



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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Portland, Or 97214

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JANUARY 4, 2007

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Appointment of 2007 Vice-Chair
Pg 3	9:30 a.m. Opportunity for Public Comment
Pg 3	9:40 a.m. Resolution Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management
Pg 3	9:45 a.m. First Reading and Possible Adoption of an Ordinance Combining the Office of School and Community Partnerships with the Department of County Human Services
Pg 3	9:50 a.m. Resolution Consenting to Chair Appointment of Joanne Fuller as Director of the Department of County Human Services
Pg 5	10:45 a.m. Update on Priority-Based Budgeting Performance Measures

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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

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Thursday, January 4, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Appointment of Commissioner District 1 Maria Rojo de Steffey as Multnomah County Vice-Chair for the 2007 Calendar Year Pursuant to Section 3.60 of the Multnomah County Home Rule Charter

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, ROBERT BARNER
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to PATRICK G. AND ELIZABETH B. BOYLSTON
- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DIEGO FLORES
- C-4 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the FOURBS TRUST
- C-5 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to SUN MO & HI MYUNG KOO
- C-6 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, LEGAL REPRESENTATION LLC
- C-7 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to ROBERT J. & ANNETTE S. LEVY
- C-8 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to AMADOU D. LO
- C-9 RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, REBECCA CHASE
- C-10 Amendment 2 to Intergovernmental Agreement 0405013 with the City of Portland to Extend the Urban Area Security Initiative Grant Time Period through June 30, 2008

SHERIFF'S OFFICE

- C-11 Amendment 1 to Expenditure Contract 0405119 with the City of Gresham to Continue the Combined Special Emergency Response Team

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT

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.

NON-DEPARTMENTAL - 9:30 AM

- R-1 PROCLAMATION Proclaiming January 4, 2007 A Day of Mourning in Remembrance of Gerald R. Ford, Thirty-Eighth President of the United State of America
- R-2 RESOLUTION Confirming the Interim Designations for Multnomah County Chair, Multnomah County Commissioner District 2, Multnomah County Commissioner District 4, Multnomah County Auditor and Multnomah County Sheriff, in the Event of a Vacancy
- R-3 RESOLUTION Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management
- R-4 First Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code by Abolishing the Office of School and Community Partnerships (Chapter 25) and Combining it with the Department of County Human Services (Chapter 23), and Declaring an Emergency
- R-5 RESOLUTION Consenting to Chair Appointment of Joanne Fuller as Director of the Department of County Human Services
- R-6 RESOLUTION Adopting Rules for Board Meetings and Repealing Resolution 05-101
- R-7 Authorizing Settlement of *Estate of Anthony Delarosa v. Multnomah County*, Multnomah County Circuit Court Case No. 0609-10046
- R-8 RESOLUTION Ratifying and Establishing Multnomah County Law Library Fees Under ORS 21.350

DISTRICT ATTORNEY'S OFFICE - 10:05 AM

- R-9 Budget Modification DA-01 Appropriating \$48,996 Grant Revenue from the Community Oriented Policing Methamphetamine Initiative
- R-10 Budget Modification DA-02 Appropriating \$223,594 Grant Revenue from the Bureau of Justice Assistance Anti-Gang Initiative

SCHOOL AND COMMUNITY PARTNERSHIPS - 10:10 AM

- R-11 Budget Modification OSCP-08, Increasing the Office of School and Community Partnerships Fiscal Year 2007 Budget by \$52,855 in Grant Funding and Adding .58 FTE (1 FTE Annualized) for the Energy Services Program

DEPARTMENT OF COUNTY HUMAN SERVICES - 10:15 AM

- R-12 RESOLUTION Appointing Joanne Fuller, Patrice Botsford, and Karl Brimmer as County Financial Assistance Administrators for the State of Oregon Department of Human Services, 2005-2007 County Financial Assistance Intergovernmental Revenue Agreement 0506026 (State #113012)

DEPARTMENT OF HEALTH - 10:20 AM

- R-13 NOTICE OF INTENT to Submit a Proposal in Response to the Environmental Protection Agency Targeted Grants to Reduce Childhood Lead Poisoning Program

DEPARTMENT OF COMMUNITY SERVICES - 10:25 AM

- R-14 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Relating to the Central Eastside Zoning Project, in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-15 RESOLUTION Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Clara Smith Road
- R-16 RESOLUTION Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Salzman Road

BOARD COMMENT - 10:30 AM

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.

Thursday, January 4, 2007 - 10:45 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Update on Priority-Based Budgeting Performance Measures. Presented by Sarah Landis, Management Auditor/Senior and Matt Nice, Budget Office Evaluation. 1 HOUR REQUESTED.

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

Cable coverage of the 2007-2008 budget work sessions, hearings and Thursday Board meetings will be produced through MetroEast Community Media. Check the weekly Board meeting agenda or call 503 667-8848, extension 332 for further info or log onto <http://www.mctv.org> for the cable channel program guide/playback schedule. The sessions, hearings and Board meetings will also be available for viewing via media streaming at <http://www.co.multnomah.or.us/cc/pastmeetings.shtml>. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

Mon, Jan 8

9:30 a.m. to 11:30 a.m.

Budget Work Session Affirming Fiscal Parameters, Strategies, Maps, Indicators and Requests for Offers

Mon, Jan 8

1:00 p.m. to 3:00 p.m.

Budget Work Session Affirming Fiscal Parameters, Strategies, Maps, Indicators and Requests for Offers

Thu, Jan 25

9:30 a.m.

Second Quarter Financial Report and General Fund Forecast Update

Wed, Mar 7

1:30 p.m. to 3:30 p.m.

Budget Work Session on Program Offer Review, Learnings

Thu, Mar 8

12:30 p.m. to 2:30 p.m.

Budget Work Session on Program Offer Review, Learnings

Wed, Mar 21

9:30 a.m. to 11:30 a.m.

Budget Work Session on Composite Rankings with Outcome Teams

Wed, Mar 21

1:00 p.m. to 3:00 p.m.

Budget Work Session on Composite Rankings with Outcome Teams

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

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Wed, Mar 28

9:00 a.m. to 12:00 p.m.

Budget Work Session on Results of Program Offer Rankings Round 2

Thu, April 12

9:30 a.m.

Third Quarter Financial Report and General Fund Forecast Update

Thu, April 19

9:30 a.m. to 12:00 p.m.

***Chair Ted Wheeler's 2007-2008 Executive Budget Message
Public Hearing and Consideration of Resolution Approving 2007-2008 Executive Budget for Submission to Tax Supervising and Conservation Commission***

Tue, April 24

9:30 a.m. to 12:00 p.m.

Budget Work Session if needed

Tue, April 24

6:00 p.m. to 8:00 p.m.

Public Hearing on the 2007-2008 Multnomah County Budget - Multnomah County East Building, Sharron Kelley Conference Room, 600 NE 8th, Gresham

Thu, April 26

9:30 a.m.

Public Hearing and Consideration of Approval of the 2007-2008 Dunthorpe Riverdale Sanitary Service District No. 1 Proposed Budget for Submittal to Tax Supervising and Conservation Commission

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

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Thu, April 26 - continued
9:30 a.m.

Public Hearing and Consideration of Approval the 2007-2008 Mid-County Street Lighting Service District No. 14 Proposed Budget for Submittal to Tax Supervising and Conservation Commission

Tue, May 1
9:30 a.m. to 12:00 p.m.

Budget Work Session if needed

Tue, May 8
6:00 p.m. to 8:00 p.m.

Public Hearing on the 2007-2008 Multnomah County Budget - North Portland Library Conference Room, 512 N Killingsworth, Portland

Tue, May 15
9:30 a.m. to 12:00 p.m.

Budget Work Session on Results of Round 1 Board Program Offer Selection

Mon, May 21
9:30 a.m. to 11:30 a.m.

Budget Work Session if needed

Mon, May 21
1:00 p.m. to 3:00 p.m.

Budget Work Session if needed

Tue, May 22
9:30 a.m. to 12:00 p.m.

Budget Work Session on Results of Round 2 Board Program Offer Selection

MULTNOMAH COUNTY 2007-2008 BUDGET WORK SESSIONS AND HEARINGS

ALL MEETINGS ARE OPEN TO THE PUBLIC

Public testimony will be taken at the public hearings listed in red (*italic*) below. Unless otherwise noted, all sessions will be held in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne, Portland. Contact Board Clerk Deb Bogstad 503 988-3277 for further information.

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Tue, May 22

6:00 p.m. to 8:00 p.m.

Public Hearing on the 2007-2008 Multnomah County Budget - Multnomah Building, Commissioners Boardroom 100, 501 SE Hawthorne, Portland

Wed, May 23

9:30 a.m. to 12:00 p.m.

Budget Work Session if needed

Tue, May 29

9:30 a.m. to 12:00 p.m.

Budget Work Session if needed

Thu, Jun 7

9:30 a.m.

***Public Hearing and Resolution Adopting the 2007-2008 Budget for Dunthorpe Riverdale Sanitary Service District No. 1 and Making Appropriations
Public Hearing and Resolution Adopting the 2007-2008 Budget for Mid-County Street Lighting Service District No. 14 and Making Appropriations***

Thu, Jun 7

10:00 a.m.

***Tax Supervising and Conservation Commission
Public Hearing on the Multnomah County 2007-2008 Budget***

Thu, Jun 7

10:30 a.m. to 12:00 p.m.

Public Hearing and Resolution Adopting the 2007-2008 Budget for Multnomah County Pursuant to ORS 294



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/06
 Agenda Item #: C-1
 Est. Start Time: 9:30 AM
 Date Submitted: 12/12/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, ROBERT BARNER

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner ROBERT BARNER.

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

The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 25, 2006. A letter dated October 30, 2006 was sent to the former owner of record, providing the opportunity to repurchase the property. Robert Barner's caregiver Carol Hill called on his behalf requesting the payoff information to repurchase the property. Peggy Hofemann from Featherstone Mortgage called and said that she is working on a reverse mortgage to enable the repurchase of the property by the former owner.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit B).

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

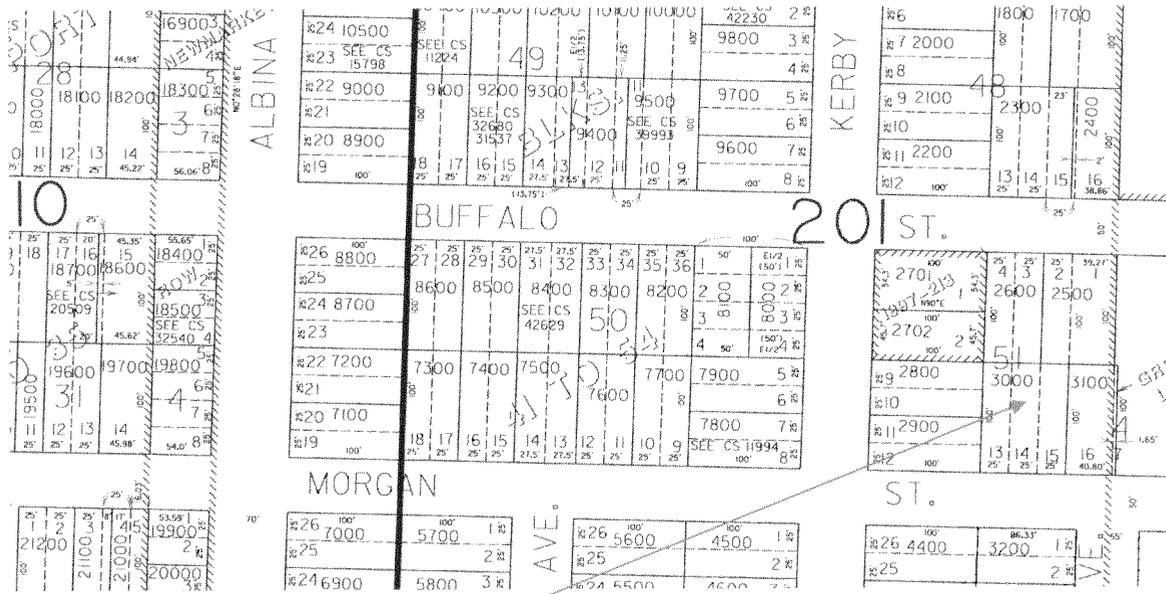
Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes.

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

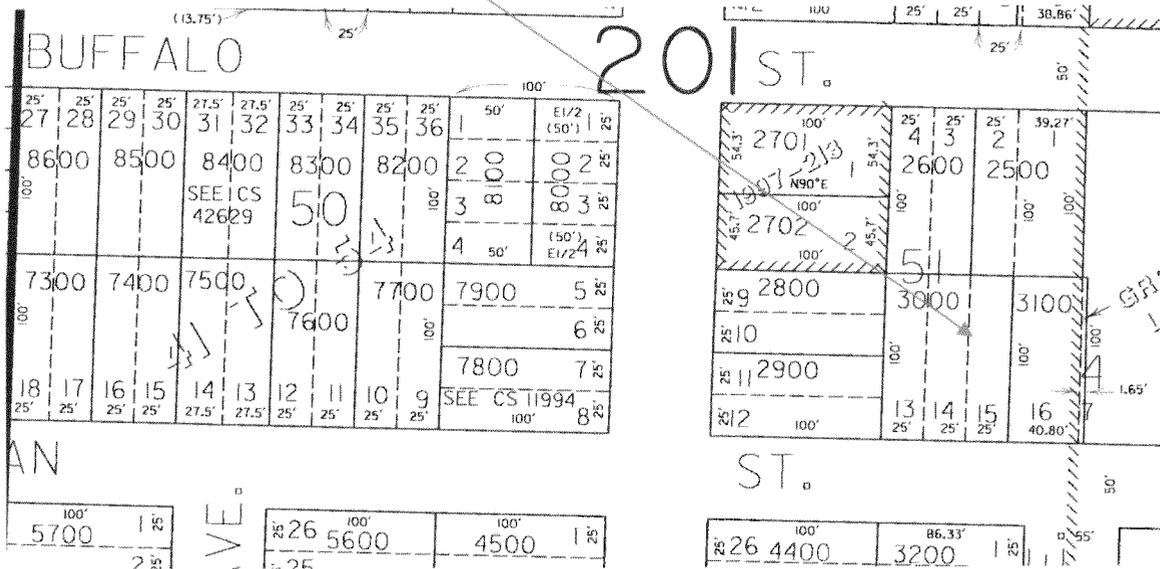
Proof of payment of City Liens has been requested at the time of transfer.

EXHIBIT A

R282472 563 N MORGAN



Subject



**EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2007**

LEGAL DESCRIPTION:

LOT 13-15, BLOCK 51, SWINTON

PROPERTY ADDRESS: 563 N MORGAN ST

TAX ACCOUNT NUMBER: R282472

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: 7,500

ASSESSED VALUE: \$162,300

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$9,848.00

TAX TITLE MAINTENANCE COST & EXPENSES:

\$250.00

PENALTY & FEE:

\$530.06

SUB-TOTAL

\$10,628.06

MINIMUM PRICE REQUEST FOR REPURCHASE

\$10,628.06

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, ROBERT BARNER

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and ROBERT BARNER is the former owner of record.
- b. ROBERT BARNER has applied to the County to repurchase the property for \$10,628.06 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072111 conveying to the former owner the following described real property:

LOT 13-15, BLOCK 51, SWINTON

2. The County's Tax Title section is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:

(a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal charges have been paid in compliance with ORS 307.100; and

(b) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services
Page 1 of 2 - Resolution and Deed Authorizing Repurchase

Until a change is requested, all tax statements
Shall be sent to the following address:
ROBERT BARNER
563 N MORGAN ST
PORTLAND OR 97217-1767

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

Deed D072111

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ROBERT BARNER, Grantee, the following described real property:

LOT 13-15, BLOCK 51, SWINTON

The true consideration paid for this transfer is \$10,628.06.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-001

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, ROBERT BARNER

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and ROBERT BARNER is the former owner of record.
- b. ROBERT BARNER has applied to the County to repurchase the property for \$10,628.06 which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072111 conveying to the former owner the following described real property:

LOT 13-15, BLOCK 51, SWINTON

2. The County's Tax Title section is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:

(a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal charges have been paid in compliance with ORS 307.100; and

(b) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services

Page 1 of 2 - Resolution 07-001 and Deed Authorizing Repurchase

Until a change is requested, all tax statements
Shall be sent to the following address:
ROBERT BARNER
563 N MORGAN ST
PORTLAND OR 97217-1767

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

Deed D072111

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ROBERT BARNER, Grantee, the following described real property:

LOT 13-15, BLOCK 51, SWINTON

The true consideration paid for this transfer is \$10,628.06.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-2
 Est. Start Time: 9:30 AM
 Date Submitted: 12/15/06

BUDGET MODIFICATION:

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to PATRICK G. AND ELIZABETH B. BOYLSTON

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

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 PATRICK G. & ELIZABETH B. BOYLSTON.

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

The subject property is a long somewhat irregular shaped strip that came into county ownership through the foreclosure of delinquent tax liens on September 26, 2006. The parcel is more or less 145' long, varies in width from 1' at the SE end to approximately 10' near the NW end and contains 656 square feet more or less. It is located between 2845 & 2865 SW Upper Drive. We propose to sell the strip to the owner of the 2845 SW Upper Dr property. The owner of this property met with his neighbor to the west and jointly measured the subject strip to the best of their ability. They mutually agreed that the strip already appears to be a part of the 2845 property and that it should belong to that 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 656 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).

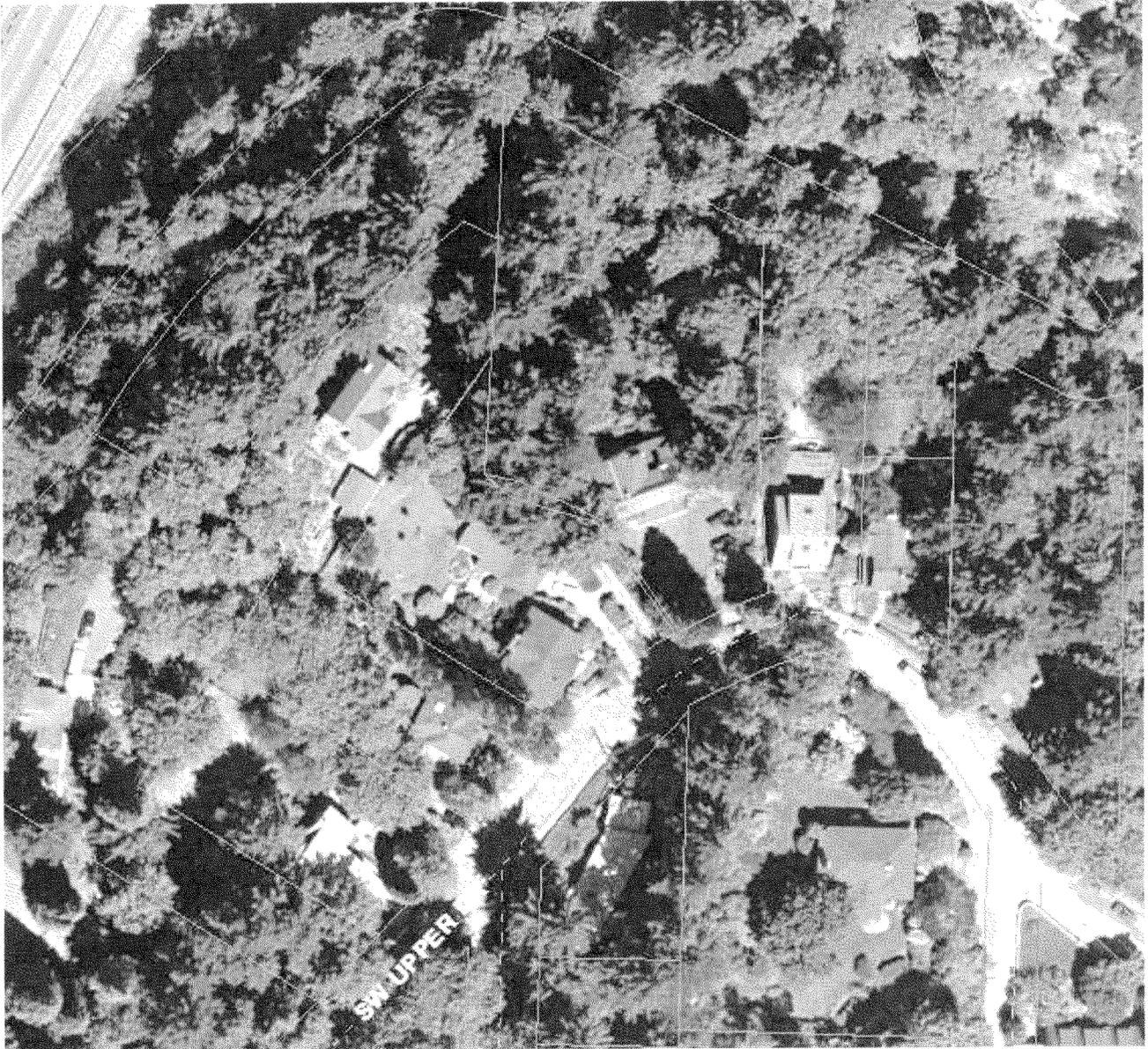
4. Explain any legal and/or policy issues involved.

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 B



Subject

2845 SW Upper DR

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

That part of Lot 4 in Block "B", Smith's Addition to the City of Portland, described in conveyance by Alice B. Lyman to George M. Reed, by deed dated April 14, 1920 and recorded May 5, 1920, in Book 806 Page 219, Multnomah County Deed Records and described as follows:

Beginning at the most Southerly corner of said Lot 4, Block "B"; thence along the Southerly line of said Lot 4, N58°58'00"W, a distance of 155.00 feet; thence at right angles with the Southerly line of said Lot 4, N31°02'00"E, a distance of 172.63 feet to a point in that certain line described on deed from John A. Keating to Carl B. Brown, recorded September 21, 1911 in Book 545 Page 453; thence South along said line, a distance of 69.91 feet to the initial point of the tract of land herein described; thence South, along said line, a distance of 15.00 feet to an iron pipe; thence S48°14'00"E, a distance of 18.80 feet; thence S75°58'00"E, a distance of 51.54 feet to an iron pipe; thence S37°23'00"E, a distance of 74.00 feet to an iron pipe in the Northwesterly line of S.W. Upper Drive, said iron pipe being the most Southerly point of the line described in the aforementioned deed; thence Northeasterly, along the Northerly line of said S.W. Upper Drive to a point 1.00 foot distant, measured at right angles from the last described line; thence N37°23'00"W and parallel with and 1.00 foot distant from the line described in aforementioned deed, a distance of 75.00 feet; thence N63°53'00"W, a distance of 52.51 feet; thence Northwesterly in straight line to the point of beginning.

Excepting therefrom that portion lying Southwesterly of the aforesaid line described in deed recorded September 21, 1911 in Book 545 Page 453, said line being described as follows:

Beginning at a point in the Northwesterly boundary line of S.W. Upper Drive which is 60.00 feet Southwesterly along said boundary line from the Southeast corner of Lot 4 in Block "B", Smith's Addition to the City of Portland; thence Northwesterly 74.00 feet more or less to a point which is 100 feet West and 35 feet North of the Southeast corner of said Lot 4; thence Westerly, a distance of 51.50 feet more or less to a point which is 150 feet West and 47.50 feet North of said Southeast corner of said Lot 4; thence Northwesterly 19.00 feet more or less to a point which is 164 feet West and 60 feet North of said Southeast corner of said Lot 4; thence North 225.00 feet more or less to the Southerly boundary of S.W. Upper Drive.

ADJACENT PROPERTY ADDRESS:	2845 SW Upper Drive
TAX ACCOUNT NUMBER:	R485637
GREENSPACE DESIGNATION:	No designation
ASSESSED VALUE:	\$700
SIZE OF PARCEL:	656 square feet more or less

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$14.71
TAX TITLE MAINTENANCE COST & EXPENSES:	\$50.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$90.71
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$700.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/18/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to PATRICK G. AND ELIZABETH B. BOYLSTON

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the real property described in Exhibit A
- b. The property has an assessed value of \$700 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 shape and size of the property, approximately 656 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. PATRICK G. AND ELIZABETH B. BOYLSTON have agreed to pay \$700, 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 \$700 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to PATRICK G. & ELIZABETH B. BOYLSTON, the real property described in the attached Exhibit A.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A (Resolution)

LEGAL DESCRIPTION:

That part of Lot 4 in Block "B", Smith's Addition to the City of Portland, described in conveyance by Alice B. Lyman to George M. Reed, by deed dated April 14, 1920 and recorded May 5, 1920, in Book 806 Page 219, Multnomah County Deed Records and described as follows:

Beginning at the most Southerly corner of said Lot 4, Block "B"; thence along the Southerly line of said Lot 4, N58°58'00"W, a distance of 155.00 feet; thence at right angles with the Southerly line of said Lot 4, N31°02'00"E, a distance of 172.63 feet to a point in that certain line described on deed from John A. Keating to Carl B. Brown, recorded September 21, 1911 in Book 545 Page 453; thence South along said line, a distance of 69.91 feet to the initial point of the tract of land herein described; thence South, along said line, a distance of 15.00 feet to an iron pipe; thence S48°14'00"E, a distance of 18.80 feet; thence S75°58'00"E, a distance of 51.54 feet to an iron pipe; thence S37°23'00"E, a distance of 74.00 feet to an iron pipe in the Northwesterly line of S.W. Upper Drive, said iron pipe being the most Southerly point of the line described in the aforementioned deed; thence Northeasterly, along the Northerly line of said S.W. Upper Drive to a point 1.00 foot distant, measured at right angles from the last described line; thence N37°23'00"W and parallel with and 1.00 foot distant from the line described in aforementioned deed, a distance of 75.00 feet; thence N63°53'00"W, a distance of 52.51 feet; thence Northwesterly in straight line to the point of beginning.

Excepting therefrom that portion lying Southwesterly of the aforesaid line described in deed recorded September 21, 1911 in Book 545 Page 453, said line being described as follows:

Beginning at a point in the Northwesterly boundary line of S.W. Upper Drive which is 60.00 feet Southwesterly along said boundary line from the Southeast corner of Lot 4 in Block "B", Smith's Addition to the City of Portland; thence Northwesterly 74.00 feet more or less to a point which is 100 feet West and 35 feet North of the Southeast corner of said Lot 4; thence Westerly, a distance of 51.50 feet more or less to a point which is 150 feet West and 47.50 feet North of said Southeast corner of said Lot 4; thence Northwesterly 19.00 feet more or less to a point which is 164 feet West and 60 feet North of said Southeast corner of said Lot 4; thence North 225.00 feet more or less to the Southerly boundary of S.W. Upper Drive.

Until a change is requested, all tax statements
shall be sent to the following address:
PATRICK & ELIZABETH BOYLSTON
2845 SW UPPER DRIVE
PORTLAND OR 97201

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

Deed D072114 for R485637

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to PATRICK G. AND ELIZABETH B. BOYLSTON, Husband and Wife, Grantees, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$700.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A
(Deed D072114 & Tax Account R485637)

LEGAL DESCRIPTION:

That part of Lot 4 in Block "B", Smith's Addition to the City of Portland, described in conveyance by Alice B. Lyman to George M. Reed, by deed dated April 14, 1920 and recorded May 5, 1920, in Book 806 Page 219, Multnomah County Deed Records and described as follows:

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-002

Authorizing the Private Sale of a Tax Foreclosed Property to PATRICK G. AND ELIZABETH B. BOYLSTON

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the real property described in Exhibit A
- b. The property has an assessed value of \$700 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 shape and size of the property, approximately 656 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. PATRICK G. AND ELIZABETH B. BOYLSTON have agreed to pay \$700, 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 \$700 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to PATRICK G. & ELIZABETH B. BOYLSTON, the real property described in the attached Exhibit A.

ADOPTED this 4th day of January, 2007.



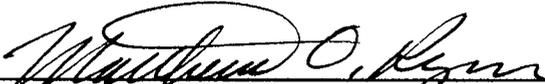
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A (Resolution)

LEGAL DESCRIPTION:

That part of Lot 4 in Block "B", Smith's Addition to the City of Portland, described in conveyance by Alice B. Lyman to George M. Reed, by deed dated April 14, 1920 and recorded May 5, 1920, in Book 806 Page 219, Multnomah County Deed Records and described as follows:

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Until a change is requested, all tax statements
shall be sent to the following address:
PATRICK & ELIZABETH BOYLSTON
2845 SW UPPER DRIVE
PORTLAND OR 97201

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

Deed D072114 for R485637

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to PATRICK G. AND ELIZABETH B. BOYLSTON, Husband and Wife, Grantees, the real property in the attached Exhibit A.

The true consideration for this conveyance is \$700.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A
(Deed D072114 & Tax Account R485637)

LEGAL DESCRIPTION:

That part of Lot 4 in Block "B", Smith's Addition to the City of Portland, described in conveyance by Alice B. Lyman to George M. Reed, by deed dated April 14, 1920 and recorded May 5, 1920, in Book 806 Page 219, Multnomah County Deed Records and described as follows:

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**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-3
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to DIEGO FLORES

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.:	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

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 DIEGO FLORES.

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

The subject property is a strip that came into county ownership through the foreclosure of delinquent tax liens on September 19, 2001. The strip is approximately 6' x 70' on the west end and 14' x 106' on the north end and contains approximately 1,904 square feet. It is located between 2361 & 2367 SE 142nd Ave. The County Surveyor marked the corners of the strip and determined that the parcel takes in a good portion of the yard area for the 2367 SE 142nd property. The strip was omitted from the legal description of a previous sale for the property at 2367 SE 142nd. We propose to sell the strip to the current owner of 2367 SE 142nd Diego Flores.

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 long, narrow shape and size of the property approximately 1,904 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 B



2367 SE 142nd

Subject Strip

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

EXC S 70' OF E 100' – S 84' OF E 106' OF LOT 6, BLOCK 2, PARKTOWN ADDITION

ADJACENT PROPERTY ADDRESS: 2367 SE 142nd Ave.
TAX ACCOUNT NUMBER: R236435
GREENSPACE DESIGNATION: No designation
SIZE OF PARCEL: Approximately 1,904 square feet
ASSESSED VALUE: \$2,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$313.19

TAX TITLE MAINTENANCE COST & EXPENSES:

\$258.65

RECORDING FEE:

\$26.00

SUB-TOTAL

\$597.84

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$750.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to DIEGO FLORES

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$2,000 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 shape and size of the property, approximately 1,904 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. DIEGO FLORES has agreed to pay \$750, 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 \$750, the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to DIEGO FLORES the following described real property within Multnomah County Oregon:

EXC S 70' OF E 100' – S 84' OF E 106' OF LOT 6 BLOCK 2 PARKTOWN
ADDITION

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
shall be sent to the following address:
DIEGO FLORES
2367 SE 142ND AVE
PORTLAND OR 97233

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

Deed D072103 FOR R236435

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DIEGO FLORES, Grantee, the following described real property:

EXC S 70' OF E 100' – S 84' OF E 106' OF LOT 6 BLOCK 2 PARKTOWN ADDITION,
Multnomah County, Oregon

The true consideration for this conveyance is \$750.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-003

Authorizing the Private Sale of a Tax Foreclosed Property to DIEGO FLORES

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent real property taxes.
- b. The property has an assessed value of \$2,000 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 shape and size of the property, approximately 1,904 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. DIEGO FLORES has agreed to pay \$750, 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 \$750, the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to DIEGO FLORES the following described real property within Multnomah County Oregon:

EXC S 70' OF E 100' – S 84' OF E 106' OF LOT 6 BLOCK 2 PARKTOWN
ADDITION

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
shall be sent to the following address:
DIEGO FLORES
2367 SE 142nd AVE
PORTLAND OR 97233

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

Deed D072103 FOR R236435

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DIEGO FLORES, Grantee, the following described real property:

EXC S 70' OF E 100' – S 84' OF E 106' OF LOT 6 BLOCK 2 PARKTOWN ADDITION,
Multnomah County, Oregon

The true consideration for this conveyance is \$750.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-4
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the FOURBS TRUST

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

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 FOURBS TRUST.

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

The subject property is a rectangular shaped strip that came into county ownership through the foreclosure of delinquent tax liens on October 26, 1992. The parcel is approximately 15' x 100' and contains approximately 1,500 square feet. It is located between 9638 NE Couch and the MAX Light Rail Tracks. Part of the driveway and detached garage for the property at 9638 NE Couch encroach on the subject property. The legal description of the subject strip was omitted from the deed of a previous transaction for the Couch St property. We propose to sell the strip to the owner of the property at 9638 NE Couch St.

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.

Written confirmation was obtained from the City of Portland stating that the subject property is 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 B



Subject strip

9638 NE Couch

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

A tract of land in Lot 19, RUSSELVILLE ADDITION TO EAST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon described as follows:

Lot 19, except the following:

A parcel of land lying in Lot 19, Block 1, RUSSELVILLE ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said Lot 19 lying West of a line parallel with and 90 feet West of the East line of said Block 1.

ADJACENT PROPERTY ADDRESS:	9638 NE Couch St
TAX ACCOUNT NUMBER:	R263225
GREENSPACE DESIGNATION:	No designation
ASSESSED VALUE:	\$1,500
SIZE OF PARCEL:	Approximately 1,500 square feet

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$1,288.93
TAX TITLE MAINTENANCE COST & EXPENSES:	\$129.00
RECORDING FEE:	\$26.00
SUB-TOTAL	\$1,443.93
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$1,501.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to the FOURBS TRUST

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County through the foreclosure of liens for delinquent real property taxes, has acquired the following described property:

A tract of land in Lot 19, RUSSELVILLE ADDITION TO EAST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon described as follows:

Lot 19, except the following:

A parcel of land lying in Lot 19, Block 1, RUSSELVILLE ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said Lot 19 lying West of a line parallel with and 90 feet West of the East line of said Block 1.

- b. The property has an assessed value of \$1,500 on the County's current tax roll.
- c. Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Tax Title has received \$1,501 from the FOURBS TRUST, 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. The Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to RANDALL J BORHO & JOSEPH KAPPERS; AS TRUSTEES OF THE FOURBS TRUST, the above described real property.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services
Page 1 of 2 – Resolution and Deed Authorizing Private Sale

Until a change is requested, all tax statements
Shall be sent to the following address:
FOURBS TRUST
PO BOX 790
BEAVERCREEK OR 97004-0790

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

Deed D072106 For R263225

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to RANDALL J BORHO & JOSEPH KAPPERS; AS TRUSTEES OF THE FOURBS TRUST, Grantees, the following real property:

A tract of land in Lot 19, RUSSELVILLE ADDITION TO EAST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon described as follows:

Lot 19, except the following:

A parcel of land lying in Lot 19, Block 1, RUSSELVILLE ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said Lot 19 lying West of a line parallel with and 90 feet West of the East line of said Block 1.

The true consideration for this conveyance is \$1,501.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-004

Authorizing the Private Sale of a Tax Foreclosed Property to the FOURBS TRUST

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County through the foreclosure of liens for delinquent real property taxes, has acquired the following described property:

A tract of land in Lot 19, RUSSELVILLE ADDITION TO EAST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon described as follows:

Lot 19, except the following:

A parcel of land lying in Lot 19, Block 1, RUSSELVILLE ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said Lot 19 lying West of a line parallel with and 90 feet West of the East line of said Block 1.

- b. The property has an assessed value of \$1,500 on the County's current tax roll.
- c. Written confirmation was obtained from the City of Portland stating that the subject property is unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. Tax Title has received \$1,501 from the FOURBS TRUST, 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. The Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to RANDALL J BORHO & JOSEPH KAPPERS; AS TRUSTEES OF THE FOURBS TRUST, the above described real property.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

TED WHEELER

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
shall be sent to the following address:
FOURBS TRUST
PO BOX 790
BEAVERCREEK OR 97004-0790

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

Deed D072106 For R263225

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to RANDALL J BORHO & JOSEPH KAPPERS; AS TRUSTEES OF THE FOURBS TRUST, Grantees, the following real property:

A tract of land in Lot 19, RUSSELVILLE ADDITION TO EAST PORTLAND, a recorded subdivision in Multnomah County, State of Oregon described as follows:

Lot 19, except the following:

A parcel of land lying in Lot 19, Block 1, RUSSELVILLE ADDITION TO EAST PORTLAND, Multnomah County, Oregon; the said parcel being that portion of said Lot 19 lying West of a line parallel with and 90 feet West of the East line of said Block 1.

The true consideration for this conveyance is \$1,501.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-5
 Est. Start Time: 9:30 AM
 Date Submitted: 11/30/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to SUN MO & HI MYUNG KOO

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

Date Requested:	January 4, 2007	Time Requested:	Consent Item
Department:	Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.:	22591
Presenter(s):	Gary Thomas		
	I/O Address:	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 HI MYUNG AND SUN MO KOO.

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

The subject property is a triangular shaped strip that came into county ownership through the foreclosure of delinquent tax liens on April 21, 1985. The strip is approximately 0.48' at the east end narrowing down to a very small width at the west end x 45' long and contains approximately 17 square feet. The strip is located between 5818-5820 SE 80th Ave and 8012 SE Ramona St. We propose to sell the strip to the owner of the 5818-5820 SE 80th property.

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

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 17 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.

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).

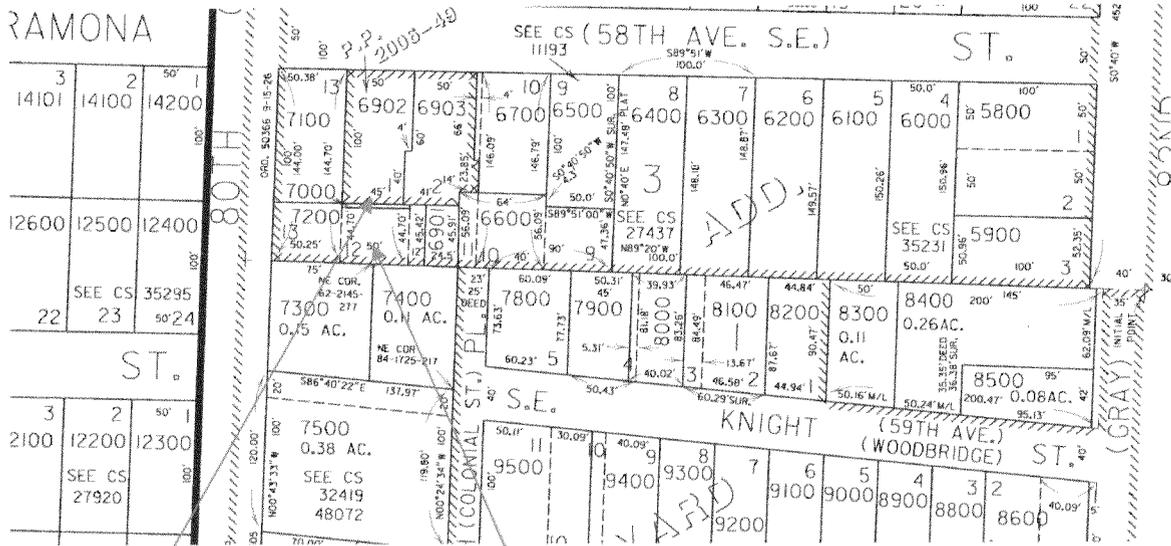
4. Explain any legal and/or policy issues involved.

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



Subject

5818-5820 SE 80th

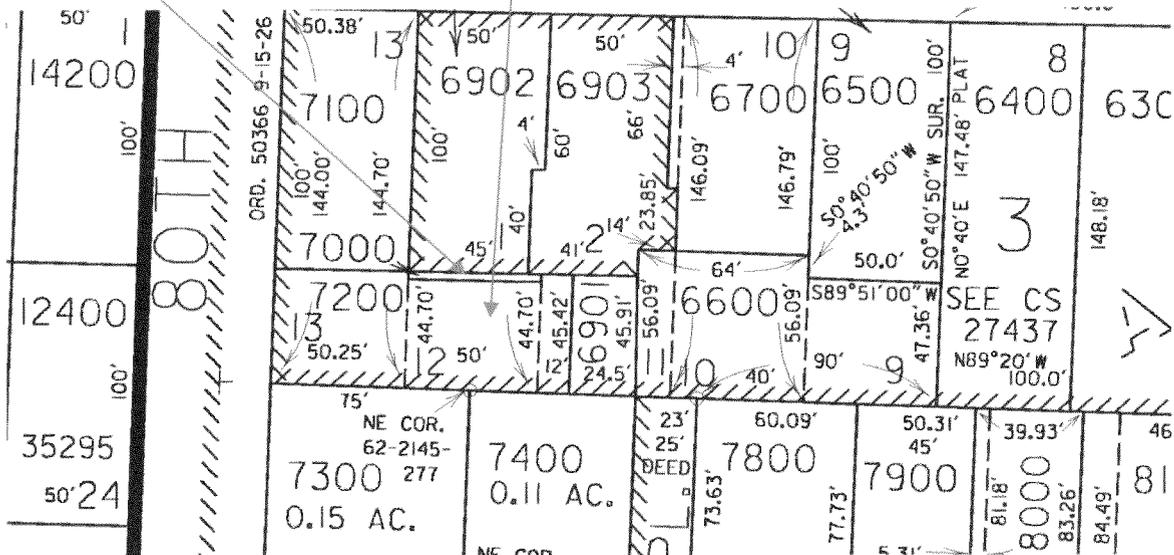


EXHIBIT B



Subject strip

5818-5820 SE 80th

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

Described in that certain TAX FORECLOSURE DEED dated April 2, 1985; recorded at Book 1814 and Page 1974 in the Multnomah County Deed Records; being the twenty second (22nd) property interest listed on Page 1978 of said TAX FORECLOSURE DEED.

ADJACENT PROPERTY ADDRESS: 5818-5820 SE 80th Ave
TAX ACCOUNT NUMBER: R200067
GREENSPACE DESIGNATION: No designation
SIZE OF PARCEL: Approximately 17 square feet
ASSESSED VALUE: \$100

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$16.91
TAX TITLE MAINTENANCE COST & EXPENSES:	\$-0-
RECORDING FEE:	\$26.00
SUB-TOTAL	\$42.91
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$126.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/01/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

DEED

THIS INDENTURE, made this 2nd day of April, 1985, between JOHN E. SMITH, as Assessor & Tax Collector of the Division of Assessment & Taxation, Department of General Services, for Multnomah County, State of Oregon, Party of the First Part, and MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Party of the Second Part,

W I T N E S S E T H:

That by virtue of a Judgment and Decree duly and regularly made and entered by the Circuit Court of the State of Oregon, for the County of Multnomah, on the 23rd day of March, 1984, in a suit wherein the Party of the Second Part was plaintiff, and which suit was for the foreclosure of liens for delinquent taxes as shown by the 1983 Multnomah County Foreclosure list, it was ORDERED, ADJUDGED AND DECREED that the real property described in said Decree be ordered sold to Multnomah County, and that a copy of the Decree, certified by the Clerk, should be delivered to said County as a Certificate of Sale of said properties, which copy of said decree, duly certified, was delivered to the Assessor & Tax Collector of the Division of Assessment and Taxation of said County; and

WHEREAS, pursuant to the provisions of the statute in such cases made and provided, the Assessor & Tax Collector of the Division of Assessment & Taxation for Multnomah County, not more than thirty (30) days nor less than ten (10) days prior to the expiration of the period of redemption of such properties ordered sold to the

COURSE VIEW TERRACE
 DANIEL AC
 EAST PORTLAND
 EAST PORTLAND
 EASTMONT
 EDGEWAY MEADOW
 ENGLEWOOD PK
 FEURERS ADD
 FILBERT HILL
 FILBERT HILL
 FILBERT HILL
 FIRDALE
 HEYTING ADD
 IRVINGTON
 JAMES JOHNS 2ND ADD
 KIKU HEIGHTS
 KIRKPATRICK AC
 KOKKO ESTATES
 KOKKO ESTATES
 KOKKO ESTATES
 KOKKO ESTATES
 LA VONA PK ADD
 LE ROY HTS
 LINCOLN PK

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 NONEXISTENT IMPS ONLY
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EXC NLY 85'-W 2'' OF

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 N 0.85' OF S 15' OF
 S 45' OF
 TL 1 OF

TL 3 OF

TL 1 OF
 S 10' M/L OF
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1644	1
8	7

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to SUN MO & HI MYUNG KOO

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

Described in that certain TAX FORECLOSURE DEED dated April 2, 1985; recorded at Book 1814 and Page 1974 in the Multnomah County Deed Records; being the twenty second (22nd) property interest listed on Page 1978 of said TAX FORECLOSURE DEED.

- 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 Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 17 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. SUN MO & HI MYUNG KOO have agreed to pay \$126, 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 \$126, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to SUN MO & HI MYUNG KOO the above described real property within Multnomah County, Oregon.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
Shall be sent to the following address:
SUN MO & HI MYUNG KOO
PO BOX 685
MENDOCINO CA 95460

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

Deed D072105 FOR R200067

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to SUN MO & HI MYUNG KOO, Grantees, the following real property:

Described in that certain TAX FORECLOSURE DEED dated April 2, 1985; recorded at Book 1814 and Page 1974 in the Multnomah County Deed Records; being the twenty second (22nd) property interest listed on Page 1978 of said TAX FORECLOSURE DEED.

The true consideration for this conveyance is \$126.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-005

Authorizing the Private Sale of a Tax Foreclosed Property to SUN MO & HI MYUNG KOO

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following real property:

Described in that certain TAX FORECLOSURE DEED dated April 2, 1985; recorded at Book 1814 and Page 1974 in the Multnomah County Deed Records; being the twenty second (22nd) property interest listed on Page 1978 of said TAX FORECLOSURE DEED.

- 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 Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 17 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. SUN MO & HI MYUNG KOO have agreed to pay \$126, 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 \$126, the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to SUN MO & HI MYUNG KOO the above described real property within Multnomah County, Oregon.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
Shall be sent to the following address:
SUN MO & HI MYUNG KOO
PO BOX 685
MENDOCINO CA 95460

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

Deed D072105 FOR R200067

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to SUN MO & HI MYUNG KOO, Grantees, the following real property:

Described in that certain TAX FORECLOSURE DEED dated April 2, 1985; recorded at Book 1814 and Page 1974 in the Multnomah County Deed Records; being the twenty second (22nd) property interest listed on Page 1978 of said TAX FORECLOSURE DEED.

The true consideration for this conveyance is \$126.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-6
 Est. Start Time: 9:30 AM
 Date Submitted: 12/12/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, LEGAL REPRESENTATION LLC

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.:	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

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

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner LEGAL REPRESENTATION LLC.

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

The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 25, 2006. A letter dated October 30, 2006 was sent to the former owner of record, providing the opportunity to repurchase the property. Ticor Title called on behalf of the former owner requesting the payoff information to repurchase the property.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit B).

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

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to

repurchase a property foreclosed on for delinquent property taxes.

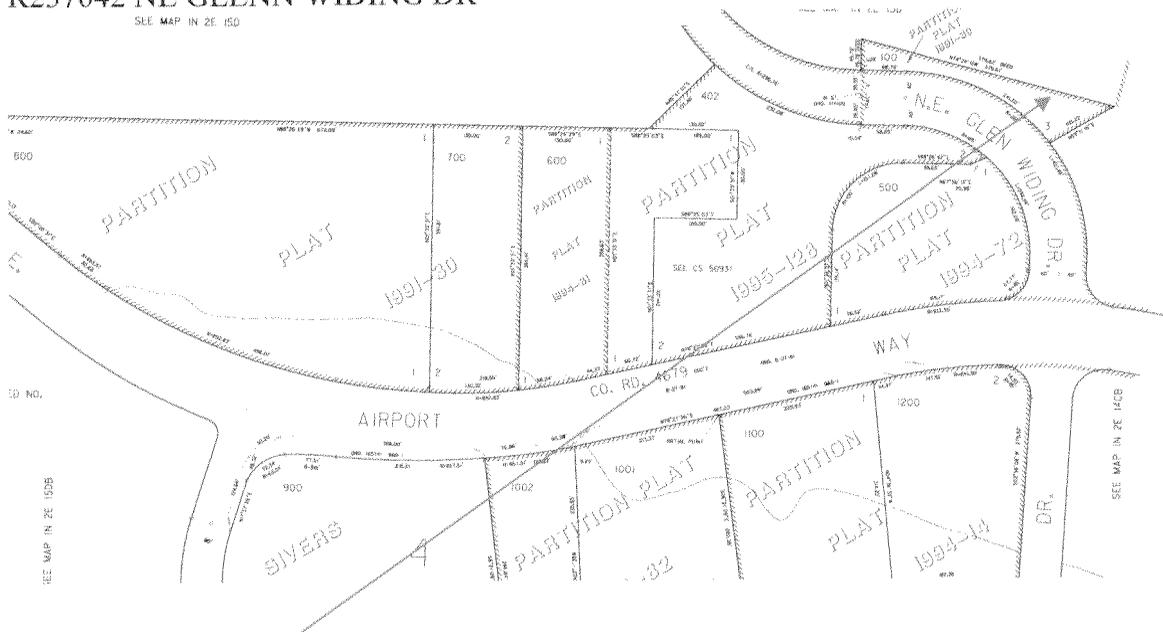
5. Explain any citizen and/or other government participation that has or will take place.

None is anticipated.

EXHIBIT A

R237042 NE GLENN WIDING DR

SEE MAP IN ZE 150



Subject

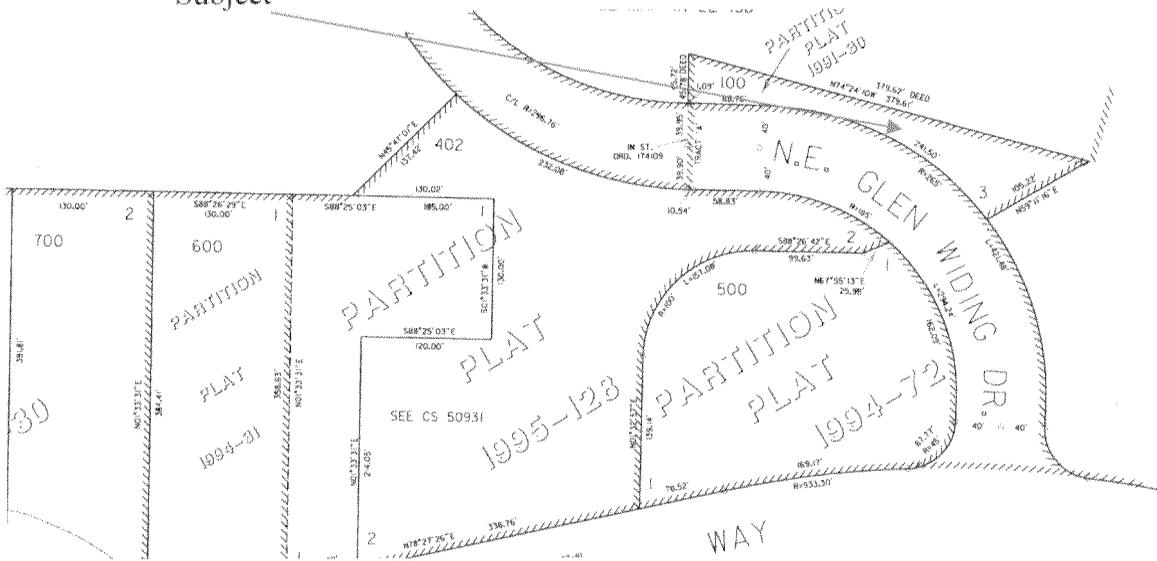


EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2007

LEGAL DESCRIPTION:

A tract of land being a portion of Parcel 3 of Partition Plat 1991-30 located in Southwest one-quarter of section 15, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon as follows:

Beginning at a 5/8 inch iron rod at the most Northerly corner of said Parcel 3; thence

South 74°24'10" East, along the Northerly line thereof 379.62 feet to the Northeast corner thereof; thence South 59°11'16" West, along the Easterly line thereof, 105.22 feet to a 5/8 inch iron rod; thence Northwesterly along the arc of a 265 foot radius non-tangent curve to the left through a central angle of 52°12'50" (the chord bears North 62°19'57" West, 233.22 feet) an arc distance of 241.50 feet to a point of tangency; thence North 88°26'22" West, 68.76 feet; thence along the arc of a 288.50 foot radius curve to the right through a central angle of 00°12'56" (the chord bears North 88°19'54" West, 1.09 feet) an arc distance of 1.09 feet to a 5/8 inch iron rod on the Easterly West line of said Parcel 3; thence North 01°24'14" East, along said Easterly West line, 45.78 feet to the true point of beginning.

PROPERTY ADDRESS:	NE Glenn Widing DR
TAX ACCOUNT NUMBER:	R237042
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	13,007 Square Feet
ASSESSED VALUE:	\$24,910

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$3,925.18
TAX TITLE MAINTENANCE COST & EXPENSES:	\$250.00
PENALTY & FEE:	\$355.47
SUB-TOTAL	\$4,530.65
MINIMUM PRICE REQUEST FOR REPURCHASE	\$4,530.65

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Tuesday, December 12, 2006 12:41 PM
To: BOGSTAD Deborah L
Subject: FW: Legal Representation Repurchase

Here you go Deb!!

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

From: RYAN Matthew O
Sent: Tuesday, December 12, 2006 10:41 AM
To: GRACE Becky J
Cc: THOMAS John S
Subject: FW: Legal Representation Repurchase

Becky,

The attached Resolution has been reviewed and approved for submission to the Board for its 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

CONFIDENTIALITY: This email transmission may contain confidential and priveleged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately.

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

From: THOMAS Gary A
Sent: Tuesday, December 12, 2006 8:04 AM
To: RYAN Matthew O
Subject: FW: Legal Representation Repurchase

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

From: GRACE Becky J
Sent: Tuesday, December 12, 2006 7:55 AM
To: THOMAS Gary A
Subject: Legal Representation Repurchase

Hi Matt,

Attached for your review and approval are the January 4th documents for the Legal Representation LLC repurchase. Sorry the files didn't come correctly.

Thank you ,

Becky Grace
Multnomah County Tax Title
PO Box 2716

12/12/2006

Portland OR 97208
503-988-3590

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, LEGAL REPRESENTATION LLC

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent property taxes, and LEGAL REPRESENTATION LLC is the former owner of record.
- b. LEGAL REPRESENTATION LLC has applied to the County to repurchase the property for \$4,530.65, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072099 conveying to the former owner the real property described in the attached Exhibit A.
2. The County's Tax Title section is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:
 - (a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal charges have been paid in compliance with ORS 307.100; and
 - (b) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A Resolution

LEGAL DESCRIPTION:

A tract of land being a portion of Parcel 3 of Partition Plat 1991-30 located in Southwest one-quarter of section 15, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon as follows:

Beginning at a 5/8 inch iron rod at the most Northerly corner of said Parcel 3; thence

South $74^{\circ}24'10''$ East, along the Northerly line thereof 379.62 feet to the Northeast corner thereof; thence South $59^{\circ}11'16''$ West, along the Easterly line thereof, 105.22 feet to a 5/8 inch iron rod; thence Northwesterly along the arc of a 265 foot radius non-tangent curve to the left through a central angle of $52^{\circ}12'50''$ (the chord bears North $62^{\circ}19'57''$ West, 233.22 feet) an arc distance of 241.50 feet to a point of tangency; thence North $88^{\circ}26'22''$ West, 68.76 feet; thence along the arc of a 288.50 foot radius curve to the right through a central angle of $00^{\circ}12'56''$ (the chord bears North $88^{\circ}19'54''$ West, 1.09 feet) an arc distance of 1.09 feet to a 5/8 inch iron rod on the Easterly West line of said Parcel 3; thence North $01^{\circ}24'14''$ East, along said Easterly West line, 45.78 feet to the true point of beginning.

Until a change is requested, all tax statements
shall be sent to the following address:
LEGAL REPRESENTATION LLC
ATTN: STEVEN M CYR, MANAGING MEMBER
4850 SW SCHOLLS FERRY ROAD, SUITE 350
PORTLAND OR 97225

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

Deed D072099 for R237042

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to LEGAL REPRESENTATION LLC, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$4,530.65.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A
(Deed No. D072099. Tax Account No. R237042)

LEGAL DESCRIPTION:

A tract of land being a portion of Parcel 3 of Partition Plat 1991-30 located in Southwest one-quarter of section 15, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon as follows:

Beginning at a 5/8 inch iron rod at the most Northerly corner of said Parcel 3; thence

South 74°24'10" East, along the Northerly line thereof 379.62 feet to the Northeast corner thereof; thence South 59°11'16" West, along the Easterly line thereof, 105.22 feet to a 5/8 inch iron rod; thence Northwesterly along the arc of a 265 foot radius non-tangent curve to the left through a central angle of 52°12'50" (the chord bears North 62°19'57" West, 233.22 feet) an arc distance of 241.50 feet to a point of tangency; thence North 88°26'22" West, 68.76 feet; thence along the arc of a 288.50 foot radius curve to the right through a central angle of 00°12'56" (the chord bears North 88°19'54" West, 1.09 feet) an arc distance of 1.09 feet to a 5/8 inch iron rod on the Easterly West line of said Parcel 3; thence North 01°24'14" East, along said Easterly West line, 45.78 feet to the true point of beginning.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-006

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, LEGAL REPRESENTATION LLC

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described in the attached Exhibit A through the foreclosure of liens for delinquent property taxes, and LEGAL REPRESENTATION LLC is the former owner of record.
- b. LEGAL REPRESENTATION LLC has applied to the County to repurchase the property for \$4,530.65, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072099 conveying to the former owner the real property described in the attached Exhibit A.
2. The County's Tax Title section is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide:
 - (a) That the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and all municipal charges have been paid in compliance with ORS 307.100; and
 - (b) That if the escrow is closed without the proper payment to the County the original deed and any copies shall be returned to the County.

ADOPTED this 4th day of January, 2007.

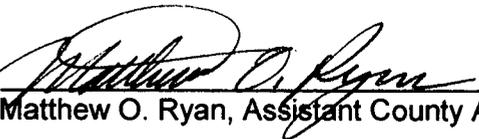


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A Resolution

LEGAL DESCRIPTION:

A tract of land being a portion of Parcel 3 of Partition Plat 1991-30 located in Southwest one-quarter of section 15, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon as follows:

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South $74^{\circ}24'10''$ East, along the Northerly line thereof 379.62 feet to the Northeast corner thereof; thence South $59^{\circ}11'16''$ West, along the Easterly line thereof, 105.22 feet to a 5/8 inch iron rod; thence Northwesterly along the arc of a 265 foot radius non-tangent curve to the left through a central angle of $52^{\circ}12'50''$ (the chord bears North $62^{\circ}19'57''$ West, 233.22 feet) an arc distance of 241.50 feet to a point of tangency; thence North $88^{\circ}26'22''$ West, 68.76 feet; thence along the arc of a 288.50 foot radius curve to the right through a central angle of $00^{\circ}12'56''$ (the chord bears North $88^{\circ}19'54''$ West, 1.09 feet) an arc distance of 1.09 feet to a 5/8 inch iron rod on the Easterly West line of said Parcel 3; thence North $01^{\circ}24'14''$ East, along said Easterly West line, 45.78 feet to the true point of beginning.

Until a change is requested, all tax statements
shall be sent to the following address:
LEGAL REPRESENTATION LLC
ATTN: STEVEN M CYR, MANAGING MEMBER
4850 SW SCHOLLS FERRY ROAD, SUITE 350
PORTLAND OR 97225

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

Deed D072099 for R237042

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to LEGAL REPRESENTATION LLC, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$4,530.65.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A
(Deed No. D072099. Tax Account No. R237042)

LEGAL DESCRIPTION:

A tract of land being a portion of Parcel 3 of Partition Plat 1991-30 located in Southwest one-quarter of section 15, Township 1 North, Range 2 East of the Willamette Meridian, in the City of Portland, County of Multnomah and State of Oregon as follows:

Beginning at a 5/8 inch iron rod at the most Northerly corner of said Parcel 3; thence

South 74°24'10" East, along the Northerly line thereof 379.62 feet to the Northeast corner thereof; thence South 59°11'16" West, along the Easterly line thereof, 105.22 feet to a 5/8 inch iron rod; thence Northwesterly along the arc of a 265 foot radius non-tangent curve to the left through a central angle of 52°12'50" (the chord bears North 62°19'57" West, 233.22 feet) an arc distance of 241.50 feet to a point of tangency; thence North 88°26'22" West, 68.76 feet; thence along the arc of a 288.50 foot radius curve to the right through a central angle of 00°12'56" (the chord bears North 88°19'54" West, 1.09 feet) an arc distance of 1.09 feet to a 5/8 inch iron rod on the Easterly West line of said Parcel 3; thence North 01°24'14" East, along said Easterly West line, 45.78 feet to the true point of beginning.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-7
 Est. Start Time: 9:30 AM
 Date Submitted: 12/11/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to ROBERT J. & ANNETTE S. LEVY

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

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 ROBERT J. & ANNETTE S. LEVY.

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

The subject property is a small strip that came into county ownership through the foreclosure of delinquent tax liens on September 28, 2004. The parcel is more or less 2.5' x 128' and contains 323 square feet more or less. It is located between 5837 and 5907 SE Hawthorne Blvd. The subject strip was left off the legal description in a deed for a transaction that occurred sometime in the 1940's.

We propose to sell the strip to the current owner of 5837 SE Hawthorne Blvd, the party who should logically own the parcel.

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 323 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).

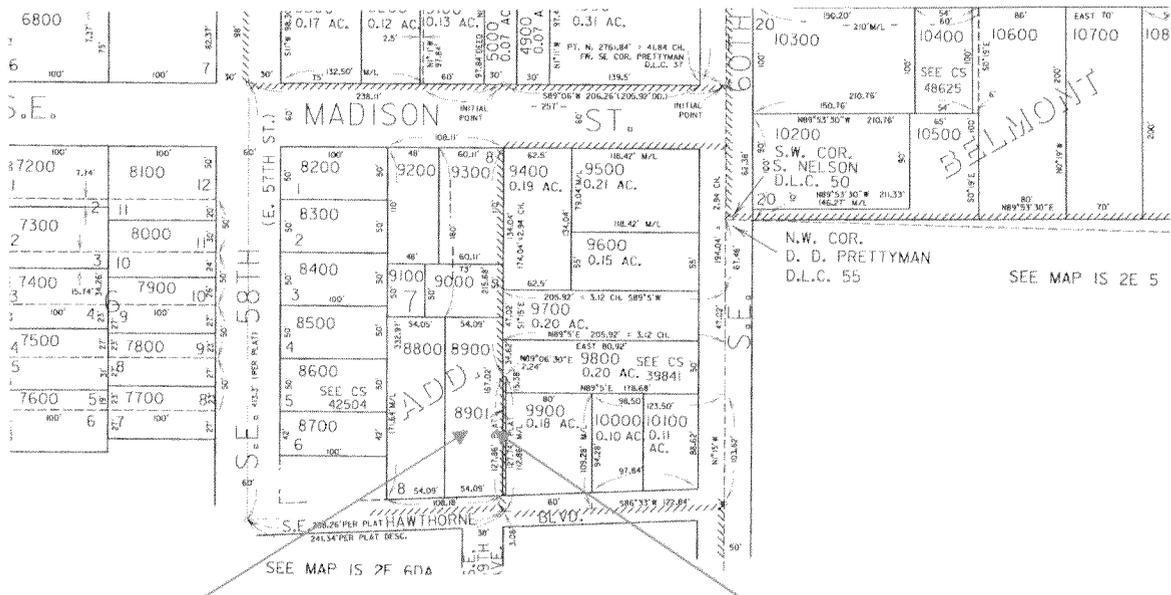
4. Explain any legal and/or policy issues involved.

