(20,463)		Indirect dept reimbursement rev in GF
26	40-90	1000	40040	0030		409001		60000	446,919	467,382	20,463		Off setting dept expenditure
27										0			
28	72-10	3500		0020		705210		50316	-	(40,437)	(40,437)		Insurance Revenue
29	72-10	3500		0020		705210		60330	-	40,437	40,437		Off setting transaction
											0	0	Total - Page 1
											0	0	GRAND TOTAL

Budget Modification ID: **HD-10-16****EXPENDITURES & REVENUES**

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

**Budget/Fiscal Year: 2010**

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
30	72-60	3503		0020		709525		50310	-	(6,813)	(6,813)		Telecomm reimbursement revenue
31	72-60	3503		0020		709525		60200	-	6,813	6,813		Off setting transaction
32										0			
33	72-60	3503		0020		709000		50310	-	(7,794)	(7,794)		Data Processing reimbursement revenue
34	72-60	3503		0020		709000		60240	-	7,794	7,794		Off setting transaction
35										0			
36	72-50	3505		0020		902575		50310	-	(8,777)	(8,777)		Bldg Mgmt reimbursement revenue
37	72-50	3505		0020		902575		60170	-	8,777	8,777		Off setting transaction
38										0			
39	72-55	3504		0020		904400		50310	-	(738)	(738)		Dist/Postage reimbursement revenue
40	72-55	3504		0020		904400		60230	-	738	738		Off setting transaction
41										0			
42										0			
43										0			
44										0			
45										0			
46										0			
47										0			
48										0			
49										-			
50										-			
51										-			
52										-			
53										-			
54										-			
55										-			
56										-			
57										-			
58										-			
											0	0	Total - Page 2
											0	0	GRAND TOTAL



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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32381	9361	63402	4CA134-1	Program Supervisor	714351	1.00	67,706	21,307	16,384	105,397
32381	6086	63402	4CA134-1	Research Evaluation Analyst 2	714356	1.00	53,975	16,986	15,354	86,315
32381	6021	TBD	4CA134-1	Program Development Spec	TBD	1.00	50,885	16,014	15,122	82,021
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						3.00	172,566	54,307	46,860	273,733

1300  
1306  
1305**CURRENT YEAR PERSONNEL DOLLAR CHANGE**Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
32381	9361	63402	4CA134-1	Program Supervisor	714351	0.75	50,780	15,980	12,289	79,049
32381	6086	63402	4CA134-1	Research Evaluation Analyst 2	714356	0.75	40,481	12,739	11,516	64,736
32381	6021	TBD	4CA134-1	Program Development Spec	TBD	0.75	38,164	12,010	11,342	61,516
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						2.25	129,425	40,729	35,147	205,301



Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources  
Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

---

To: Jim Spitzer, Program Mgr. 1 – Health Dept. Date: August 18, 2009  
From: Joi Doi, Class/Comp Unit *Joi E. Doi*  
Subject: Reclassification Request #1300 (Vacant new position)

---

We have completed our review of your request and the decision is outlined below.

**Request Information:**

Date Request Received: <b>August 10, 2009</b>	Position Number: TBD
Current Classification: NA	Requested Classification: Project Manager
Job Class Number: NA	Job Class Number: 9063 (exempt)
Pay Grade: NA	Pay Grade: 127

---

Request is: ☐ Approved as Requested Effective Date: August 18, 2009  
☒ Approved - **Revised**

Allocated Classification: <b>Program Supervisor</b>	Job Class Number: <b>9361</b>
Pay Range: \$49,696.23 - \$76,692.02 annually	Pay Grade: 124-126

**Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.**

**Position Information:**

☒ Vacant - see New/Vacant Section  
☐ Filled & incumbent reclassified - see Employee Information Section  
☐ Filled & incumbent not reclassified with position See New/Vacant Section

**New/Vacant Position Information:**

This is a new limited duration position that will lead, manage and evaluate grant activities that are primarily focused on developing and evaluating training protocols and tools for public health emergency preparedness. In this capacity, the LD position will develop, manage and evaluate project deliverables, assigned resources, and supervise a small team as well as contractors.

