



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

THURSDAY, JULY 22, 2010 - 10:00 AM
BOARD OF COUNTY COMMISSIONERS

Beginning Board Order No. 2010-98

I. PREVIOUSLY APPROVED LAND USE BOARD ORDERS *(No public testimony on this item)*
(Dan Chandler, County Counsel)

II. 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.)*

III. PRESENTATION *(Following are items of interest to the citizens of the County)*

1. Presentation of the National Association of Counties 2010 Achievement Awards for Clackamas County (Tracy Moreland, Public & Government Affairs)

IV. DISCUSSION ITEM *(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.)*

Technology Services

1. Approval and Acceptance of Federal Funds for the Clackamas Broadband Innovation Initiative (David Cummings, Technology Services)

V. 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 Intergovernmental Agreement with the City of Estacada for Diversion Panel Services – *Children, Youth & Families*
2. Approval of an Intergovernmental Agreement with the City of Wilsonville for Diversion Panel Services - *Children, Youth & Families*
3. Approval of an Intergovernmental Agreement with the City of Molalla for Diversion Panel Services - *Children, Youth & Families*
4. Approval of the Renewal of an Intergovernmental Agreement with the State of Oregon acting by and through its Oregon Department of Human Services for the Placement of an AmeriCorps HOPE Program Member - *Children, Youth & Families*

5. Approval of an Agreement between Clackamas County and Clackamas Community Land Trust to Use Neighborhood Stabilization Program Funds to Purchase and Rehabilitate a Foreclosed Home – *Community Development*
6. Approval of a Mental Health Services Agreement with Mid-Columbia Medical Group for Outpatient Mental Health Services – *Behavioral Health*
7. Approval of an Intergovernmental Agreement with Benton County for the Citizen/Alien Waived Emergency Medical (CAWEM) Children's Dental Services Expansion Program – *Community Health*

B. Department of Transportation & Development

1. Board Order No. _____ Declaring the Necessity and Purpose for Acquisition of Rights-of-Way and Easements for the North Fork Molalla River (Dickey Prairie Rd.) Bridge Project and Authorizing Negotiation and Eminent Domain Actions

C. Elected Officials

1. Approval of Previous Business Meeting Minutes – BCC
2. Board Order No. _____ Appointing a Justice of the Peace Pro-Tempore for the Clackamas County Justice of the Peace District - CCJC

D Business & Community Services

1. Board Order No. _____ Supporting Oregon Parks and Recreation Department Application for Oregon Department of Transportation Pedestrian and Bicycle Program Grant Funding for the Richey Rd., Hwy. 212 Intersection Pedestrian Improvements

VI. WATER ENVIRONMENT SERVICES

1. Acceptance of a Conservation Easement on behalf of Surface Water Agency of Clackamas County (Estate of Selma Lau)

VII. 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/>

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

In the Matter of Removing the
CLACKAMAS RAILROAD DEPOT
in Boring, described as a portion of T2S-R2E-
Section 9A, Tax Lot 900, a Clackamas County
Historic Landmark



This matter coming regularly before the Board of County Commissioners and appearing that the CLACKAMAS RAILROAD DEPOT was destroyed by fire in the early 1990s and was demolished which warrants removal of its designation as an Historic Landmark; and

It further appearing that the Historic Review Board at its public meeting on June 10, 2010 recognized that the CLACKAMAS RAILROAD DEPOT has been destroyed and recommended that the Historic Landmark designation to be removed; and

It further appearing to the Board that a public hearing was held before this Board on July 14, 2010 at which evidence was presented; and

It further appearing to the Board that a decision was made by this Board on July 14, 2010:

Now THEREFORE, IT IS HEREBY ORDERED that the CLACKAMS RAILROAD DEPOT be removed as a Clackamas County Historic Landmark; and

It is further ordered that the required changes be made in the relevant zoning maps.