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



5837 SE Hawthorne

Subject strip

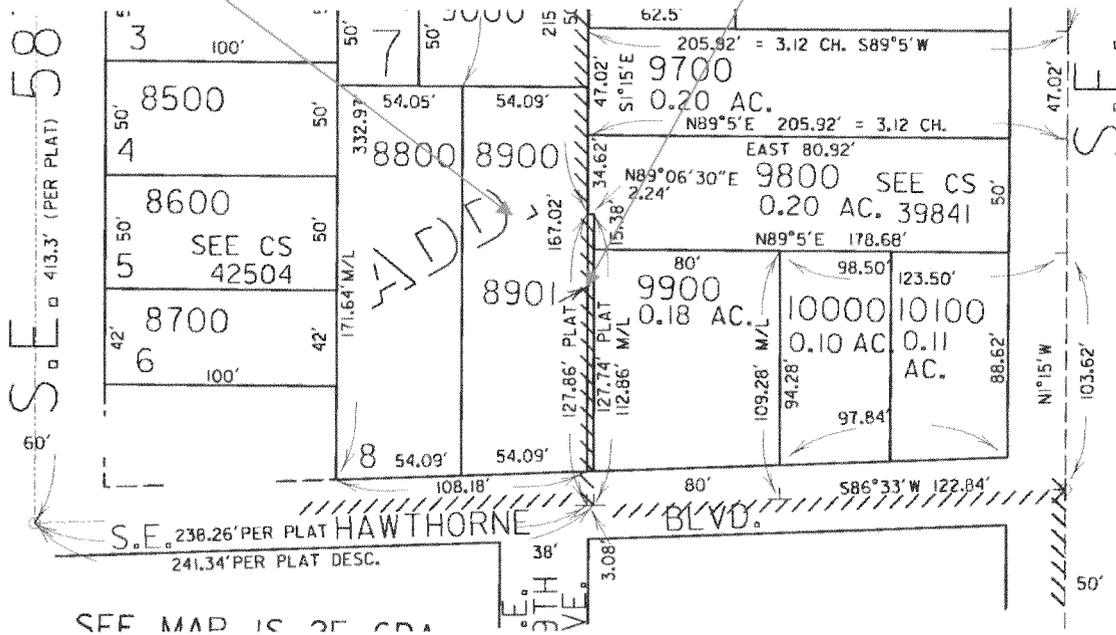


EXHIBIT B



5837 SE Hawthorne

Subject strip

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

Commencing at the most Northerly Northeast corner of Lot 8, Block 7, Buehner's Addition, a plat of record in Multnomah County, State of Oregon; thence South 215.68 feet along the East line thereof to the true point of beginning; thence North 89°06'30" East 2.24 feet; thence South along the most Easterly lot line of said Lot 8, a distance of 127.74 feet to the most Southeasterly corner of said Lot 8; thence South 86°45'30" West 3.08 feet, to a point South of the most Northerly Northeast corner of said Lot 8; thence North a distance of 127.86 feet to the true point of beginning. Except that part of Lot 8 lying in the Right of Way of SE Hawthorne Avenue.

ADJACENT PROPERTY ADDRESS: 5837 SE Hawthorne Blvd
TAX ACCOUNT NUMBER: R123283
GREENSPACE DESIGNATION: No designation
ASSESSED VALUE: \$300
SIZE OF PARCEL: Approximately 323 square feet

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$13.05
TAX TITLE MAINTENANCE COST & EXPENSES:	\$57.50
RECORDING FEE:	\$26.00
SUB-TOTAL	\$97.00
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$100.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to ROBERT J. & ANNETTE S. LEVY

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

Commencing at the most Northerly Northeast corner of Lot 8, Block 7, Buehner's Addition, a plat of record in Multnomah County, State of Oregon; thence South 215.68 feet along the East line thereof to the true point of beginning; thence North89°06'30"East 2.24 feet; thence South along the most Easterly lot line of said Lot 8, a distance of 127.74 feet to the most Southeasterly corner of said Lot 8; thence South86°45'30"West 3.08 feet, to a point South of the most Northerly Northeast corner of said Lot 8; thence North a distance of 127.86 feet to the true point of beginning. Except that part of Lot 8 lying in the Right of Way of SE Hawthorne Avenue.

- b. The property has an assessed value of \$300 on the County's current tax roll.
- c. 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 323 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. ROBERT J. & ANNETTE S. LEVY have agreed to pay \$100, 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 \$100, the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to ROBERT J. & ANNETTE S. LEVY the above described real property within Multnomah County, Oregon.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services
Page 1 of 2 – Resolution and Deed Authorizing Private Sale

Until a change is requested, all tax statements
shall be sent to the following address:
ROBERT J. & ANNETTE S. LEVY
5837 SE HAWTHORNE BLVD
PORTLAND OR 97215-3455

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

Deed D072109 FOR R123283

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor; conveys to ROBERTJ. & ANNETTE S. LEVY, Husband & Wife, Grantees; the following described real property:

Commencing at the most Northerly Northeast corner of Lot 8, Block 7, Buehner's Addition, a plat of record in Multnomah County, State of Oregon; thence South 215.68 feet along the East line thereof to the true point of beginning; thence North89°06'30"East 2.24 feet; thence South along the most Easterly lot line of said Lot 8, a distance of 127.74 feet to the most Southeasterly corner of said Lot 8; thence South86°45'30"West 3.08 feet, to a point South of the most Northerly Northeast corner of said Lot 8; thence North a distance of 127.86 feet to the true point of beginning. Except that part of Lot 8 lying in the Right of Way of SE Hawthorne Avenue.

The true consideration for this conveyance is \$100.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-007

Authorizing the Private Sale of a Tax Foreclosed Property to ROBERT J. & ANNETTE S. LEVY

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

Commencing at the most Northerly Northeast corner of Lot 8, Block 7, Buehner's Addition, a plat of record in Multnomah County, State of Oregon; thence South 215.68 feet along the East line thereof to the true point of beginning; thence North89°06'30"East 2.24 feet; thence South along the most Easterly lot line of said Lot 8, a distance of 127.74 feet to the most Southeasterly corner of said Lot 8; thence South86°45'30"West 3.08 feet, to a point South of the most Northerly Northeast corner of said Lot 8; thence North a distance of 127.86 feet to the true point of beginning. Except that part of Lot 8 lying in the Right of Way of SE Hawthorne Avenue.

- b. The property has an assessed value of \$300 on the County's current tax roll.
- c. 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 323 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. ROBERT J. & ANNETTE S. LEVY have agreed to pay \$100, 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 \$100, the Chair on behalf of Multnomah County is authorized to execute a Bargain and Sale deed conveying to ROBERT J. & ANNETTE S. LEVY the above described real property within Multnomah County, Oregon.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services

Page 1 of 2 – Resolution 07-007 and Deed Authorizing Private Sale

Until a change is requested, all tax statements
Shall be sent to the following address:
ROBERT J. & ANNETTE S. LEVY
5837 SE HAWTHORNE BLVD
PORTLAND OR 97215-3455

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

Deed D072109 FOR R123283

MULTNOMAH COUNTY, a political subdivision of the State of Oregon; Grantor; conveys to ROBERTJ. & ANNETTE S. LEVY, Husband & Wife, Grantees; the following described real property:

Commencing at the most Northerly Northeast corner of Lot 8, Block 7, Buehner's Addition, a plat of record in Multnomah County, State of Oregon; thence South 215.68 feet along the East line thereof to the true point of beginning; thence North89°06'30"East 2.24 feet; thence South along the most Easterly lot line of said Lot 8, a distance of 127.74 feet to the most Southeasterly corner of said Lot 8; thence South86°45'30"West 3.08 feet, to a point South of the most Northerly Northeast corner of said Lot 8; thence North a distance of 127.86 feet to the true point of beginning. Except that part of Lot 8 lying in the Right of Way of SE Hawthorne Avenue.

The true consideration for this conveyance is \$100.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-8
 Est. Start Time: 9:30 AM
 Date Submitted: 12/05/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to AMADOU D. LO

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
		I/O Address:	<u>503/4/TT</u>
Presenter(s):	<u>Gary Thomas</u>		

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 AMADOU D LO.

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

The subject property is a square shaped vacant lot that came into county ownership through the foreclosure of delinquent tax liens on September 23, 1999. The parcel is approximately 37' x 37' and contains approximately 1,378 square feet. The lot is located between 8816 NE Alberta St and 8803 NE Humboldt St. Researching the history of the subject parcel and analyzing previous sales of adjacent properties show that it was intended to be a part of the property at 8803 NE Humboldt St. A 1988 sale of the 8803 Humboldt property neglected to include the legal description for the subject parcel. Taxes were paid on it for a few years until it finally came into county ownership in 1999. We propose to sell the parcel to the owner of the 8803 N Humboldt St. property. The subject parcel is in a different sub-division than the adjacent property whose owner we are going to sell the lot to.

The attached Exhibit A, a plat map shows the location of the property. Exhibit B, an aerial photo,

shows the parcel in relation to the adjacent properties.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 1,378 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.

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).

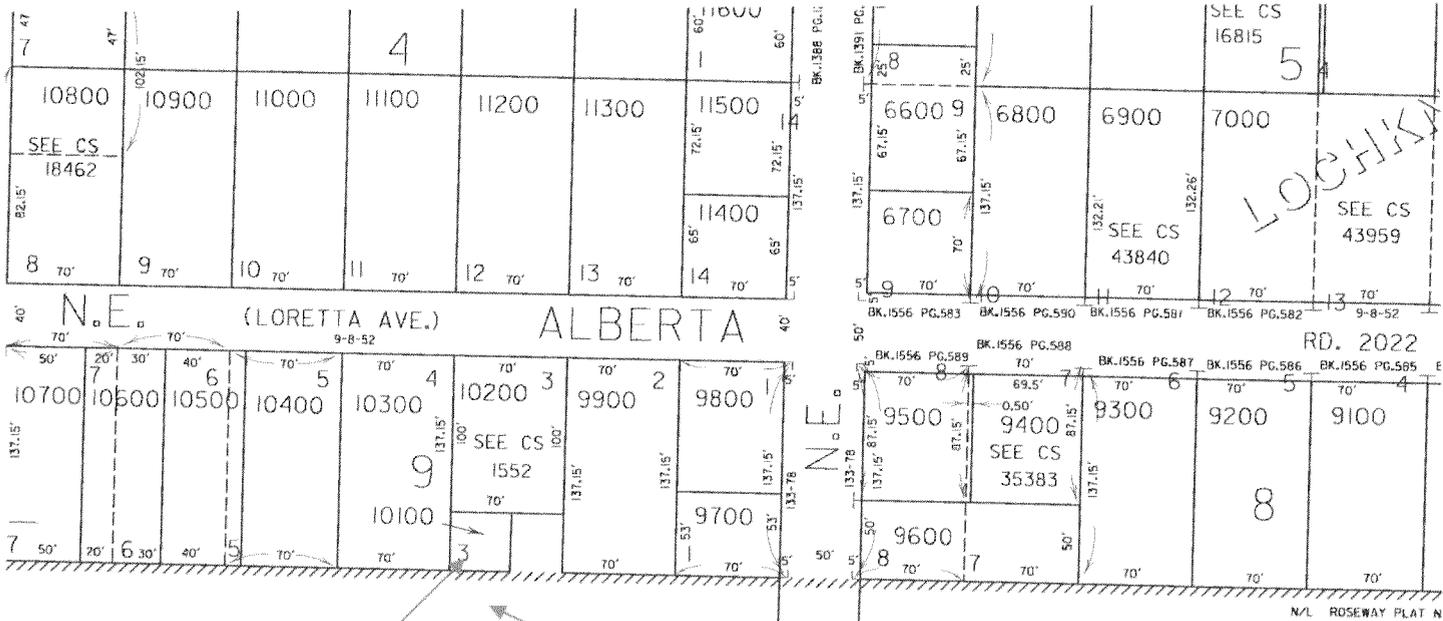
4. Explain any legal and/or policy issues involved.

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.

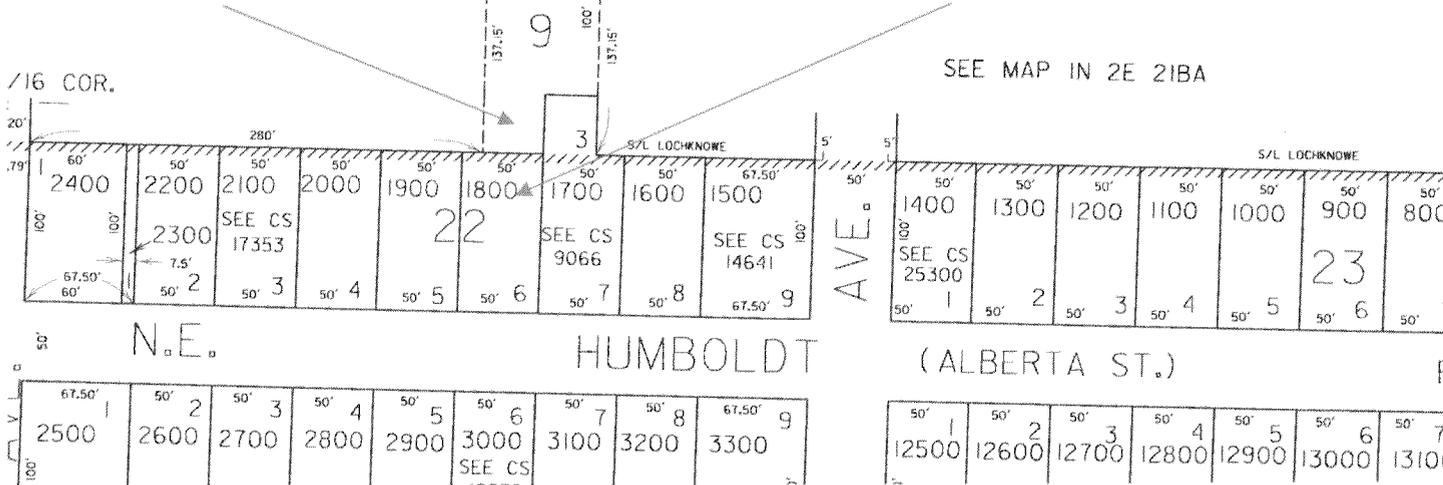
No citizen or government participation is anticipated.

EXHIBIT A



SEE MAP IN 2E 21BD

Subject
(where it is physically located on an adjacent map) 8033 NE Humboldt St



SEE MAP IN 2E 21BA

EXHIBIT B



Subject lot

8033 NE Humboldt St

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE

LEGAL DESCRIPTION:

A tract of land in the Northeast One-Quarter of Section 21, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon being a portion of Lot 3, Block 9, Lochknowe.

Lot 3 of Block 9 Lochknowe, except the North 100 feet thereof and further excepting that part of said Lot 3 lying East of the Northerly extension of the West line of Lot 7, Block 22, Roseway No. 2

ADJACENT PROPERTY ADDRESS: 8803 NE Humboldt St
TAX ACCOUNT NUMBER: R208111
GREENSPACE DESIGNATION: No designation
SIZE OF PARCEL: Approximately 1,378 square feet
ASSESSED VALUE: \$3,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:

\$728.70

TAX TITLE MAINTENANCE COST & EXPENSES:

\$252.55

RECORDING FEE:

\$26.00

SUB-TOTAL

\$1,007.25

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$1,100.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/05/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to AMADOU D. LO

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County through the foreclosure of liens for delinquent real property taxes, has acquired the following property:

A tract of land in the Northeast One-Quarter of Section 21, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon being a portion of Lot 3, Block 9, Lochknowe.

Lot 3 of Block 9 Lochknowe, except the North 100 feet thereof and further excepting that part of said Lot 3 lying East of the Northerly extension of the West line of Lot 7, Block 22, Roseway No. 2

- b. The property has an assessed value of \$3,000 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 1,378 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. AMADOU D. LO has agreed to pay \$1,100, 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 \$1,100 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to AMADOU D. LO, the above described real property.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services
Page 1 of 2 – Resolution and Deed Authorizing Private Sale

Until a change is requested, all tax statements
shall be sent to the following address:
AMADOU LO
8803 NE HUMBOLDT ST
PORTLAND OR 97220

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

Deed D072104 For R208111

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to AMADOU D. LO, Grantee, the following real property:

A tract of land in the Northeast One-Quarter of Section 21, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon being a portion of Lot 3, Block 9, Lochknowe.

Lot 3 of Block 9 Lochknowe, except the North 100 feet thereof and further excepting that part of said Lot 3 lying East of the Northerly extension of the West line of Lot 7, Block 22, Roseway No. 2

The true consideration for this conveyance is \$1,100.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-008

Authorizing the Private Sale of a Tax Foreclosed Property to AMADOU D. LO

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County through the foreclosure of liens for delinquent real property taxes, has acquired the following property:

A tract of land in the Northeast One-Quarter of Section 21, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon being a portion of Lot 3, Block 9, Lochknowe.

Lot 3 of Block 9 Lochknowe, except the North 100 feet thereof and further excepting that part of said Lot 3 lying East of the Northerly extension of the West line of Lot 7, Block 22, Roseway No. 2

- b. The property has an assessed value of \$3,000 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 1,378 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. AMADOU D. LO has agreed to pay \$1,100, 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 \$1,100 the Chair on behalf of Multnomah County, is authorized to execute a Bargain and Sale deed conveying to AMADOU D. LO, the above described real property.

ADOPTED this 4th day of January, 2007.

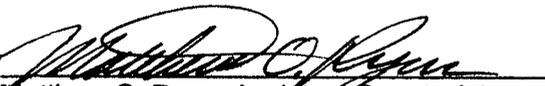


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services
Page 1 of 2 - Resolution 07-008 and Deed Authorizing Private Sale

Until a change is requested, all tax statements
Shall be sent to the following address:
AMADOU LO
8803 NE HUMBOLDT ST
PORTLAND OR 97220

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

Deed D072104 For R208111

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to AMADOU D. LO, Grantee, the following real property:

A tract of land in the Northeast One-Quarter of Section 21, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon being a portion of Lot 3, Block 9, Lochknowe.

Lot 3 of Block 9 Lochknowe, except the North 100 feet thereof and further excepting that part of said Lot 3 lying East of the Northerly extension of the West line of Lot 7, Block 22, Roseway No. 2

The true consideration for this conveyance is \$1,100.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-9
 Est. Start Time: 9:30 AM
 Date Submitted: 12/19/06

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner, REBECCA CHASE**

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Item</u>
Department:	<u>Community Services</u>	Division:	<u>Tax Title</u>
Contact(s):	<u>Gary Thomas</u>		
Phone:	<u>503-988-3590</u>	Ext.	<u>22591</u>
Presenter(s):	<u>Gary Thomas</u>	I/O Address:	<u>503/4/TT</u>

General Information

- 1. What action are you requesting from the Board?**
 The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the former owner REBECCA CHASE.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
 The subject property (as shown in Exhibit A) was foreclosed on for delinquent property taxes and came into County ownership on September 25, 2006. A letter dated October 30, 2006 was sent to the former owner of record, providing the opportunity to repurchase the property. The former owner's brother Robert Butler called Tax Title and requested to repurchase the property on his sister's behalf. A check for the full payment was received on December 18, 2006.
- 3. Explain the fiscal impact (current year and ongoing).**
 The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit B).

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

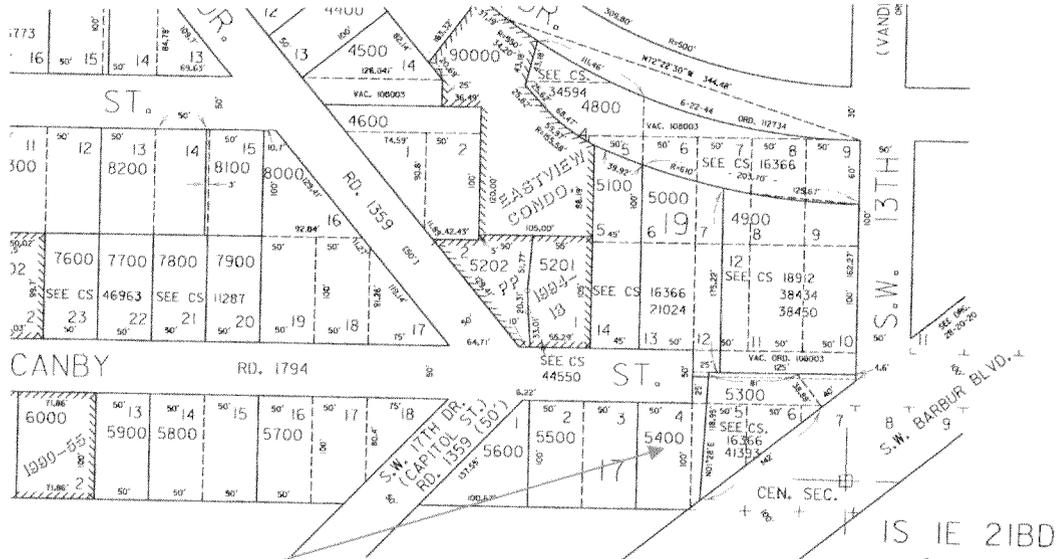
Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes.

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

None is anticipated.

EXHIBIT A

R126853 Adjacent to 1400 SW Canby



Subject

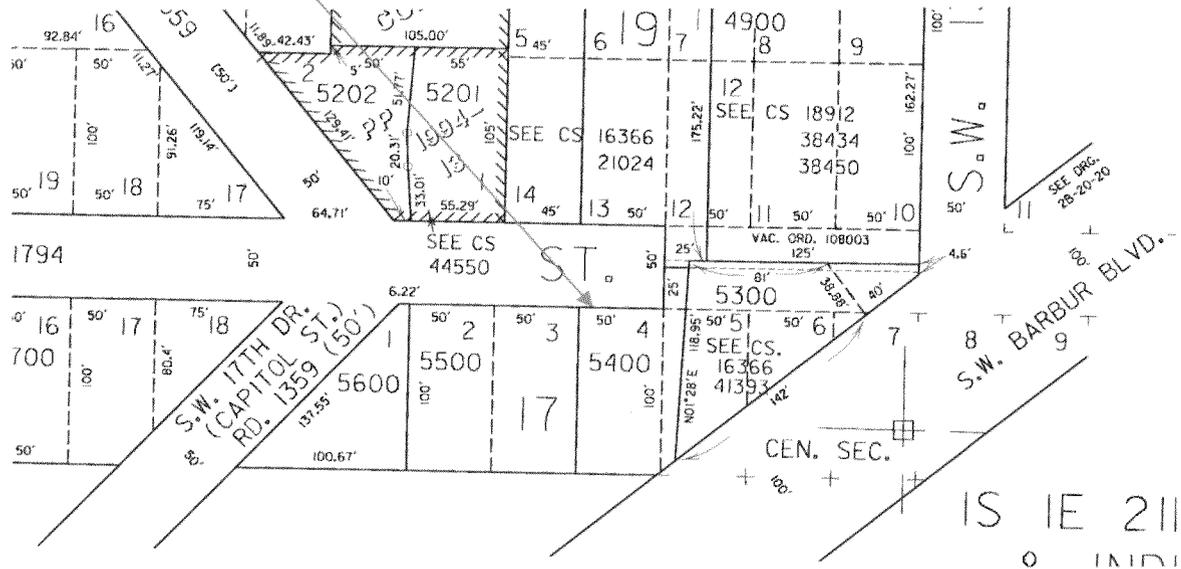


EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2007

LEGAL DESCRIPTION:

Lots 4 and 5, Block 17, Capital Hill and that portion of S.W. Canby Street vacated by Ordinance No. 108003 accruing unto said Lot 5, in the Northwest One-Quarter of Section 21, Township 1 South, Range 1 East, Willamette Meridian, in the County of Multnomah and State of Oregon.

Except that portion lying in the following described parcel of land:

Beginning at the point of intersection of the Northwesterly right-of-way line of S.W. Barbur Boulevard with the Westerly right-of-way line of S.W. 13th Avenue; thence South 50°29'00" West, along said Northwesterly right-of-way of S.W. Barbur Boulevard, a distance of 40.00 feet to a point, being the most Easterly corner of that tract of land conveyed to Fred Meyer Valley Company by Deed recorded August 13th, 1969 in Book 692 Page 487 Deed Records; thence continuing South 50°29'00" West, a distance of 142.00 feet to the Southwest corner of that tract of land conveyed to Fatemah Mizani- Massih by deed recorded July 27, 1997 as Document No. 97-111721; thence North 01°28'00" East, along the Westerly line of said tract, a distance of 118.95 feet; thence North 89°22'30" East, along the Westerly extension and South line of that tract conveyed to the First National Bank of Oregon by deed recorded May 31st, 1963 in Book 2170 Page 329, Deed Records, 137.28 feet, more or less, to the West line of S.W. 13th Avenue; thence South 0°37'30" East, along said West line of S.W. 13th Avenue, a distance of 4.6 feet to the point of beginning.

PROPERTY ADDRESS:	Vacant Lot adjacent to 1400 SW Canby
TAX ACCOUNT NUMBER:	R126853
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	6,359 Square Feet
ASSESSED VALUE:	\$55,000

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$370.70
TAX TITLE MAINTENANCE COST & EXPENSES:	\$50.00
PENALTY & FEE:	\$209.77
SUB-TOTAL	\$630.47
MINIMUM PRICE REQUEST FOR REPURCHASE	\$630.47

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 12/20/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner,
REBECCA CHASE

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and REBECCA CHASE is the former owner of record.
- b. REBECCA CHASE has applied to the County to repurchase the property for \$630.47, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c. The Tax Title Section has received payment in the amount of \$630.47 from REBECCA CHASE.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072116 conveying to the former owner the real property described in the attached Exhibit A.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A Resolution

Multnomah County Tax Account Number R126853

LEGAL DESCRIPTION:

Lots 4 and 5, Block 17, Capital Hill and that portion of S.W. Canby Street vacated by Ordinance No. 108003 accruing unto said Lot 5, in the Northwest One-Quarter of Section 21, Township 1 South, Range 1 East, Willamette Meridian, in the County of Multnomah and State of Oregon.

Except that portion lying in the following described parcel of land:

Beginning at the point of intersection of the Northwesterly right-of-way line of S.W. Barbur Boulevard with the Westerly right-of-way line of S.W. 13th Avenue; thence South 50°29'00" West, along said Northwesterly right-of-way of S.W. Barbur Boulevard, a distance of 40.00 feet to a point, being the most Easterly corner of that tract of land conveyed to Fred Meyer Valley Company by Deed recorded August 13th, 1969 in Book 692 Page 487 Deed Records; thence continuing South 50°29'00" West, a distance of 142.00 feet to the Southwest corner of that tract of land conveyed to Fatemah Mizani- Massih by deed recorded July 27, 1997 as Document No. 97-111721; thence North 01°28'00" East, along the Westerly line of said tract, a distance of 118.95 feet; thence North 89°22'30" East, along the Westerly extension and South line of that tract conveyed to the First National Bank of Oregon by deed recorded May 31st, 1963 in Book 2170 Page 329, Deed Records, 137.28 feet, more or less, to the West line of S.W. 13th Avenue; thence South 0°37'30" East, along said West line of S.W. 13th Avenue, a distance of 4.6 feet to the point of beginning.

Until a change is requested, all tax statements
shall be sent to the following address:
REBECCA CHASE
12900 SW MORGAN CT
BEAVERTON OR 97008-6869

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

Deed D072116 for R126853

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to REBECCA CHASE, Grantee, the real property described in the attached Exhibit A.

The true consideration paid for this transfer is \$630.47.

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 4th day of January 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

Exhibit A Deed

(Multnomah County Deed No. D072116. Tax Account No. R126853)

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-009

Authorizing the Repurchase of a Tax Foreclosed Property by the Former Owner,
REBECCA CHASE

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes, and REBECCA CHASE is the former owner of record.
- b. REBECCA CHASE has applied to the County to repurchase the property for \$630.47, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that the property be sold to the former owner.
- c. The Tax Title Section has received payment in the amount of \$630.47 from REBECCA CHASE.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute Bargain and Sale Deed D072116 conveying to the former owner the real property described in the attached Exhibit A.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Exhibit A Resolution

Multnomah County Tax Account Number R126853

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BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, 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 4th day of January 2007, by Ted Wheeler, 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.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/09

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(Multnomah County Deed No. D072116. Tax Account No. R126853)

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**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-10
 Est. Start Time: 9:30 AM
 Date Submitted: 12/18/06

BUDGET MODIFICATION: -

Agenda Title: **Amendment 2 to Intergovernmental Agreement 0405013 with the City of Portland to Extend the Urban Area Security Initiative Grant Time Period through June 30, 2008**

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>Consent Calendar</u>
Department:	<u>Community Services</u>	Division:	<u>Office of Emergency Mgmt</u>
Contact(s):	<u>Steven Bullock</u>		
Phone:	<u>(503) 988-4233</u>	Ext.	<u>84233</u>
		I/O Address:	<u>503/6th Fl</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

We request Board approval of IGA Amendment No. 2 to extend the Urban Area Security Initiative (UASI) Grant, a Portland regional grant from the Department of Homeland Security. The City of Portland, management agency for the grant and amendments which supply funds to 10 different responder and emergency disciplines in order to prepare them for response to emergencies, has received the FY06 UASI Grant which extends the grant period until June 30, 2008. The County is acting in a pass-through capacity for equipment ownership and grant requirements.

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

Amendment No. 2 to the IGA extends the existing UASI Grant Awards. The jurisdictions involved are part of the UASI planning process.

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

No funds pass through to the County under the UASI Agreement.

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

None. The UASI Intergovernmental Agreements have been reviewed by the County Attorney.

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

Citizen and government participation has taken place in accordance with grant requirements.

Required Signatures

**Department/
Agency Director:**



Date: 12/14/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached Contract #: 0405013
 Amendment #: 2

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue CLASS III B <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

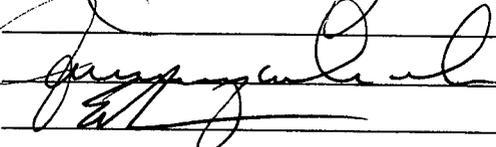
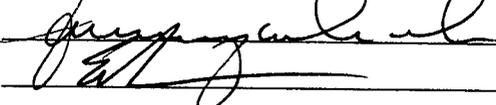
Department: Community Services Division: Office of Emergency Mgmt Date: 12/13/06
 Originator: Steven Bullock Phone: x84233 Bldg/Rm: 503/6th Fl.
 Contact: Cathy Kramer Phone: x22589 Bldg/Rm: 455/Annex

Description of Contract: Amendment No. 2 to Intergovernmental Agreement with the City of Portland (County No. 0405013/City No. 52304), to extend the Urban Areas Grant Initiative (UASI) grant time period through June 30, 2008, in accordance with the FY06 UASI Grant. Multnomah County is coordinating with the City of Portland to manage reimbursement of this regional grant from the Department of Homeland Security. There are no costs to the County associated with this Amendment or the UASI Grant.

RENEWAL PREVIOUS CONTRACT #(S) _____
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #: _____ ORS/AR #: _____
 EFFECTIVE DATE: _____ EXPIRATION DATE: _____
 CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor Address: <u>City of Portland Office of Emergency Management</u> <u>1001 SW 5th Avenue, Room 650</u> City/State: <u>Portland OR</u> ZIP Code: <u>97204</u> Phone: <u>(503) 823-2055 (Sarah Liggett-Grants Administrator)</u> Employer ID# or SS#: <u>N/A</u> Contract Effective Date: <u>07/04/04</u> Term Date: <u>06/30/07</u> Amendment Effect Date: <u>12/01/06</u> New Term: <u>06/30/08</u>	Remittance address _____ (if different) Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Funding Info:
Original Contract Amount \$ <u>\$0</u> Total Amt of Previous Amendments \$ <u>\$0</u> Amount of Amendment \$ <u>\$0</u> Total Amount of Agreement \$ <u>\$0</u>	Original Requirements Amount \$ _____ Total Amt of Previous Amendments \$ _____ Requirements Amount Amendment \$ _____ Total Amount of Requirements \$ _____

REQUIRED SIGNATURES:

Department Manager 	DATE <u>12/14/06</u>
Purchasing Manager 	DATE _____
County Attorney 	DATE <u>12/6/06</u>
County Chair 	DATE <u>1/4/07</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

APPROVED: MULTNOMAH COUNTY

COMMENTS: (SAP EM009CEM)

BOARD OF COMMISSIONERS
 AGENDA # 6-10 DATE 1.4.07
 MEAGAN SWENSON, ASST BOARD CLERK

08

GRANTEE COPY

OREGON OFFICE OF HOMELAND SECURITY
CRIMINAL JUSTICE SERVICES DIVISION
URBAN AREAS SECURITY INITIATIVE – CFDA # 97.008

GRANT AWARD CONDITIONS AND CERTIFICATIONS

PROGRAM NAME:	Portland Urban Area FY06 UASI Grant	GRANT NO:	#06-071
GRANTEE:	City of Portland	FY 2006 AWARD:	\$8,240,000
ADDRESS:	Portland Office of Emergency Management (POEM) 1001 SW Fifth Avenue, Suite 650 Portland, OR 97204	AWARD PERIOD:	9/1/06 thru 6/30/08
PROGRAM CONTACT:	Shawn Graff shawn.graff@ci.portland.or.us	TELEPHONE:	(503) 823-2691
		FAX:	(503) 823-3903
FISCAL CONTACT:	Sarah Liggett	TELEPHONE:	(503) 823-2055

BUDGET

REVENUE

Federal Grant Funds \$8,240,000

TOTAL REVENUE: \$8,240,000

EXPENDITURES

Equipment	
CBRNE Incident Response Vehicle	\$1,091,000
CBRNE Operational and Search and Rescue	\$300,000
Information Technology	\$32,000
Interoperable Communications	\$1,146,067
Medical Supplies - MCI/POD	\$13,800
Other Equipment	\$60,000
Physical Security Enhancement	\$200,000
Power Equipment	\$10,920
Exercises	\$1,500,000
Planning	\$2,834,213
Training	\$640,000
Administration	\$412,000

TOTAL EXPENDITURES: \$8,240,000

This document along with the terms and conditions and grant application attached hereto and any other document referenced constitutes an agreement between the Criminal Justice Services Division (CJSD) of the Oregon Office of Homeland Security and the Grantee. No waiver, consent, modification or change of terms of this agreement shall be binding unless agreed to in writing and signed by both the Grantee and CJSD. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. The Grantee, by signature of its authorized representative, hereby acknowledges that he/she has read this agreement, understands it, and agrees to be bound by its terms and conditions (including all references to other documents). Failure to comply with this agreement and with applicable state and federal rules and guidelines may result in the withholding of reimbursement, the termination or suspension of the agreement, denial of future grants, and/or damages to CJSD.

TERMS AND CONDITIONS

I. CONDITIONS OF AWARD

- A. The Grantee agrees to operate the program as described in the application and to expend funds in accordance with the approved budget unless the Grantee receives prior written approval by CJSD to modify the program or budget. CJSD may withhold funds for any expenditure not within the approved budget or in excess of amounts approved by CJSD. Failure of the Grantee to operate the program in accordance with the written agreed upon objectives contained in the grant application and budget will be grounds for immediate suspension and/or termination of the grant agreement.
- B. The Grantee agrees that all publications created with funding under this grant shall prominently contain the following statement: "This document was prepared under a grant from the Office of Grants and Training, United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of the Office of Grants and Training or the U.S. Department of Homeland Security."
- C. The Grantee agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
- D. By accepting FY 2006 funds, the Grantee certifies that it has met NIMS compliance activities outlined in the NIMS Implementation Matrix for State, Tribal, or Local Jurisdictions or will meet these requirements by September 30, 2006. The NIMS Implementation Matrix is available in Appendix G of the FY 2006 Homeland Security Grant Program Guidance and Application Kit at:
<http://www.ojp.usdoj.gov/odp/docs/fy2006hsgp.pdf>
- E. Maintenance, Retention, and Access to Records; Audits
1. Maintenance and Retention of Records. The Grantee agrees to maintain accounting and financial records in accordance with Generally Accepted Accounting Principles (GAAP) and the standards of the Office of Grants and Training, Office of Grant Operations (OGO) set forth in the January 2006 Financial Management Guide, including without limitation in accordance with Office of Management and Budget (OMB) Circulars A-87, A-102, A-122, A-128, A-133. All financial records, supporting documents, statistical records and all other records pertinent to this grant or agreements under this grant shall be retained by the Grantee for a minimum of five years for purposes of State of Oregon or Federal examination and audit. It is the responsibility of the Grantee to obtain a copy of the OGO Financial Management Guide from the Office of Grants and Training and apprise itself of all rules and regulations set forth. A copy is available at:
http://www.dhs.gov/interweb/assetlibrary/Grants_FinancialManagementGuide.pdf
 2. Retention of Equipment Records. Records for equipment shall be retained for a period of three years from the date of the disposition or replacement or transfer at the discretion of the awarding agency. Title to all equipment and supplies purchased with funds made available under the State Homeland Security Grant Program (SHSGP) shall vest in the Grantee agency that purchased the property, if it provides written certification to CJSD that it will use the property for purposes consistent with the Homeland Security Grant Program.
 3. Access to Records. CJSD, Oregon Secretary of State, the Office of the Comptroller, the General Accounting Office (GAO), or any of their authorized representatives, shall have the right of access to any pertinent books, documents, papers, or other records of Grantee and any contractors or subcontractors of Grantee, which are pertinent to the grant, in order to make audits, examinations, excerpts, and transcripts. The right of access is not limited to the required retention period but shall last as long as the records are retained.

4. **Audits** If Grantee *expends* \$500,000 or more in Federal funds (from all sources) in its fiscal year, Grantee shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133. Copies of all audits must be submitted to CJSD within 30 days of completion. If Grantee *expends* less than \$500,000 in its fiscal year in Federal funds, Grantee is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials as provided in Section I E.1 herein.
5. **Audit Costs** Audit costs for audits not required in accordance with OMB Circular A-133 are unallowable. If Grantee did not *expend* \$500,000 or more in Federal funds in its fiscal year, but contracted with a certified public accountant to perform an audit, costs for performance of that audit shall not be charged to the grant.

F **Funding.**

1. **Matching Funds.** This Grant does not require matching funds.
2. **Supplanting.** The Grantee certifies that federal funds will not be used to supplant state or local funds, but will be used to increase the amount of funds that, in the absence of federal aid, would be made available to the Grantee to fund programs consistent with Homeland Security Grant Program guidelines.

G **Reports.** Failure of the Grantee to submit the required program, financial, or audit reports, or to resolve program, financial, or audit issues may result in the suspension of grant payments and/or termination of the grant agreement.

1. **Progress Reports, Initial Strategy Implementation Plan (ISIP), and Biannual Strategy Implementation Report (BSIR).** The Grantee agrees to submit two types of semi-annual reports on its progress in meeting each of its agreed upon goals and objectives. One is a narrative progress report that addresses specific information regarding the activities carried out under the FY 2006 Homeland Security Grant Program and how they address identified project specific goals and objectives. Progress reports are due January 15, 2007; July 16, 2007; January 15, 2008; and July 15, 2008 or whenever Requests for Reimbursement are submitted, whichever comes first. Narrative reports may be submitted separately or included in the "Project Notes" section of the BSIR.

The second is a set of web-based applications that details how funds are linked to one or more projects, which in turn must support specific goals and objectives in the State or Urban Area Homeland Security Strategy. The first report, the Initial Strategy Implementation Plan (ISIP), is due by August 29, 2006 and will be completed by the Criminal Justice Services Division.

Biannual Strategy Implementation Reports (BSIR) must be received no later than January 15, 2007; July 16, 2007; January 15, 2008; and July 15, 2008. A final BSIR will be due 90 days after the grant award period.

Examples of information to be captured in the ISIP and BSIR include:

- Total dollar amount received from each funding source (e.g., Law Enforcement Terrorism Prevention Program, State Homeland Security Program, Citizen Corps).
- Projects(s) to be accomplished with funds provided during the grant award period.
- State or Urban Area Homeland Security Strategy goal or objective supported by the project(s)
- Amount of funding designated for each discipline from each grant funding source
- Solution area which expenditures will be made and the amount that will be expended under each solution area from each grant funding source.
- Metric and or narrative discussion indicating project progress / success

Any progress report, Initial Strategy Implementation Plan, or Biannual Strategy Implementation Report that is outstanding for more than one month past the due date may cause the suspension and/or termination of the grant. Grantee must receive prior written approval from CJSD to extend a progress report requirement past its due date.

2 Financial Reimbursement Reports

- a. In order to receive reimbursement, the Grantee agrees to submit a signed Request for Reimbursement (RFR) which includes supporting documentation for all grant expenditures. RFRs may be submitted quarterly but no less frequently than semi-annually during the term of the grant agreement. At a minimum, RFRs must be received no later than January 31, 2007; July 31, 2007; January 31, 2008; and July 31, 2008.

Reimbursements for expenses will be withheld if progress reports are not submitted by the specified dates or are incomplete.

- b. Reimbursement rates for travel expenses shall not exceed those allowed by the State of Oregon. Requests for reimbursement for travel must be supported with a detailed statement identifying the person who traveled, the purpose of the travel, the times, dates, and places of travel, and the actual expenses or authorized rates incurred.
- c. Reimbursements will only be made for actual expenses incurred during the grant period. The Grantee agrees that no grant funds may be used for expenses incurred before September 1, 2006 or after June 30, 2008.
- d. Grantee shall be accountable for and shall repay any overpayment, audit disallowances or any other breach of grant that results in a debt owed to the Federal Government. CJSD shall apply interest, penalties, and administrative costs to a delinquent debt owed by a debtor pursuant to the Federal Claims Collection Standards and OMB Circular A-129.

3. Procurement Standards

- a. Grantees shall follow the same policies and procedures it uses for procurement from its non-Federal funds. Grantees shall use their own procurement procedures and regulations, provided that the procurement conforms to applicable Federal and State law and standards.
- b. All procurement transactions, whether negotiated or competitively bid and without regard to dollar value, shall be conducted in a manner so as to provide maximum open and free competition. All sole-source procurements in excess of \$100,000 must receive prior written approval from the Criminal Justice Services Division. Interagency agreements between units of government are excluded from this provision.
- c. The Grantee shall be alert to organizational conflicts of interest or non-competitive practices among contractors that may restrict or eliminate competition or otherwise restrain trade. Contractors that develop or draft specifications, requirements, statements of work, and/or Requests for Proposals (RFP) for a proposed procurement shall be excluded from bidding or submitting a proposal to compete for the award of such procurement. Any request for exemption must be submitted in writing to the Criminal Justice Services Division.
- d. All non-state procurement transactions shall be conducted in such a manner that provides, to the maximum extent practical, open and free competition. However, should a recipient elect to award a contract without competition, sole source justification may be necessary. Justification must be provided for non-competitive procurement and should include a description of the program and what is being contracted for, an explanation of why it is necessary to contract noncompetitively, time constraints and any other pertinent information. Grantees may not proceed with a sole source procurement without prior written approval from the Criminal Justice Services Division.

4. Audit Reports. Grantee shall provide CJSD copies of all audit reports pertaining to this Grant Agreement obtained by Grantee, whether or not the audit is required by OMB Circular A-133.

H. Indemnification The Grantee shall, to the extent permitted by the Oregon Constitution and by the Oregon Tort Claims Act, defend, save, hold harmless, and indemnify the State of Oregon and CJSD, their officers, employees, agents, and members from all claims, suits and actions of whatsoever nature resulting from or arising out of the activities of Grantee, its officers, employees, subcontractors, or agents under this grant.

Grantee shall require any of its contractors or subcontractors to defend, save, hold harmless and indemnify the State of Oregon, Criminal Justice Services Division, and the Oregon Office of Homeland Security, their officers, employees, agents, and members, from all claims, suits or actions of whatsoever nature resulting from or arising out of the activities of subcontractor under or pursuant to this grant.

Grantee shall, if liability insurance is required of any of its contractors or subcontractors, also require such contractors or subcontractors to provide that the State of Oregon, Criminal Justice Services Division, and the Oregon Office of Homeland Security and their officers, employees and members are Additional Insureds, but only with respect to the contractor's or subcontractor's services performed under this grant.

I. Copyright and Patents.

1. Copyright If this agreement or any program funded by this agreement results in a copyright, the CJSD and the U.S. Department of Homeland Security reserve a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, for government purposes, the work or the copyright to any work developed under this agreement and any rights of copyright to which Grantee, or its contractor or subcontractor, purchases ownership with grant support.

2. Patent. If this agreement or any program funded by this agreement results in the production of patentable items, patent rights, processes, or inventions, the Grantee or any of its contractors or subcontractors shall immediately notify CJSD. The CJSD will provide the Grantee with further instruction on whether protection on the item will be sought and how the rights in the item will be allocated and administered in order to protect the public interest, in accordance with federal guidelines.

J. No Implied Waiver, Cumulative Remedies. The failure of Grantor to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

K. Governing Law, Venue, Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between Grantor (and/or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court for the State of Oregon; provided, however, if the Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Grantee, By Execution Of This Agreement, Hereby Consents To The In Personam Jurisdiction Of Said Courts.

L. Notices. Except as otherwise expressly provided in this Section, any communications between the parties hereto or notice to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same by registered or certified mail, postage prepaid to Grantee or Grantor at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and sent by registered or certified mail shall be deemed delivered upon receipt or refusal of receipt. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered. The parties also may communicate by telephone, regular mail or other means, but such communications shall not be deemed Notices under this Section unless receipt by the other party is expressly acknowledged in writing by the receiving party.

M. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Grantor.

- N Survival All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section I.C (Maintenance, Retention and Access to Records; Audits); Section I.E (Reports); and Section I.F (indemnification)
- O Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.
- P Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venturer or related entity of the other by reason of this Agreement.

II. Grantee Compliance and Certifications

- A. Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Grantee certifies by accepting grant funds that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, nor voluntarily excluded from participation in this transaction by any Federal department or agency. (This certification is required by regulations published May 26, 1988, implementing Executive Order 12549, Debarment and Suspension, 28 CFR Part 69 and 28 CFR Part 67)
- B. Standard Assurances and Certifications Regarding Lobbying. The Anti-Lobbying Act, 18 U.S.C. § 1913, was amended to expand significantly the restriction on use of appropriated funding for lobbying. This expansion also makes the anti-lobbying restrictions enforceable via large civil penalties, with civil fines between \$10,000 and \$100,000 per each individual occurrence of lobbying activity. These restrictions are in addition to the anti-lobbying and lobbying disclosure restrictions imposed by 31 U.S.C. § 1352. The Office of Management and Budget (OMB) is currently in the process of amending the OMB cost circulars and the common rule (codified at 28 C.F.R. part 69 for DOJ grantees) to reflect these modifications. However, in the interest of full disclosure, all applicants must understand that no federally-appropriated funding made available under this grant program may be used, either directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation, or policy, at any level of government, without the express approval of the U.S. Department of Justice. Any violation of this prohibition is subject to a minimum \$10,000 fine for each occurrence. This prohibition applies to all activity, even if currently allowed within the parameters of the existing OMB circulars.
- C. Compliance with Applicable Law. The Grantee agrees to comply with all applicable laws, regulations, and guidelines of the State of Oregon, the Federal Government and CJSJ in the performance of this agreement, including but not limited to:
1. The provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Administrative Review Procedure; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 42, Non-Discrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures, and Federal laws or regulations applicable to Federal assistance programs
 2. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (P.L. 91-646)
 3. Section 102(a) of the Flood Disaster Protection Act of 1973, P.L. 93-234, 87 Stat 97, approved December 31, 1976
 4. Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et seq)
 5. National Environmental Policy Act of 1969, 42 USC 4321 et seq
 6. Flood Disaster Protection Act of 1973, 42 USC 4001 et seq
 7. Clean Air Act, 42 USC 7401 et seq
 8. Clean Water Act, 33 USC 1368 et seq.
 9. Federal Water Pollution Control Act of 1948, as amended, 33 USC 1251 et seq.
 10. Safe Drinking Water Act of 1974, 42 USC 300f et seq

11. Endangered Species Act of 1973, 16 USC 1531 et seq
12. Wild and Scenic Rivers Act of 1968, as amended, 16 USC 1271 et seq.
13. Historical and Archaeological Data Preservation Act of 1960, as amended, 16 USC 469 et seq
14. Coastal Zone Management Act of 1972, 16 USC 1451 et seq.
15. Coastal Barrier Resources Act of 1982, 16 USC 3501 et seq.
16. Indian Self-Determination Act, 25 USC 450f.
17. Hatch Political Activity Act of 1940, as amended, 5 USC 1501 et seq.
18. Animal Welfare Act of 1970, 7 USC 2131 et seq
19. Demonstration Cities and Metropolitan Development Act of 1966, 42 USC 3301 et seq.
20. Federal Fair Labor Standards Act of 1938 (as appropriate), as amended, 29 USC 201 et seq.

D. Certification of Non-discrimination.

1. The Grantee, and all its contractors and subcontractors, certifies that no person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in connection with any activity funded under this agreement on the basis of race, color, age, religion, national origin, handicap, or gender. The Grantee, and all its contractors and subcontractors, assures compliance with the following laws:
 - a. Non-discrimination requirements of the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
 - b. Title IV of the Civil Rights Act of 1964, as amended;
 - c. Section 504 of the Rehabilitation Act of 1973, as amended;
 - d. Title II of the Americans with Disabilities Act (ADA) of 1990,
 - e. Title IX of the Education Amendments of 1972;
 - f. The Age Discrimination Act of 1975;
 - g. The Department of Justice Nondiscrimination Regulations 28 CFR Part 42, Subparts C, D, E, and G;
 - h. The Department of Justice regulations on disability discrimination, 28 CFR Part 35 and Part 39
2. In the event that a Federal or State court or administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, age, religion, national origin, handicap or gender against the Grantee or any of its contractors or subcontractors, the Grantee or any of its contractors or subcontractors will forward a copy of the finding to the Criminal Justice Services Division (CJSD). CJSD will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs.

- E. Civil Rights Compliance. All recipients of federal grant funds are required, and Grantee agrees, to comply with nondiscrimination requirements of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d et seq (prohibiting discrimination in programs or activities on the basis of race, color, and national origin); Omnibus Crime Control and Safe Streets Act of 1968, as amended, 42 U.S.C. §3789d(c)(1) (prohibiting discrimination in employment practices or in programs and activities on the basis of race, color, religion, national origin, and gender); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 et seq. (prohibiting discrimination in employment practices or in programs and activities on the basis of disability); Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 (prohibiting discrimination in services, programs, and activities on the basis of disability); The Age Discrimination Act of 1975, 42 U.S.C. § 6101-07 (prohibiting discrimination in programs and activities on the basis of age); and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq (prohibiting discrimination in educational programs or activities on the basis of gender).

- F. Equal Employment Opportunity Program. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of three percent or more, the Grantee, or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to employment practices affecting minority persons and women. If the Grantee, or any of its contractors or subcontractors, has 50 or more employees, is receiving more than \$25,000 pursuant to this agreement, and has a service population with a minority representation of less than three percent, the Grantee or any of its contractors or subcontractors, agrees to formulate, implement and maintain an equal employment opportunity program relating to its practices affecting women. The Grantee, and any of its contractors and subcontractors, certifies that an equal employment opportunity program as required by this section will be in effect on or before the effective date of this agreement. Any Grantee, and any of its contractors or subcontractors, receiving more than \$500,000, either through this agreement or in aggregate grant funds in any fiscal year, shall in addition submit a copy of its equal employment opportunity plan at the same time as the application submission, with the understanding that the application for funds may not be awarded prior to approval of the Grantee's, or any of its contractors or subcontractors, equal employment opportunity program by the Office for Civil Rights, Office of Justice Programs.

If required to formulate an Equal Employment Opportunity Program (EEO), the Grantee must maintain a current copy on file which meets the applicable requirements

- G. Services to Limited English Proficient (LEP) Persons. Recipients of ODP financial assistance are required to comply with several federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, please see <http://www.lep.gov>.

H. National Environmental Policy Act (NEPA): Special Condition for U.S. Department of Justice Grant Programs.

1. Prior to obligating grant funds, Grantee agrees to first determine if any of the following activities will be related to the use of the grant funds. Grantee understands that this special condition applies to its following new activities whether or not they are being specifically funded with these grant funds. That is, as long as the activity is being conducted by the Grantee, a contractor, subcontractor or any third party and the activity needs to be undertaken in order to use these grant funds, this special condition must first be met. The activities covered by this special condition are:
 - a. new construction;
 - b. minor renovation or remodeling of a property either (a) listed on or eligible for listing on the National Register of Historic Places or (b) located within a 100-year floodplain;
 - c. a renovation, lease, or any other proposed use of a building or facility that will either (a) result in a change in its basic prior use or (b) significantly change its size; and
 - d. implementation of a new program involving the use of chemicals other than chemicals that are (a) purchased as an incidental component of a funded activity and (b) traditionally used, for example, in office, household, recreational, or educational environments.
2. Application of This Special Condition to Grantee's Existing Programs or Activities: For any of the Grantee's or its contractors' or subcontractors' existing programs or activities that will be funded by these grant funds, the Grantee, upon specific request from the Office for Domestic Preparedness, agrees to cooperate with the Office for Domestic Preparedness in any preparation by the Office for Domestic Preparedness of a national or program environmental assessment of that funded program or activity.

- I. Certification Regarding Drug Free Workplace Requirements. Grantee certifies that it will provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. The dangers of drug abuse in the workplace;
 - b. The Grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace
3. Requiring that each employee engaged in the performance of the grant be given a copy of the employer's statement required by paragraph (a).
4. Notifying the employee that, as a condition of employment under the award, the employee will:
 - a. Abide by the terms of the statement; and
 - b. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction
5. Notifying the Grantee within ten days after receiving notice from an employee or otherwise receiving actual notice of such conviction
6. Taking one of the following actions, within 30 days of receiving notice, with respect to any employee who is so convicted:
 - a. Taking appropriate personnel action against such an employee, up to and including termination; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by federal, state, or local health, law enforcement, or other appropriate agency.
7. Making a good faith effort to continue to maintain a drug-free workplace.

III. Suspension or Termination of Funding

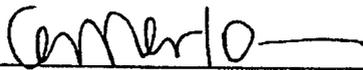
The Criminal Justice Services Division may suspend funding in whole or in part, terminate funding, or impose another sanction on a State Homeland Security Grant Program recipient for any of the following reasons:

- A. Failure to comply substantially with the requirements or statutory objectives of the Urban Area Security Initiative guidelines issued thereunder, or other provisions of federal law.
- B. Failure to make satisfactory progress toward the goals and objectives set forth in the approved Project Justification(s).
- C. Failure to adhere to the requirements of the grant award and standard or special conditions.
- D. Proposing or implementing substantial plan changes to the extent that, if originally submitted, the application would not have been selected.
- E. Failing to comply substantially with any other applicable federal or state statute, regulation, or guideline. Before imposing sanctions, the Criminal Justice Services Division will provide reasonable notice to the Grantee of its intent to impose sanctions and will attempt to resolve the problem informally.

IV. Grantee Representations and Warranties

Grantee represents and warrants to Grantor as follows:

- A. Existence and Power. Grantee is a political subdivision of the State of Oregon. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.
- B. Authority, No Contravention. The making and performance by Grantee of this Agreement (a) have been duly authorized by all necessary action of Grantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative agency or any provision of Grantee's articles of incorporation or bylaws and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties are bound or affected.
- C. Binding Obligation. This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with its terms.
- D. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.



10.20.06

Carmen Merlo, Director
Criminal Justice Services Division
Oregon Office of Homeland Security
4760 Portland Road NE
Salem, OR 97305
(503) 378-4145 ext 545

Date



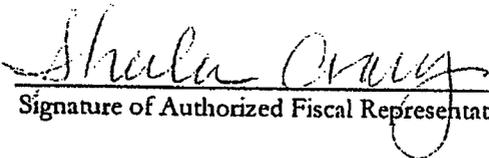
10.12.06

Signature of Authorized Grantee Official

Date

Tom Potter, Mayor

Name/Title



10.18.06

Signature of Authorized Fiscal Representative of Grantee Agency

Date

AMENDMENT NO 2

CONTRACT NO. 52304

FOR

Multnomah County, Oregon Intergovernmental Agreement (IGA) No. 0405013

Pursuant to Ordinance No. _____

This Contract was made and entered into on the 8th day of September , 2004, by and between Multnomah County, Oregon , hereinafter called Contractor, and the City of Portland, a municipal corporation of the State of Oregon, by and through its duly authorized representatives, hereinafter called City.

RECITALS:

1. The Urban Area Security Initiative (UASI) 2006 grant has been awarded from the US Department of Homeland Security (Grantor) through the State (Grantee) for administration by the City of Portland (Subgrantee).
2. The disposition of the grant funds to different governmental bodies, and the City, was achieved through intergovernmental agreements (IGAs) between the City and these entities. One such agreement was entered into between the City of Portland and Multnomah County.

NOW, THEREFORE, the parties agree:

1. This IGA between the City and Multnomah County is hereby extended through June 30, 2008 .
2. National Incident Management System (NIMS) Compliance is a federal requirement in the federal fiscal year 2006. The NIMS Compliance Form must be completed by each agency requesting or benefiting from federal preparedness funding. This is a requirement and shall be complied with as provided for in **Exhibit "A"**.
3. Equipment labeling of items purchased with grant funds are to be labeled:
"Purchased with funds provided by the U.S. Department of Homeland Security"
 This labeling requirement began with the UASI 2005 grant and continues with the UASI 2006 grant forward. This equipment labeling is a requirement and shall be complied with as provided for in **Exhibit "B"**.

All other terms and conditions of the existing IGA between the City and Multnomah County shall remain unchanged and in full force and effect.

REVIEWED:
 AGNES SOWLE, COUNTY ATTORNEY
 FOR MULTNOMAH COUNTY
 BY [Signature]
 ASSISTANT COUNTY ATTORNEY
 DATE 12/16/06

MULTNOMAH COUNTY, OREGON

By: Ted Wheeler 1.4.07
Date

Ted Wheeler, Chair, Board of County Commissioners
(Name and Title)

Address: 501 SE Hawthorne Blvd, Suite 600
Portland OR 97214

Telephone: (503) 988-3308

CITY OF PORTLAND

By: _____
Mayor/Elected Official Date

By: _____
Auditor Date

Approved as to Form:

APPROVED AS TO FORM
 [Signature]
 By City Attorney Date
 CITY ATTORNEY

NIMS Compliance Form

This NIMS Compliance Form **MUST** be completed by each agency requesting or benefiting from funding.

In federal Fiscal Year 2006, state agencies, tribes, and local communities will be required to complete several activities to comply with the National Incident Management System (NIMS). This document describes the actions that jurisdictions must take by September 30, 2006 to be compliant with NIMS. Homeland Security Presidential Directive 5 (HSPD- 5), Management of Domestic Incidents, requires all federal departments and agencies to adopt and implement the NIMS, and requires state and local jurisdictions to implement the NIMS to receive federal preparedness funding. Please check the box next to each action that your organization has completed. For those actions not completed please provide a one-page summary of the plan to complete these actions and fully implement NIMS. Additional NIMS guidance can be found at: www.fema.gov/nims

- Community Adoption: Adopt NIMS at the community level for all government departments and agencies; as well as promote and encourage NIMS adoption by associations, utilities, non-governmental organizations (NGOs), and private sector incident management and response organizations.
- Incident Command System (ICS): Manage all emergency incidents and preplanned (recurring/special) events in accordance with ICS organizational structures, doctrine, and procedures, as defined in NIMS. ICS implementation must include the consistent application of Incident Action Planning and Common Communications Plans.
- Multi-agency Coordination System: Coordinate and support emergency incident and event management through the development and use of integrated multi-agency coordination systems, i.e develop and maintain connectivity capability between local Incident Command Posts (ICPs, local 911 Centers, local Emergency Operations Centers (EOCs) and state EOC.
- Public Information System: Implement processes, procedures, and/or plans to communicate timely, accurate information to the public during an incident through a Joint Information System and Joint Information Center.
- Preparedness/Planning: Establish the community's NIMS baseline against the FY 2005 and FY 2006 implementation requirements. (NIMSCAST and/or Implementation Plan)
- Develop and implement a system to coordinate all federal preparedness funding to implement the NIMS across the community.
- Revise and update plans and SOPs to incorporate NIMS components, principles and policies, based on provided NIMS checklists to include planning, training, response, exercises, equipment, evaluation, and corrective actions.
- Participate in and promote intrastate and interagency mutual aid agreements, to include agreements with the private sector and non-governmental organizations.
- Implementation plan exists at agency level that identifies personnel to complete the below listed NIMS training requirements.
 - Complete IS-700 NIMS: An Introduction
 - Complete IS-800 NRP: An Introduction
 - Complete ICS 100 and ICS 200 Training
- Incorporate NIMS/ICS into all tribal, local, and regional training and exercises.
- Participate in an all-hazard exercise program based on NIMS that involves responders from multiple disciplines and multiple jurisdictions.
- Incorporate corrective actions into preparedness and response plans and procedures.
- Inventory community response assets to conform to homeland security resource typing standards.
- To the extent permissible by law, ensure that relevant national standards and guidance to achieve equipment, communication, and data interoperability are incorporated into tribal and local acquisition programs.
- Apply standardized and consistent terminology, including the establishment of plain English communications standards across public safety sector.

Authorized
Signature:

M. Cecilia Johnson
Date: 12/14/06

Multnomah County
Agency: Dept. of Community Dev.

Exhibit B

Starting with the FY2005 grant there is a labeling requirement. When practicable equipment should be labeled as follows:

“Purchased with funds provided by the U.S. Department of Homeland Security”

Labels should be proportionate to the object being labeled (i.e. a vehicle label should be of appropriate size and legible and a label for hand-held radios should be as well. These labels will, of necessity, be of different sizes.). Items smaller than hand-held radios do not require labeling.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: C-11
 Est. Start Time: 9:30 AM
 Date Submitted: 12/20/06

BUDGET MODIFICATION: -

Agenda Title: Amendment 1 to Expenditure Contract 0405119 with the City of Gresham to Continue the Combined Special Emergency Response Team

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>N/A</u>
Department:	<u>Sheriff's Office</u>	Division:	<u>Enforcement</u>
Contact(s):	<u>Brad Lynch</u>		
Phone:	<u>503-988-4336</u>	Ext.	<u>84336</u>
		I/O Address:	<u>503/350</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Approval of government contract amendment 0405119-1.

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 Gresham Police Department and the Multnomah County Sheriff's Office combine resources for a Special Emergency Response Team. The team responds to high risk and tactical incidents within the City of Gresham and unincorporated Multnomah County, including County correctional facilities. SERT includes the tactical unit (SWAT) and crisis negotiators. The Gresham Police and Multnomah County Sheriff's Office have had a combined SERT unit dating back to at least 1996. This amendment will extend the agreement until October 31, 2007.

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

The Sheriff's Office will contribute team members to the SERT unit, and must provide their members with uniforms, weapons, and other specialized equipment. The Sheriff's Office must also pay for any specialized training necessary for their team members. The Sheriff's Office must reimburse the Gresham Police Department for proportionate costs incurred for training sites,

ammunition, chemical agents, and other expendables. Sheriff's Office costs for participating in the SERT team have been anticipated and are included in its budgets.

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

This amendment has been reviewed by the county attorney's office.

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

None other than those stated above.

Required Signatures

**Department/
Agency Director:**



Date: 12/19/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

(503) 988-4300 PHONE
(503) 988-4500 TTY
www.sheriff-mcso.org

MEMORANDUM

TO: MULTNOMAH COUNTY CHAIR

FROM: Brad Lynch, MCSO Contract Administrator *Brad*

DATE: December 20, 2006

RE: Retroactive Contract Processing / Contract Number 0405119-1

As more than 30 days have passed since the initial execution date of the City of Gresham SERT contract amendment (November 1, 2006), this is a request that the contract be considered and processed as retroactive.

MCSO contract administration did not receive the contract amendment from the City of Gresham and was not able to begin processing the amendment until December 15, 2006.

Therefore, we request that this contract be processed as retroactive.

LYNCH Brad B

From: WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]
Sent: Monday, December 18, 2006 4:36 PM
To: LYNCH Brad B
Cc: DUNAWAY Susan M
Subject: RE: Contract Review Request - City of Gresham SERT

This IGA amendment may be circulated for signature.