**Reason for Classification Decision:**

While this new position will oversee a variety of assignments and have an important project to manage, the focus is more general in nature and more administrative than what's required for the Project Manager job class. Absent the required project management rigor such as developing a Master Plan, Master Schedule, and requisite training/PMP (Project Management Professional) certification, either the Program Development Specialist series or Program Supervisor should be used to classify this new position. Because this new LD position will supervise a small team, Program Supervisor better fits the work assignments as described.

If you have any questions, please feel free to contact Joi Doi at 503-988-3241.

cc: Larry Brown, HD Human Resources  
Joan Sears, HR Maintainer  
Class Comp File Copy  
Local 88 Representative, B. Lally



Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources

Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

To: James D. Spitzer, Health Department, Office of Emergency Preparedness  
From: Candace Busby, Classification and Compensation Unit (503/4) *C. Busby*  
Date: September 1, 2009  
Subject: Reclassification Request # 1305 (New)

---

We have completed our review of your request and the decision is outlined below.

**Request Information:**

Date Request Received: August 12, 2009  
Current Classification: N/A

Position Number: TBD  
Requested Classification:  
Program Development Specialist  
Job Class Number: 6021  
Pay Grade: 25

Job Class Number: N/A  
Pay Grade: N/A

Request is: ☒ Approved as Requested

Effective Date: September 1, 2009

Allocated Classification: Program Development Splst  
Pay Range: \$48,358.08 to \$59,445.36 annually

Job Class Number: 6021  
Pay Grade: 25

**Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.**

**Position Information:**

☒ Vacant - see New/Vacant Section

**New/Vacant Position Information:**

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

**Reason for Classification Decision:**

This limited duration one-year grant funded position is part of a team that will develop Just In Time Training (JITT) tools to train personnel called on to staff large scale prevention/treatment and epidemiological investigation operations. This position will utilize the data collected through research to assemble evaluated information into complete project deliverables that may include peer-reviewed draft papers, presentations, position descriptions, checklists, instructional or documentary video, training/briefing curricula and outlines. The incumbent will work with the project team/stakeholders to design and apply methods to improve draft products. The position will also work with the project team, stakeholders and others to set criteria, and research and select national best JITT practices within the project scope. Based on our analysis of these responsibilities the appropriate classification for this position is Program Development Specialist (6021).

If you have any questions, please feel free to contact me at 503-988-5015 ext. 24422.

cc: HR Manager

HR Maintainer

Local 88

Class Comp File Copy



Department of County Management  
**MULTNOMAH COUNTY OREGON**  
Human Resources

Multnomah Building  
501 SE Hawthorne, Suite 400  
Portland, Oregon 97214  
(503) 988-5015 Phone  
(503) 988-3009 Fax

To: James D. Spitzer, Health Department, Office of Emergency Preparedness  
From: Candace Busby, Classification and Compensation Unit (503/4) *Candace Busby*  
Date: August 28, 2009  
Subject: Reclassification Request # 1306 (New)

We have completed our review of your request and the decision is outlined below.

**Request Information:**

Date Request Received: August 12, 2009  
Current Classification: N/A

Position Number: TBD  
Requested Classification: Research/Evaluation  
Analyst 2  
Job Class Number: 6086  
Pay Grade: 26

Job Class Number: N/A  
Pay Grade: N/A

Request is: ☒ Approved as Requested

Effective Date: August 28, 2009

Allocated Classification: Research/Evaluation  
Analyst 2

Job Class Number: 6086

Pay Range: \$49,715.28 to \$61,178.49 annually Pay Grade: 26

**Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.**

**Position Information:**

☒ Vacant - see New/Vacant Section

**New/Vacant Position Information:**

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

**Reason for Classification Decision:**

This limited duration position is part of a team that will develop Just In Time Training (JITT) as required by a one year grant. This position provides a lead role in the identification, evaluation and analysis of JITT practices and adult learning models contributing to project deliverables. Typical functions are to develop, refine and apply criteria for identifying best practice methods and materials to support project objectives; research, collect, and organize information and materials on prospective JITT best practices related to project objectives; further evaluate, develop and refine candidate best practice methods and materials using well defined approaches that appropriately involve peer reviewers, prospective users, and other stakeholders to test and evaluate the training product. The incumbent's work will contribute to an article on the project that is a candidate for a major publication; contribute to proposals and presentations suitable for acceptance by and presentation at major conferences; and contribute to organizing project methods and deliverables to be accessed by local health department users. Based on our analysis of these responsibilities the appropriate classification for this position is Research/Evaluation Analyst 2 (6086).

