

# ANNOTATED MINUTES

Thursday, July 13, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## REGULAR MEETING

*Chair Diane Linn convened the meeting at 9:30 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.*

### CONSENT CALENDAR

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

### SHERIFF'S OFFICE

- C-1 Amendment 1 to Government Revenue Agreement 0607001 with the City of Portland for the Home Again Program, Adding \$20,000.00 for Direct Client Based Rental Assistance
- C-2 Government Revenue Agreement 0607002 with the City of Maywood Park, Providing Law Enforcement Services and Patrols for the City of Maywood Park for Fiscal Year 2007

### REGULAR AGENDA

#### PUBLIC COMMENT

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.

***NO ONE WISHED TO COMMENT.***

### DEPARTMENT OF COUNTY MANAGEMENT

- R-1 RESOLUTION Authorizing a First Amendment to the Ground Lease Agreement and a Second Amendment to the Sublease Agreement, Each

Dated November 1, 2000 Executed by Multnomah County, Oregon, a Political Subdivision of the State of Oregon, as Lessor, and The Port City Development Center, an Oregon Not for Profit Corporation, as Lessee, in Connection with the Issuance of the County's \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3))

**COMMISSIONER NAITO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. MINDY HARRIS AND JOHN THOMAS EXPLANATION AND RESPONSE TO BOARD QUESTIONS. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER CRUZ, SECONDED BY COMMISSIONER ROJO, THE RESOLUTION WAS UNANIMOUSLY CONTINUED TO THURSDAY, AUGUST 3, 2006. STAFF TO PROVIDE SIDE BY SIDE COMPARISON CHARTS AND INFORMATION REGARDING CONTAMINATES.**

**DEPARTMENT OF COMMUNITY SERVICES**

R-2 RESOLUTION Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 06-095

**COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-2. KAREN SCHILLING EXPLANATION AND RESPONSE TO CHAIR LINN COMMENTS REGARDING COST RECOVERY AND CUSTOMER SERVICE IMPROVEMENTS. RESOLUTION 06-130 UNANIMOUSLY ADOPTED.**

R-3 Public Hearing and Consideration of a RESOLUTION Vacating a Portion of NW Adams Street, a Public Road, Situated In Multnomah County, Pursuant to ORS 368.326 to 368.366

**COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-3. ROBERT MAESTRE AND MATTHEW RYAN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. GEORGE OTT AND**

**ALBERT HOPPERT TESTIMONY IN SUPPORT OF VACATION. KELLY SUE MUNSON, ROBERT YAUGER AND GENE STILL TESTIMONY IN OPPOSITION TO VACATION. JEFF INGEBRIGTSEN AND RANDALL WASTEDEY TESTIMONY IN SUPPORT OF VACATION. MR. RYAN AND MR MAESTRE RESPONSE TO BOARD QUESTIONS RELATING TO OPPOSING TESTIMONY AND BEST PUBLIC INTEREST. COMMISSIONER CRUZ ADVISED SHE IS NOT COMFORTABLE SUPPORTING VACATION IF IT BENEFITS ONLY ONE PROPERTY OWNER AND NEIGHBORING PROPERTY OWNERS OPPOSE THE VACATION. IN RESPONSE TO A QUESTION OF COMMISSIONER NAITO, PATRICK HINDS ADVISED THAT PROPERTY OWNERS MAY REQUEST DEDICATED ROADWAYS IN THE FUTURE. JOHN GESSNER TESTIMONY IN SUPPORT OF VACATION, ADVISING IF A ROAD WAS BUILT IN THE DESIGNATED AREA HE WOULD LOSE PROPERTY. FOLLOWING DISCUSSION, RESOLUTION 06-131 ADOPTED, WITH COMMISSIONERS NAITO, ROBERTS, ROJO AND LINN VOTING AYE, AND COMMISSIONER CRUZ VOTING NO. CHAIR LINN ENCOURAGED NEIGHBORS TO MEDIATE DIFFERENCES.**

*There being no further business, the meeting was adjourned at 10:38 a.m.*

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

*Deborah L. Bogstad*

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Thursday, July 13, 2006 - 9:50 AM  
(OR IMMEDIATELY FOLLOWING BOARD MEETING)  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

**IF NEEDED EXECUTIVE SESSION**

E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.

***EXECUTIVE SESSION NOT NEEDED.***



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Diane Linn, 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)

### Maria Rojo de Steffey, 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)

### Serena Cruz Walsh, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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

### Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

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

### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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## JULY 13, 2006 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Resolution Authorizing a First Amendment to the Ground Lease Agreement and a Second Amendment to the Sublease Agreement with The Port City Development Center in Connection with the Issuance of the County's \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds
Pg 2	9:35 a.m. Resolution Establishing Fees and Charges and Repealing Resolution 06-095
Pg 3	9:45 a.m. Resolution Authorizing Vacation of a Portion of NW Adams Street
Pg 3	9:50 a.m. if needed Executive Session
<b>The August 31 Board Meeting is Cancelled</b>	

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

Thursday, 9:30 AM, (LIVE) Channel 30

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through MetroEast Community Media  
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Thursday, July 13, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

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

#### **SHERIFF'S OFFICE**

- C-1 Amendment 1 to Government Revenue Agreement 0607001 with the City of Portland for the Home Again Program, Adding \$20,000.00 for Direct Client Based Rental Assistance
  
- C-2 Government Revenue Agreement 0607002 with the City of Maywood Park, Providing Law Enforcement Services and Patrols for the City of Maywood Park for Fiscal Year 2007

### **REGULAR AGENDA - 9:30 AM**

#### **PUBLIC COMMENT - 9:30 AM**

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

### **DEPARTMENT OF COUNTY MANAGEMENT - 9:30 AM**

- R-1 RESOLUTION Authorizing a First Amendment to the Ground Lease Agreement and a Second Amendment to the Sublease Agreement, Each Dated November 1, 2000 Executed by Multnomah County, Oregon, a Political Subdivision of the State of Oregon, as Lessor, and The Port City Development Center, an Oregon Not for Profit Corporation, as Lessee, in Connection with the Issuance of the County's \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3))

### **DEPARTMENT OF COMMUNITY SERVICES - 9:35 AM**

- R-2 RESOLUTION Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 06-095

- R-3 Public Hearing and Consideration of a RESOLUTION Vacating a Portion of NW Adams Street, a Public Road, Situated In Multnomah County, Pursuant to ORS 368.326 to 368.366
- 

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# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

**Board Clerk Use Only**

**Meeting Date:** 07/13/06  
**Agenda Item #:** C-1  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 06/19/06

**BUDGET MODIFICATION:** -

**Agenda Title:** **Amendment 1 to Government Revenue Agreement 0607001 with the City of Portland for the Home Again Program, Adding \$20,000.00 for Direct Client Based Rental Assistance**

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

<b>Date Requested:</b> <u>July 13, 2006</u>	<b>Time Requested:</b> <u>N/A</u>
<b>Department:</b> <u>Sheriff's Office</u>	<b>Division:</b> <u>Corrections</u>
<b>Contact(s):</b> <u>Christine Kirk</u>	
<b>Phone:</b> <u>503-988-4301</u> <b>Ext.</b> <u>84301</u>	<b>I/O Address:</b> <u>503/350</u>
<b>Presenter(s):</b> <u>Consent Calendar</u>	

**General Information**

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

Approval of government contract amendment 0607001-1.

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

This amendment adds \$20,000.00 for the Sheriff's Office to provide direct client based rental assistance to move people to permanent housing through a discharge planning process as part of the Home Again 10-year plan to end homelessness in Portland and Multnomah County. The amendment also extends the term of the government contract until April 15, 2007.

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

The City will increase the compensation to the County from \$75,000.00 to \$95,000.00.

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

The County Attorney's office has reviewed the Amendment.

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

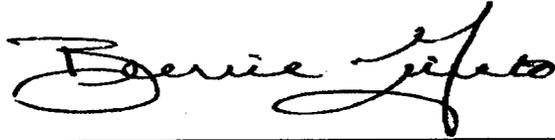
None, other than described above.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/01/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0607001

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

Amendment #: 1

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 type="checkbox"/> Expenditure Contract
<input type="checkbox"/> 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"/> 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 checked="" 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: Sheriff's Office Division/Program: Corrections Date: 05/31/06  
 Originator: Christine Kirk Phone: 503-988-4301 Bldg/Room: 503/350  
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Room: 503/350

Description of Contract: Amendment to the Home Again program IGA adding \$20,000.00 for direct client based rental assistance.

RENEWAL:  PREVIOUS CONTRACT #(S)

EEO CERTIFICATION EXPIRES

PROCUREMENT EXEMPTION OR CITATION # 46-0130(1)(f)

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			Remittance address (if different)	
Address	1120 SW 5 <sup>th</sup> Ave				
City/State	Portland, Oregon			Payment Schedule / Terms:	
ZIP Code	97230			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-823-4000			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	03/01/06	Term Date	02/28/07	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date	03/01/06	New Term Date	04/15/07		
Original Contract Amount	\$ 75,000.00			Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$ 0			Total Amt of Previous Amendments	\$
Amount of Amendment	\$ 20,000.00			Amount of Amendment	\$
Total Amount of Agreement \$	\$ 95,000.00			Total PA/Requirements Amount	\$

**REQUIRED SIGNATURES:**

Department Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Attorney \_\_\_\_\_ DATE \_\_\_\_\_  
 CPCA Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Chair [Signature] DATE 7-13-2006  
 Sheriff [Signature] DATE 6-1-2006  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS:

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 7-13-06

DEBORAH L. BOGSTAD, BOARD CLERK

**LYNCH Brad B**

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**From:** WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]  
**Sent:** Thursday, June 01, 2006 9:15 AM  
**To:** LYNCH Brad B  
**Cc:** DUNAWAY Susan M  
**Subject:** RE: Contract Review Request - Home Again Amendment

This amendment may be circulated for signature.

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

**From:** LYNCH Brad B  
**Sent:** Thursday, June 01, 2006 8:49 AM  
**To:** WEBER Jacquie A  
**Cc:** DUNAWAY Susan M  
**Subject:** Contract Review Request - Home Again Amendment

Good morning Jacquie. Here is that Home Again amendment with Portland, along with the CAF and APR for your review. I've also attached a copy of the original IGA.

Thanks,

<<City of Portland Hme Again Amendment 1CAF.doc>> <<City of Portland Home Again Amendment 1.doc>> <<City of Portland Home Again Amendment 1APR.doc>> <<City of Portland \_IGA.pdf>>

**Brad Lynch**

Multnomah County Sheriff's Office  
Fiscal Unit  
501 SE Hawthorne Blvd, STE 350  
Portland, OR 97214  
Phone (503) 988-4336  
Fax (503) 988-4317

email: [brad.lynch@mcsos.us](mailto:brad.lynch@mcsos.us)  
<http://www.co.multnomah.or.us/sheriff/>

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## Amendment No. 1

### Subrecipient Contract No. 36501

The above referenced Subrecipient Contract between the City of Portland (City) acting by and through its Bureau of Housing and Community Development (BHCD) and the Multnomah County Sheriff's Office (MCSO) (Subrecipient) is hereby amended as follows:

This amendment adds \$20,000 for a contract total of \$95,000 to provide direct client based rental assistance to move people to permanent housing through the Discharge Planning process implemented by MCSO. This \$20,000 in additional Housing Investment Funds (HIF) have been approved in the FY 2005-06 City budget.

#### AGREED:

The undersigned agree to amend Contract No. 36501 between the City of Portland and MCSO as follows:

- 1) Section I. Scope of Services is amended to read:
  - A. The Subrecipient will provide the services described below for the duration of the Agreement:
    6. Provide direct client based rental assistance to aid in individuals placement into housing.
  - B. Performance measures include:
    1. 70% of the Planner's caseload of 20-30 active client caseload will be sent directly to stable housing in the community.
- 2) Section II, Compensation, Method of Payment and Audit Requirement, is amended to read:
  - D. Total compensation under this agreement shall not exceed NINETY-FIVE THOUSAND DOLLARS (\$95,000).

MCSO budget is amended as outlined in Attachment B. Invoice is amended as outlined in Attachment C.

