



Lynn Peterson  
Chair

Commissioners  
Bob Austin  
Jim Bernard  
Charlotte Lehan  
Ann Lininger

**BOARD OF COUNTY COMMISSIONERS**

PUBLIC SERVICES BUILDING  
2051 KAEN ROAD | OREGON CITY, OR 97045

# AGENDA

**WEDNESDAY, NOVEMBER 24, 2010 - 10:00 AM**  
**BOARD OF COUNTY COMMISSIONERS**

Beginning Board Order No. 2010-126

**I. CITIZEN COMMUNICATION** *(The Chair of the Board will call for statements from citizens regarding issues relating to County government. It is the intention that this portion of the agenda shall be limited to items of County business which are properly the object of Board consideration and may not be of a personal nature. Persons wishing to speak shall be allowed to do so after registering on the blue card provided on the table outside of the hearing room prior to the beginning of the hearing. Testimony is limited to three (3) minutes. Comments shall be respectful and courteous to all.)*

**II. PUBLIC HEARING** *(The following items will be individually presented by County staff or other appropriate individuals. Persons appearing shall clearly identify themselves and the organization they represent. In addition, a synopsis of each item, together with a brief statement of the action being requested shall be made by those appearing on behalf of an agenda item.)*

1. First Reading of Ordinance No. \_\_\_\_\_ Adding Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge, to the Clackamas County Code (Cam Gilmour)

**III. DISCUSSION ITEMS** *(The following items will be individually presented by County staff or other appropriate individuals. Citizens who want to comment on a discussion item may do so when called on by the Chair.)*

**~NO DISCUSSION ITEMS SCHEDULED**

**IV. CONSENT AGENDA** *(The following items are considered to be routine, and therefore will not be allotted individual discussion time on the agenda. Many of these items have been discussed by the Board in Study Session. The items on the Consent Agenda will be approved in one motion unless a Board member requests, before the vote on the motion, to have an item considered at its regular place on the agenda.)*

**A. Health, Housing & Human Services**

1. Approval of an Agency Agreement between Clackamas County and Northwest Natural for Weatherization Services - CSCC
2. Approval of a Mental Health Services Agreement with James L. Born, PsyD for Mental Health Outpatient Services – BH
3. Approval of an Agreement between Clackamas County and Causey Associates Limited Partnership to use HOME Program Funds to Develop Affordable Multi-Family Rental Housing – CD
4. Approval to Apply for the Health Resources and Services Administration New Access Point Grant to Expand Services Under the Federally Qualified Health Center - CH

**B. Department of Transportation & Development**

1. Board Order No. \_\_\_\_\_ Approving of the Tualatin Valley Fire and Rescue Ordinance 10-02 Revisions
2. Approval of Amendment No. 1 to the Intergovernmental Agreement with the Oregon Department of Transportation for the Harmony Road at Linwood and Railroad Crossing Environmental Impact Statement Assistance

**C. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC
2. Board Order No. \_\_\_\_\_ Directing the County Treasurer to Create a Reserve Account Under *ORS 311.814* to Address the Comcast Corporation Appeal - ASSESSOR

**D. Tourism and Cultural Affairs**

1. Board Order No. \_\_\_\_\_ Supporting the Willamette Falls Heritage Area Coalition's Efforts to Designate the Falls as a National Heritage Area

**V. COMMISSIONERS COMMUNICATION**

**NOTE: Regularly scheduled Business Meetings are televised and broadcast on the Clackamas County Government Channel. These programs are also accessible through the County's Internet site. DVD copies of regularly scheduled BCC Thursday Business Meetings are available for checkout at the Clackamas County Library in Oak Grove by the following Saturday. You may also order copies from any library in Clackamas County or the Clackamas County Government Channel.**

*<http://www.clackamas.us/bcc/business/>*



Campbell M. Gilmour  
Director

**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 24, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**FIRST READING OF AN ORDINANCE ADDING CHAPTER 4.04, VEHICLE  
REGISTRATION FEE – SELLWOOD BRIDGE, TO THE  
CLACKAMAS COUNTY CODE**

The proposed ordinance adding Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge, to the Clackamas County Code will provide a dedicated revenue source for the replacement of the Sellwood Bridge.

Building and maintaining bridges is essential to sustaining the quality of the region's highways, which is vital to the County's ability to support commerce and the safe transportation of goods and people. The Sellwood Bridge is a key element to the County's transportation system, connecting Oregon Highways 99E, 43, and 224. It is the only crossing between Oregon City and Portland for a 12-mile length of the Willamette River.

Originally built in 1925, the Sellwood Bridge is 85 years old. The bridge has a National Bridge Inventory sufficiency rating of 2 on a scale of 100. This rating indicates the structural condition of the bridge and how well the bridge crossing serves the current traffic needs. The crossing has a number of deficiencies, poor structural condition, geologic instability, poor stopping distance, and restrained line of sight for motorists. In 2004 a 10-ton weight limit was imposed on the bridge to preserve the structure. The restriction prevents buses and heavy trucks from using the bridge as a secondary freight route.

The new bridge design will conform to 500-year seismic standards providing vital connectivity following a large earthquake event. The Sauvie Island Bridge is the only other Willamette River crossing in Portland that meets the 500-year seismic standards. There are two major fault lines that run along the Willamette River, one on each side.

Over 70 percent of the traffic using the Sellwood Bridge is traveling to or from Clackamas County, serving trips to jobs, businesses and other purposes important to the economy. With an average daily traffic count of 30,000 vehicles, this is the busiest two-lane bridge in the State of Oregon.

