

# **ANNOTATED MINUTES**

Tuesday, December 1, 1998 - 9:30 AM  
Multnomah County Sheriff's Office, First Floor Auditorium  
12240 NE Glisan Street, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:40 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Diane Linn and Lisa Naito present.*

- R-1 The Multnomah County Board of Commissioners Will Meet in Open Session to Vote on a Possible Option to Purchase Certain Real Property.

**COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-1. BOB OBERST AND JIM EMERSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS CONCERNING \$200,000 DOWN REFUNDABLE OPTION TO PURCHASE U.S. BANK BUILDING EAST SIDE OF WILLAMETTE RIVER FOR \$19,450,000. FOLLOWING BOARD COMMENTS, OPTION TO PURCHASE UNANIMOUSLY APPROVED.**

*There being no further business, the meeting was adjourned and the briefing convened at 9:45 a.m.*

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Tuesday, December 1, 1998 - 9:30 AM  
Multnomah County Sheriff's Office, First Floor Auditorium  
12240 NE Glisan Street, Portland

## **BOARD BRIEFING**

- B-1 Sheriff's Office Briefing and Work Session to Review Performance and to Discuss Budget Opportunities and Issues. Presented by Sheriff Dan Noelle and Staff.

**SHERIFF DAN NOELLE, MEL HEDGPETH, DAVID HADLEY, LINDA CORDES, TODD LAUTENBACH,**

**KARLAN HUTCHISON, KEVIN PLATT, CURTIS HANSON, ANNA MOANING, LORIANNE FIEDLER, MARY LINDSTRAND, JACKIE JAMIESON, TODD ROBERTS, KATHY WALLIKER, MATT PRUITT, JEANE KING, JON HAASE, DENNIS BRYANT, RANDY KENDALL, LARRY AAB, KATHY PAGE AND BARBARA SIMON PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION.**

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

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Thursday, December 3, 1998 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:02 a.m., with Vice-Chair Sharron Kelley, Commissioners Gary Hansen, Diane Linn and Lisa Naito present.*

### **CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-14) WAS UNANIMOUSLY APPROVED.**

### **NON-DEPARTMENTAL**

- C-1 Appointments of Katy Gallagher and Helen M. McCann to the AUDIT COMMITTEE
- C-2 Appointments of Bruce Frazier and Jeffery Anderson to the COMMUNITY HEALTH COUNCIL
- C-3 Appointment of Jim Peninger to the DUII COMMUNITY ADVISORY BOARD
- C-4 Appointments of Arwen Bird, Linda Erwin and Bill Feyerherm to the LOCAL PUBLIC SAFETY COORDINATING COUNCIL

### **DISTRICT ATTORNEY'S OFFICE**

- C-5 Budget Modification DA 99-3 Adding \$23,432 Local Law Enforcement Block Grant Funds for a Legal Assistant Custody Holds Position

**PUBLIC CONTRACT REVIEW BOARD**

- C-6 ORDER Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Crixivan from Merck, Inc.

***ORDER 98-191.***

- C-7 ORDER Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Norvir from Abbott, Inc.

***ORDER 98-192.***

- C-8 ORDER Exempting from the Formal Competitive Bid Process Change Orders in Excess of the 33% Limitation for the Animal Control Remodel Project

***ORDER 98-193.***

**DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-9 Intergovernmental Revenue Agreement 9910352 with Centennial School District, 28J, Funding Mental Health Services for Children
- C-10 Intergovernmental Revenue Agreement 9910356 with the City of Portland, Funding Plumbing Repair for Low Income Households

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-11 ORDER Authorizing Execution of Deed D991594 for Repurchase of Tax Foreclosed Property to Former Owner Henry J. Miller

***ORDER 98-194.***

- C-12 ORDER Authorizing Execution of Deed D991595 Upon Complete Performance of a Contract with Brian D. Parham

***ORDER 98-195.***

- C-13 ORDER Authorizing Execution of Deed D991596 for Repurchase of Tax Foreclosed Property to Former Owner The Estate of Annie L. Sims

**ORDER 98-196.**

- C-14 CU 3-98/SEC 12-98 Report the Hearings Officer Decision Regarding Approval, with Conditions, of a Conditional Use Permit and a Significant Environmental Concern Permit for a Single Family Dwelling on Lands Designated Commercial Forest Use for Property Located at 7547 NW SKYLINE BLVD., PORTLAND

**REGULAR AGENDA**

**PUBLIC COMMENT**

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

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

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2 NSA 16-98 Report the Hearings Officer Decision Regarding Denial of an Appeal Requesting the Placement of Rip Rap on Slopes Exceeding 30% and the Replacement of an Existing Structure for Property Located at 1785 SE HISTORIC COLUMBIA RIVER HIGHWAY, TROUTDALE and Request that a De Novo Hearing be Scheduled for 9:30 am, Tuesday, January 12, 1999, with Testimony Limited to 20 Minutes per Side

***UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, IT WAS UNANIMOUSLY APPROVED THAT A DE NOVO HEARING IS SCHEDULED FOR 9:30 AM, TUESDAY, JANUARY 12, 1999, WITH TESTIMONY LIMITED TO 20 MINUTES PER SIDE.***

- R-3 First Reading of an ORDINANCE Amending the Multnomah County Zoning Ordinance Regarding the Provisions for Large Fill Operations

***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING. SUSAN MUIR EXPLANATION AND RESPONSE TO BOARD QUESTIONS. LARRY LUETHE AND FRED HALL TESTIMONY REGARDING THEIR PERMITTED***

***FILL SITES AND RESPONSE TO BOARD QUESTIONS. MS. MUIR RESPONSE TO TESTIMONY AND BOARD DISCUSSION. FIRST READING UNANIMOUSLY APPROVED. SECOND READING THURSDAY, DECEMBER 10, 1998.***

**DEPARTMENT OF SUPPORT SERVICES**

- R-4 PUBLIC HEARING and RESOLUTION Creating The Hospital Facilities Authority of Multnomah County, Oregon; RESOLUTION Adopting Rules and Bylaws of The Hospital Authority of Multnomah County, Oregon; and RESOLUTION Authorizing the Issuance of the Hospital Facilities Authority of Multnomah County, Oregon Revenue Bonds, Series 1998 (Terwilliger Plaza Project) (the "Bonds"), in an Aggregate Principal Amount Not to Exceed \$26,000,000; Authorizing the Execution of a Letter of Intent with Terwilliger Plaza, Inc. (the "Borrower"); Designating an Authorized Representative; Authorizing a Public Hearing; and Related Matters

***DAVE BOYER EXPLANATION. COMMISSIONER LINN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF RESOLUTION CREATING THE HOSPITAL FACILITIES AUTHORITY. DEE SELLNER AND GREG GINGELL TESTIMONY IN SUPPORT. MR. BOYER RESPONSE TO BOARD QUESTIONS AND COMMENTS IN SUPPORT. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER LINN, IT WAS UNANIMOUSLY APPROVED THAT BEVERLY STEIN BE ELECTED CHAIR AND DIANE LINN BE ELECTED SECRETARY OF THE HOSPITAL FACILITIES AUTHORITY. FOLLOWING DISCUSSION AND UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER LINN, SHARRON KELLEY WAS UNANIMOUSLY ELECTED VICE-CHAIR OF THE HOSPITAL FACILITIES AUTHORITY. RESOLUTION 98-197 CREATING THE HOSPITAL FACILITIES AUTHORITY OF MULTNOMAH COUNTY UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER LINN, SECONDED BY COMMISSIONER KELLEY, THE HOSPITAL FACILITIES AUTHORITY***

**RESOLUTION ADOPTING BYLAWS WAS UNANIMOUSLY APPROVED. UPON MOTION OF COMMISSIONER LINN, SECONDED BY COMMISSIONER KELLEY, THE HOSPITAL FACILITIES AUTHORITY RESOLUTION AUTHORIZING BONDS WAS UNANIMOUSLY APPROVED.**

- R-5 Results from RESULTS: Working with Stakeholders to Plan Management Development Curriculum for Multnomah County. Presented by Shery Stump and Trink Morimitsu.

**SHERY STUMP AND APRIL LEWIS PRESENTATION AND RESPONSE TO BOARD COMMENTS IN SUPPORT.**

**NON-DEPARTMENTAL**

- R-6 Neighborhood Arts Program Update on the Progress, Accomplishments, Current Issues and Goals of the Regional Arts and Culture Council's Neighborhood Arts Program in Multnomah County. Presented by Alberto Ráfols, Helen Baltoso and Leslie Haines.

**BILL BULICK, ALBERTO RÁFOLS AND HELEN BALTOSO PRESENTATION AND RESPONSE TO BOARD COMMENTS IN APPRECIATION.**

- R-7 RESOLUTION Endorsing the Principles of the United Nations Universal Declaration of Human Rights and the 50<sup>th</sup> Anniversary Celebration of the Declaration.

**COMMISSIONER KELLEY MOVED AND COMMISSIONER LINN SECONDED, APPROVAL OF R-7. VICE-CHAIR KELLEY READ RESOLUTION. RESOLUTION 98-198 UNANIMOUSLY APPROVED.**

- R-8 RESOLUTION Adopting an Investment Plan for the County's Share of the Community Services Fees Generated by the Strategic Investment Program

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-8. JOHN RAKOWITZ**

**EXPLANATION. LARRY SEARS, KATE DINS AND JOHN BALL TESTIMONY IN SUPPORT. WENDY CHERUBINI TESTIMONY SUGGESTING FUTURE FUNDS BE ALLOCATED USING MORE CITIZEN INPUT. DAVID MCCONNELL, TRACY STRICKLAND AND JANA ROWLEY TESTIMONY IN SUPPORT. CHAIR STEIN COMMENTS IN SUPPORT, ADVISING ALLOCATION OF FUTURE SIP COMMUNITY SERVICES FEES WILL BE INCORPORATED INTO REGULAR BUDGET PROCESS. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, AMENDMENTS CORRECTING THE AMOUNT OF 1(C) FROM \$49,540 TO \$51,224 AND 1(F) FROM \$26,736 TO \$25,052 WAS UNANIMOUSLY APPROVED. RESOLUTION 98-199 UNANIMOUSLY APPROVED, AS AMENDED.**

#### **DEPARTMENT OF SUPPORT SERVICES**

- R-9 Budget Modification DSS 9907 Allocating Funds for a County-wide School to Work Coordinator Position Effective February 1, 1999, and Consultant Fees to Hire Oregon Business Council's Worksite 21 to Conduct an Organizational Assessment and Design the County-wide School to Public Service Careers Program

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-9. CHAIR STEIN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.**

#### **COMMISSIONER COMMENT**

- R-10 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

**NO ONE WISHED TO COMMENT.**

*There being no further business, the meeting was adjourned at 11:00 a.m. and the briefing was convened at 11:03 a.m.*

Thursday, December 3, 1998 - 10:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

- B-2 Department of Support Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming Issues and Opportunities. Presented by Vickie Gates, Division Managers, Kathy Tinkle and Larry Aab.

***FOLLOWING DISCUSSION, IT WAS DETERMINED STAFF WILL COME BACK WITH INTEGRATED ENTERPRISE SYSTEM PRESENTATION AT ANOTHER TIME. BOARD CONSENSUS FOR STAFF TO PROCEED WITH RFP. VICKIE GATES PRESENTED DEPARTMENT OVERVIEW.***

*Chair Stein was excused at 11:25 a.m.*

***VICKIE GATES, DAVE BOYER, DAVE WARREN, RUDY WILLIAMS AND ROBERT PHILLIPS PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BRIEFING TO BE CONTINUED TO A LATER DATE.***

*There being no further business, the briefing was adjourned at 11:59 a.m.*

OFFICE OF THE BOARD CLERK  
FOR MULTNOMAH COUNTY, OREGON

**Deborah L. Bogstad**

Deborah L. Bogstad





## MULTNOMAH COUNTY, OREGON

### BOARD OF COMMISSIONERS

#### Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515  
Portland, Or 97204-1914  
Phone: (503) 248-3308 FAX (503) 248-3093  
Email: mult.chair@co.multnomah.or.us

#### Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914  
Phone: (503) 248-5220 FAX (503) 248-5440  
Email: diane.m.linn@co.multnomah.or.us

#### Gary Hansen, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914  
Phone: (503) 248-5219 FAX (503) 248-5440  
Email: gary.d.hansen@co.multnomah.or.us

#### Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914  
Phone: (503) 248-5217 FAX (503) 248-5262  
Email: lisa.h.naito@co.multnomah.or.us

#### Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914  
Phone: (503) 248-5213 FAX (503) 248-5262  
Email: sharron.e.kelley@co.multnomah.or.us

**ANY QUESTIONS? CALL BOARD  
CLERK DEB BOGSTAD @ 248-3277**

Email: deborah.l.bogstad@co.multnomah.or.us

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

### DECEMBER 1 & 3 1998

### BOARD MEETINGS

### FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 Tuesday Regular Meeting Regarding Real Property Issue Followed by Sheriff's Office Briefing @ 122 <sup>nd</sup> & NE Glisan Auditorium
Pg 2	9:00 Thursday Regular Meeting, Consent Calendar Routine Items, Opportunity for Public Comment
Pg 4	9:00 1 <sup>st</sup> Reading Large Fill Ordinance
Pg 4	9:15 Public Hearing & Resolutions Hospital Facilities Authority
Pg 4	9:30 DSS RESULTS Presentation
Pg 5	10:00 Community Service Fee Res.
Pg 5	10:30 Support Services Briefing
✳	<b>No Board Meetings are Scheduled Between December 21, 1998 through January 6, 1999</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, 9:00 AM, (LIVE) Channel 30

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

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## **REGULAR MEETING**

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- 

Tuesday, December 1, 1998 - 9:30 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah County Sheriff's Office, First Floor Auditorium  
12240 NE Glisan Street, Portland

## **BOARD BRIEFING**

- B-1 Sheriff's Office Briefing and Work Session to Review Performance and to Discuss Budget Opportunities and Issues. Presented by Sheriff Dan Noelle and Staff. **2.5 HOURS REQUESTED.**
- 

Thursday, December 3, 1998 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

### **NON-DEPARTMENTAL**

- C-1 Appointments of Katy Gallagher and Helen M. McCann to the AUDIT COMMITTEE
- C-2 Appointments of Bruce Frazier and Jeffery Anderson to the COMMUNITY HEALTH COUNCIL
- C-3 Appointment of Jim Peninger to the DUII COMMUNITY ADVISORY BOARD
- C-4 Appointments of Arwen Bird, Linda Erwin and Bill Feyerherm to the LOCAL PUBLIC SAFETY COORDINATING COUNCIL

## **DISTRICT ATTORNEY'S OFFICE**

- C-5 Budget Modification DA 99-3 Adding \$23,432 Local Law Enforcement Block Grant Funds for a Legal Assistant Custody Holds Position

## **PUBLIC CONTRACT REVIEW BOARD**

- C-6 ORDER Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Crixivan from Merck, Inc.
- C-7 ORDER Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Norvir from Abbott, Inc.
- C-8 ORDER Exempting from the Formal Competitive Bid Process Change Orders in Excess of the 33% Limitation for the Animal Control Remodel Project

## **DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**

- C-9 Intergovernmental Revenue Agreement 9910352 with Centennial School District, 28J, Funding Mental Health Services for Children
- C-10 Intergovernmental Revenue Agreement 9910356 with the City of Portland, Funding Plumbing Repair for Low Income Households

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-11 ORDER Authorizing Execution of Deed D991594 for Repurchase of Tax Foreclosed Property to Former Owner Henry J. Miller
- C-12 ORDER Authorizing Execution of Deed D991595 Upon Complete Performance of a Contract with Brian D. Parham
- C-13 ORDER Authorizing Execution of Deed D991596 for Repurchase of Tax Foreclosed Property to Former Owner The Estate of Annie L. Sims
- C-14 CU 3-98/SEC 12-98 Report the Hearings Officer Decision Regarding Approval, with Conditions, of a Conditional Use Permit and a Significant Environmental Concern Permit for a Single Family Dwelling on Lands Designated Commercial Forest Use for Property Located at 7547 NW SKYLINE BLVD., PORTLAND

## **REGULAR AGENDA**

## **PUBLIC COMMENT**

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

## **DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-2 NSA 16-98 Report the Hearings Officer Decision Regarding Denial of an Appeal Requesting the Placement of Rip Rap on Slopes Exceeding 30% and the Replacement of an Existing Structure for Property Located at 1785 SE HISTORIC COLUMBIA RIVER HIGHWAY, TROUTDALE and Request that a De Novo Hearing be Scheduled for 9:30 am, Tuesday, January 12, 1999, with Testimony Limited to 20 Minutes per Side
- R-3 First Reading of an ORDINANCE Amending the Multnomah County Zoning Ordinance Regarding the Provisions for Large Fill Operations

## **DEPARTMENT OF SUPPORT SERVICES**

- R-4 PUBLIC HEARING and RESOLUTION Creating The Hospital Facilities Authority of Multnomah County, Oregon; RESOLUTION Adopting Rules and Bylaws of The Hospital Authority of Multnomah County, Oregon; and RESOLUTION Authorizing the Issuance of the Hospital Facilities Authority of Multnomah County, Oregon Revenue Bonds, Series 1998 (Terwilliger Plaza Project) (the "Bonds"), in an Aggregate Principal Amount Not to Exceed \$26,000,000; Authorizing the Execution of a Letter of Intent with Terwilliger Plaza, Inc. (the "Borrower"); Designating an Authorized Representative; Authorizing a Public Hearing; and Related Matters
- R-5 Results from RESULTS: Working with Stakeholders to Plan Management Development Curriculum for Multnomah County. Presented by Shery Stump and Trink Morimitsu. **9:30 TIME CERTAIN, 10 MINS REQUESTED**

## **NON-DEPARTMENTAL**

- R-6 Neighborhood Arts Program Update on the Progress, Accomplishments, Current Issues and Goals of the Regional Arts and Culture Council's Neighborhood Arts Program in Multnomah County. Presented by Alberto Ráfols, Helen Baltoso and Leslie Haines. **9:40 TIME CERTAIN, 15 MINS REQUESTED.**

- R-7 RESOLUTION Endorsing the Principles of the United Nations Universal Declaration of Human Rights and the 50<sup>th</sup> Anniversary Celebration of the Declaration. **9:55 TIME CERTAIN, 5 MINS REQUESTED.**
- R-8 RESOLUTION Adopting an Investment Plan for the County's Share of the Community Services Fees Generated by the Strategic Investment Program. **10:00 TIME CERTAIN, 30 MINS REQUESTED.**

#### **DEPARTMENT OF SUPPORT SERVICES**

- R-9 Budget Modification DSS 9907 Allocating Funds for a County-wide School to Work Coordinator Position Effective February 1, 1999, and Consultant Fees to Hire Oregon Business Council's Worksite 21 to Conduct an Organizational Assessment and Design the County-wide School to Public Service Careers Program

#### **COMMISSIONER COMMENT**

- R-10 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest. Comments Limited to Three Minutes Per Person.

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Thursday, December 3, 1998 - 10:30 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

#### **BOARD BRIEFING**

- B-2 Department of Support Services Briefing and Work Session to Review Performance Trends and Key Results Measures and to Discuss Upcoming Issues and Opportunities. Presented by Vickie Gates, Division Managers, Kathy Tinkle and Larry Aab. **90 MINS REQUESTED.**

MEETING DATE: DEC 03 1998  
AGENDA NO: C-1  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Appointments to Audit Committee

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

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

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

REGULAR MEETING:

DATE REQUESTED: 12/3/98

AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106-1515

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_

### ACTION REQUESTED:

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [XX] APPROVAL [ ] OTHER

### SUGGESTED AGENDA TITLE:

Appointment of Katy Gallagher and Helen M. McCann, CPA to the Audit Committee

### SIGNATURES REQUIRED:

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

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

*Beverly Stein*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

98 NOV 11 AM 12:35  
CLERK OF  
COUNTY COMMISSIONERS  
MULTI-COUNTY  
OFFICE

MEETING DATE: DEC 03 1998  
AGENDA NO: C-2  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Appointments to Community Health Council

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: 12/3/98  
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Appointment of Bruce Frazier and Jeffery Anderson to the Community Health Council

### SIGNATURES REQUIRED:

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

*Beverly Steen*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

98 NOV 10 PM 9:14  
CLERK OF  
COUNTY COMMISSIONERS  
MULTI-COUNTY  
REGON

MEETING DATE: DEC 03 1998  
AGENDA NO: C-3  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Appointment to DUII Community Advisory Board

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

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

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

REGULAR MEETING:

DATE REQUESTED: 12/3/98

AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Appointment of Sergeant Jim Peninger to the DUII Community Advisory Board, Gresham Police Department Representative Position

### SIGNATURES REQUIRED:

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

*Beverly Stein*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 NOV 10 PM 9:44

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MEETING DATE: DEC 03 1998  
AGENDA NO: C-4  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Appointments to Local Public Safety Coordinating council

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

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

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

REGULAR MEETING:

DATE REQUESTED: 12/3/98

AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: \_\_\_\_\_

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

Appointment of Arwen Bird, Linda Erwin, MD and Bill Feyerherm to the Local Public Safety Coordinating Council

### SIGNATURES REQUIRED:

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

*Beverly Stein*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 NOV 10 PM 4 14

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BUDGET MODIFICATION NO:

DA # 99-3

(For Clerk's Use) Meeting Date:

DEC 03 1998

Agenda No:

C-5

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DEPARTMENT District Attorney DIVISION Circuit Court  
CONTACT Thomas G Simpson TELEPHONE 248-3863  
NAME(s) OF PERSON MAKING PRESENTATION TO THE BOARD Mike Schrunk

SUGGESTED AGENDA TITLE

Budget Modification DA #99-3 requesting additional funds for the LLEB Legal Assistant Holds position.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

☒ PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET.

3. REVENUE IMPACT

Addition of \$23,432 to the current year Local Law Enforcement Block Grant

4. CONTINGENCY STATUS

Originated By: <u>Becky J. Hanson</u>	Date November 23, 1998	Department Director <u>Thomas G. Simpson</u>	Date November 23, 1998
Plan/Budget Analyst <u>J. Mark Embell</u>	Date 11-25-98	Employee Services	Date
Board Approval <u>DEBORAH C BOGARD</u>	Date 12/3/98		

BOARD OF  
COUNTY COMMISSIONERS  
MULLINBACH COUNTY  
OREGON  
98 NOV 25 PM 9:44

## PERSONNEL DETAIL FOR BUDGET MODIFICATION

### ANNUALIZED PERSONNEL CHANGES

FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			
		BASE PAY Increase (Decrease)	Fringe	Insur.	TOTAL Increase (Decrease)
1.00	Legal Assistant	33,296	5,979.94	4,859.19	44,135
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
1.00	Total Annualized Change	33,296	5,980	4,859	44,135

### CURRENT YEAR PERSONNEL CHANGES

FTE Increase (Decrease)	Explanation of Change	CURRENT FY			
		BASE PAY Increase (Decrease)	Fringe	Insur.	TOTAL Increase (Decrease)
0.50	Legal Assistant	16,648	2,990	2,430	22,068
					-
					-
					-
					-
					-
					-
					-
					-
					-
					-
0.50	Total Current Year Changes	16,648	2,990	2,430	22,068

**EXPENDITURE TRANSACTION**

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	OBJECT	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2497			5100				16,648	Base Pay
156	023	2497			5500				2,990	Fringe
156	023	2497			5550				2,430	Insurance
400	070	7522			6580				2,430	Insurance Fund Transfer
156	023	2497			7100				1,364	Indirect Costs
100	075	9120			7700				1,364	Indirect Fund Transfer
<b>TOTAL EXPENDITURE CHANGE</b>								-	27,226	

**REVENUE TRANSACTION**

FUND	AGENCY	ORG	ACTIVITY	REPTG CAT	REVENUE CODE	CURRENT AMOUNT	REVISED AMOUNT	CHANGE	SUBTOTAL	Description
156	023	2497			2190				23,432	
400	070	7522			6580				2,430	Insurance Fund Transfer
100	075	9120			7700				1,364	Indirect Fund Transfer
<b>TOTAL REVENUE CHANGE</b>								-	27,226	



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS

☐ OJP ☒ BJA ☐ OJJDP  
☐ BJS ☐ NIJ ☐ OVC

CHECK APPROPRIATE BOX

AWARD

☒ GRANT  
☐ COOPERATIVE AGREEMENT

PAGE 1 OF 5

1. GRANTEE NAME AND ADDRESS (Including Zip Code)

County of Multnomah  
1120 Southwest Fifth Avenue, Room 1515  
Portland, OR 97204

4. AWARD NUMBER: 98LBVX0597

5. PROJECT PERIOD: FROM 10/01/1998 TO 09/30/2000

BUDGET PERIOD: FROM 10/01/1998 TO 09/30/2000

1A. GRANTEE IRS/VENDOR NO. 936002309

6. AWARD DATE 9/30/98

7. ACTION

2. SUBGRANTEE NAME AND ADDRESS(Including Zip Code)

8. SUPPLEMENT NUMBER

☒ Initial  
☐ Supplemental

2A. SUBGRANTEE IRS/VENDOR NO.

9. PREVIOUS AWARD AMOUNT \$ 0.00

3. PROJECT TITLE

Local Law Enforcement Block Grants Program - FY 1998

10. AMOUNT OF THIS AWARD \$44,135

11. TOTAL AWARD \$44,135

12. SPECIAL CONDITIONS (Check, if applicable)

☒ THE ABOVE GRANT PROJECT IS APPROVED SUBJECT TO SUCH CONDITIONS OR LIMITATIONS AS ARE SET FORTH ON THE ATTACHED 4 PAGES

13. STATUTORY AUTHORITY FOR GRANT

- ☐ TITLE 1 OF THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.  
42 U.S.C. 3701, ET. SEQ., AS AMENDED
- ☐ TITLE 2 OF THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974  
42 U.S.C. 3601, ET. SEQ., AS AMENDED
- ☐ VICTIMS OF CRIME ACT OF 1984, 42 U.S.C. 10601, ET. SEQ., PUBLIC LAW 98-473, AS AMENDED
- ☒ OTHER (Specify): Omnibus Appropriations Act of 1998 (Public Law 105-119)

14. FUTURE FISCAL YEAR(S) SUPPORT:

SECOND YEAR'S BUDGET PERIOD: N/A  
AMOUNT OF FUNDS: N/A TYPE OF FUNDS:  
THIRD YEAR'S BUDGET PERIOD: N/A  
AMOUNT OF FUNDS: N/A TYPE OF FUNDS:

15. METHOD OF PAYMENT

THE GRANTEE WILL RECEIVE CASH VIA A LETTER OF CREDIT

☐ YES ☒ NO

AGENCY APPROVAL

GRANTEE ACCEPTANCE

16. TYPED NAME AND TITLE OF APPROVING OJP OFFICIAL

Nancy E. Gist, Director  
Bureau of Justice Assistance

18. TYPED NAME AND TITLE OF AUTHORIZED GRANTEE OFFICIAL

Beverly Stein  
County Commissioner

17. SIGNATURE OF APPROVING OJP OFFICIAL

*Nancy E. Gist*

19. SIGNATURE OF AUTHORIZED GRANTEE

*Beverly Stein*

19A. DATE

11/10/98

AGENCY USE ONLY

20. ACCOUNTING CLASSIFICATION CODES

FISCAL YEAR	FUND CODE	BUD. ACT.	OFC.	DIV. REG.	SUB.	POMS
X	V	LI	80	00	00	LE

21. L18169

MICHAEL D. SCHRUNK

***Office Memorandum***

District Attorney

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: November 23, 1998

REQUESTED PLACEMENT DATE: December 3, 1998

RE: Budget Modification DA #99-3 increasing the funds for the Local Law Enforcement Block Grant Legal Assistant Holds position

---

- I. Recommendation/Action Requested: Approval of the Budget Modification
- II. Background/Analysis: The purpose of the Local Law Enforcement Block Grant is to provide the resources to identify and expedite legal resolutions for offenders with holds by assigning a legal assistant position to the task. The legal assistant identifies defendants being held in custody on holds from other jurisdictions, including federal agencies or from warrants from other jurisdictions in Oregon or other states.
- III. Financial Impact: Adds \$23,432 to the current year budget from the Local Law Enforcement Block Grant
- IV. Legal Issues: N/A
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Other Government Participation: The Legal Assistant works closely with Deputy District Attorneys to achieve early resolution on local cases as well as those from other jurisdictions.

MEETING DATE: DEC 03 1998  
AGENDA NO: C-6  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: PCRB REQUEST FOR EXEMPTION FROM THE FORMAL BID PROCESS

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 3, 1998  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/Purchasing  
CONTACT: Franna Hathaway TELEPHONE #: 248-5111 X22651  
BLDG/ROOM #: 421/1<sup>st</sup> floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST FROM THE FORMAL BID PROCESS FOR THE  
PURCHASE OF CRIXIVAN MEDICATION AS A SOLE SOURCE PURCHASE FROM  
MERCK, INC.

*12/3/98 Copies to Franna Hathaway*

### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: *Paul Boyer*

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 PM 10:11  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

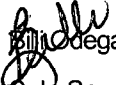


# MULTNOMAH COUNTY OREGON

HEALTH DEPARTMENT  
PHARMACY ADMINISTRATION  
426 SW STARK 9TH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3674

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

## MEMORANDUM

**Date:** 10/5/98  
**To:** Franna Hathaway  
**From:**  Odegaard  
**RE:** Sole Source Medications

Our medical clinics use medications which are currently under patent and are manufactured and available from only one source. One of these medications Crixivan, is available only from Merck. I would like to request an exemption from obtaining competitive bids on Crixivan since it is a sole source product available from only one manufacturer.

Our estimated usage is \$140,000 annually. We will monitor the patent expiration and search for other suppliers at that time.

Thank you for your assistance.

RECEIVED  
HEALTH DEPARTMENT  
98 OCT 15 PM 1:50  
MULTNOMAH COUNTY



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

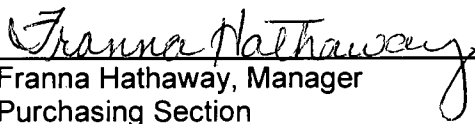
**APPLICATION**

Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Crixivan from Merck, Inc.

Application to the Public Contract Review Board on behalf of a request from the Health Department, is hereby made pursuant to the Board's Administrative Rule AR 10.140 and 20.060 adopted under the provisions of ORS 279.015 for an order of exemption from the formal competitive bid process to purchase Crixivan from Merck, Inc. for approximately \$140,000 annually.

Due to the fact that County's Medical Clinics prescribe this medication for their clients and that this medication is under patent and can only be obtained from one source during the life of the patent it is requested that this medication be exempted from the requirement of competitive bidding for the life of the patent.

Purchasing recommends approval of this exemption from the competitive bid process for the purchase of Crixivan as it is not likely to encourage favoritism or diminish competition since there is no other seller of this product at this time.

  
Franna Hathaway, Manager  
Purchasing Section

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD  
**ORDER NO. 98-191**

Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Crixivan from Merck, Inc.

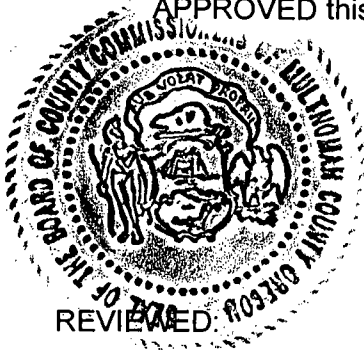
The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules 10.140 and 20.060 a request from the Health Department, for an exemption from the formal competitive bid process for a contract for the purchase of Crixivan, from Merck, Inc. for approximately \$140,000 annually. The exemption period is valid until the expiration of the patent.
- b. As it appears in the application and the memorandum from Billi Odegaard, the request for exemption is based upon the fact that this medication is currently under patent and available from only one source.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140 and 20.060.

The Multnomah County Board of Commissioners, acting as the Public Contract Review Board Orders:

That the contract for the purchase of Crixivan from Merck, Inc. be exempted from the requirements of public bidding.

APPROVED this 3rd day of December, 1998.



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

  
Beverly Stein, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
John Thomas, Assistant County Counsel

MEETING DATE: DEC 03 1998  
AGENDA NO: C-7  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: PCRB REQUEST FOR EXEMPTION FROM THE FORMAL BID PROCESS

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 3, 1998  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/Purchasing

CONTACT: Franna Hathaway TELEPHONE #: 248-5111 X22651  
BLDG/ROOM #: 421/1<sup>st</sup> floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST FROM THE FORMAL BID PROCESS FOR THE  
PURCHASE OF NORVIR MEDICATION AS A SOLE SOURCE PURCHASE FROM  
ABBOTT, INC.

*12/3/98 copies to Franna Hathaway*

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT  
MANAGER: *[Signature]*

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 PM 10:55  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



RECEIVED  
MULTNOMAH COUNTY OREGON

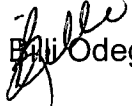
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HEALTH DEPARTMENT  
PHARMACY ADMINISTRATION  
426 SW STARK 9TH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3674

MULTNOMAH COUNTY

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

## MEMORANDUM

**Date:** 11/6/98  
**To:** Franna Hathaway  
**From:**  Eli Odgaard  
**RE:** Sole Source Medications

Our medical clinics use medications which are currently under patent and are manufactured and available from only one source. One of these medications, Norvir, is available only from Abbott. I would like to request an exemption from obtaining competitive bids on Norvir since it is a sole source product available from only one manufacturer.

Our estimated usage is \$70,000 annually. We will monitor the patent expiration and search for other suppliers at that time.

Thank you for your assistance.

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

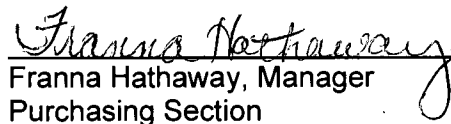
**APPLICATION**

Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Norvir from Abbott, Inc.

Application to the Public Contract Review Board on behalf of a request from the Health Department, is hereby made pursuant to the Board's Administrative Rule AR 10.140 and 20.060 adopted under the provisions of ORS 279.015 for an order of exemption from the formal competitive bid process to purchase Norvir from Abbott, Inc. for approximately \$70,000 annually.

Due to the fact that County's Medical Clinics prescribe this medication for their clients and that this medication is under patent and can only be obtained from one source during the life of the patent it is requested that this medication be exempted from the requirement of competitive bidding for the life of the patent.

Purchasing recommends approval of this exemption from the competitive bid process for the purchase of Norvir as it is not likely to encourage favoritism or diminish competition since there is no other seller of this product at this time.

  
Franna Hathaway, Manager  
Purchasing Section

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD  
**ORDER NO. 98-192**

Exempting from the Formal Competitive Bid Process a Contract for the Purchase of Norvir from Abbott, Inc.

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules 10.140 and 20.060 a request from the Health Department, for an exemption from the formal competitive bid process for a contract for the purchase of Norvir, from Abbott, Inc. for approximately \$70,000 annually. The exemption period is valid until the expiration of the patent.
- b. As it appears in the application and the memorandum from Billi Odegaard, the request for exemption is based upon the fact that this medication is currently under patent and available from only one source.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140 and 20.060.

The Multnomah County Board of Commissioners, acting as the Public Contract Review Board Orders:

That the contract for the purchase of Norvir from Abbott, Inc. be exempted from the requirements of public bidding.

APPROVED this 3rd day of December, 1998.



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

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

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
\_\_\_\_\_  
John Thomas, Assistant County Counsel

MEETING DATE: DEC 03 1998  
AGENDA NO: C-8  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: PCRB REQUEST FOR EXEMPTION TO EXCEED THE 33% CHANGE ORDER LIMITATION ON THE ANIMAL CONTROL REMODEL PROJECT

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 3, 1998  
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/Purchasing

CONTACT: Franna Hathaway TELEPHONE #: 248-5111 X22651  
BLDG/ROOM #: 421/1<sup>st</sup> floor

PERSON(S) MAKING PRESENTATION: Consent Calendar

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST TO EXCEED THE 33% CHANGE ORDER LIMITATION FOR THE ANIMAL CONTROL REMODEL PROJECT

12/3/98 copies to Franna Hathaway

### SIGNATURES REQUIRED:

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

(OR)

DEPARTMENT  
MANAGER: A

Paul Boyer

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 PM 1:15  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES  
DIVISION OF FACILITIES AND  
PROPERTY MANAGEMENT  
2505 S.E. 11TH AVENUE  
PORTLAND, OREGON 97202  
(503) 248-3322

RECEIVED  
NOV-6 PM 3:39  
MULTNOMAH COUNTY

## Memorandum

To: Franna Hathaway  
Through: Larry Nicholas  
From: Tony Poneck / Facilities Mgmt.  
Date: November 3, 1998  
Re: Contract # 300299 / Payne Construction

This is a request for exemption.

### BACKGROUND

This C.I.P. Animal Control Remodel Project was originally funded in FY 97/98 for \$250,000. During design of the project in 1997, the need for extensive additional repair work was documented and additional funding allocated for same in the FY 98/99 C.I.P. budget. Current project budget is \$700,000 and is expected to increase somewhat further. This increase in scope of work was unplanned and occurred as a result of unforeseen conditions encountered during initial design and construction. Much of the additional work is code related.

The original construction contract with Payne Construction Inc. of \$438,794 has been amended and increased by \$104,852 to \$543,646, or nearly 24% of the 33% increase allowed for remodel projects. This leaves about 6% or about \$39,950 which the existing Payne contract can be increased in the future within the allowable 33%.

Now, additional construction work has been identified which will increase Payne's contract amount beyond the approximately \$39,950 permitted and beyond the total 33% increase allowed for remodels.

Granting this exemption will allow Payne's contract to be increased in the future as needed above the 33% limit and will preclude the considerable expense and delay of engaging a second, additional construction contractor to complete the work of this project.

### FINDINGS

Oregon Revised Statute 279.015 allows public contracting agencies an exemption from State competitive bidding requirements upon approval of certain findings as indicated in the Statute. The requirements for justifying an exemption are stated below with their corresponding findings:

279.15 (2)(a): "It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts."



Increasing the Payne Construction Inc. contract is in the County's interest because:

1. The firm of Payne Construction Inc was selected for this project through a competitive and fair public bid process following Purchasing and C.I.P. guidelines.
2. Competition will not be impaired in that most of the work of this contract is competitively bid with subcontractors.

279.15 (2)(b): "The awarding of public contracts pursuant to the exemption will result in substantial cost saving to the public contracting agency."

Increasing the Payne Construction Inc. contract will result in cost savings to the County because bidding the additional work and selecting an additional, new contractor and it's sub-contractors to also perform work on this project will result in two (2) contractor teams at work on the same project at the same time, resulting in:

1. Delay of parts of the project, currently in or about to be in construction, of about three months, incurring at a minimum the cost of said bidding process and the inflation cost of the delay. Estimated additional cost of the project to the County that would be incurred for delay and the re-selection process: \$10,000-12,000.
2. A "learning curve" for the new contractor and its sub-contractor team which would introduce additional cost due to the need for the new contractor team to become familiar with the project and interface with Payne Construction already on the job, and for project management time to integrate the new contractor with the existing project team and design consultants. Estimated additional cost to the County would be \$3,000-5,000.
3. Increased cost for travel and other reimbursable expenses due to two, rather than one, contractor teams going to the job site. Actual end cost difficult to estimate.
4. Increased project management costs due to the need for the project manager having to manage two contractor teams. Estimated additional cost to the County would be \$3,900.
5. Increased project management and Animal Control costs due to the need for two, instead of one, contractor project meetings each week. Estimated additional cost to the County would be \$7,800 for project management; cost to Animal Control unknown.
6. Possible claims from Payne Construction for additional contractor costs due to need to interface with a second contractor team. Estimated cost unknown.
7. Overall loss of productivity and efficiency and increased project risks and liabilities due to multiple contractors and sub-contractors on the same project.
8. Job site is physically too small to effectively accommodate two contractor teams on site at the same time; to do so would require temporary relocation of parts of Animal Control and partial shutdown of their operations; this is unacceptable to Hank Miggins, Director.

Additional Findings:

1. Adding a second contractor with overlapping responsibilities for coordination blurs the legal liability of both entities and raises the risk to the County.
2. Having two contractor teams acting in the de facto role of "prime contractor" introduces, and increases, an unnecessary element of risk and liability to the County, especially on this, a remodel, project.

CONCLUSIONS:

Because of the circumstances and conditions described in the Background, Findings and Conclusions above, we request an exemption allowing Facilities and Property Management, C.I.P. to increase the Payne Construction Inc. contract now, and in the future, as appropriate for the Animal Control Remodel Project.

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

**APPLICATION**

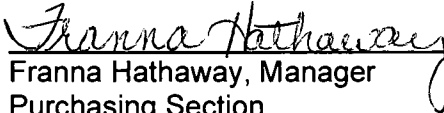
Exempting from the Formal Competitive Bid Process change orders in excess of the 33% limitation for the Animal Control Remodel Project.

Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, is hereby made pursuant to the Board's Administrative Rule AR 10.140 and 20.060 adopted under the provisions of ORS 279.015 for an order of exemption from the formal competitive bid process change orders in excess of the 33% limitation for the Animal Control Remodel Project. It is estimated that the final contract amount will be approximately \$700,000 which represents an increase of 60% over the original amount of the contract.

This exemption request is due to the following facts:

1. During the course of construction the need for extensive additional repair work was discovered.
2. The increase in the scope of work was unplanned and occurred as a result of unforeseen conditions encountered during initial design and construction. Much of the additional work is code related.
3. Payne Construction, Inc. was originally selected through a formal competitive bid process.
4. Competition will not be impaired in that most of the work is competitively bid through subcontractors.
5. Delaying the construction process to do a formal bid will add considerable cost to the project.

Purchasing recommends approval of this exemption to exceed the 33% change order limitation due to the fact that it will not limit competition and it will provide for cost savings to the County.

  
Franna Hathaway, Manager  
Purchasing Section

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD  
**ORDER NO. 98-193**

Exempting from the Formal Competitive Bid Process change orders in excess of the 33% limitation for the Animal Control Remodel Project.

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules 10.140 and 20.060 a request from the Department of Environmental Services, for an exemption from the formal competitive bid process for change orders in excess of the 33% limitation for the Animal Control Remodel Project. It is estimated that the final contract amount will be approximately \$700,000 which represents an increase of 60% over the original amount of the contract.
- b. As it appears in the application and the memorandum from Larry Nicholas, the request for exemption is based upon the fact that the County originally bid this contract and extensive unforeseen repairs and code requirements have been encountered. This exemption will not limit competition and will result in cost savings to the County.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140 and 20.060.

The Multnomah County Board of Commissioners, acting as the Public Contract Review Board Orders:

That change orders up to approximately 60% over the original amount of the contract with Payne Construction Company be exempted from the requirements of public bidding.

APPROVED this 3rd day of December, 1998.



REVIEWED:

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

  
Beverly Stern, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By 

John Thomas, Assistant County Counsel

MEETING DATE: DEC 03 1998

AGENDA NO: C-9

ESTIMATED START TIME: 9:00

(Above space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

*SUBJECT: Intergovernmental Revenue Agreement with Centennial School District 28J funding mental health services for children effective 7/1/98 through 6/30/99.*

BOARD BRIEFING

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

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

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

REGULAR MEETING

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

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

DEPARTMENT: Community and Family Services

DIVISION: Behavioral Health

CONTACT: Lorenzo Poe/Floyd Martinez

TELEPHONE: 248-3691

BLDG/ROOM: 166/7th

PERSON(S) MAKING PRESENTATION:

**ACTION REQUESTED:**

[ ] INFORMATIONAL ONLY [ ] POLICY DIRECTION [X] APPROVAL [ ] OTHER

**SUGGESTED AGENDA TITLE**

*Intergovernmental Revenue Agreement with Centennial School District to fund mental health services for children.*

**SIGNATURES REQUIRED:**

12/3/98 ORIGINALS to Alicia  
BORIS

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

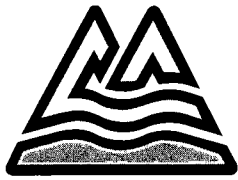
OR  
DEPARTMENT MANAGER: \_\_\_\_\_

*Lorenzo T. Poe*

98 NOV 23 PM 11:25  
CLERK OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

*Any Questions: Call the Board Clerk @ 248-3277*



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204-1618  
PHONE (503) 248-3691  
FAX (503) 248-3379  
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Beverly Stein, Multnomah County Chair  
FROM: Lorenzo Poe, Director *Lorenzo Poe mds*  
Department of Community and Family Services

DATE: October 23, 1998

SUBJECT: Retroactive FY 1998-99 Revenue Contract from Centennial School District

**I. Recommendation/Retroactive Action Requested:** The Department of Community and Family Services recommends County Chair approval of the attached contract from Centennial School District, for the period July 1, 1998 through June 30, 1999. This contract is retroactive because of a delay in initiating this contract with the program office.

**II. Analysis:** The Department of Community and Family Services has received a revenue contract from Centennial School District for \$75,000 to pay for school based mental health services.

**III. Background:** These revenues are included in the County budget.



## INTERGOVERNMENTAL AGREEMENT

#9910352

THIS CONTRACT is between CENTENNIAL SCHOOL DISTRICT, hereafter called DISTRICT, and

Multnomah County Department of Community and Family Services  
421 SW 6th, 7th Floor (Administrative Office)  
Portland, OR 97204, hereafter called COUNTY

THE PARTIES AGREE:

**I. DESCRIPTION OF SERVICES.** This agreement covers mutual obligations to provide mental health services to high risk children.

### ***SCHOOL-BASED MENTAL HEALTH SERVICES***

1. COUNTY'S services under this agreement shall consist of core mental health services provided to children and families. These services shall include:

- Consultation with school personnel
- Referrals
- Diagnostic screening
- Mental health treatment

Additional services may be negotiated within this agreement, including:

- Parent training
- Psychological evaluations
- DISTRICT staff training
- Other special services identified by the DISTRICT and the COUNTY.

2. COUNTY mental health consultants shall provide services as follows:

- a. Services for the Special Education Department shall consist of twelve (12) consultant days per week for a 36 week academic year, excluding school holidays, during the 1998-99 school year.
- b. Services for the Alternative Education Department shall consist of 2.5 days per week for a 36 week academic year, excluding school holidays, during the 1998-99 school year.

c. Work plans shall be developed with DISTRICT, which includes DISTRICT departments and school buildings served under this agreement. Work plans will identify the mental health consultant assigned and shall include specific services to be provided, schedule for provision of services, beginning and ending date of services, and identification of other activities related to provision of services. Work plans shall be reviewed and jointly approved by the appropriate school representative and COUNTY supervisor.

d. Computation of agreement days shall include all direct service provision time, plus indirect service support, including:

- 1) Travel time required to provide direct services under this agreement;
- 2) Travel time outside of normal workday hours;
- 3) Maintenance of client records and client correspondence;
- 4) Preparation of clinical reports required under this agreement and other reports as required by designated representative;
- 5) Planning and preparation for special services provided under this agreement.
- 6) Items 3), 4), and 5) may occur off-site and/or when classes are not being held.

3. DISTRICT agrees to provide access to private space in each school involved under this agreement for COUNTY mental health consultants to meet with students. DISTRICT will also provide access to telephone and office space.

4. DISTRICT shall make referrals to the COUNTY mental health consultants with necessary and pertinent non-confidential client information. COUNTY shall retain final authority in clinical decisions.

## **II. COMPENSATION.**

DISTRICT agrees to pay COUNTY \$60,000 from the Special Education Department and \$15,000 from the Alternative Education Department, for a total sum of \$75,000, payable in three equal payments based upon the receipt of the COUNTY Service Summary.

COUNTY assumes costs for administration, malpractice, clinical supervision, medical authorization of Medicaid services, if applicable, materials and supplies, and employee leave benefits. COUNTY shall submit a Service Summary to DISTRICT by January 15, 1999, April 15, 1999; and June 15, 1999. DISTRICT agrees to remit payments to COUNTY within 30 days of the receipt of the Services Summary



**III. TERM.** The term of this Agreement shall be from July 1, 1998 through June 30, 1999, unless sooner terminated under the provisions hereof.

In witness whereof, the parties hereto have caused this contract to be executed by their authorized officers.

MULTNOMAH COUNTY, OREGON

CENTENNIAL SCHOOL DISTRICT

BY Lorenzo Promas 11/19/98  
Director, Dept of Community & Date  
Family Services

BY \_\_\_\_\_  
Date

BY Beverly Stein 12/3/98  
Beverly Stein, Date  
Multnomah County Chair

\_\_\_\_\_  
(Please print name)

REVIEWED:  
THOMAS SPONSLER, County Counsel  
for Multnomah County, Oregon

\_\_\_\_\_  
Title

BY Katie Gaetjens 11/13/98  
Katie Gaetjens, Asst. Co. Date

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-9 DATE 12/3/98  
DEB BOGSTAD  
BOARD CLERK

MEETING DATE: DEC 03 1998

AGENDA NO: C-10

ESTIMATED START TIME: 9:00

(Above space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

**SUBJECT** Two year revenue agreement with the City of Portland to fund plumbing repairs occurring behind walls and underground in low income household homes. First year funding is \$25,000. Second year funding is not yet determined.