- 3) Section V, Period of Agreement and Contract is amended to read:

The term of this Contract shall be effective as of March 1, 2006 and shall remain in effect during any period Subrecipient has control over Housing and Community Development funds, including program income. The Contract shall terminate as of April 15, 2007.

All other terms and conditions shall remain the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

IN WITNESS WHEREOF, the parties hereto have caused this Contract to be executed by their authorized officers.

MULTNOMAH COUNTY, OREGON

CITY OF PORTLAND

BY Bernie Giusto  
Sheriff Bernie Giusto  
Multnomah County Sheriff's Office

6/1/2006  
Date

BY William White  
William White, Director  
Bureau of Housing and Community  
Development

BY Diane Linn  
Diane Linn, Multnomah  
County Chair

7.13.06  
Date

REVIEWED:

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel for  
Multnomah County, Oregon

\_\_\_\_\_  
Date

\_\_\_\_\_  
Linda Meng  
City Attorney

\_\_\_\_\_  
Date

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS

AGENDA # C-1 DATE 7.13.06

DEBORAH L. BOGSTAD, BOARD CLERK

ATTACHMENT B

MCSO Budget  
FY 2005-06

	2006 Program Budget Total	2006 BHCD Request
Salaries/Wages (Attach Detail of Positions/Salaries)	\$50,160	\$45,710
Taxes/Benefits	\$28,071	\$28,071
<i>Subtotal</i>	\$78,231	\$73,781
<b>Materials and Services</b>		
	05/06 Program Budget Total	05/06 BHCD Request
Rent		
Utilities		
Communication		
Equipment Rental		
Office Supplies		
Education/Training	\$1,000	
Printing		
Postage		
Local Travel		
Operating Supplies		
Professional Services		
Subcontracted Programs		
Insurance		
Audit/Financial Services		
Miscellaneous (Client Assistance)	\$20,000	\$20,000
Other [Shared Services: Finance & HR]	\$8,134	
<i>Subtotal</i>		
Capital Costs: Construction/Acquisition		
*Central Indirect	\$1,219	\$1,219
<b>Total Budget</b>	<b>\$108,584</b>	<b>\$95,000</b>

\*indirect cost allocation plan on file

MULTNOMAH COUNTY MULTNOMAH COUNTY SHERIFF'S OFFICE

BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT

REQUEST FOR PAYMENT\*

Request For Payment # \_\_\_\_\_

Billing Period: \_\_\_\_\_

Contract Number: \_\_\_\_\_

Permanent Supportive Housing Capacity Building

BUDGET CATEGORY	CONTRACTED BUDGET	AMOUNT THIS BILL	AMOUNT BILLED TO DATE	BALANCE
Personnel	\$73,781			
Client Assistance	\$20,000			
Indirect	\$1,219			
<b>TOTAL</b>	<b>\$95,000</b>			

Please attach detailed information as specified in the contract

Total Amount Requested \_\_\_\_\_

Prepared By \_\_\_\_\_ Phone No. \_\_\_\_\_

Approved By \_\_\_\_\_

\*NOTE: Please reproduce this form on agency letterhead or submit cover letter to this invoice that includes total requested and authorizing signature.



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 07/13/06  
 Agenda Item #: C-2  
 Est. Start Time: 9:30 AM  
 Date Submitted: 06/27/06

BUDGET MODIFICATION: -

**Agenda Title: Government Revenue Agreement 0607002 with the City of Maywood Park, Providing Law Enforcement Services and Patrols for the City of Maywood Park for Fiscal Year 2007**

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

<b>Date Requested:</b>	<u>July 13, 2006</u>	<b>Time Requested:</b>	<u>N/A</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Enforcement</u>
<b>Contact(s):</b>	<u>Brad Lynch</u>		
<b>Phone:</b>	<u>503-988-43369</u>	<b>Ext.</b>	<u>84336</u>
		<b>I/O Address:</b>	<u>503/350</u>
<b>Presenter(s):</b>	<u>Consent Calendar</u>		

## General Information

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

Approval of government contract 0607002.

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

The Sheriff's Office provides law enforcement services and patrols within the city limits of Maywood Park. The City of Maywood Park will reimburse the Sheriff's Office for the cost of a patrol deputy for eight hours per week for the 2007 fiscal year. The Sheriff's Office has been providing these services to Maywood Park since at least 1988.

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

Maywood Park will pay \$27,252.16 for these services for fiscal year 2007. The revenue has been anticipated and is included in the FY 2007 budget.

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

The agreement has been reviewed by the County Attorney's office.

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

None other than those described above.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 06/23/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0607002

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 type="checkbox"/> Expenditure Contract
<input type="checkbox"/> 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"/> 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 checked="" 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: <u>Sheriff's Office</u>	Division/ Program: <u>Enforcement</u>	Date: <u>06/21/06</u>
Originator: <u>Captain Brett Elliott</u>	Phone: <u>503/255-3600</u>	Bldg/Room: <u>313</u>
Contact: <u>Brad Lynch</u>	Phone: <u>503-988-4336</u>	Bldg/Room: <u>503/350</u>

Description of Contract: Provide law enforcement services and patrols for the City of Maywood Park.

RENEWAL:  PREVIOUS CONTRACT #(S) 0405123, 0310511, 0210308 EEO CERTIFICATION EXPIRES

PROCUREMENT EXEMPTION OR CITATION #	ISSUE DATE:	EFFECTIVE DATE:	END DATE:
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CONTRACTOR IS:  MBE  WBE  ESB  QRF State Cert# \_\_\_\_\_ or  Self Cert  Non-Profit  N/A (Check all boxes that apply)\*

Contractor	<u>City of Maywood Park</u>			Remittance address (If different)	
Address	<u>10100 NE Prescott Street, Suite 147</u>				
City/State	<u>Maywood Park, Oregon</u>			Payment Schedule / Terms:	
ZIP Code	<u>97220</u>			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	<u>503-255-9805</u>			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	<u>07/01/06</u>	Term Date	<u>06/30/07</u>	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$ <u>27,252.16</u>			Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____			Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____			Amount of Amendment	\$ _____
Total Amount of Agreement	\$ <u>27,252.16</u>			Total PA/Requirements Amount	\$ _____

**REQUIRED SIGNATURES:**

Department Manager _____	DATE _____
County Attorney _____	DATE _____
CPCA Manager _____	DATE _____
County Chair <u><i>Chris M. J.</i></u>	DATE <u>7.13.06</u>
Sheriff <u><i>Bernie Givens by pm</i></u>	DATE <u>06-23-06</u>
Contract Administration _____	DATE _____

COMMENTS: \_\_\_\_\_

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATE 7.13.06  
DEBORAH L. BOGSTAD, BOARD CLERK

**LYNCH Brad B**

---

**From:** WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]  
**Sent:** Thursday, June 22, 2006 11:15 AM  
**To:** LYNCH Brad B  
**Cc:** DUNAWAY Susan M  
**Subject:** RE: Contract Review Request - Maywood Park

This contract may be circulated for signature.

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

**From:** LYNCH Brad B  
**Sent:** Wednesday, June 21, 2006 9:00 AM  
**To:** WEBER Jacquie A  
**Cc:** DUNAWAY Susan M  
**Subject:** Contract Review Request - Maywood Park

Jacquie, attached are the APR, CAF, IGA for the agreement with the Maywood Park for police services for FY 2007.

<<Maywood Park APR 2006-2007.doc>> <<Maywood Park CAF 2006-2007.doc>> <<Maywood Park Agreement 2006-2007.doc>>

Thanks,

**Brad Lynch**

Multnomah County Sheriff's Office  
Fiscal Unit  
501 SE Hawthorne Blvd, STE 350  
Portland, OR 97214  
Phone (503) 988-4336  
Fax (503) 988-4317

email: [brad.lynch@mcso.us](mailto:brad.lynch@mcso.us)  
<http://www.co.multnomah.or.us/sheriff/>

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## INTERGOVERNMENTAL AGREEMENT

Contract Number 0607002

This is an Agreement between the City of Maywood Park (City) and Multnomah County (County).

### **PURPOSE:**

The purpose of this agreement is for the Multnomah County Sheriff's Office (MCSO) to provide enforcement patrols within the city limits of Maywood Park.

The parties agree as follows:

1. **TERM** The term of this agreement shall be from July 1, 2006 to June 30, 2007. This agreement may be renewed for four (4) additional one (1) year terms.

### **2. RESPONSIBILITIES OF CITY.**

a) The CITY agrees that all matters incident to the performance of the services provided hereunder, including standards of performance, and supervision and discipline of assigned personnel, shall be and remain the responsibility of the MCSO. The CITY further agrees that the assigned personnel provide hereunder by MCSO shall be and remain employees of the COUNTY. The assigned personnel shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of the MCSO.

b) The CITY shall designate in writing a representative who shall be authorized to request special emergency patrols or responses from the MCSO.

c) The CITY shall pay MCSO \$27,252.16 for 416 hours of patrol services as provided in Section 3 for the term of this Agreement.

d) Payment for services is to be made on a semi-annual basis. MCSO will bill the CITY on December 1 of each year, with payment due by December 31; and on June 1 of each year, with payment due June 30. Payments will be mailed to:

ATTN: Fiscal Unit  
Multnomah County Sheriff's Office  
501 SE Hawthorne, Suite 350  
Portland, OR 97214

e) Scheduling, payment of salary, benefits, and all other employee rights shall be in compliance with the negotiated contract between the Multnomah County Deputy Sheriff's Association and Multnomah County.

### **3. RESPONSIBILITIES OF COUNTY.**

a) COUNTY agrees to provide police service within the corporate limits of the CITY. The police services shall include the duties and enforcement functions customarily rendered by the MCSO under the statutes of the State of Oregon and the CITY. These services shall include response to emergency situations where life and property are in danger, criminal

law enforcement, traffic enforcement, and similar law enforcement activities within the legal authority of the MCSO to provide. The MCSO and CITY agree to meet and discuss which CITY ordinances the MCSO will enforce. The parties agree that ORS 206.345(2), which provides, "During the existence of the contract, the Sheriff and the deputies of the Sheriff shall exercise such authority as may be vested in them by terms of the contract, including full power and authority to arrest for violation of all duly enacted ordinances of the contracting city," shall prevail and both parties shall perform accordingly.

b) All personnel provided by the MCSO in the performance of this contract shall be MCSO officers and employees. The CITY shall have no liability for any salaries, wages, workmen's compensation, or incidental personal expenses to any MCSO officers and employees engaged in such performance.

c) MCSO agrees to provide all necessary labor, supervision, equipment, communication facilities, and supplies necessary to provide the services described herein.

d) MCSO shall make available for the performance of the services described herein properly supervised deputy sheriffs, certified as police officers by the Oregon Board on Police Standards and Training. The MCSO shall assign armed, uniformed deputy sheriffs to the CITY consistent with the MCSO'S scheduling and districting for other areas of Multnomah County. Subject to the MCSO's scheduling needs, the MCSO agrees to assign the same deputy sheriffs to patrol the CITY, to ensure that the CITY receives consistent service.

e) The MCSO agrees to provide patrols, and will respond to calls for service seven days per week, within the CITY limits. The total patrol time, including response to calls for service, in a given week shall be eight hours. The hours per week can be adjusted up or down by two (2) hours by the CITY. The parties agree that a portion of the aggregate weekly total hours will be devoted to traffic enforcement, including the use of radar and other traditional traffic enforcement methods, on the main state, county and city streets within the CITY. The parties agree that the CITY may identify special traffic problems for targeted traffic enforcement within the CITY.

f) MCSO agrees to provide follow up investigation of reported criminal activities at a level not less than the follow up investigation level provided to the unincorporated areas of Multnomah County.

g) MCSO shall designate a representative of the Sheriff's Office to address special requests from the CITY. The name of such representative will be provided to the Mayor of Maywood Park.

h) MCSO agrees that non criminal records generated under this contract shall be made available to the CITY to audit and examine. The CITY agrees that any audit shall be arranged by contacting the Sheriff or his representative at least 10 working days prior to the commencement of the audit and shall be conducted at any time during normal working hours.

i) MCSO shall provide to CITY a monthly report that includes summary reports on criminal occurrences, a synopsis of enforcement and other activities related to community policing. The report will continue to document and report numbers of incidents to which MCSO responded and the amount of time spent on incidents, neighborhood patrol and investigations.

j) MCSO shall provide to CITY a copy of an enforcement report whose form, content and duration shall be mutually determined and delivered to the "Liaison to Law Enforcement" 9819 NE Skidmore, Maywood Park, OR 97220.

k) MCSO will provide an officer at the regular monthly City Council meetings to orally inform the Council of service demands and any identified areas of concern.

l.) MCSO will inform the CITY by February 15 of each year of the cost to renew the agreement for the next fiscal year.

**4. TERMINATION** This agreement may be terminated by either party upon 90 day's written notice.

**5. 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.

**6. INSURANCE** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

**7. ADHERENCE TO LAW** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

**8. NON-DISCRIMINATION** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

**9. 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.

**10. SUBCONTRACTS AND ASSIGNMENT** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

**11. 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.

**12. CONTRACT ADMINISTRATION:**

- a. The Sheriff or his designated representative will represent the MCSO in all matters pertaining to this Agreement.
- b. The City will designate a person as "Liaison to Law Enforcement" from the Mayor's Office to represent the City.

- c. Any notice or notices provided for by this Agreement or by law to be given or served upon the MCSO shall be given or served by letter deposited in the United States mail, postage prepaid, and addressed:

Chief Deputy Timothy Moore  
 Multnomah County Sheriff's Office  
 501 SE Hawthorne Blvd., Suite 350  
 Portland, Oregon 97214

- d. Any notice or notices provided for by this agreement or by law to be given or served upon City may be given or served by letter deposited in United States mail, postage prepaid and addressed:

City of Maywood Park  
 10100 NE Prescott  
 #147  
 Maywood Park OR 97220

MULTNOMAH COUNTY, OREGON:

CITY OF MAYWOOD PARK:

  
 County Chair or Designee

Signature: \_\_\_\_\_

Date: 7.13.06

Name: \_\_\_\_\_

Please Print

Approved:   
 Department Director or Designee

Title: \_\_\_\_\_

Date: 06-23-06

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

AGNES SOWLE, COUNTY ATTORNEY  
 FOR MULTNOMAH COUNTY

Approved as to form:

By: \_\_\_\_\_  
 Assistant County Attorney Date

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

APPROVED - MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # C-2 DATE 7.13.06  
 DEBORAH L. BOGSTAD, BOARD CLERK



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 07/13/06  
 Agenda Item #: R-1  
 Est. Start Time: 9:30 AM  
 Date Submitted: 06/30/06

**BUDGET MODIFICATION:** -

**RESOLUTION Authorizing a First Amendment to the Ground Lease Agreement and a Second Amendment to the Sublease Agreement, Each Dated November 1, 2000 Executed by Multnomah County, Oregon, a Political Subdivision of the State of Oregon, as Lessor, and The Port City Development Center, an Oregon Not for Profit Corporation, as Lessee, in Connection with the**

**Agenda Title: Issuance of the County's \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3))**

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

<b>Date Requested:</b>	<u>July 13, 2006</u>	<b>Time Requested:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Department of County Management</u>	<b>Division:</b>	<u>Finance</u>
<b>Contact(s):</b>	<u>John Thomas</u>		
<b>Phone:</b>	<u>503-988-3138</u>	<b>Ext.</b>	<u>83138</u>
		<b>I/O Address:</b>	<u>503/5</u>
<b>Presenter(s):</b>	<u>Mindy Harris and John Thomas</u>		

**General Information**

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

Approve Resolution amending the Sublease Agreement and Ground Lease Agreement between Multnomah County and Port City Development Center.

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

On November 1, 2000, Multnomah County issued \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3)) in partnership with Port City Development Center to acquire property and remodel a facility. As part of the transaction The County and Port City entered into a Sublease Agreement and Ground Lease related to the Bond issue.

Port City has encountered financial difficulty and will not be able to meet the lease payment schedule that was agreed to. We have been working with Port City to restructure the rental payments amounts to allow Port City to remain at the facility and be able to make rental payments within the financial means and still make the County whole when the lease payment are completed. The term of the lease will be extended but the entire lease payment is expected to be paid by Port City.

The alternative is to declare a default and take over the property and sell it. This is not recommended.

The Lease Agreements allows them to be amended and supplemented without the prior written consent of the Trustee if such amendment does not materially affect the rights of the Bondholders and provided any other relevant provisions in the Lease Agreement and the Trust Indenture have been complied with.

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

The lease payments will be reduced in the near term but the County expects to be paid the entire \$1.7 million over the life of the lease arrangement.

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

Bond Counsel and County attorney have reviewed.

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

None

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**Required Signatures**

---

**Department/  
Agency Director:**

*David A. Boyer*

**Date:** 06/30/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Authorizing a First Amendment to the Ground Lease Agreement and a Second Amendment to the Sublease Agreement, Each Dated November 1, 2000 Executed by Multnomah County, Oregon, a Political Subdivision of the State of Oregon, as Lessor, and The Port City Development Center, an Oregon Not for Profit Corporation, as Lessee, in Connection with the Issuance of the County's \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3))

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

- a. The Bonds were issued pursuant to a Trust Indenture (the "Trust Indenture"), dated as of November 1, 2000, between the County, as issuer, and U.S. Bank, N.A. (formerly known as U.S. Bank Trust National Association), as trustee.
- b. The County entered into a Ground Lease Agreement and a Sublease Agreement relating to the Bonds on November 1, 2000 with Lessee regarding certain real property and improvements located in the City of Portland, County of Multnomah, State of Oregon as described more fully in those agreements (the "Property").
- c. Rental Amounts (as defined in the Trust Indenture) made by Lessee to the County under the Sublease Agreement are being used to repay the Bonds.
- d. Due to financial hardships, Port City is requesting a restructuring of the Sublease Agreement rent payments which will extend the term of the lease and the rent payments beyond the date when the bonds are defeased.
- e. The County's Chief Financial Officer is recommending that the rent payments be amended.

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

1. The Chair is authorized to execute a First Amendment to Ground Lease and a Second Amendment to Sublease substantially in the form attached to this Resolution.

ADOPTED this 13th day of July, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

**FIRST AMENDMENT TO  
GROUND LEASE AGREEMENT**

**This First Amendment to Ground Lease Agreement** (the "First Amendment"), is made and entered into as of \_\_\_\_\_, 2006 by and between Multnomah County, Oregon, a political subdivision of the State of Oregon (the "Lessor"), and The Port City Development Center, an Oregon not for profit corporation (the "Lessee").

**WITNESSETH:**

**WHEREAS**, on November 7, 2000, the Lessor issued its \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3)) (the "Bonds") pursuant to a Trust Indenture (the "Trust Indenture"), dated as of November 1, 2000, between the Lessor and U.S. Bank, N.A. (formerly known as U.S. Bank Trust National Association), as trustee (the "Trustee"); and

**WHEREAS**, on November 1, 2000, the Lessor and the Lessee entered into a Ground Lease Agreement relating to the Bonds (the "Ground Lease Agreement"); and

**WHEREAS**, on November 1, 2000, the Lessor and the Lessee entered into a Sublease Agreement relating to the Bonds (the "Sublease Agreement"); and

**WHEREAS**, On August 1, 2002 the Lessor and the Lessee amended and supplemented the Sublease Agreement; and

**WHEREAS**, Contemporaneous with the amendment to this Ground Lease Agreement the parties are executing a Second Amendment to Sublease Agreement;

**WHEREAS**, the Lessor and the Lessee desire to amend and supplement the Ground Lease Agreement by the execution and delivery of this First Amendment; and

**NOW, THEREFORE, THIS SECOND AMENDMENT WITNESSETH**, for in consideration of the premises and the mutual covenants and agreements set forth herein, the Lessor and the Lessee hereby agree as follows:

**ARTICLE 1.**

**DEFINITIONS AND FINDINGS**

**Section 1.1. Terms Defined in the Trust Indenture, Sublease Agreement or Ground Lease Agreement.** Except as modified herein, or unless the context shall clearly indicate some other meaning, all words and terms used in this First Amendment that are defined in the Trust Indenture, Sublease Agreement or Ground Lease Agreement shall, for all purposes of this First Amendment, have the respective meanings given to them in the Trust Indenture, Sublease Agreement, or Ground Lease Agreement.

**Section 1.2. Findings.** The amendments and supplements to the Ground Lease Agreement made by Section 2.1 of this First Amendment of the Ground Lease Agreement as described in the fourth "Whereas" paragraph above.

**ARTICLE 1.**

**AMENDMENT AND RESTATEMENT OF TERM**

**Section 3.1. Amendment of Term.** Section 3.1 of the Ground Lease Agreement is amended to read: The Ground Lease Term (the Term) commences on November 1, 2000 and shall end on the date Lessee pays all sums necessary to effect the defeasance of the Series 2000A Bonds in accordance with Section 2.12 of the Indenture, including timely payment of all expenses of Trustee and Lessor at the times specified under the provisions of the Indenture, or the date that all rent amounts set forth in Exhibit B of the Sublease Agreement have been paid, whichever is later. If there has been a Sublease Default under the Sublease, based on which the Sublease is terminated, the Term of the Ground Lease shall be ninety-nine (99) years from the effective date of the termination of the Sublease. Lessor may not terminate this Ground lease prior to the end of the Term for any other reason whatsoever, including Lessee's failure to complete the Improvements, as long as Lessee pays Lessor rent as set forth in Section 5 of this Ground Lease.

**ARTICLE 2.**

**MISCELLANEOUS**

**Section 2.1. Effect of Ground Lease Agreement.** Except as expressly amended herein, the Ground Lease Agreement shall remain in full force and effect.

**Section 2.2. Execution in Counterparts.** This First Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 2.3. Captions.** The captions or headings in this First Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this First Amendment.

IN WITNESS WHEREOF, the parties have executed this First Amendment as of this \_\_\_\_ day of \_\_\_\_\_, 2006.

Lessor:

**MULTNOMAH COUNTY, OREGON**, a political  
subdivision of the State of Oregon  
By: \_\_\_\_\_  
Its: Chief Financial Officer

Lessee:

**THE PORT CITY DEVELOPMENT CENTER**,  
an Oregon not for profit corporation  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

**SECOND AMENDMENT TO  
SUBLEASE AGREEMENT**

**This Second Amendment to Sublease Agreement** (the "Second Amendment"), is made and entered into as of \_\_\_\_\_, 2006 by and between Multnomah County, Oregon, a political subdivision of the State of Oregon (the "Lessor"), and The Port City Development Center, an Oregon not for profit corporation (the "Lessee").

**WITNESSETH:**

**WHEREAS**, on November 7, 2000, the Lessor issued its \$2,000,000 Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3)) (the "Bonds") pursuant to a Trust Indenture (the "Trust Indenture"), dated as of November 1, 2000, between the Lessor and U.S. Bank, N.A. (formerly known as U.S. Bank Trust National Association), as trustee (the "Trustee"); and

**WHEREAS**, on November 1, 2000, the Lessor and the Lessee entered into a Sublease Agreement relating to the Bonds (the "Sublease Agreement"); and

**WHEREAS**, On August 1, 2002 the Lessor and the Lessee amended and supplemented the Sublease Agreement; and

**WHEREAS**, the Lessor and the Lessee desire to amend and supplement the Sublease Agreement by the execution and delivery of this Second Amendment; and

**WHEREAS**, Section 12.5 of the Sublease Agreement allows the Sublease Agreement to be amended and supplemented without the prior written consent of the Trustee if such amendment does not materially affect the rights of the Bondholders and provided any other relevant provisions in the Sublease Agreement and the Trust Indenture have been complied with; and

**WHEREAS**, Section 7.3 of the Trust Indenture provides that in connection with any amendment to the Sublease Agreement the Trustee may obtain an opinion of Bond Counsel that such amendment is authorized or permitted by the Trust Indenture and will not adversely affect the excludability for federal income tax purposes of interest on the Bonds.

**NOW, THEREFORE, THIS SECOND AMENDMENT WITNESSETH**, for in consideration of the premises and the mutual covenants and agreements set forth herein, the Lessor and the Lessee hereby agree as follows:

**ARTICLE 1.**

**DEFINITIONS AND FINDINGS**

**Section 1.1. Terms Defined in the Trust Indenture or Sublease Agreement.** Except as modified herein, or unless the context shall clearly indicate some other meaning, all words and terms used in this Second Amendment that are defined in the Trust Indenture or Sublease

Agreement shall, for all purposes of this Second Amendment, have the respective meanings given to them in the Trust Indenture or Sublease Agreement.

**Section 1.2. Findings.** The amendments and supplements to the Sublease Agreement made by Section 2.1 of this Second Amendment are authorized by Section 12.5 of the Sublease Agreement as described in the fourth "Whereas" paragraph above.

## **ARTICLE 2.**

### **AMENDMENT AND RESTATEMENT OF SCHEDULE OF RENTAL AMOUNTS**

**Section 2.1. Amendment of Exhibit B.** The schedule of Rental Amounts payable by Lessee to Lessor for the use of the Property as set forth in Exhibit B of the Sublease Agreement as amended by the First Amendment, is hereby further amended and restated as set forth in Exhibit B attached hereto.

## **ARTICLE 3.**

### **AMENDMENT AND RESTATEMENT OF TERM**

**Section 3.1. Amendment of Term.** Section 3.1 of the Sublease Agreement is amended to read; The Sublease Term commences on November 1, 2000 and, subject to earlier termination as provided herein, shall end on the date Lessee pays all sums necessary to effect the defeasance of the Series 2000A Bonds in accordance with Section 2.12 of the Indenture, including timely payment of all expenses of Trustee and Lessor at the times specified under the provisions of the Indenture, or the date that all rent amounts set forth in Exhibit B of the Sublease Agreement have been paid, whichever is later. Upon a Sublease Default hereunder, based on which this Sublease is terminated; the Term shall end on the date specified in the notice of default.

## **ARTICLE 4.**

### **MISCELLANEOUS**

**Section 4.1. Effect of Sublease Agreement.** Except as expressly amended herein, the Sublease Agreement shall remain in full force and effect.

**Section 4.2. Execution in Counterparts.** This Second Amendment may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**Section 4.3. Captions.** The captions or headings in this Second Amendment are for convenience only and in no way define, limit or describe the scope or intent of any provisions of this Second Amendment.

IN WITNESS WHEREOF, the parties have executed this Second Amendment as of this  
\_\_\_ day of \_\_\_\_\_, 2006.

Lessor:

**MULTNOMAH COUNTY, OREGON**, a political  
subdivision of the State of Oregon

By: \_\_\_\_\_

Its: Chief Financial Officer

Lessee:

**THE PORT CITY DEVELOPMENT CENTER**,  
an Oregon not for profit corporation

By: \_\_\_\_\_

Its: \_\_\_\_\_

**EXHIBIT B**  
**Rental Amounts**

<b>Beginning Payment Date</b>	<b>Ending Payment Date</b>	<b>Monthly Payments</b>	<b>Period Total</b>
July 1, 2006	June 30, 2007	\$ 2,500	\$30,000
July 1, 2007	June 30, 2008	2,625	31,500
July 1, 2008	June 30, 2009	2,755	33,060
July 1, 2009	June 30,2010	2,895	34,740
July 1, 2010	June 30,2011	3,040	36,480
July 1, 2011	June 30, 2012	3,190	38,280
July 1, 2012	June 30, 2013	3,350	40,200
July 1, 2013	June 30, 2014	3,515	42,180
July 1, 2014	June 30, 2015	3,695	44,340
July 1, 2015	June 30, 2016	3,880	46,560
July 1, 2016	June 30, 2017	4,070	48,840
July 1, 2017	June 30, 2018	4,275	51,300
July 1, 2018	June 30, 2019	4,490	53,880
July 1, 2019	June 30, 2020	4,715	56,580
July 1, 2020	June 30, 2021	4,950	59,400
July 1, 2021	June 30, 2022	5,195	62,340
July 1, 2022	June 30, 2023	5,460	65,520
July 1, 2023	June 30, 2024	5,730	68,760
July 1, 2024	June 30, 2025	6,015	72,180
July 1, 2025	June 30, 2026	6,320	75,840
July 1, 2026	June 30, 2027	6,630	79,560
July 1, 2027	June 30, 2028	6,965	83,580
July 1, 2028	June 30, 2029	7,315	87,780
July 1, 2029	June 30, 2030	7,680	92,160
July 1, 2030	June 30, 2031	8,060	96,720
July 1, 2031	June 30, 2032	8,465	101,580
July 1, 2032	June 30, 2033	8,890	106,680
July 1, 2033	June 30, 2034	9,335	112,600
July 1, 2034	September 30, 2034	9,800	29,400
<b>TOTAL</b>			<b>\$1,781,460</b>



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 07/13/06  
 Agenda Item #: R-2  
 Est. Start Time: 9:35 AM  
 Date Submitted: 06/19/06

### BUDGET MODIFICATION:

**RESOLUTION Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Agenda Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Title: Resolution No. 06-095**

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

Date Requested: July 13, 2006 Time Requested: 10 minutes  
 Department: Dept. of Community Services Division: LUT  
 Contact(s): Karen Schilling  
 Phone: 503-988-3043 Ext. 29635 I/O Address: 455/116  
 Presenter(s): Karen Schilling

### General Information

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

Adopt the Resolution to revise fees for land use permit services provided by Multnomah County. Fees charged by Portland under the intergovernmental agreement for unincorporated urban areas remain unchanged as shown in Exhibit A of the Resolution.

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

The fee amounts in the Resolution are to respond to the budget proposal of the Land Use Planning program that intends to move towards a cost recovery program for the cost of processing permits. A budget note in the FY06 Land Use Planning budget included a proposal to develop a cost recovery permit program. In addition, Resolution 04-008 directed Land Use Planning to analyze the fees charged considering the amount of cost recovery and the amount of the fee relative to the public interest the permit serves. For the last two years land use planning has been tracking the cost of land use permit processing and the proposed new fees are based on the average cost derived from that data. New fee amounts have been calculated for permit types where there have been at least 4 permits processed. This results in an increase in the fees for 12 permits and a decrease in the fee for 2 permits.

Attachment A to this staff report includes a comparison of the amount of the proposed new fees with

fees charged by 4 other counties for the same or similar permits. There is also a comparison of the existing and proposed fees in Attachment B to the staff report. We will continue to track the average time of processing permits and expect to update the fees annually based on that additional information.

The changes to the fee list provide for changes to the zoning code that are currently in process, and identification of permit types previously included in the general category of Administrative Decision by the Planning Director. Zoning code changes which have been approved by the Planning Commission and may be approved by the Board are a change from "variances" to "adjustments", and a change that would allow forest dwelling permits to be processed administratively rather than as a conditional use. If the proposed zoning code changes are not approved by the Board, those fees would not change. Under the category of Administrative Decision by the Planning Director, 4 separate permit types have been identified and new fees calculated for three of them. The purpose here is to better calibrate the fee charged to the cost of processing the permit.

This action relates to Program #91020A-Land Use Planning Base. The revenues will decrease the amount of general funds needed to support the Land Use Planning program.

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

The new fees have the potential to increase the revenues by approximately \$31,000. This projection is based on the assumption that the same number and types of permits will be processed in the coming fiscal year as the last fiscal year.

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

Staff has not identified any legal or policy issues.

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

The proposal was heard and approved by the Planning Commission on June 5, 2006. The Planning Commission Resolution is included in this packet. In addition to the newspaper notice provided for Planning Commission hearings, a notice of the Planning Commission hearing was mailed to over 30 agencies and identified neighborhood groups. The Planning Commission agenda along with the staff report were also posted on the land use planning internet page. Staff received no comments and there was no public testimony at the hearing.

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**Required Signatures**

---

**Department/  
Agency Director:**



**Date:** 06/22/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

Attachment A

Comparison of Proposed Fees to Other Counties

	Action	Current Fee	Clackamas	Lane	Marion	Washington	New Rates	
Type I	Address Assignment	\$26		\$75			\$85	
	Address Reassignment (requires notice)	\$53					\$127	
	Wrecker License Review	\$221			\$75		\$192	
	Grading and Erosion Control	\$378				\$168	\$224	
	Floodplain Development Permit or Review (one & two family dwellings)	\$30	\$800	\$910	\$940	\$672/\$2214	\$85	
	Floodplain Development Permit (all other uses)	\$66	\$800	\$910	\$940	\$672/\$2214	\$350	
Type II	Health Hardship Permit	\$189	\$280	\$1210/\$2518	\$375	\$868	\$571	
	Time Extension	\$279	25% of fee		\$125/\$240	\$1,204	\$363	
	Administrative Decision by Planning Director	\$279	\$600	\$610-\$1,990		\$635	\$833	
	--Accessory Uses Determination	\$279	\$680				\$701	
	--Alteration of Non-Conforming Use	\$279	\$520	\$1,246-\$2,590	\$640	\$120+\$1,708-\$2,552	\$950	
	--Lot of Record	\$279	\$680		\$1250/\$1880	\$190/\$715	\$622	
	--Zoning Code Interpretation	\$279		\$1,246			\$833	
	Significant Environmental Concern	\$692	\$800				\$709	
	Forest Dwelling	\$1,476	\$680	\$2,528	\$1,250	\$2,214	\$1,476	
	Hillside Development	\$502					\$554	
	National Scenic Area Site Review	\$378	Hood River: \$105-\$500; Wasco: \$500					\$710
	Property Line Adjustment	\$201	\$260	\$310	\$440	\$336-\$1,204	\$610	
	Conditional Use (CU)	\$1,832	\$1,800	\$1246/\$2590	\$1,250	\$1125-\$6475	\$1,832	
	Pre-application conference	\$337		\$238	\$300	actual cost	\$431	
	Explanation of multiple fees listed for a permit							
Lane County: higher fees for forest zoning								
Marion County: higher fees for HO decisions								
Washington County: fees for Type I, II, and III actions								

**Current and Proposed Fees**

Attachment B

	<b>Action</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
<b>Type I</b>	Building Permit Review	\$53	\$53
	Address Assignment	\$26	\$85
	Address Reassignment (requires notice)	\$53	\$127
	Land Use Compatibility Review	\$43	\$43
	Sign Permit	\$30	\$30
	Wrecker License Review	\$221	\$192
	DMV Dealer Review	\$43	\$43
	Grading and Erosion Control	\$378	\$224
	Floodplain Development Permit or Review (one & two family dwellings)	\$30	\$85
	Floodplain Development Permit (all other uses)	\$66	\$350
	Moving of a Floating Home Permit	\$95	\$95
<b>Type II</b>	Health Hardship Permit	\$189	\$571
	Health Hardship Renewal	\$95	\$95
	Non-hearing Variance/Adjustment	\$279	\$279
	Exceptions and Lots of Exception	\$130	\$130
	Time Extension	\$279	\$363
	Administrative Decision by Planning Director	\$279	\$833
	--Accessory Uses Determination*	\$279	\$701
	--Alteration of Non-Conforming Use*	\$279	\$950
	--Lot of Record*	\$279	\$622
	--Zoning Code Interpretation*	\$279	\$833
	Willamette River Greenway	\$692	\$692
	Forest Dwelling	\$1,832	\$1,476
	Significant Environmental Concern	\$692	\$709
	Administrative Modification of Conditions established in prior contested case	\$189	\$589
	Hillside Development	\$502	\$554
	National Scenic Area Site Review	\$378	\$710
	National Scenic Area Expedited Review	\$100	\$100
	Temporary Permit	\$189	\$189
	Design Review	\$708	\$708
	Category 3 Land Division	\$549	\$549
	Category 4 Land Division	\$249	\$249
	Property Line Adjustment	\$201	\$610
	Appeal of Administrative Decision	\$250	\$250
Withdrawal of Application			
- Before app. status letter written	Full refund	Full refund	
- After status ltr. assess 4 hr.	\$160	\$164	