The replacement bridge has been estimated to cost \$330 million. This cost should be viewed as very preliminary as the final design of the replacement structure and its connection to Oregon 43 has not begun. Recent engineering work indicates that \$40 million can be saved by constructing a scaled down interchange with Oregon 43. With this adjustment, the project is estimated to cost \$290 million. Construction is scheduled to begin in two years.

Revenue from a \$5 per year vehicle registration fee (\$10 every other year) is estimated to support debt service for a bond of \$22 million, the amount before the Board of Commissioners for the Clackamas County share of a replacement bridge. Other financial participants are Multnomah County (\$127 million), the City of Portland (up to \$100 million, provided no cost savings are ultimately realized), the Oregon Department of Transportation (\$30 million) and the Federal Highway Administration (amount not determined). Since these amounts add to \$279 million, additional funds will still be needed or the project will have to be constructed in phases. The Clackamas County share will remain at \$22 million. This contribution covers county staff costs associated with our participation in this project, which are estimated to be \$100,000. Since there is no methodology that determines what financial participation should be, the \$5 fee is put forth as the county's fair share given the importance of the bridge for county commerce and safety should an earthquake make other crossings of the Willamette River impassable.

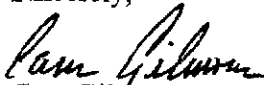
ORS 801.041 grants counties with a population of 350,000 or more the authority to enact an ordinance establishing a vehicle registration fee for the purpose of designing, replacing, and acquiring necessary property for engineering, and constructing a bridge and its approaches that crosses the Willamette River in the City of Portland prior to 2013. The proposed ordinance was drafted in accordance with ORS 801.041 as required by HB2001.

County Counsel has drafted and approved the proposed ordinance language. Staff has also discussed the implementation of this County vehicle registration fee of \$5 for each year of the registration period with cities located within Clackamas County's jurisdiction. The proposed language was presented to the Board of County Commissioners at a study session on November 9, 2010.

**RECOMMENDATION:**

County staff respectfully recommends the Board of County Commissioners conduct the first reading of the proposed ordinance adding Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge, to the Clackamas County Code. The second reading of the ordinance is scheduled for December 9, 2010.

Sincerely,

  
Cam Gilmore  
Director

For more information on this issue or copies of attachments, please contact  
Diedre Landon at 503.742.4677.

 **DRAFT**

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

**An Ordinance adding Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge to the Clackamas County Code.**

- WHEREAS ...** building and maintaining bridges is essential to sustaining the quality of the region's highways, which is vital to the County's ability to support commerce and the safe transportation of goods and people; and
- WHEREAS ...** the Sellwood Bridge is a key element to the County's transportation system, connecting Oregon Highways 99E, 43, and 224; is the only crossing between Oregon City and Portland for a twelve mile length of the Willamette River; with more than half its users travelling to or from the County; and
- WHEREAS ...** the Sellwood Bridge is 85 years old, with a sufficiency rating on the National Bridge Inventory of 2 out of a scale of 100; and
- WHEREAS ...** replacing the Sellwood Bridge will greatly enhance safe and efficient travel; and
- WHEREAS ...** County revenues are not sufficient to fund the replacement of the Sellwood Bridge; and
- WHEREAS ...** the Board has concluded that it is essential to provide a dedicated revenue source for the replacement of the Sellwood Bridge; and
- WHEREAS ...** ORS 801.041 grants to counties with a population of 350,000 or more the authority to enact an ordinance establishing a vehicle registration fee for the purpose of designing, replacing, acquiring necessary property for, engineering, and constructing a bridge and its approaches that crosses the Willamette River in the City of Portland; and
- WHEREAS ...** the Board has decided that it is now necessary to add Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge, to the Clackamas County Code so as to enact an ordinance establishing a vehicle registration fee according to ORS 801.041 whose revenues shall be dedicated to the replacement of the Sellwood Bridge; now, therefore;

**The Board of Commissioners of Clackamas County ordains as follows:**

**Section 1: Chapter 4.04, Vehicle Registration Fee – Sellwood Bridge, is hereby added to the Clackamas County Code to read as follows:**

## **Chapter 4.04 VEHICLE REGISTRATION FEE – SELLWOOD BRIDGE**

### **4.04.010 Authority**

This chapter is enacted pursuant to the grant of authority set out in ORS 801.041 and Oregon Laws Chapter 865 (2009).

### **4.04.020 Purpose**

The purpose of this chapter is to provide funds for the designing, replacing, acquiring necessary property for, engineering, and constructing a replacement for the Sellwood Bridge and its approaches.

### **4.04.030 Definitions of Terms and Construction**

All words used in this chapter shall have the definitions assigned to them in ORS Chapter 801. The interpretation and application of this chapter shall be according to the terms of ORS 801.041 and its associated statutes.

### **4.04.040 Imposition of the Vehicle Registration Fee; Exemption from the Fee**

- A.** Save for the exceptions specifically set out in subsection B below, a vehicle registration fee is imposed on every vehicle registered with the Oregon Department of Transportation where the address on the application for registration or renewal of registration is in Clackamas County.
- B.** In accordance with ORS 801.041(3) the following vehicles are declared to be exempt from the vehicle registration fee:
1. Snowmobiles and Class I all-terrain vehicles.
  2. Fixed load vehicles.
  3. Vehicles registered under ORS 805.100 to disabled veterans.
  4. Vehicles registered as antique vehicles under ORS 805.010.
  5. Vehicles registered as vehicles of special interest under ORS 805.020.
  6. Government-owned or operated vehicles registered under ORS 805.040 or 805.045.