If you have any questions, please feel free to contact me at 503-988-5015 ext. 24422.

cc: HR Manager HR Maintainer Local 88 Class Comp File Copy



# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (revised 09/22/08)

### Board Clerk Use Only

Meeting Date: 01/07/2010  
Agenda Item #: R-13  
Est. Start Time: 10:50 AM  
Date Submitted: 12/29/09

**RESOLUTION Reaffirming an Exemption to Use a Construction**  
**Agenda Manager/General Contractor Method for Construction of the East County**  
**Title: Courts and District Attorney Facility**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

Requested Meeting Date: January 7, 2010 Amount of Time Needed: 15 Minutes  
Department: Non-Departmental Division: Commissioner District 4  
Contact(s): Corie Wiren @ 26234, Peggidy Coffman Yates @ 84878  
Phone: 503 988-5213 Ext. 26234 I/O Address: 503/600  
Presenter(s): John Lindenthal, Peggidy Coffman Yates and Steve Cruzen of Shields Oblatz and Johnsen

### General Information

#### 1. What action are you requesting from the Board?

The Facilities and Property Management Division of the Multnomah County is requesting approval to enter into a Construction Manager/ General Contractor (CM/GC) selection process for the preconstruction work and assist the design architectural team for the proposed East County Courts and District Attorney facility which allows for the County to be flexible in the contracting process.

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

The approval of the East County Justice Center Project Plan that created a capital project is defined in County Resolution 07-024, approved in 2007. The East County Justice Center Development Plan (a portion of the Project Plan) included the CM/GC selection process in the discussion of the schedule. The East County Courts project had always envisioned the use of the CMGC delivery process to facilitate the project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

On October 1, 2009, the Multnomah County Board of Commissioners approved a FAC-1 Amendment resulting in a County Resolution to approve a revised project of reduced scope identified as the East County Courts Project to proceed through Schematic Design at a cost not to exceed \$800,000. The FAC-1 Amendment was required due to a significant change in scope (reduction) between the scope of the 2007 East County Justice Center project, and the new East County Courts Project. Although the Project scope changed, most other elements of the original East County Justice Center Project Plan were intended to remain in place, including utilizing the CM/GC selection process for the new East County Courts scope of work. This exemption is intended to confirm that specific intent while retaining the option to choose the low bid process.

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

None

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

None

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

None

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date: 12/29/09

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

**RESOLUTION NO. \_\_\_\_\_**

Reaffirming an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Courts and District Attorney Facility

**The Multnomah County Board of Commissioners Finds:**

- a. On June 28, 2007, the Board of Commissioners Acting as the Public Contract Review Board adopted Resolution 07-126 approving an exemption from competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the East County Justice Center Project.
- b. On October 1, 2009, the Board of Commissioners adopted Resolution 09-121 approving a new project plan for an East County Courts and District Attorney Facility (East County Courts Project) at the site previously acquired for the East County Justice Center Facility and directing Facilities to implement the Schematic Design Phase of the Project Plan up to \$800,000.
- c. In planning for the East County Courts Project, Facilities and Property Management (Facilities) analyzed three separate construction methods as part of the FAC-1 planning process.
- d. Facilities recommended to the Board that a Construction Manager/General Contractor (CM/GC) contracting method may be an option for construction of the East County Courts Project based on the findings attached hereto as Exhibit 1.
- e. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- f. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on December 24, 2009, more than 14 days before the hearing.
- g. The Board reaffirms, based on the attached findings that it is in the best interest of the County to have the option to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the East County Courts Project.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the East County Courts Project.

2. The Board reaffirms an exemption from competitive bidding requirements to allow potential use of a Construction Manager/General Contractor contracting method for construction of the East County Courts Project. ~

ADOPTED this 7th day of January 2010.

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

---

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

SUBMITTED BY:  
Commissioner Diane McKeel



# **EXHIBIT 1**

## **FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE EAST COUNTY COURTS PROJECT ("Project")**

### **1. GENERAL**

The Oregon Legislative Assembly encourages public agencies to consider alternative and innovative contracting methods, other than low bid, that take into account market realities. Pursuant to ORS 279.015, a local contract review board may exempt certain contracts from traditional competitive bidding by showing that an alternative contracting process is unlikely to diminish competition and that it will result in costs savings to the public agency.