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

From: LYNCH Brad B
Sent: Monday, December 18, 2006 6:56 AM
To: WEBER Jacquie A
Cc: DUNAWAY Susan M
Subject: Contract Review Request - City of Gresham SERT

Good morning Jacquie. Attached is the CAF, APR, and IGA amendment to renew the agreement with Gresham PD for the combined SERT team. The original agreement is behind the amendment in the PDF.

Thank you, Brad

<<Gresham SERT CAF 0405119-1.doc>> <<Gresham Sert APR 0405119-1.doc>> <<Gresham PD SERT 0405119-1.pdf>>

Brad Lynch

Multnomah County Sheriff's Office
Fiscal Unit
501 SE Hawthorne Blvd, STE 350
Portland, OR 97214
Phone (503) 988-4336
Fax (503) 988-4317

email: brad.lynch@mcso.us
<http://www.co.multnomah.or.us/sheriff/>

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.



IGA Contract

Vendor Address

GRESHAM CITY OF
FINANCIAL SERVICES DIV
1333 NW EASTMAN PKWY
GRESHAM OR 97030-3825

Information

Contract Number 4600006259
Date 07/20/2006
Vendor No. 53301
Contact/Phone SHERIFF'S OFFICE /
503-988-4416
Validity Period: 11/01/2004 - 10/31/2007
Minority Indicator: Not Identified

Estimated Target Value: 12,600.00 USD

Item	Material/Description	Target Qty	UM	Unit Price
0002	SERT Expenses 11/01/06 thru 10/31/07 Plant: F025 Sheriff's Office Requirements Tracking Number: 4601301F *** Description changed ***	4,200.000	Dollars	\$ 1.0000

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0405119 / 46-6259

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached

Amendment #: 1

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input checked="" type="checkbox"/> Expenditure Contract
<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Sheriff's Office Division/Program: Enforcement Date: 12/15/06
 Originator: Chief Deputy Timothy Moore Phone: 503-988-4300 Bldg/Room: 503/350
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Room: 503/350

Description of Contract: Amendment extending the term of a government contract to maintain a SERT tactical unit.

RENEWAL: PREVIOUS CONTRACT #(S) 0210036, 800766

EEO CERTIFICATION EXPIRES

PROCUREMENT EXEMPTION OR CITATION # 46-0130(1)(f) ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	City of Gresham	Remittance address (If different)	
Address	1333 NW Eastman Parkway	Payment Schedule / Terms:	
City/State	Gresham, Oregon	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	97030	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	503-661-3000	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Employer ID# or SS#		<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Contract Effective Date	11/01/04	Term Date	11/01/06
Amendment Effect Date	11/01/06	New Term Date	10/31/07
Original Contract Amount	\$ 8,400.00	Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____	Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ 4,200.00	Amount of Amendment	\$ _____
Total Amount of Agreement	\$ 12,600.00	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney _____ DATE _____
 CPCA Manager _____ DATE _____
 County Chair [Signature] DATE 1-4-07
 Sheriff Bernie Givro by Jm DATE 12-19-06
 Contract Administration _____ DATE _____

COMMENTS:

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

**INTERGOVERNMENTAL AGREEMENT AMENDMENT
CITY OF GRESHAM CONTRACT # 2154**

This Intergovernmental Agreement Amendment is entered into by and between the City of Gresham (City), a municipal corporation of the State of Oregon and the Multnomah County Sheriff's Office (MCSO) and amends that contract dated November 1, 2004.

Whereas the City and MCSO desire to amend the Intergovernmental Agreement for the following reason:

1. Renew the intergovernmental agreement for one year.

Now, therefore, it is hereby agreed that the Intergovernmental Agreement is amended as follows:

Section # 1: TERM

The term of this agreement shall be from November 1, 2006 to October 31, 2007 unless terminated under the provisions of the intergovernmental agreement.

Section # 12: c. NOTICES

Any notices required by this agreement shall be sent by the parties to the addresses below:

**Captain Tim Gerkman
Gresham Police Department
1333 NW Eastman Parkway
Gresham, Oregon 97030**

**Captain Brett Elliot
Mult. County Sheriff's Office
12240 NE Glisan
Portland, Oregon 97230**

In all other respects, the Intergovernmental Agreement shall remain in full force and effect.

MULTNOMAH COUNTY

By: Bernie Giusto by TM
Bernie Giusto, Sheriff

Date: 12-19-06

By: Ted Wheeler
Ted Wheeler, County Chair

Date: 1-4-07

APPROVED AS TO FORM:

By: _____
County Counsel

Date: _____

CITY OF GRESHAM

By: Carla C. Piluso
Carla C. Piluso, Chief of Police

Date: 12-12-06

By: Charles Becker
Charles Becker, Mayor

Date: 12-6-06

By: Erik Kvarsten
Erik Kvarsten, City Manager

Date: _____

APPROVED AS TO FORM:

By: Riley Ward
City Attorney

Date: 11-21-06

GOVERNMENT CONTRACT (190 AGREEMENT)

This is an agreement between Gresham Police Department (GPD) and the Multnomah County Sheriff's Office (MCSO), pursuant to authority granted in ORS Chapter 190.

PURPOSE:

The purpose of this agreement is to continue the combined Special Emergency Response Team (SERT). SERT includes the tactical unit (SWAT) and Crisis Negotiators (CNT). SERT responds to high risk and tactical incidents within the City of Gresham and unincorporated Multnomah County including all jail facilities. The Team shall be known as GPD/MCSO SERT.

The parties agree as follows:

1. **TERM** The term of this agreement shall be from November 1, 2004 to November 1, 2006 unless terminated under the provisions below.
2. **RESPONSIBILITIES OF GPD.** GPD agrees as follows:
 - a) GPD shall provide and maintain the SWAT Tactical Van, SWAT Armored Vehicle, and CNT vehicle to transport SERT Equipment for incidents and training.
 - b) GPD shall provide the administration and supervision of the SERT Team.
 - c) GPD agrees to pay for any specialized training officers receive relating to an assignment to SERT. GPD also agrees to pay for any related travel expenses, lodging, and per diem associated to SERT training.
 - d) GPD and MCSO shall share responsibilities to provide the necessary orientation and monthly training in the area of tactical response along with periodic CNT training.
 - e) GPD shall develop the selection criteria for new members to SWAT and CNT. Any changes to the current selection criteria will be mutually agreed on.
 - f) GPD and MCSO agree to joint participation in the selection process for new members for SWAT and CNT.
 - g) GPD shall provide Incident Command for incidents occurring with the City of Gresham.

- h) GPD and MCSO agree to develop and recognize a threat assessment relating to search warrants and high-risk incidents. The threat assessment will be completed by December 1, 2004 with a target implementation date of no later than January 1, 2005.

3. **RESPONSIBILITIES OF MCSO.** MCSO agrees as follows:

- a) MCSO will provide a minimum of (4) four to a maximum of (6) six deputies to the SWAT Team and (1) one Negotiator to CNT for the duration of the agreement. One deputy assigned to the SWAT Team can hold the rank of Sergeant. The deputy assigned to CNT will hold the rank of Deputy or Sergeant. Additionally, MCSO agrees to assign (1) one member of Command Staff as a liaison to SERT
- b) MCSO agrees GPD will develop the selection criteria for SWAT and CNT. GPD and MCSO agree to joint participation in the selection process for new members for SWAT and CNT. Changes in the selection criteria will be mutually agreed on.
- c) MCSO shall provide its personnel with GPD comparable uniforms, weapons, and other specialized equipment. MCSO shall reimburse GPD for proportionate costs incurred for training sites, ammunition, chemical agents and other expendables related to SERT training and call-outs at a rate of \$350.00 per month.
- d) MCSO shall provide a Mobile Command Post vehicle.
- e) MCSO agrees to pay for any specialized training deputies receive relating to an assignment to SERT. MCSO retains the right to approve or disapprove of specialized training requests made by deputies assigned to SERT. MCSO also agrees to pay for any related travel expenses, lodging, and per diem associated to SERT training.
- f) All costs for MCSO personnel salaries, including overtime for incidents or training, and Worker's Compensation will be the responsibility of MCSO.
- g) MCSO shall provide Incident Command for incidents occurring within Unincorporated Multnomah County, City of Wood Village, and City of Maywood Park.
- h) MCSO and GPD agree to develop and recognize a threat assessment relating to search warrants and high-risk incidents. The threat assessment will be completed by December 1, 2004 with a target implementation date of no later than January 1, 2005.

4. **TERMINATION** This agreement may be terminated prior to the agreed term:

- a) By mutual written consent of the parties; or,
- b) By either party upon (30) thirty days notice to the other, delivered by certified mail or in person; or,
- c) By either party effective upon delivery of written notice to the other party under any of the following conditions:
 - (i) if a party fails to provide services called for by this agreement within the time specified or an extension thereof;
 - (ii) if a party fails to perform any other provision of this agreement, or fails to pursue the work of this agreement in accordance with its terms after receipt of (10) ten days written notice of failure to perform.

Any termination of the agreement shall be without prejudice to any obligation or liabilities of either party accrued prior to such termination.

5. **INDEMNIFICATION** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.300, County shall indemnify, defend and hold harmless GPD from and against all liability, loss and costs arising out of or resulting from acts of County, its officers, employees and agents in the performance of this agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.300, GPD shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from acts of GPD, its officers, employees and agents in the performance of this agreement.

6. **INSURANCE** each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.

7. **ADHERENCE TO LAW** Each party shall comply with all federal, state and local laws and ordinances applicable to this agreement.

8. **NON-DISCRIMINATION** Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.

9. **ACCESS TO RECORDS** Each party shall have access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.

10. **SUBCONTRACTS AND ASSIGNMENT** Neither party will subcontract or assign any part of this agreement without the written consent of the other party.

11. **THIS IS THE ENTIRE AGREEMENT** This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended only by the written agreement of the parties.

12. **ADDITIONAL TERMS AND CONDITIONS**

a. **SERT Operations:**

- (i) Operations conducted within Unincorporated Multnomah County, Wood Village, and Maywood Park will be under command and control of MCSO.
- (ii) Operations conducted within the City of Gresham will be under command and control of GPD.
- (iii) Operations outside of Unincorporated Multnomah County, Wood Village, Maywood Park and the City of Gresham shall fall under command and control of the local jurisdiction. If the local jurisdiction declines incident command, the originating agency, if GPD or MCSO, will assume incident command. Otherwise, Incident Command shall be shared by MCSO and GPD.

b. **REPORTS**

GPD and MCSO command shall receive an "After Action Report" from the SWAT Team Leader and CNT Team Leader, or designees, detailing the operational activities of SERT incidents and all training sessions.

c. **NOTICES**

Any notices required by this agreement shall be sent by the parties to the addresses below:

City of Gresham Police Department
1333 NW Eastman Parkway
Gresham, OR 97030
Attn: Lt. Tim Gerkman

Multnomah County Sheriff's Office
12240 NE Glisan
Portland, OR 97230
Attn: Chief Deputy Lee Graham

MULTNOMAH COUNTY, OREGON

By Bernie Giusto
Bernie Giusto, Sheriff
Date 01/12/2005

By Diane M. Linn
Diane M. Linn, County Chair

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 01-27-05
DEBORAH L. BOGSTAD, BOARD CLERK

Reviewed:
By S.E.A.
Agnes Sowle, County Counsel
For Multnomah County

GRESHAM POLICE DEPARTMENT

By Carla C. Piluso
Carla C. Piluso, Chief of Police
Date 01/07/05

By Charles Becker
Charles Becker, Mayor
City of Gresham

By Erik Kvarsten
Erik Kvarsten, City Manager
City of Gresham

Approved as to form:
By Miles Ward
Miles Ward, Asst. City Attorney

#1

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: 01.04.07

SUBJECT: _____

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Paul Phillips

ADDRESS: 1212 SW Clay #217

CITY/STATE/ZIP: Portland OR 97201

PHONE: _____ DAYS: NO PHONE _____ EVES: _____

EMAIL: _____ 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.

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Paul Phillips

Plaintiff

vs.

Severa Gallardo

Defendant



Criminal Subpoena
(Also for infractions and violations)

Civil Subpoena

Subpoena Duces Tecum

CASE NO. 0612-73229

TO: Sean O'Neill, site manager Hamilton West Apartments
ADDRESS: 1212 SW Clay St, Portland OR 97201 ZIP CODE: 97201

IN THE NAME OF THE STATE OF OREGON AND BY ORDER OF THE COURT:

* You are hereby commanded to appear in the Circuit Court of the State of Oregon for Multnomah County at Room No. 210 Multnomah County Courthouse, Portland, Oregon on the 18 day of January A.D. 2007 at 9 o'clock A M., to give evidence in the above matter on behalf of Phillips and Gallardo -

* OR such other date & times as the court may assign for hearing of this matter.

THE FOLLOWING APPLIES ONLY TO A SUBPOENA DUCES TECUM:

And you are required, also, to bring with you the following (describe intelligibly the books, papers, or documents required):
security video tape of 12/25/06 incident + other video tapes of prior incidents - including any written or otherwise recorded records of the incidents regarding the dog attacks by Ms. Gallardo's dog - at 1212 SW Clay, Port, OR 97201

Name, Address, and Telephone of Attorney or Pro Se defendant issuing Subpoena

Witness my name and the Seal of said Court, this ___ day of _____
Douglas M. Bray, Clerk
By _____ Deputy

NOTICE TO ALL WITNESSES:

Civil Cases: If you are subpoenaed to testify in a Civil Case, you must contact the attorney who issued the subpoena regarding payment of fees for testifying. Oregon Rule of Civil Procedure 55 (A) requires witnesses to remain until testimony is completed, unless discharged sooner. At the end of each day's attendance, witnesses may demand of the party or the party's attorney, payment of legal witness fees for the next day. If witnesses are not paid, they are not obligated to remain in attendance. The witness fee and mileage reimbursement amounts on the reverse side of this form are for criminal, not civil cases.

Criminal Cases: If you are subpoenaed by a court-appointed defense attorney in a Criminal Case, you must have the attorney complete the attorney verification portion on the reverse side of this subpoena and present it to the Indigent Defense Department, Room 225A. The attorney must indicate on the subpoena that he or she is court-appointed. A reimbursement check will be mailed in approximately six weeks by the State Court Administrator. If you are subpoenaed by a privately retained defense attorney in a Criminal case, fees and mileage are to be paid by the defendant, pursuant to ORS 136.602(2), therefore you do not submit the paperwork to Room 225A.

PAYMENT WILL BE ARRANGED ONLY
UPON PRESENTATION OF ATTORNEY VERIFIED COPY
OF THIS SUBPOENA

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

Paul Phillips

Plaintiff

vs.

Severa Gallardo

Defendant



Criminal Subpoena
(Also for infractions and violations)

Civil Subpoena

Subpoena Duces Tecum

CASE NO. 0612-73229

TO: Ryan Biggerstaff Mult. Co. Animal Services
ADDRESS: 1700 W Columbia River Hwy Troutdale OR ZIP CODE: 97060

IN THE NAME OF THE STATE OF OREGON AND BY ORDER OF THE COURT:

* You are hereby commanded to appear in the Circuit Court of the State of Oregon for Multnomah County at Room No. 210 Multnomah County Courthouse, Portland, Oregon on the 18 day of Jan A.D. 2007 at 9 am o'clock AM, to give evidence in the above matter on behalf of Phillips and Gallardo - including providing testimony

* OR other such dates & times as the court may assign for this matter

THE FOLLOWING APPLIES ONLY TO A SUBPOENA DUCES TECUM:
And you are required, also, to bring with you the following (describe intelligibly the books, papers, or documents required):
- and any other case #s
file case # 45233 - all records regarding reported incidents by Ms. Gallardo's dog at 1212 SW Clay # [redacted], Port, OR 97201

to be heard

Name, Address, and Telephone of Attorney or Pro Se defendant issuing Subpoena

Witness my name and the Seal of said Court, this _____ day of _____,

Douglas M. Bray, Clerk

By _____ Deputy

NOTICE TO ALL WITNESSES:

Civil Cases: If you are subpoenaed to testify in a Civil Case, you must contact the attorney who issued the subpoena regarding payment of fees for testifying. Oregon Rule of Civil Procedure 55 (A) requires witnesses to remain until testimony is completed, unless discharged sooner. At the end of each day's attendance, witnesses may demand of the party or the party's attorney, payment of legal witness fees for the next day. If witnesses are not paid, they are not obligated to remain in attendance. The witness fee and mileage reimbursement amounts on the reverse side of this form are for criminal, not civil cases.

Criminal Cases: If you are subpoenaed by a court-appointed defense attorney in a Criminal Case, you must have the attorney complete the attorney verification portion on the reverse side of this subpoena and present it to the Indigent Defense Department, Room 225A. The attorney must indicate on the subpoena that he or she is court-appointed. A reimbursement check will be mailed in approximately six weeks by the State Court Administrator. If you are subpoenaed by a privately retained defense attorney in a Criminal case, fees and mileage are to be paid by the defendant, pursuant to ORS 136.602(2), therefore you do not submit the paperwork to Room 225A.

**PAYMENT WILL BE ARRANGED ONLY
UPON PRESENTATION OF ATTORNEY VERIFIED COPY
OF THIS SUBPOENA**

MAYBE RECKLESS NOT INTENTIONAL

From:

<http://www.leg.state.or.us/ors/167.html>

ORS

Accessed 12/29/06

#2

167.352 Interfering with assistance, search and rescue or therapy animal. (1) A person commits the crime of interfering with an assistance, a search and rescue or a therapy animal if the person intentionally or knowingly:

#3

(a) Injures or attempts to injure an animal the person knows or reasonably should know is an assistance animal, a search and rescue animal or a therapy animal;

(b) Interferes with an assistance animal while the assistance animal is being used to provide assistance to a physically impaired person; or

(c) Interferes with a search and rescue animal or a therapy animal while the animal is being used for search and rescue or therapy purposes.

(2) As used in this section, "assistance animal" and "physically impaired person" have the meanings given those terms in ORS 346.680.

(3) As used in this section and ORS 30.822:

(a) "Search and rescue animal" means that the animal has been professionally trained for, and is actively used for, search and rescue purposes.

(b) "Therapy animal" means that the animal has been professionally trained for, and is actively used for, therapy purposes.

#4

(4) Interfering with an assistance, a search and rescue or a therapy animal is a Class A misdemeanor. [1993 c.312 §3]

#1

Note: 167.352 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 167 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

I, Officer R. Biggerstaff BPSST ACOOL have met with Paul Phillips on 12-31-06 & explained my limited commission & cannot enforce Chapter 167 laws. These need to be enforced by the police. I have advised that I can only enforce Chapter 13 laws.

R. Biggerstaff
BPSST ACOOL



CITY OF
PORTLAND, OREGON
BUREAU OF POLICE



Wade Greaves #34586
Police Officer

Central Precinct
1111 SW 2nd Avenue, Rm. 110
Portland, Oregon 97204

Phone: (503) 823-0097

45239 RYAN



R. BIGGERSTAFF
12/31/06 + 1/2/07
Multnomah County Animal Services
P.O. Box 698
1700 W. Columbia River Hwy.
Troutdale, OR 97060

Cell # (971) 246-2972
(503) 988-7387 Fax: (503) 988-3002
URL: <http://www.multconets.org>

Multnomah County Animals Services

1700 W Columbia River Hwy
 PO Box 698
 Troutdale, OR 97060



Receipt Number: 56365

Date: Monday, April 04, 2005

Paul Phillips
 1212 SW Clay St
 #217
 Portland, OR 97201
 (503) 247-6042 Home

Animal ID: License: 223139
 Description: Dog, Male, Labrador
 Retriever/Dalmatianmix, White/Black,
 Name: Charger.

Item	Quantity	Unit Price	Amount
License, Service Animal	1	\$0.00	\$0.00
License #: 223139, Issued: 4/1/2005, Effective: 4/1/2005, Expires: 4/1/2008 white and black male labrador retriever and dalmatian mix named charger (license 223139)			

Handwritten: ORS 609 TIB McTC

Total Amount \$0.00

Cash: \$0.00

Total Payments Received \$0.00

Thank You!

Handwritten: ORS 167 animal
 ORS LAYLA'S - LAW
 308009 BELLAS

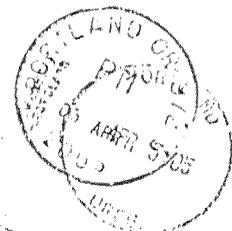


M 900
 MULTNOMAH COUNTY OREGON
 Animal Services Division
 1700 W. Columbia River Hwy.
 PO Box 698
 Troutdale, Oregon 97060



Pet License Renewal
 Multnomah County Animal Services
 P.O. Box 698, Troutdale, OR 97060
 (503) 988-7387

License # 223139	Exp. Date 4/05	Renew online @ www.multcopets.org
Home Phone 503-247-6042	Animal Name Charger	Emergency Phone
Animal Breed Labrador Retriever/Dalmatian	Animal color White/Black	Sex M/F
Type/Rabies Exp. D EXPIRED	Veterinary Information Not On Clinic List	Discounts
License Rates for your animal (circle one) 1Yr \$30.00 2YR \$50.00 3YR \$65.00	New Rabies Vaccination Needed to Renew License	
<input type="checkbox"/> Check if lost tag. <input type="checkbox"/> Check if pet deceased. <input type="checkbox"/> Check if no longer own pet. <input type="checkbox"/> Check if name/address incorrect. See...		



PRESORTED
 FIRST CLASS MAIL
 US POSTAGE PAID
 PORTLAND, OR
 PERMIT NO. 5522

License fees are reduced when
 pets are spayed or neutered.
 Rabies vaccination must be
 valid for entire licensing
 period selected.
 For Office Use Only
 Amount: _____
 Check #/r _____

Phillips
 425

Bart A. Adams, M.D.

Physician and Surgeon
Diseases & Surgery
of the Eye

405 N. First
Suite 106
Hermiston, Oregon 97838
Phone (541) 567-2872
Fax (541) 567-4820

THGATE
1368
ON, OREGON 97801
(1) 276-4752
278-2918

June 25, 1998

Guide Dogs for the Blind, Inc.
P.O. Box 151200
San Rafael, CA 94915-1200

RE: Paul Phillips DOB: 03-10-54

To Whomever It May Concern:

This letter is to certify that Paul Phillips is legally blind as a result of ocular albinism. There is no chance that his vision will ever improve.

Sincerely yours,

(Dictated but not read to expedite mail)

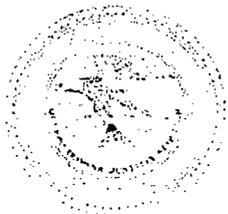
Bart A. Adams, M.D.
BAA:cmb

CC: Chris Lundquist, M.D.
Paul Phillips



Pendleton Eye Clinic, P.C.
Bart A. Adams, M.D.
Physician and Surgeon
P.O. Box 1368
Pendleton, OR 97801
Address Correction Requested

Paul Phillips
517 1/2 SW 13th Street
Pendleton, OR 97801



July 26, 1996

The Civil Rights Division of the U.S. Department of Justice and the National Association of Attorneys General have formed a Disability Rights Task Force to promote and protect the rights of individuals with disabilities.

We have found that many businesses across the country have prohibited individuals with disabilities who use service animals from entering their premises, in many instances because of ignorance or confusion about the animal's appropriate use. This document provides specific information about the legal requirements regarding individuals with disabilities who use service animals. It was prepared by the Task Force to assist businesses in complying voluntarily with the Americans with Disabilities Act and applicable state laws.

Twenty-four state attorneys general* are distributing a similar document (including state specific requirements) to associations representing restaurants, hotels and motels, and retailers for dissemination to their members.

We encourage you to share this document with businesses and people with disabilities and their families in your community.

Deval L. Patrick
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice

Scott Harshbarger
Attorney General
State of Massachusetts;
President, National Association of Attorneys General

1-800-514-0301

* Alaska, Arizona, California, Connecticut, Florida, Hawaii, Illinois, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nevada, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Washington, and Wisconsin.

**COMMONLY ASKED QUESTIONS ABOUT SERVICE ANIMALS
IN PLACES OF BUSINESS**

Q: What are the laws that apply to my business?

A: Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, taxicabs, theaters, concert halls, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals onto business premises, in whatever areas customers are generally allowed.

Q: What is a service animal?

A: The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or herself. "Seeing eye dogs" are one type of service animal, used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

- Alerting persons with hearing impairments to sound.

#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: Jan 4, 2007

SUBJECT: Multnomah Chapter Master Gardeners

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Louise Kasper

ADDRESS: 4216 NE 24

CITY/STATE/ZIP: PO Box 97211

PHONE: _____ DAYS: 503 282-4277 EVES: _____

EMAIL: lgkasper@comcast.net 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.

BOGSTAD Deborah L

From: Louise Kasper [lgkasper@comcast.net]
Sent: Wednesday, November 22, 2006 8:39 PM
To: BOGSTAD Deborah L
Subject: RE: Greetings

Thank you, Deborah.
 Looking forward to the meeting on January 4.
 Louise Kasper, Master Gardener

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

From: BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]
Sent: Tuesday, November 21, 2006 10:31 AM
To: lgkasper@comcast.net
Cc: CUNNINGHAM Shawn D
Subject: RE: Greetings

It was very nice speaking to you this morning, Ms. Kasper. I hope you will be one of the Master Gardeners attending the January 4, 2007 Board meeting! As I mentioned, the meeting starts at 9:30 a.m. in the first floor Commissioners Boardroom of the Multnomah Building, 501 SE Hawthorne. There is a parking garage right across the street from the Multnomah Building. It would be wonderful if let me know the names of the attendees no later than Tuesday, January 2, so Chair Wheeler will be able to acknowledge them in the audience. Don't forget to let the attendees know they are welcome to sign up and speak during the public comment on non-agenda matters shortly after the 9:30 meeting commences. The yellow letter sized sign up sheets are at the counter to the right as you enter the Boardroom. Take care!!

The Commissioners in attendance on January 4th will be:

Commission Chair	Ted Wheeler (newly sworn in)
Commissioner, District 1	Maria Rojo de Steffey
Commissioner, District 2	Jeff Cogen (newly sworn in)
Commissioner, District 3	Lisa Naito
Commissioner, District 4	Lonnie Roberts

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
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: CUNNINGHAM Shawn D
Sent: Tuesday, November 21, 2006 9:44 AM
To: BOGSTAD Deborah L
Subject: RE: Greetings

Thanks Deb. Since I'm not able to answer the question you pose, I will ask her to contact you directly and provide Megan's information as an alternate.

Shawn

Shawn Cunningham
Multnomah County Public Affairs Office
503-988-4369
shawn.d.cunningham@co.multnomah.or.us
Newsroom: <http://www.co.multnomah.or.us/news>

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

From: BOGSTAD Deborah L
Sent: Tuesday, November 21, 2006 9:29 AM
To: CUNNINGHAM Shawn D
Subject: RE: Greetings

It would be great if they come to the 9:30 a.m. January 4, 2007 Board meeting – that's the first official meeting of the year as well as the first meeting for Chair-Elect Wheeler and Commissioner-Elect Cogen. I'd just like to know the name of the person(s) attending so the Chair can acknowledge and thank them, would that be acceptable to Ms. Kasper and the Master Gardeners?

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
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: CUNNINGHAM Shawn D
Sent: Tuesday, November 21, 2006 9:15 AM
To: BOGSTAD Deborah L
Subject: FW: Greetings

Hi Deb,

Is this something you would coordinate?

Thanks,
Shawn

Shawn Cunningham
Multnomah County Public Affairs Office
503-988-4369
shawn.d.cunningham@co.multnomah.or.us
Newsroom: <http://www.co.multnomah.or.us/news>

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

From: Louise Kasper [<mailto:lgkasper@comcast.net>]
Sent: Tuesday, November 21, 2006 9:11 AM

To: CUNNINGHAM Shawn D

Subject: Greetings

Dear Chairman-Elect Wheeler,
The Multnomah Chapter of OSU Master Gardeners would like to present to you and the Multnomah County Commissioners a green plant which conveys our congratulations and best wishes for the ne year starting in 2007. We would bring the plants to the commission meetingsl chambers and place them on your desks (or give them to staff to place on your desks) and be in the audience as you proceed on county business. We do not wish to be on the agenda.

It is simple gesture from a group of gardeners who contribute thousands of hours to beautify and serve Portland. Please tell us a date in January when we may bring the plants and attend the commission meeting.
Thank you for your interest.

Louise Kasper, 503-282-4277, lgkasper@comcast.net

#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: 1/4/06

SUBJECT: Mental Health Public Policy

AGENDA NUMBER OR TOPIC: N/A

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Andrew Davis, Mental Health Action Alliance

ADDRESS: 3014 SE 18th Ave,

CITY/STATE/ZIP: Portland OR 97202

PHONE: _____ DAYS: 503-232-9247 EVES: 503-232-9247

EMAIL: pdx.social.warrior@yahoo.com FAX: N/A

SPECIFIC ISSUE: Mental Health Funding / public policy

WRITTEN TESTIMONY: Attached

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.

Statement of the Mental Health Action Alliance to the Multnomah County Commissioners
January 4, 2007

Honorable Commissioners:

My name is Andy Davis and I represent the Mental Health Action Alliance. On behalf of the Mental Health Action Alliance, I would like to welcome you to your term and wish you the best as you take on the challenges of your positions.

The Mental Health Action Alliance is an organization of mental health workers in the Portland metro area who have come together to advocate for more effective public policy towards people living with mental illness. In the past, mental health workers have not had a unified voice in the formulation of public policy, so we have come together to create that voice.

For too long, public policy in Multnomah County and in Oregon has failed to adequately address the needs of people living with mental illness. For too long, programs and agencies serving people with mental illness have been among the first targeted for budget cuts when money is tight. As a result, too many people with mental illness are homeless, in jail or living in inadequate housing. Too many people with mental illness struggle to receive primary physical health care and end up relying on emergency rooms to access care. Too many people with mental illness find the current system for accessing mental health and addictions services to be inhumane and difficult to access, and when they do manage to access services, too many find that their social workers, counselors, nurses and doctors are too busy trying to support too many people with too many intense needs. They find that mental health provider agencies do not coordinate well with one another, and they do not coordinate well with other social services agencies.

Because, in the past, we have failed to raise our voice, we accept our share of responsibility for the current state of affairs. We recognize that we have waited too long to speak out.

For public policy decision makers, it is all too easy to repeatedly demand that people with mental illness go to the end of the line when fiscal decisions are being made. We are here today – and we will be here in the future – to say that it would be a mistake to make any further cuts to the mental health system. In fact, it would be a mistake to fail to replace funds that have been cut in the past. For far too long and far too often, mental health workers have been told to be more efficient, to do more with less.

The results of this approach are both inhumane and economically inefficient. We understand our role in this discussion to go beyond helping you understand the degree of human suffering that ensues when mental health services are inadequately funded. We intend to help you understand that if you and other policy makers do not fund primary mental health care adequately, the overall costs incurred dealing with people with mental illness will actually be much higher. When mental health services are underfunded, other public services are forced into the role of dealing with mental illness. When there are not enough of us, then police, emergency medical technicians, emergency room personnel, and jail guards are the primary points of contact for people with mental illness. Not only are these public servants not as well-equipped to deal with these needs, they are also more expensive. Police officers, jail guards, EMTs and emergency room personnel all cost more than mental health workers. In addition, when the police and jails and ambulances and emergency rooms are spending too much of their time working with people with mental illness, the whole community suffers because it takes longer for police to respond to crimes, longer for ambulances and emergency rooms to respond to

medical emergencies, and real criminals are released from jail to relieve the over-crowding that results – in part – from roughly 20 percent of the jail population being comprised of people with mental illness.

We appreciate the opportunity to speak with you here today. We will return as often as necessary. In the meantime, please do not hesitate to contact us whenever you believe that we can be helpful. Thank you.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/03/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 01/02/07

BUDGET MODIFICATION:

Agenda Title: Proclaiming January 4, 2007 a Day of Mourning in Remembrance of Gerald R. Ford, Thirty-Eighth President of the United States of America

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

Date Requested: Thursday, January 4, 2007 **Time Requested:** 5 minutes
Department: Non-Departmental **Division:** District 3 - Naito
Contact(s): Matthew Lieuallen
Phone: 503.988.5217 **Ext.** 84576 **I/O Address:** 503/600
Presenter(s): Commissioner Naito

General Information

1. What action are you requesting from the Board?

To proclaim January 4, 2007 a Day of Mourning in Remembrance of Gerald R. Ford, Thirty-Eighth President of the United States of America.

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

President Gerald Ford died on December 26, 2006.

- a. Gerald Ford was a great American and a great patriot.
- b. As president, Gerald Ford served our country with honesty and integrity.
- c. President Ford will be remembered in history as a man who took leadership of a country riven by war abroad and scandal at home.
- d. Although never elected to national office, Gerald Ford unflinchingly served the people of the

United States of America well and will be remembered for his work to reunite a nation disillusioned by Watergate.

- e. President Ford had a long and distinguished political career, representing Michigan in the House of Representatives beginning in 1949 and rising through Republican ranks to become House minority leader in the 1960s. President Nixon named him Vice President in 1973.
- f. President Ford will be remembered for his work to curb inflation and spur the economy at home and for his efforts to work toward peace in the Middle East and the former Soviet Union.

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

None

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

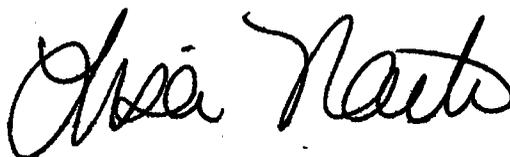
None

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

- 1. The Board of County Commissioners will proclaim January 4, 2007 a Day of Mourning in remembrance of President Gerald Ford, who died December 26, 2006.
- 2. The Board of Commissioners directs that the flag of the United States be displayed at half-staff at the Multnomah Building and all County buildings for a period of 30 days from the time of his death.
- 3. The Board of County Commissioners invites the people of Multnomah County to join in a moment of silence as an expression of public sorrow and respect.

Required Signatures

**Department/
Agency Director:**



Date: 01/03/07

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming January 4, 2007 a Day of Mourning in Remembrance of Gerald R. Ford, Thirty-Eighth President of the United States of America

The Multnomah County Board of Commissioners Finds:

- a. Gerald Ford was a great American and a great patriot. As president, Gerald Ford served our country with honesty and integrity.
- b. President Ford will be remembered in history as a man who took leadership of a country riven by war abroad and scandal at home.
- c. Although never elected to national office, Gerald Ford unflinchingly served the people of the United States of America well and will be remembered for his work to reunite a nation disillusioned by Watergate.
- d. President Ford had a long and distinguished political career, representing Michigan in the House of Representatives beginning in 1949 and rising through Republican ranks to become House minority leader in the 1960s. President Nixon named him Vice President in 1973.
- e. President Ford will be remembered for his work to curb inflation and spur the economy at home and for his efforts to work toward peace in the Middle East and the former Soviet Union.

The Multnomah County Board of Commissioners Proclaims:

1. January 4, 2007 a Day of Mourning in remembrance of President Gerald Ford, who died December 26, 2006.
2. The Board of Commissioners directs that the flag of the United States be displayed at half-staff at the Multnomah Building and all County buildings for a period of 30 days from the time of his death.
3. The Board of County Commissioners invites the people of Multnomah County to join in a moment of silence as an expression of public sorrow and respect.

ADOPTED this 4th of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, County Chair

Maria Rojo de Steffey,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Lisa Naito,
Commissioner District 3

Lonnie Roberts,
Commissioner District 4

SUBMITTED BY:
Lisa Naito, Commissioner District 3

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 07-010

Proclaiming January 4, 2007 a Day of Mourning in Remembrance of Gerald R. Ford, Thirty-Eighth President of the United States of America

The Multnomah County Board of Commissioners Finds:

- a. Gerald Ford was a great American and a great patriot. As president, Gerald Ford served our country with honesty and integrity.
- b. President Ford will be remembered in history as a man who took leadership of a country riven by war abroad and scandal at home.
- c. Although never elected to national office, Gerald Ford unflinchingly served the people of the United States of America well and will be remembered for his work to reunite a nation disillusioned by Watergate.
- d. President Ford had a long and distinguished political career, representing Michigan in the House of Representatives beginning in 1949 and rising through Republican ranks to become House minority leader in the 1960s. President Nixon named him Vice President in 1973.
- e. President Ford will be remembered for his work to curb inflation and spur the economy at home and for his efforts to work toward peace in the Middle East and the former Soviet Union.

The Multnomah County Board of Commissioners Proclaims:

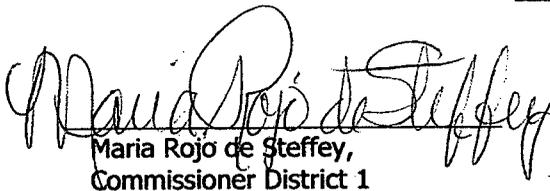
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2. The Board of Commissioners directs that the flag of the United States be displayed at half-staff at the Multnomah Building and all County buildings for a period of 30 days from the time of his death.
3. The Board of County Commissioners invites the people of Multnomah County to join in a moment of silence as an expression of public sorrow and respect.

ADOPTED this 4th of January, 2007.

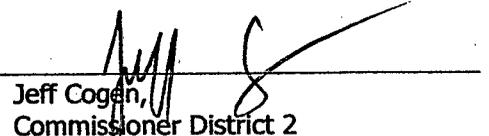
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

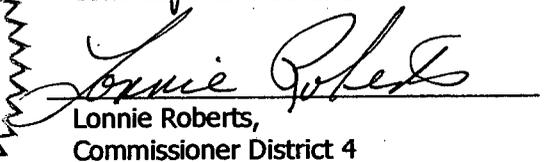


Ted Wheeler, County Chair


Maria Rojo de Steffey,
Commissioner District 1


Lisa Naito,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Lonnie Roberts,
Commissioner District 4



SUBMITTED BY:
Lisa Naito, Commissioner District 3



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-2
 Est. Start Time: 9:35 AM
 Date Submitted: 12/11/06

BUDGET MODIFICATION: -

RESOLUTION Confirming the Interim Designations for Multnomah County Chair, Multnomah County Commissioner District 2, Multnomah County Commissioner District 4, Multnomah County Auditor and Multnomah County Sheriff, in the Event of a Vacancy

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney's Office</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503 988-3138</u>	Ext.	<u>83138</u>
		I/O Address:	<u>503/500</u>
Presenter(s):	<u>Agnes Sowle</u>		

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

Adopt resolution confirming interim designations.

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.

Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate a Charter qualified interim occupant to serve until a vacancy is filled by election or appointment. In addition, the interim designee of the Auditor must be a certified internal auditor and the interim designee of the Sheriff must be qualified to be Sheriff pursuant to ORS 206.015. This resolution confirms the interim designations of the Chair, District 2 Commissioner, District 4 Commissioner, Auditor and Sheriff as submitted and stated in the attached letters.

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

Not applicable.

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

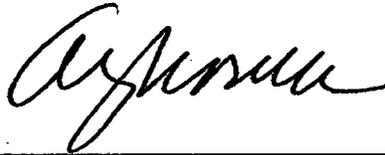
Complies with requirements of the Multnomah County Charter, Multnomah County Code and Oregon Revised Statutes as cited in general information 2.

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

Not applicable.

Required Signatures

**Department/
Agency Director:**



Date: 12/11/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Ted Wheeler

Multnomah County Chair-Elect

501 SE Hawthorne Boulevard, Suite 600, Portland, Oregon 97214-3587
Phone: (503) 988-3308 FAX: (503) 988-3093 Email: ted.wheeler@co.multnomah.or.us

December 12, 2006

Deb Bogstad
Multnomah County Board Clerk
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587

RE: County Chair Interim Designee

In accordance with County Charter Section 4.50(3) and Multnomah County Code Chapter 5.005, I have designated my Chief Operating Officer Bill Farver as Interim County Chair should I leave office for any reason after January 1, 2007.

As the above section states, Bill Farver would take over my position on an interim basis until a new Chair is appointed or elected. Bill Farver lives in Multnomah County and meets all of the Charter qualifications for appointees to the County Commission. With over 16 years experience in Multnomah County government, including serving as Interim Chair from March to June, 2001, Bill Farver is highly qualified to serve Multnomah County constituents in the event of a vacancy.

Sincerely,

Ted Wheeler

cc: Board of County Commissioners
LaVonne Griffin-Valade
Michael Schrunk
Bernie Giusto



Jeff Cogen, Commissioner-elect
Multnomah County
District 2

501 SE Hawthorne, Room 600
Portland, Oregon 97214
Telephone (503) 988-5239

MEMORANDUM

Date: December 7, 2006
To: Deb Bogstad, Board Clerk
From: Jeff Cogen, Commissioner-elect
Subject: Interim Designee

In accordance with Charter Section 4.50(3) and MCC 5.005, I am designating Marissa Madrigal as interim Commissioner should I leave my office for any reason after January 1, 2007. Ms. Madrigal is a resident of Multnomah County's District 2 and currently employed in my office as my Chief of Staff. She is qualified to assume these responsibilities until a new Commissioner is appointed or elected.

Lonnie Roberts
Multnomah County Commissioner
District 4



501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214
(503) 988-5213 phone
(503) 988-5262 fax
Email: lonnie.j.roberts@co.multnomah.or.us
www.co.multnomah.or.us/cc/ds4/

December 21, 2006

Deborah L. Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587

RE: District 4 Interim Designee

In accordance with County Charter Section 4.50(3) and Multnomah County Code Chapter 5.005, I have designated Richard K. Stagg as Interim District 4 Commissioner should I have to leave my office for any reason. As this section states, Richard Stagg would take over my position on an interim basis until a new Commissioner is appointed or elected.

Richard Stagg lives in District 4 and meets all of the Charter qualifications for appointees to the County Commission. I believe he is highly qualified to serve as an interim Commissioner in the event of a vacancy and would well serve District 4 constituents.

Sincerely,

A handwritten signature in cursive script that reads "Lonnie Roberts".

Lonnie Roberts, Commissioner

cc: Chair-Elect Ted Wheeler
Commissioner Maria Rojo de Steffey, District 1
Commissioner-Elect Jeff Cogen, District 2
Commissioner Lisa Naito, District 3
County Attorney Agnes Sowle



LaVonne Griffin-Valade
Multnomah County Auditor-Elect

501 SE Hawthorne Room 601
Portland, Oregon 97214
Phone: (503) 988-3320

December 21, 2006

Deb Bogstad
Multnomah County Board Clerk
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214

RE: County Auditor Interim Designee

In accordance with County Charter Section 4.50(3) and Multnomah County Code Chapter 5.005, I have designated Devon Pearce as Interim County Auditor should I leave office for any reason after January 1, 2007. As authorized by the County Charter and Code, Mr. Pearce would take over my position on an interim basis until a new Auditor is appointed or elected. Mr. Pearce lives in Multnomah County and is a certified internal auditor, and therefore meets all of the Charter qualifications required of the elected County Auditor.

Devon Pearce is highly qualified to serve Multnomah County constituents in the event of a vacancy. Mr. Pearce was the Director of Internal Audit at Tri Met prior to joining Electro Scientific Industries as the Manager of Internal Controls, where he directs internal audits in the United States and abroad. He is the current president of the Portland chapter of the Institute of Internal Auditors, the international professional association and standard-setting body responsible for certification of internal auditors. He also provides instruction and training to private and public sector auditors throughout the region.

Devon Pearce lives with his family in North Portland and is an active volunteer in the community. He serves on the board of Advantis Credit Union as the Budget and Finance Committee Chair and formerly served on the Portland Aerial Tram Board.

Sincerely,


LaVonne Griffin-Valade

cc: Board of County Commissioners
Bernie Giusto
Michael Schrunk



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BERNIE GIUSTO
SHERIFF

503 988-4300 PHONE
503 988-4500 TTY
www.sheriff-mcso.org

MEMORANDUM

TO: Deborah Bogstad
Clerk of the Board

cc: Agnes Sowle, County Attorney



FROM: Sheriff Bernie Giusto

DATE: December 22, 2006

RE: Designation of Interim Successor

Pursuant to Multnomah County Charter Section 4.50 (3), and Multnomah County Code Chapter 5.005, I designate former Sheriff Robert Skipper to act as interim successor in the event I vacate the Office of Sheriff due to death, resignation, or incapacitation. Former Sheriff Skipper is qualified to be Sheriff pursuant to ORS 206.015.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Confirming the Interim Designations for Multnomah County Chair, Multnomah County Commissioner District 2, Multnomah County Commissioner District 4, Multnomah County Auditor and Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Ted Wheeler, Multnomah County Chair, designates Bill Farver as interim occupant of that office.
- c. In compliance with MCC 5.005(B)(1) and (4), Jeff Cogen, Multnomah County Commissioner District 2, designates Marissa Madrigal as interim occupant of that office.
- d. In compliance with MCC 5.005(B)(1) and (4), Lonnie Roberts, Multnomah County Commissioner District 4, designates Richard K. Stagg as interim occupant of that office.
- e. In compliance with MCC 5.005(B)(1) and (4), LaVonne Griffin-Valade, Multnomah County Auditor, designates Devon Pearce as interim occupant of that office. Per requirements for this office, Devon Pearce is a certified internal auditor.
- f. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Bernie Giusto designates Robert Skipper as interim occupant of that office in the event of a vacancy. Robert Skipper meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Bill Farver to serve as interim occupant for Multnomah County Chair in the event of a vacancy in that office.
2. The Board confirms Marissa Madrigal to serve as interim occupant for Multnomah County Commission District 2 in the event of a vacancy in that office.

3. The Board confirms Richard K. Stagg to serve as interim occupant for Multnomah County Commission District 4 in the event of a vacancy in that office.
4. The Board confirms Devon Pearce to serve as interim occupant for Multnomah County Auditor in the event of a vacancy in that office.
5. The Board confirms Robert Skipper to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BOGSTAD Deborah L

From: NAITO Lisa H
Sent: Wednesday, January 03, 2007 5:39 PM
To: ROBERTS Lonnie J; WHEELER Ted; COGEN Jeff; ROJO DE STEFFEY Maria; GRIFFIN-VALADE LaVonne L; SHERIFF
Cc: BOGSTAD Deborah L
Subject: R2

Greetings!

Resolution 2 on tomorrow's agenda asks that I confirm proposed interim designations for the Chair, Sheriff, Auditor and Commissioners 2 and 4. Auditor LaVonne Griffin-Valade supplied written information about Mr. Pearce. He meets the Charter requirements and also has extensive professional experience for the office. He is the current president of the Portland chapter of the Institute of Auditors and was the Director of Internal Audit at Tri Met. I feel very comfortable voting to support this designation. I also feel very comfortable supporting Bill Farver as the Chair's designee. Bill also meets the legal requirements and in fact has experience serving as Interim Chair upon the departure of Chair Stein. His qualifications and experience at the County are a matter of public record and were recently distributed when he accepted the position as Chief Operating Officer. Former Sheriff Bob Skipper has already served with distinction as County Sheriff and I also support this designation.

No information was provided in the packet for the two Commissioner designations. My office has contacted both offices to request this information. I just spoke with Commissioner Cogan and he said he would provide this information to me in writing before the meeting. If so, I will support this proposed designation. I left a phone message with Commissioner Roberts requesting additional background information as well.

I want to be confident that proposed interim designations are well qualified before I cast a vote in support of the resolution. I also think it is important for the public to have information on the education, experience and background of the proposed designees.

In the event that sufficient background information is not available prior to the meeting, I request the courtesy of my fellow Board members to vote on the designations individually to allow me to support the designees I listed.

Thank you,

Lisa

1/3/2007

BOGSTAD Deborah L

From: ROBERTS Lonnie J
Sent: Thursday, January 04, 2007 7:07 AM
To: NAITO Lisa H; WHEELER Ted; COGEN Jeff; ROJO DE STEFFEY Maria; GRIFFIN-VALADE LaVonne L; SHERIFF
Cc: BOGSTAD Deborah L; SOWLE Agnes
Subject: RE: R2

Dear Lisa,

Richard (Dick) Stagg meets the qualifications as an interim designee. He is an American Citizen, he is over 21 years of age (near 60 I believe), and he's been a resident of Gresham for approximately 30 years. He's a graduate of Brigham Young University with a degree in business. He is married with five children and several grandchildren. He's worked in the business arena as a sales representative, retail manager, and owner of a business consulting firm. He has volunteered with various organizations including the Boy Scouts of America. Dick will serve well if called upon.

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

From: NAITO Lisa H
Sent: Wednesday, January 03, 2007 5:39 PM
To: ROBERTS Lonnie J; WHEELER Ted; COGEN Jeff; ROJO DE STEFFEY Maria; GRIFFIN-VALADE LaVonne L; SHERIFF
Cc: BOGSTAD Deborah L
Subject: R2

Greetings!

Resolution 2 on tomorrow's agenda asks that I confirm proposed interim designations for the Chair, Sheriff, Auditor and Commissioners 2 and 4. Auditor LaVonne Griffin-Valade supplied written information about Mr. Pearce. He meets the Charter requirements and also has extensive professional experience for the office. He is the current president of the Portland chapter of the Institute of Auditors and was the Director of Internal Audit at Tri Met. I feel very comfortable voting to support this designation. I also feel very comfortable supporting Bill Farver as the Chair's designee. Bill also meets the legal requirements and in fact has experience serving as Interim Chair upon the departure of Chair Stein. His qualifications and experience at the County are a matter of public record and were recently distributed when he accepted the position as Chief Operating Officer. Former Sheriff Bob Skipper has already served with distinction as County Sheriff and I also support this designation.

No information was provided in the packet for the two Commissioner designations. My office has contacted both offices to request this information. I just spoke with Commissioner Cogan and he said he would provide this information to me in writing before the meeting. If so, I will support this proposed designation. I left a phone message with Commissioner Roberts requesting additional background information as well.

I want to be confident that proposed interim designations are well qualified before I cast a vote in support of the resolution. I also think it is important for the public to have information on the education, experience and background of the proposed designees.

In the event that sufficient background information is not available prior to the meeting, I request the courtesy of my fellow Board members to vote on the designations individually to allow me to support the designees I listed.

Thank you,

Lisa

MARISSA MADRIGAL

7117 NE Broadway
Portland, Oregon 97213

EXPERIENCE

Multnomah County, District 2 - Portland, OR

Chief of Staff, Commissioner Jeff Cogen - November 2006 - current

Serve as primary point of contact for those wishing to communicate with Commissioner Cogen. Represent the Commissioner at meetings and community events. Monitor progress and implementation of District 2 policy initiatives.

Friends of Jeff Cogen - Multnomah County, OR

Campaign Manager, November 2005 - November 2006

Managed all aspects of successful election campaign of Multnomah County Commissioner Jeff Cogen including: fundraising, budgeting & purchasing, communication, event coordination, volunteer management and recruitment, constituent correspondence, community organizing and outreach, and writing.

Committee to Elect Steve Stuart - Clark County, WA

Campaign Manager, March 2005-November 2005

Managed all aspects of newly appointed Clark County Commissioner Steve Stuart's first general election campaign.

Yes! For Greater Clark Parks - Clark County, WA

Campaign Manager, November 2004 - February 2005

Coordinated a successful three month campaign to create the Greater Vancouver Clark Parks District. As a result, 35 new parks will be built over ten years within Clark County's unincorporated urban growth area.

Friends of Betty Sue - Clark County, WA

Campaign Manager, May 2004-November 2004

Managed all aspects of successful re-election campaign of County Commissioner Betty Sue Morris.

STAT Medical Services, Inc. (Now Medical Staffing Network) - Portland, OR

Marketing Communications Manager, October 1999- February 2003

EDUCATION

B.A. Zoology, University of Washington, Seattle.

Emphasis- Ecology & Evolution

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-011

Confirming the Interim Designations for Multnomah County Chair, Multnomah County Commissioner District 2, Multnomah County Commissioner District 4, Multnomah County Auditor and Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Ted Wheeler, Multnomah County Chair, designates Bill Farver as interim occupant of that office.
- c. In compliance with MCC 5.005(B)(1) and (4), Jeff Cogen, Multnomah County Commissioner District 2, designates Marissa Madrigal as interim occupant of that office.
- d. In compliance with MCC 5.005(B)(1) and (4), Lonnie Roberts, Multnomah County Commissioner District 4, designates Richard K. Stagg as interim occupant of that office.
- e. In compliance with MCC 5.005(B)(1) and (4), LaVonne Griffin-Valade, Multnomah County Auditor, designates Devon Pearce as interim occupant of that office. Per requirements for this office, Devon Pearce is a certified internal auditor.
- f. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Bernie Giusto designates Robert Skipper as interim occupant of that office in the event of a vacancy. Robert Skipper meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Bill Farver to serve as interim occupant for Multnomah County Chair in the event of a vacancy in that office.
2. The Board confirms Marissa Madrigal to serve as interim occupant for Multnomah County Commission District 2 in the event of a vacancy in that office.

3. The Board confirms Richard K. Stagg to serve as interim occupant for Multnomah County Commission District 4 in the event of a vacancy in that office.
4. The Board confirms Devon Pearce to serve as interim occupant for Multnomah County Auditor in the event of a vacancy in that office.
5. The Board confirms Robert Skipper to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-3
 Est. Start Time: 9:40 AM
 Date Submitted: 12/06/06

Agenda Title: RESOLUTION Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management

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

Requested Meeting Date: January 4, 2007 Amount of Time Needed: 3 mins
 Department: Non-Departmental Division: Chair Ted Wheeler
 Contact(s): Bill Farver
 Phone: 503 988-5066 Ext. 85066 I/O Address: 503/600
 Presenter(s): Chair Ted Wheeler

General Information

1. **What action are you requesting from the Board?**
 Approval of Resolution Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management.
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.**
 Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board. The Chair appoints Carol Ford as the Director of the Department of County Management effective January 1, 2007.
3. **Explain the fiscal impact (current year and ongoing).**
 N/A
4. **Explain any legal and/or policy issues involved.**
 Multnomah County Charter Section 6.10(3).
5. **Explain any citizen and/or other government participation that has or will take place.**
 N/A

Required Signature

**Elected Official or
Department/
Agency Director:**

TED WHEELER

Date: 12/06/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board.
- b. The Chair appoints Carol Ford as the Director of the Department of County Management effective January 1, 2007.

The Multnomah County Board of Commissioners Resolves:

1. In accordance with Multnomah County Charter Section 6.10(3), the Board consents to the appointment of Carol Ford as the Director of the Department of County Management.

ADOPTED this 4th day of January 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-012

Consenting to Chair Appointment of Carol Ford as Director of the Department of County Management

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board.
- b. The Chair appoints Carol Ford as the Director of the Department of County Management effective January 1, 2007.

The Multnomah County Board of Commissioners Resolves:

1. In accordance with Multnomah County Charter Section 6.10(3), the Board consents to the appointment of Carol Ford as the Director of the Department of County Management.

ADOPTED this 4th day of January 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-4
Est. Start Time: 9:45 AM
Date Submitted: 12/12/06

Agenda Title: **First Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code by Abolishing the Office of School and Community Partnerships (Chapter 25) and Combining it with the Department of County Human Services (Chapter 23), and Declaring an Emergency**

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

Requested Meeting Date: January 4, 2007 **Amount of Time Needed:** 3 mins
Department: Non-Departmental **Division:** Chair Ted Wheeler
Contact(s): Bill Farver
Phone: 503 988-5066 **Ext.** 85066 **I/O Address:** 503/600
Presenter(s): Chair Ted Wheeler

General Information

1. What action are you requesting from the Board?

Approval of First Reading and Adoption of an ORDINANCE Amending the Multnomah County Code by Abolishing the Office of School and Community Partnerships (Chapter 25) and Combining it with the Department of County Human Services (Chapter 23), and Declaring an Emergency.

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.

On November 30, 2006, Chair-Elect Ted Wheeler announced his recommendation to consolidate/merge the Office of School and Community Partnerships with the Department of County Human Services in order to provide better alignment between programs and save administrative costs. As required under Charter Section 6.20(4), the affirmative concurrence of four or more Commissioners is required to establish additional administrative departments, abolish any department, combine two or more departments into one, and separate departments so combined.

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

Administrative costs savings to be determined.

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

Multnomah County Charter Section 6.20 as defined above, amendments to Multnomah County Code Chapters 23.001 and 3.301 and repeal of Multnomah County Code Chapter 25.

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

There will be an opportunity for public comment on the proposed Ordinance at the January 4, 2007 Board meeting.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 12/12/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending the Multnomah County Code by Abolishing the Office of School and Community Partnerships (Chapter 25) and Combining it with the Department of County Human Services (Chapter 23), and Declaring an Emergency

(Language ~~stricken~~ is deleted; double underlined language is new.)

Multnomah County Ordains as follows:

Section 1. MCC § 23.001 is amended as follows:

23.001 Department Of County Human Services.

The Department of County Human Services is created. The head of the department is the Director of the Department of County Human Service (director). The director must appoint and the Board will approve a community mental health program director who will perform the duties prescribed by state law. The department is assigned the following functions:

- (A) Community, Aadult, ~~mental health services~~;
- ~~(B) Child and adolescent mental health services;~~
- (CB) ~~Developmental~~ disability services;
- ~~(D) Community mental health services;~~
- (EC) Alcohol and drug treatment services;
- (FD) Senior services;
- ~~(G) Disability services;~~
- (HE) Public Guardian;
- (IF) Adult Care Home program, **and**
- (JG) Domestic violence program;
- (H) Community, youth and family services; and
- (I) Housing and community development services.

Section 2. MCC Chapter 25, School and Community Partnerships is repealed as follows:

~~25.010 Department Established.~~

~~An Office of School and Community Partnerships is created as a department. It manages and coordinates county services to individuals, families, youth and young children. The head of the department is the Director of the Office of School and Community Partnerships.~~

~~25.020 Functions.~~

~~The Office of School and Community Partnerships is assigned the following functions:~~

- ~~(A) — Early childhood services,~~
- ~~(B) — Youth services,~~
- ~~(C) — Family and community resource services,~~
- ~~(D) — Early learning and school achievement programs,~~
- ~~(E) — Services for the homeless, and~~
- ~~(F) — Weatherization and energy assistance services.~~

~~25.030 Service Partners.~~

~~The Office of School and Community Partnerships will work with the following county programs:~~

- ~~(A) — School-based mental health services,~~
- ~~(B) — School-based health clinics,~~
- ~~(C) — Alcohol and drug programs for children,~~
- ~~(D) — Student attendance initiative, and~~
- ~~(E) — County advisory committees and other county departments that provide early childhood, adult and family support services.~~

~~25.040 Commission.~~

~~The Office of School and Community Partnerships will work with the Commission on Children, Families and Community as the Commission develops its plan for children and family services in the county. The Office will implement the parts of the plan that relate to the functions assigned by section 25.020.~~

Section 3. MCC § 3.301 is amended as follows:

3.301 Committees Established.

Citizen Budget Advisory Committees are established for the Department of County Human Services, the Department of Community Services, the Department of County Management, the Department of Community Justice, the Health Department, ~~the Office of Schools and Community Partnerships~~, the Library, the Sheriff, the District Attorney, the county non-departmental programs. The Library Board functions as the Library Citizen Budget Advisory Committee. The Community Health Council functions as the Health Department Citizen Budget Advisory Committee. The County Human Services Citizen Budget Advisory Committee will have representatives of the Disability Services Advisory Council, the Elders in Action Commission Leadership Team, the Adult Mental Health Services Advisory Committee, the Children Mental Health Services Advisory Committee, and the Developmental Disability Advisory Council. The Citizen Budget Advisory Committees advise the Board and all county directors, elected officials, and non-departmental programs. Citizen Budget Advisory Committees will actively participate in county budget development and review, give advice on policy considerations, and participate in operational and strategic planning.

Section 4. An emergency is declared in that it is necessary for this ordinance to take effect consistent with approvals of new directors, and other changes beginning with Chair Wheeler's administration that are necessary for the health, safety, and general welfare of the people of Multnomah County, and this ordinance will take effect on January 4, 2007, under section 5.50 of the Charter of Multnomah County. For budget purposes this ordinance will take effect on July 1, 2007 and will not affect the structure of the 2006-2007 budget.

FIRST READING AND ADOPTION:

January 4, 2007

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1087

Amending the Multnomah County Code by Abolishing the Office of School and Community Partnerships (Chapter 25) and Combining it with the Department of County Human Services (Chapter 23), and Declaring an Emergency

(Language ~~stricken~~ is deleted; double underlined language is new.)

Multnomah County Ordains as follows:

Section 1. MCC § 23.001 is amended as follows:

23.001 Department Of County Human Services.

The Department of County Human Services is created. The head of the department is the Director of the Department of County Human Service (director). The director must appoint and the Board will approve a community mental health program director who will perform the duties prescribed by state law. The department is assigned the following functions:

- _____ (A) Community, Aadult, -mental health services;
- ~~(B) — Child and adolescent mental health services;~~
- _____ ~~(CB) Developmental disability services;~~
- ~~(D) — Community mental health services;~~
- _____ ~~(EC) Alcohol and drug treatment services;~~
- _____ ~~(FD) Senior services;~~
- ~~(G) — Disability services;~~
- _____ ~~(HE) Public Guardian;~~
- _____ ~~(IF) Adult Care Home program, and~~
- _____ ~~(JG) Domestic violence program;~~
- _____ (H) Community, youth and family services; and
- _____ (I) Housing and community development services.

Section 2. MCC Chapter 25, School and Community Partnerships is repealed as follows:

~~25.010 Department Established.~~

~~An Office of School and Community Partnerships is created as a department. It manages and coordinates county services to individuals, families, youth and young children. The head of the department is the Director of the Office of School and Community Partnerships.~~

~~25.020 Functions.~~

~~The Office of School and Community Partnerships is assigned the following functions:~~

- ~~(A) — Early childhood services;~~
- ~~(B) — Youth services;~~
- ~~(C) — Family and community resource services;~~
- ~~(D) — Early learning and school achievement programs;~~
- ~~(E) — Services for the homeless, and~~
- ~~(F) — Weatherization and energy assistance services.~~

~~25.030 Service Partners.~~

~~The Office of School and Community Partnerships will work with the following county programs:~~

- ~~(A) — School-based mental health services;~~
- ~~(B) — School-based health clinics;~~
- ~~(C) — Alcohol and drug programs for children;~~
- ~~(D) — Student attendance initiative, and~~
- ~~(E) — County advisory committees and other county departments that provide early childhood, adult and family support services.~~

~~25.040 Commission.~~

~~The Office of School and Community Partnerships will work with the Commission on Children, Families and Community as the Commission develops its plan for children and family services in the county. The Office will implement the parts of the plan that relate to the functions assigned by section 25.020.~~

Section 3. MCC § 3.301 is amended as follows:

3.301 Committees Established.

Citizen Budget Advisory Committees are established for the Department of County Human Services, the Department of Community Services, the Department of County Management, the Department of Community Justice, the Health Department, ~~the Office of Schools and Community Partnerships~~, the Library, the Sheriff, the District Attorney, the county non-departmental programs. The Library Board functions as the Library Citizen Budget Advisory Committee. The Community Health Council functions as the Health Department Citizen Budget Advisory Committee. The County Human Services Citizen Budget Advisory Committee will have representatives of the Disability Services Advisory Council, the Elders in Action Commission Leadership Team, the Adult Mental Health Services Advisory Committee, the Children Mental Health Services Advisory Committee, and the Developmental Disability Advisory Council. The Citizen Budget Advisory Committees advise the Board and all county directors, elected officials, and non-departmental programs. Citizen Budget Advisory Committees will actively participate in county budget development and review, give advice on policy considerations, and participate in operational and strategic planning.

Section 4. An emergency is declared in that it is necessary for this ordinance to take effect consistent with approvals of new directors, and other changes beginning with Chair Wheeler's administration that are necessary for the health, safety, and general welfare of the people of Multnomah County, and this ordinance will take effect on January 4, 2007, under section 5.50 of the Charter of Multnomah County. For budget purposes this ordinance will take effect on July 1, 2007 and will not affect the structure of the 2006-2007 budget.

