



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

**Diane Linn, Chair**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

**Maria Rojo de Steffey, Commission Dist. 1**

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5220 FAX (503) 988-5440

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**Serena Cruz Walsh, Commission Dist. 2**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

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**Lisa Naito, Commission Dist. 3**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

**Lonnie Roberts, Commission Dist. 4**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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### **DECEMBER 7, 2006 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	8:00 a.m. Monday, December 4, 2006 Elected Officials Retreat
Pg 3	9:30 a.m. Opportunity for Public Comment
Pg 3	9:30 a.m. Employee Service Awards Honoring Multnomah County Employees
Pg 3	9:50 a.m. Resolution Accepting Affordable Housing Development Program Review Committee Recommendations
Pg 4	10:10 a.m. Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Elinor Wiley
Pg 4	10:30 a.m. Executive Session
	<b>The December 21 and 28 Board Meetings are Cancelled</b>

Thursday meetings of the Multnomah County Board of Commissioners are cable-cast live and taped and may be seen by Cable subscribers in Multnomah County at the following times:

Thursday, 9:30 AM, (LIVE) Channel 30  
Saturday, 10:00 AM, Channel 29  
Sunday, 11:00 AM, Channel 30  
Tuesday, 8:00 PM, Channel 29

Produced through MetroEast Community Media  
(503) 667-8848, ext. 332 for further info  
or: <http://www.mctv.org>

Monday, December 4, 2006 - 8:00 to 11:30 AM and 1:30 to 4:00 PM  
Multnomah Building, Third Floor Conference Room 315  
501 SE Hawthorne Boulevard, Portland

## **ELECTED OFFICIALS RETREAT**

The Multnomah County Board of Commissioners, consisting of Chair-Elect Ted Wheeler, Commissioners Lisa Naito, Lonnie Roberts and Maria Rojo de Steffey and Commissioner-Elect Jeff Cogen, and Auditor-Elect LaVonne Griffin-Valade, District Attorney Michael Schrunk and Sheriff Bernie Giusto will participate in a facilitated retreat to discuss the Chair's general budget approach, upcoming budget strategies and priorities, and priority issues and assignments for elected officials.

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Thursday, December 7, 2006 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **NON-DEPARTMENTAL**

- C-1 Appointments of Ellen Wallin and Garrett Shephard as Youth Representatives to the Multnomah County LIBRARY ADVISORY BOARD
- C-2 Ratification of Clackamas County Appointment of Melinda Mowery as the Clackamas County Public Health Representative on the TRI-COUNTY SAFETY NET ENTERPRISE BOARD

### **DEPARTMENT OF COMMUNITY SERVICES**

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST
- C-4 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to MOE H. KASIMI

### **DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-5 ORDER Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

**REGULAR AGENDA**

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

**DEPARTMENT OF COUNTY MANAGEMENT - 9:30 AM**

- R-1 9:30 AM TIME CERTAIN: Presentation of Employee Service Awards Honoring Multnomah County Employees with 5 to 30 Years of Service

**SCHOOL AND COMMUNITY PARTNERSHIPS - 9:50 AM**

- R-2 RESOLUTION Approving the Transfer of Tax-Foreclosed Properties to a Non-Profit Housing Sponsor for Low Income Housing Purposes

**DEPARTMENT OF HEALTH - 10:00 AM**

- R-3 Budget Modification HD-08 Appropriating \$425,000 Additional Revenue for the Health Department Pharmacy Program Resulting from New Medicare Prescription Plan
- R-4 NOTICE OF INTENT to Apply for a National Association of City and County Health Officials Grant to Support Health Reserve Corps Program

**DEPARTMENT OF LIBRARY SERVICES - 10:05 AM**

- R-5 Budget Modification LIB-03 Reclassifying One Position in Finance Management and Administrative Support of the Department of Library Services, as Determined by the Class/Comp Unit of Central Human Resources

**DEPARTMENT OF COMMUNITY SERVICES - 10:08 AM**

- R-6 Budget Modification DCS-03 Appropriating Funds from the Oregon Department of State Police, Office of Emergency Management, 2005 Hazard Mitigation Planning Grant in the Amount of \$10,000

- R-7 Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Elinor Wiley for up to \$800,000 in Compensation or Relief from Regulations to Allow a Five Lot Subdivision and the Development of Four Additional Single Family Residences on Property Located at 13801 NW Charlton Road, Portland [T2N, R1W, SEC 16, TL 900] (Case File T1-06-048)
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Thursday, December 7, 2006 - 10:30 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah Building, First Floor Commissioners Conference Room 112  
501 SE Hawthorne Boulevard, Portland

### **EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 30-45 MINUTES REQUESTED.



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
501 S.E. HAWTHORNE BLVD. , Room 600  
PORTLAND, OREGON 97204  
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

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### MEMORANDUM

TO: Chair Diane Linn  
Commissioner Maria Rojo de Steffey  
Commissioner Serena Cruz  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Matthew Lieuallen  
Staff to Commissioner Lisa Naito

DATE: December 5, 2006

RE: Commissioner Naito will be unable to attend the December 7 Board Meeting.

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Commissioner Naito will be out of town and unable to participate in the December 7 Board Meeting.

Thank you,

Matthew Lieuallen  
Staff to Commissioner Naito

**Matthew R. Lieuallen, JD**  
Office of Commissioner Lisa Naito  
501 SE Hawthorne Blvd., Suite 600  
Portland, OR 97214  
Phone: (503) 988-5217  
Fax: (503) 988-5262



Commissioner Serena Cruz Walsh, District 2

**MULTNOMAH COUNTY OREGON**

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

[www.co.multnomah.or.us/cc/ds2/](http://www.co.multnomah.or.us/cc/ds2/)

[Serena@co.multnomah.or.us](mailto:Serena@co.multnomah.or.us)

**MEMORANDUM**

TO: Chair Diane Linn  
Commissioner Maria Rojo de Steffey  
Commissioner Lisa Naito  
Commissioner Lonnie Roberts  
Clerk of the Board Deb Bogstad

FROM: Tara Bowen-Biggs  
Staff to Commissioner Serena Cruz Walsh

DATE: December 6, 2006

RE: December 7th Board Meeting and Executive Session

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Commissioner Cruz Walsh is ill and will not be able to attend the December 7th Board Meeting and Executive Session.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: C-1  
Est. Start Time: 9:30 AM  
Date Submitted: 11/27/06

**BUDGET MODIFICATION:** -

**Agenda Title:** Appointments of Ellen Wallin and Garrett Shephard as Youth Representatives to the Multnomah County LIBRARY ADVISORY BOARD

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	12/7/2006	<b>Time Requested:</b>	Consent Calendar
<b>Department:</b>	Non-Departmental	<b>Division:</b>	Chair's Office
<b>Contact(s):</b>	Chair Diane Linn		
<b>Phone:</b>	503/988-3308	<b>Ext.</b>	83308
		<b>I/O Address:</b>	503/600
<b>Presenter(s):</b>	N/A		

### General Information

**1. What action are you requesting from the Board?**

Request the Board approved the appointments of Ellen Wallin and Garrett Shephard as youth representatives to the Multnomah County Library Advisory Board.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Library Advisory Board advises the Board of County Commissioners on matters relating to library services, policies and funding. It also serves as the Citizen Budget Advisory Committee for the County's Library Department. There are 17 members including two youth members (between the ages of 13 and 17). Non-youth members are appointed to 4-year terms by the County Chair with approval of the Board of County Commissioners. Youth members are appointed to 2-year terms by the County Chair with approval of the Board of County Commissioners. Yvonne Chambers is liaison to the Multnomah County Library Advisory Board.

**3. Explain the fiscal impact (current year and ongoing).**

No current year/ongoing fiscal impact.

4. Explain any legal and/or policy issues involved.

No legal and/or policy issues involved.

5. Explain any citizen and/or other government participation that has or will take place.

N/A

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 11/27/2006

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only - SUBSTITUTE

Meeting Date: 12/07/06  
Agenda Item #: C-2  
Est. Start Time: 9:30 AM  
Date Submitted: 12/05/06

### BUDGET MODIFICATION: -

**Agenda Title:** Ratification of Appointment of Priscilla Lewis, Providence Health Systems and Re-Appointment of Gil Muñoz, Virginia Garcia Memorial Health Center, to the Tri-County Safety Net Enterprise Board

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	December 7, 2006	<b>Time Requested:</b>	N/A
<b>Department:</b>	Non-Departmental	<b>Division:</b>	Commissioner District 2
<b>Contact(s):</b>	Tara Bowen-Biggs		
<b>Phone:</b>	(503) 988-5219	<b>Ext.</b>	85219
<b>I/O Address:</b>	503/600		
<b>Presenter(s):</b>	Consent Calendar		

### General Information

#### 1. What action are you requesting from the Board?

Multnomah County Board ratification of the appointment of Priscilla Lewis, Providence Health Systems, and re-appointment of Gil Muñoz, Virginia Garcia Memorial Health Center, to the Tri-County Health Care Safety Net Enterprise Board.

#### 2. Please provide sufficient background information for the Board and the public to understand this issue.

The Tri-County Safety Net Committee was formed in 2004 by an intergovernmental ORS 190 agreement between Clackamas, Washington and Multnomah Counties in order to establish a framework for a comprehensive approach for improving access to health care for low-income, uninsured people in the tri-county area.

The Tri-County Health Care Safety Net Enterprise Board consists of one commissioner from each County, three hospital/health system positions, three safety net providers, three local public health directors, the Director of the Oregon Primary Care Association, a representative from the

State, and one consumer member. Pursuant to section 4.1.5 of the agreement: "All appointments to positions on the Enterprise Board, other than the County Commissioners selected under the preceding paragraph, require a vote of approval by each of the three Member's Board of County Commissioners.

Priscilla Lewis, Providence Health System, has been appointed by the Safety Net Enterprise Board to fill the vacancy resulting from the resignation of Jacqueline Gaines, Providence Milwaukee Hospital. This appointment is for a term of three years.

Gil Muñoz, Virginia Garcia Memorial Health Center, has been reappointed to a three year term by the Safety Net Enterprise Board.

The Multnomah County Board of County Commissioners is being asked to approve these appointments.

**3. Explain the fiscal impact (current year and ongoing).**

N/A

**4. Explain any legal and/or policy issues involved.**

As a member of the Tri-County Health Care Safety Net Enterprise, Multnomah County supports these appointments made by the Safety Net Enterprise Board Members.

**5. Explain any citizen and/or other government participation that has or will take place.**

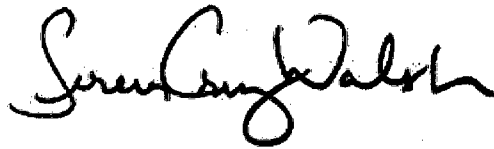
Commissioner Serena Cruz Walsh serves on the Tri-County Health Care Safety Net Enterprise Executive board.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 12/05/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

**BOGSTAD Deborah L**

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**From:** BOWEN-BIGGS Tara C  
**Sent:** Tuesday, December 05, 2006 3:05 PM  
**To:** BOGSTAD Deborah L

Deb—I totally screwed up and forgot to change the title of the APR I sent in way back two weeks ago for the agenda item that will come up on Thursday December 7<sup>th</sup>: Instead of reading

**C-1 Ratification of Clackamas County Appointment of Melinda Mowery as the Clackamas County Public Health Representative on the TRI-COUNTY SAFETY NET ENTERPRISE BOARD**

It should read:

**Ratification of Appointment of Priscilla Lewis, Providence Health Systems, and Re-Appointment of Gil Muñoz, Virginia Garcia Memorial Health Center, to the TRI-COUNTY SAFETY NET ENTERPRISE BOARD**

I have attached a corrected APR. Please let me know what I should do to correct my error. You sent me a copy of it and everything! When am I going to learn to proof read? Hopefully this will be a good reminder to me . . . I'm so sorry for the confusion—I'm at your mercy!

TBB

**Tara Bowen-Biggs**  
Office of Commissioner Serena Cruz Walsh  
501 SE Hawthorne Ste. 600  
Portland OR 97214  
Ph. (503)988.5219 Fax (503)988.5440  
[tara.c.bowen-biggs@co.multnomah.or.us](mailto:tara.c.bowen-biggs@co.multnomah.or.us)

12/6/2006



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: C-2  
Est. Start Time: 9:30 AM  
Date Submitted: 11/22/06

### BUDGET MODIFICATION:

**Agenda Title:** Ratification of Clackamas County Appointment of Melinda Mowery as the  
Clackamas County Public Health Representative on the TRI-COUNTY  
SAFETY NET ENTERPRISE BOARD

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>December 7, 2006</u>	Time Requested:	<u>N/A</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Commissioner District 2</u>
Contact(s):	<u>Tara Bowen-Biggs</u>		
Phone:	<u>(503) 988-5219</u>	Ext.	<u>85219</u>
	I/O Address:		<u>503/600</u>
Presenter(s):	<u>Consent Calendar</u>		

### General Information

**1. What action are you requesting from the Board?**

Multnomah County Board ratification of the appointment of Priscilla Lewis, Providence Health Systems, and re-appointment of Gil Munoz, Virginia Garcia Memorial Health Center, to the Tri-County Health Care Safety Net Enterprise Board.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Tri-County Safety Net Committee was formed in 2004 by an intergovernmental ORS 190 agreement between Clackamas, Washington and Multnomah Counties in order to establish a framework for a comprehensive approach for improving access to health care for low-income, uninsured people in the tri-county area.

The Tri-County Health Care Safety Net Enterprise Board consists of one commissioner from each County, three hospital/health system positions, three safety net providers, three local public health directors, the Director of the Oregon Primary Care Association, a representative from the State, and

one consumer member. Pursuant to section 4.1.5 of the agreement: "All appointments to positions on the Enterprise Board, other than the County Commissioners selected under the preceding paragraph, require a vote of approval by each of the three Member's Board of County Commissioners.

Priscilla Lewis, Providence Health System, has been appointed by the Safety Net Enterprise Board to fill the vacancy resulting from the resignation of Jacqueline Gaines, Providence Milwaukee Hospital. This appointment is for a term of three years.

Gil Munoz, Virginia Garcia Memorial Health Center, has been reappointed to a three year term by the Safety Net Enterprise Board.

The Multnomah County Board of County Commissioners is being asked to approve these appointments.

**3. Explain the fiscal impact (current year and ongoing).**

N/A

**4. Explain any legal and/or policy issues involved.**

As a member of the Tri-County Health Care Safety Net Enterprise, Multnomah County supports these appointments made by the Safety Net Enterprise Board Members.

**5. Explain any citizen and/or other government participation that has or will take place.**

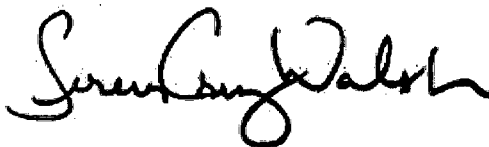
Commissioner Serena Cruz Walsh serves on the Tri-County Health Care Safety Net Enterprise Board.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 11/20/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 12/07/06

SUBJECT: DUE PROCESS FOR BLACKS IN PORTLAND

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AGENDA NUMBER OR TOPIC: ONE

POLICY ENFORCEMENT  
FOR: POLICY AGAINST: CITY THE ABOVE AGENDA ITEM

NAME: WRIGHT H. BRUNFIELD

ADDRESS: 1024 SW MAIN #352

CITY/STATE/ZIP: PORTLAND, OR.

PHONE: DAYS: (503) 936-6702

EVES: SAME

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: THE CITY LACK OF ENFORCEMENT OF POLICY  
PERTAINING TO BLACK,

WRITTEN TESTIMONY: PDC & MOUNT HOOD CABLE REGULATORY  
COMMISSION REFUSE TO ENFORCE MANDATED POLICIES

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**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

## **Talking Points on Don Hauskins**

### **Don's County Career Began:**

On July 05, 1977 as a full time laborer, and from this entry level position he advanced through several key lead and supervisory responsibilities to his current job as Road Maintenance Manager. When we looked at Don's original application for work at the County, we found that he was looking for a job with a future and more money and that he had left a job paying \$5.00 per hour for a County position in which he was paid \$5.21 per hour.

**Don has endured Department changes:** From the Department of Environmental Services led by Paul Yarborough through the many re-organizations and leadership changes along the way – to the current Community Services department, Don has been a stable, leader of road maintenance services in the County.

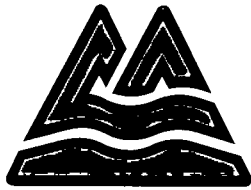
### **Don's Personality is that of a humble yet firm leader.**

Although he's an imposing figure at 6'3", he is reserved, soft spoken, non-abrasive and somewhat shy in nature. Don's easy and open leadership style has endeared him to all who worked with or for him over the years.

### **Highlights of Don's career include:**

- In the mid -1980, he was very instrumental at the interagency level in the creation of the ongoing East County road maintenance program with the cities of Troutdale, Wood Village and Fairview.
- He was a member of the County Road crew sent to help with the clean up of the City of Yakima, Washington after the eruption of Mt. St. Helens in 1980.
- As Road Maintenance Manager he was responsible for managing the transportation response to all major County snowstorms and floods.
- He was among a handful of emergency crew members, who met with President Clinton and were commended by him for the handling of the big flood of February, 1996.
- Don has had the unenviable task of dealing with calls from Phil Volker, County Contract Weatherman, made at 4:00 a.m. in the mornings during the winters. He continues to this day to rise as early as 1:30 AM to stay on top of any impending weather threats in the Columbia Gorge, Cornelius Pass and other vulnerable areas of the County's rural road system.
- Don's dear wife, Colleen, is in the audience and is looking forward to his starting on her very full "Honey Do" list!