7. School buses or school activity vehicles registered under ORS 805.050.
8. Law enforcement undercover vehicles registered under ORS 805.060.
9. Vehicles registered on a proportional basis for interstate operation.
10. Vehicles with a registration weight of 26,001 pounds or more described in ORS 803.420(10) or (11).
11. Vehicles registered as farm vehicles under the provisions of ORS 805.300.
12. Travel trailers, campers, and motor homes.

**4.04.050** Amount of the Fee

- A. At the time a vehicle is first registered or at the time of registration renewal, the applicant shall pay a County vehicle registration fee of \$5 for each year of the registration period.
- B. This fee shall be in addition to all other fees required to be paid to the State of Oregon according to ORS 803.420 or any other statute.
- C. This fee shall be collected by the Oregon Department of Transportation on behalf of the County. As required by ORS 801.041(1), the County shall enter into an intergovernmental agreement with the Oregon Department of Transportation for the collection, payment, and crediting of the fees.

**4.04.060** Use of the Proceeds

The net proceeds of the fees collected under this chapter shall be used exclusively to pay the expenses of designing, replacing, acquiring necessary property for, engineering, and constructing the replacement for the Sellwood Bridge and its approaches as well as to repay any bonded indebtedness incurred for the aforesaid purposes.

**Section 2:** In addition to, and not as a replacement for, all measures to be taken for the filing of an ordinance, a copy of this ordinance shall also, as required by ORS 801.041(1), be filed with the Oregon Department of Transportation.

Ordinance No. \_\_\_\_

**Section 3:** Multnomah County has also, by its Ordinance No. 1148, enacted a vehicle registration fee for the purpose of replacing the Sellwood Bridge. While Clackamas County by this act has enacted its own ordinance for the same purpose, the two entities have acted independently in setting their respective fee, and the registration fee imposed by this act is not a "joint registration fee" as set out in ORS 801.041(6).

ADOPTED this \_\_\_\_\_ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



November 24, 2010

Board of County Commissioners  
Clackamas County

Members of the Board

**Approval of an Agency Agreement between Clackamas County and  
Northwest Natural for Weatherization Services**

The Community Solutions for Clackamas County Division of Health, Housing and Human Services Department requests the approval of an Agency Agreement with Northwest Natural to provide funding for weatherization services to County residents through Northwest Natural's Oregon Low Income Energy Efficiency (OLIEE) program.

Over the next year, the Clackamas County Weatherization Program will serve approximately 64 homes using natural gas as a main heat source. Some of the services provided will be paid for using rebate dollars collected from Northwest Natural ratepayers through OLIEE.

This agreement can provide funding up to approximately \$266,000 over the next year. This agency agreement will begin October 1, 2010 and end on September 30, 2011. No County General Funds are involved. The Agency Agreement was reviewed by County Counsel on November 10, 2010.

**RECOMMENDATION**

Staff respectfully recommends that the Board approve the attached contract with NW Natural for the Oregon Low Income Energy Efficiency (OLIEE) program.

Respectfully Submitted,



Cindy Becker  
Director

For more information on this issue or copies of attachments  
please contact Jacque Meier at (503) 734-6942

*Healthy Families. Strong Communities.*

November 24, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of a Mental Health Services Agreement with James L. Born, PsyD  
for Mental Health Outpatient Services**

The Clackamas County Behavioral Health Division of the Health, Housing and Human Services Department (H3S) requests the approval of a Mental Health Services Agreement with James L. Born, PsyD, for mental health outpatient services to Oregon Health Plan (OHP) members capitated to the County.

The agreement does not contain an upper limit. Expenditures are controlled by Clackamas Mental Health Organization staff that pre-authorize and monitor services on an on-going basis. Payment is based on current Medicaid rates.

The agreement is funded with Oregon Department of Human Services, Addiction and Mental Health (AMH) Division funds. No County General Funds are involved. County Counsel has reviewed and approved this contract as part of the H3S contract standardization project. It is effective December 1, 2010 and terminates December 31, 2011.

**Recommendation**

We recommend the approval of this agreement and that Cindy Becker be authorized to sign on behalf of the Board of County Commissioners.

Respectfully submitted,



Cindy Becker  
Director

For information on this issue or copies of attachments  
Please contact Emily M. Zwetzig/Office of Business Services at (503) 742-5318.

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November 24, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of an Agreement between Clackamas County and  
Causey Associates Limited Partnership to use HOME Program Funds  
to Develop Affordable Multi-family Rental Housing**

The Community Development Division of the Health, Housing & Human Services Department requests approval of an Agreement with Causey Associates Limited Partnership to use federal HOME Investment Partnership Program (HOME) funds to develop a 41-unit transit-oriented multi-family affordable rental housing project near the Clackamas Town Center. Causey Associates Limited Partnership will own the project. Causey Affordable Ventures LLC is the general partner and Geller Silvis & Associates, its sole member, will develop the project.

Under the terms of the Agreement, \$350,000 in HOME funds will be made available for the development of the project to be located at the corner of 85<sup>th</sup> and Causey near the new MAX Green Line transit center. The HOME funds will make up only four percent of project's \$9.4 million total development cost. The terms of the HOME loan will be structured to fit the needs of the project and the requirements of the federal Low Income Housing Tax Credit program, the project's primary fund source. The HOME loan will be in the form of a low-interest deferred-payment loan with a term of 40 years; however, the developer may refinance and repay the HOME loan in year 15 or shortly after.