FIRST READING AND ADOPTION:

January 4, 2007



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

TED WHEELER

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Agnes Sowle
Agnes Sowle, County Attorney

SUBMITTED BY:

Ted Wheeler, County Chair



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-5
 Est. Start Time: 9:50 AM
 Date Submitted: 12/06/06

Agenda Title: RESOLUTION Consenting to Chair Appointment of Joanne Fuller as Director of the Department of County Human Services

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

Requested Meeting Date: January 4, 2007 Amount of Time Needed: 3 mins
 Department: Non-Departmental Division: Chair Ted Wheeler
 Contact(s): Bill Farver
 Phone: 503 988-5066 Ext. 85066 I/O Address: 503/600
 Presenter(s): Chair Ted Wheeler

General Information

1. **What action are you requesting from the Board?**
 Approval of Resolution Consenting to Chair Appointment of Joanne Fuller as Director of the Department of County Human Services.
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.**
 Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board. The Chair appoints Joanne Fuller as Director of the Department of County Human Services effective January 1, 2007.
3. **Explain the fiscal impact (current year and ongoing).**
 N/A
4. **Explain any legal and/or policy issues involved.**
 Multnomah County Charter Section 6.10(3).
5. **Explain any citizen and/or other government participation that has or will take place.**
 N/A

Required Signature

**Elected Official or
Department/
Agency Director:**

TED WHEELER

Date: 12/06/06

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Consenting to Chair Appointment of Joanne Fuller as Director of the Department of
County Human Services

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board.
- b. The Chair appoints Joanne Fuller as the Director of the Department of County Human Services effective January 1, 2007.

The Multnomah County Board of Commissioners Resolves:

1. In accordance with Multnomah County Charter Section 6.10(3), the Board consents to the appointment of Joanne Fuller as the Director of the Department of County Human Services.

ADOPTED this 4th day of January 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-013

Consenting to Chair Appointment of Joanne Fuller as Director of the Department of County Human Services

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 6.10(3) provides that Chair appointment of department heads (directors) is subject to consent of a majority of the Board.
- b. The Chair appoints Joanne Fuller as the Director of the Department of County Human Services effective January 1, 2007.

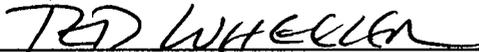
The Multnomah County Board of Commissioners Resolves:

1. In accordance with Multnomah County Charter Section 6.10(3), the Board consents to the appointment of Joanne Fuller as the Director of the Department of County Human Services.

ADOPTED this 4th day of January 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, County Chair



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-6
 Est. Start Time: 9:55 AM
 Date Submitted: 12/26/06

Agenda Title: RESOLUTION Adopting Rules for Board Meetings and Repealing Resolution 05-101

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

Date Requested: January 4, 2007 Time Requested: 5 minutes
 Department: Non-Departmental Division: County Attorney
 Contact(s): Agnes Sowle, County Attorney
 Phone: 503-988-3138 Ext. 83138 I/O Address: 501/500
 Presenter(s): Agnes Sowle

General Information

1. **What action are you requesting from the Board?**
 Adoption of Resolution Adopting Rules for Board Meetings and Repealing Resolution 05-101
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.**
 Under Section 3.50 (1) of the Multnomah County Home Rule Charter, the Board must adopt and publish rules for the conduct of its meetings. The last Board Rules revision was adopted in June, 2005. Those rules have been reviewed and edited to reflect a change in the existing provision in Section 4 - Meetings, more specifically the first sentence in subsection A (4), replacing the following stricken language to read: ~~The Board may meet on the first and third Tuesday of the month and other days as necessary for work sessions and staff briefings~~ meets on Tuesdays and other days as necessary for briefings, executive sessions, work sessions and joint meetings.
3. **Explain the fiscal impact (current year and ongoing).**
 N/A
4. **Explain any legal and/or policy issues involved.**
 This resolution is in compliance with the Multnomah County Home Rule Charter, public meetings law and other relevant statutes.
5. **Explain any citizen and/or other government participation that has or will take place.**
 N/A

Required Signature

Elected Official
Department/Agency
Director:

A handwritten signature in cursive script, appearing to read "A. J. ...", is written over a horizontal line.

Date: 12/26/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting Rules for Board Meetings and Repealing Resolution 05-101

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Home Rule Charter section 3.50 contains requirements for Board meetings, and subsection (1) requires the Board to adopt and publish rules for the conduct of its meetings.
- b. All Board meetings must comply with the Oregon Public Meetings Law.
- c. Resolution 05-101 adopted the current Board rules that now need revision.

The Multnomah County Board of Commissioners Resolves:

SECTION 1. ORGANIZATION

- A. The Chair presides at Board meetings and has a vote on each matter before the Board. The presiding officer may not make or second motions unless the position is first relinquished for that purpose.
- B. The Vice-Chair presides when the Chair is absent.
- C. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as presiding officer.
- D. The presiding officer will sign all documents approved at the Board meeting.

SECTION 2. APPOINTMENT OF VICE-CHAIR

- A. At the first regular meeting of each calendar year, the Board will appoint a Vice-Chair. Appointments will be made in rotation by Commission District number. A Commissioner may refuse the position, and then the Commissioner in the next numbered district will be appointed.
- B. If there is a vacancy in the Vice-Chair position, the Board will appoint a Vice-Chair from the next numerical Commissioner District at the first regular meeting following the vacancy.

SECTION 3. MINUTES

- A. The Board Clerk will make a record of all Board meetings.

- B. The written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

SECTION 4. MEETINGS

A. REGULAR MEETINGS

- (1) All meetings are open to the public, except executive sessions.
- (2) All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda.
- (3) The Board meets each Thursday to deliberate on County business and make decisions.
- (4) The Board meets on Tuesdays and *other days* as necessary for briefings, executive sessions, work sessions and joint meetings. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings.
- (5) When it is in the public interest, the Board by majority vote at any meeting may adjourn to another time or to another location accessible to the public.

B. SPECIAL MEETINGS

- (1) The Chair or three other Board members may call special meetings. The special meeting notice must include an agenda of items for consideration. The notice must be delivered personally to each Commissioner or the Commissioner's office or residence at least 24 hours before the meeting.
- (2) Board action at a special meeting, except adoption of an emergency ordinance, does not take effect unless ratified at the next regular meeting.

C. EXECUTIVE SESSIONS

- (1) The Board may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated.
- (2) The Board will require that representatives of the news media and all other attendees are specifically directed not to disclose specified information that is the subject of the executive session.

SECTION 5. NOTICE AND AGENDA

- A. The Board Clerk will maintain an interested person Board meeting notice list. The list will include the names and addresses of interested persons including news media that have requested notice of Board meetings. The Board Clerk will give notice stating the time and place of Board meetings and the agenda to persons on the list, and post the notice to the Board's internet web site. Agenda packet materials will also be posted to the web site.
- (1) Notice will be given at least 72 hours before each regular meeting.
 - (2) Notice will be given 24 hours before each special meeting.
- B. The Chair, each Commissioner, the Sheriff, the District Attorney, the Auditor and Department Directors may place matters on a Board meeting agenda. The official who places a matter on a Board agenda may withdraw or postpone the matter at any time before the start of the meeting. If the agenda has been distributed, the Board must decide to continue the matter to another date or postpone it indefinitely.
- C. The Chair will supervise agenda preparation. The Chair may adopt Executive Rules for placement of matters on the Board agenda, and the format for ordinances, resolutions, orders, proclamations and other Board documents.
- D. The Board, Sheriff, District Attorney and Auditor are not bound by the Administrative Procedure for Board agenda submissions and process established by the Chair for County Department Directors. The agenda submission deadline for elected officials is noon, Wednesday, one week prior to the Thursday Board meeting.

SECTION 6. UNANIMOUS CONSENT

- A. The Board may act on an item not on the agenda notice if at least three Commissioners vote in favor of a motion to immediately consider the matter.
- B. For the matter to be adopted, all Commissioners present must vote in favor of the matter.

SECTION 7. ATTENDANCE, QUORUM

- A. Commissioners will provide written or electronic mail notification of all anticipated absences from Board meetings to each other and the Board Clerk.
- B. A quorum consists of three Commissioners.
- C. If there is an emergency, two Commissioners may meet and compel the attendance of absent members with assistance from the Sheriff.

SECTION 8. VOTING

- A. A Commissioner who cannot be physically present at a meeting may attend and participate by telephone. Except for executive sessions, the public will be provided a place to listen to the communication.
- B. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner has an actual conflict of interest relating to any matter, the Commissioner may not participate or vote on that matter.
- C. After a motion and second, the presiding officer will request an explanation of the agenda matter and accept public testimony. At the conclusion of Board discussion, the presiding officer will state the motion before the Board and call for the vote.
- D. After the call for the vote, no further discussion is permitted, but the presiding officer will permit the maker to withdraw the motion to allow further discussion.
- E. No voting abstention is allowed. Commissioners must vote 'yes' or 'no' unless they have been excused for a conflict of interest.
- F. Commissioners will vote orally. A roll call vote will be conducted if requested by any Commissioner. The presiding officer will announce the results of the vote, and the vote of each Commissioner will be recorded.
- G. Motions and amendments to motions fail if there is a tie vote.
- H. As required under Charter Section 6.20(4), the affirmative concurrence of four or more Commissioners is required to:
 - (1) Establish additional administrative departments,
 - (2) Abolish any department,
 - (3) Combine two or more departments into one, and
 - (4) Separate departments so combined.
- I. Regular meeting agendas include a consent calendar for approval of items determined routine by the Chair. The consent calendar may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent calendar item will be considered on the regular agenda.
- J. Agenda items may be taken out of order at the discretion of the presiding officer.

SECTION 9. PUBLIC TESTIMONY

- A. The presiding officer may regulate the length of public participation and limit appearances to presentations of relevant points.
- B. To assist persons wishing to testify at Board meetings, the Board Clerk will make public sign-up sheets available. Persons will be called to testify in the order they are submitted to the Board Clerk, unless otherwise recognized by the presiding officer.
- C. The presiding officer has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. Any person who fails to comply with reasonable rules of conduct or who creates a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

SECTION 10. ORDINANCES

- A. Proposed ordinances will be prepared or reviewed and approved by the County Attorney.
- B. Except for ordinances containing emergency clauses, proposed ordinances will be read at regular Board meetings on two different days at least six days apart.
- C. A proposed ordinance may be read by title only if copies of the ordinance are available to the public at the meeting.
- D. A motion to move a proposed ordinance to its second reading requires the affirmative concurrence of at least three members of the Board. Unless a later date is provided by the Board, upon passage of the motion, the presiding officer will announce the second reading is scheduled for the next regular meeting, which must be at least six days from passage of the motion.
- E. No change or amendment to a proposed ordinance that has been placed on the agenda may be made except by approval of a majority of the Board during the public hearing of the ordinance. If the Board approves a change that materially affects a proposed ordinance, an additional reading of the proposed ordinance may be held.
- F. A non-emergency ordinance takes effect thirty days after adoption by the Board unless it prescribes a later effective date or it is referred to County voters.
- G. A proposed ordinance to meet an emergency may be introduced, read once and enacted at a single meeting with unanimous consent of all Board members present. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance must be scheduled for a second reading.

At the second reading, the proposed ordinance may be approved as either an emergency or a non-emergency ordinance by majority vote.

- H. Following Board adoption, an emergency ordinance takes effect immediately upon signature of the presiding officer or the date provided in the ordinance.

SECTION 11. APPLICATION OF RULES

The Board is the governing body for Dunthorpe-Riverdale Sanitary Service District No. 1 and the Mid-County Street Lighting Service District No. 14. The Board also sits as the Multnomah County Budget Committee, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.

SECTION 12. MISCELLANEOUS

- A. Any procedure or situation not covered by law or these Rules is governed by the most recent edition of Robert's Rules of Order Newly Revised.
- B. Copies of these Board Rules will be available at all Board meetings.

SECTION 13. ADOPTION

This resolution repeals Resolution 05-101 and all previously adopted Board Rules. These Rules take effect immediately upon Board adoption.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-014

Adopting Rules for Board Meetings and Repealing Resolution 05-101

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Home Rule Charter section 3.50 contains requirements for Board meetings, and subsection (1) requires the Board to adopt and publish rules for the conduct of its meetings.
- b. All Board meetings must comply with the Oregon Public Meetings Law.
- c. Resolution 05-101 adopted the current Board rules that now need revision.

The Multnomah County Board of Commissioners Resolves:

SECTION 1. ORGANIZATION

- A. The Chair presides at Board meetings and has a vote on each matter before the Board. The presiding officer may not make or second motions unless the position is first relinquished for that purpose.
- B. The Vice-Chair presides when the Chair is absent.
- C. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as presiding officer.
- D. The presiding officer will sign all documents approved at the Board meeting.

SECTION 2. APPOINTMENT OF VICE-CHAIR

- A. At the first regular meeting of each calendar year, the Board will appoint a Vice-Chair. Appointments will be made in rotation by Commission District number. A Commissioner may refuse the position, and then the Commissioner in the next numbered district will be appointed.
- B. If there is a vacancy in the Vice-Chair position, the Board will appoint a Vice-Chair from the next numerical Commissioner District at the first regular meeting following the vacancy.

SECTION 3. MINUTES

- A. The Board Clerk will make a record of all Board meetings.

- B. The written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

SECTION 4. MEETINGS

A. REGULAR MEETINGS

- (1) All meetings are open to the public, except executive sessions.
- (2) All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda.
- (3) The Board meets each Thursday to deliberate on County business and make decisions.
- (4) The Board meets on Tuesdays and *other days* as necessary for briefings, executive sessions, work sessions and joint meetings. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings.
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SECTION 11. APPLICATION OF RULES

The Board is the governing body for Dunthorpe-Riverdale Sanitary Service District No. 1 and the Mid-County Street Lighting Service District No. 14. The Board also sits as the Multnomah County Budget Committee, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.

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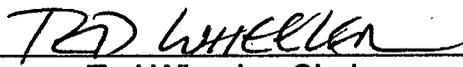
SECTION 13. ADOPTION

This resolution repeals Resolution 05-101 and all previously adopted Board Rules. These Rules take effect immediately upon Board adoption.

ADOPTED this 4th day of January, 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 1.4.07
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-7
Est. Start Time: 10:00 AM
Date Submitted: 12/26/06

BUDGET MODIFICATION:

Agenda Title: Authorizing Settlement of Estate of Anthony Delarosa v. Multnomah County, Multnomah County Circuit Court Case No. 0609-10046

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

Date Requested: January 4, 2007 **Time Requested:** 5 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503-988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Susan Dunaway, Assistant County Attorney

General Information

- 1. What action are you requesting from the Board?**
Approve settlement of \$200,000; Plaintiff will dismiss all claims or potential claims with prejudice.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
While Anthony Delarosa was incarcerated in a Multnomah County jail, he died as a result of complications related to drug withdrawal. Plaintiff alleges that the death occurred due to negligence on the part of Corrections Health.
- 3. Explain the fiscal impact (current year and ongoing).**
N/A
- 4. Explain any legal and/or policy issues involved.**
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all

settlements of over \$25,000.

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

N/A

Required Signature

**Department/
Agency Director:**

A handwritten signature in black ink, appearing to read "A. J. ...", written over a horizontal line.

Date: 12/26/06



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-8
 Est. Start Time: 10:02 AM
 Date Submitted: 12/18/06

Agenda Title: RESOLUTION Ratifying and Establishing Multnomah County Law Library Fees Under ORS 21.350

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

Date Requested: January 4, 2007 Time Requested: 3 minutes
 Department: Non-Departmental Division: County Attorney
 Contact(s): Agnes Sowle, County Attorney
 Phone: 503-988-3138 Ext. 83138 I/O Address: 501/500
 Presenter(s): Agnes Sowle

General Information

- What action are you requesting from the Board?**
 Adoption of Resolution Ratifying and Establishing Multnomah County Law Library Fees
- 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.**
 Prior to 1965, the Multnomah County Law Library received a flat fee set by statute. From 1965 through 1967, the maximum law library fee was 40% of the uniform filing fee. From 1997 to the present, the maximum law library fee is 33% of the uniform filing fee. This resolution ratifies and establishes collection of the maximum law library fee under ORS 21.350, in each civil proceeding filed in circuit or county court.
- Explain the fiscal impact (current year and ongoing).**
 N/A
- Explain any legal and/or policy issues involved.**
 N/A
- Explain any citizen and/or other government participation that has or will take place.**
 N/A

Required Signature

Elected Official
 Department/Agency
 Director:

Date: 12/18/2006

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Ratifying and Establishing Multnomah County Law Library Fees Under ORS 21.350

The Multnomah County Board of Commissioners Finds:

- a. Until 1965 Multnomah Law Library received a flat fee set by statute.
- b. From 1965 through 1997, the maximum law library fee was set at 40% of the uniform filing fee.
- c. After 1997 the maximum law library fee was set at the current maximum of 33% of the uniform filing fee.

The Multnomah County Board of Commissioners Resolves:

1. The Board ratifies prior collection of the maximum law library fee allowed by statute.
2. The Multnomah County Law Library fee is set at the maximum provided by law.
2. The Multnomah County Law Library fee is imposed and collected in each civil suit, action or proceeding filed in the circuit or county court as provided under ORS 21.350.

ADOPTED this 4th day of January 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-015

Ratifying and Establishing Multnomah County Law Library Fees Under ORS 21.350

The Multnomah County Board of Commissioners Finds:

- a. Until 1965 Multnomah Law Library received a flat fee set by statute.
- b. From 1965 through 1997, the maximum law library fee was set at 40% of the uniform filing fee.
- c. After 1997 the maximum law library fee was set at the current maximum of 33% of the uniform filing fee.

The Multnomah County Board of Commissioners Resolves:

1. The Board ratifies prior collection of the maximum law library fee allowed by statute.
2. The Multnomah County Law Library fee is set at the maximum provided by law.
2. The Multnomah County Law Library fee is imposed and collected in each civil suit, action or proceeding filed in the circuit or county court as provided under ORS 21.350.

ADOPTED this 4th day of January 2007.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 1-4-07
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-9
Est. Start Time: 10:05 AM
Date Submitted: 12/20/06

BUDGET MODIFICATION: DA - 01

Agenda Title: Budget Modification DA-01 Appropriating \$48,996 Grant Revenue from the Community Oriented Policing (COPS) Methamphetamine Initiative

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>3 mins</u>
Department:	<u>District Attorney's Office</u>	Division:	<u>Felony</u>
Contact(s):	<u>Scott Marcy</u>		
Phone:	<u>503-988-3863</u>	Ext.	<u>83863</u>
		I/O Address:	<u>101/600</u>
Presenter(s):	<u>Scott Marcy</u>		

General Information

1. What action are you requesting from the Board?

Requesting recognition and appropriation of \$48,996 in new federal grant funding from the Office of Justice Programs US Department of Justice.

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

In May of 2006 the District Attorney's Office in conjunction with the Portland Police Bureau applied for Methamphetamine Initiative grant funding through the Office of Community Oriented Policing Services (COPS), a program of the Office of Justice Programs a division of the US Department of Justice.

The purpose of this grant award is to fund a .5 Deputy District Attorney 2 position that will work closely with the Portland Police Bureau Drug and Vice Division. Working together with Investigators the Deputy District Attorney will target the most serious and prolific methamphetamine manufacturers and distributors and focus efforts in four main program areas: Child Endangerment, Enforcement, Intelligence gathering and Partnership development.

The Deputy District Attorney participates in the investigative process, advises Investigators on

search and seizure issues and is available to review warrant applications.

The total grant award is \$98,732 over a two year period. This request represents the first year of that funding.

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

This budget modification will increase the amount of Fed/State funds in the DA Office by \$48,996 in fiscal year 2006/2007.

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.

The District Attorney's Office will work closely with the Portland Police Bureau.

ATTACHMENT A

Budget Modification

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

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

The fed/State revenue 1505 will be increased by \$48,996 as this is a new grant and was not included as part of the regular budget process.

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

The District Attorney's Office Budget will be increased.

• **What do the changes accomplish?**

The change will allow the District Attorney to spend the new fed/state appropriation consistent with the grant application.

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

The budget modification will increase the number of FTE by a .5 Deputy District Attorney 2 position.

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

This grant does not include funding to pay County central indirect.

• **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?**

The funding will be available for two years.

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

The grant period is from 11/22/2005 to 11/21/2007

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

When the grant period ends a no cost extension for the additional 1 year will need to be requested.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DA - 01

Required Signatures

Department/
Agency Director:

Michel Schoeur

Date: 12/20/06

Budget Analyst:

CEA

Date: 12/28/06

Department HR:

Bj Pettit

Date: 12/20/06

Countywide HR:

Date: _____

Budget Modification ID: **DA-01**

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	15-10	32213	50			DA Cops	60000	-	31,977	31,977		permanent
2	15-10	32213	50			DA Cops	60130		10,262	10,262		salary related benefits
3	15-10	32213	50			DA Cops	60140		6,757	6,757		insurance
4	15-10	32213	50			DA Cops	50195		(48,996)	(48,996)		fed thru local
5	72-10	3500	20		705210		50316		(6,757)	(6,757)		insurance revenue
6	72-10	3500	20		705210		60330		6,757	6,757		claim expenditure
7									0			
8									0			
9									0			
10									0			
11									0			
12									0			
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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).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6252	61078	Deputy District Attorney 2	701297	0.50	31,977	10,262	6,757	48,996
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.50	31,977	10,262	6,757	48,996

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
1505	6252	61078	Deputy District Attorney 2	701297	0.50	31,977	10,262	6,757	48,996
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.50	31,977	10,262	6,757	48,996



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 1.4.07
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-10
Est. Start Time: 10:08 AM
Date Submitted: 12/20/06

BUDGET MODIFICATION: DA - 02

Agenda Title: Budget Modification DA-02 Appropriating \$223,594 Grant Revenue from the Bureau of Justice Assistance Anti-Gang Initiative

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>2 mins</u>
Department:	<u>District Attorney's Office</u>	Division:	<u>Felony</u>
Contact(s):	<u>Scott Marcy</u>		
Phone:	<u>503-988-3863</u>	Ext.	<u>83863</u>
		I/O Address:	<u>101/600</u>
Presenter(s):	<u>Scott Marcy -</u>		

General Information

1. What action are you requesting from the Board?

Requesting recognition and appropriation of \$223,594 in new federal grant funding from the Bureau of Justice Assistance Department of Justice.

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

In May of 2006 the District Attorney's Office acting as Fiscal Agent for the US Attorney's Office District of Oregon received a grant award in the amount of \$375,157 for the purpose of enhancing anti-gang prevention and enforcement efforts within the District of Oregon. These funds are part of Project Safe Neighborhoods Initiative (PSN) and are intended to build upon existing strategies and partnerships developed under PSN to combat gangs. The Total amount of grant funding projected to be spent in the current fiscal year is \$223, 594 with the remainder of the grant funding to be spent in fiscal year 2007/2008.

The three program areas which have been identified as targets for the grant funding are:
Enforcement- which will focus efforts on the most significant gang offenders in the target area,
Prevention- which focus on personal, family and community factors that contribute to high levels of

delinquency, And ReEntry- which focuses on persons returning to the community from the Federal prison system.

On September 29th 2006 sub-grantees awards were announced with 12 different programs receiving funding. Partners include: Beaverton PD, Hillsboro PD, Portland PD, Milwaukie PD, Gresham PD, Gresham PD, Vancouver Wa. PD, Clackamas County Community Corrections, Clackamas County Juvenile, Multnomah County Department of Community Justice, Washington County Community Corrections Probation and Parole, Washington County Juvenile.

In addition the Multnomah County District Attorney's Office receives 10% or \$37,516 of the grant funding for the administration of the grant.

The District Attorney's Office will expend \$18,758 in the current fiscal by adding a .5 FTE Finance Tech. position to assist in administering the large influx of new sub-grantees. The remaining \$204,836 will be passed thru to the sub-grantees.

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

This budget modification will increase the amount of Fed/State funds in the DA Office by \$223,594 and increase the County's Insurance fund by \$3,166.

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.

The District Attorney's Office will work closely with the program partners listed above as well as the US Attorney's Office District of Oregon.

ATTACHMENT A

Budget Modification

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

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

The fed/State revenue 1505 will be increased by \$223,594 and the County's Insurance fund will be increased by \$3,166 as this is a new grant and was not included as part of the regular budget process.

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

The District Attorney's Office and Department of Administrative Services (Department of County Management) Budget will be increased.

- **What do the changes accomplish?**

The change will allow the District Attorney to spend and pass-thru the new fed/state appropriation consistent with the grant application.

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

The budget modification will increase the number of FTE by a .5 Finance Technician.

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

This grant does not include funding to pay County central indirect.

- **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?**

The funding will be available for two years and we have received notification of an additional grant offering.

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

The grant period is from 05/01/2006 to 04/30/07 and a no cost extension will be requested to extend the grant period for an additional 12 to 18 months.

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

When grant funding ends these programs will likely no longer continue.

- **Has this request been made before? When? What was the outcome?**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DA - 02

Required Signatures

**Department/
Agency Director:**

Michel Schoeur

Date: 12/20/06

Budget Analyst:

CE

Date: 12/28/06

Department HR:

Bj Pettit

Date: 12/20/06

Countywide HR:

Date:

Budget Modification ID: **DA-02**

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	15-10	1505	50			DA AGI	60000	11,832	11,832		Permanent	
2	15-10	1505	50			DA AGI	60130	3,616	3,616		salary related	
3	15-10	1505	50			DA AGI	60140	3,166	3,166		insurance	
4	15-10	1505	50			DA AGI	60240	144	144		supplies	
5	15-10	1505	50			DA AGI	60160	204,836	204,836		pass-thru	
6	15-10	1505	50			DA AGI	50170	(223,594)	(223,594)		fed direct	
7	72-10	3500	20		705210		50316	(3,166)	(3,166)		insurance revenue	
8	72-10	3500	20		705210		60330	3,166	3,166		insurance expenditure	
9												
10												
11												
12												
13								0				
14								0				
15								0				
16								0				
17								0				
18								0				
19								0				
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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).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6027		Finance Tech		0.50	23,665	7,232	6,332	37,229
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.50	23,665	7,232	6,332	37,229

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
1505	6027		Finance Tech		0.50	11,832	3,616	3,166	18,614
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.50	11,832	3,616	3,166	18,614



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 14.07
MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-11
Est. Start Time: 10:10 AM
Date Submitted: 12/05/06

BUDGET MODIFICATION: OSCP - 08

Budget Modification OSCP-08, Increasing the Office of School and Community Partnerships Fiscal Year 2007 Budget by \$52,855 in Grant Funding and Adding Title: .58 FTE (1 FTE Annualized) for the Energy Services Program

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>OSCP</u>	Division:	<u>Community Services</u>
Contact(s):	<u>Mary Li, Kathy Tinkle</u>		
Phone:	<u>503 988-6295</u>	Ext.	<u>26787(ml) 26858(kt)</u>
Presenter(s):	<u>Mary Li/Kathy Tinkle</u>		
		I/O Address:	<u>167/200</u>

General Information

1. What action are you requesting from the Board?

The Department of School and Community Partnerships (DSCP) requests the approval of Budget Modification OSCP_08. This budget modification increases OSCP's Fiscal Year '07 budget by \$52,855 in State of Oregon Housing and Community Services grant funding to add a new, full-time Family Intervention Specialist position to the DSCP Energy Services program.

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

The majority of the DSCP Energy Services program is funded by grants from the State of Oregon Department of Housing and Community Services (OHCS). OHCS recently conducted a statewide evaluation of the Energy and Weatherization programs and client needs, and as a result, developed a project to implement changes in service delivery.

As part of this project, OHCS has committed \$52,855 in grant funding for a new case manager

position in DSCP. Based on the functions of the position, it has been classified by Central HR as a Family Intervention Specialist, and will work with households to achieve self-sufficiency and reduce dependence on energy assistance programs.

Budget Modification OSCP_08 increases OSCP's Fiscal Year '07 budget for Energy Services by \$52,855 in new grant funding for the .58 FTE (1.0 FTE ongoing) Family Intervention Specialist position.

The funding is part of the Duke/El Paso settlement to the states that were affected by the 2000-2001 West Coast Energy Crisis. This is separate from the Williams settlement that was covered in budget modification OSCP_02.

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

Budget Modification OSCP_08 increases the OSCP's Fiscal Year '07 budget for Energy Services by \$52,855 in new OHCS grant funding. The OHCS revenue contract is renewed each biennium

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

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
Budget Modification OSCP_08 increases OSCP's Fiscal Year '07 budget by .58 FTE (1.0 FTE ongoing). As part of a statewide restructuring of Energy Services programs, OHCS has awarded DSCP \$52,855 in new grant funding to pay for this position.
- What budgets are increased/decreased?
OSCP's Fiscal Year '07 budget for Energy Services will be increased by \$52,855. Of the \$52,855, OHCS has directed that \$49,155 be used to pay for this position in DSCP Energy Services. This position has been classified by Central HR as a Family Intervention Specialist.

The remaining \$3,700 has been awarded for Administrative costs, including Central and Departmental Indirect. Based on established Fiscal Year '07 Indirect rates, \$964 will pay for Central Indirect, \$2,736 will pay for Departmental Indirect.
- What do the changes accomplish?
This new Family Intervention Specialist will work with households to identify and address their unique and multiple challenges to achieving self-sufficiency.
- Do any personnel actions result from this budget modification? Explain.
Budget Modification OSCP_08 adds .58 FTE Family Intervention Specialist to the Department of School and Community Partnerships' Fiscal Year '07 budget (1 FTE annually).
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
The \$52,855 grant award includes \$3,700 for Central and Departmental Indirect. The new employee will use existing M&S resources within DSCP.
- 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?
The OHCS revenue contract is renewed each biennium.
- If a grant, what period does the grant cover?
The current OHCS revenue contract is effective through June 30th, 2007
- If a grant, when the grant expires, what are funding plans?
The OHCS revenue agreement will be renewed for the 07-09 biennium.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: OSCP - 08

Required Signatures

**Department/
Agency Director:**

Salvatore T. Pae Tr.

Date: 11/16/06

Budget Analyst:

Michael D. Jaspis

Date: 12/04/2006

Department HR:

J. Hoffner

Date: 11/17/06

Countywide HR:

Date: _____

Budget Modification ID: **OSCP_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	WBS Element						
1	21-62	20726	40			SCPCESED.DEP07.E2.PG	50180	0	(49,155)	(49,155)		IG-OP-Direct State
2	21-62	20726	40			SCPCESED.DEP07.E2.PG	60000	0	31,296	31,296		Permanent
3	21-62	20726	40			SCPCESED.DEP07.E2.PG	60130	0	10,031	10,031		Salary Related Expns
4	21-62	20726	40			SCPCESED.DEP07.E2.PG	60140	0	7,828	7,828	0	Insurance Benefits
5								0	0			
6	21-62	20726	40			SCPCESPA.DEP07.E2.AD	50180	0	(3,700)	(3,700)		IG-OP-Direct State
7	21-62	20726	40			SCPCESPA.DEP07.E2.AD	60350	0	964	964		Central Indirect
8	21-62	20726	40			SCPCESPA.DEP07.E2.AD	60355	0	2,736	2,736	0	Dept Indirect
9								0	0			
10	21-02	1000	40			SCPOP.CGF	50370	(735,780)	(738,516)	(2,736)		Dept Indirect Revenue
11	21-62	1000	40			SCPCESPA.CGF	60240	16,798	19,534	2,736	0	Supplies
12									0			
13	19	1000	20		9500001000		50310		(964)	(964)		Intl Svc Reimbursement
14	19	1000	20		9500001000		60470		964	964	0	Contingency
15									0			
16	72-10	3500	20		705210		50316		(7,828)	(7,828)		Insurance Revenue
17	72-10	3500	20		705210		60330		7,828	7,828	0	Offsetting expenditure
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
									0	0	0	Total - Page 1
									0	0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE						ANNUALIZED			
Change on a <u>full year basis</u> even though this action affects only a part of the fiscal year (FY).									
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20726	6305	63257	FAMILY INTERVENTION SPECIALIST	tba	1.00	53,893	17,294	13,497	84,684
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					1.00	53,893	17,294	13,497	84,684

CURRENT YEAR PERSONNEL DOLLAR CHANGE						CURRENT YEAR			
Calculate costs/savings that will take place <u>in this FY</u> ; these should explain the actual dollar amounts being changed by this Bud Mod.									
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20726	6305	63257	FAMILY INTERVENTION SPECIALIST	tba	0.58	31,296	10,031	7,828	49,155
									0
									0
									0
									0
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									0
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									0
TOTAL CURRENT FY CHANGES					0.58	31,296	10,031	7,828	49,155



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/07
Agenda Item #: R-12
Est. Start Time: 10:15 AM
Date Submitted: 12/19/06

BUDGET MODIFICATION:

RESOLUTION Appointing Joanne Fuller, Patrice Botsford, and Karl Brimner as County Financial Assistance Administrators for the State of Oregon

Agenda Department of Human Services, 2005-2007 County Financial Assistance

Title: Intergovernmental Revenue Agreement 0506026 (State #113012)

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

Date Requested: <u>January 4, 2007</u>	Time Requested: <u>2 mins</u>
Department: <u>County Human Services</u>	Division: <u>Business Services</u>
Contact(s): <u>Jana McLellan</u>	
Phone: <u>(503) 988-3691</u> Ext. <u>25390</u>	I/O Address: <u>167/1/620</u>
Presenter(s): <u>Joanne Fuller</u>	

General Information

1. What action are you requesting from the Board?

The Department of County Human Services requests the Board of County Commissioners approval to add Joanne Fuller, DCHS Director as primary signature authority for the County Financial Assistance Agreement and reaffirming Patrice Botsford, Developmental Disabilities Services Division Interim Director, and Karl Brimner, Mental Health and Addiction Services Division Director as secondary signators.

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

Section E.5 of the County Financial Assistance Agreement requires the County by resolution to appoint an officer to administer the Agreement (County Financial Assistance Administrator) and to authorize the County Financial Assistance Administrator to amend the Assistance Award and Agreement and Service Element Prior Authorization on behalf of the County. Further, the County Financial Assistance Administrator may enable the disbursement of financial assistance through submission and modification of Client Prior Authorizations and Provider Prior Authorizations and

authorize providers to submit disbursement claims.

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

No Fiscal Impact

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

No legal/ policy issues involved here.

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

None.

Required Signatures

**Department/
Agency Director:**



Date: 12/19/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Appointing Joanne Fuller, Patrice Botsford and Karl Brimner as County Financial Assistance Administrators for the State of Oregon Department of Human Services, 2005-2007 County Financial Assistance Intergovernmental Revenue Agreement 0506026 (State #113012)

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Department of County Human Services provides mental health, alcohol and drug and developmentally disabled treatment services to citizens of Multnomah County.
- b. The County has requested financial assistance from the State of Oregon Department of Human Services to operate or contract for the operation of its community mental health, alcohol and drug, and developmental disabilities program.
- c. The State of Oregon Department of Human Services is willing, upon the terms and conditions of the 2005-2007 Financial Assistance Agreement (Agreement), to provide such financial assistance (Assistance Award) to the County. The County approved the Agreement on July 14, 2005.
- d. Section E.5 of the Agreement requires the County by resolution to appoint an officer to administer the Agreement (County Financial Assistance Administrator) and to authorize the County Financial Assistance Administrator to amend the Assistance Award and Agreement and Service Element Prior Authorization on behalf of the County. Further, the County Financial Assistance Administrator may enable the disbursement of financial assistance through submission and modification of the Client Prior Authorizations and Provider Prior Authorizations and authorize providers to submit disbursement claims.

The Multnomah County Board of Commissioners Resolves:

The Board appoints Joanne Fuller, Patrice Botsford and Karl Brimner as the County Financial Assistance Administrators and authorizes Joanne Fuller,

Patrice Botsford and Karl Brimner to amend the Assistance Award on behalf of the County, by execution and delivery of amendments to the Agreement in accordance with Section E.5.

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Patrick W. Henry, Assistant County Attorney

SUBMITTED BY:
Joanne Fuller, Director, Dept of County Human Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-016

Appointing Joanne Fuller, Patrice Botsford and Karl Brimner as County Financial Assistance Administrators for the State of Oregon Department of Human Services, 2005-2007 County Financial Assistance Intergovernmental Revenue Agreement 0506026 (State #113012)

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Department of County Human Services provides mental health, alcohol and drug and developmentally disabled treatment services to citizens of Multnomah County.
- b. The County has requested financial assistance from the State of Oregon Department of Human Services to operate or contract for the operation of its community mental health, alcohol and drug, and developmental disabilities program.
- c. The State of Oregon Department of Human Services is willing, upon the terms and conditions of the 2005-2007 Financial Assistance Agreement (Agreement), to provide such financial assistance (Assistance Award) to the County. The County approved the Agreement on July 14, 2005.
- d. Section E.5 of the Agreement requires the County by resolution to appoint an officer to administer the Agreement (County Financial Assistance Administrator) and to authorize the County Financial Assistance Administrator to amend the Assistance Award and Agreement and Service Element Prior Authorization on behalf of the County. Further, the County Financial Assistance Administrator may enable the disbursement of financial assistance through submission and modification of the Client Prior Authorizations and Provider Prior Authorizations and authorize providers to submit disbursement claims.

The Multnomah County Board of Commissioners Resolves:

The Board appoints Joanne Fuller, Patrice Botsford and Karl Brimner as the County Financial Assistance Administrators and authorizes Joanne Fuller,

Patrice Botsford and Karl Brimner to amend the Assistance Award on behalf of the County, by execution and delivery of amendments to the Agreement in accordance with Section E.5.

ADOPTED this 4th day of January, 2007.



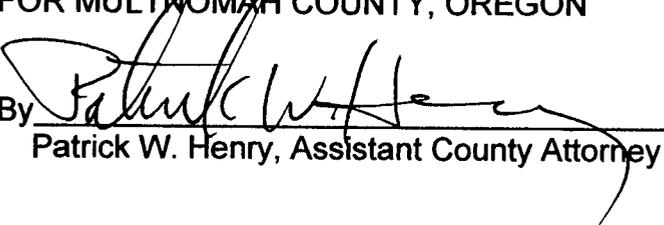
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Patrick W. Henry, Assistant County Attorney

SUBMITTED BY:

Joanne Fuller, Director, Dept of County Human Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-13 DATE 1.4.07
 MEAGAN SWENSON, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-13
 Est. Start Time: 10:20 AM
 Date Submitted: 12/22/07

BUDGET MODIFICATION: -

Agenda Title: NOTICE OF INTENT to Submit a Proposal in Response to the Environmental Protection Agency Targeted Grants to Reduce Childhood Lead Poisoning Program

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

Date Requested: <u>January 4, 2007</u>	Time Requested: <u>5 minutes</u>
Department: <u>Health Department</u>	Division: <u>Community Health Services Environmental Health Services</u>
Contact(s): <u>Jodi Davich</u>	
Phone: <u>503-988-3663</u> Ext. <u>26561</u>	I/O Address: <u>160/9</u>
Presenter(s): <u>Lila Wickham</u>	

General Information

1. What action are you requesting from the Board?

The Multnomah County Health Department (MCHD) requests approval to submit a proposal to the Environmental Protection Agency (EPA) Targeted Grants to Reduce Childhood Lead Poisoning Program for a two-year project budgeted at approximately \$100,000. The Health Department recommends that this request be approved.

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

EPA is soliciting grant proposals from eligible entities to conduct activities to reduce incidences of childhood lead poisoning in vulnerable populations, including projects to: (1) Reduce lead poisoning in areas with high incidences of elevated blood-lead levels; (2) identify and reduce lead poisoning in under-studied areas with high potential for undocumented elevated blood-lead levels; and (3) develop tools to address unique and challenging issues in lead poisoning prevention, especially tools that are replicable and scalable for other areas. Activities eligible for funding include outreach and

public education, data gathering, monitoring, training, inspections and assessments, and demonstrations of new and innovative approaches for identifying or reducing lead poisoning.

The prevalence of lead poisoning (venous blood lead level 10g/dL or greater) in Oregon children under age 6 ranges from 1–2 % of the statewide population, which is a relatively low prevalence when compared to other jurisdictions nationally. The prevalence of children with elevated blood levels (EBL) in Multnomah County is estimated to be 2% and represents the highest level of the statewide EBL range. Multnomah County, working collaboratively with the City of Portland, the State of Oregon, and a host of community-based agencies and health care providers, has been actively engaged in raising awareness of home lead hazards. The Home Lead Hazard Reduction Program was started in 1997, and has been educating household residents, doing outreach to community organizations, working on lead hazards in housing, working with health care providers to increase blood lead screening in children, and doing studies to understand lead problems in our community. However, it is recognized that at the current rate of progress, Multnomah County will likely not achieve the national goal of *Healthy People 2010* to eliminate elevated blood lead levels in children by the year 2010.

In 2004, the Oregon Department of Human Services (ODHS), Lead Poisoning Prevention Program (LPPP), developed a lead risk assessment questionnaire as a tool to help clinicians target their screening efforts. The questionnaire identifies the known major risk factors for lead poisoning and if used with consistency could significantly contribute to the screening and testing of children at risk for lead poisoning. However, a survey of the lead screening practices of health care providers, also conducted in 2004 revealed that approximately one half of providers routinely assess children's risk of lead exposure. The survey identified a number of knowledge, perception of children's risk, and clinical practice barriers that likely contributed to the low screening rates. The survey data also suggested that training, adopting clinic system that facilitates the assessment, and increasing awareness about populations at risk for lead poisoning may help increase lead exposure risk assessment practices of health care providers. ODHS LPPP currently has no education and outreach programs that specifically target health care providers.

The proposed project will pilot 1) a sustainable approach that is effective for lead screening in low-prevalence communities; and 2) the widespread use of targeted lead screening in primary care practice in Multnomah County.

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

We propose to submit a proposal for approximately \$100,000 for a two-year project period. The project does not require any matching funds.

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

No legal or policy issues are involved.

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

Environmental Health Services will consult with the State and local partners to develop the proposal.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**
Environmental Protection Agency (EPA).
- **Specify grant (matching, reporting and other) requirements and goals.**
The goal of this proposal is to pilot the development and implementation of a clinic-based screening program designed to increase the routine assessment of lead exposure of children at risk. If successful, the long term impacts of this project will be twofold: 1) the creation of a targeted approach that is effective for lead screening in low-prevalence populations, and 2) increased targeted lead screening by primary care providers in Multnomah County using clinically-efficient, low cost, and sustainable tools.

There are not matching requirements.
- **Explain grant funding detail – is this a one time only or long term commitment?**
Multnomah County Health Department will request approximately \$100,000 for a two year project. No new county funds are needed to support this proposal.
- **What are the estimated filing timelines?**
The grant application is due January 12, 2007.
- **If a grant, what period does the grant cover?**
It is estimated that the project period is 5/1/2006 through 4/30/2008.
- **When the grant expires, what are funding plans?**
This is a pilot project. Additional grant funding will be sought to sustain the successful aspects of the project.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
The grant will pay the county indirect and other overhead costs.

ATTACHMENT B

Required Signatures

**Department/
Agency Director:**

Lillian Shuly

Date: 12/21/06

Budget Analyst:

Kayne Dargatzis

Date: 12/27/06

Department HR:

Terrence Keller

Date: 12/21/06

/s

Countywide HR:

Date:



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-14
 Est. Start Time: 10:20 AM
 Date Submitted: 12/22/06

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Central Eastside
Agenda Industrial Zoning Project in Compliance with Metro's Functional Plan and
Title: Declaring an Emergency

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>3 minutes</u>
Department:	<u>Community Services</u>	Program:	<u>Land Use & Transportation</u>
Contact(s):	<u>Karen Schilling</u>		
Phone:	<u>503-988-3043</u>	Ext.	<u>29635</u>
		I/O Address:	<u>455/116</u>
Presenter(s):	<u>Karen Schilling</u>		

General Information

1. What action are you requesting from the Board?

Adopt the ordinance as recommended by the Portland Planning Commission and Portland City Council.

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

On October 11, 2001 the Board adopted Ordinance 967 (effective date January 1, 2002) adopting, in summary, the Portland Comprehensive Plan and zoning ordinance. The County and the City of Portland have been engaged in agreements enabling the City of Portland to provide planning services to achieve compliance with the Metro Functional Plan for those areas outside the City limits, but within the urban growth boundary and urban service boundary of Portland. Since the adoption of Ordinance 967 and subsequently Ordinance 997, the attached ordinances have been passed by the Portland City Council and therefore the County must adopt them pursuant to our

intergovernmental agreement to keep the code up to date. Multnomah County and the City of Portland entered into an Intergovernmental Agreement (IGA) to transfer land use planning responsibilities on January 1, 2002. The IGA lays out a process requiring the County to ensure that any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (12/25/06) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (1/12/07) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

Required Signatures

**Department/
Agency Director:**

Robert A Maestre

Date: 12/22/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Central Eastside Industrial Zoning Project in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On December 14, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1086.
- f. Since the adoption of Ordinance 1086, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 to create classification of Industrial Office and allow such offices in a portion of the Central Eastside. (PDX Ord. #180667)	1/12/07
2	Exhibit A – Central Eastside Industrial Zoning Project Planning Commission Recommendation.	10/2006
3.	Exhibit B – Central Eastside Industrial Zoning Study.	12/2003

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: January 4, 2007

BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 to create classification of Industrial Office and allow such offices in a portion of the Central Eastside. **(PDX Ord. #180667)**
2. Exhibit A – Central Eastside Industrial Zoning Project Planning Commission Recommendation.
3. Exhibit B - Central Eastside Industrial Zoning Study.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1088

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the Central Eastside Industrial Zoning Project in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On December 14, 2006, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1086.
- f. Since the adoption of Ordinance 1086, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 3. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 3, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance amending Titles 33 to create classification of Industrial Office and allow such offices in a portion of the Central Eastside. (PDX Ord. #180667)	1/12/07
2	Exhibit A – Central Eastside Industrial Zoning Project Planning Commission Recommendation.	10/2006
3.	Exhibit B – Central Eastside Industrial Zoning Study.	12/2003

Section 2. In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

Section 4. Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

Section 5. An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: January 4, 2007



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra Duffy*
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

EXHIBIT LIST FOR ORDINANCE

1. Ordinance amending Titles 33 to create classification of Industrial Office and allow such offices in a portion of the Central Eastside. (**PDX Ord. #180667**)
2. Exhibit A – Central Eastside Industrial Zoning Project Planning Commission Recommendation.
3. Exhibit B - Central Eastside Industrial Zoning Study.

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website (www.co.multnomah.or.us/cc/WeeklyAgendaPacket/). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

ORDINANCE No. 180667 AS AMENDED

Create classification of Industrial Office and allow such offices in a portion of the Central Eastside (Ordinance; amend Title 33)

The City of Portland ordains:

Section 1. The Council finds:

General Findings

1. In 2002, the Portland Development Commission (PDC), working with other City bureaus and Central Eastside stakeholders, created the Central Eastside Development Opportunity Strategy (DOS) whose broad goal was to stimulate economic development and increase employment in the Central Eastside, targeting the southwestern portion of the district. The Development Opportunity Strategy was adopted by PDC Resolution No. 5856 and City Council Resolution No. 36082
2. The Development Opportunity Strategy recommended a wide array of implementation measures intended to: encourage a creative mix of employment-dense businesses; facilitate infill development and redevelopment of existing underutilized structures; and foster a unique and vital inner-urban employment and industrial area.
3. The Development Opportunity Strategy also called for exploring possible changes to land use regulations in order to increase flexibility for office and employment-dense land uses.
4. In the last four years, PDC, City bureaus, the Central Eastside Industrial Council (CEIC), neighborhood organizations, and businesses have been implementing various elements of the development strategy. In addition, the CEIC has been developing a Vision for the district that calls for an evolutionary approach to change—encouraging cutting-edge employment-dense “new urban industry” that is compatible with more traditional industrial uses in the Central Eastside.
5. The Central Eastside Industrial Zoning Project is a collaborative effort that follows-up on specific recommendations of the CEIC Vision and the DOS report to evaluate the Central Eastside’s industrial zoning regulations, and amend them where appropriate in support of the vision and development strategy.
6. A fundamental objective of the development strategy is to “capture more employment intensive business and progressive types of jobs emerging in our regional, national and global economy.” In order to help achieve that objective, two concurrent and related studies were undertaken: 1) a market analysis to help understand underlying economic factors and better define the desired business types (conducted by ECO Northwest); and 2) a zoning analysis to identify any barriers the existing zoning regulations present to desired businesses and development activity. The zoning study was conducted by the Bureau of Planning and is attached to this ordinance as *Exhibit B: Central Eastside Industrial Zoning Study*, December 2003.
7. The Zoning Code amendments contained in *Exhibit A: Central Eastside Industrial Zoning Project Planning Commission Recommendation*, advance the objectives of the Central Eastside Development Opportunity Strategy and CEIC Vision, build upon the findings of the Central Eastside Industrial Zoning Study and market analysis, and incorporate input from stakeholders, including the project advisory group (Central Eastside Working Group).

8. On April 7, 2005 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
9. On May 24, 2005, the Planning Commission held a hearing on the proposal. Staff from the Bureau of Planning presented the proposal, and public testimony was received. The Commission voted unanimously to forward the proposal with amendments to City Council.
10. On December 7, 2006, City Council held a hearing on the Planning Commission recommendation. Staff from the Bureau of Planning presented the proposal, and public testimony was received.
11. The amendments implement, support or are consistent with applicable Statewide Planning Goals, the Metro Urban Growth Management Functional Plan, the Portland Comprehensive Plan, the Central City Plan and neighborhood plans, as described in the findings below. Only the relevant and applicable goals, policies and objectives are addressed.

Findings on Statewide Planning Goals

12. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals.
13. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
 - a) Bureau of Planning and Portland Development Commission project discussed project issues, findings and alternatives with the Central Eastside Development Opportunities Study Steering Committee on March 19, 2003, May 14, 2003 and September 24, 2003.
 - b) In 2004, Bureau of Planning and Portland Development Commission project staff organized the Central Eastside Working Group (CWG) to assist in identifying issues and evaluating and crafting alternative solutions. The CWG included representatives from the Central Eastside Industrial Council (CEIC), the Buckman and Hosford-Abernethy neighborhood associations, property owners, developers, and owners of businesses from computer and software firms to distribution and manufacturing. The CWG met on July 15, 2004, August 11, 2004, September 30, 2004, December, 21, 2004, and January 6, 2005.
 - c) Staff discussed project issues, alternatives and proposals at the Central Eastside Industrial Council Land Use Committee on several occasions, including meetings on June 3, 2003, March 1, 2005, and September 5, 2006.
 - d) Staff presented project issues, alternatives and proposals to the Portland Development Commission on January 14, 2004 and May 25, 2005, where the public was given an opportunity to testify. On these occasions, the Portland Development Commission expressed general support for the project's approach and proposed amendments.
 - e) Staff regularly briefed the Central Eastside Urban Renewal Area Advisory Council on project issues, alternatives and proposals at their scheduled meetings, throughout 2004 and 2005.
 - f) Staff discussed project issues, alternatives and proposals at the citywide River, Economy, and Industrial Advisory Group on March 20, 2003, October 10, 2003 and February 18, 2004

- g) Planning staff periodically met with and engaged in telephone and email exchanges with property owners, developers, members of the business community and other interested parties in regards to project goals and provisions.
 - h) On May 6, 2005, the BOP published the Central Eastside Zoning Project, Proposed Draft. The report was made available to the public, posted on the BOP web site, and mailed to all those who requested copies.
 - i) On May 10, the BOP hosted a public open house on the project. Staff provided background information, the full project report, summary materials and staff contact information. BOP staff explained the proposals, answered questions and accepted public comments and suggestions
 - j) On May 24, 2005, the Planning Commission held a hearing on the proposal and public testimony was received. A public notice for the hearing was mailed on May 5, 2005 to over 1,200 persons, businesses, and public agencies, including the project interested party list and property owners in the Central Eastside. In addition a "Measure 56" notice was sent on May 5, 2006 to 85 property owners potentially directed by the amendments.
 - k) On October 24, 2006 the Bureau of Planning published the Planning Commission's Recommendations on the Central Eastside Industrial Zoning Project. The recommended report was made available to the public and distributed to all those who requested a copy.
 - l) On December 7, 2006 the Portland City Council held a public hearing on the recommendation and public testimony was received. A public notice for the hearing was mailed on November 24, 2006 to all those who requested such notice.
14. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because the proposal was developed and reviewed through the process set out in Chapter 33.740 of the Portland Zoning Code, Legislative Procedures, and the process set out in State law. These procedures ensure that these amendments are evaluated against the Statewide Land Use Goals and the Goals and Policies of the Portland Comprehensive Plan.
15. **Goals 3 and 4, Agricultural Lands and Forest Lands**, requires the preservation and maintenance of the state's agricultural and forest lands, generally located outside of urban areas. The amendments are supportive of this goal because they support additional employment opportunities and the efficient use of land within an urbanized area, thereby reducing development pressure on agricultural and forest lands.
16. **Goal 6, Air, Water, and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water, and land resources. The amendments support this goal because they will provide more employment opportunities in an area well-served by transit; this will reduce the need for employees to drive or to drive as far, and so will contribute to air quality. Increasing employment opportunities, encouraging infill development and more efficient use of existing buildings and infrastructure in the Central City also reduces development pressure on environmentally sensitive lands.
17. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because they respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Portland Zoning Code. Some of

these growing sectors of production and business activity are sometimes referred to as "new industry," "new urban industry," or "digital production" include types of firms that might not be considered industrial uses in the traditional sense, such as printing, publishing, home improvement, remodeling and rehabilitation centers, and manufacturing of stone, clay, and glass items, including art. They also include businesses such as creative services, research and development, software development and other "high tech" and "knowledge-based" industries.

18. The project Zoning Code amendments make it easier for these kinds of businesses, which often have office-like characteristics, to locate in a part of the Central Eastside, which already has other characteristics and assets attractive to these emerging industry types, including proximity to the downtown, an eclectic urban character, and a stock of older buildings adaptable for varied tenant needs. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth.
19. At the same time, the amendments protect established industrial activities from potentially conflicting uses by: distinguishing between desired new offices that have characteristics of industrial uses and traditional offices that are more likely to negatively impact industrial businesses; creating new conditional use review criteria for larger office uses; reducing opportunities for large retail uses; and limiting the new provisions to an area with an identified stock of older underutilized structures that are often obsolete for modern industrial activity.
20. These changes clarify regulations and increase the variety of economic activities that may legally occur in the Central Eastside. The proposal will increase employment opportunities in the area, while preserving those that currently exist.
21. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The amendments support this goal because they will increase employment in the Central City, an area that is well-served by various modes and facilities of the regional transportation system and is proximate to high-density residential areas. They will support existing transit services and provide a base for future services, such as the extension of the Central City Streetcar and new Light Rail facilities, which are planned for the area.
22. The Transportation Planning Rule, adopted in 1991 and amended in 2005, implements Goal 12 and requires certain findings if the proposed zoning code amendments will significantly affect transportation system facilities. The Portland Office of Transportation analyzed the potential traffic impacts from increased employment in the expected from the amendments. The analysis found that the additional traffic is incremental and would not have an adverse impact to the area. The most impacted facility is the I-5 NB off ramp at SE Water Ave. Increased traffic from the amendments from would add little marginal impacts to the traffic operations on the ramp and at the intersection in planning year 2025. They will be disposed of through the street grid system in Central Eastside.
23. The amendments also support this goal for the reasons shown in the findings for Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.
24. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they will increase employment in the Central City, where various infrastructure systems are already in place, including transportation facilities, water and sewer facilities, and other public and private utilities such as communications and energy provision facilities. By relying on existing infrastructure, energy is conserved. Further, the amendments will encourage re-use of existing buildings, and will increase employment in an area well-served by transit; both of these will conserve energy.

Findings on Metro Urban Growth Management Functional Plan

25. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they increase the employment capacity of the city. See also findings under Comprehensive Plan Goal 5 (Economic Development).
26. **Title 2, Regional Parking Policy**, regulates the amount of parking permitted by use for jurisdictions in the region. The amendments are consistent with this title because they will have no effect on the parking regulations for the Central Eastside.
27. **Title 3, Water Quality, Flood Management and Fish and Wildlife Conservation**, protects the public's health and safety by reducing flood and landslide hazards, controlling soil erosion and reducing water pollution by avoiding, limiting, or mitigating the impact of development on streams, rivers, wetlands, and floodplains. Title 3 implements the Statewide Land Use Goals 6 and 7. The amendments support this title for the reasons shown in the findings for the Statewide Land Use Goal 6 and Portland Comprehensive Plan Goal 8, Environment.
28. **Title 4, Industrial and Other Employment Areas**, limits new buildings for retail commercial uses, such as stores and restaurants, and retail and professional services, such as financial, insurance, real estate, legal, and medical and offices, in Employment, Industrial and Regionally Significant Industrial areas to those that are most likely to serve the needs of the area and not draw customers from a larger market area. The amendments are consistent with this title for the reasons below.
29. The amendments clarify and distinguish between Industrial Offices and Traditional Offices in the General Industrial 1 zone within the study area. They facilitate location of the former and restrict the latter, including retail and professional services limited in Industrial areas under Title 4. Industrial Offices share characteristics with Industrial uses, are less service-oriented and more production-oriented, generally supply goods and services to other businesses rather than the general public, and do not require customers or clients to the site.
30. Industrial Offices, such as software developers, computer designers and programmers, graphic and industrial designers, video and media studios, and scientific services, tend to be attracted to older inner-city districts with a distinct, layered urban character like the Central Eastside. Because their decisions to locate in "gritty" mixed industrial areas are consciously made, they make "good neighbors" for industrial businesses and are more likely to tolerate the industrial activities and conditions of the area.
31. The amendments protect existing and future industrial activities in the district by limiting the new provisions to an area with little vacant land and an identified stock of older underutilized structures that are often obsolete for modern industrial activity, avoiding changes in areas with a building stock well suited to continuing "traditional industrial use" (generally the area east of the MLK/Grand corridor) and by continuing to allow the full range of industrial uses currently allowed in the project area.
32. The amendments also protect industrial activities from negative impacts by limiting by-right allowances for Traditional Office uses to 5,000 square feet and requiring a conditional use review for Industrial Offices larger than 60,000 that will evaluate potential negative impacts to the area and its transportation system, including off-street parking and freight and truck movement.

33. The amendments slightly increase in the amount of Retail Sales and Service allowed per site, from 3,000 SF to 5,000 SF per site to better reflect Portland's typical block, lot and building patterns and the typical configuration of convenience retail that serves industrial uses and their employees. The amendments eliminate the existing conditional use review allowance for larger Retail Sales And Service uses, which have a greater potential negative impact on industrial and employment uses, and for which an adequate supply of more appropriately zoned land is located nearby in the MLK/Grand commercial corridor and other areas.
34. The prohibition on most residential uses is retained, thus protecting industrial businesses from perhaps the most incompatible category of uses.
35. **Title 7, Affordable Housing**, ensures opportunities for affordable housing at all income levels, and calls for a choice of housing types. The amendments are consistent with this title because they make no changes to any housing regulations.

Findings on Portland's Comprehensive Plan Goals and Policies

36. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal for the reasons stated in the findings for Statewide Planning Goal 2, Land Use Planning.
37. **Policy 1.1, Urban Growth Boundary**, calls for supporting the metropolitan urban growth boundary concept. The amendments support this policy by promoting increased employment, encouraging infill development and rehabilitation of existing structures, and efficient use of land within the Central City, the heart of the urbanized metropolitan area, and thereby reduce development pressure on resource lands and pressure to expand the urban growth boundary.
38. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this policy by promoting increased employment, the rehabilitation of existing and historic structures, and efficient use of inner-city land. thereby supporting employment growth in a way that is sensitive to existing and desired urban character of the Central Eastside. The amendments respond to changes in the regional and global economy by promoting emerging types of production activities not currently well-addressed by the Portland Zoning Code, thereby making Portland an attractive place for new and expanding businesses. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth. The amendments also support this goal for the reasons stated in the findings for Statewide Planning Goal 9, Economic Development.
39. **Policy 2.1, Population Growth**, calls for allowing for population growth in the existing city boundary and providing land use opportunities to accommodate future growth. The amendments are supportive of this policy because they increase employment opportunities in a Central City district well served by existing and planned transportation facilities and proximate to high-density residential and mixed-use areas, and thereby make those areas attractive for future residential growth and supportive of increased density.
40. **Policy 2.2, Urban Diversity** calls for a range of living environments and employment opportunities in order to attract and retain a stable and diverse population. The amendments support this policy by encouraging infill development and rehabilitation of existing and historic

- buildings in an eclectic, diverse and unique district and by encouraging new kinds of business types that reflect ongoing changes in the economy and increase and diversify job opportunities.
41. **Policy 2.15, Living Closer to Work** calls for greater residential densities near major employment centers in order to reduce vehicle miles traveled and maintain air quality. The amendments support this policy for the reasons stated in the findings for Comprehensive Plan Policy 2.1 Population Growth and Statewide Planning Goal 6, Air, Water, and Land Resource Quality.
 42. **Policy 2.14, Industrial Sanctuaries** calls for provision of industrial sanctuaries and encourages the growth industrial activities by preserving land for manufacturing. The amendments support this policy for the reasons below.
 43. The amendments clarify and distinguish between Industrial Offices and Traditional Offices in the General Industrial 1 zone within the study area. They facilitate location of the former and restrict the latter, including professional services and office uses such as financial and legal services, real estate agents, sales offices, government offices, medical clinics. Industrial Offices share characteristics with Industrial uses, are less service-oriented and more production-oriented, generally supply goods and services to other businesses rather than the general public, and do not require customers or clients to the site.
 44. Industrial Offices, including software developers, computer designers and programmers, graphic and industrial designers, video and media studios, and scientific services, tend to be attracted to older inner-city districts with a distinct, layered urban character like the Central Eastside. Because their decisions to locate in “gritty” mixed industrial areas are consciously made, they make “good neighbors” for industrial businesses and are more likely to tolerate the industrial activities and conditions of the area.
 45. The amendments protect existing and future industrial activities in the district by limiting the new provisions to an area with an identified stock of older underutilized structures that are often obsolete for modern industrial activity, avoiding changes in areas with a building stock well suited to continuing “traditional industrial use” (generally the area east of the MLK/Grand corridor) and by continuing to allow the full range of industrial uses currently allowed in the project area.
 46. The amendments also protect industrial activities from negative impacts by limiting by-right allowances for Traditional Office uses to 5,000 square feet and requiring a conditional use review for Industrial Offices larger than 60,000 that will evaluate potential negative impacts to the area and its transportation system, including off-street parking and freight and truck movement.
 47. The amendments slightly increase in the amount of Retail Sales and Service allowed per site, from 3,000 SF to 5,000 SF per site to better reflect the typical configuration of convenience retail that serves industrial uses and their employees. The amendments eliminate the existing conditional use review allowance for larger Retail Sales and Service uses, which have a greater potential negative impact on industrial and employment uses, and for which an adequate supply of more appropriately zoned land is located nearby in the MLK/Grand commercial corridor and other areas.
 48. The prohibition on most residential uses is retained, thus protecting industrial businesses from perhaps the most incompatible category of uses.
 49. **Policy 2.19, Infill and Redevelopment** calls for encouraging infill and redevelopment in Portland and the Central City and as neighborhood infill in existing residential, commercial and industrial areas. The amendments support this policy by allowing new business uses that will help make infill and redevelopment projects and rehabilitations more economically feasible in a targeted portion of the Central City IG1 zone.