## RECOGNITION OF SERVICE MULTNOMAH COUNTY OREGON

*We, the Multnomah County Board of Commissioners, do hereby express our sincere appreciation and gratitude for DON HAUSKINS' 29 years of exemplary service with Multnomah County Transportation, Road Maintenance Division. We have appreciated your demonstrated leadership; professional contribution; record of conduct; performance and devotion to duty. In your years of service, you have brought proficiency and expertise to extremely challenging and often times emergency related assignments. Certainly, you have been a tremendous asset to the Department of Community Services.*

*This commendation is in recognition of your long and distinguished service for a job well done. Please accept our congratulations and best wishes for a happy, healthy, and prosperous retirement.*

*Affirmed this 7th day of December, 2006.*

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, County Chair

Maria Rojo de Steffey,  
Commissioner District 1

Serena Cruz Walsh,  
Commissioner District 2

Lisa Naito,  
Commissioner District 3

Lonnie Roberts,  
Commissioner District 4



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: C-3  
Est. Start Time: 9:30 AM  
Date Submitted: 11/13/06

### BUDGET MODIFICATION:

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	December 7, 2006	<b>Time Requested:</b>	Consent Item
<b>Department:</b>	Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Gary Thomas		
<b>Phone:</b>	503-988-3590	<b>Ext.</b>	22591
<b>Presenter(s):</b>	Gary Thomas	<b>I/O Address:</b>	503/4/TT

### General Information

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to WILLIAM T. MERKEL TR AND LISA E. COHN TR.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The subject property is an irregular shaped lot that came into county ownership through the foreclosure of delinquent tax liens on September 28, 2004. The parcel is approximately 16' x 44.93' x 67.82' and contains approximately 356 square feet. It is located between 3141 NW Greenbriar Terr and 721 NW Warrenton Terr. The subject parcel was created as the result of a lot line adjustment that was completed in 1994. A survey shows that the subject was to be included with the property at 3141 NW Greenbriar. However, when the property on Greenbriar was purchased in 1997 the legal description for the subject was omitted from the deed. We propose to sell the parcel to the current owners of the Greenbriar property.

The attached plat map, Exhibit A, shows the location of the strip. Exhibit B, an aerial photo, shows the parcel in relation to the adjacent properties.

Although no written confirmation was received from the City of Portland, the Tax Title Division is confident that the shape and size of the property approximately 356 sq.ft. make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

**3. Explain the fiscal impact (current year and ongoing).**

The Private Sale will allow for the recovery of the delinquent taxes, fees and expenses (see Exhibit C).

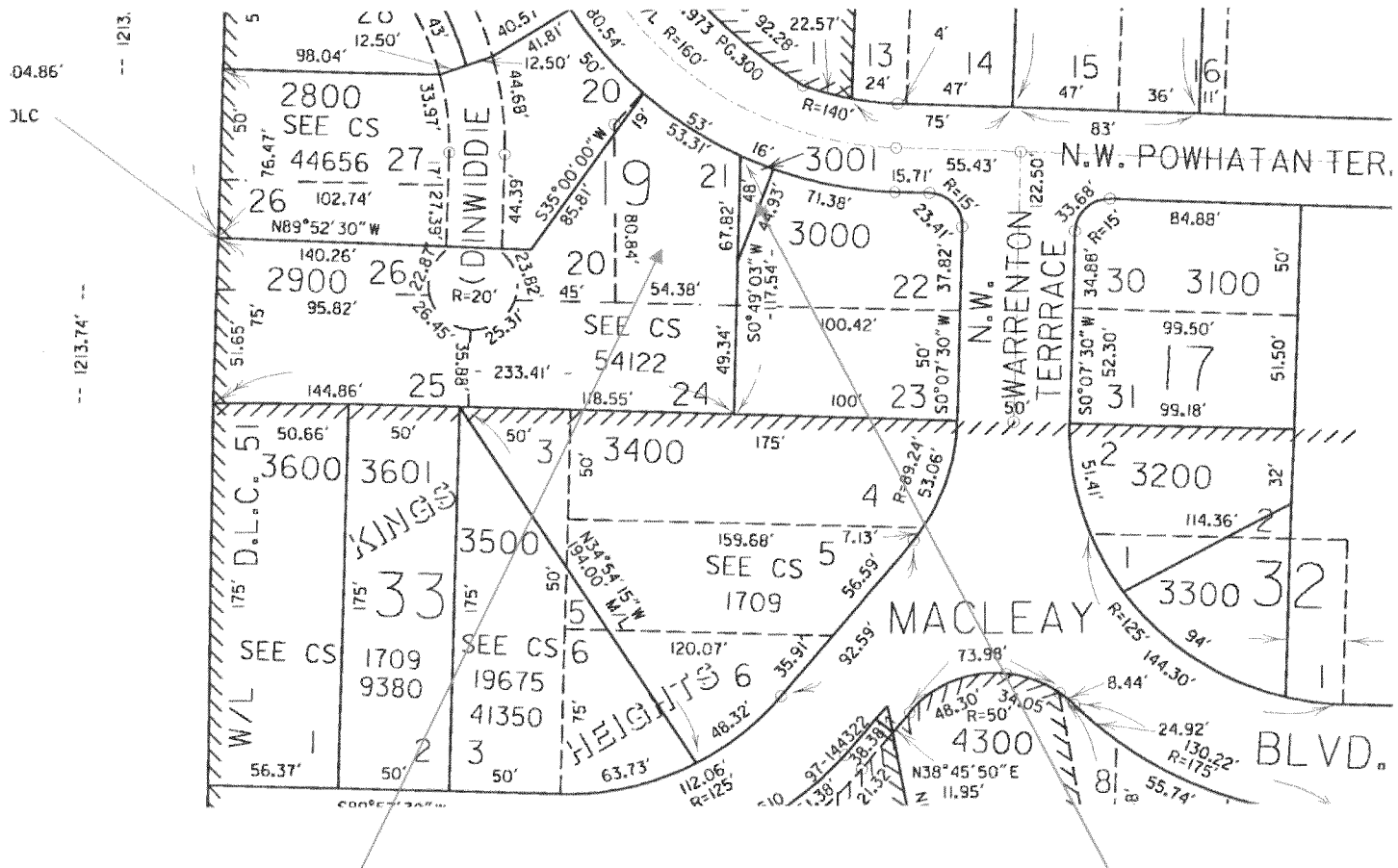
**4. Explain any legal and/or policy issues involved.**

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

**5. Explain any citizen and/or other government participation that has or will take place.**

No citizen or government participation is anticipated.

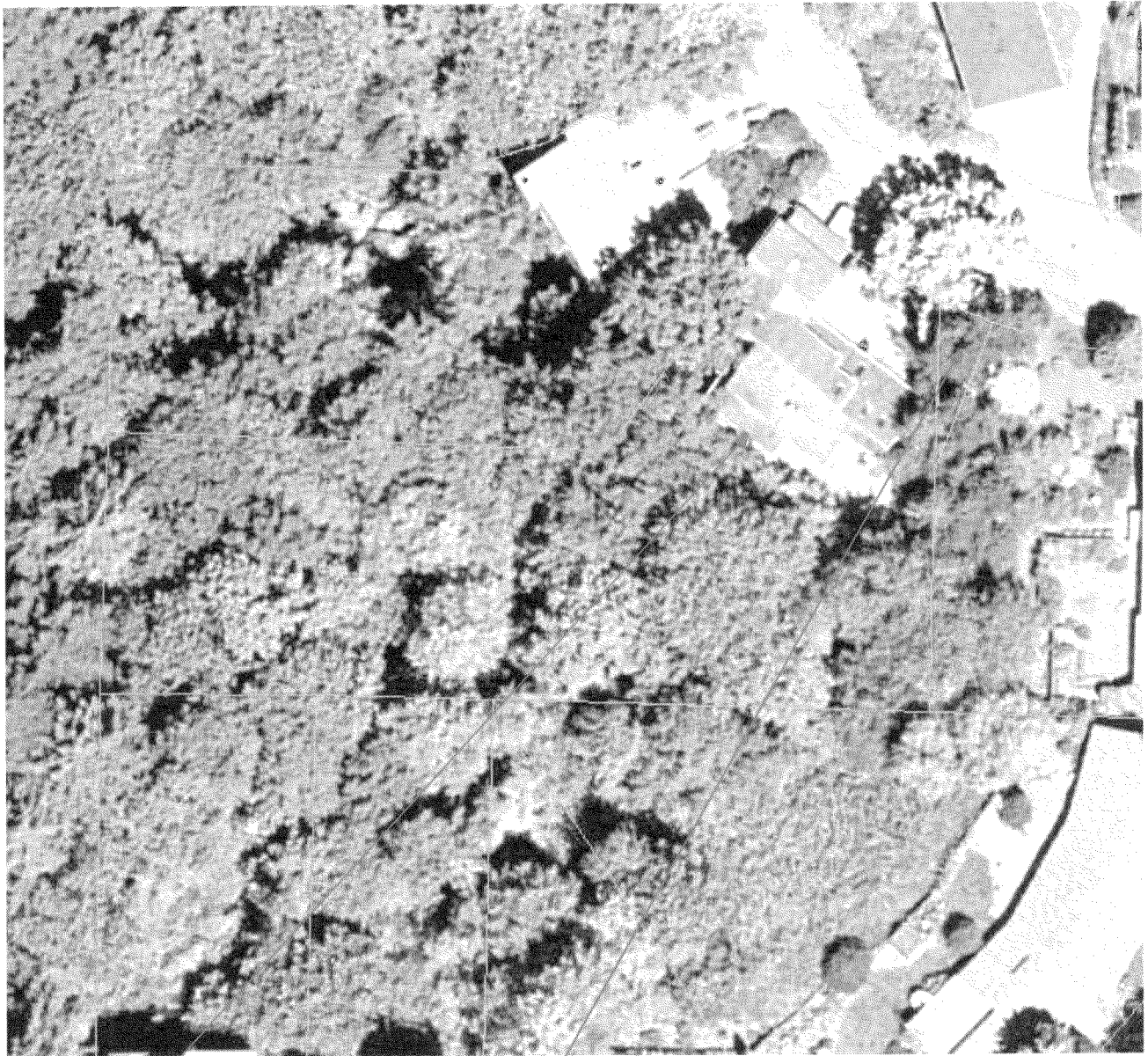
# EXHIBIT A



3141 NW Greenbriar Terr

Subject parcel

## EXHIBIT B



3141 NW Greenbriar Terr

Subject

**EXHIBIT C**  
**PROPOSED PROPERTY LISTED FOR PRIVATE SALE**

**LEGAL DESCRIPTION:**

A tract of land in the Northwest one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, County of Multnomah and the State of Oregon being more particularly described as follows:

Beginning at the Northwest corner of Lot 22, Block 19 of the Plat of Westover Terraces; thence South00°07'30"West along the West line of Lot 22 of said Block, 48.00 feet; thence North19°35'08"East, 44.93 feet to a point on the North line of said Lot 22, said point being on a non-tangent curve; thence along said curve on the arc of a 180.00 foot radius curve to the right and through a central angle of 5°05'35" a length of 16.00 feet, said curve being subtended by a chord which bears North69°14'02"West, 16.00 feet to the point of beginning.

ADJACENT PROPERTY ADDRESS:	3141 NW Greenbriar Terr.
TAX ACCOUNT NUMBER:	R304770
GREENSPACE DESIGNATION:	No designation
ASSESSED VALUE:	\$400
SIZE OF PARCEL:	Approximately 356 square feet

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$149.53
	\$15.00
	\$26.00
	\$190.53
	\$250.00

---

**Required Signatures**

---

**Department/  
Agency Director:**

*M. Cecilia Johnson*

**Date:** 11/14/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Monday, November 13, 2006 8:46 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Dec 14 Board Agenda Merkel Private Sale

-----Original Message-----

**From:** RYAN Matthew O  
**Sent:** Thursday, November 09, 2006 3:39 PM  
**To:** GRACE Becky J  
**Subject:** FW: Dec 14 Board Agenda Merkel Private Sale

Becky,

I have tweaked the Resolution and deed a little. The **attached revised** Resolution and deed are approved for submission to the BCC for consideration.

Matthew O. Ryan  
 Assistant County Attorney  
 Multnomah County, Oregon  
 Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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-----Original Message-----

**From:** GRACE Becky J  
**Sent:** Thursday, November 09, 2006 3:05 PM  
**To:** RYAN Matthew O  
**Subject:** FW: Dec 14 Board Agenda Merkel Private Sale

Matt, I attached the word document from the 2004 TC deed that is sent to us from Janice Patterson. I copy and paste the legal from her documents.

Thanks!

-----Original Message-----

**From:** GRACE Becky J  
**Sent:** Thursday, November 09, 2006 2:47 PM  
**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol  
**Subject:** FW: Dec 14 Board Agenda Merkel Private Sale

Thanks Matt,

What I wanted to send you was the scanned legal document along with one resolution and one agenda placement report.

-----Original Message-----

**From:** GRACE Becky J  
**Sent:** Thursday, November 09, 2006 11:14 AM

11/14/2006



**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol  
**Subject:** Dec 14 Board Agenda Merkel Private Sale

7  
Hi Matt and Carol,

Attached for your review and approval are the December 14 Board Agenda documents for the Merkel Private Sale.  
Thank you!

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

11/14/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Private Sale of a Tax Foreclosed Property to the WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$400 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 356 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. The WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST (collectively referred to as the MERKEL and COHN TRUSTS) have agreed to pay \$250, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$250 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to the MERKEL and COHN TRUSTS, the real property described in the attached Exhibit A.

ADOPTED this 7th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

## Exhibit A (Resolution)

### LEGAL DESCRIPTION:

A tract of land in the Northwest one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, County of Multnomah and the State of Oregon being more particularly described as follows:

Beginning at the Northwest corner of Lot 22, Block 19 of the Plat of Westover Terraces; thence South  $00^{\circ}07'30''$  West along the West line of Lot 22 of said Block, 48.00 feet; thence North  $19^{\circ}35'08''$  East, 44.93 feet to a point on the North line of said Lot 22, said point being on a non-tangent curve; thence along said curve on the arc of a 180.00 foot radius curve to the right and through a central angle of  $5^{\circ}05'35''$  a length of 16.00 feet, said curve being subtended by a chord which bears North  $69^{\circ}14'02''$  West, 16.00 feet to the point of beginning.

Until a change is requested, all tax statements  
shall be sent to the following address:  
WILLIAM T MERKEL TR & LISA E COHN TR  
3141 NW GREENBRIAR TERRACE  
PORTLAND OR 97210

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE 503/4

**Deed D072100 for R304770**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to WILLIAM T. MERKEL, AS TRUSTEE OF THE WILLIAM T. MERKEL REVOCABLE TRUST and to LISA E. COHN, AS TRUSTEE OF THE LISA E. COHN REVOCABLE TRUST, Grantees, the real property described in the attached Exhibit A.

The true consideration for this conveyance is \$250.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of December 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                     )  
  ) ss  
COUNTY OF MULTNOMAH           )

This Deed was acknowledged before me this 7th day of December 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Meagan Swenson  
Notary Public for Oregon  
My Commission expires: 10/25/10

**Exhibit A (Deed No. D072100 & Tax Account No. R304770)**

**LEGAL DESCRIPTION:**

A tract of land in the Northwest one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, County of Multnomah and the State of Oregon being more particularly described as follows:

Beginning at the Northwest corner of Lot 22, Block 19 of the Plat of Westover Terraces; thence South  $00^{\circ}07'30''$  West along the West line of Lot 22 of said Block, 48.00 feet; thence North  $19^{\circ}35'08''$  East, 44.93 feet to a point on the North line of said Lot 22, said point being on a non-tangent curve; thence along said curve on the arc of a 180.00 foot radius curve to the right and through a central angle of  $5^{\circ}05'35''$  a length of 16.00 feet, said curve being subtended by a chord which bears North  $69^{\circ}14'02''$  West, 16.00 feet to the point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-199**

Authorizing the Private Sale of a Tax Foreclosed Property to the WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$400 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 356 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. The WILLIAM T. MERKEL REVOCABLE TRUST and the LISA E. COHN REVOCABLE TRUST (collectively referred to as the MERKEL and COHN TRUSTS) have agreed to pay \$250, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$250 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to the MERKEL and COHN TRUSTS, the real property described in the attached Exhibit A.

ADOPTED this 7th day of December, 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

## Exhibit A (Resolution)

### LEGAL DESCRIPTION:

A tract of land in the Northwest one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, County of Multnomah and the State of Oregon being more particularly described as follows:

Beginning at the Northwest corner of Lot 22, Block 19 of the Plat of Westover Terraces; thence South 00°07'30" West along the West line of Lot 22 of said Block, 48.00 feet; thence North 19°35'08" East, 44.93 feet to a point on the North line of said Lot 22, said point being on a non-tangent curve; thence along said curve on the arc of a 180.00 foot radius curve to the right and through a central angle of 5°05'35" a length of 16.00 feet, said curve being subtended by a chord which bears North 69°14'02" West, 16.00 feet to the point of beginning.

Until a change is requested, all tax statements  
shall be sent to the following address:  
WILLIAM T MERKEL TR & LISA E COHN TR  
3141 NW GREENBRIAR TERRACE  
PORTLAND OR 97210

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE 503/4

**Deed D072100 for R304770**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to WILLIAM T. MERKEL, AS TRUSTEE OF THE WILLIAM T. MERKEL REVOCABLE TRUST and to LISA E. COHN, AS TRUSTEE OF THE LISA E. COHN REVOCABLE TRUST, Grantees, the real property described in the attached Exhibit A.

