



REVISED
Item D.1 removed for further review

BOARD OF COUNTY COMMISSIONERS

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

AGENDA

THURSDAY, MARCH 24, 2011 - 10:00 AM BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2011-17

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. 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

III. 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 a Construction Agreement between Clackamas County and D&T Excavation Inc. for Street Improvements on East Jersey Street in the City of Gladstone
- Community Development
2. Approval of an Agreement with Tri-County Metropolitan Transportation District of Oregon for Operating Expenses of the Mountain Express Bus Service in the Hoodland Area – *Social Services*

B. Department of Transportation & Development

1. Approval of Amendment No. 2 to an Intergovernmental Agreement with the Oregon Department of Transportation for 2006-2011 Fund Exchange Agreement for 172nd Avenue: Hwy 212 to SE Sunnyside Road
2. Approval of Amendment No. 2 to an Intergovernmental Agreement with the Oregon Department of Transportation for Emergency Relief Program Project Funding
3. Board Order No. _____ for the Acceptance of Additional Right-of-Way and Simultaneous Vacation of Arista Drive

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

D. Cable Communications

REMOVED Approval of Board Order No. _____ Granting a Cable Television Franchise Agreement for the Use of County Right-of-Way by Wavedivision VII, LLC

IV. NORTH CLACKAMAS PARKS & RECREATION DISTRICT

1. Resolution No. _____ Authorizing a Grant Application to the Oregon Parks and Recreation Department Local Government Grant Program
2. Approval of an Intergovernmental Agreement between North Clackamas Parks & Recreation District and Oak Lodge Sanitary District for the Incorporation of Storm Water Drainage into the Design of the Trolley Trail

V. WATER ENVIRONMENT SERVICES

1. Approval of an Extension of the Life Estate for Tax Lot 22E 14C 00600W1 - Clackamas Service District No. 1 (Stanfill)
2. Approval of the State of Oregon Department of Environment Quality Nonpoint Source Implementation Grant Agreement with Clackamas County Service District No. 1 for Regional BMP Sizing Tool Development to Address Hydro-modification

VI. 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/>

March 24, 2011

Board of County Commissioners
Clackamas County, Oregon

Members of the Board:

**Approval of a Construction Agreement between Clackamas County and
D&T Excavation Inc. for Street Improvements on
East Jersey Street in the City of Gladstone**

The Community Development Division of the Health, Housing & Human Services Department requests the approval of a Construction Contract between Clackamas County and D&T Excavation Inc. for street improvements on East Jersey Street in the City of Gladstone. After review of the 21 bids submitted on February 24, 2011, D&T Excavation Inc. was determined to be the lowest responsive bidder substantially complying with the requirements of the solicitation. Below is a list of the 5 lowest bids:

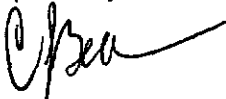
1	D&T Excavation Inc	\$208,046.63
2	GSE Inc	\$208,448.00
3	Eagle-Elsner, Inc.	\$210,005.20
4	Portland Road & Driveway, Inc.	\$213,211.35
5	HSC LLC	\$226,271.55

The East Jersey street improvements include the construction of catch basins, storm pipe, curbs, sidewalks and handicap ramps in a low-moderate income area of Gladstone. The total amount of the contract is \$208,046.63. The City of Gladstone will provide \$65,046.63 and Community Development Block Grant funds will be \$143,000 for this project. No County General Fund dollars are involved in this project. County Counsel reviewed this agreement on January 18, 2011.

Recommendation:

We recommend approval of the attached construction contract 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 Mark Sirois/ Community Development at (503) 650-5664.

Healthy Families. Strong Communities.

March 24, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Agreement with Tri-County Metropolitan Transportation
District of Oregon for Operating Expenses of
The Mountain Express Bus Service in the Hoodland Area**

The Social Services Division of the Health, Housing and Human Services requests Department approval of an Agreement with Tri-County Metropolitan Transit District of Oregon (TriMet) for operating expenses for the Mountain Express bus service in the Hoodland area.

Clackamas County Social Services (CCSS) has assumed the role of fiscal agent to allow for the continuation of the Mountain Express community bus service in the Villages at Mt. Hood. Oregon Department of Transportation requires that, in order for a program to receive certain types of Federal transportation funding, the recipient must be a transit district or unit of local government.