The Facilities and Property Management Division of Multnomah County ("FPM") desires to enter into a contract directly with a contractor for the preconstruction design assistance to the design architectural team and to subsequently construct and manage the East County Courts ("Project") through a Construction Manager/General Contractor ("CM/GC") selection process.

### **2. BACKGROUND**

The approval of the East County Justice Center Project Plan ("Project Plan") that created a capital project is defined by the County's Resolution 07-024, originally created in 2007.

The East County Justice Center Development Plan (a portion of the Project Plan) included the CM/GC selection process in the discussion of the schedule. The East County Courts project had always envisioned the use of the CMGC delivery process to facilitate the project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

On October 1, 2009, the Multnomah County Board of Commissioners approved a FAC-1 Amendment resulting in a County Resolution to approve a revised project of reduced scope identified as the East County Courts Project to proceed through Schematic Design at a cost not to exceed \$800,000. The FAC-1 Amendment was required due to a significant change in scope (reduction) between the scope of the 2007 East County Justice Center project, and the new East County Courts Project. Although the Project scope changed, most other elements of the original East County Justice Center Project Plan were intended to remain in place, including utilizing the CM/GC selection process for the new East County Courts scope of work. This exemption is intended to confirm that specific intent.

### **3. FINDINGS**

In exempting this CM/GC contract from the bidding requirements in ORS 279, the following findings support the requested alternative contracting method:

#### **A. Operational, Budget and Financial Data**

The total Project is being constructed at a cost of approximately \$21 million (the CM/GC procurement portion will be approximately \$12.4 million). The annual operating costs of the Project building will be offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and other members of the Project Team (consisting of the County's Project Manager, the Project design consultants and the CM/GC) in the design phase of the Project. The budget for the Project will be maintained through the cost control systems established by the CM/GC well before construction begins. Unlike the low bid process for selection of a contractor (which excludes the contractor from the preconstruction phases), significant savings in overall Project cost and time can be achieved by engaging the CM/GC early in the preconstruction process. This early engagement allows close monitoring of the construction market, sometimes called forecasting, and heads off unexpected activities that will result in a higher price thereby delivering additional economic savings and benefits to the County.

The CM/GC assists the entire Project Team to stay within budget through full and frank discussions of the cost and schedule implications of various design solutions. This CM/GC involvement permits the Project Team to make informed cost-benefit tradeoff decisions, all to the financial benefit of the County.

#### **B. Public Benefit**

The Project is needed to accommodate public courts needs for the next 50-80 years. The court system is currently backlogged due to the lack of courtroom space. The Project will provide 2 - 3 courtrooms. Security function will be improved, the Court Clerk functions will provide a wider range of services, and District Attorney operations will be provided as part of the Project. Services are integrated to provide the highest level of complementary public judicial functions and cost efficiencies.

The public benefit achieved with the use of a CM/GC for this Project is evident throughout several aspects of the project's design and construction. In contrast to the low bid process for selection of a contractor, the early involvement of the CM/GC in the process provides for more collaboration among the Project Team and interested stakeholders and solidifies the commitment of the Design Team to jointly: (i) establish effective working relationships, (ii) identify problem areas, and (ii) develop economical solutions - thereby achieving cost and time savings for the Project. During the Preconstruction phase, the CM/GC provides guidance to the Project Team in scheduling Project activities and projected timelines. In addition, the CM/GC is engaged in the Project Team process and makes recommendations throughout the design phases. During construction, it is the CM/GC's responsibility to meet the schedule in an efficient matter and with a total cost within the Guaranteed Maximum Price (GMP). The CM/GC

provides a firm GMP and schedule commitment to the County that puts the CM/GC at risk, not the County. Removing elements of risk from the County is of great benefit to the County when initiating construction projects that use public funds.

If at the end of the Preconstruction phase a GMP cannot be agreed upon, then the County has the right to use all the information developed by the CM/GC and the Project Team to bid the Project competitively. This alternative bidding possibility limits the risk to the County while retaining the contractor's knowledge, skill and benefits of collaboration during the design and construction phase. These substantial benefits would not be achieved if the low bid process for selection of a contractor were used for this Project since the contractor is excluded from the preconstruction phases.