DATED this 22nd Day of July, 2010

Chair

Recording Secretary

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

In the Matter of Removing the
OREGON WATER POWER RAILROAD DEPOT
in Boring, described as a portion of T2S-R3E-
Section 1AA, Tax Lot 600, a Clackamas County
Historic Landmark



This matter coming regularly before the Board of County Commissioners and appearing that the OREGON WATER POWER RAILROAD DEPOT no longer exists which warrants removal of its designation as an Historic Landmark; and

It further appearing that the Historic Review Board at its public meeting on June 10, 2010 recognized that the OREGON WATER POWE RAILROAD DEPOT no longer exists and recommended that the Historic Landmark designation to be removed; and

It further appearing to the Board that a public hearing was held on July 14, 2010 at which evidence was presented; and

It further appearing to the Board that a decision was made by this Board on July 14, 2010:

Now THEREFORE, IT IS HEREBY ORDERED that the OREGON WATER POWER RAILROAD DEPOT be removed as a Clackamas County Historic Landmark; and

It is further ordered that the required changes be made in the relevant zoning maps.

DATED this 22nd Day of July, 2010

Chair

Recording Secretary



Elissa Gertler
Director

PUBLIC AND GOVERNMENT AFFAIRS

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

July 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

PRESENTATION OF NATIONAL ASSOCIATION OF COUNTIES
2010 ACHIEVEMENT AWARDS

Public and Government Affairs is pleased to present to the Board of County Commissioners several County departments honored by the National Association of Counties (NACo) with a 2010 Achievement Award. NACo awards recognize effective and innovative programs which contribute to and enhance county government in the United States.

The following awards were presented to Clackamas County:

1. Commission Expansion

Program Category: County Administration and Management

County Department: County Counsel

In 2007, the County considered expanding the membership of the Board of Commissioners from three to five members. A task force of citizen volunteers recommended the best governance structure for a five member Board. Clackamas County voters approved the structure in November 2007, with the new 5-member Board beginning in 2009.

2. Alternative Work Week Pilot Project

Program Category: County Administration and Management

County Department: Employee Services

In November 2008, Clackamas County began a one-year pilot program: switching employees to a four-day work week, with 10-hour workdays. The idea was seen as an innovative way to enhance the County's commitment to sustainability by saving energy costs, extending the service hours for citizens and reducing employee overtime.

3. Urban and Rural Reserves

Program Category: Planning

County Department: Transportation and Development

Since 2008, Clackamas County has been working with neighboring counties and Portland's regional government to identify land suitable for future urban development as well as long-term rural protection. This regional process is designed to meet these needs for the Portland-metropolitan area for the next 40 to 50 years.

4. *Hamlets and Villages Program*

Program Category: Civic Education and Public Information

County Department: Public and Government Affairs

The Hamlet and Village Program, unique in all the United States, is a grassroots citizen-driven project that provides residents and businesses in unincorporated areas of Clackamas County a closer and direct relationship with the Clackamas County Board of Commissioners. There are currently four Hamlets and one Village representing their communities.

5. *82nd Drive Pedestrian Bridge/Art*

Program Category: Arts and Historic Preservation

County Department: Water Environment Services

In 1998, the Clackamas County Service District # 1 purchased the 82nd Drive/Park Place pedestrian bridge from the City of Gladstone. After many years of closure, the bridge was reopened in 2009. A public art project across the bridge reflects and connects the heritage and community values of the two ends of the bridge, Gladstone and Oregon City.

6. *Watershed Action Plan*

Program Category: Environmental Protection and Energy

County Department: Water Environment Services

The Clackamas County Service District # 1 *RiverHealth* Watershed Action Plan program goals are to improve and protect water quality and reduce the impacts of urbanization. Actions include capital improvements and public involvement and were developed based on recommended management strategies and prioritized actions.

7. *EcOzone*

Program Category: Parks and Recreation

County Department: Business and Community Services

In July 2007, Clackamas County Commissioners asked parks staff to work with the communities and create a plan to ease increased criminal activity at the parks. The result was EcOzone, a summertime volunteer and education campaign linking the public with parks and law enforcement efforts to encourage safe and healthy recreation.

8. *Stringfield Family Park*

Program Category: Planning

County Department: Business and Community Services

Stringfield Family Park opened to the public in May 2009. The 4.5-acre parcel of land tucked into a comfortable Milwaukie neighborhood offers a needed addition to one of the park district's most underserved areas

Additional Department Honored at NACo Conference: Technology Services

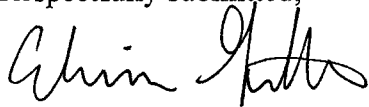
Digital Counties Survey

Clackamas County was ranked third in the nation for its population size for exemplary digital service to citizens. Recognition is for results achieved through the use of technology, both in terms of operating efficiencies and realizing strategic objectives.

