



**DAN JOHNSON**  
DIRECTOR

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT  
DEVELOPMENT SERVICES BUILDING  
150 BEAVERCREEK ROAD OREGON CITY, OR 97045

September 30, 2021

Board of Commissioners  
Clackamas County

Members of the Board:

**Approval of a Board Order for the Withdrawal of County Road Status of McIntyre Road**

<b>Purpose/Outcomes</b>	Withdrawal of County Road Status of a portion of McIntyre Road, County Road No.1359
<b>Dollar Amount and Fiscal Impact</b>	N/A
<b>Funding Source</b>	N/A
<b>Duration</b>	Upon execution; permanent
<b>Previous Board Contact</b>	July 28, 2020 Executive Session August 3, 2021 Discussion item at issues
<b>Strategic Plan Alignment</b>	Build a Strong Infrastructure by focusing Road Fund Expenditures to do the most public good
<b>Counsel Review</b>	Reviewed and approved by county counsel on 9/22/21- NB
<b>Procurement Review</b>	Was this item processed through Procurement? No This item is a withdrawal of road status
<b>Contact Person</b>	Michael Bays, Survey/CADD Supervisor
<b>Contract No.</b>	503-742-4667

**BACKGROUND**

McIntyre Road, County Road 1359, is situated in the NE 1/4 and NW 1/4 of Section 30, T.2 S., R.7 E., W.M.

O. G. McIntyre petitioned the Court and County Commissioners, January 5, 1928 to view and layout a road in his district to provide an outlet for residents to get to market. McIntyre Road, was later established June 20, 1928, being 6,246 feet long and a width of 40 feet, the terminus being near the center of the NE1/4 of Section 30. Because there are no residences past the end of the paved portion of road and due to the roughness of the terrain over which the road crosses, the easterly 3,051 feet of the road is of little use to the traveling public.

Withdrawal of County Road Status, as set forth in ORS 368.026, must be accomplished through public notification and hearing process. After the withdrawal of County Road Status, this portion of right of way will continue to be a "Public Road". The Department of Transportation and Development have established an End of County Maintenance mile point near the current end of residential use.

Notice of this public hearing, as established by ORS 368.401 to 368.426, of the intent to Withdraw County Road Status has been sent by certified mail to all adjoining property owners, has been posted in at least three public places near McIntyre Road and has been published in a

newspaper of local circulation, once at least 20 days and once within 10 days of the date of this proceeding.

**RECOMMENDATION**

Staff respectfully recommends that the Board approve this board order related to the Withdrawal of County Road Status of a portion of McIntyre Road, County Road No. 1359.

Respectfully submitted,

*Michael Bays*

Michael Bays -Survey/CADD Supervisor

Attachments:  
Board Order  
Road Officials Report  
Exhibit

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

In the Matter of Withdrawal of County  
Road Status of a portion of McIntyre Road,  
County Road No. 1359, Located in the  
N 1/4 & NW 1/4 of Section 30, T.2 S., R.7 E.,  
Willamette Meridian  
Clackamas County, Oregon

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

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**This matter coming** before the Board of County Commissioners at this time and it appearing to the Board that in accordance with ORS 368.026 a Road Official's Report dated May 14, 2021 from the County Road Official, Dan Johnson, Director, and attached hereto as Exhibit A, has been submitted in the matter of a Hearing for the proposed Withdrawal of County Road Status of a portion of McIntyre Road, County Road No.1359, stating the reason and effects the proposed withdrawal may have on the property adjoining the county road proposed to be withdrawn; and

**Whereas**, pursuant to ORS 368.401 to 368.426, notice of a hearing with a brief statement of the reason for the proposed withdrawal, has been served to all adjoining property owners, posted in at least three public places in the area of the proposed withdrawal, and advertised twice in the Clackamas Review; and

**Whereas** on this date, the Board accepted the Road Official's Report and heard testimony from all interested persons either favoring or objecting to the proposed withdrawal for purposes of making its determination to withdraw or retain county road status for the portion of McIntyre Road, County Road No.1359, as described below and shown on attached exhibit "A";

All of that portion of McIntyre Road, County Road No.1359, situated in the NE 1/4 & NW 1/4 of Section 30, T.2 S., R.7 E W.M., Clackamas County, Oregon, lying easterly of a line that is 490 feet more or less west of and parallel to the north south centerline of said Section 30, as shown on attached Exhibit "A", being made a part of this description.