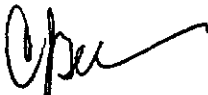
CCSS has been approved to receive Special Transportation formula funds. TriMet contracts for these funds on behalf of the state based on local recommendations for funded projects. These state funds are used for operating expenses and focus on providing transit services for seniors and person with disabilities. The Mountain Express currently provides over 1,500 rides per month to residents of the Hoodland area. Approximately 12% of those riders are seniors and persons with disabilities.

The total amount of the agreement is \$10,000. The agreement has no effect on staffing. No County General Funds are involved. This agreement was approved by County Counsel on March 10, 2011. This agreement is effective when signed by both parties and terminates at end of grant period June 30, 2012.

Recommendation:

Staff recommends the approval of this agreement and further recommends 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 Teresa Christopherson, # 503-650-5718



COPY

Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

March 24, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of Amendment No. 2 to an Intergovernmental Agreement
with Oregon Department of Transportation for 2006-2011 Fund
Exchange Agreement for 172nd Avenue: Hwy 212 to SE Sunnyside Road**

Attached please find the amended Intergovernmental Agreement between ODOT and Clackamas County for the 2006-2011 Surface Transportation Program Fund Exchange. The amendment adds 2011 STP funding in the amount of \$613,511 to the existing agreement, bringing the total funding that the County will receive under the terms of this agreement to \$3,089,684. The funding has been dedicated to the 172nd Avenue project between Highway 212 and SE Sunnyside Road.

Initially, 172nd Avenue was a two lane rural arterial. During this project 172nd Avenue was widened to five (5) lane arterial with bike lanes and sidewalks. The new road includes two (2) signalized intersections and a roundabout. Modifications to the existing signal on State Highway 212 are also part of the project scope. This project was needed to handle the expected growth within the 172nd Avenue corridor. It is considered a critical link in the Sunrise System, a network of highways, roads, and rail from I-205 to Damascus and Highway 212 to the Multnomah County line.

County Counsel has reviewed and approved the proposed IGA. ODOT has completed their contract review and are awaiting the executed copies of the agreement from Clackamas County. Once the agreement has been executed by ODOT, the County can request reimbursement of funds spent on the project to date.

RECOMMENDATION:

Staff respectfully recommends the Board approve and authorize the Chair to execute the attached Amendment 02 to the ODOT STP Fund Exchange Program (IGA No. 25194), thus allowing Clackamas County to request approved funding for program year 2011.

Sincerely,

Mike Bezner, PE
Transportation Engineering Manager

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



COPY

Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

March 24, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of Amendment No. 2 to an Intergovernmental
Agreement with Oregon Department of Transportation for
Emergency Relief Program Project Funding**

Following the storm events from the 2008-2009 winter season, portions of Clackamas River Drive, Eagle Creek Road, Eagle Fern Road, Henrici Road, Kitzmiller Road, Lusted Road, Mountain Road, Ridge Road, Salmon River Road, and Ten Eyck Road were compromised. These roads are all part of the county road system and under the jurisdiction of Clackamas County. County staff requested federal funding through the Emergency Relief Program (ERP) and these projects will be financed with Federal Emergency Relief Program funds, which were originally estimated in the amount of \$2,022,190.78. The County will be responsible for approximately \$175,000 to complete these projects. The federal funding for these projects is contingent upon approval by the Federal Highway Administration (FHWA).

This amendment increases the estimated amount of the repair identified on Henrici Road, three miles east of Beaver Creek Road and 100 feet west of Athens Road, from \$247,648.62, with \$186,000 designated as part of a permanent restoration, to \$482,648.62, with \$421,000 designated for permanent restoration. The total for this particular project is increased by \$235,000 to a total of \$482,648.62 and the County's total obligation for the program funding is increased by approximately \$25,000.

County Counsel has reviewed and approved this amendment.

RECOMMENDATION

Staff respectfully recommends the Board approve Amendment No. 2 to the Intergovernmental Agreement for Emergency Relief Program project funding.