NACO AWARDS, continued
July 22, 2010
Page 3

These awards are highly competitive with entries from throughout the United States. Public and Government Affairs is pleased recognize these departments for their hard work. Congratulations to all the staff that made these recognitions possible.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elissa Gertler". The signature is fluid and cursive, with the first name being more prominent.

Elissa Gertler, Director

For information on this issue, please contact Elissa Gertler at (503) 742-5900
--



Dave Cummings
Chief Information Officer

Technology Services

121 Library Court Oregon City, OR 97045

July 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

APPROVAL AND ACCEPTANCE OF FEDERAL FUNDS FOR THE CLACKAMAS BROADBAND INNOVATION INITIATIVE

Clackamas County received \$7,804,181.00 in federal Recovery Act funds for the Clackamas Broadband Innovation Initiative, an effort to bring affordable, high-speed broadband to underserved rural areas of the County. Clackamas County was one of only three Oregon organizations that received funding.

The project, a 180-mile network of new fiber optic cable, will provide broadband speeds to local school districts, community colleges, fire districts, public utilities, and public safety agencies. At least 90 schools, two community colleges, 36 public safety entities, four health care providers, eight city halls, and ten libraries will be connected. New or improved high-speed internet access will be provided to as many as 97,000 households, 3,600 businesses, and an additional 30 anchor institutions. Higher capacity data connectivity will be available for online video training between fire stations and police locations. Greater information sharing will be available between the County and local governments.

A non-federal funding match of \$3,344,649 will be provided by the following:

- \$2,320,000 total from 160 anchor sites for network costs
- \$1,024,649 total from Clackamas County, budgeted over three fiscal years

Attached is a grant award acceptance document for Board approval.

RECOMMENDATION

Staff respectfully recommends the Board accept the federal grant award for the Clackamas Broadband Innovation Initiative.

Respectfully submitted,

Dave Cummings, Director

For information on this issue, please contact Dave Cummings at (503) 655-8525

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

GRANT AWARD ACCEPTANCE

Grantee: Clackamas County, Oregon

Grant: Recovery Act—Clackamas Broadband Innovation Initiative

Grantor: United States Department of Commerce
National Telecommunications and Information Administration
Award Number NT10BIX5570079

Date of Award: July 2, 2010

Total
Federal Funding: \$7,804,181

Total Non-Federal
Funding: \$3,344,649

The Clackamas County Board of Commissioners accepts this federal grant award and authorizes the implementation of the Clackamas Broadband Innovation Initiative.

Dated: July 22, 2010

BOARD OF COUNTY COMMISSIONERS

Lynn Peterson, Chair

Recording Secretary

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with City of Estacada
for Diversion Panel Services**

The Children, Youth & Families Division of the Health, Housing & Human Services Department requests the approval of an Intergovernmental Agreement with the City of Estacada for Diversion Panel services. This agreement will fund a Diversion Panel Coordinator (DPC) who will assess youth referred by the Juvenile Department. The DPC will work with the youth to develop Individual Diversion Agreements (IDA) with input from a panel of local community members, and monitor the youth for successful completion of diversion agreement requirements.


We anticipate that 85% of youth participants will successfully complete the IDA and will not be referred for a law violation during the 12 month period after services end.

Total amount of this agreement is \$7,606. Funds are budgeted in the Prevention Services grant stream for fiscal year 2010-2011 to cover this agreement. No County General Funds are involved. This agreement is effective upon acceptance by all parties and will terminate June 30, 2011. This agreement is in the format approved by County Counsel as part of the H3S contract standardization project.

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 Deanna Mulder (503) 650-5675

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with City of Wilsonville
for Diversion Panel Services**

The Children, Youth & Families Division of the Health, Housing & Human Services Department requests approval of an Intergovernmental Agreement with the City of Wilsonville for Diversion Panel services. This agreement will fund a Diversion Panel Coordinator (DPC) who will assess youth referred by the Juvenile Department. The DPC will work with the youth to develop Individual Diversion Agreements (IDA) with input from a panel of local community members, and monitor the youth for successful completion of diversion agreement requirements.

We anticipate that 85% of youth participants will successfully complete the IDA and will not be referred for a law violation during the 12 month period after services end.