### **C. Value Engineering**

The CM/GC process provides many additional benefits and opportunities for cost savings. System options and real-time cost estimates provided by the CM/GC throughout the constructability reviews will aid in controlling the Project costs and allow the County to make informed cost-benefit tradeoff decisions during design. The CM/GC will collaborate and provide cooperation and information to the design Project Team on details, current building materials, systems and products, and current labor markets and practices. During the Preconstruction phase, the CM/GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM/GC will evaluate major systems and make design recommendations to the Project Team about which systems are most cost-effective. The reviews ensure that good building practices are incorporated into the design documents. The CM/GC also identifies whether Project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM/GC will improve design, expedite construction and reduce the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

### **D. Specialized Expertise**

The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and private organizations, and will be well qualified in the area of sustainable construction methodology. The contractor will also have expertise in utilizing the County's Good Faith Effort and Workforce Hiring programs, both of which will be a contractual requirement.

The CM/GC selection process is based on qualifications, with price as a factor. The fee is, however, less important than the overall qualifications and specialized expertise of the selected CM/GC. The County will benefit by acquiring a CM/GC which has established experience in building similar projects, experience in this type of delivery system, references from previous owners and architects, and an outstanding approach to the Project, especially when incorporating sustainable practices and LEED certification. A low bid process does not always provide an opportunity to obtain the most qualified contractor with the specialized expertise needed for the Project.

## **E. Public Safety**

The CM/GC selected will be required show evidence of construction safety practices records a high level. The CM/GC's planning and management of work sequencing, safety equipment and protocols, and construction methodologies can reduce issues related to safety and related risks. All work during the construction will be done in accordance with OR-OSHA safety regulations.

The CM/GC method of delivery is a team approach and the contractor's performance on prior projects in satisfying these safety needs can be determined as part of the County's RFP process described in Section 4.A below; this determination is not available under the low bid process.

## **F. Market Conditions**

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows the option of pursuing a "fast track" construction approach to begin site work and ordering long-lead items while documentation of later elements are being finalized. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on schedule. These fast-track benefits are not available under the low bid process.

## **G. Technical Complexity**

This Project requires technical expertise and experience in commercial construction involving public entities. Expertise in LEED certification is also an integral part of successfully achieving the County's sustainable objectives and the ability to acquire energy efficiency financial incentives. The ability to coordinate and manage this Project, while working with several distinct local governments and major stakeholders, is highly complex in nature. This complexity is especially challenging to an inexperienced firm.

The CM/GC process enables the County to competitively select a prime contractor that can demonstrate the competence necessary to deal with the technical complexities of this Project, and that can provide quality workmanship, dependable performance, fair and reasonable pricing and efficient management as a Project Team member. Under a low bid process the technical competence of the contractor is difficult to evaluate.

## **H. Funding Sources / Budget Management**

The Project is partially funded from proceeds from the sale of the County's Correctional Facility and Edgefield properties in Troutdale. It is anticipated that the balance of the project funding will be borrowed prior to authorization of construction.

The CM/GC method of contracting will include multiple costs estimates, created by two independent sources, beginning at very early stages of design. The evolution of design work can quickly respond to these early multiple estimates to maintain cost control. Early multiple estimates also help to avoid costly re-design of larger portions of design work to maintain budget.

#### **4. COMPLETION AND COST SAVINGS**

Consistent with Oregon Law, use of an alternative contracting method must be seen as unlikely to encourage favoritism or diminish competition and result in substantial cost savings. Based on the following information, this Project will accomplish both.

##### **A. Unlikely to Encourage Favoritism or Diminish Competition**

The CM/GC will be selected through the County's Request for Proposal ("RFP") process which is an open competitive process. The selection criteria will include experience in delivering similar projects, quality of previous work; available resources to meet schedule requirements; use of MWESB subcontractors; experience in commercial building and LEED certification, pre-construction services, schedule and budget management, fee and other relevant criteria. The assessment of the CM/GC will be keyed to their ability to demonstrate the experience and qualifications necessary to meet Project needs.

Competition for construction is typically not diminished because the CM/GC will still be required to solicit multiple bids for all elements of the work. Even when certain elements of the work might be self-performed by the CM/GC, they will be required to solicit additional competitive bids.