Four units will be designated as HOME-assisted units with an initial period of affordability of 20 years. The HOME funds will be used for eligible development costs defined at 24 CFR 92.206 and no HOME funds will be disbursed until the owner has closed on the tax credit financing. The project, which consists of 12 studio, 4 one-bedroom and 25 two-bedroom units, will provide housing for people working in the retail and service sector. The elevator-serviced building will be fully adaptable to serve individuals with physical disabilities. The developer plans to use sustainable construction practices and materials and energy efficient appliances to achieve Earth Advantage Certification and Energy Star Certification standards.

County Counsel approved this agreement on November 2, 2010. No general fund dollars are involved in this project.

**Recommendation**

We recommend approval of this Agreement and that Cindy Becker be authorized to sign all related documents on behalf of the Board of County Commissioners.

Respectfully submitted,

  
Cindy Becker  
Director

For more information on this issue or copies of attachments  
please contact Gloria Lewton at 503-655-8591.

COPY



Cindy Becker  
Director

November 24, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval to Apply for the Health Resources and Services Administration (HRSA)  
New Access Point (NAP) Grant to expand services under the  
Federally Qualified Health Center (FQHC)**

The Clackamas County Community Health Division (CCCHD) of the Health, Housing, and Human Services Department (H3S) requests the approval to apply for the Health Resources and Services Administration (HRSA) New Access Point (NAP) Grant to expand services under FQHC.

Grant funds will allow CCCHD to establish a new Community Health Center site in North Clackamas to provide comprehensive medical, dental, behavioral health and substance abuse treatment services to low-income, medically underserved persons. CCCHD anticipates serving approximately 6,000 patients, providing approximately 15,000 encounters per year by the end of the project period. This project has been endorsed by the FQHC Community Health Council.

If funded, CCCHD requests authority to establish 31.0 additional FTE positions to staff the new clinic. CCCHD expects to receive confirmation of funding in early summer 2011.

The total amount of the grant for this period is \$650,000. Additional federal funds and patient fees will help support these medical, dental and behavioral health services. This grant application covers the proposed project period of August 1, 2011 to July 31, 2013.

**Recommendation**

*We recommend the approval to apply for this grant and further recommend that Cindy Becker be authorized to sign on behalf of the Board of County Commissioners.*

Respectfully submitted,

  
Cindy Becker  
Director

For information on this issue or copies of attachments  
Please contact Emily M. Zwetzig/Office of Business Services at (503) 742-5318.

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**COPY**

**Campbell M. Gilmour**  
Director

**DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT**

**DEVELOPMENT SERVICES BUILDING**

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 24, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**A RESOLUTION APPROVING TUALATIN VALLEY FIRE AND RESCUE  
ORDINANCE 10-02 REVISIONS**

Tualatin Valley Fire and Rescue is a Rural Fire Protection District, portions of which fall within the boundaries of Clackamas County. Periodically, the Board of Directors of the TVFR district finds it necessary to amend their ordinances as they relate to the adoption of a Fire Code and related standards.

TVFR is regarded as an "exempt district". This means that the TVFR district has been found by the State Fire Marshal's office to be well-qualified and to have adequate resources to provide fire services. As such and as authorized under ORS 478, TVFR can adopt and/or amend a fire code locally, establish standards and be regarded as "exempt" from the State Fire Marshal's rules, ordinances etc.

Recently, the State of Oregon adopted the 2009 Edition of the International Fire Code with Oregon amendments, known as the Oregon Fire Code. The TVFR district elected to adopt and further amend this code through its ordinance 10-02. This ordinance also establishes standards for enforcement, penalties and appeals.

ORS 478.924 also provides that the provisions of a Fire Code adopted locally by a fire district shall not apply within any city or county unless the governing body of the city or county approves the fire code by resolution. TVFR has asked Clackamas County to approve by resolution the TVFR Ordinance 10-02 which establishes a Fire Code and Standards for their district. This item has been reviewed and approved by County Counsel.

**RECOMMENDATION:**

Staff respectfully recommends that the Board approve the attached resolution adopting the Tualatin Valley Fire and Rescue Ordinance 10-02 revisions, thus making its provisions applicable within Clackamas County and authorizing the TVFR district to enforce these provisions as necessary.

Sincerely,

Scott Caufield  
Building Codes Administrator

For information on this issue or copies of attachments  
please contact Scott Caufield at (503) 742-4747

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Resolution  
Approving Tualatin Valley Fire and  
Rescue Ordinance 10-02



RESOLUTION NO.  
Page 1 of 1

WHEREAS, Tualatin Valley Fire & Rescue is a rural fire protection district (hereinafter, the "District");

WHEREAS, the District has the authority to enact ordinances for the jurisdictions it serves;

WHEREAS, the District has enacted such an ordinance, designated the Fire Prevention Code (hereinafter the "Fire Code");

WHEREAS, the District has chosen to amend the Fire Code, as set out in Ordinance 10-02, with said Ordinance 10-02 attached as an exhibit to this Resolution;

WHEREAS, the provisions of the Fire Code shall not apply within the County unless the Board of County Commissioners (hereinafter the "Board") approves the Fire Code by Resolution;

WHEREAS, the Board has reviewed the Fire Code and considered the recommendations of its staff, and concluded that adoption of the Fire Code is in the best interests of protecting the lives, safety, and property of the County as well as the safety of firefighters and emergency responders.

NOW, THEREFORE, BE IT RESOLVED THAT the Fire Code, as set out in the District's Ordinance 10-02, is approved by Resolution, all as required by ORS 478.924, and

BE IT FURTHER RESOLVED THAT the District's Ordinance 10-02 shall apply within the County.