The true consideration for this conveyance is \$250.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of December 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                     )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 7th day of December 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Meagan Swenson  
Notary Public for Oregon  
My Commission expires: 10/25/10



**Exhibit A (Deed No. D072100 & Tax Account No. R304770)**

**LEGAL DESCRIPTION:**

A tract of land in the Northwest one-quarter of Section 32, Township 1 North, Range 1 East of the Willamette Meridian, County of Multnomah and the State of Oregon being more particularly described as follows:

Beginning at the Northwest corner of Lot 22, Block 19 of the Plat of Westover Terraces; thence South 00°07'30" West along the West line of Lot 22 of said Block, 48.00 feet; thence North 19°35'08" East, 44.93 feet to a point on the North line of said Lot 22, said point being on a non-tangent curve; thence along said curve on the arc of a 180.00 foot radius curve to the right and through a central angle of 5°05'35" a length of 16.00 feet, said curve being subtended by a chord which bears North 69°14'02" West, 16.00 feet to the point of beginning.



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: C-4  
Est. Start Time: 9:30 AM  
Date Submitted: 11/15/06

### BUDGET MODIFICATION: -

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to MOE H. KASIMI

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	December 7, 2006	<b>Time Requested:</b>	Consent Item
<b>Department:</b>	Community Services	<b>Division:</b>	Tax Title
<b>Contact(s):</b>	Gary Thomas		
<b>Phone:</b>	503-988-3590	<b>Ext.</b>	22591
<b>Presenter(s):</b>	Gary Thomas		
	<b>I/O Address:</b>	503/4/TT	

### General Information

**1. What action are you requesting from the Board?**

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to MOE H KASIMI.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The subject property is a small triangular shaped lot that came into county ownership through the foreclosure of delinquent tax liens on September 26, 1995. The parcel is approximately 12.87' x 32.29' x 38.10' and contains approximately 141 square feet. It is located between 1312 and 324 SE 211th Ave, Gresham. The subject parcel at one time was a part of 1312 SE 211th but was left off the legal description in a deed for a transaction that occurred in 1989. We propose to sell the parcel to the current owner of 1312 SE 211th Ave.

The attached plat map, Exhibit A, shows the location of the strip. Exhibit B, an aerial photo, shows the parcel in relation to the adjacent properties.

Although no written confirmation was received from the City of Gresham, the Tax Title Division is confident that the shape and size of the property approximately 141 sq.ft. make it unsuitable for the

construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

**3. Explain the fiscal impact (current year and ongoing).**

The Private Sale will allow for the recovery of a portion of the delinquent taxes, fees and expenses (see Exhibit C).

**4. Explain any legal and/or policy issues involved.**

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

**5. Explain any citizen and/or other government participation that has or will take place.**

No citizen or government participation is anticipated.

This is a detailed plat map of Section 36, Township 21 North, Range 10 East. The map shows a grid of land parcels, many of which are numbered 1 through 10. The parcels are labeled with their acreage, such as 4600, 4500, 4400, 4300, 4200, 4100, 3900, 3800, 3700, 3600, 3500, 3400, 3300, 3200, 3100, 3000, 2900, 2800, 2700, 2600, 2500, 2400, 2300, 2200, 2100, 2000, 1900, 1800, 1700, 1600, 1500, 1400, 1300, 1200, 1100, 1000, 900, 800, 700, 600, 500, 400, 300, 200, 100, 50, 25, 12.5, 6.25, 3.125, 1.5625, 0.78125, 0.390625, 0.1953125, 0.09765625, 0.048828125, 0.0244140625, 0.01220703125, 0.006103515625, 0.0030517578125, 0.00152587890625, 0.000762939453125, 0.0003814697265625, 0.00019073486328125, 0.000095367431640625, 0.0000476837158203125, 0.00002384185791015625, 0.000011920928955078125, 0.0000059604644775390625, 0.00000298023223876953125, 0.000001490116119384765625, 0.0000007450580596923828125, 0.00000037252902984619140625, 0.000000186264514923095703125, 0.0000000931322574615478515625, 0.00000004656612873077392578125, 0.000000023283064365386962890625, 0.0000000116415321826934814453125, 0.00000000582076609134674072265625, 0.000000002910383045673370361328125, 0.0000000014551915228366851806640625, 0.00000000072759576141834259033203125, 0.000000000363797880709171295166015625, 0.0000000001818989403545856475830078125, 0.00000000009094947017729282379150390625, 0.000000000045474735088646411895751953125, 0.0000000000227373675443232059478759765625, 0.00000000001136868377216160297393798828125, 0.000000000005684341886080801486968994140625, 0.000000000002842170943040400743484497072265625, 0.0000000000014210854715202003717422485361328125, 0.00000000000071054273576010018587112426806640625, 0.00000000000035527136788005009293556213403125, 0.000000000000177635683940025046467781067015625, 0.0000000000000888178419700125232338905335078125, 0.00000000000004440892098500626161694526675390625, 0.000000000000022204460492503130808472633376953125, 0.0000000000000111022302462515654042363166884765625, 0.00000000000000555111512312578270211815833442828125, 0.000000000000002775557561562891351059079167114140625, 0.00000000000000138777878078144567552953958355703125, 0.000000000000000693889390390722837764769791778515625, 0.00000000000000034694469519536141888238489588928125, 0.000000000000000173472347597680709441192447944640625, 0.000000000000000086736173798840354720596223972303125, 0.00000000000000004336808689942017736029811193615625, 0.000000000000000021684043449710088680149055968078125, 0.0000000000000000108420217248550443400745279840390625, 0.00000000000000000542101086242752217003726399701953125, 0.000000000000000002710505431213761085018631998509765625, 0.0000000000000000013552527156068805425093159992548828125, 0.00000000000000000067762635780344027125465799962744140625, 0.000000000000000000338813178901720135627283999813720703125, 0.0000000000000000001694065894508600678136419999068603515625, 0.00000000000000000008470329472543003390682099995343017578125, 0.000000000000000000042351647362715016953410499976715087890625, 0.000000000000000000021175823681357508476705249988357543953125, 0.0000000000000000000105879118406787542383526249941787719765625, 0.00000000000000000000529395592033937711916763124970893898828125, 0.000000000000000000002646977960169688559583815624854469494140625, 0.0000000000000000000013234889800848442797916578124272347470703125, 0.00000000000000000000066174449004242213989582890621136117353515625, 0.000000000000000000000330872245021211069947914453106805867667578125, 0.0000000000000000000001654361225106055349739572265534029338337890625, 0.00000000000000000000008271806125530276748697961327670146691689453125, 0.00000000000000000000004135903062765138374348980663835073345844640625, 0.00000000000000000000002067951531382569187217490331917536722922303125, 0.0000000000000000000000103397576569128459360874516595876836146115625, 0.00000000000000000000000516987882845642296804372582979384180730578125, 0.00000000000000000000000258493941422821148402186291489692090365390625, 0.00000000000000000000000129246970711410574201093145744484104518265625, 0.000000000000000000000000646234853557052871005465728722420522591328125, 0.000000000000000000000000323117426

## EXHIBIT B



Subject parcel

1312 SE 211th

**EXHIBIT C**  
**PROPOSED PROPERTY LISTED FOR PRIVATE SALE**

**LEGAL DESCRIPTION:**

A portion of Lot 11, Block 8, HEATHERSTONE, Multnomah County, Oregon described as follows:

Beginning at the Northeast corner of said Lot 11, said corner being on a 50.00 foot radius tangent curve whose center bears N89°56'18"W; thence Southwesterly, along the arc of said curve, a distance of 32.99 feet through a central angle of 37°40'36" (the long chord bears S18°54'00"W, a distance of 32.29 feet); thence S54°04'00"E, a distance of 12.87 feet to a point in the East line of said Lot 11; thence N0°03'42"E, along said East line, a distance of 38.10 feet to the point of beginning.

ADJACENT PROPERTY ADDRESS:	1312 SE 211th Ave, Gresham
TAX ACCOUNT NUMBER:	R178415
GREENSPACE DESIGNATION:	No designation
ASSESSED VALUE:	\$100
SIZE OF PARCEL:	Approximately 141 square feet

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:

TAX TITLE MAINTENANCE COST & EXPENSES:

RECORDING FEE:

SUB-TOTAL

MINIMUM PRICE REQUEST OF PRIVATE SALE

	\$49.93
	\$50.00
	\$26.00
	\$125.93
	\$26.00

---

## Required Signatures

---

**Department/  
Agency Director:**



**Date:** 11/16/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

**BOGSTAD Deborah L**

---

**From:** GRACE Becky J  
**Sent:** Wednesday, November 15, 2006 8:07 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: Kasimi Private Sale R178415/R372303800 ~~Dec 14 Agenda~~

-----Original Message-----

**From:** RYAN Matthew O  
**Sent:** Wednesday, November 15, 2006 7:52 AM  
**To:** GRACE Becky J  
**Cc:** THOMAS Gary A  
**Subject:** RE: Kasimi Private Sale R178415/R372303800 ~~Dec 14 Agenda~~ *Dec 7<sup>th</sup>*

Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Multnomah County, Oregon  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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-----Original Message-----

**From:** GRACE Becky J  
**Sent:** Wednesday, November 15, 2006 7:50 AM  
**To:** RYAN Matthew O  
**Subject:** RE: Kasimi Private Sale R178415/R372303800 ~~Dec 14 Agenda~~

Matt,

Gary Re-typed and I proof read after him.  
Thanks!

-----Original Message-----

**From:** RYAN Matthew O  
**Sent:** Wednesday, November 15, 2006 7:43 AM  
**To:** GRACE Becky J  
**Cc:** THOMAS Gary A  
**Subject:** FW: Kasimi Private Sale R178415/R372303800 ~~Dec 14 Agenda~~

Becky,

The form of the documents is fine. My only question is how did we reproduce the legal from the tax-foreclosure deed to the private sale deed? If it was retyped it must be proof-read. Please confirm if that was done, thanks.

Matthew O. Ryan  
Assistant County Attorney

11/16/2006



Multnomah County, Oregon  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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-----Original Message-----

**From:** GRACE Becky J

**Sent:** Tuesday, November 14, 2006 8:31 AM

**To:** RYAN Matthew O; KINOSHITA Carol

**Subject:** Kasimi Private Sale R178415/R372303800 Dec 14 Agenda

Good Morning,

Attached for your review and approval are the Kasimi Private Sale Documents.

Thanks!

Becky Grace  
Multnomah County Tax Title  
PO Box 2716  
Portland OR 97208  
503-988-3590

11/16/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing the Private Sale of a Tax Foreclosed Property to MOE H. KASIMI

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$100 on the County's current tax roll.
- c. Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 141 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MOE H. KASIMI has agreed to pay \$26, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MOE H. KASIMI, the real property described in the attached Exhibit A.

ADOPTED this 7th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

## **Exhibit A (Resolution)**

### **LEGAL DESCRIPTION:**

A portion of Lot 11, Block 8, Heatherstone, Multnomah County, Oregon  
described as follows:

Beginning at the Northeast corner of said Lot 11, said corner being on a 50.00 foot radius tangent curve whose center bears N 89°56'18" W; thence Southwesterly, along the arc of said curve, a distance of 32.99 feet through a central angle of 37°40'36" (the long chord bears S 18°54'00" W, a distance of 32.29 feet); thence S 54°04'00" E, a distance of 12.87 feet to a point in the East line of said Lot 11; thence N 0°03'42" E, along said East line, a distance of 38.10 feet to the point of beginning.

Until a change is requested, all tax statements  
Shall be sent to the following address:  
MOE H. KASIMI  
1312 SE 211th AVE  
GRESHAM OR 972030-3610

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE 503/4

**Deed D072102 for R178415**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MOE H. KASIMI, Grantee, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$26.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of December 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 7th day of December 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Meagan Swenson  
Notary Public for Oregon  
My Commission expires: 10/25/10

**Exhibit A**  
**(Deed D072102 & Tax Account R178415)**

**LEGAL DESCRIPTION:**

A portion of Lot 11, Block 8, Heatherstone, Multnomah County, Oregon described as follows:

Beginning at the Northeast corner of said Lot 11, said corner being on a 50.00 foot radius tangent curve whose center bears N 89°56'18" W; thence Southwesterly, along the arc of said curve, a distance of 32.99 feet through a central angle of 37°40'36" (the long chord bears S 18°54'00" W, a distance of 32.29 feet); thence S 54°04'00" E, a distance of 12.87 feet to a point in the East line of said Lot 11; thence N 0°03'42" E, along said East line, a distance of 38.10 feet to the point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-200**

Authorizing the Private Sale of a Tax Foreclosed Property to MOE H. KASIMI

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$100 on the County's current tax roll.
- c. Although no written confirmation from the City of Gresham was obtained, the Tax Title Division is confident that the irregular shape and size of the property, which is estimated to be approximately 141 square feet; make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. MOE H. KASIMI has agreed to pay \$26, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

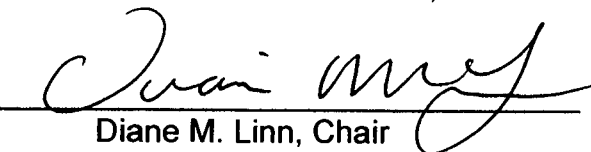
**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to MOE H. KASIMI, the real property described in the attached Exhibit A.

ADOPTED this 7th day of December, 2006.




BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

## **Exhibit A (Resolution)**

### **LEGAL DESCRIPTION:**

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Beginning at the Northeast corner of said Lot 11, said corner being on a 50.00 foot radius tangent curve whose center bears N 89°56'18" W; thence Southwesterly, along the arc of said curve, a distance of 32.99 feet through a central angle of 37°40'36" (the long chord bears S 18°54'00" W, a distance of 32.29 feet); thence S 54°04'00" E, a distance of 12.87 feet to a point in the East line of said Lot 11: thence N 0°03'42" E, along said East line, a distance of 38.10 feet to the point of beginning.

Until a change is requested, all tax statements  
shall be sent to the following address:  
MOE H. KASIMI  
1312 SE 211th AVE  
GRESHAM OR 972030-3610

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE 503/4

**Deed D072102 for R178415**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MOE H. KASIMI, Grantee, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$26.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 7th day of December 2006, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                     )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 7th day of December 2006, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

---

Meagan Swenson  
Notary Public for Oregon  
My Commission expires: 10/25/10



**Exhibit A**  
**(Deed D072102 & Tax Account R178415)**

**LEGAL DESCRIPTION:**

A portion of Lot 11, Block 8, Heatherstone, Multnomah County, Oregon described as follows:

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## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: C-5  
Est. Start Time: 9:30 AM  
Date Submitted: 11/29/06

**BUDGET MODIFICATION:** -

**Agenda Title:** ORDER Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested: December 7, 2006 Time Requested: N/A  
Department: DCHS Division: MHASD  
Contact(s): Jean Dentinger/Debra Myers  
Phone: (503) 988-5464 Ext. 27297 I/O Address: 167/1/520  
Presenter(s): Consent Calendar

### General Information

**1. What action are you requesting from the Board?**

Requesting adoption of order and approval of a designee. The Mental Health and Addiction Services Division is recommending approval of this designee in the accordance with ORS 426.215.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

Outpatient mental health agencies depend upon certain staff having the ability to assess clients for "Director Designee Custody". This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff needs to be trained and certified as designees.

**3. Explain the fiscal impact (current year and ongoing).**

None.

**4. Explain any legal and/or policy issues involved.**

In accordance with ORS 426.215.

**5. Explain any citizen and/or other government participation that has or will take place.**

None.

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**Required Signatures**

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**Department/  
Agency Director:**

*Karl K. H.*

**Date:** 11/29/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_

**BOGSTAD Deborah L**

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**From:** HENRY Patrick W  
**Sent:** Wednesday, November 29, 2006 10:25 AM  
**To:** BOGSTAD Deborah L; BRIMNER Karl R  
**Cc:** DENTINGER Jean M; MYERS Debra  
**Subject:** RE: Obtaining required review and authorization for Board meeting agenda submission

This order has been reviewed and is approved for Board action.

-----Original Message-----

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, November 29, 2006 9:40 AM  
**To:** BRIMNER Karl R; HENRY Patrick W  
**Cc:** DENTINGER Jean M; MYERS Debra  
**Subject:** Obtaining required review and authorization for Board meeting agenda submission  
**Importance:** High

Good morning! Debra Myers from MHASD emailed an order requesting Board authorization for a new designee who may direct a peace officer to take an allegedly mentally ill into custody. In the interest of expediting the agenda submission since there are only two meetings left this year, may I please have your authorization, Mr. Brimner, allowing me to affix your electronic signature to the agenda placement request?

Mr. Henry, would you reply to this email that you have reviewed the order? I will bring the final original down for your signature on December 7th.

Thank you both, very much.

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. \_\_\_\_\_

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

**The Multnomah County Board of Commissioners Finds:**

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

**The Multnomah County Board of Commissioners Orders:**

- 1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
- 2. Added to the list of designees is:

Tina Hadley

ADOPTED this 7th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Patrick Henry, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 06-201**

Authorizing a Designee of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

**The Multnomah County Board of Commissioners Finds:**

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

**The Multnomah County Board of Commissioners Orders:**

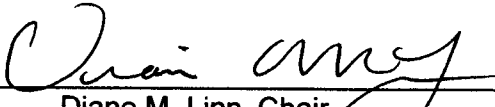
1. The individual listed below is authorized as a designee of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees is:

Tina Hadley

ADOPTED this 7th day of December, 2006.