50. **Policy 2.20, Utilization of Vacant Land** calls for full utilization of existing vacant land. The amendments support this policy by allowing a broader range of land uses that will make development of vacant land in the project area more attractive.
51. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density, attracting residents and businesses and insuring residential quality and economic vitality. The amendments support this goal by promoting increased employment, the rehabilitation of existing and historic structures, and efficient use of inner-city land that has long been devoted to commercial and industrial uses. They support employment growth in a way that responds to economic development imperatives, is sensitive to existing and desired urban character of the Central Eastside and reduces pressure to convert residential land to other uses. The amendments respond to changes in the regional and global economy by promoting emerging types of production activities not currently well-addressed by the Portland Zoning Code, thereby making Portland an attractive place for new and expanding businesses. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth. The amendments also support this goal for the reasons stated in the findings for Statewide Planning Goal 9, Economic Development.
52. **Policy 3.4, Historic Preservation**, calls for preserving and retaining historic structures throughout the City. The amendments support this policy by allowing additional kinds of businesses and land uses thus expanding development options and making rehabilitation of older and historic buildings more economically feasible and attractive for owners. The amendments were designed and applied to an area particularly rich with older, often underutilized structures that are no longer attractive to modern heavy industry; they provide needed regulatory flexibility to allow those buildings attract a more diverse mix of tenants and help justify rehabilitation and renovation investments.
53. **Policy 3.5, Neighborhood Involvement** calls for involvement of residents and businesses in planning and decision-making. The amendments support this policy for the reasons stated in the findings for Statewide Planning Goals 1 and 2.
54. **Policy 3.6, Neighborhood Plan** calls for maintaining and enforcing neighborhood plans. The amendments support this policy for the reasons stated in the findings for the Buckman and Hosford-Abernethy Neighborhood Plans.
55. **Goal 4, Housing**, calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal for the reasons shown in the findings for Statewide Planning Goal 10, Metro Title 1 and Comprehensive Plan Goal 2.
56. **Goal 5, Economic Development**, calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments support this goal and its policies because they respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Zoning Code, making Portland an attractive place for new and expanding businesses. The new provisions clarify regulations, support job growth and diversity, encourage development activity, and increase the variety of economic activities in the Central Eastside. The amendments also support this goal for the reasons stated in the findings for Statewide Planning Goal 9 and Comprehensive Plan Goal 2.
57. **Policy 5.1, Urban Development and Revitalization** calls for encouraging investment in development, redevelopment, rehabilitation and adaptive reuse of urban land for employment and

housing. The amendments support this policy by allowing additional kinds of businesses and land uses thus expanding development options and making rehabilitation of older and historic buildings more economically feasible and attractive for owners. The amendments were designed and applied to an area particularly rich with older, often underutilized structures that are no longer attractive to modern heavy industry; they provide needed regulatory flexibility to allow those buildings attract a more diverse mix of tenants and help justify rehabilitation and renovation investments.

58. **Policy 5.8, Diversity and Identity in Industrial Areas** and its objectives call for recognizing and promoting a variety of industrial areas in Portland through development regulations, which reflect the varied physical characteristics of the city's industrial areas; distinguishing between older developed industrial areas and newer, less developed areas; and support for mixed employment areas with a mix of industrial and commercial activities where potential land use conflicts are minimized through the use of development standards and by limiting conflicting types of development. The amendments support this policy for the reasons below.
59. The amendments respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Portland Zoning Code. Some of these growing sectors of production and business activity are sometimes referred to as "new industry," "new urban industry," or "digital production" include types of firms that might not be considered industrial uses in the traditional sense, such as printing, publishing, home improvement, remodeling and rehabilitation centers, and manufacturing of stone, clay, and glass items, including art. They also include businesses such as creative services, research and development, software development and other "high tech" and "knowledge-based" industries.
60. The project Zoning Code amendments make it easier for these kinds of businesses, which often have office-like characteristics, to locate in a part of the Central Eastside, which already has other characteristics and assets attractive to these emerging industry types, including proximity to the downtown, an eclectic urban character, and a stock of older buildings adaptable for varied tenant needs. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth.
61. At the same time, the amendments protect established industrial activities from potentially conflicting uses by: distinguishing between desired new offices that have characteristics of industrial uses and traditional offices that are more likely to negatively impact industrial businesses; creating new conditional use review criteria for larger office uses; reducing opportunities for large retail uses; and limiting the new provisions to an area with an identified stock of older underutilized structures that are often obsolete for modern industrial activity.
62. These changes clarify regulations and increase the variety of economic activities that may occur in the Central Eastside. The proposal will increase employment opportunities in the area, while preserving those that currently exist.
63. The amendments also support this policy for the reasons stated in the findings for Metro Title 4, Industrial and Other Employment Areas.
64. **Policy 5.11, Science and Technology Quarter**, calls for establishing a Science and Technology Quarter in the North Macadam area and recognizing its proximity to the Central Eastside Industrial Districts. The amendments support this policy by encouraging new economy jobs including creative services, research and development, and scientific services that support and complement the biomedical, bioengineering and bioscience industries of the Science and Technology Quarter.

65. **Goal 6, Transportation**, and its objectives call for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support or are consistent with this goal and its objectives for the reasons below.
66. The amendments support increased employment in the Central City, an area that is well-served by various modes and facilities of the regional transportation system and is proximate to high-density residential areas. They will support existing transit services and provide a base for future services, such as the extension of the Central City Streetcar and new Light Rail facilities, which are planned for the area. These factors will help reduce reliance on the automobile and support efficiencies in the city's transportation systems.
67. Conditional use criteria for larger office uses explicitly evaluate the impacts on the transportation system, including: street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; impacts on truck and freight movement; and adequate transportation demand management strategies.
68. The Portland Office of Transportation analyzed the potential traffic impacts from increased employment expected from the amendments. The analysis found that the additional traffic is incremental and would not have an adverse impact to the area.
69. The resolution that accompanies this project directs the Portland Office of transportation to develop a scope of work and seek funding for a project to create a street plan that will guide changes in the street right-of-way system and provide for the access, loading and mobility needs of existing and anticipated new users in the Central Eastside Employment Opportunity Subarea.
70. Several current, ongoing and expected planning projects are addressing various aspects of the area's transportation needs as well as the overall performance of the transportation systems of the greater Central Eastside and the Central City, including the Freeway Loop Study, the Central City Plan Assessment Project and ongoing transportation system planning by the Office of Transportation.
71. Extensions of two major fixed-rail systems, the Portland Streetcar and the MAX light rail system, are planned for the Central Eastside and both are expected to have stops within or very close to the Employment Opportunity Subarea. The amendments support the efforts to complete those projects by increasing their potential service base. In turn the expanded transit options will help reduce potential traffic impacts from increased employment in the project area, create a more balanced transportation system, relieve congestion, reduce the need to expand regional and local automobile-oriented transportation facilities, and support development in the Central Eastside and the Central City.
72. The amendments also support or are consistent with this goal and its policies for the reasons shown in the findings for: Statewide Planning Goal 12, Transportation; Metro Title 4, Industrial and Other Employment Areas; Comprehensive Plan Goal 6, Transportation and its objectives; and Central City Plan Policy 4, Transportation and its further statements.
73. **Policy 6.12, Regional and City Travel Patterns** calls for supporting use of the street system consistent with various street classifications. The amendments are consistent with this policy because the potential additional traffic is incremental and would not have an adverse impact to the area's streets and should not lead to significant additional inappropriate use of streets. In addition, this project recommends future development of a street plan that will guide changes in

- the street right-of-way system and provide for the access, loading and mobility needs of existing and anticipated new users in the Central Eastside Employment Opportunity Subarea.
74. **Policy 6.17, Coordinate Land Use and Transportation** calls for long-range transportation planning. The amendments are consistent with this policy because they were crafted by the Bureau of Planning in close consultation with the Bureau of Development Services and the Office of Transportation, as well as Central Eastside stakeholders, property owners and developers, to ensure their consistency with other planning efforts and objectives. In addition, this project recommends future development of a street plan that will guide changes in the street right-of-way system and provide for the access, loading and mobility needs of existing and anticipated new users in the Central Eastside Employment Opportunity Subarea.
 75. **Policy 6.18, Adequacy of Transportation Facilities**, requires evaluation transportation impacts of land use planning and development actions. The amendments support this policy because the Portland Office of Transportation analyzed the potential traffic impacts of the amendments and found that the additional traffic is incremental and would not have an adverse impact to the area. In addition, larger office developments will be subject to conditional use review which will explicitly evaluate the impacts of proposals on the transportation system.
 76. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city. The amendments support this goal because for the reasons stated in the findings for Statewide Planning Goal 13.
 77. **Goal 8, Environment**, calls for the maintenance and improvement of the quality of Portland's air, water, and land resources, as well as the protection of neighborhoods and business centers from noise pollution. The amendments support this goal because for the reasons stated in the findings for Statewide Planning Goals 3, 4, 6, and 13; and Urban Growth management Functional Plan Title 3.
 78. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
 79. **Goal 10, Plan Review and Administration**, calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. The amendments support this goal because the project reviewed and proposed changes to aspects of the Zoning Code and its implementation. The amendments support this goal for the reasons found in the findings for Statewide Planning Goals 1 and 2.
 80. **Policy 10.6, Amendments to the Comprehensive Plan Goals, Policies, and Implementing Measures** requires that the Planning Commission has reviewed all proposed amendments to the Comprehensive Plan and Zoning Code. The amendments support this policy because the Planning Commission reviewed and recommended the amendments for adoption. The amendments also support this goal for the reasons found in the general findings and those for Statewide Planning Goal 1.
 81. **Policy 10.9, Land Use Approval Criteria and Decisions** requires that the approval criteria that are stated with a specific land use review reflect the findings that must be made to approve the request. The amendments support this policy because the Conditional Use provisions for new office uses include clearly stated criteria that form the basis for decisions on applications.
 82. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations** requires amendments to the zoning and subdivision regulations to be clear, concise, and applicable to the broad range of

development situations faced by a growing, urban city. The amendments support this policy for the reasons below.

83. The amendments were crafted by the Bureau of Planning in close consultation with the Bureau of Development Services and the Office of Transportation, as well as Central Eastside stakeholders, property owners and developers, to ensure their clarity and utility.
84. The amendments respond to changing patterns in the regional and national economy and real estate development environments by allowing for emerging types of production activities not currently well-addressed by the Zoning Code. They will also help make redevelopment projects and rehabilitations more economically feasible in underutilized buildings, where current regulations have made new investments impractical.
85. The amount of Retail Sales and Service and Traditional Office uses allowed by right is increased from 3,000 SF to 5,000 SF per site to better reflect Portland's typical block, lot and building patterns and the typical configuration of convenience retail that serves industrial uses and their employees. These provisions, as well as the new allowances for Industrial Offices (including revised thresholds for triggering conditional use reviews) will facilitate new building configurations that accommodate smaller individual users and support the needs of small and emerging businesses.
86. The amendments simplify certain existing regulations, for instance by removing number-of-uses restrictions for non industrial uses and limiting them strictly by site.
87. Implementation of the new regulations will be assisted by a description of the new Industrial Office subcategory, including explication of their characteristics and a list of examples.
88. **Goal 11, Public Facilities** calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal and its subgoals and policies because they increase employment and encourage development and redevelopment in the highly urbanized Central City, where urban infrastructure systems are well developed and are designed to accommodate the region's highest densities and facilities demands. The in-place infrastructure and service systems include transportation facilities, water and sewer facilities, waste management, public safety, recreation facilities and other public and private utilities such as communications and energy provision facilities. By relying on existing infrastructure and service systems in the center of the metropolitan area, an efficient land use pattern is encouraged, energy is conserved, and public resources are efficiently allocated. The amendments also support this goal for the reasons stated in the findings for: Statewide Planning Goals 2, 6, 12, and 13; Urban Growth Management Functional Plan Title 4; and Comprehensive Plan Goals 2, 6, and 7.
89. **Goal 12, Urban Design**, calls for enhancing Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments support this goal by encouraging new land uses that will help make investments in vacant urban land and in existing structures economically feasible. The amendments support this goal for the reasons stated in the findings for Comprehensive Plan Policy 3.4, Historic Preservation.
90. **Policy 12.2, Enhancing Variety** calls for promoting areas of special identity and character. The amendments support this policy by policy by promoting increased employment, development activity and the rehabilitation of existing and historic structures in a way that is sensitive to the existing and desired urban character of the Central Eastside. They encourage emerging business types, including software developers, computer designers and programmers, graphic and industrial designers, video and media studios, and scientific services, which tend to be attracted to older inner-city districts with a distinct, layered urban character like the Central Eastside.

Because their decisions to locate in “gritty” mixed industrial areas are consciously made, they will continue to support and enhance the area’s unique character.

91. **Policy 12.3, Historic Preservation**, calls for protecting significant historic resources. The amendments support this policy for the reasons stated in the findings for Comprehensive Plan Policy 3.4, Historic Preservation.

Findings on the Central City Plan

92. **Policy 1, Economic Development** calls for building upon the Central City as the economic heart of the region and guiding the Central City’s growth to foster the city’s prosperity and livability. The amendments support this goal because they respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Portland Zoning Code. Some of these growing sectors of production and business activity are sometimes referred to as "new industry," "new urban industry," or "digital production" include types of firms that might not be considered industrial uses in the traditional sense, such as printing, publishing, home improvement, remodeling and rehabilitation centers, and manufacturing of stone, clay, and glass items, including art. They also include businesses such as creative services, research and development, software development and other “high tech” and “knowledge-based” industries.
93. The project Zoning Code amendments make it easier for these kinds of businesses, which often have office-like characteristics, to locate in a part of the Central Eastside, which already has other characteristics and assets attractive to these emerging industry types, including proximity to the downtown, an eclectic urban character, and a stock of older buildings adaptable for varied tenant needs. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth.
94. At the same time, the amendments protect established industrial activities from potentially conflicting uses by: distinguishing between desired new offices that have characteristics of industrial uses and traditional offices that are more likely to negatively impact industrial businesses; creating new conditional use review criteria for larger office uses; reducing opportunities for large retail uses; and limiting the new provisions to an area with an identified stock of older underutilized structures that are often obsolete for modern industrial activity.
95. These changes clarify regulations and increase the variety of economic activities that may legally occur in the Central Eastside. The proposal will increase employment opportunities in the area, while preserving those that currently exist.
96. **Policy 1, Further Statement A** calls for fostering the development of at least 50,000 additional new jobs in the Central City by the year 2010. The amendments support this further statement because they respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Zoning Code, making the project area an attractive place for new and expanding businesses. The new provisions clarify regulations, support job growth and diversity, encourage development activity, and increase the variety of economic activities in the Central Eastside. The amendments also support this further statement for the reasons stated in the findings for Statewide Planning Goal 9 and Comprehensive Plan Goal 2 and Policy 5.8.
97. **Policy 1, Further Statement B** calls for enhancing the Central City’s dominance in finance, government, professional services, culture, entertainment, and as a business headquarters location. The amendments support this further statement by making it easier for new and

emerging business types, such as high technology, creative services and scientific services to locate in a part of the Central Eastside, which already has other characteristics and assets attractive to these emerging industry types, including: proximity to the downtown; an eclectic urban character; and a stock of older buildings adaptable for varied tenant needs. The allowances for new business uses will help make redevelopment projects and rehabilitations more economically feasible and thus encourage development activity and job growth. The amendments also support this further statement for the reasons stated in the findings for Statewide Planning Goal 9 and Comprehensive Plan Goal 2 and Policy 5.8.

98. **Policy 1, Further Statement D** calls for supporting and maintaining manufacturing and distribution as significant components in the Central City economy. The amendments support this further statement for the reasons stated in the findings for Comprehensive Plan Goal 2 and Policies 2.14 and 5.8.
99. **Policy 1, Further Statement F** calls for supporting retention and expansion of existing businesses while attracting and encouraging new businesses in the Central City. The amendments support this further statement because they respond to changes in the regional and global economy by addressing emerging types of production activities not currently well-addressed by the Zoning Code, making Portland an attractive place for new and expanding businesses. The new provisions clarify regulations, support job growth and diversity, and increase the variety of economic activities in the Central Eastside and Central City. The amendments also support this further statement for the reasons stated in the findings for Statewide Planning Goal 9 and Comprehensive Plan Goal 2
100. **Policy 4, Transportation**, calls for improving accessibility to the Central City from the rest of the region, and expanding the Central City's ability to accommodate growth. This policy also calls for extending the light rail system, as well as actions that will maintain and improve other forms of transit and the street and highway system, while preserving and enhancing the city's livability. The amendments support this policy and its further statements for the reasons stated in the findings for Statewide Planning Goal 12 and Comprehensive Plan Goals 6 and Central City Plan Policy 1.
101. **Policy 7, Natural Environment** calls for improving the Central City's environment by reducing pollution, keeping the Central City clean and green, and providing opportunities to enjoy nature. amendments support this policy the reasons stated in the findings for Metro Title 3 and Statewide Planning Goal 6.
102. **Policy 11, Historic Preservation**, calls for preserving and enhancing the historically and architecturally important buildings and places and promoting the creation of our own legacy of the future. The amendments support this policy and its further statements for the reasons stated in the findings for Comprehensive Plan Policy 3.4, Historic Preservation.
103. **Policy 12, Further Statement D** calls for promoting formation of districts with district character. The amendments support this further statement by encouraging infill development and rehabilitation of existing and historic buildings in an eclectic, diverse and unique district. They encourage emerging business types, including software developers, computer designers and programmers, graphic and industrial designers, video and media studios, and scientific services, which tend to be attracted to older inner-city districts with a distinct, layered urban character like the Central Eastside. Because their decisions to locate in "gritty" mixed industrial areas are consciously made, they will continue to support and enhance the area's unique character.
104. **Policy 13, Plan Review** calls for periodic reviewing of the progress of the Central City Plan. The amendments support this policy for the reasons stated in the findings for Comprehensive Plan Goal 10.

105. **Policy 13, Further Statement B** calls for refining and revising the proposed implementation actions as circumstances change. The amendments implement this further statement because they are the product of a targeted evaluation of certain Central City plan district regulations, respond to changes in the regional and global economy, and address emerging types of production activities not currently well-addressed by the Zoning Code.
106. **Policy 20, Central Eastside** and its further statements call for preserving the Central Eastside as an industrial sanctuary, improving freeway access, strengthening the economy of the district as an industrial employment area, and preserving its historic buildings. The amendments support this policy for the reasons below.
107. The amendments clarify and distinguish between Industrial Offices and Traditional Offices in the General Industrial 1 zone within the study area. They facilitate location of the former and restrict the latter. Industrial Offices share characteristics with Industrial uses, are less service-oriented and more production-oriented, generally supply goods and services to other businesses rather than the general public, and do not require customers or clients to the site
108. The amendments facilitate location of emerging types of employment-dense production activities not currently well-addressed by the zoning regulations governing the district. They support job growth in an area long dedicated to employment and industry but which has a stock of underutilized buildings. The new regulations will facilitate rehabilitation of existing buildings and new development by making such developments more economically feasible, thus attracting investment and new businesses.
109. At the same time, the amendments protect established industrial activities from potentially conflicting uses by: distinguishing between desired new offices that have characteristics of industrial uses and traditional offices that are more likely to negatively impact industrial businesses; creating new conditional use review criteria for larger office uses; reducing opportunities for large retail uses; limiting the new provisions to an area with an identified stock of older underutilized structures that are often obsolete for modern industrial activity; avoiding changes in areas with a building stock well suited to continuing “traditional industrial use” (generally the area east of the MLK/Grand corridor); and continuing to allow the full range of industrial uses currently allowed in the project area.
110. The changes clarify regulations and increase the variety of economic activities that may legally occur in the Central Eastside. The proposal will increase employment opportunities in the area, while preserving those that currently exist.
111. The amendments also support or are consistent with this policy and its objectives for the reasons stated in the findings for Statewide Planning Goals 4 and 9 and Comprehensive Plan Policies 2.14 and 5.8.
112. **Policy 20, Further Statement A** calls for encouraging the formation of incubator industries in the district. The amendments implements this further statement by increasing the amount of Retail Sales and Service and Traditional Office uses allowed by right from 3,000 SF to 5,000 SF per site, to better reflect the district’s typical block, lot and building patterns and the typical configuration of small commercial uses that serve industrial uses and their employees. These provisions, as well as the new allowances for Industrial Offices (including revised thresholds for triggering conditional use reviews) will facilitate new building configurations that accommodate smaller individual users and support the needs of small and emerging businesses.
113. **Policy 20, Further Statement B** calls for reinforcing the district’s role as a distribution center. The amendments are consistent with this further statement because they do not restrict distribution uses and are targeted to an area with older, multi-story buildings that are not well suited to modern truck-oriented distribution.

- 114. **Policy 20, Further Statement D** calls for preserving buildings which are of historic and/or architectural significance. The amendments support this further statement for the reasons stated in the findings for Comprehensive Plan Policy 3.4, Historic Preservation.
- 115. **Policy 20, Further Statement E** calls for developing Union and Grand Avenues as the principal north-south connection and commercial spine in the district for transit and pedestrians. The amendments are consistent with this further statement because they do not apply in the MLK/Grand corridor and because they further restrict large retail uses in the project area, thus encouraging such uses to locate on those and other appropriate corridors.
- 116. **Policy 20, Further Statement F** calls for continuing implementation of the Central Eastside Economic Development Policy. The amendments are consistent with this further statement because they result from a collaborative effort that follows-up on recommendations from the Central Eastside Industrial Council and from the Central Eastside Development Opportunities Strategy. The amendments also support this further statement for the reasons stated in the general findings and the findings for Statewide Planning Goals 4 and 9 and Comprehensive Plan Policies 2.14 and 5.8.

Findings on the Buckman Neighborhood Plan

- 117. **Policy 1, Urban Design and Livability** and its objectives call for maintaining and improving the quality and urban character of Buckman's physical environment, attracting compatible development, and encouraging rehabilitation of existing properties. The amendments support this policy and its objectives by allowing additional land use types in a targeted area separated from residential districts, thus expanding development options and making rehabilitation of existing buildings more likely. The amendments also support this policy its objectives for the reasons shown in the findings for Buckman Neighborhood Plan Policy 4 and Comprehensive Plan Goals 3 and 12.
- 118. **Policy 4, Historic Preservation**, calls for celebrating Buckman's heritage and preserving its historic character. The amendments support this policy and its objectives by allowing additional kinds of businesses and land uses thus expanding development options and making rehabilitation of older and historic buildings more economically feasible and attractive for owners. The amendments were designed and applied to an area particularly rich with older, often underutilized structures that are no longer attractive to modern heavy industry; they provide needed regulatory flexibility to allow those buildings attract a more diverse mix of tenants and help justify rehabilitation and renovation investments.
- 119. **Policy 5, Transportation**, and its objectives calls for maintaining mobility through alternative modes and reduction of auto and truck impacts on Buckman and its residential areas. The amendments support this policy for the reasons shown in the findings for: Statewide Planning Goal 12, Transportation; Metro Title 4, Industrial and Other Employment Areas; Comprehensive Plan Goal 6, Transportation and its objectives; and Central City Plan Policy 4, Transportation and its further statements.
- 120. **Policy 7, Business**, calls for encouraging businesses that enhance the neighborhood and provide needed goods and services. The amendments support this policy for the reasons stated in the findings for Statewide Planning Goal 9 and Comprehensive Plan Policies 2.14 and 5.8.
- 121. **Objective 7.12** calls for supporting the Central City Plan's recommendations for the development of the Central Eastside Industrial District. The amendments support this objective for the reasons stated in the findings for the Central City Plan.

Findings on the Hosford-Abernethy Neighborhood Plan

122. **The Hosford-Abernethy Neighborhood Plan Goal** calls for building upon the historic sense of community and creating a better place to live, work, and prosper. The amendments support this goal by the amendments support this goal and its objectives by allowing additional land use types in a targeted area separated from residential districts, thus expanding development options and making rehabilitation of historic buildings more likely. The amendments also support this policy its objectives for the reasons shown in the findings for Comprehensive Plan Goals 3 and 12.
123. **Objective 4.10** encourages preservation, restoration and rehab of historic structures and areas that provide a special sense of identity. The amendments support this objective by allowing additional kinds of businesses and land uses in a targeted area and thus expanding development options and making rehabilitation of older and historic buildings more economically feasible and attractive for owners. The amendments were designed and applied to an area particularly rich with older, often underutilized structures that are no longer attractive to modern heavy industry; they provide needed regulatory flexibility to allow those buildings attract a more diverse mix of tenants and help justify rehabilitation and renovation investments.
124. **Policy 3, Transportation** and its objectives call for encouraging safe and efficient use of the transportation network which minimizes negative impacts on the livability and businesses. The amendments support this policy for the reasons shown in the findings for: Statewide Planning Goal 12, Transportation; Metro Title 4, Industrial and Other Employment Areas; Comprehensive Plan Goal 6, Transportation and its objectives; and Central City Plan Policy 4, Transportation and its further statements.
125. **Policy 5, Commercial/Industrial** and its objectives call for a supportive relationship between the neighborhood's residential and commercial/industrial interests. The amendments support this policy for the reasons stated in the findings for Metro Title 4 and Comprehensive Plan Policies 5.8 and 2.14.
126. **Objective 5.11** promotes the Central Eastside Industrial District as a gateway to the District. The amendments support this objective for the reasons stated in the findings for the Central City Plan.

NOW, THEREFORE, the Council directs:

- a. Exhibit A, *Central Eastside Industrial Zoning Project: Planning Commission Recommendation to the City Council*, dated October, 2006 is hereby adopted.
- b. Title 33, Planning and Zoning of the City Code, is hereby amended as shown in Section V of Exhibit A.
- c. The commentary in Exhibit A and in Exhibit B, *Central Eastside Industrial Zoning Study*, dated December 2003, is hereby adopted as legislative intent and as further findings.

Passed by the Council: December 13, 2006

Mayor Tom Potter
Prepared by: Nicholas Starin
Nov. 22, 2006

GARY BLACKMER
Auditor of the City of Portland
By /s/Susan Parsons

Deputy

BACKING SHEET INFORMATION

AGENDA NO. 1648, 1678-2006

ACTION TAKEN:

DECEMBER 7, 2006 PASSED TO SECOND READING AS AMENDED DECEMBER 13, 2006
AT 9:30 AM

ORDINANCE/RESOLUTION/COUNCIL DOCUMENT NO. 180667 AS AMENDED

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
ADAMS	X	
LEONARD	X	
SALTZMAN	X	
STEN	X	
POTTER	X	

Central Eastside Industrial Zoning Project

Planning Commission Recommendation
to the City Council

October 2006

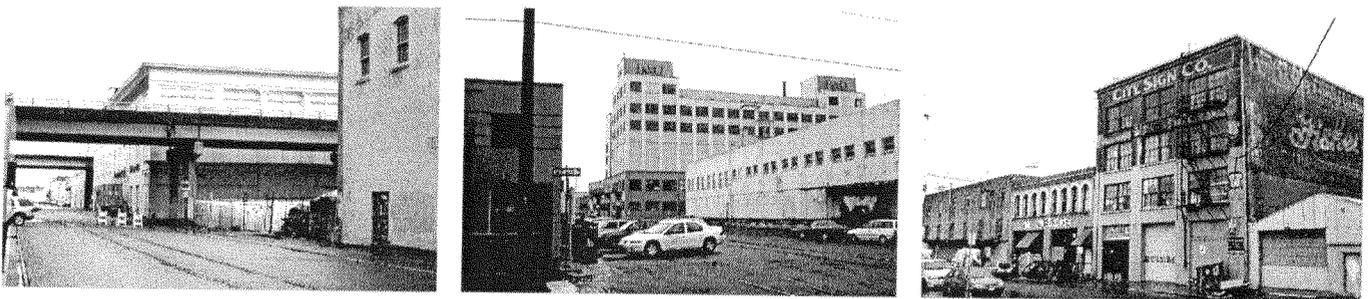


Exhibit A



CITY OF PORTLAND, OREGON
BUREAU OF
Planning

For more information, contact:
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or Joe Zehnder, (503) 823-7815

City of Portland Bureau of Planning
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The Bureau of Planning is committed to providing equal access to information and hearings. If you need special accommodation, call the Bureau of Planning at (503) 823-7700. (TTY 503-823-6868)

Acknowledgements

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Sam Adams, Commissioner
Randy Leonard, Commissioner
Dan Saltzman, Commissioner
Erik Sten, Commissioner

Portland Planning Commission

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Timothy W. Smith, Vice President
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August 11, 2005

Mayor Tom Potter and Members of Portland City Council
Portland City Hall
1221 SW Fourth Avenue
Portland, OR 97204

Re: Central Eastside Industrial Zoning Project

Dear Mayor Potter and City Commissioners:

On behalf of the Portland Planning Commission, I am forwarding our recommendations regarding the *Central Eastside Industrial Zoning Project*. This proposal would amend the IGI zoning provisions for a portion of the Central Eastside district of the Central City to create additional flexibility for compatible, employment-dense, "Industrial Office" uses. The new provisions respond to the vision for the Central Eastside as articulated through the PDC-sponsored *Central Eastside Development Opportunities Strategy* and the Central Eastside Industrial Council's *Central Eastside Vision* document. This vision calls for protecting and building upon the strengths and unique character of the Central Eastside by encouraging "new urban industries" to locate in the district, including technology and software firms, knowledge-based industries, and creative services. Specifically, the proposed amendments would do the following:

- **Create a new "Industrial Office" subcategory within the Office use category.** A new "Industrial Office" subcategory would differentiate "new urban industries," such as creative services, research and development, and high technology, from "Traditional Office" uses, such as law firms, financial businesses and medical clinics. While sharing some characteristics of typical office uses, these businesses are less service- and more production-oriented than Traditional Office uses, within an expanded definition of "production" that encompasses digital and information products such as software, design work, and advertising materials. They tend to serve other businesses, as opposed to the general public, do not generally require customers to visit the site, and are more likely to desire and fit into a "grittier" industrial area like the Central Eastside.
- **Set higher allowances for Industrial Office uses and limit Traditional Offices in an "Employment Opportunity Area."** The distinction between Industrial and Traditional Offices would apply only within a new CES subarea west of the MLK/Grand corridor, where significant amounts (up to 60,000 SF per site) of Industrial Office uses are allowed without a land use review. This encourages the desired types of businesses to locate in the CES, removes

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regulatory barriers to small firms and sites, and supports redevelopments that adapt underutilized older buildings to new high-employment generating uses. Traditional Office uses will continue to be more strictly limited, with only 5,000 SF per site allowed byright.

- **For large projects, apply Conditional Use approval criteria that focus on critical impacts.** For projects that include more than 60,000 square feet of Industrial Office uses (or more than 5,000 square feet of Traditional Offices) conditional use approval and a public hearing would be required. New approval criteria would require projects to demonstrate that they will not seriously and detrimentally impact the area's transportation system, including truck and freight movement, and show that the new uses will not typically require customers to visit the site.
- **Limit Retail Sales And Service Uses to 5,000 square feet.** While the amendments create new flexibility for some compatible employment uses, they would also remove the existing conditional use allowance for larger retail uses (currently allowed up to 20,000 square feet). The by-right retail limit is raised slightly from 3,000 to 5,000 square feet (to more closely align with common lot sizes and floor plans), while larger retail uses would be prohibited.

During the hearing on May 24, 2005, the Planning Commission heard no testimony in opposition to the overall proposed amendments. A few testifiers questioned retail limitations to 5000 square feet. Several individuals and organizations testified in support, including the Central Eastside Industrial Council (CEIC), which has actively participated in the development of this project.

There is unanimous support on the Planning Commission for the proposed changes. However, we do have a few concerns that we would like to draw to your attention. While we recognize that the amendments respond to the economic goals expressed by stakeholders, we are somewhat concerned that they are preceding broader-based planning efforts for the future of the Eastbank Freeway and the Central Eastside waterfront. However, we also recognize that the amendments would not extend to the critical parcels adjacent to the river, and, therefore, will not encourage speculative development that could preclude future opportunities prior to more intensive planning and public discussion.

Industrial sanctuaries are a cornerstone of the City's land use policy framework. The amendments are intended to update the zoning regulations within a portion of a unique inner-city industrial area to reflect changes in the twenty-first century economy and the way we think about "industrial" businesses and land uses. They provide incentives to encourage adaptive reuse of the district's older and underutilized multi-story industrial buildings that do not work well for many modern "traditional" industrial uses. However, the Commission believes that these amendments are best thought of as an experiment, and we support both their limited scope (e.g. continued restrictions on traditional office and residential uses) and their application within a bounded geographical context. A follow-up monitoring program over the next few years is critical to ensuring success and avoiding unintended consequences, such as negative impacts to existing "traditional" industrial businesses and "drift" towards Traditional Offices. So too, a

Mayor Tom Potter and Members of Portland City Council
August 11, 2005
Page 3 of 3

follow-up street planning project for the area is desirable in order to guide future right-of-way improvements that serve both existing and anticipated users.

Recommendations

The Portland Planning Commission recommends that City Council take the following actions:

1. Pass the Ordinance that:

- Adopts the *Central Eastside Industrial Zoning Project* report and its appendices;
- Amends the Zoning Code as shown in Part VI of the report;

2. Pass the Resolution that:

- Directs the Bureau of Planning, with the assistance of the Bureau of Development Services and the Portland Development Commission, to monitor the impact of the regulations for three years after implementation. The monitoring should include: (1) review of building permit, land use review, and code enforcement activity in the project area; (2) annual field surveys of sites taking advantage of the new provisions to identify business and tenant changes; and (3) annual meetings with the Central Eastside Industrial Council to discuss impacts of the regulations.
- Directs the Portland Office of Transportation to initiate a project to develop a street plan for the Central Eastside Employment Opportunity Subarea to guide changes in the street right-of-way system that provide for the access, loading and mobility needs of existing and anticipated new users in the project area.

Thank you for considering the recommendations of the Portland Planning Commission.

Sincerely,



Ingrid Stevens, President
Portland Planning Commission

cc: Portland Planning Commission

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Appendix (Under Separate Cover):

Exhibit B: Central Eastside Industrial Zoning Study, Dec. 2003

Planning Commission Recommendations

The Portland Planning Commission recommends that City Council take the following actions:

1. Pass the Ordinance that:

- Adopts the *Central Eastside Industrial Zoning Project* report and its appendices;
- Amends the Zoning Code as shown in Part V of the report;

2. Pass the Resolution that:

- Directs the Bureau of Planning, with the assistance of the Bureau of Development Services and the Portland Development Commission to monitor the impact of the regulations for three years after implementation. The monitoring should include: (1) review of building permit, land use review, and code enforcement activity in the project area; (2) annual field surveys of sites taking advantage of the new provisions to identify business and tenant changes; and (3) annual meetings with the Central Eastside Industrial Council to discuss impacts of the regulations.
- Directs the Portland Office of Transportation to initiate a project to develop a street plan for the Central Eastside Employment Opportunity Subarea to guide changes in the street right-of-way system that provide for the access, loading and mobility needs of existing and anticipated new users in the project area.

Exhibit A

I. Project Background and Goals

In 2002, the Portland Development Commission (PDC), working with other City bureaus and Central Eastside stakeholders, created a Development Opportunity Strategy (DOS) whose broad goal was to stimulate economic development and increase employment in the Central Eastside, targeting the southwestern portion of the district. The DOS report (adopted by PDC Resolution No. 5856 and City Council Resolution No. 36082) recommended a wide array of implementation measures intended to foster a unique and vital inner-urban employment and industrial area, encourage a creative mix of employment-dense businesses, and facilitate new infill development and redevelopment of existing underutilized structures.

In the last four years, PDC, City bureaus, the Central Eastside Industrial Council (CEIC), neighborhood organizations, and businesses have been implementing various elements of the development strategy. In addition, the CEIC has been developing a Vision for the district that calls for an evolutionary approach to change—encouraging cutting-edge employment-dense “new urban industry” that is compatible with more traditional industrial uses in the Central Eastside. The Central Eastside Industrial Zoning Project is a collaborative effort that follows-up on specific recommendations of the CEIC Vision and the DOS report to evaluate the Central Eastside’s industrial zoning regulations, and amend them where appropriate in support of the vision and development strategy.

A fundamental objective of the development strategy is to “capture more employment intensive business and progressive types of jobs emerging in our regional, national and global economy.” In order to help achieve that objective, two concurrent and related studies were undertaken: 1) a market analysis to help understand underlying economic factors and better define the desired business types (conducted by ECONorthwest); and 2) a zoning analysis to better understand the existing Central City Plan District zoning regulations that govern the Central Eastside and to identify any barriers they present to desired businesses and development activity. The zoning study was conducted by the Bureau of Planning and is attached to this report as an appendix (Exhibit B: *Central Eastside Industrial Zoning Study*, December 2003). Together these reports lay the groundwork for the current legislative project to amend portions of the IG1 regulations in the Central Eastside.

The economic and zoning analyses helped to ascertain the types of businesses that would assist in realizing the vision for the area and identified regulatory and other barriers they face in making locational decisions. Zoning barriers identified as potentially discouraging some desired business and development activities that could be addressed through targeted zoning code included:

- Uncertainty and expense associated with conditional use reviews for commercial uses (as opposed to by-right allowances), that may particularly discourage smaller firms;
- Restrictions on the configuration and amounts of commercial uses allowed within sites that restrict office-intensive developments on the large number of small sites and existing buildings in the district; and
- Need for a clearer definition of industrial-like and industrial-compatible office uses (including “digital production”), to help differentiate them from undesired office uses

that also produce “digital goods” (e.g. consulting firms and accountants) and for a more direct correspondence with desired uses.

The present legislative phase of the project has confirmed that the targeted business types are difficult to categorize, especially in terms of land use and zoning classifications. Some of the desired businesses, depending on the circumstances, might or might not fit within “traditional” industrial use classifications, such as publishing and printing, home improvement, remodeling and rehabilitation centers, and manufacturing of stone, clay, and glass items, including art. Many of these desired activities are sometimes described as “new urban industries.” Another group of desired businesses are sometimes described as “new economy,” “information economy,” “creative services,” or “digital production.” These include, for instance, design services, engineering, research and development, software development and other “high tech” activities. These types of businesses often take place in an office-type environment and existing industrial zoning can create significant hurdles for them.

Creating a zoning tool that reliably distinguishes between uses such as those listed above and more traditional office uses and activities that stakeholders generally agreed were not desired in the industrial portions of the Central Eastside, such as law offices and financial services, presented one of the major challenges of this project. However it should be noted that making such distinctions is an inherent part the land use regulatory process. The wide and evolving diversity of business and development types presents classification challenges to Bureau of Development Services staff on a daily basis, now and in the future.

Some of the desired business types are already established in the Central Eastside, form part of its character and present opportunities for building on the existing strengths of the area, for example specialty design services. Some of these uses are classified as Office Uses in the Portland Zoning Code, which is problematic under Industrial Sanctuary zoning provisions which sharply limit office uses. Others have been classified as Industrial, which creates implementation and enforcement problems: the premises of a web-page designer and an accountant may appear identical, yet one is “new industry” and the other is not. If the web-page designer moves out, there is nothing to tell accountants that this is not general office space, appropriate for traditional office firms.

A Measured Approach in a Unique Industrial Sanctuary

This project is an attempt to advance the aims of the Central Eastside Vision and Development Strategy in a manner that works within the structure of the Portland Zoning Code and is supportive of broader goals and policies for the Central City and Portland.

The proposed code amendments described in the following sections increase zoning flexibility in a portion of the Central Eastside for certain kinds of office uses that share characteristics with industrial uses, increase employment density, and are believed to be “good neighbors” in an eclectic, working industrial area. The amendments would loosen industrial zoning restrictions—in a measured way that respects the district’s historic character, protects its industrial businesses and builds on its existing and emerging strengths. By allowing new uses that encourage rehabilitation of older buildings, the regulations will foster preservation and revitalization of the diverse architectural fabric that helps distinguish the Central Eastside as an inner-city industrial and employment center,

unique in Portland's urban ecology. They respond to our changing economy and support ongoing efforts by the public and private sectors to keep the district vital in a manner consistent with the CEIC Vision's call for adapting to change through "evolution, not revolution."

The amendments are also broadly consistent with existing City land use and economic development goals and specifically implement a number of them, including:

- The *Central City Plan's* directive to encourage the Central Eastside as an industry incubator; and
- The *Comprehensive Plan's* "Diversity and Identity in Industrial Areas" policy which calls for: recognizing and promoting a "variety of industrial areas in Portland through development regulations which reflect the varied physical characteristics of the city's industrial areas;" distinguishing between older developed industrial areas and newer, less developed areas; and support for mixed employment areas with a "mix of industrial and commercial activities" where potential land use conflicts are minimized "through the use of development standards and by limiting conflicting types of development."

II. Summary of Current Zoning Regulations

The Central Eastside Subdistrict contains both Employment Zones (EG1, EG2, EX) and Industrial Zones (IH, IG1, IG2) and a small amount of residential zoning. The table on the following page summarizes relevant use regulations. An existing zoning map is included on page 12.

Summary of Relevant Regulations

		Industrial Uses	Retail Uses	Office Uses	Residential Uses
Employment Zones	EG1	Manufacturing & Production, Warehousing & Freight Movement, Wholesale Sales, and Industrial Service allowed.	60,000 SF or 1:1 FAR per site is allowed.	1:1 FAR per site is allowed.	Most are by Conditional Use. Higher allowances for Historic Landmarks.
	EG2		More than 60,000 SF or 1:1 FAR by Conditional Use. Higher allowances for Historic Landmarks.		
	EX	Railroad Yards and Waste-Related are prohibited.	Allowed		
Industrial Zones	IG1	All allowed except Waste-Related which is a Limited/Conditional Use.	1 Retail or Office use per site is allowed, up to 3,000 SF. More than 1 Retail or Office use per site by Conditional Use. More than 3,000 SF by Conditional Use, up to maximum of 25,000 SF or 1:1 FAR for Retail, up to a maximum of 60,000 SF or 1:1 FAR for Office. Criteria for Office require 33% of floor area be devoted to "development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods" including "electronic or digital products such as internet home pages, computer software, advertising materials, and others." Higher allowances for Historic Landmarks.		Generally not permitted, with very limited exceptions.
	IG2		4 Retail or Office uses per site are allowed, up to 3,000 SF per use. More than 4 uses per site by Conditional Use. More than 3,000 SF for any one use by Conditional Use, up to maximum for 25,000 SF or 1:1 FAR Higher allowances for Historic Landmarks.		
	IH		4 Retail or Office uses per site are allowed, up to 3,000 SF per use. More than 4 uses per site by Conditional Use. More than 3,000 SF for any one use by Conditional Use, up to maximum for 12,000 SF or 1:1 FAR. Higher allowances for Historic Landmarks.		

III. Project Approach and Options Considered

A community working group was formed to help staff consider and evaluate options. The group included representatives from the Central Eastside Industrial Council (CEIC), the Buckman and Hosford-Abernethy neighborhood associations, property owners, developers, and owners of businesses from computer and software firms to distribution and manufacturing.

The overall approach proposes creating a subarea of the Central Eastside where increased zoning flexibility for desired industrial-like and industrial-compatible employment uses is effected through amendments to the Central City Plan District provisions that govern the IG1 zone in the district. Using a plan district approach has the advantage of working with an existing zoning tool that already provides a framework for tailoring regulations to the specific characteristics and needs of the Central Eastside. Amending the existing plan district regulations was deemed a more appropriate method than amending the Comprehensive Plan to create an entirely new zone.

After much discussion, two specific options for achieving the project's goals were considered in detail. The first option, characterized as "simple and broad," would simply increase the amount of Office allowed in the IG1 zone in the subarea without review, and fine-tune the approval criteria for larger amounts allowed through a conditional use review. The second option, characterized as "complex and targeted," would attempt to distinguish industrial activities that occur in offices from more "traditional" Office uses. These "Industrial Office" uses would be allowed in larger amounts (60,000 square feet by right, more through a conditional use review). Both options would eliminate the existing "uses per site" restrictions for office and retail uses, which create hurdles for small businesses and multi-tenant developments, in favor of a simpler "square footage per site" approach.

Both options would retain existing restrictions on residential uses, generally felt to be the most incompatible uses in industrial areas. Both options would also include modifications to the regulations for Retail Sales And Service uses which would slightly increase the by-right retail allowances (from 3,000 square feet to 5,000 square feet), to better match the Central Eastside's lot size increments and the space needs of supportive retail businesses. However, the existing allowances for larger retail uses through a conditional use review would be eliminated because of the potential for larger negative impacts (especially traffic and parking) and because there was agreement that larger retail businesses are more appropriate for nearby commercial and mixed-use zones, such as along the EX-zoned MLK/Grand, Burnside and Morrison corridors.

The location for the proposed subarea was based on a number of factors including: the desire to target an area with a high concentration of older, underutilized buildings that are functionally obsolete for modern industrial uses; the desire to minimize potential impacts and discourage office activities in areas with a building stock well suited to continuing "traditional industrial use" (generally the area east of the MLK/Grand corridor) and the critical area along the waterfront where future development should be planned for within the context of more comprehensive efforts such as the Central City Plan update; the location of the Development Opportunities Strategy study boundary; existing zoning; and land use and development patterns (which were determined through a land use inventory of the district).

The specifics of the two options are summarized in the following table, followed by a discussion of their respective advantages and disadvantages.

Summary of Options Considered

	Existing Regulations	Option 1 Simple and Broad: Increase Office Allowance	Option 2 Complex and Targeted: New "Industrial Office" Use Subgroup
Traditional Office-- Allowed	1 Office (or Retail) use per site, up to 3,000 SF.	12,000 SF per site.	5,000 SF per site
Traditional Office—by Conditional Use	More than 1 Retail or Office use per site More than 3,000 SF, up to maximum of 60,000 SF or 1:1 FAR. Criteria require 33% of floor area be devoted to specified "new industry" uses.	More than 12,000 SF, up to a maximum of 60,000 SF	More than 5,000 SF, up to a maximum of 60,000 SF, with new approval criteria
Industrial Office— Allowed			60,000 SF per site
Industrial Office—by Conditional Use			More than 60,000 SF, with new approval criteria
Retail-- Allowed	1 Retail (or Office) use per site, up to 3,000 SF.	5,000 SF per site	5,000 SF per site
Retail—by Conditional Use	More than 3,000 SF, up to maximum of 25,000 SF or 1:1 FAR.	More than 5,000 SF, up to maximum of 20,000 SF	None
<i>Note: There are higher allowances for Historic Landmarks.</i>			

Option 1 -- Simple and Broad: Increase Office Allowance

This option would allow more Office uses and more square footage in Office use without attempting to describe or target a specific new "industrial office" land use subcategory.

Advantages

- Simple to understand and easy to implement and enforce, compared to Option 2.
- Increases opportunities for "new industrial" and "creative service" activities to locate in the area, perhaps making Portland and the Central Eastside more attractive for these businesses.
- Does not require creating a new "fuzzy" land use subgroup.

Disadvantages

- Does not specifically target desired uses such as "industrial offices" or "creative services."
- Would allow traditional offices such as law firms, financial services, and the like. These are the types of Office uses that are most likely to create land use conflicts and price pressure on the Industrial uses in the area.
- Would not solve the problem with the current regulations where some uses do not clearly fit into one use category, or the enforcement issues related to that problem.

Option 2 -- Complex and Targeted: New "Industrial Office" Use Subgroup

This option would divide the Office use category into two subgroups - Traditional Office and Industrial Office. It would allow significant amounts of Industrial Office without review and larger amounts through a conditional use review, with tighter restrictions on Traditional Office uses. New approval criteria for Office uses that are a conditional use would be adopted.

Advantages

- Increases opportunities for "new industrial" and "creative service" activities to locate in the area, perhaps making Portland and the Central Eastside more attractive for these businesses.
- Targets desired office/industrial uses and limits potential for traditional offices such as legal firms, financial services, and the like, and their associated impacts

Disadvantages

- The distinctions between Traditional Office and Industrial Office uses may be difficult to determine and enforce, especially over time. Some aspects of these difficulties include:
 - The Bureau of Development Services (BDS) only reviews uses when building permits are required. If no permits are needed—such as when no physical changes are being made to the space—the City will not be able to prevent a Traditional Office use from moving into space that has Industrial Office status.
 - Enforcement after a Traditional Office use moves into space approved only for Industrial Office is difficult both procedurally and politically; the Traditional Office use would have to terminate a lease after they had already moved in, or sell space they had purchased. This is the type of situation that fosters requests to City Council to amend regulations or forego enforcement.
 - The requirement that Industrial Office uses have limited visits from customers cannot be practically monitored.
 - The characteristics and examples listed for the two Office subgroups provide guidance, but not a clear, bright distinction. BDS expects applicants to argue that their “unique business operation” better matches the characteristics of an Industrial Office use and therefore should be allowed without the Traditional Office restrictions, even if it appears on the list of examples for Traditional Office.
- There may be unintended consequences such as having some uses currently classified as “Industrial” fall into new “Industrial Office” subgroup and thus be subject to “Industrial Office” restrictions.

IV. Preferred Option

The Community Working Group and Planning staff found that Option 2 most closely fits the goals and objectives identified for the Central Eastside. This option provides greater flexibility for a subset of office-like uses within a designated subarea of the Central Eastside, while not opening up the risk of significant displacement of traditional industrial uses. The recommended subarea boundary and new code language that implements Option 2 is shown in Section V, Recommended Zoning Code Amendments.

Option 2's use of the “Industrial Office” subgroup limits the new uses to those that fit the Central Eastside's employment and development objectives while being compatible with its industrial fabric. “Industrial Office” businesses are less service-oriented and more production-oriented, with the meaning of production expanded to include digital products such as software, design work, and advertising materials. These businesses tend to be attracted to older inner-city districts with a distinct, layered urban character like the Central Eastside. Because their decisions to locate in “gritty” mixed industrial areas are consciously made, they make good neighbors for industrial businesses and activities. They also tend to serve other businesses, as opposed to the general public, and do not generally require

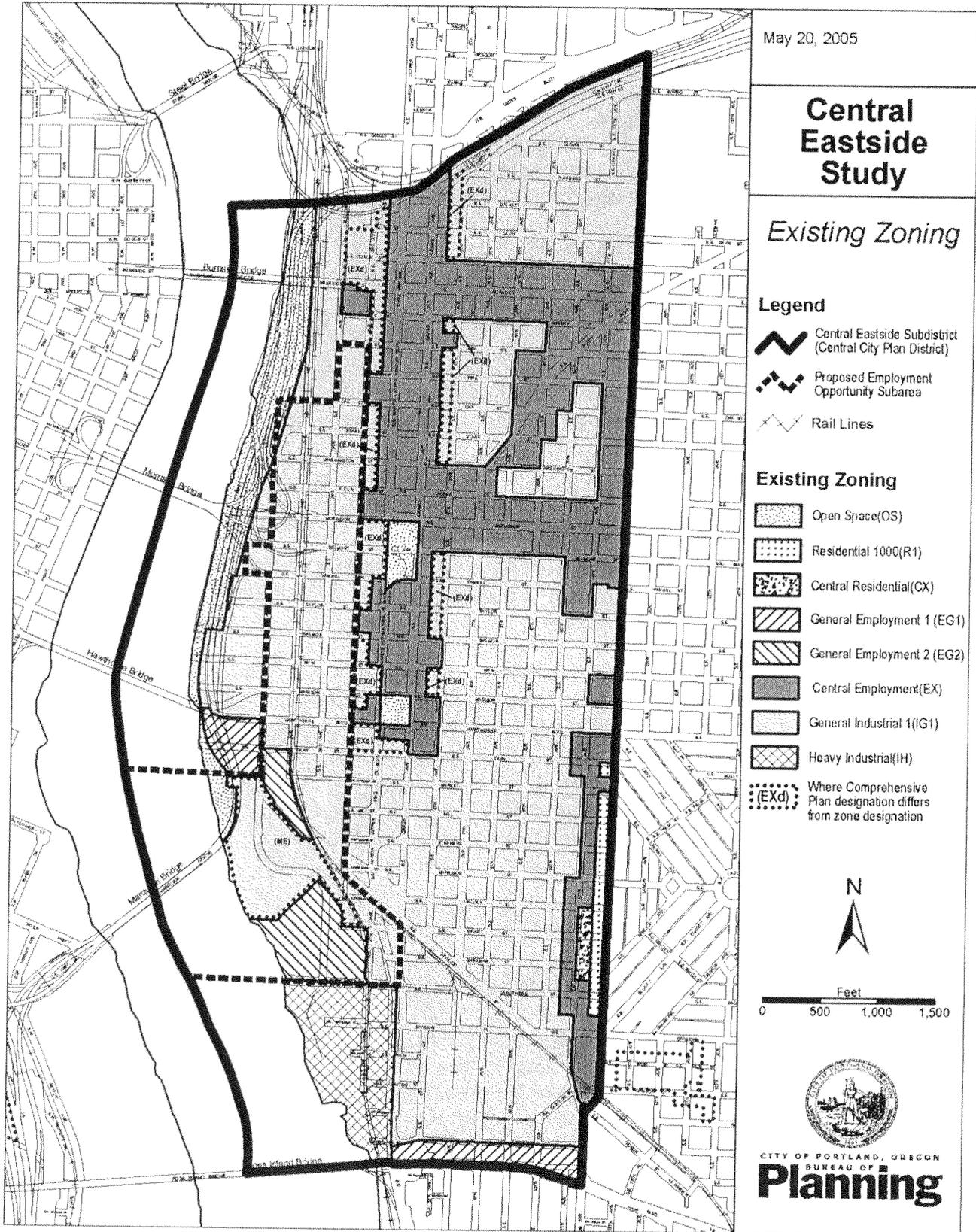
customers to visit the site, minimizing the potential for negative traffic impacts on industrial activities.

Under this option, the allowance for residential uses, which many feel is the single greatest threat to industrial uses, is not increased. There is a slight increase in the amount of Retail Sales And Service allowed per site, from 3,000 SF to 5,000 SF per site; this size better reflects the typical configuration of convenience retail that serves industrial uses and their employees. However, the proposal would eliminate the Conditional Use review that allows for larger Retail Sales And Service uses, which are more appropriate for commercial and mixed-use areas such as along MLK/Grand and other nearby corridors.

Both Office and Retail Sales And Service limitations are regulated on a "square footage per site" basis only; the existing "uses per site" conditional use trigger is eliminated in the subarea.

Option 2 does present some risk that Traditional Office uses will increase—illegally—in the area. If no building or occupancy permits are required for tenant improvements or otherwise, there will be no opportunity for the City to check that the new use is allowed. Spaces approved for Industrial Office uses could drift towards Traditional Office uses. However, the Community Working Group and Planning staff both noted that this problem exists under the current regulations and is one of the reasons for this study. There is concern that Option 2 will actually increase the number of these incompatible uses while also creating unrealistic expectations about the City's ability to enforce the regulations; however, the members of the working group and other area stakeholders understand this risk and appear to be willing to accept it. They appear to understand that nearby businesses and groups like the CEIC will be important actors in monitoring the success of these regulations, and helping with enforcement issues. In addition, there is agreement that the new provisions are a kind of test case that is limited to a specified subarea. The Bureau of Planning, with the assistance of the Bureau of Development Services, the Portland Development Commission and the Central Eastside Industrial Council, will monitor the impact of the regulations for three years after implementation to assess their effectiveness and determine if unintended consequences are manifested.

Existing Zoning in the Central Eastside



V. Recommended Zoning Code Amendments

The recommended amendments to the Zoning Code are shown in this section on odd-numbered pages in Bookman Old Style font. Additions are underlined, while deletions are shown in ~~strike~~through.

Commentary is in Comic Sans font on even-numbered pages.

Chapter 33.920, Descriptions of the Use Categories: Commentary

These changes define new subgroups within the Office use category: Traditional Office and Industrial Office.

A precedent for subgroups within a single use category exists in the definition of the Retail Sales And Service category which distinguishes between sales-oriented, personal service-oriented, entertainment-oriented and repair-oriented Retail uses. Unlike the Retail subgroups which are only distinguished through lists of examples, the definitions of the new Office subgroups include examples as well as language that describes their characteristics, to assist City staff in making use determinations.

The distinction between the two subgroups would only apply in the Employment Opportunity Subarea in the Central Eastside.

33.920.240 Office

- A. Characteristics.** Office uses are characterized by activities conducted in an office setting that focus on the provision of goods and services, usually by professionals. Traditional Office uses are characterized by activities that conducted in an office setting and generally focusing focus on business, government, professional, medical, or financial services. Industrial Office uses are characterized by activities that, while conducted in an office-like setting, are more compatible with industrial activities, businesses, and districts. Their operations are less service-oriented than Traditional Office uses and focus on the development, testing, production, processing, packaging, or assembly of goods and products, which may include digital products such as internet home pages, media content, designs and specifications, computer software, advertising materials, and others. They primarily provide products to other businesses. They do not require customers or clients to visit the site; any such visits are infrequent and incidental.
- B. Accessory uses.** Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.
- C. Examples.** Examples include uses from the two subgroups listed below:
1. Traditional Office: Professional services such as lawyers, or accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; ~~data processing~~; sales offices; government offices and public utility offices; ~~TV and radio studios~~; medical and dental clinics, ~~medical and dental labs~~; and blood-collection facilities.
 2. Industrial Office: Software and internet content development and publishing; computer systems design and programming; graphic and industrial design; engineers; architects; telecommunication service providers; data processing; television, video, radio, and internet studios and broadcasting; scientific and technical services; and medical and dental labs.
- D. Exceptions.**
1. Offices that are part of and are located with a firm in another category are considered accessory to the firm's primary activity. Headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.
 2. Contractors and others who perform services off-site are included in the Office category if equipment and materials are not stored on the site and fabrication, services, or similar work is not carried on at the site.

Chapter 33.510, Central City Plan District: Commentary

The amendments to 33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone establish the allowances for Industrial Office, Traditional Office and Retail Sales And Service uses in the new Employment Opportunity Subarea. The new language on this page simply clarifies that the existing Central City provisions for Office and Retail Sales And Service uses continue to apply in the IG1 zone outside the new subarea (primarily in the Central Eastside and Lower Albina areas) and are not recommended for change. These include existing "general" by-right and conditional uses allowances, as well as the provision for larger allowances in National Register of Historic Places-listed properties which may be used either within or outside of the new Employment Opportunity Subarea.

The Employment Opportunity Subarea provisions and additional commentary are contained in a new subsection C. Employment Opportunity Subarea, on the following pages.

33.510.113 Retail Sales And Service and Office Uses in the IG1 Zone

A. Generally.

1. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone that are not subject to historic resources as specified in Subsections B and C, below.
2. Allowed uses. One Retail Sales And Service or Office use is allowed per site. The square footage of the floor area plus the exterior display and storage area may be up to 3,000 square feet.
3. Conditional uses.
 - a. More than one Retail Sales And Service or Office use on a site is a conditional use.
 - b. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Retail Sales And Service uses where the floor area plus the exterior display and storage area is more than 25,000 square feet, or the FAR is more than 1:1, are prohibited.
 - c. Office uses where the floor area plus the exterior display and storage area is more than 3,000 square feet are a conditional use. Office uses where the floor area is more than 60,000 square feet or the FAR is more than 1:1 are prohibited.

B. Historic resources.

1. Where these regulations apply. The regulations of this subsection apply in the IG1 Zone to historic resources that are listed on the National Register of Historic Places or are identified as contributing in the analysis done in support of a Historic District's creation.
2. Allowed uses. Up to 12,000 square feet on a site may be in Retail Sales And Service or Office use. The total amount of square footage includes floor area, exterior display, and storage area of all Retail Sales And Service and Office uses on the site. More than 12,000 square feet on a site in Retail Sales And Service uses is prohibited.
3. Conditional uses. More than 12,000 square feet on a site may be in Office uses if approved through a conditional use. The total amount of square footage includes floor area, exterior display, and storage area of Office uses on the site. If there are also Retail Sales And Service uses on the site, no more than 12,000 square feet may be in Retail Sales And Service use.

Chapter 33.510, Central City Plan District: Commentary (cont.)

This new subsection specifies allowances for Office and Retail Sales And Services in the IG1 zone in the new Employment Opportunity Subarea, summarized in the table below:

Traditional Office--Allowed	5,000 SF per site
Traditional Office—by Conditional Use	More than 5,000 SF. up to a maximum of 60,000 SF, with new approval criteria
Industrial Office—Allowed	60,000 SF per site
Industrial Office—by Conditional Use	More than 60,000 SF, with new approval criteria
Retail--Allowed	5,000 SF per site
Retail—by Conditional Use	None

Both Office and Retail Sales And Service limitations are regulated on a "square footage per site" basis only; the existing "uses per site" conditional use trigger is eliminated in the subarea. No changes to the strict limitations on residential uses are recommended.

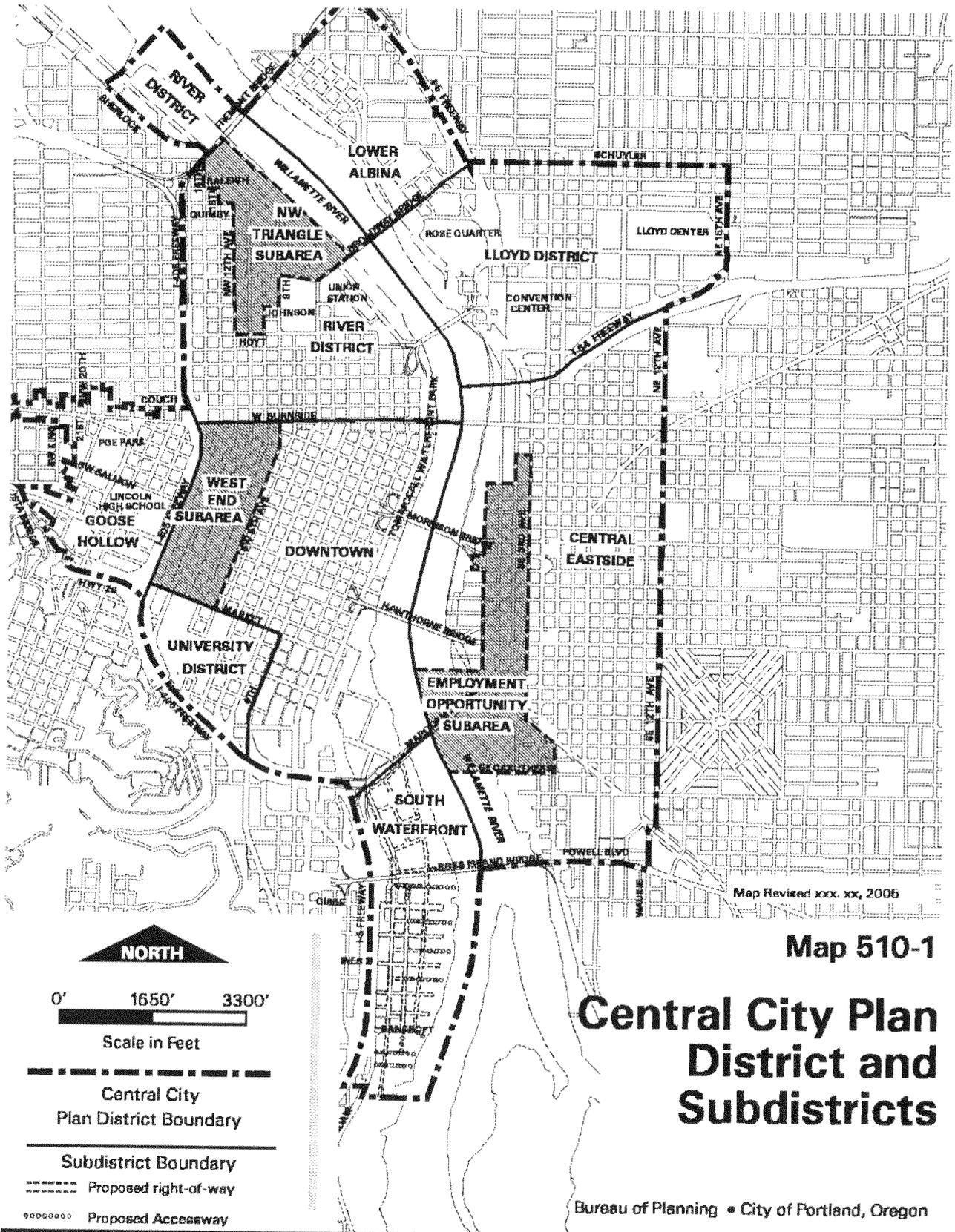
These provisions increase the amount of Office uses allowed in the subarea with different specified amounts depending on whether a use is Industrial Office or Traditional Office (see definitions in proposed amendments to chapter 33.920). The recommended allowed and conditional use square footage figures are based on several factors, including: the district's typical lot sizes and building footprints, the district's existing building sizes, number of stories and characteristics; the space needs of small businesses and targeted business types; and existing square footage allowances in other parts of the Central Eastside and other areas.