DATED this \_\_\_\_ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

## ORDINANCE 10-02

**AN ORDINANCE ADOPTING FIRE CODES AND STANDARDS FOR TUALATIN VALLEY FIRE AND RESCUE, A RURAL FIRE PROTECTION DISTRICT, PROVIDING FOR A REASONABLE LEVEL OF LIFE SAFETY AND PROPERTY PROTECTION FROM THE HAZARDS OF FIRE, EXPLOSION OR DANGEROUS CONDITIONS IN NEW AND EXISTING BUILDINGS, STRUCTURES, AND PREMISES AND TO PROVIDE SAFETY TO FIREFIGHTERS AND EMERGENCY RESPONDERS DURING EMERGENCY OPERATIONS, AND REPEALING ORDINANCE 07-01.**

WHEREAS, Tualatin Valley Fire & Rescue, A Rural Fire Protection District, has developed uniform fire regulations for the jurisdictions served; and

WHEREAS, Tualatin Valley Fire and Rescue, A Rural Fire Protection District, hereinafter referred to as the District, finds it necessary to adopt regulations that establish a minimum level of fire safety, thus does hereby adopt the following regulations; and now, therefore:

### **IT IS ORDAINED AS FOLLOWS:**

#### **TITLE AND FILING:**

This ordinance, including the codes hereby adopted, shall be filed in the record of the District and in the office of Washington, Multnomah, and Clackamas County Clerks and Oregon State Fire Marshal's office as prescribed by ORS 478.940. A copy shall be posted at each fire station within the District. From the date on which this ordinance shall take effect, provisions thereof shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The whole of this ordinance shall be known as the Fire Prevention Code and may be referred to as the Fire Code and shall be enforced by the Fire Marshal's Office created by Ordinance 91-02.

#### **SCOPE:**

The purpose of this code is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations as authorized by ORS 478.910

#### **SECTION I – ADOPTION OF THE 2010 OREGON FIRE CODE:**

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, the International Fire Code, 2009 Edition, as published and copyrighted by International Fire Code Council and as amended and adopted by the Oregon State Fire Marshal's Office and known as the 2010 Oregon Fire Code, is hereby adopted.

#### **SECTION II – ENFORCEMENT OF CODE**

Notwithstanding provisions in the Oregon Fire Code authorizing or requiring inspections of buildings and premises or testing of fire protection systems and equipment, e.g. Sections 106, or provisions providing for enforcement of the Code, such inspections, testing and enforcement of the Code shall be discretionary by the Chief and other individuals charged by the Chief with such activities. The District recognizes that it has limited financial resources with which to provide fire, rescue, and other services and functions and is forced to make public policy decisions as to allocation of District resources. Although the District places a high

priority on prevention, inspection, and maintenance of fire systems, due to financial limitations, it is the Board's policy to require inspections only so often as necessary to provide a reasonable level of fire and life safety. Accordingly, although the Fire Chief and other individuals charged by the Chief with these activities are encouraged to pursue them, performing such activities, as well as the scope and frequency of such activities, shall be within the discretion of the Fire Chief. It is the intention of the District to make clear that the District's duty to perform the inspections and testing, or to take enforcement actions as set forth in the Code, is limited to providing a reasonable level of fire and life safety. Such actions are discretionary.

### SECTION III – AMENDMENTS TO THE 2010 OREGON FIRE CODE:

The 2010 Oregon Fire Code is hereby amended as follows:

1. The following new SECTION 907.7.6 is added:

**907.7.6 Alarm Verification.** No later than December 1, 2010, or as soon thereafter as approved by a city or county, Supervising Stations shall not retransmit alarm signals to Public Fire Service Dispatch and Communications Centers until an attempt is made to verify the accuracy of the alarm signal at the Protected Premises. Verification attempt shall be made within 90 seconds of receipt of alarm signal. If the Protected Premises is contacted and can confirm that no fire or emergency condition exists, then the alarm signal shall not be retransmitted. In all other situations, the alarm signal shall be immediately retransmitted. This section modifies the retransmission requirements of NFPA 72. Nothing in this section is intended to permit delay of notification devices and evacuation at the Protected Premises.

**Exception:** Waterflow alarms and Manual Pull Station alarms shall be immediately retransmitted without verification where they can be distinguished by the Supervising Station from other alarm initiating devices at the Protected Premises.

2. The following section of Appendix B105.3.1.2 is deleted in its entirety:

**B105.3.1.2 Fire Alarm Systems.** A reduction in required fire-flow of 25% is allowed when the building is provided with an automatic and manual fire alarm system that is installed throughout the building and is monitored by an approved central receiving station. The systems shall meet all requirements of NFPA 72 as specific for a central station fire alarms system proving total (complete) coverage by detection devices.

### SECTION IV – PENALTIES

Any person who violates any of the provisions of these regulations hereby adopted or fails to comply therewith, or violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statements, specification or plans submitted and approved thereunder and from which no appeal has been taken, or shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction within the time affixed herein, shall severally, for each and every such violation and non-compliance respectively, be guilty of a violation of the Fire Prevention Code as provided in ORS 478.930, punishable upon conviction as prescribed by ORS 478.990. All fines or punishments authorized upon conviction shall include the costs to the District to remedy the violation including costs of towing, storage or removal of the hazard or obstruction if necessary.

The Chief or designated representative may bring a complaint in law or in equity to alleviate a violation of this ordinance as well as in addition to the rights to enforce said ordinance under the provisions of ORS 478.930 and ORS 478.990.