Total amount of this agreement is \$11,734. Funds are budgeted in the Prevention Services grant stream for fiscal year 2010-2011 to cover this agreement. No County General Funds are involved. This agreement is effective upon acceptance by all parties and will terminate June 30, 2011. This agreement is in the format approved by County Counsel as part of the H3S contract standardization project.

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 Deanna Mulder at (503) 650-5675

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with City of Molalla
for Diversion Panel Services**

The Children, Youth & Families Division of the Department of Health, Housing & Human Services requests approval of an Intergovernmental Agreement with the City of Molalla for Diversion Panel services. This agreement will fund a Diversion Panel Coordinator (DPC) who will assess youth referred by the Juvenile Department. The DPC will work with the youth to develop Individual Diversion Agreements (IDA) with input from a panel of local community members, and monitor the youth for successful completion of diversion agreement requirements.

We anticipate that 85% of youth participants will successfully complete the IDA and will not be referred for a law violation during the 12 month period after services end.

Total amount of this agreement is \$11,952. Funds are budgeted in the Prevention Services grant stream for fiscal year 2010-2011 to cover this agreement. No County General Funds are involved. This agreement is effective upon acceptance by all parties and will terminate June 30, 2011. This agreement is in the format approved by County Counsel as part of the H3S contract standardization project.

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 Deanna Mulder at (503) 650-5675

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

Approval of a Renewal of an Intergovernmental Agreement with the State of Oregon acting by and through its Oregon Department of Human Services for the placement of an AmeriCorps HOPE Program Member

The Children, Youth & Families Division of the Health, Housing and Human Services Department requests the approval of a renewal of an Intergovernmental Agreement with the State of Oregon acting by and through its Oregon Department of Human Services for the placement of an AmeriCorps HOPE program member. The Children, Youth and Families Division (CYF) will act as the host site and will provide office space, and related materials for the support of the AmeriCorps HOPE program. In addition, CYF will provide assignments and opportunities for the member to complete the required 1700 hours of service during the placement. The CYF AmeriCorps will provide program oversight for the State My Future My Choice, a comprehensive sexuality education curriculum.

CYF receives funds from the State of Oregon for the My Future My Choice program and in turn pays \$5,500 for the AmeriCorps HOPE member to offset state costs. No County General Funds are involved. This renewal agreement was reviewed and approved by County Counsel on 11/22/2006. This agreement is effective September 1, 2010 and will terminate July 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

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Agreement between Clackamas County and
Clackamas Community Land Trust to use Neighborhood Stabilization Program Funds
to Purchase and Rehabilitate a Foreclosed Home**

The Community Development Division of Health, Housing and Human Services Department requests approval of an Agreement with Clackamas Community Land Trust (CCLT) to use federal Neighborhood Stabilization Program (NSP) funds to purchase and rehabilitate a single family foreclosed home located at 7200 SE Brehaut Street in the Overland Park area. Under the community land trust model of homeownership, CCLT will retain ownership of the land and sell the rehabilitated home at a reduced price to an eligible low- or middle-income household. The homeowner and CCLT will enter into a 99-year land lease which is recorded in the records of Clackamas County.

Authorized under the federal Housing and Economic Recovery Act of 2008, the NSP provides emergency Community Development Block Grant funds to support efforts to stabilize neighborhoods with high numbers of vacant and foreclosed homes that might otherwise become sources of abandonment and blight. Clackamas County is a sub-grantee of the State of Oregon which receives NSP funding through the US Department of Housing and Urban Development.


The NSP funds will be in the form of a no-interest deferred-payment loan. CCLT will use proceeds from the sale of the home to repay a portion of the NSP funds. The balance of the NSP funds will remain in the home as a permanent subsidy. The rehabilitation work will bring the home up to the County's rehabilitation standards and improve the energy efficiency of the home. CCLT has a waiting list of pre-qualified buyers and works with lenders to help homebuyers access credit.

The total amount of this agreement for purchase and rehabilitation is \$163,000. No general fund dollars are involved in this project. County Counsel approved this agreement on December 2, 2009.

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.

July 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Mental Health Services Agreement with
Mid-Columbia Medical Group for Outpatient Mental Health 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 Mid-Columbia Medical Group.

This agreement provides for delivery of outpatient mental health services to consumers who are Oregon Health Plan (OHP) members capitated to Clackamas County.