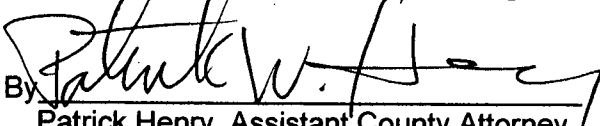


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Patrick Henry, Assistant County Attorney



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-1  
Est. Start Time: 9:30 AM  
Date Submitted: 11/14/06

### BUDGET MODIFICATION: -

**Agenda Title:** Presentation of Employee Service Awards Honoring Multnomah County  
Employees with 5 to 30 Years of Service [January 1, 2006 – June 30, 2006]

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested: December 7, 2006 Time Requested: 30 minutes  
Department: Department of County Mgmt Division: HR  
Contact(s): Travis Graves/Sally Sample  
Phone: 503 988-5015 Ext. 26477 I/O Address: 503/4  
Presenter(s): Carol Brown for Travis Graves, Sally Sample

### General Information

**1. What action are you requesting from the Board?**

The department recommends the Board recognize and appreciate employees' dedicated tenure with Multnomah County.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

Employee service, with awards and certificates, are acknowledged twice a year. Award ceremony usually occurs in the Spring and in the Fall. Employees and family are invited to come to the award ceremony at the Board meeting.

**3. Explain the fiscal impact (current year and ongoing).**

**4. Explain any legal and/or policy issues involved.**

5. Explain any citizen and/or other government participation that has or will take place.

---

**Required Signatures**

---

**Department/  
Agency Director:**

*Carol M. Ford*

**Date:** 11/14/06

**Budget Analyst:**

**Date:**

**Department HR:**

*Carl R. Quigg*

**Date:** 11/14/06

**Countywide HR:**

*Tammi Graves*

**Date:** 11/03/06



**Copy for Carol Brown**

We are here today to honor our Multnomah County employees, by recognizing the years of personal commitment and professional contributions, which they have given to the County.

I would like to start by saying thank you to County Chair Diane Linn, and to each of the Commissioners, for your support of our employees and for sponsoring this recognition ceremony here today.

***[Chair Linn will acknowledge a few employees who have made major accomplishments to the County at this point]***

These Multnomah County service awards represent one way of thanking our employees for making Multnomah County an excellent place to work, as well as an outstanding service provider. Every employee that is here today has played an equally essential role in making that happen. You have all been KEY to our success.

In a moment, I will be reading the names of those employees who have reached the 5, 10, 15, 20, 25 and 30 year milestones as employees of Multnomah County between January 1 2006 and June 30, 2006. If we add up the years that are represented here today in the **76** individuals receiving their awards, we have **980** years of service and dedication to Multnomah County.

Finally, before we recognize each of you individually, to ALL of you receiving a service award – on behalf of all of us here today, we say a collective THANK YOU and congratulations on a job well done. We will start with the 5 year service awards and move onward from there. When I read your name, please come up to the front to receive your award from Chair Linn and our Commissioners. If you are here for an award and I do not read your name, please come forward to be recognized.

**There will be a reception in the General Training Room in the basement. Please join us.**

## Multnomah County Service Awards Attendees

**December 7, 2006 at 9:30 am at the Multnomah Bldg Board Room**  
**Honoring Employees Whose Hire Dates Fall between January 1, 2006 – June 30, 2006**  
 (Of the **255** employees who received letters **76** indicated they would attend.)

### Five Years

DA	Samantha Markowitz	DCJ	Michael Greear Mary J Sullivan
DCHS-	Christina L Gardner Teresa L Kogle	DCJ	Harry Watson
DCM	Matthew Krusemark Karen R Smith Terrie D Walker Marilyn E Winters	DCM	Dan Horn Deirdre J Mahoney-Clark Tory P Mitchell
HD -	Yelena Antipova LaRisha R Baker Marcela DeLira Astorga Natalie Dichmann Stephanie K Duong Diane Fitzpatrick Alison Goldstein Jonathan Potkin Diata Rhodes Virginia Schmitz Sharon R Smith Margaret H Vu David Zambrano Kathryn Pranian	DSCP	Virginia Q Salinas
		HD	Louray E. Barham Jorge Cerda-Zavala Sharon D Grant Liem T Hoang Mary C Orr Julio C Maldonado
		LIB -	Nicole R Newsom
LIB -	William Kramer Hue Lam Matt Meyer Ruth Morrison Erin E Lakin	ND	Kathryn R Gordon
NON-	Elana S Emlen Terri Naito Lonnie J Roberts		

### Ten Years

DCHS-  
 John C Allen  
 Pauline Reed-Van Brocklin  
 Gary L Sinnen  
 Thomas E Wirshup  
 Christoher D Yager

### Fifteen Years

DA Jill K Alspach

DCHS Randall Morrison

DCJ Deanna L Andersen  
 Tracy Stevens-Hiebert  
 Tracy L Pugliano

DCM  
 Kurtis C Hamm  
 Marie Wardwell

HD Mary E Carroll  
 Delia Huerta  
 Greig M Warner  
 Lynne B Wiley

ND Suzanne Flynn

**Twenty Years**

DA Diana Neal

DCHS John B Flanagan

DCM - Lori-Ann J Bock  
Diana J Manthe

**Twenty-five Years**

DA Patrick K Callahan

DCHS Gayle Kron  
DCM Kunie Beebe  
Kenneth R Clinton

DCS Sheila Isley

HD Janet S Buell  
Juanita J Ellison  
Francine C Goteiner  
Cheryl K Houston

**Thirty Years**

DCM Thomas Guiney  
DCS David J Lestiko

## CHAIR LINN SPECIAL RECOGNITION

Sheila Isley – 25 years Service Award

Over her 25 years of service and dedication to “Mother Multco”, Sheila Isley has been the consummate administrative support professional and the force behind many a successful County manager.

She is a member of a vanishing group of seasoned county employees whose career coincided with the county’s recent history of organizational growing pains, ups and downs, good times and challenging times—and expansions and contractions. During this time of constant change, Sheila has worked with a potpourri of department directors, acting department directors, and division directors...from the department Environmental Services...to Sustainable Community Development...to Business and Community Services, and most recently--Community Services.

The one constant, steady, calm, competent presence in these otherwise chaotic times...has been Sheila

She has earned her way into that elite class of county administrative support professionals that know how the county *really* works, and know who to go to, to get things accomplished!

Many a manager in this organization—both past and present—have had the good fortune, pleasure and privilege to have had Sheila behind the scenes making them look good! “Oh, the stories she could tell...” but, Sheila is always the consummate professional!

She is one of those treasured employees who ooze competency: Sheila is helpfulness; cares about people; takes responsibility; gets tough when necessary ...and, gets things done!

The epitome of administrative support, a standard bearer...

She sets the benchmark!

*---- One of the many Management benefactors*

## **CHAIR LINN SPECIAL RECOGNITION**

### **Virginia Salinas -10 years Service Award**

Here are some comments from her co-workers.

- 1) Virginia has been a great advocate, in particular for women facing DV situations. In more than one instance Virginia has had to face a very angry spouse, but she has graciously de-escalated the situation even in some pretty daunting circumstances. Virginia is a household name within the DV community, and women affected by DV. She is so solicited in fact, that on several occasions, women have even followed her into the ladies room speaking to her of their problems.
- 2) She is an excellent community advocate and program coordinator for Bienestar and Ortiz center.
- 3) I spoke with a client who has known Virginia since 10 years ago, her name is Olga. She tells me that Virginia has been her guide to everything since she arrived in Portland from Calif. She says that without Virginia, she wouldn't't have known where to go, or who to go to for help for her family. Throughout the years, she has referred her women friends to Virginia, especially those facing domestic violence challenges. She says Virginia is a "good person," who really, really cares about helping, because it is in her heart (not just because it is her job). She continues to stay in touch with Virginia, and continues to rely on her for guidance.

### **Harry Watson - 10 years Service Award**

Harry has been with Juvenile Services about a year now after coming from River Rock A&D Treatment Program. Harry's skills, knowledge and positive attitude make him a great addition to the Leadership Team in Juvenile Custody Services. He is a true team player and we are lucky to have him.

### **Michael Greear - 10 years Service Award**

As Michael celebrates this milestone of his employment with Multnomah County DCJ, we would like to thank him for his dedication, professionalism, willingness to take on new tasks and his unflagging belief that our clients can, and do, make positive changes in their lives. As a Corrections Tech for the Day Reporting Center Michael is a great historian, having joined the team at the beginning of his tenure with the County. He can be counted on to help out when new staff join the team and is a true professional.

Tory Mitchell – 10 years – Department of County Management

Tory is an Administrative Analyst in the DCM Director's Office, providing budget and finance support for the 3<sup>rd</sup> and 4<sup>th</sup> floors of the Multnomah Building. He goes out of his way to help staff prepare their budgets, administer their contracts and pay their bills.

Tory spent several years working in General Ledger, where he was responsible for moving the County's fixed assets into the SAP information system. Thanks to Tory, we can now go into SAP and retrieve information about the value of each of our buildings, bridges and roads.

Tory is quite active in the local Toastmaster's chapter, never being afraid to express himself or to encourage others to participate. On special occasions, it is not uncommon to see Tory briefly dressed as a pirate, an Egyptian pharaoh or even Dr. Evil.

Tory has been supporting the department's Citizen Budget Advisory Committee for the past two years, helping the public better understand County programs and the value that each contributes to the community.

**Copy for Travis Graves**

We are here today to honor our Multnomah County employees, by recognizing the years of personal commitment and professional contributions, which they have given to the County.

I would like to start by saying thank you to County Chair Diane Linn, and to each of the Commissioners, for your support of our employees and for sponsoring this recognition ceremony here today.

***[Chair Linn will acknowledge a few employees who have made major accomplishments to the County at this point]***

These Multnomah County service awards represent one way of thanking our employees for making Multnomah County an excellent place to work, as well as an outstanding service provider. Every employee that is here today has played an equally essential role in making that happen. You have all been KEY to our success.

In a moment, I will be reading the names of those employees who have reached the 5, 10, 15, 20, 25 and 30 year milestones as employees of Multnomah County between January 1 2006 and June 30, 2006. If we add up the years that are represented here today in the **73** individuals receiving their awards, we have **865** years of service and dedication to Multnomah County.

Finally, before we recognize each of you individually, to ALL of you receiving a service award – on behalf of all of us here today, we say a collective THANK YOU and congratulations on a job well done. We will start with the 5 year service awards and move onward from there. When I read your name, please come up to the front to receive your award from Chair Linn and our Commissioners. If you are here for an award and I do not read your name, please come forward to be recognized.

**There will be a reception in the General Training Room in the basement. Please join us.**

## Multnomah County Service Awards Attendees

December 7, 2006 at 9:30 am at the Multnomah Bldg Board Room  
Honoring Employees Whose Hire Dates Fall between January 1, 2006 – June 30, 2006  
(Of the 255 employees who received letters 73 indicated they would attend.)

### **Five Years**

DA	Samantha Markowitz	DCJ	Michael Greear Mary J Sullivan
DCHS-	Christina L Gardner Teresa L Kogle	DCJ	Harry Watson
DCM	Matthew Krusemark Karen R Smith Terrie D Walker Marilyn E Winters	DCM	Dan Horn Deirdre J Mahoney-Clark Tory P Mitchell
HD -	LaRisha R Baker Marcela DeLira Astorga Natalie Dichmann Stephanie K Duong Diane Fitzpatrick Alison Goldstein Jonathan Potkin Diata Rhodes Virginia Schmitz Sharon R Smith Margaret H Vu David Zambrano Kathryn Pranian	DSCP	Virginia Q Salinas
		HD	Louray E. Barham Jorge Cerda-Zavala Sharon D Grant Liem T Hoang Mary C Orr Julio C Maldonado
LIB -	William Kramer Hue Lam Matt Meyer Ruth Morrison Erin E Lakin	LIB -	Nicole R Newsom
NON-	Elana S Emlen Lonnie J Roberts	ND	Kathryn R Gordon

### **Ten Years**

DCHS-  
John C Allen  
Pauline Reed-Van Brocklin  
Gary L Sinnen  
Thomas E Wirshup  
Christopher D Yager

### **Fifteen Years**

DA	Jill K Alspach
DCHS	Randall Morrison
DCJ	Deanna L Andersen Tracy L Pugliano
DCM	Kurtis C Hamm Marie Wardwell
HD	Mary E Carroll Delia Huerta Greig M Warner Lynne B Wiley
ND	Suzanne Flynn



### **Twenty Years**

DA Diana Neal

DCHS  
John B Flanagan

DCM - Lori-Ann J Bock  
Diana J Manthe

### **Twenty-five Years**

DA Patrick K Callahan

DCHS Gayle Kron  
DCM Kunie Beebe  
Kenneth R Clinton

DCS Sheila Isley

HD Janet S Buell  
Juanita J Ellison  
Francine C Goteiner  
Cheryl K Houston

### **Thirty Years**

DCM Thomas Guiney  
DCS David J Lestiko



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-2  
Est. Start Time: 9:50 AM  
Date Submitted: 11/15/06

### BUDGET MODIFICATION:

**Agenda Title:** RESOLUTION Approving the Transfer of Tax-Foreclosed Properties to a Non-Profit Housing Sponsor for Low Income Housing Purposes

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	December 7, 2006	<b>Time Requested:</b>	10 minutes
<b>Department:</b>	DSCP	<b>Division:</b>	DSCP
<b>Contact(s):</b>	HC Tupper		
<b>Phone:</b>	503/988-3114	<b>Ext.</b>	83114
<b>I/O Address:</b>	167/200		
<b>Presenter(s):</b>	HC Tupper		

### General Information

**1. What action are you requesting from the Board?**

Pursuant to the County's Affordable Housing Development Program (AHDP) adopt resolution approving transfer of two tax-foreclosed properties to a qualified non profit corporation for the purpose of developing affordable housing for low income citizens of our community as allowed under MCC Sections 27.401-27.406 and ORS 271.330.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Affordable Housing Review Committee (AHRC) is authorized under MCC Sections 27.401 - 27.406 to make recommendations to the Board regarding the donation of tax foreclosed property to qualified non-profit corporations to develop low-income housing. Attached is the AHRC report that includes: a matrix summary of the properties, the non-profit applicants, committee recommendation and rating report for each application submitted.

The minimum term of affordability required from AHDP applicants is 30 years for homeownership projects and 60 years for rental and special needs housing projects. Preference for projects serving very low-income beneficiaries is also built into the

application. The competing agencies responded to these requirements by producing complete and compelling applications.

**The committee recommends transfer of two properties to a single non-profit housing development corporation at nominal cost for the purpose of fostering the development of affordable housing.** The recommended transfer will result in the development of three affordable homes each containing two or three bedrooms. The family income of the households proposed to benefit from the AHDP supported homeownership projects range between 40% - 80% of the area median income.

**3. Explain the fiscal impact (current year and ongoing).**

The two properties recommended for transfer represent a total of \$46,978.20 in unpaid taxes and expenses owed to the taxing districts and the County. The county assessor's records report the most recent value of these properties to be \$171,000.00. The recommended recipients for the properties propose to generate approximately \$533,111.00 in development funding to carry out the proposed projects. This is a development contribution ratio of about \$2.00 for every \$1.00 of assessed value.

**4. Explain any legal and/or policy issues involved.**

Under MCC 27.404(D), the AHRC must prepare disposition recommendations to the Board based on the sponsoring organization's stability and viability, the project and financial plans and community support.

The AHRC evaluated the proposals and found them on the whole complete, careful and competitive. In every instance the AHRC had to weigh the entire package of benefits each proposal presented: from the services provided to the renter or homebuyer, to the financing plan and the actual housing costs it generated, to the affordability of the construction and financing. Still, the decisions were close and fully debated. The Technical Review Committee evaluated the proposals using the Board adopted AHDP criteria and its best collective judgment.

The Technical Review Committee recommends that ROSE Community Development Corporation (ROSE CDC) be awarded the property located at the former 10408 SE Yukon Street in Portland. ROSE CDC was the only applicant for this property. ROSE CDC intends to build a 3 bedroom, 2 bath house for sale to families at 80% of the area median income and using the land trust land/lease and resale restrictions offering long term affordability. Portland Youth Builders is slated to provide both construction of the house through its youth training program and low cost construction financing. The Portland Community Land Trust will sell the improvements on the site through its land trust program to low income disabled buyers identified by Community Vision. Community Vision is a non-profit organization established to promote living opportunities, employment and homeownership to disabled people. The Yukon site is within the Johnson Creek floodplain. ROSE CDC demonstrates the understanding and ability to work through site development problems that are associated with building in floodplains. The City of Portland owns the adjoining lot on Yukon and has pledged to work with ROSE to build water retention features that will be an enhancement to the new house.