**BOARD BRIEFING**

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

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

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

**REGULAR MEETING**

Date Requested: Next Available

Amount of Time Needed: Consent

**DEPARTMENT:** Community and Family Services **DIVISION:** Community Programs and Partnerships

**CONTACT:** Lorenzo Poe/Mary Li

**TELEPHONE:** 248-3691

**BLDG/ROOM:** B166/7th

**PERSON(S) MAKING PRESENTATION:** Lorenzo Poe/Mary Li

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE**

**Revenue Agreement With The City Of Portland Funding Plumbing Repair For Low Income Households**

12/3/98 ORIGINALS to PATTY DOYLE

**SIGNATURES REQUIRED:**

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

**OR**  
**DEPARTMENT MANAGER:** Lorenzo Poe me

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

50423 OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 2:20  
MULTNOMAH COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204-1618  
PHONE (503) 248-3691  
FAX (503) 248-3379  
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BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
GARY HANSEN • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe mcs*  
Department of Community and Family Services

DATE: October 26, 1998

SUBJECT: Revenue Agreement With The City of Portland, Water/Sewer Fixture Repair Program

**I. Retroactive Statute:** The Department of Community and Family Services recommends Board of County Commissioner approval of this revenue agreement with the City of Portland effective September 1, 1998. The County received verification of funding in late September 1998.

**II. Recommendation/Action Requested:** The Department is recommending County Board approval of this revenue agreement for the period September 1, 1998 through September 1, 2000.

**III. Background/Analysis:** The County is currently coordinating referrals to the City for reduced cost repairs of plumbing fixtures in the homes of low income households. This revenue agreement enhances the existing referral service by providing funding for necessary plumbing repairs behind walls and underground. The County will verify household eligibility, make repair referrals to qualified plumbers, verify the required permits are obtained and the quality of work, and process invoices for payment. The County will also follow-up to evaluate household satisfaction after the work is completed.

**IV. Financial Impact:** First year funding of this agreement is \$25,000. Second year funding is pending City approval of their FY 1999/00 budget.

**V. Legal Issues:** None

**VI. Controversial Issues:** None

**VII. Link to Current County Policies:** This service is available to households meeting 150% of the poverty guideline. By assisting them with the costs of plumbing repairs this service potentially can reduce the number of children in poverty.

**VIII. Citizen Participation:** The Division of Community Programs and Partnerships involves citizen boards in policy development.

**IX. Other Government Participation:** While this service is not directly tied to other weatherization services, it is part of the continuum of weatherization services funded by other local, State, and federal programs.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Contract #: 9910356

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

Amendment #: 0

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b>  <b>AGENDA # C-10 DATE 12/3/98</b>  <b>DEB BOGSTAD</b>  <b>BOARD CLERK</b> </div>

Department: <u>Community and Family Services</u>	Division: <u>Community Programs &amp; Partnerships</u>	Date: <u>Oct. 26, 1998</u>
Originator: <u>Tom Brodbeck</u>	Phone: <u>X 26057</u>	Bldg/Rm: <u>166/5</u>
Contact: <u>Patty Doyle</u>	Phone: <u>X 24418</u>	Bldg/Rm: <u>166/7</u>

Description of Contract: **This agreement provides City of Portland funding for needed plumbing repairs behind and underground in homes owned by low income households.**

RENEWAL <input type="checkbox"/>	PREVIOUS CONTRACT #(S):
RFP/BID	RFP/BID DATE
EXEMPTION	EXEMPTION EXPIRATION
#/DATE	DATE
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)	

Contractor <b>City of Portland, Bureau of Water Works</b>	Remittance Address
Address <b>1120 SW 5th Avenue, 6th Floor</b>	(If different)
<b>Portland, OR 97204</b>	
Phone <b>823-4310</b>	Payment Schedule / Terms
Employer ID# or SS#	<input type="checkbox"/> Lump Sum \$ <input type="checkbox"/> Due on Receipt
Effective Date <b>September 1, 1998</b>	<input checked="" type="checkbox"/> Monthly \$ <u>Invoice</u> <input type="checkbox"/> Net 30
Termination Date <b>September 1, 2000</b>	<input type="checkbox"/> Other \$ <input type="checkbox"/> Other
Original Contract Amount \$ <b>25,000 (1st year funding)</b>	
Total Amt of Previous Amendments \$ <b>-0-</b>	<input type="checkbox"/> Requirements \$
Amount of Amendment \$ <b>-0-</b>	
Total Amount of Agreement \$ <b>25,000 (1st year funding)</b>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No

## REQUIRED SIGNATURES

Department Manager <u><i>Lorenzo Paez</i></u>	DATE <u>10/26/98</u>
Purchasing Manager <u><i>Katie</i></u>	DATE <u>10/28/98</u>
County Counsel <u><i>Molly</i></u>	DATE <u>12/3/98</u>
County Chair	DATE
Sheriff	DATE
Contract Administration	DATE

LGFS VENDOR CODE REV213						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	156	010	1140			2798		9260L			
02											
03											

## **INTERGOVERNMENTAL AGREEMENT FOR SERVICES**

County #9910356

This two-year Intergovernmental Agreement (AGREEMENT) is between the City of Portland (CITY) and the Multnomah County Department of Family and Community Services (COUNTY).

### **RECITALS**

Whereas, the CITY has established a Water/Sewer Fixture Repair Program to provide financial assistance to low income residence-occupied home owners to repair malfunctioning plumbing fixtures;

Whereas, the current Program administered by the Portland Bureau of Housing, Community Services Division and Portland Community College Senior Center does not provide for behind the wall or underground plumbing repairs;

Whereas, the City desires to establish an additional program for behind the wall or underground plumbing repairs which will support the CITY's conservation efforts and potentially reduce these home owner's water and sewer costs;

Whereas, the CITY has authorized \$25,000 to fund a one-year program;

Whereas, the CITY desires to employ an organization with the specific needed information and expertise to verify participant eligibility and provide participants licensed plumbing contractor referrals;

Whereas, the CITY has determined that the COUNTY is best qualified to administer the new Enhanced Water/Sewer Fixture Repair Program.

### **NOW, THEREFORE, THE PARTICIPANTS AGREE AS FOLLOWS:**

#### **1. EFFECTIVENESS OF AGREEMENT**

This AGREEMENT shall be effective September 1, 1998 and terminate September 1, 2000, unless otherwise agreed to by both parties under the provisions of this Agreement.

#### **2. SCOPE OF COUNTY SERVICES**

A. The COUNTY shall perform the services described below:

- a) Provide income eligibility and home owner verification for the Fixture Repair Program with customers meeting 150% of poverty guidelines;
- b) Provide qualified low-income home owners referrals to a licensed

plumbing contractor;

- c) Limit the materials and services cost per client to \$1,000 annually unless approved by the CITY Project Manager prior to beginning work;
- d) Limit assistance under this program to one time each year and only to owner occupied homes where the owner is responsible for paying the water/sewer bill;
- e) Provide quarterly program progress reports to the CITY for the program's duration;
- f) Verify that all repairs made conform with CITY/COUNTY codes;
- g) Verify the quality and completeness of all work performed;
- h) Verify that subcontractor's secure required permits from the CITY, when applicable;
- I) Pay subcontractor invoices for material, permits and labor in a timely manner; and
- j) Evaluate client satisfaction after work is completed and include evaluation in quarterly progress reports to CITY.

### **3. SCOPE OF CITY SERVICES**

- A. The CITY shall provide funding for this program, public notification and general support in accordance with the policies and procedures to be developed and mutually agreed upon, in writing, by the CITY and COUNTY.

### **4. BILLING PROCEDURES AND COMPENSATION**

- A. Each month after the effective date, the COUNTY shall submit to the CITY a bill for work performed during the previous month. Each bill shall itemize number of homes repaired/worked on, all work performed, services rendered and all labor, materials, supplies, equipment and incidentals, necessary to perform the work.
- B. The CITY shall pay the COUNTY for each submitted monthly bill within thirty (30) days of approval by the CITY'S Project Manager.
- C. The CITY shall pay the COUNTY an estimated \$25,000 per year compensation for all services performed in carrying out the repairs including work, services,

supplies, materials, equipment, incidentals, and COUNTY administration fee which shall be seven per-cent (7%) of each billing.

**5. PROGRESS REPORTING REQUIREMENTS**

- A. The COUNTY will prepare and submit to the CITY (Attention: Bureau of Water Works) the following reports, which will be in addition to the reports submitted with each monthly billing:
  - a) A quarterly report summarizing the information on completed jobs. Quarterly reports are due within thirty (30) days after the end of each quarter: October 30, January 30, and April 30.
  - b) A final report, due July 30, 1999, which summarizes the year's program and includes the following:
    - 1. Number of households served, including racial and female head-of-household information and income data; and
    - 2. A narrative of program progress and results.

**6. SUBSEQUENT WORK AND FINANCIAL COMMITMENTS**

- A. The CITY on thirty (30) days written notice, may terminate this Agreement.
- B. The COUNTY on ninety (90) days written notice, may terminate this Agreement.
- C. At the end of the first contract year, the CITY will review that year's final report before continuing into a second and any subsequent year(s) program.

**7. AMENDMENTS**

- A. The CITY and COUNTY may amend this Agreement at any time only by written amendment executed by the CITY and COUNTY. The CITY Project Manager shall be authorized to approve amendments for the City to this Agreement that do not increase the total contract amount.

**8. CITY AND COUNTY PROJECT MANAGERS**

- A. The CITY Project Manager shall be Brad Blake or such other person as shall be designated in writing by the Bureau of Environmental Services and Water Works' Managers.

- B. The COUNTY Project Manager shall be Thomas Brodbeck or such other person designated in writing by the Division of Community Programs and Partnerships Manager.

**9. SUBCONTRACTING**

The COUNTY shall not subcontract its work under this Agreement, with the exception of work identified in Section 2b. The COUNTY shall assure that all contractors used to perform the home plumbing services under this Agreement, meet the CITY'S Codes pertaining to permits, workmen's compensation, licensing, and all other requirements.

**10. ADMINISTRATIVE PROVISIONS**

- A. This Agreement shall be construed according to the laws of the State of Oregon.

- B. To the extent permitted by the Oregon Tort Claims Act, the City agrees to indemnify, defend, and hold harmless the COUNTY from any and all claims, demands, suits, and actions (including attorney fees and costs) resulting from or arising out of the act of the CITY and its officers, employees and agents in performance of this Interagency Agreement. To the extent permitted by the Oregon Tort Claims Act, the COUNTY agrees to indemnify, defend, and hold harmless the City from any and all claims, demands, suits and actions (including attorney fees and costs) resulting from or arising out of the acts of the COUNTY and its officers, employees, and agents in performance of this Interagency Agreement.

- C. COUNTY is responsible for paying all invoices and statements related to performing the services required under this contract, and with supporting documentation shall bill the CITY on a monthly basis for all work performed, including a seven per-cent (7%) COUNTY administration fee.

- D. Invoices to CITY and all notices to CITY shall be directed to:

Brad Blake, Project Manager  
City of Portland  
1120 SW 5th Ave - 6th floor  
Portland, OR 97204

Payments to COUNTY and all notices to COUNTY shall be directed to:

Thomas Brodbeck, Project Manager  
Multnomah County  
Office for Community and Family Services  
421 SW 6th Ave. - Suite 500  
Portland, OR 97204



## 11. OWNERSHIP OF DOCUMENTS

- A. The CITY and COUNTY shall jointly own any and all data, documents, plans, copyrights, specifications, working papers, and any other materials the COUNTY produces in connection with this Agreement.
- B. The COUNTY upon request by the CITY shall provide the CITY copies of the materials referred to in Subsection A of this section including any electronic files containing the materials.

## 12. SIGNATURES

### REVIEWED:

Katie Duijens  
County Attorney

By: Lolenz Pomeroy  
Dept. Of Community and Family  
Services, Director

### APPROVED AS TO FORM:

### APPROVED AS TO FORM

Jeffrey L. Rogers  
CITY ATTORNEY

### MULTNOMAH COUNTY

By: Beverly Stein  
Name/Title: Beverly Stein, Chair,  
Board of Commissioners for  
Multnomah County, Oregon

### CITY OF PORTLAND

By: Michael F. Rosenberger  
Name/Title: Michael F. Rosenberger,  
Administrator Bureau of Water Works

By: Erik Sten  
Name/Title: Erik Sten, Commissioner of  
Public Works  
Date: 11/12/98

By: Barbara Clark  
Name/Title: Barbara Clark, Auditor of the  
City of Portland  
Date: 11/20/98

**ORDINANCE No.**

**17 2 6 6 0**

- \*Authorize a two-year Intergovernmental Agreement with Multnomah County to administer eligibility verification and coordinate plumbing repairs for the Water/Sewer Enhanced Fixture Repair Program (Ordinance).

**The City of Portland ordains:**

**Section 1. The Council finds:**

1. The City desires to provide financial assistance to eligible low income owner occupied households for behind the wall or underground plumbing repairs which will support the City's water conservation efforts and reduce user water and sewer costs.
2. The Bureau of Water Works will pay the cost of financial assistance for plumbing repairs to eligible low income residents, up to \$1,000 each annually. The Bureau of Environmental Services will reimburse the Bureau of Water Works 50% of the costs through an Interagency agreement.
3. The City has a need to acquire program administration services to verify participant eligibility and coordinate repairs.
4. Through a selection process, Multnomah County was determined to be best suited to provide these administrative services.
5. The City desires to enter into an Intergovernmental Agreement with Multnomah County to provide administration for the Water/Sewer Enhanced Fixture Repair Program at an estimated cost of \$25,000 per year which includes a seven per-cent (7%) administration fee to the County.

**NOW, THEREFORE, the Council directs:**

- a. That the Commissioner of Public Works and Auditor are authorized to enter into an Intergovernmental Agreement, attached as Exhibit 1, with Multnomah County to provide services for the Water/Sewer Enhanced Fixture Repair Program.
- b. This Program will be reviewed at the end of the first year, and if determined to meet desired results, will be extended for a second year.

- c. Funding for this Program estimated at \$25,000 per year will be provided by the Bureau of Water Works and is included in the bureau's fiscal year budget for 1998-99; and is planned to be budgeted in the FY1999-2000 budget. The Bureau of Environmental Services will reimburse the Bureau of Water Works 50% of the costs through an Interagency agreement.
- d. The Mayor and Auditor are authorized to draw and deliver warrants payable to Multnomah County, when demand is presented and approved by the proper authorities, chargeable to Center Code 18029151 Project 2033.

Passed by the Council. SEP 02 1998

Commissioner Sten

Barbara Clark

Auditor of the City of Portland

By

Britta Olson Deputy

MEETING DATE: DEC 03 1998

AGENDA NO: C-11  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested By: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_  
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3590 x22591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of Repurchase Deed to former Owner, HENRY J MILLER.

Deed D991594 and Board Order attached.

*12/3/98 ORIGINAL DEED & COPIES  
OF ALL TO TAX TITLE*

**SIGNATURES REQUIRED:**

ELECTED  
OFFICIAL: \_\_\_\_\_  
OR  
DEPARTMENT  
MANAGER: St. Lawrence Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
MIL THOMAS COUNTY  
OREGON  
98 NOV 24 AM 5:06

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-194

Authorizing Execution of Deed D991594 for Repurchase of Tax Foreclosed Property to  
Former Owner HENRY J MILLER

The Multnomah County Board Of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that HENRY J MILLER is the former record owner
- b) The above former owner has applied to the County to repurchase said property for the amount of \$7,987.87, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that said property be sold to said former owner.

The Multnomah County Board of Commissioners Orders:

1. That the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owner the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 11, BLOCK 1, WABASH PK, a recorded subdivision in the City of Portland,  
County of Multnomah and State of Oregon.

Approved this 3rd day of December, 1998.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED D991594

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to HENRY J MILLER, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 11, BLOCK 1, WABASH PK, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$7,987.87.

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

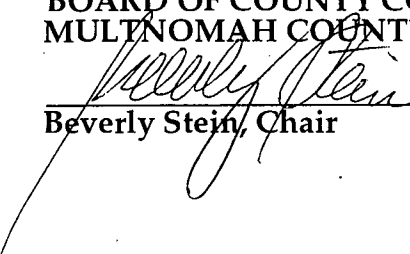
Until a change is requested, all tax statements shall be sent to the following address:

HENRY J MILLER  
7832 N BELKNAP AVE  
PORTLAND OR 97217-6008

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 3rd day of December, 1998, by authority of an Order of said Board of County Commissioners heretofore entered of record.




BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:  
Thomas Sponsler, County Counsel  
for Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:  
Kathy Tuneberg, Director  
Tax Collection/Records Management

By   
Kathy Tuneberg

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

STATE OF OREGON

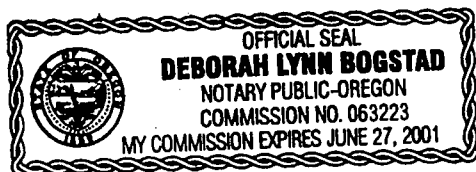
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 3rd day of December, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

MEETING DATE: DEC 03 1998

AGENDA NO: C-12  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

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

BOARD BRIEFING: Date Requested: \_\_\_\_\_  
Requested by: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

REGULAR MEETING: Date Requested: \_\_\_\_\_  
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation  
CONTACT: Gary Thomas TELEPHONE #: 248-3590 X-25591  
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of deed to contract purchaser, BRIAN D. PARHAM, for completion of Contract #15768 (Property repurchased by former owner).

Deed D991595 and Board Order attached.

*12/3/98 COPIES OF ALL & ORIGINAL DEED  
to TAX TITLE*

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
98 NOV 24 AM 5:00

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT MANAGER: *ht [signature]*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES  
Any Questions: Call the Board Clerk @ 248-3277



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-195

Authorizing the Execution of Deed D991595 Upon Complete Performance of a Contract with BRIAN D. PARHAM

The Multnomah County Board of Commissioners Finds:

- a) On August 15, 1994, Multnomah County entered into a county contract 15768 recorded in the county deed records at Book 94 Page 123564 with BRIAN D. PARHAM for the sale of the real property hereinafter described
- b) The above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

The Multnomah County Board of Commissioners Orders:

1. That the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOTS 40 & 41, BLOCK 3, MT TABOR PLACE ADD, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Approved this 3rd day of December, 1998.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

By Matthew O. Ryan

Matthew O. Ryan, Assistant County Counsel

DEED D991595

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

LOTS 40 & 41, BLOCK 3, MT TABOR PLACE ADD, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

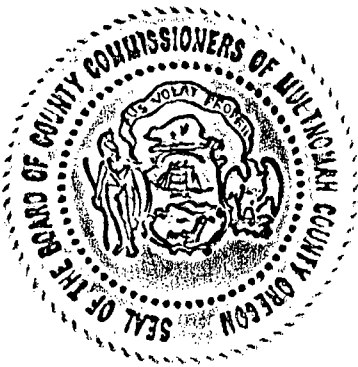
The true and actual consideration paid for this transfer, stated in terms of dollars is \$32,458.75.

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

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

BRIAN D. PARHAM  
715 SE 49TH AVE  
PORTLAND OR 97215

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 3rd day of December, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED APPROVED:

Kathleen A. Tuneberg, Director  
Tax Collections/Records Management

By K. A. Tuneberg

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

)

) SS

)

The seal is rectangular with a decorative border. On the left is a circular emblem with a notary seal design. To the right of the emblem, the text reads: "OFFICIAL SEAL", "DEBORAH LYNN BOGSTAD", "NOTARY PUBLIC-OREGON", "COMMISSION NO. 063223", and "MY COMMISSION EXPIRES JUNE 27, 2001".

Wendell Lynn Easter

My Commission expires: 6/27/01

MEETING DATE: DEC 03 1998

AGENDA NO: C-13

ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Request Approval of Repurchase Deed to Former Owner

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

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

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

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

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3590 x22591

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Request approval of Repurchase Deed to former Owner, THE ESTATE OF ANNIE L. SIMS.

Deed D991596 and Board Order attached.

12/3/98 ORIGINAL DEED & COPIES of ALL to  
TAX TITLE

**SIGNATURES REQUIRED:**

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

OR

DEPARTMENT MANAGER: ht [signature] Nicholas

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 24 AM 5:06  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 98-196

Authorizing Execution of Deed D991596 for Repurchase of Tax Foreclosed Property to  
Former Owner THE ESTATE OF ANNIE L. SIMS

The Multnomah County Board Of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that THE ESTATE OF ANNIE L. SIMS is the former record owner
- b) The above former owner has applied to the County to repurchase said property for the amount of \$6,816.57, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that said property be sold to said former owner.

The Multnomah County Board of Commissioners Orders:

1. That the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owner the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 3, BLOCK 25, WOODLAWN, a recorded subdivision in the City of Portland,  
County of Multnomah and State of Oregon.

Approved this 3rd day of December, 1998.



BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By Beverly Stein  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
Multnomah County, Oregon

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

DEED D991596

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THE ESTATE OF ANNIE L. SIMS, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 3, BLOCK 25, WOODLAWN, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$6,816.57.

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

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

THE ESTATE OF ANNIE L. SIMS  
1103 NE 319TH AVE  
WASHOUGAL WA 98671

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 3rd day of December, 1998, by authority of an Order of said Board of County Commissioners heretofore entered of record.

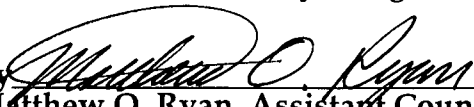


BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
for Multnomah County, Oregon

By   
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathy Tuneberg, Director  
Tax Collection/Records Management

By 

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

STATE OF OREGON

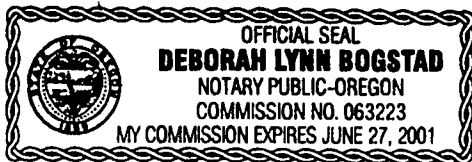
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 3rd day of December, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: 6/27/01

Meeting Date: DEC 03 1998  
Agenda No: C-14  
Est. Start Time: 9:00 AM

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Report to the Board the Hearings Officer's decision on CU 3-98 & SEC 12-98

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      December 3, 1998  
                                 Amt. of Time Needed:      5 minutes

**DEPARTMENT:**      DES      **DIVISION:** Land Use Planning  
**CONTACT:**      Chuck Beasley      **TELEPHONE:** 248-3043  
                                 **BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Stuart Farmer

### ACTION REQUESTED

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

### SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding an **Approval** of CU 3-98 & SEC 12-98 with conditions to establish a single family residence in the Commercial Forest Use zoning district with a Significant Environmental Concern for wildlife habitat and significant streams.

### SIGNATURES REQUIRED

**Elected Official:** \_\_\_\_\_

or

**Department Manager:** KB [Signature]

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 3:20  
MULTNOMAH COUNTY  
OREGON





**BOARD HEARING OF December 3, 1998**

**TIME 9:30am**

**CASE NAME:** Fred and Corinne Bacher

**NUMBER:** CU 3-98 and SEC 12-98

**1. Applicant Name/Address**

Fred and Corinne Bacher  
505 NW 107<sup>th</sup> Ave.  
Portland, OR 97229

**2. Action Requested by Applicant**

New dwelling in the Commercial Forest Use district,  
development in an area designated Significant  
Environmental Concern for Wildlife Habitat and  
Significant Streams.

**3. Planning Staff Recommendation**

Approve with conditions.

**4. Hearings Officer Decision**

Approval with conditions.

**5. If the Planning Director Decision and the Hearings Officer Decision are different, why?**

They are the same.

**ISSUES**

*(who raised them?)*

**6. The following issues were raised:**

The subject property consists of 6 small lots which are contiguous and in common ownership. The total tract area equals approximately 30 acres. The initial application included only 4 of the 6 lots in the tract, and the applicant was advised by staff that this would not meet the Lot of Record provisions of the CFU zone which require aggregation of lots less than 19 acres in size. Research by staff determined that this aggregation requirement is board policy which dates back to at least 1980, and is intended in part to further the statewide mandate to keep forest resource lands in relatively large ownerships in order to maintain such lands for resource use. The applicant acquired the other two parcels after being informed of the "legislative intent" of the Lot of Record aggregation provision.

**7. Do any of these issues have policy implications? Explain:**

No new policy issues.

**Action Requested of Board**

☒ Affirm Hearings Officer Dec.

☐ Hearing/Rehearing

**Scope of Review**

☐ On the record

☐ De Novo

New information allowed

**MULTNOMAH COUNTY, OREGON  
HEARINGS OFFICER DECISION**

**Case File:** Conditional Use CU 3-98 and  
Significant Environmental Concern SEC 12-98

**Proposed Action and Use:** The applicant requests Conditional Use review and  
approval to allow a single family dwelling on a 30.3  
acre tract. The request also includes Significant  
Environmental Concern review for areas that contain  
Wildlife Habitat and Significant Streams.

**Location:** 7547 NW Skyline Blvd.

**Property Description:** Lots 1-5 and 30 of Hillhurst, Section 15, T1N, R1W

**Zoning:** CFU, Commercial Forest Use  
SEC-h Significant Environmental Concern,  
SEC-s Significant Wildlife Habitat and Streams

**Applicant/Owners:** Fred and Corrine Bacher  
505 NW 107th Ave.  
Portland, OR 97229

**Applicant's Representative:** Dorothy S. Cofield  
Executive Centre, Suite 107  
12725 SW 66th Ave.  
Portland, OR 97223

RECEIVED  
NOV 10 AM 11:12  
MULTNOMAH COUNTY  
PLANNING SECTION

## DECISION

Based on the findings, analysis and conclusions and conditions of approval contained in this decision, the Hearings Officer **approves** Conditional Use request CU 3-98 and Significant Environmental Concern request SEC 12-98

## CONDITIONS OF APPROVAL

### Conditions of Approval:

1. Before the County issues a building permit, the owner shall provide a copy of a deed restriction deed restriction in the form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December 1995), or a similar form approved by the Planning Director, recorded with the county Division of Records. The deed restriction shall specify that no other dwellings are allowed on other lots (or parcels) that make up this tract; all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling, except a replacement dwelling; and that no lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling.
2. Before the County issues a building permit, the owner shall dedicate an additional 20 feet of right-of-way for Hillhurst Street along the entire frontage of the subject property.
3. The property owner shall contact the Multnomah County Right-of-way permitting section and obtain any necessary permits before development within the Hillhurst right-of-way occurs.
4. Before issuance of a building permit, the owner shall sign and record a waiver of remonstrance against formation of a future local improvement district to finance improvements to Hillhurst Street.
5. Trees within the primary fire safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height. Vegetation within the secondary fire safety zone shall be kept pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees.
6. Before the County issues a building permit, the owner shall provide evidence the driveway shall be designed, built and maintained to meet the requirements in MCC 11.15.2074(D) including, but not limited to, supporting a minimum gross vehicle

weight (GVW) of 52,000 lbs.; providing an all-weather surface of at least 12 feet in width; with a minimum curve radii of 48 feet, an unobstructed vertical clearance of at least 13 feet 6 inches; having grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided in subsection .2074(D)(5); providing a turnaround with a radius of 48 feet or greater at the end; and providing for the safe and convenient passage of vehicles by the placement of turnouts measuring 20 feet by 40 feet at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

7. The owner of the tract shall plant a sufficient number of trees on the tract to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules. The property owner shall submit a stocking survey report to the county assessor for verification that stocking requirements have been met. This condition is intended to implement the provisions of MCC 11.15.2052(A)(6).
8. Compliance with the applicable portions of MCC .2074(B) (2), (4), and (5) has not been demonstrated. These features shall be indicated on the final building plans.
4. The dwelling shall be placed at the minimum 200' setback from the Hillhurst right-of-way within a building envelope in the general location shown on the site plan in Exhibit I, the envelope being 80' X 120' in size. This location shall be shown on the final site plan.
9. Prior to approval of the Building Permit, the applicant shall either demonstrate that a Grading and Erosion Control Permit (GEC) pursuant to MCC 9.40.010 or a Hillside Development Permit (HDP) is not required, or obtain a GEC or HDP permit. If neither permit is required, the applicant shall submit a Grading plan which details the erosion control measures to be used in order to demonstrate compliance with the SEC approval criteria of .6420(J), and Framework Plan Policy 37 F. and G for storm water management.
10. As part of the process described in condition 9. above, the applicant shall include an analysis which demonstrates that no beneficial groundwater recharge can occur by on-site disposal of storm water generated from impervious surfaces of the development.
11. The owner shall implement the mitigation plan provided in the SEC assessment prepared by SRI/SHAPIRO/AGGO for the property dated February 26, 1998.
12. The owner shall not plant any of the nuisance plants listed at section 11.15.6426(B)(7) and shall remove and kept removed any such nuisance plants from cleared areas.

13. Before the County issues a building permit, the owner shall provide evidence of an approved subsurface sewage disposal system on the site.
14. The owner shall show all exterior lighting on the final building plan. All exterior lighting shall be directed downward and hooded to minimize the impact of night lighting on wildlife habitat areas.
15. Except as specified in the above conditions, this approval is based on the applicant's submittals, testimony, site plan and the findings contained in this Decision of the Hearings Officer. The applicant shall be responsible for implementing the development plan as presented and approved.
16. Approval of this Conditional Use shall expire two years from the date of the Hearings Officer Decision unless substantial construction has taken place in accordance with MCC 11.15.7110 (C). The process for determination of substantial construction shall be initiated by the applicant/property owner by application made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.

## **PROCEDURAL ISSUES**

### **A. Impartiality of the Hearings Officer.**

1. No ex parte contacts. I did not have any ex parte contacts before the hearing of this matter. I did not make a site visit.
2. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

### **B. Burden of Proof.** The burden of proof in this proceeding is upon the applicant.

## **SUMMARY OF REQUEST**

This Hearings Officer Decision addresses two requested actions, approval of a Conditional Use Permit, and a Significant Environmental Concern Permit.

Fred and Corinne Bacher, (hereinafter "applicant"), desire to build a single family dwelling in the Hillhurst Subdivision, lots 1-5 and 30, comprising 30.30 acres (hereinafter "subject tract"). The site is at an elevation of approximately 1,000 feet and generally slopes to the west. Vegetation on the site is characterized by a mixed hardwood forest with scattered conifers. A portion of the headwaters of an unnamed intermittent tributary of Rock Creek

occurs on the property. There are existing dirt logging roads, but otherwise this parcel is relatively undisturbed, containing native plants with ferns and low shrubs growing under the alder canopy.

The surrounding area is a small neighborhood along Skyline Road, with 11 dwellings within 1500 feet of the proposed site. The surroundings are generally forested, primarily with 40 year old alder trees.

The subject tract lies just outside the City of Portland boundary, located to the west of Skyline Road at approximately the NW 7500 block. See Figure 1, Exhibit I. At the time of platting the Hillhurst Subdivision, a 30-foot wide perimeter right-of-way was created and dedicated to Multnomah County. See Map 1 of 1 of Exhibit I. No road improvements have ever been made to this right-of-way in the 100-year history of the subdivision.

The house is proposed to be located in the east-central portion of the site near the top of a broad ridge line. The home and the primary fire safety zone will be located partially over the existing dirt road.

A portion of the property falls within the SEC-s area for the intermittent tributary that occurs on the property. The stream is located in the southeastern portion of the site and flows northeast to southwest. The entire site is located in the Germantown Subarea and mapped as Primary Wildlife Habitat in Multnomah County's West Hills Reconciliation Report.

The applicant proposes to access the subject property by an easement on Tax Lot 35 that benefits the subject tract. See Exhibit A, Roadway & Utility Easement (hereinafter "roadway easement"). The easement is 60 x 289.55 foot which begins at Skyline and ends at the right-of-way. In order to avoid steep slopes, the applicant will use 190 feet of the right-of-way to the south of Tax Lot 35, improved to County standards with a variance for 12 foot width per the applicant's discussions with Engineering Services Administrator John Dorst. See Exhibit V. In order to meet the 200 foot setback requirements, the applicant proposes to use an existing logging road as the private driveway to access the dwelling site from the right-of-way. The private driveway extends from the east boundary of the subject tract 200 feet west to the home site. The applicant selected the home site to minimize the impact to forest practices and the Significant Environmental Concern Stream Area (SEC-s) and the Hillside Hazard area, as discussed in the revised SEC assessment report, marked as Exhibit N.

The proposed home site is outside the Hillside Hazard area. Therefore, hillside area standards are not applicable to the application. The private driveway and secondary fire zone are within the SEC-s area which is addressed in the SEC assessment report, Exhibit N.

The proposed dwelling is an approximately 3000 square feet single family dwelling with a two-car garage. The driveway is proposed to be built over an existing logging road. Since the existing logging road site will be utilized for both the driveway and home site, very little

cutting of trees or soil disturbance will be needed. See SEC Assessment Report, Exhibit N. The owners proposed to continue to manage the forest for timber production purposes. Utilities will be brought in underground, and no fences are proposed, so disturbance to wildlife will be minimal.

The applicant has worked with Oregon Department of Fish and Wildlife (ODFW) to develop a mitigation plan for the habitat area and stream area. The applicant is required by a condition of approval to make new native plantings at a ratio of 2:1 for all disturbed areas, consisting of native plants from the ODFW preferred list of plants most useful to local wildlife and appropriate to the local soil type.

The site plan shows a maximum disturbed building site of 120' x 80'. See Map 1 of 1, Exhibit I. The home for this site has not been designed, but is expected to be a 30' by 50' residence (approximately 3000 sq. ft. not including a 2-car garage and deck.) The building dimension shown in Map 1 of 1, Exhibit I, are approximate, and may be located elsewhere on the 120' x 80' building envelope, based on an exact survey.

## HEARING AND TESTIMONY

- A. The Hearings Officer held a hearing on the appeal on October 21, 1998.
- B. The planning department file is designated as an exhibit to this opinion. The staff showed no slides or video of the subject site at the public hearing.
- C. Chuck Beasley, County planner summarized the staff report. He noted that the application was filed before the county adopted its new template dwelling rules. He said that there should be a condition of approval added to require the owner to comply with the driveway standards in MCC 11.15.2074(D). He also suggested that there should be a condition of approval included that states that the approval is based on representations made by the applicant and that those representations are binding on the owner. Mr. Beasley stated that the major issue in the staff's review was the location of the proposed dwelling. The issue related to the requirements in 11.15.2074(A)(3) and (4) requiring that the amount of forest land used is minimized and that the access be the minimum length required if it exceeds 500 feet. He discussed two alternative locations the staff considered.
- D. Dorothy Cofield, attorney, testified on behalf of the owner/applicant. She summarized the evidence that the tract meets the lot of record requirements. She stated that the applicant will dedicate 20 feet of addition right-of-way for Hillhurst street along the entire frontage of the property. Ms. Cofield expressed a concern that there should be conditions of approval imposed to assure that the criteria can be met in those instances where the applicant needs to provide further evidence before the County issues a building permit. She submitted three documents labeled Exhibits H1 through H3: H1 is an affidavit of posting. H2 is a Letter from David

Newton dated October 21, and H3 is a copy of "Land Use Planning Notes" from the Oregon department of Forestry.

- E. William Wright, Engineer for the applicant, testified the access to the alternate site suggested by the staff would be too steep. It would result in slopes of 20% straight down the hill and would cause water rush down the road causing erosion.
- F. Kathleen Miller, a neighbor to the north, appeared. She had no objection to the application but stated her general concern about protecting the area and minimizing disruption to wildlife.

### **APPROVAL CRITERIA, FINDINGS OF FACT AND CONCLUSIONS**

The Hearings Officer reviewed Multnomah County Code provisions concerning the CFU, SEC-h and SEC-s zoning designations. The following criteria were found by the Hearings Officer to be applicable. Each applicable criterion is set forth in bold face type followed by the Hearings Officers findings, analysis and conclusions.

#### **A. Criteria for Approval of a Dwelling in the CFU Zone:**

##### **MCC 11.15.2052 Template Dwelling**

**(A) A template dwelling may be sited on a tract, subject to the following:**

- (1) The lot or lots in the tract shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;**

Findings of Fact and Conclusions. The subject tract is comprised of lots 1, 2, 3, 4, 5 and 30 of the Hillhurst Subdivision and is owned by the applicant, Corinne A. Bacher as shown in the deeds in Exhibit B. The subject tract was acquired by Dale and Virgil Burger on June 4, 1968 as shown in Exhibit B. The subject tract was in the same Burger ownership on February 20, 1990, as shown in Exhibit M. The subject tract is a lot of record because, as of February 20, 1990, there were no other contiguous lots in the same ownership as the Burger's.

The contiguous lots are: Lots 6, 11 and 29. Pursuant to 11.15.262(B), adjacent lots 12 and 13 are not contiguous to the subject tract because the only common boundary is a single point. Adjacent lots to the north and to the east in Tulamette Acres re not in the CFU district. The contiguous lot analysis only applies to lots and parcels in the CFU district. The A & T printouts, marked as Exhibit M, demonstrate that as of February 20,



1990, Lots 6, 11 and 30 were not in the same ownership as the subject tract. Lots 6 and 11 were owned by Lee Martinson and Frank Nash and Lot 29 was owned by Frank Fuhrman and Charles Henderson.

County Counsel has determined if there are no other contiguous lots in the same ownership as the subject tract as of February 20, 1990, the tract may be determined to be a lot of record. See Exhibit U. The subject tract configuration is consistent with the county's redline map that shows Lots 1-5 and 30 as a Lot of Record.

The tract as described, meets the lot of record requirements of this section.

These lots were legally platted and recorded in 1892 (the "tract"). A copy of the plat was provided as Exhibit C. The applicant will access the subject tract by a recorded easement on TL 35. See attached Roadway and Utility Easement, Exhibit A. The applicant has a building permit from the City of Portland to build a driveway to Skyline Blvd. See Exhibit O, Building Permit # 97-00518.

The applicant meets the standards set out in MCC 11.15.2062(A)(3) and (B) (Lot of Record). The subject tract of 30.30 acres is a group of contiguous lots which individually do not meet the minimum lot size requirements of MCC .2058 (80 acres), but considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres without creating any new lot lines and are held under the same ownership. As of February 20, 1990, there were no contiguous lots in the same ownership as the subject tract.

- (2) The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC.2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable;

Findings of Fact and Conclusions. A site plan, (Map 1 of 1, Exhibit I of applicant's submittal), shows the required setbacks. No variances are requested. The subject tract is approximately 30.3 acres in size and therefore of sufficient size to site the dwelling.

- (3) The tract shall meet the following standards:

\* \* \*

- (c) The tract shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and
  - (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square

when centered on the center of the subject tract parallel and perpendicular to section lines; and

- (ii) **At least five dwellings lawfully existed on January 1, 1993 within the 160 acre square.**

Findings of Fact and Conclusions. The aerial photo, (Exhibit T), shows that there are 12 lawfully created lots within the 160 acre square (TL 63, 24, 33, 32, 36, 31, 21, 20, 17, 19, and Hillhurst Subdivision Lots 6 and 7. The Tax Lot Cards and Hillhurst Subdivision Plat, (applicant's Exhibits M and C respectively), demonstrate that the above-referenced lots were lawfully created. There are eight houses, lawfully existing on January 1, 1993, sited on TL 21, 17, 19, 31, 36, 32, 33, and 63 which are within the 160-acre template and outside the urban growth boundary ("UGB"). (See A & T printouts, Exhibit G). Therefore, the applicant has demonstrated that there are 11 lots, lawfully created with at least five houses on them, existing as of January 1, 1993 and that this code provision is satisfied.

- (d) **Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.**

Findings of Fact and Conclusions. The lots and dwellings identified on the aerial map (shown in Exhibit T) to meet the 160-acre test are all outside the urban growth boundary.

- (e) **There is no other dwelling on the tract;**

Findings of Fact and Conclusions. The aerial photo, (Exhibit T), demonstrates that there are no dwellings on the tract.

- (f) **No other dwellings are allowed on other lots (or parcels) that make up the tract;**

Findings of Fact and Conclusions. There are no other dwellings on the lots that make up this tract as shown in the aerial photo, (Exhibit T).

- (g) **Except as provided for a replacement dwelling, all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and**

Findings of Fact and Conclusions. As a condition of development, the applicant is required to sign and record a deed restriction on lots 1-5 and 30 to preclude them from all future rights to site a dwelling. This criterion can be met.

- (h) **No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;**

Findings of Fact and Conclusions. The applicants stated that they will agree that lots 1-5 and 30 will not be used to qualify another tract for the siting of a dwelling. The tract meets the requirements of this section (3 a-h), when the deed restriction to meet part (3)(g) and (h) is recorded as required by a condition of approval to assure compliance with this section and section .2052(A)(9) below.

- (4) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive plan in 1980, will be acceptable.

Findings of Fact and Conclusions. The dwelling is located outside the big game winter habitat areas as shown on Exhibit D.

- (5) Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of forestry, the Bureau of Land Management or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Findings of Fact and Conclusions. Road access to the dwelling is by a privately owned road. Therefore, this code provision applies. The applicant has a recorded easement on Tax Lot 35 for use as a private road to access the subject tract from Skyline Blvd., subject to maintenance obligations (Exhibit A).

- (6) A condition of approval requires the owner of the tract to plant a sufficient number of trees on the tract to demonstrate that the tract is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided however, that:
  - (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved.
  - (b) The property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor shall inform the Department of Forestry in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.

- (c) Upon notification by the assessor the Department of Forestry shall determine whether the tract meets minimum stocking requirements of the Forest Practices Act. If the department determines that the tract does not meet those requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

Findings of Fact and Conclusions. No stocking survey report has been submitted with the application, however the ordinance allows implementation of this requirement with a condition of approval. As a condition of approval, the applicant is required to meet all Department of Forestry stocking standards and meet the standards of MCC 11.15.2052(A)(7) (a) through (c) as set forth above.

- (7) The dwelling meets the applicable development standards of MCC.2074;

Findings of Fact and Conclusions. The applicable standards of MCC .2074 are addressed within this Decision, below.

- (8) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

Findings of Fact and Conclusions. A waiver of conflicts statement that perpetually runs with the subject tract has been executed and recorded with the Recorder. The applicant provided a copy of the recorded deed restriction, (Exhibit E).

- (9) Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;
  - (a) The covenants, conditions and restrictions shall specify that:
    - (i) All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and

- (ii) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;
- (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
- (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

Findings of Fact and Conclusions. Compliance with this condition requires both that the other lots which make up the tract are precluded from a dwelling in the future, and that no part of the tract can be used to qualify another tract for the siting of a dwelling. The owner will comply with the provisions of this section when he satisfies a condition of approval that requires the owner to record an irrevocable covenants, conditions and restrictions form which specifies that all lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling and that no lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling.

#### **MCC 11.15.2058 Dimensional Requirements**

- (A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

Findings of Fact and Conclusions. The tract meets the exception of .2062 as demonstrated under .2052(A)(1) above:

- (C) Minimum Yard Dimensions - Feet:

Frontage on County Maintained Road	Other Front	Side	Rear
60 from centerline	200	200	200

**Maximum Structure Height - 35 feet.**

These yard dimension and height limits shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Variances to dimensional standards shall be pursuant to MCC .8505 through .8525, as applicable.

Findings of Fact and Conclusions. The minimum yard dimensions for under this section are 200' for all property lines. The site plan in Exhibit A1. I shows the dwelling location as 235' from the east property line, and approximately 435' from the next closest (north) property line.

- (D) To allow for clustering of dwellings and potential sharing of access, a minimum yard requirement may be decreased to 30 feet if there is a dwelling on an adjacent lot within a distance of 100 feet of the new dwelling.

Findings of Fact and Conclusions. This provision could be used to locate the dwelling at an alternate site in the northeast corner of the property as shown on the sketch by staff in Exhibit C2. The applicant's site plan (Exhibit A1. I) indicates that there is an existing dwelling on an adjacent parcel located 50' from the property line of the subject property. The applicant's proposed dwelling could be located 30' from the property lines at this location and still be within 80' of the dwelling on the adjacent parcel, thereby satisfying this alternative setback.

The staff considered application of this alternative setback standard because the applicant's response to the maximum access/utility corridor length standard in .2074(A)(4) shows that the corridor length to the dwelling in the proposed location is 680 feet. The corridor length could apparently be reduced to meet the 500' maximum if the dwelling were placed using this alternative setback standard.

The applicant's letter dated 9/17/98 (Exhibit A1. W.) addresses the alternate location and explains why this location should not be used. The applicant argues that alternate location would place the dwelling in a mapped slope hazard area on slopes of from approximately 11% to 12.5% (see Exhibit C2). The staff responded that a hazard report is not required for areas with slopes of less than 25% (MCC .6710(A) ), and the slope hazard ordinance does not prevent development in mapped areas. Staff also noted that the topography between the west end of the 20' easement to the alternative dwelling site is nearly flat as shown by the location of the 1060' foot contour. This should result in a road grade which is less than the 12% road grade for the access to the proposed location.

The applicant made three code-related arguments concerning the applicability of the alternative setback provision. The applicant's first argument is that the nearest dwelling is within the UGB and can therefore not be considered pursuant to .2052(3)(d). Section .2052(3)(d) only applies to dwellings which can be counted to qualify the tract as a template dwelling. The applicant's second argument is that the alternative dwelling location does not result in shared access, which is required by the code provision. The staff responded that shared access is not a requirement of .2058(D). The language in .2058(D) does not require that access sharing must occur, but states that the potential for access sharing is one reason to allow clustering. The applicant's third argument is that placement of the dwelling within 30' of the Hillhurst right-of-way does not allow the firebreaks to be implemented. The staff responded that section .2074(c)(v) only requires maintenance of firebreaks for areas within approved yards. The most important primary

and secondary zone, the area downslope of a dwelling, can be maintained for the alternative dwelling location, in the configuration shown in exhibit C2.

The owner intends to dedicate 20 feet of land along the existing rights-of-way abutting his property so that the right-of-way will meet county road standards (Exhibit A1. V., and A1. X.). Upon dedication of this right-of-way, the distance to the nearest dwelling would increase to over 100', making the alternative setback inapplicable.

- (F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Findings and Conclusions. No buildings other than the dwelling are proposed.

**MCC 11.15.2062 Lot of Record**

- (A) For the purposes of this district, a Lot of Record is:

\* \* \*

- (3) A group of contiguous parcels of land:

- (a) For which deeds or other instruments creating the parcels were recorded with the Department of General Services, or were in recordable form prior to February 20, 1990;
- (b) Which satisfied all applicable laws when the parcels were created;
- (c) Which individually do not meet the minimum lot size requirements of MCC .2058, but, when considered in combination, comply as nearly as possible with a minimum lot size of nineteen acres, without creating any new lot line; and
- (d) Which are held under the same ownership.

- (B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;
- (2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and

- (3) **Same Ownership** refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

Findings and Conclusions. The parcel meets the Lot of Record requirement of .2062(A)(3). (See the applicant's response and the finding under .2052(A)(1) of this Decision ).

**MCC 11.15.2068 Access**

**Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.**

Findings and Conclusions. The County's Transportation Division staff has determined that using the Hillhurst Street right-of-way would be an acceptable access if the right-of-way were increased to state standards of at least 50 feet of right-of-way width. To have a 50 foot wide right-of-way the owner would need to deed the additional 20 feet.

To ensure that access to Tax Lot 35 does not impair use of the right-of-way of Lambert Street to provide access to other lots in Hillcrest Subdivision in the future, the staff requires the applicants to submit detailed plans showing cuts and fills for County approval. To ensure that Hillhurst Street will be an adequate public facility, the county staff recommended that the applicant sign and record a waiver of remonstrance against formation of a future local improvement district to finance improvements to Lambert Street. The applicant and the County Transportation Division staff agreed that the land dedication, deed restriction and permit application would be a condition of approval of the template dwelling application.

**MCC 11.15.2074 - Development Standards for Dwellings and Structures**

**Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048 (E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993, shall comply with the following:**

**(A) The dwelling or structure shall be located such that:**

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058 (C) through (G);**

Findings and Conclusions. The applicant's proposed dwelling dimensions are 30' by 50' feet. The dwelling is proposed to occupy a site of approximately 80' x 120' on the subject tract. The applicants have sited the dwelling so that it is both as close as possible to the access easement and other residential uses on Skyline Blvd. and meets the minimum 200



foot setback requirement to all boundary lines while avoiding steep slopes. The dwelling site area is less than 1 percent of the subject tract.

The applicant provided a copy of an aerial photo showing neighborhood agricultural uses (Exhibit T). Lands north and east of the tract are within the regional urban growth boundary. The code provision only applies to conflicts with resource uses. Forestry, including Christmas trees, and grazing are the principal agricultural uses in the area west and south of the tract. There are no adjacent parcels in farm use.

The main potential impact of the dwelling location on forest management on adjacent parcels is to the forest zoned parcels west, and south of the subject parcel. The distance to the closest parcel capable of forest use to the west is over 700'. At this distance, the proposed dwelling should have no adverse impact to forest uses. In addition, the applicant's dwelling will be buffered from the nearby resource uses to the west and south by a protected SEC-s area to the south and a Hillside Development Area in the northeast and northwest corner adjacent to the subject tract, on Lot 1 of Hillhurst Subdivision.

The dwelling's location near the existing logging roads would potentially constrain use of those logging roads for forest use access to adjacent forested areas. However, the proposed dwelling would not infringe upon any access rights because the adjacent property owners have no such rights. Tax Lot 29 is the only adjacent parcel that can be accessed by the existing logging road, and it has no access easement to allow that access.

The proposed location of the dwelling on the subject tract minimizes adverse impacts on adjacent lots by having these topographical features acting as a buffer to adjacent properties. The preferred dwelling site location is the maximum distance away from nearby and adjacent resource use and still meet required setbacks.

**(2) Adverse impacts on forest operations and accepted farming practices on the tract will be minimized;**

Findings and Conclusions. The applicant stated that their primary purpose for siting a dwelling on the tract is facilitate management of forest uses on, returning the tract to Red Cedar and Douglas Fir. The proposed dwelling will occupy an 80' x 120' building envelope, less than 1 percent of the subject tract. The driveway, an existing logging road, will still be used for forestry uses as well as limited residential use. Using the logging road for both dwelling access and forest practices will minimize adverse impacts on forest operations on the site because less of the subject tract will be disrupted for road access.