**SECTION V – FIRE CODE BOARD OF APPEALS**

As authorized by ORS 479.180, the District may establish a board of appeals. Such board of appeals may be implemented through bylaws and other procedures adopted by ordinance of the District. In the event that the fire district Board adopts a board of appeals, the provisions of this ordinance, where appropriate, are subject to the board of appeals procedures.

**SECTION VI – REPEAL OF CONFLICTING ORDINANCES**

The provisions of this ordinance, i.e. the Fire Code, shall be controlling within the territorial limits of the District and within each city and county within the District approving pursuant to ORS 478.924. The existing fire code, Ordinance 07-01, has been approved within each city and county within the District. The District desires that the existing fire code continue in effect until such time as the cities and counties within the District have approved this new Fire Code pursuant to ORS 478.924. Accordingly, Ordinance 07-01, and all former ordinances or parts thereof, which are conflicting or inconsistent with the provisions of this ordinance or of the code or standards hereby adopted, are hereby repealed, effective the effective date of this ordinance; provided, however, that Ordinance 07-01 shall continue in effect in each city or county which has approved it until the city or county approves this Ordinance 10-02. Further, prosecutions or violations under repealed ordinances may continue after the effective date of this ordinance.

**SECTION VII – VALIDITY**

The District hereby declares that should any section, paragraph, sentence or word of this ordinance or of the Codes or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the District that it would have passed all other portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

**SECTION VIII – DATE OF EFFECT**

The Board of Directors of the Fire District finds and determines that it is necessary and expedient that the provisions of this ordinance become effective 30 days following adoption, as authorized by ORS 198.570.

First reading by Title only this 27 day of July, 2010.

Second reading by Title only this 17 day of August, 2010.

PASSED by the District this 17 day of August, 2010.

Robert C. Wyffels  
PRESIDENT

[Signature]  
SECRETARY-TREASURER



COPY

Campbell M. Gilmour  
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

November 24, 2010

Board of County Commissioners  
Clackamas County

Members of the Board:

**Approval of Amendment No. 1 to the Intergovernmental Agreement with  
the Oregon Department of Transportation for the  
Harmony Road at Linwood and Railroad Crossing  
Environmental Impact Statement Assistance**

The attached proposed Amendment No. 1 is for the existing Intergovernmental Agreement between ODOT and Clackamas County for the Harmony Road at Linwood and Railroad Crossing Environmental Impact Statement Assistance. This Amendment is for the purpose of terminating this Agreement due to the cancellation of the project. No federal funds were expended for this project nor refund due.

County Counsel has reviewed and approved this amendment.

RECOMMENDATION

Staff respectfully recommends the Board approve Amendment No. 1 to the Intergovernmental Agreement for the Harmony Road at Linwood and Railroad Crossing Environmental Impact Statement Assistance.

Sincerely,

Mike Bezner, PE  
Transportation Engineering Manager

For information on this issue or copies of attachments  
please contact Rick Nys at 503-742-4702

# BOARD OF COUNTY COMMISSIONERS BUSINESS MEETING MINUTES

A complete video copy and packet including staff reports, of this meeting can be viewed at <http://www.clackamas.us/bcc/business/>

**Thursday, September 30, 2010 – 10:00 AM**

**Public Services Building - 2051 Kaen Road, Oregon City, OR 97045**

**PRESENT:** Commissioner Lynn Peterson, Chair  
Commissioner Bob Austin  
Commissioner Jim Bernard  
Commissioner Charlotte Lehan

**EXCUSED:** Commissioner Ann Lininger

## ***~Pledge of Allegiance~***

Commissioner Peterson announced that Commissioner Lininger is out of the office and will not be in attendance today – Commissioner Lehan is running a little late and will be here shortly.

## **I. PRESENTATIONS**

1. Recognition of County Employee Kat Hinkel and Her Daughter Tiara Freeman for their Heroism

Tracy Moreland, Public and Government Affairs presented the staff report.

The Board presented certificates to Kat Hinkle and her daughter Tiara and thanked them for their outstanding heroism.

2. Acknowledgement of an Anonymous Donation to Assist Individuals Impacted by the Recession

Brenda Durbin, Social Services presented the staff report.

The Board thanked the individual for the generous donation of \$10,000 which will assist the citizens of Clackamas County.

3. *Proclaiming* October 2010 as Domestic Violence Awareness Month in Clackamas County  
Christina Bondurant, Domestic Violence Prevention Coordinator presented the staff report and read the proclamation.

Sheriff Craig Roberts shared some statistics and what the Clackamas County Sheriff's Office has done to help prevent domestic violence.

## ***~Board Discussion~***

Chair Peterson asked for a motion.

### **MOTION:**

Commissioner Austin: I move we proclaim October 2010 as Domestic Violence Awareness Month in Clackamas County.

Commissioner Lehan: Second.

Chair Peterson – all those in favor:

Commissioner Lehan: Aye.

Commissioner Bernard: Aye.

Commissioner Austin: Aye.

Chair Peterson: Aye.

Chair Peterson – all those opposed: - The Ayes have it and the motion is approved.

## **II. CITIZEN COMMUNICATION**

Theonie Gilmore, 24242 SW Gage Road, Wilsonville – concern about Measure 39 and Measure 47 issue.

Chair Peterson asked that Dan Chandler to meet with Ms. Gilmore to assist.

## **III. DISCUSSION ITEMS**

***~NO DISCUSSION ITEMS SCHEDULED***

**IV. CONSENT AGENDA**

**MOTION:**

Commissioner Bernard: I move we approve the Consent Agenda.

Commissioner Lehan: Second.

Chair Peterson – all those in favor:

Commissioner Lehan: Aye.