##### **B. Typically Results in Substantial Cost Savings**

The benefits of the CM/GC process generally outlined under Findings, Part 3 above illustrate a process where:

- The contractor's expertise is integrated in the design process
- Important decisions can be made early and with more complete information
- Cost estimating at early stages help guide an affordable project
- Early planning and Fast-Tracking assists in the development of an aggressive schedule
- Early document evaluation assists to eliminate conflicts and errors

Under typical market conditions, these benefits all work in combination to deliver projects faster and at lower cost, which is an essential objective for the County.

#### **5. SUMMARY**

The East County Courts Project will benefit overall through an alternative means of construction contracting that utilizes an approach of CM/GC selection based on qualifications and experience rather than lowest bid. The selection of the CM/GC through an RFP process will not diminish competition or show favoritism, and will result in cost savings to the County. The special

emphasis on LEED certification requires experience that is not widely shared in the construction contractor community. Therefore, FPM believes this exemption request is justified and in accordance with Oregon Law and is in the best interest of the County.

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

**RESOLUTION NO. 2010-006**

Reaffirming an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Courts and District Attorney Facility

**The Multnomah County Board of Commissioners Finds:**

- a. On June 28, 2007, the Board of Commissioners Acting as the Public Contract Review Board adopted Resolution 07-126 approving an exemption from competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the East County Justice Center Project.
- b. On October 1, 2009, the Board of Commissioners adopted Resolution 09-121 approving a new project plan for an East County Courts and District Attorney Facility (East County Courts Project) at the site previously acquired for the East County Justice Center Facility and directing Facilities to implement the Schematic Design Phase of the Project Plan up to \$800,000.
- c. In planning for the East County Courts Project, Facilities and Property Management (Facilities) analyzed three separate construction methods as part of the FAC-1 planning process.
- d. Facilities recommended to the Board that a Construction Manager/General Contractor (CM/GC) contracting method may be an option for construction of the East County Courts Project based on the findings attached hereto as Exhibit 1.
- e. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- f. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on December 24, 2009, more than 14 days before the hearing.
- g. The Board reaffirms, based on the attached findings that it is in the best interest of the County to have the option to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the East County Courts Project.

**The Multnomah County Board of Commissioners Resolves:**


1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the East County Courts Project.

2. The Board reaffirms an exemption from competitive bidding requirements to allow potential use of a Construction Manager/General Contractor contracting method for construction of the East County Courts Project.

ADOPTED this 7th day of January 2010.




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

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
\_\_\_\_\_  
Agnes Sowle, County Attorney

SUBMITTED BY:  
Commissioner Diane McKeel



# **EXHIBIT 1**

## **FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE EAST COUNTY COURTS PROJECT ("Project")**

### **1. GENERAL**

The Oregon Legislative Assembly encourages public agencies to consider alternative and innovative contracting methods, other than low bid, that take into account market realities. Pursuant to ORS 279.015, a local contract review board may exempt certain contracts from traditional competitive bidding by showing that an alternative contracting process is unlikely to diminish competition and that it will result in costs savings to the public agency.

The Facilities and Property Management Division of Multnomah County ("FPM") desires to enter into a contract directly with a contractor for the preconstruction design assistance to the design architectural team and to subsequently construct and manage the East County Courts ("Project") through a Construction Manager/General Contractor ("CM/GC") selection process.

### **2. BACKGROUND**

The approval of the East County Justice Center Project Plan ("Project Plan") that created a capital project is defined by the County's Resolution 07-024, originally created in 2007.

The East County Justice Center Development Plan (a portion of the Project Plan) included the CM/GC selection process in the discussion of the schedule. The East County Courts project had always envisioned the use of the CMGC delivery process to facilitate the project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

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### **3. FINDINGS**

In exempting this CM/GC contract from the bidding requirements in ORS 279, the following findings support the requested alternative contracting method:

#### **A. Operational, Budget and Financial Data**

The total Project is being constructed at a cost of approximately \$21 million (the CM/GC procurement portion will be approximately \$12.4 million). The annual operating costs of the Project building will be offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and other members of the Project Team (consisting of the County's Project Manager, the Project design consultants and the CM/GC) in the design phase of the Project. The budget for the Project will be maintained through the cost control systems established by the CM/GC well before construction begins. Unlike the low bid process for selection of a contractor (which excludes the contractor from the preconstruction phases), significant savings in overall Project cost and time can be achieved by engaging the CM/GC early in the preconstruction process. This early engagement allows close monitoring of the construction market, sometimes called forecasting, and heads off unexpected activities that will result in a higher price thereby delivering additional economic savings and benefits to the County.