C. Employment Opportunity Subarea.

1. Purpose. The regulations of this Subsection promote the preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for a broad and diverse mix of employment uses that are compatible with industrial activities and that build on the economic strengths, locational advantages and urban character of the Central Eastside.
2. Where these regulations apply. The regulations of this subsection apply to sites in the IG1 Zone in the Employment Opportunity Subarea of the Central Eastside Subdistrict that are not subject to Subsection B.
3. Allowed uses.
 - a. Retail Sales And Service. Up to 5,000 square feet of the floor area plus the exterior display and storage area on a site may be in Retail Sales And Service use. More than 5,000 square feet in Retail Sales And Service use on a site is prohibited.
 - b. Traditional Office. Up to 5,000 square feet of floor area on a site may be in Traditional Office use.
 - c. Industrial Office. Up to 60,000 square feet of the floor area on a site may be in Industrial Office use.
4. Conditional uses.
 - a. More than 5,000 square feet in Traditional Office use on a site is a conditional use. More than 60,000 square feet in Traditional Office use on a site is prohibited.
 - b. More than 60,000 square feet in Industrial Office use on a site is a conditional use.

Map 510-1: Commentary

The change to Map 510-1 adds the Employment Opportunity Subarea to the Central Eastside Subdistrict of the Central City Plan District where the new Industrial Office and related provisions apply. The location for the proposed subarea was based on a number of factors including: the desire to target an area with a high concentration of older, underutilized buildings that are functionally obsolete for modern industrial uses; the desire to minimize potential impacts and discourage office activities in areas with a building stock well suited to continuing "traditional industrial use" (generally the area east of the MLK/Grand corridor) and the critical area along the waterfront where future development should be planned for within the context of more comprehensive efforts such as the Central City Plan update; the location of the Development Opportunities Strategy study boundary; existing zoning; and land use and development patterns (which were determined through a land use inventory of the district).



Chapter 33.815, Conditional Uses: Commentary

The changes to this table of contents reflects creation of a new subsection with approval criteria for Office uses in the new Employment Opportunity Subarea in the Central Eastside.

**CHAPTER 33.815
CONDITIONAL USES**

Sections:

General

[No changes]

Approval Criteria

- 33.815.100 Uses in the Open Space Zone
- 33.815.105 Institutional and Other Uses in R Zones
- 33.815.107 Short Term Housing in R Zones
- 33.815.110 Office and Retail Sales And Service Uses in the RX Zone
- 33.815.115 Specified Uses in Commercial Zones
- 33.815.120 Commercial Parking Facilities in the RX, CX, CG, and E Zones, Outside the Central City Plan District, the Columbia South Shore Plan District and the Cascade Station/Portland International Center Plan District
- 33.815.121 Commercial Parking Facilities in the RX, CS, and CX Zones, in the Hollywood Plan District
- 33.815.122 Nonresidential Uses on Specified Sites located in the RX Zone within the Central City Plan District
- 33.815.125 Specified Uses in Industrial Zones
- 33.815.126 Office Uses in the IG1 Zone in the Central City Plan District
- 33.815.127 Accessory Offices and Headquarters Offices in the IH Zone in the Guild's Lake Industrial Sanctuary Plan District
- 33.815.128 Retail Sales And Service Uses in the EG Zones
- 33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District
- 33.815.130 Residential Uses in the EG1, EG2, IG1, IG2, and IH Zones
- 33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the Central City Plan District
- 33.815.140 Specified Group Living Uses in the C and EX Zones
- 33.815.200 Aviation And Surface Passenger Terminals
- 33.815.205 Detention Facilities
- 33.815.210 Helicopter Landing Facilities
- 33.815.215 Major Event Entertainment
- 33.815.220 Mining and Waste-Related
- 33.815.222 Park-and-Ride Facilities for Mass Transit
- 33.815.223 Public Safety Facilities
- 33.815.225 Radio Frequency Transmission Facilities
- 33.815.230 Rail Lines and Utility Corridors
- 33.815.300 Commercial Parking Facilities in the Columbia South Shore Plan District
- 33.815.301 Industrial Businesses in the Columbia South Shore Plan District
- 33.815.302 Professional / Technical Facilities in the Columbia South Shore Plan District
- 33.815.303 Retail Sales and Service Uses in the Columbia South Shore Plan District
- 33.815.304 Retail Sales And Service Uses on Specified Sites in the South Waterfront and the River District Subdistricts
- 33.815.305 Replacement Parking Facilities in the Central City Plan District
- 33.815.308 Commercial Parking in Multi-Dwelling Zones and Commercial Parking Access from Main Streets in the Northwest Plan District
- 33.815.310 Industrial Uses in the IR Zone

33.815.125 Specified Uses in Industrial Zones: Commentary

This change just adds a reference to the new criteria in Section 33.815.132. These approval criteria will continue to apply to conditional use reviews for Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses in Industrial zones.

33.815.125 Specified Uses in Industrial Zones

These approval criteria apply for uses in the following categories in the industrial zones: Retail Sales And Service, Office, Commercial Outdoor Recreation, Commercial Parking Facilities, Community Service, and Daycare uses. Office uses in the IG1 zone in the Central City Plan District may use approval criteria 33.815.126: Office Uses in the IG1 Zone in the Central City Plan District, if they contain characteristics of manufacturing businesses. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing in the analysis done in support of a Historic District's creation in the I zones in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea of the Central City Plan District may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the Central City Plan District. These approval criteria promote preservation of land for industry while allowing other uses when they are supportive of the industrial area or not detrimental to the character of the industrial area. The approval criteria are:

- A. The proposed use will not have significant adverse effects on nearby industrial firms, and on truck and freight movement;
- B. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service; on-street parking impacts; access restrictions; connectivity; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- C. The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes;
- D. The proposed use needs to be located in an industrial area or building because industrial firms or their employees constitute the primary market of the proposed use; and
- E. City-designated scenic resources are preserved.

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District: Commentary

This change just adds a reference to the new criteria in Section 33.815.132. These approval criteria will continue to apply to conditional use reviews for Office uses in the Central City IG1 zone, including the Central Eastside.

33.815.126 Office Uses in the IG1 Zone in the Central City Plan District

These approval criteria promote preservation of land for industry while providing opportunity for businesses that contain both an office and a manufacturing or production component. Office uses that do not meet the criteria below may apply for conditional use status through the criteria listed in 33.815.125, Specified Uses in the Industrial Zones. Office uses in individually listed structures on the National Register of Historic Places and structures identified as contributing in the analysis done in support of a Historic District's creation in the IG1 zone in the Central City Plan District may use the criteria listed in 33.815.129, Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District. Office uses in the IG1 zone in the Employment Opportunity Subarea may use the approval criteria listed in 33.815.132, Office Uses in the IG1 Zone in the Employment Opportunity Subarea of the Central City Plan District. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management strategies;
- C.** City-designated scenic resources are preserved;
- D.** At least 33 percent of the floor area of the proposed use is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods. "Goods" include products made from man-made, raw, secondary, or partially completed materials. "Goods" does not include the products or services offered by traditional Office uses described in 33.920.240, but may include electronic or digital products such as internet home pages, computer software, advertising materials, and others; and
- E.** The nature of the business does not require customers to visit the site in order to purchase manufactured goods.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District: Commentary

No amendments are proposed for this subsection; it is included here to provide additional context. These approval criteria may be used for Office uses in National Register-listed historic buildings in the Central Eastside IG1 zone (throughout the district, not just the Employment Opportunity Subarea). See commentary for Section 510, Central City plan district for more on this provision.

33.815.129 Office Uses in Specified Historic Resources in the Industrial Zones in the Central City Plan District

These approval criteria promote preservation of historic resources that are listed on the National Register of Historic Places or are identified as contributing in the analysis done in support of a Historic District's creation. They provide for increased allowances for office uses in the industrial zones, while limiting negative impacts on the transportation system and nearby industrial uses. The increased allowances for office uses recognize that some historic industrial buildings cannot economically accommodate modern industrial activities due to design inefficiencies or structural deficiencies. The office allowances facilitate preservation and reuse of these structures and are not intended as a means of converting viable industrial uses to office uses. The approval criteria are:

- A.** The proposed use will not have significant adverse effects on nearby industrial uses and truck and freight movement;
- B.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; and adequate transportation demand management situations;
- C.** The proposed use will not significantly alter the overall industrial character of the area, based on the existing proportion of industrial and non-industrial uses and the effects of incremental changes; and
- D.** The owner must execute a covenant with the City, as described in Subsection 33.445.610.D.

33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District

This new section establishes the conditional use approval criteria for Office uses in the new Employment Opportunity Subarea. The criteria apply to requests for Traditional Office uses greater than 5,000 square feet and less than 60,000 square feet, and for Industrial Office uses greater than 60,000 square feet.

The criteria are intended to allow opportunities for compatible Office uses while minimizing the likelihood of negative impacts on industrial businesses and activities, particularly the transportation and parking systems of the area. The first criterion is similar to existing examples in other sets of approval criteria used to ensure that the transportation system can support the new use in addition to existing uses. The new criterion in this section adds a truck and freight movement evaluation factor, a critical element in reducing potential conflicts with industrial activity. The second criterion requires that the proposed Office use not typically require customers or clients to visit the site to receive goods or services. This will help reduce the potential for traffic conflicts.

33.815.132 Office Uses in the IG1 Zone in the Employment Opportunity Subarea in the Central City Plan District

These approval criteria promote preservation of industrial land and development and support the vitality of industrial businesses while providing opportunities for compatible employment intensive businesses. The approval criteria are:

- A.** The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity, level of service or other performance measures; access to arterials; connectivity; transit availability; on-street parking impacts; access restrictions; neighborhood impacts; impacts on pedestrian, bicycle, and transit circulation; safety for all modes; impacts on truck and freight movement; and adequate transportation demand management strategies;
- B.** The nature of the business does not typically require customers or clients to visit the site.

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Central Eastside Industrial Zoning Study

December 2003

CITY OF PORTLAND, OREGON
BUREAU OF
Planning



Exhibit B

For more information on the Central Eastside Industrial Zoning Study, please contact:

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To help ensure equal access to information, the City of Portland Bureau of Planning offers accommodation to persons with disabilities. Call 503-823-7700 in advance to arrange for accommodation. TTY: 503-823-6868

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Central Eastside Industrial Zoning Study

Executive Summary

The emerging development vision for the Central Eastside includes increased employment density, accommodation of the “new urban economy” and preservation of the district’s industrial fabric. The vision calls for managed change in this unique inner-city industrial and employment area, where continuity with the established foundation of industrial activities is balanced with the need for adaptability to economic changes.

The *Central Eastside Market Analysis*, prepared by ECONorthwest as a companion to this report, identified three broad groups of target businesses that would potentially find the CES a desirable location and would help attain this vision. The first group includes primarily industrial sectors (e.g. specialty metal fabrication and stone/clay/glass manufacturing) that face few zoning barriers in the CES. The two other groups include “industrial-serving” firms (e.g., engineering, certain kinds of contracting, etc.) and “industrial-like” service firms (e.g., creative services and software development). Many of the firms associated with these sectors, as well as some technology businesses that might belong in first group, have significant office needs that could potentially conflict with zoning provisions that restrict commercial development in the industrial portions of the district.

This study has determined that, overall, Central Eastside zoning does not appear to be a *major* barrier to most of the target-sector businesses. This is supported by the fact that many of these kinds of firms are already located in the district. They face very few zoning barriers in the employment-designated parts of the district (EX and EG zones), and there are several zoning tools available for locating office-intensive uses even in the IG1-zoned industrial area, including:

- 3,000 square feet of general office or retail allowed by-right;
- Accessory office and showroom space allowed by-right, when supporting an industrial use;
- Unlimited amount of headquarters office allowed, when in conjunction with an industrial use;
- 60,000 square feet of industrial-serving office (25,000 square feet of retail) allowed through conditional use review, when industrial firms are the primary market for the use;
- 60,000 square feet of industrial office allowed through conditional use review, when at least 33 percent of the floor area is devoted to manufacturing or “digital production;” and
- Flexibility within the Zoning Code’s industrial use categories to encompass many target-sector businesses

The regulations that limit the amount and type of commercial development may discourage some target firms from locating in the Central Eastside’s IG1 area, in certain circumstances. For instance, some industrial-serving office-based firms (e.g., architecture and engineering companies) that do not meet the definition of “digital production” could not generally occupy spaces larger than 3,000 square feet in the IG1-zoned parts of the CES, unless they were able to demonstrate that their primary market is industrial firms and employees.

Central Eastside Industrial Zoning Study

These restrictions, however, are supported by Portland's Industrial Sanctuary policies and serve to limit large-scale commercial development that is inconsistent with the vision for the CES and that could threaten its long-term viability as an industrial district.

Zoning barriers that have been identified as potentially discouraging some target firms that might otherwise locate in the CES, and that that could be addressed through targeted zoning code amendments that would support the emerging vision for the district and existing policies include:

- Uncertainty and expense associated with commercial allowances that require a conditional use review (as opposed to by-right allowances), such as the "digital production" provision, that may particularly discourage smaller firms;
- Restrictions on the configuration and amounts of commercial uses allowed within sites that restrict office-intensive developments on the large number of small sites and existing buildings in the district; and
- Need for a clearer definition of "digital production" uses, to help differentiate them from undesired office uses that also produce "digital goods" (e.g. consulting firms and accountants) and for a more direct correspondence with desired uses.

This report is intended to frame important issues, clarify how zoning regulates the target land uses and activities, and set a clear direction for a follow-up project to amend CES zoning provisions consistent with an overall objective of raising employment density while protecting the industrial character of the district.

Recommended Zoning Amendments

The Bureau of Planning recommends a focussed legislative planning project to create greater, but limited, flexibility in the Central Eastside IG1 zone for certain kinds of industrial activities that have significant office components or office-like characteristics. The recommended approach is to amend the existing Central City Plan District regulations. This approach limits the scale of any changes (and thus of any unintended consequences) and eliminates the need for a broad-based citywide process to amend the Comprehensive Plan, as would be necessary to create a new zoning designation. The recommended focussed zoning project can be completed in nine months and would commence in winter 2003/2004.

The following specific amendments are recommended for consideration:

1. **Allow "digital production" industrial office uses up to 10,000 square feet by-right** (as opposed to requiring a conditional use review)¹. "Digital production" industrial office uses more than 10,000 square feet would still require conditional use approval. The definition of "digital production" would also be refined and possibly expanded to best fit the targeted activities and to facilitate zoning implementation and enforcement. Any office use could take advantage of this allowance if at least 33 percent of the floor area was dedicated to traditional manufacturing or processing activities. These amendments

¹ The existing "digital production" provision allows office uses in the IG1 zone up to 60,000 SF if 33 percent of the floor area of the proposed use is dedicated to either traditional manufacturing and processing activities or those that produce "electronic or digital products such as internet home pages, computer software, advertising materials and others." This provision was adopted in 1999 to allow some flexibility for "new economy" business activities and creative services in Central City industrial areas.

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respond to the needs of smaller target firms, such as those in the creative services, by eliminating the costs, delays and uncertainties associated the conditional use process.

- 2. Limit the total amount of non-accessory and non-headquarters offices to 60,000 square feet per site, while removing restrictions on the number and size of individual office uses allowed per site².** That is, the sum of the floor areas of all non-accessory and non-headquarters office uses on a site, whether allowed by-right or through a conditional use (including “digital production” industrial office uses), must not exceed 60,000 square feet. Removing the FAR limit and limiting overall office size by site will facilitate redevelopment of existing structures that contain larger spaces that could be subdivided to accommodate smaller office-intensive uses, for instance on underutilized upper stories. The overall 60,000 square foot site limit still provides an absolute limit on the size of an individual office use.

An alternative approach would allow “digital production” industrial office uses greater than 60,000 square feet (perhaps with no specified upper limit) through a conditional use process. This approach will need additional analysis, as it has greater potential for negative impacts on nearby industrial uses. Either approach will likely require refinement of the existing “digital production” industrial office conditional use approval criteria, with the objective of providing clear means for ensuring that large-scale industrial office development does not significantly impact nearby industrial operations or compromise the overall industrial nature of the CES industrial sanctuary.

- 3. Reduce or eliminate existing conditional use retail use allowances, which currently permit retail uses up to 25,000 square feet.** The existing by-right retail allowance of 3,000 square feet would be retained or perhaps slightly increased. These amendments would help reinforce the existing mixed-use corridors along NE MLK Boulevard and Grand Avenue as the appropriate location for retail activity and preserve industrially-zoned land and buildings for industrial employment uses, while providing for small supportive retail uses. “Retail-like” activities, such as industrial showrooms, are already allowed under existing industrial zoning.
- 4. Explore increased allowances for retail and office uses in designated historic landmarks** in the industrial and employment zones. Additional flexibility for by-right commercial uses would encourage preservation, continued investment and reuse of the district’s landmarks by allowing uses that generate rents potentially high enough to justify upgrades.
- 5. Explore creating minimum parking space requirements for new commercial development in industrial zones** in order to mitigate the impacts of new development on truck and freight access and circulation. There are currently no minimum parking requirements in the Central Eastside.

The Zoning Package

The zoning framework created by the proposed amendments, together with the existing regulations, would include multiple means for locating the target activities and industries in the IG1 portions of the district. These provisions are summarized in the table on the following page.

² The existing regulations require conditional use approval for more than one office use per site and limit office uses to 60,000 square feet or 1:1 FAR per use.

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Summary of Recommended Zoning Package for the IG1 Zone in the CES

#	Provision	Amount	Existing	Proposed
Office allowed by-right				
1	GENERAL OFFICE:	3,000 sq. ft.	X	
2	INDUSTRIAL OFFICE: Must have at least 33 percent of the use devoted to either traditional manufacturing or processing, or to "digital production," such as software and web development.	10,000 sq. ft.		X
3	ACCESSORY OFFICE: Must be <i>accessory</i> to industrial uses meaning "subordinate" and "clearly incidental" to an allowed industrial use on a site.	No specific limit but must be subordinate and incidental	X	
4	HEADQUARTERS OFFICE Must be in conjunction with, or adjacent to, an industrial use.	No specific limit	X	
Office allowed by conditional use (c.u.)				
5	INDUSTRIAL SERVING OFFICE Must demonstrate that the office use will not significantly alter the industrial character of the area and that it needs to be in an industrial area because industrial firms and employees constitute its primary market.	60,000 sq. ft.	X	
6	INDUSTRIAL OFFICE: Must have at least 33 percent of use devoted to either traditional manufacturing or processing or to "digital production," such as software and web development. Must demonstrate that they will not have significant adverse effects on nearby industrial uses and that the nature of the business does not require customers to visit the site. An alternative approach would allow a larger--or unlimited--amount of "digital production" industrial office through conditional use.	60,000 sq. ft.	X	
Total amount of by-right or c.u. office				
7	TOTAL AMOUNT OF OFFICE The <i>total</i> amount of <i>non-accessory</i> and <i>non-headquarters</i> office must not exceed 60,000 square feet <i>per site</i> . There would be no restrictions on the size or number of individual office uses on the site. In other words, the floor area of all individual office uses allowed under provisions 1,2,5, and 6 can total no more than 60,000 square feet per site. An alternative approach would allow a larger--or unlimited--amount of "digital production" industrial office through conditional use.	60,000 sq. ft.		X
Retail allowed by-right				
8	GENERAL RETAIL	3,000 sq. ft.	X	
Retail allowed by conditional use (c.u.)				
9	INDUSTRIAL SERVING RETAIL Reduce or eliminate existing conditional use provisions for retail uses up to 25,000 sq. ft.	0 sq. ft.		X

Central Eastside Industrial Zoning Study

Introduction

Background

This document is part of a second phase of a Portland Development Commission-sponsored study on Portland's Central Eastside (CES). The first phase resulted in the *Central Eastside Development Opportunities Strategy (DOS)*, released in April 2002. The DOS created a vision and strategy for the development of an area along Water Avenue between the Morrison bridgehead and Caruthers Street. Phase II is intended to build on the DOS and move it closer to implementation. Specifically, it investigates how new office-intensive and other high-density employment-generating users might be brought into the industrial parts of the CES without having negative impacts on the operations and long-term viability of existing and possible future industrial uses. The consensus among CES stakeholders involved in the DOS process to-date indicate a desire for a blend of more traditional industrial uses with newer ones that might include office or office-like space as part of their operations. Stakeholders have also expressed a desire to avoid a rapid and fundamental change away from the overall industrial character within the district's industrial areas, as has occurred in the River District, for example.

The desire to preserve the overall industrial character of the CES is supported by a framework of regional and city industrial land policy. These policies and regulations are based on the premise that industrial land is a finite resource that is critical to the city's economic health, while being vulnerable to encroachment by other uses. Metro's Title 4 requires jurisdictions to limit commercial uses in industrial areas and also limits subdivision of large industrial tracts. Portland's Industrial Sanctuary policies call for preserving land primarily for industrial purposes and for recognizing the unique attributes of the city's industrial and employment areas. The Central City Plan calls for preserving the CES as an industrial sanctuary and encourages "incubator industries" in the district. Among the primary implementation tools for these policies are Zoning Code provisions that sharply limit nonindustrial uses in industrial areas. The policies are discussed in greater detail in Appendix A, while CES industrial zoning provisions are discussed in the central part of this report.

Purpose and Methodology of this Report

The issues addressed this study may be divided into two main components:

1. **Economic / market issues:** Who are these potentially office-intensive industrial users, and what are their characteristics? Under what conditions would they find the CES a desirable location? What impacts might a wider range of uses have on existing CES businesses?
2. **Zoning / land use issues:** What is the current industrial policy and zoning framework in the CES and what changes would be necessary to facilitate locating the targeted industries identified in the market analysis in the district?

A report prepared by ECONorthwest, *Central Eastside Market Analysis*, focuses on the economic and market issues. This report focuses on the zoning and land use issues. Specifically, it responds to recommendations in the *CES Development Opportunity Study* that call for consideration of new zoning regulations that provide more flexibility for commercial uses and office-like industrial uses in industrial zones. This report does not amend any policies or

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regulations but is intended to frame important issues, clarify how existing zoning regulates the target land uses, and set a clear direction for a follow-up legislative project to amend CES zoning provisions consistent with an overall objective of raising employment density in the district while limiting negative impacts on existing and future "traditional industrial" operations. The intent will be to facilitate managed change by responding to changes in the industrial economy while preserving the overall industrial character of the district.

The Bureau of Planning used several approaches for gathering information in the preparation of this report. Two focus groups, consisting of CES businesses persons, land owners, developers, and real estate agents were held in April 2003. The focus groups provided information on which business types they see as desirable, which they see as undesirable in the CES, and why. Participants also identified some of the obstacles to attracting these uses, including perceived land use and zoning barriers. They also provided direction for making changes necessary to attract the desirable business types. A summary of the focus group discussions is contained in ECONorthwest's *Central Eastside Market Analysis* report.

Staff also undertook a technical analysis of the existing planning and regulatory framework in the district. This involved literature reviews, data and mapping analysis and discussions with CES stakeholders, development professionals and development review staff about the effects of industrial policies and regulations. Research of industrial policies and development efforts in other cities included literature reviews, internet research and expert interviews.

Next Steps:

A legislative planning project to refine and implement the zoning code amendments consistent with the recommendations of this report is expected to commence winter 2003/2004. This project will take approximately 9 months to complete. It will include broad citizen and public agency review and will involve public hearings before the Portland Planning Commission and the City Council.

This focussed zoning project would complement other ongoing work by the Bureau of Planning, the Portland Development Commission (PDC), other public agencies, and neighborhood and business organizations to implement the *CES Development Opportunities Strategy* and other policy goals for the district. These projects are diverse in purpose and scope, ranging from individual development projects at key locations to a PDC-sponsored parking strategy for the DOS area to the City's *River Renaissance* effort, which has broad goals for assuring a healthy river, a prosperous working harbor and vibrant waterfront districts.

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Central Eastside Target Industries and Activities

The April 2002 *Central Eastside Development Opportunity Strategy* (DOS) prepared by SERA Architects for the Portland Development Commission and the March 21, 2002 draft *Vision for the Evolution of an Urban Industrial District* (CEIC Vision) prepared by the Central Eastside Industrial Council articulated development and land use goals for the Central Eastside. This vision called for attracting new types of businesses to the Central Eastside that would increase employment density while preserving the district's "urban industrial employment fabric." The target businesses, referred to as "new urban industries" in the *CEIC Vision*, were described in general terms as more office-intensive than traditional industrial uses and as being linked with creative services, knowledge-based industries and the "new economy." Utilizing focus groups, interviews, stakeholder meetings and other research, the current study has further refined and analyzed the target industries and activities identified in the *DOS* and *CES Vision* documents. Additional information on these industries and activities is contained the *ECONorthwest Market Analysis* report.

There are two ways to describe the group of targeted industries. They can be described in terms of "activities", which are the kinds of work processes a business uses such as wholesale, manufacturing and administration. They can also be described in terms of "industrial sectors", which are described in terms of the actual products or services produced such as paint manufacturing, construction services or computer software development. The Portland Zoning Code defines industrial land uses primarily in terms of "activity" although land use classifications take into account characteristics of both activity and business sector.

The industrial *activities* targeted as desirable in the CES are those associated with existing "traditional" industrial operations in the district, as well as:

- **Office-intensive industrial uses**
- **Wholesale or manufacturing uses with showroom space**
- **Certain stand-alone retail and office uses**

The desired office and retail uses were more specifically described as either:

- **Industrial-serving**, for instance industrial engineering firms, medical facilities specializing in occupational health, and construction/maintenance contractors considered to be office uses; or
- **Industrial-like**, for instance creative services, including film/video/photography, sound studios, studio art, computer-based media, and others.
- The CES vision does not support residential or "big-box" retail development in industrial parts of the district. Support for limited work/live space and smaller retail uses supportive of the industrial and employment uses in the area has been expressed by some CES stakeholders.

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Potential *business sectors* that appear to be a good match for the CES, based on identified stakeholder desires, as well as industry characteristics and trends include:

- **Printing and publishing**
- **Technology businesses**
- **Construction/ rehab/ home improvement**
- **Specialty metal fabrication**
- **Food and beverage manufacturing**
- **Stone/ clay/ glass manufacturing**
- **Woodworking and wooden furniture**
- **Creative Services**
- **Software and related sectors**

Some of these target industries, for example printing and publishing and construction/rehab/home improvement already have a visible presence in the CES and thus work within established themes. Others, such as creative services build upon nascent trends in the district and fit with aspirations voiced by CES stakeholders.

Firms within some of the desired industry sectors, particularly creative services, technology and software development, have significant office needs. To the extent that their principle activities tend to have more characteristics of office activity than industrial activity, these firms may face zoning barriers to locating in the CES. Firms within other sectors, such as Stone/clay/glass manufacturing, tend to have smaller office space needs and, to the extent that their primary activities are "industrial," face fewer potential zoning hurdles in the industrially zoned portions of the CES. The next section of this report discusses Central Eastside zoning and how it addresses these target activities and business sectors.

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Zoning Regulations and the CES Target Industries

Previous development strategies for the Central Eastside, such as the *CES Development Opportunities Strategy* and the *CEIC Vision* conjectured that zoning regulations limit the ability of desired target industries to locate in the Central Eastside. To explore this premise, this section summarizes current zoning regulations for the Central Eastside, with an emphasis on allowances for nonindustrial uses in employment and industrial zones.

The policy underpinnings to the City's industrial zoning are based on the premises that industrial land is critical to the economic health of the city, that it is a finite resource that is vulnerable to encroachment by other uses in an open market and that industrial operations have impacts that require it to be isolated from other uses, especially housing. The City's Industrial Sanctuary policies are discussed in greater detail in Appendix A.

Land Use Categories

Understanding how Portland's Zoning Code defines land uses is an important first step in understanding how those uses are regulated in industrial zones. From a zoning perspective, whether a specific target-industry development proposal is able to locate in the CES is dependant on what use category development review staff determine the proposed use best fits. In some cases, this determination is relatively straight forward, but in many case, for instance with industrial uses that contain significant office-like characteristics, this determination may be difficult.

The Zoning Code defines land uses based on functional, end-product, and physical characteristics. Factors used in making use determinations include:

- The type and amount of activities present (e.g. assembly of goods or sales of goods);
- The type of customers (e.g. general public or other businesses);
- How goods or services are sold or delivered; and
- A variety of site and use factors such as building arrangement, hours of operation, vehicle trip generation, and others.

The use categories are meant to provide a systematic but flexible basis for assignment of present and future uses to zones; they do not attempt to provide an exhaustive list of all possible types of land uses or businesses (as was the approach in Portland prior to 1991). In determining a given proposal's use category development review staff look at its specific characteristics, activities and impacts, as opposed to its business sector per se. The code does contain lists of example uses for each of the categories. These examples correspond more closely to actual businesses or industry sectors. The code also provides examples of uses that are allowed as accessory to the primary use on a site, for instance parking or offices accessory to a manufacturing plant.

While this system provides the flexibility for the code to respond to changes in the nature of business activities and land development, it also creates some uncertainty. A use may not clearly match the stated examples or may contain activities that might reasonably fit in more

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than one use category. In such cases, a fair degree of discretion may be involved in determining whether a development proposal complies with the zoning code.

The industrial use categories in the Portland Zoning Code are:

- Manufacturing and Production;
- Warehouse and Freight Movement;
- Wholesale Sales;
- Industrial Service;
- Railroad Yards; and
- Waste Related.

All of these categories are allowed in the industrial zones (IH, IG2 and IG1), and all those except Railroad Yards and Waste-Related are allowed in employment zones (EG2, EG1 and EX).

The Zoning Code further characterizes these categories by listing specific examples of uses within each. Specific examples from the code's *industrial* categories (and would thus be allowed in industrial zones) that most closely correspond with one or more of the target businesses include:

- Repair of scientific or professional instruments
- Sales, repair, storage, salvage or wrecking of...building materials
- Photo finishing laboratories
- Building, heating, plumbing or electrical contractors
- Printing, publishing and lithography
- Research and development laboratories
- Processing of food and related products
- Catering establishments
- Breweries, distilleries and wineries
- Weaving or production of textiles or clothing
- Production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products
- Movie production facilities
- Manufacture or assembly of instruments, including musical instruments...precision items, and other electrical items
- Production of artwork and toys
- Sign making
- Wholesalers of food, clothing, auto parts, building hardware

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A development proposal clearly corresponding to these example uses would be allowed by-right in IG1 zoned areas of the CES, as long as the characteristics and associated activities of the proposal correspond generally with the description of the use category. For example, "Sales, repair, storage, salvage or wrecking of...building materials" is included as an Industrial Service use. A proposal for a facility that deconstructs, salvages and refinishes building components and resells them primarily to building contractors or designers would probably be classified as an Industrial Service or a Wholesale Sales, or both, depending on the relative amounts of each main *activity* (salvage and wholesale sales). Uses within either category would be allowed in the IG1 zone. However, if the proposal was for a hardware store that was oriented to the general public, the use would probably be classified as Retail Sales and Service, because the Industrial Services description states that "few customers, especially the general public, come to the site" and Retail Sales and Services are described as involving sales, leasing or rental of "new or used products to the general public." Again, the system is designed to look at a use's activities and impacts.

Comprehensive Plan and Zoning Map Designations

Portland's Zoning Code contains two overall groups of zoning designations that provide for industrial uses. These are the industrial sanctuary zones (IG1, IG2, IH) and the employment zones (EG1, EG2, EX). In general, industrial uses are allowed in both categories, while the employment zones have greater allowances for office and retail uses, as well as allowing some residential, in certain circumstances.

Most of the Central Eastside study area is covered by one of the employment or industrial zones. About two thirds of the district is designated on the City's *Comprehensive Plan Map* as Industrial Sanctuary, and most of that is zoned IG1. Some IH-zoned land is located in the southwest corner of the district. About a third of the study area is designated for employment. Most of the employment area is designated EX, which is more a mixed-use zone than a true employment zone. The EX zoning is concentrated along the major street corridors: MLK/Grand; Sandy; Burnside; Morrison; and 11th/12th. Some EG-zoned land is located in the southwest part of the district.

The tables below summarize the areas dedicated to the different Zoning and Comprehensive Plan Map designations, excluding area devoted to rights-of-way. A Central Eastside zoning map follows on the next page, indicating the general zoning pattern in the district. The rest of this chapter discusses how employment and industrial zoning regulates land uses in the Central Eastside, particularly those associated with the targeted industries.

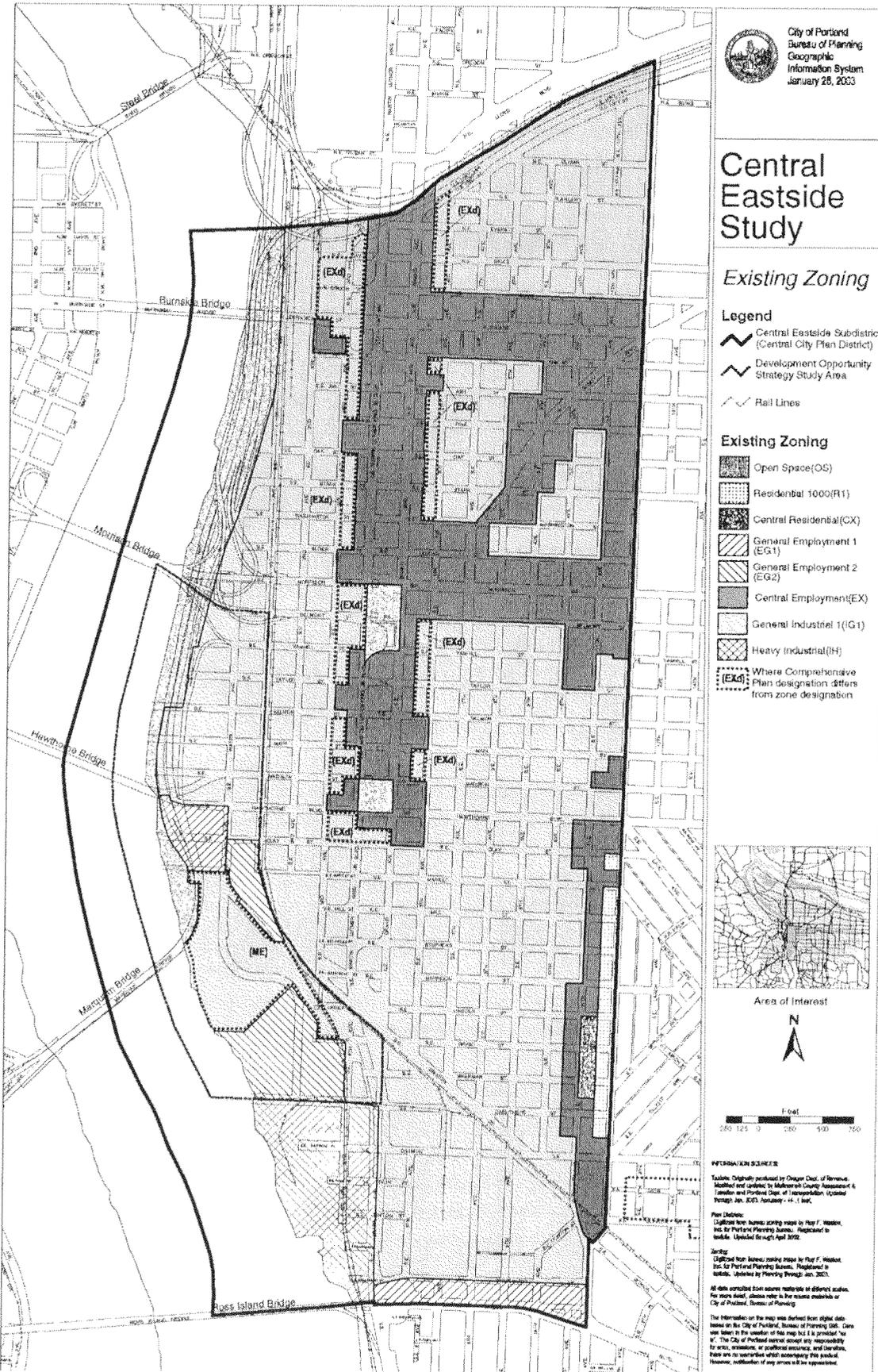
CES Zoning

Zone	Taxlot Acres	% of Area	Lots	% of Lots
EG1	7.4	1.9%	32	2.0%
EG2	19.9	5.2%	22	1.4%
EX	80.2	20.9%	522	32.0%

CES Comprehensive Plan Designations

Designation	Taxlot Acres	% of Area	Taxlot Acres	% of Area	Lots	% of Lots
IH	19.2	5.0%	32	2.0%		
Industrial Sanctuary IS	241.4	62.8%	37	2.3%	793	48.7%
Mixed Employment ME	36.6	9.5%	57	3.5%	80	4.9%
Central Employment EX	95.9	25.0%	22	1.4%	640	39.3%
Open Space OS	5.5	1.4%			37	2.3%
Total	384.4	100.0%			1629	100.0%
MD Multi-Dwelling R1	3.8	1.0%			57	3.5%
Central Residential RX	1.1	0.3%			22	1.4%
Total	384.4	100.0%			1629	100.0%

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City of Portland
Bureau of Planning
Geographic Information System
January 28, 2003

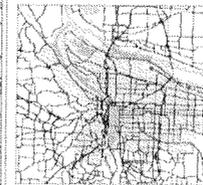
Central Eastside Study

Existing Zoning

- Legend**
- Central Eastside Subdistrict (Central City Plan District)
 - Development Opportunity Strategy Study Area
 - Rail Lines

Existing Zoning

- Open Space(OS)
- Residential 1000(R1)
- Central Residential(CX)
- General Employment 1 (EG1)
- General Employment 2 (EG2)
- Central Employment(EX)
- General Industrial 1(IG1)
- Heavy Industrial(IH)
- Where Comprehensive Plan designation differs from zone designation



Area of Interest



REFERENCES

Tables: Originally produced by Oregon Dept. of Revenue. Modified and updated by Multnomah County Assessment & Taxation and Portland Dept. of Transportation. Updated through Jan. 2003. Necessary - 1, 1, 1, 1.

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All data compiled from various materials at different scales. For more detail, consult refer to the source materials or City of Portland, Bureau of Planning.

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The following tables summarizes the use regulations for the employment and industrial zones found in the CES. The rest of this section discusses these regulations in more detail and analyses to what extent they facilitate or discourage location of target activities and industries in the Central Eastside.

Summary of Selected Employment and Industrial Base Zone Use Regulations

		Generalized Use Category			
		Industrial	Retail	Office	Residential
Employment Zones	EG1	Most allowed, except rail yards and waste-related.	Limited to 60,000 SF or 1:1 FAR (2:1 in landmark) per site Above 60,000 or 1:1 (2:1 in landmark) by CU.	Limited to 1:1 FAR (2:1 in landmark) per site.	Most are CU. Living quarters for one caretaker per site allowed by right.
	EG2				
	EX		Allowed		
Industrial Zones	IG1	Most allowed, waste-related is CU.	<i>Allowed:</i> 1 use per site, up to 3,000 SF <i>Conditional Use:</i> <ul style="list-style-type: none"> • More than 1 use per site, • Up to 25,000 SF or 1:1 FAR per use, or • Up to 60,000 SF or 2:1 FAR per use in landmark. • Office in Central City: 60,000 SF or 1:1 FAR if 33% of floor area devoted to "development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods," including "digital or electronic goods" 		Generally not allowed. Houseboats allowed with CU. Living quarters for one caretaker per site allowed by right.
	IG2		4 uses per site limited to 3,000 SF per use. More than 4 uses and up to 25,000 SF or 1:1 FAR per use through CU (60,000 or 2:1 per use in landmark)		
	IH		4 uses per site limited to 3,000 SF per use. More than 4 uses and up to 12,000 or 1:1 FAR per uses through CU (25,000 or 2:1 per use in landmark)		

Target Industry / Commercial Uses in the CES IG1 Zone

The IG1 zone, together with the IG2 and IH zones, implement the City's Industrial Sanctuary Comprehensive Plan designation. These zones provide areas where most industrial uses may locate, while other uses are restricted to prevent potential conflicts and preserve land for industry. Because housing is generally considered to be the most incompatible use in industrial areas, residential uses are all but prohibited in all three industrial zones (the exceptions are conditional use allowances for houseboats and provisions for caretakers' residences). The IG1 zone is generally found in the city's older industrial areas, such as the CES, where a grid block

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pattern and smaller lots are prevalent and land is mostly developed. IG1 areas also generally have higher building coverages than IH and IG2 areas.

While nonindustrial uses are sharply limited in the IG1 zone, there are several provisions allowing such uses in certain circumstances, some of which are unique to the Central City (including the CES). Taken together, these regulations provide a significant means by which the targeted office-intensive and office-like industrial uses may locate in the district. Note that the IG1 commercial provisions discussed below apply to “stand alone” or primary office and retail uses; accessory uses are not subject to these limits, as discussed in the accessory and headquarters allowances section that follows this section.

The existing commercial use regulations for the IG1 zone in the Central Eastside are discussed below. A table summarizing these provisions follows at the end of the section. A flow-chart is also included that brings together the various office use regulations for the IG1 zone into a generalized “decision tree” that illustrates how development review staff would determine if an office use was allowed in the CES.

By-right Small Commercial

One retail or office use of up to 3,000 square feet is allowed by-right per site. No special approvals are needed for these uses. More than one such use on a site, or uses larger than 3,000 square feet, would require a conditional use approval (see below). Although this provision is intended to allow small commercial businesses that serve the needs of the local industrial area, there is no neighborhood-serving test or condition applied to these small uses. Businesses from within the target industry groups with very small space needs—under 3,000 square feet—whose primary activities clearly fall into the office or retail use categories and have no industrial component are thus allowed under the current zoning. For instance, a small graphic design firm whose services are oriented to the general public, or a small art gallery, could locate in the CES with little difficulty from a zoning perspective.

The provision requiring conditional use approval for more than one office or retail use per site may present obstacles to the redevelopment of older industrial buildings that have large internal spaces that could be divided into smaller units. This IG1 standard is more restrictive than in the other two industrial zones (IG2 and IH), where up to four retail or office uses per site are allowed without triggering a conditional use review.

Conditional Use Industrial-Serving Commercial

Retail Sales and Service uses up to 25,000 square feet or a maximum FAR of 1:1 (2:1 in a historic landmark) are allowed when approved through a conditional use review process. Office uses up to 60,000 square feet or a maximum FAR of 1:1 (2:1 in a historic landmark) are allowed when approved through a conditional use review process. Note that the 60,000 square foot office provision is unique to the Central City; office uses in IG1 districts in other parts of the city are generally limited to 25,000 square feet (or 60,000 in a landmark). In this respect, the Central Eastside already has increased flexibility for office-intensive uses, compared to other industrial districts.

Conditional use reviews are discretionary decision-making processes where specific criteria must be met before a certain use is allowed on a site. Conditional use applications may be denied, approved or approved with conditions that mitigate for potential negative impacts of the proposed use. The standard conditional use approval track for office and retail uses in the IG1 zone that is available citywide, including within the CES, involves fairly high standards for

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approval, commensurate with the policy goal of restricting nonindustrial uses in industrial areas. The approval criteria require that the applicant demonstrate that:

- The use will not have significant adverse effects on nearby industrial uses;
- The transportation system is capable of supporting the proposed use in addition to existing uses;
- The use will not significantly alter the industrial character of the area;
- Designated scenic resources are preserved; and
- The use needs to be in an industrial area because industrial firms and employees constitute its primary market.

This last approval criterion is perhaps the most restrictive. Sometimes referred to as “Condition D,” this criterion has been cited by CES stakeholders as the most difficult zoning hurdle in siting nonindustrial uses in the IG1 portions of the Central Eastside. In practice, office- or retail-intensive target businesses that are not clearly classifiable as industrial uses (and thus allowed by right in the IG1) will not generally be approved using this approval track if their customer base and users are not clearly limited to those in the immediate area or to industrial firms in general. For instance, an application for a 30,000 square foot office facility for a firm that develops desktop publishing software would probably not be able to demonstrate that the facility needs to be in an industrial area. However, there are other office provisions available that do not require satisfying this criterion, discussed below.

“Digital Production” and “Industrial Office” Allowance

An alternative approval track for office or office-intensive industrial uses in the IG1 zone is available in the Central Eastside. These Central City Plan District provisions, found in sections 33.510.113 and 33.815 126 of the Zoning Code, allow office uses up to 60,000 square feet through a conditional use review, if they contain characteristics of manufacturing businesses. The approval criteria require that the applicant demonstrate that:

- The use will not have significant adverse effects on nearby industrial uses;
- The transportation system is capable of supporting the proposed use in addition to existing uses;
- Designated scenic resources are preserved;
- The nature of the business does not require customers to visit the site to purchase goods; and
- 33 percent of the floor area is dedicated for the development, testing, manufacturing, processing, fabrication, packaging, or assembly of goods and where the definition of “goods” explicitly includes “electronic or digital products such as internet home pages, computer software, advertising materials, and others.”

Significantly, the regulations *do not* require that development proposals demonstrate that the use needs to be located in an industrial area because industrial firms or employees constitute

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the primary market for the use. In order to mitigate for potentially negative traffic impacts on nearby industrial activity, they do stipulate that customers not generally be required to visit the site.

This "digital production" industrial office allowance was adopted in 1999 to provide opportunities in Central City industrial areas for businesses that contain both an office and a manufacturing component. It provides a focussed means for creative services, "new economy" and other firms to locate in the Central Eastside. Many target industry businesses should be able to take advantage of this provision including those in creative services and software development. Theoretically, a target business, for instance a software developer or a multi-media internet content provider, could use this provision to locate a 60,000 square foot office facility in the CES, as long as 33 percent of the floor area was dedicated to the actual development or "manufacture" of "electronic or digital products" (as opposed to, say, back office activities like accounting or human resource development, which may constitute the other 67 percent). Another example would be an office-intensive research and development facility where at least 33 percent of its floor area was devoted to constructing prototypes of manufactured products.

This existing focussed means for allowing specific kinds of office-intensive or office-like industrial uses in the CES, could potentially be amended to better meet the development vision expressed by CES stakeholders, for instance by making the provision available to developments by-right (obviating the need for the expense and uncertainty of a conditional use review) or revising the descriptions of the allowed uses to encompass more (or fewer) types of businesses.

Restrictions on Configuration of Commercial Uses on a Site

The existing office and retail use regulations for the IG1 zone in the CES include the following standards :

- Requirement for conditional use approval for more than one office or retail use *per site*;
- Prohibition of office *uses* larger than 60,000 square feet or a 1:1 floor area ratio (FAR); and
- Prohibition of retail *uses* larger than 25,000 square feet or a 1:1 floor FAR.

These provisions restrict both the amount and configuration of office development *within* a particular development site. For example, the uses-per-site restriction would require a conditional use review for development of two 1,500 square foot office spaces on a site while a single 3,000 square foot office would not require such a review.

The 1:1 floor area restriction imposes a proportional size limit that differentially restricts office and retail development *within* sites. For example, no more than 5,000 square feet of stand-alone office could be approved on a 5,000 square foot lot, while 50,000 square feet of office could be approved on a 50,000 square foot lot.

Together these regulations have the effect of regulating the internal arrangement of commercial spaces and limiting the amount of commercial space relative to the overall size of the site. These requirements may restrict desired development particularly on smaller sites (which predominate in the CES) and existing buildings with larger internal spaces that could be subdivided to accommodate smaller office-intensive uses, for instance on underutilized upper stories.

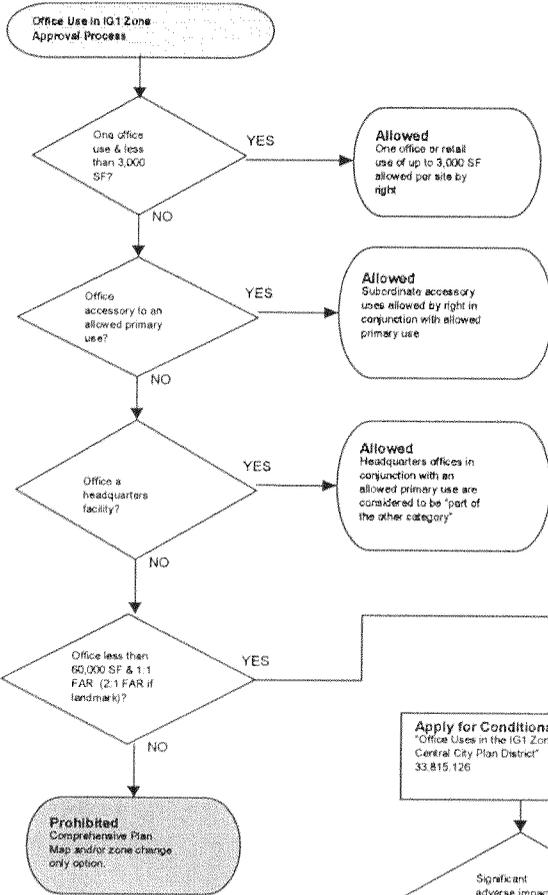
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Summary of Existing IG1 Zone Office and Retail Use Allowances in the CES

#	Provision	Amount
Total amount of office and retail		
1	<p>ALL STAND-ALONE OFFICE AND RETAIL One retail or office use allowed by-right <i>per site</i>, conditional use approval required for more than one;</p> <p>Prohibition of non-accessory and non-headquarters <u>office uses</u> larger than 60,000 square feet or a 1:1 floor area ratio (2:1 in landmark);</p> <p>Prohibition of <u>retail uses</u> larger than 25,000 square feet or a 1:1 floor area ratio (2:1 in landmark).</p>	<p><u>Office</u> 60,000 sq. ft.</p> <p><u>Retail</u> 25,000 sq. ft.</p>
Office allowed by-right		
2	GENERAL OFFICE:	3,000 sq. ft.
3	<p>ACCESSORY OFFICE: Must be <i>accessory</i> to industrial uses meaning "subordinate" and "clearly incidental" to an allowed industrial use on a site.</p>	No specific limit but must be subordinate and incidental
4	<p>HEADQUARTERS OFFICE Must be in conjunction with, or adjacent to, an industrial use.</p>	No specific limit
Office allowed by conditional use (c.u.)		
5	<p>INDUSTRIAL SERVING OFFICE Must demonstrate that the office use will not significantly alter the industrial character of the area and that it needs to be in an industrial area because industrial firms and employees constitute its primary market.</p>	60,000 sq. ft.
6	<p>INDUSTRIAL OFFICE: Must have at least 33 percent of use devoted to either traditional manufacturing or processing or to "digital production," such as software and web development.</p> <p>Must demonstrate that they will not have significant adverse effects on nearby industrial uses and that the nature of the business does not require customers to visit the site.</p>	60,000 sq. ft.
Retail allowed by-right		
7	GENERAL RETAIL	3,000 sq. ft.
Retail allowed by conditional use (c.u.)		
8	<p>INDUSTRIAL SERVING RETAIL Must demonstrate that the retail use will not significantly alter the industrial character of the area and that it needs to be in an industrial area because industrial firms and employees constitute its primary market.</p>	25,000 sq. ft.

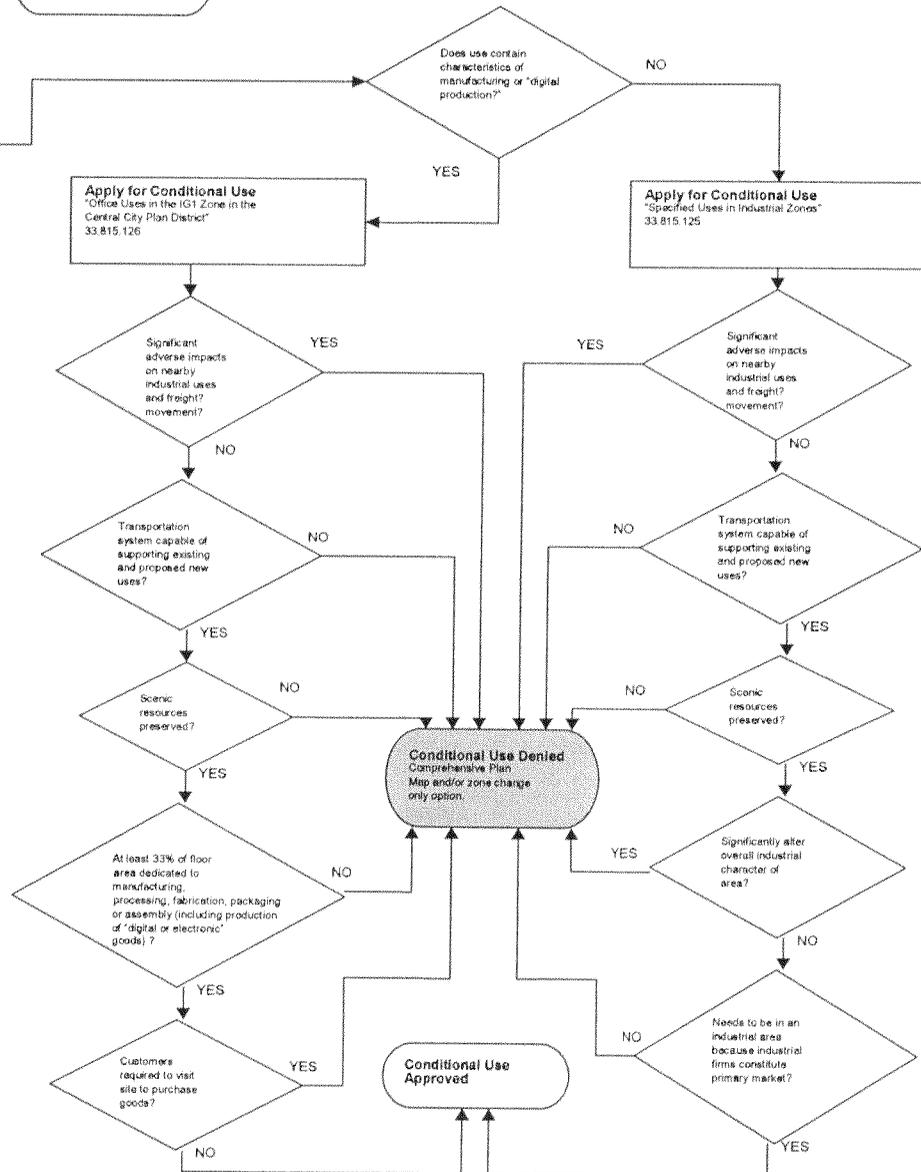
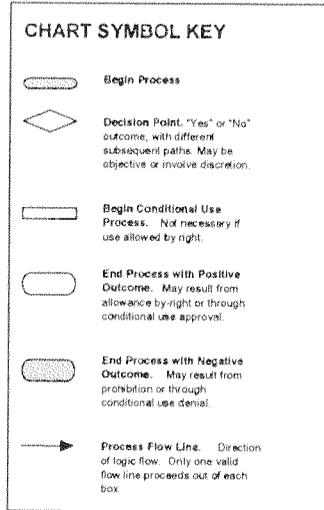
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Begin Here



Generalized Decision Process for Determining Whether an Office Use is Allowed in the IG1 zone in the Central City

This flow chart illustrates key decision points and criteria for determining whether proposals for new office development are allowed in IG1 zoned areas of the Central City plan district (including the Central Eastside). Note that other potentially applicable regulations are not represented here. These include, for example, other zoning regulations such as development standards and overlay zone requirements, as well as building code requirements.



Portland Bureau of Planning

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Target Industry / Commercial Uses in the EG Zones

The General Employment (EG) zones are intended to provide a wide variety of employment opportunities without conflicts caused by interspersed residential uses. The emphasis is on industrial and industry-related uses, but flexibility for commercial uses is provided. About six percent of the Central Eastside is in EG designations, including about half of the DOS area.

EG zones have significant allowances for office uses, up to 1:1 FAR or 2:1 FAR in a historic landmark *per site*. Retail uses are allowed up to 60,000 square feet or 1:1 FAR *per site* (2:1 FAR in a landmark). Larger retail developments may be allowed with a conditional use approval if it is demonstrated that the proposal will not have significant adverse effects on neighboring employment uses or significantly alter the "overall desired character of the area, based on the existing mixture of uses and the effects of incremental change." Housing is allowed in the EG zones as a conditional use, if it is demonstrated that the proposed development limits conflicts with employment and industrial uses and the residential use will be buffered from potential nuisances from employment and industrial activity.

Target industries that clearly fit within an industrial land use category are largely unhindered from locating in the EG zoned areas of the CES, from a zoning perspective. Office-intensive and office-like target businesses that are classified as office land uses may locate in the district as long as the use, in combination with other office uses on the same site, amount to a no more than a 1:1 maximum FAR (2:1 in a landmark). This allowance is by-right, however there is no option for larger office uses through a conditional use permit.

Some Central Eastside stakeholders and others have indicated that the 1:1 FAR office limitation is perhaps too low for employment areas within the Central City, where intensive use of land is generally encouraged.

Target Industry / Commercial Uses in the EX zone

EX is the most flexible employment zone, allowing a broad range of uses including industrial, commercial and residential. Most, if not all, of the target activities and industries are allowed by-right in the EX zone. There is no limit for retail or office uses beyond the absolute height and FAR limits applied to a site, which range as high as 9:1 in the Central Eastside. About a quarter of the CES is designated EX, primarily along the district's main streets.

To a greater extent than in most zones, the EX zone allows market factors to determine what particular use develops on a site. The zone allows uses to change over time as circumstances change. Conversely, this flexibility creates a greater degree of uncertainty and, absent other tools, will allow higher-value uses to displace lower-value uses. Although industrial uses are allowed, it is expected that, over time, they could be displaced by commercial and housing development that pays higher rents per square foot of land. Such a transformation is evident in the River District, where industrial land was rezoned to EX in the 1990s.

Accessory Use and Headquarters Office Allowances

The more-or-less strict and clearly defined limits on nonindustrial uses in industrial and employment zones are eased by two other zoning provisions available in certain circumstances. These are the allowances for accessory nonindustrial uses and the headquarters office

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exception. Together, these existing allowances provide significant, although limited, opportunities for office-intensive industrial and industrial-like uses in the CES (they are also available in other industrial and employment districts).

The accessory use provisions are common-sense allowances for uses that are “subordinate” and “clearly incidental” to an allowed primary use on a site. This provision allows “nonindustrial” activities that are integral and supportive components of industrial operations. Examples include management and accounting offices supporting a manufacturing facility or showroom space that is associated with manufacturing or wholesale activities and does not have a primarily retail-oriented character.

Accessory uses are generally allowed by-right and do not require any additional land use review procedure. While there is no absolute or relative limit to the amount of the accessory use allowed, they do need to meet the discretionary “subordinate” and “clearly incidental” test. Factors used in determining whether an activity is an accessory or primary use include the relative amount of floor space or equipment devoted to the activity and whether the activity would be likely to be found independent of other activities on the site.

Another code provision, known as the “headquarters office exception” states that “headquarters offices, when in conjunction with or adjacent to a primary use in another category, are considered part of the other category.” In other words, headquarters offices associated with an industrial use are considered to be industrial uses and not offices. This provision provides a great deal of flexibility for extensive office activities associated with industrial uses, because there is no stated limit to the amount of the headquarters office use allowed. This is a powerful economic incentive tool, and, though infrequently utilized, has resulted in some significant office developments in industrial zones, for instance the Fred Meyer offices in Southeast Portland and the Consolidated Freightways (now CNF, Inc.) offices in Northwest Portland.

However, both of these allowances involve a fair degree of regulatory uncertainty for developers and have significant limitations. For instance, firms may be dissuaded from building headquarters or accessory office facilities because of the inability to legally lease those offices to nonindustrial third-party tenants. In addition, the lack of a precise definition of what constitutes a “headquarters” creates some uncertainty about when the provision is applicable.

Building Code and Seismic Upgrade Issues

Though beyond the scope of this study, it is important to note that some Central Eastside stakeholders stated that building code regulations are in many cases more significant barriers to redevelopment than zoning controls. This issue is especially relevant in adaptive reuse situations with older and historic buildings. For example, costs for seismic upgrades required when a build occupancy changes from, say, a warehouse use to an office use, can often be high enough to preclude the desired changes, even when the zoning itself may not be a problem.

The Bureau of Development Services (BDS) and the Rehabilitation Code Task Force are currently developing “Building Code Guides” for existing and historic buildings that identify acceptable alternative methods for meeting Building Code requirements and existing means for appealing certain standards that are difficult for existing or historic buildings to meet. The guides will also clarify how BDS treats changes in occupancy in older buildings that were classified under now obsolete occupancy/use schemes and that sometimes face difficulties

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when applying for alterations, additions or use changes under the current Building Code. BDS and the Task Force may also be reviewing Building Code thresholds, such as dollar values for building upgrades and changes in occupancy, that “trigger” costly code compliance requirements, such as seismic upgrades. In addition, because office activities typically pay higher rent per square foot than manufacturing or warehouse uses, any zoning code amendments that facilitate more office-intensive uses will have positive effects to the extent that the higher rents can better offset upgrade costs.

Conclusions

The ECONorthwest *Market Analysis* identified three broad categories of businesses that are likely to find the CES attractive and that will further the vision for increased employment, accommodation of the “new urban economy” and preservation of the existing industrial fabric of the district. The first group includes primarily industrial sectors (e.g. specialty metal fabrication and stone/clay/glass manufacturing) that face few zoning barriers in the CES. The two other groups include “industrial-serving” firms (e.g., engineering, certain kinds of contracting, etc.) and “industrial-like” service firms (e.g., creative services and software development). Many of the firms associated with these sectors, as well as some technology businesses that might belong in first group, have significant office needs. Under some circumstances, existing Industrial Sanctuary zoning provisions designed to sharply limit commercial uses could be problematic for these office-intensive and office-like industrial businesses.

However, overall, zoning does not appear to be a *major* barrier to locating target-sector businesses in the district. This is supported by the fact that many of these kinds of firms are already located there. They face few zoning barriers in the EX and EG zones and there are several zoning tools available for locating office-intensive uses, even in the IG1-zoned area. These include accessory and headquarters office allowances and Central City Plan District provisions adopted in 1999 for certain office-intensive manufacturing and “digital production” uses. So, too, there may be greater flexibility than is commonly perceived in defining development proposals as industrial uses.

The limits to the circumstances and the amounts in which some of the desired activities could be located in the district may discourage some target firms from locating in the Central Eastside’s IG1 area, in certain circumstances. For instance, some industrial-serving office-based firms (e.g., architecture and engineering companies) that do not meet the definition of “digital production” could not generally occupy spaces larger than 3,000 square feet in the IG1 zone, unless they were able to demonstrate that their primary market is industrial firms and employees.

The means by which office-intensive uses might seek zoning approval in the CES generally involve a great deal of code interpretation, and thus uncertainty. For example, a fine line must be drawn between creative service firms (e.g. multimedia and advertising work), and other service firms (e.g. management consultants that produce reports for clients), where both kinds of uses’ primary activities are essentially all done on a computer. Which firms meet the criteria for “digital production” may not be obvious.

Developing office or office-like space under the industrial zoning provisions also involves a fairly high level of “regulatory process,” for example a conditional use review, which involves public notification, hearings and significant expenses. The land use review process, while intended to

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protect the viability of industrial businesses in the district by subjecting nonindustrial development to public review, may discourage some desirable development activity. This may be particularly true for smaller projects, which may not be able to pay the costs in time or money to navigate the zoning process—especially when the outcomes are uncertain. Desirable firms may seek other locations where the zoning framework is more simple and clear.

From a broad perspective, though, it is important to keep in mind that existing commercial restrictions help to implement existing Industrial Sanctuary policies and serve to limit large-scale commercial development that is inconsistent with the vision for the CES and that could threaten its long-term viability as an industrial district.