The applicant stated they intend to manage the forest on this property according to a "no herbicide" management plan, using intensive manual labor to control brush and nonnative species, as a family operation. The applicant said they intend to gradually replace the mature and dying alder on the subject tract with Western Red Cedar and Douglas Fir. Existing cedars and firs are not mature, and will be maintained until maturity. The applicant's preferred logging management method is sustained-yield uneven-age stand

thinning every 5-10 years. The applicant has previously managed other wood lots in Timber, near Hagg Lake and near Jewel in this manner. This forest management goal is additional incentive for the applicant to use the existing logging road for the driveway and home site, to avoid compacting forest soils and to minimize disturbance of forest area. The dwelling location on slopes less than 10% minimizes the firebreak safety zone and keeps the secondary firebreak out of the streams, thereby minimizing lost tree planting area for harvest.

The dwelling's location minimizes adverse impacts on forestry use of the subject tract.

- (3) **The amount of land used to site the dwelling or other structures, access roads, and service corridor is minimized.**

Findings and Conclusions. The area of the private driveway is approximately 2400 square feet (200 x 12) and the area of the building site is approximately 9,600 square feet. The area of the two septic drain fields is 15,000 square feet; the access easement and right-of-way is 480 feet long. The total area used to site the dwelling, roadway easement, driveway, septic field and firebreaks is approximately two thirds of an acre or 2 percent of the subject tract. (See Exhibit N, page 2).

The access road/service corridor is indicated as 680 feet long. The access road/service corridor length is composed of three segments, an easement from Skyline to the Hillhurst right-of-way, a segment in the Hillhurst right-of-way, and approximately 250' to the dwelling envelope as shown on Exhibit A1. I. Of these areas, only the last segment, the corridor from the right-of-way to the dwelling is forest land. Using the active logging road as the private driveway minimizes the amount of forestland used to site the service corridor and access road. The easement is within the City of Portland and carries an urban zoning designation, the right-of-way is dedicated to uses other than forest management.

The proposed 9,600 square foot dwelling site is an average size dwelling site for residential use within the UGB and is the minimum necessary here to site the dwelling. The septic drain fields of 15,000 square feet are the minimum necessary as approved by the Portland Sanitarian.

In conclusion, the area used to site the dwelling, septic system and access minimizes the amount of forest land dedicated to these uses.

- (4) **Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and**

Findings and Conclusions. The access easement from Skyline Blvd. to the county right-of-way is 290 feet. There is an extremely steep ravine to the north of the proposed building envelope. The distance along the right-of-way is 190 feet to avoid steep slopes.

The driveway extends an additional 200 feet from the county right-of-way west to the dwelling site. The service corridor is 680 feet, which is more than 500 feet.

Ms. Cofield submitted a letter dated September 17, 1998 (Exhibit A1.W), with an enclosed revised figure 2 showing the subject tract and the Hillside development areas (HDA). According to the applicant's revised Figure 2, the HDA is designated on the north, northwest, and southwest portions of the subject tract. If the access were shortened, the home site would need to be placed in the HDA to the north of the proposed building site. According to Mrs. Cofield's letter the dwelling cannot be located in the northern portion of the subject site due to septic drain field concerns. She stated that, according to the Portland Department of Environmental Services, a septic drain field on steeper slopes must have stable soils. The cascade soils on the north portion of the property are not stable and drain poorly (see Exhibit P). Ms. Cofield stated that the septic drain field must be located where shown on the site plan with the dwelling located nearby. Consequently one reason that the road is longer than 500 feet is the unstable soils in the north part of the site.

If the home site were further north, a new road would need to be built. That road would be within the HDA on the north slope of the ridge line. According to SRIShapiro, the existing road access would need to be retained to provide access to the remainder of the property for timber management purposes. In addition the new road would be steep, averaging 10% grade with a 200-foot distance of 12% grade and require a cut 240 foot wide. The cut would endanger or disturb adjoining property in Tulamette Acres contrary to an approval criteria for a Hillside Development permit.

The physical limitations of the property dictate that the access road and private driveway exceed 500 feet. The east boundary of the subject tract is approximately 320 feet east of Skyline Blvd. The required setback from the property boundary is 200 feet. The private driveway must begin 190 feet south of TL 35 in order to avoid steep slopes. Therefore, because of placement of the tract, 320 feet from Skyline Blvd. and the 200-foot setback requirement, the access corridor must be in excess of 500 feet.

The property is situated in a unique way due to the distance from an improved road to the property, and due to the unimproved substandard right-of-way which borders Hillhurst subdivision.

Based on the site plan in Exhibit I, it appeared to the staff that there were two other potential locations for the dwelling which would reduce the access road length as shown in Staff's Exhibit C2. The first is shown 200' due west of the end of the 20' wide access. This area is ruled out because location of a dwelling here would significantly increase the risk of fire loss due to its proximity to a draw. Building in steep areas has significant fire risks. According to the Oregon Department of Forestry Land Use Planning Notes #2, September 1991: "Fire spreads faster and burns hotter as slopes steepens. Steepness of slope also complicates fire equipment access, control efforts and fuel modification. Therefore, dwellings should be located on a level portion of the parcel . . . Natural features which should be avoided include narrow canyons and draws. These features serve as

natural chimneys and intensify fire behavior. If the level portion of the parcel is the top of a ridge, the dwelling should be located at least 30 feet back from the slope."

In addition, the applicant submitted evidence (Exhibit H2) that access to the first alternate site would be only 20 feet shorter than the access to the applicant's proposed site, would have an average grade of 10% and with a 12% grade for a distance of 200 feet.

According to Exhibit H2, the maximum cut and fill to access the proposed site is 4 feet with balanced cut and fill while the alternate access would require 30 feet of all cut. To construct the access the width of the graded area would be 132 feet (compared to 28 feet for the proposed access) having a much greater impact on the area and consequent erosion. The letter concludes that the steep alignment would become a channel for runoff, creating potentially serious erosion problems.

The other potential location is in the northeast corner of the property. That location could be accessed by a road/corridor 500' or less in length. However, this area has been ruled out by the applicant's stated intention to dedicate 20' of land to increase the right-of-way width to 50' which has been made a condition of approval.

The applicant has demonstrated that it is necessary to have an access road in excess of 500 feet in order to (1) minimize erosion and related environmental damage in the HDA; (2) meet the road standards of .2074(D)(5); (3) comply with the Fire District's maximum allowed grades; (4) avoid siting the septic field in unstable steep soils; (5) maintain the existing road system for timber management purposes; (6) avoid unnecessary new road construction; and (7) avoid cuts and fills that could endanger adjoining properties in Tulamette Acres

**(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:**

**(a) The proposed dwelling will be located on a tract within a rural fire protection district, or the dwelling shall be provided with residential fire protection by contract;**

Findings and Conclusions. According to the applicant, the proposed dwelling will be served by Portland City Fire Bureau. The applicant provided a service form signed by the Portland Fire Bureau, (Exhibit F). Because the territory is located outside the City of Portland, it is within the boundary of the Tualatin Valley Fire and Rescue District.

**(b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet driveway standards of MCC .2074 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;**

Findings and Conclusions. Access for a pumping fire truck is from fire hydrant located at 7704 NW Skyline Blvd., (Exhibit F). The applicant's engineer has determined that grades

for the access driveway can be kept less than 8%, with short segments of 12%, as shown on the Driveway Profile Map, (Exhibit I and David J. Newton Associates July 2 and June 18, 1998 letters marked as Exhibit Q and R respectively). The applicant proposed to construct turn-outs at the midpoint of the driveway and at the building site end. The driveway will be built with gravel to the applicable standards in MCC .2074(D), and as shown on the Drainage Plan, Map 1 of 1, Exhibit I and Exhibit R.

**(c) Maintenance of a primary and a secondary fire safety zone on the subject tract.**

**(i) A primary safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be spaced with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**

**(ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

<b>Percent Slope</b>	<b>Distance in Feet</b>
<b>Less than 10</b>	<b>Not Required</b>
<b>Less than 20</b>	<b>50</b>
<b>Less than 30</b>	<b>75</b>
<b>Less than 40</b>	<b>100</b>

**(iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between the crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning forestry practices which meet these objectives may be obtained for the State of Oregon Department of Forestry or the local Rural Fire Protection District.**

**(iv) No requirement in (i), (ii) , or (iii) above may restrict or contradict a forest management plan approved by the state of**

**Oregon Department of Forestry pursuant to the state Forest Practices Rules; and**

- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).**

Findings and Conclusions. Slopes on the land where the dwelling will be sited are less than 10%, (Map 1 of 1, Exhibit I). A primary fire break zone extending 30 feet is shown on the site plan, (Map 1 of 1, Exhibit I). The applicant proposes to space trees to meet the code provisions. A secondary fire break zone extending 100 feet is provided as shown on the site plan. The applicant proposes to prune vegetation and trees to meet code provisions. A condition of approval requires the applicant to maintain tree spacing and to prune the vegetation. A condition of approval has been imposed to assure compliance with the tree spacing and pruning requirements.

- (d) The building site must have a slope less than 40 percent.**

Findings and Conclusions. The building site has slopes less than 40 percent.

- (B) The dwelling shall:**

- (1) Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) Be attached to a foundation for which a building permit has been obtained; and**
- (3) Have a minimum floor area of 600 square feet.**
- (4) Have a fire retardant roof.**
- (5) Have a spark arrester on each chimney.**

Findings and Conclusions. The dwelling has not been issued a Building Permit, therefore compliance with the applicable portions of this section, (2), (4), and (5) has not been demonstrated (the applicant proposes a dwelling approximately 3,000 sq. ft. in size). Compliance with these standards are ensured by a condition of approval requiring that these requirements will be satisfied upon approval of the Building Permit.

- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of groundwater (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a class II**

stream as defined in the Forest Practices Rules. If the water supply is unavailable from a public source, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

Findings and Conclusions. According to the service provider form from the Portland Water Bureau (Exhibit H), water is available from City of Portland. This criterion is met.

- (D) A private road (including all easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
  - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
  - (3) Provide minimum curve radii of 48 feet or greater;
  - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
  - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below;
    - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
    - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
  - (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
  - (7) Provide for the safe and convenient passage of vehicles by the placement of:
    - (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or

- (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

Findings and Conclusions. The access easement is a private driveway because it only serves a single dwelling. According to the applicant: (1) The access will be built to meet minimum gross vehicle weight of 52,000 lbs. (2) The access will be 12 feet wide of asphalt over rock. The portion of the road within the right-of-way will be improved as explained in Exhibit V because it may eventually serve more than the subject tract. (3-4) The road will be constructed to provide unobstructed vertical clearance of at least 13 feet 6 inches and will provide for a minimum curve radii of 50 feet. (5) Because grades exceed 6%, the applicant has received approval from the fire chief. See Attached Service Provider Form marked as Exhibit F. Exhibit R explains that grades of less than 12% can be achieved with minor cuts and fills. (6 & 7) A turnaround with a radius of 50 feet will be built because the driveway exceeds 150 feet. Because the access easement and private driveway together are in excess of 500 feet, an additional turnaround has been provided. See Map 1 of 1, Exhibit I. Exhibit R also explains how the required turnouts will be aligned.

The plans for the road have not be reviewed and approved as meeting these standards, although the applicant has provided substantial evidence in the form of an engineer's opinion (Exhibit A1. R.) that most of the standards can be met. A condition of approval requires the applicant to provide evidence, before the County issues a building permit that the access will be designed, built and maintained to met the requirements of 11.15.2074(D).

## **B. CRITERIA FOR APPROVAL OF SEC PERMIT**

### **MCC 11.15.6404 Uses-SEC Permit Required**

- (A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use or change or alteration of a use, except as provided in MCC. 6406, shall be subject to an SEC permit.

Findings and Conclusions. The applicant has applied for the SEC permit concurrently with the Conditional Use request as required in .6408(B). Approval of the CU request qualifies the dwelling as a permitted use.

### **MCC 11.15.6408 Application for SEC Permit**

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:



\* \* \*

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

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.
- (2) A map of the property showing:
  - (A) Boundaries, dimensions, and size of the subject parcel;
  - (b) Location and size of existing and proposed structures;
  - (c) Contour lines and topographic features such as ravines or ridges;
  - (d) Proposed fill, grading, site contouring or other landform changes;
  - (e) Location and predominant species of existing vegetation on the parcel, areas where vegetation will be removed, and location and species of vegetation to be planted, including landscaped areas;
  - (F) Location and width of existing and proposed roads, driveways, and service corridors.

Findings and Conclusions. The applicant has provided a written description of how the proposed development complies with the approval criteria of MCC .6420-6428 below, supported by an SEC assessment report (Exhibit N). A site plan, marked Map 1 of 1, Exhibit I, includes all the information requested in .6408(2)(a-f) and shows the subject parcel dimensions; contour lines and topographic features; location of proposed structures; proposed fill and land-form changes; existing vegetation and proposed vegetation; and the location and width of existing and proposed roads.

According to the SEC assessment report, the entire site likely was logged between 1850 and 1900 when the majority of the Tualatin Hills were cleared for lumber and farming by homesteaders. Since then, the site likely has been partially logged a second time. Currently, the site is characterized by a mixed hardwood forest with scattered conifers. Bigleaf maple and red alder are the dominant tree species.

The portion of the territory surrounding the intermittent stream in the southeastern portion of the site is designated SEC-s. The entire site is located in the Germantown Subarea and

mapped as Primary Wildlife Habitat in Multnomah County's West Hills Reconciliation Report.

**MCC 11.15.6420: Criteria for Approval of SEC Permit (General Provisions):**

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on the Multnomah County sectional maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

- (A) The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Findings and Conclusions. The Staff explored the possibility of moving the dwelling site to an alternate location further north which would take the proposed development out of the stream conservation area. As discussed above in this Decision, the staff ruled out this alternate site because access could not be provided to it at acceptable grades and because upon the owner's dedication of additional right-of-way for Hillhurst Street, the criteria for the reduced setbacks in MCC 11.15.2058(D) could not be met. Furthermore, the home site could not be moved north without requiring construction and grading with designated Hillside Development Areas that occur on the north slope of the ridge line. Shifting the home site north outside the SEC area would require new road construction and the new road would have steep grades and require extensive cuts.

The maximum vegetation area is provided between the disturbed area and the stream because the driveway is located on the plateau, as far away from the stream as possible and still maintain 200' setbacks to the northern property line. A mitigation plan has been prepared for the site. New vegetation planted as part of the mitigation plan is located between the driveway and the stream. The applicant has demonstrated that this criterion can be met through the mitigation plan. A condition of approval requires the owner to implement the mitigation plan.

- (B) Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Findings and Conclusions. The subject parcel is zoned for forest use and will continue to be managed for active forestry use as explained in the Applicant's Conditional Use Application Narrative Report, page 8-9.

- (C) A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Findings and Conclusions. The applicant located the dwelling site at the proposed location because it is at the confluence of two existing logging roads; is on a flat area midway between the stream and steep slope areas; and is the minimum distance from the entrance to the parcel after avoiding stream areas and meeting applicable setback requirements. A total of .91 acres (which includes the dwelling site, septic area, and primary fuel break) are to be disturbed on the subject parcel. The dwelling has been located in a manner which balanced the functional considerations and costs with the need to avoid environmental impact.

- (D) **Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.**

Findings and Conclusions. This application has no impact on community recreational needs. This criterion does not apply.

- (E) **The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.**

Findings and Conclusions. This criterion is not an approval criterion, but rather is applicable only to the location of the proposed use. By complying with the access, setback and fire safety standards the public safety is provided to the maximum extent practicable. There is no public property that needs to be protected in this vicinity. Protection of private property in the area, especially from vandalism and trespass, may be improved by the existence of the dwelling and the presence of its occupants who will be available to see vandalism and trespass by others. Access to Skyline Road through an existing metal gate which protects against vandalism and trespass, will be unchanged.

- (F) **Significant fish and wildlife habitats shall be protected.**

Findings and Conclusions. According to SRI Shapiro, the portion of the stream that occurs on the property does not provide habitat for fish species. The intermittent nature of the stream, its steep gradient and its narrow channel width (10-16 inches) likely prevent native fish species from occurring.

The siting of a home on the property requires establishment of a wildlife conservation plan under MCC 11.15.6426, Section B. The wildlife conservation plan proposed for this development is the selective harvest of deciduous trees from the site and the conversion of the stand over time to be predominantly conifers. Implementation of these measures will improve the overall habitat value of the property. No disturbance of the stream and riparian area is expected to occur as a result of the proposed residence. Construction activities will be approximately 150 feet from the creek channel which is within the 300-foot SEC-s area. Newton & Associates have pointed out in Exhibit I that there will be no drainage impacts due to the proposed project.

Shade tolerant coniferous trees will be planted within 50 feet of each side of the stream channel extending from the eastern property boundary down stream for 500 feet. These plantings will help to accelerate the recovery of the riparian zone to a more natural pre logging state. The site setback requirements for the SEC area will further protect the riparian zone.

- (G) The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to assure scenic quality and protection from erosion, and continuous riparian corridors.**

Findings and Conclusions. Riparian vegetation is currently in a state of regrowth and recovery from logging activities 30 to 50 years ago. Construction activities will be approximately 150 feet from the creek channel, which is within the 300-foot SEC-s area. Approximately .4 acre of vegetation within the SEC-s area will be disturbed. To offset the vegetation removal, the applicant proposes to plant shade tolerant coniferous trees within 50 feet of each side of the stream channel extending from the eastern property boundary down stream for 500 feet. These plantings will enhance the riparian zone to the maximum extent practicable and will protect against erosion. Natural vegetation will be enhanced as part of the mitigation plan. See Exhibit N, page 10. The applicant has demonstrated compliance with this criterion.

- (H) Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.**

Findings and Conclusions. There are no archaeological sites on the subject parcel.

- (I) Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.**

Findings and Conclusions. No soil disturbance will occur closer than 150 feet to a stream. There are no flood plain areas on this parcel. Preservation of natural drainage is addressed in Exhibit I.

- (J) Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restrictions on timing of soil disturbing activities.**

Findings and Conclusions. The applicant addressed potential erosion problems in a drainage plan, (Exhibit I) which recommended Best Management Practices. The Newton & Associates Letter, dated July 2, 1998, explains that erosion control methods will be specified at the time of construction. Construction will take place between June 15 through September 15. The SBUH analyses (in Exhibit I) indicate that the effects of the

development of a single family residence on the site has a negligible effect on either runoff rate or volume. The runoff rates are very low and the area of disturbance is further buffered by approximately 700 feet of wooded area from the adjacent property to the north.

A Grading and Erosion Control Permit pursuant to MCC 9.40.010 or a Hillside Development Permit, will likely be required for the development of this property, and will include specific measures to protect water quality during and after construction. If such permits are not required, the applicant can demonstrate erosion control measures on a Grading plan.

- (K) The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.**

Findings and Conclusions. The resources that could be impacted by the project are water quality (on-site sanitation) and soil erosion. Soil erosion/stormwater control issues will be addressed through the Grading plan. The on-site sanitation will be permitted under DEQ rules as discussed in the findings under Framework Plan Policy 37 Utilities.

- (L) The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.**

Findings and Conclusions. The proposed dwelling will be approximately 3000 square feet, not including a 2-car garage and deck. The footprint of the dwelling is proposed to be 30 by 50 feet. The applicant kept the footprint small to keep the building site as far away from the stream SEC area as possible and to have the least impact on wildlife. The applicant proposes a two-story dwelling to keep disturbance on the ground to a minimum. The basic configuration of the dwelling will be a box, although some deviation from this will be required for porches, dormers, etc. The long access of the house will be oriented east/west to take advantage of the passive solar heat available in this location. According to the applicant (Exhibit A1.X), the exterior finish will be natural wood, possible board and batten or waney-clapboard. The natural finish will make the house fit into the character of the CFU, wildlife habitat and stream corridor. The roof will be metal and the color will likely be green or natural to blend in with the trees. The applicant stated (in Exhibit A1.X) that the exterior lighting will be minimal and down-lighted to avoid the most disruption to surrounding wildlife. To protect the visual quality of SEC-s areas, utilities will be installed underground and no fences are proposed. The home site, primary fire protection zone and septic field will use a total of .91 acres of the 30 acres of forest land. The forested northern, western and southern portions of the property will screen the proposed home site from areas of significant environmental concern. Exterior lighting will be directed away from the SEC-s area by pointing to the north.

- (M) An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for**

**protection of natural vegetation, shall be retained in a natural state to the maximum extent possible.**

Findings and Conclusions. No endangered plant habitat was identified during consultation with the ODFW Urban Habitat Biologist. According to the staff, no identified fragile or endangered plant habitats are on site. Nevertheless, this area will be left in its natural state to the maximum extent possible given the siting issues discussed in response to 11.15.2052(7) as explained in Exhibit N.

**(N) The applicable Policies of the Comprehensive Plan shall be satisfied.**

Findings and Conclusions. The County Comprehensive Plan requires a finding prior to approval of a Quasi-Judicial Action that Plan Policies 13, 22, 37, 38, and 40, are met. In addition, Policy 14, Development Limitations applies as indicated in the findings under Multnomah County Comprehensive Plan Policies, of this Decision. The applicable policies of the Comprehensive Plan (Policy 13, 14, 22, 37, 38 and 40) are satisfied, as explained in this Decision in the section C below.

**MCC 11.15.6426 Criteria for Approval of SEC-h Permit - Wildlife Habitat**

**(A) In addition to the information required by MCC .6408(C.), an application for development in an area designated SEC-h shall include an area map showing all properties which are adjacent to or entirely or partially within 200 feet of the proposed development, with the following information, when such information can be gathered without trespass:**

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

Findings and Conclusions. These areas are shown on the site plan, Map 1 of 1, Exhibit I.

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

Findings and Conclusions. Existing and proposed structures are shown on the site plan, Map 1 of 1, Exhibit I.

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

Findings and Conclusions. Public roads and driveways are shown on the site plan, Map 1 of 1, Exhibit I.

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

Findings and Conclusions. No fences are proposed as a part of this application. Existing fences are shown on the site plan, Map 1 of 1, Exhibit I.

**(B) Development Standards:**

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

Findings and Conclusions. According to the SEC assessment canopy closure on the site is 75-100% (Exhibit N, Page 2).

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

Findings and Conclusions. While the proposed home site is within 200 feet of a public right-of-way, this road cannot provide reasonable access as it is unimproved and is likely to remain so. Skyline Boulevard is the nearest public road capable of providing reasonable access, and it is 500 feet from the proposed home site. Therefore, the applicant proposes a Wildlife Conservation Plan pursuant to 11.15.6426 (C) (1). This Plan is addressed below under the discussion on 11.15.6428 (B) (5).

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

Findings and Conclusions. Due to physical characteristics unique to the property, this application cannot meet the development standards in .6426(B)(3). The service corridor must be at least 680 feet in length. The home site is positioned on the nearest area where the slope of the driveway can be kept less than the 12% maximum. The area within 500 feet of Skyline Boulevard has slopes of 20% or greater. Therefore, the applicant has proposed a Wildlife Conservation Plan pursuant to 11.15.6426 (C) (1). This Plan is addressed below under the discussion on 11.15.6428 (B) (5).

- (4) The access road/driveway shall be located within 100 feet of the property boundary if adjacent property has an access road or driveway within 200 feet of the property boundary.

Findings and Conclusions. Adjacency for purposes of this SEC development standard is intended to apply to driveways which access the same road frontage as the subject

property. Due to the undeveloped Hillhurst right-of-way there are no developed driveways which fit this criterion.

- (5) The development shall be within 300 feet of the property boundary if adjacent property has structures and developed areas within 200 feet of the property boundary.

Findings and Conclusions. The proposed dwelling is 200' from the property boundary along Hillhurst right-of-way.

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

Findings and Conclusions. No fencing is proposed as part of this application.

- (7) The following nuisance plants shall not be planted on the subject property and shall be removed and kept removed from cleared areas of the subject property: [See Code for List].

Findings and Conclusions. Plants that are proposed for planting are listed mitigation plan (Exhibit N). This list does not contain nuisance plants. According to the SEC assessment the entire site has a 75-100% canopy, therefore there are no cleared areas.

- (C) **Wildlife Conservation Plan.** An applicant shall propose a wildlife conservation plan if one of two situations exist.
  - (1) The applicant cannot meet the development standards of Section (B) because of physical characteristics unique to the property. The



applicant must show that the wildlife conservation plan results in the minimum departure from the standards required in order to allow the use; or

- (2) The applicant can meet the development standards of Section (B), but demonstrates that the alternative conservation measures exceed the standards of Section B and will result in the proposed development having less detrimental impact on forested wildlife habitat than the standards in Section B.

Findings and Conclusions. The standards of 11.15.6426 (B) (2) and (B) (3) cannot be met, due to physical characteristics unique to the property because the property is located over 300' from the public road from which it takes access. Therefore, the applicant has proposed a Wildlife Conservation Plan pursuant to 11.15.6426 (C) (1). This Plan is addressed in this Decision under the discussion on section 11.15.6428 (B) (5).

The standards that cannot be met relate to distance from the nearest public road. The proposed home site does minimize the access corridor because it is the minimum setback of 200 feet from the eastern boundary, and a site further north is impracticable due to steep slopes in excess of 20%. A private road may not have grades exceeding 8% overall with a maximum of 12% grade on short segments (MCC 11.15.2074(D)(5)). The maximum grade may only be exceeded upon written approval from the fire protection service provider (MCC 11.15.2074(D)(5)(b)). The fire Marshall has limited the road grades to 12%. If the home site were moved, road grades would be in excess of 20% which is not allowed by the Fire Marshall.

- (3) The wildlife conservation plan must demonstrate the following:

- (a) That measures are included in order to reduce impacts to forested areas to the minimum necessary to serve the proposed development by restricting the amount of clearance and length/width of cleared areas and disturbing the least amount of forest canopy cover.

Findings and Conclusions. The home site and access driveway are proposed to be located over an existing logging road which is devoid of trees. Vegetation removed adjacent to the existing road will consist primarily of red alder and bigleaf maple, and under story shrub species. The proposed home will be compact, consisting of 2 or 3 stories to minimize foundation area disturbance. The access corridor is the minimum length, given the constraints of the 12% maximum access grade and the 200-foot setback requirement. The septic field is the minimum size adequate for the home. The driveway and right-of-way improvement width is 12 feet, which is the minimum acceptable for County road and driveway standards.

- (b) That any newly cleared area associated with the development is not greater than one acre, excluding from this total the area of the minimum necessary accessway required for fire safety purposes.

Findings and Conclusions. The proposed home site will result in clearing of approximately 0.22 acre of mixed hardwood forest. The clearing associated with installation of a septic system will result in clearing of 0.33 acre of mixed hardwood forest. The primary and secondary fire safety zones will not result in new cleared areas since the existing tree spacing of 20 feet as demonstrated by survey results (see W.B. Wells Topographical Survey Map) is greater than the minimum spacing of 15 feet required by 11.15.2074 (A) (5) (c) (II). The proposed access way is minimum as stated in the previous section, and includes the minimum driveway turnout required for fire safety standards. Therefore, the newly cleared area proposed by this development is 0.55 (excluding the driveway), which is less than one acre. Further, the access road itself does not create newly cleared areas since it is proposed to be along an existing logging road.

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

Findings and Conclusions. No fencing exists on the site currently, and none is proposed.

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

Findings and Conclusions. All of the area of the subject property has at least 75% crown closure, according to the Wildlife Habitat assessment in Exhibit N. Therefore, there are no "cleared" areas.

- (e) That revegetation and enhancement of disturbed stream riparian areas occurs along drainage's and streams located on the property occurs.

Findings and Conclusions. No stream riparian areas will be disturbed from siting the home as planned.

#### **MCC11.15.6428: Criteria for Approval of SEC-s Permit Streams**

- (B) In addition to other SEC Permit submittal requirements, any application to develop in a Stream Conservation Area shall also include:

- (1) A site plan drawn to scale showing the Stream Conservation Area boundary, the location of all existing and proposed structures, roads,

**watercourses, drainageways, stormwater facilities, utility installations, and topography of the site at a contour interval equivalent to the best available U.S. Geological Survey 7.5' or 15' topographic information;**

Findings and Conclusions. Structures, roads, waterways, and topography are shown on the site plan, Map 1 of 1, Exhibit I. A portion of the property falls within the SEC-s area for the intermittent tributary that occurs on the property. The stream is located in the southeastern portion of the site and flows northeast to southwest. The riparian zone of the stream is approximately 25-30 feet in width along each side of the stream. Riparian vegetation is characterized by red alder, western red cedar, Douglas-fir, vine maple, sword fern, and thimbleberry. The proposed home site is within the 300-foot SEC-s area of the intermittent stream. The proposed home site is 180 feet at its closest point to the centerline of the stream. The primary fire safety zone is 140 feet from the stream at its closest point. The septic tank and septic field will both be located outside the SEC-s area.

According to the SEC assessment, the home site cannot be located outside the 300-foot SEC-s area without requiring construction and grading within designated Hillside Development Areas that occur on the north slope of the ridge line.

There are no utility installations on this site. The applicant states that the utilities for the dwelling are to be installed in a trench from Skyline to the dwelling along the easement, Hillhurst right-of-way, and driveway (see Exhibit A1. W.). The applicant will need to contact the Multnomah County Right-of-way permitting section before development within the Hillhurst right-of-way occurs. This is required by a condition of approval.

- (2) **A detailed description and map of the Stream Conservation Area including that portion to be affected by the proposed activity. This documentation must also include a map of the entire Stream Conservation Area, an assessment of the Stream Conservation Area's functional characteristics and water sources, and a description of the vegetation types and fish and wildlife habitat;**

Findings and Conclusions. A detailed description of the Stream Conservation Area and the area of proposed development is given in the SEC Assessment in Exhibit N, Section 4.1. The SEC-s area is shown on the site plan, Map 1 of 1, Exhibit I. An assessment of the SEC-s areas functional characteristics is given in the SRI/Shapiro letter dated 7/9/98, Exhibit S. A description of the vegetation in the SEC-s zone is given in the Exhibit N document, Section 4.1. A description of the wildlife habitat is given in the Exhibit N document, Section 4.3.

The SRI/Shapiro letter concluded that the proposed development should not result in a reduction of species diversity. The SEC assessment report in Exhibit N describes the vegetation in the SEC-s as characterized by red alder, western red cedar, Douglas fir, vine maple, sword fern, and thimbleberry. The portion of the stream that occurs on the property does not provide habitat for fish species. The intermittent nature of the stream,

its steep gradient, and its narrow channel width (10-16 inches) likely prevents native fish species from occurring.

The applicant has provided the information required by this Code section.

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

Findings and Conclusions. The portion of the property proposed for the home site and septic system has been mapped by the Soil Conservation Service (SCS) on (USDA, 1977; Exhibit P) Cascade silt loam, 8-15% slopes (map unit 7C). The northern portion of the property and the areas adjacent to the stream are mapped as Cascade silt loam, 30-60% slopes (map unit 7E). The extreme northeastern corner of the property is mapped as Cascade silt loam, 15-30% slopes.

The surface of Cascade silt loam is typically a dark-brown silt loam about 8 inches thick. The subsoil is dark-brown silt loam about 19 inches thick. The substratum is a dark brown, mottled, silt loam fragipan to a depth of 5 feet or greater. Permeability is slow. Effective rooting depth is 20-30 inches and available water capacity is 5.0-7.5 inches. Water-supplying capacity is 17-19 inches. This soil is used for farming, timber production, urban development, and wildlife habitat.

The applicant had a detailed Storm Water Management Report prepared (Exhibit I). That report concluded that the proposed development would have minimal effect on runoff rate or volume, and that a detention pond is not required. That report (page 2) gives specifications for culverts and ditches. No dredging is proposed on the site. Minor amounts of cut and fill will be required along portions of the access corridor to meet the maximum 12% grade standard, and to construct the County right-of-way improvement. The amounts and methods for filling, grading, and vegetation removal are given in a letter from David Newton and Associates dated 7/2/98, Exhibit Q. Total fill quantities will not exceed 250 cy, and cuts/fills will be less than 4' to meet County and Fire Safety road standards. Clearing and grading for the access way, home site, and septic fields will be accomplished with a small tracked bulldozer. While specifications for the septic field construction requirements are in the City of Portland Site Evaluation Report (Exhibit L), the septic fields are not in the SEC-s zone.

Based on the amount of fill in the description of site work, a Grading and Erosion Control Permit or Hillside Development Permit will be required for access road development. This permit is intended to consider all development needed for the approved use, and will therefore also address development of the dwelling and septic system site. A condition of approval is imposed that requires the applicant to submit a plan demonstrating compliance with the SEC approval criteria of 11.15.640(J).

- (4) **A study of any flood hazard, erosion hazard, and/or other natural hazards in the proposed development area and any proposed protective measures to reduce such hazards as required by (D)(5) below;**

Findings and Conclusions. Flood and erosion hazards were analyzed by professional engineers (Exhibit I). Using the accepted Santa Barbara Urban Hydrograph (SBUH) method, they concluded that the effects of this development on the site would be minimal, and not require special measures such as a detention pond. Design specifications for the one required culvert and driveway ditches are included in that report. Runoff rates on this site are very low, and the area of disturbance is buffered by the large surrounding wooded area.

- (5) **A detailed Mitigation Plan as described in subsection (C), if required; and**

Findings and Conclusions. The Mitigation Plan is contained in the SRI/Shapiro SEC assessment, Exhibit N, Section 7.0. In summary, approximately two acres of coniferous trees and native vegetation will be planted along both the driveway and stream channel to offset for the soil disturbance area and mature trees removed. Wildlife habitat will be enhanced by conversion to coniferous forest and planting native shrubs. The riparian area near the stream will not be disturbed by construction activity.

- (6) **A description of how the proposal meets the approval criteria listed in subsection (C) below.**

Findings and Conclusions. These descriptions are provided in the discussion on subsection (C) below. Only a small portion of the development area, including access road development, is planned for areas within the drainage of the significant stream conservation area. This is shown by the "Drainage Divide" drawn on the site plan (Exhibit A1. I).

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

- (1) **Will enhance the fish and wildlife resources, shoreline anchoring, flood storage, water quality and visual amenities characteristic of the stream in its pre-development state, as documented in a Mitigation Plan. A Mitigation Plan and monitoring program may be approved upon submission of the following:**

Findings and Conclusions. The stream on the subject property is so small that there are no fish habitat, and no shoreline anchoring or flood storage issues. The wildlife habitat, water quality, and visual amenities of the stream will be enhanced by conversion of the forest from primarily hardwoods to conifers and by new plantings of native plants along a 500-foot length of the stream. The new plantings will create more diversity of vegetation on

the site, thereby promoting more diversity of wildlife, as well as increased filtering of runoff water and visual diversity. Details are given in the Mitigation Plan, Exhibit N, Section 7.0.

- (a) **A site plan and written documentation which contains the applicable information for the Stream Conservation Area as required by MCC .6428(B);**

Findings and Conclusions. The site plan is given in Map 1 of 1, Exhibit I. Documentation for Code Section .6428 (B) is given by section numbers above.

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

Findings and Conclusions. The applicant contacted Holly Michael at Oregon Department of Fish and Wildlife to determine these requirements. Also, the applicant contracted SRI/Shapiro to assess any related requirements. Both indicated that there are no local, State, or Federal requirements for this stream and site outside the MCC requirements addressed in this application.

- (c) **A Mitigation Plan which demonstrates retention and enhancement of the resource values addressed in MCC .6428(C)(1);**

Findings and Conclusions. The response for this criteria is in the response to 11.15.6428 (C) (1). Details are given in the Mitigation Plan, Exhibit N, Section 7.0.

- (d) **An annual monitoring plan for a period of five years which ensures an 80 percent annual survival rate of any required plantings.**

Findings and Conclusions. New native plantings will be marked with white wire flags to facilitate monitoring of their survival. Mitigation plantings will be checked annually each year in the fall for a period of five years. Any non-surviving plants will be replaced to maintain an 80% survival rate for all installed plantings. Irrigation will occur for the first two years during the summer dry period. Slow release organic fertilizer will be applied once yearly to trees and shrubs for the first two years.

The plans contain all of the information required by this section. The Mitigation Plan identifies development of vertical structural forest diversity as a primary objective because this will have the greatest benefit to wildlife. The plan recommends measures to accomplish this over time and designates areas where additional plantings of species "Most Useful to Oregon's Wildlife" should occur. A condition of approval requires the owner to implement the Mitigation Plan.

**(D) Design Specifications**

The following design specifications shall be incorporated, as appropriate, into any developments within a Stream Conservation Area:

- (1) A bridge or arched culvert which does not disturb the bed or banks of the stream and are of the minimum width necessary to allow passage of peak winter flows shall be utilized for any crossing of a protected streams.**

Findings and Conclusions. No stream crossings or bridges are required as a part of this application.

- (2) All storm water generated by a development shall be collected and disposed of on-site into dry wells or by other best management practice methods which emphasize groundwater recharge and reduce peak stream flows.**

Findings and Conclusions. Two objectives are stated in this criterion, groundwater recharge and reduction of peak stream flows. The applicant had a Storm Water Management Report prepared (Exhibit I). It is not clear from the report whether on-site disposal of storm water would contribute to groundwater recharge. It appears that the relatively small amount of impervious surfaces added as a result of the development, coupled with the large dispersal area, could result in no increase in stream flow at the property line when no on-site detention is used. Technical review of the Storm Water Management Report can occur as part of a Grading and Erosion Control permit process.

The Storm Water Management Report concluded that the proposed development would have minimal effect on runoff rate or volume, and that a detention pond is not required. The method used in that analysis were the generally accepted Santa Barbara Urban Hydrograph (SBUH) method. Design criteria are presented in that report for culvert and ditches which represent the best practices for this area, and these are the design criteria that will be used.

- (3) Any exterior lighting associated with a proposed development shall be placed, shaded or screened to avoid shining directly into a Stream Conservation Area**

Findings and Conclusions. Since the driveway and home site are located at the northern edge of the SEC-s area, the applicant proposed to direct any outdoor lighting to the north and away from the stream.

- (4) Any trees over 6" in caliper that are removed as a result of any development shall be replaced by any combination of native species whose combined caliper is equivalent to that of the trees removed.**

Findings and Conclusions. Any trees over 6 inches caliber that are removed will be replaced by western red cedar, western hemlock, and Douglas Fir whose combined caliper is equivalent to that of the trees removed. Details are given in the Mitigation Plan, Exhibit N, Section 7.0. A condition of approval requires the owner to implement the Mitigation Plan.

**(5) Satisfaction of the erosion control standards of MCC .6730.**

Findings and Conclusions. Flood and erosion hazards were analyzed by professional engineers (Exhibit I). This analysis was done in cooperation with Multnomah County engineering staff to meet the MCC .6730 standard. Using the accepted Santa Barbara Urban Hydrograph (SBUH) method, they concluded that the effects of this development on the site would be minimal, and not require special measures such as a detention pond. Design specifications for the one required culvert and driveway ditches are included in that report. Runoff rates on this site are very low, and the area of disturbance is buffered by the large surrounding wooded area.

**(6) Soil disturbing activities within a Stream Conservation Area shall be limited to the period between June 15 and September 15. Revegetation/soil stabilization must be accomplished no later than October 15. Best Management Practices related to erosion control shall be required within a Stream Conservation Area.**

Findings and Conclusions. According to the applicant, soil disturbance activity will only take place from June 15 to September 15 in any year. According to the applicant, new plantings as outlined in the Mitigation Plan, Exhibit N, Section 7.0, will be accomplished prior to October 15 in the year when the home is built and driveway improvement is done. Erosion control methods will be by Best management Practices and will be specified in the building permit approval. While specifications for the septic field construction requirements are in the City of Portland Site Evaluation Report (Exhibit L), the septic fields are not in the SEC-s zone.

**(7) Demonstration of compliance with all applicable state and federal permit requirements.**

Findings and Conclusions. The applicant has stated that no state or federal permit requirements apply.

## **C. MULTNOMAH COUNTY COMPREHENSIVE PLAN POLICIES**

Policies in the Comprehensive Plan which are applicable to this Quasi-judicial Decision are addressed as follows:



**Policy No. 13, Air, Water and Noise Quality: Multnomah County, . . . Supports efforts to improve air and water quality and to reduce noise levels . . . Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.**

Findings and Conclusions. The primary issue under this policy is water quality, related to septic system placement and construction and to storm water runoff. The Storm Water Management Report indicates that the dwelling will have a minimal effect on both runoff rate and volume. The Report analyzes pre-developed and post-developed runoff rates and volumes for like storm events. The Report finds that the 700 feet of wooded area from the adjacent property to the north buffers any runoff effect. This policy will be satisfied when the necessary septic system construction permit and grading and erosion control permit are obtained and the property developed in compliance with the permits.

This proposal is not a noise sensitive use because it is only one single family dwelling on 30.3 acres. The dwelling is not in a noise impacted area. Other single family dwellings are sited north and east of the subject tract as shown in the aerial map. Any noise resulting from the dwelling use will be should not be noticeable by surrounding residents because of the distance the dwelling will be set back from the property lines.

**Policy No. 14, Development Limitations: The County's Policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

- A. Slopes exceeding 20%;
- B. Severe soil erosion potential;
- C. Land within the 100-year flood plain;
- D. A high seasonal water table within 0-24 inches of the surface for more than 3 or more weeks of the year;
- E. A fragipan less than 30 inches from the surface; and
- F. Lands subject to slumping, earth slides or movement.

Findings and Conclusions. The proposed dwelling site is in an area of slope less than 10% (Map 1 of 1, Exhibit I). DOGAMI maps show that the dwelling site is not in an area of severe erosion potential or in a flood plain, and is not subject to high water, slumping, or earth movement. The building site has been located outside the Hillside Hazard Development Area (Map 1 of 1, Exhibit I). The effect to off-site properties due to septic effluent or surface water drainage from areas of shallow fragipan has been determined to be negligible by engineers at David J. Newton Associates due to the design of septic field and the large buffering of wooded area between the building site and adjacent parcels (Exhibits L, and Exhibit R, page 3).

This policy applies due to the typical soil profile on the property of a fragipan and "perched" water table. The proposed development can comply with this policy by meeting the DEQ and GEC permitting requirements.

**Policy No. 22, Energy Conservation:** The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner . . . The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.

Findings and Conclusions. The parcel is in a rural area. Urban energy, transportation and lotting pattern issues do not apply.

**Policy No. 37, Utilities:** The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:

**WATER DISPOSAL SYSTEM:**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

Findings and Conclusions. These water service elements are alternatives, only one needs to be met. The proposed development complies with "B." Water service will be provided by Portland Water Bureau via a 6" line. A subsurface sewage disposal system has been

determined feasible for the subject tract as demonstrated in the feasibility form ( Exhibit L). A condition of approval requires the applicant to submit evidence of an approved subsurface sewage disposal system on the site.

**DRAINAGE:**

- E. There is adequate capacity in the storm water system to handle the increased run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjacent lands.**

Findings and Conclusions. Drainage elements F. and G. apply to this request. A Storm Water Management Report for the subject tract (Exhibit I) was prepared by David J. Newton & Associates. That report shows how water run off can be handled. The report determines that an on-site detention pond is not necessary because the effects of a single family residence will have a minimal effect on runoff rate and volume. A 12" CMP culvert will handle drainage under the driveway. According to the Newton Report, this is considerably larger than necessary to handle the limited drainage area, but provides protection against plugging by debris or animals. Flow from the culvert is to the northwest into the local area drainage. Newton & Associates have determined that water run off from the site will not adversely affect the area tributary or alter the drainage on adjoining land, which is buffered by approximated 700 feet of wooded area from the adjacent property to the north.

**Policy No. 38, Facilities: The County's Policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

- A. The appropriate School District has had an opportunity to review and comment on the proposal.**
- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**
- D. The proposal can receive adequate local police protection with the standards of the jurisdiction providing police protection.**

Findings and Conclusions. The applicant provided school, fire, and police service provider forms (Exhibits J, F, and K respectively).

**Policy No. 40, Development Requirements:** The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.

Findings and Conclusions. These requirements are generally applicable to urban lands. The subject property is in a rural area. There has been no identified need to make pedestrian or bicycle path connections and is not near a designated bicycle corridor. The proposed development is single family residential, element B does not apply. There is no need for bicycle parking facilities in a proposed single tract, rural single family development.

## **CONCLUSIONS**

### **A. TEMPLATE DWELLING CONCLUSIONS:**

1. The parcel meets the Template Dwelling requirements for the number of houses and dwellings within the template area. Since a number of parcels make up the tract, a condition of approval which requires recordation of a deed restriction is necessary in order to ensure compliance with MCC .2052(A)(9). Compliance with the Department of Forestry stocking requirements is required, and this code provision can be satisfied by a condition of approval that the property owner submit a stocking survey report which demonstrates that the property will meet forestry stocking requirements, and by notification of the Assessor by the planning department as provided for in MCC .2052 (A)(6)(a).
2. The dimensional/yard provisions of .2058 are met with the structure as proposed, provide that the road dedication occurs. The access standards of .2068 are met as proposed by the applicant in Exhibit V.
3. The Lot of Record requirement in MCC .2062(A)(3) is demonstrated to be met in the applicant's response under .2052. The provision is met because the 30.3 acre tract was not contiguous to other parcels in the same ownership on or after February 20, 1990.

4. All of the development standards of section .2074 are met with the information presented by the applicant, or can be met by compliance with the conditions of approval. The locational standards of .2074(A) are met when the dwelling is located within 200' of the east property line and within the proposed 80' X 120' building envelope, primarily because this location is accessed by the shortest practical road. The proposal includes a modest footprint size which minimizes the amount of land removed from forest use. A condition of approval which requires the dwelling to be located within 200' of the east property line is imposed in order to ensure that it is constructed at the minimum setback in order to minimize road length.

Compliance with the provisions of .2074(B) cannot be determined at this time because the dwelling has not been designed. However, the required features can easily be incorporated into the final building design, and can therefore be met for purposes of this application through imposition of a condition of approval. In addition, the water supply elements of .2074(C) are met by the provision of the building to be connected to the City of Portland water system.

The road/driveway standards of .2074(D) have not been met because the road has not been designed or constructed. Based on the information provided by the applicant's engineer, a conclusion can be made that a road which meets the standards of this section can be constructed as proposed. A condition of approval which requires the road design and construction to meet these standards is imposed.

5. All of the development standards of MCC .2074(B) are not shown to have been met, but can be met provided the elements in .2074(B)(1), (2), (4), and (5) are indicated on the final building plans. A condition of approval requires these features to be included on the final building plans.

#### **C. SIGNIFICANT ENVIRONMENTAL CONCERN CONCLUSIONS:**

1. Compliance with the approval criteria of .6420(J) and Framework Plan Policy 14, relies on approval and compliance with a Grading and Erosion Control Permit pursuant to MCC 9.40.010. This has been imposed as a condition of approval.
2. The approval criterion of .6420(L) requires that the building features are compatible with the visual character of SEC areas. The information about building bulk, color, materials and lighting is adequate to conclude that the design will be compatible with its forest environment. This is achieved by the modest footprint size, and neutral color. It is unclear however, what lighting will be installed on the building exterior, and night lighting is recognized as having potential negative impacts to wildlife. Staff therefore recommends imposing a condition that all exterior lighting

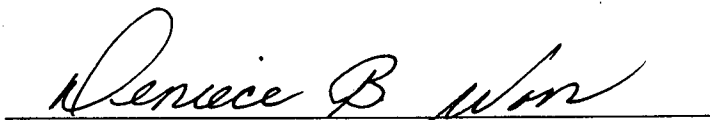
shall be shown on the final building plan, and shall be directed downward and hooded to minimize the impact of night lighting on wildlife habitat areas.

3. The Wildlife Habitat provisions of .2626(B) and (C) have been demonstrated to be met by the applicant. The Wildlife Conservation Plan in (C) is required because physical characteristics related to the location of the property prevent compliance with the access road/service corridor length provisions of (B)(2) and (3). The application limits development area to 1 acre, and the road length is limited to the minimum necessary to serve the dwelling when the dwelling is built at the minimum 200' setback. The findings under the forest template dwelling setback standards in .2058 apply equally here as justification for the "least impact" conclusion for the road length.
4. The Stream Conservation Area informational requirements of .6428(B) includes a detailed description of the functional characteristics of the area of interest which is the basis for the Mitigation Plan. The description of the proposed site disturbance leads staff to a conclusion that a Grading and Erosion Control Permit will be required for development of the property, although most of the development is within the drainage to the north. The Mitigation Plan in .6428(C) appears quite adequate to achieve the enhancement objective to increase structural diversity. Implementation of the project according to the responses to the Design Specifications of .6428(D), with the exception of groundwater recharge, will ensure compliance with the purposes of the plan. The groundwater recharge element can be evaluated as part of the Grading and Erosion Control process, and a condition is imposed to this effect.

#### **D. COMPREHENSIVE PLAN POLICY CONCLUSIONS**

1. The applicant has demonstrated compliance with the applicable Comprehensive Framework Plan Policies except for Policy 13 and 14 as they relate to development impacts. These policies will be satisfied by development of the septic system under DEQ permits, and by implementing Grading and Erosion Control best management practices.

**IT IS SO ORDERED, this 9<sup>th</sup> day of November 1998**



**Deniece B. Won, Hearings Officer**

## **Appeal to the Board of County Commissioners:**

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$500.00 plus a \$3.50 per minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 2115 SE Morrison Street (in Portland) or you may call 248-3043 for additional instructions.

Meeting Date: DEC 03 1998  
Agenda No: R-2  
Est. Start Time: 9:00

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Report to the Board the Hearings Officer's decision on NSA 16-98 and request a DeNovo hearing for January 12, 1999.

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      December 3, 1998  
                                 Amt. of Time Needed:      5 minutes

**DEPARTMENT:** DES      **DIVISION:** Land Use Planning  
**CONTACT:** Philip Bourquin      **TELEPHONE:** 248-3043  
                                 **BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Stuart Farmer

### ACTION REQUESTED

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

### SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding a **Denial** of an appeal of NSA 16-98, requesting the placement of rip rap on slopes exceeding 30% and the replacement of an existing structure. The applicant requests a DeNovo hearing on January 12, 1999.