**Whereas** the Board having read said Road Official's Report and having heard public testimony this day, have determined the Withdrawal of County Road Status of a portion of McIntyre Road, County Road No.1359, to be in the public interest and consistent with the criteria set forth in ORS 368.026 and Clackamas County Code Section 7.03.095(B); and,

**Whereas** the Board hereby accepts the findings contained in the Road Official's Report, and adopts those findings as its own; and,

**Whereas** Clackamas County Departments of Transportation Maintenance, Engineering, Planning and, Traffic, have been contacted and do not have any objections to this Withdrawal of County Road Status; now therefore,

**IT IS HEREBY ORDERED** that County Road status be withdrawn from the described portion of McIntyre Road, County Road No.1359, containing, 121,248 square feet, more or less; and,

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

In the Matter of Withdrawal of County  
Road Status of a portion of McIntyre Road,  
County Road No. 1359, Located in the  
N 1/4 & NW 1/4 of Section 30, T.2 S., R.7 E.,  
Willamette Meridian  
Clackamas County, Oregon

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

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**IT IS FURTHER ORDERED**, that this Order and attached exhibits be recorded  
in the Deed Records for Clackamas County and that a copy be filed with the County Surveyor,  
County Assessor, and Finance Office/Fixed Assets.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2021

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Chair

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

## MEMORANDUM

TO: Board of Commissioners

FROM: Dan Johnson, Director D.T.D.

DATE: May 14, 2021

SUBJ: **ROAD OFFICIAL'S REPORT FOR THE WITHDRAWAL OF COUNTY ROAD STATUS OF MCINTYRE ROAD**

**LOCATION:** McIntyre Road, County Road 1359, is situated in the SW 1/4 of Section 19, and the NE1/4 and NW ¼ of Section 30, T.2 S., R.7 E., W.M.

**FACTS AND FINDINGS:** McIntyre Road, was established June 20, 1928, being 5,795 feet long and a width of 40 feet, the terminus being near the center of the NE1/4 of Section 30. Because there are no residences past the end of the paved portion of road and due to the roughness of the terrain over which the road crosses, the easterly 3,051 feet of the road is of little use to the traveling public. The proposed withdrawal will have no effect on the land abutting this area.

Withdrawal of County Road Status, as set forth in ORS 368.026, must be accomplished through public notification and hearing process. After the withdrawal of County Road Status, the easterly portion of right of way will continue to remain open as a "Non-maintained Local Access Road". The Department of Transportation and Development have established an End of County Maintenance mile point near the current end of residential use.

Withdrawal of County Road Status, as set forth in ORS 368.026, provides the county governing body shall establish a time and place for a hearing to consider whether the proposed Withdrawal of County Road Status is in the public interest.

Notice, as established by ORS 368.401 to 368.426, of the intent to Withdraw County Road Status has been sent by certified mail to all adjoining property owners, has been posted in at least three public places near McIntyre Road and has been published in a newspaper of local circulation, once at least 20 days and once within 10 days of the date of this proceeding.

The Board has the discretion to determine that it is necessary to change the status of a County Road, Local Access Road, Public Road or, Trail.

To withdraw the status of any such right of way, the Board shall designate the new status as a Local Access Road, Public Road or, Trail, and shall use the procedure as set forth in ORS 368.026 for withdrawal of County right of way status.

In determining whether to enter an Order changing the status of a right of way under ORS 368.026, the Board shall consider the following criteria:

- a. County cost of maintenance under existing status, given public benefit of such

maintenance;

The County currently expends little to no county road fund dollars on the portion of McIntyre Road identified in this withdrawal of County Road status. Improvement of the subject portion of McIntyre Road to a current county road standard would be exponentially more than the public benefit received.

b. Existing or reasonable future use of property or bodies of water being accessed by subject road;

The County is merely withdrawing the County Road status of the right of way, retaining a lesser status of a local access road. No access to Public Lands or recreational areas will be diminished or removed.

c. Impact to public facilities, for example a public water supply, power lines etc., being served by the subject road;

The County is merely withdrawing the County Road status of the right of way, retaining a lesser status of a local access road. No access to public facilities will be diminished or removed.