Sincerely,

Mike Bezner
Transportation Engineering Manager

For information on this issue or copies of attachments
please contact Joel Howie at 503-742-4658



COPY

Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

March 24, 2011

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

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order for the Acceptance of Additional Right-Of-Way and
Simultaneous Vacation of Arista Drive**

The attached board order is for the acceptance of a Permanent Right-Of-Way Easement for Road Purposes and simultaneous vacation of an unused portion of Arista Drive (County Road No. 1846) a 30-foot wide road right-of-way, located in the southwest 1/4 of Section 18, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon. The reason for this Board Order is that in 1983, while reconstructing portions of McLoughlin Boulevard (Highway 99E), the Oregon Department of Transportation reconstructed the southeasterly end of Arista Drive to provide better access to McLoughlin Boulevard (Highway 99E). A portion of the new alignment for Arista Drive is located on a strip of land currently owned by North Clackamas Parks and Recreation District. Right-of-way was not acquired for the realigned section of Arista Drive across the North Clackamas Parks and Recreation District property. The North Clackamas Parks and Recreation District has offered to the Public, a 60 foot wide Permanent Right-Of-Way Easement for Road Purposes through their property to complete the right-of-way to McLoughlin Boulevard (Highway 99E). Acceptance of the offer from North Clackamas Parks and Recreation District will allow the Board to simultaneously vacate an unused portion of the original Arista Drive right-of-way. No property owners will be negatively affected by this vacation. This action is pursuant to ORS 368.126.

RECOMMENDATION:

Staff respectfully recommends that the Board adopt the attached Board Order approving the acceptance of the Permanent Right-Of-Way Easement For Road Purposes and simultaneous vacation of a unused portion of Arista Drive (County Road No. 1846) right-of-way.

Sincerely,



Mike Bezner, Engineering Manager
DTD Engineering

DC

For more information on this issue or copies of attachments Please contact Doug Cutshall at (503) 742-4669

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, March 3, 2011 – 10:00 AM

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

**PRESENT: Commissioner Lynn Peterson
Commissioner Charlotte Lehan
Commissioner Paul Savas**

**EXCUSED: Commissioner Jim Bernard
Commissioner Ann Lininger (joined meeting at Citizen Communication)**

~Pledge of Allegiance~

Commissioners Bernard is attending the NACo conference and will not be in attendance today. Commissioner Lininger joined the meeting during Citizen Communication.

I. PRESENTATION

1. Proclaiming March 2011 as Colorectal Cancer Awareness Month in Clackamas County
Marti Franc, Community Health presented the staff report and read the proclamation; she introduced Tom Foeller who is a colon cancer survivor and advocated for colorectal cancer awareness and prevention. Mr. Foeller spoke of his experience with this treatable disease.

Chair Peterson asked for a motion.

MOTION:

Commissioner Savas: I move we proclaim March 2011 as Colorectal Cancer Awareness Month in Clackamas County.

Commissioner Lehan: Second.

~Board Discussion~

Chair Peterson – all those in favor:

Commissioner Savas: Aye.

Commissioner Lehan: Aye.

Chair Peterson: Aye.

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

II. CITIZEN COMMUNICATION

Kevin Phillips, 24410 S. Beaver Creek Road, has comments, suggestions and concerns regarding the Board Meeting Guidelines

John Lee, 11185 SE 282nd, Boring – Representing Clackamas County Republican Party – asked for an open process for the new Commissioner selection.

Lyneil Vandermolen, 22262 SW Stafford, Tualatin – comments regarding Commissioner replacement – look for representatives from the business sector.

Cheryl Snow, Executive Director of the Clackamas County Arts Alliance and Kirk Mouser, Advisory Board Chair – gave brief update on the Arts Alliance Annual Report.

III. PUBLIC HEARING

1. Request for an Exemption from Competitive Bidding and Authorization to Use the Request for Proposal Method for the Clackamas River at Springwater Road Bridge Replacement

Lane Miller, Purchasing Manager presented the staff report.

Chair Peterson announced this is a public hearing and asked if anyone wished to speak, seeing none, she asked for a motion.

MOTION:

Commissioner Savas: I move we approve the Request for an Exemption from Competitive Bidding and Authorization to Use the Request for Proposal Method for the Clackamas River at Springwater Road Bridge Replacement.

Commissioner Linger: Second.

~Board Discussion~

Chair Peterson – all those in favor:

Commissioner Savas: Aye.

Commissioner Linger: Aye.

Commissioner Lehan: Aye.

Chair Peterson: Aye.