### SIGNATURES REQUIRED

Elected Official: \_\_\_\_\_

or

Department Manager: \_\_\_\_\_

*KB [Signature]*

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 3:20  
MULTNOMAH COUNTY  
OREGON





MULTNOMAH COUNTY

BOARD HEARING: 1999

TIME: 9:30 AM

CASE NAME: MELVIN AND JOYCE VEGGEN

NUMBER: NSA 16-98

**1. Applicant Name/Address:**

Willamette Engineering and Earth Sciences  
C/o Bob Sly  
P.O.Box 1129  
Dallas Oregon, 97338

Melvin and Joyce Veggen  
1785 E. Historic Columbia River Highway  
Troutdale, OR 97060

**Action Requested Of Board**

- ☐ Affirm Hearings Officer Decision  
☐ Hearing/Rehearing
- Scope of Review**
- ☐ On the Record  
☒ De Novo  
☐ New Information Allowed

**2. Action Requested By Applicant:**

Overturn the Hearings Officer Decision denying the placement of rip-rap within the Gorge General Residential (GGR-5) zoning district of the Columbia River Gorge National Scenic Area.

**3. Planning Staff Recommendation:**

Uphold the Hearings Officers Decision with the exception of rejecting the Hearings Officers interpretation of a one year deadline. MCC 11.15.3562 (C) is applicable and the structure, the rip rap has not been protecting the dwelling for more than one year. MCC 11.15.3562 (C) explicitly states, "Replacement or reestablishment of a use or structure discontinued for any reason for more than one year shall be subject to the regulations of MCC .3550 through .3834. Except as otherwise provided, an existing use or structure may be replaced within one year of discontinuation if used for the same purpose at the same location".

**4. Hearings Officer Decision:**

Uphold the Planning Directors Decision Denying the placement of rip rap on slopes exceeding 30% and denying of a replacement of an existing structure (rip rap).

**5. If Recommendation And Decision Are Different, Why?**

Decisions were the same with the exception of the interpretation of the HO identified above.

## **6. Issues:**

The issue is whether the placement of rip rap is an allowable use in the Gorge General Residential (GGR-5) zone.

The decision will impact how the County chooses to implement the Scenic Area act. The act was established to provide for the natural evolution of the gorge while maintaining views from key viewing areas including the Sandy River. Is rip rap and its effects both on individual parcels and cumulatively acceptable under the Columbia River Gorge Management Plan?

## **7. Do Any Of These Issues Have Policy Implications? Explain.**

Yes, as identified above.

**MULTNOMAH COUNTY, OREGON  
HEARINGS OFFICER DECISION**

**Case File:** NSA 16-98

**Request:** Shoreline repair along Sandy River

**Applicant:** Willamette Engineering & Earth Sciences  
Bob Slyh  
P.O. Box 1139  
Dallas, OR 97338

**Property Owner:** Melvin and Joyce Veggan  
1785 E Historic Columbia River Hwy.  
Troutdale, Oregon 96060

**Location:** 1785 SE Historic Columbia River Highway.

**Legal Description:** Township 1N, Range 4E, Section 31; Tax Lot '35'; SID 1N4E31BC 1600

**Plan Designation:** General Management Area, Gorge General Residential (GGR-2) and General Gorge Open Space (GGO).

**Site Size:** Approximately 4 acres

MULTNOMAH COUNTY  
PLANNING SECTION

98 NOV 10 AM 11:12

RECEIVED

**DECISION**

Based on the findings, analysis and conclusions contained in this decision, the Hearings Officer **denies** the appeal of the Director's decision, dated August 21, 1998, denying a Columbia Gorge National Scenic area Site Design review application for a proposed bank stabilization project.

**PROCEDURAL ISSUES**

**A. Impartiality of the Hearings Officer.**

1. No ex parte contacts. I did not have any ex parte contacts before the hearing of this matter. I did not make a site visit.

2. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

B. **Burden of Proof.** The burden of proof in this proceeding is upon the applicant.

## SUMMARY OF REQUEST

- A. **Background.** The riverbank, west of the dwelling on the subject parcel, experienced increased erosion in February 1997 which damaged the owner's riverbank protection. The increased erosion was caused by a landslide on the west bank of the Sandy River, at approximately river mile 4.0. The Veggan property is on the east bank, down stream from the landslide about 0.1 miles. After the landslide, the energy of the river was redirected. Increased river flow during the unusually wet seasons along with the redirection of the river's energy, caused the then-existing bank erosion protection along the property's shoreline to fail in February 1997. The erosion caused a significant loss of the Veggans' riverbank, affecting the stability of the Veggans' home. Without protection, the riverbank will likely continue to erode, potentially resulting in undermining the foundation of the home, creating an unsafe home. The Veggans seek approval to construct proposed bank stabilization.

The proposed bank stabilization project involves the installation of riprap "armoring" and approximately 1,665 cubic yards of fill. Riprap armoring involves the placing of stone to diffuse and deflect the river's energy away from areas that have been eroding. The riprap is proposed to be constructed from a base elevation of approximately 17-foot elevation to the 100-year flood elevation of approximately 42 feet. The project involves planting vegetation within the bank stabilization to augment the riprap armor with biological stabilization.

The proposed bank stabilization project is in the General Management area of the Columbia River Gorge National Scenic Area (NSA). Multnomah County has adopted a land use ordinance that carries-out the NSA Management Plan for Multnomah County's portion of the NSA, including lands within the City of Troutdale. Thus, the bank stabilization project must meet the requirements of the County Code relating to the NSA.

Because the west part of the project is west of the Veggan's property line, extending into the channel of the Sandy River, the applicant must obtain United States Army Corps of Engineers (COE) and Oregon Division of State Lands (DSL) permits. The property owner has obtained approval from the COE (Permit No. 1997-000768) and has applied for a permit from DSL (Permit No. SP 14120) to do the construction. Because the project is within the City of Troutdale, the applicant must obtain City of Troutdale site and design review approval. Troutdale approved the property owner's request for the bank stabilization project, subject to conditions

(Case File No. 98-016). One of Troutdale's approval conditions requires the property owner to obtain approval from Multnomah County of a NSA site review permit.

On June 3, 1998, the applicant applied for NSA Site Review permits from Multnomah County to install riprap to repair bank erosion between the Sandy River and an existing dwelling on the subject parcel. On August 31, 1998, the Multnomah County Planning Director issued a decision denying the application. On September 24, 1998, the applicant filed an appeal of the Administrative Decision.

The "Action Proceedings" section of the Multnomah County zoning code at MCC 11.15.8290 (B)(3) requires that a Notice of Appeal contain the specific grounds the appellant relies on for reversal or modification of the decision. That section provides:

**11.15.8290 Appeal of Administrative Decision by the Planning Director**

- (A) A decision by the Planning Director on an administrative matter made appealable under this Section by ordinance provision, shall be final . . . unless prior thereto, the applicant files Notice of Appeal with the Department, under subsections (B) and (C).
- (B) A Notice of Appeal shall contain:
  - \* \* \*
- (3) The specific grounds relied on for reversal or modification of the decision.

The Hearings Officer's hearing considerations are limited under MCC 11.15.8295 (A) to the specific reasons the appellant relies on in his Notice of Appeal for. That section provides:

**11.15.8295 Procedure on Appeal**

\* \* \*

- (A) A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.

\* \* \*

- (C) The findings adopted by the Hearings Officer shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the Notice of Appeal and the criteria on

which the Planning Director's decision was required to be based under this Chapter.

**B. Grounds For Appeal**

The applicants stated grounds for appeal are as follows:

"MCC 11.15.3841 (B)(20)"

"Staff[']s interpretation of [the County C]ode regarding permitting buildings on slopes greater than 30 percent does not consider that the "building" is Riprap. The application of the code in that regard appears inappropriate. Further, in the findings and conclusions section of the decision, staff interpreted the word "destroyed" from the Willamette Engineering and earth Sciences report to mean that all portions of the former erosion control protection had been eliminated."

"While flooding in [in the winter of] 1996 destroyed the integrity and function of the erosion protection, as a storm or fire could destroy the integrity of a house, remnants of the former erosion protection remained until 1997 when the property owners attempted to repair and replace the former erosion protection. Excavation for the improvements required removal of many of the remnants of the upper portions of the former erosion protection to complete the repair of the lower areas near the river. Portions of the structure were therefore in place until the summer of 1997, within the 1-year required in the code, and some of the biological stabilization remains."

- C. Site and vicinity information.** The site is on the east edge of the Sandy River. The site has approximately 170 feet of river frontage. The proposed development is viewable from the Sandy River Key Viewing Area for a distance of approximately ½ mile.

The existing topography of the site includes slopes nearing vertical in proximity of the existing dwelling. The applicant submitted two cross sections of the proposed building site (Figure 6 of applicant's submittal). The first cross section measures approximately 38-feet horizontal and 22.5-feet vertical (59% slope) and the second measures approximately 60-feet horizontal and 27.5-feet vertical (45% slope). These cross sections are typical of the proposed development area. Based on the applicant's submittal, the average slope of the building area is much greater than 30 percent. The home is just above the 100-year flood plain at approximately elevation 42 feet. A deck on the house extends beyond the 100-foot flood plain elevation and the applicant proposes to extend the riprap under the deck.

The site is within the regional urban growth boundary, within the City of Troutdale and within the Columbia national scenic area. The subject parcel is designated Gorge General Residential (GGR-2). The applicants' proposal includes placing rip-rap over their property line and extending west over property in the Sandy River owned by the Oregon Division of State Lands (DSL). The Gorge General Open Space boundary, as identified on Maps prepared by the Gorge Commission, extends up to the western property line of the subject parcel. Because the applicant wishes to do work on both sides of the property line, the Code requires compliance with both the GGO and GGR-2 designations. However, as discussed under the approval criteria section of this Hearings Officer Decision, the Code allows outright the portion of the proposed project within the area designated GGO, without review, under MCC 11.15.3635(A)(2). Only the Code provisions relating to the GGR zone are the subject of this appeal.

### HEARING AND TESTIMONY

- A. The Hearings Officer held a hearing on the appeal on October 21, 1998.
- B. The planning department file is designated as an exhibit to this opinion. The staff showed no slides or video of the subject site at the public hearing.
- C. Phil Bourquin, Multnomah County Planner, summarized the staff report and the history of the application. He emphasized that the only basis to authorize the proposed bank stabilization in the GGR zone is to find that the riprap bank stabilization is a building accessory to a dwelling under MCC 11.15.3678(A)(2). He also pointed out that there is no evidence in the record to prove that the bank protection alleged to have existed before the February 1997 flooding was legally established and that there is no information in the record concerning the size, scope, or configuration of the bank stabilization the applicant says previously existed on the site.
- D. Robert J. Slyh, Engineer, testified for the applicant/property owner. In the original application, the applicant/owners argued that they may repair the riprap in the GGR zone as a use allowed outright, without review. The applicant contended and the staff agreed, that the rip-rap is a structure which both the Columbia River Gorge National Scenic Area Management Plan Glossary and MCC 11.15.3560 define as follows:

*"That which is built or constructed, an edifice or building of any kind, or any piece of work that is artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, buildings, walls, fences, roads, parking lots, signs, and additions/alterations to structures."*  
[Emphasis added].

According to the applicant, "the property owners placed, or artificially built up the previous erosion protection, both mechanical and biological, with the intent of protecting the then existing stream bank." The applicant testified that the former erosion control was maintained annually before the flooding, and before the implementation of the National Scenic Area Management Plan. Mr. Slyh argued that therefore, the Code allows it to be repaired without County review under GGR 11.15.3676(A)(3).

Mr. Slyh outlined the history of the erosion protection on the Veggan property. He said that flooding substantially destroyed the erosion protection in February 1997. Mr. Slyh said the Veggans began to repair the erosion protection on May 10, 1997. The City of Troutdale issued a stop work order for the erosion repair on May 13, 1997. The Corps issued a letter approving emergency repair of the erosion protection in August 1997. Also in August 1997, Willamette Engineering and Earth Sciences (Willamette) began a review of an erosion repair project and began to evaluate the requirements of the City of Troutdale which included review by the Corps and DSL. Willamette filed a permit application with the City of Troutdale and issued a design report for the erosion protection project on March 12, 1998. The City of Troutdale held a Design Review hearing on May 22, 1998. A condition of Troutdale's approval is that the application/owner meet the NSA criteria. The applicant applied to Multnomah County for NSA permits on June 3, 1998.

Mr. Slyh testified that during the discussions with the city of Troutdale, the Corps, and DSL, no one informed the applicant or property owner of the necessity to comply with the Multnomah County NSA requirements. Because the applicant/owners were not made aware of the County review requirement until late, the County NSA site review application was filed more than one year after the previously existing bank protection structure was damaged by flooding.

- B. Beth Englander, staff for the Friends of the Columbia Gorge, appeared. She did not testify, but did ask whether more than a year had lapsed since the prior structure failed.

## **APPROVAL CRITERIA, ANALYSIS, FINDINGS OF FACT AND CONCLUSIONS**

The Hearings Officer reviewed Multnomah County Code provisions concerning the Columbia River Gorge National Scenic Area applicable to the GGO and GGR designations. The Hearings Officer found that the following criteria are applicable. The applicable criteria are set out in bold print followed by the Hearings Officer's findings and conclusions on each criterion

### **A. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA GENERAL PROVISIONS NSA/GP**



### 11.15.3554 Uses

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged, . . . in the Columbia River Gorge National Scenic Area except for the uses listed in MCC .3606 through .3762; when considered under the applicable procedural and approval provisions of this Chapter.**

In the definitions section of the Code (MCC 11.15.3556) the following pertinent definitions are found:

**Building:** A structure used or intended to support or shelter any use or occupancy. [Emphasis added.]

**Existing use or structure:** A legally established use that existed before February 6, 1993. "Legally-established" means established in accordance with the law in effect at the time of establishment. [Emphasis added.]

**Preexisting:** Existing prior to February 6, 1993, the date of adoption of the Columbia River Gorge National Scenic Area Management Plan.

**Repair and maintenance:** An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope, and configuration of a structure beyond its original design are not included. [Emphasis added.]

**Serviceable:** Presently usable.

**Structure:** That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to buildings, walls, fences, roads, parking lots, signs and additions/alterations to structures. [Emphasis added.]

Findings, Analysis and Conclusions. The Planning Director's administrative decision found that the installation of the proposed riprap bank stabilization involves the placement of large boulder-sized rocks "joined together in some definite manner" and therefore is a "structure" as defined in the Code. The Director also found that the proposed riprap, as a "structure" is also a "building" as defined in the Code, which is a "structure" used to "support or shelter" a use or occupancy. It is a "building" because the Code defines a "structure" as "an edifice or building of any kind." In addition, the proposed riprap falls within the definition of a "building" because it would "support or shelter" the existing dwelling use of the parcel.

The Director did not find that the prior bank stabilization was an "existing structure," apparently because there was no evidence in the record that the previous bank stabilization was established according to the law in effect when the structure was established. To be an "existing structure" the prior structure needed to meet the definition of an "existing structure" which requires the applicant to demonstrate that the prior structure was a legally established use that existed before February 6, 1993. There is no evidence in the record concerning when the prior bank stabilization was established nor concerning whether it was established according to the law in effect when the prior bank stabilization was established.

The Hearings Officer finds that the Director's interpretation that the proposed riprap is both a "structure" and a "building" as defined in the Code is a credible interpretation of the Code's definitions. The Hearings Officer concludes that while the proposed riprap is both a "structure" and a "building", the prior bank stabilization structure that the applicant says existed on February 6, 1993 that was damaged by flooding was not an "existing structure" because there is no evidence in the record that the previous bank stabilization was established according to the law in effect when the bank stabilization was established.

Because the proposed bank stabilization is a structure or a building, it cannot be erected unless allowed by provisions in MCC 11.15.3606 through .3762.

#### **11.15.3562 Existing Uses**

**Except as otherwise provided below, existing uses may continue, notwithstanding the provisions of MCC .3550 through .3834.**

- (A) Any use or structure existing on February 6, 1993 may continue so long as it is used in the same manner and for the same purpose as on that date.**
- (B) Any use or structure damaged or destroyed by fire shall be treated as an existing use or structure if an application for replacement in kind and in the same location is filed within one year of such damage or destruction. Such uses or structures shall be subject to compliance with standards for protection of scenic resources involving color, reflectivity and landscaping. Replacement of an existing use or structure by a use or structure different in purpose, size or scope shall be subject to MCC .3550 through .3834 to minimize adverse effects on scenic, cultural, natural and recreation resources.**

**\* \* \***

The general provisions of the NSA lists some uses allowed under "prescribed Conditions" and some uses allowed as "conditional uses." The uses allowed as prescribed conditions include: land divisions, temporary health hardship dwellings, private docks, home occupations and bed and breakfast Inns. The uses allowed as

conditional uses include: land divisions, cluster developments, home occupations and bed and breakfast inns. None of these categories include the proposed installation of riprap. Neither the prescribed use nor the conditional use procedures can authorize the proposed use.

Findings, Analysis and Conclusions. This section generally refers to "existing: structures. As noted above, the applicant has not demonstrated that the previous bank stabilization meets the definition of an "existing structure."

The Planning Director in his administrative decision found that the February 1997 flooding destroyed the erosion protection measures previously in place which he assumed, but did not decide, existed on February 6, 1993. The Planning Director concluded that the proposed bank stabilization does not qualify for replace under MCC 11.15.3562(B) because the February 1997 flooding destroyed the prior structure and the applicants did not apply to replace it within one year after the February 1997 flooding destroyed the structure. The Director concluded that MCC 11.15.3562 does not provide a basis for the County to authorize replacement of the bank stabilization structure that once existed on the property because the applicants failed to apply for the replacement within one year of the damage.

This Code section allows a previously existing structure to continue to exist. This Code section allows an owner to replace such a structure if the structure is damaged or destroyed by fire if an application for replacement is filed within one year of such damage or destruction. The Code is very narrow in what forces may cause "damage" or "destruction" which allow an owner to replace structures. The Code specifically limits such damage or destruction only to that caused by fire. Flooding or erosion are not listed as causes of damage or destruction of a structure allowing an owner to replace previously existing structures. Consequently, the Code does not allow the owner to replace a previously existing bank stabilization structure damaged or destroyed by flooding or erosion.

The Hearings Officer concludes that the Director correctly concluded that MCC 11.15.3562 does not authorize replacement of the bank stabilization structure. First, The Code's definition of "existing use or structure" limits the application of this section of the Code. To be an "existing use or structure" the preexisting bank stabilization structure needed to be legally established before February 6, 1993. To prove that it was legally established, the applicant has the burden to prove that the prior bank stabilization protection was established in accordance with the law in effect at the time of establishment. There is no evidence in the record to prove that the prior structure was legally established. Second, the former structure was not destroyed by fire and therefore cannot be treated as an existing use or structure under this section of the Code eligible for replacement. Third, the application for replacement was not filed within one year of the damage or destruction of the structure. Even if the applicant could prove the prior erosion protection meets the definition of an "existing structure", the requirement that the damage was caused by fire would prohibit approval of the application under this section.

**B. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA OPEN SPACE DISTRICTS NSA  
GGO & GSO**

**11.15.3654 Uses**

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC. 3656 through .3666.**

**11.15.3656 primary Uses**

**(A) The following uses are allowed on all lands designated GGO . . . without review:**

- (1) Repair, maintenance, operation and improvement of structures, trails, roads, railroads, utility facilities and hydro facilities.**
- (2) Removal of timber, rocks or other materials for purposes of public safety and placement of structures for public safety.**

**\* \* \***

Findings, Analysis and Conclusions. The NSA GGO district lists some uses allowable under "prescribed Conditions" including: low intensity recreation and certain land divisions, in addition, certain similar uses are allowable if consistent with an open space plan approved by the U.S. Forest Service. The GGO district lists no uses allowable as conditional uses. None of these allowable uses include the proposed installation of riprap. The prescribed use provisions cannot authorize the proposed structure.

In the initial application, the applicant argued that they could construct the proposed bank stabilization project in the GGO zone as a use allowed outright, without review, under MCC 11.15.3656(A)(1) as an "improvement" of a structure.

MCC 11.15.3656(A)(1) authorizes the repair, maintenance, operation and improvement of structures in the GGO district. The NSA/GP definitions (MCC 11.15.3556) provide the following definition of "Repair and maintenance":

**"Repair and maintenance: An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included." Emphasis added.**

The language of the repair and maintenance definition limits the uses that may be repaired, maintained, operated or improved to serviceable structures. The Code defines "serviceable" as "presently useable." The evidence in the record is that any bank stabilization that may have existed is not presently useable, assuming that "presently" applies to the time this

application was filed with the County. The definition also limits the size, scope, configuration, and design of the repairs and maintenance that may be done to that of the previously authorized use. There is no evidence in the record that the damaged bank stabilization structure that is proposed to be repaired was previously authorized and there is no evidence in the record concerning its size, scope, configuration and design. The Hearings Officer concludes that the Director's rejection of MCC 11.15.3656(A)(1) as a basis for approval of the proposed bank stabilization project was correct.

The Director found that the riverbank of the Sandy River along the western edge of the subject parcel has eroded to the point that it affects the stability of the existing home on the subject parcel. Based on the Engineers report of March 12, 1998 the Director found that the proposed riprap bank stabilization structure is necessary to protect ("support and shelter") the existing home from further erosion that could endanger the home or its occupants. The Director's reasoning was that because the proposed riprap bank stabilization structure is necessary to protect ("support and shelter") the existing home from further erosion that could endanger the home or its occupants, and because "public safety" can apply to individual members of the public as well as the public at large, the proposed riprap bank stabilization structure which the Veggans want to build to protect their home from such risk, is within the meaning of "public safety" as used in MCC 11.15.3656(A)(2). The Director concluded that the proposed riprap structure is a use that the Code allows outright in the GGO zone as provided by MCC 11.15.3656(A)(2). Based on this conclusion, the Director concluded that review of this application was limited to only those portions of the development falling within the GGR designation.

On appeal, the appellant did not contest the Director's conclusions concerning MCC 11.15.3656. The Code requires the Hearings Officer to accept the Director's conclusion without analysis because the Hearings Officer's review is limited to those items raised in the appeal.

**C. COLUMBIA RIVER GORGE NATIONAL SCENIC AREA RESIDENTIAL DISTRICTS NSA GGR & GSR**

**\* \* \***

**11.15.3674 Uses**

**No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except the uses listed in MCC .3676 through .3688.**

**11.15.3676 Primary Uses**

**(A) The following uses are allowed on all lands designated GGR without review:**

\* \* \*

- (3) Repair, maintenance and operation of existing structures, trails, roads, railroads and utility facilities.

#### 11.15.3678 Uses Under Prescribed Conditions

- (A) The following uses may be allowed on lands designated GGR, pursuant to MCC .3564:

\* \* \*

- (2) Buildings exceeding 60 square feet in area and/or 18 feet in height as measured at the roof peak, which are accessory to a dwelling.

\* \* \*

Findings, Analysis and Conclusions. The NSA GGR district lists some uses allowable as "conditional uses." None of these allowable conditional uses include the proposed installation of riprap or any similar construction. The conditional use provisions cannot authorize the proposed use.

Concerning authorization for the bank stabilization project under MCC 11.15.3676(A)(3) as a "repair" of an "existing structure," the Director found that the February 1997 flooding destroyed the bank stabilization that the applicant/owner says previously existed on the property. Therefore, the structure the applicant proposes to repair did not exist when the applicant applied for the permit in June 1998. The Director found that any bank stabilization structure that the applicant/owner said previously existed on the property ceased to exist on February 1997, more than a year before the applicant filed this application in June 1998.

The Hearings Officer finds that the Director implicitly decided that the application to construct the riprap bank stabilization does not qualify as a "repair" of a "existing structure" under MCC 11.15.3676(A)(3) because the previous structure the applicant/owner says existed is not presently useable and was not previously authorized. The Hearings Officer notes that the one year period for filing an application for a replacement structure is contained only in Code section 11.15.3562, applying to all NSA zones to replacement of structures damaged or destroyed by fire. It does not apply to the Code section under discussion here, which applies to repairing, maintaining or operating existing structures in the GGR zone.

To be eligible for repair, maintenance and operation, a structure in the GGR zone is required by this section of the Code to be an "existing structure." The term "existing structure" is defined as a "legally established use that existed before February 6, 1993." "Legally

established is defined as a use "established in accordance with the law in effect at the time of establishment. To prove that the previous bank stabilization structure was "legally established" requires the applicant to demonstrate that the use was established according to the law in effect at the time of establishment. There is no evidence in the record that the damaged bank stabilization structure that is proposed to be repaired was previously authorized and there is no evidence in the record concerning its size, scope, configuration and design.

The NSA/GP definitions (MCC 11.15.3556) provide the following definition of "Repair and maintenance":

**"Repair and maintenance: An activity that restores the size, scope, configuration, and design of a serviceable structure to its previously authorized and undamaged condition. Activities that change the size, scope and configuration of a structure beyond its original design are not included." Emphasis added.**

The language of the repair and maintenance definition of the Code limits the uses that may be repaired, maintained and operated to "serviceable structures." The Code defines "serviceable" as "presently useable." The evidence in the record is that any bank stabilization project that may have existed is not presently useable, assuming that "presently" applies to when this application was filed with the County. The repair and maintenance definition also limits the size, scope, configuration, and design of the repairs and maintenance that may be done to that of the previously authorized use. The record contains no evidence that the existing structure was lawfully authorized. The record contains no evidence about the size, scope, and configuration of the existing structure upon which the Director could decide that the repair and maintenance of the previous structure are within or beyond the original design of the structure.

Concerning the County's ability to approve the proposed riprap bank stabilization structure as a prescribed use under MCC 11.15.3678(A)(2), which authorizes approval of new buildings in the GGR zone larger than 60 square feet which are accessory to a dwelling, the staff found that the proposed riprap qualified as a "building" allowable by this Code section. The Director's reasoning was that a "building" is defined by the Code as a "structure" used to "support" any use or occupancy. The proposed riprap bank stabilization structure supports the existing dwelling use on the parcel. The riverbank of the Sandy River along the western edge of the subject parcel has eroded to the point that the stability of the existing residence on the subject parcel is affected. The proposed structure (the riprap) is necessary to protect ("support or shelter") the existing residence from further erosion that could, if left in its current state, endanger the residence or occupants of the residence.

Based on the Engineers report of March 12, 1998, the Director concluded that the proposed riprap structure will support the dwelling and is therefore a use that may be allowed in the GGR-2 zone as provided by MCC 11.15.3678(A)(2). The Director's conclusion that the construction of riprap bank stabilization structure is allowable in the GGR zone was based on the necessity to support an existing dwelling having a condition specific to the site. In most instances riprap is not allowable in the zone.

The staff testified in the appeal hearing that they had looked at every conceivable basis of authority for the County to approve construction of a bank stabilization structure for the subject property. The only plausible support that the staff could agree with is the above interpretation that the riprap bank stabilization project could be authorized as a prescribed use by MCC 11.15.3678(A)(2) as a building accessory to a dwelling. The Hearings Officer concludes that the staff is correct. Uses authorized under this section .3678(A)(2) of the code are subject to prescribed use procedures set out in MCC 11.15.3564, including NSA Site Review approval.

On appeal, the appellant does not provide any alternative basis of authority for approval of the proposed structure. Consequently, the proposal to construct the proposed riprap stabilization "building" must comply with the NSA Site Review approval criteria.

**D. 11.15.3814 GMA Scenic Review Criteria**

Findings, Analysis and Conclusions. The Director's administrative decision addressed the applicable scenic review standards. The Director concluded that all of these standards could be met, with the imposition of conditions of approval, except MCC 11.15.3814(B)(20). The notice of appeal raised no issues with the Director's Scenic Review Criteria findings or conclusions, except for those related to MCC 11.15.3814(B)(20). Consequently, this Hearings Officer Decision Order addresses only this one scenic review criterion which is at issue on appeal. This criteria provides:

**MCC 11.15.3814 Scenic review**

**The following scenic review standards shall apply to all Review Uses in the General Management Area of the Columbia River Gorge National Scenic Area:**

**\* \* \***

**(B) All uses Under Prescribed Conditions and Conditional Uses visible from Key Viewing Areas:**

**\* \* \***

- (20) New buildings shall not be permitted on lands visible from Key Viewing Areas with slopes in excess of 30 percent. A variance may be authorized if the property would be rendered unbuildable through the application of this standard. In determining the slope, the average percent slope of the proposed building site shall be utilized.**

Findings, Analysis and Conclusions. The proposed bank stabilization building would be located on lands visible from the Sandy Key Viewing Area. The existing topography of the land in question includes slopes nearing vertical in proximity of the existing dwelling. The applicant submitted two cross sections of the proposed building site (Figure 6 of



applicant's submittal). The first cross section measures approximately 38-feet horizontal and 22.5-feet vertical (59% slope), the second measures 60-feet horizontal and 27.5-feet vertical (45% slope). These cross sections are typical of the proposed development area. Based on the applicant's submittal, the average slope of the building area is well in excess of 30 percent. Consequently, the County is prohibited by the Code from approving a new building in the proposed location, unless there is a variance authorized.

Section 11.15.3814(B)(20) of the Code provides that a variance from this slope limitation may be granted, but only if the property would be rendered unbuildable by denial of the application. The applicant has not requested a variance. To demonstrate that the property would be unbuildable without a variance, the applicant (who has the burden of proof) must provide evidence that shows that no building, regardless of type, could be placed at any location on the subject parcel. The Director found that the record does not contain evidence from which it could be found that denial of the application would render the parcel unbuildable. The Director therefore concluded that the application fails to meet this criterion and must be denied.

The Hearings Officer concludes that the application cannot be approved without a variance and no variance was requested.

### **ISSUES ON APPEAL**

#### **A. Whether installation of riprap is a "building" under the Multnomah County Code.**

In the applicant's words, the first issue on appeal is:

*"Staff's interpretation of code regarding permitting buildings on slopes greater than 30 percent does not consider that the "building" is riprap. The application of the code in that regard appears inappropriate."*

Findings, Analysis, Conclusion. Riprap is not expressly listed as a use that may be allowed in the GGR zone. MCC 11.15.3556 defines a "Building" as a "structure used or intended to support or shelter any use or occupancy." The Director found the proposed riprap was necessary to protect (support or shelter) the existing residence from further erosion [pg 3-4 of Staff report]. Consequently, according to the staff's interpretation of the Code, the riprap is within the definition of "building." Therefore, the Director concluded that the riprap could be authorized under MCC 11.15.3678(A)(2), subject to NSA Site Review.

On appeal the applicant argues that for purposes of site review criterion 11.15.3814(B)(20) the Planning Director incorrectly found that the riprap is within the definition of "buildings." In order for the County to approve the construction of the proposed bank stabilization structure, the structure must be a use that is authorized by some provision of the County Code. The Director found, and the Hearings Officer agrees, that the only authorization is provided in MCC 11.15.3678(A)(2). This section authorizes a building which is accessory to a dwelling. Although such a use may be allowed by the County, the county's approval

is subject to the applicable procedural and approval criteria contained within the County Code. The staff notes, and the Hearings Officer agrees, that if the appellant's argument is that the riprap is not a building, the consequence is that there is no basis within the Code upon which to authorize the proposed structure and therefore the application must be denied.

One of the applicable approval criteria in the County Code is the NSA site review criteria that prohibits new buildings on lands visible from Key Viewing Areas with slopes exceeding 30 percent unless a variance is authorized. The evidence in the record shows that the slopes of the lands subject to this application exceed 30 percent. The applicant did not request a variance from this approval criterion. In addition, the applicant provided no evidence that the site is unbuildable because of application of the MCC 11.15.3814(B)(2) approval criterion.

At the appeal hearing the applicant suggested that the prohibition of new buildings on lands in excess of 30 percent should apply only to the land which provides the base for the proposed structure. According to the applicant's testimony the area within the Sandy River where the base of the riprap is proposed to be placed is nearly flat. East of that flat area the river bank rises steeply to the area where the dwelling is located. Read literally, the approval standard's slope consideration relates to the "lands visible from Key Viewing Areas" not to the lands upon which the foundation of the structure is located. The lands visible from the Sandy Key Viewing Area are the bank, the area rising from the water to the uplands. According to the applicant's submittal, the slopes of these areas are well in excess of 30 percent.

The Hearings Officer concludes that the Director correctly concluded that the slope limitation applies to the entire area visible from the Sandy Key Viewing Area. The visible slopes exceed thirty percent, consequently a building cannot be approved in this location without a variance. Concerning the main appeal question, the only basis for approval of the proposed development is that it is a building accessory to a dwelling. Having determined that the proposed development is a building under MCC 11.15.3678(A)(2), the criterion in MCC 11.15.3814(B)(20) applies.

**B. Whether the former protection was "destroyed."**

In the applicant's words, the second issue on appeal is:

*"[I]n the Findings and conclusions section of the decision, staff interpreted the word "destroyed" from the Willamette Engineering and Earth Sciences report to mean that all portions of the former erosion protection had been eliminated.*

*"While flooding in 1996 destroyed the integrity and function of the erosion protection, as a storm or fire could destroy the integrity of a house, remnants of the former erosion protection remained until 1997 when the property*

*owners attempted to repair and replace the former erosion protection. Excavation for the improvements required removal of many of the remnants of the upper portions of the former erosion protection to complete the repair of the lower areas near the river. Portions of the structure were therefore in place until the summer of 1997, within the 1-year required in the code, and some of the biologic stabilization remains."*

Findings, Analysis and Conclusions. According to the appellant, remnants of the former erosion protection remained until the summer of 1997 within the 1-year required in the code to qualify to repair and maintain or to qualify to replace, the existing structure. In addition, some of the biological stabilization remains today. The appellant argues that based on these facts the erosion protection was not destroyed in its entirety and therefore is eligible to be repaired and replaced, even though flooding in 1997 destroyed the integrity and function of the erosion protection.

The Director found that the language "destroyed" and "former erosion control" were used by the applicants in their narrative to describe the result of flooding during February 1997. The staff concluded that:

"[W]hen the riprap was no longer substantially serving the function for which it was constructed (erosion control), it is reasonable to say it no longer existed. The existence of remnants in [the summer of] 1997 is not enough to find a structure exists or existed within the past year."

Additionally, the staff found that it was unclear from the record that any riprap that may previously have existed was ever placed there lawfully.

The issue of whether the previous structure was "damaged or destroyed" relates to the replacement provisions in Code Section 11.15.3562 which requires that the damage or destruction result from fire. The Hearings Officer has concluded this section of the Code does not authorize the proposed project. This is the only one of the Code's approval criteria that apply to this application that uses the "damaged or destroyed" terminology.

Under Code section 11.15.3676 an "existing structure" in the GGR district may be "repaired" without County review. That is, a "serviceable structure" may be restored to its "previously authorized and undamaged" condition without County review. "Damage" is a consideration that applies to the condition of the former serviceable structure. It is not a consideration relating to whether or not repair of the former usable structure can occur, which depends on whether the former structure is "serviceable." Damage relates to the extent of the repair that may be done if the structure qualifies for repair under this section. The scope, size, configuration and design of the repair must restore the structure to its "previously authorized and undamaged condition."

The fact that remnants of the damaged structure remain is not relevant to the question of whether the former structure was "previously authorized". Nor it is it relevant to the

question of the scope, size, configuration and design of the structure that may have been authorized.

The definition of "repair" requires that the structure be a "serviceable" structure. The Code defines "serviceable" as "presently useable." Thus, after a structure is determined to have been legally established, whether it can be repaired next depends on whether it is "presently useable." The Code appears to allow structures that are damaged to be repaired if they remain serviceable after damage, but not if the damage is so extensive that the structure is rendered unusable. If the damage is so extensive that the structure is rendered unusable, then any construction to replace the structure is new construction not repair. The applicant concedes that the flooding in February 1997 "destroyed the integrity and function of the erosion protection." The fact that the function of the former bank erosion protection has been destroyed is equivalent to saying that the former structure is not presently useable.

The Hearings Officer concludes that the Director was correct to conclude that the previous structure is not "serviceable" and "presently useable."

## CONCLUSIONS

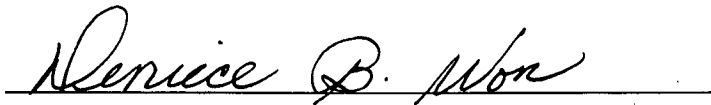
1. The proposed project cannot be approved under the replacement of an existing structure provisions in MCC 11.15.3562(B) because the damage was caused by flooding. This section only allows replacement of structures damaged by fires.
2. The portion of the proposed project located in the GGO district can be built without county NSA Site Design Review under MCC 11.15.3656(A)(2) because it is a structure for public safety.
3. The portion of the proposed project located in the GGR district cannot be repaired under MCC 11.15.3676(A)(3) because the applicant has not demonstrated that it was legally established before February 6, 1993. However, the project can be built under MCC 11.15.3678(A)(2) as a "building accessory to a dwelling" if code provisions that apply to prescribed uses can be met.
4. The project could not be approved because the NSA Site Review criterion applying to new buildings visible from Key Viewing Areas were not met. MCC 11.15.3814(B)(20) prohibits new structures on lands visible from Key Viewing Areas with slopes greater than 30%, unless there is a variance authorized. The site slopes are greater than 30%. The applicant did not request a variance. Had a variance been requested, the applicant would have needed to prove that the property would be unbuildable without the variance.
5. In order for the County to approve construction of the proposed bank stabilization, the use to be constructed must be a use that is authorized by some provision in the

Code. The only possible authorization is MCC 11.15.3678(A)(2) which authorizes a building accessory to a dwelling as a prescribed use. The determination that the proposal is a building makes MCC 11.15.3814(B)(20) applicable because that section is one of the criteria applying to all prescribed uses.

6. Under Code section 11.15.3676 an "existing structure" (defined as a legally established structure) in the GGR district may be "repaired" (defined as restoration of a serviceable structure) without County review. The definition of "repair" requires that the structure be a "serviceable" structure. The Code defines "serviceable" as "presently useable." After a structure is determined to have been legally established, whether it can be repaired next depends on whether it is "presently useable." The Code appears to allow structures that are damaged to be repaired if they remain serviceable after damage, but not if the damage is so extensive that the structure is rendered unusable. If the damage is so extensive that the structure is rendered unusable, then any construction to replace the structure is new construction not repair. The applicant concedes that the flooding in February 1997 "destroyed the integrity and function of the erosion protection." The fact that the function of the former bank erosion protection has been destroyed is equivalent to saying that the former structure is not presently useable.

The Hearings Officer concludes that the Director was correct to conclude that the previous structure is not "serviceable" and "presently useable."

**IT IS SO ORDERED, this 9<sup>th</sup> day of November 1998**

A handwritten signature in cursive script, reading "Deniece B. Won", is written over a horizontal line.

**Deniece B. Won, Hearings Officer**

**Appeal to the Board of County Commissioners:**

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$500.00 plus a \$3.50 per minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 2115 SE Morrison Street (in Portland) or you may call 248-3043 for additional instructions.



PRESTON GATES & ELLIS LLP  
ATTORNEYS

Edward J. Sullivan  
(503) 226-5727

November 20, 1998

**HAND DELIVERED**

Multnomah County Planning Director  
Multnomah County Planning Department  
2115 S.E. Morrison Street  
Portland, OR 97214

Re: Notice of Review


Dear Director of Planning:

Enclosed for filing please find Willamette Engineering and Earth Sciences' Notice of Review filed on behalf of applicants Melvin and Joyce Veggen. Also enclosed is a check in the amount of \$530 to cover the filing fee. If you have any questions on this filing, please do not hesitate to contact me at the above phone number.

Sincerely,

PRESTON GATES & ELLIS LLP

By

  
Edward J. Sullivan

EJS:dm

Enclosure

cc: Melvin and Joyce Veggen  
Bob Slyh, Willamette Engineering and Earth Sciences

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RECEIVED  
98 NOV 20 PM 3:23  
MULTNOMAH COUNTY  
PLANNING SECTION



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

11#  
ZONING 530.00  
TOTAL 530.00  
0000-001 11/20/98  
9060 CHUCK 3:31PM

## NOTICE OF REVIEW

1. Name: Willamette Engineering and Earth Sciences, c/o Bob Slyh

2. Address: P.O. Box 1139, Dallas, Oregon 97338

Street or Box City State and Zip Code

3. Telephone: ( 503 ) 623 - 0304

4. If serving as a representative of other persons, list their names and addresses:

Melvin and Joyce Veggen

1785 E. Historic Columbia River Highway

Troutdale, OR 97060

MULTNOMAH COUNTY  
PLANNING SECTION

98 NOV 20 PM 3:23

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5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Denial of request for shoreline repair.

6. The decision was announced by the Hearing Officer on November 9, 19 98

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

Representative of applicant who participated in proceedings before Hearings Officer.

**8. Grounds for Reversal of Decision (use additional sheets if necessary):**

See attached

**9. Scope of Review (Check One):**

- (a) ☐ On the Record
- (b) ☐ On the Record plus Additional Testimony and Evidence
- (c) ☒ *De Novo* (i.e., Full Rehearing)

**10. If you checked 9(b) or (c), you must use this space to present the grounds on which you base your request to introduce new evidence (Use additional sheets if necessary). For further explanation, see handout entitled *Appeal Procedure*.**

Board Resolution 95-55 allows for a de novo hearing at the request of the appellant. There were no opponents and the applicants were not represented by counsel before the Hearings Officer. The applicants need a de novo hearing to respond fully to the Hearings Officer's report.

Signed: \_\_\_\_\_

Attorney for Applicant and Appellant

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

November 20, 1998

**For Staff Use Only**

Fee:

Notice of Review = \$530.00

Received by: \_\_\_\_\_

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

Case No. \_\_\_\_\_



The Veggens are an elderly couple who own a home in Troutdale along the Sandy River, purchased by Mrs. Veggen in 1978. In 1996, flooding eroded the bank of the river under their home. When the water receded in June and they discovered the extent of the erosion, the Veggens began to take steps to protect their home. In early 1997, they contracted to have rock placed on the bank, but were stopped by the City of Troutdale. They then applied for permits at the City, but Troutdale city staff failed to inform them they would also need approval from the County under the Columbia River Gorge Natural Scenic Act until late in May, 1998 at the City's Design Review hearing. The Veggens then made this application, which has been denied by the Hearings Officer,<sup>1</sup> and ask the Board of Commissioners to reverse that denial.

While the property is a single parcel with an underlying urban residential zoning designation, the County's Gorge Scenic Act Overlay divides the property in two parts. The upland residential area has a Gorge General Residential overlay (GGR) while the river bank has an overlay as General Gorge Open Space (GGO). The Director and the Hearings Officer concur that the repairs work in the GGO overlay and is an outright permitted use. Hearings Officer's Decision ("HOD") at 11. The only issue left was whether the repair was allowed in the GGR overlay zone. That use is also an outright permitted case under MCC 11.15.3676(A)(3) which allows "repair, maintenance and operation of existing structures," the very same rationale used to allow the repair in the GGO zone, as acknowledged by the Hearings Officer and Director.

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<sup>1</sup> The Veggens were not represented before the Hearings Officer and attempted to explain their problem and the history of this application. The Hearings Officer told them:

"\* \* \* I think what I'm hearing from you primarily is an appeal for some compassion. And that's not what I'm here to do. I'm sorry to say, although I personally feel some \* \* \* I have to follow the rules that apply and \* \* \* and unfortunately the law says that it's a person's responsibility to know the law; it's not government's responsibility to go around informing people about what the law is. That wouldn't be feasible."

The Hearings Officer specifically rejects the Director's implicit decision that the repair had to be undertaken within a year limitation only with regard to structures destroyed by fire. HOD at 12. The Veggens agree with the Hearings Officer.

However, the Hearings Officer then states that the structure to be repaired must have been lawfully existing in 1993 and says there is no evidence that the Veggens bank stabilization existed in 1993. In response, the Veggens contend:

1. The "structure" to be repaired is the house that has existed on the Veggens' property since 1925, well before zoning, not the riprap.
2. If the riprap were a separate "structure," ORS 215.130(10)(a) creates a rebuttable presumption that it is lawful if it has existed for at least ten years. The burden is not on the Veggens to demonstrate the riprap is lawful or to show previous authorization.

The Hearings Officer also incorrectly distinguishes the house from its support in finding the terms "repair" and "maintenance" refer to a servicable structure to the bank stabilization area rather than to the house and its supporting ground along the bank. The Board should construe the "servicable structure" to be the house and its support. The Board should also determine, for the reasons set forth in the preceding paragraph, that this single residential use was lawfully established and that the destruction of a portion of the support in the 1996 flood does not prevent the repair because one portion of the entire use (i.e., portions of the eroded slope) is not a "servicable" structure." See HOD at 13. Only if the Board views the support separate from the house would this contorted definition of "servicable structure" be applicable. It is the residential use that is sought to be maintained and repaired and not just the bank by itself.

---

This appeal is not about "compassion" but the correct application of the Gorge Act to assure that an existing home will not slide into the Sandy River from a combination of the Veggens' (and the planners) not knowing the rules, misinterpretation of those rules, and lack of concern over the result.

As an alternative, the Hearings Officer concluded that the support structure may be allowed as a use under prescribed conditions under MCC 11.15.3678(A)(2), which allows:

"Buildings exceeding 60 square feet in area and/or 18 feet in height is measured at the roof peak, which are accessory to a dwelling."

HOD 13-14.

However, the Hearings Officer found the proposal failed to meet one of the Scenic Area criteria, i.e., that a "new building" may not be permitted on lands visible from key viewing areas with slopes in excess of 30%. MCC 11.15.3814(20). The entire site, however, is less than a 30% slope.<sup>2</sup> And while the support structure supports a "building" (the house), that house already exists and will not be changed as to its visual impact. Moreover, MCC 11.15.3814(20) limits its scope to "new buildings." There is no new building here, merely repair of an existing structure. The Hearings Officer incorrectly construed the County Code in this case. The riprap, by itself, is not a "building" but the support for the building, which is unchanged in its visual impact. In any case, it is not a new building.

Finally, the Hearings Officer incorrectly found that the application was made for repair of a structure which was not "servicable" and "presently usable" because much of the support eroded in the 1996 flood. HOD at 18. Again, the relevant structure the Veggen's have which, though undermined, is presently usable and servicable. The Veggens need this permit in order to keep their home intact in the event of future flooding and erosion.

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<sup>2</sup> The Hearings Officer defined the building "site" for the bank armor as the slope adjacent to the river. That area is clearly in excess of 30%. But the residential site area is the flat portion of the property on which the house exists. Including the whole site, the average slope is 25% (30 feet/125 feet).

If the Board allows the Hearings Officer decision to stand, the result is that these homeowners will not be allowed to maintain their home, a result certainly contrary to the Columbia Gorge Act and the County regulations implementing that Act.<sup>3</sup>

The Veggens ask the Board to all them to repair the bank supporting their home in order to prevent the residence (and the Historic Columbia River Highway which that bank also supports) from being undermined and lost to the river.

The Veggens also request that the Board place this matter on their agenda as soon as possible, due to the potential that flooding through this winter may cause additional damage to the bank and create a hazardous condition for their residence.

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<sup>3</sup> The County Regulations state at the beginning of the Gorge residential sections in the Zoning Ordinance at MCC 11.15.3670:

The purposes of the Gorge General Residential and Gorge Special Residential districts are to protect and enhance the character of existing residential areas, and to insure that new residential development does not adversely affect the scenic, cultural, natural and recreation resources of the Columbia River Gorge National Scenic Area."



PRESTON GATES & ELLIS LLP  
ATTORNEYS

RECEIVED  
NOV 25 1998

COUNTY COUNSEL FOR  
MULTNOMAH COUNTY, OR

November 23, 1998

Mr. Jeffrey B. Litwak  
Assistant County Counsel  
1120 S.W. Fifth Avenue, Suite 1530  
Portland, OR 97204

Re: Veggen appeal

Jeff:

As you know, we represent Melvin and Joyce Veggen, who have recently appealed the denial of their permit to repair the shore in front of their home.

You called me on November 23 to request that the Veggens waive the 150-day time period for their application. You noted that the position of your office was that this was not the type of permit that was subject to the 150-day time limit.

In response to your request, the Veggens will waive the 150-day time limit from this date until January 19, 1999.

Sincerely,

Edward J. Sullivan

EJS:MDH

cc: Melvin & Joyce Veggen

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A LIMITED LIABILITY PARTNERSHIP INCLUDING OTHER LIMITED LIABILITY ENTITIES

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222 SW COLUMBIA STREET SUITE 1400 PORTLAND, OREGON 97201-6632 503-228-3200 Fx: 503-248-9085 www.prestongates.com

#1

### SPEAKER SIGN UP CARDS

DATE 12/8/98 "boothee"  
NAME LARRY LUETHE  
ADDRESS 13225 N.W. MCNAMEE  
PRD  
PHONE 286-4138  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-3  
GIVE TO BOARD CLERK

#2

### SPEAKER SIGN UP CARDS

DATE 12-3-98  
NAME Fred Hall  
ADDRESS 23425 NW Mordant Rd  
Hillsboro OR 97124  
PHONE 503 621 3653  
SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Large Till Sites R-3  
GIVE TO BOARD CLERK

Meeting Date: DEC 03 1998  
Agenda No: R-3  
Est. Start Time: 9:00 AM

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Report to the Board an Ordinance amending the zoning code (MC 11.15) to allow large land fills.