**Current and Proposed Fees**

Attachment B

	Withdrawal of Appeal		
	- After hearing notice mailed	No refund	No refund
Type III	Planned Development	\$2,198	\$2,198
	Community Service	\$1,832	\$1,832
	Regional Sanitary Landfill	\$2,365	\$2,365
	Conditional Use (CU)	\$1,832	\$1,832
	CU for Type B Home Occupation	\$852	\$852
	Variance (hearing)	\$603	\$603
	Modifications of conditions on a prior hearings case w/ rehearing	Full fee for original action	Full fee for original action
	Lots of Exception	\$875	\$875
	Category 1 Land Division - up to 20 lots	\$1,613	\$1,613
	Category 1 - Fee for each additional lot over 20	\$30	\$30
	Other hearings case	\$626	\$626
	National Scenic Area Site Review	\$1,832	\$1,832
	Withdrawal of Application		
	- Before app. status letter written	Full refund	Full refund
- After status ltr. assess 4 hr.	\$160	\$164	
- After hearing notice mailed	No refund	No refund	
Type IV	Legislative or Quasijudicial Plan Revision	\$2,290 deposit	\$2,290 deposit
	Legislative or Quasijudicial Zone Change	\$2,290 deposit	\$2,290 deposit
Misc.	Pre-application conference	\$337	\$431
	Pre-application conference for home occupation	\$168	\$168
	Notice Sign	\$10	\$10
	Research Fee (includes mailing list production) (2 hour deposit required)	\$41/hr	\$41/hr
	Photocopies	\$.30 per page	\$.30 per page
	Color aerial photograph	\$6.40 each	\$6.40 each
	Cassette tape recording of hearing	\$30 first tape - \$2.65 each additional tape	\$30 first tape - \$2.65 each additional tape
	Rescheduled hearing	\$249	\$249
	Inspection Fee	\$77	\$77
Misc.	Subscription for all County land use decisions	\$1,995	not provided
	Subscription for all Scenic Area land use decisions	\$694	not provided
	Subscription for all land use decisions except scenic area	\$1,301	not provided

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO.**

Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 06-095

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

- a. On April 13, 2000, the Board adopted Ordinance No. 944 establishing land use fees by resolution.
- b. Multnomah County has entered into intergovernmental agreements with the cities of Portland and Troutdale to provide planning services for areas outside those city limits and within the urban growth boundaries.
- c. On January 22, 2004 the Board adopted Resolution No. 04-008 directing the Planning Director to evaluate the land use permit fees to ensure the amount of cost recovery is consistent with Board policy considering permit type and the public interest the permit serves.
- d. On December 15, 2005, the Board adopted Resolution No. 05-208 that adjusted the fees of the Land Use Planning Division to account for change in the Consumer Price Index, and leaving all other fees and charges the same.
- e. On June 15, 2006, the Board adopted Resolution 06-095 to establish new fees and costs for services provided by Portland by updating Exhibit A only.
- f. The Land Use Planning Division has been tracking time spent processing land use actions for over two years and has used the results to develop the listed fees. The fees reflect the average cost of permit processing over the past two years.
- g. All other fees and charges established by Resolution 06-095 remain the same.

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

1. Resolution No. 06-095 is repealed and Land Use Planning Division fees for MCC Chapters 11.05, 11.15, 11.45, 37 and 38, excluding planning services provided under IGAs are set as follows:

	<b>Action</b>	<b>Fee</b>
Type I	Building Permit Review	\$53
	Address Assignment	\$85
	Address Reassignment (requires notice)	\$127
	Land Use Compatibility Review	\$43
	Sign Permit	\$30
	Wrecker License Review	\$192
	DMV Dealer Review	\$43
	Grading and Erosion Control	\$224
	Floodplain Development Permit or Review (one & two family dwellings)	\$85
	Floodplain Development Permit (all other uses)	\$350
	Moving of a Floating Home Permit	\$95
Type II	Health Hardship Permit	\$571
	Health Hardship Renewal	\$95
	Non-hearing Variance	\$279
	Exceptions and Lots of Exception	\$130
	Time Extension	\$363
	Administrative Decision by Planning Director	\$833
	Accessory Uses Determination	\$701
	Alteration of Nonconforming Use	\$950
	Lot of Record Verification	\$622
	Zoning Code Interpretation	\$833
	Willamette River Greenway	\$692
	Forest Dwelling	\$1,476
	Significant Environmental Concern	\$709
	Administrative Modification of Conditions established in prior contested case	\$589
	Hillside Development	\$544
	National Scenic Area Site Review	\$710
	National Scenic Area Expedited Review	\$100
	Temporary Permit	\$189
Design Review	\$708	
Category 3 Land Division	\$549	
Category 4 Land Division	\$249	

	Action	Fee
	Property Line Adjustment	\$610
	Appeal of Administrative Decision	\$250
	Withdrawal of Application	
	- Before app. status letter written	Full Refund
	- After status ltr. assess 4 hr.	\$164
	Withdrawal of Appeal	
	- After hearing notice mailed	No Refund
Type III	Planned Development	\$2,198
	Community Service	\$1,832
	Regional Sanitary Landfill	\$2,365
	Conditional Use (CU)	\$1,832
	CU for Type B Home Occupation	\$852
	Variance (hearing)	\$603
	Modifications of conditions on a prior hearings case w/ rehearing	Full fee for original action
	Lots of Exception	\$875
	Category 1 Land Division - up to 20 lots	\$1,613
	Category 1 - Fee for each additional lot over 20	\$30
	Other hearings case	\$626
	National Scenic Area Site Review	\$1,832
	Withdrawal of Application	
	- Before app. status letter written	Full Refund
	- After status ltr. assess 4 hr.	\$164
- After hearing notice mailed	No Refund	
Type IV	Legislative or Quasijudicial Plan Revision	\$2,290 deposit
	Legislative or Quasijudicial Zone Change	\$2,290 deposit
Misc.	Pre-application conference	\$431
	Pre-application conference for home occupation	\$168
	Notice Sign	\$10
	Research Fee (includes mailing list production) (2 hour deposit required)	\$41/hour
	Photocopies	\$.30 per page

	<b>Action</b>	<b>Fee</b>
	Color aerial photograph	\$6.40 each
	Cassette tape recording of hearing	\$30.00 first tape- additional \$2.65 each tape
	Rescheduled hearing	\$249
	Inspection Fee	\$77

2. Fees for planning services provided by the City of Troutdale under the IGA are as set by the City of Troutdale.
3. Fees for planning services provided by the City of Portland under IGA are set in the attached Exhibit A.
4. This Resolution takes effect and Resolution 06-095 is repealed on July 17, 2006.

ADOPTED this 13<sup>th</sup> day of July 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Adjustment Review (Type II)</b>	
<b>Residential Use (only)</b>	
Fences/Decks/Eaves	\$1,250
Lots with existing single-dwelling units	\$1,722
All other residential adjustments	\$1,615
<b>Non-residential or mixed use</b>	\$1,729
<b>Comprehensive Plan and Zone Map Amendment (Type III)</b>	\$19,225
<b>Single Family Residential to Single Family Residential Upzoning (Type III)</b>	\$11,400
<b>Conditional Use</b>	
Type I	\$2,525
Type II (Minor)	\$3,363
Radio Frequency Facilities (Type II)	\$4,211
Type III (Major)	
Conditional Use - New	\$11,080
Conditional Use - Existing	\$5,330
Radio Frequency	\$11,225
<b>Design Review</b>	
Major (Type III)	0.0046 of valuation minimum \$5,547; maximum \$22,000
Minor A (Type I & II) except as identified in Minor B and Minor C, including residential projects with 2 or more units; and radio frequency facilities	minimum \$3,488; maximum \$6,915
Minor B (Type I & II) --Includes residential projects with 1 unit --Improvements with valuation under \$5,000, but more than \$2,500 --Parking areas 10,000 sq. ft. or less --Awnings, signs, rooftop mechanical equipment --Lighting Projects --Remodels affecting less than 25 consecutive linear ft. of frontage	minimum \$785; maximum \$3,325

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Design Review (continued)</b>	
Minor C (Type I & II)	
--Improvements not identified in Minor B with valuation \$2,500 or less	\$650
-- Fences, freestanding & retaining walls, gates	
--Colors in historic districts	
Modifications through Design Review	\$300
<b>Environmental Review (Type I)</b>	\$655
<b>Environmental Review (Type II)</b>	\$2,221
Residential use (only)	
Non-residential or mixed use	\$3,221
<b>Environmental Review Protection Zone (Type III)</b>	\$5,760
<b>Environmental Violation Review (Type II)</b>	\$3,486
<b>Environmental Violation (Type III)</b>	\$6,750
--Undividable lot with existing single dwelling unit	\$4,800
<b>Final Plat Review / Final Development Plan Review for Planned Development or Planned Unit Development (Type I)</b>	
If preliminary with Type I with no street	\$1,760
If preliminary was Type I or IIx with a street	\$3,662
If preliminary was Type II / IIx with no street	\$3,662
If preliminary was Type III	\$6,036
<b>Greenway</b>	\$1,221
Residential use (only)	
Non-residential or mixed use	\$4,256
<b>Historic Landmark designation or removal</b>	\$3,973
Individual properties (Type III)	
Multiple Properties or districts (Type III)	\$4,774
Demolition Review (Type IV)	\$5,250
<b>Home Occupation Permit</b>	
Initial Permit	\$111
Annual Renewal	\$111
Late charge for delinquent permits	\$5 per month

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Impact Mitigation Plan</b>	
Amendment (Minor) (Type II)	\$3,201
Implementation (Type II)	\$3,633
New/Amendment (Major) (Type III)	\$22,730
Amendment (Use) (Type III)	\$6,264
<b>Land Division Review</b>	
Type I	\$5,267 + \$175 per lot plus \$900 if new street
Type IIx	\$6,661 + \$175 per lot plus \$900 if new street
Type III	\$9,699 + \$175 per lot plus \$900 if new street
Subdivision with Concurrent Environmental Review (Type III)	\$9,900 + \$200 per lot, plus \$900 if new street
Partition with Concurrent Environmental Review (Type III)	\$5,675 + \$200 per lot plus \$900 if new street
<b>Land Division Amendment Review</b>	
Type I	\$2,000
Type IIx	\$2,736
Type III	\$8,511
<b>Living Smart House Plans</b>	
Bureau of Development Services' fees for the construction of Living Smart houses are 50% of the standard fees shown on Bureau of Development Services fee schedules. If changes, alterations or revisions are made to the permit-ready plans, standard fees will apply. (This discount does not apply to fees charged by other bureaus.)	
<b>Lot Consolidation (Type I)</b>	\$1,300
<b>Master Plan</b>	
Minor Amendments to Master Plans (Type II)	\$7,379
New Master Plans or Major Amendments to Master Plans (Type III)	\$13,698
Non-conforming Situation Review (Type II)	\$4,337
Non-conforming Status Review (Type II)	\$2,236
<b>Planned Development Review</b>	
Type IIx	\$4,134
Type III	\$7,474

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Planned Development Amendment / Planned Unit Development Amendment</b>	
Type IIx	\$2,862
Type III	\$8,283
<b>Pre-Application Conference</b>	
Major (Comprehensive Plan Map Amendment, Zone Change, Design Review, Subdivision Master Plan, and Impact Mitigation Plan)	\$2,160
Minor or Optional	\$1,550
<b>Statewide Planning Goal Exception (Type III)</b>	\$30,283
<b>Tree Preservation Violation Review</b>	
Type I	\$1,900
Type II	\$2,736
Type III	\$7,093
<b>Tree Review</b>	
Type I	\$2,000
Type II	\$2,736
<b>Zoning Map Amendment (Type III)</b>	\$5,988
<b>Other Unassigned Reviews</b>	
Type I	\$2,492
Type II / IIx	\$2,978
Type III	\$7,093
<b>Other Planning Services</b>	
<b>Appeals</b>	
Type II / IIx	\$250
Type III	½ of application
<b>Appointment for Early Land Use Review Assistance</b>	\$150 per hour Minimum – ½ hour
<b>Demolition Delay Review</b>	\$156
<b>Design Advice Request</b>	\$1,450
<b>Early Pre-Submittal Plan Review (per hour)</b>	\$115 per hour
<b>Expert Outside Consultation (above base fee)</b>	\$83 per hour
<b>Hourly Rate for Land Use Services</b>	\$115 per hour

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Plan Check</b>	
Residential and commercial	\$1.46 per \$1,000 valuation \$60 minimum
Community Design Standards Plan Check	\$.004 of valuation (add to base fee)
Environmental Plan Check	\$727 (add to base fee)
Environmental Violation Plan Check	\$850 (add to base fee)
<b>Property Line Adjustment</b>	\$941
<b>Renotification Fee</b>	\$493
<b>Transcripts</b>	Actual cost
<b>Zoning Confirmation</b>	
Tier A (bank letter, new DMV)	\$277
Tier B (zoning/development analysis, nonconforming standard evidence, notice of use determination)	\$804
Lot Segregation	\$450
Lot Segregation with Property Line Adjustment	\$1,046
DMV Renewal	\$47

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-130**

Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 06-095

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

- a. On April 13, 2000, the Board adopted Ordinance No. 944 establishing land use fees by resolution.
- b. Multnomah County has entered into intergovernmental agreements with the cities of Portland and Troutdale to provide planning services for areas outside those city limits and within the urban growth boundaries.
- c. On January 22, 2004 the Board adopted Resolution No. 04-008 directing the Planning Director to evaluate the land use permit fees to ensure the amount of cost recovery is consistent with Board policy considering permit type and the public interest the permit serves.
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- e. On June 15, 2006, the Board adopted Resolution 06-095 to establish new fees and costs for services provided by Portland by updating Exhibit A only.
- f. The Land Use Planning Division has been tracking time spent processing land use actions for over two years and has used the results to develop the listed fees. The fees reflect the average cost of permit processing over the past two years.
- g. All other fees and charges established by Resolution 06-095 remain the same.