This agreement will be 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 agreement as part of the H3S contract standardization project. It is effective upon signature and terminates on December 31, 2010.

Recommendation

We recommend 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/Behavioral Health Division at (503) 742-5318.

July 22, 2010

Board of Commissioners
Clackamas County

Members of the Board:

**Approval of an Intergovernmental Agreement with the Benton County for
the Citizen/Alien Waived Emergency Medical (CAWEM)
Children's Dental Services Expansion Program**

The Clackamas County Health Division (CCHD) of Health, Housing and Human Services Department (H3S) requests the approval of an Intergovernmental Agreement with Benton County for the Citizen/Alien Waived Emergency Medical (CAWEM) Children's Dental Services Expansion Program.


The agreement allows Clackamas County to participate in a pilot project along with Benton County to improve Children's Dental Services. This pilot project is operated under an agreement with the State of Oregon through the Children's Health Insurance Program (CHIP). The Board approved this agreement with the State on November 12, 2009.

Benton County will contribute a total of \$24,158.54. Ultimately, these funds will help the State meet matching fund obligations associated with capturing Title XIX federal funds for the program. In return, CCHD expects to realize approximately \$1.6 million in revenue by June 2011 from billings for additional Federally Qualified Health Center services provided to these consumers. County Counsel has reviewed and approved this agreement as part of the H3S contract standardization project. This agreement is effective upon signature and terminates on June 30, 2011.

Recommendation

We recommend the approval of this agreement 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/Behavioral Health Division at (503) 742-5318.

Healthy Families. Strong Communities.

2051 Kaen Road #239, Oregon City, OR 97045 • Phone: 503-650-5697 • Fax: 503-655-8677 • www.clackamas.us



 **COPY**
Campbell M. Gilmour
Director

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

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

July 22, 2010

Board of County Commissioners
Clackamas County

Members of the Board:

**Approval of a Resolution Declaring the Necessity and Purpose
for Acquisition of Rights of Way and Easements
for the North Fork Molalla River (Dickey Prairie Rd) Bridge Project and
Authorizing Negotiations and Eminent Domain Actions**

The Board of County Commissioners has approved funding for the North Fork Molalla River (Dickey Prairie Rd) Bridge Project No. 22052, which will provide for the re-construction of the bridge over the North Fork of the Molalla River. The Board has authority under ORS Chapter 35 to acquire rights of way and easements by purchase or condemnation proceedings.

The project has been planned and located in a manner which is most compatible with the greatest public good and which causes the least private injury. The Department of Transportation and Development (Department) shall negotiate in good faith in an attempt to reach agreement as to the amount of just compensation owed each affected property owner. To fairly determine the amount of just compensation, staff will utilize the expertise of authorized real estate appraisers and other such experts.

The Department has developed the final legal descriptions required for acquisition of rights of way and easements for the four real properties affected by the Project. If during the course of the project design/construction modifications should effect acquisitions, staff will bring subsequent revisions to the Board for authorization.

The resolution directs the Department to resolve issues of just compensation through good faith negotiations. It requires the Director of the Department to notify the Board if exercise of the power of eminent domain becomes necessary. Only after this process is completed does it authorize the Office of County Counsel to file a condemnation action.

Staff respectfully requests that the Board approve a Resolution of Necessity and Purpose for the North Fork Molalla River (Dickey Prairie Rd) Bridge Project for the acquisition of necessary rights of way and easements to provide for construction of the project.

RECOMMENDATION:

Approval of the attached Board Resolution authorizing the acquisition of rights of way and easements by negotiation if possible, or condemnation, if necessary.

Respectfully submitted,



Kath Rose
Sr. Right of Way Agent, Clackamas County DTD

Attachment

For information on this issue or copies of attachments
please contact Kath Rose at (503) 742-4713

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

In the Matter of the North Fork Molalla River
(Dickey Prairie Rd) Bridge Project, Declaring
the Necessity and Purpose for Acquisition of
Rights of Way and Easements, and
Authorizing Negotiations and
Eminent Domain Actions



Order No. _____
(Page 1 of 2)

This matter comes before the Board of County Commissioners of Clackamas County, Oregon (the "Board") at its regularly scheduled meeting on July 22, 2010; and,