**BOARD BRIEFING**      Date Requested:  
                                 Amt. of Time Needed:  
                                 Requested By:

**REGULAR MEETING**      Date Requested:      December 3, 1998  
                                 Amt. of Time Needed:      15 minutes

**DEPARTMENT:**      DES      **DIVISION:** Land Use Planning  
**CONTACT:**      Susan Muir      **TELEPHONE:** 248-3043 x22599  
                                 **BLDG/ROOM:** 412 / 109

**PERSON(S) MAKING PRESENTATION:** Susan Muir

**ACTION REQUESTED**

☐ Informational Only      ☐ Policy Direction      ☒ Approval      ☐ Other

**SUGGESTED AGENDA TITLE**

Report to the Board an Ordinance amending the Zoning Code (MC 11.15) to allow large land fills.

**SIGNATURES REQUIRED**

**Elected Official:** \_\_\_\_\_


or

**Department Manager:** KB Kay E. Nicholas

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 3:19  
MULTNOMAH COUNTY  
OREGON

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

**To:** Board of County Commissioners

**From:** Planning Staff, Susan Muir, Principal Planner 

**Today's Date:** November 24, 1998

**Requested Placement Date:** December 3, 1998

**Subject:** Public hearing on an ordinance amending section 11.15 of the Multnomah County Code to adopt regulations on large fill sites. (Planning case files C 7-98 and C 8-98)

**I. Recommendation / Action Requested:**

**Recommend adoption of an ordinance that will amend various sections of the zoning code to allow for large fill operations over 5,000 cubic yards in non-resource zones (C 7-98).** The Planning Commission also recommended approval of an ordinance to allow these uses in resource zones as well (C 8-98). Since that time, however, the State Department of Land Conservation and Development has responded to the proposed ordinance and stated that "large fills may be allowed on land protected under Goals 3 and/or 4 only if conducted as a viable enhancement to agricultural or forest activities. Otherwise, the use may not be established without an exception...". Because of this new information, staff would recommend adoption of the ordinance to allow large fills in non-resource zones (C 7-98, EXHIBIT C) and would not recommend adoption of the ordinance to allow large fills in resource (farm and forest) zones (C 8-98, EXHIBIT D).

**II. Background / Analysis:**

Discussion on large fills came up when staff brought a draft of the new code enforcement ordinance before the Planning Commission last year. There were some large fills occurring under some "old" permits in the west hills that code enforcement received many complaints on and had caught the attention of the Planning Commission. Most of the complaints had to do with truck traffic, water quality, noise, wildlife habitat, changing the appearance of the terrain and poor management of the fill operation (hours of operation enforcement, etc.). The size of these previously approved fills is approximately 50,000 cubic yard of material.

There are many agencies that have something to do with excavation and fill activities on private property. Depending on the size and location of the property and what you're moving, Multnomah County, the Division of State Lands, the Army Corps of Engineers, Department of Agriculture, Department of Forestry, and the Oregon Department of Environmental Quality all may play a part in the review of some fills.



Currently Multnomah County processes fills over 50 cubic yards of material under a Grading and Erosion Control (GEC – MCC 9.40) permit. If the property has an average slope of 25% or more, they would be required to comply with the Hillside Development Permit (HDP MCC 11.15.6700) standards in addition to the GEC standards. The current code does not specify a particular use in association with these permits however, in the past months Multnomah County has denied a couple of large (+40,000 cubic yards) HDP's on the "use" issue. One basis for these denials was that the use was stated as accessory to a farm/forest use and that they were not development. One denial was appealed by the applicant but withdrawn after the first hearing with the Hearings Officer. The second administrative denial was appealed and the decision by the Hearings Officer was not appealed.

The Planning Commission was presented with historic information regarding the typical size of fills in Multnomah County as well as current state guidelines. The Planning Commission and Staff wanted to make clear criteria and standards throughout the process. The language included in the attached ordinance includes the following concepts:

- Apply the new regulations to anything over 5,000 cubic yards of material.
- Conditionally allow these large commercial fills in non-resource exception areas in the unincorporated area of Multnomah County.
- Include buffer requirements from property lines.
- Prohibit these uses from:
  - SEC or other protected stream areas (including state and federal)
  - Those sites designated wetland who have not received permits from Army Corp of Engineers and Division of State Lands
  - 100 year floodplains
- Define an "impact area" (similar to state concept for aggregate sites):
  - 1,500 feet around fill area
- Incorporate requirements for a reclamation plan.
- Require a specific timeline for the fill operation and reclamation plan.

### **III. Financial Impact**

The fiscal impact to the County of enforcing these "old" existing large fills has been significant. These criteria were drafted to place the burden of cost for engineering documentation and tracking on the applicant proposing the use rather than on the County. The applications will be processed under the full cost recovery system for application deposits currently in place.

### **IV. Legal Issues**

No legal issues have been identified. The revisions proposed are not known to be in violation of any County Planning Policy, Statewide Planning Goals, Statutes and Rules.

### **V. Controversial Issues**

These revisions are being proposed in part to clarify the issue of filling operations as a "use" in Multnomah County. In the past there has been confusion over what the use is and how it should be interpreted under the existing zoning ordinance. There are a number of these uses existing in

the unincorporated area of Multnomah County that have not been permitted and there may be testimony by these individuals. The controversy will be regarding enforcement actions regarding some particular properties. The enforcement actions should be kept separate from the discussion regarding this proposed ordinance.

Another controversial issue is the discussion that occurred at the Planning Commission level regarding the policy question of the use and whether or not these should be allowed in resource zones. The Planning Commission had lengthy discussions about allowing this use in resource zones and had concern that the state had not addressed the issue. There was a feeling that if the use ever became listed in farm and forest uses at the state level, the use would be something that the Planning Commission would like to address at a later date. However, at the end of that discussion, the Planning Commission decided to move forward and propose the language to bring the issue to light at the Board and State level. Since that time, we have received the attached letter from the Land Conservation and Development Commission.

#### **VI. Link to Current County Policies**

These revisions are incorporated into the framework of the existing Multnomah County zoning ordinance. The link to existing policies is found by codifying existing interpretations from current planning cases. This ordinance clarifies and defines the use and provides clear standards by which the use will be reviewed.

#### **VII. Citizen Participation**

Notice of the Planning Commission hearing on the proposed ordinance was published in the *Oregonian* newspaper.

#### **VIII. Other Government Participation**

The background and analysis was done through coordinating with the Department of Environmental Quality, the Land Conservation and Development Commission, the Division of State Lands, the Army Corps of Engineers, the Department of Forestry, the Department of Agriculture, and the Multnomah County Transportation Division.

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#### **Attachments:**

##### **Final Ordinance**

**Exhibit A: Letter dated September 29, 1998 from Jon Jinnings, DLCD**

**Exhibit B: Memo dated August 3, 1998 from Jeff Litwak, County Counsel**

**Exhibit C: Memo dated July 13, 1998 from Susan Muir to Planning Commission**

- Resolution 7-98
- Draft Ordinance C 7-98

**Exhibit D: Memo dated August 27, 1998 from Susan Muir to Planning Commission**

- Resolution 8-98
- Draft Ordinance C 8-98

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance amending the Multnomah County Zoning Ordinance regarding  
the provisions for large fill operations.

(Language in ~~strike through~~ is to be deleted; underlined language is new)

Multnomah County Ordains as follows:

Section I. Findings

(A) The Planning Commission initiated discussion regarding large fill operations currently being operated in the unincorporated area of Multnomah County that were receiving large numbers of complaints by surrounding property owners.

(B) On April 6, 1998 and May 18, 1998 the Planning Commission held work sessions on large fill operations and came up with conceptual language to regulate such uses. The Planning Commission directed Staff to draft ordinance language to implement the standards proposed.

(C) The Staff brought ordinance language to a public hearing before the Planning Commission on July 20, 1998 and a meeting on August 3, 1998 with the following purposes:

(1) To address the current problem of large fill areas and sites which have been largely unregulated;

(2) Minimize potentially adverse effects on the public and property surrounding the fill site;

(3) Acknowledge that natural resources can be impacted by large fill sites;

18 MCC 11.15.0005 - Definitions

<sup>19</sup> Large fill – The addition of more than 5,000 cubic yards of material to a site.

\* \* \*

\* \* \*

26 The following uses may be permitted when found by the approval authority to  
27 satisfy the applicable ordinance standards:

28 (A) Community Service Uses pursuant to the provisions of MCC .7005 through  
29 .7041;  
[Amended 1982, Ord. 330 § 2]

\* \* \*

Page 2 of 11

1  
2 \* \* \*  
3 **Rural Residential RR 11.15.2212**  
4

5 \* \* \*  
6 **11.15.2212 Conditional Uses**  
7

8 The following uses may be permitted when found by the Hearings Officer to  
9 satisfy the applicable Ordinance standards:

- 10 (A) Community Service Uses under the provisions of MCC .7005 through .7041.  
11 *[Amended 1982, Ord. 330 § 2]*

- 12 \* \* \*  
13 (C) Large Fills as provided for in MCC 11.15.7350.  
14

15 **Rural Center RC 11.15.2242**  
16

17 \* \* \*  
18 **11.15.2252 Conditional Uses**

19 The following uses may be permitted when found by the approval authority to  
20 satisfy the applicable ordinance standards:

- 21 (A) Community Service Uses pursuant to the provisions of MCC .7005 through  
22 .7041 *[Amended 1982, Ord. 330 § 2]*

- 23 \* \* \*  
24 (E) Large Fills as provided for in MCC 11.15.7350.  
25

26 \* \* \*  
27 **Conditional Use – Large Fills**  
28

29 **11.15.7350 Purposes**

30 The purpose of the Large Fills section is to address the need for large fill sites in  
31 the unincorporated area of Multnomah County while protecting the rural

- 1 character and natural resources of the County. These regulations are designed to:  
2 (A) To address the current problem of large fill areas and sites which have been  
3 largely unregulated;  
4 (B) Minimize potentially adverse effects on the public and property surrounding  
5 the fill site;  
6 (C) Acknowledge that natural resources can be impacted by large fill sites;  
7 (D) Distinguish large fills as a use dependent to a large degree upon market  
8 conditions and resource size and that reclamation and the potential for future  
9 use of the land for other activities must also be considered;  
10 (E) Provide clear and objective standards by which these uses will be reviewed;  
11 (F) Recognize that large fills areas should not impede future uses otherwise  
12 allowed under the Comprehensive Framework Plan;  
13 (G) To be consistent with state rules which do not currently list large fill sites as  
14 a use in farm and forest resource zones; and  
15 (H) To clarify that at the time of adoption of this ordinance, Multnomah County  
16 has not made the determination that the use of large fills would or would not  
17 be consistent with other uses allowed in the farm and forest zones due to the  
18 fact that they are not uses allowed under state rules.

19  
20 **11.15.7355 Excluded Areas**

21 Large fills shall not be allowed in:

- 22 (A) Areas designated SEC-s;  
23 (B) Other stream areas protected by other local, state and federal agencies;  
24 (C) Jurisdictional wetlands which have not received fill permits from The  
25 Army Corp of Engineers and Division of State Lands; or  
26 (D) 100 year floodplains.

27 **11.15.7360 Application Information Required**

28 An application for a large fill site shall include the following:

- 29 (A) A scaled site plan showing the subject property and all uses, roads, parcels,  
30 structures and water features within 1,500 feet of the fill area, when such  
31 information can be gathered without trespass;

- 1     (B) A contour map at 5' intervals showing both existing and proposed contours  
2         with datum :
- 3     (C) A geotechnical report for the entire fill area. The report shall include but not  
4         be limited to:
- 5         (1) methods of site preparation;  
6         (2) specific fill methods to be used including techniques such as  
7             benching and terracing;  
8         (3) compaction methods;  
9         (4) drainage analysis showing pre and post development runoff conditions  
10        (5) underground drainage systems utilized for fill compaction shall have a  
11            hydraulic analysis to determine the amount of water to be  
12            accommodated;
- 13        (6) known landslides and other geologically unstable areas within 1,500 feet  
14        surrounding the fill area; and
- 15        (7) an erosion control plan for year round protection of the fill site from  
16        erosion. The plan should include erosion control measures for:
- 17            (a) Winter stabilization  
18            (b) rainy season operations in spring & fall  
19            (c) summer operations  
20            (d) timelines for the various phases.
- 21     (D) Written findings demonstrating how the proposal complies with MCC  
22         11.15.7365.
- 23     (E) A copy of the deed(s) to all parcels on which the fill site will be located.
- 24     (F) A written description of the project including specific timelines for all phases  
25         and proposed hours of operation.
- 26     (G) Application materials required to comply with MCC 11.15.6720, .6725 and  
27         .6730.
- 28     (H) A reclamation plan submitted by a licensed landscape architect  
29         demonstrating that reclaimed surfaces conform with the natural landforms of  
30         the surrounding terrain.
- 31     **11.15.7365 Criteria for Approval**  
       The approval authority shall find that:

- 1     (A) The applicant demonstrates that the property shall be capable of being used  
2         as provided in the Comprehensive Plan and the underlying district after the  
3         fill operation.
- 4     (B) The applicant has shown that the following standards can or will be met by a  
5         specified date:
- 6         (1) Access and traffic.
- 7             (a) Prior to any filling activity, all on-site roads used in the fill  
8                 operation and all roads from the site to a public right-of-way shall  
9                 be designed and constructed to accommodate the vehicles and  
10                 equipment which will use them.
- 11             (b) All on-site and private access roads shall be paved or adequately  
12                 maintained to minimize dust and mud generation within 100 feet of  
13                 a public right-of-way.
- 14             (c) No material shall be tracked or discharged in any manner onto any  
15                 public right-of-way.
- 16             (d) The applicant shall submit a traffic management plan that identifies  
17                 impacts to existing County infrastructure and an assessment as to the  
18                 ability of the existing infrastructure to withstand increased traffic loading  
19                 and usage.. The County Engineer shall review the submitted plan and  
20                 shall certify, based on findings relating to the *Multnomah County*  
21                 *Rules for Street Standards*, that the road(s) identified in the plan:
- 22                 (i) Are suitable for all additional traffic created by the fill  
23                         operation for the duration of the activity, or
- 24                 (ii) If the roads are unsuitable for all additional traffic created by  
25                         the fill operation for the duration of the activity that:
- 26                         • The applicant has committed to finance installation of the  
27                         necessary improvements under the provisions of 02.200(a) or  
28                         (b) of the *Multnomah County Rules for Street Standards*, and
- 29                         • A program has been developed for the number and weight of  
30                         trucks that can safely be accommodated at specific levels of  
31                         road improvement. Based upon those findings, the Hearing



1                   Authority may attach related conditions and restrictions to  
2                   the conditional use approval.

3                   (e) Truck movements related to the dumping of materials shall occur  
4                   entirely on-site and not utilize the public right-of-way or private  
5                   easements.

6                   (f) Proposals in proximity to state highway facilities need to be  
7                   reviewed by the Oregon Department of Transportation.

8                   (2) Buffer requirements.

9                   (a) All existing vegetation and topographic features which would  
10                   provide screening and which are within 100 feet of the proposed  
11                   area of fill shall be preserved. The applicant shall demonstrate that  
12                   the existing screening is sufficient to ensure the project site will not  
13                   noticeably contrast with the surrounding landscape, as viewed from  
14                   an identified viewing areas, neighboring properties, or accessways,  
15                   or;

16                   (b) If existing vegetation and topography is insufficient to obscure the  
17                   site from neighboring properties, accessways or identified key  
18                   viewing areas, the applicant shall propose methods of screening and  
19                   indicate them on a site plan. Examples of screening methods  
20                   include landscape berms, hedges, trees, walls, fences or similar  
21                   features. All required screening shall be in place prior to  
22                   commencement of the fill activities.

23                   (c) The Approval Authority may grant exceptions to the screening  
24                   requirements if:

25                   (i) The proposed fill area, including truck line-up area and fill  
26                   areas are not visible from any neighboring properties, key  
27                   viewing areas and accessways identified in (b) above, or

28                   (ii) Screening will be ineffective because of the topographic  
29                   location of the site with respect to surrounding properties.

30                   (3) Signing.

31                   One directional sign for each point of access to each differently named

1 improved street may be allowed for any operation. Signing shall be  
2 specified and controlled by the standards of MCC 11.15.7974.

3 (4) Timing of Operation

4 (a) Hours of operation shall be specified on each application. At a  
5 maximum operating hours shall be allowed from 7:00 am to 6:00  
6 pm. Large fills shall not operate on Sundays or on New Year's Day,  
7 Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
8 Christmas Day.

9 (b) The placement of fill materials shall not occur from October 1<sup>st</sup> –  
10 May 1<sup>st</sup>.

11 (5) Air, water, and noise quality.

12 (a) The applicant shall obtain and comply with the standards of all  
13 applicable permits from the Department of Environmental Quality.  
14 Copies of all required permits shall be provided to Multnomah  
15 County prior to beginning filling. If no permits are required, the  
16 application shall provide written conformation of that from the  
17 Department of Environmental Quality.

18 (b) Sound generated by an operation shall comply with the noise  
19 control standards of the Department of Environmental Quality.  
20 Compliance with the standards may be demonstrated by the report  
21 of a certified engineer.

22 (6) Minimum Setbacks.

23 (a) For filling activities the minimum setback shall be:  
24 100 feet to a property line, or if multiple parcels, to the outermost  
25 property line of the site.

26 (b) For access roads and residences located on the same parcel as the  
27 filling or processing activity, setbacks shall be as required by the  
28 underlying district.

29 (7) Reclaimed Topography.

30 All final reclaimed surfaces shall be stabilized by ground control  
31 methods as specified by the landscape architect. Reclaimed surfaces

1           shall conform with the natural landforms of the surrounding terrain.

2       (8) Safety and security.

3           Safety and security measures, including fencing, gates, signing, lighting,  
4           or similar measures, shall be provided to prevent public trespass and  
5           minimize injury in the event of trespass to identified hazardous areas  
6           such as steep slopes, water impoundments, or other similar hazards .

7       (9) Phasing program.

8           Each phase of the operation shall be reclaimed within the time frame  
9           specified in subsection (11) or as modified in the decision.

10      (10) Timeline

11           Timelines for Large fill Conditional Use Permits shall conform with the  
12           2-year period pursuant to MCC 11.15.7110(C), unless otherwise  
13           approved by the Approval Authority. The applicant may request a  
14           longer time period for completion as part of the initial application. If an  
15           approval has been issued, the applicant may request a longer time period  
16           for completion pursuant to MCC 11.15.8240 (E).

17  
18           If completion of a large fill project extends beyond 2 years pursuant to  
19           MCC 11.15.7110(C), the applicant shall submit an engineering report  
20           prepared and signed by a licensed engineer at least once per year by  
21           October 31, or as otherwise specified by the Approval Authority. The  
22           engineering report shall describe at a minimum the following:

23  
24           (a) the amount of fill added to the site since the start of the fill or the last  
25           engineering report and stability measures used and planned for the new  
26           fill.

27  
28           (b) future fill locations within the approved site and stability measures  
29           planned both within and outside the fill site.

30  
31           (c) incidents of landslide or other instability within and outside the fill

1 site, clean-up efforts for these incidents, and measures used and planned  
2 to prevent future incidents.

3  
4 (11) Reclamation Schedule.

5 (a) Reclamation shall begin within twelve (12) months after fill activity  
6 ceases on any segment of the project area. Reclamation shall be  
7 completed within three (3) years after all filling ceases, except where  
8 the Approval Authority finds that these time standards cannot be  
9 met.

10 (b) The owner shall provide an acceptable guarantee of financial surety  
11 to the County prior to beginning work. The applicant shall provide  
12 an estimate of the cost to implement the approved plan. Estimated  
13 costs shall be based upon the current local construction costs. The  
14 financial guarantee shall be 150 percent of the estimated cost to  
15 complete the plan. The financial guarantee may be reduced to 125  
16 percent of the cost in cases where the property owner has a written  
17 contract with a contractor to guarantee completion of the work which  
18 has been reviewed and approved by the County. All such contracts  
19 are subject to review by the County. Prior to release of the financial  
20 guarantee, the applicant shall submit a report from a licensed  
21 professional engineer whose main area of expertise is geotechnical  
22 engineering to the County, approving the construction and  
23 reclamation and certifying its completion.

24 **11.15.7370 Monitoring**

25 The Planning Director shall periodically monitor all fill operations. The dates and  
26 frequency of monitoring shall be determined by the Approval Authority based  
27 upon the number and type of surrounding land uses and the nature of the fill  
28 operation. If the Director determines that a fill operation is not in compliance with  
29 the approval, enforcement proceedings pursuant to MCC 11.15.9052 or as  
30 deemed appropriate by the Multnomah County Counsel shall be instituted to  
31 require compliance.

1  
2 For multiple year projects, prior to commencement of material placement in the  
3 spring, an engineers report shall be submitted detailing the condition of the fill  
4 after the rainy season. The report shall include any remediation needed and any  
5 necessary modifications to fill placement due to failure, slumpage, slides, etc.  
6  
7

8 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1998, being the date of its  
9 second reading before the Board of County Commissioners of Multnomah County.  
10

11 BOARD OF COUNTY COMMISSIONERS  
12 FOR MULTNOMAH COUNTY, OREGON  
13  
14

15 \_\_\_\_\_  
16 Beverly Stein, Chair  
17

18 REVIEWED:  
19

20 THOMAS SPONSLER, COUNTY COUNSEL  
21 FOR MULTNOMAH COUNTY, OREGON  
22

23 By Jeffrey B. Litwak  
24 Jeffrey B. Litwak, Assistant County Counsel  
25  
26  
27  
28  
29  
30  
31



# Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

1175 Court Street NE

Salem, OR 97310-0590

(503) 373-0050

FAX (503) 362-6705

Web Address: <http://www.lcd.state.or.us>

September 29, 1998

Susan Muir, Senior Planner  
Multnomah County Land Use Planning Division  
2115 SE Morrison  
Portland, OR 97214

Dear Susan:

The department has completed a review of a plan amendment to allow "large fills" as a conditional use in the county's exclusive farm use and forest use zones (local file # C 8-98). It is our understanding that the term "large fills" as contemplated by this proposal is used to describe the disposal of soil primarily generated by development activity occurring in urban areas. If approved, it would be within the county's discretion to authorize the disposal of over 5,000 cubic yards of earthen material on properties planned and zoned for resource use.

We have the following comments:

The controlling land use statutes and associated administrative rules do not specifically provide an opportunity for the permanent disposal of large amounts of soil originating from off-site non-resource activities. A site for the disposal of solid waste may be approved pursuant to ORS 215.283(2)(j) and OAR 660-033-0120. However, it is our understanding that the disposal of soil does not fall under the purview of the relevant portions of ORS Chapter 459. Therefore, this activity is precluded from consideration as solid waste disposal. The county may find it helpful to discuss this issue with the Department of Environmental Quality.

NOTICE OF DECISION  
COUNTY  
OCT 1 - 1 PM 12:27

**EXHIBIT A**

September 29, 1998

In conclusion, "large" fills may be allowed on land protected under Goals 3 and/or 4 only if conducted as a viable enhancement to agricultural or forest activities. Otherwise, the use may not be established without an exception pursuant to OAR 660, Division 4.

Thank you for this opportunity to comment. Please enter this letter into the record of these proceedings and provide us with a copy of the decision. If additional information is provided at the hearing we ask that the hearing be continued, pursuant to ORS 197.763(4)(b), to allow us time to review the new information and comment if necessary.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jon Jinings', with a long horizontal line extending to the right.

Jon Jinings  
Farm/Forest Coordinator *and*  
Regional Representative

<p:\multnoma\fill.wpd>

cc: Ronald Eber, DLCD  
James W. Johnson, ODA  
Leslie Kochan, DEQ



# OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER  
County Counsel

1120 S.W. FIFTH AVENUE, SUITE 1550  
PORTLAND, OREGON 97204-1977

FAX 248-3377  
(503) 248-3138

SANDRA N. DUFFY  
Chief Assistant

KEVIN THOMPSON  
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CHRISTOPHER M. STEIN  
JEFFREY B. LITWAK  
STEVEN J. NEAUME  
MATTHEW D. RYAN  
AMBER SHIPLE  
KEVIN S. THOMAS  
JACQUELINE A. WOOD  
Assistants

## MEMORANDUM

August 3, 1998

TO: Susan Muir  
FROM: Jeff Litwak, Assistant County Counsel  
SUBJECT: Large Fills in the CFU and EFU zones

You asked whether Multnomah County may properly prohibit large dirt fills in the CFU and EFU zones.

### Short Answer

Large Fills are not permitted uses under the ORS and OAR provisions for use of EFU and CFU land. Thus, Multnomah County may enact an ordinance expressly prohibiting large fills in these zones.

### Analysis

The ORS and OAR list uses that may be established on EFU and CFU land. (ORS 215.283; ORS 527-722; OAR 660-06-0025; OAR 660-33-0120) None of the listed uses include dirt landfills. These are the only uses that EFU and CFU land may be used for.

Solid waste disposal sites permitted by the Department of Environmental Quality pursuant to ORS 459.245 are permitted on both EFU and CFU land, however the definition of a disposal site under ORS 459.005(8), (14) and (24) does not contemplate dirt landfills.

EXHIBIT B






Multnomah County Transportation and  
Land Use Planning Division  
2115 SE Morrison Street  
Portland, OR 97214  
phone: (503)248-3043 fax: (503)248-3389  
email: land.use.planning@co.multnomah.or.us

## M E M O

**TO:** Planning Commissioners

**FROM:** Susan L. Muir, Senior Planner 

**DATE:** July 13, 1998

**SUBJECT:** Public Hearing - Large Fills

---

Please find attached the proposed Planning Commission Resolution, the draft Board of County Commissioners supplemental staff report and the proposed ordinance for large fills as discussed at the May 18, 1998 Planning Commission meeting. This item is scheduled for a public hearing on July 20, 1998.

7/20/98  
PC mtg

EXHIBIT C

**BEFORE THE PLANNING COMMISSION  
OF MULTNOMAH COUNTY, OREGON**

In the matter of the adoption of amendments to the	)	
Multnomah County Zoning Ordinance	)	RESOLUTION
by the Multnomah County Board of Commissioners	)	C 7-98
regarding large fill operations	)	

The Multnomah County Planning Commission finds:

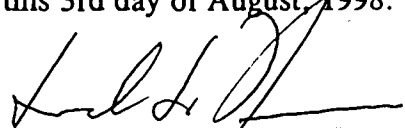
- a. The proposed ordinance:
  - Addresses the current problem of large fill areas and sites which have been largely unregulated;
  - Minimizes potentially adverse effects on the public and property surrounding the fill site;
  - Acknowledges that natural resources can be impacted by large fill sites;
  - Distinguishes large fills as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered;
  - Provides clear and objective standards by which these uses will be reviewed;
  - Recognizes that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan;
  - Is consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and
  - Acknowledges that at the time of adoption of this ordinance, Multnomah County had not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.
- b. On July 13, 1998, the draft Ordinance on large fills was sent to the Oregon Department of Land Conservation and Development for a 45 day review period,
- c. On July 20, 1998, the Multnomah County Planning Commission held a public hearing on the draft ordinance on large fills and made the changes to the proposed ordinance, and;
- d. On August 3, 1998 the Planning Commission reviewed the proposed revisions to the attached ordinance dated August 3, 1998.

It is hereby resolved:

That the Multnomah County Planning Commission hereby recommends that the proposed ordinance attached as Exhibit A be adopted by the Multnomah County Board of Commissioners.

APPROVED this 3rd day of August, 1998.

By

A handwritten signature in dark ink, appearing to read 'Leonard Yoon', is written over a horizontal line.

Leonard Yoon, Chair  
Multnomah County Planning Commission  
Multnomah County, Oregon

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. \_\_\_\_\_

An Ordinance amending the Multnomah County Zoning Ordinance regarding the provisions for large fill operations.

(Language in ~~strikethrough~~ is to be deleted; underlined language is new)

Multnomah County Ordains as follows:

Section I. Findings

(A) The Planning Commission initiated discussion regarding large fill operations currently being operated in the unincorporated area of Multnomah County that were receiving large numbers of complaints by surrounding property owners.

(B) On April 6, 1998 and May 18, 1998 the Planning Commission held work sessions on large fill operations and came up with conceptual language to regulate such uses. The Planning Commission directed Staff to draft ordinance language to implement the standards proposed.

(C) The Staff brought ordinance language to a public hearing before the Planning Commission on July 20, 1998 ~~and a meeting on August 3, 1998~~ with the following purposes:

- (1) To address the current problem of large fill areas and sites which have been largely unregulated;
- (2) Minimize potentially adverse effects on the public and property surrounding the fill site;
- (3) Acknowledge that natural resources can be impacted by large fill sites;

1       (4) Distinguish large fills as a temporary use dependent to a large degree  
2       upon market conditions and resource size and that reclamation and the  
3       potential for future use of the land for other activities must also be  
4       considered;

5       (5) Provide clear and objective standards by which these uses will be  
6       reviewed; and

7       (6) Recognize that large fills areas should not impede future uses otherwise  
8       allowed under the Comprehensive Framework Plan;

9       ~~(7) To be consistent with state rules which do not currently list large fill~~  
10      ~~sites as a use in farm and forest resource zones; and~~

11      ~~(8) To clarify that at the time of adoption of this ordinance, Multnomah~~  
12      ~~County has not made the determination that the use of large fills would~~  
13      ~~or would not be consistent with other uses allowed in the farm and forest~~  
14      ~~zones due to the fact that they are not uses allowed under state rules.~~

15  
16   Section II. Amendment of the Multnomah County Zoning Code MCC 11.15

17  
18   MCC 11.15.0005 - Definitions

19   Large fill – The addition of more than 5,000 cubic yards of material to a site.  
20

21                   \*       \*       \*

22   Multiple Use Agriculture MUA-20 11.15.2122

23  
24                   \*       \*       \*

25   11.15.2132 Conditional Uses

26   The following uses may be permitted when found by the approval authority to  
27   satisfy the applicable ordinance standards:

28   (A) Community Service Uses pursuant to the provisions of MCC .7005 through  
29   .7041;  
30    [Amended 1982, Ord. 330 § 2]

31                   \*       \*       \*

      (D) Large Fills as provided for in MCC 11.15.7350.

1

2

\* \* \*

3

**Rural Residential RR 11.15.2212**

4

5

\* \* \*

6

**11.15.2212 Conditional Uses**

7

8

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

9

(A) Community Service Uses under the provisions of MCC .7005 through .7041.  
[Amended 1982, Ord. 330 § 2]

10

11

\* \* \*

12

(C) Large Fills as provided for in MCC 11.15.7350.

13

14

\* \* \*

15

**Rural Center RC 11.15.2242**

16

17

\* \* \*

18

**11.15.2252 Conditional Uses**

19

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

20

21

(A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041

22

[Amended 1982, Ord. 330 § 2]

23

\* \* \*

24

(E) Large Fills as provided for in MCC 11.15.7350.

25

26

\* \* \*

27

**Conditional Use – Large Fills**

28

29

**11.15.7350 Purposes**

30

The purpose of the Large Fills section is to address the need for large fill sites in

31

the unincorporated area of Multnomah County while protecting the rural

- 1 character and natural resources of the County. These regulations are designed to:  
2 (A) To address the current problem of large fill areas and sites which have been  
3 largely unregulated;  
4 (B) Minimize potentially adverse effects on the public and property surrounding  
5 the fill site;  
6 (C) Acknowledge that natural resources can be impacted by large fill sites;  
7 (D) Distinguish large fills as a use dependent to a large degree upon market  
8 conditions and resource size and that reclamation and the potential for future  
9 use of the land for other activities must also be considered;  
10 ~~(E) Provide clear and objective standards by which these uses will be reviewed,~~  
11 ~~and~~  
12 (F) Recognize that large fills areas should not impede future uses otherwise  
13 allowed under the Comprehensive Framework Plan.;  
14 ~~(G) To be consistent with state rules which do not currently list large fill sites as~~  
15 ~~a use in farm and forest resource zones, and~~  
16 ~~(H) To clarify that at the time of adoption of this ordinance, Multnomah County~~  
17 ~~has not made the determination that the use of large fills would or would not~~  
18 ~~be consistent with other uses allowed in the farm and forest zones due to the~~  
19 ~~fact that they are not uses allowed under state rules.~~

21 **11.15.7355 Excluded Areas**

22 Large fills shall not be allowed in:

- 23 (A) Areas designated SEC-s;  
24 (B) Other stream areas protected by other local, state and federal agencies;  
25 (C) Jurisdictional wetlands which have not received fill permits from The  
26 Army Corp of Engineers and Division of State Lands; or  
27 (D) 100 year floodplains.

28 **11.15.7360 Application Information Required**

29 An application for a large fill site shall include the following:

- 30 (A) A scaled site plan showing the subject property and all uses, roads, parcels,  
31 structures and water features within 1,500 feet of the fill area, when such

- 1 information can be gathered without trespass;
- 2 (B) A contour map at 5' intervals showing both existing and proposed contours
- 3 with datum ;
- 4 (C) A geotechnical report for the entire fill area. The report shall include but not
- 5 be limited to:
- 6 (1) methods of site preparation;
- 7 (2) specific fill methods to be used including techniques such as
- 8 benching and terracing;
- 9 (3) compaction methods; and
- 10 (4) drainage analysis showing pre and post development runoff conditions
- 11 (5) underground drainage systems utilized for fill compaction shall have a
- 12 hydraulic analysis to determine the amount of water to be
- 13 accommodated;
- 14 (6) known landslides and other geologically unstable areas within 1,500 feet
- 15 surrounding the fill area; and
- 16 (7) an erosion control plan for year round protection of the fill site from
- 17 erosion. The plan should include erosion control measures for
- 18 (a) Winter stabilization
- 19 (b) rainy season operations in spring & fall
- 20 (c) summer operations
- 21 (d) timelines for the various phases
- 22 (D) Written findings demonstrating how the proposal complies with MCC
- 23 11.15.7365.
- 24 (E) A copy of the deed(s) to all parcels on which the fill site will be located.
- 25 (F) A written description of the project including specific timelines for all phases
- 26 and proposed hours of operation.
- 27 (G) Application materials required to comply with MCC 11.15.6720, .6725 and
- 28 .6730.
- 29 A four season erosion control plan indicated on the site plan and timeline for
- 30 implementation.
- 31 (H) A reclamation plan submitted by a licensed landscape architect
- demonstrating that reclaimed surfaces conform with the natural landforms of



1        the surrounding terrain.

2    **11.15.7365 Criteria for Approval**

3        The approval authority shall find that:

4        (A) The applicant demonstrates that the property shall be capable of being used  
5           as provided in the Comprehensive Plan and the underlying district after the  
6           fill operation.

7        (B) The applicant has shown that the following standards can or will be met by a  
8           specified date:

9           (1) Access and traffic.

10           (a) Prior to any filling activity, all on-site roads used in the fill  
11           operation and all roads from the site to a public right-of-way shall  
12           be designed and constructed to accommodate the vehicles and  
13           equipment which will use them.

14           (b) All on-site and private access roads shall be paved or adequately  
15           maintained to minimize dust and mud generation within 100 feet of  
16           a public right-of-way.

17           (c) No material shall be tracked or discharged in any manner onto any  
18           public right-of-way.

19           (d) The applicant shall submit a traffic management plan that identifies  
20           impacts to existing County infrastructure and an assessment as to the  
21           ability of the existing infrastructure to withstand increased traffic loading  
22           and usage. The County Engineer shall review the submitted plan and  
23           shall certify, based on findings relating to the Multnomah County  
24           Rules for Street Standards, that the road(s) identified in the plan:

25           (i) Are suitable for all additional traffic created by the fill  
26           operation for the duration of the activity, or

27           (ii) If the roads are unsuitable for all additional traffic created by  
28           the fill operation for the duration of the activity that:

29           • The applicant has committed to finance installation of the  
30           necessary improvements under the provisions of 02.200(a) or  
31           (b) of the Multnomah County Rules for Street Standards, and

- A program has been developed for the number and weight of trucks that can safely be accommodated at specific levels of road improvement. Based upon those findings, the Hearing Authority may attach related conditions and restrictions to the conditional use approval.

(e) Truck movements related to the dumping of materials shall occur entirely on-site and not utilize the public right-of-way or private easements.

(2) Buffer requirements.

(a) All existing vegetation and topographic features which would provide screening and which are within 100 feet of the proposed area of fill shall be preserved. The applicant shall demonstrate that the existing screening is sufficient to ensure the project site will not noticeably contrast with the surrounding landscape, as viewed from an identified viewing areas, neighboring properties, or accessways, or;

(b) If existing vegetation and topography is insufficient to obscure the site from neighboring properties, accessways or identified key viewing areas, the applicant shall propose methods of screening and indicate them on a site plan. Examples of screening methods include landscape berms, hedges, trees, walls, fences or similar features. All required screening shall be in place prior to commencement of the fill activities.

(c) The Approval Authority may grant exceptions to the screening requirements if:

(i) The proposed fill area, including truck line-up area and fill areas are not visible from any neighboring properties, key viewing areas and accessways identified in (b) above, or

(ii) Screening will be ineffective because of the topographic location of the site with respect to surrounding properties.

(3) Signing.

1           One directional sign for each point of access to each differently named  
2           improved street may be allowed for any operation. Signing shall be  
3           specified and controlled by the standards of MCC 11.15.7974.

4           (4) Timing of Operation

5           (a) Hours of operation shall be specified on each application. At a  
6           maximum operating hours shall be allowed from 7:00 am to 6:00  
7           pm. Large fills shall not operate on Sundays or on New Year's Day,  
8           Memorial Day, July 4th, Labor Day, Thanksgiving Day, and  
9           Christmas Day.

10          (b) The placement of fill materials shall not occur from October 1<sup>st</sup>  
11          May 1<sup>st</sup>

12          (5) Air, water, and noise quality.

13          (a) The applicant shall obtain and comply with the standards of all  
14          applicable permits from the Department of Environmental Quality.  
15          Copies of all required permits shall be provided to Multnomah  
16          County prior to beginning filling. If no permits are required, the  
17          application shall provide written conformation of that from the  
18          Department of Environmental Quality.

19          (b) Sound generated by an operation shall comply with the noise  
20          control standards of the Department of Environmental Quality.  
21          Compliance with the standards may be demonstrated by the report  
22          of a certified engineer.

23          (6) Minimum Setbacks.

24          (a) For filling activities the minimum setback shall be:  
25          100 feet to a property line, or if multiple parcels, to the outermost  
26          property line of the site.

27          (b) For access roads and residences located on the same parcel as the  
28          filling or processing activity, setbacks shall be as required by the  
29          underlying district.

30          (7) Reclaimed Topography.

31          All final reclaimed surfaces shall be stabilized by ground control

1 methods as specified by the landscape architect. Reclaimed surfaces  
2 shall conform with the natural landforms of the surrounding terrain.

3 (8) Safety and security.

4 Safety and security measures, including fencing, gates, signing, lighting,  
5 or similar measures, shall be provided to prevent public trespass and  
6 minimize injury in the event of trespass to identified hazardous areas  
7 such as steep slopes, water impoundments, or other similar hazards .

8 (9) Phasing program.

9 Each phase of the operation shall be reclaimed within the time frame  
10 specified in subsection (11) or as modified in the decision.

11 (10) Timeline

12 ~~A large fill shall be completed. Timelines for Large fill Conditional Use~~  
13 ~~Permits shall conform within the 2-year period pursuant to MCC~~  
14 ~~11.15.7110(C), unless otherwise approved by the Approval Authority.~~  
15 ~~The applicant may request a longer time period for completion as part of~~  
16 ~~the initial application. If an approval has been issued, the applicant may~~  
17 ~~request a longer time period for completion pursuant to MCC~~  
18 ~~11.15.8240(13).~~

19  
20 If completion of a large fill project extends beyond 2 years pursuant to  
21 MCC 11.15.7110(C), the applicant shall submit an engineering report  
22 prepared and signed by a licensed engineer at least once per year by  
23 October 31, or as otherwise specified by the Approval Authority. The  
24 engineering report shall describe at a minimum the following:

25  
26 (a) the amount of fill added to the site since the start of the fill or the last  
27 engineering report and stability measures used and planned for the new  
28 fill.

29  
30 (b) future fill locations within the approved site and stability measures  
31 planned both within and outside the fill site.

1  
2 (c) incidents of landslide or other instability within and outside the fill  
3 site, clean-up efforts for these incidents, and measures used and planned  
4 to prevent future incidents.

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6 (11) Reclamation Schedule.

7 (a) Reclamation shall begin within twelve (12) months after fill activity  
8 ceases on any segment of the project area. Reclamation shall be  
9 completed within three (3) years after all filling ceases, except where  
10 the Approval Authority finds that these time standards cannot be  
11 met.

12 (b) The owner shall provide an acceptable guarantee of financial surety  
13 to the County prior to beginning work. The applicant shall provide  
14 an estimate of the cost to implement the approved plan. Estimated  
15 costs shall be based upon the current local construction costs. The  
16 financial guarantee shall be 150 percent of the estimated cost to  
17 complete the plan. The financial guarantee may be reduced to 125  
18 percent of the cost in cases where the property owner has a written  
19 contract with a contractor to guarantee completion of the work which  
20 has been reviewed and approved by the County. All such contracts  
21 are subject to review by the County. Prior to release of the financial  
22 guarantee, the applicant shall submit a report from a licensed  
23 professional engineer whose main area of expertise is geotechnical  
24 engineering to the County, approving the construction and  
25 reclamation and certifying its completion.

26 11.15.7370 Monitoring

27 The Planning Director shall periodically monitor all fill operations. The dates and  
28 frequency of monitoring shall be determined by the Approval Authority based  
29 upon the number and type of surrounding land uses and the nature of the fill  
30 operation. If the Director determines that a fill operation is not in compliance with  
31 the approval, enforcement proceedings pursuant to MCC 11.15.9052 or as

1 deemed appropriate by the Multnomah County Counsel shall be instituted to  
2 require compliance.

3

4 For multiple year projects, prior to commencement of material placement in the  
5 spring, an engineers report shall be submitted detailing the condition of the fill  
6 after the rainy season. The report shall include any remediation needed and any  
7 necessary modifications to fill placement due to failure, slumpage, slides, etc.

8

9

10 ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1998, being the date of its  
11 second reading before the Board of County Commissioners of Multnomah County.

12

13

BOARD OF COUNTY COMMISSIONERS

14

FOR MULTNOMAH COUNTY, OREGON

15

16

17

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

18

19

20 REVIEWED:

21

22 THOMAS SPONSLER, COUNTY COUNSEL

23 FOR MULTNOMAH COUNTY, OREGON

24

25 By \_\_\_\_\_

26 Thomas Sponsler, County Counsel

27

28

29

30

31



Multnomah County Land Use Planning Division  
2115 SE Morrison Street  
Portland, OR 97214  
phone: (503)248-3043 fax: (503)248-3389  
email: land.use.planning@co.multnomah.or.us

## M E M O

TO: Planning Commissioners  
FROM: Susan L. Muir, Senior Planner *SLM*  
DATE: August 27, 1998  
SUBJECT: Public Hearing - Large Fills in Resource Zones

---

At the last Planning Commission meeting, the large fill ordinance was recommended to the Board of County Commissioners. This ordinance listed large fills (defined as those over 5,000 cubic yards of material) as conditional uses in the exception zones (RR – rural residential, RC – rural center and MUA-20 – multiple use agriculture). The ordinance outlined standards relating to the fill operation including seasonal limitations, traffic standards, buffering requirements and others.

The Planning Commission then directed staff to draft an ordinance listing large fills as a use in the resource zones (CFU – commercial forest use and EFU – exclusive farm use). The Staff and County Counsel have both taken the position that large fills are not a listed use in the state rules and therefore have not recommended these be listed in County Ordinances. However, the attached ordinance fulfills the Planning Commission direction and lists large fills as conditional uses in the CFU, CFU-1, CFU-2, CFU-3, CFU-4 and EFU zones.

The purposes listed in the original large fill ordinance are as follows:

- (1) To address the current problem of large fill areas and sites which have been largely unregulated;
- (2) Minimize potentially adverse effects on the public and property surrounding the fill site;
- (3) Acknowledge that natural resources can be impacted by large fill sites;
- (4) Distinguish large fills as a temporary use dependent to a large degree upon

9/14/98  
PC mtg

EXHIBIT D

market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered;

- (5) Provide clear and objective standards by which these uses will be reviewed ;
- (6) Recognize that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan;
- (7) To be consistent with state rules which do not currently list large fill sites as a use in farm and forest resource zones; and
- (8) To clarify that at the time of adoption of this ordinance, Multnomah County has not made the determination that the use of large fills would or would not be consistent with other uses allowed in the farm and forest zones due to the fact that they are not uses allowed under state rules.

Items 7 & 8 have been deleted from the attached ordinance.

Staff would recommend that if the Planning Commission moves forward on listing large fills as a use in resource zones, they only list them conditionally in CFU, CFU-2 and CFU-4 but not in the other resource zones. Preliminarily, the reason for excluding the other CFU zones and EFU is a compatibility issue. The CFU-1 and CFU-3 zones allow fewer non-resource uses than CFU-2 and CFU-4. EFU is excluded because the nature of the resource being protected is inherent in the soils. Since the majority of EFU lands in Multnomah County are high value soils, allowing non-agricultural fills on resource lands could compromise the resource.

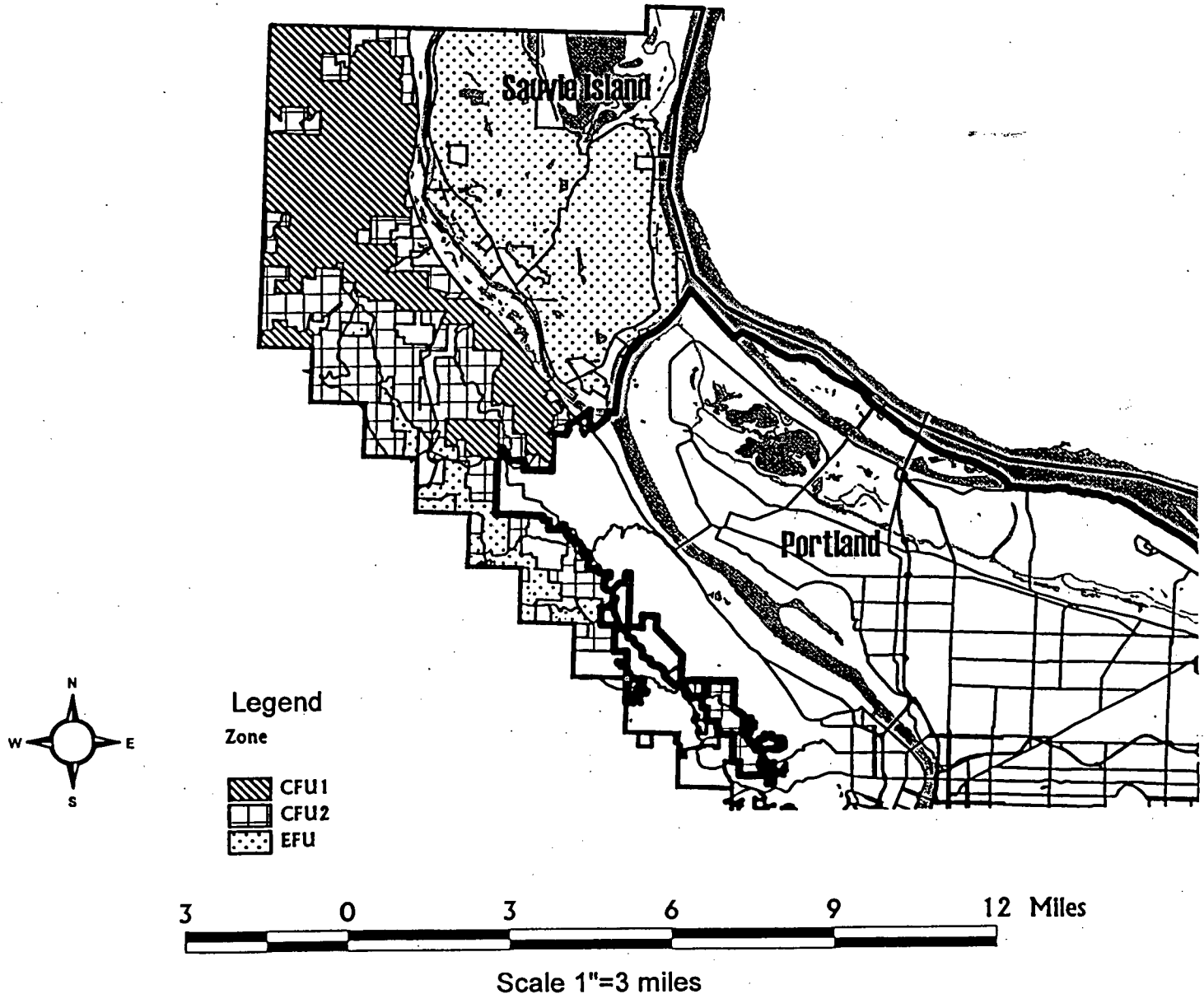
Staff would recommend the Planning Commission conduct the public hearing, and discuss the options for moving forward on this recommendation. Staff would then recommend the Planning Commission discuss findings and determine which zones it intends to recommend this use be listed in.

The following table should help illustrate the differences between the zones involved in this discussion. The attached map shows where these zoning districts apply in the County. A public hearing has been scheduled and noticed for September 14, 1998.