Identified zoning barriers that could be addressed through targeted zoning code amendments that would support the emerging vision for the district and be consistent with existing policies include:

- Uncertainty and expense associated with commercial allowances that require a conditional use review (as opposed to by-right allowances), such as the “digital production” provision, that may particularly discourage smaller firms;
- Restrictions on the configuration and amounts of commercial uses allowed within sites that restrict office-intensive developments on the large number of small sites and existing buildings in the district; and
- Need for a clearer definition of “digital production” uses, to help differentiate them from undesired office uses that also produce “digital goods” (e.g. consulting firms and accountants) and for a more direct correspondence with desired uses.

Recommended Zoning Amendments

The Bureau of Planning recommends a focussed legislative planning project in the Central Eastside to create greater, but limited, flexibility in the IG1 zone for certain kinds of industrial activities that have significant office components or office-like characteristics. The recommended general approach is to amend the existing Central City Plan District regulations, which would provide the opportunity to craft district-specific zoning tools that respond to the unique conditions and policy goals of the CES. Zoning amendments would be applied only to the CES, or a part of the CES. This approach limits the scale of any changes (and thus of any unintended consequences) and eliminates the need for a broad-based citywide process to amend the Comprehensive Plan, as would be necessary to create a new Industrial Sanctuary zoning designation (e.g. the “IX” proposal drafted by Central Eastside Industrial Council). The recommended focussed zoning project can be completed in nine months and would commence in winter 2003/2004.

Planning staff recommends pursuing the following specific amendments:

1. **Action: Allow “digital production” industrial office uses up to 10,000 square feet by-right (as opposed to requiring a conditional use review)**¹. “Digital production” industrial

¹ The existing “digital production” provision allows office uses in the IG1 zone up to 60,000 square feet if 33 percent of the floor area of the proposed use is dedicated to either traditional manufacturing and processing activities or those that produce “electronic or digital products such as internet home pages, computer software, advertising materials and others.” This provision was adopted in 1999 to allow some flexibility for “new economy” business activities and creative services in Central City industrial areas.

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office uses larger than 10,000 square feet would still require conditional use approval. The definition of “digital production” would also be refined and possibly expanded to best fit the targeted activities and to facilitate zoning implementation and enforcement. Any office use could take advantage of this allowance if at least 33 percent of the proposed use’s floor was dedicated to traditional manufacturing or processing activities, as in the existing conditional use “digital production” provision.

Discussion: This approach is consistent with the goal of allowing more flexibility for certain office-intensive uses in the district while working within the broad “new urban industry” theme. This action does not increase the overall cap for office uses, which would remain at 60,000 square feet (see recommendation 2, below). This limit is retained in order to lessen the potential for negative impacts from large commercial uses on existing industrial operations. Because its scope is limited, this change also serves to preserve the overall industrial character of the district.

Research indicates that space demands are relatively small for many firms in the target sectors, particularly the creative services and some software development businesses. CES stakeholders have also indicated that demand for small, flexible spaces that can accommodate commercial and commercial-like uses is strong. Firms with very large space and land demands are not likely to find the CES attractive anyway. However, many creative service and software firms are likely to need more than the 3,000 by-right office allowance, especially as they need space to expand.

These smaller target firms are often start-ups companies with limited access to capital and/or tight budgets and narrow timelines. Thus eliminating the costs, delays and uncertainties associated the conditional use process will increase the attractiveness of the district to a significant number of potential firms. Facilitating smaller office-intensive industrial firms is also consistent with the *Central City Plan* objective of supporting incubator industries in the CES.

The definition of “digital production” industrial offices will also need to be clarified if a by-right allowance is created for these uses. A clear means for distinguishing these uses from other office-intensive or office-like uses that create information digitally, for instance accountants and consulting firms, but that do not fit the intent of the “new urban industry” vision will be needed. In addition, a means for distinguishing “digital production” industrial office uses from similar uses that are currently classified as industrial services (which are allowed *by-right with no size restrictions* in the IG1 zone) will need to be established, in order to avoid any unintended restrictions on desired uses already allowed in the IG1 zone.

- 2. Action: Limit the total amount of non-accessory and non-headquarters offices to 60,000 square feet per site, while removing restrictions on the number and size of individual office uses allowed per site.** That is, the sum of the floor areas of all non-accessory and non-headquarters office uses on a site, whether allowed by-right or through a conditional use (including “digital production” industrial office uses), must not exceed 60,000 square feet.

Discussion: The current standard for the IG1 zone in the CES requires conditional use approval for more than one office use per *site* and prohibits office uses larger than 60,000 square feet or a 1:1 floor area ratio (FAR). The amendments would remove these restrictions on the amount and configuration of office development within a

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particular development site, while retaining an *overall limit* of 60,000 square feet of stand-alone office on the site. In other words, the floor area of all individual office uses (other than accessory or headquarters offices) can total no more than 60,000 square feet per site.

The existing 1:1 floor area ratio restriction imposes a proportional size limit that differentially restricts office-intensive developments on small sites. For example, no more than 5,000 square feet of office could be approved on a 5,000 square foot lot, while 50,000 square feet of office could be approved on a 50,000 square foot. This may have the effect of encouraging new development in the Central City at less than desirable densities. The amendment would remove the disincentive for urban-scale development and facilitate development and redevelopment on the smaller sites that predominate in the district.

Removing the FAR limit and limiting overall office size by site will facilitate redevelopment of existing structures that contain larger spaces that could be subdivided to accommodate smaller office-intensive industrial uses, for instance on underutilized upper stories. This provision allows for small aggregations of complementary businesses and activities. The overall 60,000 square foot limit still provides an absolute limit on the size of an individual office use and is applied to the entire site. This limit lessens the potential for negative impacts from large commercial developments on existing industrial operations.

An alternative approach suggested by some stakeholders would be to increase the size limit (or set no specified upper limit) for “digital production” industrial office uses allowed through conditional use. This might be justified to the extent that these uses may be thought of—and defined in the code—as “industrial” as opposed to “office.” In this scenario, the conditional use approval criteria would need to be carefully crafted to ensure that large “digital production” industrial office uses, while approvable, would not significantly threaten or disrupt industrial operations in the district, if approved.

- 3. Action: Reduce or eliminate existing conditional use retail use allowances, which currently permit retail uses up to 25,000 square feet.** The existing by-right retail allowance of 3,000 square feet would be retained or perhaps slightly increased.

Discussion: This amendment is intended to reinforce the existing MLK/Grand corridor (zoned EX) as the appropriate location for retail activity. It would also help preserve industrially-zoned land and buildings for industrial employment uses, while still providing for small supportive retail uses. “Retail-like” activities, such as industrial showrooms, are already allowed under existing industrial zoning. This amendment is supported by stakeholder comments that, by definition, there are no large “industrial-serving” retail uses that required a location in a strictly industrial area, especially where there is appropriately zoned land is nearby, e.g. along MLK/Grand.

- 4. Action: Explore increased allowances for retail and office uses in designated historic landmarks in the industrial and employment zones.**

Discussion: Preservation of the existing industrial character of the Central Eastside is an important element of the development vision. In addition, CES stakeholders and others have noted that the area’s “edgy,” urban feel is part of what defines it as a distinct place. While preserving industrial land uses is a central objective, preserving and

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adapting the district's stock of existing and historic industrial structures is also of critical importance for the character and feel of the district. Increasing the flexibility for nonindustrial uses in historic landmarks will provide incentives for their long-term preservation by allowing additional uses that could potentially generate rents needed to pay for required upgrades, improvements and maintenance.

Helping to preserve the district's historic structures with increased use flexibility will enhance its distinct urban character—a comparative advantage that makes the CES attractive to several of the targeted sectors, including creative services and the rehab/home improvement cluster.

5. **Action: Explore creating minimum parking requirements for new commercial development** in order to mitigate impacts on truck and freight access and circulation.

Discussion: Existing traffic and parking problems in the CES could intensify if higher-density employers move into the CES. More employees per square foot means more vehicles needing a place to park. New development in the Central Eastside is not currently required to provide a minimum number of parking spaces (this is true in all of the Central City, consistent with policies intended to reduce reliance on the automobile). If new development does not provide on-site parking, employees will be forced to park on the street, potentially creating new conflicts with trucks and freight movement. While transit has the ability to partially mitigate for this, existing transit options within the CES are limited primarily to the MLK/Grand corridor. Streetcar and light rail services, while planned for the future, are still somewhat uncertain and have the potential to create conflicts with industrial uses as well.

Addressing the district's parking issues will require multiple strategies. These may include: identifying and prioritizing appropriate streets for on-street parking versus truck access; on-street parking management such as permit programs; and public development of off-street parking to serve new and existing uses. Potential zoning amendments that should be considered in conjunction with the new use provisions discussed above include creating minimum parking space requirements for new commercial development. This could reduce the incidence of employee and customer parking on the street, (and marginally the amount of "circling" as drivers search for parking) and thereby reduce the potential for conflicts with trucks and freight movement and loading.

Additional analysis and public outreach is needed before pursuing this option because parking in the CES is governed by the policies of the *Central City Transportation Management Plan*, which is a component of the city's *Comprehensive Plan*.

The Zoning Package

The zoning framework created by the proposed amendments, together with the existing regulations, would include multiple means for locating the target activities and industries in the IG1 portions of the district. These zoning provisions are summarized in the table that follows. The table does not include new provisions for historic landmarks or parking standards, as additional analysis and public outreach is necessary prior to firm recommendations.

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The proposed zoning package incrementally expands the by-right allowances for smaller office-like uses—from 3,000 square feet to 10,000 square feet—in situations where the proposed use contains characteristics of manufacturing or meets the definition of “digital production” industrial office. These uses would be allowed up to 60,000 square feet through conditional use review. The existing 60,000 square foot conditional use allowance for offices whose primary market is industrial firms and that do not threaten the overall industrial character of the area (among other conditions) is retained. The existing prohibition of stand-alone, non-accessory, non-headquarters offices over 60,000 square feet is also preserved.

This proposal increases flexibility and reduces uncertainty for smaller target business, such as in the creative services. It also liberalizes restrictions on the internal configuration of office uses within sites and thereby facilitates redevelopment of vintage industrial buildings that are not well suited for most 21st century industrial production but are of an aesthetic and scale that would work for office or office-like space. These existing and historic buildings are critical to the urban character of the CES—one of the chief assets that make the district appealing to many of the target business sectors

This package *does not* increase allowances for general commercial uses that have no linkage to industrial activity. This is based on several factors. One is the belief expressed by stakeholders that industrial firms engaging in commercial activities in addition to their industrial activities, would be a “better neighbor” for other industrial firms. They would presumably have more of an understanding of the needs and characteristics of industrial operations and would be less likely to complain about impacts from industrial activity.

A second factor is that CES stakeholders want new services and offices to be primarily industrial-serving, in order to keep the industrial character of the area and to build on its existing strengths. This occurs naturally if the office and retail uses occur within an industrial firm.

The third factor is the danger of price pressure on industrial land and building space if the CES were opened up to all types and sizes of office and retail uses, regardless of their linkage to industrial firms. The requirement that stand-alone retail and office uses be small-scale or linked to industrial activity would result in less danger of existing users being priced out of the area.

The amendments provide a clearer approval path and greater flexibility especially for smaller office-intensive and office-like uses. In part, this is because of the desire for a limited scope to any zoning changes and the protection of the overall industrial nature of the CES. It is also because the total space needs of many of the target firms are modest, even if their office requirements are proportionally high in relation all their activities combined. While many firms may require more than the 3,000 square feet of office space currently allowed, they may not be large enough to satisfy any requirements dealing with single-tenant share, as in initial drafts of the “IX” zone proposal prepared by the Central Eastside Industrial Council which would allow offices greater than 3,000 square feet only if the building was at least 60% occupied by a single tenant. Under this rule, small creative services firms with a need for more than 3,000 square feet of office would have to be included in a development that had another large user that could meet the requirement.

The amendments attempt to balance reducing uncertainty with the need to preserve regulatory flexibility in specific situations. For example conditional use review is eliminated for smaller “digital production” uses but retained for larger office uses where a closer examination of the use’s impacts is appropriate and applying conditions of approval to mitigate those impacts is desirable.

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Summary of Recommended Zoning Package for the IG1 Zone in the CES

#	Provision	Amount	Existing	Proposed
Office allowed by-right				
1	GENERAL OFFICE:	3,000 sq. ft.	X	
2	INDUSTRIAL OFFICE: Must have at least 33 percent of the use devoted to either traditional manufacturing or processing, or to "digital production," such as software and web development.	10,000 sq. ft.		X
3	ACCESSORY OFFICE: Must be <i>accessory</i> to industrial uses meaning "subordinate" and "clearly incidental" to an allowed industrial use on a site.	No specific limit but must be subordinate and incidental	X	
4	HEADQUARTERS OFFICE Must be in conjunction with, or adjacent to, an industrial use.	No specific limit	X	
Office allowed by conditional use (c.u.)				
5	INDUSTRIAL SERVING OFFICE Must demonstrate that the office use will not significantly alter the industrial character of the area and that it needs to be in an industrial area because industrial firms and employees constitute its primary market.	60,000 sq. ft.	X	
6	INDUSTRIAL OFFICE: Must have at least 33 percent of use devoted to either traditional manufacturing or processing or to "digital production," such as software and web development. Must demonstrate that they will not have significant adverse effects on nearby industrial uses and that the nature of the business does not require customers to visit the site. An alternative approach would allow a larger--or unlimited--amount of "digital production" industrial office through conditional use.	60,000 sq. ft.	X	
Total amount of by-right or c.u. office				
7	TOTAL AMOUNT OF OFFICE The <i>total</i> amount of <u>non-accessory</u> and <u>non-headquarters</u> office must not exceed 60,000 square feet <i>per site</i> . There would be no restrictions on the size or number of individual office uses on the site. In other words, the floor area of all individual office uses allowed under provisions 1,2,5, and 6 can total no more than 60,000 square feet per site. An alternative approach would allow a larger--or unlimited--amount of "digital production" industrial office through conditional use.	60,000 sq. ft.		X
Retail allowed by-right				
8	GENERAL RETAIL	3,000 sq. ft.	X	
Retail allowed by conditional use (c.u.)				
9	INDUSTRIAL SERVING RETAIL Reduce or eliminate existing conditional use provisions for retail uses up to 25,000 sq. ft.	0 sq. ft.		X

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Overall, these code amendments are intended to increase employment density, encourage reuse of existing buildings, and facilitate managed change while retaining the fundamental employment and industrial character of the district. The modest scope of the envisioned amendments will provide new opportunities in the district while also limiting the risk of negative impacts to existing industrial businesses and potentially overloading the transportation and other and other infrastructure systems in the district.

Other Options Considered

Additional zoning code concepts that were considered as part of this study are listed below. These are not recommended options at this time, but could be further examined as part of the next phase of this project.

1. **Option:** Raise by-right *general* office and retail allowance in IG1 zone (current limit is 3,000 square feet).

Reason Not Recommended: The existing 3,000 general allowance is intended to allow the flexibility to locate small office and retail uses that can serve the needs of the nearby area. The recommended amendment to the “digital production” office allowance provides a more targeted approach to allowing specific types of office-like uses that fit within the district’s evolving vision. If increases in the by-right general commercial allowances were to be pursued, consideration should be given to limiting them to designated landmarks.

2. **Option:** Raise 1:1 FAR maximum by-right office allowance or create conditional use provisions for larger office uses in EG zones.

Reason Not Recommended: While some public input suggested that larger office allowances were desirable in the EG zones, other stakeholders felt changes were not necessary. While EG1 and EG2 zoning (corresponding to the Mixed Employment Comprehensive Plan designation) accounts for only a small portion of the district, raising the office allowance could result in significant transportation and other impacts to localized portions of the district. Even under the existing EG office allowance, assuming 85 percent building coverage, the theoretical office potential in the existing Mixed Employment lands amounts to over 1.3 million square feet. Additional analysis is needed prior to pursuing these options.

3. **Option:** Comprehensive Plan and Zoning Map changes, for instance rezoning some IG1 land to EG1 or EX.

Reason Not Recommended: No overall zoning map patterns were identified as requiring immediate changes as part of this study. Staff recommends preserving the general pattern of predominant industrial zoning in the CES, with mixed-use zoning along major corridors. Small, strategic zoning map changes could potentially be considered as part of the next phase, however available resources preclude a broad-based reanalysis of the district’s zoning map.

4. **Option:** Create a new “Work/Live” allowance for industrial zones

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Reason Not Recommended: The concept of allowing “work/live” space for artists, craftspeople and others did have some, but not universal, support among stakeholders. Many feel strongly that residential uses generally pose the greatest threat the long-term preservation of the industrial and employment emphasis in the district. It was also pointed out that there are ample opportunities for work/live arrangements in the EX-zoned portions of the district. If this option were to be pursued, consideration should be given to limiting it to existing buildings or designated landmarks.

5. **Option:** Revise citywide industrial land use category definitions to reflect changes in the industrial economy.

Reason Not Recommended: An issue underlying the ongoing regional discussion about industrial land policy involves the changing nature of industrial activities and how to define “industrial” in the context of broad shifts in the global economy. This is a fundamental question with far-reaching ramifications for the city’s economic policies and its future economic health. However, addressing this issue from a citywide perspective is beyond the scope of this project, and is more appropriately addressed by the other ongoing industrial planning efforts underway, such as the Citywide Industrial Lands Assessment and the planned Zoning Code “Rethink” project.

6. **Option:** Create a new citywide industrial zoning designation that increases flexibility for commercial uses in the industrial sanctuaries.

Reason Not Recommended: The Central Eastside Industrial Council, following up on a recommendation from the DOS report, has proposed a new “IX” zone that would implement the Industrial Sanctuary *Comprehensive Plan* Map designation, along with the existing IH and IG zones. The IX zone would include significant new allowances for office and retail activities within the Industrial Sanctuary. The zone would be available to any Industrial Sanctuary-designated property through a “zone change in compliance with the *Comprehensive Plan*.” This has profound implications for the City’s industrial lands and economic development policies and would constitute a significant change to the *Comprehensive Plan*. In addition, it would require a citywide planning process involving public input from stakeholders in other industrial districts as well as close scrutiny and approval by Metro and the State Department of Land Conservation and Development. A further complication would be coordinating such a process with the Metro Title 4 “Regionally Significant Industrial Areas” mapping and code compliance effort that is currently underway. This approach is beyond the scope of the current project.

Creating a broadly applicable citywide tool in order to achieve development goals specific to the Central Eastside could result in undesired outcomes in other industrial areas. Staff believes that the existing Central City Plan District provides the appropriate tool for implementing the limited changes envisioned for industrial zoning in the CES.

Some of the general concepts contained in the IX proposal do warrant additional discussion as part of the next phase of this project and could potentially be included in amendments to the Central City Plan District. These include:

- Modest increase in by-right retail allowances;
- Prohibition of some currently allowed uses in the IG1 zone that do not provide high density employment, e.g. self-service storage; and

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- New conditional use allowances for uses currently not allowed in the IG1 zone that provide research and training support to industrial uses, e.g. schools and colleges.

Other elements of the IX proposal, such as allowing office uses of unlimited size, when 60 percent of the floor area is occupied by a single tenant, are clearly inconsistent with existing Industrial Sanctuary policies and could easily lead to development patterns inconsistent with the development vision for the district.

Appendix A: Portland's Industrial Policy and Planning Framework

The Importance of Industry

Industrial activity is critical to the economy of the city and the region. Industry provides direct economic benefits, such as jobs and local tax revenues generated by industrial firms. For instance, industrial jobs tend to have above-average wages. Oregon Employment Department data indicate that, for the Portland metropolitan area, the average annual wage for manufacturing workers in 1999 was \$47,770; the average in nonmanufacturing sectors was \$32,078, a difference of over \$15,000. Wholesale trade paid an average annual wage of \$47,203 in 1999, well above the \$34,925 average for the region.

Industrial activity also has a number of indirect benefits, as well. These include jobs created to support industrial activity, such as insurance and financial services, and the complex cycles of spending and re-spending created by linkages between firms and industries. This results in the creation of jobs, income and wealth beyond that which is created by a firm or industry viewed in isolation. Many industrial activities, for instance manufacturing and production, generally have greater economic multiplier effects than other sectors of the economy, such as retail trade or government services. Industrial sectors, particularly manufacturing, also drive much of the innovation in today's economy, being responsible for a significant portion of private-sector research and development activity.

While industry clearly plays a critical role in the city's economic vitality, the concept of what constitutes "industry" and how to nurture it is changing. Major economic trends, such as the rise of information and knowledge-based economies and the relative decline of manufacturing in the United States have profound implications for industrial land use planning and public policy. These and other factors, such as improved productivity due to technological advances and increasingly sophisticated supply chain management, are part of far-reaching structural changes within the global economy. These changes affect regional and local demand for different types of industrial and commercial space in ways that are increasingly hard to predict. Our economic and industrial land policies need to be responsive to these changes if Portland is to maintain competitiveness in the national and global economies.

Regional Industrial Policy and Planning

Metro implements regional land use planning policies through the *2040 Growth Concept* and the *Urban Growth Management Functional Plan (UGMFP)*. Local land use planning is carried out within the framework of these plans and must be consistent with them. Regional industrial land use policy is implemented primarily through *UGMFP* Title 4: Industrial and Employment Areas. Recently updated, Title 4 requires jurisdictions to limit commercial uses in industrial areas and limits subdivision of large industrial tracts. The revised title creates a new category of industrial land, called "Regionally Significant Industrial Areas (RSIAs)." A process is currently underway by which Metro and local governments map their RSIAs and amend their zoning ordinances to comply with the more stringent requirements of Title 4. Because Portland's Industrial Sanctuary policies and zoning are already fairly strict, amendments to our zoning code are not expected to be extensive.

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Portland's Industrial Sanctuary Policy

Portland's *Comprehensive Plan*, adopted in 1980 and revised periodically, is a broad and inclusive expression of community values and aspirations that is intended to guide the growth and development of the city. The *Comprehensive Plan* includes citywide goals, policies, and objectives, but also includes: goals, policies, and objectives of neighborhood, community and area plans; a list of significant public works projects; street classifications; and a map of the city's desired land use pattern. Zoning is a major implementation tool for the *Comprehensive Plan*.

Like the *Comprehensive Plan* itself, Portland's "Industrial Sanctuary Policy" is not contained in any one place or document. A number of individual policies inform planning and investment involving industrial lands and business activities. These policies and their implementation measures are consulted and applied depending on the context of a particular situation, usually requiring a careful balancing of multiple, and sometimes apparently competing, objectives. Some of the more important *Comprehensive Plan* policies addressing industrial lands are compiled in the May 14, 2003 Bureau of Planning document *Portland Industrial Sanctuary Policies and Industrial Zoning Summaries*.

The fundamental idea underlying the City's industrial lands policies and regulations is relatively simple: provide for economic diversity and growth and ensure a range of employment opportunities by reserving strategically located portions of the city first and foremost for industrial land uses. This idea is encapsulated in *Comprehensive Plan* Policy 2.14:

Provide industrial sanctuaries. Encourage the growth of industrial activities in the city by preserving industrial land primarily for manufacturing purposes.

Comprehensive Plan Policy 10.4 defines the intent of the Industrial Sanctuary *Comprehensive Plan* Map designation:

This designation is intended for areas where City policy is to reserve land for existing and future industrial development. A full range of industrial uses are permitted and encouraged. Nonindustrial uses are limited to prevent land use conflicts and to preserve land for industry. The corresponding zones are General Industrial 1 (IG1), General Industrial 2 (IG2), and Heavy Industrial (IH).

Underlying these policies are two fundamental premises:

1. In an open market, other things being equal, industrial uses will be outbid by most other uses competing for the same piece of land; and
2. Industrial uses have impacts, such as noise, odors, and freight traffic that interfere with nonindustrial uses such as residences and nonindustrial uses have impacts, such as pedestrian traffic and activities associated with residential living, that can interfere with industrial operations.

The city implements the industrial sanctuary policy by segregating industrial uses from nonindustrial uses, primarily through the Zoning Map and regulations that limit the number and scale of nonindustrial land uses allowed within industrial districts. Industrial zoning regulations are discussed in more detail as they pertain specifically within the Central Eastside later in this report.

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Central City and Central Eastside Industrial Policies

The Comprehensive Plan strongly supports protection of industrial land. But it also allows the flexibility for individual industrial districts to develop according to their unique characteristics and to respond to changes in the economy and economic development goals. For instance, Objective A of *Comprehensive Plan* Policy 5.8, Diversity and Identity in Industrial Areas, reads:

Recognize and promote the variety of industrial areas in Portland through development regulations which reflect the varied physical characteristics of the city's industrial areas. Distinguish between older developed areas and newer, less developed ones.

One of the primary means of accomplishing this flexibility and specificity is through implementation of geographically-specific area plans. The *Central City Plan* provides the policy and regulatory framework for development in the inner-most portions of Portland, including Downtown, the Central Eastside, Lloyd Center, North Macadam, Goose Hollow, and the River District. The plan articulates a vision for the Central City as the region's economic, transportation and cultural hub, with a substantial resident population and a rich urban environment.

Since its original adoption in 1988, the Central City Plan, has been amended on several occasions. From the perspective of industrial land policy, the most important changes have been the removal of Industrial Sanctuary designations from Central City land on the west side of the river, through such means as the *River District Plan*. The subsequent transformation of the Pearl District into a vibrant mixed-use and residential area, as well as the anticipated changes in the South Waterfront (North Macadam) area have been identified by some CES stakeholders as models for change that are undesirable for the Central Eastside.

However, the existing policy basis for preserving industrial activity in the CES is strong. *Central City Plan* Policy 20 states:

Preserve the Central Eastside as an industrial sanctuary while improving freeway access and expanding the area devoted to the Eastbank Esplanade.

Further:

- A. Encourage the formation of incubator industries in the district.*
- B. Reinforce the district's role as a distribution center.*
- C. Allow mixed use developments, which include housing, in areas committed to nonindustrial development.*
- D. Preserve buildings which are of historic and/or architectural significance.*
- E. Develop Union and Grand Avenues as the principal north-south connection and commercial spine in the district for transit and pedestrians.*
- F. Continue implementation of the Central Eastside Economic Development Policy*

These policy statements, while calling for the preservation of the industrial activity in the CES, implicitly recognize the distinctiveness of the district in relation to other industrial districts in the

Central Eastside Industrial Zoning Study

city. For instance, the district's supply of older, multi-storied industrial buildings--functionally obsolete for many large-scale modern industrial uses--lend themselves well to housing industrial incubators. So too, the district's central location lends itself to specialized distribution functions, many of which continue to thrive in the CES. The Central City Plan District (CCPD) implements the policies of the *Central City Plan* through a specialized body of zoning regulations that address the unique circumstances in the core of the Portland metropolitan region. The CCPD industrial zoning provisions are discussed in the zoning regulations section of this report.

Neighborhood Plan Industrial Policies

The Kerns, Hosford-Abernathy and Buckman neighborhood plans contain policy support for industrial activities in the industrially-zoned portions of the Central Eastside. These plans also call for a balance between residential, commercial and industrial uses and for limiting the negative impacts of industrial activity on residential areas.

The 1987 *Kerns Neighborhood Action Plan* calls for maintaining a zoning pattern that preserves the existing "diversity and balance of residential, commercial and industrial uses," and encourages "existing large industries to remain in the neighborhood." The 1988 *Hosford-Abernathy Neighborhood Action Plan* encourages the "preservation of the industrial uses and associated support services within the industrial sanctuary." The plan also calls for recognizing the Central Eastside Industrial District as a "gateway to the neighborhood" and for an improved waterfront and better connections between the neighborhood and the Willamette River. The 1991 *Buckman Neighborhood Plan* calls for supporting the "Central City Plan's recommendations for the development of the Central Eastside Industrial District in Buckman." It also calls for supporting "artisan's lofts in underutilized industrial/warehouse buildings, where conflicts are not anticipated." All three plans support reducing the impacts of truck traffic on the neighborhoods.

Related Planning and Projects

A number of recent and ongoing planning and economic development projects and programs relate to the work in the Central Eastside and are summarized below. Some of these projects, such as the Regional Industrial Land Study have provided background data and findings that support this study. Others, such as River Renaissance, the Freeway Loop Study, and the Science and Technology Quarter are ongoing projects that will support and inform the legislative phase of this current project or directly impact the Central Eastside in the future. Coordination with these projects, will be important during the follow-up legislative phase of the current study.

Regional Industrial Land Study

This multiphase research project, completed in 2001 was sponsored by the State of Oregon, Metro, several local jurisdictions and private firms. It addressed questions about the region's industrial land supply and demand and outlined industrial development trends and policy issues and recommended strategies for addressing the identified need for industrial land in the region. Industrial land demand was forecasted to be 6,300 net acres over 20 years. A significant gap between the study region's industrial land supply was sorted into two primary types--land that is "ready to develop" and land that is "constrained". The total industrial land supply was found to consist of 9,200 acres of vacant and redevelopable parcels. About one-third of the land supply (2,400 acres was considered "ready to develop") and two-thirds was considered to be "constrained".

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This study was instrumental in raising awareness in the region about the importance of an adequate industrial land supply and formed the basis of many ongoing industrial land use planning efforts currently underway.

Metro 2002-2022 Urban Growth Report: Employment Land Need Analysis

In December 2002, Metro expanded the urban growth boundary (UGB) to include an additional 18,000 acres, about 2,000 acres of which are suitable for employment, and another 16,000 are suitable for residential development. This decision did not fully accommodate the region's need for industrial land as identified in Metro's 2002 *Employment Land Need Analysis*. As a result, Metro has initiated a study to explore the possibility of bringing additional land within the UGB specifically for future industrial use. Additionally, the ability of jurisdictions with the UGB to more efficiently utilize existing industrial lands, for instance by removing constraints and making land more readily developable, will have a direct impact on the determination of the need for UGB expansion. This effort is being conducted in conjunction with Title 4 mapping of "Regionally Significant Industrial Areas," discussed above. Action based on study findings is expected by summer 2004.

Citywide Industrial Lands Inventory and Assessment

The *Citywide Industrial Lands Inventory and Assessment*, a joint project of the Portland Bureau of Planning and the Portland Development Commission, will analyze demand for land in industrial districts and associated urban renewal areas and utilize case studies assessing the redevelopment potential of specific sites in these areas. The project is an initial step in the implementation of Portland's *Strategy for Economic Vitality* (2002) and its priority recommendation to preserve, protect, and redevelop industrial sites

The first phase will inventory Portland's industrial land supply on a site-by-site and district-by-district basis. The project assesses industrial land for: site characteristics, such as size, vacancy, property values, industry mix, and employment; site advantages, such as transportation access by various modes, access to public redevelopment resources, and planned public improvements nearby; and site constraints, such as environmental resources, site contamination, and proximity to housing.

The inventory also will be used and regularly updated as a marketing database for the City's vacant industrial land and to provide an up-to-date understanding of the characteristics, function and performance of the city's industrial areas. Information collected in the inventory will be relevant to a range of upcoming policy decisions including: designation of "Regionally Significant Industrial Areas"; refinement and implementation of industrial development strategies; potential changes to the industrial zoning regulations to better accommodate evolving industrial uses; and future rezoning requests involving industrial land.

River Renaissance

This ongoing comprehensive long-range planning effort encompasses a number of initiatives that are focussed in one way or another on reconnecting the city with the Willamette River. The vision includes five broad themes:

- Assuring a clean and healthy river
- Maintaining a prosperous working harbor
- Embracing the river as Portland's front yard
- Creating vibrant waterfront districts and neighborhoods; and
- Promoting partnerships, leadership and education

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The River Renaissance process is intended to open a community dialogue about our relationship to the river in the context of these objectives. The *River Renaissance Plan* itself will establish a cohesive policy foundation on which more detailed river-related plans and programs can be built, for instance the update of the Willamette Greenway Plan and watershed restoration projects. The plan will also include an action agenda and a ten-year workplan for river-related projects and programs.

The Central Eastside waterfront is clearly one of the most significant stretches of the river-fronting land in the city. The follow-up legislative phase of the current Central Eastside market and zoning project will be closely coordinated with the ongoing River Renaissance efforts.

Loop Study

This cooperative project between the City of Portland and the Oregon Department of Transportation (ODOT) will examine the current form and function of Portland's Interstate 5/405 Freeway Loop system and will begin to look at how it might evolve over the coming half-century. Recommendations arising from the study will likely frame the scope for a more detailed analysis of future improvements to the freeway loop system.

The timing and need for this study are related to a number of recent efforts impacting the Loop. These include the Portland-Vancouver I-5 Transportation and Trade Task Force's I-5 Strategic Plan and a number of system improvements identified through other projects. Examples include proposed changes in the vicinity of the Rose Quarter, the South Portland Circulation Study, and the I-405 Freeway Capping project. The impact of those and other projects currently underway, such as the North Macadam Access Study and the Citywide Truck Access and Circulation Analysis, need to be taken into account.

The I-5/I-405 loop is arguably the single most important transportation system in the state. The Eastbank Freeway, however, is sometimes viewed as a barrier that separates the Willamette River from the Central Eastside and surrounding neighborhoods to the east. The study is expected to touch on broader system issues, including interstate freight and traffic movements, and the future of the Eastbank Freeway. Given that the demand for the Freeway will not simply vanish, there is value to a discussion about how its barrier effect might be overcome, and how the city's economic growth can be enhanced in the process. The study is expected to be completed early in 2004.

Science and Technology Quarter

The concept of an emerging Science and Technology Quarter evolved as a part of planning efforts for the Marquam Hill and South Waterfront (North Macadam) areas. Centered on the twin educational and research axes of Oregon Health and Sciences University and Portland State University, it also encompasses the southern part of the Central Eastside, including OMSI and the PCC Workforce Center. The Science and Technology Quarter, located proximate to downtown professional services and the regional transportation system, is envisioned as a hub for medical and scientific research and bioscience industries. It can accommodate existing institutions as well as spur private sector investment and employment. The concept supports the recommendations in the *CES Development Opportunities Strategy* that call for a research and development and high-tech incubator cluster in the Central Eastside.

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Appendix B: CES Land Use, Transportation and Employment

This section summarizes basic existing conditions in the study area. Additional information about economic and other characteristics of the Central Eastside may be found in the ECONorthwest report *Economic Overview of the Central Eastside*, and the *Central Eastside Development Opportunities Strategy* produced for the Portland Development Commission. Taken together, this information supports the notion that the Central Eastside is a unique employment and industrial area within the city.

Land Use

The tables below summarize predominant land uses in the Central Eastside (mixed-use buildings are assigned just one predominant use). This information is drawn from data collected by the Portland Development Commission in 2000. Overall, industrial is the single-most prevalent land use, covering about 30 percent of the district's area, and about 20 percent of its lots. About 20 percent of the area is devoted to retail uses and about 15 percent to office uses. Residential uses cover only a very small part of the study area. Less than four percent of the district is vacant. While industrial is the single-most prevalent use, the CES clearly has a diversity of land uses. Because the land use inventory was conducted strictly on a taxlot by taxlot basis, an unknown percentage of the area attributed to "parking" (about 18 percent) is actually accessory to other land uses, and should not technically be considered parking as a separate use category.

CES Predominant Land Use, 2000

Land Use	Taxlot Acres	% of Area	Taxlots	% of Lots
Industrial	106.4	27.7%	261	19.7%
Retail	76.1	19.8%	294	22.2%
Parking	70.9	18.4%	271	20.5%
Office	55.4	14.4%	211	15.9%
Other	41.9	10.9%	53	4.0%
Residential	16.2	4.2%	169	12.8%
Vacant	13.9	3.6%	39	2.9%
No Data	3.6	0.9%	25	1.9%
Total	384.4	100.0%	1323	100.0%

Within the IG1-zoned area (which constitutes about 66 percent of the district) industrial is also the single-most prevalent use, at about 35 percent. However commercial uses constitute a significant proportion of the uses within the IG1 area; retail and office uses together constituting 31 percent. Only 3 percent of the area is classified as vacant. This high degree of land use diversity within the CES industrial area is uncommon in Portland. In comparison, commercial uses constituted only six percent of the Guild's Lake Industrial Sanctuary in 2000.

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CES Predominant Land Use in IG1 Area, 2000

Land Use	Taxlot Acres	% of Area	Taxlots	% of Lots
Industrial	92.0	35.8%	220	27.5%
Retail	43.7	17.0%	151	18.9%
Parking	38.4	14.9%	160	20.0%
Office	36.0	14.0%	129	16.1%
Other	31.2	12.1%	34	4.2%
Vacant	7.9	3.1%	26	3.2%
Residential	5.5	2.2%	64	8.0%
No Data	2.5	1.0%	17	2.1%
Total	257.3	100%	801	100%

The table below summarizes CES lot sizes. Land parcels in the Central Eastside are generally small; 89 percent of the lots are smaller than 25,000 square feet and only 12 parcels are larger than 100,000 square feet (actual development sites may contain more than one lot, however). Larger parcels are relatively more common in the southern part of the district. Many modern industrial uses demand significantly larger parcels than are common in the CES. The Urban Land Institute's *Guide to Classifying Industrial Property* (2003) indicates that most new industrial developments, from distribution facilities to heavy manufacturing, require sites from 100,000 square feet and up. However, inner-urban industrial areas with smaller sites and buildings like the CES do provide niches for more specialized industrial and industrial-like operations with smaller space needs, such as local distribution and specialized and custom production facilities.

CES Lot Sizes

Lot Size	Lots	Acres	% of Lots	% of Area
< 2,500	149	5.9	11.3%	1.5%
2,500-4,999	263	22.9	19.9%	6.0%
5,000-9,999	403	66.2	30.5%	17.2%
10,000-24,999	363	116.3	27.4%	30.3%
25,000-100,000	133	129.6	10.1%	33.8%
> 100,000	12	43.0	0.9%	11.2%
Total	1,323	383.9	100.0%	100.0%

The table below summarizes the number of stories of CES buildings within different land uses. Overall, the majority of the district's existing buildings are either one or two stories, with about nine percent having 3 or more stories. About ten percent of the industrial buildings have three or more stories and about 57 percent have two or more stories. Most industrial uses and users strongly prefer single-story buildings.

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CES Percent of Buildings by Number of Stories & Selected Land Use, 2000

Land Use	Stories	% of Sites
Office	1	46.9%
	2	44.1%
	3 or more	9.0%
Residential	1	19.8%
	2	66.5%
	3 or More	13.8%
Retail	1	64.0%
	2	30.5%
	3 or More	5.5%
Industrial	1	43.3%
	2	47.1%
	3 or more	9.6%
Total	1	46.4%
	2	44.7%
	3 or more	8.9%

Transportation

The Central Eastside is strategically located near the downtown and the Willamette River and possesses good overall access to the rest of the city and the region via freeways, major arterials, bridges and a network of local streets. It also faces several transportation constraints. While the district has access to major regional transportation infrastructure, it also feels the impacts of major regional traffic.

The city's historic 200 by 200 foot block pattern covers a large part of the district, providing a fine-grained network of local streets. This network is less complete in the southern part of the district, including the CES Development Opportunities Strategy study area. The small blocks and fine street network are not ideal for truck access and maneuvering.

Martin Luther King Boulevard and Grand Avenue constitute the district's primary north-south arterial spine and provide a major means of access to the industrial area. SE Water Avenue is also an important vehicular connection between SE Clay and SE Caruthers streets. The 10th/11th avenue couplet also provides north-south connections within the district. Important east-west running streets include E Burnside, SE Morrison/Belmont, and SE Division. Vehicular access constraints to the industrial parts of the district from MLK/Grand due to high traffic volumes and turning limitations have been identified, as well as for movements to the south and east from SE Caruthers. A major reconstruction project for the Grand/McLoughlin viaduct is currently underway.

The CES is connected to the west side of the Willamette River via five critical bridge connections, including the Burnside bridge to the north and the Ross Island Bridge at the south. The Eastbank Esplanade provides a dedicated waterfront pedestrian and bike connection from the Hawthorne Bridge to the Steele Bridge. Transit service is adequate to some parts of the district, such as along MLK/Grand but is limited in other areas, for instance in along SE Water and in the DOS area. A future Portland Streetcar extension to serve the district is planned. The MAX line may also serve the area as well.

Interstate Highways 5 and 84 connect the district to the region. However, southbound access to I-5 from the study area is not ideal. Both the at-grade freeway, support structures for the

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elevated freeway and other viaducts and the railroad mainline serve as significant physical and visual barriers in the district. The railroad causes frequent traffic interruptions and crossing improvements may be necessary in some areas. Other constraints include conflicts between loading and truck movements with other vehicular traffic and bicycles and pedestrian and parking limitations in certain areas.

Employment

The table on the following page summarizes employment by industry sector in the CES. The employment data, together with the land use information discussed above, confirm that there is a great deal of business diversity in the district. Well over half of the jobs are "industrial," including 26 percent in wholesale trade, 14 percent in manufacturing, ten percent in construction and five percent in transportation. In addition, both services and retail trade are well represented in the district with 25 percent and 14 percent of the employment, respectively.

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CES Employment by Industry, 2002

SIC Code	Industry	Employers	% of Total	Employees	% of Total
Construction		47	6.3%	1,547	10.5%
15, 16	General Construction	13	1.7%	260	1.8%
17	Specialty Contractors	34	4.5%	1,287	8.8%
Manufacturing		95	12.6%	2,117	14.4%
20	Food	5	0.7%	526	3.6%
22, 23	Textiles & Apparel	9	1.2%	312	2.1%
24, 25	Lumber, Wood & Furniture	5	0.7%	215	1.5%
27	Printing & Publishing	25	3.3%	292	2.0%
26, 30, 31	Paper, Rubber & Leather	6	0.8%	113	0.8%
32	Stone, Glass, & Concrete	5	0.7%	142	1.0%
33, 34	Primary & Fabricated Metals	11	1.5%	164	1.1%
35	Machinery & Computers	13	1.7%	186	1.3%
36, 38	Electronics & Instruments	5	0.7%	30	0.2%
37, 39	Misc. Manufacturing	11	1.5%	137	0.9%
Transportation		16	2.1%	788	5.4%
41, 42, 44, 47	Transport and Warehousing	16	2.1%	788	5.4%
Communications		5	0.7%	225	1.5%
48	Communications	5	0.7%	225	1.5%
Wholesale Trade		195	26.0%	3,862	26.3%
50	Durable Goods	139	18.5%	2,497	17.0%
51	Nondurable Goods	56	7.5%	1,365	9.3%
Retail Trade		125	16.6%	2,063	14.0%
52	Building Materials	9	1.2%	243	1.7%
55	Autos & Service Stations	15	2.0%	328	2.2%
57	Home Furnishings	22	2.9%	273	1.9%
58	Restaurants	46	6.1%	593	4.0%
54, 56, 59	Misc. Retail	33	4.4%	626	4.3%
Finance, Insurance and Real Estate		27	3.6%	336	2.3%
60, 61, 67	Banks and Finance	9	1.2%	186	1.3%
63, 64	Insurance	6	0.8%	24	0.2%
65	Real Estate	12	1.6%	126	0.9%
Services		228	30.4%	3,629	24.7%
70	Lodging	3	0.4%	83	0.6%
72	Personal Services	13	1.7%	198	1.3%
73	Business Services	60	8.0%	1,002	6.8%
75	Auto Repair	47	6.3%	375	2.6%
76	Misc. Repair	17	2.3%	118	0.8%
80	Health Services	9	1.2%	511	3.5%
83	Social Services	22	2.9%	662	4.5%
87	Engineer., Research & Acct.	23	3.1%	173	1.2%
78, 79, 81, 82, 84, 86, 88, 89	Other Services	34	4.5%	506	3.4%
Other Industries		13	1.7%	130	0.9%
7, 49, 91, 99	Other	13	1.7%	130	0.9%
Total All Industries		751	100.0%	14,698	100.0%

Source: Oregon Employment Department and Metro

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Appendix C: Industrial Land Policy and Zoning in Other Cities

Another objective of this study is to gain some understanding of how other cities have approached industrial land and zoning issues, particularly in inner-urban industrial areas similar to the Central Eastside. The Bureau of Planning and ECONorthwest researched industrial zoning and economic development initiatives in nine mid-sized and large North American cities. Some of the key findings of the research done to-date are summarized below. Additional information is contained in the June 2, 2003 ECONorthwest memo *Research on Other Cities for the Central Eastside* and the May 14, 2003 Bureau of Planning document *Industrial Zoning: Summary Descriptions from 4 Cities*.

All of the jurisdictions studied have zoning tools that are intended to protect residential and commercial areas from negative impacts associated with industrial operations and to protect industrial land from nonindustrial encroachment. Many cities make distinctions between zoning districts that allow "heavy" and those that allow "light" industries, the former being associated with stronger impacts such as noise and odors. In contrast, Portland's industrial and employment zones generally allow a full range of industrial use categories; the distinctions between the zones lie more in their development standards and allowances for nonindustrial uses.

In addition, all of the cities have zoning districts intended to allow flexibility in terms of nonindustrial uses while still allowing industrial activity, usually light industry. Most allowances are for additional office and retail uses, and not generally for residential. In some cases specific uses and industries are targeted. For example, San Francisco has a "Service/Light Industrial District" that prohibits general office use, but specifically allows "work space for design professionals," in keeping with the zone's specific arts-related theme. Vancouver's I-3 zone allows "Information technology office" uses outright, and other offices only through a public review process. Chicago's proposed "Commercial, Manufacturing and Employment" zone would allow commercial developments up to a 5:1 floor to area ratio, but developments larger than 75,000 square feet they have to go through a "Planned Development" review. Finally, some cities allow greater flexibility in industrial areas only in historic buildings or building's existing prior to a certain date.

Transitioning Industrial Areas While Preserving Industrial Character

Many cities are undertaking efforts to transition older, inner-urban industrial areas into more mixed-use employment centers. Some cities, such as San Francisco and Pittsburgh, discussed below, are reevaluating their industrial policies in certain areas and are designing new tools that are intended to facilitate change while protecting the basic industrial nature of certain industrial areas. However, from a broad perspective, not many cities are trying to keep an "industrial focus" while also allowing limited retail and commercial or expanding the range of what is considered industrial. In many cases, cities are not facing demand sufficient enough to allow them to pick and choose what types of employment they want—they are trying to stimulate any employment use in older industrial areas. Portland is to some degree at the cutting edge in attempting to balance the old and the new in a way that preserves more than just the bricks and mortar of the past.

San Francisco is currently reevaluating its industrial land supply and zoning in the context of both an ongoing housing shortage and increased concern for preservation of the existing

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industrial areas. Housing encroachment in certain industrial areas intensified during the 1990s Internet boom with a proliferation of “work/live” lofts. The city is currently debating *where* and *how much* industrially zoned land should exist in San Francisco. One of the specific questions planners are asking is, how much industrially zoned land should be rezoned to allow residential uses? The debate centers around efforts to balance the need for affordable housing and the need for industrial jobs.

The City is looking to protect and enhance retention of industrial businesses in inner-urban areas with several new PDR (production, distribution and repair) zoning designations. However, only a relatively small portion of the targeted PDR areas will have strict protections from nonindustrial uses. The PDR districts generally prohibit the heaviest industries and allow at least some stand-alone commercial uses. The “Large Commercial PDR” district will accommodate “big box” retail uses. Some PDR districts will permit housing, with a housing to manufacturing square footage ratio of 1/4. The “Light PDR” district will encourage uses such as video, film, graphic design and photography studios, as well as auto, appliance and furniture repair shops and other uses that create less external noise and odors and engage in less trucking related activities than those in the “Core PDR” district. One specialized PDR area will only allow design-related production, distribution and repair uses as well as design-related commercial uses, such as showrooms, furniture design, furniture showrooms, and interior design.

San Francisco planners believe that there will be some intensification of industrial uses and increased density of employment in designated industrial areas because of contraction of industrial zoned land. Historically 15 percent of the land in San Francisco was zoned industrial; today about 7 percent is zoned industrial, and only 3% of the industrial zoned land will likely survive the current planning process.

Pittsburgh is shifting some formerly heavy industrial areas with a greater emphasis on sectors such as engineering, software design and bioscience, while still encouraging a variety of traditional industrial uses. Despite pressure to convert some industrial areas to mixed- and residential uses, the city has created new zoning districts that actively preserve and enhance the productivity of industrial areas. In this respect, Pittsburgh is working with a similar set of goals to Portland’s. In keeping with its goal of preserving industrial uses, Pittsburgh tackled the problem of price pressure by restricting retail uses in some industrial districts to less than 20% of the use of a structure, and by prohibiting residential uses.



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-15
 Est. Start Time: 10:28 AM
 Date Submitted: 12/04/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Clara Smith Road

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

Date Requested:	<u>January 04, 2007</u>	Time Requested:	<u>1 minute</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Robert Maestre, Deputy Director</u>		
Phone:	<u>(503) 988-5001</u>	Ext.:	<u>85001</u>
		I/O Address:	<u>455/2/224</u>
Presenter(s):	<u>Robert Maestre</u>		

General Information

1. What action are you requesting from the Board?

Set a public hearing for February 15, 2007 to consider legalization of Clara Smith Road.

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

Clara Smith Road was established as County Road No. 624 in 1896, and maintenance and improvements have changed its location over the years. On September 15, 2005, the Board of County Commissioners initiated proceedings for legalizing Clara Smith Road and directed the road to be surveyed in its traveled location.

The survey and documentation will be ready for a February 15, 2007 hearing.

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

Cost to road fund for costs of the legalization process.

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

This legalization is following procedures as required by ORS 368.201 to 368.221.

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

All adjacent property owners will be served legal notice of the public hearing to consider this legalization and notice will be posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signatures

**Department/
Agency Director:**



Date: 12/01/06

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Clara Smith Road

The Multnomah County Board of Commissioners Finds:

- a. Clara Smith Road was established as County Road No. 624 in 1896 and maintenance and improvements have changed its location over the years.
- b. On September 15, 2005, consistent with ORS 368.201 to 368.221, the Board of Commissioners initiated proceedings for legalizing Clara Smith Road in its as traveled location and directed the County Surveyor to conduct a survey of the road.
- c. As required under ORS 368.206(1), the County Surveyor has completed the survey of the road and prepared a report to the Board with the proposed new County Road Number "5024."
- d. The above referenced statutes require the County to hold a public hearing to consider legalization of Clara Smith Road and provide notice thereof by personal service to the abutting property owners and by posting.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioner will hold a hearing on Thursday, February 15, 2007 at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to determine whether the legalization of Clara Smith Road, as County Road No. 5024, is in the public's interest. The hearing will concern Clara Smith Road from NE Corbett Hill Road No. 1972, easterly about 0.5 mile.
3. The County Surveyor is directed to provide notice of the hearing as provided under ORS 368.401-369.426 by service to owners of abutting land and by posting.
4. The notice shall comply with ORS 368.426 and advise that all persons interested in or concerned with the road are invited to attend the hearing.

5. The notice shall provide the following information:

- That any objections to the proposal or other information relating thereto must be filed in the Multnomah County Surveyor's Office, 1600 SE 190th Avenue, Portland, Oregon 97233, on or before February 13, 2007;
- A statement as follows: "For more information, call Robert Hovden, County Surveyor at 503-988-5573".

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-017

Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Clara Smith Road

The Multnomah County Board of Commissioners Finds:

- a. Clara Smith Road was established as County Road No. 624 in 1896 and maintenance and improvements have changed its location over the years.
- b. On September 15, 2005, consistent with ORS 368.201 to 368.221, the Board of Commissioners initiated proceedings for legalizing Clara Smith Road in its as traveled location and directed the County Surveyor to conduct a survey of the road.
- c. As required under ORS 368.206(1), the County Surveyor has completed the survey of the road and prepared a report to the Board with the proposed new County Road Number "5024."
- d. The above referenced statutes require the County to hold a public hearing to consider legalization of Clara Smith Road and provide notice thereof by personal service to the abutting property owners and by posting.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioner will hold a hearing on Thursday, February 15, 2007 at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to determine whether the legalization of Clara Smith Road, as County Road No. 5024, is in the public's interest. The hearing will concern Clara Smith Road from NE Corbett Hill Road No. 1972, easterly about 0.5 mile.
3. The County Surveyor is directed to provide notice of the hearing as provided under ORS 368.401-369.426 by service to owners of abutting land and by posting.
4. The notice shall comply with ORS 368.426 and advise that all persons interested in or concerned with the road are invited to attend the hearing.

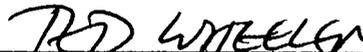
5. The notice shall provide the following information:

- That any objections to the proposal or other information relating thereto must be filed in the Multnomah County Surveyor's Office, 1600 SE 190th Avenue, Portland, Oregon 97233, on or before February 13, 2007;
- A statement as follows: "For more information, call Robert Hovden, County Surveyor at 503-988-5573".

ADOPTED this 4th day of January, 2007.

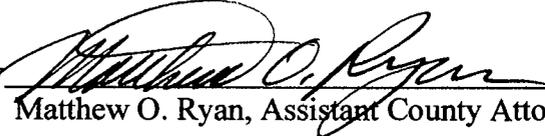


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: R-16
 Est. Start Time: 10:29 AM
 Date Submitted: 12/06/06

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Salzman Road

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

Date Requested:	<u>January 04, 2007</u>	Time Requested:	<u>1 minute</u>
Department:	<u>Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Robert Maestre, Deputy Director</u>		
Phone:	<u>(503) 988-5001</u>	Ext.:	<u>85001</u>
Presenter(s):	<u>Robert Maestre</u>	I/O Address:	<u>455/2/224</u>

General Information

1. **What action are you requesting from the Board?**
Set a public hearing for February 15, 2007 to consider legalization of Salzman Road.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Salzman Road was established as County Road No. 345 in 1883, and maintenance and improvements have changed its location over the years. On September 15, 2005, the Board of County Commissioners initiated proceedings for legalizing Salzman Road and directed the road to be surveyed in its traveled location.
The survey and documentation will be ready for a February 15, 2007 hearing.
3. **Explain the fiscal impact (current year and ongoing).**
Cost to road fund for costs of the legalization process.
4. **Explain any legal and/or policy issues involved.**
This legalization is following procedures as required by ORS 368.201 to 368.221.

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

All adjacent property owners will be served legal notice of the public hearing to consider this legalization and notice will be posted in the area as required by ORS 368.206(1)(c). All adjacent property owners will have an opportunity to express their concerns in writing or at the public hearing.

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 12/01/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Salzman Road

The Multnomah County Board of Commissioners Finds:

- a. Salzman Road was established as County Road No. 345 in 1883 and maintenance and improvements have changed its location over the years.
- b. On September 15, 2005, consistent with ORS 368.201 to 368.221, the Board of Commissioners initiated proceedings for legalizing Salzman Road in its as traveled location and directed the County Surveyor to conduct a survey of the road.
- c. As required under ORS 368.206(1), the County Surveyor has completed the survey of the road and prepared a report to the Board with the proposed new County Road Number "5023."
- d. The above referenced statutes require the County to hold a public hearing to consider legalization of Salzman Road and provide notice thereof by personal service to the abutting property owners and by posting.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioner will hold a hearing on Thursday, February 15, 2007 at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to determine whether the legalization of Salzman Road, as County Road No. 5024, is in the public's interest. The hearing will concern Salzman Road from NE Larch Mountain Road No. 2098, southerly about 0.8 mile.
3. The County Surveyor is directed to provide notice of the hearing as provided under ORS 368.401-369.426 by service to owners of abutting land and by posting.
4. The notice shall comply with ORS 368.426 and advise that all persons interested in or concerned with the road are invited to attend the hearing.

5. Further the notice shall provide the following information:

- That any objections to the proposal or other information relating thereto must be filed in the Multnomah County Surveyor's Office, 1600 SE 190th Avenue, Portland, Oregon 97233, on or before February 13, 2007;
- A statement as follows: "For more information, call Robert Hovden, County Surveyor at 503-988-5573".

ADOPTED this 4th day of January, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-018

Scheduling a Public Hearing and Directing Notice Thereof for the Consideration of the Legalization of Salzman Road

The Multnomah County Board of Commissioners Finds:

- a. Salzman Road was established as County Road No. 345 in 1883 and maintenance and improvements have changed its location over the years.
- b. On September 15, 2005, consistent with ORS 368.201 to 368.221, the Board of Commissioners initiated proceedings for legalizing Salzman Road in its as traveled location and directed the County Surveyor to conduct a survey of the road.
- c. As required under ORS 368.206(1), the County Surveyor has completed the survey of the road and prepared a report to the Board with the proposed new County Road Number "5023."
- d. The above referenced statutes require the County to hold a public hearing to consider legalization of Salzman Road and provide notice thereof by personal service to the abutting property owners and by posting.

The Multnomah County Board of Commissioners Resolves:

1. The Board of County Commissioner will hold a hearing on Thursday, February 15, 2007 at 9:30 a.m., in the Multnomah Building, First Floor Commissioners Boardroom 100, 501 SE Hawthorne Boulevard, Portland, Oregon.
2. The purpose of the hearing is to determine whether the legalization of Salzman Road, as County Road No. 5023, is in the public's interest. The hearing will concern Salzman Road from NE Larch Mountain Road No. 2098, southerly about 0.8 mile.
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- A statement as follows: "For more information, call Robert Hovden, County Surveyor at 503-988-5573".

ADOPTED this 4th day of January, 2007.

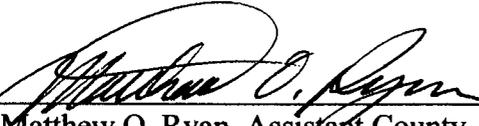


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

Cecilia M. Johnson, Director, Dept. of Community Services

2007 COUNTY BOARDS AND COMMISSIONS ASSIGNMENTS

Mandated by statute or ordinance; established by resolution; mandatory for county business
Items in italics are not done on behalf of the entire Board.

ASSIGNMENT	2007
COUNTY POLICY BOARDS	
Priority budget setting design team	Ted Wheeler, chair
Mt Hood Cable Regulatory Commission	Lonnie Roberts
Multnomah County Library Advisory Board	Maria Rojo de Steffey
Multnomah County Audit Committee	Jeff Cogen, Ted Wheeler (represented by staff)
Union/labor leadership meetings	Ted Wheeler
PUBLIC SAFETY	
LPSCC	Lisa Naito, chair Ted Wheeler
<i>Persons with Mental Illness in Criminal Justice System</i>	<i>Lisa Naito</i>
CHILDREN/EDUCATION	
CCFC – (Commission on Children, Families & Community)	Jeff Cogen
Children’s Initiative Fund allocation committee	Ted Wheeler
HEALTH	
Tri-County Health Care Safety Net Enterprise Board	Jeff Cogen
ENVIRONMENTAL	
Sustainable Development Commission	Jeff Cogen
Food Policy Council	Jeff Cogen
ECONOMIC DEVELOPMENT	
Workforce Investment Board	Lonnie Roberts
TRANSPORTATION	
JPACT member	Maria Rojo de Steffey
JPACT alternate	Lonnie Roberts
EMCTC (East Multnomah County Transportation Committee)	Lonnie Roberts
HUMAN SERVICES	
Elders in Action	Maria Rojo de Steffey
Council on Homelessness	Jeff Cogen
ARTS	
RACC (Regional Arts and Culture Council)	Maria Rojo de Steffey
POVA (Portland Oregon Visitor's Association)	Maria Rojo de Steffey
Visitors Development Fund	Maria Rojo de Steffey

ASSIGNMENT	2007
LOCAL/REGIONAL PARTNERSHIPS	
Metro Policy Advisory Committee	Jeff Cogen Ted Wheeler, alternate
Portland Multnomah Progress Board	Ted Wheeler
Executive Committee for the Government Affairs Council For East Multnomah County	Lonnie Roberts
ASSOCIATION OF OREGON COUNTIES (AOC)	
Board of Directors	Ted Wheeler
Alternative for District 8	Jeff Cogen
Legislative Committee	Lisa Naito
Special Operations Committee	Lisa Naito
Law and Public Safety Steering	
Other Committees: Transportation, Communications, Public Lands, Human Services, Community Development	
<i>NACO (NATIONAL ASSOCIATION OF COUNTIES)</i>	
<i>NACO Justice and Public Safety Subcommittee</i>	<i>Lisa Naito</i> <i>Lonnie Roberts</i>
<i>Large Urban Caucus</i>	<i>Lisa Naito</i>



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 01/04/07
 Agenda Item #: B-1
 Est. Start Time: 10:45 AM
 Date Submitted: 11/09/06

BUDGET MODIFICATION: -

Agenda Title: Update on Priority Based Budgeting Performance Measures

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

Date Requested:	<u>January 4, 2007</u>	Time Requested:	<u>1 hour</u>
Department:	<u>Dept. of County Management</u>	Division:	<u>Budget</u>
Contact(s):	<u>Matt Nice</u>		
Phone:	<u>503 988-3364</u>	Ext.	<u>83364</u>
I/O Address:	<u>503/531</u>		
Presenter(s):	<u>Sarah Landis, Management Auditor/Senior and Matt Nice, Budget Office Evaluation</u>		

General Information

1. What action are you requesting from the Board?

None. Informational briefing.

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.

Update the Board of County Commissioners on the current state of the Marquee Indicators for each Priority area; provide overview of the program offer's performance measures; describe results of the Budget Process survey and the performance measurement survey; and explain next steps in county-wide performance measurement.

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

None.

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

None.

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

None.

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 11/09/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

PERFORMANCE MEASUREMENT DEVELOPMENT SURVEY: FY06-07 BUDGET PROCESS (#006-06A)

The FY2007 *Priority-Based Budgeting* process included a substantial investment in improving performance measurement. The results of this survey were designed to determine what worked and what needed work in the continuing efforts at improving Priority-Based Budgeting performance measurement. The survey instrument comprised of five sections to assess the efficacy of performance measurement development. The sections included: Training, Office Hours (technical assistance), Quality, Reporting, and Utilization. Most sections also included opportunities for structured feedback, both technical and policy related.

An email survey was sent to 98 key County staff involved in developing performance measures for the FY06-07 budget. There was a 39% response rate. About 37% of respondents were from the Department of County Management, followed by 21% of respondents that choose not to identify their department.

Development model. A development logic model of county-wide performance measurement begins with the resources such as staffing followed by the activities performed, and various short, intermediate, and long-term outcomes performance measurement. Ultimately, the long-term, and most meaningful outcome in the development of county-wide performance measurement system, would be the utilization of the performance measures by departments/ agencies, the public, and policy-makers to make data-based decisions.

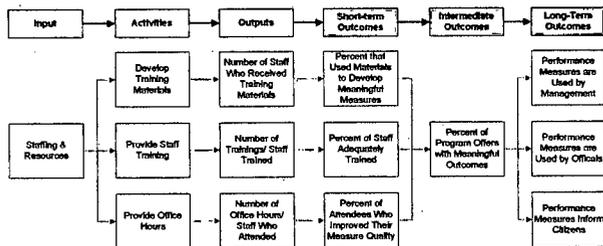


Figure 1. Performance Measurement Development Model

Process. Respondents were highly involved in the development of performance measures. Seventy-seven percent (77%) of respondents attended a performance measurement training; 40% went to at least one "Office Hours" for technical assistance; 87% said that they developed some or all of their department's performance measures; and 64% said they were members of an outcome team.

Overall respondents were satisfied with the level of training and technical assistance (Office Hours) that were provided. Tables 1 and 2 display the results of the questions in rank order.

Table 1. Training Questions Rank Ordered

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
The information presented at the training was useful in determining meaningful performance	7	16	3	0	86%
Generally, there were enough training, times and locations to schedule a training.	9	9	6	1	72%

Of those attendees who responded, the majority felt the trainings provided useful information to create meaningful performance measures. Many commented that there should be an increase in training, with a greater focus on meaningful outcomes.