ROSE CDC and Portland Habitat for Humanity presented competing applications for the property at 4849 SE 86<sup>th</sup> Avenue in Portland. The AHRC exhaustively debated the merits of these competing plans. Portland Habitat sells properties to families with very low incomes

and at lower costs than other non-profit agencies can match. They are able to achieve such a level of affordability through volunteer labor and corporate sponsorship of housing construction costs coupled with 0% permanent mortgage financing. Portland Habitat uses deed restrictions and a second mortgage mechanism to ensure that the house is resold to lower income families for a period of 30 years. Both ROSE CDC and Portland Habitat proposed building two attached homes for sale on the subject property. ROSE CDC will partner with The Portland Community Land Trust providing effectively permanent affordability for the homes. Construction will be provided by the youth training organization Portland Youth Builders. One of the attached homes will be sold to a very low income disabled buyer through a partnership with Community Vision. The other home on the site ROSE has pledged to sell to a buyer at 65% of the Area Median Income. ROSE CDC was able to demonstrate its strong connections to the Lents neighborhood. ROSE presented its proposal to the Lents Neighborhood association and solicited feedback from immediate neighbors of the site. ROSE CDC organized the Lents Homeownership Initiative as a response to the neighborhood's expressed desire to increase homeownership opportunity. The AHDP Review Committee is recommending that ROSE Community Development Corporation (SCDC) be awarded the property at 4849 SE 86th Avenue.

**5. Explain any citizen and/or other government participation that has or will take place.**

All program applicants are required to demonstrate community support for their proposed projects. The County's Citizen Involvement Committee has a member on the AHDP review committee. The AHDP conforms to the principles and priorities stated in the countywide Consolidated Plan of Multnomah County, the City of Portland and the City of Gresham (Housing and Community Development Commission 2006 - 2011).

The technical review committee of the AHDP has appointed representatives from the cities of Portland and Gresham and each of the County Commissioners. AHDP is a housing strategy supported by the countywide HCDC. The development of the properties may require participation by the State of Oregon and local foundations for project completion. A notice of the public hearing on this proposed transfer was published in the newspaper. The need for affordable housing continues to be important to our community.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 10/26/05

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

**MULTNOMAH COUNTY  
AFFORDABLE HOUSING DEVELOPMENT PROGRAM  
Technical Review Committee  
Project Ranking Report**

**Dated: October 30, 2006**

Applicant: ROSE CDC                      Neighborhood: Lents  
Property Location: 10408 SE Yukon St., Portland, OR  
Legal Description Lot 2, Block 37, MENTONE, in the City of Portland, County of Multnomah  
and State of Oregon.  
Tax Account Number:                      R217186

**Description of Project and Proposed Use:** ROSE Community Development Corporation proposes build a three-bedroom home at this site for sale to buyers between at 80% of the area median income. The project proposes a development partnership between ROSE and Portland YouthBuilders as construction contractor, as well as providing construction financing. The Portland Community Land Trust will be the ultimate Property owner and continuing affordability monitor. Only the physical improvements are conveyed to the buyer. The land is held in trust by the Portland Community Land Trust and resale is restricted through a land lease with the buyer. Community Vision will provide income eligible, disabled clients to purchase the home. The proposed cost of the rehabilitated house is projected at approximately \$125,000.00. Permanent mortgage financing is expected to come from buyers through conventional lenders.

**Property Value: \$55,000.00**

**Taxes & Costs: \$5,229.43**

**Committee Recommendation:** The Committee recommends approval of this application as described.

**Committee Comments:** The Committee commends this strong application from ROSE CDC. A compelling partnership between Portland YouthBuilders, the Portland Community Land Trust and Community Vision is presented. The Committee was gratified that ROSE submitted a proposal to develop this property complicated by its location within the Johnson Creek flood plain. The work that ROSE did to contact neighbors of the project and neighborhood association was also noted. The actual selling price of the home and the income justifications for the eligible buyers were not clear.

**Program Criteria:** The ROSE CDC proposal met each of the threshold criteria of the Affordable Housing Development Program

**Bonus Point Criteria:** The proposal received homeownership bonus points for longer term affordability and no points for pledging to house very low income persons.

**MULTNOMAH COUNTY**  
**AFFORDABLE HOUSING DEVELOPMENT PROGRAM**  
**Technical Review Committee**  
**Project Ranking Report**

**Dated: October 30, 2006**

Applicant: Portland Habitat for Humanity

Neighborhood: Lents

Property Location: 4849 SE 86<sup>th</sup> Avenue

Legal Description: Lot 4, Block 3, DIELS ADDITION, in the City of Portland, County of Multnomah and State of Oregon.

Tax Account Number: R147030

**Description of Project and Proposed Use:** Sponsor proposes to build two, 3-bedroom single-family, attached houses for sale to families earning 30-50% of the area median income. Families must invest 400 hours of their own labor toward the construction of the house or on other Portland Habitat projects. The projected sale price of the completed Habitat homes is \$120,000.00. The houses are sold with 30 year resale restrictions attached to the deed, a 0% interest first mortgage to qualified buyers and a second mortgage capitalized by the difference between the sales price and the appraised value of the residence. Portland Habitat ensures that buyers mortgage repayments, taxes and insurance do not exceed 25% of the family's gross income. The monthly payment against principal is calculated at \$330.00. Portland Habitat keeps development costs low through donations, corporate sponsorship and volunteer labor.

**Property Value: \$116,000.00**

**Taxes & Costs: \$41,748.77**

**Committee Recommendation:** The Committee recommends denial of this application as described.

**Committee Comments:** The Committee commends this strong application from Portland Habitat providing home ownership opportunity for very low-income families. Portland Habitat has been an effective and expeditious developer of County tax-foreclosed properties through the AHDP. Portland Habitat revised their encumbrance documents to meet the AHDP guideline of a minimum 30-year affordability term. The Habitat documents set clear resale restrictions and give the agency the first right to repurchase the property during the term of the mortgage. The Committee preferred the development plan of the competing agency which offered permanent affordability through land trust restrictions with one of the homes for sale to very low income disabled people. Both applicants provided a complete and persuasive development plans.

**Program Criteria:** The Portland Habitat proposal met each of the threshold criteria of the Affordable Housing Development Program

**Bonus Point Criteria:** The proposal received no homeownership bonus points for longer term affordability and full points for pledging to house very low income persons.

**AFFORDABLE HOUSING DEVELOPMENT PROGRAM**  
**Technical Review Committee**  
**Project Ranking Report**

**Dated: October 30, 2006**

Applicant: ROSE Community Development Corporation                      Neighborhood: Lents  
Property Location: 4849 SE 86<sup>th</sup> Avenue, Portland, OR  
Legal Description: Lot 4, Block 3, DIELS ADDITION, in the City of Portland, County of Multnomah and State of Oregon.  
Tax Account Number:                      R147030

**Description of Project and Proposed Use:** ROSE Community Development Corporation proposes to build two new, attached homes, one three-bedroom unit and one two-bedroom unit, at this site. The two-bedroom unit will be sold to a disabled buyer at 40% of the area median income (AMI), the three bedroom unit will be marketed to families at 65% of the AMI. The project proposes a development partnership between ROSE and Portland YouthBuilders as construction contractor, as well as providing construction financing. The Portland Community Land Trust will be the ultimate Property owner and continuing affordability monitor. Only the physical improvements are conveyed to the buyer. The land is held in trust by the Portland Community Land Trust and resale is restricted through a land lease with the buyer. Community Vision will provide income eligible, disabled clients to purchase the home. Permanent mortgage financing is expected to come from buyers through conventional lenders.

**Property Value:** \$116,000.00

**Taxes & Costs:** \$41,748.77

**Committee Recommendation:** The Committee recommends approval of this application as described.

**Committee Comments:** The Committee commends this strong application from ROSE CDC. The development partnership with between ROSE, YouthBuilders, PCLT and Community Vision has produced good results. The work that ROSE did to contact neighbors of the project and neighborhood association was also noted. The actual selling price of the homes and the income justifications for the eligible buyers were not clear.

**Program Criteria:** The ROSE CDC proposal met each of the threshold criteria of the Affordable Housing Development Program

**Bonus Point Criteria:** The proposal received full homeownership bonus points for longer term affordability and some points for pledging to house very low income persons. The bonus points for serving very low income buyers require that the project is demonstrably affordable to persons at 10% lower than 65% AMI. The completed home could then be marketed to buyers between 55% and 65% of the AMI.

**Multnomah County Affordable Housing Development Program  
Technical Review Committee  
Membership Roster - 9/01/06**

<b>Philanthropic Organization</b>	<b>Cynthia Winter Neighborhood Partnership Fund 503-226-3001 X101</b>	<b>1020 SW Taylor, Suite 680 Portland, OR 97205</b>
<b>Banking Industry</b>	<b>Beth Palmer Key Community Development Corp. 503-790-7565</b>	<b>1211 SW 5<sup>th</sup> Avenue, Suite 400 Portland, OR 97204</b>
<b>County Citizen Involvement Committee</b>	<b>Alma Flores City of Portland Planning 503-823-7801</b>	<b>1900 SW 4<sup>th</sup> Avenue, Rm. 4100 Portland, OR 97201</b>
<b>City of Portland</b>	<b>Daniel Ledezma Portland BHCD 503-823-4136</b>	<b>421 SW 6th Ave., Suite 1100 Portland, OR 97204 B166/1100</b>
<b>City of Gresham</b>	<b>Elaine Fultz Gresham Community Development 503-618-2818</b>	<b>1333 NW Eastman Pkwy. Gresham, OR 97030</b>
<b>Chair Linn</b>	<b>Andy Smith 503-988-5772</b>	<b>501 SE Hawthorne Blvd., Suite 600 Portland, OR 97214 B503/600</b>
<b>Commissioner Naito</b>	<b>Terri Naito 503-988-5217</b>	<b>501 SE Hawthorne Blvd., Suite 600 Portland, OR 97214 B503/600</b>
<b>Commissioner Cruz</b>	<b>Mary Carroll 503-988-5275</b>	<b>501 SE Hawthorne Blvd., Suite 600 Portland, OR 97214 B503/600</b>
<b>Commissioner Roberts</b>	<b>Kristen West 503-988-5213</b>	<b>501 SE Hawthorne Blvd., Suite 600 Portland, OR 97214 B503/600</b>
<b>Commissioner Rojo de Steffey</b>	<b>Matthew Lashua 503-988-6796</b>	<b>501 SE Hawthorne Blvd., Suite 600 Portland, OR 97214 B503/600</b>
<b>County CDBG Policy Advisory Board</b>	<b>Johnnie Bell Realtor 503-253-0617</b>	<b>3418 NE 150<sup>th</sup> Avenue Portland, OR 97230</b>
<b>Staff</b>	<b>HC Tupper – 503-988-3114 County Dept. of School &amp; Community Partnerships</b>	<b>421 SW Oak St., #200 Portland, OR 97204 B166/200</b>



PROPERTY	APPLICANT	PROPOSAL BRIEF	TAXES AND EXPENSES	TOTAL PROJECT COSTS	RECOMMENDATION
1. Former 10408 SE Yukon #R21786 \$55,000 - Market Value 5000 S/F	ROSE CDC	New Const. - SFR 3 bdrm, 30 yr aff. \$80,000 <u>Sale/30-50%AMI</u>	\$5,529.43	\$176,095.00	Approve Transfer
2. 4849 SE 86 <sup>th</sup> #R147030 \$116,000 - Market Value 5000 S/F	Portland Habitat	New Const. 2-SFRs 3 bdrm,. \$120,000 <u>Sale/30-50%AMI</u>	\$41,748.77	\$160,000.00	Deny Transfer
	ROSE CDC	New Const. 2-SFRs 3 & 2 bdrm for sale <u>land trust, 65%AMI</u>		\$284,510.00	Approve Transfer

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Approving the Transfer of Tax-Foreclosed Properties to a Non-Profit Housing Sponsor for Low Income Housing Purposes

**The Multnomah County Board of Commissioners Finds:**

- a. Requests for certain tax-foreclosed properties were received pursuant to procedures set forth in Multnomah County Code (MCC) §§ 27.402-27.406 and the Multnomah County Affordable Housing Development Program.
- b. A public hearing was held before the Board of County Commissioners on December 7, 2006, to determine whether the transfer would serve the public purpose of providing decent and safe low income housing, and the Board has been fully informed in the matter.

**The Multnomah County Board of Commissioners Resolves:**

1. The transfers of certain tax-foreclosed properties, more particularly described in the attached Exhibit A, to ROSE Community Development Corporation as authorized under MCC §§ 27.402-27.406 and the County Affordable Housing Development Program are approved.
2. The Chair is authorized to execute all documentation required to complete said transfers.

ADOPTED this 7th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

## **EXHIBIT A**

### **LIST OF TRANSFER PROPERTIES**

**1. ROSE Community Development Corporation**

**A. Legal Description:** Lot 4, Block 3, DIELS ADDITION, in the City of Portland, County of Multnomah and State of Oregon

**Address:** 4849 SE 86<sup>th</sup> Avenue

**Tax account number:** R147030

**Taxes and Costs:** \$41,748.77

**B. Legal Description:** Lot 2, Block 37, MENTONE, in the City of Portland, County of Multnomah and State of Oregon

**Address:** Vacant lot adjacent to the former 10408 SE Yukon St., Portland, OR

**Tax account number:** R217186

**Taxes and Costs:** \$5,229.43

#1

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 12-7-06  
SUBJECT: AFFORDABLE HOUSING DEVELOP

AGENDA NUMBER OR TOPIC: P-3 R-2

FOR: X AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: NICK SAUVIE

ADDRESS: 5215 SE DUKE

CITY/STATE/ZIP: PDX 97206

PHONE: DAYS: 503-788-8052 EVES: \_\_\_\_\_

EMAIL: nick@rosecd.org FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#2

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 12/7/06

SUBJECT: AHP Program

AGENDA NUMBER OR TOPIC: R-2

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Bill Kowalczyk

ADDRESS: 1832 NE 10th Ave

CITY/STATE/ZIP: Portland, Ore 97212

PHONE: DAYS: 503-516-6771 EVES: Same

EMAIL: bill-k@pgbpd.org FAX: 503-286-9381

SPECIFIC ISSUE: donation of county properties

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 12/7/06

SUBJECT: AHDP

AGENDA NUMBER OR TOPIC: R-2

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Allison Handler

ADDRESS: PORTLAND Community LAND TRUST

~~3109 NE Broadway~~ 3109 NE Broadway  
CITY/STATE/ZIP: Portland 97232

PHONE: DAYS: 503-493-0293

EVES: \_\_\_\_\_

EMAIL: \_\_\_\_\_

FAX: \_\_\_\_\_

SPECIFIC ISSUE: Thank you for the AHDP tax-  
foreclosed lot redevelopment program

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

#21

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: Dec. 7, 2006

SUBJECT: AHDP

AGENDA NUMBER OR TOPIC: R-2

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Joe Wykowsli, Community Vision, Inc.

ADDRESS: 1750 SW Sillyline Blvd Suite 102

CITY/STATE/ZIP: Portland, OR 97221

PHONE: \_\_\_\_\_ DAYS: 503-292-4964 ext 101

EVE: \_\_\_\_\_

EMAIL: Joe@cvision.org

FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-202**

Approving the Transfer of Tax-Foreclosed Properties to a Non-Profit Housing Sponsor for Low Income Housing Purposes

**The Multnomah County Board of Commissioners Finds:**

- a. Requests for certain tax-foreclosed properties were received pursuant to procedures set forth in Multnomah County Code (MCC) §§ 27.402-27.406 and the Multnomah County Affordable Housing Development Program.
- b. A public hearing was held before the Board of County Commissioners on December 7, 2006, to determine whether the transfer would serve the public purpose of providing decent and safe low income housing, and the Board has been fully informed in the matter.

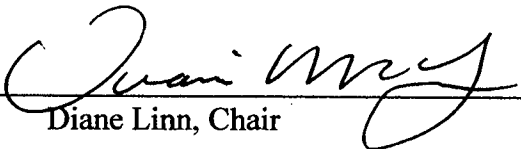
**The Multnomah County Board of Commissioners Resolves:**

1. The transfers of certain tax-foreclosed properties, more particularly described in the attached Exhibit A, to ROSE Community Development Corporation as authorized under MCC §§ 27.402-27.406 and the County Affordable Housing Development Program are approved.
2. The Chair is authorized to execute all documentation required to complete said transfers.

ADOPTED this 7th day of December, 2006.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney



## **EXHIBIT A**

### **LIST OF TRANSFER PROPERTIES**

**1. ROSE Community Development Corporation**

A. Legal Description: Lot 4, Block 3, DIELS ADDITION, in the City of Portland, County of Multnomah and State of Oregon

Address: 4849 SE 86<sup>th</sup> Avenue

Tax account number: R147030

Taxes and Costs: \$41,748.77

B. Legal Description: Lot 2, Block 37, MENTONE, in the City of Portland, County of Multnomah and State of Oregon

Address: Vacant lot adjacent to the former 10408 SE Yukon St., Portland, OR

Tax account number: R217186

Taxes and Costs: \$5,229.43



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 12-7-06  
MEAGAN SWENSON, ASST BOARD CLERK

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-3  
Est. Start Time: 10:00 AM  
Date Submitted: 11/08/06

### BUDGET MODIFICATION: HD - 08

**Budget Modification HD-08 Appropriating \$425,000 Additional Revenue  
for the Health Department Pharmacy Program Resulting from New  
Agenda Title: Medicare Prescription Plan**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions,  
provide a clearly written title.*

Date Requested:	<u>December 7, 2006</u>	Time Requested:	<u>3 mins</u>
Department:	<u>Health Dept.</u>	Division:	<u>ICS</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>167/210</u>
Presenter(s):	<u>Joy Belcourt, ICS Program Manager</u>		

### General Information

**1. What action are you requesting from the Board?**

Approval of appropriation of \$425,000 in additional revenue for the Pharmacy Program in the Health Department resulting from New Medicare Prescription Plan.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Medicare Part D Prescription plans introduced in 2006 have resulted in a number of county clinic clients obtaining insurance to cover their prescription needs. These prescriptions are now paid for by the insurance companies and Pharmacy Services bills and receives revenue for these prescriptions.