The CM/GC assists the entire Project Team to stay within budget through full and frank discussions of the cost and schedule implications of various design solutions. This CM/GC involvement permits the Project Team to make informed cost-benefit tradeoff decisions, all to the financial benefit of the County.

#### **B. Public Benefit**

The Project is needed to accommodate public courts needs for the next 50-80 years. The court system is currently backlogged due to the lack of courtroom space. The Project will provide 2 - 3 courtrooms. Security function will be improved, the Court Clerk functions will provide a wider range of services, and District Attorney operations will be provided as part of the Project. Services are integrated to provide the highest level of complementary public judicial functions and cost efficiencies.

The public benefit achieved with the use of a CM/GC for this Project is evident throughout several aspects of the project's design and construction. In contrast to the low bid process for selection of a contractor, the early involvement of the CM/GC in the process provides for more collaboration among the Project Team and interested stakeholders and solidifies the commitment of the Design Team to jointly: (i) establish effective working relationships, (ii) identify problem areas, and (ii) develop economical solutions - thereby achieving cost and time savings for the Project. During the Preconstruction phase, the CM/GC provides guidance to the Project Team in scheduling Project activities and projected timelines. In addition, the CM/GC is engaged in the Project Team process and makes recommendations throughout the design phases. During construction, it is the CM/GC's responsibility to meet the schedule in an efficient matter and with a total cost within the Guaranteed Maximum Price (GMP). The CM/GC

provides a firm GMP and schedule commitment to the County that puts the CM/GC at risk, not the County. Removing elements of risk from the County is of great benefit to the County when initiating construction projects that use public funds.

If at the end of the Preconstruction phase a GMP cannot be agreed upon, then the County has the right to use all the information developed by the CM/GC and the Project Team to bid the Project competitively. This alternative bidding possibility limits the risk to the County while retaining the contractor's knowledge, skill and benefits of collaboration during the design and construction phase. These substantial benefits would not be achieved if the low bid process for selection of a contractor were used for this Project since the contractor is excluded from the preconstruction phases.

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### **D. Specialized Expertise**

The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and private organizations, and will be well qualified in the area of sustainable construction methodology. The contractor will also have expertise in utilizing the County's Good Faith Effort and Workforce Hiring programs, both of which will be a contractual requirement.

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The CM/GC method of delivery is a team approach and the contractor's performance on prior projects in satisfying these safety needs can be determined as part of the County's RFP process described in Section 4.A below; this determination is not available under the low bid process.

## **F. Market Conditions**

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows the option of pursuing a "fast track" construction approach to begin site work and ordering long-lead items while documentation of later elements are being finalized. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on schedule. These fast-track benefits are not available under the low bid process.

## **G. Technical Complexity**

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## **H. Funding Sources / Budget Management**

The Project is partially funded from proceeds from the sale of the County's Correctional Facility and Edgefield properties in Troutdale. It is anticipated that the balance of the project funding will be borrowed prior to authorization of construction.

The CM/GC method of contracting will include multiple costs estimates, created by two independent sources, beginning at very early stages of design. The evolution of design work can quickly respond to these early multiple estimates to maintain cost control. Early multiple estimates also help to avoid costly re-design of larger portions of design work to maintain budget.

#### **4. COMPLETION AND COST SAVINGS**

Consistent with Oregon Law, use of an alternative contracting method must be seen as unlikely to encourage favoritism or diminish competition and result in substantial cost savings. Based on the following information, this Project will accomplish both.

##### **A. Unlikely to Encourage Favoritism or Diminish Competition**

The CM/GC will be selected through the County's Request for Proposal ("RFP") process which is an open competitive process. The selection criteria will include experience in delivering similar projects, quality of previous work; available resources to meet schedule requirements; use of MWESB subcontractors; experience in commercial building and LEED certification, pre-construction services, schedule and budget management, fee and other relevant criteria. The assessment of the CM/GC will be keyed to their ability to demonstrate the experience and qualifications necessary to meet Project needs.