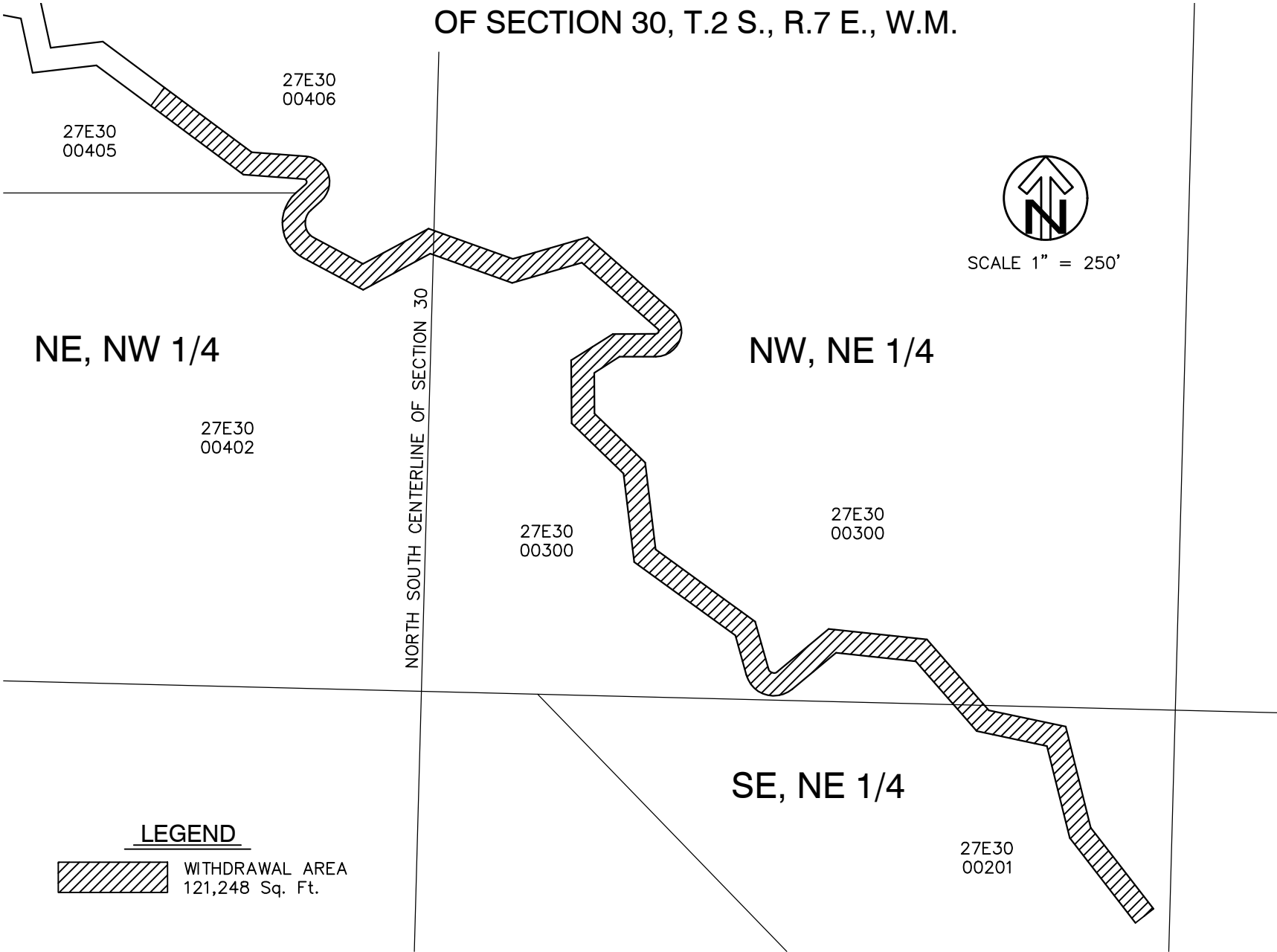
d. Existence of a long history of inappropriate use of the right of way, for example dumping of refuse or hazardous materials, trespass onto or damaging of adjoining property.

There is a history of inappropriate use of the McIntyre Road right of way. This inappropriate use includes vandalism of culverts and destruction of sensitive habitat.

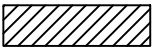
It is my assessment to support the Withdraw County Road Status for a portion of McIntyre Road as described and shown on attached Exhibits "A".

This Road Official's Report is submitted for the Board of County Commissioner's consideration.

SITUATED IN THE NE 1/4 & NW 1/4  
OF SECTION 30, T.2 S., R.7 E., W.M.



**LEGEND**

 WITHDRAWAL AREA  
121,248 Sq. Ft.