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

1. Resolution No. 06-095 is repealed and Land Use Planning Division fees for MCC Chapters 11.05, 11.15, 11.45, 37 and 38, excluding planning services provided under IGAs are set as follows:

	<b>Action</b>	<b>Fee</b>
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	Floodplain Development Permit or Review (one & two family dwellings)	\$85
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	National Scenic Area Site Review	\$710
	National Scenic Area Expedited Review	\$100
	Temporary Permit	\$189
	Design Review	\$708
	Category 3 Land Division	\$549
Category 4 Land Division	\$249	

	<b>Action</b>	<b>Fee</b>
	Property Line Adjustment	\$610
	Appeal of Administrative Decision	\$250
	Withdrawal of Application	
	- Before app. status letter written	Full Refund
	- After status ltr. assess 4 hr.	\$164
	Withdrawal of Appeal	
	- After hearing notice mailed	No Refund
Type III	Planned Development	\$2,198
	Community Service	\$1,832
	Regional Sanitary Landfill	\$2,365
	Conditional Use (CU)	\$1,832
	CU for Type B Home Occupation	\$852
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	Withdrawal of Application	
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Type IV	Legislative or Quasijudicial Plan Revision	\$2,290 deposit
	Legislative or Quasijudicial Zone Change	\$2,290 deposit
Misc.	Pre-application conference	\$431
	Pre-application conference for home occupation	\$168
	Notice Sign	\$10
	Research Fee (includes mailing list production) (2 hour deposit required)	\$41/hour
	Photocopies	\$.30 per page

	Action	Fee
	Color aerial photograph	\$6.40 each
	Cassette tape recording of hearing	\$30.00 first tape- additional \$2.65 each tape
	Rescheduled hearing	\$249
	Inspection Fee	\$77

2. Fees for planning services provided by the City of Troutdale under the IGA are as set by the City of Troutdale.
3. Fees for planning services provided by the City of Portland under IGA are set in the attached Exhibit A.
4. This Resolution takes effect and Resolution 06-095 is repealed on July 17, 2006.

ADOPTED this 13th day of July 2006.

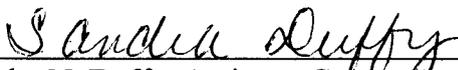


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Adjustment Review (Type II)</b>	
<b>Residential Use (only)</b>	
Fences/Decks/Eaves	\$1,250
Lots with existing single-dwelling units	\$1,722
All other residential adjustments	\$1,615
<b>Non-residential or mixed use</b>	\$1,729
<b>Comprehensive Plan and Zone Map Amendment (Type III)</b>	\$19,225
<b>Single Family Residential to Single Family Residential Upzoning (Type III)</b>	\$11,400
<b>Conditional Use</b>	
Type I	\$2,525
Type II (Minor)	\$3,363
Radio Frequency Facilities (Type II)	\$4,211
Type III (Major)	
Conditional Use - New	\$11,080
Conditional Use - Existing	\$5,330
Radio Frequency	\$11,225
<b>Design Review</b>	
Major (Type III)	0.0046 of valuation minimum \$5,547; maximum \$22,000
Minor A (Type I & II) except as identified in Minor B and Minor C, including residential projects with 2 or more units; and radio frequency facilities	minimum \$3,488; maximum \$6,915
Minor B (Type I & II) --Includes residential projects with 1 unit --Improvements with valuation under \$5,000, but more than \$2,500 --Parking areas 10,000 sq. ft. or less --Awnings, signs, rooftop mechanical equipment --Lighting Projects --Remodels affecting less than 25 consecutive linear ft. of frontage	minimum \$785; maximum \$3,325

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Design Review (continued)</b>	
Minor C (Type I & II)	
--Improvements not identified in Minor B with valuation \$2,500 or less	\$650
-- Fences, freestanding & retaining walls, gates	
--Colors in historic districts	
Modifications through Design Review	\$300
<b>Environmental Review (Type I)</b>	\$655
<b>Environmental Review (Type II)</b>	\$2,221
Residential use (only)	
Non-residential or mixed use	\$3,221
<b>Environmental Review Protection Zone (Type III)</b>	\$5,760
<b>Environmental Violation Review (Type II)</b>	\$3,486
<b>Environmental Violation (Type III)</b>	\$6,750
--Undividable lot with existing single dwelling unit	\$4,800
<b>Final Plat Review / Final Development Plan Review for Planned Development or Planned Unit Development) (Type I)</b>	
If preliminary with Type I with no street	\$1,760
If preliminary was Type I or Iix with a street	\$3,662
If preliminary was Type II / Iix with no street	\$3,662
If preliminary was Type III	\$6,036
<b>Greenway</b>	\$1,221
Residential use (only)	
Non-residential or mixed use	\$4,256
<b>Historic Landmark designation or removal</b>	\$3,973
Individual properties (Type III)	
Multiple Properties or districts (Type III)	\$4,774
Demolition Review (Type IV)	\$5,250
<b>Home Occupation Permit</b>	
Initial Permit	\$111
Annual Renewal	\$111
Late charge for delinquent permits	\$5 per month

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Impact Mitigation Plan</b>	
Amendment (Minor) (Type II)	\$3,201
Implementation (Type II)	\$3,633
New/Amendment (Major) (Type III)	\$22,730
Amendment (Use) (Type III)	\$6,264
<b>Land Division Review</b>	
Type I	\$5,267 + \$175 per lot plus \$900 if new street
Type IIx	\$6,661 + \$175 per lot plus \$900 if new street
Type III	\$9,699 + \$175 per lot plus \$900 if new street
Subdivision with Concurrent Environmental Review (Type III)	\$9,900 + \$200 per lot, plus \$900 if new street
Partition with Concurrent Environmental Review (Type III)	\$5,675 + \$200 per lot plus \$900 if new street
<b>Land Division Amendment Review</b>	
Type I	\$2,000
Type IIx	\$2,736
Type III	\$8,511
<b>Living Smart House Plans</b>	
Bureau of Development Services' fees for the construction of Living Smart houses are 50% of the standard fees shown on Bureau of Development Services fee schedules. If changes, alterations or revisions are made to the permit-ready plans, standard fees will apply. (This discount does not apply to fees charged by other bureaus.)	
<b>Lot Consolidation (Type I)</b>	\$1,300
<b>Master Plan</b>	
Minor Amendments to Master Plans (Type II)	\$7,379
New Master Plans or Major Amendments to Master Plans (Type III)	\$13,698
Non-conforming Situation Review (Type II)	\$4,337
Non-conforming Status Review (Type II)	\$2,236
<b>Planned Development Review</b>	
Type IIx	\$4,134
Type III	\$7,474

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Planned Development Amendment / Planned Unit Development Amendment</b>	
Type IIx	\$2,862
Type III	\$8,283
<b>Pre-Application Conference</b>	
Major (Comprehensive Plan Map Amendment, Zone Change, Design Review, Subdivision Master Plan, and Impact Mitigation Plan)	\$2,160
Minor or Optional	\$1,550
<b>Statewide Planning Goal Exception (Type III)</b>	\$30,283
<b>Tree Preservation Violation Review</b>	
Type I	\$1,900
Type II	\$2,736
Type III	\$7,093
<b>Tree Review</b>	
Type I	\$2,000
Type II	\$2,736
<b>Zoning Map Amendment (Type III)</b>	\$5,988
<b>Other Unassigned Reviews</b>	
Type I	\$2,492
Type II / IIx	\$2,978
Type III	\$7,093
<b>Other Planning Services</b>	
<b>Appeals</b>	
Type II / IIx	\$250
Type III	½ of application
<b>Appointment for Early Land Use Review Assistance</b>	\$150 per hour Minimum – ½ hour
<b>Demolition Delay Review</b>	\$156
<b>Design Advice Request</b>	\$1,450
<b>Early Pre-Submittal Plan Review (per hour)</b>	\$115 per hour
<b>Expert Outside Consultation (above base fee)</b>	\$83 per hour
<b>Hourly Rate for Land Use Services</b>	\$115 per hour

**Exhibit A (for Services Provided by Portland under IGA)**

<b>Land Use Planning Fees for Portland Services under IGA Are Set as Follows:</b>	
<b>Plan Check</b>	
Residential and commercial	\$1.46 per \$1,000 valuation \$60 minimum
Community Design Standards Plan Check	\$.004 of valuation (add to base fee)
Environmental Plan Check	\$727 (add to base fee)
Environmental Violation Plan Check	\$850 (add to base fee)
<b>Property Line Adjustment</b>	\$941
<b>Renotification Fee</b>	\$493
<b>Transcripts</b>	Actual cost
<b>Zoning Confirmation</b>	
Tier A (bank letter, new DMV)	\$277
Tier B (zoning/development analysis, nonconforming standard evidence, notice of use determination)	\$804
Lot Segregation	\$450
Lot Segregation with Property Line Adjustment	\$1,046
DMV Renewal	\$47



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

**Board Clerk Use Only**

Meeting Date: 07/13/06  
 Agenda Item #: R-3  
 Est. Start Time: 9:45 AM  
 Date Submitted: 07/05/06

**BUDGET MODIFICATION:** -

**Agenda Title:** RESOLUTION Vacating a Portion of NW Adams Street, a Public Road, Situated In Multnomah County, Pursuant to ORS 368.326 to 368.366

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

<b>Date Requested:</b>	<u>July 13, 2006</u>	<b>Time Requested:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Land Use &amp; Trans Program</u>
<b>Contact(s):</b>	<u>Robert Maestre</u>		
<b>Phone:</b>	<u>(503) 988-3712</u>	<b>Ext.:</b>	<u>83712</u>
<b>Presenter(s):</b>	<u>Patrick Hinds or Robert Maestre</u>		
<b>I/O Address:</b>	<u>#455</u>		

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

In continuation of the proceedings necessary to vacate a portion of a local public road, as created by the plat RIVER ROAD TRACTS, recorded May, 7, 1891, in Book 163, Page 22, of Multnomah County Plat Records, the Multnomah County Land Use and Transportation Division (LUT) requests that the Board conduct a public hearing; and if it so desires, approve the proposed vacation.

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

The road being proposed for vacation was created by a subdivision plat recorded in 1891. Some of the lots created by this subdivision have been developed. The portion of NW Adams Avenue being proposed for vacation lying South of NW Morgan Road, County Road No. 1591A, does not appear to have been used for road purposes. The portion of NW Adams Avenue lying North of NW Morgan Road is also unimproved and appears to occasionally have been used by local residents as a driveway for a house fronting on NW Morgan. Also, one property, a large farm tract lying easterly of the northern portion of Adams, does not appear to have used Adams for access. This large farm tract has access (an existing driveway) on NW Morgan, and it also has access to NW Mann Road.

It is in the best interest of the public to vacate the portions of NW Adams, as described in the attached Resolution.

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

NW Adams Avenue is not maintained by Multnomah County. This proposed vacation will place portions of NW Adams Avenue back on the tax rolls and allow abutting property owners the ability to maintain and improve these areas, if they so desire.