**3. Explain the fiscal impact (current year and ongoing).**

Increase FY07 Health Department Budget by \$425,000. This increase is expected to be ongoing into future years.

**4. Explain any legal and/or policy issues involved.**

N/A

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A

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## ATTACHMENT A

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### Budget Modification

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If the request is a **Budget Modification**, please answer all of the following in detail:

- **What revenue is being changed and why?**  
Health Departments Federal state fee for service revenue will increase by \$425,000 in FY07
- **What budgets are increased/decreased?**  
Health Department's ICS Pharmacy budget will increase by \$425,000 and 2.0 FTE.
- **What do the changes accomplish?**  
We would like to create a Program Supervisor position to supervise Pharmacy Technicians and a Fiscal Specialist, to manage receivables and assume other management duties. We will need an additional Pharmacist position to fill these prescriptions and dispense medication to clients.
- **Do any personnel actions result from this budget modification? Explain.**  
Recruit and Hire  
1.0 Program Supervisor  
1.0 Pharmacist
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
Indirect is covered by additional revenues
- **Is the revenue one-time-only in nature?**  
Revenue is ongoing
- **If a grant, what period does the grant cover?**  
N/A
- **If a grant, when the grant expires, what are funding plans?**  
N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense &amp; Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>
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## ATTACHMENT B

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**BUDGET MODIFICATION: HD - 08**

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### Required Signatures

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**Department/  
Agency Director:**



**Date:** 11/07/06

**Budget Analyst:**



**Date:** 11/07/06

**Department HR:**



**Date:** 11/07/06

**Countywide HR:**

**Date:**

Budget Modification ID: **HD-07-08****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center						
1	40-80	40160	30			48200-00-40160	50235	(425,000)	(425,000)		Increase in Pharmacy Medicare Revenue
2								0			
3	40-80	40160	30			48200-00-40160	60000	87,785	87,785		
4	40-80	40160	30			48200-00-40160	60130	26,468	26,468		
5	40-80	40160	30			48200-00-40160	60140	25,604	25,604		
6	40-80	40160	30			48200-00-40160	60310	251,271	251,271		
7								0			
8	40-80	40160	30			48200-00-40160	60350	10,455	10,455		
9	40-80	40160	30			48200-00-40160	60355	23,418	23,418	1	
10								0			
11	19	1000	20		9500001000	50310		(10,455)	(10,455)		
12	19	1000	20		9500001000	60470		10,455	10,455		
13								0			
14	40-90	1000	30		409050	50370		(23,418)	(23,418)		
15	40-90	1000	30		409001	60000		23,418	23,418		
16								0			
17	72-10	3500	20		705210	50316		(25,604)	(25,604)		
18	72-10	3500	20		705210	60330		25,604	25,604		
19								0			
20								0			
21								0			
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25								0			
26								0			
27								0			
28								0			
29								0			
									1	1	Total - Page 1
									1	1	GRAND TOTAL

**ANNUALIZED PERSONNEL CHANGE**

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	9355		Pharmacist		1.00	84,404	24,545	15,409	124,358
	9361		Program Supervisor		1.00	46,618	14,960	12,979	74,557
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					2.00	131,022	39,504	28,388	198,915

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
	9355		Pharmacist		0.67	56,551	16,445	13,625	86,620
	9361		Program Supervisor		0.67	31,234	10,023	11,979	53,236
									0
									0
									0
									0
									0
									0
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									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					1.34	87,785	26,468	25,604	139,857



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 12-7-06  
MEAGAN SWENSON, ASST BOARD CLERK

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-4  
Est. Start Time: 10:03 AM  
Date Submitted: 11/14/06

### BUDGET MODIFICATION:

**Agenda Title:** NOTICE OF INTENT to Apply for a National Association of City and County Health Officials Grant to Support Health Reserve Corps Program

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	<u>December 7, 2006</u>	<b>Time Requested:</b>	<u>5 min</u>
<b>Department:</b>	<u>Health</u>	<b>Division:</b>	<u>Director's Office</u>
<b>Contact(s):</b>	<u>Christine Bernsten</u>		
<b>Phone:</b>	<u>503-988-3663</u>	<b>Ext.</b>	<u>28751</u>
<b>Presenter(s):</b>	<u>Christine Bernsten</u>	<b>I/O Address:</b>	<u>160/8</u>

### General Information

**1. What action are you requesting from the Board?**

Authorize the Director of the Health Department to apply for grant funding from the National Association of City and County Health Officials (NACCHO) to support the Health Department's volunteer Health Reserve Corps program.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

The Health Department received funding from the Office of the Surgeon General to establish a volunteer Health Reserve Corps (HRC) from 2002-2005. The HRC is a voluntary unit made up of approximately 200 local licensed health care professionals who will be called upon to assist in the response to large-scale health or medical emergencies.

The Health Reserve Corps program provides a unique opportunity for health professionals to become a prepared and effective part of the health response to an emergency. Identifying and training providers prior to an emergency increases our county's ability to rapidly and effectively respond to community health needs as they occur.



Multnomah County Health Reserve Corps volunteers have participated in a number of response activities including Health Department emergency preparedness exercises, Project Homeless Connect, and Operation Welcome Oregon (local response to support Hurricane Katrina victims).

This grant award from NACCHO would allow us to continue to build our unit and ensure all volunteers receive adequate orientation to the program and their roles in an emergency.

**3. Explain the fiscal impact (current year and ongoing).**

If we are awarded the grant, MCHD will receive \$10,000 to support volunteer recruitment and orientation activities. This includes funds to pay for staff, procure necessary materials and services, and cover usual County indirect and internal services costs. The grant could be extended if the funder continues to provide grant awards in the coming years. No "match" or other County contribution is required.

If we are awarded the grant, the Health Department will submit a budget modification to incorporate any necessary changes into the budget.

**4. Explain any legal and/or policy issues involved.**

No significant legal or policy issues are anticipated.

**5. Explain any citizen and/or other government participation that has or will take place.**

The Health Reserve Corps (HRC) is made up of citizens who live or work in Multnomah County and are licensed health care providers. Citizens will participate in HRC orientation sessions, trainings and exercises, and be activated to support the Health Department's response to large-scale emergencies.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**  
The National Association of City and County Health Officials (NACCHO)
- **Specify grant (matching, reporting and other) requirements and goals.**  
This grant has no matching requirements. The goal of the grant is to support continued development and expansion of the Health Department's volunteer Health Reserve Corps. We will be required to report on activities on a quarterly basis.
- **Explain grant funding detail – is this a one time only or long term commitment?**  
At this time, this is a one time only commitment. We anticipate that NACCHO will continue to offer funding in the future but it is not certain at this time.
- **What are the estimated filing timelines?**  
December 15, 2006
- **If a grant, what period does the grant cover?**  
March 2007-March 2008
- **When the grant expires, what are funding plans?**  
Explore other funding sources to sustain activities.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
These costs can be covered by the grant.

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## ATTACHMENT B

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### Required Signatures

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Department/  
Agency Director:



Date: 11/15/06

Budget Analyst:



Date: 11/20/06

Department HR:

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

Countywide HR:

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



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-5 DATE 12-7-06  
MEAGAN SWENSON, ASST BOARD CLERK

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-5  
Est. Start Time: 10:05 AM  
Date Submitted: 11/13/06

### BUDGET MODIFICATION: LIB-03

**Budget Modification LIB-03 Reclassifying One Position in Finance Management  
Agenda and Administrative Support of the Department of Library Services, as  
Title: Determined by the Class/Comp Unit of Central Human Resources**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>December 7, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Library</u>	Division:	<u>Support Services</u>
Contact(s):	<u>Becky Cobb</u>		
Phone:	<u>503-988-5499</u>	Ext.	<u>85499</u>
	I/O Address:		<u>317/LibAdm</u>
Presenter(s):	<u>Leila Wrathall, Human Resources Manager or Ellen Ullrick, Senior HR Analyst</u>		

### General Information

**1. What action are you requesting from the Board?**

Request board approval to reclassify a 1.0 FTE library position.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

This is a management request to reclassify and realign a 1.0 position into two .50 positions at the appropriate classification level between Support Services and Neighborhood Libraries. The following reclassification has been approved by the County Class Comp Office:

A 1.0 FTE vacant Office Assistant 2 position (705337) in Finance Management & Administrative Support is converted into two 0.50 FTE positions. A 0.50 FTE Office Assistant Senior will be placed at Neighborhood Library Division Management and a 0.50 FTE Bilingual Library Clerk will be placed at Fairview Columbia Library. The Library's ongoing analysis of vacant positions has determined that this realignment would best meet the current and anticipated workload needs.

**3. Explain the fiscal impact (current year and ongoing).**

Because new positions are budgeted at step one, the conversions result in cost savings of \$1,194 which has been added back to the temporary budget in Support Services. There is no net dollar amount change in expenditure within the Library.

**4. Explain any legal and/or policy issues involved.**

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other nonmerit factor.

**5. Explain any citizen and/or other government participation that has or will take place.**

N/A

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## ATTACHMENT A

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### Budget Modification

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If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**

There is no change in revenue.

- **What budgets are increased/decreased?**

Personnel budget including indirect for Finance Management & Administrative Support decreases by \$34,944. Personnel budget including indirect for Neighborhood Libraries Division Management and Fairview Columbia Library increase by \$18,112 and \$16,832 respectively. There is no net dollar amount change in expenditure within the Library.

- **What do the changes accomplish?**

The conversions allow management to shift staff from Support Services to Neighborhood Library to meet workload demand at the appropriate skill level.

- **Do any personnel actions result from this budget modification? Explain.**

This is a management request to realign positions with workload at the appropriate classification level between Support Services and Neighborhood Libraries. The following reclassification has been approved by County Class Comp Office:

A 1.0 FTE vacant Office Assistant 2 position (705337) in Finance Management & Administrative Support is converted into two 0.50 FTE positions. A 0.50 FTE Office Assistant Senior will be placed at Neighborhood Library Division Management and a 0.50 FTE Bilingual Library Clerk will be placed at Fairview Columbia Library.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

There is no change to the indirect budget as there is no net dollar amount change in expenditure.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

NA

- **If a grant, what period does the grant cover?**

NA.

- **If a grant, when the grant expires, what are funding plans?**

NA

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense &amp; Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>
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## ATTACHMENT B

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BUDGET MODIFICATION: LIB-03

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### Required Signatures

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Department/  
Agency Director:



Date: 11/13/06

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Molly Raphael

Budget Analyst:

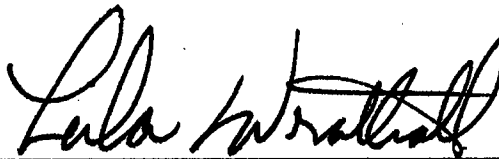


Date: 11/20/06

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Julie Neburka

Department HR:



Date: 11/13/06

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Leila Wrathall

Countywide HR:

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

Budget Modification or Amendment ID: **07-LIB-BM-03****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: **06-07**

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	80-30	1510			803410		60000	442,379	424,737	(17,642)		Permanent
2	80-30	1510			803410		60100	2,944	4,138	1,194		Temporary
3	80-30	1510			803410		60130	141,959	136,298	(5,661)		Salary Related Expense
4	80-30	1510			803410		60140	113,525	101,741	(11,784)		Insurance Benefits
5	80-30	1510			803410		60350	23,360	22,526	(834)		Central Indirect @ 2.46%
6	80-30	1510			803410		60355	6,077	5,860	(217)	(34,944)	Department indirect @ 0.64%
7									0			
8	80-50	1510			805110		60000	436,012	444,850	8,838		Permanent
9	80-50	1510			805110		60130	136,589	139,425	2,836		Salary Related Expense
10	80-50	1510			805110		60140	126,616	132,509	5,893		Insurance Benefits
11	80-50	1510			805110		60350	19,035	19,467	432		Central Indirect @ 2.46%
12	80-50	1510			805110		60355	4,952	5,064	112	18,112	Department indirect @ 0.64%
13									0			
14	80-50	1510			805250		60000	291,107	298,738	7,631		Permanent
15	80-50	1510			805250		60120	1,553	1,858	305		Premium Pay
16	80-50	1510			805250		60130	90,296	92,843	2,547		Salary Related Expense
17	80-50	1510			805250		60140	97,333	103,176	5,843		Insurance Benefits
18	80-50	1510			805250		60350	12,458	12,860	402		Central Indirect @ 2.46%
19	80-50	1510			805250		60355	3,241	3,345	104	16,832	Department indirect @ 0.64%
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



## ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

[illegible]

### CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1510	6001	61716	Office Assistant 2	705337	(1.00)	(17,642)	(5,661)	(11,784)	(35,088)
									0
1510	6002	61738	Office Assistant Sr.	705337	0.50	8,838	2,836	5,893	17,567
1510	7202	61745	Library Clerk (bilingual)	new	0.50	7,936	2,547	5,843	16,326
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
			<b>TOTAL CURRENT FY CHANGES</b>		<b>0.00</b>	<b>(868)</b>	<b>(279)</b>	<b>(48)</b>	<b>(1,194)</b>



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 12-7-06  
MEAGAN SWENSON, ASST BOARD CLERK

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-6  
Est. Start Time: 10:08 AM  
Date Submitted: 11/07/06

### BUDGET MODIFICATION: DCS - 03

**Budget Modification DCS-03 Appropriating Funds from the Oregon**  
**Agenda Department of State Police, Office of Emergency Management, 2005 Hazard**  
**Title: Mitigation Planning Grant in the Amount of \$10,000**

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

Date Requested:	<u>December 7, 2006</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Office of Emergency Mgmt</u>
Contact(s):	<u>Tom Hansell</u>		
Phone:	<u>503 988-5050</u>	Ext.	<u>29833</u>
		I/O Address:	<u>425</u>
Presenter(s):	<u>Jerry Elliott</u>		

### General Information

**1. What action are you requesting from the Board?**

Approval of the budget modifications to appropriate Grant funds in the County's FY 2006-2007 operating budget.

**2 Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

The State Office of Emergency Services awarded a \$10,000 grant to assist with the cost of creating Multnomah County's Natural Hazard Mitigation Plan. The plan was developed in an effort to reduce future loss of life and property resulting from natural disasters. The plan should be viewed as a living document that provides the County a system for long-term risk reduction from natural hazards.

**3. Explain the fiscal impact (current year and ongoing).**

The budget modification increases the FY 2007 budget appropriation in the Department of

Community Services by \$10,000 to assist with the costs of creating the plan.

**4. Explain any legal and/or policy issues involved.**

The plan is non regulatory in nature, meaning that it does not set forth any new County policies. It does, however, provide 1) a starting point or foundation for coordination and collaboration among agencies and the public in the County; (2) identify and prioritize future mitigation activities; (3) establish an official process for future development and implementation of mitigation activities, and (4) assist in meeting federal planning requirements and qualifying for assistance.

**5. Explain any citizen and/or other government participation that has or will take place.**

Community involvement was an important component in creating the plan. A broad base of stakeholders were consulted or involved as it was developed. A public forum was held to identify vulnerable issues that the community faces. Participants included key stake holders from county agencies, businesses, non-profits organizations, and other groups.

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## ATTACHMENT A

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### Budget Modification

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If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**

See budget worksheet.

- **What budgets are increased/decreased?**

Department of Community Services

- **What do the changes accomplish?**

Provides budgetary appropriations for professional services to fulfill grant objectives.

- **Do any personnel actions result from this budget modification? Explain.**

None

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

It will not be recovered.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

Revenue is one-time-only, designed to provide financial assistance to develop County Hazard Mitigation Plans. Through the region's cooperative efforts, the pursuit of new grant funds remains a priority.

- **If a grant, what period does the grant cover?**

Grant funds were received and deposited into the County Treasury. The grant was completed upon the State's acceptance of the County plan.

- **If a grant, when the grant expires, what are funding plans?**

The region will continue to seek other grant opportunities to sustain financial assistance in this program area.

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense &amp; Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>
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## ATTACHMENT B

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**BUDGET MODIFICATION: DCS - 03**

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### Required Signatures

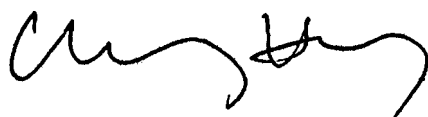
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**Department/  
Agency Director:**



**Date:** 11/06/06

**Budget Analyst:**



**Date:** 11/08/06

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**

Budget Modification ID: **DCS-03****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	91-20	20740	0020			EM011	50190	-	(10,000)	(10,000)		Increase Fed Thru State Rev
2	91-20	20740	0020			EM011	60170	0	10,000	10,000		Increase Professional Svcs
3									0			
4									0			
5									0			
6									0			
7									0			
8									0			
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										0	0	GRAND TOTAL



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/7/06  
Agenda Item #: E-1  
Est. Start Time: 10:30 AM  
Date Submitted: 11/09/06

### BUDGET MODIFICATION: -

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h)

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	December 7, 2006	<b>Time Requested:</b>	15 -30 mins
<b>Department:</b>	Non-Departmental	<b>Division:</b>	County Attorney's Office
<b>Contact(s):</b>	Agnes Sowle		
<b>Phone:</b>	503 988-3138	<b>Ext.</b>	83138
<b>I/O Address:</b>	503/500		
<b>Presenter(s):</b>	Agnes Sowle and Invited Others		

### General Information

1. What action are you requesting from the Board?  
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.  
Only Representatives of the News Media and Designated Staff are allowed to Attend.  
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.  
ORS 192.660(2)(e) and/or (h)
5. Explain any citizen and/or other government participation that has or will take place.