Competition for construction is typically not diminished because the CM/GC will still be required to solicit multiple bids for all elements of the work. Even when certain elements of the work might be self-performed by the CM/GC, they will be required to solicit additional competitive bids.

##### **B. Typically Results in Substantial Cost Savings**

The benefits of the CM/GC process generally outlined under Findings, Part 3 above illustrate a process where:

- The contractor's expertise is integrated in the design process
- Important decisions can be made early and with more complete information
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- Early planning and Fast-Tracking assists in the development of an aggressive schedule
- Early document evaluation assists to eliminate conflicts and errors

Under typical market conditions, these benefits all work in combination to deliver projects faster and at lower cost, which is an essential objective for the County.

#### **5. SUMMARY**

The East County Courts Project will benefit overall through an alternative means of construction contracting that utilizes an approach of CM/GC selection based on qualifications and experience rather than lowest bid. The selection of the CM/GC through an RFP process will not diminish competition or show favoritism, and will result in cost savings to the County. The special

emphasis on LEED certification requires experience that is not widely shared in the construction contractor community. Therefore, FPM believes this exemption request is justified and in accordance with Oregon Law and is in the best interest of the County.

## **UNANIMOUS CONSENT ITEM**

### **REGULAR AGENDA**

**MAY I HAVE A MOTION FOR CONSIDERATION  
OF A UNANIMOUS CONSENT ITEM?**

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
CONSIDERATION OF A UNANIMOUS CONSENT  
ITEM**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?  
THE MOTION FAILS  
OR  
THE CONSIDERATION IS APPROVED**

### **NON-DEPARTMENTAL**

**UC-1 PROCLAMATION Honoring January 11, 2010 as HUMAN  
TRAFFICKING AWARENESS DAY in Multnomah County, Oregon**

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF UC-1**

**COMMISSIONER DIANE MCKEEL  
EXPLANATION, READ PROCLAMATION,  
RESPONSE TO QUESTIONS**

**OPPORTUNITY FOR PUBLIC TESTIMONY**

**OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS  
OR  
THE PROCLAMATION IS ADOPTED**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 2010-003**

Honoring January 11, 2010 as Human Trafficking Awareness Day in Multnomah County, Oregon

**The Multnomah County Board of Commissioners Finds:**


- a. A resolution passed by Congress in 2007 and proposed by Senators Feinstein, Obama, Luger and Cornyn, designated January 11 of each year as Human Trafficking Awareness Day in the United States.
- b. Human Trafficking is the modern day practice of slavery.
- c. Today in the United States, it is estimated that 200,000 minors are at high risk for being trafficked for sexual exploitation. Ninety percent of the victims are American citizens.
- d. The average age of entry into the sex industry is 12 years old.
- e. Trafficking continues because of the huge potential for profit, based on enormous demand, and because of the negligible or low risk of prosecution.
- f. On January 9, 2010, there will be a Northwest Conference Against Trafficking.

**The Multnomah County Board of Commissioners Proclaims:**

January 11, 2010 as Human Trafficking Awareness Day in Multnomah County, Oregon.

ADOPTED this 7th day of January 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, County Chair

  
Deborah Kafoury,  
Commissioner District 1

  
Judy Shiprack,  
Commissioner District 3

  
Jeff Cogen,  
Commissioner District 2

  
Diane McKeel,  
Commissioner District 4

SUBMITTED BY:  
Commissioner Diane McKeel







Office of Chair Ted Wheeler

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**MULTNOMAH COUNTY OREGON**

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501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-3308 phone

(503) 988-3093 fax

## **MEMORANDUM**

TO: Commissioner Deborah Kafoury  
Commissioner Jeff Cogen  
Commissioner Judy Shiprack  
Commissioner Diane McKeel  
County Attorney Agnes Sowle  
Board Clerk Deb Bogstad

FROM: Barb Guthrie  
Staff Assistant to Chair Wheeler

DATE: January 7, 2010

RE: January 19 Executive Session/Board Briefing and January 21 Board Meeting

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Due to a scheduled trip to Washington DC to lobby on behalf of Multnomah County, Chair Wheeler will not be in attendance for the above referenced meetings.

If you have any questions concerning this memo, please do not hesitate to call me.

Barb Guthrie