All costs associated with this petition are the responsibility of the petitioner.

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

The road proposed for vacation is situated entirely within unincorporated Multnomah County.

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

A Resolution passed on December 15, 2005, initiated this vacation proceeding.

On June 1, 2006, the county road official submitted a report to the Board finding that the proposed vacation was in the best public interest.

Notice of this Public Hearing has been provided in accordance with ORS 368.401 to 368.426, by posting, publication, and service on each person with a recorded interest in the property proposed to be vacated and also any improvement constructed on public property proposed to be vacated and any real property abutting public property proposed to be vacated.

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**Required Signatures**

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Department/  
Agency Director:

*Robert A Maestra*

Date: 07/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Vacating A Portion Of N.W. Adams Street, A Public Road, Situated In Multnomah County,  
Pursuant To ORS 368.326 To 368.366

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

- a. The portion of NW Adams Street proposed for vacation, was established as a public road by the plat RIVER ROAD TRACTS, recorded May 7, 1891, in Book 163, Page 22, in the Plat Records of Multnomah County, Oregon.
- b. George Ott, an abutting property owner and petitioner, submitted a petition to vacate that portion of NW Adams Street in compliance with ORS 368.341(3).
- c. On December 15, 2005, by Resolution 05-207, the Board initiated vacation proceedings and directed the county road official to prepare a report as required by ORS 368.346(1).
- d. The county road official filed a report containing an assessment that the proposed vacation of the portion of NW Adams Street, more particularly described in the attached Exhibit A, is in the public interest.
- e. On June 1, 2006, by Resolution 06-088, the Board set a public hearing to consider the proposed vacation of the portion of NW Adams Street.
- f. As directed by the Board, the County's Land Use and Transportation Program (LUTP) provided notice of the hearing as required under ORS 368.346.
- g. The public hearing was held on July 13, 2006, and the Board determined vacation of the county's right-of-way interest in this property described in Exhibit A serves the public interest.
- h. As required under MCC 27.054, the County has received a total of \$2865.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by Multnomah County, and the remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$3922.22. Administrative costs include \$65.00 for the County Surveyor to post the vacation, staff time for research, review, analyses, and document preparation. The balanced owed by the petitioner at the date of this hearing is \$1057.22

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

1. Subject to the petitioner's payment of all funds due as provided above under MCC 27.054, the property described in the attached Exhibit A is vacated as a portion of NW Adams Street, a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.

2. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
3. Upon the recording and filing of this vacation, the County Surveyor will mark the plat as provided under ORS 271.230.

ADOPTED this 13<sup>th</sup> day of July, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Matthew O. Ryan, Assistant County Attorney



**Department of Community Services**  
**MULTNOMAH COUNTY OREGON**

Director's Office  
1600 SE 190<sup>th</sup> Ave; Suite 224  
Portland, Oregon 97233  
(503) 988-5000 phone  
(503) 988-3048 fax

**M E M O R A N D U M**

To: Multnomah County Board of Commissioners  
From: Robert Maestre, Deputy Director, Department of Community Services  
Re: Agenda item R-3 Petition to Vacate a portion of NW Adams Street  
Date: 7-13-06

The County's Transportation Division received a citizen-initiated petition requesting the vacation of a portion of NW Adams Street from George Ott and a number of neighbors in May of 2004. NW Adams is a 20 foot wide strip of land that was dedicated as a public right-of-way in the late 1800s. The designation and dedication of this right-of way happened along with the establishment and recording of the River Road Tract subdivision.

ORS 368.326 through 368.426 are the controlling State Statutes for road vacation proceedings and were used in our processing and review of this petition. The petition was in order and contained the signatures of more than 60% of the property owners abutting this portion of NW Adams Street. We reviewed the petition, visited the site, explored whether the public needs a 20 foot wide road at this location and submitted the County Road Official's report to the Board with a recommendation to support the petition to vacate the road. Vacating the twenty foot wide public road, will remove the County's road jurisdiction from this strip of land and the owners of the underlying property will henceforth own it free and clear.

The County accepted the petition to vacate NW Adams on December 15<sup>th</sup> 2005. The County accepted the Road Officials report on June 1<sup>st</sup>, 2006 and directed that notice be provided and scheduled today's hearing. Today's hearing provides an opportunity for any person to "file information with the County Governing Body that controverts any matter presented to the County Governing Body in the proceeding, or that alleges any new matter relevant to the proceeding", ORS 368.351(4).

The zoning immediately east of NW Adams Street is Commercial Forest Use 2, with an 80 acre minimum lot size for a dwelling, and, is Rural Residential with a 5 acre minimum for the parcels shown to the west of NW Adams. The zoning is shown on the attached and displayed zoning map. The fact that many of the parcels are smaller than the stated minimums is due to their being developed prior to adoption of the zoning requirements. Under current County zoning law the properties abutting this portion of NW Adams cannot be further divided so there is no potential need for access to be maintained.

A gate was recently installed in the barbed wire fence along the east line of the northern portion of the NW Adams to be vacated. As shown this gate is new (to the best of our knowledge it was installed within the last 30 days) and was previously a non-accessible fence. The property to the east is approximately 22 acres and cannot be further subdivided under the current zoning regulations. This 22 acre property already has access at another location to a public road.

There is a current land use code-enforcement action regarding fill (dirt) placed on a property abutting the west side of the southern portion of NW Adams Street. This parcel is owned by George and Sharon Ott. It is my understanding, the County and the Otts are negotiating a Voluntary Compliance Agreement regarding this fill activity. Vacating the NW Adams right-of-way does not give an immediate, nor direct benefit to the Otts regarding the current land use code-enforcement action.

One of the abutting property owners reported to me that there is a small year-round spring at or near the east line of the southern portion of this road right of way. The neighbor expressed to me a concern about this road vacation possibly setting up a sequence of events where the spring would be negatively impacted. The proposed road vacation is not the "cause" of any inappropriate or unauthorized activity with any spring on abutting property. If any unlawful activity in connection with the spring is committed, that matter should be brought to the attention of the appropriate local and or State officials.

This portion of NW Adams proposed for vacation has never been developed since its dedication. In fact at only twenty (20) feet it is substandard. In addition, the topography of this right-of-way area south of Morgan road is very steep in sections making it unsuitable for development as a public road. The State Department of Forestry informs us that the southern portion of this road is not appropriate for use as a logging road.

There is no apparent or discernable need for a public road at this location; this right-of-way is not part of any County's transportation system plans. To the best of our knowledge, all the legally established abutting properties have adequate access to existing roads.

Vacating this road right-of-way will create a small increase in the County's tax base. It will eliminate any potential County obligation in the future to maintain this road. It supports the wishes of a majority of the local property owners. In conclusion, the County's Transportation Planners have determined this proposed vacation of a portion of NW Adams Road is in the public interest.

#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: July 13 2006  
SUBJECT: vacating Addams right of way

AGENDA NUMBER OR TOPIC: R-3

FOR:  AGAINST:  THE ABOVE AGENDA ITEM

NAME: George Ott

ADDRESS: 19015 NW moqar rd

CITY/STATE/ZIP: Portland OR 9723

PHONE: DAYS: 503 621-3727 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

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

WRITTEN TESTIMONY: N/A

**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.

#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: 07.13.06

SUBJECT: Proposed vacation of that portion of NW Adams Rd

AGENDA NUMBER OR TOPIC: Vacation of NW Adams R-3

FOR:  AGAINST:  THE ABOVE AGENDA ITEM

NAME: Albert Hoppert

ADDRESS: 19136 NW Morgan Rd

CITY/STATE/ZIP: Port OR 97213

PHONE: DAYS: 503-621-3131 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

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

WRITTEN TESTIMONY: yes - photo's - BOARD VIEWED  
THEN MR HOPPERT TOOK THEM BACK

**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.

#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: July 13, 2006

SUBJECT: Vacating Adams Rd

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: Kelly Sue Munson

ADDRESS: 18325 NW Morgan Rd

CITY/STATE/ZIP: Portland OR 97231

PHONE: \_\_\_\_\_ DAYS: 503.621.1151 EVES: \_\_\_\_\_

EMAIL: inkellysue2@AOL.com FAX: \_\_\_\_\_

SPECIFIC ISSUE: Against Vacating Adams Rd

WRITTEN TESTIMONY: It is not in the public's interest to vacate Adams Rd because it could interder with future earning potential of our property due to lack of access.

**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.

#4

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: 7 13 06

SUBJECT: Adam Road Vacation

AGENDA NUMBER OR TOPIC: Adams Road E-3

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

NAME: Robert R Yanger

ADDRESS: 1627 S.E. Elliott

CITY/STATE/ZIP: Portland Ore.

PHONE: DAYS: 503 238-1498 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: How this will affect my property

WRITTEN TESTIMONY: No.

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

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

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

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

#5

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: 07-13-06

SUBJECT: Vacation of NW Adams Rd

AGENDA NUMBER OR TOPIC: R-3

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

NAME: Gene Still

ADDRESS: 18985 NW Morgan Rd

CITY/STATE/ZIP: Portland 97211

PHONE: DAYS: 503-621-9551 EVES: Same

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

SPECIFIC ISSUE: Vacation of NW Adams Rd

WRITTEN TESTIMONY: Yes - HAS EXHIBITS

**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.

Gene Still  
18985 NW Morgan Road  
Portland, OR 97231

July 10, 2006

Attn: Robert Maestre  
Multnomah County Land Use & Transportation  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233

Re: Proposed Vacation of NW Adams Road—Notice of June 8, 2006

Dear Mr. Maestre:

We, Eugene Still, Jr. and Susan Still, husband and wife, own a Parcel abutting NW Adams Road on our NW boundary. Our property is identified as follows:  
Property ID 325662 Tax Lot 39; State ID 2N2W12 400; Map # 122N2W OL;  
Alt. Account R972120390; 18985 NW Morgan Road.

NW Adams Road is adjacent to our boundary for a distance of approximately 300 feet. The road was platted in 1961. It was surveyed in 1952. It is important to note that NW Adams Road was platted as part of the Fairland sub-division prior to many of the Tax Lots now adjacent to it. No land from any of those adjacent lots between NW Clark Road and NW Adams Road was ever “taken” and dedicated to create the road. The road existed before those lots, and, so, the owners have no greater claim to that roadway, should it be vacated, than anyone else.

In fact, if push comes to shove, we believe the greater claim lies with our parcel, which pre-existed NW Adams Road.

We oppose vacating NW Adams Road, and we believe it is not in the public interest to do so. We have expressed our view to several concerned landowners.

Our Parcel is zoned for Commercial Forest Use—West Hills (CCU-2). Access to it via NW Adams may be critical in the future for some commercial purpose not necessarily apparent today. Loss of access along that boundary could have long-term negative impact on uses intended by zoning of the Parcel.

That consequence would not serve the public interest.

Access to our property via NW Adams Road is occasionally useful at the present. There is a gate in our fence along the road. Attached is an Exhibit showing our road access to NW Adams Road. We intend continued future use of that access.

In the short-term future, we are considering several uses of the land—Christmas trees, produce farming, and specialty crops farming among them—the best management of any one of which might benefit from—or conceivably even depend upon—access to NW Adams Road. Forest and agricultural uses of the land serve the public interest and should



EXHIBIT B  
GATEWAY TO NW ADAMS RD



Dept. of Business and Community Services

**MULTNOMAH COUNTY OREGON**

Land Use and Transportation Program

1600 SE 190th Avenue  
Portland, Oregon 97233-5910  
(503) 988-5050

June 8, 2006

Dear Abutting Property Owner:

As an abutting property owner to a portion NW Adams Road proposed to be vacated, you are entitled to the following Notice in accordance with ORS 368.406:

**MULTNOMAH COUNTY, OREGON  
NOTICE OF PUBLIC HEARING  
BEFORE THE BOARD OF COUNTY COMMISSIONERS**

**SUBJECT:** The proposed vacation of that portion of NW Adams Road lying between NW King Road (on the north end) and the Easterly extension of the South line of Lot 9, River Road Tract (on the South end). At this hearing, the Board of County Commissioners shall hear staff and public testimony on the matter and determine whether the proposed vacation is in the public interest.