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

IV. DISCUSSION ITEM

Administration

- *1. ~~RESOLUTION~~ - Resolution No. _____ Approving the Board Meeting Guidelines (Steve Wheeler, County Administrator)

V. CONSENT AGENDA

Chair Peterson asked the Clerk to read the Consent Agenda by title, then asked for a motion.

Commissioner Linger: I move we approve the Consent Agenda.

Commissioner Lehan: Second.

Chair Peterson – all those in favor:

Commissioner Savas: Aye.

Commissioner Lehan: Aye.

Chair Peterson: Aye.

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

A. Health, Housing & Human Services

1. Board Order No. 2011-11 Approval of Mental Health Director's Designee to Authorize a Custody Hold Under ORS 426.233 – Behavioral Health
2. Approval of Amendment #1 to the Interagency Agreement with the City of Lake Oswego/Lake Oswego Adult Community Center to Provide Social Services for Clackamas County Residents – Social Services

B. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC

VI. WATER ENVIRONMENT SERVICES

1. Approval of a Partnership Agreement between Clackamas County Service District No. 1 and Johnson Creek Watershed Council for Riparian Buffers, Upland Tree Canopy, and Education Activities
2. Approval of a Partnership Agreement between Clackamas County Service District No. 1 and North Clackamas Urban Watershed Council for Riparian Buffers, Upland Tree Canopy and Education Activities

VII. COMMISSIONERS COMMUNICATION

Commissioners Savas, Lininger and Lehan thanked Commissioner Peterson for her service to this Board and wished her well at her new job with the Governor.

MEETING ADJOURNED – 10:53 AM

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



REMOVED

Debbie McCoy
Manager

CABLE COMMUNICATIONS

PUBLIC SERVICES BUILDING

2051 KAEN ROAD OREGON CITY, OR 97045

March 24, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**BOARD ORDER GRANTING A CABLE TELEVISION FRANCHISE AGREEMENT
FOR USE OF COUNTY RIGHTS-OF-WAY BY WAVEDIVISION VII, LLC**

The County granted WaveDivision VII, LLC's (Wave-Sandy) predecessor a franchise agreement on June 6, 1996, for a term of ten years, and has extended the franchise several times. Wave has continued to provide cable services in the County and pay franchise fees as required under the 1996 franchise as the parties engaged in good faith negotiations for renewal of the franchise.

The County has concluded negotiations with Wave-Sandy with terms and conditions for use of the County's rights-of-way to provide a video television system to residents in the unincorporated area of Clackamas County around the city of Sandy. Wave-Sandy will pay franchise fees, the same as other cable television providers, of 5% of gross revenues.

Provisions of the Franchise Agreement include broadcast of one additional access channel to Sandy area subscribers for a total of two access channels. This will be expanded with up to an additional 4 access channels when the company converts to an all-digital platform and the access channels meet certain requirements set forth in the franchise. Additionally, Wave will provide a monthly contribution of \$1.00 per subscriber to support Public, Education and Government access channels as well as continuation of the existing I-Net connection. Wave has further agreed to provide, without charge, one outlet of basic cable upon request to eight (8) public buildings in the service area.

RECOMMENDED ACTION:

Approve the cable television franchise agreement with Wave-Sandy for a term of twelve (12) years from the effective date of the Board Order.

County Counsel has seen and approved the attached Board Order

David Anderson, Assistant County Counsel

Respectfully submitted,

Debbie McCoy, Manager
Cable Communications

Cablesahre on 'lion' (S);debbiest:WaveDivision:Staff report to BO for agreement 3-24-2011.doc

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

In the Matter of Granting a Cable Television
Franchise Agreement For Use of the County
Rights-of-Way By WaveDivision VII, LLC



ORDER NO.

This matter coming on at this time, and it appearing that WaveDivision VII, LLC (Wave-Sandy) has been providing cable television service utilizing the County rights-of-way during good faith negotiations for a franchise agreement, and;

It further appearing that the County and Wave have conducted extensive negotiations as provided by federal law concerning the grant of a franchise agreement, and;

It further appearing that the issuance of a cable television franchise subject to the terms and conditions of the attached Franchise Agreement would be in the best interests of the citizens of the County;

NOW, THEREFORE, IT IS HEREBY ORDERED that the attached Franchise Agreement be approved and executed, and be subject to the terms and conditions as specified in the Agreement for a term of twelve (12) years as specified in Section 3.3.

DATED this ____ day of March, 2011

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

March 24, 2011

Board of County Commissioners
Clackamas County

Members of the Board:

**A Resolution to Authorize the Submission of an Application to the
Oregon Parks and Recreation Department Local Government Grant Program**

The North Clackamas Parks and Recreation District (NCPRD) is seeking Oregon Parks and Recreation Department Local Government Grant Program funding to renovate Risley Park in the Oak Lodge neighborhood. Risley Park is a popular neighborhood park and improvements to the trail, basketball courts and tennis court is a priority of the District.

Eligible projects under the grant program include acquisitions, development and major rehabilitation of park and recreation facilities. Projects must be consistent with the Statewide Comprehensive Outdoor Recreation Plan, Clackamas County Comprehensive Land Use Plans, and NCPRD Parks Master Plan. The Oregon Parks and Recreation Department requires that a resolution be signed by the governing board authorizing the grant application.

The maximum grant request of the Small Grant Program is \$50,000.

Attached is a resolution authorizing the grant application.

RECOMMENDATIONS

The NCPRD staff and District Advisory Board recommend authorization of the grant application to the Oregon Parks and Recreation Department Local Government Grant Program and to delegate authority to the director to sign the grant application.

Sincerely,

Katie Dunham
Planner II

For information on this issue or copies of attachments please contact
Katie Dunham at 503-742-4358 or email kdunham@co.clackamas.or.us

www.co.clackamas.or.us/ncprd

Administration Office
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4348
fax: 503-742-4349

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

*A service district
of Clackamas County*



**NORTH
CLACKAMAS**
PARKS & RECREATION
DISTRICT

March 24, 2011

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement between the North Clackamas Parks
and Recreation District and the Oak Lodge Sanitary District for
the Construction of the Trolley Trail**

The North Clackamas Parks and Recreation District (NCPRD) and the Oak Lodge Sanitary District (OLSD) have been working together to coordinate the design and development of the Trolley Trail. Specifically, the Trolley Trail construction includes the installation of number of storm water drainage improvements that are required to provide adequate drainage on and around the trail. These improvements, while serving the trail, also help OLSD meet long-term storm water management goals for the Oak Lodge community.

The attached intergovernmental agreement (IGA) specifically lays out the roles, responsibilities and obligations of each agency with respect to the funding, design, planning, and maintenance of the storm water improvements. Per the agreement, NCPRD will construct the necessary storm improvements as part of the current trail construction. In return, OLSD will provide NCPRD with \$97,478 to help fund the improvements. Upon completion of the trail, OLSD will assume ownership and long term maintenance of the storm water improvements.

County Counsel's office has reviewed and approved the proposed IGA.

RECOMMENDATION

Staff respectfully recommends that the Board approve and sign the attached IGA between NCPRD and OLSD for the development of the Trolley Trail.

Sincerely,

Gary Barth
Director
North Clackamas Parks and Recreation District

For more information on this issue contact Michelle Healy at 503-742-4356, or email michellehea@co.clackamas.or.us

www.co.clackamas.or.us/ncprd

Administration Office
150 Beaver Creek Road
Oregon City, OR 97045
503-742-4348
fax: 503-742-4349

Aquatic & Recreation Services
7300 SE Harmony Road
Milwaukie, OR 97222
503-794-8080
fax: 503-794-8085

Milwaukie Center
5440 SE Kellogg Creek Drive
Milwaukie, OR 97222
503-653-8100
fax: 503-794-8016

Parks Maintenance Office
9909 SE 40th Avenue
Milwaukie, OR 97222
503-794-8030
fax: 503-794-8087

*A service district
of Clackamas County*



Beyond clean water.

Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

March 24, 2011

Board of Commissioners
Clackamas County

Members of the Board

APPROVAL OF EXTENSION OF LIFE ESTATE FOR TAX LOT 22E 14C 00600W1,
CLACKAMAS COUNTY SERVICE DISTRICT NO. 1

On March 5, 1998, Clackamas County Board of County Commissioners authorized Clackamas County Service District No. 1 to purchase 10.42 acres identified as tax lots 22E 14C 00600W1 and 22E 14C 00601W1 from Robert and Dulcie Stanfill for the purpose of reserving the land for future construction of a storm water polishing facility to enhance storm water discharge to the Clackamas River.

The purchase included a life estate for tax lot 22E 14C 00600W1 granted to the sellers until such time the District requires exclusive use of the property. In the event the District desires full use the Grantees have 180 days to vacate and the life estate terminates.

The project is currently on hold, and the Grantees have requested that the life estate be extended to their children in the event of the Grantees' death. The Grantees acknowledge and agree that after the death of original sellers, Robert L. Stanfill and Dulcie V. Stanfill, that this life estate is contingent on the Grantor not requiring exclusive use.

District Counsel has reviewed the request and has taken no exceptions.

RECOMMENDATION

District staff respectfully recommends that the Board of Commissioners, acting as the governing body of CCSD No. 1, approve extension of the life estate to the children of the original grantors upon their death and authorize the Director of Water Environment Services to execute all documents authorizing the extension without necessity of further Board action.

Sincerely,

Michael S. Kuenzi, PE
WES Director

For information on this issue or copies of attachments, please contact Kathy Frasier at 503-742-4566.



Water Quality Protection
Surface Water Management
Wastewater Collection & Treatment

Michael S. Kuenzi, P.E.
Director

March 24, 2011

Board of Commissioners
Clackamas County

Members of the Board:

APPROVAL OF STATE OF OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY NONPOINT SOURCE
IMPLEMENTATION GRANT AGREEMENT WITH
CLACKAMAS COUNTY SERVICE DISTRICT No. 1 (CCSD No. 1) FOR
REGIONAL BMP SIZING TOOL DEVELOPMENT TO ADDRESS HYDROMODIFICATION

On behalf of CCSD No. 1, WES staff has begun implementing the recently completed Watershed Action Plans (WAPs) for the Kellogg-Mt. Scott and Rock Creek basins. The WAPs identified that hydrology in both the Kellogg-Mt. Scott and Rock Creek watersheds has been altered significantly from pre-development conditions due to land use changes, loss of native vegetation, the development of the piped stormwater drainage network, and the lack of hydrologic controls on older development. The effects of these hydrologic changes (hydromodification) include or are expected to include the following: (1) increased erosion of streambanks; (2) increased incision and/or aggradation of stream channels; (3) reduction of high value riparian habitat; (4) impacts to aquatic organisms; and (5) degradation of water quality.

Appropriate WES management activities to reduce hydromodification impacts were recommended in the WAPs to focus on establishing and maintaining a hydrologic equilibrium throughout the watershed. Current stormwater controls and Best Management Practices (BMP) focus primarily on matching pre and post development peak flows for large storms and do little to prevent hydromodification impacts or associated pollutant discharges to receiving waters. One specific recommendation of the WAPs was to update stormwater design standards to promote the use of Low Impact Development (LID) techniques for new development and re-development areas to promote infiltration and reduce hydromodification impacts to streams. While incorporating low impact development practices will reduce runoff volumes and peak flows, depending on how they are sized, they may not be sufficient to address the duration of elevated peak flows that contribute to hydromodification impacts.

Oregon DEQ has awarded CCSD No. 1 \$51,385 through the Nonpoint Source Implementation Grant funding to assist with development, verification, and training of a simplified tool for development engineers to easily size LID BMPs. The minimum required match expenses are \$34,257; however, staff has estimated the CCSD No. 1 match to be approximately \$48,000 in expenses and in-kind services. The match will be funded through CCSD No. 1's Surface Water Management budget. This proposed tool will provide a *simple, consistent and defensible methodology* for designing/sizing LID throughout Clackamas County and the region to address hydromodification impacts.

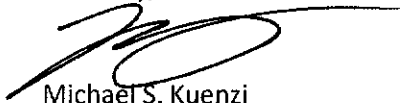
District Counsel has reviewed the Agreement as to form.

Approval of Oregon DEQ/CCSD No. 1 Nonpoint Source Grant Agreement
March 24, 2011
Page 2

RECOMMENDATION

Staff respectfully recommends that the Board approve the attached grant agreement between Clackamas County Service District No. 1 and the State of Oregon Department of Environmental Quality (DEQ).

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Kuenzi', with a long horizontal flourish extending to the right.

Michael S. Kuenzi
Director

For information on this issue or copies of attachments, please contact Kathy Frasier at 503-742-4566.