BY: D. CUTSHALL DATE: 09/21/2021

SHEET  
1 OF 1

EXHIBIT "A"



DEPARTMENT OF TRANSPORTATION  
AND DEVELOPMENT  
150 BEAVERCREEK ROAD  
OREGON CITY, OR 97045



**Department of Finance**

Public Services Building  
2051 Kaen Road, Suite 490 | Oregon City, OR 97045

September 30, 2021

Board of County Commissioners  
Clackamas County

Members of the Board:

Approval of a Clackamas County Supplemental Budget Resolution  
for Fiscal Year 2021-2022 (FY21-22) REVISED UPDATE

Purpose/Outcomes	Public hearing for supplemental budget change for FY21-22
Dollar Amount and Fiscal Impact	The effect is an increase in appropriations of \$8,584,156
Funding Source	Beginning Fund Balance, Federal and State Operating Grants, Charge for Services, Taxes, and Reimbursement Revenue
Duration	July 1, 2021-June 30, 2022
Previous Board Action/Review	Budget Adopted June 16, 2021
Strategic Plan Alignment	Build public trust through good government by providing budget responsibility and transparency
Counsel Review	N/A
Procurement Review	1. Was the item processed through Procurement? yes <input type="checkbox"/> no <input checked="" type="checkbox"/> 2. If no, provide brief explanation: This is a Budget item and does not require Procurement's involvement
Contact Person	Sandra Montoya, 503-742-5424

**BACKGROUND:**

Each fiscal year it is necessary to reduce or allocate additional sources of revenue and appropriate additional expenditures to more accurately meet the changing requirements of the operating departments. The attached resolution reflects such changes requested by departments in keeping with a legally accurate budget. These changes are in compliance with Oregon Local Budget Law ORS 294.433 - ORS 294.481, which allows for governing body approval of budget changes under qualified circumstances. The required notice has been published.

The FY21-22 adopted budget includes \$40.6 million for American Rescue Plan Act (ARPA) spending in the Special Payment category. As the Board awards funding to the departments, there is a need to quickly move appropriation authority to the correct spending category. The resolution delegates authority to the County Administrator and/or the Finance Director to make budget appropriation changes related to ARPA, based on the Board's funding award. These budget moves will not change the overall amount of ARPA funding available.

The effect of this resolution is an increase in revenues and appropriations of \$8,584,156.



**Item**

<b>1 General Fund 100 - Board of County Commissioners</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
General Fund Support	1,017,594	(1,017,594)	-	Operating Expenses	1,017,594	(1,017,594)	-	
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					0			0

Comments: The General Fund - Board of County Commissioners department merged with the County Administration.

<b>2 General Fund 100 - County Administration</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
Charges, Fees, License, Permits, Fines, Assessments	1,350,616	-	1,350,616	Operating Expenses	5,313,982	1,017,594	6,331,576	
General Fund Support	3,963,366	1,017,594	4,980,960					
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					6,331,576			6,331,576

Comments: The General Fund - County Administration department has been updated to include the Board of County Commissioners department.

<b>3 General Fund 100 - Public Government and Affairs</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
All Other Revenue Resources	3,191,270	140,569	3,331,839	Operating Expenses	5,400,881	140,569	5,541,450	
Charges, Fees, License, Permits, Fines, Assessments	1,300,919	-	1,300,919	Special Payments	371,371	-	371,371	
Beginning Fund Balance	61,678	-	61,678					
Federal, State, Local, All Other Gifts & Donations	302,673	-	302,673					
General Fund Support	915,711	-	915,711					
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					5,912,820			5,912,821

Comments: The General Fund - Public and Government Affairs department is adding a full-time Community Relations Specialist paid by the Public Health Division to provide public health messaging support for the division.

<b>4 General Fund 100 - Sheriff</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
Beginning Fund Balance	320,159	-	320,159	Operating Expenses	88,476,503	144,124	88,620,627	
Charges, Fees, License, Permits, Fines, Assessments	13,687,196	144,124	13,831,320	Special Payments	480,000	-	480,000	
Federal, State, Local, All Other Gifts & Donations	1,588,962	-	1,588,962	Transfers	274,662	-	274,662	
General Fund Support	66,533,841	-	66,533,841					
Other Interfund Transfers	54,203	-	54,203					
Revenue from Bonds & Other Debts	10,000	-	10,000					
All Other Revenue Resources	7,036,803	-	7,036,803					
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					89,375,288			89,375,289

Comments: The General Fund - Sheriff Patrol program is adding a full-time contracted School Resource Officer with the City of Happy Valley and North Clackamas School District for the FY21-22 school year.