Zone	Characteristics	
<b>Commercial Forest Use Zones</b>		
CFU	All CFU zoned property between Gresham and the Sandy River. Generally smaller land holdings. Allows template dwellings.	List Conditionally
CFU-1 West Hills	Large land holdings, generally in excess of 40 acres with few or no existing residences. Does not allow template dwellings.	Do not list
CFU-2 West Hills	Smaller land holdings generally less than 40 acres with scattered existing residences. Allows template dwellings.	List Conditionally
CFU-3 East of Sandy	Includes Mt. Hood National Forest and adjacent large commercial timber parcels. Does not allow template dwellings or disaggregation.	Do not list
CFU-4 East of Sandy River	Smaller land holdings with scattered existing residences. Allows disaggregation and template dwellings.	List Conditionally
<b>Exclusive Farm Use</b>		
EFU		Do not list

# West Hills Resource Zones



**PREPARED BY:**

**DEPARTMENT OF  
ENVIRONMENTAL SERVICES  
TRANSPORTATION & LAND  
USE PLANNING DIVISION**

**SOURCE:**

**METRO RLIS LITE DATA  
DICTIONARY, JANUARY 1997**

The information on this map was derived from digital databases on Multnomah County GIS. Care was taken in the creation of this map but it is provided "as is". Multnomah County cannot accept any responsibility for errors, omissions, or positional accuracy in the digital data or the underlying records. There are no warranties, express or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

August 10, 1998

**BEFORE THE PLANNING COMMISSION  
OF MULTNOMAH COUNTY, OREGON**

In the matter of the adoption of amendments to the	)	
Multnomah County Zoning Ordinance	)	RESOLUTION
by the Multnomah County Board of Commissioners	)	C 8-98
regarding large fill operations in resource zones	)	


The Multnomah County Planning Commission finds:

- a. The proposed ordinance:
  - Addresses the current problem of large fill areas and sites which have been largely unregulated;
  - Minimizes potentially adverse effects on the public and property surrounding the fill site;
  - Acknowledges that natural resources can be impacted by large fill sites;
  - Distinguishes large fills as a temporary use dependent to a large degree upon market conditions and resource size and that reclamation and the potential for future use of the land for other activities must also be considered;
  - Provides clear and objective standards by which these uses will be reviewed, and;
  - Recognizes that large fills areas should not impede future uses otherwise allowed under the Comprehensive Framework Plan.
- b. On August 28, 1998, the draft Ordinance on large fills was sent to the Oregon Department of Land Conservation and Development for a 45 day review period,
- c. On September 14, 1998, the Multnomah County Planning Commission held a public hearing on the draft ordinance on large fills in resource zones and made a recommendation to the Board of County Commissioners.

It is hereby resolved:

That the Multnomah County Planning Commission hereby recommends that the proposed ordinance attached as Exhibit A be adopted by the Multnomah County Board of Commissioners.

APPROVED this 14<sup>th</sup> day of September, 1998.

By   
John Ingle, Vice-Chair  
Multnomah County Planning Commission  
Multnomah County, Oregon

1           BEFORE THE BOARD OF COUNTY COMMISSIONERS  
2                   FOR MULTNOMAH COUNTY, OREGON  
3                           ORDINANCE NO. \_\_\_\_\_  
4

5           An Ordinance amending the Multnomah County Zoning Ordinance regarding  
6 the provisions for large fill operations in resource zones.

7  
8           (Language in ~~strikethrough~~ is to be deleted; underlined language is new)

9  
10           Multnomah County Ordains as follows:

11  
12 Section I. Findings

13  
14 (A) The Planning Commission initiated discussion regarding large fill operations  
15 currently being operated in the unincorporated area of Multnomah County that were  
16 receiving large numbers of complaints by surrounding property owners.

17  
18 (B) On April 6, 1998 and May 18, 1998 the Planning Commission held work  
19 sessions on large fill operations and came up with conceptual language to regulate  
20 such uses. The Planning Commission directed Staff to draft ordinance language to  
21 implement the standards proposed.

22  
23 (C) The Planning Commission recommended an ordinance for large fills on August  
24 3, 1998 and directed the Staff to draft language allowing large fills in resource zones.

25  
26 (D) On September 14, 1998 the Planning Commission held a public hearing and  
27 recommended the language proposed in this ordinance.

28  
29 (E) The purposes of conditionally allowing large fills in resource zones are as  
30 follows:

31

- ## 15. Section II. Amendment of the Multnomah County Zoning Code MCC 11.15

**19 11.15.2050 Conditional Uses**

22 (E) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

23 (C) Large Fills as provided for in MCC 11.15.7350.

## 11.WH.2090 Conditional Uses

(E) Type B home occupations pursuant to MCC 11.15.7455 through .7465 and provided:

31 (F) Large Fills as provided for in MCC 11.15.7350.

**West Hills CFU – 2****11.WH.2050 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \*

(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

\* \* \*

(G) Large Fills as provided for in MCC 11.15.7350.

**East of Sandy River CFU-3****11.ES.2090 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \*

(E) Type B home occupations pursuant to MCC 11.15.7455 through .7465 and provided:

\* \* \*

(F) Large Fills as provided for in MCC 11.15.7350.

**East of Sandy River CFU – 4****11.ES.2050 Conditional Uses**

The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:

\* \* \*

(F) Type B home occupation pursuant to MCC 11.15.7455 through .7465 and provided:

\* \* \*

(D) Large Fills as provided for in MCC 11.15.7350.

**Exclusive Farm Use****11.15.2012 Conditional Uses**

The following uses may be permitted when approved by the Hearings Officer pursuant to the provisions of MCC .7105 to .7135:

\* \* \*

(P) A single family lot or parcel of record dwelling may be allowed on land identified as high-value farmland when:

\* \* \*

(O) Large Fills as provided for in MCC 11.15.7350.

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ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 1998, being the date of its  
second reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

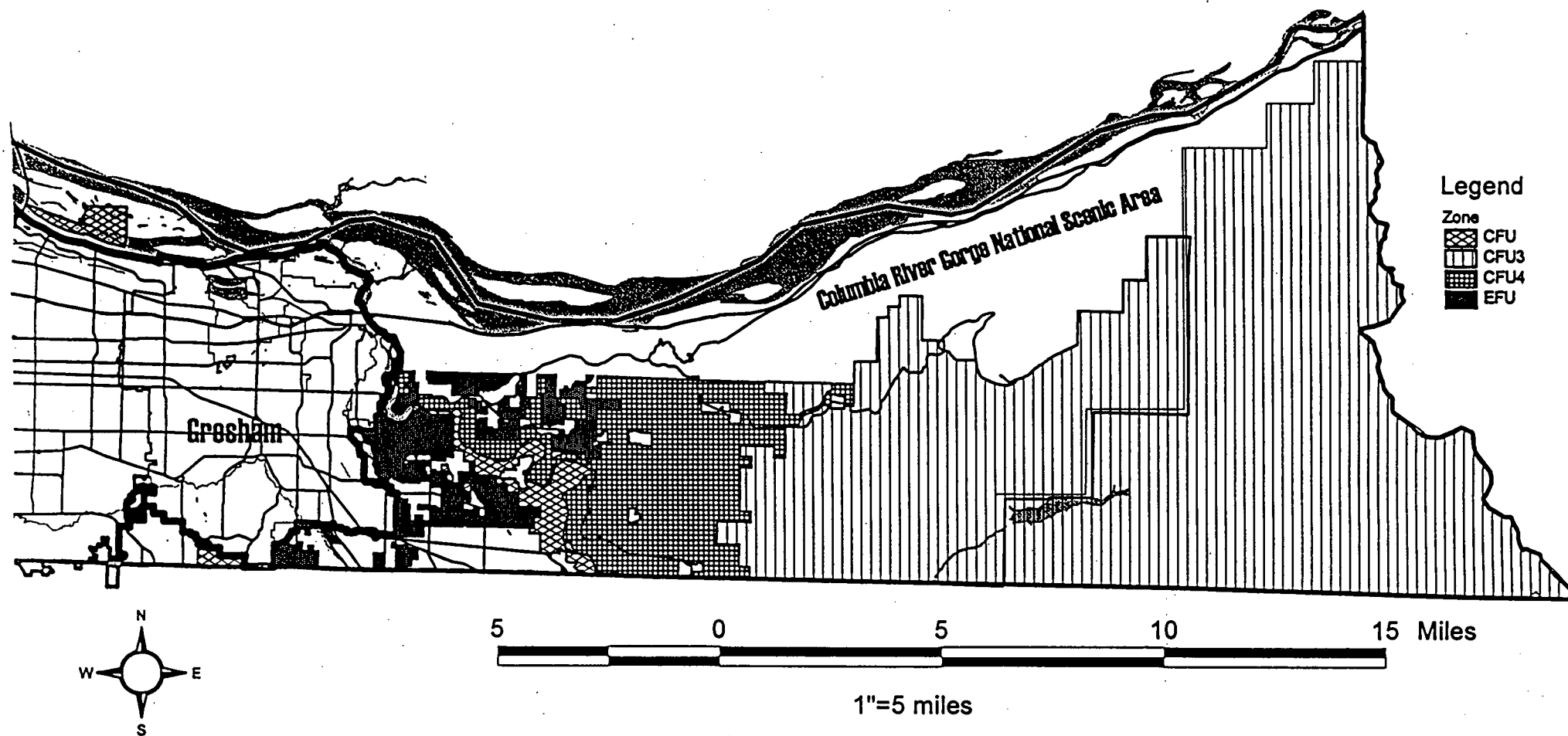
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Beverly Stein, Chair

REVIEWED:  
  
THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Thomas Sponsler, County Counsel

# East County Resource Zones



**PREPARED BY:**

**DEPARTMENT OF  
ENVIRONMENTAL SERVICES  
TRANSPORTATION & LAND  
USE PLANNING DIVISION**

**SOURCE:**

**METRO RLIS LITE DATA  
DICTIONARY, JANUARY 1997**

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August 10, 1998





# TERWILLIGER PLAZA

---

Dee N. Sellner  
*Executive Director*  
(503) 299-4244



2545 SW Terwilliger Blvd. • Portland, Oregon 97201  
(503) 226-4911 • (800) 875-4211 • FAX (503) 299-4231

Greg Kingell  
Board President  
Tanner Plaza



# TERWILLIGER PLAZA

---

Dee N. Sellner  
*Executive Director*  
(503) 299-4244



2545 SW Terwilliger Blvd. • Portland, Oregon 97201  
(503) 226-4911 • (800) 875-4211 • FAX (503) 299-4231

MEETING DATE: DEC 03 1998  
AGENDA #: R-4  
ESTIMATED START TIME: 9:15

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Public Hearing, Resolution Creating The Hospital Facilities Authority of Multnomah County, Resolution Adopting Rules and Bylaws and Resolution Authorizing Issuance of \$26,000,000 in Hospital Facilities Authority Revenue Bonds.

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 3, 1998  
AMOUNT OF TIME NEEDED: 10 to 15 Minutes

DEPARTMENT: DSS DIVISION: Finance

CONTACT: Dave Boyer TELEPHONE #: 248-3903  
BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Dave Boyer

### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

Public Hearing and Resolution Creating The Hospital Facilities Authority of Multnomah County, Resolution Adopting Rules and Bylaws Creating of The Hospital Facilities Authority of Multnomah County and Resolution Authorizing Issuance of \$26,000,000 in Hospital Facilities Authority Revenue Bonds

12/3/98 ORIGINAL Hospital  
Authority Resolutions & Copies  
OF ALL to Dave Boyer

### SIGNATURES REQUIRED:

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

(OR)

DEPARTMENT  
MANAGER: \_\_\_\_\_

*[Signature]*

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 4:47  
MULTNOMAH COUNTY  
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



# MULTNOMAH COUNTY, OREGON

## DEPARTMENT OF SUPPORT SERVICES

### FINANCE DIVISION

#### COUNTY COMMISSIONERS

BEVERLY STEIN, CHAIR  
DIANE LINN, DISTRICT #1  
GARY HANSEN, DISTRICT #2  
LISA NAITO, DISTRICT #3  
SHARRON KELLEY, DISTRICT #4

DIRECTORS OFFICE  
ACCOUNTS PAYABLE  
GENERAL LEDGER  
PAYROLL  
TREASURY  
LAN ADMINISTRATION

PORTLAND BUILDING  
1120 SW FIFTH AVENUE, SUITE 1430  
PO BOX 14700  
PORTLAND, OR 97293-0700  
PHONE (503) 248-3312  
FAX (503) 248-3292

CONTRACTS  
MATERIEL MANAGEMENT  
PURCHASING

FORD BUILDING  
2505 SE 11<sup>TH</sup> 1<sup>ST</sup> FLOOR  
PORTLAND, OR 97202  
PHONE (503) 248-5111  
FAX (503) 248-3252  
TDD (503) 248-5170

## MEMORANDUM

TO: Board of County Commissioners

FROM: David Boyer, Finance Director *DB*

DATE: November 23, 1998

REQUESTED PLACEMENT DATE: December 3, 1998

SUBJECT: Hospital Facilities Authority of Multnomah County

### I. Recommendation / Action:

Approve resolution creating The Hospital Facilities Authority of Multnomah County, approve resolution adopting rules and bylaws of The Hospital Facilities Authority of Multnomah County and approve resolution authorizing the execution of a letter of intent and the issuance of a negotiated sale of up to \$26,000,000 of Hospital Facilities Authority Revenue Bonds for Terwilliger Plaza.

### II. Background / Analysis:

On September 28, 1998, Finance received a letter from Thomas Whitson, Vice President of Seattle – Northwest Securities, on behalf of Terwilliger Plaza, requesting that the County create a Hospital Authority and adopt a resolution authorizing execution of letter of intent to act as their conduit for issuing up to \$26,000,000 in Hospital Authority Revenue Bonds. Terwilliger Plaza is a licensed and accredited Continuing Care Retirement Community. The proceeds of this bond issue will be used to: remodel apartment units, upgrade elevators, remodeling other areas of the units and demolish a nursing home built in 1966 and replace it with 44 assisted living units. Under this type of financing the County is issuing bonds for Terwilliger Plaza. Terwilliger Plaza has the financial and legal obligations to repay the debt. This financing is authorized by Internal Revenue Codes, State Statutes, County Financial and Budget Policy. The County has retained special counsel to ensure that the County's legal requirements are met and that we are not at any financial risk. To perform this financing, we will be collecting a fee for our services at \$1.00 per thousand of bonds issued and Terwilliger Plaza is responsible for paying all issue costs including the cost of our special counsel. This issue will provide the County with approximately \$26,000 of General Fund revenue. Once approved the Finance Division will ensure that all publication and legal requirements are met. Attached is the letter sent by Mr. Whitson.

### III. Financial Impact:

Financial Impact to the General Fund is an additional \$26,000 in revenues.

IV. Legal Issues:

The Resolution contains all legal requirements and was reviewed by all parties. Ater Wynne Hewitt Dodson & Skerritt is special counsel to the County. Attached is correspondence from Ater Wynne discussing the creation and obligations of a Hospital Authority.

V. Controversial Issues:

None that I am aware of.

VI. Link to Current County Policy:

Is consistent with the Financial and Budget Policy adopted by the Board. The County has issued similar bonds for the University of Portland.

VII. Citizen Participation:

Tax Exempt Financing Reform Act (TEFRA) hearing will be held before the bonds are issued. Terwilliger Plaza personnel and Board of Directors have been involved.

VIII. Other Government Participation:

None.

## **PUBLIC NOTICE**

### **SPECIAL MEETING OF THE HOSPITAL FACILITIES AUTHORITY OF MULTNOMAH COUNTY, OREGON**

**NOTICE IS HEREBY GIVEN** that a Special Meeting of The Hospital Facilities Authority of Multnomah County, Oregon (the "Authority") will be held at 9:30 a.m. on Thursday, December 3, 1998 at the Multnomah County Courthouse, Room 602, 1021 S.W. Fourth Avenue, Portland, Oregon 97204. The Special Meeting is conditional upon the Board of Commissioners of Multnomah County creating the Authority.

The purposes of the special meeting are to (1) elect officers; (2) consider a Resolution adopting rules and bylaws of the Authority; (3) consider an Inducement Resolution authorizing the issuance of its nonrecourse Revenue Bonds, Series 1998 for Terwilliger Plaza, Inc.; and to (4) conduct such other business as may come before the Board.

Published November 23, 1998.

## NOTICE OF PUBLIC HEARING

December 3, 1998  
9:30 a.m.  
Multnomah County Courthouse  
Room 602  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204

### COUNTY COMMISSIONERS OF MULTNOMAH COUNTY, OREGON

A public hearing will be held by the Board of County Commissioners of Multnomah County, Oregon (the "Board of County Commissioners") on Thursday, December 3, 1998, at 9:30 a.m. at the Multnomah County Courthouse, Room 602, 1021 S.W. Fourth Avenue, Portland, Oregon 97204, for the purpose of hearing public comment on the creation of a hospital facilities authority pursuant to Oregon Revised Statutes Section 441.525 to 441.595, inclusive (the "Act") for the purpose of issuing nonrecourse revenue bonds or other obligations which would finance projects to increase hospital bed capacity, add adjacent facilities, categories of medical services and combining medical specialties, add to inpatient care and outpatient care, administration, service and support, address the growing need for senior housing health care facilities and other adult congregate living facilities, granting savings to the community as a result of centralization of service and to provide health care to the community in a manner which is economically practicable, to help maintain high quality standards which are appropriate to the timely and economic development of adequate and effective health, housing and senior services in Multnomah County, Oregon.

The hospital authority would have no taxing powers and its revenue bonds would be secured solely by revenues provided by the hospitals and nonprofit adult congregate living facilities receiving the benefit of the revenue bonds.

The purpose of the public hearing will be to provide a reasonable opportunity for members of the public to express their views, orally or in writing, regarding the creation of a hospital facilities authority by Multnomah County, Oregon. The hearing will be conducted in a manner that provides a reasonable opportunity for persons with differing views to be heard on the question of the creation of the hospital facilities authority. Written comments may be delivered at the public hearing or mailed to the Board of County Commissioners at the address indicated above.



This notice is published pursuant to Oregon Revised Statutes Section  
441.535

**BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON**

Published November 23, 1998.  
(Published in *The Oregonian*, in Portland, Oregon).



## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

November 16, 1998

Ms. Dee N. Sellner, Executive Director  
Terwilliger Plaza  
2545 SW Terwilliger Blvd.  
Portland, OR 97201

Dear Ms Sellner:

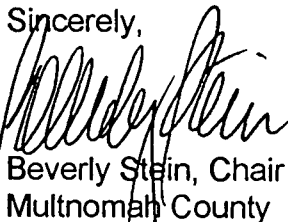
Mr. Thomas Whitson of Seattle – Northwest Securities Corporation has requested that Multnomah County create a Hospital Authority to provide a means to issue tax-exempt financing for Terwilliger Plaza. The County has reviewed your request and I am pleased to introduce a resolution creating a Hospital Authority at our December 3, 1998, Board of County Commissioners meeting.

The County has partnered with other non-profit and higher educational organizations to assist them in providing services to County residence by issuing tax exempt financings. Terwilliger Plaza's planned use of the bond proceeds will provide improved facilities for our senior citizens, is consistent with the County's Benchmarks and continues our efforts to create partnerships with non-profit organizations.

I have asked Dave Boyer, County Finance Director, to prepare the documents to create the Hospital Authority and financing resolutions needed to make this happen.

We look forward to working with you and if you have any questions regarding this please call Dave at (503) 248-3903 or my office.

Sincerely,

  
Beverly Stein, Chair  
Multnomah County

c. Dave Boyer

RECEIVED  
NOV 16 1998





SEATTLE-NORTHWEST  
SECURITIES CORPORATION

1420 Fifth Avenue  
Suite 4300  
Seattle, Washington 98101  
(206) 628-2882

September 28, 1997

David A. Boyer  
Director of Finance Division  
Multnomah County  
1120 SW Fifth Avenue  
Room 1430  
Portland, OR 97204

Dear Mr. Boyer:

On behalf of Terwilliger Plaza I am submitting for your review and consideration a request to create a Hospital Facilities Authority of Multnomah County. I believe that the request attached will provide you with the background information you will need at this time.

Please do not hesitate to call me if additional information is needed. My phone number is (206) 628-2876. Again, on behalf of Terwilliger Plaza thank you for consideration of the request for revenue bond financing.

Sincerely,

Thomas Whitson  
Vice President

Dee N. Sellner  
Executive Director  
Terwilliger Plaza  
2545 SW Terwilliger Blvd  
Portland OR 97201  
(503) 299-4243  
Fax (503) 299-4231

# **Request for Revenue Bond Financing from Terwilliger Plaza to Multnomah County**

## **Introduction**

Terwilliger Plaza (The Plaza) is a licensed and accredited Continuing Care Retirement Community located at 2545 S.W. Terwilliger Blvd., in Portland. The Board of Directors of The Plaza recently approved a major remodeling and construction program to respond to the identified needs at the facility. The project is further described below in the section headed 1998 Project.

In 1995 The Plaza borrowed \$4.5 million by issuing bonds through the Hospital Facility of Clackamas County to refund existing indebtedness and to upgrade the existing structure. At the time, Clackamas County willingly acted as the Issuer although The Plaza was located in Multnomah County. Clackamas County has recently decided, however, that they will no longer issue bonds for healthcare facilities in Multnomah County, concluding that Multnomah County should finance its own facilities.

The Plaza hereby requests that Multnomah County create a Hospital Facility Authority to finance the 1998 Project. As described more fully below, neither Multnomah County's credit nor any of its assets would be pledged to the Bonds. The revenue bonds would be secured only by revenues and assets of The Plaza. The Plaza is in the schematic design phase with the architects and expects to require bond proceeds for renovation and demolition as early as December 1998 and construction of the foundation in April 1999.

The Plaza and the 1998 Project are described in more detail below:

## **History of Terwilliger Plaza**

Plans for The Plaza evolved from the vision of members of the Oregon Retired Teachers Association when, in 1950, individuals began discussing the purchase and renovation of an old structure to create apartments for retired teachers. Chaired by Lesta Hoel, who went on to become the first President of the Board of Directors of The Plaza, a committee was formed and a study undertaken to bring this concept to fruition. In 1957, plans were finalized to locate a site suitable for the construction of a high rise apartment buildings for hundreds of retired teachers. Funds were raised and 125 units were sold before construction work began in 1958. The first residents moved into the facility in 1962. Today, the residents reflect the population age 62 and older from a wide variety of backgrounds.

Apart from continuing investment in general improvements to The Plaza, the property remains essentially as originally designed. The building contains 234 independent living apartments, a central kitchen and resident dining room, an 18-bed Health Center, a grocery store, a hair salon, rooftop gardens and patio, view lounges, a library, craft and hobby areas, a chapel, an auditorium, laundry facilities, and office and support areas. There are 80 on-site open parking spaces with an additional 67 spaces in a parking structure.

## **Apartment Units**

A wide variety of apartment unit configurations are available to residents at The Plaza. These include studio apartments, one bedroom units, one bedroom deluxe units with two bathrooms, one bedroom and studio units with two bathrooms, standard two bedroom units, two bedroom deluxe units with two bathrooms, premium combination units with two bathrooms and a three bedroom unit. The apartments range in size from 378 square feet for a studio to 1,512 square feet for the three bedroom unit.

## Care Center

In 1995, The Plaza purchased Parkview Care Center. Parkview Care Center, renamed Terwilliger Plaza Care Center, is a 58-room nursing home with 102 licensed beds. The Care Center is located on property adjacent to The Plaza's independent living units. It is a four level nursing home built in 1966 with a two story concrete parking structure.

## Continuing Care Retirement Community

The integration of the independent living apartments and the Care Center allows the frail and elderly to age in one place or community, a policy supported by the State of Oregon. The Plaza sought and obtained accreditation by the Continuing Care Accreditation Commission (CCAC). CCAC is a national accrediting organization regarded as the "seal of approval" for continuing care retirement communities (CCRC). Of approximately 5,000 CCRCs, only 250 are accredited. The Plaza is licensed by the State of Oregon as a CCRC and is regulated by the Senior and Disabled Services Division of the Department of Human Resources. The Plaza is in compliance with all applicable statutory and regulatory requirements.

## Origin of Residents at Terwilliger Plaza

Multnomah County, Oregon	75%
Other Oregon Counties	10%
Out of State	<u>15%</u>
Total	100%

## 1998 Project

In response to needs identified by the Board of Directors to maintain and upgrade the premises, the project includes a major remodeling of the 1962 building containing the independent living units, the demolition of the 1966 nursing home and parking structure and the construction of 40 assisted living units.

The remodeling of the 1962 building includes substantial remodeling of apartment units, upgrading of elevators, replacement of exterior windows, remodeling of common areas to include corridors, lobbies, kitchen, grocery store, craft and hobby areas, and office and support areas. The cost of this portion of the project, to bring the building up to current standards, is \$6,500,000.

The 1966 nursing home is beyond economical remodeling. Therefore, it is necessary to demolish it and the adjoining parking structure to provide space for new construction. New construction consists of replacing the parking structure, the building of 40 assisted living units, and the addition of common space. The assisted living units will provide nursing care similar to the existing nursing home but in a more home-like setting. The replacement of traditional nursing home beds with assisted living units is supported by State policy to create a more favorable environment for the aging population. The common space will include an auditorium, expanded dining space and other general use space for residents. The cost of the new construction including professional services is estimated at \$12,300,000.

The total cost of the project is estimated at \$18,800,000. The source of funds will be from capital reserves and bond proceeds.

## 1998 Bond Structure

The 1998 Project would be financed with revenue bond issued by the Hospital Facility Authority to be created by the County. No County assets or credit would back the bonds. The bonds would be secured solely by revenues of The Plaza and a mortgage on The Plaza's facilities.

October 15, 1998

HAND DELIVERED

David A. Boyer  
Director, Finance Division  
Multnomah County  
1120 S.W. Fifth Ave., Room 1430  
Portland, OR 97204

Re: Creation of Hospital Facilities Authority

Dear Dave:

You have asked us to outline the duties and responsibilities of Oregon hospital facilities authorities and the steps that Multnomah County would need to take to create its own hospital authority. The following briefly describes the (1) legislative purposes behind creation of a hospital authority; (2) the powers of a hospital authority; (3) the procedure to create a hospital authority; (4) the reasons for creation of a hospital authority; and (5) recommended requirements for creation of a hospital authority by Multnomah County. Also enclosed for illustration purposes is the form of resolution the Board of Commissioners would pass to create the Hospital Authority and the form of resolution the Hospital Authority would adopt to create its bylaws.

1. The Purpose of Hospital Authorities. The Legislative Assembly created hospital authorities to provide a method by which nonprofit healthcare organizations may obtain tax-exempt financing for capital projects. The policy reflected in ORS 441.530 is "to provide the people of Oregon with access to adequate medical care and hospital facilities." The hospital authority has no right to levy taxes or to operate a hospital facility.

2. General Powers. Hospital authorities have broad powers to issue bonds to finance hospital facilities and adult congregate living facilities. Hospital facilities include any healthcare facilities as broadly defined by ORS 442.015. Adult congregate living facility includes any residential facility for elderly and disabled persons or other place operated by a nonprofit corporation which undertakes through its ownership or management to provide housing, meals and the availability of other supportive services. Examples would include assisted living facilities and continuing care retirement communities. As the population ages, the number of such facilities is growing significantly with a corresponding need for tax-exempt capital financing.

Mr. David A. Boyer  
October 15, 1998  
Page 2

In Oregon, hospital authorities have been issuing bonds for more than 25 years. Typically, the authority loans the proceeds of the bonds to the hospital or continuing care facility who is solely responsible for their repayment. Bonds issued by a hospital facility authority are payable solely from the revenues and assets of the nonprofit corporation owner of the facility. The bonds often also are backed by bond insurance or a letter of credit obtained by the hospital. The directors of the authority are not personally responsible for the repayment of the bonds. The bonds would not be regarded as general obligations of Multnomah County and bondholders would have no claim against Multnomah County.

The principal function of the board of directors of a hospital facility authority is to review the documents which have been prepared by bond counsel and to determine whether the issuance of the bonds is in the public interest. Thus, the principal duty of a director of the hospital authority is to determine whether the construction and refinancing of facilities is in the public interest.

3. Procedure to Create a Hospital Authority. A hospital authority may be created by the Board of Commissioners quickly and simply. First, The Board of Commissioners may on its own motion or upon the written request of any three citizens consider whether it is advisable to create a public authority for the purpose of providing hospital facilities. Second, if the Board of Commissioners holds a public hearing to determine whether it is wise to create a hospital authority. Third, if the Board decides to create an authority, it shall do so by ordinance or resolution. The ordinance or resolution must set forth the name of the authority such as "The Hospital Facilities Authority of Multnomah County, Oregon." As noted above, a sample resolution is enclosed.

The Board also must specify the number to the directors of authority which shall not be less than five nor more than eleven. The resolution or ordinance also must name the initial directors and their initial terms of service which shall not exceed six years. At least one director must be a member of the Board of Commissioners. That member may only serve only as long as the director is a member of the Board of Commissioners. If the Board of Commissioners decides to proceed with the creation of the hospital authority, we would recommend that the Board itself consider serving as exofficio members of the hospital authority. This would avoid the County having to appoint a separate Board.

4. Why Create a Hospital Authority? The primary reason for the Board of Commissioners to create a hospital authority is to make sure that nonprofit hospital and healthcare institutions in Multnomah County can use tax-exempt bonds to finance their capital projects. Historically, nonprofit hospitals in Multnomah County have used the City of Portland's, City of Gresham's or Clackamas County's hospital authorities as issuers. However, in the last year Clackamas County has indicated that they no longer will issue bonds for facilities

Mr. David A. Boyer  
October 15, 1998  
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in Multnomah County. Clackamas County has taken the view that Multnomah County should take charge of financing its own healthcare facilities. Examples of Multnomah County based facilities that the Clackamas Authority has financed in recent years include Providence Hospital, Bess Kaiser, Robinson Jewish Home, The Odd Fellows Home and Friendship Health Center and Terwilliger Plaza. Terwilliger Plaza is now ready to undertake a new financing and is without a local authority to issue bonds on its behalf. The City of Portland also has declined to use its authority for new bond issues.

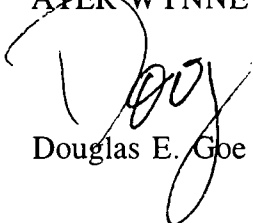
5. Recommended Requirements for Creation of Hospital Authority. If the Board of Commissioners proceeds to create a hospital authority, we recommend that any applicant for tax-exempt financing meet certain requirements.

First, any bonds issued by the hospital authority should be rated investment grade or better or should be privately placed on mutual terms determined by the County's bond counsel and the County's finance director, financial advisor and the underwriter so as not to damage the County's credit. The County should also consider charging the same fees it charges for nonprofit institutions of higher education (such as the University of Portland or Concordia University) who use the County to issue revenue bonds on their behalf. Currently, that fee is set at \$10 per \$1,000 of bonds issued. For example, on a \$10 million bond issue, the County's fee is \$10,000. You also may wish to consider a base fee and graduated fee schedule so that say the base fee is \$10,000. The scale might work so that from \$0 to \$25,000,000 the fee is \$10 per \$1000. From \$25,000,000 to \$50,000,000 would be an additional \$5 per bond and above \$50,000,000 the borrower would pay an additional \$250 per \$1000. For example, on a \$100,000,000 bond issue the County's fee would be \$50,000.

We would be pleased to answer any questions that you or the Board of Commissioners has regarding the creation, duties or functions of a hospital authority.

Very truly yours,

ATERWYNNE LLP



Douglas E. Goe

DEG/san



**RESOLUTION CREATING THE HOSPITAL FACILITIES AUTHORITY**

**RESOLUTION ADOPTING RULES AND BYLAWS OF THE HOSPITAL  
FACILITIES AUTHORITY**

**RESOLUTION AUTHORIZING THE ISSUANCE OF HOSPITAL  
FACILITIES AUTHORITY REVENUE BONDS**

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON  
RESOLUTION No. 98-197**

Creating Hospital Facilities Authority of Multnomah County, Oregon.

**The Board of County Commissioners finds:**

- a. On December 3, 1998, the Board of Commissioners (the "Board") of Multnomah County, Oregon held a public hearing on the question of the advisability of creating a public authority for the purpose of providing hospital facilities pursuant to ORS 441.535; and
- b. The public hearing was held during the regular meeting of the Board of the County on December 3, 1998. Notice of such meeting was given in conformance with the procedural rules of the Board and the requirements of ORS 192.610 to 192.690; and
- c. All persons desiring to be heard in connection with the proposed creation of such public authority did appear and were heard.

**The Board Resolves:**

1. Declaration of Public Need. After due consideration and deeming it necessary, in the public interest and for the health and general welfare of the community, and for the purpose of increasing hospital bed capacity, adding adjacent facilities, categories of medical services and combining medical specialties, adding to inpatient care and outpatient care, administration, service and support, addressing the growing need for senior housing health care facilities and other adult congregate living facilities, granting savings to the community as a result of centralization of service and to provide health care to the community in a manner which is economically practicable, to help maintain high quality standards which are appropriate to the timely and economic development of adequate and effective health, housing and senior services in Multnomah County, the Board determines it is wise and desirable to create a hospital facilities authority pursuant to ORS 441.525 to ORS 441.595 (the "Act").

2. Creation of Hospital Authority. Multnomah County hereby creates, pursuant to the Act, a public authority to be known as "The Hospital Facilities Authority of Multnomah County, Oregon."

3. Board of Directors; Composition.

- (a) The Authority shall be managed and controlled by a board of directors composed of the members of the Board of Commissioners. The Chair of the Board of Commissioners shall serve as the Chair of the

Authority. The Vice Chair of the Board of Commissioners shall serve as the Vice Chair of the Authority. The board of directors shall adopt and may amend their own rules in conducting the business of the Authority and for carrying out its business.

(b) Directors shall serve without compensation; however, the Authority may reimburse or cause to be reimbursed the directors for their expenses incurred in the performance of their duties.

(c) The members of the Board serving as directors shall serve as a director for only so long as such director is a member of the Board.

4. Powers and Duties of the Board. The board of directors shall have all those powers and duties set forth and provided for in the Act as amended from time to time.

5. County not Obligated. Revenue bonds or other obligations which may issued hereafter by the Authority shall not be a general obligation of Multnomah County nor a charge upon the tax revenues of Multnomah County. The creation of the Authority shall not cause Multnomah County to incur any expense or obligation of the Authority. The Authority shall not have any taxing power.



ADOPTED this 3<sup>rd</sup> day of December 1998

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By: 

Thomas Sponsler, County Counsel

**BEFORE THE HOSPITAL FACILITIES AUTHORITY OF  
MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. 98-1**

Adopting Rules and Bylaws of the Hospital Authority of Multnomah County.

**The Board of Directors of the Hospital Authority of Multnomah County, Oregon finds:**

- a. The Hospital Facilities Authority of Multnomah County, Oregon ("Authority"), has been established by a resolution and adopted by the Board of County Commissioners.
- b. It is necessary that rules of the conduct and business of the Authority be established,

**The Authority Resolves:**

The following bylaws are adopted as the bylaws of the Authority.

**RULES AND BYLAWS OF THE  
THE HOSPITAL FACILITIES AUTHORITY  
OF MULTNOMAH COUNTY, OREGON**

**ARTICLE I.  
NAME - OFFICE**

Section 1.

Name of Authority. The name of the Authority shall be The Hospital Facilities Authority of Multnomah County, Oregon in accordance with Resolution No. 98 - of the Board of Commissioners of Multnomah County, Oregon adopted pursuant to ORS 441.525 to 441.595, as amended from time to time (the "Act").

Section 2.

Office of Authority. The offices of the Authority shall be at such place in the City of Portland, Oregon as the Authority from time to time may designate.

**ARTICLE II.**

Section 1.

Officers. The Authority shall be managed and controlled by a board of directors composed of the Board of County Commissioners. The Chair of the Board of County Commissioners shall serve as the Chair of the Authority. The Vice Chair of the Board

of County Commissioners shall serve as the Vice Chair of the Authority. The Secretary of the Authority shall be elected by a majority vote of the directors present at the meeting at which the election is held.

#### Section 2.

The Chair. The chair shall preside at all meetings of the Authority. The chair shall sign all contracts, deeds, bonds, notes and other instruments made by the Authority except as otherwise authorized by resolution of the Authority.

#### Section 3.

The Vice Chair. The vice chair shall perform duties of the chair in the absence or incapacity of the chair and in any case the resignation or death of the chair, the vice chair shall perform such duties as are imposed on the chair until such time as a new Chair of the Board of Commissioners is elected.

#### Section 4.

Secretary. The secretary shall keep or cause to be kept the minutes and the official records of the Authority, attest signatures of the Authority, certify copies of Authority documents and perform such other duties required of a secretary.

#### Section 5.

Assistant Secretary. The Director, Finance Division (the "Director") of Multnomah County, Oregon shall serve as assistant secretary and he or she shall keep the minutes and official records of the Authority and may certify documents and perform other duties delegated by the Secretary. The Assistant Secretary shall be responsible for the fiscal administration of all funds of the Authority, shall act as signer of checks drawn upon the accounts of the Authority and shall be responsible for the fiscal accounts of the Authority.

#### Section 6.

Additional Duties. The officers of the Authority shall perform such other duties and functions as may from time to time be required by the Authority or the bylaws or rules and regulations of the Authority.

#### Section 5.

Vacancies. Should an office become vacant, the vacant office shall be filled consistent with the County's Home Rule Charter

#### Section 6.

Additional Personnel. The Authority may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by the laws of the State of Oregon applicable thereto. The creation and compensation of positions shall be determined by the Authority.

### **ARTICLE III. MEETINGS**

#### **Section 1.**

Annual Meetings. The annual meetings of the Authority shall be held not later than the third week in August of each year.

#### **Section 2.**

Regular Meetings. Regular meetings may be held with official notice at such time and place as may from time to time be determined by resolution of the Authority. In the event a day of regular meeting shall be a legal holiday, the meeting shall be held on the next succeeding business day.

#### **Section 3.**

Special Meetings. Special meetings may be called at the discretion of the Chair and shall be called upon the written request of three directors of the Authority. The call for a special meeting of the Authority shall be for the purpose of transacting any business designated in the call. The call for a special meeting shall be delivered or mailed to each directors of the Authority and shall be given at least twenty-four (24) hours prior to the date of such special meeting. Provided, however, the call may be waived by written unanimous consent of all directors of the Authority. Except as provided in the preceding sentence, at such special meeting no business shall be considered other than as designated in the call, but if all of the directors of the Authority are present at a special meeting, any and all business may be transacted at such special meeting upon unanimous consent of all directors of the Authority.

#### **Section 4.**

Quorum. A majority of the directors shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes, but a smaller number may adjourn from time to time until a quorum is obtained. Action may be taken by the Authority upon a vote of a majority of those directors present and voting.

#### **Section 5.**



Order of Business. At the regular meeting of the Authority, the following shall be the order of business:

Roll Call  
Approval of Minutes  
Report of Chair  
Resolutions  
Other Business  
Adjournment

All adopted resolutions shall be in writing and shall be incorporated into the minutes. Failure to follow the order of business shall not invalidate the issuance of any bonds or other obligations of the Authority.

#### Section 6.

Manner of Voting. Voting on all matters coming before the Authority shall be by voice, except the presiding officer may request a call of the roll, and if a roll call vote shall be taken the ayes, nays and name of any directors who have disqualified themselves, shall be entered upon the minute book.

#### Section 7.

Robert's Rules. All rules of order not herein provided for shall be determined in accordance with "Robert's Rules of Order."

### **ARTICLE IV. FEES AND MANNER OF BOND OFFERING**

#### Section 1.

Fees and Expenses. The Authority shall charge fees for each of its revenue bonds as determined by the board of directors from time to time; provided, however, the initial fee for each borrower shall equal one dollar (\$1.00) per thousand dollars (\$1,000) of the principal amount of the revenue bonds, but not less than \$10,000. In addition, the borrower shall be required to pay the fees and charges of the Authority's bond counsel and special counsel and for any time incurred by Multnomah County's finance or legal staff.

#### Section 2.

Manner of Bond Offering. Revenue bonds of the Authority sold to the public shall have an investment grade rating or be backed by a letter of credit, municipal bond insurance or other credit enhancement provided by a entity with an investment grade rating. Revenue bonds not meeting the standards of the preceding sentence shall be

privately placed in a manner satisfactory to the Director and Bond Counsel to the Authority.

## ARTICLE V. AMENDMENTS

### Section 1.

Amendments to Bylaws. The bylaws of the Authority shall be amended only with the approval of the directors of the Authority at a duly convened meeting, but no such amendment shall be adopted unless at least five (5) days' written notice thereof has been previously given to all of directors of the Authority. Such notice shall identify the section or sections of the bylaws proposed to be amended. Provided, however, such notice may be waived by written unanimous consent in writing of all directors of the Authority.

Adopted by The Hospital Facilities Authority of Multnomah County, Oregon this 3rd day of December, 1998.



### THE HOSPITAL AUTHORITY OF MULTNOMAH COUNTY, OREGON

By: [Signature]  
Chair

ATTEST:

By: [Signature]  
Secretary

REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By: [Signature]  
Thomas Sponsler, County Counsel

**BEFORE THE HOSPITAL FACILITIES AUTHORITY  
OF MULTNOMAH COUNTY, OREGON**

**RESOLUTION NO. 98-2**

Authorizing the issuance of The Hospital Facilities Authority of Multnomah County, Oregon Revenue Bonds, Series 1998 (Terwilliger Plaza Project) (the "Bonds"), in an aggregate principal amount not to exceed \$26,000,000; authorizing the execution of a Letter of Intent with Terwilliger Plaza, Inc. (the "Borrower"); designating an authorized representative; authorizing a public hearing; and related matters.

**The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon finds:**

a. The Board of Directors of The Hospital Facilities Authority of Multnomah County, Oregon (the "Authority") has received a request from the Borrower, for the issuance by the Authority of its revenue bonds to finance the following project (collectively, the "Project"):

- (1) Construction and equipping of 44 assisted living units on the existing site of Terwilliger Plaza Care Center; construction of a new three-story parking garage and renovation, remodeling and upgrading of Terwilliger Plaza such as dining room, lobby, elevators and independent living units; and
- (2) To advance refund the Hospital Facility Authority of Clackamas County, Oregon Revenue Bonds, Series 1995 (Terwilliger Plaza Project) (the "Refunded Bonds"); and
- (3) To fund certain capitalized interest in connection with the Project; and
- (4) To fund a debt service reserve fund; and
- (5) To pay certain expenses incurred in connection with the issuance of the Bonds.

b. The Authority has determined that the Project constitutes a hospital facility within the meaning of Oregon Revised Statutes 441.525 to 441.595 (the "Act") to provide the people of Oregon and Multnomah County with access to adequate medical care and adult congregate living facilities; and

c. It is also advisable to execute and deliver a letter of intent, substantially in the form attached hereto as Exhibit A (the "Letter of Intent"), which sets forth the obligations of the Authority and the Borrower regarding the Bonds; and

d. The Board of Directors of the Authority have considered the terms and provisions of a draft Indenture of Trust dated as of January 1, 1999 (the "Indenture") between the Authority and U.S. Bank Trust National Association in Portland, Oregon (the "Trustee") and a draft Loan Agreement dated as of January 1, 1999 (the "Loan Agreement")

between the Authority and the Borrower, a draft Preliminary Offering Memorandum or Preliminary Official Statement (collectively, the "Preliminary Offering Memorandum") and a draft Placement Agreement or Bond Purchase Agreement among the Authority, the Borrower and Seattle-Northwest Securities Corporation, as underwriter (the "Underwriter") (collectively, the "Placement Agreement"). The Authority determines that it is in the best interest for the Authority to provide adequate hospital services for the people of the State of Oregon and to proceed with the issuance of the Bonds. The Indenture, the Loan Agreement, the Preliminary Offering Memorandum and the Placement Agreement are incorporated herein by this reference.

### **The Authority Resolves:**

Section 1. The Authority does authorize and approve of the provisions of and directs the execution, delivery and issuance by the Authority of the Bonds in an aggregate amount not exceeding \$26,000,000. Proceeds of the Bonds will be used to finance the Project.

The Bonds shall be issued in substantially the form as set forth in the Indenture.

Section 2. The Authority designates each of the Chair, Vice-Chair, Secretary of the Authority, or the Director, Finance Division of the County or the Assistant Secretary of the Authority, or their designee as "Authorized Representatives" to act on behalf of the County and determine the remaining terms of the Bonds as specified in Section 14 herein.

Section 3. The Authority does provide for the establishment of the Bond Fund and Project Fund as set forth in the Indenture to be held in trust with or under the control of the Trustee for the purposes and uses as set forth in the Indenture. The Authority is obligated to deposit proceeds of the Bonds to the funds as set forth in the Indenture. In addition, the Authority shall provide for the deposit of all of the Loan Repayments payable to the Authority from the Loan Agreement.

Section 4. The Authority's pledge for the payment of the Bonds shall be valid and binding from the date of the adoption of this Bond Resolution against any parties having subsequent claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have actual notice of this pledge. Pursuant to Oregon Revised Statutes Section 441.555(5) this pledge is noted in the Authority's minute book which shall contain this Bond Resolution and which shall be constructive notice thereof to all parties and neither this Bond Resolution nor other instrument by which a pledge is created need be otherwise recorded, nor shall the filing of any financing statement under the Oregon Uniform Commercial Code be required to perfect such pledge. Any moneys or obligations so pledged and later received by the Authority shall immediately be subject to the lien of the pledge without any physical delivery or further act.

Section 5. The Authority authorizes the sale of the Bonds to the Underwriter pursuant to the terms and conditions of the Placement Agreement or Bond Purchase Agreement as approved by the Authorized Representative. The Bonds shall be executed by the facsimile signature of the Chair or Vice-Chair and shall be attested by the facsimile

signature of the Secretary as the Authorized Representatives of the Authority.

Section 6. The Authority authorizes and directs the execution and delivery of and the performance by the Authority of the obligations and duties on its part as contained in the Indenture, the Loan Agreement, Tax Regulatory Agreement, Tax Certificate, Escrow Agreement (as such terms are defined in the Indenture), and the Placement Agreement.

Any one or more of the Authorized Representatives shall approve, execute and deliver each of the above-described documents and such other documents as are necessary to consummate the closing of the Bonds.

Section 7. U.S. Bank Trust National Association, in Portland, Oregon is designated and approved as the initial "Trustee" pursuant to the Indenture.

Section 8. During any time that the Bonds are held in a book-entry only system (the "Book-Entry System"), the registered owner of all of the Bonds shall be The Depository Trust Company, New York, New York ("DTC"), and the Bonds shall be registered in the name of Cede & Co., as nominee for DTC. The Authority has entered into a Blanket Issuer Letter of Representations (the "Letter") wherein the Authority represents that it will comply with the requirements stated in DTC's Operational Arrangements as they may be amended from time to time.

Section 9. The Trustee is appointed and designated as the Paying Agent and Bond Registrar of the Bonds. An Authorized Representative of the Authority is authorized to execute a Paying Agent and Bond Registrar Agreement, dated as of the date of closing, which provides for compliance with Oregon Administrative Rule 170-61-010, for and on behalf of the Authority. The Authority does request and authorize the Bond Registrar to execute the Certificate of Authentication as of the date of delivery of the Bonds. The Paying Agent and Bond Registrar shall maintain a record of the names and addresses of the registered owners of the Bonds. The records of the registered bond ownership are not public records within the meaning of Oregon Revised Statute Section 192.210(4).

Section 10. The Bonds may be transferred or subject to exchange, for fully registered Bonds in denominations of \$5,000 or integral multiples thereof, as more fully provided in the Indenture.

Section 11. The Authority may defease the Bonds as provided in the Indenture.

Section 12. For purposes of compliance by the Underwriter with Rule 15c2-12(b)(1) of the federal Securities and Exchange Commission, the Authority authorizes the Authorized Representative to ratify the distribution of the Preliminary Offering Memorandum by the Underwriter and deem as near "final" the Preliminary Offering Memorandum, in substantially the form presented to the Authorized Representative.

Section 13. In consideration of the purchase and acceptance of any or all of the Bonds by those who shall own the same from time to time (the "Bondowners"), the provisions of this Resolution shall be part of the contract of the Authority with the Bondowners and shall be deemed to be and shall constitute a contract between the Authority and the Bondowners. The covenants, pledges, representations and warranties contained in this

Resolution or in the closing documents executed in connection with the Bonds, including without limitation the Authority's covenants and pledges contained herein, and the other covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be contracts for the equal benefit, protection and security of the Bondowners, all of which shall be of equal rank without preference, priority or distinction of any of such Bonds over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 14. The Authorized Representative is hereby authorized pursuant to ORS 288.520(4) to:

- a. Establish the principal and interest payment dates, principal amounts, optional and mandatory redemption provisions, if any, interest rates, and denominations and all other terms for the Bonds;
- b. Negotiate the terms with Seattle-Northwest Securities Corporation under which the Bonds shall be sold; enter into a bond purchase agreement or placement agreement for the sale of the Bonds which incorporates those terms; select an expert advisor to evaluate the negotiated terms of the bond; and execute and deliver such bond purchase agreement or placement agreement;
- c. Approve and authorize the preparation and distribution of preliminary and final offering memorandums or preliminary and final official statements for the Bonds;
- d. Obtain municipal bond insurance on the Bonds if determined by the Authorized Representative to be in the best interest of the Authority and the Borrower, and expend Bond proceeds to pay any bond insurance premium;
- e. Obtain one or more ratings on the Bonds if determined by the Authorized Representative to be in the best interest of the Authority and the Borrower, and expend Bond proceeds to pay the costs of obtaining such rating;
- f. Take such actions as are necessary to qualify the Bonds for the Book-Entry System of DTC;
- g. Approve, execute and deliver the Bond closing documents and certificates;
- h. Enter into covenants regarding the use of the proceeds of the Bonds and the projects financed with the proceeds of the Bonds, to maintain the tax-exempt status of the Bonds; and
- i. Execute and deliver a certificate specifying the action taken pursuant to this Section 12, and any other certificates, documents or agreements that the Authorized Representative determines are desirable to issue, sell and deliver the Bonds in accordance with this Resolution.

Section 15. The Authorized Representative of the Authority is hereby authorized to

execute and deliver on behalf of the Authority the Letter of Intent in substantially the form presented to this meeting with any changes to be approved by the Director, Finance Division (the "Director") for Multnomah County, Oregon (the "County") with the Borrower, whereby, (1) the Authority agrees to use its best efforts to provide for the issuance of the Bonds, subject to the provisions of the Act; (2) the Borrower agrees to pay all expenses of the Bond issuance and to save the Authority and the County harmless from any liability.

Section 16. The Authority designates Ater Wynne LLP, of Portland, Oregon as Bond Counsel and Special Counsel with respect to this financing and designates Seattle-Northwest Securities Corporation, Seattle, Washington as Underwriter with respect to this financing.

Section 17. The Director is authorized to approve an advance refunding plan to be prepared by the Underwriter for the Refunded Bonds for submission to the State Treasurer and to hold a public hearing (the "TEFRA Hearing") with respect to the Bonds pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended, and to forward a report of such hearing to the Chair of the Board of Commissioners of Multnomah County.

ADOPTED this 3rd day of December, 1998.



**THE HOSPITAL FACILITIES AUTHORITY  
OF MULTNOMAH COUNTY, OREGON**

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

Chair

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

Secretary

REVIEWED:

THOMAS SPONSLE, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

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

Thomas Sponsler, County Counsel

## LETTER OF INTENT

between

THE HOSPITAL FACILITIES AUTHORITY OF  
MULTNOMAH COUNTY, OREGON

and

TERWILLIGER PLAZA, INC.

THIS LETTER OF INTENT is between THE HOSPITAL FACILITIES AUTHORITY OF MULTNOMAH COUNTY, OREGON, a municipal corporation of the State of Oregon (the "Authority"), and TERWILLIGER PLAZA, INC., an Oregon nonprofit corporation (the "Borrower").

1. Preliminary Statement. Among the matters of mutual inducement, which have resulted in the execution of this Letter of Intent are the following:

a. The Authority is a municipal corporation, authorized and empowered by ORS 441.525 to 441.595 (the "Act") to issue revenue bonds for the purposes specified therein, including providing funds to nonprofit corporations sufficient for constructing, furnishing and equipping "hospital facilities" under the Act, upon such terms and conditions as the Authority may deem advisable.

b. The Authority proposes to issue revenue bonds pursuant to the Act to provide funds (1) to construct and equip 44 assisted living units on the existing site of Terwilliger Plaza Care Center; construct a new three-story parking garage and renovate, remodel and upgrade Terwilliger Plaza such as a dining room, lobby, elevators and independent living units; (2) to advance refund the Hospital Facility Authority of Clackamas County, Oregon Revenue Bonds, Series 1995 (Terwilliger Plaza Project); (3) to fund certain capitalized interest in connection with the Project; (4) to fund a debt service reserve fund; and (5) to pay certain expenses incurred in connection with the issuance of the Bonds (collectively, the "Project") and to loan the proceeds of such revenue bonds (the "Revenue Bonds") to the Borrower for such purposes.



c. The Authority deems it necessary and advisable that it take such action as may be required under the Act to authorize and issue Revenue Bonds to finance the cost of the Bond Project in a total amount not to exceed \$26,000,000.

d. The Authority finds that the issuance of Revenue Bonds to finance the cost of the Project, and the loaning of the proceeds thereof to the Borrower constitutes a valid public purpose.

e. The Borrower wishes to proceed with the preparation of necessary plans and specifications, and to incur expenses in connection with the Project. The Borrower does not wish to incur the costs and expenses and proceed with its plans for the Project without assurances from the Authority, satisfactory to the Borrower, that proceeds of the sale of Revenue Bonds of the Authority will be made available to finance the Project. The parties consider it appropriate that the action contemplated hereunder be the subject of this Letter of Intent.

f. All references in this Letter of Intent to the Authority shall be deemed to include where appropriate its elected and appointed officials, employees and agents.

2. Undertakings on the Part of the Authority. Subject to the conditions stated herein, the preparation and approval of the various financing documents and review and approval by bond counsel, the Authority agrees and represents as follows:

a. The Authority will, upon satisfaction by the Borrower of all conditions stated herein and all other conditions imposed on the Borrower by the Authority prior to issuance of the Revenue Bonds, authorize and cause the issuance of its Revenue Bonds to be payable solely from revenues of the Borrower to the Authority pursuant to a loan agreement or other financing agreement between the Borrower and the Authority, which Revenue Bonds will be in an aggregate principal amount not to exceed \$26,000,000.

b. The Authority will adopt such proceedings and authorize the execution of such documents as may be necessary and advisable for the authorization, issuance, sale and delivery of the Revenue Bonds, and loan the proceeds of the Revenue Bonds to the Borrower to finance the Project, all as authorized by law and as mutually satisfactory to the Borrower and the Authority.

c. The amounts payable to the Authority under the loan agreement or other financing agreement will be sufficient to pay the principal of and the interest on, and

redemption premium, if any, of the Revenue Bonds as and when the same become due and payable.

d. The Authority has appointed Ater Wynne LLP as bond counsel and special counsel (collectively, "Special Counsel") to supervise the proceedings and to approve the legality of the actions of the Authority, the Revenue Bonds, the tax-exempt status of the Revenue Bonds and to conduct due diligence with respect to the Borrower and to assist in the review of the preliminary and final official statements for the Revenue Bonds.

e. Neither the Revenue Bonds nor the interest thereon shall be an obligation of Multnomah County, Oregon (the "County"), or the State of Oregon, or the personal obligations of the elected or appointed officials, employees or agents of the Authority, the County or the State of Oregon within the meaning of any constitutional or statutory provisions whatsoever, but shall be payable solely from revenues of the Borrower and any bond insurance obtained by the Borrower. The Revenue Bonds shall not be a general obligation of the Authority or its elected or appointed officials, employees or agents nor a pledge of the faith and credit of the Authority or its elected or appointed officials, employees or agents nor a debt or pledge of the faith and credit of the County or the State of Oregon.

f. No presently existing assets of the Authority or the County shall be given to secure the Revenue Bonds and the Revenue Bonds shall be repayable out of and, only out of, revenues of the Borrower.

3. Undertakings on the Part of the Borrower. Subject to the conditions above stated, the Borrower agrees as follows:

a. If the Revenue Bond financing herein contemplated is available, it is the intent of the Borrower to cause the Project to be constructed, furnished and equipped within the territorial limits of the Authority.

b. The Borrower will cooperate with the Authority for the approval of all of the terms and conditions of the issuance of the Revenue Bonds, and in the sale of the Revenue Bonds in an aggregate principal amount not to exceed \$26,000,000, to be used to finance the Project.

c. At the time of closing of the revenue bond sale, the Borrower will pay to the Authority, from revenue bond proceeds or other available Borrower funds, an issuers

fee equal to one dollar (\$1.00) per one thousand dollars (\$1,000) of the principal amount of the revenue bonds, but not less than \$10,000 and the Borrower will pay, from revenue bond proceeds or other available Borrower funds, to Ater Wynne LLP, as Special Counsel to the Authority, fees based on the time incurred with respect to the revenue bonds and the Project and based on its standard hourly rates.

d. At the time of closing of the Revenue Bond sale, the Borrower will deliver an executed loan agreement or other financing agreement with the Authority, under which terms the Borrower will agree to pay the Authority loan payments sufficient in the aggregate to pay the principal of and interest on, and redemption premium, if any, of the Revenue Bonds as and when the same shall become due and payable. The Authority, at its option, may require the Revenue Bonds to be secured by a reserve fund or a bond insurance acceptable in form and substance to the Authority. The manner of the Sale of the Revenue Bonds shall be subject to the provisions of Article IV, Section 2 of the Authority's Bylaws.

e. The loan agreement or other financing agreement shall contain a provision that the Borrower shall indemnify and hold the Authority and the County and their elected or appointed officials, employees and agents harmless from all liabilities incurred in connection with the Project.

f. The Borrower will cause Borrower's counsel to provide the Authority with a legal opinion substantially the same in form and substance as the legal opinion provided by Borrower's counsel to the underwriter with respect to the Revenue Bonds.

g. The loan agreement shall also contain such other provisions as may be required or permitted by law and as are mutually acceptable to the parties.

h. In accordance with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission, the Borrower, as an "Obligated Person" within the meaning of the Rule, agrees to execute and deliver a Continuing Disclosure Certificate, in a form satisfactory to the Authority and Special Counsel and agrees to provide information as specified in the Continuing Disclosure Certificate on an annual basis and will undertake to provide in a timely manner notices of a material event, as defined in the Continuing Disclosure Certificate, with respect to the Revenue Bonds.

i. The Borrower will take such further action and adopt such further proceedings as may be required to implement these understandings.

4. General Provisions.

a. Except as provided in Section 4(b) and Section 5(a) hereof or as otherwise provided herein, all obligations arising under this Letter of Intent are conditioned upon the parties agreeing to mutually acceptable terms for the sale of the Revenue Bonds and mutually acceptable terms and conditions for the contracts and agreements contemplated herein; provided, however, that the Authority shall not participate in or be responsible for the marketing of the Revenue Bonds.

b. The Borrower will pay, or cause to be paid, to the Authority, whether the Revenue Bonds are actually issued or not, any fees and expenses incurred in connection with the issuance, sale and on-going administration of the Revenue Bonds, including without limitation, the reasonable fees and expenses of the County, Special Counsel (including, without limitation, their fees and expenses as bond counsel), the Authority's financial advisor, the Bond Trustee, registrar, and paying agent. The Borrower will also pay the cost of County staff time incurred in connection with the issuance, sale or on-going administration of the Revenue Bonds. In addition, the Borrower shall pay the out-of-pocket costs of Special Counsel, (including, without limitation, their fees and expenses as bond counsel), the Authority's financial advisor, if any, and County staff. The Borrower will also pay the cost and fees of its counsel, bond insurance, if any, underwriter's fees and any other costs incurred in connection with the Project or the Revenue Bonds.

c. The Borrower shall obtain, at its expense, all necessary governmental approvals and opinions of Bond Counsel to ensure the legality and tax exempt status of the Revenue Bonds. In addition, the Borrower shall make no use of the Revenue Bond proceeds so as to cause the Revenue Bonds to be classified as arbitrage bonds as that term is defined in the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code") or cease to be "qualified 501(c)(3) bonds" as that term is defined in Section 145 of the Code.

d. The Borrower agrees to execute and deliver the Continuing Disclosure Certificate as required by Section 3h. hereof.

5. Miscellaneous Provisions.

a. The Borrower shall and hereby agrees to indemnify and save the Authority and the County, their appointed or elected officials, employees or agents harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from the execution of this Letter of Intent and the adoption of the Authority's Resolution on November 19, 1998, and any other actions to be taken by the Authority or the County relating to the Project or the issuance of the Revenue Bonds for so long as the Revenue Bonds remain outstanding, including, without limitation, the conduct or management of, or from any work or thing done related to the Project, including without limitation, (i) any condition related to the Project, (ii) any breach or default on the part of the Borrower in the performance of any of its obligations under this Letter of Intent, (iii) any act or negligence of the Borrower or of any of its agents, contractors, servants, employees or licensees or (iv) any act or negligence of any assignee or lessee of the Borrower, or of any agents, contractors, servants, employees or licensees of any assignee or lessee of the Borrower. The Borrower shall indemnify and save the Authority and the County and their elected or appointed officials, employees or agents harmless from any such claim arising as aforesaid, or in connection with any action or proceeding or costs or fees incurred in any action or proceedings brought thereon whether at trial, on appeal, in bankruptcy proceedings or otherwise, and upon notice from the Authority or its elected or appointed officials, employees or agents, the Borrower shall defend them or either of them in any such action or proceeding at the Borrower's expense.

Notwithstanding the fact that is the intention of the parties hereto that the Authority and the County and their elected or appointed officials, employees or agents shall not incur any pecuniary liability by reason of the terms of this Letter of Intent or the undertakings required of the Authority or the County or their elected or appointed officials, employees or agents hereunder, by reason of the issuance of the Revenue Bonds or by reason of the execution of any financing documents relating thereto, or by reason of the performance of any act requested by the Authority or the County, its elected or appointed officials, employees or agents or by the Borrower, including all claims, liabilities or losses arising in connection with the violation of any statutes or regulation pertaining to the foregoing; nevertheless, if the Authority or the County or its elected or appointed officials, employees or agents should incur any such

pecuniary liability, then in such event the Borrower shall indemnify and hold the Authority and the County and their elected or appointed officials, employees or agents harmless against all claims, demands or causes of action whatsoever, by or on behalf of any person, firm or corporation or other legal entity arising out of the same or out of any Offering Statement or lack of Offering Statement in connection with the sale or resale of the Revenue Bonds and all costs, fees and expenses, including without limitation, legal fees and expenses whether incurred at trial, on appeal, in bankruptcy proceedings or otherwise incurred in connection with any such claim or in connection with any action or proceeding brought thereon, and upon notice from the Authority or its elected or appointed officials, employees or agents, the Borrower shall defend the Authority and its elected or appointed officials, employees or agents in any such action or proceeding.

Notwithstanding anything to the contrary contained herein, the Borrower shall have no liability to indemnify the Authority or the County, or its elected or appointed officials, employees or agents, against claims or damages resulting from the Authority's or the County or their elected or appointed officials, employees or agents own gross negligence or willful misconduct.

In the event any claim is made against the Authority or the County, their elected or appointed officials, employees or agents (collectively, the "Indemnified Parties") for which indemnification may be sought from the Borrower under the foregoing provisions, the Indemnified Parties shall promptly give written notice thereof to the Borrower; *provided that* any failure to give or delay in giving such written notice shall not relieve the Borrower's indemnification obligations as set forth above except to the extent such failure or delay prejudices the Borrower's ability to defend or settle such claim. Upon receipt of such notice, the Borrower shall assume the defense thereof in all respects and may settle such claim in such manner as it deems appropriate so long as there is no liability, cost or expense to the Indemnified Party. The Borrower shall select legal counsel to represent each Indemnified Party and shall not be responsible for the legal fees and expenses of any legal counsel retained by any Indemnified Party without the written consent of the Borrower, unless the Authority or the County shall have reasonably concluded that there may be a conflict of interest between the Authority or the County and the Borrower in the conduct of the defense of such action (in which

case the Borrower shall not have the right to direct the defense of such action on behalf of the Authority or the County but shall be responsible for the legal fees and expenses of the counsel retained by the Indemnified Party whether incurred at trial, on appeal, in bankruptcy proceedings or otherwise).

b. If the Revenue Bond proceeds are not sufficient to complete the Bond Project, the Borrower agrees to pay, or cause to be paid, the deficiency.

c. Prior to the issuance of the Revenue Bonds, the Borrower shall provide to the Authority and its elected and appointed officials liability insurance or other acceptable alternatives providing such protection and in such amounts as may be reasonably required by the Authority. The Authority and the Borrower have caused this Letter of Intent to be authorized by their respective governing body or board of directors, and executed by their duly authorized officers as of this 3rd day of December, 1998.

**THE HOSPITAL FACILITIES  
AUTHORITY OF MULTNOMAH  
COUNTY, OREGON**

**TERWILLIGER PLAZA, INC.**

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

Chair

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

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

MEETING DATE: DEC 03 1998  
AGENDA NO: R-5  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: Departmental RESULTS Team Presentation: DSS

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

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

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

REGULAR MEETING:

DATE REQUESTED: December 3, 1998

AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Support Services

DIVISION: Employee Services: Training &  
Organizational Development

CONTACT: Shery Stump

TELEPHONE #: 248-5015 X22203

BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Shery Stump, Trink Morimitsu

### ACTION REQUESTED:

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

### SUGGESTED AGENDA TITLE:

DSS RESULTS: Working with Stakeholders to Plan Management Development Curriculum  
for Multnomah County

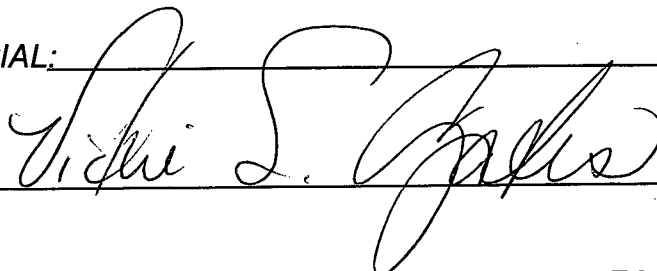
Additional copies will be brought to the session and made available to audience members.)

### SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT  
MANAGER:



98 NOV 23 AM 3:00  
MULTNOMAH COUNTY  
OREGON  
BOARD OF  
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



## **RESULTS from Department of Support Services:**

### **Working With Stakeholders to Plan Management Development Curriculum**

#### **Problem:**

There is no consistent, timely, practical system for supporting and training County managers and supervisors.

#### **Problem Definition and Analysis:**

Awareness of the Problem came through:

- RESULTS Roadmap goals and their implications for the role of managers and supervisors
- Management issues raised in meetings, training classes, planning sessions, and other forums
- Requests from employees to "please teach my manager (fill in the blank)."
- Open space discussions about leadership in Management Forum
- Best practices and resources about current and future demands on managers and organizations

Stakeholder Involvement Process for Developing Management Competencies, August 20, 1998:

- Representatives of all departments, Sheriff's Office and District Attorney's Office
- Facilitated by Lolita Bumette, Achievement Architects
- Environmental scan: challenges for county managers
- Identification of tasks needed to meet challenges
- Identification of competencies for County managers
- Prioritization of competencies: value to the County vs. level of performance

#### **Interim results (Based on August 20 Stakeholder Involvement session)**

Top 10 management development opportunities:

- Human resources management
- Administration
- Financial Management
- Technology Management
- Public Involvement
- Marketing
- Project Management
- Safe Working Environment
- Self-Management
- Change Agent

Current strengths for County managers:

- Ethics
- Diversity
- Communications
- Customer-Driven Process Improvement
- Government/Business/Mission
- Building Relationships
- Decision Making
- Problem Solving
- Performance Measurement
- Teaming
- Organization and Planning

#### **Next Steps**

- Continue validation of results with various management and employee groups in County
- Develop effectiveness measures to determine value of management development to County outcomes
- Implement training and resources in key areas:
  - Performance management classes
  - Financial management: Budget Boot Camp
  - MINT-based management tools
- Publicize overall management development plan before the end of the fiscal year

#### **Goal**

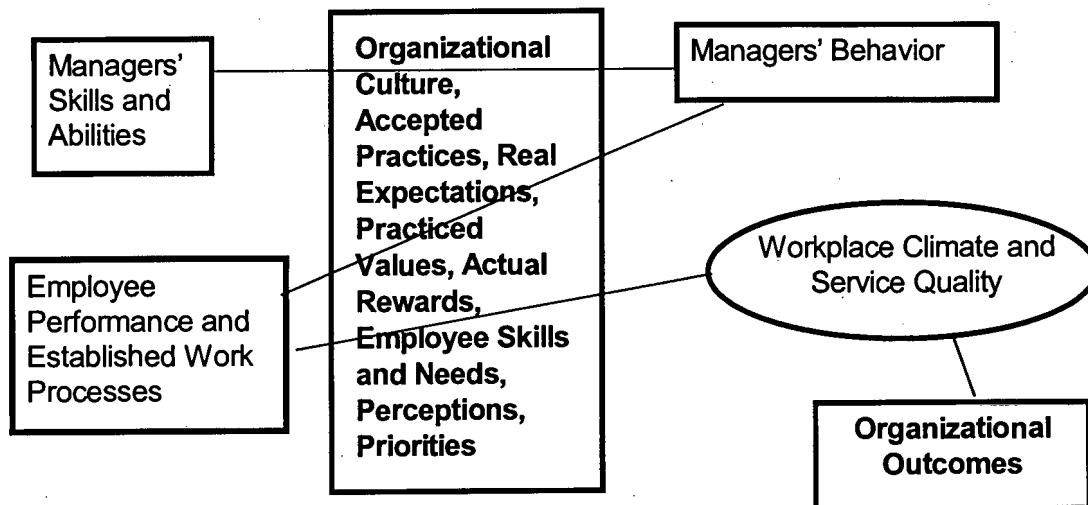
A comprehensive management development system that:

- Acknowledges and builds on the current skills and competencies of Multnomah County managers
- Provides skills training as needed which is effective and immediately applicable to real work
- Provides support resources (people and information) to help managers use their skills
- Aligns with organizational values, policy, procedures, and informally accepted practices
- Provides data needed to improve processes and systems that do not help managers work effectively, and
- Provides for multiple ways of learning and learning while working to minimize cost and maximize value.

# Multnomah County's Comprehensive Management Development System 1998-2000

## What is a Comprehensive Management Development System?

The role of managers and supervisors is to lead the organization. The role is complex, demanding multiple skills, wisdom to know how to use those skills, and support resources when additional skills are needed. Theoretically, managers and supervisors who are able to demonstrate this role will facilitate the organization's capacity to serve customers, maintain an effective work environment, and help produce outcomes for all of Multnomah County. But managers and supervisors do not work alone; their skills are exercised in the context of the organizational culture and in relationship to others. The development of effective management requires not only management skills but also the culture, practices, expectations, rewards, values, perceptions, priorities, and employees that make the skills useful.



So, an effective management development system is more than skills training classes for managers and supervisors. The management development system also:

- provides support resources (people and information) to help managers use those skills;
- aligns closely with organizational values, policy, procedures, and informally accepted practices so that managers learn what actually works not just what the policy book says;
- informs needed redesign of processes, expectations and reward systems that do not help managers and supervisors work effectively; and
- provides for multiple ways of learning, working and learning while working.

As the management development system is designed during 1998-2000, it will include new classes (training), but will also include resources and tutorials offered over the MINT and methods for identifying needed changes in policies, expectations, and reward systems for managers and supervisors. The management development system will also respect the value of learning from real life and will offer assistance and support for that process through a wide range of learning approaches including the following:

classroom instruction	peer mentoring
Management Forum	book club-style discussion
self-assessment and feedback	book/video self-guided instruction
coaching/mentoring	Delphi method
on-line tutorials	team projects
dialogue groups	simulations
goal-setting	role play and other observed practice
guided projects with coach/mentor	case study
"tools" with instructions	etc.

Furthermore, comprehensive management development in Multnomah County will include skill development and systems design to support managers and supervisors throughout their County careers, not just the resources needed for new managers and supervisors. Four tracks or categories of classes and resources are proposed:

- **Orientation to the County and training/support for development of the initial skills needed by newly hired or promoted managers and supervisors.** These should be the basic skills that every supervisor or manager must have to do the job. Some may be requirements of hiring new managers or supervisors; others may be mandatory (so important to the County that failing to demonstrate these skills after training and support should be documented as substandard performance, should lead to extended probation, and may result in termination). Still others may be highly recommended or encouraged.
- **Ongoing skill development for experienced managers and supervisors.** The role of the leader always includes change so skills learned early in one's career will not be sufficient as time goes on. Ongoing skill development and improved resources and tools help the manager or supervisor address new and current issues, building on the experience and wisdom gained through real work.
- **Career development for employees with the potential to promote to manager or supervisor.** Every manager and supervisor was once a "first time" or "new" manager or supervisor; at some point the accumulated experience and skills of each was sufficient to convince a hiring manager that this person who had never supervised others before could do the job. Effective succession planning and employee retention plans require finding and developing internal employees with skills they have not yet demonstrated. A comprehensive management development system should include classes, mentorships, internships, resources, and other tools to make best use of the skills of our own employees who are the future organizational leaders.
- **Skill development for HR Practitioners needed to advise and support managers and supervisors.** Since managers and supervisors do a complex role in a complex system, they sometimes need to consult with others with more specific and deeper skills in particular areas; human resources professionals often fill this role. A comprehensive management development system, then, needs to ensure that the skills of those who support managers and supervisors are sufficient to provide that support.

## How will the Management Development System Be Designed?

The need for a comprehensive management development approach has been identified and confirmed numerous times in numerous ways in Multnomah County:

- through the Exempt Employee Recognition Committee;
- in descriptions of leadership roles in the *Results Roadmap*;
- through the HR Committee working to reengineer human resources;

- through Operating Council's work with cases and issues of management;
- many employee requests that begin "my manager needs to know..;"
- through the work of Managers of Color to get a mentorship program piloted in the County;
- through training needs assessments;
- in the DSS Strategic goal to develop a comprehensive human resources plan;
- and many others.

Since the role of managers and supervisors is so complex, the list of possible competency areas for management development is almost endless. The important competencies, however, are those which meet the particular needs of Multnomah County managers and supervisors. Step one of the formal design process occurred on August 20, 1998. Thirty people representing all County departments and large offices of elected officials, were facilitated through a process of identifying and prioritizing the competencies for Multnomah County managers and supervisors. The results of this process are reported in the *Management Development Conference Report* and the *Management Development Conference Synopsis*.

In order to obtain broader confirmation on the competencies and priorities, the next step in the process is to validate the results of the August 20 session. Beginning with DSS managers on October 5, 1998, the Training and Organizational Development Section will be taking the *Management Development Conference Synopsis* and the list of competencies to various groups around the County. These groups will review the work of the August 20 group and will prioritize the competencies developed to validate and/or edit the work done August 20.

The input of all these groups will be used to set learning and support objectives around each of Multnomah County's management competencies. Classes, tools, resources, and learning opportunities will be designed to support these competencies; the first of these will be available before the end of 1998. Other high priority competencies will be addressed during fiscal year 1998-99 with the remainder of the competency areas supported before the end of fiscal year 1999-2000.

# **MANAGEMENT DEVELOPMENT**

## **CONFERENCE SYNOPSIS**

**AUGUST 20, 1998**

**SPONSORED BY**

**MULTNOMAH COUNTY - EMPLOYEE SERVICES**

**FACILITATED BY**

**LOLITA BURNETTE, ACHIEVEMENT ARCHITECTS**

# **A Day of Dialogue About Management Competencies**



# **Multnomah County – Employee Services Management Development Conference Synopsis**

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Opportunities	5
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# Multnomah County – Employee Services Management Development Conference Synopsis

## ***Background:***

Employee Services was recently given the responsibility of looking at developing learning opportunities to enhance management skills within Multnomah County. As a first step, they invited departmental representatives to have a dialogue about management competencies with the outcome being a set of competencies for management development activities within the County. This dialogue took place on August 20, 1998.

Each major department was asked to participate in the discussion. In order to take a 360-degree look at management competencies, participants included staff and line managers, organization/staff development professionals, and occupational employees. Interest in the topic was extremely high with 26 of the 30 invitees attending the session.

## ***Methodology and Approach:***

Participants were asked to think of management as a profession. During introductions, participants talked about those managers they most admired and why. Following introductions, Shery Stump described her expectations of the day and Lolita Burnette introduced the methodologies that would be used. They included:

- *An Environmental Scan:* The first group process was the Environmental Scan. The purpose of the scan was to look at those issues and trends that will influence the role of management as we enter the 21<sup>st</sup> century.
- *Translating Tasks into Skills:* The next step, Translating Tasks into Skills, was designed to incorporate the Environmental Scan into an understanding of what managers are responsible for producing, and the skills necessary to manage in this new environment. Participants used a framework developed by Employee Services: (a) Self-Management (b) People Management (c) Process Management, and (d) Managing the Culture and Context in which work takes place.
- *Defining Competencies:* The third step was to come to common definitions of skill areas, or competencies.
- *Determining Management Development Opportunities:* The final step was to establish management development priorities for competencies based on (1) their importance/value to being an effective manager, and (2) the current performance in each competency area today. Those items with extremely high value and low current performance are priorities for management development.

## ***Findings:***

### **Environmental Scan:**

Managers at Multnomah County operate in a dynamic, diverse and politically charged environment. Pressure exists to make all resources [people, processes, capital, etc.] more productive. Internally, this is manifested by the application of new technologies to work operations; innovation in the design of service delivery systems that involve communities, other service providers and customers; the need to quantify and measure both needs and outcomes; and the changing demographics of the County's customers, contractors and employees.

Making resources more productive is complicated by External challenges. Notably, there are issues of taxpayer confidence in governments in general [e.g. Ballot Measure Five], the need to eliminate potential service redundancies between agencies, pressure for increasingly responsive service delivery methods, and a growing number of customers with special needs. Services will be compared quantitatively and qualitatively with those offered by the private sector. In fact, the move towards privatization is real. More than ever, partnering in the development of community based service delivery systems and keeping contractors alive and well will be critical.

### **Translating Tasks into Skills:**

Participants identified a total of 22 competency areas [skill sets] that County managers will need to be effective in the current and future environment. These included:

<b>A. ADMINISTRATION</b>	Skill in navigating the County systems [rules, policies] in a way that demonstrates understanding of the political realities, the importance of timing, and the ability to build relationships.
<b>B. PROBLEM SOLVING</b>	Skill in using a variety of techniques to solve problems including application of systems thinking, quantifying and measuring outcomes, building problem solving frameworks like Baldrige, and doing this in a way that is sensitive to political and cultural realities.
<b>C. DECISION MAKING</b>	Skill in using a variety of models and constructs for decision making, with emphasis on consensus building. Understanding when to apply various decision methods, including when to make decisions alone, when to get input, and when others must own the decision.
<b>D. BUILDING RELATIONSHIPS</b>	Skill in building diverse relationships to achieve innovative/creative approaches to work. Techniques include outreach, creating strategic alliances, networking, partnering, team building, cross-cultural communications, giving and receiving feedback



<b>E.</b>	<b>HUMAN RESOURCES MANAGEMENT</b>	Basic supervisory skills in managing a diverse workforce including outreach and recruitment, hiring, training and development, coaching, mentoring, managing and evaluating performance, providing feedback, succession planning, and compliance with all labor laws [EEO/AAP, conducting investigations, labor contract compliance, etc.]
<b>F.</b>	<b>COMMUNICATIONS</b>	Skill in using both written and verbal communications with emphasis on one to one communications, and one to group communications including public speaking to present and persuade, effectively dealing with resistance, conflict resolution, and cross-cultural communications.
<b>G.</b>	<b>PROCUREMENT</b>	Skill in how to procure goods and services, including knowledge of the County's policies and procedures for procurement, identifying pitfalls and negotiating solutions, where to go for resources or technical assistance, ensuring procurements are aligned with the County's Vision, Mission and Values, and diverse vendor relations to minimize the "big firm" bias in selection decisions.
<b>H.</b>	<b>FINANCIAL MANAGEMENT</b>	Skill in fiscal management, including an understanding of the County budget process; how to read, monitor and change budgets; how to relate the budget to actual operations when making financial decisions; the political impacts of the budget process; and adapting contracts and external processes to the budget cycle.
<b>I.</b>	<b>TEAMING</b>	Skill in building productive, inclusive team participation, including leading teams, creating a learning culture for team members, building team relationships, encouraging work as a cheerleader / motivator, managing team tasks including knowing when to delegate and doing so effectively, conducting effective meetings and opting out of meetings when appropriate.
<b>J.</b>	<b>PROJECT MANAGEMENT</b>	Skill in ensuring desired outcomes are delivered on time and within budget, including seeing the whole task/process and managing it, project planning and design, coordination, and public relationships.
<b>K.</b>	<b>CUSTOMER-DRIVEN PROCESS IMPROVEMENT</b>	Skill in managing change and process improvement starting from the customer's perspective. Skill areas include translating the County Vision into the process, understanding customer needs, applying analysis and measurement, managing change, process improvement techniques, creating process ownership internally and in diverse communities that are impacted, coaching people through the process, sharing power, reaching consensus about competing needs and priorities, training the public on technical issues like taxation.
<b>L.</b>	<b>DIVERSITY</b>	Skill in leading / managing a diverse workforce, and in operating effectively in diverse communities. Although diversity is touched in other competency areas, as a stand-alone item skill areas include cross-cultural communications, building and securing resources through community partnerships, customers, etc., and the dynamics of leading diverse teams.

M.	<b>GOVERNMENT / BUSINESS / MISSION</b>	Awareness and understanding of the County including why we exist and the businesses we are in; County organization; the system of governance, regulation and authority in which we operate; our diverse customers; our Vision/Mission/ Values; and how to communicate this context to staff and others to create alignment.
N.	<b>MARKETING</b>	Skill and techniques in marketing the County and its services both internally and externally, including telling our story, creating interest in services, and creating the political good will to ensure long term support.
O.	<b>PERFORMANCE MEASUREMENT</b>	Skill in applying analysis and measurement to determining if we have done a good job, including development of performance or production standards, performance analysis and quantifying results in meaningful ways.
P.	<b>CHANGE AGENT</b>	Skill in effectively managing change [see also Customer-Driven Process Improvement] including knowledge of change and change processes, long-range planning, and how to deal with both task and people issues related to change [e.g. emotional support, crisis management, transitions, conflict resolution, facilitation, selling change to the septic, etc.]
Q.	<b>ORGANIZATION &amp; PLANNING</b>	Skill in organization and planning including strategic planning, organizing and setting priorities, meeting deadlines, time management, goal setting, measurable results, delegation, etc.
R.	<b>SELF MANAGEMENT</b>	Skill in personal strategies for effectively managing tasks and others including, personal time management, staying on task, maintaining confidences, managing personal stress, self-esteem and personal efficacy, self motivation, how to seek and ask for help, managing personal bias to "keep the heart open in hell", and consistency to stay the course and maintain personal stability under pressure.
S.	<b>TECHNOLOGY MANAGEMENT</b>	Awareness of technological capabilities and skill in identifying, preparing the business case, and deploying technology solutions to customer-driven process improvements, operations efficiency or operations effectiveness.
T.	<b>SAFE WORKING ENVIRONMENT</b>	Skill in creating a working environment/culture in which all employees and customers feel safe and valued, including knowledge of applicable laws dealing with workplace violence, workplace harassment, etc; and skill in establishing and putting into action values and behavioral norms around safety, appropriate workplace behavior [harassment free and respectful], valuing differences, supportive of learning, etc.
U.	<b>ETHICS</b>	Awareness of the ethical practices governing the County, and the application of these in creating a safe working environment and performance management.

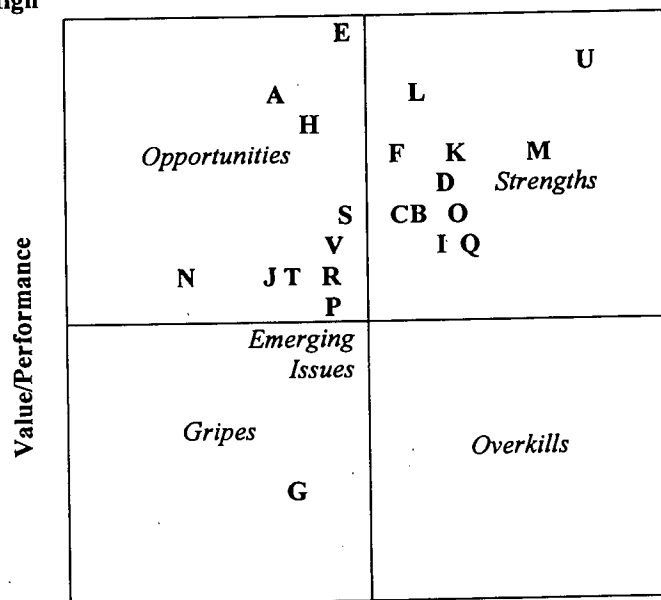
**V. PUBLIC INVOLVEMENT**

Skill in engaging diverse publics in County initiatives that might impact them, including public presentations with emphasis on facilitation skills and building consensus, non-traditional outreach to diverse communities, partnering, etc.

**Management Development Opportunities:**

It was the sense of those participating that County Managers are more professional than many in government or the private sector. Nevertheless, participants used an Opportunity Mapping Process to identify those areas where Employee Services might invest in management development activities. To follow is the team consensus diagram of Management Development Opportunities..

High



Low

Current Performance

High

- *Opportunities - Highest Payoff:* Items where the value/importance is high, but current performance is relatively low.
- *Strengths - Defines Current Success:* Items that are high in value/importance and also high in current performance.
- *Gripes - Can't Win:* Items where both the value and performance are low. Watch for Emerging Issues, but otherwise don't waste efforts trying to fix.
- *Overkills - Free Up Resources:* Items where performance is high, but the value is low.

**Management Development Opportunities:** Opportunities are those areas where the value/importance is high, but current performance is relatively low; hence, "Opportunities" are the most significant areas for investment in management development. It is recommended that Employee Services take a close look at the following areas to determine what learning experiences may need to be developed to help County managers acquire these skills in a timely manner. In order of priority, the nine management development opportunities are:

ITEM	SKILL AREA IN PRIORITY ORDER	COMMENTS / OBSERVATIONS, AND CONTENTS
E.	HUMAN RESOURCES MANAGEMENT	<p><i>A basic supervisory curriculum was seen as the number one opportunity area. Although County managers possess many of these skills, they may take years to acquire.</i></p> <p>[Includes: Basic supervisory skills in managing a diverse workforce including outreach and recruitment, hiring, training and development, coaching, mentoring, managing and evaluating performance, providing feedback, succession planning, and compliance with all labor laws (EEO/AAP, conducting investigations, labor contract compliance, etc.)]</p>
A.	ADMINISTRATION	<p><i>Without specific training / coaching, skill in navigating through County systems, like Human Resources Management, often takes years to decipher.</i></p> <p>[Includes: Skill in navigating the County systems [rules, policies] in a way that demonstrates understanding of the political realities, the importance of timing, and the ability to build relationships.]</p>
H.	FINANCIAL MANAGEMENT	<p><i>The ability to make sound financial decisions and to manage budgets is becoming much more important. Management of financial resources is critical.</i></p> <p>[Includes: Skill in fiscal management, including an understanding of the County budget process; how to read, monitor and change budgets; how to relate the budget to actual operations when making financial decisions; the political impacts of the budget process; and adapting contracts and external processes to the budget cycle.]</p>
S.	TECHNOLOGY MANAGEMENT	<p><i>Technology Management goes well beyond personal use of those business systems that are standards within the County, to understanding how the application of new technologies can achieve other goals.</i></p> <p>[Includes: Awareness of technological capabilities and skill in identifying, preparing the business case, and deploying technology solutions to customer-driven process improvements, operations efficiency or operations effectiveness.]</p>
V.	PUBLIC INVOLVEMENT	<p><i>Skill in engaging diverse publics [not just announce and defend] is critical to obtaining voter confidence, partnering with the community in service delivery, and customizing services to meet specialized needs.</i></p> <p>[Includes: Skill in engaging diverse publics in County initiatives that might impact them, including public presentations with emphasis on facilitation skills and building consensus, non-traditional outreach to diverse communities, partnering, etc.]</p>

N.	MARKETING	<p><i>Marketing is relatively new for County managers. The ability to tell the County story well will impact voter confidence, service usage and overall understanding, both internally and externally.</i></p> <p>[Includes: Skill and techniques in marketing the County and its services both internally and externally, including telling our story, creating interest in services, and creating the political good will to ensure long term support.]</p>
J.	PROJECT MANAGEMENT	<p><i>Time bounded projects will be one of the primary ways to affect change in the future. The ability to ensure desired outcomes are achieved on time and within budget is an area that is growing in importance.</i></p> <p>[Includes: Skill in ensuring desired outcomes are delivered on time and within budget, including seeing the whole task/process and managing it, project planning and design, coordination, and public relationships.]</p>
T.	SAFE WORKING ENVIRONMENT	<p><i>This cultural change effort involves creating a working environment / culture in which all feel safe and valued, and it is growing in importance. Part of the urgency is in response to changes in the law and part is an understanding of how managers create and impact work culture by their actions.</i></p> <p>[Includes: Skill in creating a working environment/culture in which all employees and customers feel safe and valued, including knowledge of applicable laws dealing with workplace violence, workplace harassment, etc; and skill in establishing and putting into action values and behavioral norms around safety, appropriate workplace behavior [harassment free and respectful], valuing differences, supportive of learning, etc.]</p>
R.	SELF MANAGEMENT	<p><i>Self management is often overlooked; consequently, this is a major development opportunity Self Management includes awareness and knowledge in how to implement personal strategies that maximize one's effectiveness as a manager, while minimizing one's stress.</i></p> <p>[Includes: Skill in personal strategies for effectively managing tasks and others including, personal time management, staying on task, maintaining confidences, managing personal stress, self-esteem and personal efficacy, self motivation, how to seek and ask for help, managing personal bias to "keep the heart open in hell", and consistency to stay the course and maintain personal stability under pressure.]</p>
P.	CHANGE AGENT	<p><i>The ability to effectively managing change is becoming increasingly important.</i></p> <p>[Includes: Skill in effectively managing change [see also Customer-Driven Process Improvement] including knowledge of change and change processes, long-range planning, and how to deal with both task and people issues related to change (e.g. emotional support, crisis management, transitions, conflict resolution, facilitation, selling change to the septic, etc.)]</p>

*Current Strengths:* Eleven competency areas were identified as strengths of the current management team. On the opportunity map, these are items that are high in value/importance and also high in current performance. It is recommended that current management development activities be reviewed, in the spirit of continual improvement, and maintained at their current level of emphasis. In order of their priority, these items are:

ITEM	SKILL AREA IN PRIORITY ORDER	CONTENTS
U.	ETHICS	[Includes: Awareness of the ethical practices governing the County, and the application of these in creating a safe working environment and performance management.]
L.	DIVERSITY	[Includes: Skill in leading / managing a diverse workforce, and in operating effectively in diverse communities. Although diversity is touched in other competency areas, as a stand-alone item skill areas include cross-cultural communications, building and securing resources through community partnerships, customers, etc., and the dynamics of leading diverse teams.]
F.	COMMUNICATIONS	[Includes: Skill in using both written and verbal communications with emphasis on one to one communications, and one to group communications including public speaking to present and persuade, effectively dealing with resistance, conflict resolution, and cross-cultural communications.]
K.	CUSTOMER-DRIVEN PROCESS IMPROVEMENT	[Includes: Skill in managing change and process improvement starting from the customer's perspective. Skill areas include translating the County Vision into the process, understanding customer needs, applying analysis and measurement, managing change, process improvement techniques, creating process ownership internally and in diverse communities that are impacted, coaching people through the process, sharing power, reaching consensus about competing needs and priorities, training the public on technical issues like taxation.]
M.	GOVERNMENT / BUSINESS / MISSION	[Includes: Awareness and understanding of the County including why we exist and the businesses we are in; County organization; the system of governance, regulation and authority in which we operate; our diverse customers; our Vision/Mission/ Values; and how to communicate this context to staff and others to create alignment.]
D.	BUILDING RELATIONSHIPS	[Includes: Skill in building diverse relationships to achieve innovative/creative approaches to work. Techniques include outreach, creating strategic alliances, networking, partnering, team building, cross-cultural communications, giving and receiving feedback.]
C.	DECISION MAKING	[Includes: Skill in using a variety of models and constructs for decision making, with emphasis on consensus building. Understanding when to apply various decision methods, including when to make decisions alone, when to get input, and when others must own the decision.]

<b>B.</b>	<b>PROBLEM SOLVING</b>	[Includes: Skill in using a variety of techniques to solve problems including application of systems thinking, quantifying and measuring outcomes, building problem solving frameworks like Baldrige, and doing this in a way that is sensitive to political and cultural realities.]
<b>O.</b>	<b>PERFORMANCE MEASUREMENT</b>	[Include: Skill in applying analysis and measurement to determining if we have done a good job, including development of performance or production standards, performance analysis and quantifying results in meaningful ways.]
<b>I.</b>	<b>TEAMING</b>	[Includes: Skill in building productive, inclusive team participation, including leading teams, creating a learning culture for team members, building team relationships, encouraging work as a cheerleader / motivator, managing team tasks including knowing when to delegate and doing so effectively, conducting effective meetings and opting out of meetings when appropriate.]
<b>Q.</b>	<b>ORGANIZATION &amp; PLANNING</b>	[Includes: Skill in organization and planning including strategic planning, organizing and setting priorities, meeting deadlines, time management, goal setting, measurable results, delegation, etc.]

### ***Recommendations:***

1. It is recommended that Employee Services validate the findings of this group by sharing information with a variety of stakeholders. The validation process is also an opportunity to look at the unique needs of potential user groups.
2. It is recommended that those who validate the process be required to do a forced ranking of items on the Value/Importance scale as a means of compensating for some of the grouping that occurred during the Day of Dialogue.
3. It is recommended that Employee Services take the validated items identified as Opportunities and Strengths, and determine what learning experiences already exist in these areas, their effectiveness in providing the skills identified, and what might need to be developed or purchased to fill the gaps.
4. It is recommended that implementation decisions [timing and resource allocation] take into consideration the value/importance, or relative priority of each item.
5. It is recommended that those who have participated in this process be kept informed of progress at all major junctures.



MEETING DATE: DEC 03 1998  
AGENDA NO: R-6  
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: **Neighborhood Arts Program Briefing by the Regional Arts and Culture Council**

BOARD BRIEFING: **Yes.**

DATE REQUESTED: December 3, 1998  
REQUESTED BY: Alberto Rafols  
AMOUNT OF TIME NEEDED: 15 minutes

REGULAR MEETING:

DATE REQUESTED:  
AMOUNT OF TIME NEEDED:

DEPARTMENT: Chair's Office

DIVISION:

CONTACT: Eddie Campbell

TELEPHONE #: 306-5834  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Alberto Rafols, Helen Baltoso, and Leslie Haines

ACTION REQUESTED:

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

SUGGESTED AGENDA TITLE:

**Neighborhood Arts Program Briefing: An update on the progress, accomplishments, current issues and goals of the Regional Arts and Culture Council's Neighborhood Arts Program in Multnomah County.**

SIGNATURES REQUIRED:

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

*Beverly Stein*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 19 AM 12:46  
MULTNOMAH COUNTY  
OREGON



Regional Arts &  
Culture Council

620 SW Main St., Suite 420  
Portland, OR 97205  
Tel: 503.823.5111  
Fax: 503.823.5432  
Email: [info@racc.org](mailto:info@racc.org)  
TDD# 503.823.6868  
[www.racc.org](http://www.racc.org)

October 30, 1998

To: Eddie Campbell  
Office of Chair Beverly Stein  
Multnomah County Commission

Fr: Alberto Ráfols  
Grants & Community Programs Director  
Regional Arts & Culture Council

cc: Bill Bulick, Executive Director, RACC

Re: December 3, 1998 Presentation to Multnomah County Commission

Thank you for your assistance in securing a time for RACC's Neighborhood Arts Program staff to give a 15 minute presentation to the Multnomah County Commission on December 3, 1998 at 9:45am.

Purpose of Presentation

The purpose of the presentation is to report on the progress, accomplishments, current issues, and goals of the Neighborhood Arts Program (NAP).

As you know, the NAP began as a pilot program in 1995 with funding from Multnomah County to meet the increased need for arts and cultural programs to impact neighborhood livability, youth-at-risk and family activities. In particular, staff have worked to encourage Multnomah County social service providers to utilize NAP services. Over the past 3 years, NAP's community involvement has expanded, and the program budget has increased from \$50,000 to \$100,000. Additional partnerships with the City, Oregon Folklife Program, and the National Endowment for the Arts have benefited the program and widened its scope.

In FY97-98, the NAP developed a Community Outreach Grants Program to more effectively bring arts and cultural programs to the neighborhood level, stimulate neighborhood involvement and pride, and increase multi-cultural outreach. The first projects funded through these NAP Grants are taking place this year (FY98-99) and we are pleased with the success of the program thus far.

In conjunction with the NAP Grants program, the Neighborhood Arts Program Artist Directory was created to aid the community in the selection of professional artists for their arts and cultural programming. Artists of all disciplines are represented in the directory, including the Oregon Folklife Program roster of traditional folk and ethnic artists.

It is becoming increasingly clear that the demand from the community for NAP services exceeds the current program resources. Our modest work with seniors, the homeless, and other targeted underserved groups is showing great demand for these services. In addition, the need and demand for similar services exists in both Washington and Clackamas Counties. NAP staff would like to work with arts and government leaders in both counties to explore the possibility of developing NAP programs in their jurisdictions. The NAP program is now a model that could be successfully replicated in other areas with adequate funding.

We will also report briefly on RACC's new partnership with Multnomah County Library, the Arts-in-Libraries Program. This new collaboration provides arts and cultural performances, presentations, demonstrations, workshops, and residencies for children, young adults, and adults at Central and the fourteen branch libraries of Multnomah County Library.

**NAP BRIEFING**  
**MULTNOMAH COUNTY BOARD**  
**December 3, 1998 at 9:40 AM**

**Thank the Commissioners for the Program**

**Read NAP's Mission:**

The Neighborhood arts program seeks opportunities for cultural and arts programs and services that impact a variety of citizens by helping to provide a greater sense of community and place. The program promotes connection between individual to self, individual and communities, and individual and families.

**Brief History**

Program began in June 1995 as a pilot working at a few sites such as Portland Impact, Asian Family Center, Eastwind Center, among others. The program has grown tremendously particularly in the last two years. The NAP has offered almost 350 services since June 1995 (not counting the AiL Program begun this September). Presently the program works with over 100 artists and arts organizations.

From the very beginning of the NAP, our partnership, <sup>with</sup> the Oregon Folklife Program, has brought to the table expertise, a whole array of interesting folk artists, and some modest staff support. This partnership has been and continues to be invaluable.

This program has served mostly children, teens, youth-at-risk and families. In the last year the program has expanded to serve seniors and has offered some intergenerational programs.

This program is about collaborations. The level of collaborating varies in each instance. A typical collaboration implies that the host organization will provide a place, participants, modest coordination, and in some instances materials. Every segment of the community, including the whole spectrum of ethnic and non-ethnic constituencies, has been served by this program.