Table 2. "Office Hours" Technical Assistance Rank Ordered

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
The assistance provided at the Budget Office's Office Hours helped with PM development.	10	4	1	0	93%
Generally, there were enough Budget Office's Office Hours times and locations.	6	6	2	1	80%

Of those who attended and who responded, a clear majority felt that the technical assistance offered at the Office Hours had improved the development of their measures. Office Hour accessibility was generally good, however respondents commented that future Office Hours should be offered in more locations county-wide.

Examining measurement quality found that collecting and using performance measurement demonstrates good government, and that their department/ agency's efforts increased over the last year. However, somewhat lower levels of agreement were noted in the clarity of measures reported. More respondent's felt that their measures were more clearly defined than other agencies' measures.

Table 3. Measurement Quality Rank Ordered

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
Collecting and using performance measures demonstrates accountability.	15	17	4	0	89%
My department's performance measures improved over last year.	6	23	4	0	88%
I trust the data submitted in my department's performance measures.	11	19	5	1	83%
The type of measures available (input, output, outcome, efficiency, quality) were adequate to describe a program	9	20	6	1	81%
My department's performance measures were clearly defined.	5	21	8	2	72%
Other department's program offers used clearly defined performance measures	2	16	9	2	62%

There was high agreement that the performance measure presentation improved over last year, particularly in its organization and presentation in the program offers. Quality and clarity also showed general improvement over last years efforts, however a sizable proportion of respondents believe that four measures are

not enough to outline a program's performance. Only slightly more than half agreed that the utilization of performance measures increased over last year's effort.

Table 4. Measurement Reporting Rank Ordered

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
The performance measure presentation improved over last year.	14	19	0	0	100%
The performance measure organization improved over last year.	13	19	1	0	97%
The performance measures are presented in a clear table.	8	24	3	0	91%
The performance measure clarity improved over last year.	6	22	5	0	85%
The performance measure quality improved over last year.	6	21	5	0	84%
The web-tool performance measurement section was easy to use.	12	16	7	0	80%
The performance measure ability to convey RESULTS purchased improved over last year.	2	23	7	1	77%
Four measures can adequately outline a program's performance.	4	18	10	4	61%
The performance measure utilization improved over last year.	4	16	12	3	57%

Outcomes. One intermediate outcome examines what proportion of program offers included required outcome measures. According to data from the FY06-07 adopted budget, of the 499 program offers, 85% included at least one outcome measure.¹ Several program offers contained more than one outcome measure. It should be noted that the quality or meaningfulness of these measures were not assessed.

Internal measurement utilization focuses on what the department/ agency collects and uses to manage their organizations. The majority of respondents believed their department used quality performance measures and regularly collected the needed data. However, agreement begins to decline when asked whether the data gets reported regularly. Ultimately only about half of respondents felt that the performance data had an effect on their operations or that performance measurement led to any changes, even though they believed they were good measures and the data were collected.

Table 5. Measurement Utilization Rank Ordered (Internal)

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
My department's program offers used quality measures.	6	27	3	0	92%
My department regularly collects data on our performance.	12	20	4	0	89%
My department regularly reports data on our performance.	6	22	8	0	78%
The operation of my department is based on our performance data.	3	17	15	1	56%
Performance measures have led to changes in the way my department operates.	4	16	15	1	56%

External measurement utilization focuses on how the performance measures were perceived to be used by working groups, officials and the public. Seventy-one percent (71%) of respondents felt that the measures aided the outcome teams in their ranking. This is the highest level of utilization that the performance measures are perceived to have. This was followed closely in informing citizens of the programs services delivered.

¹ Most of those program offers that failed to provide outcome measures were offers that were for pass-through funds.

This perception of utilization falls dramatically when asked if elected officials are using the performance measurement data in the development of the budget: the Chair's Executive Budget had only a 28% agreement and the Board's final adopted budget had 40% agreement.

Table 6. Measurement Utilization Rank Ordered (External)

	Strongly Agree	Agree	Disagree	Strongly Disagree	Agreed (%)
My department program offer's performance measures aided the outcome team ranking.	3	21	8	2	71%
My department program offer performance measures aid citizens understanding of the services delivered.	0	23	9	2	68%
My department program offer's performance measures aided elected officials in developing the adopted budget.	2	10	11	7	40%
My department program offer's performance measures aided the chair in developing the executive budget.	1	7	13	8	28%

Other comments. Throughout the entire survey, there were opportunities for structured comments. Respondents stated a need for on-going continued and consistent use of performance measures by management—not just a once a year budget exercise. Additionally, the quality of the data, particularly the outcome measures, needed to increase. And that performance measurement language needs to be talked about in every context and at public hearings

Summary. Performance measurement in program offers made a sizable increase over the previous year. The investment in training, development, and reporting was notable and positive. However, there is a perception by staff that neither management nor officials actually utilize the performance measurement data meaningfully. Only about half of respondents felt that performance measures had any effect on their department's operations even though they believed their measures were of good quality and that the data were regularly collected. Furthermore, while 71% felt the performance measures aided the Outcome Teams in their program rankings, few felt that the performance measures were used by officials in the development of either the executive or adopted budgets.

Recommendations. The following recommendations are based on the survey results and respondent comments and include a continuation of annual trainings and Office Hours, with a greater focus on meaningful outcomes. Increase opportunities to incorporate performance measurement into the organizational language and culture so that staff, management, and officials share a common understanding of performance measurement. This can be done through consistent use of performance measurement language, often at public meetings. Finally, the organization needs to integrate performance measures in a consistent and on-going management process, and not just as an annual budget event.

A copy of the full 8-page report can be found on-line at: www.co.multnomah.or.us/budgeteval/



MOVING TO PERFORMANCE-BASED MANAGEMENT

BY CHRISTINA ALTMAYER

Performance measurement has become increasingly prevalent in local government, yet most government managers still struggle with the fundamental question of what to do with performance measurement data when they have it. Management teams want to know how they can incorporate performance measurement into their management and decision-making processes. This article proposes a methodology for moving from measuring performance to performance-based management. Rather than simply reporting performance results, performance-based management focuses on linking performance measurement to strategic planning and using it as lever for cultural change. By creating a learning environment in which performance measures are regularly reviewed and discussed, organizations can improve the pace of learning and decision making, improve performance, and facilitate broader cultural change.

INTRODUCTION

In the past, most public management discussion focused on the benefits and importance of performance measures as a tool to communicate results to elected officials, stakeholders, and citizens. Discussion has now moved to the more relevant issue of how managers can realize a return on the investment they have made in measurement. Public managers frequently find themselves overloaded and overburdened, saddled with a reporting system created to satisfy state or federal mandates, dealing with staff who are frustrated by complicated data collections processes, and sorting through masses of data that provide very little useful information. As many public managers can attest, the assumption “if you collect it, they will use it” seems to be the exception rather than the rule.

If you regularly collect data but are still struggling with “so what do I do with this information?” the problem may be that your organization started in the wrong place. When you begin with the question “What should I measure?” instead of “What do I want to achieve?” you focus on the measurement process instead of the *strategic* process. To move to performance-based management you need to start with what you want to achieve and then consider how to measure your progress toward that goal.

CHARACTERISTICS OF PERFORMANCE-BASED ORGANIZATIONS

What do we mean by a performance-based organization? It is an organization where decision making and resource allocation are based on achieving specific performance results, and where metrics are explicitly used to measure that progress.

Performance-based management is markedly different than performance reporting. Performance reporting focuses on communicating results, while performance-based management uses resources and information to achieve and demonstrate measurable progress toward agency and program goals.¹ Performance reporting may have its uses and value for an organization,² but it is not likely to drive cultural and organizational change in and of

itself. Much to the disappointment of many public managers, the investment in performance reporting may yield value in communicating results, but it will not, by itself, trigger any *improvement* in results.

Exhibit 1 draws distinctions between performance reporting and performance-based management on several dimensions.

STARTING POINT: MISSION AND STRATEGY OF THE ORGANIZATION

“If you don’t know where you’re going, any road will take you there.”

A clear statement of your organization’s or program’s mission and goals should be viewed as a prerequisite for performance measurement and building a performance-based organization.⁴ Performance management does not equal strategic planning, but not having a clear statement of the mission and goals of your organization makes meaningful performance measurement challenging at best. Measurements must be specific to the organization. Architects of performance-based management systems would do well to adopt an underlying principle – measurements are only meaningful to the degree that they are relevant to strategic and operational decision making. Information that is “nice to have” is never going to drive operational change. As shown in Exhibit 2, performance measurements must operate within the mission and goals of an organization.

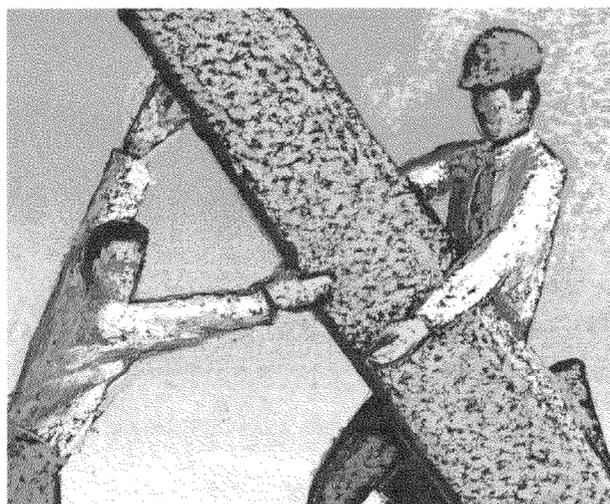


Exhibit I: Performance Reporting vs. Performance-Based Management

	Performance Reporting	Performance-Based Management
Purpose	Can have multiple purposes but is commonly focused on communicating conditions and progress to stakeholders, community groups, and citizens. Often used to promote or celebrate successes of an organization.	Create results that move the organization closer to its goals.
Measures and Reporting	Compliance and externally oriented; focused on being informative.	Linked to program results; internally focused to supporting management needs; multi-layered.
Decision-Making Processes	Generally focused on reporting so not explicitly linked to operational or strategic decisions.	Institutionalized performance-based decision-making models where data is regularly used to proactively identify improvement areas.
Investments	One-time investments to produce reporting.	Continuous and ongoing review of the capacity of existing systems and processes to determine whether measures address what "management needs to know."
Management Involvement and Commitment	Periodic to communicate results and monitor progress.	High executive management involvement and commitment to drive the use of performance measures in decision-making processes.

Take a low-income housing program, for example. On its face, you might assume that the purpose of the program was to provide housing for low-income individuals or families. This could be measured by the percentage of housing units occupied, but the measure of success would be quite different if this program was intended to provide temporary transitional housing or permanent housing as part of a neighborhood revitalization effort. In the former case, managers would want to track the percentage of families that were able to successfully transition to non-subsidized housing; in the latter example, success might be measured by the average years of occupancy or trends of resident-invested property improvements.

MOVING TO A PERFORMANCE-BASED ORGANIZATION: THREE-PHASED APPROACH

As organizations invest in performance measurement, three parallel tracks should be pursued to maximize cultural and performance improvement: awareness, development, and integration. These tracks should not be viewed as sequential, but rather as ongoing areas for investment, leading to continuous improvement in the system of performance measurement. These three tracks recognize that performance measurement does not operate within a vacuum, but within the culture, processes, and structure of an organization.

Data can be both a driver and a lever in the cultural change process and can foster accountability, learning, and collective ownership of the performance of an organization. Performance measurement can be an effective management tool when it informs the conversation of how to improve performance with credible data and context.

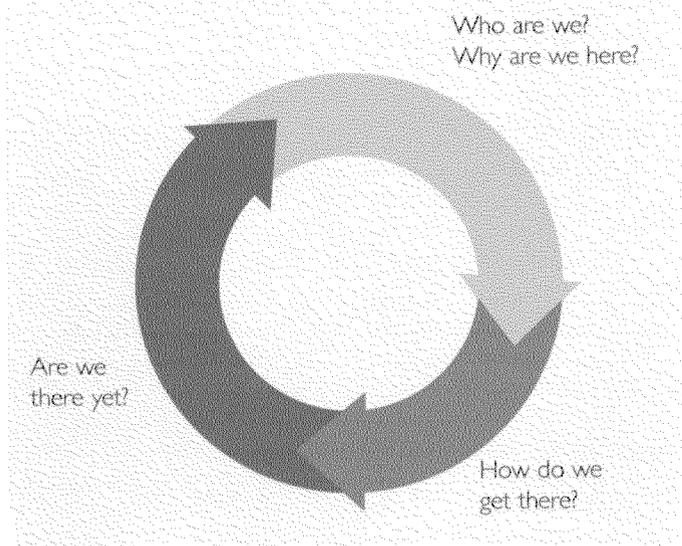
Track I: Awareness. Performance-based management represents a change in how managers and staff view their job and responsibilities. It implies accountability for not just administering a program as it was designed, but also evaluating whether the design achieves the intended results and, if not, to make improvements. Managers at all levels need repeated reinforcement of how performance measurements can support their job. This can be done through formalized training, but also through experiential learning and case studies. Leaders within the organization must create the knowledge and learning for managers to see the connection between their individual job performance and achievement of the organization's mission and goals. In both internal and external forums, managers should look for opportunities to promote collective learning and shared experiences on how performance measures are being used throughout the organization. Communication and shared learning is critical.

Track 2: Development. Performance measurement has been defined as the regular collection of data about the work performed by an organization: the work completed; the resources consumed; the process to complete; and the results achieved. This track involves the tasks most commonly associated with performance measurement, i.e., identifying and defining measures and developing data collection and reporting systems. As indicated earlier, the starting point is “what do I want to achieve?” not “what do I want to measure?”

This track includes developing the infrastructure in terms of organizational capacity and technology to support performance measurement reporting in the long term. Leading organizations have found value in defining their own terms for performance, i.e. creating a lexicon that is tailored to the needs of their organization.⁵ Regardless of the terminology used, the performance measurement system should address two fundamental questions:

- n How well was the service provided? This can be measured in terms of resources consumed, outputs delivered, or other aspects of the process of service delivery, i.e., customer satisfaction, timeliness, cost, subjective or objective measures of quality.
- n What was the result of the service? This is a way to measure the impact or change in the condition as a result of the services provided.

Exhibit 2: Philosophy of Performance-Based Management



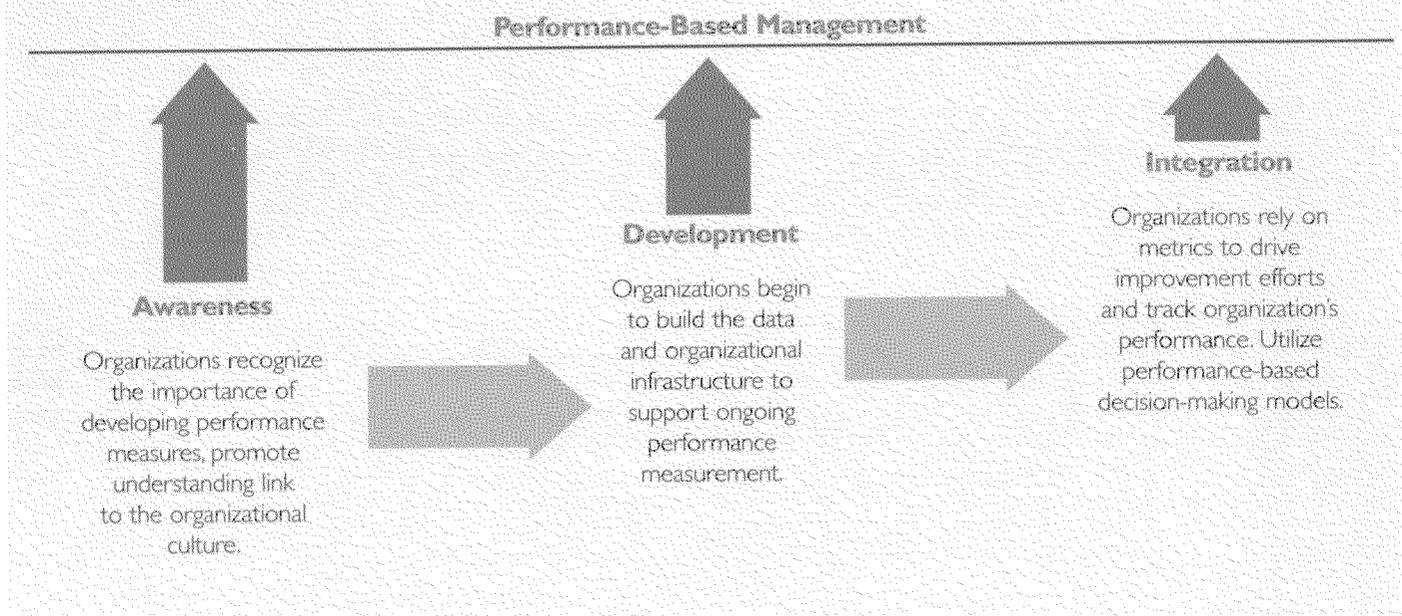
Track 3: Integration. To be truly performance-based, an organization’s decision-making processes must be integrated with the use and review of performance measures. Budgeting for outcomes is one example of this integration, as are “STATS” efforts (see discussion that follows). This track is intended to counterbalance what one public manager reported, “We have great data on workload demands and trends, but when it comes time to make resource investments, it’s based on the perception of our executive management which may or may not mirror current experience.” The integration effort is critical because performance measures rarely provide insight on how to improve performance; what they can do is isolate the areas warranting management attention and, hopefully, stimulate creative solutions.

CREATING THE LEARNING ORGANIZATION: STATS AT LOS ANGELES COUNTY DEPARTMENT OF SOCIAL SERVICES

The County of Los Angeles has been investing in a countywide approach to performance measurement since 2002. Having numerous years of experience with data collection and evaluation, the county needed a common method of measurement in order to facilitate cross-departmental conversations about these measures. The approach, known as *Performance Counts!*, reinforced departmental efforts at performance measurement, increased accountability to the public through annual release of performance results, and fostered collaboration and cultural changes in the county. Despite these numerous successes, the county continued to face challenges in effectively linking *Performance Counts!* investments with performance improvement.⁶ They decided to invest in a pilot program with the Department of Public Services (DPSS) to test the deployment of a “STATS” (Total Accountability, Total Success) decision-making model in a health and human services environment. DPSS employs approximately 13,000 people and manages an annual budget of \$2.7 billion. The department serves an ethnically and culturally diverse community through programs designed to both alleviate hardship and promote health, personal responsibility, and economic independence. DPSS’s mission is to “provide public social services that enrich lives through effective and caring service.”

The STATS model of managing with performance measures has had impressive results in improving organizational performance.⁷ The STATS approach is based on reviewing performance and focusing on results by bringing together all the critical parties with-

Exhibit 3: Three Phases of Performance-Based Management



in the organization involved in improving performance. The key elements of a STATS model include:

- Accurate and timely data shared by everyone at the same time
- Regular and frequent meetings to review data and develop strategies to improve performance
- Relentless follow-up and assessment of the impact of those strategies on performance⁸

DPSS's experience with STATS suggests an additional key element: the need to build a decision-making model that is relevant and adapted to the culture of the organization. When DPSS launched its performance measurement effort, the leadership team looked at other models, borrowed concepts that seemed applicable, adapted them, and created new components — all with the goal of making the new system work.

Credibility and acceptance of both the measures and the reported data is essential for the STATS process. All participants must recognize and believe that:

- Each measure is the right measure to reflect the priorities of the department
- The data reported is "real" and accurate

DPSS had a body of information on both measures and data from existing reporting systems, including those for federal and

state compliance purposes. It was able to leverage this information for the first rollout of DPSSTATS. The initial implementation focus was on the field line operations, Bureau of Workforce Services, and the Bureau of Special Operations. Starting the process with these two units proved to be a successful strategy for several reasons: (1) both operational entities had direct interaction with the customer and therefore could have the greatest impact on the participants in the short term; (2) their functions involve the greatest number of employees; and (3) concentrating on these units leveraged the extensive work the department had done in identifying key measures. Over the past year, DPSS has expanded STATS to encompass all functions and units within the organization.

Introducing the STATS process at the DPSS created a unified focus on achieving performance targets at all management levels. DPSSTATS provided the vehicle for everyone in the organization to understand the results the department was working to achieve. It created a learning environment and a problem-solving model that both fit and fostered the culture the department leadership was working to build. In sum, DPSSTATS had at least three notable and significant impacts on the department:

I. Real and Measurable Improvement in Performance.

District office performance, as measured by six key metrics,

significantly improved during the three-month initial pilot. As shown in Exhibit 4, the impact of DPSSTATS on district performance between the initial sessions and the one three months later (September) was dramatic. For example, within three months all districts had met their targets in the categories of “participant satisfaction” and “supportive services.” In June, between 50 percent and 80 percent of the districts met their performance target (depending on the metric). By September, this range was from 76 percent to 100 percent. The improvement in the metric “participants seen within 20 minutes” was the most significant – an increase of 28 points in the number of districts meeting the performance target in just three months (from 48 percent to 76 percent).

2. Improvement in Performance Measurement Understanding and Data Accuracy. The impact of STATS was even greater than anticipated with regard to data accuracy. Seventy percent of the district directors interviewed as part of the post-implementation evaluation believed that the quality of the information they used to manage their operations was “much better” than what existed before DPSSTATS. They held that opinion for a variety of reasons, all of which signaled that they now “owned” the data, rather than having the data come from staff without recourse to its accuracy. Once they “owned” the data, they also “owned” the results.

Many of those interviewed stated that it was not that the department didn’t have data to manage their organization before DPSSTATS, it was that the new process had everyone, down to the clerks in a district office, paying attention to the data to ensure its accuracy and so they could explain what they were doing to improve the results it documented.

Decision-making processes became transparent because they were anchored in accepted; reliable data sources and former “myths” about how the organization worked began to be dismantled.

3. Cultural Impact of DPSS. The third major area of impact was in the cultural changes that the DPSSTATS process enabled. Communication across the organization, as well as up and down the management chain, immediately increased. The communication focused on interpreting what the data meant and how it could be useful in understanding performance drivers within the organization. Another benefit was that issues surfaced during DPSSTATS meetings were resolved right there and then, or shortly thereafter in conversations between meetings. The former cultural response of linear problem solving (memo writing, extensive committee meetings, and slow deliberation) was replaced with one that moved at the “speed of light” to meet the demands of the organization. Finally, managers reported a change in, and a greater awareness of, what was emerging as a new culture within the organization. The new culture was seen as:

- n Holding people accountable
- n Focusing on data and “real issues”
- n Understanding the details of performance
- n Involving others in solving problems
- n Anticipating problems and getting in front of them *before* they happened.

The lessons learned from DPSSTATS can be applied to any organization investing in performance measurement. First, measures can impact performance only when they are discussed,

Exhibit 4: Impact of DPSSTATS

Metric	Number of Districts that Achieved Target			Total Districts	% Meeting Target
	June	July	September		
Participant seen within 20 minutes	14	15	22	29	76
Participant satisfaction	23	23	29	29	100
Food stamp error rate	20	22	24	29	83
Medi-Cal application processing	13	15	17	22	77
CalWORKs application processing	19	21	N/A	23	91
Supportive Services (IHSS)	3	N/A	5	5	100

reviewed and acted upon within a structured decision-making environment. Second, organizational leadership is essential. Management must communicate clearly how performance measures will be used to create or foster a learning environment within the organization.

CONCLUSION

As managers try to generate more return from their investment in performance measurement, several conclusions about successful practices can be drawn:

Start with what you want to achieve. Whether measuring organizational or program success, the starting point must be "what are the goals?" Consider the intended outcome and then define the critical indicators that will help measure your progress toward that goal.

Develop a core set of reportable measures. Credibility is an essential component in performance measurement. Acceptance of the data is a prerequisite for understanding its impact. Go deeper in understanding what can be learned from the data by stimulating discussions throughout the organization of what the data means.

Create the time and space for learning. Design forums to regularly review and act on performance results. Examine how to influence and improve results. This is a trial-and-error learning exercise. Performance measurement is not a static effort. It needs to be a dynamic discussion that fosters continuous improvement of the data, processes, and organization. Unless a formal structure for reviewing results, monitoring performance, and testing solutions is developed, you will not successfully transition from performance measurement to performance-based management.

Finally, as with all transformational efforts, the influence and impact of leadership cannot be overstated. As the management of DPSS demonstrated, the personal commitment and leadership of management makes the difference between "yet another effort" and a process that stimulates improvement, creativity, and effective problem solving.

So, start the conversation. What does your performance measurement data tell you? What do you need to know? *y*

Notes

1. Joseph S. Wholey, "Performance Based Management, Responding to the Challenges," *Public Productivity and Management Review*, 22, no. 3 (March 1999).
2. For further information on the purposes of performance measurement, see Robert Behn's article, "Why Measure Performance, Different Purposes Require Different Measures," *Public Administration Review*, September/October 2003, 63, no. 5, pp. 586-606.
3. This comment has been made frequently by David Janssen, CAO, County of Los Angeles, California, but is loosely based on Lewis Carroll's *Alice in Wonderland*.
4. Joseph S. Wholey, "Performance Based Management, Responding to the Challenges," *Public Productivity and Management Review*, 22, no. 3 (March 1999).
5. One example of this is Fairfax County, Virginia, that has produced its own performance measurement manual, *Fairfax County Measures Up*, for many years as a way to educate its workforce on the County's approach.
6. A survey of departments conducted as part of the Performance Counts! evaluation found that less than 20 percent of the departments were using measures to drive decision-making processes.
7. STATS has been shown to impact performance at the City of New York under the name "COMPSTATS" and the City of Baltimore "CitiSTATS" program.
8. Key tenets have been developed by Morley Winograd, President Morwin Inc. through his work on several STATS efforts.

CHRISTINA ALTMAYER is president of Altmayer Consulting, Inc., in Pasadena, California. The author wishes to thank Bryce Yokomizo, director of the Los Angeles Department of Public Services and Lisa Nuñez, chief deputy, for their leadership on the implementation of DPSSTATS and support for this article as well as Morley Winograd, president of Morwin Inc. for his thoughtful analysis of the DPSSTATS implementation, particularly in regards to the cultural impacts.



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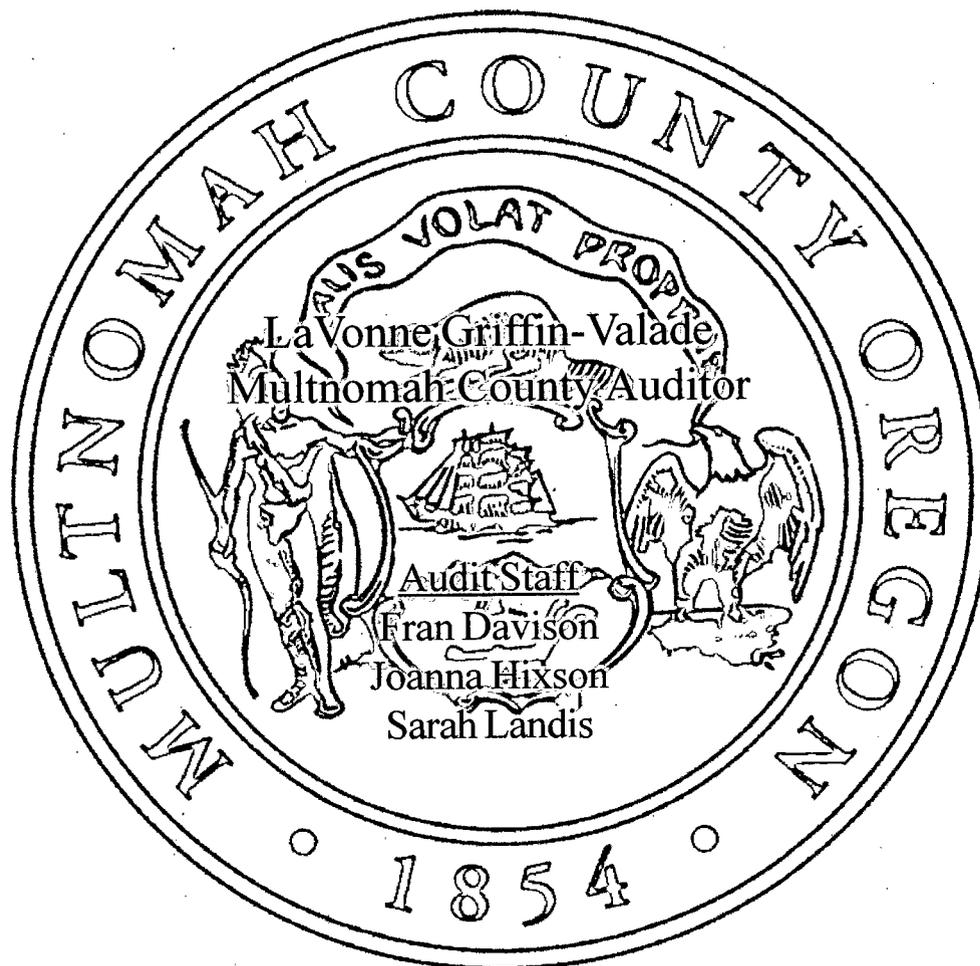


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Marquee Indicator Report
FY2008 Budget Cycle





LaVonne Griffin-Valade Multnomah County Auditor

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Portland, Oregon 97214
Phone: (503) 988-3320

MEMORANDUM

Date: January 3, 2007

To: Multnomah County Board of Commissioners
Priority-Based Budgeting Design Team

From: LaVonne Griffin-Valade, County Auditor
Sarah Landis, Principal Auditor

Subject: Marquee Indicator Report for the FY2008 Budget Cycle

The Auditor's Office is pleased to provide you with the attached Marquee Indicator Report for the FY08 budget cycle. This report contains updated information for each of the Outcome Teams' indicators, along with a brief description of what the indicators measure and any emerging trends.

The marquee indicators provide Outcome Teams, the Design Team, the Board of Commissioners, and the public with a status check on each of the County's six priority areas. The indicators represent broad, community-level concerns and are not intended to directly measure the success of particular County programs or services. Rather, they help provide a context for decision-makers as they consider various strategies and program offers to address the budget priorities.

The Auditor's Office collects and reports on the indicator data each year and acts as a repository for this information. In addition, we assist Outcome Teams with the interpretation of indicator results and trends, and, to the extent possible, verify the data quality and accuracy. The marquee indicators themselves were selected by Outcome Teams during the first priority-based budgeting cycle.

The Auditor's Office performs this work as a non-audit service that is not covered by the government auditing standards promulgated by the U.S. Government Accountability Office (GAO). The GAO allows audit organizations to perform tasks requested by management that directly support the entity's operations, as long as those tasks do not serve as a management function or impair the independence of the audit organization. This non-audit service was examined during the most recent peer review of the Auditor's Office, conducted in March 2005 under the standards and guidelines of the Association of Local Government Auditors.

Please feel free to contact me with any questions, concerns, or suggestions for improvement.

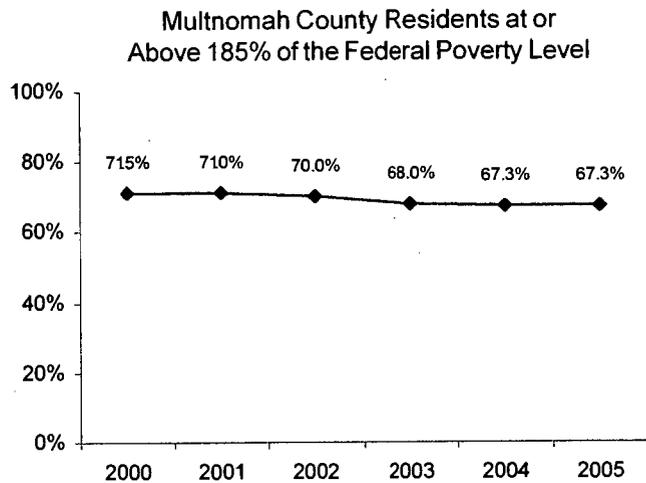
Basic Living Needs Priority: Marquee Indicators

I want all Multnomah County residents and their families to have their basic living needs met.

1. Percent of residents with incomes at or above 185% of the federal poverty level.

The chart shows the percentage of Multnomah County residents whose earnings put them at 185% of the federal poverty level or above. It is intended to show the percentage of residents with adequate means for basic living.

The most current data available (through 2005) show stabilization during the past three years with a decline of 6% between 2000 and 2005. This indicates that compared to 2000, fewer residents are earning at least 185% of the federal poverty level.

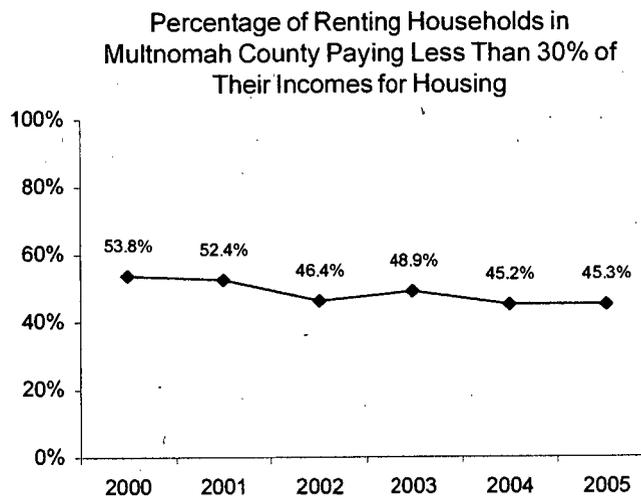


Source: Census Bureau's American Community Survey

2. Percent of renting households paying less than 30% of their income for housing.

This indicator is intended to measure the affordability of local housing, with particular focus on rentals. Spending of less than 30% of income on housing is generally considered affordable.

The percentage of Multnomah County households that pay less than 30% of their income on rent dropped significantly (16%) between 2000 and 2005, remaining stable from 2004 through 2005. This could mean that rental housing is less affordable for the county's households compared to 2000.



Source: Census Bureau's American Community Survey

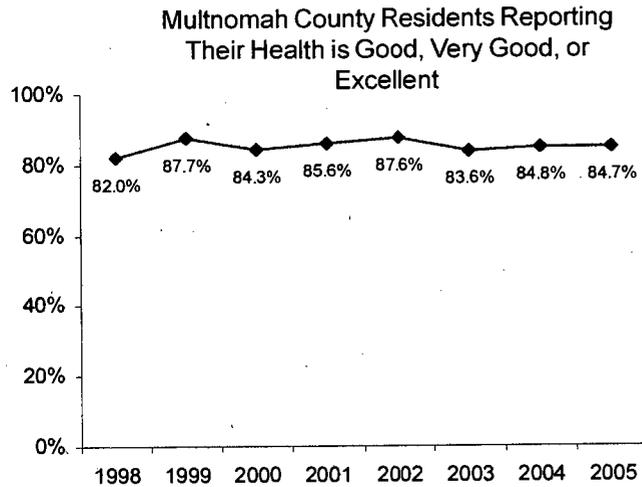
Basic Living Needs Priority: Marquee Indicators

I want all Multnomah County residents and their families to have their basic living needs met.

3. Residents' perception of their own health.

The state of Oregon conducts an annual survey that asks residents to respond to a number of health related questions. This measure shows the percentage of respondents reporting that their health is good, very good, or excellent.

Between 1998 and 2005, the most current years available, this measure fluctuated between a low of 82% to highs of nearly 88%. Currently, just under 85% of respondents report good or better health.



Source: Behavioral Risk Factor Surveillance System, Oregon Department of Human Services

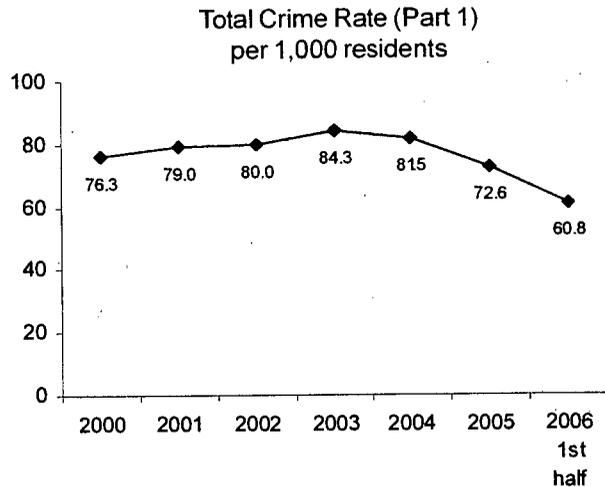
Safety Priority: Marquee Indicators

I want to feel safe at home, work, school, and play.

1. Reported crime rate per 1,000 residents (Portland and Gresham Only).

This chart shows the rate of reported Part I crimes per 1,000 residents. Part I crimes are: murder, rape, robbery, aggravated assault, burglary, larceny, vehicle theft, and arson. Other crimes, including DUII crimes, are not reported here. The rate decreased steadily between 2003 and 2006 after an increase over the four years prior.

Regular and current crime information is available from the Portland and Gresham police departments, as shown in this chart for 2005 and 2006. Other police agencies in Multnomah County do not participate in this regular reporting. Gresham and Portland combined represent 94% of the County's population.

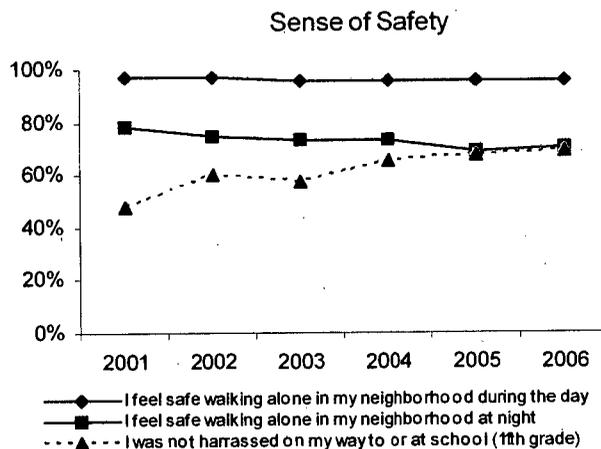


Sources: Law Enforcement Data System (years 2000-2004)
Portland and Gresham Police Department estimates for 2005 and 2006 as of December 2006

2. Citizen perception of safety.

This chart shows two measures taken from the Auditor's Office's annual citizen survey, which asked residents how safe they feel walking in their neighborhoods at night and during the day. Sense of safety at night has declined 10% over six years, while sense of safety during the day has remained stable.

The third line is from the annual Oregon Healthy Teens Survey, administered in schools. It asks whether students were harassed on their way to school or at school in the last year. Over the past six years, 43% fewer students are reporting harassment.

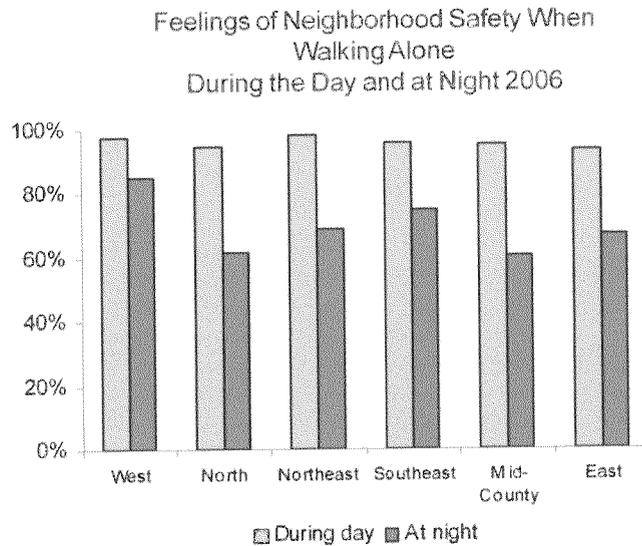


Sources: County Auditor's Office Citizen Survey, Oregon Department of Human Services Healthy Teen Survey

Safety Priority: Marquee Indicators

I want to feel safe at home, work, school, and play.

This chart shows residents' sense of safety at night and during the day for 2006, broken down by area of the county. Mid-County had the lowest sense of safety at night, East had the lowest sense of safety during the day, and West had the highest for both. These data were collected from the Auditor's Office's annual citizen survey.



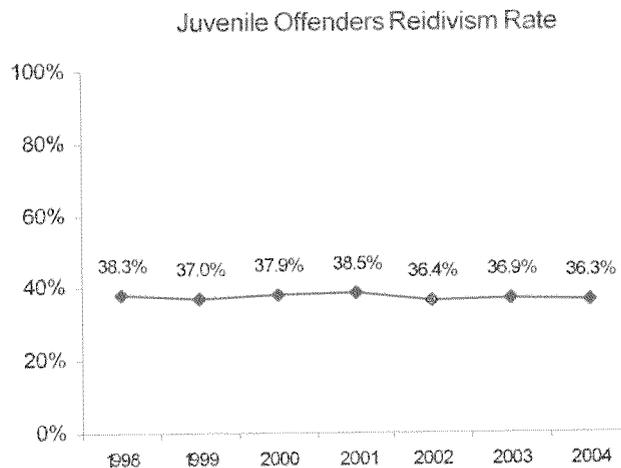
Source: Multnomah County Auditor's Office Citizen Survey

3. Adult and juvenile criminal recidivism rates.

Juvenile

This measure shows the percent of juvenile offenders under the jurisdiction of Multnomah County who were referred on a new criminal offense within 1 year of their initial offense. The delay in data availability is due to this lag between the initial offense and the 1 year reoffense point.

The recidivism rate for juveniles has been between 36% and 38% for the most current 7 year period available.



Source: Multnomah County Department of Community Justice, Research and Evaluation Unit; Oregon Youth Authority

Safety Priority: Marquee Indicators

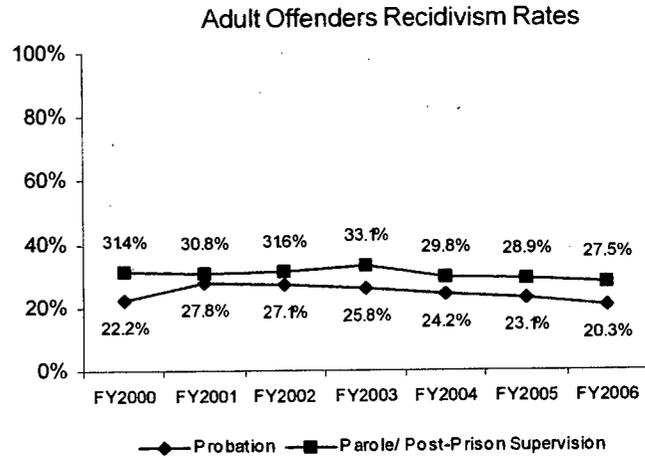
I want to feel safe at home, work, school, and play.

Adult

This measure shows the percentage of adult offenders convicted of a new felony crime in the 3 year period after supervision began, broken out by type of release condition.

Probationers are those who have been assigned supervision as a sanction for their offenses rather than going to jail. Parole/post-prison supervision refers to those offenders who are released conditionally from jail.

The adult recidivism rate has declined since 2003 for both probation and parole/post-prison supervision, with rates higher for the latter.



Source: Oregon Department of Corrections

Notes:

The juvenile and adult measures differ in that juvenile rates are reported by the initial offense date (a first offense in 2002 with a second offense in 2003 is reported in 2002). The adult rate follows the cohort through a three year period, then reports at the end of those three years (the FY2006 figure is the rate for the group that began supervision FY2003).

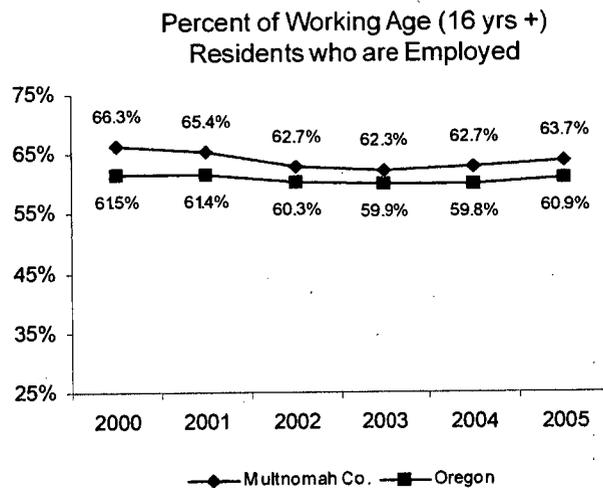
Thriving Economy Priority: Marquee Indicators

I want Multnomah County to have a thriving economy.

1. Percent of working age Multnomah County residents who are employed.

This chart shows the rate of employment among Multnomah County residents who are 16 years and older. It includes those who are self-employed and who work part-time. The Census Bureau's annual American Community Survey is the source.

The rate of employment has been stable for the three most recent years of available data, but has dropped 5.4% since 2000. Multnomah County consistently employs a slightly higher percentage of residents than the state as a whole.

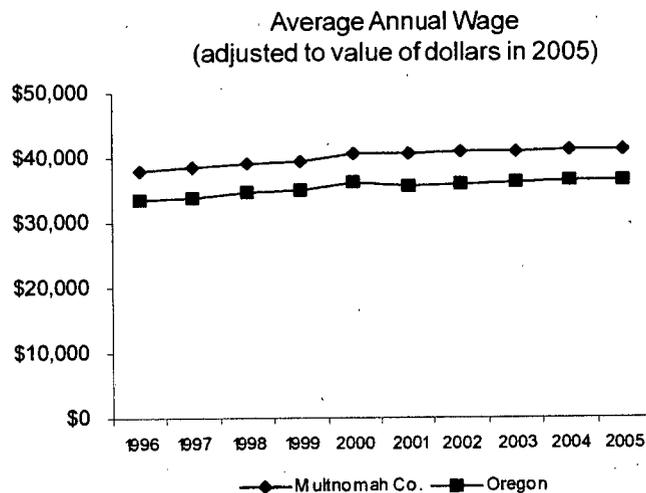


Source: Census Bureau's American Community Survey

2. Average wage paid by Multnomah County employers.

This chart shows the average annual wage per worker paid by employers, adjusted for inflation. In 2005, the average annual wage in Multnomah County was \$41,241. The calculation is based on jobs and wages paid only by employers in the county, so it excludes county residents who work elsewhere or are self employed. It is intended to be an indicator of the health of the economy in Multnomah County, rather than an indication of average wages earned.

The average annual wage has been relatively flat since 2000, but is up 9% over a decade ago. Multnomah County wages are, on average, about \$4,600 higher per year than statewide average wages.



Source: Oregon Employment Department

Thriving Economy Priority: Marquee Indicators

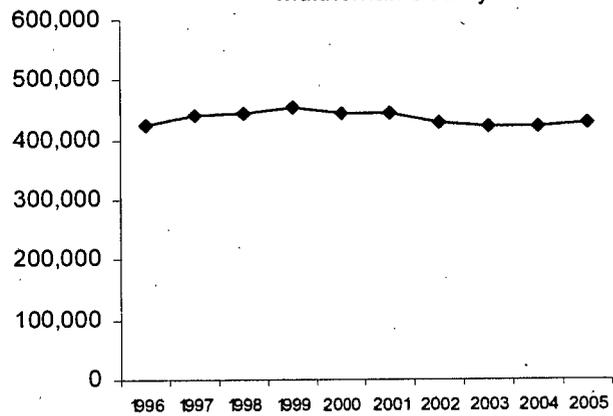
I want Multnomah County to have a thriving economy.

3. Number of jobs provided by Multnomah County employers.

These charts reflect the number of jobs provided by businesses in Multnomah County. They exclude individuals who are self-employed or work outside of the County and do not differentiate between part-time and full-time positions. They are intended to be an indicator of economic health rather than a complete picture of employment

Over the last decade, a total of 13,327 jobs were added in the aggregate. Between 2000 and 2003, 33,200 jobs were lost, but this trend was reversed in 2004.

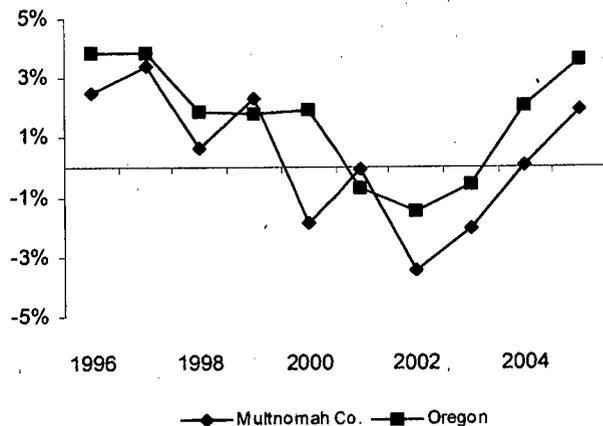
Jobs Provided by Employers in Multnomah County



Source: Oregon Employment Department

The percent change over the prior year in the number of jobs provided fluctuated more dramatically in Multnomah County than it did in the state as a whole, although the overall trend of job loss and gain mirrors that of the state.

Percent Change Over Prior Year in Jobs Provided by Employers in Multnomah County



Source: Oregon Employment Department

Vibrant Communities Priority: Marquee Indicators

I want to have clean, healthy neighborhoods with a vibrant sense of community.

1. Environmental and health index.

Options for this measure are currently being considered by the Vibrant Communities/Thriving Economy outcome team for future inclusion.

2. Citizen perception of personal involvement in neighborhoods.

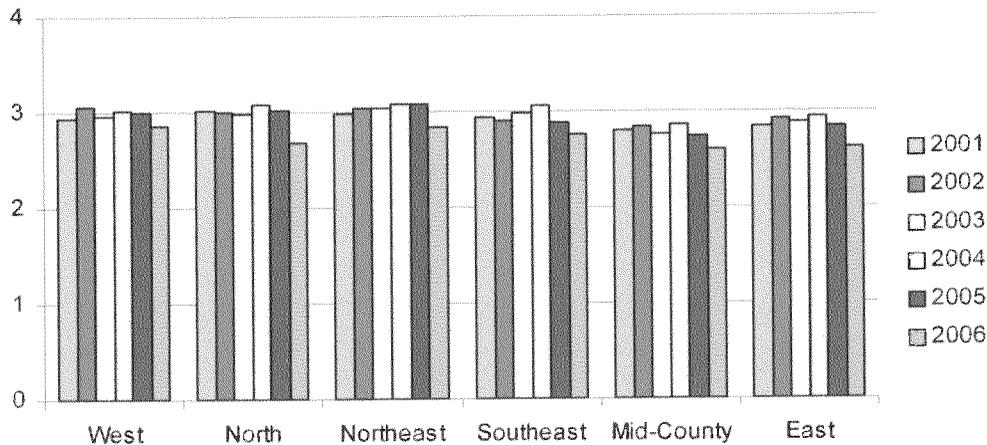
This chart shows data by area of the county taken from the Auditor's Office's annual Citizen Survey. It is an average of responses to these three questions:

1. Many of my neighbors know me.
2. I can recognize most of the people who live on my block.
3. I regularly stop and talk with the people in my neighborhood.

Responses are reported on a scale of 1-4, with 4 showing the strongest level of agreement with the statement.

There was generally little variation between areas of the county for this index. Residents in Mid-county and East county identify as slightly less personally involved in their neighborhoods than other areas. The score was down slightly in 2006 for each district.

Residents Perception of Personal Involvement in their Neighborhood



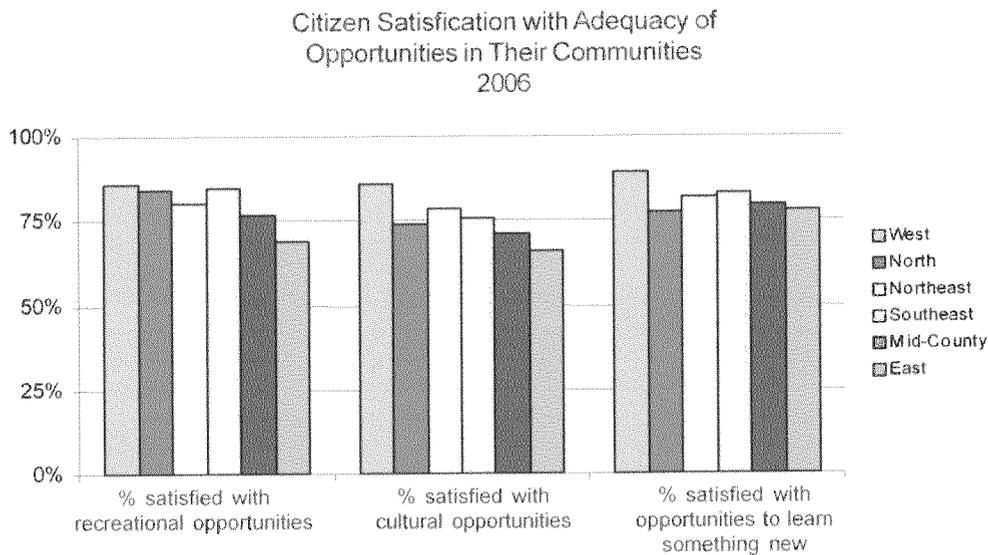
Source: Multnomah County Auditor's Office Citizen Survey

Vibrant Communities Priority: Marquee Indicators

I want to have clean, healthy neighborhoods with a vibrant sense of community.

3. Citizen perception of adequacy of cultural, recreational, and lifelong learning opportunities.

Beginning in 2005, the annual Citizen Survey asked residents to rate their satisfaction with cultural, recreational, and lifelong learning opportunities in their communities. Respondents were highly satisfied with these opportunities. Generally, residents in West, Northeast, and Southeast noted the highest level of satisfaction on all three questions, with East county noticeably higher on learning opportunities. Residents in North and Mid-county expressed slightly lower levels of satisfaction.



Source: Multnomah County Auditor's Office Citizen Survey

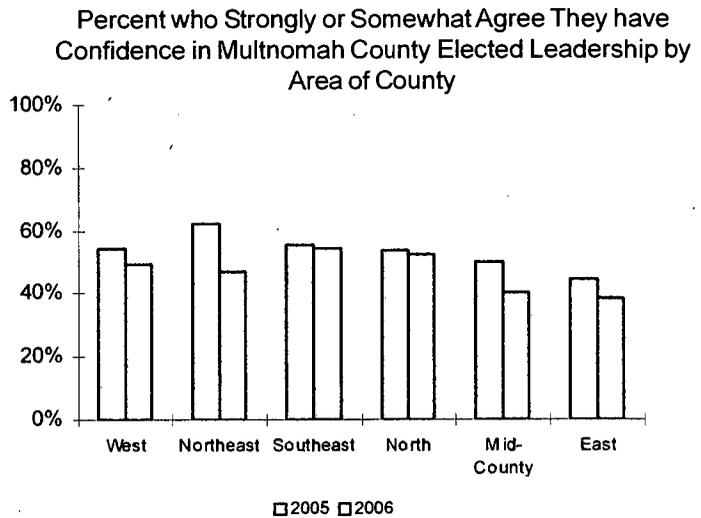
Accountability Priority: Marquee Indicators

I want my government to be accountable at every level.

1. Perception of trust and confidence in government.

The 2006 County Auditor's Citizen Survey asked respondents the extent to which they agreed with the statement: "I have confidence that the elected leadership of Multnomah County manages the County well."

In each area of the county, confidence in elected leadership dropped from 2005 to 2006.



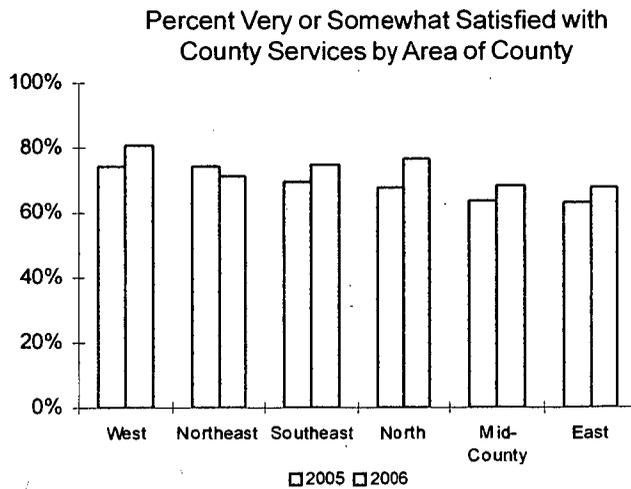
Source: Multnomah County Auditor's Office Citizen Survey

2. Satisfaction with services.

The survey also asked respondents to rank their satisfaction with County services. The question read: "Multnomah County provides services for the poor, elderly, and disabled, as well as operates jails, libraries, criminal justice, health clinics, animal control, elections, bridges, etc... Please rate your overall satisfaction with Multnomah County services."

Except for in the Northeast portion of the county, there were more respondents very or somewhat satisfied in 2006 than in 2005.

Respondents from the West portion of the county were most satisfied, while those in mid-county and East county were least satisfied.



Source: Multnomah County Auditor's Office Citizen Survey

Accountability Priority: Marquee Indicators

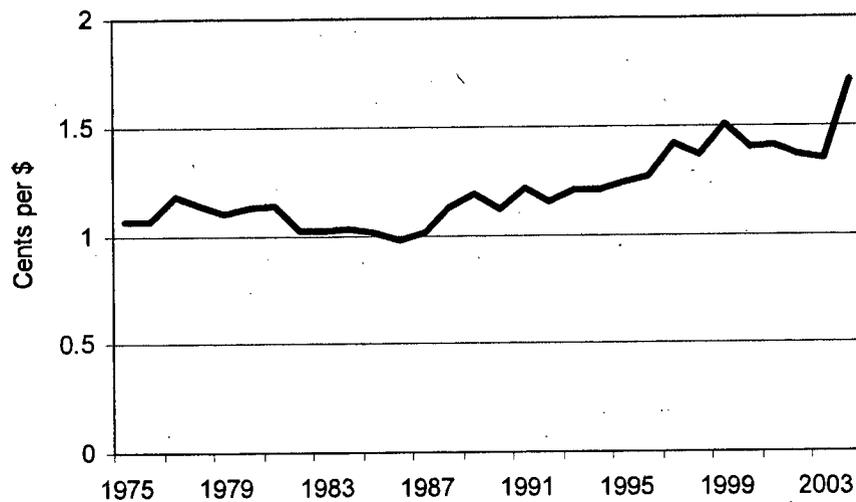
I want my government to be accountable at every level.

3. Price of government.

The price of government indicator allows a government to track the “burden” of its cost on the economy. The price is calculated as the sum of taxes, fees, and charges (local own source general fund) divided by the total economic resources of the community (aggregate personal income of the community). The price represents the number of cents out of every dollar in the community committed to pay for government services.

The increase in the price of government in 2004 is likely explained by the County’s temporary personal income tax.

Multnomah County's Price of Government
Cents/\$ Personal Income
1975-2004



Source: Multnomah County Finance Office, Census Bureau,
Bureau of Economic Analysis

Education Priority: Marquee Indicators

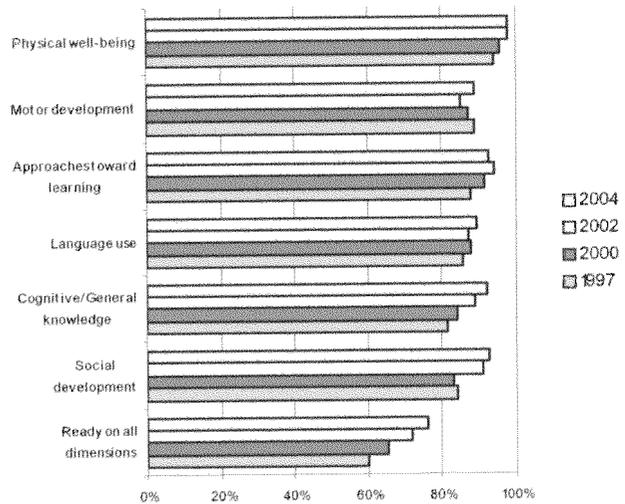
I want all children in Multnomah County to succeed in school.

1. Percent of entering kindergarten students who meet specific developmental standards for their age.

The Oregon Department of Education (ODE) conducts a periodic survey of Kindergarten teachers, asking them to assess their incoming students' readiness to learn on six different dimensions. Multnomah County Kindergarten students received high marks on their readiness to learn in each dimension.

The 2006 Kindergarten Readiness survey is currently underway, making 2004 the most current year of available data.

Multnomah County Kindergarten Students Meeting Readiness Dimensions



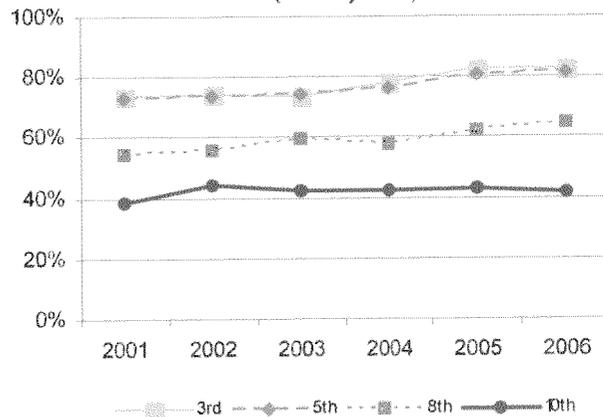
Source: Oregon Department of Education

Note: ODE makes the following cautions about use of this measure: "Comparable groups of children are needed to make a claim about the percent increase in children meeting all Developmental Dimensions over time... The survey results can give a point-in-time picture of young children who are attending Kindergarten. Cautious commentary should be used when making statements about progress from one survey administration to another."

2. Percent of students at 3rd, 5th, 8th, and 10th grade who meet or exceed standards on state assessments.

Over the past six years, the percent of Multnomah County students in grades 3, 5, 8, and 10 who meet standards in reading has vacillated. In 2006, the percent of students meeting standards in 8th and 10th grade was up, while other grades were level.

3rd, 5th, 8th, and 10th Grade Students Meeting or Exceeding Standards in Reading (Countywide)



Source: Oregon Department of Education

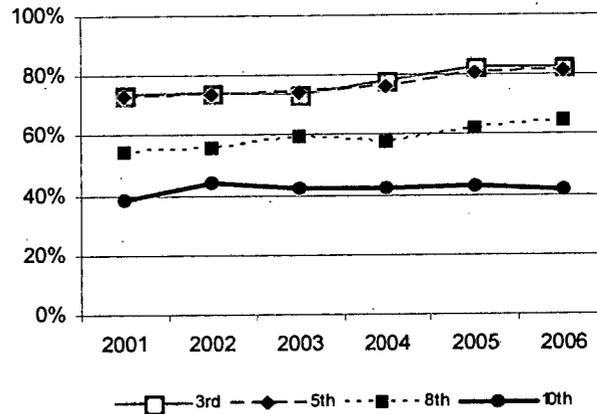
Education Priority: Marquee Indicators

I want all children in Multnomah County to succeed in school.

Math Standards

Multnomah County 3rd and 5th grade scores are roughly the same, so distinct trend lines are not able to be seen in the chart. The percent of students meeting standards was up in 8th grade and level in all other grades.

3rd, 5th, 8th, and 10th Grade Students Meeting or Exceeding Standards in Math (Countywide)



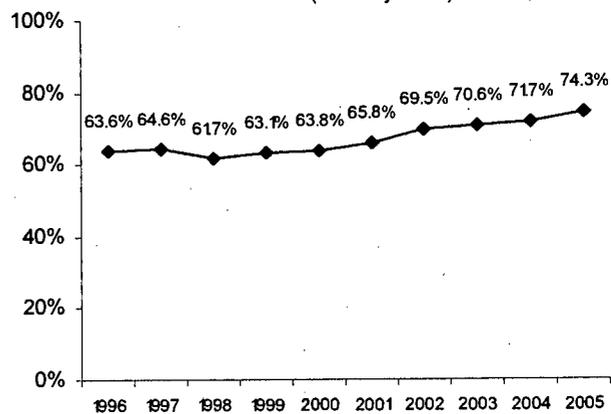
Source: Oregon Department of Education

3. High school graduation rate.

This chart represents a formula that simulates a graduation rate for a single class, or cohort, of students. It does so by dividing the number of graduates in a given school year by the number of graduates plus the number of dropouts in each grade for that year. The rate therefore attempts to reflect the number students who dropped out in 9th, 10th, 11th, and 12th grades.

The graduation rate in Multnomah County increased 13% over the past five years, 17% over the last ten years.

High School Graduation Rate (Countywide)



Source: Oregon Department of Education