Commissioner Bernard: Aye.

Commissioner Austin: Aye.

Chair Peterson: Aye.

Chair Peterson – all those opposed: - The Ayes have it and the motion is approved.

**A. Health, Housing & Human Services**

1. Approval of a Construction Agreement between the Community Development Division and Knife River Corp. Northwest for Street Improvements for the North Clackamas Revitalization Area Phase 1 Project - CD

**B. Department of Transportation & Development**

1. Board Order No. **2010-115** Declaring the Necessity and Purpose for Acquisition of Rights-of-Way and Easements and Authorizing Negotiations and Eminent Domain Actions for the Salmon River (Arrah Wanna Road) Bridge Project
2. Board Order No. **2010-116** for Right-of-Way and Easements Acquired along County Roads to become Part of the Abutting or Adjacent County Road
3. Board Order No. **2010-117** Allowing Expenditure of County Road Funds on Local Access Roads under County Jurisdiction
4. Approval of Amendment #3 to the Engineering Design and Plans Contract with Harper Houf Peterson Righellis, Inc. for the Hwy 212/Lawnfield Rd. Connection Project

**C. Elected Officials**

1. Approval of Previous Business Meeting Minutes – BCC
2. Approval of an Intergovernmental Agreement between Clackamas County Sheriff's Office, the City of Estacada and the Estacada School District Relating to a School Resource Officer for 2010/2011 - CCSO
3. Acceptance of the Community Oriented Policing Services (COPS) Methamphetamine Initiative Grant from the US Department of Justice COPS Office - CCSO
4. Approval of an Authorization to Purchase Mobile Data Computers from Feeney Wireless, Inc. - CCSO

**V. WATER ENVIRONMENT SERVICES**

1. Approval of a Construction Services Agreement for the Tri-City Service District South Holly Lane Culvert Replacement

**VI. COMMISSIONERS COMMUNICATION**

The Commissioner adjourned the meeting in the memory of Stan Ross

**MEETING ADJOURNED – 10:34 AM**



BOB VROMAN  
COUNTY ASSESSOR

DEPARTMENT OF ASSESSMENT AND TAXATION

DEVELOPMENT SERVICES BUILDING

150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Members of the Board:

BOARD ORDER DIRECTING THE TREASURER TO CREATE A RESERVE  
ACCOUNT UNDER ORS 311.814 TO ADDRESS THE COMCAST  
CORPORATION APPEAL

The attached Board Order directs the County Treasurer to establish a reserve account in an amount representing the portion of taxes paid by the petitioner in the tax court case in dispute for each tax year until the appeal is resolved.

Last December the Department of Revenue notified the County that Comcast Corporation appealed their 2009-2010 property value. That year, Comcast was treated as a public utility account for the first time (centrally assessed) and valued by the Oregon Department of Revenue. Because the dollar difference asserted by the property owner and the value asserted by the Department of Revenue exceeds one-fourth of 1% of the total assessed value of all property in Clackamas County, Oregon law provides a specific option to mitigate the impact to taxing districts of a potentially large refund. That option is to set up a refund reserve fund in the amount paid by the appellant that is taken out of future tax collections to be used in case a refund is necessary.

For the purpose of satisfying statutory requirements in estimating the potential refund reserve, the Department of Revenue estimated the amount of value in dispute to be the difference between the 2008-09 locally assessed value and the 2009-10 centrally assessed value. That difference is estimated at \$113,750,000 and results in a potential refund amount of \$1,812,575 without interest for the 2009-2010 tax year.

**Recommendation:** Because of the magnitude of the contested value, the possibility of lengthy litigation, the adverse impact to all taxing district revenue distributions and exposure to the liability for annual refund interest at 12% per year, I respectfully recommend that the Board approve the attached order directing the County Treasurer establish a refund reserve account to address the Comcast Corporation appeal.

Respectfully submitted:

Bob Vroman  
Clackamas County Assessor & Tax Collector

For Information on this issue please contact Bob Vroman at 503-655-8671

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Creation of a Reserve  
Account under ORS 311.814

Order No. \_\_\_\_\_

**BACKGROUND:**

In certain tax cases involving large valuations where taxes have already been imposed and collected, the Oregon Department of Revenue (DOR) must notify the County Treasurer of an appeal, pursuant to ORS 311.814. Under ORS 311.814, after notification to the County Treasurer, the Board of County Commissioners may order that taxes collected in the current tax year be set aside in an interest bearing account in an amount representing the portion of taxes paid by the petitioner in the tax court case in dispute for each tax year until the appeal is resolved, in case a refund is necessary as a result of the appeal.

In December 2009, DOR notified the Clackamas County Treasurer and Clackamas County Assessor of the Comcast Corporation appeal of their 2009-2010 property tax value.

**WHEREAS**, it appears to the Board that the creation of a reserve account for the Comcast appeal is necessary and appropriate;

**Now, therefore, it is hereby ordered:** The County Treasurer is directed to set aside in an interest bearing reserve account an amount representing that portion of taxes paid by Comcast attributable to the amount of value in dispute, beginning in the 2010-11 tax year and each tax year thereafter until termination of the controversy.

It is further ORDERED that upon final resolution of the controversy, the reserve funds be distributed in accordance with ORS 311.814.