Up to date we have collaborated with close to 50 partners

**Mention here the some key collaborations.....**

During the last two years, the NAP has been advised and directed by the NAPAC made of community leaders from the public and private sectors as well as private citizens. The program also reports to the RACC Board on regular basis.

Last Spring the NAP initiated a grants program which has been quite successful. We had reached a point at which programming was very successful and demand for services had increased beyond expectations. Capacity to manage the program without adding staff was also an issue.

Grant applications are very simple and RACC staff is always available to help applicants to access the grants. The grants are also successful because the programming is better since the ideas come from the community and not from RACC's staff. The matching capabilities (space, coordination, materials, etc.) of these grants and the competitiveness for the funding have improved the effectiveness of the program.

In three years the NAP has become national model. It has been acclaimed and recognized at the NEA and at the OAC as well as at various national conventions. The partnership between the County Government, City, Arts Council, Folk Arts Program, social service providers, community based organizations, neighborhood associations make this program unique.

••SLIDES HERE.....

••NEW GRANT CYCLE.....

#### CLOSING

DEMAND FOR THIS TYPE OF PROGRAMMING IS EXTREMELY HIGH BECAUSE IT WORKS. THE COMMUNITY RECOGNIZES THE VALUE OF THE ARTS IN ADMINISTERING DIRECTLY TO THEIR CONSTITUENTS.

IN ADDITION, THIS PROGRAM PROVIDES INCREDIBLE RETURNS FOR THE INVESTMENT.

THE NAP SUCCESS REMAINS ITS MAIN CHALLENGE BECAUSE OF THE CONTINUOUS DEMAND FROM THE COMMUNITY AND THE LIMITATIONS IMPOSED BY THE EXISTING BUDGET.

#1

## SPEAKER SIGN UP CARDS

DATE 12/3/98

NAME Larry Sears

ADDRESS Manager Community & Education Affairs  
Portland General Electric

PHONE 464-8547

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-8, R-9

GIVE TO BOARD CLERK

#2

## SPEAKER SIGN UP CARDS

DATE December 3 1998

NAME Kate Dins

ADDRESS East County One-Stop

Career Connections

PHONE Maywood-Annex 252-0758

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC SIP Funds R-8

GIVE TO BOARD CLERK

#3

## SPEAKER SIGN UP CARDS

DATE 12/3/98

NAME JOHN BALL

ADDRESS 720 SW WASHINGTON  
#250

PHONE 241-4600

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC 12-8

GIVE TO BOARD CLERK



#4

## SPEAKER SIGN UP CARDS

DATE 12/3/98

NAME Wendy Cherubini

ADDRESS 2754 SE 27th

Portland

PHONE 823-2392

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R-8

GIVE TO BOARD CLERK

#5

## SPEAKER SIGN UP CARDS

DATE Dec 3 1998

NAME DAVID McConnelly

ADDRESS 333 NE RUSSELL

PORTLAND OR 97212

PHONE 503 - 284 - 0364

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC R8

GIVE TO BOARD CLERK

#6

## SPEAKER SIGN UP CARDS

DATE 12-3-98

NAME Tracy Strickland

ADDRESS 537 NE Russell  
Portland, OR 97212

PHONE 503-493-2634

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC IPAs R-8

GIVE TO BOARD CLERK

#7

## SPEAKER SIGN UP CARDS

DATE 12-3-98

NAME

Jana Rowley

ADDRESS

5915 NE 16th Ave.

Portland, OR 97211

PHONE

(503) 284-5075

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Community Service Fee Investment

GIVE TO BOARD CLERK

Plan

MEETING DATE: DEC 03 1998  
AGENDA NO: R-7  
ESTIMATED START TIME: 9:55 am

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

SUBJECT: Resolution for 50<sup>th</sup> Anniversary of the United Nations Universal Declaration of Human Rights

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: December 3, 1998  
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: non-departmental DIVISION: Commissioner Kelley  
CONTACT: Carolyn Marks Bax TELEPHONE #: x22738  
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Steve Freedman

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Resolution for the 50<sup>th</sup> Anniversary of the United Nations Universal Declaration of Human Rights

12/3/98 copies to Commissioner Sharon Kelley

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 PM 4:55  
MULTNOMAH COUNTY  
OREGON

#### SIGNATURES REQUIRED:

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

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SHARRON KELLEY  
Multnomah County Commissioner  
District 4



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

## SUPPLEMENTAL STAFF REPORT

- TO:** Board of County Commissioners
- FROM:** Commissioner Sharron Kelley
- DATE:** November 24, 1998
- RE:** Resolution for the 50<sup>th</sup> Anniversary of the United Nations Universal Declaration of Human Rights
1. Recommendation/Action Requested: That the Multnomah County Board of Commissioners pass the attached Resolution in support of the celebration of the 50th anniversary of the Universal Declaration of Human Rights.
  2. Background/Analysis: The United Nations Universal Declaration of Human Rights is a fundamental document of human freedom and has been signed by the President of the United States and ratified by Congress.
  3. Financial Impact: None
  4. Legal Issues: None
  5. Controversial Issues: None
  6. Link to Current County Policies:
  7. Citizen Participation: Citizen groups that are co-sponsoring the event: Women's International League for Peace and Freedom (WILPF), Oregon Action, the Eastside Democratic Club, Peace and Justice Works, the Church of Scientology
  8. Other Government Participation: The Metropolitan Human Rights Center is a sponsor.

BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY,  
OREGON  
**RESOLUTION NO. 98-198**

Endorsing the principles of the United Nations Universal Declaration of Human Rights and the 50<sup>th</sup> Anniversary Celebration of the Declaration.

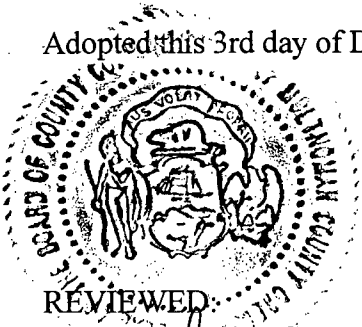
The Multnomah County Board of Commissioners Finds:

- a. The population of Multnomah County is growing more diverse in its age, culture, racial mix, religions, sexual orientation and abilities.
- b. This diversity lends a richness, perspective, depth and texture to the life of our community.
- c. Residents of our community wish to express their support and appreciation for diversity and human rights.
- d. The Board of County Commissioners of Multnomah County believes in fostering such initiatives and personal involvement by residents.
- e. A coalition of community groups including the Women's International League for Peace and Freedom, Oregon Action, the Eastside Democratic Club, Peace and Justice Works, the Church of Scientology and the Metropolitan Human Rights Center, a City/County program, have requested official recognition and support of the United Nations Universal Declaration of Human Rights, the principles contained therein and the Declaration's 50<sup>th</sup> Anniversary Celebration on December 10, 1998.

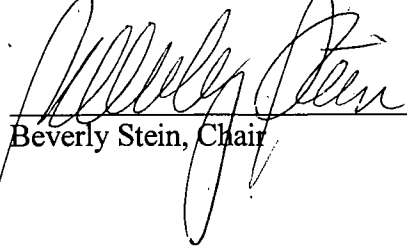
The Multnomah County Board of Commissioners Resolves:

1. The Multnomah County Board of Commissioners recognizes and supports the United Nations Universal Declaration of Human Rights, the principles contained therein and the Declaration's 50<sup>th</sup> Anniversary Celebration and encourages its residents to do likewise.

Adopted this 3rd day of December, 1998.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By 

Thomas Sponsler, County Counsel

MEETING DATE: December 3, 1998  
AGENDA #: R-8  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's use only)

### AGENDA PLACEMENT FORM

SUBJECT: Resolution Adopting Investment Plan for Community Services Fees

BOARD BRIEFING: DATE REQUESTED: \_\_\_\_\_  
REQUESTED BY: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: DATE REQUESTED: Thursday, December 3, 1998  
AMOUNT OF TIME NEEDED: 30minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office  
CONTACT: John Rakowitz TELEPHONE #: 306-5797  
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: John Rakowitz

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Resolution Adopting an Investment Plan for the County's  
Share of the Community Services Fees Generated by the  
Strategic Investment Program

12/3/98 copies to John Rakowitz,  
Sandra Duffy & Budget Office

#### SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

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

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

BOARD OF  
COUNTY COMMISSIONERS  
98 NOV 25 AM 4:59  
MULTNOMAH COUNTY  
OREGON

Any Questions? Call the Board Clerk @ 248-3277





## **Beverly Stein, Multnomah County Chair**

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

# **SUPPLEMENTAL STAFF REPORT**

**TO:** Board of County Commissioners

**FROM:** John Rakowitz, Chair's Office

**DATE:** 11/25/98

**RE:** Community Service Fee Investment Plan

**1. Recommendation/Action Requested:**

The Chair's office recommends the Board approve the proposed allocation of the county's share of the 1998/99 Community Service Fee generated by the Strategic Investment Program. It is also recommended that these investments be maintained at current service levels for an additional four years allowing sufficient time for determining the impact and value of individual investments. The Chair's office will, in consultation with the Board, develop a proposal annually for additional CSF revenues anticipated during this four-year period.

**2. Background/Analysis:**

The proposed investment plan for the Community Service Fees contains discreet, but related, elements supporting the common goal of reducing child poverty in Multnomah County. Each element recommended represents an investment in a system- i.e. One Stops or School-To-Work- or promising practice i.e. the Individual Development Account Project- that are linked to innovative national and/or state policies and supported by a variety of federal, state and local resources.



- *One Stop Career Centers*

In August 1998, the President signed into law the 1998 Workforce Investment Act **requiring** many of the workforce system changes Multnomah County and its regional workforce partners have already begun to implement when establishing a Workforce Development Board and a community-based One Stop service delivery system. Unlike many other local One Stop systems across the nation, this region's individual One Stops are comprised of *broad networks of community-based organizations*, in addition to the traditional local, state and federal workforce partners - including the employment department, adult and family services and community colleges. This approach expands the range of support services available to people accessing the job preparation services, while making local system capacity building the most significant challenge facing the new community-based workforce development system. (For additional information regarding One Stops and the status in this region, please see the relevant attachment titled: *One Stop Career Center Overview*.)

- *School-To-Work*

In 1994, Oregon was one of the first states to apply and be awarded federal funds for implementing the federal School To Work Opportunities Act. The Workforce Development Board has inherited the responsibility of sustaining this system necessary to continue expanding student, school and employer participation opportunities. Oregon's 1994 Educational Act for the 21<sup>st</sup> Century recognizes that school to work activities lowers drop out rates and increases educational attainment and achievement, the key indicator of lifelong economic success or failure. The county's investment will be complemented by equal or larger school to work investments by the City of Portland and Washington County to support the systems that support individual school and employer efforts and investments. (For additional information regarding School To Work and the status in this region, please see the relevant attachment title: *School To Work Overview*.)

- *Individual Development Accounts (IDA's)*

Currently, dozens of states and community organizations are implementing this innovative anti-poverty strategy that operates like an IRA and is used exclusively for individual home ownership, training and education purposes or small business capitalization. Twenty four states are currently considering incorporating IDA's into state welfare-to-work programs. The Corporation for Enterprise Development and the Center for Social Development is launching a 12 million, 13-site demonstration project. Locally, organizations are testing or preparing to launch IDA's or the more focused, Individual **Training** Accounts, as required in

the 1998 federal Workforce Investment Act. The Enterprise Foundation is currently supporting a local IDA demonstration project operated by Human Solutions. The IDA development project will be conducted in a collaborative manner and provide the coordinated financial and technical development necessary for the successful testing, implementation and integration of IDA's/ITA's by all community based systems .(For additional information regarding IDA's in general or the development project, please see the relevant attachment titled: *IDA System Development Overview*.)

- *Special Needs Housing*

SIP policy adopted by the Board in April 1995 committed an undetermined percentage of the Community Service Fee to affordable housing. Dedicating 10 percent of the CSF to special need population projects meets that previous policy commitment. The focus upon special needs reflect the often stated and recognized housing needs facing a variety of populations reported to and discussed by the Board.

3. Financial Impact:

The CSF Investment Plan is predicated on a financial investment strategy emphasizing the leveraging of the small amount of available funds by systems investments financially supported by other federal, state and local sources. The inability to accurately project the CSF revenues underlies the recommendation to develop investment plans for additional revenues annually when the **actual** CSF has been calculated. (For further information regarding the anticipated additional Community Service Fee revenues, please see the attachment titled: *Distribution of Community Service Fee*.)

4. Legal Issues:

There are no known legal issues.

5. Controversial Issues:

Affordable housing organizations have recommended dedicating a larger percentage than the original 5 percent recommendation that has **now been increased** to 10 percent in the resolution submitted to the Board. Affordable housing organizations are also urging a more "interactive" process in contrast to

the review and comment process utilized during the development of the CSF Investment Plan in future years.

6. Link to Current County Policies:

The entire scope of the CSF Investment Plan was developed to support the county's long-term benchmark of reducing the number of children living in poverty. Individual elements of the CSF Investment Plan also directly support the long-term benchmark of increasing the number of students completing high school.

7. Citizen Participation:

Organizations directly involved or consulted regarding specific elements of the CSF Investment Plan include: the county's Youth Advisory Board, the region's Business Education Compact, the Workforce Development Board and the national Enterprise Foundation. These organizations include a very broad range of citizen members. The Housing and Community Development Commission (HCDC) was briefed and provided a draft of the resolution for review and comment. The Community Development Network was provided a written summary of the affordable housing element as part of a SIP affordable housing update memorandum.

8. Other Government Participation:

The CSF Investment Plan meets the terms of the CSF Revenue Sharing Agreement with the City of Gresham that states each jurisdiction is solely responsible for determining the use of their proportionate share of the CSF revenues.

## One-Stop Career Center System Overview

The One Stop Career Center System connects workforce development services and resources to employer and individual customers through integrated networks of community-based providers. Its key objectives include:

- Facilitating individuals' access to high-quality, livable wage jobs offering career advancement opportunities;
- Facilitating employer access to skilled job-seekers, and
- Improving the skills and employability of the current and emerging workforce.

This approach to workforce development, in contrast to the old categorical program model, has greater potential to impact families and communities in ways not possible under the old system—it *provides universal access to services, promotes continuous learning and career advancement, and links customers to a wide array of workforce-related services and supports to promote higher family wages*. Until recently, however, the absence of federal or state legislation supporting One-Stop objectives has hindered system development.

On August 7, 1998, the President signed into law the 1998 Workforce Investment Act (WIA) which requires many of the changes One-Stop systems have already implemented, including that in Multnomah County. Perhaps more importantly, it clears the path for system development in two related areas: 1) services for low wage earners whose employment status made them ineligible for needed services, but whose incomes keep them in poverty, and 2) employer involvement and demand-side services.

Local system capacity building is the most significant challenge facing our region. Unlike many other local One-Stop systems, the Portland area is moving from one comprised of "traditional" workforce development partners, such as the state Employment Department and other state and federally-funded providers, to one characterized by broad networks of community-based organizations providing workforce development services with the aim of reducing poverty. One-Stop partners in five local sub-regions have adopted a planning and implementation approach in an effort to build systems that best meet the needs of their communities. Technology used to support system integration and the integration of demand-side approaches, such as the Multnomah County SIP program, represent key system-building components.

Flexible funds to support technical assistance, particularly WIA implementation, are critical to further system development. These will not constitute a stand-alone system-building support for technical assistance. The WDB and its One-Stop partners are seeking resources from a wide variety of public and private sources. However, these sources are generally tied to particular programs or system elements, and in the case of the WIA, are not yet tied to appropriations or systems that enable the WDB to access them as needed. *Local* technical assistance resources will empower the sub-regions to address *local* priorities. Key challenges include:

- Generating community awareness around One-Stop
- Improving interface between adult and youth services
- Building an effective technology infrastructure to support One-Stop operations
- Developing/improving/integrating employer services
- Preparing for WIA implementation

While these challenges by no means represent the universe of potential applications of flexible technical assistance funds, they suggest the potential for significant return-on- investment at multiple points and system-wide. Moreover, because these funds target activities specifically intended to build system capacity, the "returns"—outcomes for customers and employers and health of the community as a whole—are expected to multiply over time.

## School-To-Work - Overview

Educational achievement is recognized as the key indicator of economic success or failure over an individual's lifetime. In Oregon, School-to-Work is a critical element in educational achievement. School-to-Work aims to raise the intellectual level of student work and raise expectations and aspirations for all kinds of learners. In fact, high quality School-to-Work initiatives typically result in students choosing to go on to college or further study, often with higher career goals than they had before.

School-to-Work equips youth for living-wage careers. School-to-Work activities expose youth to careers in local industries, motivate them to apply themselves in school, and also equip them with the academic and work-place skills to succeed after high school. Living-wage careers keep today's students out of poverty as adults, which in turn keeps their own children out of poverty.

The number one reason cited by youth who drop out of high school in Oregon is school's lack of relevance to their lives. School-to-Work provides a relevant context in which students achieve rigorous academic standards that link to the world of work. Reports from all over the U.S. verify the strong connection between School-to-Work and high school completion.

In 1994, Congress enacted the *School-to-Work Opportunities Act*. The School-to-Work Opportunities Act awarded federal funds to states for the purpose of implementing the three components of School-to-Work: work-based, school-based and connecting activities. Oregon was in the first round of awards.

Oregon's *Educational Act for the 21st Century* also became law in 1994, making School-to-Work a key aspect of school improvement in Oregon. Oregon students will not be able to earn a Certificate of Advanced Mastery without significant School-to-Work experience.

The former Regional Workforce Quality Committee designated a School-to-Work Steering committee to oversee the funding and implementation of School-to-Work in our region. Last September, the Workforce Development Board assumed all responsibilities of the Regional Workforce Quality Committee and the Private Industry Council. The Workforce Development Board's most active committee is the School-to-Work / Youth Action Team.

School-to-Work programs are in place in every high school in the region, as well as many middle and elementary schools. During 1997-1998, 33,500 students were involved in School-to-Work in Multnomah County. The WDB School-to-Work Steering Committee is working to increase the scale of School-to-Work success by developing region wide tools which support program integration, student participation, employer participation, professional development, marketing, and assessment of School-to-Work within the context of Oregon's Educational Reform and the region's dynamic economy.

School funding laws do not permit school districts to support a regional School-to-Work system. However, every school district continues to invest funds from their own budgets for local School-to-Work. Regionally, each of the WDB's local elected officials jurisdictions are designating funds for the regional School-to-Work system. Further, Clackamas County school districts, local government officials, employers and workforce development leaders continue to allocate significant efforts and resources to School-to-Work. Through the WDB School-to-Work Steering Committee, these investments will ensure that this region implements a School-to-work system that increases educational achievement, prepares students for the region's dynamic economy, breaks the cycle of poverty, and builds long term educational partnerships between government, schools, business, and parents.

## **IDA System Development - Overview**

Individual Development Accounts are often described as being the equivalent of an IRA for the poor, giving low-income individuals the opportunity to build assets that will help them become economically self-sufficient. IDA programs around the country combine financial responsibility education with savings incentives to help low income clients build savings accounts that are directed toward home ownership, further education or starting a small business. The popularity of IDAs has grown rapidly in the last several years partly because they offer clients choice, provide powerful incentives and are both based on and foster individual responsibility. The "payoff" from IDAs rests both in the process that participants go through while they are planning and saving for their future, and the assets they accumulate and investments they make that help them become more self-sufficient.

While the IDA itself originated in the work of Michael Sherraden, author of the 1991 book *Assets and the Poor*, the basic concept, asset-based approaches to poverty eradication, is heavily influenced by the microenterprise movement that has been influential in Third World development work.

In recent years IDA advocates have achieved some major accomplishments. There are currently two national IDA demonstration projects that are running dozens of programs in more than a dozen states, sponsored by funding from the Enterprise Foundation and the Corporation for Enterprise Development. Recently the Assets for Independence Act passed both houses of Congress and promises to create 50,000 IDA accounts nationally. In addition, Individual Training Accounts figure heavily in the new Workforce Investment Act, which will replace the Job Training Partnership Act at the close of 1999. Locally, Human Solutions is running an IDA program called People's Investment Opportunity. Also, the Enterprise Foundation is working on a demonstration project called PRIDA (Portland Regional Individual Development Account) which will develop a network of IDA program providers. IDAs are also being incorporated into the services of other community-based organizations, such as Friendly House, and broader social service delivery systems, including Multnomah County.

This evolution of IDAs from a stand-alone program to prominent service option is something that IDA advocates will likely applaud, as they have often written that IDAs should augment and alter, rather than replace, existing social services for the poor. IDAs are a relatively new approach to dealing poverty and have developed rapidly. Over the next few years the rate of development will only increase. With the ranks of IDA providers growing, more public agencies incorporating IDAs into their existing services, an expanding range of "investment" options for the use of client assets, still more legislation and vastly greater resources becoming available there will be an increased need for coordination of IDAs in general.

The Workforce Development Board's aim for this project will be to provide coordination, working collaboratively with community partners to develop the necessary infrastructure and support for IDAs to succeed as a Region-wide approach to poverty alleviation and economic development. These system-building efforts will necessarily involve working with the public agencies that are integrating IDAs into their service strategy and private organizations that already have experience with IDAs. Along with these existing efforts, we will undertake a variety of tasks, including financial planning, building relationships with the private sector and assessing legislative needs, that will be necessary to take full advantage of new funding and legislative opportunities and bring IDAs to scale in the region.

# **Distribution of LSI/Community Service Fee per Revenue Sharing Agreement w/ City of Gresham**

*FY 98-99 Amount Billed; FY 99-00 to FY 12-13 Forecast Based on **PROJECTED** Investment Schedule for LSI*

Year	Estimated CSF Revenue	Less SIP Admin	Available Allocation	<b>MultCo 53%</b>	Gresham 47%	Total
98-99 <sup>(1)</sup>	\$ 757,247	\$ 100,000	\$ 657,247	\$ 348,341	\$ 308,906	\$ 657,247
99-00	1,203,129	100,000	1,103,129	584,658	518,471	1,103,129
00-01	2,000,000	100,000	1,900,000	1,007,000	893,000	1,900,000
01-02	2,000,000	100,000	1,900,000	1,007,000	893,000	1,900,000
02-03	2,000,000	100,000	1,900,000	1,007,000	893,000	1,900,000
03-04	2,000,000	75,000	1,925,000	1,020,250	904,750	1,925,000
04-05	2,000,000	75,000	1,925,000	1,020,250	904,750	1,925,000
05-06	2,000,000	75,000	1,925,000	1,020,250	904,750	1,925,000
06-07	2,000,000	75,000	1,925,000	1,020,250	904,750	1,925,000
07-08	2,000,000	75,000	1,925,000	1,020,250	904,750	1,925,000
08-09	2,000,000	50,000	1,950,000	1,033,500	916,500	1,950,000
09-10	2,000,000	50,000	1,950,000	1,033,500	916,500	1,950,000
10-11	1,785,193	50,000	1,735,193	919,652	815,541	1,735,193
11-12	1,044,738	50,000	994,738	527,211	467,527	994,738
12-13	435,796	50,000	385,796	204,472	181,324	385,796
<b>Totals</b>	<b>\$ 25,226,103</b>	<b>\$ 1,125,000</b>	<b>\$ 24,101,103</b>	<b>\$ 12,773,585</b>	<b>\$ 11,327,519</b>	<b>\$ 24,101,103</b>

## Notes:

1. The FY 98-99 estimated revenue is net of a **\$196,800** credit for prepaid fees associated with SIP program start-up costs.





PUBLIC AFFAIRS | STRATEGIC COMMUNICATIONS

December 2, 1998

RECEIVED

DEC 02 1998

BEVERLY STEIN  
MULTNOMAH COUNTY CHAIR

Honorable Beverly Stein  
Multnomah County Chairwoman  
1120 SW 5<sup>th</sup> Avenue, Room 1515  
Portland, OR 97204

Dear Chair Stein:

Thank you for the opportunity to express views on the importance of experienced-based learning opportunities for Oregon students and their teachers. I'm sorry my schedule prevents me from appearing before the Multnomah County Commission at your meeting Thursday.

I've had the privilege of helping to launch and being associated with the Business Education Compact for the past 14 years. The Compact through its history has aided thousands of students and teachers to bridge the worlds of the classroom and the workplace through structured work experiences. Students have been given opportunities to visit work sites, shadow workers in a wide range of fields and actually perform work tasks. Teachers have been able to join various firms and organizations for short periods to undertake projects that allow them back in the classroom to inject greater relevance to the lessons they teach.

The impact of these school-to-work experiences is clear and significant. Students gain a greater understanding of why they are learning communications skills, algebra and biology. Teachers gain a first-hand appreciation of how what they teach is applied, as well as the skills today's workforce needs to be competitive and earn an income to support a family. Together, these experiences generate more enthusiasm for learning – and an appetite to learn more, including subject matter that is challenging and necessary to pursue a number of technical careers.

The issue facing our region is how to create enough structured work experience for all our students and teachers. Reaching scale on school-to-work activities will require the collaboration of schools, businesses and

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community leaders throughout the region. Organizations such as the Compact can and should play a role. And so should public agencies that are major employers and depend on a vibrant, growing community.


Multnomah County has demonstrated leadership on school-to-work. Your investments and support have made a difference and are greatly valued by everyone associated with school-to-work activity. An important consideration is to sustain school-to-work programs on a constant keel. If the number of opportunities wane one year, it is harder to stir interest the following year, even if opportunities are numerous and exciting. Public agencies can be especially important in maintaining opportunities and investment year after year, as well as providing an example for private-sector participation.

Your involvement in STW planning efforts also is valuable in offering a realistic and broad view on the importance to the community of connecting the classroom and the workplace. You see lots of life circumstances and you deal with all commercial and industrial sectors. That gives you a broad perspective and the ability to see larger-scale trends.

I encourage the Commission to continue its support of school-to-work activity and to maintain your personal involvement.

Warm regards,

Sincerely,

  
GARY L. CONKLING  
President



## Beverly Stein, Multnomah County Chair

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### MEMORANDUM

TO	Peg Malloy, HCDC Co-Chair
FROM	Beverly Stein <i>hs</i>
CC	Board of County Commissioners Commissioner-Elect Serena Cruz John Rakowitz Wendy Cherubini
DATE	December 2, 1998
RE	Community Service Fee Recommendations & Related Issues

I appreciated getting a chance to talk with you yesterday. Our phone conversation confirmed that there is considerable confusion involving my recommendations for the Community Service Fee. It appears that my recommendations and associated issues regarding the Strategic Investment Program (SIP) have gotten blended together.

It appears that there are three areas that are getting confused:

**1. LSI's performance under the Strategic Investment Program (SIP) contract in general (childcare, wages, etc).**

Regarding any questions HCDC has associated with the performance of the Strategic Investment Program do date, I would urge you to meet with John Rakowitz from my staff. He is willing to meet with the full commission or representatives to take the time it takes to answer all your questions. This is a complex program and needs some time to provide the context regarding the specific goals, commitments and performance reports that constitute the SIP agreement.

**2. The process for the allocation of the funds generated by the SIP and dedicated to affordable housing.**

Regarding the contractually required LSI Logic contribution of \$2.3 million (over fifteen years) dedicated to affordable housing, I want to assure you that the Board will abide by the SIP contract terms calling for consultation with HCDC, City of Gresham and the Gresham Community Development Housing Corporation when determining the specific uses for these funds. As has worked so successfully in the past, the working group made up of representatives from these organizations and Board staff will be consulted



by the county's housing staff in the Department of Community and Family Services before the Board acts to allocate these funds. For your information, I have attached the relevant contract language regarding these funds dedicated to affordable, low-income housing.

**3. Resolution (enclosed) for the use of the CSF, which will be acted on by the Board on Thursday.**

I would like to provide you and the members of HCDC some background underlying my recommendations for the CSF.

While the CSF revenues are generated by the SIP, these funds do not have a contractually predetermined use like the LSI Logic contractually-required contribution of \$2.3 million dedicated to affordable housing. In contrast, the CSF revenues are effectively general funds. The SIP policy indicates that these funds should be used to meet county benchmarks and that a percentage be used for affordable housing. In my resolution I propose that 10% be used for affordable housing.

In that light, I utilized Multnomah County's regular method of developing budget allocations which involves the development of recommendations by the Chair in close consultation with the Board of Commissioners and final decision by the Board. In the future I will propose to the Board that we include additional CSF allocations in the regular budget deliberations.

When I consider how I want to propose using general fund money I am guided by Multnomah County's commitment to the implementation of long term benchmarks. Our three long-term benchmarks are 1) reducing children living in poverty, 2) increasing the number of youth who graduate from high school with skills for the future, and 3) reducing crime, especially juvenile crime.

I believe that success in all three of these benchmark areas would be aided by making sure that parents have good jobs. Our chances for success in high school graduation rates are enhanced when youth feel school is relevant and they get a chance to get out into the "real world" and when they have a sense of hope for the future. In addition as a large employer I believe we will benefit from having youth who are exposed to government service. We also have an important role in being a model for other employers in hopes they will also provide opportunities for youth to experience the world of work.

In making my proposals for the specific initiatives in the resolution, I followed the strategies that are the focus of the Workforce Development Board and other local workforce organizations—namely School to Work, One Stop Career Centers and Individual Development/Training Accounts.

I hope this information helps in clarifying the issues raised by HCDC.

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

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

IN THE MATTER OF ADOPTING AN INVESTMENT PLAN FOR THE  
COUNTY'S SHARE OF THE COMMUNITY SERVICES FEES GENERATED BY  
THE STRATEGIC INVESTMENT PROGRAM.

The Multnomah County Board of County Commissioners finds:

- (a) The County, City of Gresham (City) and LSI Logic (LSI) entered into a fifteen year Strategic Investment Program (SIP) contract on August 3, 1995 that requires LSI to pay a Community Service Fee (CSF) equal to 25% of the annual property taxes abated,
- (b) The County and the City entered into a statutorily required CSF revenue sharing agreement on April 9, 1998 establishing a permanent distribution formula of 53% for the County and 47% for the City,
- (c) The first CSF revenues will be generated in 1998/99 and the County's available share for investment in the amount of \$348,341 is now available,
- (d) The SIP Policy as adopted by the Board on April 13, 1995 established that benefits are to be enjoyed by current county residents, especially those who are unemployed or underemployed and committed an undetermined percentage of the CSF to affordable housing,
- (e) While the region's economy continues to flourish, the rate of poverty has remained constant in this decade and families with children make up 80% of poor households while constituting only 49% of all households in the county,
- (f) One of the County's three long-term benchmark goals is reducing the number of children living in poverty,
- (g) Reducing poverty demands a multi-faceted approach supported by systemic financial investments leading, but not limited, to:
  - (1) greater access to jobs & job preparation for disadvantaged adult parents,
  - (2) increased educational relevance resulting in higher student achievement,

- (3) individual opportunities to save and invest in training, education, homeownership & self-employment opportunities, and
- (4) affordable housing, especially for special needs populations.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. That the County's share of the CSF for 1998/99 shall be invested in the following initiatives:
  - (a) One Stop Technical Assistance Fund to meet the regional and individual one-stop career center's system development and technology needs and integrate SIP workforce services. Specific priorities for funding will be prioritized by the Workforce Development Board (WDB) in conjunction with the community-based One Stop Steering Committee. (\$132,500)
  - (b) Support the Workforce Development Board's goal of increasing student, school and employer participation in School-To-Work opportunities throughout the county in conjunction with the City of Portland and Washington County. (\$79,500)
  - (c) Implement a county-wide School to Public Service Careers Program supported by a central coordinating position in the Department of Support Services utilizing the assessment and evaluation services of the Oregon Business Councils' Worksite 21 Project to develop and establish department-specific school to work programs. (\$49,540)
  - (d) Commission WDB to conduct a one-time only development project to support and coordinate the development of a system of Individual Development (including Training) Accounts in anti-poverty, community development and workforce development systems in the county. (\$25,265)
  - (e) Dedicate 10 percent of the CSF to support special need housing projects recommended by the Division of Community Programs and Partnerships and approved by the Board annually. The 1998/99 housing funds shall address the special housing needs of correction clients with mental health issues. Disbursement of these funds shall be made upon Board acceptance of the Division's recommendations. (\$34,800)

- (f) County Indirect costs and contingency fund. (\$26,736)
2. That these investments shall be continued for four additional years at the current 1998/99 annual service levels, plus inflation, with the exception of the IDA systems development project which is a one-time only allocation.
  3. That the Chair's office shall develop, in conjunction with the Board, annual investment plans for all additional available CSF revenues during these four years at the time the actual CSF revenues are available.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy

Sandra N. Duffy  
Chief Assistant County Counsel

413-915

# STRATEGIC INVESTMENT PROGRAM CONTRACT

BETWEEN

MULTNOMAH COUNTY, OREGON,

CITY OF GRESHAM, OREGON,

AND

LSI LOGIC CORPORATION.

August 3, 1995

Execution Copy

August 3, 1995



b. Housing Program

*County Goal: To provide assistance securing affordable housing.*

(1) For Employees

In addition to the County's general goal, the County wants to assure that no potential LSI employee be unable to accept a job due to the unavailability of affordable housing. In furtherance of the County's goal, LSI shall contribute the amounts provided in Section II.B.2.b(2), below. The County agrees that low income employees of LSI shall be eligible to receive benefits under this program to the extent that they qualify under the eligibility standards adopted by the County.

Each applicant for a job with LSI shall be provided with a written statement (approved by the County) which explains this program, as well as all other benefits that LSI will make available to those applicants who become employees.

(2) For the Multnomah County Community

LSI shall make a one-time payment of \$500,000, on or before July 1, 1996, to the County Finance Department to be used to increase the inventory of affordable low-income housing in Multnomah County. The Board of County Commissioners in consultation with the City, Gresham Community Development Housing Corporation and the countywide HCDC, will determine which community program will receive the funds.

Additionally, LSI shall pay the following amounts to the County Finance Department to be added to the community housing funds for affordable low-income housing, on December 31 of each of the following years:

Year	Housing Subsidy	Year	Housing Subsidy
1996	\$100,000	2004	\$150,000
1997	\$100,000	2005	\$150,000
1998	\$100,000	2006	\$150,000
1999	\$100,000	2007	\$150,000
2000	\$125,000	2008	\$200,000
2001	\$125,000	2009	\$200,000
2002	\$125,000	2010	\$200,000
2003	\$125,000	2011	\$200,000
<b>TOTAL</b>		<b>\$2,300,000</b>	

The Board of County Commissioners in consultation with the City, Gresham Community Development Housing Corporation and the countywide HCDC, will determine which community program will receive the funds set out in the chart above.

c. Community Resources

In order to facilitate recruiting of large numbers of applicants a social service infrastructure will have to be enhanced in the outer Southeast area of the City of Portland and east Multnomah County. Such an infrastructure is critical to identify the target population and to create an information channel to that population.

The foundation of this task is a needs assessment. From this base the present infrastructure, if any, can be identified, and additional needed infrastructure identified.

LSI, in lieu of a contractual agreement provision committing to hiring 2000 employees over the fifteen years of its tax abatement, agrees to make the monetary contributions described in this section to develop community resources to enhance an employee recruitment pool.

LSI agrees to make the following contributions to the County Finance Manager at the address indicated in Section II.B.1.b, on

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

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

IN THE MATTER OF ADOPTING AN INVESTMENT PLAN FOR THE  
COUNTY'S SHARE OF THE COMMUNITY SERVICES FEES GENERATED BY  
THE STRATEGIC INVESTMENT PROGRAM.

The Multnomah County Board of County Commissioners finds:

- (a) The County, City of Gresham (City) and LSI Logic (LSI) entered into a fifteen year Strategic Investment Program (SIP) contract on August 3, 1995 that requires LSI to pay a Community Service Fee (CSF) equal to 25% of the annual property taxes abated,
- (b) The County and the City entered into a statutorily required CSF revenue sharing agreement on April 9, 1998 establishing a permanent distribution formula of 53% for the County and 47% for the City,
- (c) The first CSF revenues will be generated in 1998/99 and the County's available share for investment in the amount of \$348,341 is now available,
- (d) The SIP Policy as adopted by the Board on April 13, 1995 established that benefits are to be enjoyed by current county residents, especially those who are unemployed or underemployed and committed an undetermined percentage of the CSF to affordable housing,
- (e) While the region's economy continues to flourish, the rate of poverty has remained constant in this decade and families with children make up 80% of poor households while constituting only 49% of all households in the county,
- (f) One of the County's three long-term benchmark goals is reducing the number of children living in poverty,
- (g) Reducing poverty demands a multi-faceted approach supported by systemic financial investments leading, but not limited, to:
  - (1) greater access to jobs & job preparation for disadvantaged adult parents,
  - (2) increased educational relevance resulting in higher student achievement,

- (3) individual opportunities to save and invest in training, education, homeownership & self-employment opportunities, and
- (4) affordable housing, especially for special needs populations.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. That the County's share of the CSF for 1998/99 shall be invested in the following initiatives:
  - (a) One Stop Technical Assistance Fund to meet the regional and individual one-stop career center's system development and technology needs and integrate SIP workforce services. Specific priorities for funding will be prioritized by the Workforce Development Board (WDB) in conjunction with the community-based One Stop Steering Committee. (\$132,500)
  - (b) Support the Workforce Development Board's goal of increasing student, school and employer participation in School-To-Work opportunities throughout the county in conjunction with the City of Portland and Washington County. (\$79,500)
  - (c) Implement a county-wide School to Public Service Careers Program supported by a central coordinating position in the Department of Support Services utilizing the assessment and evaluation services of the Oregon Business Councils' Worksite 21 Project to develop and establish department-specific school to work programs. (\$49,540)
  - (d) Commission WDB to conduct a one-time only development project to support and coordinate the development of a system of Individual Development (including Training) Accounts in anti-poverty, community development and workforce development systems in the county. (\$25,265)
  - (e) Dedicate 10 percent of the CSF to support special need housing projects recommended by the Division of Community Programs and Partnerships and approved by the Board annually. The 1998/99 housing funds shall address the special housing needs of correction clients with mental health issues. Disbursement of these funds shall be made upon Board acceptance of the Division's recommendations. (\$34,800)

- (f) County Indirect costs and contingency fund. (\$26,736)
2. That these investments shall be continued for four additional years at the current 1998/99 annual service levels, plus inflation, with the exception of the IDA systems development project which is a one-time only allocation.
  3. That the Chair's office shall develop, in conjunction with the Board, annual investment plans for all additional available CSF revenues during these four years at the time the actual CSF revenues are available.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1998.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By

Sandra N. Duffy

Sandra N. Duffy  
Chief Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 98-199**

Adopting an Investment Plan for the County's Share of the Community Services Fees Generated by the Strategic Investment Program.

The Multnomah County Board of County Commissioners finds:

- (a) The County, City of Gresham (City) and LSI Logic (LSI) entered into a fifteen year Strategic Investment Program (SIP) contract on August 3, 1995 that requires LSI to pay a Community Service Fee (CSF) equal to 25% of the annual property taxes abated,
- (b) The County and the City entered into a statutorily required CSF revenue sharing agreement on April 9, 1998 establishing a permanent distribution formula of 53% for the County and 47% for the City,
- (c) The first CSF revenues will be generated in 1998/99 and the County's available share for investment in the amount of \$348,341 is now available,
- (d) The SIP Policy as adopted by the Board on April 13, 1995 established that benefits are to be enjoyed by current county residents, especially those who are unemployed or underemployed and committed an undetermined percentage of the CSF to affordable housing,
- (e) While the region's economy continues to flourish, the rate of poverty has remained constant in this decade and families with children make up 80% of poor households while constituting only 49% of all households in the county,
- (f) One of the County's three long-term benchmark goals is reducing the number of children living in poverty,
- (g) Reducing poverty demands a multi-faceted approach supported by systemic financial investments leading, but not limited, to:
  - (1) Greater access to jobs & job preparation for disadvantaged adult parents,

- (2) Increased educational relevance resulting in higher student achievement,
- (3) Individual opportunities to save and invest in training, education, homeownership & self-employment opportunities, and
- (4) Affordable housing, especially for special needs populations.

The Multnomah County Board of Commissioners Resolves:

1. That the County's share of the CSF for 1998/99 shall be invested in the following initiatives:
  - (a) One Stop Technical Assistance Fund to meet the regional and individual one-stop career center's system development and technology needs and integrate SIP workforce services. Specific priorities for funding will be prioritized by the Workforce Development Board (WDB) in conjunction with the community-based One Stop Steering Committee. (\$132,500)
  - (b) Support the Workforce Development Board's goal of increasing student, school and employer participation in School-To-Work opportunities throughout the county in conjunction with the City of Portland and Washington County. (\$79,500)
  - (c) Implement a county-wide School to Public Service Careers Program supported by a central coordinating position in the Department of Support Services utilizing the assessment and evaluation services of the Oregon Business Councils' Worksite 21 Project to develop and establish department-specific school to work programs. (\$51,224)
  - (d) Commission WDB to conduct a one-time only development project to support and coordinate the development of a system of Individual Development (including Training) Accounts in anti-poverty, community development and workforce development systems in the county. (\$25,265)
  - (e) Dedicate 10 percent of the CSF to support special need housing projects recommended by the Division of Community Programs and Partnerships and approved by the Board annually. The 1998/99 housing funds shall address the special housing needs of correction clients with mental health issues. Disbursement of these funds shall

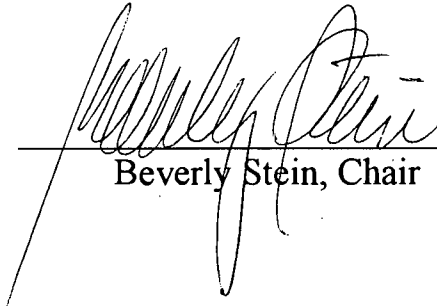
be made upon Board acceptance of the Division's recommendations.  
(\$34,800)

- (f) County Indirect costs and contingency fund. (\$25,052)
2. That these investments shall be continued for four additional years at the current 1998/99 annual service levels, plus inflation, with the exception of the IDA systems development project, which is a one-time only allocation.
  3. That the Chair's office shall develop, in conjunction with the Board, annual investment plans for all additional available CSF revenues during these four years at the time the actual CSF revenues are available.

ADOPTED this 3rd day of December, 1998.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Chief Assistant County Counsel



## BUDGET MODIFICATION NO.

BMDSS9907

(For Clerk's Use) Meeting Date DEC 03 1998Agenda No. R-9

## 1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date) \_\_\_\_\_

DEPARTMENT DSSDIVISION Employee ServicesCONTACT Steve PearsonTELEPHONE 248-5015 x26083\* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD John RakowitzSUGGESTEDAGENDA TITLE

County-wide assessment and addition of Senior Program Development Specialist for School-to-Work Project

(Estimated Time Needed on the Agenda)

## 2. DESCRIPTION OF MODIFICATION The Senior Program Development Specialist will:

- Act as a liaison with the Oregon Business Council and Worksite 21
- Attend quarterly meetings to network with organizations that are implementing school-to-work, share information on best business practices.
- Participate on task force committees organized by Worksite 21 members.
- Implement and coordinate the County's school-to-work plan.
- Evaluate the County's school-to-work program and work with County departments to collect data.
- Be a resource to the County in facilitating school and county relationships, involving teachers and school-to-work coordinators.
- Public Affairs Representative, work with the Chair's office to communicate to the public on issues of school-to-work.
- Connect with the Youth Advisory Board.

The consultant will conduct a county-wide assessment and recommend a program design that will support the County's achievement of its benchmarks, improve internal capacity and reflect best business practices.

## 3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

## 4. CONTINGENCY STATUS (to be completed by Budget &amp; Quality)

SIP

Fund Contingency before this modification

11/24/98

Date

\$ 17,150

After this modification

\$ 65,926

Originated By

Steve Pearson

Date

24-Nov-98

Department Director

Date

Plan/Budget Analyst

Date

11-24-98

Employee Services

Date

24-Nov-98

Board Approval

Date

12/3/98

for Debra Larson

**PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.**

**BMDSS9907**

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

FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			
		BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
1.00	Sr. Program Development Specialist	41,581	7,280	5,756	54,617
1.00	TOTAL CHANGE (ANNUALIZED)	41,581	7,280	5,756	54,617

**6. CURRENT YEAR PERSONNEL DOLLAR CHANGES** (Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	CURRENT FY			
		BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
Sr. Prog Dev Specialist	new position	17,464	3,058	2,418	22,940
TOTAL CURRENT FISCAL YEAR CHANGES		17,464	3,058	2,418	22,940

## BMDSS9907

## EXPENDITURE

TRANSACTION EB GM [ ]

TRANSACTION DATE \_\_\_\_\_

ACCOUNTING PERIOD \_\_\_\_\_

BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		140	070	7517			5100			17,464		
		140	070	7517			5500			3,058		
		140	070	7517			5550			2,418		
		140	070	7517			6230			3,500		PC and misc supplies
		140	070	7517			6330			500		Local Travel
		140	070	7517			7150			500		installation, monthly charge
		140	070	7517			7400			2,100		app 5000/yr
		140	050	9205			6100			20,000		
		140	070	7517			7100			1,004		
		140	050	9000			7100			680		
		140	075	9120			7700			(51,224)		
		100	075	9120			7700			1,684		
TOTAL EXPENDITURE CHANGE										1,684	0	

## REVENUE

TRANSACTION RB GM [ ]

TRANSACTION DATE \_\_\_\_\_

ACCOUNTING PERIOD \_\_\_\_\_

BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	075	7410			6643			1,684		
TOTAL REVENUE CHANGE										1,684	0	

### Annualized Expenditures

**BUDGET AMENDMENT NO.** BMDSS9907 **Annual**

## Personnel Changes Annual

[illegible]

## Revenue Impact

**No Impact**

## Expenditure-Annual

Fund	Agency	Organization	Object Code	Revenue Code	Increase Decrease	Notes
140	070	7517	5100		41,581	
140	070	7517	5500		7,280	
140	070	7517	5550		5,756	
140	070	7517	6230		1,000	
140	070	7517	6310		1,500	
140	070	7517	6330		1,000	
140	070	7517	7150		1,000	
140	070	7517	7250		740	
140	070	7517	7400		5,000	
140	070	7517	6620		4,000	
140	070	7517	7100		2,341	
	<b>Total Annualized Cost</b>				<b>71,198</b>	

**Effect on**

**Fund Contingency \$**

# MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN  
DIANE LINN  
GARY HANSEN  
LISA NAITO  
SHARRON KELLEY

DEPARTMENT OF SUPPORT SERVICES  
PORTLAND BUILDING  
1120 S.W. FIFTH - ROOM 1410  
P. O. BOX 14700  
PORTLAND, OR 97214  
PHONE (503)248-5880

TO: Board of County Commissioners

FROM: John Rakowitz

TODAY'S DATE: November 24, 1998

REQUESTED PLACEMENT DATE: December 3, 1998

SUBJECT: Budget Modification: BMDSS9907  
Allocate funds to strengthen and expand department participation in School to Work activities

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## **I. Action Requested:**

Approve Budget Modification BMDSS9907 which allocates funds for

1. A county-wide school to work coordinator position effective February 1, 1999 and
2. Consultant fees to hire Oregon Business Council's Worksite 21 to conduct an organizational assessment and design the county-wide School to Public Service Careers Program.

## **II. Background Analysis:**

School to Work (STW) is an approach to learning that links students, schools and workplaces. It is based on the proven concept that education works best and is most useful when students apply what they learn to real life and real work situations. STW prepares young people for their entry into the workplace. It also encourages schools to work cooperatively with employers, unions, civic groups, and other public and private sector organizations to help make education more relevant by creating opportunities that engage students in the world of work.

As an employer that offers a wide range of professional opportunities, the County has the potential to make significant contributions to school to work efforts. Several county departments currently sponsor school to work activities. Our School to Public Service Careers Program will help strengthen and expand county efforts. Program staff will link the County with the regional school to work system and assert a pioneering presence in an arena where few public sector employers are participating.

Multnomah County's School to Public Service Careers supports the County's vision and advances several key benchmarks. School to Careers furthers the County's three long-term benchmarks of increasing school completion, reducing crime, and reducing the number of children in poverty. By exposing youth to good job opportunities and equipping them with the skills and motivating factors to stay in school, STC offers youth an opportunity for success and economic advancement.

The School to Public Service Careers program also supports good government benchmarks because it gives young people opportunities to learn about local government and build linkages early on. Programs centered on mentorship and outreach provide skill building opportunities to diverse youth, which expands and diversifies the pool of applicants for County positions and ultimately strengthens the County's workforce.

This budget request supports the expansion of current efforts by instituting a county wide program that provides centralized support and coordination for departmental efforts. Funds will be used to hire a county wide school to work coordinator and contract with the Oregon Business Council's Worksite 21 to conduct an organizational assessment and recommend a program design that supports county benchmarks, improves internal capacity and reflects best business practices.

### **III. Financial Impact:**

Appropriates \$ 51,224 from SIP contingency for FY98-99 until the additional Community Service Fee revenue is appropriated through a supplemental budget process. Program assessment and design consultation fees are one time only funds. Funding for FY 99-00 will require \$71,198.

### **IV. Legal Issues:**

None

### **V. Controversial Issues:**

None

### **VI. Link to Current County Policies:**

Program implements a central aspect of the Community Service Fee Investment Plan and furthers the following County benchmarks:

#### ***Long-Term Benchmarks:***

- Increase School Completion
- Reduce Children in Poverty
- Reduce Crime

#### ***Social and Economic Benchmarks:***

- Increase the percentage of people who leave post secondary programs possessing skill sets to match workforce needs.

#### ***Good Government Benchmarks:***

- Increase the percentage of citizens who understand the Oregon governmental system
- Build public confidence in government
- Increase workforce diversity

### **VI. Other Government Participation:**

None