It appearing that the Board previously approved funding for the North Fork Molalla River (Dickey Prairie Rd) Bridge Project No. 22052 ("Project"), which will provide for the re-construction of the bridge over the North Fork of the Molalla River, that the Project is consistent with the powers and purposes of County government, and that the Project is necessary for the continued growth, safety and welfare of the community; and,

It further appearing to the Board that the Project has been planned and located in a manner which is most compatible with the greatest public good and causes the least private injury; and,

It further appearing to the Board that the acquisition of the rights of way and easements, described in Exhibit "A" is a necessary part of the Project and therefore is also consistent with the powers and purposes of County government, and necessary for the continued growth, safety and welfare of the community; and,

It further appearing to the Board that immediate possession of the rights of way and easements described in Exhibit "A" may be necessary and will be in the public interest in order to commence and complete the Project in a timely manner; and,

It further appearing that the Board has authority under ORS Chapter 35 to acquire rights of way and easements by purchase or eminent domain proceedings.

NOW, THEREFORE, IT IS HEREBY RESOLVED that this Board declares it necessary and in the public interest that the County immediately start acquisition of rights of way and easements described in Exhibit "A", either through negotiation and agreement, purchase, or, if necessary, by commencement of eminent domain proceedings.

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

In the Matter of the North Fork Molalla River
(Dickey Prairie Rd) Bridge Project, Declaring
the Necessity and Purpose for Acquisition of
Rights of Way and Easements, and
Authorizing Negotiations and
Eminent Domain Actions



Order No. _____
(Page 2 of 2)

IT IS FURTHER ORDERED THAT:

1). The Department of Transportation and Development immediately, and in good faith, attempt to negotiate agreements as to amount of just compensation owed each owner of each property identified in Exhibit "A". In so doing, the department is authorized to retain real estate appraisers, negotiators, and other such experts deemed necessary to fairly determine the amount of just compensation owed; and,

2). If the Director of the Department of Transportation and Development (the "Director") determines that changes to the design of the Project, unanticipated field conditions, or the need to accommodate uneconomic remnants makes it necessary or desirable to modify the rights of way and easements required for the Project, the Director shall promptly bring before the Board, and the Board shall promptly consider a resolution amending Exhibit "A"; and,

3). It is the intention of the Board that the required rights of way and easements identified in Exhibit "A" be obtained through good faith negotiation. The Board acknowledges that the exercise of the power of eminent domain may be necessary. The Director shall inform the Board when the Director deems eminent domain necessary. Thereafter, the Office of County Counsel is authorized to file complaints in condemnation and take such other steps as it determines necessary for the immediate possession of required rights of way and easements and the successful litigation of the condemnation action, including the retention of real estate appraisers, experts and other consultants deemed necessary to the successful conclusion of that litigation.

Dated this _____ day of _____, 2010.

Lynn Peterson, Chair

Mary Raethke, Recording Secretary

S:RW/Dickey Prairie Bridge/Condemnation/Condemn Ord

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, May 27, 2010 – 10:00 AM

Public Services Building

2051 Kaen Road, Oregon City, OR 97045

PRESENT: Commissioner Lynn Peterson
Commissioner Jim Bernard
Commissioner Charlotte Lehan
Commissioner Ann Lininger

EXCUSED: Commissioner Bob Austin

★PLEDGE OF ALLEGIANCE★

Chair Peterson announced that Commissioner Austin is on vacation and will not be in attendance today.

I. READING AND ADOPTION OF LAND USE ORDINANCES

1. Board Order No. **2010-52** - Public Hearing, Reading and Adoption for Ordinance ZDO-223 – Urban and Rural Reserves

Dan Chandler, County Counsel presented the staff report. He stated this is a public hearing on ZDO-223, the adoption of Urban and Rural Reserves and to discuss two potential changes to the ordinance that was approved by the Board on April 21st. The Board will also consider a resolution amending the February 25, 2010 Intergovernmental Agreement with Metro to reflect the final approval map.

Chair Peterson announced this is a public and asked if anyone wished to speak on the proposed changes, seeing none she asked for a motion to approve the resolution amending the IGA between Clackamas County and Metro designating Urban and Rural Reserves.

MOTION:

Commissioner Lehan: I move we approve the Resolution Amending the Intergovernmental Agreement between Clackamas County and Metro Designating Urban and Rural Reserve for Clackamas County as indicated on the map.

Commissioner Bernard: Second.

~Board discussion~

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

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. She closed the public hearing portion of the land use hearing and asked for a motion to read ordinance ZDO-223 by title only.

MOTION:

Commissioner Lininger: I move we read ordinance ZDO-223 by title only.

Commissioner Bernard: Second.

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

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, she asked the Clerk to read Ordinance ZDO-223 by title only, and then asked for a motion to adopt the ordinance.

MOTION:

Commissioner Lininger: I move we adopt ordinance ZDO-223, Amending the Clackamas County Comprehensive Plan for Urban and Rural Reserves.

Commissioner Bernard: Second.

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

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

Les Poole, 15115 SE Lee, Milwaukie – spoke about the recent election, reprinting of the ballot and signs placed in the right of ways.

III. PUBLIC HEARINGS

1. Board Order No. **2010-53** Forming a 35 Lot Assessment Area within Clackamas County Service District No. 5, Assessment Area 09-10, SE Kellogg Ave. and SE Kronberg Ave. Petition

Kevin Noreen and Wendi Coryell 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.

John Masterman, 15110 SE Kronberg, spoke in support.

Annette Goriallo, spoke in support and stressed the safety issue for these lights.

Wendy Durkin, 15125 SE Kronberg – supports street lights.

Susan Milton, 14920 SE Kronberg - opposes the street lights on Kronberg.

Les Poole, 15115 SE Lee – supports street lights.

Thelma Hagenmiller, 3405 SE West view, Oakgrove – should relook at this.

Chair Peterson asked if anyone else wished to speak, seeing none she asked for a motion.

MOTION:

Commissioner Bernard: I move we approve the Board Order forming a 35 lot assessment area within Clackamas County Service District No. 5 Assessment Area 09-10, SE Kellogg Ave. and SE Kronberg Ave. petition as presented.

Commissioner Lehan: Second.

~Board discussion~ *The Board directed staff to contact citizens on Kronberg and give them the options to install shields on the street lights.

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

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.

[*note: staff sent a letter to all property owners on Kronberg Ave. with the option of installing shields on their lights. They received notification from two property owners asking for the shields.]

IV. DISCUSSION ITEM

Department of Transportation & Development

1. Approval of a Contract with OTAK for Engineering Consultant Services for the Sunnybrook West Extension Project

Mike Bezner and Dan Johnson presented the staff report. This agenda item is a request for a contract to get to the 30% design phase of the down-sized road project, which will give the Board and the public a great deal more information about the specific impact of a road extension. Once the 30% phase is completed by the end of 2010, we will share the information with the Board and the community; gather input from the public and other interested parties, and only then make a decision on whether to proceed with the project's final design. The 30% design, estimated to cost \$479,000, will focus on reducing the scale of the roadway to minimize any negative environmental impacts while still meeting the long-term regional need to reduce traffic demand on Harmony Road between Fuller Road and 82nd Avenue. The end result would be a reduction of traffic demand on Sunnyside Road east of 82nd Avenue, improved connectivity to and through the Clackamas Regional Center and better access to and through the Harmony Community Campus.

The 30% design will include the following tasks:

- Surveying and mapping
- Environmental research, including mapping, cultural/historical resources, arborist's report and hazardous material report
- Coordination with utilities
- Geo-technical investigations
- Storm drainage analysis
- Traffic engineering
- Public involvement, including open houses, neighborhood meetings, website and tours

Chair Peterson announced this is a discussion item and stated there are two people signed up for this issue.

Dick Snook, 4815 SE Casa Del Ray Drive – he submitted a letter from Rick Till – opposing the contract and the Sunnybrook extension.

Steve Berliner, 10824 SE Oak Street, Milwaukie – spoke on behalf of the NC Watershed Council – they oppose the contract and the Sunnybrook extension.

Thelma Haggemiller, 3405 SE Westview, Oakgrove – opposed the contract.

Cindy Lewis, 1668 SE Montego Bay, representing the North Clackamas Citizen Association – spoke in opposition.

Chair Peterson asked if anyone else wished to speak, seeing none she asked for a motion.

MOTION:

Commissioner Bernard: I move we approve the contract with OTAK for Engineering Consultant Services for the Sunnybrook West Extension Project as presented.

Commissioner Lehan: Second.

~Board discussion~

Chair Peterson – all those in favor:

Commissioner Lininger: Aye.

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.