<b>5 Lottery Fund 208</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
Other Interfund Transfers	100,000	-	100,000	Operating Expenses	3,900,379	-	3,900,379	
Beginning Fund Balance	3,375,214	2,700,986	6,076,200	Contingency	2,687,396	-	2,687,396	
Charges, Fees, License, Permits, Fines, Assessments	1,289,211	-	1,289,211	Special Payments	513,650	2,700,986	3,214,636	
Federal, State, Local, All Other Gifts & Donations	2,400,000	-	2,400,000	Interfund Transfers	63,000	-	63,000	
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					9,865,411			9,865,411

Comments: The Lottery Fund - Economic and Development program is recognizing restricted Beginning Fund Balance CARES revenue and increasing Special Payments for the small business grants program.

<b>6 Special Grant Fund 230</b>								
<b>Resources</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	<b>Requirement</b>	<b>Original</b>	<b>Change</b>	<b>Revised</b>	
Federal, State, Local, All Other Gifts & Donations	40,613,961	-	40,613,961	Operating Expenses		13,000,000	13,000,000	
	-	-	-	Special Payments	40,613,961	(13,000,000)	27,613,961	
<b>Revised Total Fund Resources</b>				<b>Revised Total Fund Requirements</b>				
					40,613,961			40,613,961

Comments: The Special Grants Fund is reducing Special Payments and increasing the Operating Expenses subsequent to the Board's award of American Rescue Plan Act (ARPA) dollars.

7 Health Housing & Human Services Fund 240 - Public Health								
Resources	Original	Change	Revised	Requirement	Original	Change	Revised	
All Other Revenue Resources	982,500	-	982,500	Operating Expenses	94,748,896	1,601,567	96,350,463	
Beginning Fund Balance	25,855,187	-	25,855,187	Special Payments	24,161,768	-	24,161,768	
Charges, Fees, License, Permits, Fines, Assessments	11,511,611	-	11,511,611	Contingency	7,558,625	-	7,558,625	
Federal, State, Local, All Other Gifts & Donations	77,605,030	1,601,567	79,206,597	Debt Service	4,000	-	4,000	
General Fund Support	9,785,892	-	9,785,892	Interfund Transfer	212,213	-	212,213	
Other Interfund Transfers	365,283	-	365,283					
Revenue from Bonds & Other Debts	580,000	-	580,000					
<b>Revised Total Fund Resources</b>			<b>128,287,070</b>	<b>Revised Total Fund Requirements</b>			<b>128,287,069</b>	

Comments: The Health Housing & Human Services Fund 240 - Public Health is recognizing additional state operating grant revenue and increasing the Operating Expenses for the Public Health Modernization program. The change will increase personnel services for up to 12 positions and materials and services.

8 Health Centers Fund 253								
Resources	Original	Change	Revised	Requirement	Original	Change	Revised	
Beginning Fund Balance	14,061,297	-	14,061,297	Operating Expenses	48,481,131	716,474	49,197,605	
Charges, Fees, License, Permits, Fines, Assessments	39,144,948	-	39,144,948	Special Payments	6,376	-	6,376	
All Other Revenue Resources	182,234	552,597	734,831	Contingency	10,561,297	-	10,561,297	
Federal, State, Local, All Other Gifts & Donations	5,095,453	163,877	5,259,330					
General Fund Support	518,909	-	518,909					
Revenue from Bonds & Other Debts	45,963	-	45,963					
<b>Revised Total Fund Resources</b>			<b>59,765,278</b>	<b>Revised Total Fund Requirements</b>			<b>59,765,278</b>	

Comments: The Health Centers Fund is recognizing Local Operating Grants and Medicaid revenue and increasing Operating Expenses for seven new positions to support school-based Health Centers for Clackamas School District at two locations, and one new position to support the Dental Program.

9 Transient Lodging Tax Fund 255								
Resources	Original	Change	Revised	Requirement	Original	Change	Revised	
Beginning Fund Balance	1,246,274	-	1,246,274	Operating Expenses	2,661,542	140,629	2,802,171	
Federal, State, Local, All Other Gifts & Donations	303,105	-	303,105	Contingency	1,605,503	(140,629)	1,464,874	
All Other Revenue Resources	2,717,666	588,788	3,306,454	Interfund Transfer		588,788	588,788	
<b>Revised Total Fund Resources</b>			<b>4,855,833</b>	<b>Revised Total Fund Requirements</b>			<b>4,855,833</b>	

Comments: The Transient Lodging Tax Fund 255 - Tourism is transferring budget authority from Contingency to Operating Expenses for a full-time Tourism Specialist Senior position for program support. Transient Room Tax is recognizing additional tax revenue and appropriating for interfund transfers to other county funds.