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## Required Signatures

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Department/  
Agency Director:



Date: 11/09/06

Budget Analyst:

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

Department HR:

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

Countywide HR:

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





## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/7/06  
Agenda Item #: E-1  
Est. Start Time: 9:00 AM  
Date Submitted: 11/09/06

### BUDGET MODIFICATION:

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h)

*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Date Requested:</b>	<u>December 7, 2006</u>	<b>Time Requested:</b>	<u>15 -30 mins</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>County Attorney's Office</u>
<b>Contact(s):</b>	<u>Agnes Sowle</u>		
<b>Phone:</b>	<u>503 988-3138</u>	<b>Ext.</b>	<u>83138</u>
<b>I/O Address:</b>	<u>503/500</u>		
<b>Presenter(s):</b>	<u>Agnes Sowle and Invited Others</u>		

### General Information

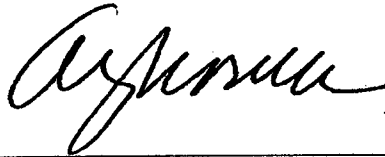
1. **What action are you requesting from the Board?**  
No Final Decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
Only Representatives of the News Media and Designated Staff are allowed to Attend.  
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**  
ORS 192.660(2)(e) and/or (h)
5. **Explain any citizen and/or other government participation that has or will take place.**

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 11/09/06

**Budget Analyst:**

**Date:**

**Department HR:**

**Date:**

**Countywide HR:**

**Date:**



## MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

### Board Clerk Use Only

Meeting Date: 12/07/06  
Agenda Item #: R-7  
Est. Start Time: 10:10 AM  
Date Submitted: 11/13/06

BUDGET MODIFICATION: -

**Public Hearing to Consider and Possibly Act Upon a Measure 37 Claim by Elinor Wiley for up to \$800,000 in Compensation or Relief from Regulations to Allow a Five Lot Subdivision and the Development of Four Additional Single Family Residences on Property Located at 13801 NW Charlton Road, Portland [T2N, R1W, SEC 16, TL 900] (Case File T1-06-048)**

Date Requested:	December 7, 2006	Time Requested:	30 mintues
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Derrick Tokos, Ken Born, Sandra Duffy		
Phone:	503-988-3043	Ext.	22682
		I/O Address:	455/116
Presenter(s):	Ken Born, Sandra Duffy		

### General Information

**1. What action are you requesting from the Board?**

Action requested is to provide a public hearing and render a decision regarding a Measure 37 claim submitted by Phillip Grillo, on behalf of property owner Elinor Wiley, to waive land use regulations which prohibit the division of property into five lots, and development of four additional single family dwellings on property located at 13801 NW Charlton Road. Land use planning has outlined an approach to deciding this claim in a staff report dated November 6, 2006.

**2. Please provide sufficient background information for the Board and the public to understand this issue.**

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces the fair market value of the property relative to how the property could have been used at the time the claimant acquired the property. As outlined in the staff report and memorandum from the County Attorney's Office dated June 8, 2006, this requirement has not been met.

The claimant, Elinor Wiley, is seeking up to \$800,000 in compensation or relief from land use

regulations to allow the 103.04 acre property to be divided into five parcels, with one home to be constructed on each newly created, vacant parcel.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.).

The use the claimant asserts has been restricted is her ability to partition the properties so that the resulting parcels can be sold for development. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimants and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would not be able to divide the property or develop a newly purchased parcel (were the claimants to divide) because they would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

Similarly, there is no reduction to the value of the property relative to use claimed because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimant and are of no value to a new owner. Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

It is for these reasons that staff recommends the Board of Commissioners deny this claim

**3. Explain the fiscal impact (current year and ongoing).**

The claimants assert a reduction in value of up to \$800,000.

**4. Explain any legal and/or policy issues involved.**

Policy and legal issues are outlined in a staff report from Land Use Planning dated November 6, 2006. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

**5. Explain any citizen and/or other government participation that has or will take place.**

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on August 14, 2006. No comments were received.

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject

property, including the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

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**Required Signatures**

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**Department/  
Agency Director:**



**Date:** 11/13/06

**Budget Analyst:**

**Date:** \_\_\_\_\_

**Department HR:**

**Date:** \_\_\_\_\_

**Countywide HR:**

**Date:** \_\_\_\_\_



**LAND USE & TRANSPORTATION  
PLANNING PROGRAM**

1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
PH: 503-988-3043 FAX: 503-988-3389  
<http://www.co.multnomah.or.us/landuse>

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## Staff Analysis of Measure 37 Claim

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The following matter is scheduled for public hearing, deliberation and possible action before the Multnomah County Board of Commissioners

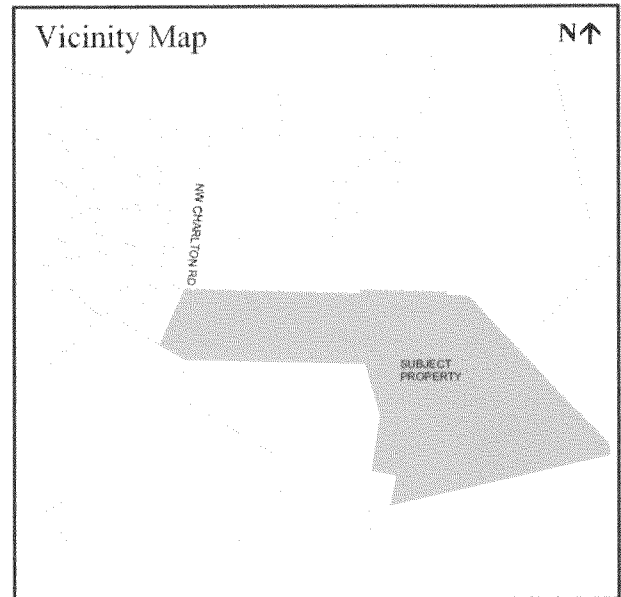
Hearing Date, Time, & Place:

**December 7, 2006 at 9:30 am** or soon thereafter, in the Commissioners' Board Room of the Multnomah Building, located at 501 SE Hawthorne, Portland, Oregon.

**Case File:** T1-06-048

**Claimants:** Elinor D. Wiley  
c/o Phillip E. Grillo  
Miller Nash LLP  
111 SW Fifth Ave, Suite 3400  
Portland, OR 97204

**Location:** 13801 NW Charlton Road  
TL 900, Sec 16, T2N, R1W, W.M.  
Tax Account # R971160060



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**Claim:** Up to \$800,000 in compensation or relief from land use regulations to allow the land to be divided into five lots and to develop at least four residential home sites in the EFU zone district.

**Zoning:** Exclusive Farm Use (EFU)

**Site Size:** 103.04 acres

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### Approach to Deciding the Claim:

For a claim to be valid, the land use regulations challenged must restrict the claimant's use of private real property in a manner that reduces the fair market value of the property relative to how it could have been used at the time the claimants acquired the property. As outlined in this report and memorandum from the County Attorney's Office dated June 8, 2006, this requirement has not been met because (a) dividing property in itself is not a "use" subject to the provisions of Measure 37, and (b) in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser of a subdivided parcel. Since the rights are not transferable there has been no reduction in the fair market value of the property.

## Staff Analysis

*(The following is a step-by-step evaluation of the claim, which consists of the application materials submitted by the claimants. The analysis is structured as a series of questions that must be answered to establish if a claim is valid, comparable to the methodology outlined in a February 24, 2005 memo authored by the State Attorney General's Office.)*

### **1. Has the owner made a complete written demand under Ballot Measure 37?**

**Yes. The materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.**

On July 7, 2006, the claimants submitted a completed Measure 37 Claim Form (Exhibit A.1); a Real Property Consulting Appraisal Report, prepared by PGP Valuation Inc., which includes a narrative, site description, estimated property valuation, and copies of the regulations which the claimant assert reduces the property value; the claimant's Measure 37 Claim submitted to the State of Oregon; (Exhibit A.4); and a copy of the deed which transferred ownership of the property to the claimants (Exhibit A.3). On July 10, 2006, the claimant submitted a \$1500 deposit to the County in order to process the claim.

### **2. Did the claimant acquire the property before the laws in question were adopted?**

**Yes. The Claimants obtained an interest in the property on September 7, 1955 (Exhibit A.3) prior to the county adopting the challenged regulations set out in the claim.**

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". A copy of the zoning map is included as Exhibit B.1. A copy of the corresponding F-2 regulations is presented as Exhibit B.2. The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

A deed submitted by the claimant (Exhibit A.3), shows that they acquired the property on September 7, 1955. County assessment records identify the claimant as the current owner of the property. These documents, the title report, and other information provided by the claimant show continual ownership since 1955 and are sufficient to establish that they acquired an interest in the property prior to the county adopting the EFU regulations.

### **3. Have the challenged regulations restricted the use of the property?**

**No. The claimant has failed to establish that the challenged regulations have restricted her use of the property.**

The use the claimant asserts has been restricted is her ability to partition the properties. The appraisal submitted by the applicant assumes the landowner will be able to convey the property for development purposes. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimants and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because they would not be able to divide the property or develop a newly purchased parcel (were the claimant to divide) because they would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, staff finds this claim seeking the right to partition the property to be invalid.

**4. *Have the regulations reduced the fair market value of the properties?***

**No. The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.**

A reduction in value has not occurred because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimants and are of no value to a new owner. For instance, the current Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation also provided his department's interpretation on the reduction of value issue for this claim (Exhibit D.1):

I have reviewed the appraisal report prepared by Rick Walker. I found the report well written and the estimates of value well supported.

The claim asks for compensation of up to \$800,000 or relief from current land use regulations to divide the property into 5 lots and to develop at least four residential home sites within the EFU zone district. As the ability to transfer development rights is not allowable there appears to be no loss in value to the property.

**Public Comment**

**After a claim for compensation is declared complete pursuant to MCC 27.520(B), the Director shall mail notice of the claim to the claimant, other owners of record of the property, and all owners of property within 750 feet of the subject property. Additional mail notice shall be sent to**



**any public entities with land use regulatory authority over the property and other organizations or persons as the Director may designate (MCC 27.530(A)).**

Pursuant to the provisions of MCC 27.530, a 14-day Opportunity to Comment packet was mailed on August 14, 2006. No comments were submitted. Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

### **Conclusion**

In conclusion, the claimant has failed to establish that regulations preventing her (or others) from dividing the property in order to develop homes on the new parcels have resulted in a restriction of their use of the land and reduction in its value. Dividing property is not a "use" subject to the provisions of Measure 37 and, in any event, development rights gained through a waiver are personal to the claimants and cannot be transferred to a purchaser.

Consequently, staff recommends that the Board of Commissioners deny this claim.

Issued by:

By: Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director

Date: November 6, 2006

### **Exhibits**

Copies of the exhibits, referenced herein, and all other materials submitted to the County related to this claim are included in the case record that is on file at the Land Use and Transportation Planning Office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Signed Measure 37 Application Form	07/07/06
A.2	99	Real Property Consulting Appraisal Report	07/07/06
A.3	2	Deed Information: 1. Warranty Deed, Recorded in Book 1743, Pages 598-599, January 14, 1953 (Alexander to Wiley)	07/07/06
A.4	10	State of Oregon Measure 37 Claim Form	07/07/06
A.5	1	Designation of applicant's representative	07/07/06
'B'		Staff Exhibits	Date
B.1	1	Zoning Map in Effect on 9/7/1955	N/A
B.2	1	Current Zoning Map	N/A

B.3	1	Assessment and Taxation Property Information	N/A
B.4	1	Assessment and Taxation Parcel Record Card	N/A
'C'		Administration & Procedures	Date
C.1	4	Opportunity to Comment	08/14/06
C.2	2	Abatement Offer Letter	10/10/06
'D'		Comments Received	Date
D.1	1	Memorandum: Multnomah County Division of Assessment and Taxation, Bob Alcantara	11/09/06
D.2	1	Memorandum: Multnomah County Attorney's Office, Sandy Duffy	11/08/06

**Multnomah County Attorney's Office**  
**501 S.E. Hawthorne Blvd., Suite 500**  
**Portland, Oregon 97214**

**PHONE: 503.988.3138**  
**FAX 503.988.3377**



## **MEMORANDUM**

**To: Derrick Tokos, Principal Planner**

**From: Sandy Duffy, Assistant County Attorney**

**Re: All Measure 37 Land Divisions Are Facially Invalid**

**Date: June 8, 2006**

### **INTRODUCTION:**

A substantial portion of the Measure 37 claims being submitted to Multnomah County are for partitions or subdivisions. MCC 27.530(O) authorizes the Planning Director to determine whether a claim is invalid on its face and to recommend to the Board of County Commissioners that the claim be denied. The question this memorandum addresses is whether claims for land divisions are invalid on their face. This memorandum is intended as guidance for the Planning Director and the land use planners who are reviewing Measure 37 claims.

Set out below is the County's legal analysis addressing whether partitioning and/or subdividing land is a "use" of land which is subject to the provisions of Measure 37 and whether development rights gained through a waiver are personal to the claimant are transferable to a purchaser of a subdivided parcel. If the development rights are not transferable, there has been no "... reduc[tion in] the fair market value of the property," which is required for a valid Measure 37 claim.

## **DISCUSSION:**

### **A. County land division regulations do not restrict the owner's "use" of the property.**

The meaning of the term "use" in the Measure is a critical factor in determining the validity of claims, as well as the governing bodies' authority to pay compensation or to waive<sup>1</sup> regulations. Section (1) of the Measure requires compensation from the County if it enforces an ordinance that "restricts the *use* of private real property."

As an alternative to paying compensation, the Measure, in Section(8) authorizes the governing body to: "...modify, remove or not to [sic] apply the land use regulation or land use regulations to allow the owner to *use* the property for a *use* permitted at the time the owner acquired the property."

If the county land division regulations (MCC 33.7700 – 33.8035) are a *use* restriction, the Board may pay compensation or waive the regulations which would allow Measure 37 claimants to partition or subdivide their parcels.

#### **(1) Land division ordinances as land use regulations in Measure 37.**

The proponents of the Measure give import to the fact that the Measure defines "land use regulation" in subsection (11)(B) as including "land division ordinances." First, land division ordinances do not specify how a property is to be *used*. Land division ordinances set out the requirements for and procedures to partition or subdivide parcels of land.

Second, on February 24, 2005, the Attorney General's Office issued a Measure 37 letter-opinion to Lane Shetterly, Director of DLCD. That letter-opinion makes it very clear that a

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<sup>1</sup> Waiver is a term used in this memorandum in lieu of the Measure 37 language which authorizes the governing body to "modify, remove or not to [sic] apply the land use regulation..."

waiver is valid only if a *series* of conditions are met<sup>2</sup>, including: “The law [county code] restricts the use of private real property or any interest therein,” and “The law [county code] has the effect of reducing the fair market value of the claimant’s property or any interest therein.” Inclusion of a type of regulation within the definition of “land use regulation” does not necessarily mean that it is a “use” regulation which restricts the use and diminishes the value of property, giving rise to a Measure 37 claim.

Finally, the two sections of the Measure (the definitions and the requirement that a restriction in use diminish the value), must be read in context and effect must be given to both, if possible. The general definition provision will not take precedence over the substantive provision requiring a restriction in *use* and a diminution in value to prove a valid claim under the Measure.<sup>3</sup>

## (2) Interpreting the word “use.”

When construing a statute, the court’s task is to determine the intent of the legislature. The best indication of legislative intent is the text of the statute. Only if the court finds the test is ambiguous will the court analyze the legislative history of the statute. *PGE v. Bureau of Labor and Industries*, 317 Or 606, 859 P2d 1143 (1993); ORS 174.010. The same analysis applies whether the statute was enacted by the legislature or through the initiative process. *Stranahan v. Fred Meyer, Inc.*, 331 Or 61; 11 P3d 228 (2000).

The term “use” is undefined in the Measure which means it is to be interpreted in its common, everyday meaning. The common meaning of “use,” in the context of land use

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<sup>2</sup> The same holds true for a determination to pay compensation. There must be a valid Measure 37 claim which meets the same series of conditions.

<sup>3</sup> ORS 174.020(2) “When a general and particular provision are inconsistent the latter is paramount to the former so that a particular intent controls a general intent that is inconsistent with the particular intent.”

regulations, includes such uses as: rural residential use, commercial use, farmland use, forestland use, industrial use, community service use.<sup>4</sup> Those broad categories of uses are subdivided into more specific uses in the zoning code. For example, rural residential allowed uses include: raising and harvesting of crops, raising livestock and honeybees, and family day care.<sup>5</sup> All of these uses can take place on a parcel of land without subdividing the parcel.

The common dictionary definition of the word “use” is:

*“The act of using or the state of being used.” Webster’s New Universal Unabridged Dictionary, Second Edition, (Dorset and Baber 1989).*

The legal definition of the word “use” is:

*“The application or employment of something; esp., a long-continued possession and employment of a thing for the purpose for which it is adapted, as distinguished from a possession and employment that is merely temporary or occasional <the neighbors complained to the city about the owner’s use of the building as a dance club>.” Black’s Law Dictionary, Seventh Edition, West Group, St. Paul Minn., (1999).*

Both of these definitions contemplate active employment of the land for a specific purpose. The acts to subdivide land (applying for a land use permit, obtaining a title report, obtaining a survey, recording a plat) do not involve the employment of land. Subdividing is preparation for a use of the land, but is not, itself, a use.