**TIME:** 9:30 AM, THURSDAY, July 13, 2006

**PLACE:** Multnomah Building  
First Floor Boardroom  
501 SE Hawthorne Boulevard  
Portland, Oregon 97214

**FOR MORE INFORMATION FROM THE COUNTY:** Please contact Robert Maestre or Patrick Hinds, at (503) 988-5050, between 8 a.m. and 4:30 p.m., Monday through Friday.

**SUBMIT ANY COMMENTS OR NEW INFORMATION PRIOR TO JULY 13, 2006, AS FOLLOWS:** Attn: Robert Maestre; Multnomah County Land Use & Transportation, 1600 SE 190<sup>th</sup> Avenue, Portland, Oregon, 97233.

**SUBMIT COMMENTS OR INFORMATION AT THE JULY 13, 2006, HEARING TO:** The Board Clerk with completed public testimony sign-up sheet.

**JURISDICTION AND LEGAL AUTHORITY:** ORS Chapter 368, specifically: ORS 368.326 to ORS 368.666, and ORS 368.401 to 368.426.



be encouraged. Loss of the NW Adams Road access could discourage further forest or agricultural development and not serve the public interest.

Example: The road could provide access for customers of a U-Cut tree farm—we have already planted several hundred trees.

For these reasons, we have long considered access to our property via NW Adams Road to be an asset attaching to it, the value of which was undoubtedly reflected in the purchase price. Consequently, loss of this access—a real, physical, valuable asset—may well be reflected in a diminished future market value of the property and would not serve the public interest.

The advantage to some property owners in vacating NW Adams Road is readily apparent. They seek the road closure to rid themselves of what they consider to be a nuisance. We assume that they expect to acquire the entire roadway for their own purposes.

In consequence of these considerations, we believe that should the Commission vacate NW Adams Road and order disposal of the roadway, then all owners of abutting property are entitled to fair and equitable opportunity to acquire the vacated roadway adjacent to their lots when it is made available.

Treating all property owners fairly serves the public interest. It is a right that we are prepared to assert where and as necessary in the proper venue.

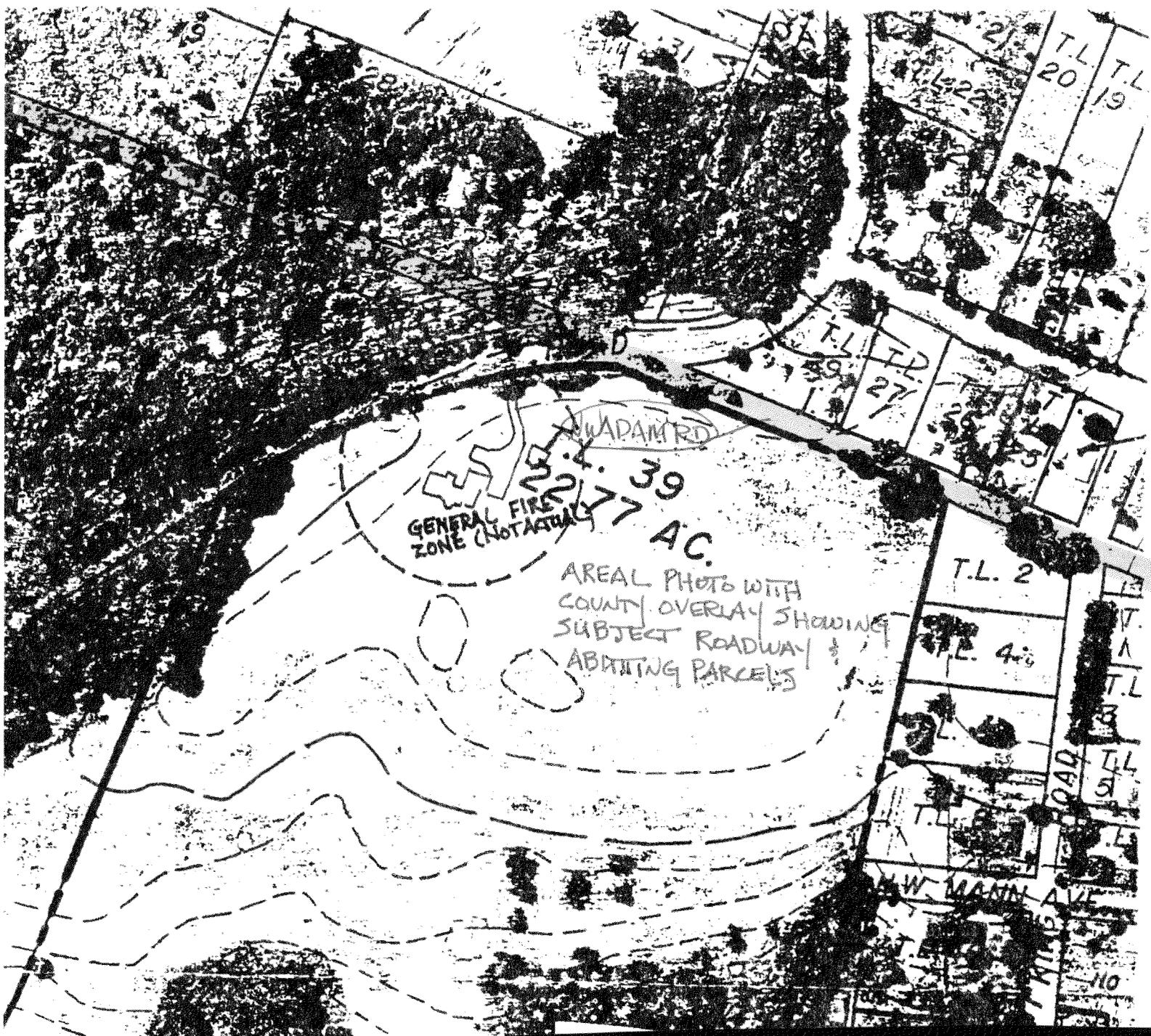
For the record, we also believe that the vacation of NW Adams Road and subsequent disallowance by the governing authority at some time in the future of an additional road access to NW Morgan Road from our property would constitute an unfair “taking” of value and would not serve the public interest.

Respectfully Submitted,



Gene Still  
Property Owner  
Tax Lot 39

Exhibits: (1) Exhibit showing aerial photo with County overlay showing Tax Lot 39 and area Tax Lots and NW Adams Road; (2) Exhibit of document creating Fairland subdivision in 1961 (with 1952 survey), showing NW Adams Road existing prior to creation of Tax Lots 24-29; (3) Exhibit showing gateway to NW Adams Road



GENERAL FIRE  
ZONE (NOT ACTUAL)

ADAM RD

39  
AC

AREAL PHOTO WITH  
COUNTY OVERLAY SHOWING  
SUBJECT ROADWAY &  
ADJACENT PARCELS

T.L. 2

T.L. 4

ROAD

N.W. MAIN AVE

10



#7

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: 7-13-06

SUBJECT: VACATE ADAM'S AVE

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: RANDALL WASTEDAY

ADDRESS: 19007 NW MORGAN RD

CITY/STATE/ZIP: PORT OKE

PHONE: \_\_\_\_\_ DAYS: 021-3364 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.



**Paradise Moorage**

Jeff Ingebrigtsen

Owner

50350 Cowen Rd. #21

Scappoose, Ore. 97056

(503) 250-3349

paradise101@comcast.net

#7

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: 7-13-06

SUBJECT: VACATION OF N.W. Adams ST

AGENDA NUMBER OR TOPIC: R-3

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

NAME: Jeff Ingebrigtsen

ADDRESS: 50350 Cowen Rd # 21

CITY/STATE/ZIP: Scappoose OR 97056

PHONE: DAYS: 503-250-3349 EVES: same

EMAIL: Paradise101@comcast.net 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.

#8

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: 7/13/06

SUBJECT: VACATION OF NW ADAMS

AGENDA NUMBER OR TOPIC: R-3

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

NAME: JOHN P. GESSNER

ADDRESS: 14988 NW KING RD

CITY/STATE/ZIP: PTLD, OR 97231

PHONE: DAYS: 503-621-3083 EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_ FAX: \_\_\_\_\_

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

WRITTEN TESTIMONY: FOR VACATION OF PROPERTY  
CORNER, OF KING / ADAMS - LOOSE PROPERTY

**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

**RESOLUTION NO. 06-131**

Vacating a Portion of NW Adams Street, a Public Road, Situated In Multnomah County,  
Pursuant to ORS 368.326 to 368.366

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

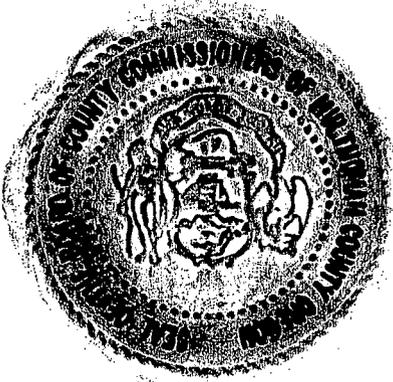
- a. The portion of NW Adams Street proposed for vacation, was established as a public road by the plat RIVER ROAD TRACTS, recorded May 7, 1891, in Book 163, Page 22, in the Plat Records of Multnomah County, Oregon.
- b. George Ott, an abutting property owner and petitioner, submitted a petition to vacate that portion of NW Adams Street in compliance with ORS 368.341(3).
- c. On December 15, 2005, by Resolution 05-207, the Board initiated vacation proceedings and directed the county road official to prepare a report as required by ORS 368.346(1).
- d. The county road official filed a report containing an assessment that the proposed vacation of the portion of NW Adams Street, more particularly described in the attached Exhibit A, is in the public interest.
- e. On June 1, 2006, by Resolution 06-088, the Board set a public hearing to consider the proposed vacation of the portion of NW Adams Street.
- f. As directed by the Board, the County's Land Use and Transportation Program (LUTP) provided notice of the hearing as required under ORS 368.346.
- g. The public hearing was held on July 13, 2006, and the Board determined vacation of the county's right-of-way interest in this property described in Exhibit A serves the public interest.
- h. As required under MCC 27.054, the County has received a total of \$2865.00 from the petitioner, of which \$200.00 applies to the feasibility study that was performed by Multnomah County, and the remaining \$1065.00 will be applied to the vacation proceeding. The total costs for this vacation, including administrative costs, are \$3922.22. Administrative costs include \$65.00 for the County Surveyor to post the vacation, staff time for research, review, analyses, and document preparation. The balanced owed by the petitioner at the date of this hearing is \$1057.22

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

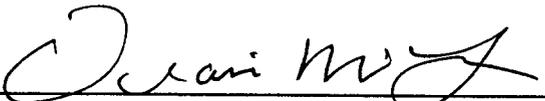
1. Subject to the petitioner's payment of all funds due as provided above under MCC 27.054, the property described in the attached Exhibit A is vacated as a portion of NW Adams Street, a public road, excepting the easement rights any existing utilities may have in the vacated property under ORS Chapter 368.

2. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
3. Upon the recording and filing of this vacation, the County Surveyor will mark the plat as provided under ORS 271.230.

ADOPTED this 13th day of July, 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

**Board Clerk Use Only**

Meeting Date: 07/13/06  
 Agenda Item #: E-1  
 Est. Start Time: 9:50 AM  
 Date Submitted: 07/06/06

**BUDGET MODIFICATION:** -

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(h)

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

<b>Date Requested:</b>	<u>July 13, 2006</u>	<b>Time Requested:</b>	<u>15 -30 mins</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>County Attorney's Office</u>
<b>Contact(s):</b>	<u>Agnes Sowle</u>		
<b>Phone:</b>	<u>503 988-3138</u>	<b>Ext.</b>	<u>83138</u>
		<b>I/O Address:</b>	<u>503/500</u>
<b>Presenter(s):</b>	<u>Agnes Sowle and Invited Others</u>		

**General Information**

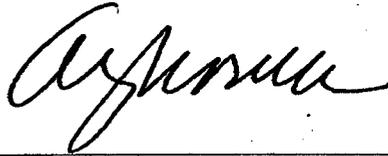
1. **What action are you requesting from the Board?**  
 No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
 Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**  
 ORS 192.660(2)(h).
5. **Explain any citizen and/or other government participation that has or will take place.**

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 07/06/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**