10 Clackamas Broadband Utility Fund 602								
Resources	Original	Change	Revised	Requirement	Original	Change	Revised	
Beginning Fund Balance	156,434	189,853	346,287	Operating Expenses	2,513,348	189,853	2,703,201	
Charges, Fees, License, Permits, Fines, Assessments	2,425,000	-	2,425,000	Special Payments	40,000	-	40,000	
All Other Revenue Resources	44,000	-	44,000	Contingency	72,086	-	72,086	
<b>Revised Total Fund Resources</b>			<b>2,815,287</b>	<b>Revised Total Fund Requirements</b>			<b>2,815,287</b>	

Comments: The Clackamas Broadband Utility Fund is recognizing Beginning Fund Balance to complete several projects postponed or not completed last fiscal year.

11 Technology Services Fund 747								
Resources	Original	Change	Revised	Requirement	Original	Change	Revised	
Beginning Fund Balance	2,166,939	2,501,795	4,668,734	Operating Expenses	18,039,979	2,451,795	20,491,774	
Charges, Fees, License, Permits, Fines, Assessments	16,431,999	-	16,431,999	Reserves	376,958	50,000	426,958	
All Other Revenue Resources	83,000	-	83,000	Contingency	300,000	-	300,000	
Federal, State, Local, All Other Gifts & Donations	35,000	-	35,000					
<b>Revised Total Fund Resources</b>			<b>21,218,733</b>	<b>Revised Total Fund Requirements</b>			<b>21,218,732</b>	

Comments: The Technology Services Fund is recognizing Beginning Fund Balance to complete several projects postponed or not completed last fiscal year.

## RECOMMENDATION:

Staff respectfully recommends adoption of the attached Resolution Order in keeping with a legally accurate budget.

Sincerely,

*Elizabeth Comfort*

Elizabeth Comfort  
Finance Director

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

In the Matter of Providing Authorization  
Regarding Adoption of a Supplemental  
Budget and Making to Appropriations  
for Fiscal Year 2021-22



Resolution Order No. \_\_\_\_\_  
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WHEREAS, during the fiscal year changes in appropriated expenditures may become necessary and appropriations may need to be increased, decreased or transferred from one appropriation category to another;

WHEREAS, it is the desire of the Board of Commissioners to award funds received by the County under the American Rescue Plan Act (ARPA) at regular business meetings, and the awards may require a change in the budget appropriation category within the Special Grants Fund (230);

WHEREAS, a supplemental budget for the period of July 1, 2021 through June 30, 2022, inclusive, has been prepared, published and submitted to the taxpayers as provided by statute;

WHEREAS; a public hearing to discuss the supplemental budget was held before the Board of County Commissioners on September 30, 2021.

WHEREAS; the funds being adjusted are:

General Fund – Board of Commissioners	Health, Housing & Human Services Fund–Public Health
General Fund – County Administration	Health Centers Fund
General Fund – Public Government & Affairs	Transient Lodging Tax Fund
General Fund – Sheriff	Clackamas Broadband Utility Fund
Lottery Fund	Technology Services Fund
Special Grants Fund	

WHEREAS; a correction is needed to merge County Administration and Board of County Commissioners into one department as shown in Clackamas County’s chart of accounts.

It further appearing that it is in the best interest of the County to approve this change in appropriations for the period of July 1, 2021 through June 30, 2022.

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

In the Matter of Providing Authorization  
Regarding Adoption of a Supplemental  
Budget and Making to Appropriations  
for Fiscal Year 2021-22



Resolution Order No. \_\_\_\_\_  
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NOW THEREFORE, the Clackamas County Board of Commissioners resolves as follows:

Pursuant to ORS 294.433 through ORS 294.481, the supplemental budget be adopted and appropriations established as shown in **Exhibit A**, attached hereto and incorporated by this reference herein; and

The Clackamas County Administrator and/or the Director of Finance are hereby delegated authority to execute budget category changes to the appropriation of ARPA awards.

The General Fund department of County Administration Department is merged with General Fund Board of County Commissioners for purposes of Clackamas County's chart of accounts.

**DATED** this 30th day of September 2021

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

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