Other than *MacPherson*<sup>6</sup>, there are no cases to date interpreting the language of Measure 37, however, the Court of Appeals, in *Parks v. Tillamook County*, 11 Or App 177 (1972),

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<sup>4</sup> This is a representative sample of some of the uses contained in MCC Chapter 33; there are many others but none of them include partitions or subdivisions.

<sup>5</sup> These are examples from MCC Chapter 33.

<sup>6</sup> *MacPherson v. Department of Administrative Services*, 340 Or 117, 130 P3d 308 (2006) found Measure 37 to be constitutional.

recognized that platted but undeveloped land is not regarded as a “use” in zoning law.<sup>7</sup> It follows that the process of subdividing land would not be a “use” of land either.

(3) The Attorney General concludes Measure 37 rights are not transferable.

The Attorney General’s letter-opinion to the Director of DLCD also reviews the voter’s pamphlet statements for voter intent on transferability of Measure 37 relief. Some of that discussion may be relevant as legislative history of voter’s intent on whether the Measure was intended to allow subdivision of qualified parcels. It states:

*The arguments in favor include 40 submissions ...slightly more than half of the arguments discuss the perceived adverse effects of land use laws in the abstract... slightly fewer than half are statements about how land use laws are preventing a specific owner from putting his or her property to some particular current use. All of those specific concerns could be remedied either by a decision that is personal to that owner or one that ran with the land, with the possible exception of several owners who expressed dissatisfaction with not being able to subdivide their property and give parcels to descendants, sell them to third parties, or both. Allowing an owner to subdivide property by not applying a prohibition would do him no good, of course, unless the subdivision remained lawful after its transfer to one or more new owners. Existing laws generally allow new owners to perpetuate non-conforming uses that were lawful when instituted, but it is not certain whether all would apply to a decision under Measure 37. See, e.g., ORS 215.130. [non-conforming use statute – footnote omitted] None of the arguments in favor addresses whether subsequent purchasers would acquire the rights, or step into the shoes, of owners covered by the measure. Likewise, no argument directly mentions the effect of laws on property’s resale value, although one argument states that they restrict the use of home equity to fund owners’ retirements. The latter implies an adverse effect on resale value, which might be recognized by discerning voters as a problem that would only be remedied if the exemptions ran with the land. On the other hand, an argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new “date of acquisition” for purposes of determining what laws may give rise to a claim. This is a clear statement that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the*

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<sup>7</sup> At 196.

*property, then only laws adopted after the new owner acquired the property create a right to relief. (Emphasis added.)*

The opinion, in a footnote to this quoted section, which related to the non-conforming use statute (ORS 215.130), questions whether Measure 37 implementing ordinances, adopted by local governments, can confer non-conforming use status upon transferred properties. The footnote states:

*“This statute [ORS 215.130] allows the continuation of uses that have been made unlawful by a subsequent change in the law. But if a decision to grant non-monetary relief under Measure 37 is personal to the owner, uses covered by an [sic] decision would be made unlawful not by a change in the law but by a change in ownership, which does not come under ORS 215.130. Therefore, voters whose decision to support the measure was motivated by the arguments about subdivision restrictions presumably expected either that a decision to grant non-monetary relief would run with the land or that existing law would not require that a subdivision be undone upon the property’s sale. Additional legislation may be needed to implement that intent.” (Page 6.) (Emphasis added.)*

This footnote implies that the voter’s pamphlet “legislative history” probably includes an intent to perpetuate a legal use of the property upon transfer, but it does not fit into the nonconforming use statute because the trigger is sale, not change in land use laws. This footnote seems to suggest that the nonconforming use statute (ORS 215.130) could be amended by the legislature to add the sale of Measure 37 properties as creating a nonconforming use.

In light of the Attorney General’s letter-opinion, the *Parks* case, common land use parlance, the dictionary definitions of “use,” and the failure of the Measure to specifically authorize partitions or subdivisions in zones where those actions are prohibited, this Court should interpret Measure 37 to exclude a subdivision or partition of land as a “use” of land.



**B. A “diminished value” relies on an erroneous assumption of transferability.**

Even assuming an owner’s evidence of value is legally sufficient to support a finding in his/her favor, it is erroneously predicated on an assumption that the owner can sell his/her properties with Measure 37 historical rights to use the property intact.

If Measure 37 rights do not transfer with the sale of a property, the property has only the value it will have in the hands of the purchaser with *current* applicable regulations.

**(1) Regulatory Relief is Personal to the Present Owner**

Regulatory relief under ORS 197.352 is personal to the present owner of the property. When the County finds that a claimant meets the standards for relief under ORS 197.352, the County may, in lieu of compensation, waive land use regulations “to allow *the owner* to use the property for a use permitted at the time *the owner* acquired the property.” ORS 197.352 (8) (emphasis added). The statute then defines “owner” as the “present owner of the property.” ORS 197.352 (11)(C). Therefore, the regulatory relief authorized by the statute as an alternative to compensation is personal to the present owner.

This conclusion is consistent with the advice the Oregon Attorney General (“AG”) has given to State agencies. In a letter dated February 24, 2005, to the Director of the Department of Land Conservation and Development, the AG writes that a decision “to ‘not apply’ a law would necessarily be personal to the owner submitting the claim.” The letter cites to and relies on arguments made by the proponents of the statute that were presented in the Voters Pamphlet:

“[A]n argument in favor of the measure by the chief petitioners expressly states that if an owner entitled to Measure 37 compensation conveys her property, that will establish a new ‘date of acquisition’ for purposes of determining what laws may give rise to a claim. This is a clear statement

that the chief petitioners expected that the relief available under the measure depends on when the current owner acquired the property – that the relief is personal to the current owner. If the current owner is eligible for relief, but sells the property, then only laws adopted after the new owner acquired the property create a right for relief.”

Any rights obtained by and owner pursuant to a state waiver or a county waiver are personal to the owner with Measure 37 rights and may not be transferred to subsequent owners. Because a subsequent owner would acquire the property subject to all laws in effect on the date the subsequent owner acquired it, the subsequent owner would not acquire a “buildable lot.”

Property owners who are making Measure 37 claims to Multnomah County are claiming that they are entitled to compensation in some identified amount based on an assertion that they can divide the property into some specific number of “buildable lots.” The core of this claim is the assertion that, absent zoning regulations enacted after date of owner acquisition, the claimant could divide the property into some specified number of “buildable lots.” However, as noted above, any rights obtained pursuant to a claim filed under ORS 197.352 are personal to the claimant and do not transfer with the property. Accordingly, a purchaser of a lot from a Measure 37 owner will acquire the property subject to all laws currently in effect and current laws do not allow new dwellings on the lots in contravention of the current regulations.<sup>8</sup>

Because the lots cannot be sold as residential building sites, they have no real market value for residential use and regulations that prohibit their creation do not reduce the property’s value.

(2) Plaintiff cannot divide land because land division is not a “use”.

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<sup>8</sup> State and local laws allow new dwellings in commercial forest zones only under very limited circumstances – none of which would apply to the subdivision lots created pursuant to this claim. See e.g. ORS 215.705, 215.720, 215.730, 215.740 and 215.750; Multnomah County Code (“MCC”) 33.2220, 33.2225, 33.2230, 33.2235 and 33.2240.

See Section A(3) above. (The Attorney General concludes Measure 37 rights are not transferable.)

If Measure 37 rights do not run with the land, then Plaintiff's property has no enhanced value in the eyes of a potential purchaser and no diminution in value attributable to current regulations.

#### **CONCLUSION:**

Partitioning and subdividing land is not a "use" of land which is subject to the provisions of Measure 37. Development rights gained through a waiver are personal to the claimant and are not transferable to a purchaser of a subdivided parcel. Because the development rights are not transferable, there has been no reduction in the fair market value of the property, which is required for a valid Measure 37 claim. A potential purchaser will only pay the fair market value of the property with land use restrictions in place because those restrictions will apply to the purchaser.

## Script for December 7, 2006 Elinor Wiley Measure 37 Hearing

### INTRODUCTION:

**Chair:** This is the time set for public hearing on the claim of **Elinor Wiley** under Ballot Measure 37. I am Diane Linn, Chair of the Multnomah County Board of Commissioners. Also in attendance are Commissioners \_\_\_\_\_ [name each Commissioner].

All information relevant to the claim may be submitted and will be considered in this hearing. The evidence may be in any form including oral and written testimony, letters, petitions or other written material, slides, photographs, maps drawings or other items.

The Commission will base its decision on the evidence presented, along with the information on the claim in the Planning file. The Board decision will be by Order adopted by the Board.

### DISCLOSURES:

**Chair:** Board members are required to disclose the content of any *ex parte* contacts. Any Board member who has received any factual information obtained outside the information provided by the county planning staff or this hearing is an *ex parte* contact. A visit to the property is considered an *ex parte* contact. Any *ex parte* contacts should be disclosed at this time. Such disclosures should include the time and date of the visit, what he/she observed, who (if anyone) the Commissioner talked to at the site and any other relevant facts or observations obtained as a result of the site visit.

**Chair:** I have *no ex parte* contacts to disclose.

*or if the Chair has disclosures to make*

I have the following disclosures to make: \_\_\_\_\_

**Chair:** [Invite the other Commissioners to make any necessary disclosures.)  
Commissioner Rojo de Steffey? Commissioner Naito? Commissioner Cruz?  
Commissioner Roberts? [If there are none, each Commissioner should say "none" on the record.]

[If there are disclosures of *ex parte* contacts, the claimant and the public should be given an opportunity to rebut the substance of any disclosure. "Does anyone have any rebuttal testimony relating to any disclosure?"]

**Chair:** Board members are also required to disclose any conflicts of interest and to recuse themselves from deliberation and voting if a conflict exists. It is deemed a conflict of interest if any Board member, or a member of his/her immediate family or household, has a financial interest in the outcome of a matter before the Board. It is a conflict of interest if a Board member lives within the geographical area entitled to notice of a claim.

## **Script for December 7, 2006 Elinor Wiley Measure 37 Hearing**

**Chair:** Does any Board member, or a member of his/her immediate family or household, have a financial interest in the outcome of matter now before us?

I do [do not] have a financial interest in the outcome of this matter. [Invite other commissioners to make any necessary disclosures.] Rojo de Steffey? Naito? Cruz? Roberts? [If yes, that person must recuse himself/herself on the record.]

Does any Board member live within the geographical area entitled to notice of claim?

I do [do not] live within the geographical area. Rojo de Steffey? Naito? Cruz? Roberts?

[Any commissioner who lives within the relevant geographical area must recuse himself/herself. MCC 7.540]

### **CONDUCT OF THE HEARING:**

**Chair:** I will ask for testimony and other evidence in the following order:

1. Staff report
2. Claimant or claimant's representative
3. Others who wish to be heard on the claim
4. Commission discussion, questions, deliberation
5. Future scheduling if necessary

### **HOW TO PRESENT TESTIMONY:**

**Chair:** There are testimony cards at the back of the room and should be filled out by anyone wishing to testify. The claimant need not fill out a card. The cards should be given to the Board Clerk.

1. State your name and address before you begin your presentation
2. Avoid repetitive testimony
3. During the hearing, I ask those in the audience to refrain from any demonstration in support or opposition to the claim.

**Chair:** [Ask for testimony in the order listed above]

### **AT THE CONCLUSION OF THE TESTIMONY:**

**Chair:** [Ask for Board discussion, questions, deliberation, motion and/or future scheduling if necessary]

**BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

**ORDER NO. \_\_\_\_\_**

Order Denying Ballot Measure 37 Request of Elinor Wiley Relating to Real Property Located at 13801 NW Charlton Road, Multnomah County, Oregon.

**The Multnomah County Board of Commissioners Finds:**

- a. **Party:** Elinor Wiley is a Ballot Measure 37 claimant who filed a demand for compensation to Multnomah County on July 7, 2006.

- b. **Subject Real Property:** This claim relates to real property commonly known as 13801 NW Charlton Road, Multnomah County, Oregon more specifically described as:

Tax Lot 900, Sec 16, T2N, R1W, W.M.  
Tax Account # R971160060

- c. **Adequacy of Demand for Compensation:**

On July 7, 2006, the claimant submitted a completed Measure 37 Claim Form; a Real Property Consulting Appraisal Report, prepared by PGP Valuation Inc., which includes a narrative, site description, estimated property valuation, and copies of the regulations which the claimant assert reduces the property value; the claimant's Measure 37 Claim submitted to the State of Oregon; and a copy of the deed which transferred ownership of the property to the claimant. On July 10, 2006, the claimant submitted a \$1500 deposit to the County in order to process the claim.

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

A deed submitted by the claimant, shows that she acquired the property on September 7, 1955.

The property was encumbered by interim zoning on May 26, 1953 and August 4, 1955. Permanent zoning was put in place on July 10, 1958. The claimant's appraisal assumes zoning in effect on November 15, 1962 as pre-dating the acquisition date for purpose of their analysis. The 1962 zoning and maps are consistent with what was adopted in 1958. The zoning designation applied to the property was known as "F-2". The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. Current Exclusive Farm Use (EFU) zoning requires newly created properties from a land division to be at least 80-acres in size (MCC 34.2660(A)). EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

County assessment records identify the claimant as the current owner of the property. These documents, the title report, and other information provided by the claimant show continual ownership since 1955 and are sufficient to establish that she acquired an interest in the property prior to the county adopting the EFU regulations.

The Board finds that the Claimant obtained an interest in the property on September 7, 1955 prior to the county adopting the challenged regulations set out in the claim; and, has retained continual ownership since that date.

**e. County Codes as a Restriction on Use of the Property:**

The use the claimant asserts has been restricted is her ability to partition her 103.04 acre property. The appraisal submitted by the applicant assumes the landowner will be able to convey the property for development purposes. Multnomah County's interpretation of the law as reflected in its Measure 37 ordinance is that dividing property in itself is not a 'use' of land subject to the provisions of Measure 37 and that development rights gained through a waiver are personal to the claimant and will result in no restriction in use if transferred to a third party. No restriction in use would occur for the third party because he/she would not be able to divide the property or develop a newly purchased parcel (were the claimant to divide) because he/she would be subject to the current Exclusive Farm Use regulations which prohibit the partition and dwellings.

This legal issue is analyzed in detail within a memo prepared by the Assistant County Attorney, Sandra Duffy, dated June 8, 2006. For the reasons outlined in this legal memorandum, the Board finds this claim seeking the right to partition the property to be invalid.

The Board finds that the claimant has failed to establish that the challenged regulations have restricted her use of the property.

**f. County Codes have not reduced the value of the property.**

A reduction in value has not occurred because development rights cannot be transferred. Even if a partition could have been approved at the time the owners acquired the property, Measure 37 rights are personal to the claimant and are of no value to a new owner. For instance, the current Exclusive Farm Use zoning regulations would be applied once a newly created parcel is sold to a new owner. These regulations would prohibit the establishment of a dwelling on the property rendering it unbuildable. Because the resulting parcels would have no development value, no reduction in value will occur as compared to the present value of the property under the current EFU zoning regulations (i.e. five, 20 acre parcels are of no more value as farmland than a 100 acre property).

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation also provided his department's interpretation on the reduction of value issue for this claim. He states:

I have reviewed the appraisal report prepared by Rick Walker. I found the report well written and the estimates of value well supported.

The claim asks for compensation of up to \$800,000 or relief from current land use regulations to divide the property into 5 lots and to develop at least four residential home sites within the EFU zone district. As the ability to transfer development rights is not allowable there appears to be no loss in value to the property.

The Board finds that the claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

**g. Public Notice**

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, including the claimant. A public hearing was held on December 7, 2006. Deliberation and action on this item was taken after interested citizens had an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

**h. Validity of Claim for Compensation: The Board finds that:**

(1) Claimant made a demand for compensation under the requirements set forth in Ballot Measure 37 by describing the use being sought, by identifying the regulations that prohibit the use, and by submitting evidence that land use regulations have reduced the value of the property;

(2) Claimant provided evidence to prove that she acquired the property on September 7, 1955, before the adoption of regulations challenged in the claim;

(3) The claimant has failed to establish that the challenged regulations have restricted her use of the property; and

(4) The claimant has failed to establish that the challenged regulations have reduced the fair market value of the property.

**The Multnomah County Board of Commissioners Orders:**

**Claimant's request is denied.**

ADOPTED this 7th day of December, 2006.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Sandra Duffy, Assistant County Attorney



## **HIGHEST AND BEST USE – AS PREVIOUSLY ZONED**

In the "As-Previously Zoned" situation, the most significant factor that will affect the highest and best use conclusion is the allowance for residential uses on building sites of two acres or greater. Unlike the current EFU zoning, the F-2 zoning does not require any threshold test to warrant a dwelling use other than a two acre minimum site size. Given the soil types and on-going residential uses of the subject property, further subdivision of the property in compliance with the previous F-2 zoning will generate a number of potential, acreage, building sites. For analysis purposes, only four building sites will be assumed west of the Gilbert River on approximately 30 acres of land. This will allow for the future homes to be built on that area of the subject where the soil types and flood issues do not need additional research, and an access road does not need to cross the Gilbert River. Upon further research, of soil conditions and groundwater elevations, there may be a greater number of potential homesites. The remaining 73 acres east of the Gilbert River will be valued as Farmland with recreational attributes, using the sales data presented in the "As Is" Valuation section.

A copy of the F-2 zoning code is presented in the Addenda if questions arise.

### **CONCEPT SITE PLAN MAP**