DATED this \_\_\_\_ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS FOR CLACKAMAS COUNTY

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary



**Danielle Cowan**  
Executive Director

**Clackamas County Tourism & Cultural Affairs**

November 24, 2010

Board of Commissioners  
Clackamas County

Members of the Board:

**IN THE MATTER OF A RESOLUTION SUPPORTING THE  
WILLAMETTE FALLS HERITAGE AREA COALITION'S EFFORTS TO  
DESIGNATE THE FALLS AS A NATIONAL HERITAGE AREA**

Since 2007, the Willamette Falls Heritage Coalition has been working on an effort to designate the natural waterfall on the Willamette River between Oregon City and West Linn as a National Heritage Area. The Coalition is a partnership of public and private sector organizations, of which, Clackamas County is a founding member. National Heritage Areas are places where natural, cultural, and scenic resources combine to form a cohesive, nationally important landscape arising from patterns of human activity shaped by geography. Congress designates National Heritage Areas, and the National Park Service provides technical and planning resources.

As the work of the Coalition has progressed and matured, it is time to create a more formalized partnership commitment to the designation effort. Partner members within the Coalition continue to expand and includes Clackamas County, the cities of Oregon City and West Linn, the Confederated Tribes of the Grand Ronde, the Oregon Parks and Recreation Department, the State Historic Preservation Office, Main Street Oregon City, the Willamette Falls Heritage Foundation, the Clackamas County Arts Alliance, Portland General Electric, Blue Heron Paper Company, West Linn Paper Company, and the Ice Age Flood Institute, among others. These partners agree to commit to working together in partnership with the goal of creating a Willamette Falls National Heritage Area. For Clackamas County, this would be accomplished by the passage of a Resolution. Oregon City and West Linn have already passed Resolutions to this end.

A key element in the creation of the Willamette Falls National Heritage Area is the development of a feasibility study. Public involvement is an indispensable element of the feasibility study. In fact, a National Heritage Area will not be created unless it can be demonstrated that there is widespread support for the designation from private citizens, businesses, governments, and nonprofit organizations.

The Resolution accompanying this Staff Report declares the County's support of the Coalition and its participation in the development of the Willamette Falls National Heritage Area. Assistance, in the form of staff time and funding, is dependent upon the County's available resources.

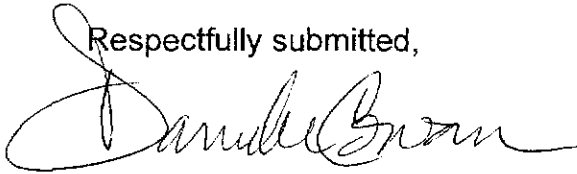
**CLACKAMAS COUNTY TOURISM & CULTURAL AFFAIRS**

**150 BEAVERCREEK ROAD, SUITE 305, OREGON CITY, OREGON 97045  
503.655.8490 • FAX 503.742.5907 • WWW.MT-HOOD-TERRITORY.COM**

## RECOMMENDATION

Staff respectfully recommends that the Board consider the matter of the designation of the great falls of the Willamette River as a National Heritage Area, and if the Board is so inclined, pass the accompanying Resolution so as to partner with other entities and proceed, through a feasibility study, to test the support of the designation through public participation.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Danielle Cowan". The signature is written in black ink and is positioned below the text "Respectfully submitted,".

Danielle Cowan, Executive Director  
Clackamas County Tourism and Cultural Affairs

For more information on this item please contact Scot Sideras at 503-742-4332 or via e-mail at [scotsid@co.clackamas.or.us](mailto:scotsid@co.clackamas.or.us)



**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Resolution Supporting  
the Willamette Falls Heritage Area  
Coalition's Efforts Towards a National  
Heritage Area Designation



RESOLUTION NO.  
Page 1 of 2

WHEREAS, the mission of the Willamette Falls Heritage Area Coalition (hereinafter the "Coalition") is to advocate for and strengthen the identity of the historic working communities of Oregon City and West Linn (hereinafter the "Heritage Area") by preserving and promoting their important and distinctive natural, cultural, scenic, recreational, and industrial resources through public/private partnerships; and

WHEREAS, the Coalition has identified the following set of guiding principles for the Heritage Area:

- Establish the Willamette Falls as the central identity and heart of the Oregon City and West Linn area;
- Enhance public appreciation for historical sites within the Heritage Area, while supporting existing industrial, commercial, and recreational opportunities;
- Share this unique place with others- local residents and visitors from the metro region and the nation;
- Create an easy to navigate approach to the area and the core site;

WHEREAS, the Coalition has identified several steps in the process towards the possible designation of the Heritage Area as a National Heritage Area, including developing and completing a feasibility study that will feature widespread public involvement; and

WHEREAS, the support and commitment of the Coalition's partners, including the State of Oregon, Clackamas County, the Confederated Tribes of the Grand Ronde, West Linn, Oregon City, Clackamas County Arts Alliance, Ice Age Floods Institute, Willamette Falls Heritage Foundation, PGE, West Linn Paper Mill, and Blue Heron Paper Company.

NOW, THEREFORE, BE IT RESOLVED THAT the County supports the efforts and goals of the Coalition, and

BE IT FURTHER RESOLVED THAT the County will participate in, and provide leadership for, the development of the Willamette Falls Heritage Area and toward the completion of the National Heritage Area feasibility study, and

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of a Resolution Supporting  
the Willamette Falls Heritage Area  
Coalition's Efforts Towards a National  
Heritage Area Designation



RESOLUTION NO.  
Page 2 of 2

BE IT FURTHER RESOLVED THAT, depending upon the availability of resources, the County will provide an appropriate share of financial assistance and staff time to complete the Willamette Falls feasibility study, and

BE IT FURTHER RESOLVED THAT the County will provide letters of support securing additional resources for this project.

DATED this \_\_\_\_ day of November, 2010.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary